

**PRESIDENT KLAUS WERNER JOHANNIS
REQUEST TO PARDON MR. GREGORIAN BIVOLARU**

MR. PRESIDENT,

The Civic Association "Dreptate", registered at the above noted address, as a legal entity with the sole purpose of defending fundamental human rights, formally requests clemency and pardon for Romanian citizen Mr. Gregorian Bivolaru, whom in 2006 has been granted political asylum by the Swedish state in response to the abuse and injustices committed by Romanian institutions and bodies of the state.

Therefore, we call upon your constitutional prerogatives and duties through which you have the authority to grant individual pardon and to mediate "*between the state powers and between state and society*".

Our request is justified by the repeated abusive violation by the Romanian state authorities over the course of more than forty (40) years of Mr. Bivolaru civil rights and fundamental freedoms, stated in the *European Declaration of Human Rights* and guaranteed by the Romanian Constitution.

1. Since 1971, according to CNSAS documentation - Gregorian Bivolaru was under surveillance - due to his contact with Mircea Eliade.
2. In 1972 he was first sentenced to one year (1) and eight (8) months imprisonment for the attempted shipping abroad of a photo album, for which he was pardoned.
3. In 1973 he was again investigated for trying to obtain literature banned during the communist regime and in 1974 philosophical and spiritual magazines books had been seized from him during house searches.
4. In 1982, after the prohibition of all spiritual practices and the dismantling of the Faculty of Psychology, Mr. Gregorian Bivolaru continued to teach yoga clandestinely, which in 1984 brought him a new arrest, during which he was incarcerated with chains on hands and legs, suffering repeated beatings and torture.
5. On 04.1984 Gregorian Bivolaru was arrested on charges of conspiracy against President Nicolae Ceausescu.
6. In 1989 he was arrested without any formal charges, being stated and hospitalized against his will at the High Security Psychiatric facility from Poiana Mare, with the recommendation of heavy harmful medication from the Secret Services, treatment that Dr. Leonard Hriscu, the facility doctor, has refused to administer, considering that the patient had been incorrectly diagnosed.
7. In 2010, Mr. Gregorian Bivolaru makes an appeal to the Bucharest Justice Tribunal, which through the sentence passed on 01 Jul 2011 recognizes him as being politically persecuted by the communist regime and declares the accused not guilty on all alleged charges.
8. Over time Mr. Gregorian received several written threats and there were more attacks on his life:
 - In 1994, in Costinești, he was beaten in his room and although the perpetrators had been immediately identified, the police refused to open an investigation and pursue the case.
 - In February 1995, another attempt on his life took place in his apartment on No.4, Serg. Turturică Street that was ravaged by a violent fire that led to an explosion which caused significant damages. The experts concluded that the blast was caused by a criminal hand.

9. In 03.2004 over 300 state representatives: the secret services, prosecutors, policemen, gendarmes began a campaign of aggression without precedent in Romania; people in their own homes were thrown on the ground and held at gunpoint. These situations have been investigated in detail by human rights organizations, including the APADOR CH - the Helsinki Committee, who in reports and public statements have condemned the abuses and persecutions committed by state authorities.
10. On 03.2004 Mr. Gregorian Bivolaru was detained for an alleged illegal border crossing at Nadlac (Romania), without accounting his valid passport and that at that time there was no restraining order for exiting the country issued for him. Mr. Bivolaru was sent to the Bucharest Tribunal where he was held in custody for 29 days, but under entirely different accusation, namely sexual relationship "*with a minor.*"
11. In 2005 he was again accused of other crimes, including tax evasion.
12. On 04.2005 Swedish Police retained Mr. Bivolaru in Malmo, based on the same charges of sex with a minor of 17 and a half years old, the age when one could consent to sexual intercourse, a minor that had been forced by Romanian prosecutors to present statements that she withdrawn the very next day.
13. On 04.2005 further allegations against him: traffic with human beings and organized crime were brought up by the Romanian authorities. For all these accusations Gregorian Bivolaru was incarcerated for seven (7) months until 21.10.2005.

In the end, Sibiu Tribunal ordered the annulment of all charges brought, decision reinforced by the Alba Iulia Court of Appeal, which dismissed the prosecutor's appeal as being groundless. The prosecutor appealed to the High Court of Cassation. Three judges from HCC who formed the panel of judges overturned the acquittals of Mr. Bivolaru for the surprising reason of giving him the chance to defend himself.

How was it possible that the same panel that in the two previous rulings acquitted Mr. G. Bivolaru, motivating: "to give the accused the opportunity to defend himself, thus respecting ones procedural rights," changes its decision and condemns Mr. Bivolaru going over their legal ruling?

Moreover, overturning the ruling has been done completely unlawfully as one of the panel members had not been at the time appointed a judge by presidential decree. Oddly enough, the panel of three (3) judges did not order sending the case to the Trial Court, but retained it directly for sentencing.

14. Consequently, instead of giving Mr. Gregorian Bivolaru the chance to defend himself in a court appointed through rogatory letter, on 06.2013 the magistrates sentenced him to six years in prison, maximum penalty, a punishment disproportionate to the charges brought.

We have evidence of complicity between the Justice Department and mass media, consisting in a recording (witnessed The Civic Association "Dreptatea") of a pseudo-press conference held right in the courtroom of ICCJ where court proceedings for Mr. Gregorian Bivolaru were to take place.

To all these judicial abuses ostentatiously announced by the Prosecutor of the Court of Appeal voiced through Attorney General George Balan: drug traffic, prostitution, paramilitary organization, organized crime, an additional period of eight (8) years and six (6) months is added for proceedings and investigations in a mega-case with several counts, which resulted in exaggerated and farfetched accusation for Mr Gregorian Bivolaru.

In Sweden, at the express request of the Romanian authorities, Mr. Gregorian Bivolaru was held in complete isolation, although this contravenes the *European Convention on Human*

Rights, which stipulates that solitary confinement longer than twelve (12) **days is a severe type of torture and therefore prohibited by all European states.**

15. On 10.2005, the Supreme Court of Sweden rejected the request of extradition for Mr. Gregorian Bivolaru, in accordance to the *Law on extradition* (as stated by Anette Swedow, Prosecutor in the Bivolaru case) on the grounds that a fair trial will not be provided in Romania and the accused risks being persecuted and harassed for his beliefs.
16. On 01.2006, Mr. Gregorian Bivolaru official receives political asylum in Sweden and on 10.02.2006 he received the official documents of free movement under the 1951 Geneva Convention.
17. Being extremely consistent in hunting down Mr. Gregorian Bivolaru, in 01.2016 Romanian authorities had falsified an official document issued by the Romanian state and published on eumostwanted.eu absolutely false information, by changing the legal classification of offences of the decision no. 2107/14 dated June 2013, from sexual intercourse with a minor to "*sexual exploitation and child pornography*", although in reality the sentence was "*sexual intercourse with a minor.*"
18. Consequently, on 02.2016 Mr. Gregorian Bivolaru was arrested in Paris due to the false legal classification, without taking into account his right for political asylum received in Sweden, stipulated by the *1951 Geneva Convention*, with the right to free movement in all European countries, except Romania. Due to this false classification made by Romanian Police, he was incarcerated in a maximum security prison, among the biggest criminals. Finally, following the decision of extradition, the French government sends him to be prosecuted. French authorities speed up Gregorian Bivolaru's extradition without any justified reason, as if having made a preliminary agreement with Romanian authorities and thus not complying with certain legal conditions.

While Mr. Gregorian Bivolaru was detained in the maximum security prison at Fresnes - near Paris due to the counterfeits made by Romanian police, in Bucharest, the *Hall of Human Rights* in the *People's House* held the public debate on *Legal Guarantees for human rights under special surveillance methods*, to which both state representatives and professional NPOs in defending human rights were attending. *The Legal Resources Centre*, one of the main organizers, urged all participants to "*look to the future and sort things out. Because we still act on procedures and practices implemented before '89.*"

Through this endeavor made by our Association to you personally and to the Presidential institution, we want justice to be done based on legal grounds so that all these important questionable aspects regarding the functioning of the Romanian Justice System to disappear.

As additional proof for this need to change is the presence of Prosecutor Anton Chaborski and Prosecutor Balan during the house searches. The former is same prosecutor that before 1989 was investigating Mr. Bivolaru, the latter carried out the 2004 investigations (as it can be seen on the accompanying video with 2004 house searches).

We ask publicly, through this request for pardon of Mr. Gregorian Bivolaru to segregate yourself from the conspiracy oppressing Romania, from the hidden political agendas distorting state institutions from their purpose and to prove in this way your own public statement issued after being elected President of Romania by its people in the elections of fall 2014 - quoting: "*We've claimed back our country!*"

We would be pleased to see the finality of the initiatives that you've shown as a candidate running for presidency and the achievements that we believe you can accomplish as President, through a "*job well done*" in the justice system.

The judicial campaign against Mr. Gregorian Bivolaru was supported by an elaborate media campaign that permanently maintained a media circus, fueled by the secret services and public prosecutors. Mr. Gregorian Bivolaru was stigmatized by both the Prosecutor's Office, code-named "*Christ*" and the media, with such names as "*Bivolaru the monster*."

Ultimately we can conclude that it is proven obvious the Romanian's "justice system" attempt, in "partnership" with mass media, to achieve through inception and persuasion the population adherence to Gregorian Bivolaru conviction, to our knowledge the only Romanian on whose head in 2004 newspaper "Ziua" and television station "Prima TV" placed a bounty of 50 000 lei for any information relevant about his whereabouts.

Besides Mr. Bivolaru, whose life is in danger (writing on a wall in red paint of words "Bivolaru will die"), countless students from the school he founded have to bear baffle, criticism and even death threats, escalating this spring to physical assault (stabbing) and violent physical molestation.

Mr. Gregorian Bivolaru, despite all the persecution and accusations proved to be peaceful advocate in promoting spiritual values, and among other things writing more than fifty (50) books on various subjects, many of which were translated into other languages.

Please find attached a DVD containing 2 recordings and photos.

Sincerely,

Galambos Tiberiu
President of the Civic Association "Dreptate"