



Soteria International Contribution to Working Session 14
Fundamental freedoms II, including freedom of thought, conscience, religion or belief

CRUCIAL DECISION STILL TO BE TAKEN IN GREGORIAN BIVOLARU'S CASE

Last year we highlighted the disturbing situation of Romanian religious refugee Mr. Bivolaru, whose asylum in Sweden is threatened due to Romania's misuse of the European Arrest Warrant.

The yogi and dissident Mr. Bivolaru has been persecuted in Romania since Ceausescu's times. In 2007 he received asylum in Sweden, due to his religious beliefs.

Despite the Swedish asylum and engagement from MEPs, experts and human rights organisations such as Amnesty, Helsinki Committee and Human Rights Without Frontiers, Romania continued the persecutions. Last summer Mr. Bivolaru was sentenced to six years imprisonment in absentia. Being a member of the EU, Romania issued a European Arrest Warrant to side step the Swedish asylum.

With a European Arrest Warrant on Mr. Bivolaru, the Swedish authorities would automatically have to arrest and hand him over, while at the same they would have to protect him from the same persecution.

This absurd situation points to dangers at the core of the EU structure, and it triggered discussions at the highest level. In February this year a new resolution was made by the European Parliament, which allows Sweden to refuse the European Arrest Warrant, if it is found to violate human rights. Commissioners Reding and Barroso both pointed out that it is now up to Sweden to uphold the asylum.

In parallel, the European Court of Human Rights recently convicted Romania for the persecutions of yogis. Mr. Bivolaru's student Dana C. was taken by force, and kept against her will at a psychiatric hospital where she was force-fed heavy medicine for schizophrenia. After several months of abuse, Dana C. managed to escape from captivity. The conviction in the ECHR and the fact that human right organisations made her story public highlight the gravity of human rights violations in the Bivolaru case.

Moreover, this conviction of Romania in the case of another yoga student confirms the social dimension of this case, going beyond an individual and affecting the lives of thousands.

Last year the Swedish delegation here confirmed the loyalty to both the human rights and the EU collaboration, pointing out the very problem at the time. Since then the EU has opened for Sweden to uphold the asylum and human rights, and the ECHR have convicted Romania for its persecutions against yogis.

Before the European Arrest Warrant, Sweden refused to extradite Mr. Bivolaru three times, due to the religious asylum. The only factor that has changed since then is that Romania is now a member of the EU.

It is of paramount importance for fundamental rights in Europe, that Sweden officially refuses the European Arrest Warrant that Romania has issued in continuation of the persecution against Mr. Bivolaru. Such a decision would follow the opening given by the European Parliament and the European Commission, and the decisions of the Swedish Supreme Court as well as the European Court of Human Rights.

Today Mr. Bivolaru is again a fugitive, this time in the same country that also protects him. It is his right to have an official confirmation that his asylum will be upheld.

Soteria International recommends that Sweden consider the recent ECHR decision and thoroughly investigate the new procedural openings to refuse the EAW when it violates human rights, as in the Bivolaru case.