THE REGIME FOR THE EXECUTION OF PENALTIES BY POLITICAL PRISONERS IN ROMANIA DURING THE COMMUNIST PERIOD

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Abstract

This article analyzes the regime for the execution of penalties by political prisoners in Romania during the communist period (1947-1989). With the benefit of hindsight, one could state that the communist political regime has left its mark, among other things, on the conditions of imprisonment of those convicted of political crimes. Among the most frequent crimes for which the political detainees were convicted we can mention: activity against the working class, the crime of breaching the constitutional order or the crime of conspiracy against the social order.

Keywords: penalties; execution regime; political prisoners; communist political regime; political crimes, penitentiary, political detainees.

The greatest philosophers of the world have envisaged justice as a transposition of the moral principles of justice and equity. 'When justice disappears,' wrote Kant, 'there is no value for people to live on earth.'

In the history of state organization, legal systems have reflected the political regimes that have existed and that have drawn up the legal norms applicable in the respective community, in tune with the development of legal sciences. From this perspective, the future of legal sciences should take into account the past of legal sciences, considering its effects through the fair or unfair application of justice, including the totalitarian periods, in which states having a dictatorial political regime understood to divert the law from its supreme purpose, namely equity and morality.

'In the implementation that communist ideology, rooted in the anarchist and

socialist movement, experienced in the USSR. there were two means of manipulation that used lies and violence, with their multiple forms of manifestation. There is an obvious change of perspective between Marxist communism and Bolshevik communism, although both declare the same ends and have overlaps in most respects. The difference is that Marx saw the birth of the proletarian revolution as a natural process resulting from the crises caused by technological developments, so that the involvement of the political factor was somewhat secondary, whereas in the Leninist vision the political revolution is the trigger. Communism in the USSR was established under the auspices of Lenin and evolved under the relentless leadership of Stalin, who developed repression applied as state policy in the countries that became Soviet satellites, after the Second World War.'1

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¹ https://www.historia.ro/sectiune/general/articol/ Temniţele şi închisorile comuniste din România - câteva referințe despre numărul lor, activitatea, volumul de încarcerare, capacitatea și dispunerea lor geografică (*Communist Jails* and Prisons – some details about their number, activity, number of detainees, imprisonment capacity and their geographical position), article by Stelian Gombos

In Romania, once the communist regime was established as the result of the fraudulent 1946 elections, the new political regime aimed at eliminating the Romanian political opposition and elite, by abusively applying the norms of criminal law. The regime change in Romania was done according to the Soviet model and by Soviet cadres. The Securitate (the Romanian secret police in the communist era), the strong arm of the communist party, was doubled by the Militie (the name of the police in the communist era). another repressive institution that, at the level of communes and villages, took over the prerogatives of the Securitate. In the early years, the Securitate personnel were mostly made up of people from the periphery of social life, aided by Soviet advisers. The native cadres who were to apply Soviet policy were trained in Moscow, where they studied various fields which they were about to pursue on their return to Romania. If in between the 1945 and 1960 torture and beatings were the main tools of the Securitate, later their methods were to be refined, as surveillance and denunciation became the prevailing repressive tools, nonetheless yielding the same results.

The Institute for the Investigation of Communist Crimes and the Memory of Romanian Exile (IICCMER) set up on November 25, 2009, by merging the Institute for the Investigation of the Crimes of Communism in Romania (IJCCR). established in 2005, with the National Institute for the Memory of the Romanian Exile (INMER), founded in 2004, published not only the files of the political detainees, but also information on the penitentiary system organized for the political opponents who were part of privileged categories, namely: ministers, leaders of political parties (especially the Liberal Party and the National Peasant Party), clerics. intellectuals, prominent members of the

Romanian political life, bourgeois, big industrialists and landowners.

Between 1947 and 1989. the penitentiaries and labor colonies of Romania represented the places where tens of thousands of people were detained and their only fault was the fact that they did not agree with the new political and social order imposed by the Romanian Communist Party. These people entered a penitentiary system that considered them even more dangerous than ordinary criminals (due to the stigma of being a political prisoner) and they had to abide by all harsh rules. At least one criminal record was drawn up for each political detainee. The penitentiary files / criminal registration files with specific details were kept in the archives of the General Directorate of Penitentiaries (today the National Administration of Penitentiaries) and centralized at the Jilava penitentiary.

A penitentiary file had a standard form, which varied depending on the period in which this document was drawn up for the detainees. In fact it was a cardboard sheet, with headings both on the front and on the back. In addition to the identification data of each person (name, surname, date of birth. place of birth, parents and domicile), as well as the administrative ones related to the conviction (deed and brief description of it with the related article, arrest warrant, court decision, duration and type of punishment), there were also details related to the situation of respective political the prisoner (occupation, wealth, social origin and political affiliation). The most important feature of these files is the division of detainee data between the period before and the period after the installation of the 'people's democracy' regime.

The most frequent texts of law, based on which these persons were convicted, are art. 193/I, art. 207 and art. 209 of the Romanian Criminal Code in force at that time. Art. 193/I – activity against the

working class – was a secret article, comprised in decree no. 62/1955 and unpublished, which had a very wide scope and thus any kind of accusation could be included here; art. 193 belonged to Part I ('High Treason') of Chapter I ('Crimes and Offenses against the External Security of the State'). Another frequently used text of law was art. 207 – the crime of overthrowing the constitutional order – and had the following content: 'The person who performs violent acts in order to change the constitutional form of the People's Republic of Romania, as well as the one who instigates the inhabitants to rise up against the constitutional powers of the Republic, commits the crime of violating the constitutional order and is punished with severe detention from 5 to 10 years and civic degradation from 3 to 5 years.' Also, for the conviction of the citizens who fell into the categories that had to be eliminated, art. 209 of the Romanian Criminal Code was applied - crime of conspiracy against the social order, which stated as crimes the following: 'preaching orally the change of the democratic form of government of the State: making propaganda for the violent overthrow of the existing social order of the State: forming or organizing secret associations with the purpose described in the previous paragraph, whether or not they have an international character; working by violent means to produce terror, fear or public disorder, in order to change the economic or social order of the State; entering in contact with an international person or association from abroad or from the country, in order to receive instructions or assistance of any kind for the preparation of an overthrow of the democratic order of the State; helping, in any way, an association from abroad or from the country, which would aim to fight against the economic or social order of the State; affiliating or becoming a member of such an association;

initiating, organizing, activating or participating in fascist, political, military or paramilitary organizations; or, without being members of such organizations, making propaganda or taking action in favor of those organizations, their members or the aims pursued by them.' This was the most common classification applied to those convicted of political crimes and was punishable by forced labor from 15 to 25 years and civic degradation from 2 to 10 years.

The files of 35 personalities known to the general public, who went through communist detention, were also published by the Institute for the Investigation of the Crimes of Communism and the Memory of the Romanian Exile. These are mainly politicians belonging to the interwar period, but also post-communists, intellectuals, anticommunist fighters and well-known dissidents. various prelates of denominations and even former communists who fell into disfavor with the regime. In alphabetical order, these people are the following: Arsavir Acterian, Vasile Aftenie, Aurel Aldea, Valeriu (Bartolomeu) Anania, Maria Antonescu, Constantin Argetoianu, Petre Amăutoiu, Toma Amăutoiu, Gheorghe Arsenescu, Nicolae Balotă, Petre Mihai Băcanu, Ioan Bălan, Ecaterina Bălăcioiu, Oliviu Beldeanu, Aurelian Bentoiu, Mişu Benvenisti, Aristide Blank, Matei Boilă, Boldur-Lățescu, Gheorghe Constantin (Bebe) Brătianu, Gheorghe Brătianu, Gheorghe Calciu-Dumitreasa, Mircea Cancicov, Dumitru Caracostea, Nicolae Carandino, Virgil Carianopol, Victor, Radu Câmpeanu, Tit Liviu Chinezu, Decebal Zelea-Codreanu. Lena Constante, Constantin Titel-Petrescu, Corneliu Coposu, Nichifor Crainic and Gheorghe Cristescu-Plăpumarul.

The Romanian elite was also denigrated and compromised through the mass media of that era, which was fully

controlled by the Romanian Communist Party; invective such as 'fascists', 'war criminals', 'traitors' was used to stigmatize the political leaders in which the population still saw hope for the country's recovery from the terror of the new political regime set up by the 1946 fraudulent elections. Going through the experiment of prisons and forced labor in communist camps and colonies meant the destruction of the interwar political class, the elimination of the intellectual elite, the extermination of a large number of Orthodox or Greek Catholic clergy, and, in general, repression against all those who opposed the establishment of 'people's democracy.' Starting with March 1945, the Romanian Communist Party unleashed systematic terror against political opponents, reproducing the model of the Soviet Gulag on the Romanian territory².

During the communist regime, in Romania there were 44 main penitentiaries and 72 forced labor camps for political detainees, in which over 3 million Romanians worked and suffered, out of which 800,000 people died. They were under the coordination of the General Directorate of Penitentiaries (with all the changes of title that it has known over time). Along with the central leadership of the General Directorate of Penitentiaries, those responsible for the decisions regarding the treatment applied in the places of political detention were: the commanders of penitentiaries, camps and labor colonies and their deputies, as well as the political officers who ensured the 're-education' of detainees according to the directives of the Romanian Communist Party. The detention camps in the communist era could be likened to Nazi

labor camps because the methods of exterminating political opponents were similar, but with a very different purpose: the communist regime wanted to dismantle the Romanian interwar intellectual, cultural and political elite, whereas the Nazi regime aimed at eliminating citizens on ethnic, religious and racial grounds.

The purpose of re-education was to indoctrinate the targeted elements with the Marxist-Leninist ideology, which would have resulted in the absence of active or passive resistance to the Communist Party. For this reason, the main target of reeducation was political detainees. Reeducation was carried out either by peaceful means of persuasion (communist propaganda), or by violent means (such as the re-education carried out in Pitesti Penitentiary). The theoretical basis of communist re-education stemmed from the principles enunciated bv Anton Semionovich Makarenko. а Soviet pedagogue born in Ukraine in 1888. Having received theoretical training by attending a one-year pedagogy course, from 1920 to 1932, he was first in charge of a colony of vagabond juvenile delinquents, and then of a colony for minors. The principles he used in the education of these children were later included in his works, The Pedagogical Poem, the March of the Year '30, respectively. Makarenko's pedagogy practically conforms communist to ideology. First, it is based on the collective body, a central notion of the Soviet pedagogy, and not on the individual³. This is in contrast with the capitalist, bourgeois, individual-centered pedagogy. The collective body is seen as a type of

² https://www.iiccmer.ro/ (www.crimelecomunismului.ro)

³ https://www.historia.ro/sectiune/general/articol/ Temniţele şi închisorile comuniste din România - câteva referinţe despre numărul lor, activitatea, volumul de încarcerare, capacitatea şi dispunerea lor geografică (*Communist Jails and Prisons – some details about their number, activity, number of detainees, imprisonment capacity and their geographical position*), article by Stelian Gombos

organization with ideological characteristics, and unique leadership, similar to the communist party. But the main idea of this pedagogy lies in the distinction made between education and re-education⁴.

According to the estimates made by Florin Mătrescu in his book, The Red Holocaust, the number of people who suffered under the communist regime in Romania exceeded 3 million. Re-education penitentiaries were characterized by the application of torture methods in order to convert the prisoners to communist ideology. They operated in Suceava, Pitesti, Gherla, Târgu Ocna, Târgsor, Brașov, Ocnele Mari and the Peninsula. The prisons for the extermination of the political and intellectual elite were in Sighet, Râmnicu Sărat, Galați, Aiud, Craiova, Brașov, Oradea, Pitești. Labor camps were located at the Danube-Black Sea Canal (Peninsula, Poarta Alba. Salcia, Periprava, Constanța, Midia, Capul Midia, Cernavoda, etc.), the labor colonies were situated in Balta Brăilei. Triage and transit prisons were in Jilava, Văcăresti. Investigative prisons operated in Rahova, Malmaison, Uranus. Women's prisons were set up in Mărgineni, Mislea, Miercurea Ciuc, Dumbrăveni, and juvenile penitentiaries existed in Târgsor, Mărgineni, Cluj. Hospital penitentiaries operated in Târgu Ocna and Văcăreşti⁵.

Serious human rights abuses and violations were systematically carried out in all communist prisons and camps in Romania. The harshest methods of torture were applied and the most frequently used were: hitting the sensitive parts of the body; crushing nails; pulling hair from one's head; shovel beating; treating wounds with salt; crucifixion; systematically beating one's soles with a whip, wooden or rubber objects; burning one's soles; beating with sandbags; keeping one's feet in the ice until becoming frostbitten. For example, in the Black Valley Peninsula camp, the 'frog' method was applied: after returning from work, the detainees were forced to leapfrog, with their hands on their hips, while carrying another prisoner on their back. Moreover, in the aforementioned camp, the convicts were forced to spend a whole night crammed in pairs, in a box without a roof.

Another method used against detainees was forced labor. Working conditions in communist camps and settlements were harsh. The detainees were put to work until exhaustion, given that the workloads were increased from day to day and the food was a kind of porridge, devoid of any protein. Failure to comply with the daily workload led to the punishment of the 'lazy prisoner' by beating him, hanging him upside down or sending him on solitary confinement. In the early 1950s, about 80,000 people 'worked' in the forced labor camps (out of which 40.000 were on the Danube-Black Sea Canal). Also, forced labor camps and deportation centers existed throughout the country, but most of them were located in the southeastern part of the Romanian Plain and southern Dobrogea (Salcia, Urleasca, Sălcioara, Jegalia, Perieși, Grădina and Satul Nou⁶).

The '*Piteşti Phenomenon*' was a reeducation experiment that consisted in the mental destruction of the individual. This 'operation' began in 1949, in Pitesti prison. The *Securitate* devised a plan to liquidate the moral resistance of political prisoners,

⁴ https://ro.wikipedia.org/wiki, with quotes from Stănescu, Mircea (2010). *Reeducarea în România comunistă. Voi.* I (Re-education in Communist Romania), Polirom Publishing House, Iași

⁵ https://www.historia.ro/sectiune/general/articol/ Temniţele şi închisorile comuniste din România - câteva referinţe despre numărul lor, activitatea, volumul de încarcerare, capacitatea şi dispunerea lor geografică (*Communist Jails* and Prisons – some details about their number, activity, number of detainees, imprisonment capacity and their geographical position), article by Stelian Gombos

⁶ https://www.historia.ro/sectiune/general/Fenomenul Pitești, article by Mihai Dragnea

following the model of Anton Makarenko. The experiment ended in 1952. This plan involved re-educating all political opponents in the communist spirit, by erasing everyone's old identity and replacing it with a new identity, typically a Bolshevik one. The detainee was not to be 'cured' after his release, as he was supposed to acquire communist behavior. Ceaseless suffering caused the detainee to lose his personality and human dignity, resulting in inner which favored weakness. the social implementation of communist conscience in the detainee's psyche. Thus, the torture of detainees was a means, not an end. Going through continuous torturing, the detainees resorted to denunciation to escape: they offered the names of the so-called 'collaborators' of the former political parties, especially those of the Iron Guard. Thus, those who were denounced were in their turn arrested by the Securitate and sent to Pitesti, for re-education. Consequently, some of the detainees became 'executioners' $(torturers)^7$.

Numerous political detainees went through the sufferings put into practice in the Piteşti Phenomenon. Some of them did not survive, but there were detainees who resisted torture and personality annihilation, keeping their faith and hope, according to the testimonies submitted after 1989. An eloquent reminder of the torture used in the Pitești Phenomenon was the case of a political party leader, head of the National Peasants' Party list in the 1946 elections, who was a magistrate, lawyer, politician and landowner. Complying with the legal norms regarding the provisions of the Romanian Government Emergency Ordinance no. 24/2008 and Law no. 187 / 07.12.1999 establishing the National Council for the Study of Security Archives, the case will be marked with the initials A.S. Between 1950

and 1952, this statesman (A.S.) was imprisoned in the labor camp at the Danube-Black Sea Canal, nicknamed 'the tomb of the Romanian bourgeoisie and landlordry.' During the same period, he was deprived of his liberty, by being imprisoned in various places of detention, as well as interned at the salt mines from Ocnele Mari, based on nominal decisions issued by the Romanian Ministry of Internal Affairs. The arrest and the deprivation of liberty was performed by bodies belonging to Securitate and the Romanian Ministry of Internal Affairs, which had the power to establish the places of detention for the political detainee, usually a 'journey' through the most feared prisons: Fort 13 from Jilava and Pitești Prison. Deprivation of liberty and investigations were applied and carried out without issuing any legal warrant. Another administrative measure undertaken in the last part of A.S.'s detention period was that of forced imprisonment in the Central Psychiatric Hospital no. 9, with the deprivation of liberty, to make sure that his personality changed accordingly, as a result of the 'treatments' he had undergone (brainwashing injections, various experiments). According to his criminal investigation files, A.S. was obliged to undergo these treatments after his being released, for many years. The members of his family had to follow a compulsory residence order: they were placed in a location having as neighbors or occupants of the same space persons who were Securitate informants, often recruited from among former detainees or family friends.

The policy of exterminating politicians and leaders or prominent members of political parties was carried out by directives and secret notes issued by state security. As a consequence, their assets were confiscated, then they were thrown in prisons, and their

⁷ Ioanid, Ion (2013). Închisoarea noastra cea de toate zilele, Volumul I 1949, 1952-1954 (Our Daily Prison, Volume I 1949, 1952-1954), Humanitas Publishing House, Bucharest, p. 9.

ostracized families were left without any means of existence. Moreover, the stages of the political detainees' trials had to be reported to *Securitate* bodies by the Military Tribunals or the law courts (the court hearings that were set and the sentences that were delivered).

The communist detention places were described by those who have survived in various articles and books published after 1989. Thus, in his book Our Daily Prison, Ion Ioanid mentions that: 'The cell was about two and a half meters by two. Along the wall on the left, there were two iron bunk beds. In the back of the cell there was a radiator. The beds consisted of a straw mattress, sheets, blanket, pillow filled with straw and a pillowcase. It was very hot in the cell and it smelled of diesel. The door was made of thick wood and had a peephole. My hands were tied with a string and a crowbar was passed under my knees, after which, with a sudden movement, I was lifted by the ends of the crowbar into the air. The ends of the crowbar were placed on two iron bars protruding from the wall and thus, hanging upside down, I was presenting my bottom in the most advantageous position and they covered it with a wet cloth. There came the first blow ... it was as if I was hit with a club. As far as I can remember, the pain of the blow was not as great as the fear. After a few blows, not many, I think about six or seven, I started screaming. Someone asked me if I had decided to tell the truth. I said yes and I was taken to the investigation room. The basement meetings repeated three times. I was beaten twice in the same way as the first time, except that the number of blows rose to about twenty. At the third sitting in the basement, while they were hitting me, my handcuffs untied and I hung up like a trapeze artist by the crowbar under my knees. Instinctively, with my free hands, I snatched

my glasses from my eyes and I could see for a few moments the scene: partially plastered brick walls and in a corner, a pile of potatoes. Of the three individuals who were in the basement one held in his hand the club with which he had hit me, and as for another one I recognized him as one of the guards in the prison cell corridor. Immediately, one of them rushed at me, swearing, and brutally tied a wet sackcloth, which was on the floor. over my face. He tightened it so strongly that it broke my lip, which began to bleed. Then the operation continued, being hung in the same position, with my head down, as there followed a series of blows to the soles, with a crowbar - about ten, I guess. I remember that apart from the pain on the spot where the crowbar hit me, as well as the stinging on the entire sole, as I was somehow thwacked by the boot which was too loose, I could feel the blows in the back of my neck and on the top of mv head⁸.'

Another example worth including in this article is the way in which Mihai Dionisie was tortured in 1949, when the Securitate had begun collectivization. Still a high school student at the time, he witnessed the operations that forced people to give up all their property: land, grain and animals. All the goods had to be taken to the newlyestablished collective farms, and whoever did not obey was threatened to end up in the Securitate van. At the time of his arrest, Mihai Dionisie was only 17 years and eight months old. He was considered an 'enemy of the people' and imprisoned in the Securitate's basements for nine months, after which he was taken to Galati Penitentiary. On December 5. 1952. Bucharest Military Tribunal sentenced him to eight years in prison. Apart from that, he served two more years in prison for refusing to become a Securitate collaborator. For the first time he lived the horrors of communism

⁸ https://www.historia.ro/sectiune/general/articol Mărturii din temnițele iadului comunist (*Confessions from the prisons of communist hell*), article by Corina Misăilă

in Galati Penitentiary, which was run by a diabolical man - Petrache Goiciu, who instituted an extremely rigorous detention and work regime (important leaders of the National Peasants' Party, Iuliu Maniu, Ion Mihalache and many others, experienced Goiciu's terrifying methods of punishment). 'We were each isolated in a cell, we could only communicate with each other through Morse code. When they detected our communication system, the 'taming' started and we were beaten until we began bleeding. You could not still be much of a man after such tortures', confessed Mihai Dionisie. 'One of the cruelest methods of beating was that performed on the soles of the prisoners' feet: the detainees were barefoot and beaten with wooden or metal sticks. In Galati, there were three main beating methods: the carpet, the rotisserie and the boxing ring. The detainees were enveloped in a carpet and then kicked everywhere - that was the carpet method. The prisoners were required to crouch on a metal bar, then their hands and feet were tied to the bar, and they were kicked while being spinned - this was the roaster. The third method of torture was the boxing ring – they put the prisoner in the middle and they kept asking him: 'Why did you do that, you bastard? You won't get out of here alive!' and they brutally hit him,' the former political prisoner recalled. After Galați Penitentiary there followed the 'death prison' - Gherla. Because he dared to communicate with another detainee, he was thrown into solitary confinement, where he spent 100 days. 'I was fed every three days and the only food was cabbage juice. I was sleeping on the floor, which was cold, damp and moldy. I was sick. I had become a living corpse,' said former political prisoner Mihai Dionisie.

Another political detainee, Ioan Hotico from Leud, Maramures made the following confession: 'In March they took us to Jilava, they put us there, about 240 people, in a cave. There was water flowing on the walls and we slept on the concrete. But luckily they didn't keep us there long and they divided us up and took us to the Danube -Black Sea Canal, to Cape Midia. What a mess there was! And we worked for 12 long hours ... we were so hungry and even more! Many times you were given an order and you couldn't accomplish it. The guardian would report you and administer you 25 blows - he would undress you completely and cover you with a wet sheet and then he would start hitting you with a rubber stick like this ... all over your body.'9

Due to the beatings they received daily, many political detainees mentally cracked. The tortured had to count the blows that were applied to him. Each time, the executioner told the tortured person that he had miscalculated and started the beating all over again. The unfortunate man's back looked as if he had been skinned alive. His legs twitched uncontrollably, as if he was dying. When he fainted, a bucket of water was poured over him. Mentally crippled, the victim wanted to be physically mutilated. When the victim asked the aggressor to kill him as soon as possible, as not to prolong that terrible torment, the torturer replied conceitedly: 'I am not an assassin. I do important research for science's sake, and you, as you are only a scumbag bandit, you should be delighted that you have been chosen as teaching material. Only God gives and takes life. Because He has better things to do, I have taken over His duties. I speak every night with Jesus. If He tells me that you must live, you will live. If not, only then will I have to send you to heaven. I am the

⁹ http://www.rador.ro/2014/12/21 Comunismul cu față inumană. Mărturii. Închisorile, lagărele de muncă (*Communism with an inhuman face. Confessions. Prisons, labour camps*).

hand that executes God's orders. I am the specialist engineer in the technique of suffering.'¹⁰

Stephane Courtois, who coordinated *The Black Book of Communism*, to which several European academics contributed, published in France in 1997, considers that Communism and Nazism are not very different as totalitarian systems. He claims that communist regimes killed 'about 100 million people as compared to the 25 million killed by Nazism.' Courtois claims that the methods of mass extermination followed Soviet methods.¹¹

Conclusion

Knowing the penitentiary regime from the sad era of communism in Romania, the methods of extermination of political

In the 21st century, in modern Romania, which is a member of the European Union, the penitentiary system must not only respect the coordinates of civilization, which impose decent conditions of detention, in order to reintegrate prisoners into normal social life after serving sentences, but also respect fundamental human rights. This does not mean forgetting the past full of suffering and terror that existed in communist prisons, on the contrary, we should try to cherish the memory of all the political detainees who had to go through that atrocious experience. convicts is useful to resume legal proceedings for effective compensation of survivors or their descendants, for democratic society to prove, in a real and concrete way, the desire to correcting the injustices committed in the past towards the Romanian elite.

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¹⁰ Datcu, Ioan Anton. Închisoarea de la Aiud. Drum fara intoarcere (Aiud Prison. One-Way Journey), Montreal

¹¹ https://ro.wikipedia.org/wiki/ Cartea neagră a comunismului: Crime, teroare, represiune (*The Black Book of Communism*)