

អំពើគួរឥតជាតិ

Treason



A 19th century illustration of Guy Fawkes by George Cruikshank. Guy Fawkes tried to assassinate James I of England. He failed and was convicted of treason and sentenced to be hanged, drawn and quartered.

In law, **treason** is the crime that covers some of the more extreme acts against one's sovereign or nation. Historically, treason also covered the murder of specific social superiors, such as the murder of a husband by his wife. Treason against the king was known as high treason and treason against a lesser superior was petty treason. A person who commits treason is known in law as a **traitor**.

Oran's Dictionary of the Law (1983) defines treason as "...[a]...citizen's actions to help a foreign government overthrow, make war against, or seriously injure the [parent nation]." In many nations, it is also often considered treason to attempt or conspire to overthrow the government, even if no foreign country is aided or involved by such an endeavour.

Outside legal spheres, the word "**traitor**" may also be used to describe a person who betrays (or is accused of betraying) their own political party, nation, family, friends, ethnic group, team, religion, social class, or other group to which they may belong. Often, such accusations are controversial and disputed, as the person may not identify with the group of which they are a member, or may otherwise disagree with the group leaders making the charge. See, for example, race traitor.

At times, the term "traitor" has been levelled as a political epithet, regardless of any verifiable treasonable action. In a civil war or insurrection, the winners may deem the losers to be traitors. Likewise the term "traitor" is used in heated political discussion – typically as a slur against political dissidents, or against officials in power who are perceived as failing to act in the best interest of their constituents. In certain cases, as with the German *Dolchstoßlegende*, the accusation of treason towards a large group of people can be a unifying political message.

In English law, high treason was punishable by being hanged, drawn and quartered (men) or burnt at the stake (women), or beheading (royalty and nobility). Treason was the only crime which attracted those penalties (until they were abolished in 1814, 1790 and 1973 respectively).^[1] The penalty was used by later monarchs against people who could reasonably be called traitors, although most modern jurists would call it excessive. Many of them would now just be considered dissidents.

In William Shakespeare's play *King Lear* (circa 1600), when the King learns that his daughter Regan has publicly dishonoured him, he says *They could not, would not do 't; 'tis worse than murder*: a conventional attitude at that time. In Dante Alighieri's *Inferno*, the ninth and lowest circle of Hell is reserved for traitors; Judas Iscariot, who betrayed Jesus, suffers the worst torments of all: being constantly gnawed at by one of Lucifer's own three mouths. His treachery is considered so notorious that his name has long been synonymous with *traitor*, a fate he shares with Benedict Arnold, Marcus Junius Brutus (who too is depicted in Dante's *Inferno*, suffering the same fate as Judas along with Cassius Longinus), and Vidkun Quisling. Indeed, the etymology of the word *traitor* originates with Judas' handing over of Jesus to the Roman authorities: the word is derived from the Latin *traditor* which means "one who delivers."^[2] Christian theology and political thinking until after the Enlightenment considered treason and blasphemy as synonymous, as it challenged both the state and the will of God. Kings were considered chosen by God and to betray one's country was to do the work of Satan.



Cartoon depicting Václav Bělský (1818–1878), Mayor of Prague from 1863 till 1867, in charge of the city during Prussian occupation in July 1866. Some forces wanted to try him for high treason (left: "What some men wished" – "Dr. Bělský for high treason"), but he got a full confidence from the Council of Prague (right: "but what they did not expect" – "address of confidence from the city of Prague").

In individual jurisdictions

Australia

Section 80.1 of the Criminal Code, contained in the schedule of the Australian Criminal Code Act 1995,^[3] defines treason as follows:

"A person commits an offence, called treason, if the person:

(a) causes the death of the Sovereign, the heir apparent of the Sovereign, the consort of the Sovereign, the Governor-General or the Prime Minister; or

- (b) causes harm to the Sovereign, the Governor-General or the Prime Minister resulting in the death of the Sovereign, the Governor-General or the Prime Minister; or
- (c) causes harm to the Sovereign, the Governor-General or the Prime Minister, or imprisons or restrains the Sovereign, the Governor-General or the Prime Minister; or
- (d) levies war, or does any act preparatory to levying war, against the Commonwealth; or
- (e) engages in conduct that assists by any means whatever, with intent to assist, an enemy:
 - (i) at war with the Commonwealth, whether or not the existence of a state of war has been declared; and
 - (ii) specified by Proclamation made for the purpose of this paragraph to be an enemy at war with the Commonwealth; or
- (f) engages in conduct that assists by any means whatever, with intent to assist:
 - (i) another country; or
 - (ii) an organisation; that is engaged in armed hostilities against the Australian Defence Force; or
- (g) instigates a person who is not an Australian citizen to make an armed invasion of the Commonwealth or a Territory of the Commonwealth; or
- (h) forms an intention to do any act referred to in a preceding paragraph and manifests that intention by an overt act."

A person is not guilty of treason under paragraphs (e), (f) or (h) if their assistance or intended assistance is purely humanitarian in nature.

The maximum penalty for treason is life imprisonment. Section 24AA^[4] of the Crimes Act 1914 creates the related offence of treachery.

New South Wales

The Treason Act 1351, the Treason Act 1795 and the Treason Act 1817 form part of the law of New South Wales. The Treason Act 1795 and the Treason Act 1817 have been repealed by section 11^[5] of the Crimes Act 1900, except in so far as they relate to the compassing, imagining, inventing, devising, or intending death or destruction, or any bodily harm tending to death or destruction, maim, or wounding, imprisonment, or restraint of the person of the heirs and successors of King George III of the United Kingdom, and the expressing, uttering, or declaring of such compassings, imaginations, inventions, devices, or intentions, or any of them.

Section 12^[6] of the Crimes Act 1900 (NSW) creates an offence which is derived from section 3 of the Treason Felony Act 1848:

“ 12 Compassing etc deposition of the Sovereign—overawing Parliament etc

Whosoever, within New South Wales or without, compasses, imagines, invents, devises, or intends to deprive or depose Our Most Gracious Lady the Queen, her heirs or successors, from the style, honour, or Royal name of the Imperial Crown of the United Kingdom, or of any other of Her Majesty's dominions and countries, or to levy war against Her Majesty, her heirs or successors, within any part of the United Kingdom, or any other of Her Majesty's dominions, in order, by force or constraint, to compel her or them to change her or their measures or counsels, or in order to put any force or constraint upon, or in order to intimidate or overawe, both Houses or either House of the Parliament of the United Kingdom, or the Parliament of New South Wales, or to move or stir any foreigner or stranger with force to invade the United Kingdom, or any other of Her Majesty's dominions, or countries under the obeisance of Her Majesty, her heirs or successors, and expresses, utters, or declares such compassings, imaginations, inventions, devices, or intentions, or any of them, by publishing any printing or writing, or by open and advised speaking, or by any overt act or deed, shall be liable to imprisonment for 25 years. ”

Section 16 ^[7] provides that nothing in Part 2 repeals or affects anything enacted by the Treason Act 1351 (25 Edw.3 c. 2). This section reproduces section 6 of the Treason Felony Act 1848.

Victoria

The offence of treason was created by section 9A(1) ^[8] of the Crimes Act 1958.

Brazil

According to Brazilian law, treason is the crime of disloyalty by a citizen to the Federal Republic of Brazil, applying to combatants of the Brazilian military forces. Treason during warfare is the only crime for which a person can be sentenced to death (*see capital punishment in Brazil*).

The only military person in the history of Brazil to be convicted of treason was Carlos Lamarca, an army captain who deserted to become the leader of a left-wing guerrilla against the military dictatorship.

Canada

Section 46 ^[9] of the Criminal Code of Canada has two degrees of treason, called "high treason" and "treason." However, both of these belong to the historical category of high treason, as opposed to petty treason which does not exist in Canadian law. Section 46 reads as follows:

"High treason

(1) Every one commits high treason who, in Canada,

(a) kills or attempts to kill Her Majesty, or does her any bodily harm tending to death or destruction, maims or wounds her, or imprisons or restrains her;

(b) levies war against Canada or does any act preparatory thereto; or

(c) assists an enemy at war with Canada, or any armed forces against whom Canadian Forces are engaged in hostilities, whether or not a state of war exists between Canada and the country whose forces they are.

Treason

(2) Every one commits treason who, in Canada,

(a) uses force or violence for the purpose of overthrowing the government of Canada or a province;

(b) without lawful authority, communicates or makes available to an agent of a state other than Canada, military or scientific information or any sketch, plan, model, article, note or document of a military or scientific character that he knows or ought to know may be used by that state for a purpose prejudicial to the safety or defence of Canada;

(c) conspires with any person to commit high treason or to do anything mentioned in paragraph (a);

(d) forms an intention to do anything that is high treason or that is mentioned in paragraph (a) and manifests that intention by an overt act; or

(e) conspires with any person to do anything mentioned in paragraph (b) or forms an intention to do anything mentioned in paragraph (b) and manifests that intention by an overt act."

It is also illegal for a Canadian citizen to do any of the above outside Canada.

The penalty for high treason is life imprisonment. The penalty for treason is imprisonment up to a maximum of life, or up to 14 years for conduct under subsection (2)(b) or (e) in peacetime.

France

Article 411-1 ^[10] of the French Penal Code defines treason as follows: "The acts defined by articles 411-2 to 411-11 constitute treason where they are committed by a French national or a soldier in the service of France, and constitute espionage where they are committed by any other person."

Article 411-2 prohibits "handing over troops belonging to the French armed forces, or all or part of the national territory, to a foreign power, to a foreign organisation or to an organisation under foreign control, or to their agents". It is punishable by life imprisonment and a fine of €750,000. Generally parole is not available until 18 years of a life sentence have elapsed.^[11]

Articles 411-3 to 411-10 define various other crimes of collaboration with the enemy, sabotage, and the like. These are punishable with imprisonment for between thirty and seven years. Article 411-11 make it a crime to incite any of the above crimes.

Besides treason and espionage, there are many other crimes dealing with national security, insurrection, terrorism and so on. These are all to be found in Book IV of the Code.

Hong Kong

Section 2 of the Crime Ordinance provides that levying war against the Central People's Government of the People's Republic of China, conspiring to do so, instigating a foreigner to invade Hong Kong, or assisting any public enemy at war with the Central People's Government, is treason, punishable with life imprisonment.^{[12][13]}

Germany

The German law differentiates between two types of treason: "High treason" (*Hochverrat*) and "treason" (*Landesverrat*). The high treason, defined in the Section 81^[14] of the German criminal code is defined as a violent attempt against the existence or the constitutional order of the Federal Republic of Germany, carrying a penalty of life imprisonment or a fixed term of at least ten years. In less serious cases, the penalty is 1–10 years in prison. The German criminal law also criminalizes the high treason against a German state. Preparation of both types of the crime is criminal and carries a penalty of up to five years.

The other type of treason, *Landesverrat* is defined in Section 94.^[15] This is basically the crime of espionage. The crime carries a penalty of one to five years in prison. However, in especially severe cases, life imprisonment or any term of at least of five years may be sentenced.

Ireland

Main article: Treason in the Republic of Ireland
Article 39 of the Constitution of Ireland (adopted in 1937) states:^[16] treason shall consist only in levying war against the State, or assisting any State or person or inciting or conspiring with any person to levy war against the State, or attempting by force of arms or other violent means to overthrow the organs of government established by the Constitution, or taking part or being concerned in or inciting or conspiring with any person to make or to take part or be concerned in any such attempt.

The Treason Act 1939 gave legislative effect to Article 39, and provided for the imposition of the death penalty for treason.^[17] The Criminal Justice Act 1990 abolished the death penalty, setting the punishment for treason at life imprisonment, with parole in not less than forty years.^[18] No person has been charged under the Treason Act.^[citation needed] Irish republican legitimatists who refuse to recognise the legitimacy of the Republic of Ireland have been charged with lesser crimes under the Offences against the State Acts 1939–1998.

Italy

The Italian law defines various types of crimes that could be generally described as 'treason', although they are so many and so precisely defined that no one of them is simply called *tradimento* in the text of *Codice Penale* (Italian Criminal Code). The treason-type crimes are grouped as *Crimes against the personhood of the State* ('Crimini contro la personalità dello Stato') in the Second Book, First Title, of the Criminal Code.

Articles 241 to 274 detail crimes against the *international personhood of the State* such as *Attempt against wholeness, independence and unity of the State* (art.241), *Hostilities against a foreign State bringing the Italian State in danger of war* (art.244), *Bribery of a citizen by a foreigner against the national interests* (art.246), *Political or military espionage* (art.257).

Articles 276 to 292 detail crimes against the *domestic personhood of the State*, ranging from *Attempt on the President of the Republic* (art.271), *Attempt with purposes of terrorism or of subversion* (art.280), *Attempt against the Constitution* (art.283), *Armed insurrection against the power of the State* (art.284), *Civil war* (art.286).

Further articles detail other crimes, especially those of conspiracy, such as *Political conspiracy through association* (art.305), or *Armed association: creating and participating* (art.306).

The penalties for treason-type crimes, before 1948, included death as maximum penalty, and, for some crimes, as the only penalty possible. Nowadays the maximum penalty is life in jail (*ergastolo*).

New Zealand

New Zealand has treason laws that are stipulated under the Crimes Act 1961. Section 73 of the Crimes Act reads as follows:

"Every one owing allegiance to Her Majesty the Queen in right of New Zealand commits treason who, within or outside New Zealand,—

(a) Kills or wounds or does grievous bodily harm to Her Majesty the Queen, or imprisons or restrains her; or

(b) Levies war against New Zealand; or

(c) Assists an enemy at war with New Zealand, or any armed forces against which New Zealand forces are engaged in hostilities, whether or not a state of war exists between New Zealand and any other country; or

(d) Incites or assists any person with force to invade New Zealand; or

(e) Uses force for the purpose of overthrowing the Government of New Zealand; or

(f) Conspires with any person to do anything mentioned in this section." ^[19]

The penalty is life imprisonment, except that the maximum for conspiracy is 14 years. Treason was the last capital crime in New Zealand law, with the death penalty not being revoked until 1989, years after it was abolished for murder.

Very few people have been prosecuted for the act of treason in New Zealand and none have been prosecuted in recent years. ^[20]

Russia

Article 275 of the Criminal Code of Russia.^[21] defines treason as "espionage, disclosure of state secrets, or any other assistance rendered to a foreign State, a foreign organization, or their representatives in hostile activities to the detriment of the external security of the Russian Federation, committed by a citizen of the Russian Federation." The sentence is imprisonment for 12 to 20 years. It is not a capital offence, even though murder and some aggravated forms of attempted murder are (although Russia currently has a moratorium on the death penalty). Subsequent sections provide for further offences against state security, such as armed rebellion and forcible seizure of power.

Switzerland

There is no single crime of treason in Swiss law; instead, multiple criminal prohibitions apply. Article 265 of the Swiss Criminal Code prohibits "high treason" (*Hochverrat/haute trahison*) as follows:

"Whoever commits an act with the objective of violently – changing the constitution of the Confederation or of a canton,

– removing the constitutional authorities of the state from office or making them unable to exercise their authority,

– separating Swiss territory from the Confederation or territory from a canton, shall be punished with imprisonment of no less than a year."

A separate crime is defined in article 267 as "diplomatic treason" (*Diplomatischer Landesverrat/Trahison diplomatique*):

"1. Whoever makes known or accessible a secret, the preservation of which is required in the interest of the Confederation, to a foreign state or its agents, (...) shall be punished with imprisonment of no less than a year.

2. Whoever makes known or accessible a secret, the preservation of which is required in the interest of the Confederation, to the public, shall be punished with imprisonment of up to five years or a monetary penalty."

In 1950, in the context of the Cold War, the following prohibition of "foreign enterprises against the security of Switzerland" was introduced as article 266^{bis}:

¹ Whoever, with the purpose of inciting or supporting foreign enterprises aimed against the security of Switzerland, enters into contact with a foreign state or with foreign parties or other foreign organizations or their agents, or makes or disseminates untrue or tendentious claims (*unwahre oder entstellende Behauptungen / informations inexactes ou tendancieuses*), shall be punished with imprisonment of up to five years or a monetary penalty.

² In grave cases the judge may pronounce a sentence of imprisonment of no less than a month."

The criminal code also prohibits, among other acts, the suppression or falsification of legal documents or evidence relevant to the international relations of Switzerland (art. 267, imprisonment of no less than a year) and attacks against the independence of Switzerland and incitement of a war against Switzerland (art. 266, up to life imprisonment).

The Swiss military criminal code contains additional prohibitions under the general title of "treason", which also apply to civilians, or which in times of war civilians are also (or may by executive decision be made) subject to. These include espionage or transmission of secrets to a foreign power (art. 86); sabotage (art. 86a); "military treason", i.e., the disruption of activities of military significance (art. 87); acting as a franc-tireur (art. 88); disruption of military action by disseminating untrue information (art. 89); military service against Switzerland by Swiss nationals (art. 90); or giving aid to the enemy (art. 91). The penalties for these crimes vary, but include life imprisonment in some cases.

Turkey

Treason per se is not defined in the Turkish Penal Code. However, the law defines crimes which are traditionally included in the scope of treason, such as cooperating with the enemy during wartime. Treason is punishable by imprisonment up to life.

United Kingdom

Main article: High treason in the United Kingdom

See also: Petty treason and Treason felony



Engraving depicting the execution of Sir Thomas Armstrong in 1684, from Hanged, drawn and quartered.

The British law of treason is entirely statutory and has been so since the Treason Act 1351 (25 Edw. 3 St. 5 c. 2). The Act is written in Norman French, but is more commonly cited in its English translation.

The Treason Act 1351 has since been amended several times, and currently provides for four categories of treasonable offences, namely:

- "when a man doth compass or imagine the death of our lord the King, or of our lady his Queen or of their eldest son and heir";

- "if a man do violate the King's companion, or the King's eldest daughter unmarried, or the wife of the King's eldest son and heir".^[22]

- "if a man do levy war against our lord the King in his realm, or be adherent to the King's enemies in his realm, giving to them aid and comfort in the realm, or elsewhere"; and

- "if a man slea the chancellor, treasurer, or the King's justices of the one bench or the other, justices in eyre, or justices of assise, and all other justices assigned to hear and determine, being in their places, doing their offices".

Another Act, the Treason Act 1702 (1 Anne stat. 2 c. 21), provides for a fifth category of treason, namely:

- "if any person or persons ... shall endeavour to deprive or hinder any person who shall be the next in succession to the crown ... from succeeding after the decease of her Majesty (whom God long preserve) to the imperial crown of this realm and the dominions and territories thereunto belonging".

By virtue of the Treason Act 1708, the law of treason in Scotland is the same as the law in England, save that in Scotland the slaying of the Lords of Session and Lords of Justiciary and counterfeiting the Great Seal of Scotland remain treason under sections 11 and 12 of the Treason Act 1708 respectively.^[23] Treason is a reserved matter about which the Scottish Parliament is prohibited from legislating. Two acts of the former Parliament of Ireland passed in 1537 and 1542 create further treasons which apply in Northern Ireland.

The penalty for treason was changed from death to a maximum of imprisonment for life in 1998 under the Crime And Disorder Act.^[24] Before 1998, the death penalty was mandatory, subject to the royal prerogative of mercy. Since the abolition of the death penalty for murder in 1965 an execution for treason was unlikely to be carried out.

Treason laws were used against Irish insurgents before Irish independence. However, IRA and other republican groups were not prosecuted or executed for treason for levying war against the British government during the Troubles. They, along with loyalist groups, were jailed for murder, violent crimes or terrorist offences. William Joyce was the last person to be put to death for treason, in 1946. (On the following day Theodore Schurch was executed for treachery, a similar crime, and was the last man to be executed for a crime other than murder in the UK.)

As to who can commit treason, it depends on the ancient notion of allegiance. As such, all British nationals (but not other Commonwealth citizens) owe allegiance to the Queen in right of the United Kingdom wherever they may be, as do Commonwealth citizens and aliens present in the United Kingdom at the time of the treasonable act (except diplomats and foreign invading forces), those who hold a British passport however obtained, and aliens who – having lived in Britain and gone abroad again – have left behind family and belongings.

International influence

The Treason Act 1695 enacted, among other things, a rule that treason could be proved only in a trial by the evidence of two witnesses to the same offence. Nearly one hundred years later this rule was incorporated into the U.S. Constitution, which requires two witnesses to the same overt act. It also provided for a three year time limit on bringing prosecutions for treason (except for assassinating the king), another rule which has been imitated in some common law countries. The Sedition Act 1661 made it treason to imprison, restrain or wound the king. Although this law was abolished in the United Kingdom in 1998, it still continues to apply in some Commonwealth countries.

United States

Federal

To avoid the abuses of the English law (including executions by Henry VIII of those who criticized his repeated marriages), treason was specifically defined in the United States Constitution, the only crime so defined. Article III Section 3 delineates treason as follows:



Iva Toguri, known as Tokyo Rose, and Tomoya Kawakita were two Japanese Americans who were tried for treason after World War II.

Treason against the United States, shall consist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort. No Person shall be convicted of Treason unless on the Testimony of two Witnesses to the same overt Act, or on Confession in open Court. The Congress shall have Power to declare the Punishment of Treason, but no Attainder of treason shall work Corruption of Blood, or Forfeiture except during the Life of the Person attainted.

However, Congress has, at times, passed statutes creating related offenses that undermine the government or the national security, such as sedition in the 1798 Alien and Sedition Acts, or espionage and sedition in the 1917 Espionage Act, which do not require the testimony of two witnesses and have a much broader definition than Article Three treason. For example, some well-known spies have been convicted of espionage rather than treason.

The Constitution does not itself create the offense; it only restricts the definition (the first paragraph), permits Congress to create the offense, and restricts any punishment for treason to only the convicted (the second paragraph). The crime is prohibited by legislation passed by Congress. Therefore the United States Code at 18 U.S.C. § 2381 states "whoever, owing allegiance to the United States, levies war against them or adheres to their enemies, giving them aid and comfort within the United States or elsewhere, is guilty of treason and shall suffer death, or shall be imprisoned not less than five years and fined under this title but not less than \$10,000; and shall be incapable of holding any office under the United States." The requirement of testimony of two witnesses was inherited from the British Treason Act 1695.

One of American history's most notorious traitors is Benedict Arnold, whose name is considered synonymous with the definition of traitor due to his collaboration with the British during the War of Independence. However, this occurred before the Constitution was written. Since the Constitution came into effect, there have been fewer than 40 federal prosecutions for treason and even fewer convictions. Several men were convicted of treason in connection with the 1794 Whiskey Rebellion but were pardoned by President George Washington. The most famous treason trial, that of Aaron Burr in 1807 (See Burr conspiracy), resulted in acquittal. Politically motivated attempts to convict opponents of the Jeffersonian Embargo Acts and the Fugitive Slave Law of 1850 all failed. After the American Civil War, no person involved with the Confederate States of America was tried for treason, though a number of leading Confederates (including Jefferson Davis and Robert E. Lee) were indicted. Those who had been indicted received a blanket amnesty issued by President Andrew Johnson as he left office in 1869.

The Cold War saw frequent associations between treason and support for (or insufficient hostility toward) Communist-backed causes. The most memorable of these came from Senator Joseph McCarthy, who accused the Franklin Delano Roosevelt and Harry Truman administrations of "twenty years of treason." As chosen chair of the Senate Permanent Investigations Subcommittee, McCarthy also investigated various government agencies for Soviet spy rings; however, he acted as a political fact-finder rather than a criminal prosecutor. The Cold War period saw few prosecutions for treason. On October 11, 2006, a federal grand jury issued the first indictment for treason against the United States since 1952, charging Adam Yahiye Gadahn for videos in which he appeared as a spokesman for al-Qaeda and threatened attacks on American soil.^[25]

State

Most states have provisions in their constitutions or statutes similar to those in the U.S. Constitution. The Extradition Clause specifically defines treason as an extraditable offense. There have been only two documented prosecutions for treason on the state level, that of Thomas Dorr for treason against the state of Rhode Island for his part in the Dorr Rebellion, and that of John Brown for treason against the state of Virginia for his part in the raid on Harpers Ferry. In 1859, he and a few of his sons infiltrated Harpers Ferry—a military base in Virginia—in an attempt to steal the weapons that were kept there. His goal was to give these weapons to slaves, and lead them in an armed rebellion, but his attempt was unsuccessful. His sons were killed in the ensuing battle, and he was captured, and then tried, and convicted, for treason against the

Commonwealth of Virginia. He was sentenced to death by hanging, which was performed on December 2, 1859.^[26]

Muslim countries

Early in Islamic history, the only form of treason was seen as the attempt to overthrow a just government or waging war against the State. According to Arab tradition, the prescribed punishment ranged from imprisonment to the severing of limbs and the death penalty depending on the severity of the crime. However, even in cases of treason the repentance of a person would have to be taken into account.^[27]

Currently, the consensus among major Islamic schools is that apostasy (leaving Islam) is considered treason and that the penalty is death; this is supported not in the Quran but in the Hadith.^{[28][29][30][31][32][33]} This confusion between apostasy and treason almost certainly had its roots in the Ridda Wars, in which an army of rebel traitors led by the self-proclaimed prophet Musaylima attempted to destroy the caliphate of Abu Bakr.

In the nineteenth and early twentieth century, the Iranian Cleric Sheikh Fazlollah Noori opposed the Iranian Constitutional Revolution by inciting insurrection against them through issuing Fatwahs and publishing pamphlets arguing democracy will bring vice to the country. The new government executed him for treason in 1909.

In Malaysia, it is treason to commit offences against the Yang di-Pertuan Agong's person, waging, attempting to wage war or abetting the waging of war against the Yang di-Pertuan Agong, a Ruler or Yang di-Pertua Negeri. All these offences are punishable by hanging, which derives from the English treason acts (a former British colony, Malaysia's legal system is based on English common law).

Algeria

In Algeria, treason is defined as the following:

- attempts to change the regime or actions aimed at incitement
- destruction of territory, sabotage to public and economic utilities
- participation in armed bands or *in insurrectionary movements*

Bahrain

In Bahrain, plotting to topple the regime, collaborating with a foreign hostile country and threatening the life of the Emir are defined as treason and punishable by death. The State Security Law of 1974 was used to crush dissent that could be seen as treasonous, which was criticised for permitting severe human rights violations in accordance with Article One:

"If there is serious evidence that a person has perpetrated acts, delivered statements, exercised activities, or has been involved in contacts inside or outside the country, which are of a nature considered to be in violation of the internal or external security of the country, the religious and

national interests of the State, its social or economic system; or considered to be an act of sedition that affects or can possibly affect the existing relations between the people and Government, between the various institutions of the State, between the classes of the people, or between those who work in corporations propagating subversive propaganda or disseminating atheistic principles; the Minister of Interior may order the arrest of that person, committing him to one of Bahrain's prisons, searching him, his residence and the place of his work, and may take any measure which he deems necessary for gathering evidence and completing investigations. "The period of detention may not exceed three years. Searches may only be made and the measures provided for in the first paragraph may only be taken upon judicial writ."

Iran

In Iran every act of disloyalty is considered high treason, even expressing one's mind against the Supreme Leader of Iran. Acting against the military forces or police forces is also treason because they are arguably loyal to the supreme leader. Most judges^[who?] are careful with the death sentence if the crime is considered a disloyalty to the supreme leader because every sentence lower than death sentence is not acceptable.

After a presidential election in which people started to oppose the government and country leaders, courts have been a lot more sensitive about the crime of treason in order to keep better control of the situation.^[citation needed]

Palestinian territories

In the areas controlled by the Palestinian National Authority, it is treason to give assistance to Israeli troops without the authorization of the Palestinian Authority or to sell land to Jews (irrespective of nationality) and also non-Jewish Israeli citizens under the Palestinian Land Laws, as part of the PA's general policy of discouraging the expansion of Israeli settlements. Both crimes are capital offences subject to the death penalty, although the former provision has not often been enforced since the beginning of effective security cooperation between the Israel Defense Forces, Israel Police, and Palestinian National Security Forces since the mid-2000s under the leadership of Prime Minister Salam Fayyad. Likewise, in the Gaza Strip under the Hamas led government, any sort of cooperation or assistance to Israeli forces during military actions is also punishable by death.

List of people convicted of treason

This is a list of people convicted of treason. Some countries, such as the U.S., have a high constitutional hurdle to conviction for treason, while many countries, especially absolute monarchies and dictatorships, have less stringent definitions.

Armenia

Meruzhan Artzruni, Lord Prince of Vaspurakan (? - 369), for conspiring with one of the Great Persian Kings, Shapur II against his liege-lord, Armenian King Arshak II, whom he betrayed to Persia. He was captured by Arshak's son King Pap and executed.

Austria

Count Lajos Batthyány de Németújvár, for involvement in the Hungarian Revolution of 1848. Executed by firing squad on the same day as the 13 Martyrs of Arad.

Austria-Hungary

Nedeljko Čabrinović, for conspiring to assassinate Archduke Franz Ferdinand

Vaso Čubrilović, for conspiring to assassinate Archduke Franz Ferdinand

Veljko Čubrilović, for conspiring to assassinate Archduke Franz Ferdinand

Dragutin Dimitrijević, for conspiring to assassinate Archduke Franz Ferdinand

Trifko Grabež, for conspiring to assassinate Archduke Franz Ferdinand

Danilo Ilić, for conspiring to assassinate Archduke Franz Ferdinand

Cvjetko Popović, for conspiring to assassinate Archduke Franz Ferdinand

Gavrilo Princip, for assassinating Archduke Franz Ferdinand

Nazario Sauro, for fighting for Italy in the First World War

Canada

Louis Riel, Métis leader who opposed Canada's expansion into the west.

Kanao Inouye, Kamloops-born sergeant in the Imperial Japanese army in World War II, for killing eight Canadian prisoners of war captured at the Battle of Hong Kong.

China

Zhou Fohai

Chen Gongbo

Wang Jingwei

Republic of Congo

Pascal Lissouba, former President of the Republic of Congo

Czechoslovakia

Karel Čurda

Denmark

Henrik Kauffmann

East Germany

Werner Teske

England

For those convicted on or after 1 May 1707, see Great Britain and United Kingdom.

Main article: List of people convicted of high treason in England before 1 May 1707

Estonia

Herman Simm

Fiji

George Speight, for plotting the Fiji coup of 2000

France

Robert Brasillach

Marcel Bucard

Louis-Ferdinand Céline

Joseph Darnand, for leading the Vichy French Milice.

Émile Dewoitine, aviation industrialist sentenced to 20 years forced labour sentence for collaboration.

Pierre Laval, for being Prime Minister of Vichy France.

Michel Ney

Henri Philippe Pétain

Marie Antoinette

Louis XVI

Germany

Adolf Hitler, for his role in the Beer Hall Putsch in 1923

Sophie Scholl, Hans Scholl and Christoph Probst in 1943 for their involvement in the anti Nazi White Rose movement.

Claus Schenk Graf von Stauffenberg, for the attempted assassination of Hitler in the July 20 plot in 1944

Great Britain

For those before 1 May 1707, see England and Scotland. For those convicted on or after 1 January 1801, see United Kingdom Archibald Cameron of Locheil, for his part in the 1745 Jacobite rising

William Maxwell, 5th Earl of Nithsdale, for supporting the Jacobite Rebellion of 1715

Thomas Paine,[1] for publishing anti-British revolutionary literature

Charles Radclyffe, for supporting the Jacobite Rebellion of 1715

Greece

Dimitrios Gounaris, Prime Minister of Greece (1921–1922), convicted of treason in 1922 for the Asia Minor catastrophe. Executed 15 November 1922.

Petros Protopapadakis, Minister of Economy in Dimitrios Gounaris' government and later Prime Minister of Greece (1922), convicted of treason for the Asia Minor catastrophe. Executed 15 November 1922.

Nikolaos Stratos, Minister of Internal Affairs in Gounaris' government, convicted of treason for the Asia Minor catastrophe. Executed 15 November 1922.

Georgios Baltatzis, Minister of Foreign Affairs in Gounaris' government, convicted of treason for the Asia Minor catastrophe. Executed 15 November 1922.

Nikolaos Theotokis, Minister of Military Affairs in Gounaris' government, convicted of treason for the Asia Minor catastrophe. Executed 15 November 1922.

Georgios Hatzanestis, commanding officer of the Asia Minor and Eastern Thrace Greek army, convicted of treason for the Asia Minor catastrophe. Executed 15 November 1922.

Michail Goudas, rear admiral and minister in Gounaris' government, convicted of treason for the Asia Minor catastrophe. Sentenced to life imprisonment.

Xenophon Stratigos, major general and minister in Gounaris' government, convicted of treason for the Asia Minor catastrophe. Sentenced to life imprisonment.

George Papadopoulos, Greek colonel, leader of a military junta (1967-1973), convicted of treason and jailed for life, dying in Korydallos prison.

NTINOS transferred to another office on 30 - 11 - 2011

Hawaii

The Republic of Hawaii government had one trial for treason after the failed 1895 Counter-

Revolution in Hawaii. Those charged were found guilty, but pardoned after serving time in prison.[2]

Charles T. Gulick (1841–1897), former cabinet minister

Robert William Wilcox (1855–1903), military leader, later delegate to US Congress

Hungary

Imre Nagy, Prime Minister of Hungary, for leading the 1956 Hungarian Revolution.

Count Fidel Palffy

László Rajk

Sándor Szűcs, international footballer, for defecting.

Israel

Mordechai Vanunu, for revealing details of Israel's nuclear weapons program to the British press in 1986.

Meir Tobianski, falsely accused of treason during the 1948 Arab-Israeli war. Executed by firing squad but pardoned after his death.

Japan

Kotoku Shusui, Japanese anarchist

Daisuke Namba, Japanese left-wing activist

Ozaki Hotsumi, journalist and Soviet agent (nominally convicted under Peace Preservation Law)

Kenya

Hezekiah Ochuka, Kenya airforce soldier, for conspiring to overthrow the government of Daniel Moi in 1982

Kuwait

Alaa Hussein Ali, for heading the Iraqi puppet government during the Gulf War

Mexico

Agustín de Iturbide, for fighting for the royalists army during the Mexican War of Independence.

Netherlands

Anton Mussert, for leading the Dutch puppet regime under Nazi occupation.

New Zealand

Hamiora Pere, for fighting against the British government in Te Kooti's War.

Norway

Vidkun Quisling, for being Minister President of Nazi-occupied Norway during World War II.

The word 'quisling' now means 'traitor'.

Albert Viljam Hagelin, member of Quislings government.

Ragnar Skancke, Quislings minister of Church and Educational Affairs.

Arne Treholt Norwegian diplomat, turned by the KGB

Poland

For the betrayal of General Stefan Rowecki to Gestapo: Eugeniusz Swierczewski (“Genes”), executed 1944

Ludwik Kalkstein ("Hanka"), protected by Gestapo during the war, emigrated to France in 1982

Blanka Kaczorowska (“Sroka”), as above, emigrated to France in 1971

Russia

Mikhail Shein

Leonid Eitingon circa 1953

Igor Sutyagin (2004) - 15 years for espionage for USA. Exchanged for Russian spies in 2010.

Valentin Danilov - 14 years for espionage for China

Aleksandar Georgijevic October, 2009 - FSB claims Aleksandar gathered sensitive information for USA agents. Light sentence due to confession.

Dzhemal Nakaidze October, 2009 - Russian soldier, convicted of spying for Georgia. Light sentence due to confession (9 years of imprisonment instead of 12 to 20 years listed in the Criminal Code of Russia).

Scotland

For those convicted on or after 1 May 1707, see Great Britain and United Kingdom. Robert Baillie, for involvement in the Rye House Plot

William Ruthven, 1st Earl of Gowrie, for leading the Raid of Ruthven on King James VI

Murdoch Stewart, 2nd Duke of Albany

Patrick Stewart, Earl of Orkney, for usurping King James VI on the Orkney Islands

Soviet Union

Oleg Penkovsky

Adolf Tolkachev, worked with CIA, executed 1986

Gennady Varenik KGB, worked for CIA

Andrey Vlasov

Genrikh Yagoda

Spain

Camilo Torres Tenorio, for leading the independence movement in Ecuador

Francisco Xavier Mina, for fighting against the Spanish government in the Mexican War of Independence.

Sweden

Gustaf Mauritz Armfelt, attempted to overthrow the guardian-government of king Gustav IV Adolf with Russian military assistance.

Johann Patkul, protested the land-recovery project of Charles XI of Sweden and, when unsuccessful, sided with Augustus the Strong and tried to wrest Livonia from Sweden.

Magdalena Rudenschöld, for taking part in the Armfelt-conspiracy.

Brita Tott, for exposing military movements to Denmark

Switzerland

Jean-Louis Jeanmaire, sentenced to 18 years of prison (released after 12 for good behavior) for leaking information to the Soviet KGB.

Sri Lanka

Velupillai Prabhakaran, a former terrorist rebel leader who fought with government for 30 years.

Turkey

Abdullah Öcalan, life sentence (originally death penalty) for trying to establish a Kurdish State

Adnan Menderes, treason against the Kemalist State and Constitution; for his rôle in the 1955 Septemvriana

United Kingdom

For those before 1 January 1801, see England, Scotland, and Great Britain. James Wilson (revolutionary) convicted and executed for High Treason, following his part in the Scottish Insurrection of 1820.

Arthur Thistlewood, John Brunt, William Davidson, James Ings and Richard Tidd, participants of the 1820 Cato Street Conspiracy

William Comstive, Charles Stanfield, Richard Addy, Benjamin Hanson and eighteen others were tried and convicted for High Treason for revolt in the West Riding of Yorkshire in 1820.

John Mitchell, Maurice Leyne, Pat Donahue, Thomas McGee, Charles Duffy, Thomas Francis Meagher, Richard O'Gorman, Terrance McManus and Michael Ireland convicted of treason after Young Irelander Rebellion of 1848 under Queen Victoria

John Amery, for trying to recruit soldiers and broadcasting propaganda for Nazi Germany

Members of the British Free Corps: Thomas Haller Cooper and Walter Purdy (death sentences commuted)

Roger Casement, for negotiating with Germany to provide arms to Irish revolutionaries during the First World War for use in the Irish Easter 1916 rising; hanged in August 1916.

Participants in the 1916 Easter Rising in Ireland: Patrick Pearse, Thomas J. Clarke, Thomas MacDonagh, Joseph Mary Plunkett, Edward (Ned) Daly, William Pearse, Michael O'Hanrahan, John MacBride, Eamonn Ceannt, Michael Mallin, Cornelius Colbert, Seán Heuston, Seán Mac Diarmada, James Connolly, and Thomas Kent were shot by firing squad in May 1916.

William Joyce, alias 'Lord Haw-Haw', for broadcasting Nazi propaganda to the United Kingdom during World War II

United States

Philip Vigol and John Mitchell, convicted of treason and sentenced to hanging; pardoned by George Washington; see Whiskey Rebellion.

Governor Thomas Dorr 1844, convicted of treason against the state of Rhode Island; see Dorr Rebellion; released in 1845; civil rights restored in 1851; verdict annulled in 1854.

John Brown, convicted of treason against the Commonwealth of Virginia in 1859 and executed for attempting to organize armed resistance to slavery.

Aaron Dwight Stevens, took part in John Brown's raid and was executed in 1860 for treason against Virginia.

William Bruce Mumford, convicted of treason and hanged in 1862 for tearing down a United States flag during the American Civil War.

Mary Surratt, Lewis Powell, David Herold, and George Atzerodt, all hanged on July 7, 1865 for treason and conspiracy for the Lincoln assassination and conspiracy - by military tribunal.

Iva Toguri D'Aquino, who is frequently identified with "Tokyo Rose" convicted 1949. Subsequently pardoned by President Gerald Ford.

Herbert Hans Haupt, German-born naturalized U.S. citizen, was convicted of treason in 1942 and executed after being named as a German spy by fellow German spies defecting to the United States.

Martin James Monti, United States Army Air Force pilot, convicted of treason for defecting to the Waffen SS in 1944.

Robert Henry Best, convicted of treason on April 16, 1948 and served a life sentence.

Mildred Gillars, also known as "Axis Sally", convicted of treason on March 8, 1949; served 12 years of a 10- to 30-year prison sentence.

Tomoya Kawakita, sentenced to death for treason in 1952, but eventually released by President John F. Kennedy to be deported to Japan.

Zimbabwe

Ndabaningi Sithole, for conspiring to kill Robert Mugabe

This list is incomplete; you can help by expanding it.

Courtesy Wikipedia

KhmerKromngo.org