

## APPENDIX 1. ARTICLE 58 OF THE PENAL CODE OF THE RSFSR<sup>25</sup>

### SPECIAL SECTION

#### FIRST CHAPTER

#### CRIMES AGAINST THE STATE

##### 1. COUNTERREVOLUTIONARY CRIMES

58-1. “Counterrevolutionary” is understood as any action directed toward the overthrow, subversion, or weakening of the authority of the soviets of workers and peasants or of their chosen (according to the Constitution of the USSR and constitutions of union republics) workers’ and peasants’ governments of the USSR, union and autonomous republics, or toward the subversion or weakening of the external security of the USSR and the fundamental economic, political, and national gains of the proletarian revolution.

In consideration of the international solidarity of interests of all workers, acts are likewise considered “counterrevolutionary” when they are directed at any other workers’ government, even if not part of the USSR.

58-1a. Treason to the motherland, i. e. acts done by citizens of the USSR in damage to the military power of the USSR, its independence, or the inviolability of its territory, such as: espionage, betrayal of military or state secrets, crossing to the side of the enemy, flight (by surface or air) abroad, shall be punishable by –

the supreme measure of criminal punishment – shooting with confiscation of all property, or with mitigating circumstances – deprivation of liberty for a term of 10 years with confiscation of all property [20 July 1934 (CY, No 30, Art. 173)]

58-1b. The same crimes, perpetrated by military personnel, are punishable by the supreme measure of criminal punishment –

shooting with confiscation of all property. [20 July 1934 (CY no. 30, art. 173)]

58-1v. In case of flight (by surface or air) across the border by a member of military personnel, the adult members of his family, if they in any way aided the preparation or carrying-out of treason, or only knew about it and failed to report it to authorities, shall be punishable by –

deprivation of liberty for a term of 5 to 10 years, with confiscation of all property.

Remaining adult members of the family of the traitor, living together with him or as his dependents at the moment of the perpetration of the crime, shall be deprived of voting rights and exiled to remote areas of Siberia for 5 years. [20 July 1934 (CY no. 30, art. 173)]

58-1g. Failure by a member of military personnel to denounce preparations or the carrying-out of treason shall be punishable by –

deprivation of liberty for 10 years.

Such failure to denounce by other citizens (not military) shall be punished according to. [20 July 1934 (CY no. 30, art. 173)]

58-2. Armed uprising or incursion with counterrevolutionary purposes on Soviet territory by armed bands, seizure of power in the center or areas with the same purposes, or, in particular, with the purpose of forcibly severing from the USSR and an individual union republic, any part of its territory, or of breaking agreements between the USSR and foreign countries, shall be punishable by –

the supreme measure of social defense – shooting, or proclamation as an enemy of the workers, with confiscation of property and with deprivation of citizenship of the union republic, and likewise of citizenship of the Soviet Union and perpetual expulsion beyond the borders of the USSR, with the allowance under extenuating circumstances of reduction to deprivation of liberty for a term of no less than three years, with confiscation of all or part of one’s property [6 Jun 1927 (CY no. 49, art. 330)].

58-3. Dealings for counterrevolutionary purposes with a foreign country or its individual representatives, and likewise aiding by whatever means a foreign country, engaged in war with the USSR, or conducting against the USSR a struggle by means of intervention or blockade, shall be punishable by –

measures of social defense, indicated in of this code. [6 July 1927 (CY no. 49, art. 333)]

58-4. The offering of whatever kind of aid to that part of the international bourgeoisie, which, not recognising the equal rights of a Communist system replacing a Capitalist system, exerts itself for its overthrow, and likewise to public groups and organisa-

<sup>25</sup> Source: Уголовный кодекс РСФСР. Официальный текст с изменениями на 1 июля 1950 г. и с приложением постатейно систематизированных материалов (Penal Code of the RSFSR. Official Edition with Changes up to 1 July 1950 and with Additional Materials, Systematised According to the Paragraphs), Moscow, 1950, pp. 35–43.

tions, being under the influence of or directly organised by that bourgeoisie, in the carrying out of hostile activities toward the USSR, shall be punishable by –

deprivation of liberty for a term not less than three years with confiscation of all or part of one's property, with an increase, in especially aggravating circumstances, up to the supreme measure of social defense – shooting or declaration to be an enemy of the workers, with deprivation of citizenship of one's union republic, and, likewise, citizenship of the USSR and expulsion beyond the borders of the USSR forever, with confiscation of property. [6 June 1927 (CY no. 49, art. 330)].

58-5. Adherence to a foreign country or any public groups in it, by means of relations with its representatives, use of false documents or other means, toward a declaration of war, armed intervention in the affairs of the USSR or other unfriendly actions, eg: blockade, seizure of state property of the USSR or of union republics, the breaking of diplomatic relations, the breaking of treaties concluded with the USSR, etc., shall be punishable by –

measures of social defense, indicated in of this code. [6 June 1927 (CY no. 49, art. 330)]

58-6. Espionage, i. e. the transmittal, seizure, or collection, with the purpose of transmittal, of information, being a specially kept state secret due to its content, to foreign governments, counterrevolutionary organisations, and private individuals, shall be punishable by –

deprivation of liberty for a term not less than three years, with confiscation of all or part of one's property, or in those cases where the espionage brought or could bring especially severe consequences for the interests of the USSR– the supreme measure of social defense – shooting or proclamation as an enemy of the workers with deprivation of citizenship of one's union republic and, likewise, of citizenship of the USSR and expulsion beyond the borders of the USSR forever with confiscation of property.

Transmittal, seizure, or collection for purpose of transmittal of economic information, not consisting by its content of specially preserved state secrets, but not subject to publication either due to direct legal prohibition, or due to the decision of the management of the department, institution, or enterprise, whether for a reward or for free, to organisations and persons listed above, shall be punishable by –

deprivation of liberty for a term up to three years. [6 June 1927 (CYno. 49, art. 330)].

Note 1: That information is considered a specially preserved state secret, which is enumerated in a special list, confirmed by the Council of People's Commissars of the USSR in coordination with the Councils of People's Commissars for the union republics and published in a general notice. [6 June 1927 (CY no. 49, art 330)]

Note 2: Concerning espionage by persons indicated in art. 193-1 of this code, art. 193-24 of this code remains in force. [9 January 1928 (CY no. 12, art. 108)]

58-7. The undermining of state production, transport, trade, monetary relations or the credit system, or likewise cooperation, done with counterrevolutionary purposes, by means of corresponding use of state institutions and enterprises or impeding their normal activity, and likewise use of state institutions and enterprises or impeding their activity, done in the interests of former owners or interested capitalist organisations, shall be punishable by –

measures of social defense, indicated in of this code. [6 June 1927 (CY no. 49, art. 330)].

58-8. The perpetration of terrorist acts, directed against representatives of Soviet authority or activists of revolutionary worker's and peasants' organisations, and participation in the performance of such acts, even by persons not belonging to a counterrevolutionary organisation, shall be punishable by –

measures of social defense, indicated in of this code. [6 June 1927 (CY no. 49, art. 330)].

58-9. Destruction or damage with a counterrevolutionary purpose by explosion, arson, or other means of railroad or other routes and means of transportation, means of public communication, waterwork, public depots and other structures, or state and public property, shall be punishable by –

measures of social defense, indicated in of this code. [6 June 1927 (CY no. 49, art. 330)].

58-10. Propaganda or agitation, containing a call for the overthrow, subversion, or weakening of Soviet authority or for the carrying out of other counterrevolutionary crimes (art. 58-2 to 58-9 of this code), and likewise the distribution or preparation or keeping of literature of this nature shall be punishable by –

deprivation of liberty for a term not less than six months.

The same actions during mass disturbances, or with the use of religious or nationalist prejudices of the masses, or in a war situation, or in areas proclaimed to be in a State of War, shall be punishable by –

measures of social defense, indicated in of this code. [6 June 1927 (CY no. 49, art. 330)].

58-11. Any type of organisational activity, directed toward the preparation or carrying out of crimes indicated in this chapter, and likewise participation in an organisation, formed for the preparation or carrying out of one of the crimes indicated in this chapter, shall be punishable by –

measures of social defense, indicated in the corresponding articles of this code. [6 June 1927 (CY no. 49, art. 330)].

58-12. Failure to denounce a counterrevolutionary crime, reliably known to be in preparation or carried out, shall be punishable by –

deprivation of liberty for a term not less than six months. [6 June 1927 (CY no. 49, art. 330)]

58-13. Active participation or active fighting against the working class and revolutionary movement in a responsible position or secret collaboration (agent) during the tsarist regime, or with counterrevolutionary governments in a period of Russian civil war, shall be punishable by –

measures of social defense, indicated in of this code. [6 June 1927 (CY no. 49, art. 330)]

58-14. Counterrevolutionary sabotage, i. e. conscious failure to perform some defined duties or intentionally negligent fulfillment of them, with the special purpose of weakening the authority of the government and functioning of the state apparatus, shall be punishable by –

deprivation of liberty for a term not less than one year, with confiscation of all or part of one's property, with an increase, in especially aggravating circumstances, to the supreme measure of social defense – shooting, with confiscation of property. [6 June 1927 (CY no. 49, art. 330)].