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Hussein Ruling Sets Execution Within 30 Days

By James Glanz

BAGHDAD — An Iraqi appeals court on Tuesday upheld the death sentence against Saddam Hussein and ruled that the man whose brutal reign began in 1979 and ended with the American-led invasion in 2003 must go to the gallows within 30 days.

It was the court of last resort for Mr. Hussein, who received his death sentence on Nov. 5 from the Iraqi High Tribunal, a court set up specifically to pass judgment on his years in power. No further appeals are possible, and his final legal recourse appears to be a clause in the Constitution stating that the Iraqi president must approve all death sentences.

That clause offers Mr. Hussein only the slenderest of hopes. Jalal Talabani, the Iraqi president, has said he is formally against the death penalty, but he has permitted the hangings of many Iraqis convicted of capital crimes. And the Constitution may be trumped by an article in the charter of the tribunal stating that its sentences may be commuted by no one, not even the president.

The appeals verdict, covering one case involving the execution of 148 men and boys in the northern town of Dujail in 1982, came even as Mr. Hussein was facing trial on charges that he ordered the killing of tens of thousands of Kurds, whose bodies have in some instances been exhumed from grisly mass graves and minutely described in the courtroom.

The decision of the nine-judge appeals court was announced on short notice by the chief judge, Aref Shahan, after another day of the numbing violence that has gradually engulfed this country after the bursts of optimism that followed Mr. Hussein's fall from power in March 2003 and his capture by American forces in December of that year.

Judge Shahan delivered the verdict to a few reporters assembled at the Council of Ministers building within the heavily guarded Green Zone as the rest of the country settled into its nighttime curfew. There were none of the theatrical outbursts contrived by Mr. Hussein to disrupt the trial and the appeal, because he was not present to hear the verdict.

The judge said simply that the appeals court had approved the verdict against Mr. Hussein, who was formally charged with crimes against humanity, and two co-defendants, who had also received death sentences in the Dujail killings, and that they now faced "execution by hanging until death" within 30 days.

The court also approved lesser sentences against three other defendants and the tribunal's acquittal of a fourth, Judge Shahan said. In addition, the court sent the case of one man, Taha Yassin Ramadan, back to the tribunal, saying his life sentence was too lenient "compared to the crimes that were committed."

The entire session, which was televised, took no more than 15 minutes, and after taking a few questions Judge Shahen abruptly rose from his seat and left the room.

Before leaving, he left no doubt about where he stood on the issue of constitutional approval of the decision. "Nobody is entitled, including the president, to exempt or commute the verdict issued by this court," he said. "The punishment is mandatory and should be executed within 30 days from the date it was issued."

Hiwa Osman, a media adviser for Mr. Talabani, said shortly after the verdict that the president's office was still studying the decision and had not yet come to a conclusion on whether approval was needed.

The decision capped a day of searing violence in Iraq. The police found 41 bodies dumped around Baghdad, apparently the victims of death squad killings, and at least 45 people died in bombings, including a triple car-bombing in the Baghdad neighborhood of Baya.

The American military announced that five more American service members had died as a result of roadside bombs. A single bomb near a patrol northwest of Baghdad killed three soldiers on Tuesday, the military said, and another bomb killed two soldiers southwest of the capital the day before, on Christmas.

After the Baya bombings, a bus driver, Husam Abdul Wahid, 18, was shivering in a blanket at Yarmouk Hospital after receiving wounds to his abdomen, foot and hand. He said he had been waiting for passengers when he heard a blast to one side of an intersection and rushed, unhurt, with others into nearby shops.

"After a while we came out to see what happened," Mr. Wahid said.

"Another car detonated about 30 meters away," plunging shrapnel into his body, he said.

Reaction to the appeals court verdict appeared to be muted in neighborhoods across Iraq that were occupied with far more immediate concerns. In Kirkuk, where Kurdish and Shiite neighborhoods celebrated the Nov. 5 verdict against Mr. Hussein while Sunni areas protested, the streets were quiet, residents said.

In the heavily Shiite southern city of Basra, the police deployed everywhere but largely withdrew when little reaction materialized.

And the scene was tense but quiet in Sadr City, the Shiite slum in northwestern Baghdad, as American military vehicles patrolled the outskirts and local militiamen moved along the streets.

The verdict was criticized by some groups, including Human Rights Watch, which said that it "was imposed after a deeply flawed trial" and recommended that the decision to execute Mr. Hussein be reversed.

A similar view was expressed by Miranda Sissons, leader of the Iraq program at the International Center for Transitional Justice in New York, who said the haste of the decision indicated that it could not have been thoroughly considered.

“This judgment is not surprising, but the speed is very troubling,” Ms. Sissons said. The verdict in the Dujail case “deserved a careful review process, but the signs today are that that hasn’t happened,” she said.

Ms. Sissons said it was also unfortunate that a death sentence meant that trials on other suspected crimes would never go forward, denying justice to other victims of Mr. Hussein’s brutality.

But at the American Embassy in Baghdad, a spokeswoman, Ginger Cruz, praised the “courageous effort” of the Iraqi judges and others at the tribunal, which she said ensured “that justice prevails for the atrocities Saddam Hussein and his regime committed against the Iraqi people.”

Some Iraqis said they feared that when Wednesday dawned and the overnight curfew lifted, the sealing of Mr. Saddam’s fate would spark violence. But there was little evidence to support those worries late Tuesday, even in places most prone to those problems.

In Adhamiya, a mostly Sunni neighborhood that might have been expected to protest the decision, the streets were quiet after a particularly horrific afternoon in which a family of five was trapped in a burning car after a bomb exploded.

The father, screaming for help, escaped the car as residents tried to extinguish the flames with blankets and water. But two young children and an infant died with their mother in the fire.

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