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Enc. No. 1
Disp. No. 777
From: BAGHDADTrial Group VII

Present:

Samir Abd al-Aziz al-Hajm - death by hanging plus 15 years
hard labor, with recommendation
for clemency

Shakir Ibrahim Hlaywa - life imprisonment at hard labor, with
request for recommendations of the
Commander in Chief of the Armed Forces

Abd al-Bazzaq Abbud al-Ghrayri - 6 months rigorous imprison-
ment, plus posting of a 5,000 dinar
personal bond for a period of 3 years

Kadhim Ibrahim al-Azzawi - case referred for separate trial

In Absentia:

Awda Hammadi al-Dahash - 1 year rigorous imprisonment

In addition, those accused of plotting and convicted therefor
are required collectively to pay total compensation in the amount
of I.D. 2,640,730 to the family of the deceased Kadhim Arif (driver
of the Prime Minister's car) and to the 8 persons wounded as a
result of the attack. (Division of compensation not stipulated.)

NOTE:

In some cases, defendants were sentenced to two or more penalties
under different provisions of sections of law which they were found
guilty of having violated.

The posting of bond is a good-conduct measure: if the defendant
is arrested for any offense during the period, he must serve the
balance of the bonded period, although the cash bond is refundable
in that case as well as at the end of the period. The bond is
forfeit only if an offense is committed and the defendant flees.

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(Security Classification)

FOREIGN SERVICE DESPATCH

FROM : Embassy BAGHDAD777

DESP. NO.

TO : THE DEPARTMENT OF STATE, WASHINGTON.February 29, 1960

DATE

REF : Embdesp 612, January 16, 1960; Embdesp 707, February 13, 1960SUBJECT: Sentences in Assassination Trials

On February 25, 1960, the Peoples Court met at 4 p.m. for a session which was to last until 2 a.m. the following morning, ending with the sentencing of 76 of the 78 defendants accused with having plotted to assassinate Prime Minister QASSIM on October 7, 1959. (Enclosure: Sentences) The case of Kadhim Ibrahim al-AZZAWI and Madhat al-Haj Sirri, allegedly involving British subject Leslie MARSH, having earlier been separated from the principal case before the Court, remains to be concluded at an unspecified later date.

The sentences passed do not seem especially harsh, given the foregone conclusion that any kind of affiliation with the Baath Party, past, present, real, or alleged by the required minimum of two witnesses, was to be considered tantamount to plotting against the Iraqi Republic. The brief summaries of testimony given in Despatch 707 remain accurate as the essentials on which decisions of guilt and sentences were passed, although the findings of the Court mentioned certain additional testimony in written statements or testimony in private sessions which had not heretofore been public knowledge. The one defendant concerning whom no testimony had been noted publicly, Awda Hammadi al-DAMASH, was alleged to have been among those who assisted Shakir HLAYWA in his illegal exit from Iraq enroute to Syria in late July, 1959.

The analysis submitted in Despatch 707 appears to remain unchallenged by the findings of the Court. Although many statements were included in the findings to the effect that the U.A.R. had given relatively massive support, these were clearly interjections of the Court's opinions and were in conflict with other testimony and conclusions cited involving repeated efforts by various of the defendants to secure outside support for the plan. The only points in this connection which seem clearly established were the supply of 4,000 dinars (\$11,200) to the plotters through the U.A.R. Embassy in Baghdad, and the donation by that Embassy of a fully furnished apartment, formerly occupied by U.A.R. Embassy officer Muhammad KABBUL, which was used by Khalid Ali al-SALIH as headquarters for the Baghdad Branch of the Baath Party.

Another obvious conflict arose in connection with weapons. It was repeatedly stated in the findings that six submachine guns had been used in the attempt on Qassim, yet in each of the cases where possession of a submachine gun, allegedly donated by the Baath Party, had been the major issue, the Court concluded that "this

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From: BAG'DAE

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gun was taken from the accused by the Party and later used in the attempt on the life of the Prime Minister." Some 12 submachine guns were thus accounted for, as against the six used.

There were numerous other incidental conflicts: for example, the names of witnesses testifying against each accused were noted, and a legal minimum of two witnesses is required for conviction. In at least two instances, the accused was convicted on the basis of this minimum testimony, with one of the witnesses being a person whose testimony was cited as having been disbelieved in the case of another accused who was acquitted. In other cases, the testimony of the witnesses cited was not pertinent to the charge on which the conviction was made.

Worthy of note also is that the Court chose not to believe the confession made by Abd al-Razzaq GHRAYRI, and his sketch of the scene of the assassination attempt with names of participants. He had stated that these were extracted by torture, and the Court considered them inaccurate and unsubstantiated. Nevertheless, several of the people named by Ghayri were convicted of offenses related to his testimony, while Ghayri himself got off relatively lightly. It is quite obvious that the Court found what it wanted to find, regardless or in spite of the nature of the testimony.

While Muslim tradition frowns on the execution of persons during Ramadhan, which officially began in Iraq on February 27, this may be no bar to the execution of those condemned. It would appear that only Samir Abd al-Aziz al-NAJM, whose testimony was a major contribution to the prosecution, might escape by virtue of the Court's recommendation for clemency in his case.

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From: BAGHDAD

ASSASSINATION TRIALS

Sentences passed February 26, 1960, by
Peoples Court, BaghdadTrial Group I

Present:

Ahmad Taha al-Azuz al-Samara'i - death by hanging, plus 15 years
hard labor
 Salim Aysa al-Zibaq - death by hanging, plus 15 years hard labor
 Ali Hassun - life imprisonment at hard labor
 Ayad Sa'id Thabit - death by hanging, plus 15 years hard labor
 Muthanna Hamdan al-Azzawi - 3 years hard labor, concurrently,
6 months imprisonment
 Khalid Majid al-Tayyar - acquitted as innocent
 Yahya Yunis al-Ubaydi - 4 years hard labor
 Mundhir Husayn Ali al-Rubay'i - 3 years hard labor

In Absentia:

Saddam Husayn al-Tikriti - death by hanging, plus 15 years hard
labor
 Taha Yasin al-Illi - death by hanging, plus 15 years hard labor
 Yasin Abd al-Jabbar al-Samara'i - death by hanging
 Abdulla al-Rikabi - death by hanging plus 15 years hard labor
 Fadhil Abd al-Chafur al-Shahir - death by hanging
 Abd al-Karim al-Shaykhly - death by hanging plus 15 years hard
labor
 Hatam Hamdan al-Azzawi - death by hanging plus 15 years hard
labor

Trial Group II

Present:

Dr. Hazim Muhammad Mustafa al-Bakri - life imprisonment at hard
labor
 Dr. Tahsin Abbas Ma'ala - 6 months rigorous imprisonment, plus
posting of 5,000 dinar personal bond for period of 3 years
(see note), plus recommendation that the Medical Association
take appropriate action against him.
 Abd al-Mun'im Qadus - 6 months hard labor, dismissal from Army
 Walid Abd al-Rahman - 3 years hard labor, dismissal from Army
 Ibrahim Ghanim Muhsin - 5 years hard labor
 Dr. Fu'ad Shakir Mustafa - 3 years hard labor

In Absentia:

Abd al-Ilah Muhammad Fakhri al-Bayati - 7 years hard labor
 Madhat al-Haj Sirri - case referred for separate trial

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From: DAGIDAD(Trial Group IV, In Absentia, cont'd)

Habib Muhsin al-Durri - 7 years hard labor
 Falih Abd al-Razzaq al-Samara'i - 7 years hard labor
 Fu'ad al-Rikabi - death by hanging plus 15 years hard labor
 Faysal Habib al-Khazayran - 10 years hard labor

Trial Group V

Present:

Isma'il al-Jabburi - acquitted as innocent
 Sa'dun Hadi al-Bayrmani - 2 years rigorous imprisonment, plus
 1 year rigorous imprisonment
 Anwar Muhammad Jan - acquitted as innocent
 Ali Jasim - acquitted as innocent
 Muhammad Najid al-Hilli - 3 years rigorous imprisonment

Trial Group VI

Present:

Hamid Latif al-Samara'i - 1 year rigorous imprisonment
 Abid al-Jasim Hadida - 1 year rigorous imprisonment
 Dakhil Muhammad - acquitted for lack of evidence
 Musa Jasim al-Hamdani - 3 years rigorous imprisonment
 Dashir Faha - 6 months rigorous imprisonment, plus posting of
 a 500 dinar personal bond for a period of 3 years
 Sha'lan Jasim al-Alwan - 1 year rigorous imprisonment, plus
 posting of a 1,000 dinar personal bond for a
 period of 3 years
 Muhammad Rashid al-Farhan - 1 year rigorous imprisonment, plus
 posting of a 1,000 dinar personal bond for a
 period of 3 years
 Raja Ftaykhan - 3 years rigorous imprisonment, plus 1 year
 rigorous imprisonment
 Ibrahim Tawfiq al-Dayri - 1 year rigorous imprisonment, plus
 deportation after serving the sentence (Syrian
 nationality)

In Absentia:

Taha Fathi - 6 months rigorous imprisonment

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From: BAG'DADTrial Group III

Present:

Khalid Ali al-Salih al-Dulaymi - death by hanging plus 15 years
hard labor
 Ghanim Abd al-Jalil - 7 years hard labor, concurrently, 6 months
imprisonment
 Hashim Muhammad al-Amir - 3 years rigorous imprisonment
 Yusra Sa'id Thabit - acquitted for lack of evidence: required
to post 3,000 dinar personal bond for period of 3 years
 Abd al-Hamid Bar'i - death by hanging plus 15 years hard labor
 Mahmud Muwaffaq Salim - 1 year rigorous imprisonment
 Karim Mahmud Shantuf - life imprisonment at hard labor
 Sha'ban Jasim - 1 year rigorous imprisonment
 Muhammad Zaki Yunis - 7 years hard labor, concurrently, 6 months
imprisonment
 Mahir Sa'id Wasfi - 2 years rigorous imprisonment
 Ja'far Qasim Hammudi - 5 years hard labor
 Muhammad Jamil Shalash - 3 years hard labor
 Abd al-Qadir Ali al-Na'imi - 2 years rigorous imprisonment

In Absentia:

Salman Abdulla - 10 years hard labor
 Fatik Muhammad Ridha al-Safi - 7 years hard labor
 Talib Husayn al-Shabih - acquitted for lack of evidence
 Salih Sha'ban - death by hanging plus 15 years hard labor

Trial Group IV

Present:

Tariq Fadhil Muhammad - 2 years rigorous imprisonment, concurrent-
ly, 6 months imprisonment
 Nadhmi Shakir Awji - 3 years rigorous imprisonment
 Riyadh Ibrahim al-Haj Husayn - 1 year rigorous imprisonment
 Sami Hamid Yasin - 3 years rigorous imprisonment
 Riyadh Ali Sab'a al-Azzawi - 3 years rigorous imprisonment
 Zuhayr Tawfiq Thabit - 2 years rigorous imprisonment
 Hamdi Abd al-Majid - 5 years hard labor
 Mahmud Muhammad al-Hilu - 10 years hard labor, concurrently, 6
months rigorous imprisonment
 Abd al-Wahab Abd al-Amir al-Ugayli - acquitted as innocent
 Shamsi Kadhim - life imprisonment at hard labor
 Khalid Hamid al-Dha'i - 1 year rigorous imprisonment
 Ahmad al-Shaykh Ali - 1 year rigorous imprisonment

In Absentia:

Madhat Ibrahim Jum'a - death by hanging; plus 15 years hard labor
 Hilal Najji - death by hanging plus 15 years hard labor