

## **Prosecuting the Ba'ath**

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In a test case for post-Saddam justice, Kurdish police have arrested a party official accused of a triple murder.

Twelve years ago, Hadi Hama Salih, a 28-year-old Kurdish official in Saddam Hussein's Ba'ath party, allegedly murdered three of his neighbours, including a pregnant woman, in the village of Nasir, close to the Kurdish city of Suleimaniya.

The triple killing was not an exceptional event: such crimes committed by servants of the state were commonplace during Saddam's 35-year rule. Today, however, Salih is a special case: one of the first Ba'athists to be arrested - in the Saddam-controlled area to which he fled after the killings - since the Iraqi regime collapsed.

Arrested by Kurdish police on April 19 this year, Salih is being held in Suleimaniya and his trial is expected to begin in the next couple of weeks.

The trial could become a test case for the Kurdish region. Many believe that if Salih is convicted and sentenced, it will act as a deterrent to anyone thinking of taking justice into their own hands. Areas of Iraq formerly controlled by Saddam still have no government two months after the fall of the regime and are suffering from the resulting law-and-order vacuum. But the Kurdish region has had its own autonomous institutions, including a judiciary, ever since Kurds rose up against the regime in 1991 and won de facto autonomy.

Salih comes from a well-known Ba'athist family. His father, a member of Saddam's intelligence services, was killed by Kurdish fighters in 1980. But the murder of Abdullah Sharif, his wife Khanim and his father Mahmoud appears to have had its roots in a petty dispute over a car battery which Salih asked Abdullah to buy and which he later complained was a dud.

A few days after the argument, on June 24, 1991, Salih arrived at Abdullah's house while the family was having dinner and began kicking the front door. The door was opened by Abdullah's father, Mahmoud Sharif.

"He asked, 'What is wrong with you, Hadi? What do you want from us? We have returned the money you gave us for the battery. Go away and leave us in peace,'" said Sharif's wife, Fatima.

"Then, all of a sudden, he fired at my husband. I rushed to a neighbour's house to ask for help and when I came back I found my son Abdullah and his pregnant wife Khanim lying in a pool of blood on the ground."

Salih eventually escaped to Kirkuk, a city under Saddam's control just outside the liberated Kurdish area. From here he wrote to his victims' family, saying, "I am back with my government, my father's government, so you cannot do anything to me."

Such was his fear of revenge, however, that seven of his brothers acted as bodyguards for him.

In Kirkuk, Salih was welcomed as a hero for killing "a peshmerga and his wife" - even though it was not true

that Abdullah had been a Kurdish fighter. He was given a house and a job in the department of agriculture. As Mahmoud and Abdullah Sharif had been in government employment, their families had the right to state pensions - but these were paid from Kirkuk, where Fatima feared to go.

"Hadi was living in prosperity," said Fatima, who, although a widow, had to care for her dead son's four children as well as her own. "I was living in desperation."

In 1988, Salih applied for permission to run a pro-Saddam militia and said he would use it to re-capture the border town of Halabja. "Dear Mr. President," he wrote in a letter addressed to Saddam Hussein himself. "I myself, accompanied by 500 men of my tribe, am ready to take Halabja back. I want to follow in my father's footsteps." In the event the Iraqi army used poison gas to kill thousands of Kurds in Halabja later the same year.

Salih was arrested a few weeks after Saddam's forces were driven from Kirkuk. At the time, he held the rank of lieutenant colonel in the Jerusalem Army, a Ba'athist militia. He denies any involvement in the triple killing.

"I did not kill them and I do not know who did. I am innocent," he said. Refusing to hire defence council, he claimed, "I do not want anyone to defend me. God knows I am innocent. I depend on Him."

Salih now stands accused of murder. The Sharif family say they will only be satisfied if he is executed. But although the article of Iraq's criminal code under which he has been charged carries the death penalty, it is unlikely to be applied by Kurdish authorities, who have suspended its use.

Salih "was like my son. I fed him from my breast," said Fatima. "But because of him I have suffered for more than 12 years."

"If Hadi is gone, our two families will be able to resume their old relations of friendship," said Jamal Mahmoud, one of Fatima's sons. "We will be able to work in our fields next to each other, drink tea together and perhaps even sing."

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