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The Eleventh Court Session

First Tragic Scene: “The Defense Attacks!”

Chief Justice: Court is in session. Defense team, today is your day and the podium is yours. We are all listening, so are you ready to present your rebuttal to the evidence which the prosecution presented until now?

Defense: Yes your Honor, we are ready.

Chief Justice: You may begin.

The Defense: Your Honor, respected judges and jurors. The prosecution has done a fine job in twisting the truth and moving the feelings and emotions! At the same time, he intentionally ignored some of the facts and historical texts which contradict what he wants to portray to you. I will give you examples of that:

First: Looting and burning of the tents of Al-Husayn (as) was a spontaneous act from the soldiers who jumped to collect what they thought were spoils of war to them. This is clearly a big mistake on their part and a deviation from the religion without a doubt.

But when Umar ibn Sa’d, the commander of the army learned of this, he immediately ordered for it to stop and he instructed to protect the tents, the women, and the sick. He ordered to return everything that was looted and commanded to set up other new tents to replace the ones that were burnt or harmed.

Second: Cutting the heads of those killed in the battlefield was a custom of the Arabs and it was their only way to prove that they killed their victims, as there was no other way to prove it. This act had been practiced in all the battles and also after the emergence of Islam.

Third: As for the incident of the sons of Muslim ibn Aqeel, the person who has killed them is the one who is responsible for their murder. Ibn Ziyad issued orders to arrest the boys due to their escape from the prison and he promised a reward for he who arrests them. But the person who found the boys killed

them and Ibn Ziyad punished that person by executing him as you've heard which proves that he wasn't pleased of their deaths.

Fourth: There is no any historical evidence which proves that Caliph Yazid ibn Muawiya issued any orders to hold celebrations in every town which the caravan of captives passed by. There is exaggeration in this matter and if it did happen, then it was initiated by the people of that particular village or city.

Fifth: As for sending the captives to Al-Sham, this also was an Arab custom. The captives were usually sent from the place they've been taken as captives to the capital of the state and to the rulers or caliph of the Muslims. For example, the Persian captives were sent to Umar ibn Al Khatab from Al-Mada'en to Al-Madina, and captives were sent to the Caliphs of Banu Umayyad and Banu Al Abbas. So this was a custom which the Arabs were used to.

Sixth: As for the speech of Zohr ibn Qais, it is filled with exaggeration and embellishment for the purposes of pleasing the Caliph.

Therefore, one cannot depend or rely on it.

Seventh: As for the poetic verses which the prosecutor recited to prove the infidelity of Yazid and his revolt against the religion which he was ruling the state under its name, these verses do not belong to Yazid. They were actually verses which Abdullah ibn Al Zobori recited on the day of the Battle of Uhud and he was at that time among the nonbelievers who were fighting against the Muslims. When Al-Hamza, the uncle of the Prophet (S) was killed, Ibn Al Zobori recited these verses.

Eighth: As for the story of Ruqayyah the daughter of Al-Husayn (as), it is not a verified incident and most of those who narrate it are from the "rejecters" / rafeda. As for those who narrate this story from the Sunni sources, they are very little. Therefore, we can not draw conclusions based on it since there is a doubt; and doubt is to be interpreted always for the benefit of the defendant!

Dear Ladies and gentlemen, the Prosecutor has concealed from you some narrations which were cited in the same references which he used and which are in favor of the First defendant Yazid. For example, it has been narrated in Maqatal Al-Husayn Lil Khwarizmi Al Hanafi that after Yazid heard the words of Zohr ibn Qais, he paused for awhile, and then he raised his head and wept while saying:

"By Allah, oh man I would've been pleased with your obedience without killing Al-Husayn (as). By Allah, if he had come to me, I would've pardoned him. But may Allah degrade Ibn Murjana (the Second defendant)!"

Then Yazid said, "Yes, may Allah curse Ibn Murjana for killing a person like Al-Husayn ibn Fatima. By Allah, if I was attending there, I would've given him anything he asked for and would've protected him with all my might, and sacrifice my own sons to defend him!"

However, when Allah wills something, there is no change to it.”

It has also been narrated in the same book that Hind, the daughter of Abdullah ibn ‘Amer, the wife of Yazid, opened the curtain while she had exposed her hair as a sign of anger, and she rushed to Yazid exclaiming,

“Is the head of the son of Fatima crucified on the door of my house?!”

Yazid hastened to cover her and said, “Yes! So mourn on him Oh Hind! And weep on the grandson of the Prophet. Ibn Ziyad was haste in killing him, may Allah kill him!”

It was narrated too that Yazid hosted the captives to his private home and he would not eat lunch or dinner without having ‘Ali ibn Al-Husayn (as) accompany him. It was also narrated that Yazid offered that they reside in Damascus, but they rejected that offer and instead requested to return to their home in Al-Madina. So Yazid said to AlNu‘man ibn Basheer who was from Al Ansaar:

“Equip them with resources and send with them a good man from Al Sham as a guardian. Provide them with horses and servants.”

Then he provided them clothes and bounties, and he called for ‘Ali ibn Al-Husayn (as) and said to him:

“May Allah curse Ibn Murjana! By Allah if I was with your father, I would’ve given him anything he asked for and would’ve protected Al-Husayn with all might even if I sacrifice some of my sons. However, Allah willed what happened so write to me if you need anything.”

Doesn’t all of that indicate that the whole matter was not premeditated?! Rather, it was the result of unfortunate circumstances, poor judgment, and mistakes on the soldier’s part. And in the end of the day, it is Allah’s will.

We do not deny that it is a horrendous tragedy; however, it was not planned or arranged. Rather, it was a mistake that was due to poor judgment. Who among us do not commit mistakes or make poor judgment in his life? Are we to be placed on trial and be charged for that?! No, ladies and gentlemen!

Furthermore, the First defendant was a young Caliph who wanted to establish the cornerstones of his new government and secure it, which is his right in order to face the enemies of the Islamic state both internally and externally and this is for the best interest of the nation. The ultimate goal and public interest may explain some of the limits that were crossed.

As for the Second defendant, he was a clever and decisive governor who was appointed to put a halt to mischief. So he simply carried out his duty and if the state of affairs demanded from him to be supertough, then likewise, the public interest excuses some of the limits that were crossed.

As for the Third defendant, Umar ibn Sa’d, as a military commander of the army he was forced to take

the leadership of the army though he was reluctant. He carried out the duty he was appointed for, just like any military commander, whether he likes it or not! So what is he being tried for?!

As for the Fourth defendant, he was also obeying orders issued to him by those superior to him. He was stubborn in his opinion but he didn't have the last decision. Perhaps he was rude at times, but in the end, he is only an appointed soldier who carries out what he is ordered. Also, please do not forget that he himself was once a soldier in the army of 'Ali ibn Abi Talib (as) in the Battle of Siffeen against Muawiya, the father of Yazid.

As for the Fifth defendant, the same justification applies to him. He was also a soldier and he was simply a sniper carrying out what is asked of him and he had no choice but to obey the orders, whether he likes it or not. So what are we putting him on trial for and why are we charging him?!

Ladies and gentlemen, the world is filled with tragedies and perils which lead to the presence of victims, pain, tears, and grief! If we established court trials for each of these cases, then we will need to have courtrooms and judges in every corner and street!

The earth would be filled with court trials, prosecutors, lawyers, and defendants! That would surely be overwhelming so we must leave justice for God of heavens and earth! He is the absolute Justice and He possesses knowledge of the whole truth. Let us free ourselves for other more important matters in our lives and religion for we have a lot to fix and take care of!

The Prosecutor has relied on stirring the emotions and influencing the feelings to force you to convict the defendants. All of the prosecution evidences are only narrations in books which may be correct or incorrect. There is a lot of doubt in them and they are not certain facts which you can depend on for conviction. For this reason, these evidences are not qualified by nature to incriminate the five defendants. Thank you ladies and gentlemen.

Chief Justice: Thank you Mr. Lawyer. Mr. Prosecutor, would you like to respond to what was presented in the defense case?

Prosecutor: Yes, of course your Honor.

Chief Justice: Would you like to start now or shall we break for a recess and start after the break?!

Prosecutor: As you like, your Honor and I leave the matter up to you.

Chief Justice: I think it is better that we take a break now so that we don't interrupt your case with a break. Court session is now in recess for half an hour and shall resume afterwards to hear the prosecution's response to the defense rebuttal.

Second Tragic Scene: “The Attack Fails”

Chief Justice: Court is now in session after recess. Mr. Prosecutor, are you ready to respond to the defense case?!

Prosecutor: Yes, your Honor.

Chief Justice: You may proceed.

Prosecutor: Respected judges and jurors, the defense did not find any way to face the overwhelming truth and the strong historical evidence which incriminates his defendants without a doubt...except to resort to what we call “confusing the case”. It is a well-known tactic which lawyers often use to defend their client when they are stuck and can not find any hope in vindicating their client due to the devastating evidences which incriminates them.

In the lawyer’s language, “confusing the case” means to portray the crime as one that is not a crime, and that it is only due to bad luck and the will of God, claiming that it is due to an unqualified individual(s).

Their hope is that when the jurors become convinced that there is no crime, they will then see no value to any evidence and no meaning to having defendants in the case as there is no case. Hence, there is no need for a trial to begin with, or judge or courtroom, and so there is hope in winning the case in that way.

Despite the fact that the statistics point to the fact that this defense tactic does not give a result greater than 10% success of cases due to the fact that most jurors do not buy or get convinced by this method when there is a strong clear evidence available. Despite that, the defense team resorts to the same old tactic hoping that it will affect you! But I have strong confidence in you like my confidence in myself and my case.

I know very well that this maneuver will not work with you and they cannot deceive you, for you are much more intelligent and wiser than that! Here I feel somewhat pitiful for the desperate position that the defense team are in as they couldn’t find any other way to rescue their case except this unsuccessful path!

However, I assure the defense that there is no way out in this very clear case! Despite that, I would like to clarify the following facts:

First: We do not stir up or arouse any feelings or emotions. Rather, the nature of this case is humanitarian since it is filled with torture, pain, and everything inhumane and even animalistic! So how can feelings and emotions not be aroused, and how can the nonliving things not weep even before humans?!

The emotional influence is not from us, but is from the nature of the heinous crimes committed and what these five defendants perpetrated. If the defense wants to direct blame for that emotional influence, then let them blame their clients whom they're defending!

Second: The burning and looting of tents of the women and children and the sick is the responsibility of the commander of the army, even if it was an accidental act from the soldiers. He is the one responsible of them and it is not a valid excuse for him to say that he didn't know. At the end, that is his army, he is its commander, and he is completely responsible of what his soldiers do.

This is the logical judgment of the human intellect. If these soldiers were directed before the battle that they are about to fight the household and progeny of the Prophet (S) and so it is not permissible for them to loot belongings or attack tents or take spoils of war from them, they would not have dared to do what they did.

On the contrary, we have seen that the Fourth defendant was also one of those who attacked the tents and wanted to kill the sick among them! Now did the commander of the army give such instructions to his soldiers before the battle, just like 'Ali ibn Abi Talib (as) did before the battles of Jamal, Siffeen, and Nahrawan? No he didn't! By failing to do so, he carries full responsibility of what has happened to the women and children after the battlefield.

Third: The severing of heads was a barbaric custom among the Arabs, but when Islam emerged, it prohibited mutilation of dead bodies. Let the defense give us any example from the battles which the Prophet (S) participated in, where he cut the heads and raised them on spears, or had ordered them to be transported to him in Al-Madina.

This degrading and harsh act was practiced before sending Muhammad as the Messenger of Allah (SWT), then he prohibited that act after the commencement of the message and it was non-existent until Muawiya became Caliph (ruler) and then he killed Amr ibn AlHamq who was from the companions of the Holy Prophet (S)!

He ordered to cut his head as we mentioned previously and to have it sent to him in Damascus. Hence, it became the first head in Islam to be severed and paraded in the cities! After Muawiya innovated this heinous Sunnah, his son Yazid followed that same practice after him. Then all of the Umayyad and Abbasid Caliphs followed it as well as those who came after them. But it was never a part of Islam, nor from its teachings!

Fourth: As for the sons of Muslim ibn Aqeel, if the person who killed them knew that their murder would not please the governor, he wouldn't have killed them. But he killed them because the governor's command was to reward the person who brings them or their heads to him. When Ibn Ziyad executed the criminal who killed the boys, he did so not because he wasn't pleased with his action. Rather, he executed him to cover up his crime which he himself has committed when he ordered that the two boys be arrested and brought to him, whether dead or alive.

Fifth: It is known that under a dictatorship system, no one can run celebrations or organize processions in multiple cities and villages without the approval of the ruling authority, and this is observed around us. Even if it was not the authority itself who organized and sponsored these events, at the least it didn't oppose or prevent them, and therefore, this authority is responsible of them!

Sixth: As for the issue of sending captives, if it was an Arab custom then Ibn Ziyad wouldn't have needed to consult his master Yazid in Damascus about what he would do with them. Furthermore, Islam has nullified such Arab customs. According to the defense's statement, the family of the Prophet (S) was treated as war captives. Now is that appropriate or permissible? And was there any war taking place such that there would be a Muslim captive?

It has never been heard before or after, that Muslim war captives were driven in that manner from country to country until reaching the capital of the Umayyad in Damascus. Those who were sent to the Caliphs were captives who were enemies of Muslims, not Muslims themselves! This was the only event in which Muslim captives were driven from country to country until Damascus!

In fact, the religion of Islam has encouraged the good treatment of captives who are non-Muslims. As for the Muslims themselves, they cannot be captives in the hands of Muslims and it is supposed that they are all brothers.

Seventh: As for the speech of Zohr ibn Qais, how did the defense assume that it is filled with exaggeration and falsehood? What is the proof for that when there are enough facts available to us from other sources which verified what Zohr ibn Qais had said?!

Eighth: It is true that the first poetic verse which Yazid recited belonged to Ibn Al Zaba'ri on the day of Uhod. But the rest of the poem was innovated by Yazid himself! This is clear in his statement particularly in the last two verses which were innovated by Yazid, and that's why some scholars concluded that he is a nonbeliever. To begin with, why is he reciting the words of a poet which belong to an infidel on the day of Uhod, while he is "Ameerul Momineen / Commander of the Believers"? That is only a question to think about...

Ninth: The story of what happened to the little daughter and orphan of Al-Husayn (as), Ruqayyah is an actual reality. Ladies and gentlemen, whomever of you wishes to visit her holy shrine in Al-Sham (Syria), you can do so and you can inquire the people there to whom does that shrine belong to.

They will inform you about the tragedy of Ruqayyah (as), the little girl who was killed by Yazid when, with all beastliness, he ordered that the head of her father be placed in front of her! He did not have any mercy to her childhood nor compassion to her orphan status. Now what type of human beast was that person, that is, if we can actually describe him as a human being!

Tenth: When Yazid realized his heinous act and its grave implications...and when he saw with his own eyes in the capital of his state the amount of influence and uproar which the tragedy of Karbala and the

killing of Al-Husayn (as) caused, whether from the living companions of the Prophet (S) or the common people...he chose to put the blame of what has happened on the shoulders of Ibn Ziyad the Second defendant to deny responsibility of the murder of Al-Husayn (as) and his family and his companions.

So, we see him using phrases with cunningness and foxiness such as, "Woe be to Ibn Murjana!" (the Second defendant), "Curse of Allah be upon Ibn Murjana", "Ibn Ziyad was haste in killing him", "May Allah kill him!" etc. He did so to place the whole blame on Ibn Ziyad and vindicate himself from the blood of the grandson of the Prophet (S).

Unfortunately, many of the Muslim historians were deceived by this tactic. Under the pressure of the ruling authority, they went on propagating these narrations to vindicate Yazid from the blood of Al-Husayn (as) and to throw the responsibility on the shoulders of Ibn Ziyad the Second defendant.

All of the narrations that we previously presented regarding the letters from Yazid to the governor of Al-Madina ordering him to take the pledge of allegiance from Al-Husayn or to kill him and send his head, contradict that claim. All of the letters and documents we presented confirm that the whole responsibility falls directly on the First defendant in terms of conspiring, planning, and issuing orders to the massacre of Karbala.

This great amount of evidence cannot be doubted with one or two narrations which may be fabricated for political reasons under pressure from the ruling authority in order to vindicate the Caliph and throw the blame on others. That's why we refrained from presenting these ridiculous and fabricated narrations which were clearly propagated under political pressure on the writers and narrators.

Furthermore, let us not forget that Yazid feared the presence of the Prophet's family in Damascus due to the unrest it may cause in making people revolt against him once the news spreads about this tragedy.

So he insisted to make them leave Damascus soon and to make a show of honoring them at the end so that he convinces the people that he is not responsible for what has happened in Karbala and that it was the mistake of his governor Ibn Ziyad. By that, he presents something for the historians after him to vindicate him despite the great amount of overwhelming evidence against him.

Here we pose a question. If Yazid was really innocent and if it was really the mistake of Ibn Ziyad, then why didn't he immediately fire him from the governorship of Al-Kufa and Al-Basra and summon him to his headquarters so that he punish him for what he has committed? Did Yazid act in that manner which is logical if he is really innocent?

No, he didn't do any of that! Rather, he kept Ibn Ziyad in his position, so where is the punishment of the wrong-doer especially when the wrong committed has led to the bloodshed of the holy household of the Prophet and Messenger of Islam and a great personality like that of Al-Husayn (as)! We did see before that Yazid had fired his cousin, the Governor of Al-Madina, when he failed to carry out his orders of killing Al-Husayn (as) there! So, why he didn't do the same thing with the Second defendant?!

The defense also tries to portray Yazid to you in a picture that is different from the truth and far away from what happened in Karbala.

Ladies and gentlemen, do you know that after one year from the massacre of Karbala, Yazid committed another massacre in the holy city of Al-Madina, the city of the Messenger of Allah (SWT)?!

This happened in the Battle of Al-Harra which is mentioned in all of the Muslim history books, where hundreds of people in Al-Madina and many companions of the Prophet (S) were killed. Then Yazid sent his army to take part in yet another massacre in Makkah, in the sacred Haram of Allah (SWT) and he attacked the Holy Kaaba with the cannonball!

He killed hundreds of Muslims and the hero of all these massacres is the same person – Yazid ibn Muawiya – the First defendant! Perhaps the time will come in the future to put him on trial for these massacres too. Hence, Sa'eed ibn Al Mussayab who was one of the famous scholars and the Tabe'een (the Second generation) who is known for his knowledge and piety once said, "The years of Yazid were all miserable! In the first year he killed Al-Husayn ibn 'Ali and the holy household of the Prophet (S). In the Second year, the event of Harra took place and the holy sanctuary in Al-Madina was violated. And in the Third year, he attacked the Kaaba with cannon and burned it!"

So this is the reality of Yazid whom the defense wants to hide and make a cosmetic surgery to give the matter a new look so that you are misguided from the clear truth and to confuse the whole case in your eyes! Here I say to the defense, 'No sir, this tactic of planting doubt will not work! At the least, not on this day and not in this case! And not with these judges and jurors!'

Dear respected judges and jurors, the First defendant was a young ruler who was arrogant, a reckless dictator who resembled his father. He wanted to rule the countries by policy of "iron and fire" and to rule by force over the people so that he can enjoy the luxuries of life. He did not care about public interest or the nation's interest.

On the contrary, his care and concern was his own personal interest and his dictatorship rule. For that sake, he was ready to shed any blood, kill anyone, and destroy anything so long as that would guarantee to him the security of his authority and stability of his regime.

As for the Second defendant, he was a bloody transgressor tyrant who had no religion or conscience or manners. He was ready to do anything to stay in power and acquire wealth and please his masters.

He didn't care about the public interest or to put a stop to mischief or anything else. All his ambitions were for the power and authority which cannot be achieved except by attaining the pleasure of the caliph in Damascus. And so he took the First defendant as a Lord and God whom he obeys to attain his pleasure and receive his blessings!

As for the Third defendant, he was a slave of wealth and the life of this world. He sold his religion and

his conscience in exchange for the governorship of Al-Rayy' State. So he killed, shed blood, obeyed the oppressors, and supported the tyrants; hence, he became one of them and lost both this life and the hereafter!

As for the Fourth defendant, he was a cruel stone-hearted person who was a puppet of the ruling authority. He plays on what he thought was the winning horse. He bears long-lived hostility and envy to the Holy Prophet (S) and his household. And he found in Karbala an opportunity to express his animosity, so he went on practicing all types of killing, deceit, instigation, and other war crimes with all dedication, devotion, and sincerity.

As for the Fifth defendant, he was only a hired serial killer who lacked military honor. He kills in exchange for reward and doesn't care whether he kills a child, infant, injured, or he who is breathing his last or an unarmed man!

This last defendant is the worst of all of them and the lowest of them! He sells his religion not for his best interest in this life, but for the interest of others. He kills the most valuable of people for a cheap price and puts his weapon under the service of those who can pay more. Woe and shame be to him!

Ladies and gentlemen, these five individual are an extreme disgrace to humanity! Their inevitable fate in this life is the trashcan of history and in the Hereafter, their fate is eternal Hell-Fire!

Thank you ladies and gentlemen for your attention and patience and thank you your Honor.

Chief Justice: Thank you, the defense, would you like to respond to the prosecution?

Defense: No, thank you your Honor.

Chief Justice: Then court will be dismissed and will resume next session on Thursday where we'll hear the closing statements from each of the prosecution and the defense teams. Afterwards, the door will be open for questions from the judges and jurors, if they have any. Subsequently, deliberations will begin between the judges and the jurors to reach a verdict of "guilty" or "not guilty" in the case. Thank you all and see you at 10AM on Thursday. Court is dismissed.

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