

The Fifth Court Session

First Tragic Scene: “Recruiting the Army”

Chief Justice: Court is now in session. I think the defense has a request, you may present it.

Defense: Yes, your honor. I ask you to request the media to refrain from commenting on what the prosecution is presenting, because these comments influence the public opinion which could consequently affect the jurors even with sequestration. I also request you to remind the jurors to completely refrain from accessing the newspapers, radio, TV, and internet due to the negative propaganda they have towards the defendants. Thank you, your Honor.

Chief Justice: As for the media, we have no control over it for we live in a society which respects freedom of expression, so we cannot help you in this request. As for your Second request, there is no problem. (He turns around towards the jurors) I would like to remind the respected jurors regarding the importance of abiding by the court order to refrain from following the media and internet or talk with anybody regarding this case. I thank you in advance for your anticipated cooperation in this matter. And now Mr. Prosecutor, you may proceed in continuing the presentation of your evidence in this case.

Prosecutor: (stands up with confidence and tranquility as all eyes are focused on him, especially after the latest media comments about his strong attractive personality and his extraordinary competence in facing the defense team till now such that he became the talk of everyone and the focus of attention of commentators and reporters).

Respected judges, respected jurors...at the end of the last court session we had presented to you the letter which the Second defendant received from the First defendant in which he requested from him to go after the supporters of Al-Husayn without mercy and to send his armed forces and patrol guards to face Al-Husayn (as).

Regarding this letter, it has been cited in Tarikh Al Tabari, Al-Mas’oodi, Ibn Kathir, Ibn Al-Atheer, Al-Ya’qoobi, Ibn ‘Asaker, and Al Khwarizmi that the Second defendant immediately rushed to carry out the

order of the Caliph. So he began to recruit the army, organize the battalions, dispatch the troops, send out agents, spies, and patrol guards all across the roadways, entrances, and exits of Al-Kufa and the surrounding area.

He sent the commander of his police, Al-Hoosuyn ibn Numayr Al Tamimi to Al-Qadisiya to organize the armed forces in it, and to supervise the troops patrolling around Al-Kufa. Then the Second defendant Ibn Ziyad asked Al-Hurr ibn Yazid Al Riyahi to be in front of Al-Hoosuyn with 1000 horsemen to meet Al-Husayn (as).

Sure enough, Al-Hurr ibn Yazid Al Riyahi was the first to meet Al-Husayn's caravan in a place called "Dhi Hasm" in the southern part of Al-Kufa. To your surprise, Al-Husayn (as) provided water to them as well as their horses, as they ran out of water despite his knowledge that they were an advanced force for Ibn Ziyad's army against him. After Al-Husayn (as) has led them in the noon prayers (Salat Al-Dhuhr) he delivered the following speech to them:

"Oh People! Here I present my excuse to Allah and to you in this place. I did not come to you until your messengers and letters has reached me stating 'Come to us as we have no leader, may Allah united us with you on the right path.' If this is still your opinion and position, here I am!

So, if you assure me about the validity of your invitation, and if you give me your solemn promise and your certified pact, I will then enter your country with you. But, if you did not do that, and you dislike my arrival and hate my coming, I will then depart you and return back to where I came from."

I request that this speech be added to the record. Respected judges and jurors, is this the speech of a man who came to head a large well-equipped army seeking to fight the ruler or Caliph such that military forces need to be recruited against him? In his speech, does he threat to fight, to use weapon, armed forces, or does he insinuate that in anyway?

Or is it the speech of a peaceful man who has been persecuted, chased, and has fled from the tyranny of the oppressive ruler seeking a safe haven for him and his family, whom the people of Al-Kufa has invited to protect. So he came to them after he found no other alternative and after the new oppressive ruler persecuted him even in the sacred House of Allah!

Here, he is politely offering to them to either give him protection as they promised, or they leave him to return back home. Furthermore, if Al-Husayn (as) was heading a great army, would he be in need to address these 1000 men, while fighting them would be an easy task for him?! Rather, this is a great proof that Al-Husayn (as) was in a civilian caravan that only included his family and some of his companions; all of them did not exceed 100 persons.

Did that deserve the dispatching of an army consisting of 30,000 men to fight this civilian caravan and kill Al-Husayn (as)? Ladies and gentlemen, it is a crime that dishonors the history of mankind! It was just a peaceful innocent civilian caravan that only sought a safe haven to escape the aggression and tyranny

of the new ruler, the First defendant.

It was a small civilian caravan composed of wandering men, women, and children whom the First defendant terrorized by his decree to kill all of them. So they became like an injured and imprisoned bird which tries to escape away from its hunter and predator and which seeks protection in any place. Now does this injured and imprisoned bird deserve that military forces be dispatched to fight him? This is impossible to happen even in the worst jungle in the world! So how can this happen in the human world?!

Furthermore, Al-Husayn (as) took out two huge bags filled with the letters of the people of Al-Kufa which he had received from them promising him protection, support, and safe haven. Al-Hurr then said to him:

“I was ordered not to leave you when I meet you until I take you to Ibn Ziyad in Al-Kufa.”

Al-Husayn (as) refused of course, and he attempted to proceed with his caravan, but Al-Hurr prevented him despite his understanding of Al-Husayn’s situation and the fear that a big battle would take place to kill Al-Husayn (as). In fact, Al-Hurr requested Al-Husayn (as) to take another road that would not proceed to Al-Kufa nor take him back to Makkah or Madina till he updates Ibn Ziyad the Second defendant about the matter.

So Al-Husayn (as) proceeded with his companions on one side while Al-Hurr and his horsemen proceeded on the other side. When Al-Husayn (as) reached a place called “Adheeb Al Hajanaat” in Naynawa, a messenger from Ibn Ziyad the Second defendant arrived with a letter to Al-Hurr saying:

“Oh Al-Hurr, when you receive this letter, stalk and harass Al-Husayn ibn ‘Ali and do not abandon him until you force him to camp at an open and unprotected place without water and do not leave him until you bring him to me! I have ordered my messenger to accompany you at all times until you carry out my orders. Salam.”

I request the court to include this letter to the record. Ladies and gentlemen, take a look and see how the Second defendant orders Al-Hurr to tighten up his surveillance and harass the civilian caravan of Al-Husayn (as), and to force him to immobilize at an open place where there is no shade, water, or protection.

It is clear now from this letter that when the Second defendant wrote it, he knew very well that Al-Husayn (as) has no army and that he is in a civilian caravan consisting of children, women, and elderly. It is noticeable also that the Second defendant sends a spy to watch over Al-Hurr, the commander of his army to make sure he executes his orders.

It is as if he doesn’t trust him! In fact, that was the habit of Ibn Ziyad to send people to act as spies on each other in order to guarantee their loyalty and to make it harder for anyone to disobey him. Surely, it

was a police state which makes the Gestapo and similar organizations seem like toys compared to it.

Defense: I object your Honor to these analogies!

Chief Justice: Objection sustained, you may continue Mr. Prosecutor.

Prosecutor: Al-Hurr starts to harass Al-Husayn's caravan as he was ordered. Some of Al-Husayn's companions requested Al-Husayn's permission to fight Al-Hurr before more enforcement comes to him. But Al-Husayn (as) refused to start any fight with them because he did not come for that. Then Al-Hurr forced Al-Husayn (as) to stop in the land of Karbala on the Second of Muharram 61 A.H. Al-Husayn (as) gathered his children, brothers, and family members; he looked at them and wept. He then said:

“Oh Allah, we are the purified family of Your Prophet Muhammad, and we have been forced out, persecuted, and exiled from the sacred Haram of our grandfather. Bani Umayyad has transgressed and crossed their limits in their aggression to us. Oh Allah, take the revenge for us and give us victory over the oppressive people! Indeed, the people are slaves of the life of this world while religion is only at the tip of their tongues. They stick to it so long as it is in the best interest of their worldly affairs. But when they are tested, the number of the true believers will be few.”

(Then the Prosecutor paused and choked on his tears as they trickled down his beard. His face shined with light even more as if it was a full moon at night. Then he resumed his talk).

I request the court to include this document to the record. Now are these words coming from a man who wants to initiate war, seek mischief, and threaten the security of the state?! Or aren't these the words of a man who escaped away from oppression and injustice, rejecting falsehood and aggression, and sees himself now as a victim of deceit, broken promises, and a grand plot against his life?! After all, does life have any worth or value when it is among the traitors and oppressors? Isn't death in this case considered to be happiness for every free and honorable person who rejects injustice, aggression, oppression, and lowliness?

Al-Hurr and his men stopped in parallel to the camp of Al-Husayn (as) then he sent a message to the Second defendant Ibn Ziyad informing him that Al-Husayn (as) has stopped in Karbala. So Ibn Ziyad wrote a letter to Al-Husayn (as) saying to him:

“Oh Husayn! I have come to know that you have stopped in Karbala. And Ameer Al Momineen Yazid ibn Muawiya has written instructing me not to rest or sleep or eat a full meal until I kill you, or you surrender to me and acknowledge the rulership of Yazid!”

I request the court to also include this letter to the record. Ladies and gentlemen, here he is the Second defendant announcing clearly that the order was issued to him from the Caliph, the First defendant, to kill Al-Husayn (as) because he knew very well that the option of the surrender was absolutely out of question for Al-Husayn as he would never give his pledge of allegiance to Yazid as Caliph. When Al-

Husayn (as) read the letter of Yazid, he threw it from his hand and said,

“Surely those people who bought the pleasure of the creature in return for the wrath of the Creator will never succeed!”

By that he means that the Second defendant has no excuse in following the orders of the First defendant since these orders are unjust, unfair, and does not please God who revealed the Islamic message by which they were ruling the nation. Al-Husayn (as) said to the messenger of the Second defendant when he asked him of his response to the letter:

“I have no response to him because he has deserved the punishment from God!”

By that he means that the Second defendant deserves punishment from Allah, the Just God because he supported the oppressor ruler against the lonely, oppressed, and persecuted one. When Ibn Ziyad learned of Al-Husayn’s response, he became very angry then he summoned his companions and said:

“Oh people, who of you will take the command in the fight against Al-Husayn in return for the governorship of any country he pleases?”

By that, he means which of you volunteers to become the commander of the army that will fight Al-Husayn (as), and in return, Ibn Ziyad will award him with the governorship of any country he wishes. During the time of Muawiya and his son, governorship meant collecting money, enjoying the wealth of the country, seizing hold of properties, and living a luxurious life without accountability, at the expense of the poor people in that country. So governorship has become a great temptation as it is solely acquisition of wealth, and this is absolutely contrary to what the Islamic law dictates, and totally contradicts the tradition of the Holy Prophet (S)!

Nobody answered the Second defendant despite his offer. Why didn’t anyone answer the Second defendant? Because everyone knew very well the graveness of this matter due to the great position and esteemed personality of Al-Husayn (as) as he is the grandson of the Prophet of Islam and he is the true guardian of the Islamic message.

They also knew that Al-Husayn (as) was in a civilian caravan and was not accompanied by any armed forces; hence, there is no any honor or heroism in fighting him when he is alone in the desert. Moreover, many of the attendees were actually among those who wrote to Al-Husayn (as) inviting him and promising to support and help him.

When nobody answered, the Second defendant Ibn Ziyad turned to the Third defendant Umar ibn Sa’d ibn Abi Waqqas and said to him,

“Oh son of Sa’d, you conduct this matter!”

He meant that he chose him to carry out this mission. Few days before, the Second defendant had

assigned the governorship of Al-Rayy' state, which includes what is today most of Iran, to Ibn Sa'd the Third defendant. This state at that time was very rich, wealthy, and a target for the ambitions of those who pursue the opportunities to gain power and wealth. Ibn Sad, the Third defendant then answered, "Oh governor, if you wish please excuse me from fighting Al-Husayn."

The Second defendant Ibn Ziyad replied to him and said, "I have excused you from this mission and I have also excused you from the governorship of Al-Rayy' state. So go and sit in your home and we will appoint someone else."

It is clear here that the Second defendant is implying that the governorship of Al-Rayy' state is the price for commanding the army that will fight Al-Husayn (as). In other words, he wants to say "if you refuse to lead the army, then you will not take the governorship of Al-Rayy' state!" That is how matters were handled in the government of the First and Second defendants! So the Third defendant Umar ibn Sa'd said:

"Oh governor, give me some time to think about this matter..."

This answer means that the ambition of the Third defendant to gain the governorship of Al-Rayy' state has occupied his mind. So he wanted to balance between the shame of commanding an army to fight Al-Husayn (as) on one hand, and the governorship of Al-Rayy' state with its wealth on the other. So he requested some time to think about this matter and to make consultation before making his decision. The Second defendant gave him a day to make his final decision.

The Third defendant Umar ibn Sa'd consulted his companions and trustees, and all those whom he consulted advised him to reject the offer of the Second defendant Ibn Ziyad due to its grave consequences on his religion plus living with shame for the rest of his life. So next day he went to Ibn Ziyad and tried to persuade him to appoint someone else to command the army and at the same time to secure his appointment in the seat of the governorship of Al-Rayy' state. But Ibn Ziyad refused and insisted to tie the two matters together; so either Umar ibn Sa'd takes both together or rejects both. When Ibn Sa'd hesitated, Ibn Ziyad threatened him saying:

"By Allah, Oh son of Sa'd if you don't go to Al-Husayn and fight him and inflict harm on him, I will behead you and demolish your house and confiscate your properties and I will not keep you alive no matter what!"

I request the court to add this statement to the record. Ladies and gentlemen, look at the method of threatening and terrorizing used by the Second defendant!

Ibn Ziyad threatens him that if he doesn't accept the mission, he will then kill him for no reason, destroy his home, and seize his property! Bear in mind that this is happening to the proposed commander of the army for just hesitating; then imagine the pressure that the lower-rank and regular soldiers were

subjected to in order to go out and fight Al-Husayn (as)! Here, the Third defendant capitulated and gave in to his greed and fear. So he accepted the shameful mission and said,

“I will move to face him tomorrow God-willing.”

Ibn Ziyad then became pleased of him and gave him lots of money. As for why Ibn Ziyad insisted to appoint the Third defendant as commander of the army, the reasons are as follows:

First: Umar ibn Sa'd ibn Abi Waqqas – his father is one of the wellknown companions of the Holy Prophet (S). By choosing Umar ibn Sa'd as commander of the army, this will give a false impression that the whole Islamic nation is unified in fighting Al-Husayn (as), and not Bani Umayyad (the First defendant and his father) alone.

Second: The Third defendant was also one of the nobles and dignitaries of Al-Kufa, so his appointment as a commander of the army will indicate that Al-Kufa and its men are the ones who are fighting Al-Husayn, and not Bani Umayyad.

Third: The Third defendant fought with Imam 'Ali ibn Abi Talib (as), the father of Al-Husayn (as) in the Battle of Siffeen. So his leadership of the army against Al-Husayn now will convince the Shia / supporters of 'Ali that Al-Husayn (as) is erroneous. And so they will be encouraged to join the army to fight against Al-Husayn (as) or at least be passive.

Fourth: Umar ibn Sa'd was afflicted with phobia of Bani Umayyad after he witnessed with his eyes how Muawiya, the father of the First defendant, during his era has poisoned Sa'd ibn Abi Waqqas, his father, to clear the way for the successorship of his son, the First defendant.

Defense: Objection your Honor. That is only a claim which has not been approved and it is from rumors and fantasies of the enemies of Islam.

Chief Justice: Objection sustained. You may continue Mr. Prosecutor.

Prosecutor: Ibn Ziyad supplied Ibn Sa'd with 4000 horsemen and said to him:

“Encircle Al-Husayn and cut him off from the Euphrates River!”

I request the court to include this in the record. This was a direct order from the Second defendant to the commander of his army to prevent Al-Husayn and his civilian caravan from accessing water while they are in the middle of the desert under the scorching heat of the sun. This is surely a great crime against humanity and it is also a heinous war crime!

Umar ibn Sa'd moved the next day with 4000 men to Karbala and there he met Al-Hurr ibn Yazid Al Riyahi with 1000 fighters. So the total number of fighters under the command of the Third defendant Umar ibn Sa'd became 5000. Then he sent a message to Al-Husayn (as) questioning what made him

come to this place? And what made him leave Makkah? So Al-Husayn (as) responded:

“I did not come to this place, but the people of your country wrote inviting me to come to them so that they give me their pledge to protect, support me, and not betray me. So, if they dislike me, then I shall leave them and return back from where I came.”

I request that the court add this document to the record. The Third defendant Umar ibn Sa'd then wrote to Ibn Ziyad saying:

“In the name of Allah, the Beneficent the Merciful – to the Governor Ibn Ziyad – from Umar ibn Sa'd: So now Allah has put out the fire and brought unity and goodness to the Nation. I have caught up with Al-Husayn and sent to him a message asking him what made him come to this place. So he mentioned that the people of Al-Kufa sent for him to come so that they can support and protect him.

He added, “If they have changed their minds, then he will return back from where he came, either to Makkah or any city you prefer. So he would be like anyone of the Muslims. I wanted to inform you of that so you can decide. Salam.”

I request from the court to include this letter in the record. When the Second defendant Ibn Ziyad read the letter of Ibn Sa'd, at first thought he was going to consider Al-Husayn's proposal. But the Fourth defendant, Shimr ibn Dhil Jawshan said to Ibn Ziyad:

“Do you accept that proposal from him after he has landed in your country?! By Allah, if he leaves your country without putting his hand in your hand and gives his pledge of allegiance, he'll then be more strong than you, and you will be more weak than him.”

I request this letter to be added to the record. By this statement, the Fourth defendant is encouraging Ibn Ziyad to reject the peaceful proposal of Al-Husayn (as). He urged him to attack Al-Husayn (as) and to get rid of him by force. This is a strong proof against the Fourth defendant in urging and pushing towards the massacre and promoting the rejection of all peace talks. Ibn Ziyad thought for a while, and then he embraced the opinion of Shimr, the Fourth defendant, and chanted:

“Now, that our claws caught hold of him....he desires salvation but it is too late!” Then he said, “Does the son of Abi Turab desire salvation? No way! May Allah not make me escape His punishment if Al-Husayn escaped from me!”

This statement of the Second defendant clearly shows his unrelenting insistence to take advantage of the available opportunity at hand and obey the order of his master the First defendant in Damascus to kill Al-Husayn (as) and get rid of him once and for all. It shows his assured intention of completing the mission which had failed to be executed in Al-Madina and in Makkah. He wrote a letter in response to Ibn Sa'd saying in it:

“I received your letter which informed me about Al-Husayn. When you receive this letter, ask him to give

his pledge of allegiance to Ameer Al Momineen Yazid. If he does not give his allegiance, then bring him to me. Wasalam.”

I request the court to include this letter to the record. The appearance of these words is different than its hidden because Ibn Ziyad knew very well that Al-Husayn (as) would never give his pledge of allegiance to Yazid as a Caliph as Al-Husayn (as) knew Yazid's ill behavior, morals, and actions that totally contradict Islamic laws. He also knows that Al-Husayn (as) will never accept unconditional surrender.

So in this case, Ibn Ziyad is leaving only one option for Al-Husayn (as) and that is, direct armed confrontation which he knew that it will definitely end with the killing of Al-Husayn (as) and his companions because he didn't have any force to face his huge army. There were no two options as it may seem from the letter. So when the Third defendant Ibn Sa'd received the letter, he said:

“We belong to God and to Him we shall return. Ubaidullah ibn Ziyad does not want peace and Allah is the helper!”

I request the court to add this document to the record. Then Ibn Ziyad gathered the people in Masjid Al-Kufa. He preached and ordered them to go out and fight Al-Husayn (as). Then, he distributed money to the chiefs and leaders of the various tribes. He called out to them to prepare and join Umar ibn Sa'd, the Third defendant, to support him in fighting Al-Husayn (as).

The first to go out and join the army of Umar ibn Sa'd was:

- Shimr ibn Dhi Al Jawshan (Fourth defendant) with 4000 men, then
- Yazid ibn Rekaab Al Kalbi with 2000 men, then
- Al Husuyn ibn Numayr Al Sukooni with 4000 men, then
- Mudayir ibn Raheena Al Mazini with 3000 men, then
- Nasr ibn Harsha with 2000 men, then
- Shebth ibn Reb'ey with 1000 men, then
- Hajaar ibn Abjor with 1000 men

All these armed troops joined the forces of Umar ibn Sa'd. So his total number of soldiers reached approximately 22,000 by the Sixth day of Muharram, 61 years after Al-Hijra. Ibn Ziyad then wrote to Umar ibn Sa'd saying:

“So now I did not leave any excuse for you. You have abundance of horses and men, so send me all your news day and night with every traveler coming or leaving!”

I request the court to include this letter to the record. For Ibn Ziyad, all that was not enough. He also sent Zohr ibn Qais Al Jo'afi with 500 horsemen to patrol the Sirat bridge in order to prevent anyone exiting Al-Kufa to support and help Al-Husayn (as). Then he sent Suwaid ibn Abdul Rahman Al Munqari to head another armed force to patrol the streets of Al-Kufa and urge the people to go out and fight Al-Husayn (as) and to arrest those who refuse to do so.

In addition, he sent more recruits to Ibn Sa'd such that his armed forces reached about 30,000 fighters who are supposed to confront a civilian caravan that includes women, children, elderly, and sick! And its total number does not exceed about one hundred, more or less, so what type of equality or justice or bravery is that?!

Chief Justice: Court will break for 30 minute recess and shall resume afterwards. Court is dismissed for now!

Second Tragic Scene: "Preventing Access to Water"

Chief Justice: The defense, do you have any comments or rebuttal to what the prosecutor presented so far?

Defense: Yes, your Honor, we would like to exercise our right in discussing the evidence presented, but we request to postpone that to the beginning of the next court session.

Chief Justice: Do you agree with that, Mr. Prosecutor?

Prosecutor: We have no objection to that, your Honor.

Chief Justice: You may then proceed in presenting your evidences, Mr. Prosecutor.

Prosecutor: Respected judges and jurors. In obedience to the order of the Second defendant in preventing Al-Husayn (as) and his civilian caravan from accessing water, the Third defendant Umar ibn Sa'd sent one of his commanders named Al Arzaq ibn Al Harth Al Sada'ey along with a force of 400 horsemen to guard the Euphrates river for this purpose. Al-Husayn (as) and his companions suffered from thirst, so Al-Husayn (as) started digging and searching for water. Fortunately, one spring of water erupted and they all quenched their thirst, then the spring dried. When Ibn Ziyad the Second defendant learned of that, he wrote to Umar ibn Sa'd saying:

"It has come to my attention that Al-Husayn is digging wells and accessing water, so he and his companions drink water. So, when you receive this letter, prevent them from digging for water as much as you can and tighten your encirclement! Do not let them taste a drop of water just like they did to the purified Uthman ibn Affan. Wasalam."

I request the court to include this letter to the record. This statement from the Second defendant is

enough to convict him as a war criminal! The act of preventing water from civilians who include women, children, and elderly is definitely a war crime and a crime against humanity and a crime of mass murder! Apparently, it is a crime that was carried out due to past grudges, animosities, and envy for reasons in the past that has nothing to do with the current events on the plains of Karbala.

The motivation was to seek revenge for an event which happened twenty–six years ago before Karbala. Historians are in consensus that Al–Husayn (as) and all those in his caravan did not play any role, big or small, in what happened to the Third Caliph Uthman ibn Affan. So why did the Second defendant tie the two events together? Surely, it is only to justify that heinous crime which was about to be committed against the whole civilian caravan including women, children, elderly, and sick!

When that letter reached the Third defendant Ibn Sa'd, he toughened up on Al–Husayn's caravan and called one of his men named Amr ibn Al Hajjaj Al Zobaidi, and sent him leading a big force of horsemen and ordered him to guard the Euphrates banks to completely prevent Al–Husayn (as) and his companions / family from reaching the water. As a consequence, the innocent victims suffered greatly from thirst!

Here, Al–Husayn (as) called the Third defendant Umar ibn Sa'd to a face–to–face peace talks to end this situation. During these negotiations, Al–Husayn (as) tried to convince Ibn Sa'd not to fight him via different proposals. But the Third defendant refused all peace attempts with the excuse of fear that Ibn Ziyad would confiscate his property and harm his family, and so the negotiations failed.

It is important here to note that Al–Husayn (as) proposed to Ibn Sa'd to abandon the fighting and to retreat from the battle since he is forced on it. Al–Husayn (as) proposed to compensate him for any loss that may be inflicted upon him, but Ibn Sa'd rejected all offers. This makes him directly responsible for what happened in Karbala!

Here he had a chance and good opportunity to reject fighting which he expressed his desire not to command and to avoid this matter with honor. Yet here he is wasting this opportunity for the sake of materialistic grants and wealth that is contaminated with the innocent blood of children, women, elderly, and sick! So he is completely responsible of what happened in Karbala along with the First and Second defendant. When Ibn Ziyad, the Second defendant, came to know of these negotiations, he sent a letter to Ibn Sa'd blaming and reprimanding him saying:

“No, I have not sent you to Al–Husayn to make peace with him or to negotiate with him or to promise him safety or to act as an intercessor for him in front of me. Look, if Al–Husayn and his companions accept unconditional surrender, then send them to me peacefully. If they refuse, then march to them and kill them, and then mutilate them as they deserve that! After you kill Al–Husayn, let horses trample on his chest and back. This will not hurt after death, this is to fulfill a promise once I have made.

If you carry out my order, I will reward you greatly for being obedient. But if you refuse then resign from this job and turn over the command to Shimr ibn Dhi Al Jawshan (the fourth defendant) for he is more

decisive and stronger than you in determination. And I have ordered him to do so.”

I request the court to include this letter to the record. When Shimr, the Fourth defendant, handed this letter and Ibn Sa’d read it, he then said to Shimr:

“Woe be to you! May Allah keep you from me and may He invalidate what you have brought! And I thought that you are the one who convinced Ibn Ziyad to reject a peaceful resolution to that conflict, and spoiled our efforts for reconciliation! By Allah, Al-Husayn will never surrender, as he is carrying the heart of his father in his chest.”

So, Shimr said to him: “Tell me...what will you do? Will you carry out the orders of your commander? If not, then turn over the commandership to me.”

Umar ibn Sa’d replied to him: “I will carry out the order and no dignity for you! Rather, be a commander on the infantry.”

Your Honor, I would like to add this text to the record. It incriminates each of the Second, Third, and Fourth defendants individually and collectively for committing war crimes and crimes against humanity on the 10th of Muharram in the land of Karbala in the year 61 A.H.

As it is clear from his letter, the Second defendant completely rejects any negotiation for a peaceful solution that may save the undersized and helpless civilian caravan from a dark bloody fate. He insists that Al-Husayn (as) surrender and give his pledge of allegiance to Yazid while he knows very well that Al-Husayn will not accept that no matter what the price is.

Therefore, Ibn Ziyad insists on this so that a bloody conflict will be the only option left. This is actually what he aims based on his bloody nature, his previous animosity to the Household of the Prophet (S), and his strong desire to please his master, the First defendant who is seated in Damascus on the top of this bloody regime!

Ladies and gentlemen, see how Ibn Yazid speaks openly without bashfulness or shame and he tells the Third defendant to mutilate the dead bodies after killing them. He doesn’t even exclude the great personality of Al-Husayn (as) and his high position with respect to religion and his close relation as grandson to the Holy Prophet (S)!

On the contrary, Ibn Ziyad targets the mutilation of Al-Husayn specifically and instructs Ibn Sa’d to let the horses trample over his body after killing him, just to fulfill a statement he has said earlier at a moment of anger. His foolishness here does not make him realize the consequences of his actions at the level of the Islamic nation generally and the people of Al-Kufa specifically.

Furthermore, he threatens Ibn Sa’d that if he doesn’t obey his orders, which totally contradicts religion, military etiquette, bravery, and humanity, he then has to hand over the commandership of the army to another monster who is more barbaric, tough, and blood-thirsty!

Also, we see the Fourth defendant Shimr ibn Dhil Jawshan was eager to carry out the heinous mission if Ibn Sa'd declines from taking that responsibility. This affirms his satanic role in setting the stage for the massacre to happen and his active participation by pressuring Ibn Sa'd to execute it, and also by presenting himself as a substitute who is ready to carry out all of the deviant and inhumane orders of the Second defendant. Thus, he is completely responsible of everything that took place in Karbala and he cannot claim that he was only carrying out the orders!

Furthermore, the Third defendant agrees to carry out this heinous mission simply because he was threatened to be fired and prevented from getting grants, despite the fact that he had a golden opportunity in front of him which the Second defendant Ibn Ziyad gave him by offering him to resign.

But he decided to stick with obeying the orders when he saw his substitute ready to take over, obey the orders, and redeem the reward which he greedily hopes to acquire for himself. So he chose to commit the crime voluntarily and without pressure from the ruler because of his personal greed and materialistic aspirations. Therefore, the Third defendant is completely responsible for what happened in the land of Karbala.

What's strange in the whole matter is that each of the three defendants knew very well that the Prophet of Islam forbid the mutilation of dead bodies and he said in an authentic narration that is agreed upon by all Muslims, "Do not mutilate even a mordant dog!" So the Prophet (S) forbids the mutilation of the body of a biting killer dog. Then how can one mutilate the body of an oppressed, estranged believer who is the grandson of the Holy Prophet (S)?

The only sin he committed is that he calls for justice, freedom, respect of human rights, equality, and the respect of Islamic laws which the whole nation was built on! Here, I challenge any of the defense representatives to claim that this narration is not authentic or that the Messenger of Islam allowed mutilation of dead bodies or that he practiced that during his lifetime with any person, even with the worst of his enemies.

The Prophet (S) forbid this practice even with those who mutilated Muslim bodies, like the body of his own beloved uncle, Hamza ibn Abd Al Muttalib, at the Battle of Uhud! Doesn't that indicate that the Islamic nation at the time of Al-Husayn (as) was not being ruled by the Islamic laws which it was built on?

Rather, it was being ruled based on personal interests, tendencies, and tribal animosities. All of that is totally against the Islamic teachings which call for peace, justice, forgiveness, equality, and respect of human rights. It also indicates that the policies and practices of the First defendant's regime were not only far away, but totally contradicting the Sunnah / tradition of the Holy Prophet (S) of Islam!

Chief Justice: I think everyone would like a break now, so I'll adjourn this court session and we shall resume again after tomorrow at 10AM sharp. Thank you. Court is dismissed!

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