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## The Fourth Court Session

### First Tragic Scene: “Beginning of The Sad Journey”

Chief Justice: Court in order. Mr. Prosecutor, you may continue presenting your evidence. (The awe-inspiring prosecutor stands up with confidence, faith, and tranquility while his eyes shine with an extraordinary light having a characteristic look which indicates determination and certainty).

Prosecutor: Your Honor, respected judges, and respected jurors... Al-Husayn ibn ‘Ali (as) left Makkah only one day before the rituals of Hajj was to start due to the conspiracy plotted against his life as we mentioned before and as cited in Tarikh Al Tabari. He left heading towards Iraq after he received multitude of letters from the people of Al-Kufa inviting him to come so they can support, protect, and provide him a safe haven and this is cited in all of the historical texts in front of you. He did not want his blood to be shed in the Sacred House of God in Makkah and he said, “To be killed in Iraq is better to me than being killed in Makkah.”

Al-Husayn (as) went out with his women, children, and 82 men from his family, relatives, companions, and supporters in a civilian caravan that did not have any soldiers, military equipment, or preparations for war. The sad journey commenced from Makkah in Hijaz to Al-Kufa in Iraq.

When the First defendant Yazid learned of the leniency of the people of Al-Kufa towards Al-Husayn (as) and their letters to him, and when he knew the arrival of Muslim ibn Aqeel to Al-Kufa, who was the ambassador sent by Al-Husayn to verify the authenticity of its people books to Al-Husayn and the seriousness of their commitment to support him...

Yazid then decided to appoint the Second defendant Ubaidullah ibn Ziyad as the governor of Al-Kufa in addition to Al-Basra which he was already governing. Yazid particularly chose the Second defendant because he was known for his rough personality, toughness in ruling, and his thirst for bloodshed and lack of morals or principles, whether religious or humanitarian. Yazid wanted to benefit from these traits in the Second defendant in order to regain control over Al-Kufa and stand up against Al-Husayn (as). This has been confirmed by all the history books which have been approved by the defense team.

Ubaidullah ibn Ziyad, the Second defendant, is the son of Ziyad who is referred to as “the son of his father”. Ziyad was an illegitimate half-brother of Muawiya. The father of Yazid, Muawiya, later acknowledged Ziyad to be his biological brother, which was in contrary to the laws of Islam. This outlawed action by Muawiya stirred a lot of resentment and opposition from the companions of the Prophet (S) and the scholars. But Muawiya did not care because he wanted to use the skills of Ziyad ibn Abeeh in oppression and blood-shedding to follow, persecute, and kill the Shias (followers) of ‘Ali ibn Abi Talib (as) in Al-Kufa and Iraq...

Defense: Objection your Honor, this type of talk violates the sanctity of lineages and family reputation which is not acceptable at all and is irrelevant!

Prosecutor: Your Honor, it is imperative to address and clarify this issue so that the respected judges and jurors can understand the nature of the relationship between the Second defendant and the First defendant, and to realize why the Second defendant submitted with all sincerity to carry out the desires and orders of the First defendant.

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

Prosecutor: As I mentioned, the Second defendant then, is the cousin of the First defendant and they share the same grandfather who is Abu Sufyan. Muawiya, the father of the First defendant had done a favor to the father of the Second defendant by publicly recognizing him to be his biological brother. It was a decision which the First defendant could easily nullify at any time, and if that were to happen, the image of the Second defendant would be degrading and dishonoring since he would become one who has no lineage.

This explains to us the blind obedience of the Second defendant towards the First defendant and his sincerity in carrying out all his orders without hesitation out of fear that the First defendant may withdraw his acknowledgement of him as his cousin. If that were to happen, he would return back to the life of misguidance and loss of lineage which is a great shame among Arabs.

In order to clarify the matter further, I present to you the following historical document which is a letter written by the First defendant Yazid to the Second defendant Ibn Ziyad appointing him as the governor of Al-Kufa in addition to Al-Basra.

This document is cited in Maqatal Al-Husayn Lil Khwarizmi Al Hanafi, Tarikh Al Tabari, Tarikh Al Ya’qoobi, Tarikh Ibn Al Atheer, and they are all references approved by the defense team. This letter is one of the most important evidences that we present to you against the First and Second defendant, and I request for it to be added to the record. The letter reads:

*“From the servant of God, Yazid Ameer Al Momineen to Ubaidullah ibn Ziyad...Peace be upon you. He who is praised may be scorned one day, and he who is scorned may be praised one day. You have what you have and what is against you is against you. And you have been promoted to the highest*

*position.*

*I have been informed that the people of Al-Kufa have written letters to Al-Husayn inviting him and that he has left Makkah heading towards there. From all times, your time has been tested with Al-Husayn. From all towns, your town has been tested with Al-Husayn, and from all governors, you have been tested with Al-Husayn! You better kill him or else you will return to your old lineage and to your claimed (unreal) grandfather Ubaid! So beware that you lose him! If you achieve this mission, you will be free, or else you will become a slave like any other slave! My supporters in Al-Kufa have informed me that Muslim ibn Aqeel is gathering supporters and disuniting the Muslims.*

*A great number of people from the followers of Abi Turab ('Ali ibn Abi Talib) have responded to his call. So when you receive this letter, go straight to Al-Kufa and regain control over it. I have added it to your governorship in addition to Al-Basra. Go after Muslim ibn Aqeel and when you arrest him, take his pledge of allegiance or kill him if he refuses. You have to know that I will not accept any excuse so hasten and hurry up and do what I ordered you! Wasalam."*

Ladies and gentlemen, as you see this letter stands as clear evidence which proves that the First defendant directly ordered his governor the Second defendant to kill Al-Husayn, without any doubts! The order to kill which was issued to the governor in Al-Madina is the same one that was issued to the new governor in Al-Kufa!

And the target is the same person, Al-Husayn (as) and this proves that the first order in Al-Madina was not simply just a threat or just for terrorizing as the defense claims. Since the First defendant has failed to accomplish the killing of Al-Husayn (as) in Madina and then in Makkah, now he is issuing the order to his new governor in Al-Kufa to kill Al-Husayn (as) without negotiations or peace talks.

Rather, killing is the ultimate goal and this clearly proves what Al-Husayn (as) was always certain of, that the goal is to kill and get rid of him, so that the First defendant can freely practice a totalitarian dictatorship without any opposition or protest or change.

Furthermore, the First defendant here directly threatens the Second defendant that if he doesn't follow his instructions, he will then withdraw the acknowledgement of the biological relationship which Muawiya gave to his father, and as a consequence, Ibn Ziyad would return back to the unknown lineage and the shameful origin.

Yazid knew very well that this is indeed what the Second defendant fears the most and would therefore do anything asked of him in order not to disappoint the First defendant.

If we come to know that the Second defendant was well-known for his tyranny, oppression, and bloody-thirsty dictatorship style and bloody personality as a ruler and governor, and if we add to that his fear of the threat of the First defendant, we can then predict how this fear will be converted into a destructive and violent force that knows no limit to please his master, the First defendant.

Furthermore, take a look at how the First defendant urges the Second defendant not to have mercy and to be tough on the Shias (followers) of 'Ali ibn Abi Talib (as) in Al-Kufa and to kill the ambassador of Al-Husayn in Al-Kufa, Muslim ibn Aqeel. It is no wonder then that the Second defendant Ubaidullah ibn Ziyad immediately left to Al-Kufa after he has received that letter to carry out the mission and obey the orders of the First defendant with all aggression and violence.

As soon as he arrived in Al-Kufa, a wave of terror, killing, imprisonment, mutilation, and torture began and heads were severed by orders of Ibn Ziyad. Crucifixion started and limbs as well as tongues were cut off. Confiscation of money and property, and fierce persecution took place to all those accused of supporting Al-Husayn or opposing the First defendant, even if there's just a slight doubt. It also included those who failed to obey the orders of the new ruling tyrant oppressive authority.

The innocent victims fell dead one after the other and among them were Maytham Al Tammar, Hani ibn 'Urwa, Muslim Ibn Aqeel, Abdullah Ibn Yaqtar, Abd Al Alaa Ibn Yazid Al Kalby, Imara ibn Salkhab Al Azadi, Qays ibn Meshar Al Saidawi, and Abdullah ibn 'Afeef Al Azdi and others. That's not to mention those who were being tortured in prison and those who escaped or who were exiled. All this happened in a very short time which set the stage for the great massacre planned to take place against Al-Husayn (as) and his companions

in obedience to the direct orders of the First defendant.

Afterwards, preparations were made to recruit and equip the military forces and prepare them to fight Al-Husayn (as) and kill him. This was not an easy task to accomplish in Al-Kufa especially considering the many supporters of the household of the Holy Prophet (S) who inhabited that city, and Al-Husayn (as) was the only one left from that household of the Prophet (S).

Chief Justice: Court will now take a 30 minute recess and will resume afterwards.

## **Second Tragic Scene: "The Defense Defends"**

Chief Justice: The defense team, would you like to comment on what the prosecution presented so far?

Defense: Yes, your Honor.

Chief Justice: You may proceed.

Defense: Your Honor, respected judges and jurors. The Prosecution insists on twisting the events and incidents to draw the picture which he wants you to see and believe, and he resorts to exaggeration and over-estimation! It is very natural for my client, the First defendant, who has actually become the ruler of the nation, to prevent any division from happening. It is logical for him to fear mischief especially since the enemies of the Islamic state during that time were many, both internally and externally, and were waiting for any opportunity to inflict harm.

Those who seek to create mischief and take advantage of it are waiting for the right opportunity to strike and induce instability. It is the job of any ruler to maintain the regime and secure its stability and security, especially in the beginning of a change in power. This made Yazid ibn Muawiya appoint a strong governor who is capable of putting an end to the mischief and division in Al-Kufa and to protect the unity of the nation as a whole.

Hence, the Second defendant Ibn Ziyad was appointed by Yazid for this mission, but Yazid did not tell him to kill the innocent or punish a person without charge. He left the matter to the judgment of Ibn Ziyad to figure out the method which he sees fit and necessary to stop the mischief before it breaks out. This is a natural action which any new ruler in his place would take if he faced what my client faced. If he did otherwise, he would then be negligent of the state affairs as well as its people. I'll now hand it over to my colleague, the lawyer of the Second defendant to speak representing his client.

Second Lawyer: (A thin, bearded man stands up with a frown on his face and a look of concern). He says:

Your Honor, respected judges and jurors...The only fault of my client Ubaidullah ibn Ziyad is that he was a governor with strong character who placed the interest of the nation and its unity above anything else. This is actually a positive thing on his behalf and not against him. At the end of the day, he was only carrying out the orders of the higher authority and you saw for yourself the letter addressed to him by the First defendant Yazid ibn Muawiya, the Caliph of the Muslims.

So he went ahead and obeyed the orders issued to him without paying heed to the critics or blamers. He is like a soldier who obeys the orders of his commander; so what responsibility lies on him after that?!

And when he arrived to Al-Kufa, he found a state of chaos and revolt against the state and the legitimate Caliph. How do you expect for him to act in such a case?! He acted in a way which any governor in his place would've done in such circumstances which he faced. There was no other way to face the situation and stop the revolt against the legitimate government. Thank you your Honor.

Chief Justice: Prosecution, would you like to comment on what the defense stated before resuming the presentation of your evidences?

Prosecutor: Yes, your Honor. Dear ladies and gentlemen, respected judges and jurors. I will briefly respond to the defense in the following points:

**First:** We present to you the events and incidences as it happened and was narrated in the books of history and the approved references, as well as the historical documents. So we are not twisting any event, nor are we trying to draw pictures; rather, we leave that for you to judge as it is your job and role. We are only helping you through presenting the historical events, documents, and facts to identify and locate where the truth is, then you can decide whether to convict the defendants or not.

**Second:** If we accept the logic of the defense in justifying the actions of the First defendant that it was for the sake of preserving the security of the government and maintaining the stability of the regime, then we are also justifying the actions of Hitler, Mussolini, Stalin, and other world dictators. They too used the same logic to defend their injustice and tyranny against their own people.

How is that acceptable! And would humanity accept this justification? If we were to accept that, then we would be opening the door wide open for every tyrant in the future to use that same excuse in justifying his oppression against his people, with the pretext that he is protecting the security and stability of the government!

**Third:** When the First defendant Yazid appointed the Second defendant Ibn Ziyad to become the governor of Al-Kufa, he did not appoint him because he was decisive and capable. Rather, Yazid chose him because he knew very well that Ibn Ziyad was a bloody man and reckless killer without any conscience or compassion or mercy or any religious or moral values. That is why Yazid did not ask him to follow a specific policy because he knew that Ibn Ziyad would act by his bloody and barbaric nature which he was known for. Hence there was no need for him to give instructions as he knows his way very well.

Despite that, Yazid directly ordered him to kill Al-Husayn (as) as well as Muslim Ibn Aqeel and that is clear from the letter. As for the mischief which the defense mentioned, the First defendant was the one responsible of it due to his oppression, tyranny, and his insistence to take the power illegally without any opposition and without the legitimate process of the Islamic state.

Yazid stirred mischief by his decision to kill Al-Husayn in Al-Madina if he refused to give his pledge of allegiance. This decision led to the sequence of events after that. So Yazid was responsible for the mischief / *fitna*, if we gave it that name, while it was really a revolt and rebellion against an oppressive and tyrannical regime which has lasted for 20 years with the father, and now it would continue with the son!

Fourth: As for the claim that Ibn Ziyad, the Second defendant placed the interest of the state and its unity over everything, that is surely the distortion of the truth and an attempt to draw a fake picture to deceive you. A person who is truly concerned about the unity and best interest of the nation should first and foremost be concerned to have a just, fair and qualified head of the state, one who is accepted, legitimate, and loved by the people. Now, was the First defendant Yazid such a person?

Verily, a just, legitimate, and wise head of the state is the only guarantee to maintain the unity and security of a nation. And an unjust, oppressive, and foolish ruler is the one who pays no heed to the interests of the nation and instead disrupts its unity and spreads division and mischief.

Therefore, the support of the Second defendant to the First defendant was totally against the best interest and unity of the nation. Ibn Ziyad only cared to take hold of many high positions in the government and gain the trust of oppressive rulers like him so that he continues to be in power over the

helpless and oppressed people. That was his aim even if the price for that was the bloodshed of hundreds of people and the beheading of many heads. He is no different in that than Himmler, Goring, Gobbles, and others like them who serve the oppressors and the dictators!

**Fifth:** The defense claims that Ibn Ziyad was like a soldier who obeyed the orders of his commander-in-chief and is therefore not responsible of anything, and that the First defendant is the only one responsible....at the same time the lawyer representing the First defendant tries to throw the responsibility on the shoulders of the Second defendant claiming that Yazid did not order him to kill Al-Husayn (as).

This is a huge contradiction in the lawyers' argument which is intended to confuse you and shift the responsibility between the two defendants till it becomes lost. Each one throws the burden of accountability on the other, and this is a well-known defense tactic which lawyers have used in past trials such as Nuremberg, Saddam Hussein, and Milosevic and other war criminals, and you cannot be fooled by it.

**Sixth:** As for the claim that Ibn Ziyad found a state of rebellion in Al-Kufa, yes that is true, but what is the reason behind that? It was certainly due to the injustice and the oppression of the new tyrant ruler; hence it was a legitimate rebellion. Now, is it proper to face this state of rebellion by implementing the policy of "iron and fire"? Or is it better to be calm, resort to dialogue, implementing justice, reform, and to take the side of the oppressed, even if that meant facing the unjust tyrant in Damascus?

In other words, the Second defendant should have refrained from accepting that new post if he is not able to handle it, and that is the least that one can do. However, the Second defendant chose to stand with and support the injustice against justice, falsehood instead of truth, and to be with the oppressor instead of the oppressed. This is very natural for him and an expected thing from him to do, keeping in consideration his bloody and unjust personality that goes after its ambitions and aspirations of attaining power and authority!

Defense: Objection your Honor, on resembling the defendants with historical figures such as Hitler, Mussolini, Goebbels, Himmler, and others! This talk is intended to influence the judges and jurors.

Chief Justice: Objection sustained. I request the jurors to disregard these resemblances. Mr. Prosecutor, you may continue your presentation.

Prosecutor: Your Honor, respected judges and jurors. We present to you the following document in response to the false claims of the defense. This letter was sent by the Second defendant Ibn Ziyad to his master the First defendant Yazid after concluding the first wave of terror in Al-Kufa.

He desired to send some of the heads of the victims to Damascus in order to win the pleasure of Yazid, the First defendant, and among those heads were the heads of Muslim ibn Aqeel and Hani ibn 'Urwa. Ibn Ziyad sent these heads with two of his devils, Hani ibn Hayta Al Wada'ey, and Al-Zubair ibn Al

Arwah Al Tamimi.

He sent along with them the following letter which is available in front of you and I'd like to include it in the record with the other evidences. As cited in Tarikh Al Tabari, Maqatal Al-Husayn Lil Khwarizmi, Tarikh Al Mas'oodi, Irshad Al Mufeed, Tarikh ibn Al Atheer, Maqatal Al Talibeyeen, and Tarikh ibn 'Asaker, the letter reads:

*“To the servant of Allah, Yazid Ameer Al Momineen (Commander of the Believers)...from Ubaidullah ibn Ziyad. Praise be to Allah who gave the right to Ameer Al Momineen and protected him from his enemy.*

*I inform Ameer Al Momineen that Muslim ibn Aqeel have sought refuge in the house of Hani ibn 'Urwah Al Muradi. I have sent spies on them and conspired against them until Allah (SWT) enabled me to arrest them, I then beheaded both of them and sent their heads with Hani ibn Abi Haya Al Wada'ey and Al-Zubair ibn Al Arwah Al Tamimi and both are among the followers of the Prophet's traditions and the company (Ahl Al Sunna Wal Jama'a) who are obedient to you. So you can ask them what you wish because they are knowledgeable, truthful, and righteous. Wasalam.”*

Ladies and Gentlemen, see how the severed heads are being transported from city to city! What type of rulers are they and what legitimacy they have?! Here, the Second defendant Ibn Ziyad is explaining the method by which he conspires against his enemies.

Now are these methods honorable and is it acceptable by the Islamic religion or any other religion? Furthermore, he confesses that he issued an order to kill and behead without trial! Now do you see him mentioning anything in his letter about the best interest of the nation or its unity,

as the defense claims? All what we observe is detestable flattery and sweet talk from the Second defendant to the First defendant as he tries to please him by cutting the heads of his enemies and sending it to him! What's strange is that he actually describes those who are carrying and transporting heads of the Muslims from city to city as knowledgeable, trustful, and righteous! What type of knowledge, righteousness, or truthfulness is that?!

When the letter arrived to the First defendant along with the severed heads, he became happy and ordered that the heads be placed and displayed at the gates of Damascus to terrorize anyone who even thinks about revolting or rebelling against him in the future. Now is this the just ruler who was chosen by the people and who is concerned about the welfare of the state? Is this the way to prevent mischief and maintain the order and stability of the state, as the defense claims?!

The First defendant sent a letter in response to the Second defendant's letter thanking him and congratulating him on a job well done and urging him to shed more blood. Here we present to you the text of this letter as it was cited in the previous references. We request that this also be included in the record. The letter reads:

“You did what I liked, and you have done a great courageous job! You have fulfilled my expectations and confirmed my opinion about you. I have questioned your messengers and found them to be as you described. I have granted ten thousand dirhams (the currency at that time) to each of them. So take good care of them. It has come to my attention that Al-Husayn ibn ‘Ali has headed towards Iraq. So send your spies, patrol guards, and keep your eyes open. Imprison anyone you suspect, kill those who are charged, and update me every day in this matter.”

Respected judges and jurors, you now see how the head of the Islamic nation congratulates his governor for shedding blood of the innocent and severing heads without any fair trial or even the simple right to defend oneself! He blessed the acts of his governor and encouraged him to do more of the same. He makes him believe that this will bring him more satisfaction.

He urges him to be prepared to fight Al-Husayn (as). In the end, he reminds him of the pillars on which his regime and that of his father before him was built on. It is the pillars of oppression, tyranny, dictatorship, aggression, and bloodshed! This was represented in his expression, “Imprison anyone you suspect, kill those who are charged.” So, mere doubts were enough for anyone to be imprisoned, punished, tortured, tongues severed, and limbs amputated!

If you are simply charged with supporting Al-Husayn (as) and not supporting the First defendant, you will get executed immediately, beheaded, and your severed head will be sent to Damascus where the Caliphs are waiting to enjoy hanging more heads on the gate of Damascus! These were the laws and instructions of the tyrant ruler as he wrote down to his governor the Second defendant.

So, is there any wonder after that why Al-Husayn (as) refused to give his pledge of allegiance to such an oppressive ruler to govern a state that was built on a divine religion which calls for justice, mercy, equality, fairness, and recognizes human rights in an honorable and respectable way!

A religion that prohibits killing; except for a death sentence for a killer that comes after a fair and just trial and after following the principle, “No guilty verdict in the presence of reasonable doubt.”

Now are there any principles left in this religion under the governorship of this reckless tyrant Caliph?! Didn't this religion descend from the heavens to eradicate such types of rulers at any time and place? Sure it did, then how did a person like Yazid take the seat of rulership of a state built essentially to get rid of people like him?

This is indeed a great wonder and irony! And I feel sympathy to my colleagues in the defense team how they can defend this great deviation and overturn in history such that an oppressive ruler was able to take the seat of rulership on a nation which calls for establishing justice and supporting the oppressed against the oppressive rulers?

Suddenly, such nation became a victim itself for one of these oppressive rulers. Or let us say...the worst of them! To be an oppressive ruler in an oppressive state or a regular state, this is understandable. But

what is not understandable and totally reversed and surprising is to be an oppressive ruler on the top of a divine, religious, and just state! For an oppressive caliph to rule over a just and disciplined nation...that is surely the reversed situation and the biggest of ironies!

Chief Justice: I think everyone needs some rest and would like to stop here, so I will call for dismissal so that we resume next Monday at 9AM sharp. Thank you, court is dismissed.

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