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The Ninth Court Session

First Tragic Scene: “In Al-Kufa”

Chief Justice: Court is in session.

In regards to the defense’s motion to void this trial due to crossing of limits by the prosecution and its irreversible damage on the jurors, the court has rejected the motion for lack of any legal foundation or premise to accept it. I ask the Court Secretary to hand a copy of this court ruling to both defense and prosecution teams. Mr. Prosecutor, are you ready to present the rest of your evidence?

Prosecutor: Yes, your Honor.

Chief Justice: You may proceed.

Prosecutor: Respected judges and jurors, narrators relate that the Second defendant Ibn Ziyad took his seat in the Governor’s palace in AlKufa and that he placed the head of Al-Husayn (as) in front of him. Ibn Ziyad went on playing with a cane on the lips of the purified head of Al-Husayn, while saying:

“I have never seen such a pleasant face as his; surely he has a very nice mouth!”

Zayd ibn Arqam was present in this gathering and he was one of the Prophet’s companions. So he called out:

“Raise that cane away from these lips, for I swear by Allah whom there is no God except Him, I have seen many times the lips of the Messenger of Allah (S) kissing these two lips!” Then he wept loudly.

So Ibn Ziyad replied: “May Allah make your eyes weeps always! By Allah, if it was not that you’re an old man who is delirious and have lost your mind, I would’ve beheaded you!”

Ladies and gentlemen, take a look at this tyranny and transgression! The head of a martyr is placed in a public assembly in front of a ruler so that he can express his happiness and gloat over it, instead of

burying it with respect as the laws of war dictate! Now is this considered to be a crime committed against humanity and a war crime or what?!

Where is the respect for the human body in its life or after its death? Furthermore, the Second defendant plays with the lips of the martyr's head with a cane...now how ridiculous and undignified is that?! If this is not considered to be a crime against humanity, then what is it?! Is this also a mistake in the battlefield?!.....

Furthermore, if one member of the audience objected to this barbaric act of Ibn Ziyad, he would be reprimanded and accused of hallucination, senility, and threatened with being killed! His old age and companionship to the Holy Prophet does not even excuse him from all that! What type of dictatorship, oppression, and injustice is that?!

This surely gives us an idea of the type of government which existed and how it terrorized people and would terrorize them any time they want, in the midst of absolute dictatorship that has no stop or limit!

Then the captives were finally given permission to enter the presence of Ibn Ziyad while he had the slaughtered head of Al-Husayn (as) placed in front of him and he would intentionally strike the blessed head with his cane.

Ladies and gentlemen, now imagine this harshness in treatment! The women and children would enter who include the sisters, wives, and daughters of Al-Husayn (as)! We can very well imagine their feelings as they witness the head of Al-Husayn (as) placed on a dish in front of the Second defendant as he happily entertains himself with it!

Among these women were female children, so how can a person turn into a beast in such manner?! Even beasts don't act that way! Isn't this a crime committed against humanity?

The sister of Al-Husayn (as), Zainab bint 'Ali (as) who was in veil moved aside from other women, so Ibn Ziyad said, "Who is that women sitting over there?!" She did not respond to him.

He was told that she is Zainab the daughter of Ameer Al Momineen 'Ali ibn Abi Talib (as), so he directed his words to her out of rejoice to what befell them. He said: "Praise be to Allah who disgraced and killed you and revealed your false sayings!"

So Zaynab (sa) ¹ responded: "Praise be to Allah who honored us with His Prophet Muhammad (S) and purified us from sins by His Book. Surely, the one who is disgraced is certainly the corrupt one, and the one who lies is the lewd (fajer); and such person is not of us! Praise be to Allah."

Ibn Ziyad (as) rudely answered: "How did you find the way which Allah treated your brother and your household?"

So Zaynab (sa) with a tone of full pride and power said: "I saw nothing but beauty! Those were people

whom killing has been written down upon them so they rushed towards their graves with honor. But know that Allah will summon you and them, and all will be tried by Allah and everyone will be asked to present his argument, defense, and proof. So be worried about the winner on that day! Oh son of Marjanah, may your mother be mournful for you!”

Ubaidullah ibn Ziyad became so outraged by her words in front of his people that he decided to kill Lady Zaynab (sa). But Amr ibn Hurayth said to him, “She is a woman, and one cannot take women’s talk too seriously.”

So Ibn Ziyad turned to her and retorted: “Oh Zainab! Allah has made my heart cured by getting rid of your transgressor Al–Husayn and the disobedient rebels from your household!”

Zaynab (sa) then replied back: “By my life, you have killed my protector, severed my stem, and up–rooted my origin. If that was your cure, then you are cured!”

Now is that dialogue between a ruler and a heart–broken lady whom he killed her brothers and family members...considered to be gallantry and chivalry? Is this behavior of gloating and rejoicing over misfortunes considered to be good treatment of captives? Does that behavior even agree with the Arab customs during the time of ignorance?!

Does it fit well with the teachings of Islam? Isn’t the maltreatment of captives in such manner and their humiliation in front of the people considered to be a war crime and a clear violation of human rights, according to any human law and standard?!

Then Ibn Ziyad, the Second defendant turned to ‘Ali ibn Al Al–Husayn (as) and asked him, “Who are you?”

So he answered, “I am ‘Ali ibn Al–Husayn.” Ibn Ziyad then asked,

“Didn’t Allah kill ‘Ali ibn Al–Husayn?”

So ‘Ali ibn Al–Husayn (as) replied, “I had a brother called ‘Ali and the people have killed him.”

So Ibn Ziyad snapped back, “No, but Allah has killed him!”

‘Ali ibn Al–Husayn (as) then said, “Allah collects back souls when its due time comes, and a soul will never die except by Allah’s command. It is a timed book.”

So Ibn Ziyad replied, “By Allah, you are one of them! Look at him and see if he has reached puberty!” They answered yes so he said, “Kill him!”

‘Ali ibn Al–Husayn (as) then asked, “So who will look after these women and guard them?”

Here, Zainab bint ‘Ali (as) held on to her nephew and said, “Oh son of Ziyad! Are you not satisfied from

shedding our blood? By Allah I ask you Oh Ibn Ziyad that if you kill him, kill me along with him!”

So ‘Ali ibn Al Al–Husayn (as) turned to her and said, “Oh Aunt! Keep quiet so that I talk to him.”

Then he directed his words to Ibn Ziyad and said, “Oh son of Ziyad! Are you threatening to kill me? Don’t you know that being killed is our way of life, and martyrdom is our honor from Allah?!”

So Ibn Ziyad looked at both of them and said, “Let him go for her sake. I wonder on the kin relation...she wants to get killed along with him! Get them out of here!”

Is there any proof greater than that of the crime of maltreatment of war captives which is a war crime? I leave the judgment on that for you, dear judges and jurors.

And now, your Honor, allow me to present two events in front of the judges and jurors; the First one is a clear proof which incriminates the Second defendant as a war criminal who committed crimes against humanity.

The Second one clarifies the type and form of the government of Ibn Ziyad in Al–Kufa and his practice; this will give the judges and jurors a closer look at the nature of the personality of the Second defendant which may help them in deciding their verdict.

Defense: Objection your Honor! We must first know the nature of these two events before presenting them to the jurors, as the court regulations dictates, and that has been agreed upon before the trial proceedings to avoid surprises from both sides.

Chief Justice: Mr. Prosecutor, can you postpone the presentation of these two events to the court until you show them to the defense team first so that they are aware of it.

Prosecutor: Your Honor, postponing will interrupt the sequence of evidence presented and I insist on presenting these two events in this session.

Chief Justice: Ok, then the court will take a recess and the three of us meet along with the Court Secretary in my office so that the prosecution may present the content of these events to the defense before presenting it to the jurors. Do you agree with that?

Prosecutor: Yes, we accept your Honor, thank you.

Defense: We accept that your Honor, thank you.

Chief Justice: So, the Court will then take a 45 minutes recess and the defense and prosecution representatives may come to my office along with the court secretary to discuss this matter. Court is dismissed.

Second Tragic Scene: “New Heinous Crimes”

Chief Justice: Court is in order now after the recess. Defense representation, based on the understanding between you and the prosecution during the recess, do you agree that the prosecution present the two events which he referred to before the break?

Defense: Yes, your honor, and we reserve our right to respond to all what the prosecution will present in this aspect.

Chief Justice: Ok then Mr. Prosecutor, you may continue and present the events to the judges and jurors.

Prosecution: Thank you your Honor and thank you Defense representative. Respected judges and jurors...the first event took place during the attack of Ibn Sa'd's army on the tents of Al-Husayn (as) after his martyrdom and the terrorism which happened to the women and children, and the fire that was set on the tents.

In the midst of this dramatic scene, two boys from the children of Muslim ibn Aqeel, Ibrahim and Muhammad escaped. These two children escaped out of fear from the fire and they wandered in the desert till they got lost, and then after awhile they reached Al-Kufa. So Ibn Ziyad issued his order to arrest and imprison both of them!

Ladies and gentlemen, imagine two young kids who did not even reach twelve years of age are being punished for no crime or sin except that they escaped from being killed in the land of Karbala! They are thrown in the prison of Ibn Ziyad awaiting his orders of execution, so that he gets rid of all the members of the Hashemite prophetic family!

Now, is there a crime of mass murder and genocide similar to this?!

However, when the prison guard witnessed the righteousness of these angelic boys, his heart softened. And when he learned that they are cousins in relation to the Holy Prophet (S), he decided to help them escape. When Ibn Ziyad found out that the boys had escaped, he became very angry and announced a monetary reward for anyone who brings them to him or brings their heads.

When the two boys fled, a woman saw them and sympathized with them. When she learned of their relation to the Holy Prophet (S) and the story of their escape, she decided to take them as guests that night in her house, even though her husband was a soldier in the army of Ibn Ziyad. When the husband returned back home in the night and discovered these boys in his house, he became greedy for the reward and decided to arrest these two children.

He killed them and took their heads to Ibn Ziyad so that he can claim his prize. But instead of rewarding him, Ibn Ziyad ordered to behead him in the same place where the two boys got killed, and that is the

revenge of Allah (SWT) for the oppressed!

Here, I direct the charge in the name of all humanity against the Second defendant for directly causing the death of these two innocent young boys: first, when he caused the setting of fire in their tents and terrorized them by his army; second, when he ordered to imprison them, and third, when he ordered to arrest them after their escape and offered monetary award to anyone who brings them or their heads to him.

He is truly the real killer and the cause of this tragedy of killing children who did not commit any sin or crime! This is in itself a war crime and a crime against humanity that has no similarity!!

As for the Second event, we present it to you to give you an idea of how the Second defendant oppressively ruled Al-Kufa, and to take a look at his cold-blooded nature which always imposed itself which will help you a lot in issuing your final verdict. This event is the killing and martyrdom of Abdullah ibn 'Afeef Al Azdi. The events of this incident started after Ibn Ziyad finished parading the captives and expressing

rejoicing over the loss of their loved ones, as we saw before. After that, the caller of Ibn Ziyad called out to the people to gather inside the grand mosque. The people gathered and Ibn Ziyad stood at the pulpit of the mosque and said: "Praise is to Allah who uncovered the truth and its owners, and gave victory to Ameer Al Momineen Yazid and his party, and killed the liar son of the liar Al-Husayn ibn 'Ali and his followers!"

So Abdullah ibn Afeef Al Azdi jumped up to him, and he was one of the leaders of the Shias and the best among them. His left eye had gone in the Battle of Al Jamal (Camel), and the other one lost in the Battle of Siffeen, and he used to always pray and worship in the masjid. He jumped up and said:

"Oh son of Murjana! The liar son of the liar is you and your father and he who appointed you and his father! Oh enemy of Allah and His Messenger! Do you kill the sons of the Prophets yet give such talk on the pulpits of the Muslims?!!

Ibn Ziyad became outraged and asked: "Who is talking?"

Ibn 'Afeef answered: "I am the one speaking Oh enemy of Allah! You have killed the purified progeny whom Allah (SWT) has purified as He (SWT) cited in the Holy Quran, while you claim that you belong to the Islamic religion?! May God help us! Where are the sons of the Muhajireen and the Ansaar so that they take revenge from your transgressor boss, the cursed one, son of the cursed one, in the words of the Messenger of Allah!"

So the anger of Ibn Ziyad the Second defendant, increased and he yelled: "Bring him to me!"

So his rude men hastened to take Ibn 'Afeef, but the members of his tribe Al Uzd jumped to his rescue and escorted him to his home.

This bothered Ibn Ziyad very much and he sent a military force to arrest the old man who has lost his vision, Ibn 'Afeef from his house, only because he opposed him during his speech! Now, is there a dictatorship regime harsher than this?! Finally after a tough fight, Ibn Afeef was arrested and taken to the Second defendant and I would've liked to present to you the conversation which took place between Ibn Afeef and Ibn Ziyad. But the defense objected to that and we accepted their objection in exchange for relaying the story to you. In short, the Second defendant ordered to behead Ibn Afeef, so he was executed and his body was crucified!

Ladies and gentlemen, imagine the execution of an old man who has lost both his eyes for no reason except that he dared to argue with the ruler of Al-Kufa, Ibn Ziyad! No matter what he said, still he did not commit a crime that deserves for him to be killed and executed! Ladies and gentlemen, what did this elderly worshipper do except that he expressed his opinion?

Is the expression of opinion considered to be a crime that deserves execution?! This incident surely gives you an idea of the type of government run by Ibn Ziyad and his inhumane characteristics that he possesses. Once again, I leave the judgment of this case to you after what you have heard.

Both these events are mentioned in "Maqtal Al-Husayn Lil Khwarizmi" and many other sources too.

We now return to continue presenting the incriminating evidences. Ibn Ziyad sent a messenger to his master, the First defendant Yazid in Damascus giving him the glad tidings of obeying his orders in killing Al-Husayn (as) and getting rid of all his sons, family members, and companions, and informing him of the captives and the heads whom he had waiting his orders regarding them. Ibn Ziyad, the Second defendant wrote a note which he tied to a rock and threw it at the prison which the captives of the family of the Prophet (S) were confined in. In this letter he wrote the following:

"A letter has been sent to Yazid regarding your matter on such and such date and will arrive on such day. So when you hear the call of Takbeer, so give your final will (Wasiyah), otherwise you will survive."

The reply came from Al-Sham ordering to send the captives from the household of the Prophet (S) with the heads of the martyrs from Al-Kufa to Damascus. So the Second defendant Ibn Ziyad called Zohr ibn Qais Al Jo'afi and presented him the head of Al-Husayn as well as the heads of the martyrs. He called for 'Ali ibn Al-Husayn (as) and marched him and his aunts, sisters, and the wives of his father to Yazid while his hands and neck was confined in chains.

Accompanying them were a group of men from Al-Kufa including the Fourth defendant Shimr who often maltreated the captives. He ordered them to parade the captives in this humiliating state while they ride on camels without saddles across the cities from Al-Kufa all the way to Damascus, and to rejoice out of happiness on the afflictions that happened to the family of the Prophet (S)! The captives were paraded in the worst of conditions just like the enemies of Islam were paraded!

Isn't that considered to be maltreatment of captives and therefore a war crime in which each of the First,

Second, and Third defendants are responsible of? Now, what was the motivation behind the orders issued by the First defendant the Caliph of the Islamic state, in the name of Islam, to send the captives, who include women and children along with the heads of the martyrs to him in Syria?

What was the motivation behind him forcing them on this long and tough journey in the midst of the barren and blazing desert? Is that also an action approved by Islam?! And is that from the Islamic teachings which the First defendant follows and acts upon, as the defense claims? Is that how he tries to maintain the unity and security of the Islamic state?!

Furthermore, when he made that decision, was there a battleground or fighting going on such that this order was also a mistake committed by military commanders and due to the rush of soldiers as the defense claims? Or was the whole matter a pre-planned conspiracy arranged carefully and perfectly from the beginning to the end?

As for the orders issued to send the women and children captives in this harsh journey, wasn't it a cheap demonstration to show the victory of the Caliph and to spread terror among the people for all those who even entertain the idea of objecting to the new ruler, for this will be the consequences! Indeed, whoever treated the family of the Prophet (S) in such manner and did not care, can surely do more than that with any other person.

Furthermore, Al-Husayn (as) is the grandson of the Holy Messenger and the Chief of Bani Hashim, the Leader of the Alawi family, the inheritor of his great ancestors, the true Imam of the Islamic nation without question, and their best and most knowledgeable without question...yet his body was trampled over and stampeded in this barbaric manner while his head is raised above on the spear and paraded in the cities! After that, is there any value left for any other head in the whole nation who dares to object or oppose the new caliph?!

Surely, it was a bloody propaganda procession that was intentionally carried out in order to demonstrate the extent of violence and harshness against any opposition to the new regime. As for the Islamic religion in which the Caliph was ruling under its name, it has no value in his eyes! So, where is the proof to the defense claims?

There is no dispute whatsoever that this order was issued by the First defendant (as it has been narrated in all of the Muslim books) and was carried out by the Second defendant with all the wickedness which stands as a proof of the war crimes and the crimes that were committed against humanity. It is a key point in our case which removes any doubt in incriminating each of the first two defendants in all of their charges.

I request that you study this order well when you deliberate in this case. You can very well imagine the captive women and children being paraded from one city to another in a humiliating and degrading caravan and celebrations rejoicing what happened to the family of the Prophet (S), gatherings which curses and offends them while the heads of their fathers, brothers, husbands, and sons were raised on

spears in front of them!

What harshness is that which humanity never ever saw its similarity throughout all of history since mankind originated in this world?! I challenge any person to present me a case that is harsher than that!!

We should lift your attention here that the Fourth defendant Al-Shimr was among those who were chosen to accompany the captives in that horrible and painful journey. He himself coordinated the humiliation of the captives and struck the women and children with his whip. He would order for harsher treatment and stricter surveillance on them and that was out of his own initiative.

This proves the charge of maltreatment of captives on him and it is a big war crime! What he committed is without a doubt a crime against humanity! Its victims were women, children, and a sick helpless person who was confined in chains with no power or strength. What type of humanity and heart does the Fourth defendant possess?!

Chief Justice: We will stop here and the defense should be prepared next court session for rebuttal of the evidence which the prosecution presented so far. Court is dismissed and will resume next Thursday at 10AM. Thank you.

1. (sa) = Peace and prayers be upon her.

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