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The Second Court Session

First Tragic Scene: “List of Witnesses”

The court session resumed at 10AM sharp and after greeting remarks, the Chief Justice said:

Chief Justice: Thank you everyone, I’d like to stress once again the importance of abiding by the rules and regulations of the court and completely refraining from voicing any comments or reactions during the court proceedings. Otherwise, I will have to remove the violators from the courtroom. Thank you for your anticipated cooperation.

As for the defense motions which were presented yesterday, all of the judges have unanimously rejected the First motion, but accepted the Second motion with the condition that it would be within strict limits to both the defense and prosecution teams, and has accepted the Third motion. So, from now on, the jurors will be sequestered from the media (The Supreme Justice looks towards the jurors). We apologize for that and we ask that you fully cooperate with us by avoiding reading the daily newspapers and viewing media coverage which provides daily news and comments about this case. Of course this also includes internet access and receiving phone calls which are directly related to the case. Thank you.

Now, since the parties in this case have departed this world long time ago, both the prosecution and defense agreed upon depending on historical text references to provide events, evidences, and witnesses in this case. It is the right of the defense to discuss and refute every evidence or witness the prosecution presents. In the end, the verdict will be for the judges and jurors.

The prosecution has submitted a list of historical books and references which they will depend on in their presentation. This list will be recited out loud to you shortly, along with the names of their authors. The defense will have the right to object any of them if they feel that it is biased or not trustworthy for them.

In such case, the judges and jurors may only use these rejected references for the purpose of reassurance, but not to solely depend on them in deciding the truthfulness of the data. In other words, if a testimony was presented from one of the approved references (by both the prosecution and defense),

then another testimony supporting that same testimony was presented from a controversial source, the jurors and judges may rely on them only for reassurance of the information that was presented in the approved source.

It is the right of the defense to respond or comment on any point presented. It is also the right of the prosecution to rebut in order to clarify any point to the jurors and judges, not just for the sake of argument. Re-rebuttal will also be allowed for the defense.

It has been decided that the judges have the right to question the prosecution and defense teams in any point raised or information presented. It will also be the right of the jurors to pose any question to both teams for clarification after they start deliberations and before reaching their verdict.

The court secretary will now begin to recite the list of historical books and references which the prosecution presented. The defense must respond to each of these references by either saying, "accepted" or "not accepted".

There is a projector screen located on the witness stand which displays the name of all these books. During court proceedings, the names of each of the sources and references will be displayed on that screen, along with the page number and a screenshot of the original copy of the page. This will be made visible to the judges and jurors via their laptops available in front of them. Now, the court secretary may go ahead and recite out loud the list of the history books and references.

Court Secretary: (stands up and holds a paper from which she recites)

Thank you your Honor. Here is a list of references and history books which the prosecution has submitted. I request the defense to answer "accepted" or "not accepted" after the name of each book is recited.

1) Maqtal Al-Husayn Lil Khwarizmi (The Killing of Al-Husayn by Khwarizmi)

Defense: (representative stands up) Accepted

Court Secretary: 2) Tarikh Al Tabari (History by Tabari)

Defense: Accepted

Court Secretary: 3) Tarikh (Al Kamel) / Ibn Al Atheer (History by son of Atheer)

Defense: Accepted

Court Secretary: 4) Murooj Al Dhahab Lil Mas'oodi (Block of Gold of Mas'oodi)

Defense: Accepted

Court Secretary: 5) Tarikh Al Ya'qoobi (History by Ya'qoobi)

Defense: Accepted

Court Secretary: 6) Al 'Aqd Al Fareed Li Ibn 'Abd Rabbo & Sharh Al Nahj Li Ibn Abi Al Hadeed

Defense: Accepted

Court Secretary: 7) Al Bedaya Wal Nehaya Li Ibn Katheer (The

Beginning and the End by Ibn Katheer)

Defense: Accepted

Court Secretary: 8) Mizan Al E'tedaal Lil Dhahabi (The Scale of Balance by Dhahabi)

Defense: Accepted

Court Secretary: 9) Irshad Al Sheikh Al Mufid (The Guidance of Sheikh Al Mufid)

Defense: Not accepted

Court Secretary: 10) Maqatel Al Talibiyeen Li Abi Al Faraj Al Esfahani (The Massacres of Talibiyeen by Abi Al Faraj Al Asfahani) Defense: Accepted

Court Secretary: 11) Tarikh Ibn 'Asaker (History of Ibn 'Asaker)

Defense: Accepted

Court Secretary: 12) A'laam Al Wara Lil Tabarsi (Events of the Past by Al Tabarsi)

Defense: Not accepted

Court Secretary: 13) Maqtal Al 'Awalem Ibn Nama (The Killing of the Famous Personalities by Ibn Nama)

Defense: Not accepted

Court Secretary: 14) Al Khasa'es Lil Soyouti (The Characteristics by Soyouti)

Defense: Accepted

Court Secretary: 15) Tarikh Al Kholafaa Lil Soyouti (History of the Caliphs by Soyouti)

Defense: Accepted

Court Secretary: 16) Al 'Isaba Li Ibn Hajar (The Target by Ibn Hajar)

Defense: Accepted

Court Secretary: 17) Manaqib ibn Shahr Ashoob (Virtues by Ibn Shahr Ashoob)

Defense: Not accepted

Court Secretary: 18) Motheer Al Ahzaan Li Ibn Nama (Instigator of Grief by Ibn Nama)

Defense: Not accepted

Court Secretary: 19) Seyar A'laam Al Nobala Al Dhahabi (Autobiographies of the Nobles)

Defense: Accepted

Court Secretary: 20) Al Lohoof Li Ibn Tawoos

Defense: Not accepted

Court Secretary: 21) Al Sawa'eq Al Mohreqa Li Ibn Hajar (The Burning Lightening by Ibn Hajar)

Defense: Accepted

Court Secretary: 22) Al Muntadhem Li Ibn Al Joozi (The Organized by Ibn Al Joozi)

Defense: Accepted

Court Secretary: 23) Al Jara-eh Wal Khara-eh Lil Qutb Al Rawandi (The Cause and Effects)

Defense: Not accepted

Court Secretary: 24) Riyadh Al Ahzaan (Garden of Sorrows)

Defense: Not accepted

Court Secretary: Thank you your Honor. (sits down)

Chief Justice: Thank you Court Secretary. Dear respected judges and jurors, all the list of references that were accepted or rejected by the defense are displayed in front of you. So the total number of historical references presented were 24; 16 were approved by the defense and 8 were rejected. So these rejected references may only be used to support a piece of information which is cited in one of the 16 approved references. Please keep that in mind!

Second Tragic Scene: "The Prosecution Begins"

Chief Justice: Now, let us start our journey for searching the truth. I call the prosecution to start presenting his case and evidence to prove that the five defendants are guilty beyond any reasonable

doubt of all the charges against them. You may begin, Mr. Prosecutor.

(That distinguished prosecutor stood up with his glorious and prestigious look with a relaxed and beautiful shining face that calms the nerves. He speaks with his melodious and sad voice which takes the minds and hearts away...it is as if there is an invisible strength which mesmerizes your ears...he stood up and said):

Prosecutor: Thank you your Honor, dear respected judges and respected jurors. Our case and our story...or rather our tragedy started on a Sunday morning in one of the days of the month of Rajab, the Islamic lunar month, in the year 60 A.H., which coincides with the Gregorian month April in the year 680 A.D.

It is the day when the ruler of the Muslims (Muawiya ibn Abi Sufyan) died in his capital in Damascus after he took the pledge of allegiance for his son Yazid, the First defendant, to become the next ruler of the Islamic state after him. He took that pledge of allegiance for his son from the people by threatening, bribing, and terrorizing because the majority did not see Yazid to be qualified for this position as he lacked the knowledge, morality, and behavioral criteria required to be present in this position, according to Islamic law (Shari'a). It should be noted that the Islamic nation during that time extended from what is today Iran in the east till Egypt in the west. There were a good number of key religious figures in the Islamic society who did not give their alle-

giance to Yazid to take over after his father because of the reasons just mentioned. This fact cannot be denied by the defense team as it is mentioned in all historical references in front of you.

Anyways, after Muawiya's death on that day, his son Yazid the First defendant automatically became the new ruler as it was planned and arranged before, despite the objection of the opponents.

It is well-known that the Islamic religion, upon which the laws of this new state were built at that time, does not condone forcing people to give their allegiance, against their own free will, to a new ruler. It prohibits the use of threat or persecution if a person does not voluntarily give his allegiance, let alone killing him. It was not either the practice of the rulers before the First defendant and it was not heard of.

This is clearly shown in the references present before you, and Yazid has been preceded by five rulers before him including his own father. Before Yazid, whoever wanted to give his pledge of allegiance to a new ruler can do so, and whoever doesn't is free to exercise their free will. In both cases, this does not affect the individual civil rights in the Islamic state. No one, at least according to the majority of Muslims historians, was ever forced, persecuted, or kicked out or killed because of his refusal to give a pledge of allegiance to a Caliph (ruler).

This was the norm and the practice before the First defendant succeeded his father as Caliph. The first time in which force and terror was used in this regard was when the First defendant's father tried to take the allegiance for his son during his lifetime, due to his prior knowledge of the lack of consensus or even

a majority support for his son Yazid to become the next Caliph after him.

Muawiya has died and it was announced in Damascus that Yazid became the new ruler of the Islamic state. In order to strengthen the pillars of his regime, Yazid immediately sent a letter to his governor in Al-Madina who was also his cousin, Al Waleed ibn 'Uqbah ibn Abi Sufyan. This was the first communication he sent since the beginning of his rule, and the quote of the letter is available in front of you as it has been narrated in the following books:

- Maqatal Al-Husayn Lil Khwarizmi
- Tarikh ibn 'Asaker Tarikh Al Tabari Tarikh Al Ya'qoobi

All of these historical references have been approved by the defense. For the record, the letter reads:

“Verily, Muawiya was a servant of Allah (SWT) Who gave him bounties and rulership. Then He took his life to His mercy and reward. He lived for a specified lifespan and died on the precise time, and he gave a will to me: ‘I warn you from the household of Abi Turab (who are the victims in this case) and their audacity in shedding blood.’ Oh Al-Waleed, you know that Allah will take revenge for the oppressed one, Uthman ibn Affan (the Third Caliph) from the family of Abi Turab through the family of Abi Sufyan because they support truth and justice. So when you receive my letter, take the pledge of allegiance for me from all the people in Al-Madina!”

Then he wrote a small note attached to the letter which read:

“Attention! Force Al-Husayn, Abdullah ibn Umar, Abdul Rahman ibn Abi Bakr, and Abdullah ibn Al Zubair (they all were the key figures in Al Madina who refused to give their pledge of allegiance to Yazid) to give their allegiance to me, without excuse or exception. Whoever of them refuses, behead him and send me his head! Wasalam.”

Dear respected judges and jurors, I think the letter speaks for itself. Not only does it carry a threat; it carries instructions and a direct order to kill any of those four individuals if he kept refusing to give his pledge of allegiance, especially the main victim in this case, Al-Husayn (as). It has been cited in Tarikh Al Tabari that the governor of Al Madina, Al Waleed ibn 'Utbah whom this letter was addressed to, was surprised at the order of the new Caliph! He exclaimed,

“Am I to kill Al-Husayn simply because he refuses to give his pledge of allegiance?!”

His statement proves that this policy of killing those who do not give their allegiance to the new Caliph was not known before the First defendant. This was a new trend innovated by the First defendant which was not known or heard of before in the Islamic society, as it goes against the laws and principles of the Islamic religion which this new society was built on.

Ladies and gentlemen, Al-Husayn (as) is the grandson of the Holy Prophet who delivered this divine

message from God which Muslims embraced. Thus, he was a very important religious figure in the Islamic nation and the solely surviving grandson of a prophet on the face of the earth. He was the focus of attention and veneration from everyone due to his exceptionally good manners, religiosity, noble personality and character, and his kinship to the Prophet of Islam (S).

Defense: Objection your Honor! This type of talk is a clear attempt to influence the jurors!

Prosecutor: I am only trying to explain to the jurors the circumstances during that period of time.

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

Prosecutor: To make the matter more clear, let's give this example. Imagine that the new American president issues a decree just after his inauguration to arrest and execute all those who voted against him or abstained in the elections. Is this thinkable or even imaginable?!!

Defense: Objection your Honor! This is an imaginary question.

Chief Justice: Objection sustained. Please continue.

Prosecutor: Ladies and gentlemen, this letter stands as a strong and irrefutable proof of the guiltiness of the First defendant in the first individual charge against them. We now present to you another letter as the second piece of evidence which clearly proves without any doubt that the First defendant is guilty in the First individual charge.

This second letter is a lengthy one sent from Abdullah ibn Abbas, the cousin of the victim in this case (Al-Husayn), addressed to the First defendant. This correspondence was in response to a letter which this defendant had sent to him after the crime in Karbala by almost a year. The First defendant asks, in his primary letter, the support of Ibn Abbas in his (First defendant) fight against Abdullah ibn Al-Zubair, his rival. This reply letter by Ibn Abbas is cited in the following sources: Maqtal Al-Husayn Lil Khwarizmi, Tarikh Al Ya'qoobi, and Tarikh Al Tabari. All of these resources are approved by the defense and here is a piece of this lengthy letter in which Ibn Abbas says to Yazid ibn Muawiya, the First defendant:

“If I forgot everything, I will never forget that you pushed Al-Husayn ibn ‘Ali out from the sacred city of the Prophet (Madina) to the sacred city of Allah (SWT) (Makkah). Then you sent your men to assassinate him there, so you forced him to depart Makkah to the city of Al-Kufa. He left Makkah in the state of fear and caution, however, if he decided to stay and to permit for himself to fight and violate the sanctity of Makkah, he would've been the most protected among its inhabitants and the dearest to its people and the most obeyed among the inhabitants of the two holy sanctuaries, Makkah and Madina. But he (Al-Husayn) hates to be the one who violates the sanctity of the Holy Kaaba and the city of the Prophet (S). So he respected this sanctity while you didn't when you sent your men to force him to fight in Makkah.”

It is clear from this letter that Ibn Abbas accuses the First defendant that he is the one who instigated

and forced Al-Husayn (as) to leave Al-Madina, his homeland, and head to Makkah, accompanying his family under the threat of them being killed. That is because he knew very well the consequences they will face from the new ruler and his men if they stayed in Al-Madina.

Defense: Objection your Honor! The last part of the prosecutor's statement is a personal prediction intended to influence the judges and jurors.

Prosecutor: Your Honor, I am simply trying to clarify to all of you the reason why Al-Husayn (as) took his family and children with him in this journey and chase which ended in a horrible massacre in the land of Karbala. Most of these family members and children were victims; some were slaughtered and others were killed or lost in the desert or were taken as captives. We should explain to the judges and jurors why this family and these women and children left with Al-Husayn (as) in his caravan, and why he insisted on having them accompany him despite the surrounding dangers due to threat and persecution.

That is because he knew very well what the new ruler was capable of doing with his family if he left them behind. We will address this shortly while presenting the personal life of the First defendant and his father who established this dictatorship rule which was based on oppression and terror. So, what we stated was not a personal prediction or imagination. Rather, it is a logical conclusion based on facts and events.

Chief Justice: Objection overruled. You may continue.

Prosecution: Ladies and gentlemen, Al-Husayn the victim was forced to leave his homeland in Al Madina accompanied by his family. He left during the night to save his life and his family from inevitable death after he received official notification from the governor Al Waleed ibn Uqbah that if he doesn't give his pledge of allegiance to the First defendant, he will be killed and his head will be sent to the new ruler in Damascus. Al-Husayn (as) left in a state of fear just like Prophet Musa (as) left Egypt to escape the aggression of Pharaoh.

Defense: Objection your Honor. That comparison has nothing to do with this particular case. It is only intended to influence the emotions of the jurors.

Chief Justice: Objection sustained.

Prosecutor: Al-Husayn (as) and his family went out looking for a safe haven and he didn't have any better option than going to Makkah where the House of Allah (SWT) is situated. The Arabs and Muslims sanctify this land and do not shed blood there. Sure enough, Al-Husayn (as) and his family arrived to the sacred Haram, but when the First defendant learned that Al-Husayn (as) escaped from Al-Madina and arrived in Makkah, he went crazy. So he fired his cousin from the governorship of Al-Madina and hired someone else because his cousin was hesitant in carrying out the mission assigned to him which is killing Imam Husayn (as).

Then he sent a letter to his governor in Makkah, ‘Amr ibn Sa’eed ibn Al ‘Aas ordering him to track Al-Husayn (as) and watch him closely, and to plan a plot to assassinate him in the sacred Haram since it would not be possible to kill him publicly as that would surely cause great mischief especially since the Hajj (pilgrimage) season was approaching and the new ruler (the First defendant) was still in his beginning days and his opponents were many and the opposition was wide-spreading.

This plot was clearly obvious from the previous letter addressed from Ibn Abbas to the First defendant. As Ibn Abbas stated, the First defendant was not satisfied with chasing Al-Husayn (as) in Al-Madina but now he is after him in Makkah which is a safe haven for every human and even animals! He was threatening Al-Husayn (as) that he would kill him which pushed Al-Husayn (as) to hasten leaving Makkah even though there was only one day left for the Hajj.

That happened when he became sure of the conspiracy and plan to assassinate him. In order to understand the state of mind of Al-Husayn (as) and the extent of conspiracy against his life, we present to you the following narration by Al-Husayn (as) when he was in a dialogue with Abdullah ibn Umar and Abdullah ibn Abbas in Makkah. This text which we present is quoted in Maqatal Al-Husayn Lil Khwarizmi and Tarikh Al Tabari which has been approved by the defense team.

Al-Husayn (as) says, “Oh son of Abbas, what would you say about a group of people who forced the grandson of the Prophet (S) out of his home and the place of settlement and birth, and the sacred Haram of the Prophet (S)?! They deprived him from neighboring the tomb and mosque of his grandfather. They terrorized and threatened him and left him without a place to seek refuge to or a safe haven to stay. They intend by their actions to kill him and shed his blood!”

In another instance, he says, “No way, Oh Ibn Umar! Those people will not leave me alone. Whether they reach me or not, they will keep chasing me until they force me to pay allegiance against my will or kill me!”

We could certainly imagine now the extent of fierce chasing and threatening which took place at the two sacred Harams which forced Al-Husayn (as) to leave with his family from Makkah to Al-Kufa after receiving many communications from its people inviting him and promising to protect him and his family if he answered their invitation. They promised to provide him a safe haven and to protect him from the oppression of the new tyrant regime which was headed by the First defendant, Yazid ibn Muawiya.

Chief Justice: The court will now be dismissed and will resume tomorrow morning at 10AM sharp. Court is dismissed.....

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