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## The Sixth Court Session

### First Tragic Scene: “Attempts of the Defense”

Chief Justice: Court in order. The defense team, are you ready to rebut the evidences which the prosecution presented in the previous session?

Defense: Yes, your Honor.

Chief Justice: Then please proceed.

Defense: Your Honor, respected judges and jurors, we do not belie these letters and historical documents which the prosecutor presented. But at the same time we do not confirm its truthfulness. At the end, they are just narrations that are passed on from one historian to another. So the presence of these same narrations in different books does not mean that they are true. Since these books were written in different times and ages, and their writers have copied these narrations from one to another without verifying its truthfulness and authenticity, therefore, I request the judges and jurors to keep that in consideration and not to take these documents as 100% correct.

Even the writers of these books cannot assert the truthfulness and the validity of these letters, messages, or statements such that they be used as evidence to support the charges without reasonable doubts. By presenting these documents as evidence, the prosecutor is ignoring the reality of the situation and the circumstances during these events. He disregards the stress and pressure placed on many of those who carry the responsibility and this is apparent in some of their messages and statements.

Factors like nervous reaction, fear, anger, and instigation may play a big role in writing these letters, assuming that they are true. Therefore, we cannot rely on them very much and we should view them in light of these circumstances and effects. This is very clear in the matter of mutilation of the dead bodies for it was a result of nervous reaction from the Second defendant. It was a personal act initiated by him, and not an order from the caliph Yazid ibn Muawiya, but it surely doesn't reflect or represent the religion

of Islam.

As the Prosecutor mentioned, Islam does not approve mutilation of dead bodies and this act goes against the teachings and principles of the religion and the tradition of the Holy Prophet (S). If these narrations are true, then it was a big mistake, but we do not know whether this matter really happened or it was from the exaggeration and fabrication of the writers.

So long as there is doubt, then it should be interpreted in favor of the defendant. The doubt in this matter is possible, logical, and reasonable. I will now hand it over to my colleague, the lawyer representing the Third defendant.

Lawyer of Third defendant Umar Ibn Sa'd: Your Honor, respected judges and jurors. Based on what the prosecutor himself presented, it is clear without a doubt that my client, the Third defendant, did not want the fight and was forced to do so by direct threat. Rather, he always sought to find a positive solution to the conflict.

But the callers of mischief / *fitna* tried otherwise and my client was just a military commander who was forced under threat to lead a war when he did not desire that. He tried to avoid that and at the end, he did not have any other option except to obey the order of the governor Ubaidullah ibn Ziyad. So what responsibility does he carry on his shoulders? He was only a soldier who obeys the orders of his supreme command in the battlefield after he tried his best to avoid the fight. So I request the respected judges and jurors to keep that in mind. I will now hand it over to my colleague, the lawyer representing the Fourth defendant.

Lawyer of Fourth defendant Shimr ibn Dhil Jawshan: Your honor, respected judges and jurors...my client, the Fourth defendant, was not the governor of Al-Kufa, nor was he the commander of the army, nor was he the ruler of the state (caliph). He did not hold any position in the Islamic state and he was only an intermediate who simply shared his opinion. He did not force his opinion on anyone so there is no responsibility on him. At the end, he was only a soldier who simply carried out the orders. Thank you.

Chief Justice: Mr. Prosecutor, would you like to respond to the defense?!

Prosecutor: Yes your Honor, the Defense representative wants to doubt all the historical references which stand as witnesses in front of you while they are the same sources which they themselves approved and acknowledged its authenticity before!

By doubting these sources, he is by the same token doubting all its writers and insinuating that they wrote carelessly and propagated narrations which they did not verify its authenticity. Not only that, but they also copy from each other without any investigation or searching! Is this the opinion of the defense regarding those who wrote these books?!

While they are all very well-known authors in the Islamic library and most of them wrote other famous

books in areas like jurisprudence, narrations (hadith), Rejaal (science of narrators), Usool (foundations), and Foroo' (branches). Does the defense team also doubt their other books which many laws of Islamic societies were built on?!

Does the defense doubt these laws too?! Ladies and gentlemen, surely any religion and all of history was built on books written by witnesses and historians. If we doubted all of them, then there will be no basis for any religion and all of human history!!

In such case, we will not be sure whether Jesus was really the Messiah or whether the story of Moses and Pharaoh was really truth or fantasy. We will have doubt whether Prophets Abraham, Joseph, and David really existed or were imaginary characters. Or whether historical figures such as Napoleon, Alexander the great, Julius Caesar, Neiron, and Bismarck were fake personalities or real!

Now is that what the defense wants to convince us with and want to defend their case through doubting your history and religion, even your present and future! Indeed, if historical evidence came from multiple different sources and pointed consistently to one direction, then without a doubt it is qualified to be taken as valid evidence for conviction. Many people have relied on that logical premise in past civil and criminal cases.

As for the talk about nervous reactions, tension, and emotional responses, etc, these excuses do not justify committing crimes in such great scale against children, women, and elderly in cold blood. Such excuses may be used to justify unintentional actions like breaking something or causing a car accident or manslaughter. As for using this pretext to justify war crimes, crimes against humanity, and mass murder, that is certainly unacceptable. Otherwise, anyone can justify killing thousands of people due to personal mood change resulting from stress. That is clear insanity which cannot be justified by any logic!

As for defending the Third defendant Umar ibn Sa'd by claiming that he was only a commander obeying the orders of his master, we respond by saying that the Third defendant had an opportunity to relief himself and resign from the commandership of that army. The Second defendant, the governor allowed him to excuse himself from his post in exchange for abandoning the governorship of Al-Rayy' State, but Ibn Sa'd insisted, out of his ambitions, to take commandership of the army. Hence, the Third defendant became a completely responsible partner and direct participant to all what has happened from war crimes and mass murder in Karbala.

As for defending the Fourth defendant Shimr ibn Dhil Jawshan by claiming that he only shared his opinion and didn't force anyone to accept it, it is a poor argument because the Fourth defendant adamantly sought and exerted efforts to fail the negotiation attempts for peaceful resolution, as we saw earlier.

Furthermore, the Fourth defendant presented himself to Ibn Ziyad to be a replacement for the Third defendant, Ibn Sa'd. Al-Shimr was ready to accept the commandership of the battle if Ibn Sa'd chose to resign from his post. Therefore, he is also completely responsible for what has happened because if Al-

Shimr took the leadership instead of Ibn Sa'd, he would not have hesitated to commit what Ibn Sa'd has committed, and maybe even more!

In fact, his action encouraged the Second defendant Ibn Ziyad to stick to his decision to fight Al-Husayn and get rid of him as he now has a substitute, who is ready and committed for a bloody confrontation with the civilian caravan of Al-Husayn (as). Also it encourages the Third defendant to stick to his post when he realized that there are others who are ready to carry out the job of killing Al-Husayn (as), if he himself failed to do so.

When Ibn Sa'd realized that the fight will surely happen with or without him, he determined to stick to his post as a commander so that he may reap the materialistic fruits instead of others. Hence, the role of the Fourth defendant, Shimr ibn Jawshan, in this matter was a very critical and important one and he is totally responsible of what has happened in Karbala.

We will see shortly his direct role in committing the crimes during the massacre against women, children and shelters, as well as mutilating the dead bodies and the maltreatment of the captives. We will elaborate on that when we continue presenting our evidence. Thank you your Honor.

Chief Justice: Court will now take a 10 minutes recess and shall resume afterwards. Court is dismissed.

## **Second Tragic Scene: "Before the Battle"**

Chief Justice: Court is in session after recess. The defense, would you like to discuss what the prosecution presented before recess?

Defense: No your Honor. Thank you.

Chief Justice: Mr. Prosecutor, you may then proceed with the presentation of your evidence.

Prosecutor: Al-Husayn (as) came to realize that the confrontation and massacre was inevitable to get rid of him so that the totalitarian regime can be free without any opposition to the First defendant and his assistants. He saw that it is his responsibility to offer his household, supporters, and companions the option to retreat and not to subject their lives to danger and to leave him to face his enemies alone. So he gathered them the day before the battle and said to them:

"Praise be to you Oh Lord for teaching us the Quran, inspiring us the science of jurisprudence in religion, and honoring us by being the closest of kin to your Prophet. You blessed us with ears, eyes, and hearts so make us among those who are thankful. Then after, I do not know companions better than you! Nor do I know a household better than my household. May Allah reward you all dearly! Those people do not target anyone except me. If they arrest and kill me, they will not go after you. Darkness of night has come, so go ahead and escape! Each man of you can accompany one of my household and leave in the middle of the night, and leave me to face those people."

Here, Al-Husayn (as) presents to us a rare human example which clearly indicates the extent of oppression and injustice which a great personality like him suffered. Now, is there any person who would ask from his few companions and supporters to leave him and escape for their lives so that he alone may face 30 thousand fighters?!

Certainly not, but this was Al-Husayn (as)! Furthermore, through his words he confirms to us that he was the one being targeted behind the massacre of Karbala. This reminds us once again of how it all started when the First defendant issued the death sentence against Al-Husayn (as) as soon as he became the Caliph. He tried to execute it in Madina, then in Makkah. And here he is recruiting 30 thousand men to carry out that mission which he had failed to accomplish in Madina and Makkah.

All of the brothers, family members, and companions of Al-Husayn (as) refused to abandon or desert Al-Husayn (as). Rather, they insisted to stay with him and stand beside him till their last breathe, despite the suffering of thirst, the heat of the sun, and the lack of compatibility in the number of fighters.

Burayr ibn Khudayr who was an ascetic Sheikh (elderly man) and a worshipper among the companions of Al-Husayn (as) tried a last attempt with the Third defendant Ibn Sa'd to convince him not to fight Al-Husayn (as). However, the Third defendant responded to him and said:

“By Allah, Oh Burayr I know with certainty that all those who fight them and seized their rights (meaning Al-Husayn and his household) are definitely in the Hell-Fire. But Oh Burayr, are you suggesting that I abandon the governorship of Al-Rayy' State so that others take it? No, By God, my ego refuses to respond to that!”

I request that this statement be included to the record against the Third defendant. To him, the matter is not simply a military commander who obeys the orders of his supreme commander. No, it is all about a materialistic reward which, out of greed, he is looking to gain even if the price was shedding the blood of the innocent in a small civilian caravan which includes women, children, elderly, infants, and sick persons. It is as if he is a hired killer who takes the price in exchange for carrying out a heinous crime. What excuse does he have for his actions?!

Subsequently, Habib ibn Muzahir and Zuhair ibn Al-Qain who were among the companions of Al-Husayn (as) addressed the companions of Umar ibn Sa'd and called them for unity and peace, but without any luck, for the ears do not hear and the hearts do not recognize. Then Al-Husayn (as) and his companions spent their last night while engaged in continuous prayers and supplication to Allah (SWT) in preparation for their last decisive day.

When it was the morning of the 10th of Muharram year 61 A.H., Al-Husayn (as) and his companions prayed in congregation and then he rode his horse and proceeded forward. The opposing army which consists of about 30 thousand men approached the camp of Al-Husayn (as). Al-Husayn (as) then said to his companion Burayr ibn Khudayr:

“Go ahead and speak to the people Oh Burayr, and advise them.”

So Burayr proceeded towards the opposing army and said to them: “Oh People! Fear Allah, for the whole family of Muhammad is before you! They are his progeny, his Household, his daughters, and his women. So go ahead and tell me what you want to do with them?”

So they answered him, “We want to hand them over to the governor, Obaidullah ibn Ziyad so he can make his decision regarding them.”

Burayr answered, “Are you not satisfied that they return back to the place which they came from? Woe be to you! Oh people of Al-Kufa, did you forget your letters which you sent to Al-Husayn and your promise to him?! Surely Allah is enough of a witness! What is wrong with you?!

You invited the Household of your Prophet and claimed that you would sacrifice yourselves for them. But when they came to you, you turn them over to Ubaidullah and prevent them from accessing the water of the Euphrates River which is publicly open for all people, even dogs and pigs! Shame on you for your maltreatment of the progeny of Muhammad!”

The opposing army started to shoot arrows at him, so Burayr retreated. Al-Husayn (as) stepped forward and stood in front of the opposing army, then he gazed upon their ranks and rows which looked like waves and he addressed them saying:

“Praise be to Allah who created the life of this world and made its destination perish and destruction. It keeps changing the condition of its people. Surely he who gets deceived by it is the haughty, and he who falls in its mischief is the miserable. So do not be deceived by the life of this world for it lets down those who depend on it and it fails those who are greedy for it. I see that you have collectively joined together in a matter that brings the wrath of Allah (SWT) upon you!

Consequently, He has turned His Face away from you and made His Anger permissible upon you. He (SWT) withheld His Mercy from you. Surely, the best of God is our God and the worst of servants are you! You agreed to obey and you believed in the Messenger Muhammad; then you have marched out to kill his progeny! The Shaytan / devil has overtaken you and made you forget the remembrance of Allah (SWT), so woe be to you and to your aim! To Allah we belong and to Him is our return; those are a group of people who have disbelieved after having faith, so doom be on the unjust people.

Fear Allah your Lord and do not kill me, for it is not permissible for you to kill me or to violate my sanctity! I am the son of your Prophet’s daughter and my grandmother is Khadeeja the wife of your prophet. You must have heard the saying of your Prophet Muhammad (S): ‘Al-Hasan and Al-Husayn are the Master of the youth of the people of Paradise.’

If you attest to the veracity of what I say and it is the truth, by Allah I have never lied as I knew that Allah (SWT) despises the liars. And if you belie me, there are companions of Muhammad among you, so ask

them about that. Do you have any doubt that I am the son of your prophet's daughter? By Allah, there is no any grandson of a Prophet in all of the east and the west except me! Woe be to you!! Are you after me because I killed one of you, or because of money I have confiscated, or an eye for an eye due to wounds I have caused?"

Nobody answered him and they kept silent. Then he said to them:

"By Allah, I will never give up to you like a humiliated one, nor will I escape like slaves. Oh Servants of Allah! I seek refuge to my God and your God lest you stone me! And I seek refuge to my God and your God from every arrogant person who does not believe in the Day of Reckoning."

As you see ladies and gentlemen, Al-Husayn (as) tried his best to advice the people and avoid confrontation and conflict. First, he orders his companions to preach them and most of his companions were among the worshippers of Al-Kufa who were known for their piety and honesty and were very popular in the army of Ibn Sa'd. Burayr ibn Khudayr, Habib ibn Muzahir, Zuhair ibn Al Qain, and Muslim ibn 'Awsaja all addressed them, but the people has closed their ears.

Then Al-Husayn (as) addressed the opposing army and reminded them of their religion and the position of their prophet. He reminded them of his close kinship to the Prophet of Islam (S) and warned them of the punishment and wrath of Allah (SWT). Then he questioned them on what basis and according to what law they wanted to kill him?

He did not kill anyone nor did he harm anyone, nor did he confiscate property from anyone! So by what crime are they justifying his murder?! Al-Husayn was not apprehensive of getting killed; rather he desires to set the proof against them in front of history and the future generations. And this is a proof we can use today to convict those killers who are represented in front of you in the defendant seats. Al-Husayn (as) has prepared that proof for us since a century and half ago!

None of them were able to provide him an answer which in itself stands as a proof against them in front of you, in front of Allah (SWT), and in front of all humanity. After he set the proof against them, Al-Husayn (as) recorded by his words an eternal stand that is a great lesson for every free honorable person who rejects lowliness, humiliation, oppression, and aggression...regardless of how heinous is the aggression and the number of aggressors, and despite the lack of supporters and scarcity of helpers, and regardless of the results and sacrifices.

So he refuses to surrender to falsehood, misguidance, tyranny, corruption, oppression, and the dictatorship of rulers who have deviated from the right path. When Al-Husayn (as) became certain that fighting was inevitable, he addressed his companions and family members sympathizing with them, recommending to them patience, and encouraging them to fight. He said to them:

You witness the existing state of affairs. The life has changed, its evil advanced, and its good has retreated. Now, what is left of it is like little sediment that has remained in a pot. Do you not see that

righteousness is abandoned, while no one forbids falsehood?! So let a true believer desire the return to his Lord, for I do not see death now but happiness and life with the oppressors but torture.”

The Third defendant Umar ibn Sa'd mobilized his troops in preparation to fight Al-Husayn (as) and he organized them in groups (a center, a right and a left wing). They were approximately 30 thousand fighters. So they surrounded Al-Husayn (as) from all sides while he is in the middle with only 70 of his companions in addition to his family members, women and children. Then Al-Husayn (as) went out from between his companions and stood in front of the enemy and he spoke to them for the very last time. He then told them:

“Woe be to you Oh bunch of people! When we answered your desperate call for support, and came to you ready to fulfill our obligation, you then turned your swords against us and brought the fire of mischief settled by your and our enemy.

You then became a force against your guardian in the hands of your enemy. You did that without any justice this enemy widespread between you, or a hope you have in this regime except that is forbidden (Haram) by Allah. You made that change in your position without any wrong we did or deviation from Islam.

Woe be to you! If you disliked us, then let us go! You prepare for fight without careful thinking. You rushed against us like birds to its food or like butterflies!

Shame on you! You are supporting the oppressors of the Ummah (nation) and you are disregarding the book of Allah, you are a whispers of the devil, you are the gang of sins, you are the changer of the divine book and the eliminator of the Sunnah (traditions of the Prophet), you are the killers of prophets, their progeny, and exterminators of the Guardians' (Awsiyaa) Household, and you are the falsely claimer of parenthood to an illegitimate child, and you are bringing harm to believers and widespread the message of misguidance through anti-Islamic leaders who nullify the Quran.

You support Ibn Harb (Yazid) and his followers and fail us?! Yes, I swear by Allah, treason is well known trait in you! You were raised on it and you inherited it generation after generation. It covered your hearts and your chests until you became the worst supporter of the enemy of Allah and the tyrants! Curse of Allah be upon those who return back on their oath and do not respect their agreement after confirmation. You made Allah be a witness upon you, you are those people.

Verily, the illegitimate son whom his father was also an illegitimate son too (Ibn Ziyad) offer us only two choices, either the sword or humiliation, and no way that we accept humiliation! Allah, his prophet, good ancestors, purified mothers, and dignified souls which preferred an honorable death over obeying tyrants, all of them reject that for us!

I have warned you and done my duty. I shall proceed with this family despite the lack of supplies and the treason of supporters.”

Then Al-Husayn (as) said: "Where is Umar ibn Sa'd? Call for me Umar."

He was called and Al-Husayn (as) said to Ibn Sa'd (the Third defendant): "Oh Umar! You want to kill me, and you claim that the illegitimate son of the illegitimate father will appoint you as the governor on Al-Rayy' state?! By Allah, you will never enjoy it ever! That is a promised covenant, so do whatever you want to do! For you will not enjoy after me in the life of this world or in the hereafter. It is as if I envision your head to be raised on a stick in Al-Kufa and the kids take it as an aim for their shots."

In these final words, Al-Husayn (as) summarized the whole situation, its causes, and how it has ended up to this confrontation due to oppression, betrayal, greed, deceit, breaking of covenants, and fear from the oppressive tyrant. Once again, Al-Husayn (as) eloquently expresses his rejection to dishonor, humiliation, weakness, oppression, and paying allegiance to an oppressor. He prefers an honorable death over the obedience of an oppressor. He insists on continuing the struggle of dignity, honor, and truth despite the absence of support, the great number of the enemy, and the lack of support from the people.

Furthermore, Al-Husayn (as) confirms to the Third defendant Ibn Sa'd that he (Ibn Sa'd) will not gain what he wished from fighting him, and that Allah (SWT) will take revenge from him. He said that to Ibn Sa'd to give him a chance to reconsider his position, but instead, Ibn Sa'd became outraged and ordered his forces to march and he advanced his flag. Then he charged his arrow in his bow and threw it while saying:

"Testify in front of the Governor (Ibn Ziyad) that I am the first one to shoot!!"

After hearing this statement from the Third defendant, can anyone claim that he refused fighting or that he is not responsible, or that he was simply obeying the orders of his supreme commander? Doesn't this statement from him stand as a strong proof that he was among the first who competed to attain the pleasure of his masters by carrying out this heinous mission, even if the price was the bloodshed of innocent women, children, elderly, sick, and a small group of helpless men?!

This statement of Ibn Sa'd points clearly to his guiltiness and we request the court to add this to the record. Of course after the commander threw his arrow, the rest of his army threw their arrows at one shot, and most of Al-Husayn's companions fell down as some were killed and others were injured as a result of this heavy attack, and the fighting officially began!

Chief Justice: Court is adjourned today and will resume tomorrow at 10AM. Thank you. Court is dismissed.

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