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The Third Court Session

First Tragic Scene: “The Defense Challenges”

Chief Justice: Thank you, please be seated.

Before I request Mr. Prosecutor to continue presenting his evidences, I’d like to remind the respected jurors to refrain from listening to any comments, news or watching any material in the media about this case, whether directly or indirectly. And now, the Defense, would you like to discuss what the prosecutor has presented so far before he continues?

Defense: Yes, your Honor.

Chief Justice: You may proceed.

Defense: Respected judges, respected jurors. We listened to the prosecutor as he tried to prove the first individual charge against the First defendant when he presented the two historical letters. We do not question their authenticity; however, we do not agree at all with the deductions the Mr. Prosecutor made from these statements, and his efforts to convince you of his deductions.

The first letter addressed from the First defendant to his governor in Al-Madina was intended to avoid giving a chance for the enemies of Islam to cause unrest in the state, and to “unite” the nation under the new ruler who has already been given the pledge of allegiance by many people and tribes from all over the place.

Only the four individuals mentioned in the letter did not give their pledge of allegiance while they held a great position and impact on the nation. If they did give their allegiance, then there would be consensus and hence the new regime would be stabilized and the new ruler can focus more on the affairs of the Muslim state.

I would like to point out here that one of the most important principles of the Islamic religion which the new state was built on is the necessity of unity and agreeing collectively on one ruler and avoiding

division. The Holy Prophet (S) has said, “You should listen and obey even to a slave.” He (S) also said, “Whoever tries to divide your decision after you have agreed upon one ruler, kill him no matter who he is.”

So the new ruler who is the First defendant was carrying out the religious instructions and laws on which the state was built, and was trying to maintain the unity of the nation to strengthen his regime and this is his right as a new ruler. As to what he referred to in the letter regarding the threat to kill anyone who refused to pay the allegiance, it was just a way to put pressure and to force everyone to unite under the new ruler. It was not at all a serious threat.

If it was serious, he would’ve ordered his governor to kill them immediately whether they gave their allegiance or not. This is exactly what his governor understood from the letter and so he called upon Al-Husayn (as) and informed him of the ultimatum. He urged him to give his pledge of allegiance and gave him ample time to think about it. He did not rush him because the intent was not to actually kill him.

As for the second letter, it came in response to a friendly communication which the First defendant sent to Ibn Abbas asking for support and thanking him for not participating in the mischief which rose during that time. Let us not forget here that Ibn Abbas is the cousin of Al-Husayn (as) and so his personal emotions and reaction to what has happened in Karbala made him upset and blame the First defendant for being completely responsible to what has happened.

So his words here are simply an over-reaction that is not based on real facts. Rather, it is based on false rumors and incorrect assumptions that are often due to the extreme grief over the loss of a loved one. This is well-observed frequently in our everyday life. Thank you your Honor.

Chief Justice: Mr. Prosecutor, would you like to rebut the defense’s argument?

Prosecutor: Yes, your Honor.

Chief Justice: You may proceed.

Prosecutor: Thank you your Honor. Respected judges, respected jurors, the defense claims that the intention of the first letter was to secure unity and establish the new rulership. Does that get accomplished through forcing people, shedding blood, threatening, and issuing orders of execution? What type of rulership is this and from where did it get its legitimacy?! Did Islam or its Messenger call for that? Can the defense team narrate to us any similar event which took place in the autobiography of the Prophet (S) or even his successors so that we can be guided by it?

As for the two narrations which he referred to from the Prophet of Islam (S), the first one advises people to refrain from racial discrimination and promotes equality among the people without prejudice due to color or social status. It orders them to obey their legitimate rulers regardless of their appearance or backgrounds, so long as they abide by the rules and regulations of the religion in an Islamic state, or as

long as these rulers are legitimate according to the constitution in a non-Islamic state.

As for the Second narration, its aim is to put an end to mischief in a case where there is consensus over one individual. Now was there a unanimous agreement over the First defendant such that the narration applies in this case? The First defendant did not obey or carry out the

laws of the religion. On the contrary, he used to openly disobey and go against most of its regulations and teachings which forbid shedding of innocent blood. He did all that for the sake of securing his seat on the throne of caliphate and enjoying its pleasures. This is exactly what forced many to disagree and oppose his rulership.

As for the defense claim that what the first letter contained was only a fake threat, what is his proof for that? If they claim that the governor of Al-Madina did not obey the order due to his knowledge that it was only a fake threat that is completely false because all the books in front of you state that the disobedience of Al-Waleed ibn 'Uqbah to the orders of the First defendant was based on personal initiative from him. T

he biggest evidence which proves that his act was seen as a disobedience by the First defendant was him being fired from his post immediately after Yazid the First defendant knew that Al-Waleed did not carry out his orders by the word. So the matter was not simply a fake threat for the sake of intimidating, as the defense claims. Rather, it was a serious decision to kill and execute immediately! And when the governor failed to carry out this orders Yazid fired him.

As for the Second letter, Ibn Abbas whom the defense attacks his integrity and claims that he was unjust, accuses people without proof, he was biased because of kinship, and he depended on assumption. The same Ibn Abbas is among the key personalities in Islam because a lot of the Islamic laws and teachings were narrated by him from the Holy Prophet (S).

That is why Ibn Abbas became known as "Habr Al Ummah" / the Chief Priest of the nation. So how could he be qualified to be the chief priest of the nation while he is at the same time unjust, biased, depend on emotions, and accuses based on rumors, assumptions, and predictions, while Islam forbids all that, and he knows that very well because he is the "chief priest of the nation"! This makes no sense at all and I challenge the defense in front of you and the billions of Muslims who are watching us now to make these two contradictory points fit with each other!

Chief Justice: Does the defense wish to rebut the prosecutor's argument?

Defense: No your Honor.

Chief Justice: Court will break now for a 20 minute recess and will resume afterwards.

Second Tragic Scene: “The Father and The Son”

Chief Justice: Court session resumes after recess. Mr. Prosecutor, you may now continue presenting the rest of the evidence.

Prosecutor: Respected judges and jurors, now allow me to clarify to you why Al-Husayn (as) took the threats of the First defendant seriously and treated it as a true danger and a real conspiracy to kill and get rid of him, under the excuse of refusal to pay allegiance to the new ruler. Since the defense team opened this topic, it is legitimate for me to respond to this matter. To do so, we must give you an idea about the era of the rule of Muawiya, the father of the First defendant.

Then we will review some of this defendant’s personal attributes so that we may understand why Al-Husayn (as) take the threat seriously and therefore went out with his family looking for a safe haven that would protect him and his family from the persecution of the aggressive and the oppressive ruler. That is a natural right for any person exposed to what Imam Al-Husayn (as) was exposed to.

Defense: Objection your Honor, this has nothing to do with the case at hand and is irrelevant.

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

Prosecutor: As for the era of the rule of Muawiya ibn Abi Sufyan which lasted about 20 years, the Islamic nation suffered lots of oppression, dictatorship, killing, betrayal of covenants, racism, and ethnic cleansing during this period of time. None of these was seen or heard of before him at all. You will find hundreds of witnesses and events in the references in front of you which prove that.

Despite the different school of thoughts and political inclinations of the Muslim historians, the majority of them acknowledged that. In order not to burden you with too much information, I will only present two tragic incidents which their authenticity has been agreed upon by most Muslim historians and orientalist.

These incidents portray to us the nature of Muawiya’s rule (the father of the First defendant) and the innovations he introduced in his caliphate which the First defendant sought to tread since day one of his rule.

First Incident

It is the incident of the murder of Al-Hijr ibn ‘Adiy Al Kindi and his companions. It took place after the peace treaty between Muawiya and Imam Al-Hasan ibn ‘Ali (as), the legitimate Caliph and the brother of the victim Imam Al-Husayn (as), had been signed. One of the stipulations of this peace treaty was that, Al-Hasan (as) was passing over the rulership to Muawiya for the sake of avoiding bloodshed in exchange of clemency for all the supporters of Al-Hasan (as).

This would mark the beginning of a new era where everyone would enjoy freedom and equality.

However, Muawiya (the father of the First defendant) did not respect any of the terms of that peace treaty he signed. As soon as he took over, Muawiya immediately started to persecute and chase all those who gave their pledge of allegiance, fought with, and supported Imam Al-Hasan and this was a clear violation to the treaty. It was deceit and betrayal on his behalf which was not seen before. Thereafter, he poisoned Imam Al-Hasan (as) and planned his murder so that the way would be opened for the successorship of his son after him...

Defense: Objection your Honor. This has not been proven such that the prosecutor relies on it. Rather, these are lies fabricated by the enemies of Muslims.

Prosecutor: Actually it is present in many of the history books and references in front of you.

Chief Justice: Objection sustained. Respected jurors, disregard what you heard from the prosecutor about the killing of Al-Hasan (as). You may proceed Mr. Prosecutor.

Prosecutor: After Al-Hasan's death, Muawiya (father of the First defendant) started killing and persecuting the supporters of Imam Al-Hasan (as), and the supporters of his father 'Ali ibn Abi Talib in AlKufa specifically, and in Iraq and Hijaz. One of the first victims was Al-Hijr ibn 'Adiy and his seven companions who were slaughtered by the orders of Muawiya, just for their political inclinations and accusations of being of the followers and supporters of 'Ali and Al-Hasan (as).

Their execution in this manner and for this reason caused great commotion in the Islamic world because it was the beginning of a dangerous phenomenon and immense deviation from the Islamic rules and teachings. However, Muawiya the ruler did not hesitate to carry that out despite protest and objections of the companions of the Holy Prophet (S). It was yet another tragedy which deserves another human trial by itself!

This incident demonstrates that the father of the First defendant does not respect any treaty or covenant; rather, his own interests and personal greed of acquiring totalitarian authority was greater than anything. It proves that if he threatens, he is dead serious about carrying out his threat! Hence, it was not surprising that Al-Husayn (as) takes the threat of his son, First defendant, very seriously. After all, children typically follow the footsteps of their fathers.

Second Incident

It is the incident of the murder of 'Amr ibn Al-Hamq, one of the companions of the Prophet (S) by Muawiya with the same charges as Al-Hijr. He was beheaded and his head was sent from Mosul in Iraq all the way to Damascus. The head of 'Amr ibn Al-Hamq was the first head to be carried from country to country in the history of Islam, and it was a horrific innovation which Muawiya, the father of the First defendant, introduced.

Unfortunately, the Muslim rulers after him followed that practice for hundreds of years! Muawiya has kidnapped the wife of 'Amr ibn Al-Hamq and took her as hostage to force her husband to surrender to him after he escaped. Afterwards, when 'Amr was killed and his head arrived to Muawiya, he ordered that 'Amr's severed head to be placed on the lap of his poor wife. Now imagine this horrific and terrible scene!

The historians are in consensus that the first person who imprisoned women because of charges against their husbands was Muawiya ibn Abi Sufyan. This also was another horrible innovation which he introduced in the history of Islam! No wonder then that Islam has become associated with terrorism ever since Muawiya innovated these practices which were adopted by the Muslim rulers after him.

Therefore, it is not surprising that Al-Husayn (as) became concerned for the safety of his family and children under the new rulership of the First defendant as he surely would follow the same path as his father Muawiya! So how can Al-Husayn (as) feel safe to leave his family behind him and escape for his life?!

If he did that, how can he guarantee that his family will not be taken as hostages just like the wife of 'Amr ibn Al-Hamq Al Khoza'i, to force him to surrender himself for execution or to pay allegiance to Yazid by compulsion? Therefore, it was natural for him to have his women, children, and family members accompany him in his journey in search for a safe haven for himself and his family.

To verify that, we present to you the following document which is a letter that Al-Husayn (as) sent to Muawiya blaming and reprimanding him for the murder of 'Amr ibn Al-Hamq. This letter quoted the following as it has been cited in Tarikh Al Tabari:

“Are you not the killer of 'Amr ibn Al-Hamq, the companion of the Holy Prophet (S)? He was the righteous God-servant whose worship weakened his body and turned the color of his face yellow. You did that after you promised him safety and security. Such a promise if you gave to a bird it would've flown down to you from the top of mountain, you then you killed him out of audacity to your Lord and in betrayal to your promise!”

This clearly indicates the opinion of Al-Husayn (as) regarding the regime of Muawiya who betrays the covenants and kills the innocent. In the eyes of Al-Husayn (as), the First defendant was even worse than his father. So how can Al-Husayn possibly feel secured as the First defendant officially announced his intention of killing him if he doesn't pay allegiance to him?! How can Al-Husayn (as) assure the safety of his family if he left them behind and went out looking for a safe haven?!

Just like Muawiya issued orders to carry the slaughtered head of 'Amr ibn Al-Hamq to him, Yazid ordered that the head of Al-Husayn (as) be carried to him. And as Muawiya issued orders to throw the head of 'Amr ibn Al-Hamq in the lap of his wife, Yazid ordered that the head of Al-Husayn (as) be placed in the lap of his little daughter, Ruqayyah, who died as a result of the immediate shock and trauma! As you see, the son was like his father and the son treaded the same path as his father, while

the innocent people paid the price of all these barbaric practices!

Let us now move on to the autobiography of the First defendant himself, before he became the ruler and after, based on the history books which the defense approved.

First: It has been cited in Tarikh Al Ya'qoobi and Tarikh Al Tabari that when Muawiya wrote to his illegitimate step-brother and his governor over Al-Basra, Ziyad ibn Abeeh, ordering him to call the people to give their pledge of allegiance to his son Yazid after him, Ziyad responded to him in a letter saying:

“Oh Ameer Al Momineen, what will the people say if we called them to give their pledge of allegiance to Yazid while he plays with dogs and monkeys, wears adorned clothes, and is addicted to alcohol, and he walks on the beating of drums, while they have big personalities like Al-Husayn ibn 'Ali (the victim in this case), Abdullah ibn Abbas, Abdullah ibn Al-Zubair, and Abdullah ibn Umar! Why don't you order him to behave like those personalities for a year or two. Perhaps after that we can deceive the people!!”

This is a testimony by the uncle of Yazid and one of the cornerstones of the government of Muawiya regarding the personality of Yazid and his qualification for successorship!

Second: It has been cited in Tarikh Al Ya'qoobi and Tarikh Al Tabari and Ibn Al-Atheer as follows:

“Muawiya took the pledge of allegiance for successorship for his son after the demise of Al-Hasan ibn 'Ali. Four individuals refused to give their pledge of allegiance: Al-Husayn ibn 'Ali, Abdullah ibn Umar, Abdul Rahman ibn Abi Bakr, and Abdullah ibn Al-Zubair. Abdullah ibn Umar said, ‘Shall we give our pledge of allegiance to he who plays with monkeys and dogs, drinks alcohol, and openly commits sin! How shall we then answer to Allah (SWT)?!’”

Third: It has been cited in Tarikh Al Tabari and Al-Ya'qoobi and Ibn Al Atheer as follows:

“When Muawiya ibn Yazid ibn Muawiyah (who is the son of the First defendant) became ruler after his father's death, he spoke to the people and said, “My grandfather Muawiya took away the successorship from he who deserved it and was closer in relation to the Messenger of Allah. He who had more right for it, he who was the first to accept Islam, and the first to believe, the cousin of the Prophet (S) and the father of the only progeny of the Seal of Messengers. My grandfather seized the caliphate as you know, and you helped him commit this injustice until he met his death and the time came for him to pay consequences for his actions.

Then my father took over the rulership and he was not qualified for it. He followed his lower desires and saw his vices to be good. His ambitions increased but death overtook him and he ended up being a hostage to his sins in his grave and a captive to his crimes.

(Then he cried and said): One of the toughest matters on me is my knowledge of his awful ending as he has killed the family of the Prophet and violated his sanctity, and burned the Holy Kaaba. I will not take

over the governorship of your affairs and I will not be responsible of your deeds! So I return back to you your governorship!”

Now is there anything more clear than that as this is the opinion of the son about his father, the First defendant? This is his confession about the heinous crimes that his father committed in Karbala and his complete responsibility of it, to the point that the son refused to carry the burden of rulership after the crimes of his father, and so he resigned from that post and left it for others to fight over it.

Fourth: Al-Ya'qoobi cites the following in his book:

“Sa'eed ibn Al-Musayyab (one of the great scholars at that time) used to call the years of Yazid's rulership as miserable. In the first year, Al-Husayn ibn 'Ali was killed along with the household of the Prophet (S). In the second year, the sanctity of the Prophet (S) and the sanctity of Al-Madina have been violated. And in the third year, the blood has been shed in the sacred House of Allah (SWT) and the Holy Kaaba was attacked and burned.”

Fifth: It has been cited in Maqatal Al-Husayn by Al-Khwarizmi Al Hanafi that:

“When Al-Waleed ibn Uqbah the governor of Madina summoned Al-Husayn to pay allegiance to the First defendant, Al-Husayn said to him: ‘Oh Governor! We are the household of the Holy Prophet, the core of His message, the place where angels descend to, and the place of mercy. Allah (SWT) brought victory through us and will conclude by us, while Yazid is a corrupt man who consumes alcohol, kills the innocent, and openly disobeys God. A person like me cannot give the pledge of allegiance to a person like him!”

This clearly explains to us the opinion of Al-Husayn (as) and the family of the Prophet (S) about the First defendant Yazid and his behavior, morals, and qualification for leadership.

Sixth: It has been cited in Maqatal Al-Husayn Lil Khwarizmi Al Hanafi:

“Marwan delivered a speech in the Grand Mosque in AL-Madina while he was its governor appointed by Muawiya, the father of the First defendant. He called the people to give their pledge of allegiance for successorship to Yazid after his father. The people kept silent, then Abdul Rahman ibn Abi Bakr spoke and said, ‘By God you lied! And he who ordered you also lied! By God, Yazid is not a chosen one nor is he acceptable! Are we to accept Yazid who consumes alcohol?! Yazid who plays with monkeys! Yazid who plays with leopards! Alas, you only desire to make it a Heraclius dynasty!”

This clarifies to us the opinion of Abdul Rahman ibn Abi Bakr, one of the companions, regarding the character and lifestyle of the First defendant.

Seventh: It has cited in Maqatal Al-Husayn Lil Khwarizmi Al Hanafi:

“Muawaiya said to his son Yazid (the First defendant) during his will, ‘I have chosen this life over the

Hereafter for your sake, and I took away the right of 'Ali ibn Abi Talib. I carried the burden of sin on my back and I fear that you not accept my will and rather you kill the best of your people, then you invade the sacred House of your Lord and kill them unjustly. Then death comes to you while you lost both, this life and the Hereafter!"

This is a testimony by the father about his son (the First defendant) and his personal opinion and prediction of him! Yet despite his knowledge, he appoints him as his successor over the people! Indeed this is from the wonders of history!

Chief Justice: Does the defense desire to rebut the evidence presented so far by the prosecution?

Defense: Yes, your Honor. Everything the prosecution presented so far has nothing to do with the charges directed to the First defendant. And I request that all of that be cancelled from the court records with instructions to the judges and jurors to disregard it!!

Chief Justice: Does the prosecution have any comments?!

Prosecution: Yes, your Honor. What we presented surely has a direct relation with our case. The first charge directed against the First defendant individually is "Issuing orders to kill Al-Husayn (as) which forced him to leave his home in Al-Madina with his family and children in search for a safe haven." So it is our duty to explain how the order of the First defendant was serious and why did Al-Husayn (as) look at it the same way.

The character and demeanor of the First defendant is a mainstay and foundation in this case. All of that we presented has a direct relation to the crime and portrays to the judges and jurors the background information of the tragic crime and the psychological state of its perpetrators and its victims since the very beginning. Otherwise, it is not possible to comprehend the sequence of events and the ending without explaining and understanding the whole story and the real reasons behind this tragedy. This will be more clear as we continue to present the events, evidences, and proofs.

Chief Justice: The defense request is rejected, and I see that what the prosecution has presented is directly relevant with the case and the charges directed against the First defendant. The judges and jurors can rely on the prosecution evidence so far in deciding guilt or not.

And now the court is dismissed and will resume tomorrow morning at 10AM. Thank you. Court is dismissed!

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