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The Twelfth Court Session

The First Appeal: “Closing Statement of the Prosecution”

Chief Justice: Court is now in session. Ladies and gentlemen, today we will listen to the closing statements of each of both the prosecution and the defense teams. So it is likely that the court proceeding may extend in time depending on the circumstances.

Afterwards, if there are any specific questions from the judges and jurors to the prosecution or the defense, please bring them forward to me so that they can be presented to the appropriate teams. And if there are no questions, then I will instruct the judges and jurors to commence their closed door deliberations to reach a final verdict in this case. The court will be immediately notified once a verdict is reached. And now I invite the Prosecutor to begin his closing statement. You may go ahead Mr. Prosecutor.

Prosecutor: (stands with tranquility and confidence while a strange light radiates from his eyes and the words are uttered from him gracefully and naturally with eloquence and strength).

Dear respected judges and respected jurors, I would like to start my talk with you with this legendary story which we all learned when we were once young kids. We learn and remember it always for its lesson and wisdom.

It is the story of the three bulls: the white, the yellow, and the black bull who all used to live together safely in the jungle by virtue of their unity in front of their enemy. Their enemy was a cunning and fierce lion waiting for its prey, and when it didn't have any luck due to their unity, the lion thought of a trick to deceive them. It went to both the black and the yellow bulls and said to them: “the white bull exposes our existence by its white color, so let me eat it so that we become safe and the whole jungle becomes us, a trio only.”

It kept on trying to persuade and deceive them until they finally agreed and handed over the white bull, so the lion attacked the poor bull and ate it while they were watching. After awhile, the lion came over to

the black bull and said to it: “the yellow bull eats a lot and exposes us by his bright color, so if you let me eat it we will be relieved and the jungle will be for you and me only.”

The lion kept on persuading and deceiving the black bull until it agreed and surrendered the yellow bull. So the lion attacked and ate the yellow bull while the other bull sat watching. Then after one day, the cunning lion came and stood in front of the black bull which now became alone. The bull detected a look of evil from the lion and knew that it was about to get attacked, so the bull released its famous cry which is a lesson for every person. It said, “I was eaten the same day the white bull was eaten!”

Yes, ladies and gentlemen, if injustice and oppression eats us today or tomorrow, that is because we have abandoned the rights of those who have been eaten by this injustice yesterday and before yesterday. And we allowed for that to happen without convicting and punishing the oppressors of the past.

If we stood up against the oppressor of yesterday and supported the oppressed, and if we stood up against the tyrant of yesterday and supported those who were transgressed against...if we do that we would then be protecting ourselves in our today and also safeguarding our children in their future from the injustice of the unjust, the oppression of the tyrants, and the arrogance of the transgressors.

The injustice committed against Al-Husayn (as) and his tragedy is a lesson and a test for us. If we allow for his killers and oppressors to escape from punishment and justice, then there will not be any justice left. We ourselves will be the next victims and we cannot blame but ourselves!

Actually, injustice is like a disease which knows no time or place. Just like there is no cure for disease except by medicine, there is also no cure for injustice except by establishing justice and capital punishment, and that is the only way to eradicate injustice and oppression. And if injustice and oppression are eradicated, the earth will then be filled with justice and fairness which is our ultimate mission.

On that day, mankind will reach the peak of success, humanity, and civilization and we will feel honored to be associated to it. As for the type of humanity that these five criminals are associated to, we do not feel honored to be associated to it because it is sick with the disease of injustice, oppression, and submission to its evil!

Ladies and gentlemen, we have presented strong and sufficient evidence to you of the cowardly and degrading conspiracy that Al-Husayn (as) was subjected to in Karbala, and he as well as his family and children were the victims to it. It was planned and plotted by the First defendant, Yazid ibn Mu'awiya who was assisted by the other four defendants (Ubaidullah ibn Ziyad, Umar ibn Sa'd, Shimr ibn Dhil Jawshan, and Hurmala ibn Kahel) in carrying out the gruesome details.

The stages of this conspiracy started since day one when Muawiya ibn Sufyan has died, as we explained to you and presented the evidence for that. The final stage of the conspiracy was executed on

the land of Karbala on the 10th day of Muharram 61 A.H. Now, are we going to allow for the conspirators, perpetrators, and those who carried out this conspiracy and massacre to escape the responsibility, accountability, and punishment?!

The defense will tell you that we should not concern ourselves with matters that passed by tens of centuries ago and it is hard to know the truth about the past crimes due to its old age. They will suggest for us to leave the whole matter for divine justice which will be achieved on the Day of Reckoning. Respected jurors, by your unanimous conviction, tell the defense that justice knows no time, whether it is tens or hundreds of centuries!

The oppressed must take his right and the oppressor must be punished even if after a very long time, so that justice is finally established!

If the oppressor of the past is punished and convicted for his crimes yesterday, today's oppressor will think before he oppresses, and the oppression of tomorrow's oppressor will be confined, hence the people will be safe from them. Tell him by your guilty verdict that the divine justice in the hereafter does not at all replace the human justice in this life, and that is very important for our lives on this planet which can never proceed in the right direction without establishing justice for every human in the past, present, and future without any exception.

Our Creator and God requests us to establish justice on earth, and all of the heavenly books urge man to apply justice on everyone. Our humanity, wisdom, and intellect demand us to apply justice because it is for the benefit of everyone. After all, if justice is not established, oppression will prevail! Injustice and oppression are darkness, and darkness is death, destruction, loss, castigation, and suffering to all of humanity!!

The decision is yours today, so where do you want to take humanity while the whole world is now watching you as well as many of the unjust oppressors around the world? They are closely watching, so if you support and promote justice to those who have been oppressed yesterday, then today's oppressor will think a thousand times before committing injustice tomorrow because he will know that the hand of justice will reach him, even if after tens, hundreds, or thousands of years!

The defense will try to belittle the case by saying that it was not a crime but was only a mistake, bad luck, and an error in judgment. Tell them by your verdict that this case is very grave and important! Its victim is a grandson of a prophet, a master, a leader, a noble who has no like in his time or after his time in his morals, manners, religion, worship, piety, knowledge, and humanity!

Its victims are also his household members, his followers and devotees, his companions and his whole family who were either killed, slaughtered, taken as captive or persecuted. All of that is not possible to happen without a crime taking place and it is certainly not a coincidence!

Behind this crime is a criminal, and we have pointed to the primary criminal and placed him in front of

you as a defendant surrounded by strong proofs and evidence which incriminates him.

He is surrounded also by those who participated with him, helped him, and supported him and they are all worse than him because if an oppressor...any oppressor...didn't find those who would help and assist him, he may not have been able to commit injustice, murder, and oppression.

They all share with him in committing the crimes and the massacre, and the evidence to that is clear and available in front of you.

As you heard, the defense claim that the historical texts and narrations are all doubtful in its authenticity because they are only narrations which may be truthful or not, which makes all these sources a place of doubt, and doubt is usually interpreted for the benefit of the defendant. So tell them by your guilty verdict that our lives and the religions of all of humanity was based and built on quotes and narrations from the past.

If we doubt all the quotes and narrations, will this lead us to renounce in our religions? The Torah is a narration, the Bible is a narration, and the stories of Prophets Musa (as) and Yusuf (as) are narrations, as well as the story of Jesus (as). And Islam has reached us via narrations and our whole religion was built on narrations and traditions coming from the past. Does that mean our whole religion is tainted by doubt and suspicion?!

Surely this would mark the beginning of infidelity, God forbid! Rather, narrations are of two types: some are authentic and others are fabricated. Hence, we scrutinize the documents and narrations, verify its authenticity, and validate what the narrators say to see if there is contradiction between the narrations. Then we use our minds to judge the narration to determine if it is authentic and in agreement with the historical facts, logic, and other narrations or not.

Thereafter, we decide its level of authenticity and whether we can take and built on it or not? If the narrations were narrated from multiple different sources and are in consensus about a particular event and supported by other evidences, then the narration is authentic without a doubt and we can use it as a clear-cut evidence for the occurrence of a particular event.

We have indeed presented to you the narrations mentioned in multiple sources which the defense approved and did not doubt its narrators or the authors of these references, so where is that doubt coming from?

Ladies and gentlemen, my confidence in you has no limit and throughout the trial I would see in your eyes focusing, concentration, and understanding of the evidence. Behind your eyes I see bright minds that read, recognize, see, discuss, and deduce what should be deduced and concluded.

Today you represent the beating heart of humanity and its live morals and awakened conscience. You represent all of the countries and people of the world, with its different religions and level of

intellectuality. Hence, we gathered you to seek help through you and we call upon you in the name of all of humanity to give your last word and support the lonely, estranged, oppressed one of Karbala who was slaughtered while dying of thirst, without compassion or sympathy!

Support him after the people of his time...his Muslim brothers let him down. Support him in the name of humanity; support him by bringing justice from his oppressor and finding the defendants as “guilty” even if after hundreds and thousands of years! Support him because there are some now who defend that oppressor and that murderer and consider him to be a saint, while that is the peak of human degradation!

Say to the supporters of the oppressors in the name of all humanity that you are mistaken and that this oppressor is guilty based on the facts, proofs, and evidences which are beyond reasonable doubt!

The oppressor is guilty based on a just international human tribunal which the whole world participated in and admitted that the criminal is indeed a criminal and the oppressor is indeed an oppressor who ought to have punishment in this world and deserves to be placed in the trash of history!

He deserves to be cursed, condemned, and disavowed by everyone till the day of Judgment. In the end I say to you: “Stand with the oppressed Al-Husayn...stand with the oppressed Al-Husayn...stand with the oppressed Al-Husayn!” May Allah (SWT) give you victory and bless you. May His peace and mercy be upon you!

(There was a strange pin-drop silence which filled the courtroom. The only thing that could be seen was faces filled with reaction, anger, and tears which overcame everyone).

Chief Justice: (as he tries to hide the tears from beneath his eyeglasses) Court will break for recess for half hour and shall resume afterwards.

The Second Appeal: “Farewell Speech of the Defense”

Chief Justice: Court is now in session after recess. The defense, are you ready to present your closing statement?

Defense: Yes, your Honor.

Chief Justice: You may go ahead.

Defense: Ladies and gentlemen, respected judges and jurors. I will not repeat what I had said previously. Mr. Prosecutor took a smart step when he tried to anticipate what I am going to say. However, we are not here to defend the crime of murder of Al-Husayn the grandson of the Prophet of Islam (S) and the Master of the youth of the people of the paradise, as cited in the prophetic narrations. He is the leader of the Muslims according to the narration of the prophet and he is the sweetheart of the

Prophet. So how can a believer or even nonbeliever defend the crime which took place on the land of Karbala?!

We are not here to defend the crime as every Muslim believer and human condemns it. Rather, we are only defending the defendants who are accused of committing the crime. These five defendants did not imagine that the matter will reach to what it has reached. Yes, they threatened and yes they prepared military army, but they left the door of retreat open with conditions which Al-Husayn did not accept. And he had all the right not to accept it.

But it was not in their intention that things proceed the way it did. I say to you that the conditions of a conspiracy here is not available as there is no materialistic proof or strong evidence to prove it. In the end, the matter is left for you to judge based on what was presented to you from evidence throughout the court proceedings.

I agree with my colleague Mr. Prosecutor regarding the necessity of establishing justice and carrying out capital punishment on the oppressor in any place and time so that we protect our societies and future generations.

Verily, injustice is a deadly disease and its prevention is better than its treatment. How many innocent people have died as victims of oppression?! We agree with the prosecutor that human justice must be implemented to take the rights of the oppressed and the rights of the victims from those who committed injustice against them so that justice can prevail on earth.

However, this human justice must be applied very carefully and not blindly so that it doesn't turn into a tool for injustice. We must first verify without any reasonable doubt the identity of the criminal or the oppressor before issuing the verdict.

Ladies and gentlemen, in this case, are you absolutely sure without reasonable doubt that these five defendants are the real and only criminals? Aren't there other criminals behind the scene who may have been concealed from this trial?

And if there are other persons or forces, then it would certainly be unjust to let these five defendants alone carry the full burden of responsibility for the crime! Isn't this also a place of doubt?

Take in consideration that the enemies of Islam during that time were plenty and were widespread everywhere and it was to their advantage to arouse mischief in the state. Also, the presence of hypocrites and those who have high ambitions and political aspirations who had a personal interest in creating a rift and clash between the two sides to get rid of both of them so that the arena would be free for them to do as they please.

All of these possibilities support the probability of the presence of other criminals behind what happened in Karbala. And if these possibilities are true, then it would be unjust to burden these five defendants

alone with full responsibility of the crimes.

Furthermore, it is much better in Allah's (God) eyes not to convict a criminal if there is a doubt, even if he is truly a criminal, than to convict a really innocent person. So ladies and gentlemen, be very careful as Allah (SWT) watches you and will question you one day about your judgment which you will make.

Was it really a fair judgment that serves justice and was built on verification without any reasonable doubt or confusion? Or was it a haste judgment taken under the influence of emotions, feelings, and anger to the heinous crime that was committed, and so the doubts were overlooked?

We all have confidence in your judgment and sense of justice. No matter what your verdict is, we embrace it and accept it. And Allah (SWT) is All-Knowing. Thank you for your time and attention and we apologize to you for taking a lot of your time and for the media sequestration which we requested from you. Thank you, your Honor.

Chief Justice: Respected judges and jurors...do you have any questions to ask the prosecution or the defense teams? (The Chief Judge looks at his colleagues the judges and jurors).

Fine, since there are no questions from you at least for now, I request the judges and jurors separately to start the final deliberations to reach a verdict of "guilty" or "not guilty" in the case. I would like to remind you that conviction should be a unanimous vote from everyone as agreed upon, and if there is no consensus, then the verdict will be "not guilty" even if only one person had a different judgment from everyone else. I would also like to remind you that the "guilty" verdict should only be given without any reasonable doubt. Until you reach a guilty verdict, the defendant is innocent until his guilt is proven.

If at any time during your deliberation you have a question for the prosecution or defense teams, I request that you notify me immediately so that we hold a special court session for that purpose. You may take your time and at the moment that you reach a decision, I request that you notify the court secretary immediately so that she informs me.

Thereafter, we will hold a public court session to announce the result of your deliberations and the verdict for each of the charges directed to each of the defendants individually as well as the charges that were directed to them collectively.

And if you have any questions, please bring them to the attention of the Court Secretary and I will answer it right away, especially regarding the legal and technical issues and procedures.

Finally, I remind you that until you reach a verdict and announce it publicly in a court session, you are still sequestered from talking about the case except with your colleagues. You are also sequestered from reading newspapers or following the media internet or TV reports regarding this court case.

Thank you and I apologize for the inconvenience. I hope to hear from you soon once you reach a verdict in this case.

Court is dismissed and will resume once the judges and jurors reach a verdict in this case. Thank you all.

The whole world was in suspense as everyone anxiously waited for the judges and jurors to reach a final unanimous verdict of “guilty” or otherwise. The majority expected that the deliberation time would extend to days or even weeks, and that is due to the high number of judges and jurors.

Practically-speaking, for 112 individuals to reach one unanimous verdict seems to be a very difficult task. Thus, many predicted that if the time of deliberation extended, then that indicates lack of consensus and a “not guilty” verdict. And if the time of deliberation ended quickly, then that also indicates lack of consensus and a “not guilty” verdict.

Predictions surrounding the case became the topic of discussion and the talk of everyone around the world and there was only one question in everyone’s minds. Will the first historical court tribunal for crimes committed in the past in which neither the defendants nor the witnesses are alive...will it be successful in convicting defendants? Will there be any value to it? Or will this tribunal end in failure as well as other similar court tribunals that seek justice for crimes committed in the past?

To everyone’s surprise, not even 48 hours has passed and the judges and jurors announced that they have reached a verdict! The news was shocking and surprising! Everyone held their breath and a special court session was scheduled to take place on Monday to announce the final jury verdict.

And at the specified time, everyone was present in the court hall as many made predictions and bets. Most of the predictions from the legal experts were of the opinion that reaching a verdict this quickly indicates that the jurors are in big disagreement among each other, and so there is no escape from a verdict of “not guilty”.

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