



# THE OATH

A FILM BY LAURA POITRAS

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**A ZEITGEIST FILMS RELEASE**

# THE OATH

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From the director of the Oscar-nominated *My Country, My Country*, ***The Oath*** is a spectacularly gripping documentary that unspools like a great political thriller. It's the cross-cut tale of two men whose fateful meeting propelled them on divergent courses with Al-Qaeda, Osama bin Laden, 9/11, Guantanamo Bay Prison and the U.S. Supreme Court.

Abu Jandal is a taxi driver in Sana'a, Yemen; his brother-in-law Salim Hamdan is a Guantanamo prisoner and the first man to face the controversial military tribunals. Jandal and Hamdan's intertwined personal trajectories—how they became bin Laden's bodyguard and driver respectively—act as prisms that serve to explore and contextualize a world which has confounded Western media. As Hamdan's trial progresses, his military lawyers challenge fundamental flaws in the court system. The charismatic Jandal dialogues with his young son, Muslim students and journalists, and chillingly unveils the complex evolution of his belief system post-9/11. Winner of Best Documentary Cinematography at the 2010 Sundance Film Festival, ***The Oath*** offers a rare window into a hidden realm—and the international impact of the U.S. War on Terror.

# ABOUT THE FILM

THE OATH tells the story of Abu Jandal, Osama bin Laden's former bodyguard, and Salim Hamdan, a prisoner at Guantanamo Bay Prison and the first man to face the controversial military tribunals. Filmed in Yemen and Guantanamo Bay, Cuba, THE OATH is about two men whose fateful encounter in 1996 set them on a journey that would lead to Osama bin Laden, 9/11, Guantanamo Bay Prison, and the U.S. Supreme Court. The film begins as Salim Hamdan is set to face war crime charges at Guantanamo, and Abu Jandal is a free man who drives a taxi in Yemen.

We enter the story in a taxicab in Yemen. Here we meet Abu Jandal, the film's central protagonist, as he transports passengers through the chaotic streets of Yemen's capital city, Sana'a. Salim Hamdan is the film's "ghost" protagonist. He was arrested in Afghanistan shortly after 9/11 and taken to Guantanamo. His seven-year captivity at Guantanamo is narrated through his prison letters.

Abu Jandal met Salim Hamdan in 1996 outside a mosque in Yemen while looking for men to join him for jihad in Tajikistan. An orphan with a fourth grade education, Hamdan was drawn to the charismatic Abu Jandal. With the promise of work and friendship, Hamdan joined Abu Jandal.

Their journey took them to Afghanistan. Osama bin Laden had just relocated there from the Sudan and he invited the men to visit. Abu Jandal joined Al-Qaeda and became bin Laden's bodyguard and guesthouse emir. Salim Hamdan was hired as bin Laden's driver.

The second act of THE OATH takes us to Guantanamo, where Salim Hamdan's military tribunal unfolds. Hamdan's case is well known: In 2006, the U.S. Supreme Court ruled in his favor in the landmark case of *HAMDAN v. RUMSFELD*. Hamdan's Supreme Court victory, however, did not lead to his release, but rather to Congress re-drafting the law on military tribunals and creating new charges to file against him.

The final act of THE OATH returns to Yemen and takes us inside the pivotal FBI interrogation of Abu Jandal conducted six days after 9/11. THE OATH concludes with the surprising outcome of Hamdan's tribunal and his return home to Yemen.

Through the story of Abu Jandal and Salim Hamdan, THE OATH offers American and western audiences a rare window into the world of Al Qaeda, Osama bin Laden, Guantanamo Bay Prison, and the international impact of the United States' "War on Terror."

# DIRECTOR'S STATEMENT

I was first interested in making a film about Guantanamo in 2003 when I was also beginning a film about the war in Iraq. I never imagined Guantanamo would still be open when I finished that film, but sadly it was—and still is.

Originally, my idea was to make a film about someone released from Guantanamo and returning home. In May 2007, I traveled to Yemen and that's when I met Abu Jandal, Osama bin Laden's former bodyguard, who drives a taxi in Yemen. I wasn't looking to make a film about Al-Qaeda—I really wanted to tell the story of a Guantanamo prisoner returning home, but the story changed when I met Abu Jandal.

Themes of family, guilt, betrayal, regret, loyalty, absence, etc, are not typically things that come to mind when we imagine a film about Al-Qaeda and Guantanamo, so the story compelled me. It was a way to confront the traumatic events of the past nine years.

THE OATH is the second documentary in a trilogy I am working on about America post 9/11. The first film, MY COUNTRY, MY COUNTRY, tells the story of the U.S. occupation of Iraq from the perspective of an Iraqi doctor. The final film will be set in the U.S., focusing on the 9/11 trials.

In each film, my goal has been to understand these world events through the stories of the people living them. I also want the films to serve as primary documents. As a nation, I don't think Americans have begun to come to terms with 9/11 and its repercussions (Guantanamo, the invasion of Iraq, legalization of torture, etc.).

If the United States and other western nations hope to confront and contain the threat of Al-Qaeda, we must understand its motivations and internal divisions. To do that requires first seeing Islamic radicals as real people—subject to the human condition rather than apart from it. To acknowledge that humanity is not a justification of their acts, but rather an acceptance of an uncomfortable reality.

In the nine years since the terrorist attacks of 9/11, Al-Qaeda has grown from a fringe terrorist organization into an international social movement that is being “franchised” worldwide. In these same nine years, the United States has launched two wars, participated in the legalization of torture, detention without trial, “extraordinary rendition,” and secret prisons.

The world will be grappling with the twin tragedies of 9/11 and America's reaction to the attack for generations to come. THE OATH is an effort to document and shine light on this historical moment.

—Laura Poitras

# SALIM HAMDAN, LEGAL TIMELINE

**November 24, 2001:** Afghan forces capture Salim Hamdan in Kandahar.

**May 1, 2002:** Hamdan is transferred to Guantanamo Bay Prison.

**July 3, 2003:** President Bush selects Hamdan and five other Guantanamo detainees to be tried before a military commission.

**April 6, 2004:** Hamdan's counsel files a petition for a writ of *mandamus* or, in the alternative, *habeas corpus*, in the U.S. District Court for the Western District of Washington. His case is transferred to the U.S. District Court for the District of Columbia.

**July 14, 2004:** The Department of Defense charges Hamdan with conspiracy "to commit...offenses triable by military commission."

**August 24, 2004:** Hamdan's hearing begins before a five-member military commission, the first military commission trial since World War II.

**November 8, 2004:** U.S. District Judge James Robertson deems the military commission unlawful because no "competent tribunal" has determined whether Hamdan is a POW (a requirement outlined in the Geneva Conventions) and orders the Pentagon to halt the military commission. The Bush administration appeals.

**July 15, 2005:** A three-judge panel on the U.S. Court of Appeals for the District of Columbia overturns Judge Robertson's decision and rules that the Geneva Conventions do not apply to al-Qaeda members.

**August 8, 2005:** Hamdan files a petition for a writ of *certiorari*, a request for the Supreme Court to review his case.

**November 7, 2005:** The Supreme Court agrees to review Hamdan's case.

**March 28, 2006:** *Hamdan v. Rumsfeld* is argued before the Supreme Court.

**June 29, 2006:** The Supreme Court rules 5-3 in Hamdan's favor. The Court holds that the military commissions violate international law and the Geneva Conventions.

**September 29, 2006:** In response to the Supreme Court decision, Congress passes the Military Commissions Act (MCA)—an attempt to grant the president the necessary authority to create the commissions.

**May 10, 2007:** Hamdan is re-charged under the MCA.

**August 6, 2008:** A military jury finds Hamdan guilty of supporting terrorism but not guilty of the more serious charge of conspiring in terrorist attacks. Hamdan is sentenced to 5 1/2 years in prison, with 5 years one month credited for his pre-trial confinement at Guantanamo.

**November 25, 2008:** Hamdan is transferred into Yemeni custody, where he serves out the remainder of his sentence.

**December 27, 2008:** Hamdan's sentence ends.

**January 8, 2009:** Hamdan is reunited with his family in Yemen.

# THE FILMMAKERS

## **LAURA POITRAS**

### **Director | Producer | Cinematographer**

Laura Poitras was nominated for an Oscar, an Independent Spirit Award, and an Emmy Award for MY COUNTRY, MY COUNTRY (2006), a documentary about the U.S. occupation of Iraq. MY COUNTRY, MY COUNTRY was co-produced with ITVS, released theatrically by Zeitgeist Films, and broadcast on P.O.V./PBS. She received a Peabody Award and was nominated for an Emmy and an Independent Spirit Award for FLAG WARS (2003; made with Linda Goode Bryant), a documentary about gentrification that premiered at the SXSW Film Festival and won the award for Best Documentary.

Following MY COUNTRY, MY COUNTRY, THE OATH is Poitras' second documentary in a trilogy titled THE NEW AMERICAN CENTURY about America post 9/11. The final film will focus on the 9/11 trials.

Poitras is the recipient of a Guggenheim Fellowship, and a Media Arts Fellowship from the Rockefeller Foundation/Tribeca Film Institute. She has attended the Sundance Institute's Documentary Storytelling and Edit Lab as both a Fellow and creative advisor. Her work has received support from the Independent Television Service (ITVS), P.O.V./American Documentary, Creative Capital, Sundance Documentary Film Program, Gucci Tribeca Documentary Fund, the Vital Projects Fund, NYSCA, Jerome Foundation, Chicken and Egg Pictures, and others.

She is currently working on THE GUANTANAMO PROJECT, a multi-media project to collect documents and artifacts from Guantanamo Bay Prison. Before making documentaries, she worked as a professional chef. She lives in New York City.

## **JONATHAN OPPENHEIM**

### **Editor | Co-Producer**

Jonathan Oppenheim's editing credits include SISTER HELEN, which won the documentary directing award at Sundance and CHILDREN UNDERGROUND, a film he co-produced, which was nominated for an Oscar and won the Sundance Special Jury Prize, Gotham and IDA awards. He edited the classic documentary feature PARIS IS BURNING, awarded the Grand Jury Prize at Sundance. PARIS IS BURNING also received the New York Film Critics, Los Angeles Film Critics and IDA Awards.

Among Oppenheim's other credits are: YOUSOU NDOUR: I BRING WHAT I LOVE, the story of the great African singer's attempt to transmit moderate Islam through music, OUT OF THE SHADOW (PBS), which describes a woman's life with her paranoid schizophrenic mother, CAUGHT IN THE CROSSFIRE (PBS), a cinema verite look at three Arab-American New Yorkers in the wake of 9/11, and the Oscar-nominated STREETWISE (as Associate Editor). He was the co-editor of STRONGMAN, winner of the 2009 Slamdance Grand Jury award for Best

Documentary Feature. Recently, Oppenheim edited and co-produced PHYLLIS AND HAROLD, the tale of a 60-year bad marriage, scheduled for theatrical release in 2010; and he co-edited and co-directed COWBOYS, INDIANS AND LAWYERS (PBS) which deals with a battle over water in the West. He also edited the critically acclaimed feature documentary, ARGUING THE WORLD, for which he received, along with producer/director, Joseph Dorman, a Peabody Award.

## **KIRSTEN JOHNSON**

### **Cinematographer**

Kirsten Johnson works as a director and cinematographer. Her feature film script MY HABIBI was selected for the 2006 Sundance Writer's Lab and Director's Lab and is the recipient of an Annenberg grant. Her most recent documentary, DEADLINE, (co-directed with Katy Chevigny), premiered at Sundance in 2004, was broadcast on primetime NBC, and won the Thurgood Marshall Award. As a cinematographer, she recently shot the Tribeca Documentary Winner, PRAY THE DEVIL BACK TO HELL and Christy Turlington's NO WOMAN, NO CRY. She has worked with directors such as Raoul Peck, Barbara Kopple, Michael Moore, Gini Reticker, and Kirby Dick. Her cinematography is featured in FARENHEIT 9/11, the Oscar-nominated ASYLUM, Emmy-winning LADIES FIRST, and Sundance premiere documentaries, THIS FILM IS NOT YET RATED, AMERICAN STANDOFF, and DERRIDA (also released in the US by Zeitgeist Films). A chapter on her work as a cinematographer is featured in the book, *The Art of the Documentary*.

## **OSVALDO GOLIJOV**

### **Composer**

Oswaldo Golijov has received numerous commissions from major ensembles and institutions in the U.S. and Europe. In 2000, the premiere of Golijov's *St. Mark Passion* took the music world by storm. It was commissioned by Helmuth Rilling for the European Music Festival to commemorate the 250th anniversary of J.S. Bach's death. The CD of the premiere received Grammy and Latin Grammy nominations in 2002. Golijov's music is performed regularly by musicians such as Robert Spano, Dawn Upshaw, Gidon Kremer, and ensembles such as the Boston Symphony and Los Angeles Philharmonic. He has been composer-in-residence at Merkin Hall in New York, the Spoleto USA Festival, the Los Angeles Philharmonic's Music Alive series, Marlboro Music, Ravinia, and several other festivals. Golijov recently completed the film scores for director Francis Ford Coppola's YOUTH WITHOUT YOUTH and TETRO. Golijov is the recipient of a MacArthur Fellowship.

## **NASSER ARRABYEE**

### **Co-Producer**

Nasser Arrabyee is a journalist and human rights activist based in Sana'a, Yemen. His journalism experience includes: Chief Editor of the English desk, Yemen News Agency (SABA), 1997–2004. He is currently the Sana'a Correspondent of the Cairo-based English language *Al-Ahram Weekly* (beginning 2000), and the Sana'a correspondent of the Dubai-based English-language daily *Gulf News* (beginning 2002). He has been a regular contributor (mainly in politics and human rights issues) to the *Yemen Observer* since August 2006. He also works as a freelancer with a number of other local newspapers.

Arrabyee's human rights work includes collaborating with the International Organization for Migration (IOM) as a National Media Expert for a project on child trafficking in Yemen from 2006 to 2007. He also served as the Director General of Studies, Research, and Translation at the Ministry of Human Rights in (2005). From 1996 to 2004, Arrabyee served as translator and interpreter for the Ministry of Information. He runs and owns a small firm providing media and translation services.

Arrabyee received his BA from Sana'a University in 1996. He is a member of Yemen's Journalists Syndicate, the Arab Federation of Journalists, and the International Federation of Journalists.

## **ALIZA KAPLAN**

### **Co-Producer**

Aliza is a documentary film producer and on the full-time faculty at Brooklyn Law School where she teaches writing and legal skills and represents asylum seekers through the Law School's Safe Harbor Project. She also sits on the National Advisory Committee of Equal Justice Works, the nation's leading public interest law fellowship program. She is the former Deputy Director of the Innocence Project; a not-for-profit that uses DNA evidence to exonerate wrongfully convicted prisoners. In addition to representing inmates in their efforts to obtain DNA testing, she coordinated the Innocence Project's media and fundraising events. Aliza was formerly an associate at Testa, Hurwitz & Thibault and the law clerk to the Honorable Joseph E. Irenas in the U.S. District Court of New Jersey.

Her filmmaking credits include: Co-Producer, THE OATH; Co-Producer, MY COUNTRY, MY COUNTRY; Advisor, AFTER INNOCENCE; Advisor, DEADLINE; Consultant for the PBS documentary, BURDEN OF INNOCENCE; and Consultant for Court TV's STORIES OF THE INNOCENCE PROJECT.

## **DAVID MENSCHEL**

### **Executive Producer**

David Menschel is a criminal defense lawyer and a director of Vital Projects Fund, a charitable foundation with an interest in human rights and criminal justice reform. Through the Vital Projects Fund, Menschel has helped to fund several documentary films that advance progressive messages, including: NO IMACT MAN (2009), about a New York City family's year-long experiment in carbon neutral living; and WAR DON DON (forthcoming), about a war crimes trial in Sierra Leone. Formerly, Menschel was an attorney and the Arthur Liman Fellow at the Innocence Project in New York City and the legal director of the Innocence Project of Florida in Tallahassee. He is the author of *Abolition Without Deliverance: The Law of Connecticut Slavery, 1784-1848*, published in the Yale Law Journal. Before attending law school, Menschel taught American history to high school students for five years. He received a B.A. from Princeton University ('93) and a J.D. from Yale Law School ('02).



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Director / Producer LAURA POITRAS  
Editor / Co-Producer JONATHAN OPPENHEIM  
Co-Producers NASSER ARRABYEE  
ALIZA KAPLAN  
Cinematography KIRSTEN JOHNSON  
LAURA POITRAS  
Composer OSVALDO GOLIJOV  
Soprano DAWN UPSHAW  
Executive Producers SALLY JO FIFER  
DAVID MENSCHER

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