ANATOMY OF AN INTERLOCUTOR

LAURA POITRAS' THE OATH

By Max Goldberg

The Oath opens with the raw footage of an interrogation flickering green on a television monitor. A hooded man sits on a bare floor flanked by two faceless soldiers. Not knowing who, what, or why only underscores the degraded image's metonymic relation to the War on Terror. The man's hood is removed, and an intertitle tells us it's Afghanistan, November 2001. One soldier asks the man for his name. "Salim Hamdan," he responds, sending us scrambling over recent history: Salim Hamdan, the invisible man of *Hamdan vs. Rumsfeld*. After a couple more questions, we're shuttled seven years forward to eerily calm images of Guantanamo Bay. A letter is read, sent from Hamdan to his brother-in-law Nasser al-Bahri, presently a taxi driver, formerly a bodyguard of Osama bin Laden better known by his al-Qaeda alias, Abu Jandal. Another ellipsis deposits us in al-Bahri's home in Yemen, where he shows photographs of "Uncle Salim" to his son, gently quizzing the kid ("Who put him in prison?") and then moving on to a snapshot of the boy as a baby in Kandahar, lying in a crib of grenades and AK-47s.

Less than three minutes into Laura Poitras' deftly structured documentary, we're already cutting a precipitous jag through the previous decade's abyss. Backwards, forwards, and back again, whizzing up and down the chain of command, Poitras tracks the complex chronologies of individual historical actors. A little overview: after a stint in a Yemen prison on charges stemming from the USS *Cole* bombing, al-Bahri was released under a rehabilitation program called "The Dialogue." He's cagey about his

decision to break his al-Qaeda loyalty oath (a tantalizing excerpt from an FBI interrogation transcript suggests al-Bahri was unhappy that bin Laden had granted the same oath to the Taliban), but he admits that Hamdan's captivity weighs heavily on his conscience. The divergence of these two men is *The Oath*'s gravitational centre, while the centripetal cast of supporting players includes Hamdan's defense lawyers, Lieutenants Brian Mizer and Charles Swift; the young Yemeni men who regularly visit al-Bahri to discuss the prerogatives of *jihad*; Arabic and American journalists; al-Bahri's taxi passengers; and, for a few archival snatches, bin Laden himself (American heads of state are conspicuously missing).

Poitras' previous documentary, *My Country, My Country* (2006), brought scenes from a middle-class Baghdad home into American living rooms (the film aired on PBS). It wasn't necessary for Dr. Riyadh, the film's subject, to directly address Poitras' camera for him to humanize the anguish of the lead-up to the first "free" elections following the American invasion. As a physician, he met the distress calls of everyday life in Baghdad with quiet assurance; as a troubled Sunni running on an abandoned Iraqi Islamic Party ticket, he embodied the deepening worry over sectarian divides. Whether viewed through the prism of politics, medicine, or fatherhood, Riyahd's character was remarkably consistent: patient, reasonable, concerned, which made it all the more wrenching to see his family's house rocked by explosions and a close relation plead for his kidnapped son's release.

The Oath is about aftermath, so why does it provoke greater anxiety? It has everything to do with our uneasy relation to al-Bahri. He clearly grasps that his firsthand knowledge of al-Qaeda gives him strong negotiating power, whether he's speaking with FBI agents, journalists, prospective *jihadists*, or a documentary filmmaker. Calling him an "unreliable narrator" doesn't begin to explain the way his formidable rhetorical skills complicate what easily could have been a standard issue centre-left argument about the blight of Guantanamo. *That* film is still present in the powerful, if somewhat simplistic contrast Poitras draws between Hamdan and al-Bahri's respective stories as "persons of interest." Hamdan, we know, was designated a war criminal as a cover for his illegal interrogation and detention at Guantanamo. On the other side, FBI agent Ali Soufan cites al-Bahri's case before a Senate Committee hearing as an argument for the effectiveness of lawful interrogations. A remarkable fact follows: Soufan coaxed so much actionable intelligence from al-Bahri that the US delayed its invasion of Afghanistan until they were through.

This has all the makings of a neat historical drama of atonement, but for al-Bahri's witting composure and obscure motives. In discussion, he keeps the terms of his reformation close to his vest and has a lawyer's penchant for careful, conditional phrasing. Although Poitras gives us many humanizing views of al-Bahri interacting with his son, she does not pretend that these passages resolve the fundamental ambiguities of his identity. To the contrary, we see the man formerly known as Abu Jandal holding forth on politics, theology, and personal history in a dizzying array of contexts: on *60 Minutes* and an Al Arabiya news program called *Illuminations*; with *New York Times* correspondent Robert Worth and Poitras and her interpreter; with the would-be Islamic radicals and his son; and with the ordinary citizens who bargain for a good cab fare. In a notable exchange filmed at a press conference in Yemen, al-Bahri questions Lieutenant Mizer as to how the CIA's use of coercive tactics will factor into the Hamdan defense. And then there are the dialogues of which we only have secondhand evidence: the letters from Hamdan and the voluble transcripts of his own FBI interrogation. By dispersing the film's interviews in this way, Poitras recognizes that her own access to al-Bahri is intrinsically qualified. She also draws a perceptive continuum of information-sharing stretching from military commissions to informal conversation.

The Oath trembles when al-Bahri explains that it was his job to receive the new pledges at al-Qaeda's Afghanistan camp. For several days, Abu Jandal would feel out the new man's beliefs and blind spots—interviewing him, in other words. Hearing this, we may reflect on the collegial manner with which al-Bahri relays Ali Soufan's interrogation tactics and are free to wonder what the hell he's doing with Poitras, who's no investigative journalist. In *My Country, My Country*, her intimate observational technique brokered a sympathetic view of a reasonable man navigating unreasonable circumstances—the classic liberal-humanist mode of giving large-scale tragedy a human face. *The Oath* works differently. Al-Bahri cannot honestly be stabilized as a sympathetic figure, and so Poitras and her editor Jonathan Oppenheimer create a structure alive to his contradictions and all-things-to-all-people status as an interlocutor.

The bracketing of al-Bahri's discourses resonates with what we see of the Guantanamo trial, where restricted access is a matter of course. Informed viewers will be familiar with the basic arc of the Hamdan case, but the footage in *The Oath* returns us to the incremental stages of the trial's disclosures. We see the Orwellian mockup in all its intractability: press conferences conducted solely by inference; outrageous contortions of official language; news cameras pathetically filming courtroom sketches in an empty hangar. The flow of information is part of the story, and it's to Poitras' credit that *The Oath*'s historical, political, and dramaturgical convolutions all stress this crucial question of how we know what we know.

CINEMA SCOPE: How did you come out of *My Country, My Country* to make *The Oath*?

LAURA POITRAS: I had to make the other film first for both practical and political reasons. They couldn't be more different in terms of protagonists. With *My Country*, you have this saintly, heroic doctor who is trying to do the right thing when everything is crumbling around him. I thought it was important for Americans to grapple with the people who are the real victims and to understand them as, "This could be my Dad," or "This could be my sister." When I met Abu Jandal in Yemen, there were danger signs written all over him. There was the fear of kidnapping and all those other things that you can't not take seriously, but then also he's shifty, he's charismatic...

SCOPE: He's a dangerous documentary subject.

POITRAS: Right, he's completely dangerous and completely politically incorrect and doesn't present the normal vision of the Middle East. So despite the fact that I had made a film about a civilian family, I was still nervous about making a film with Abu Jandal. I wasn't sure what the consequences would be, but I also knew that you don't meet someone like him every day. When I went to Iraq in 2003, I was also interested in doing a project on Guantanamo, and I never imagined that it would still be open by the time I finished that film. It's really mind-boggling. My parents are Republicans, and they're outraged that Guantanamo exists. It's just a violation of basic fundamental principles. So when I finished *My Country*, I thought, okay, I want to do something about Guantanamo, and I went to Yemen looking for a returnee story. On the second day there, I was introduced to Abu Jandal, and it became a film about al-Qaeda.

SCOPE: Salim Hamdan is an invisible presence throughout the film, whereas with Abu Jandal, it feels like you've created a hall of mirrors. What were your own negotiations with him like in terms of basic trust issues?

POITRAS: It was crazy-making. "Hall of mirrors" is a good description. Psychologically, I would go to Yemen, and I would start getting an eye-twitch. I couldn't sleep. In Iraq, it was dangerous, but you were witnessing the best of humanity within that context. In Yemen, I just didn't know where the compass was—everything seemed turned on its head. We tried to reflect that in the film: he is someone who is shifting, and there's that mystery about him. We wanted to take the viewer on a journey where you enter it thinking you understand a certain thing and then you learn other things that make you question your assumptions.

SCOPE: It's striking for a documentary to hold back so much exposition. I had to go back and watch it a second time to experience it as a story of two incarcerations. How much did the structure develop in editing?

POITRAS: It's tried-and-true storytelling: reveals and reversals, where you suddenly get new information that creates this rush of having to re-examine your thinking. That's something that's used all the time in narrative, but then narrative is always pulling from life: You understand a situation, and then you get a key piece of information that makes you rethink everything that you thought you knew. That's what we wanted to do. There are two narrative threads: The surface one is Hamdan's trial, which gives you a sense of a plot, but the real heart of the movie is Abu Jandal's backstory. We wanted it to be dramatic, both because it's a better story but also because he doesn't present himself saying, "Hi, I'm Abu Jandal, and I was interrogated six days after 9/11, and this is what I said." He just doesn't. So you have to think about how you're going to reveal that, as it's not necessarily the information he wants me or the audience to know.

SCOPE: Abu Jandal's story is pieced together from all these different interactions, so of course it's going to come out differently depending on who he's talking to.

POITRAS: Yes. Jonathan Oppenheim is an extraordinary editor, and he definitely works with psychological minutiae. We spent a lot of time just calibrating how you're tracking him. Because there is a bit of a mind-fuck—like, why is this guy driving a taxi?

SCOPE: Can you talk about filming inside his taxi and also his house? The scene where he's waking his son up for morning prayers is so intimate.

POITRAS: That was a funny story. I told him I wanted to film him, and I asked him how he starts his day. He said, "Well, you're going to have to come over." I was a nervous wreck the night before. I do my own camerawork when I'm in the field, so when he was going to pick me up, I texted my producer saying, "I'm going over. I'll check in—if you don't hear from me..." I get in the car and there's this stack of blankets, and he says that he borrowed them from the neighbours for me. He's worried about having a Western guest, I'm worried about going there alone, and within that there was a lot being played out in terms of subtext. But I think that's a very grounding scene. It's the type of filmmaking I love to do—it gives you such nuanced insight. And the taxicab material, that took a long time. I think he was nervous about having a camera in the car. Yemen is a dictatorship, and if you put a camera up and the wrong person sees it, you can get in trouble. He also has worries about his safety, so it took a long time. Of course, he doesn't articulate all this. Everything is in subtext. There's a lot of, "Yes, yes, yes, but not now." Nobody ever says, "No, it's dangerous." I would get phone calls in Yemen saying, "You maybe don't want to leave the house today."

SCOPE: How long were you there all together?

POITRAS: I was in Yemen two years back and forth. I rented a house, and I was probably there for about ten months out of the year. But a lot of it was waiting, calling this house, and "Yes, yes, yes, but not now." But as to mounting the camera in the taxi, it somewhat paralleled Dr. Riyadh being a doctor. You have these exchanges with random people that give us a better sense of who this person is.

SCOPE: And with Abu Jandal, it's yet another negotiation.

POITRAS: Right. I think that in those interactions you get that he's really a social guy. He likes chatting. I love the fact that he negotiates like that. That's one of the examples where you would think he'd rein in that stuff on camera, but he doesn't. He's so dogged.

SCOPE: The directness of those scenes is very different from the Hamdan sequences, both in terms of the aesthetic and also the level of interaction. In Guantanamo, everything is filtered and shrouded in official language.

POITRAS: I was shooting in Yemen, and another crew went to Guantanamo. Kirsten Johnson did the cinematography, and

Jonathan went as well. The conversation I had with Kirsten was to approach these landscapes as crime scenes. Obviously the court case plays out there too, so we wanted these two contrasting styles—the formal, distant unsettling style and then a hall-of-mirrors, kinetic approach—and to be able to cut between them. With Hamdan, it was really important that the story work emotionally. It's sort of a ghost story, and if it doesn't actually work on some sort of an emotional level, then it's just formal and ultimately tiring. Some of his letters and court statements came later, and once we got those, we really said, okay, this is going to work, where for a long time it was just the idea of a ghost.

SCOPE: Did you worry about Hamdan becoming too much of an abstraction?

POITRAS: I think we worried more that he wouldn't have emotional resonance, in which case there was no hand-off. Kirsten and Jonathan were in the trial even though they couldn't film it, so they carried on a certain witnessing which they then tried to express in shooting.

SCOPE: In the context of this war, it's striking to me that you see the media actually doing its job at Guantanamo, especially when the prosecuting lawyer is getting drilled.

POITRAS: Yeah. I would have loved to have filmed the legal strategy meetings, but his lawyers made it clear that their job was to work for Hamdan and that they didn't want to open up their process to the press. Some lawyers have been different about that, but I have total respect for them. They've done this work at great sacrifice. I mean, with the JAG lawyers, it's not a popular position they're taking. It's a bit of a career-ender.

SCOPE: I wanted to ask you a little bit more about how the film assumes context. Were you striving to keep exposition to a minimum? There are these stretches where you fill us in on the Hamdan trial, or, towards the end, Abu Jandal's interrogation, but there's no reference, for example, to the 2008 American election or other news that could be impacting this story.

POITRAS: You know, at some point we had a very naïve card up that said, "On his first day after being elected, President Obama declared that Guantanamo would be closed within a year." I think we put that up in February 2009, and we thought that our saviour had come. And then you realize it's not that simple. You ingest the current events, but usually it's good to nix them from the finished film. Another example would be the underwear-bomber. That happened after we locked the picture, but it clearly shifts the way you read the film. You have current events that are in dialogue with the film, but the idea was to ground it in the story of these two guys. There's a sequence where bin Laden meets with a reporter, but then before that we have this secret audio recording with Hamdan. I don't know that we ever would have used the reporter scene if we didn't have this tape of Hamdan bringing [ABC reporter] John Miller to bin Laden. It came up with *My Country* too. At some point we asked for a bunch of archival stuff of suicide bombings. We cut them in, and they totally didn't work. We realized that there was already a lot of violence in that family—the cousin gets kidnapped, their mosque gets shot at. There was something so immediate about the depiction of that violence that to then add footage that you actually didn't feel anything about felt false to the tragedy.

SCOPE: A few of your reviews make this point about how "timely" it is, usually referring to the Christmas Day incident. This seems to go right back to that audio recording en route to bin Laden, when John Miller's translator tells Hamdan that Americans only pay attention when they perceive an emergency.

POITRAS: It's a double-edged sword. [After the Christmas Day attack], I kept on getting these emails that were like, "Your film is so timely." But you could also feel the political landscape constricting, and it's like okay, now we're going to do full-body searches on people from 14 countries. A guy's father shows up and says, "My kid is dangerous," and you don't revoke the kid's visa? People should be fired. That's an appropriate response; body searches aren't.

SCOPE: How did being a woman filmmaker affect your negotiations with Abu Jandal, especially in those scenes where he's meeting with young men interested in *jihad*?

POITRAS: Everyone asks. I actually think that *My Country* was the biggest reason I got the access: he had seen it on Al Jazeera. But the idea of a woman going alone to these places is really out of the ordinary. I mean, *really*. I'm sure they thought I was dropped from another planet! But I also think they were very curious and there was a certain amount of, you know, "We'll take her in." I felt that with the young guys who would hang out with Abu Jandal. I couldn't film the women in Yemen without their being covered, so there were definitely limitations in the representation of other women.

SCOPE: And do you speak Arabic?

POITRAS: I was studying there. I can go to the market and take a taxi, but no...

SCOPE: There's that moment where one of the young guys is telling his friend to watch what he says because it's going to be translated later. But it's not understood in that moment?

POITRAS: No. But if I'm filming a vérité scene, you can still find the drama. There's that scene with the Coke cans [which al-Bahri uses to demonstrate the rising costs of oil], and I generally knew what they were talking about.

SCOPE: How long does it take you to get the translations done?

POITRAS: A long time. With *My Country,* I didn't do any translation in the field because it was so dangerous. Translators were being killed all the time, and I certainly didn't want to risk anybody else's life. There was also a lack of trust among Iraqis, so the family would have been nervous about bringing an outsider into the house. But with that film, there was such clear drama: the election. I could see that I was getting the story arc. *The Oath* was a little bit different. I worked with an interpreter for the interviews with Abu Jandal, so she was there. She's actually his cousin, but had never heard his story.

SCOPE: Have you had much communication with him since the actual filming?

POITRAS: I have to be very cautious. He has some basic English, so we can communicate a bit, but I work with my Yemeni co-producer if I need to get in touch with him. When I had the finished cut, which of course I wanted to show him, I wasn't that eager to go and be in the room with him. It's again that idea, What if he gets angry? Do I really want to piss this guy off? I don't think he would ever seek revenge, but it's delicate.