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**Title of the thesis**

**Representation of Detainees at Guantanamo Bay: The Case of the Legal  
Drama Film *The Mauritanian* (Kevin Macdonald, 2021)**

**Dissertation Submitted in Partial Fulfillment of the  
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### ***Dedication***

*To my parent's soul...May Allah have mercy on their souls.*

*Djamila*

*To my mother May Allah protect her.. To my father and my grandfather's soul..*

*May Allah have mercy on their souls.*

*Djihene*

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## **List of abbreviations**

USA	<i>United States of America</i>
CIA	<i>The Central Intelligence Agency</i>
FBI	<i>The Federal Bureau of Investigation</i>
MFRs	<i>Memorandum For the Record</i>
OSD	<i>The Office of the Secretary of Defense</i>
DOD	<i>The Department of Defense</i>
GWoT	<i>The Global War on Terror</i>
POWs	<i>Prisoners of War</i>
JTF-GTMO	<i>Joint Task Force Guantanamo</i>
CTR	<i>Combatant Status Review</i>
ARB	<i>Appraisal Review Board</i>
IMBDb	<i>The Internet Movie Database</i>
EFL	<i>English As A Foreign Language</i>

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## Abstract

This research aims to explore the cinematic representation of the tragic experiences of Guantanamo detainees depicted in the movie *The Mauritanian* (Kevin Macdonald, 2021). The present qualitative research adopts film analysis as an optimal approach to analyze cinematography, mise-en-scene, characterization and symbols of the movie. Based on the true story of Mohamedou Ould Slahi, the movie represents the shocking experiences of torture and injustice that he faced by U.S. officials. The thesis unveils U.S government's hypocrisy as depicted in *The Mauritanian* when U.S. government's officials use violations of human rights by applying torture strategies against incarcerates. By using film analysis, the thesis explores the cinematic strategies used by the film director Macdonald to screen the infringement toward the Muslim detainees in Guantanamo Bay Camp and enlighten the audience about the dark, hidden side of the U.S. real agenda.

**Keywords** Cinematography, film studies, Guantanamo Bay detention camp, habeas corpus, Mohamedou Ould Slahi, Muslim detainees, *The Mauritanian*, War on terror.

## المخلص

تهدف هذه الدراسة لاستكشاف التمثيل السينمائي لتجارب الأسرى في غوانتانامو المصورة في فيلم "الموريتاني" (كيفن ماك دونالد، 2021). تعتمد هذه الدراسة النوعية على التحليل الفيلمي كمنهج امثل للتحليل السينمائي، وإعداد اللقطة، وتوصيف الشخصيات، والرموز في الفيلم. بناءً على قصة محمدو ولد صلاحى الحقيقية، يصور الفيلم التجارب المروعة للتعذيب والظلم التي واجهها من قبل المسؤولين الأمريكيين. لذلك تكشف الأطروحة، باستعمال الإستراتيجيات السينمائية، عن نفاق الحكومة الأمريكية كما هو موضح في "الموريتاني" عندما يستخدم مسؤولوها انتهاكات حقوق الإنسان من خلال تطبيق استراتيجيات التعذيب ضد السجناء المسلمين في معسكر غوانتانامو وتوعية الجمهور حول الجانب المظلم والمخفي للسياسة الأمريكية.

**الكلمات المفتاحية:** التصوير السينمائي، الدراسات السينمائية، معتقل غوانتانامو، المثول أمام القضاء، محمدو ولد

صلاحى، المعتقلون المسلمون، الموريتاني، الحرب على الإرهاب

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# **INTRODUCTION**

## 1. Background of Study

Movies are potentially the most attainable form of entertainment worldwide. This form of entertainment can exert a significant impact on the audience's perspective and their vision towards social, economic, and political issues. Therefore, movies can shape public opinion by passing ideas and ideologies in an artistic way that mimics reality.

In fact, media in general and movies in particular have the ability to crystallize public opinion's visions about major issues in the societies of different countries. After the 9/11 attacks that happened on US soil, many fictional and non-fictional films were produced to depict and commemorate the event. Those movies were always portraying Americans and the American government's agencies as victims and heroes, while Muslims were basically portrayed as the evil ones who deserved severe punishments and revenge.

Accordingly, Hollywood movies provided a parallel lens for the US government's attitude toward Muslims after 9/11. In fact, they illustrated the implementation of the war on terror, which brought destruction and chaos to the Middle East and to Muslim communities.

*The Mauritanian* (Kevin Macdonald, 2021) is one of the movies that challenges the common, stereotypical view and perspective about the American political and military methods persuaded during the war on terror. The movie is based on the true, tragic story of a former Guantanamo Bay Camp detainee, Mohamedou Oued Slahi, who spent 14 years in the camp without any charges against him.

It is worth noting that this biographical film is based on Mohamedou Oued Slahi's memoir, published in 2015 while he was still in the Gitmo prison. The movie tackles the mistreatment and torture that Mohamedou faced in the camp of

Guantanamo Bay without being charged with any terrorist crime except a written confession that was taken under unsupportable torture against him. So it will be interesting from a scientific perspective to explore the way the film director of *The Mauritanian* depicted Guantanamo Bay in general and the sufferings of the main character, Mohamedou, in particular.

## **2. Aim of the Research**

This master dissertation aims to explore the different techniques and strategies used by the film director of *The Mauritanian*, Kevin MacDonald, to depict the tragic experience of Mouhamedou Oued Slahi, who was detained at Guantanamo Bay Camp and went through injustice, torture, and maltreatment.

The thesis aims to examine how McDonald used artistic techniques to shed light on Mohamedou Ould Slahi's virtuous qualities, such as honesty, resilience, and a sense of humor, in order to humanize his case. *The Mauritanian* is a peculiar movie that was received positively by the audience and the viewers as it engaged them in exploring the truth of Gitmo. 58451 IMDB users gave a weighted average vote of 7.4/10, whereas Rotten Tomato critics gave the film an average approval of 75%.

Additionally, the movie was nominated for several awards, including the Golden Globe Award for best actress (2021), which Jodie Foster won. Tahar Rahim was nominated for a Golden Globe Award for Best Actor in Leading Role (2021) and the European Film Award for Best Actor (2021). The awards received by the biopic dramatization of Mouhamedou Oued Slahi mirror the positive criticism about it and emphasize the urge to study it academically.

This research endeavors to uncover the violations of basic human rights of Gitmo detainees by the US government's officials. On that account, shedding light on Mouahemdou's dramatic experience in Guantanamo can help us

explore the notion of habeas corpus and its application to Guantanamo detainees. In addition, the research aims to explore the US government's unjust ways and torture techniques used against foreign prisoners, especially if they are Arabs and Muslims.

### **3. Research problem**

This research seeks to reflect on the problematic condition of detainees at Guantanamo Bay camp who were brought to a foreign non-American land as one of the consequences of the war on terror. The truth of the matter is that Guantanamo Bay prison deprived detainees of their basic human and legal rights of fair trial and habeas corpus. Therefore, a critical interpretation of *the Mauritanian* will enable us to understand and develop a rational awareness of the reality of Guantanamo Bay and, at the same time, the reality of international laws and human rights. *The Mauritanian* is an influential medium for EFL students and academicians as they can probe into the US judicial system in addition to assessing the political and cultural aspects of America.

*The Mauritanian* is based on a true story, and therefore, this will give us the opportunity to examine the injustice and torture that Muslim detainees are subjected to by US soldiers. It is said that the USA is a country of democracy, justice, and exceptionalism, but this is far from being the case when it comes to Muslim detainees in Guantanamo.

The problem here is to analyze the discrepancy between American ideals when applied to US citizens and injustice towards Muslim detainees. Thus, the main concern of the research is to explore the cinematic representation of the condition of Muslim detainees in Gitmo.

In the light of this context, the research attempts to answer the following questions:

- What does *The Mauritanian* deal with?
- Does the movie provide a realistic account of the conditions of Muslim detainees in the Guantanamo Bay camp?
- How does the movie portray the way US soldiers treat detainees?
- To what extent does the movie contribute to framing public opinion toward the perception of US foreign policies when dealing with the Muslim world?

#### **4. Literature review**

Since the arrival of the first detainees on January 11, 2002, from Kandahar to Guantanamo Bay Naval Base, 779 Muslim men and kids have been held without accusations or trial “in a situation of indefinite and arbitrary detention.” (Rita 151) Many scholars and activists tried to shed light on the international legal status of the Gitmo detainees. Also, a number of studies and journals exposed the US government’s violation of the international laws that protect human beings and preserve their basic rights in the camp.

In his article “Guantanamo Bay: The Legal Black Hole” (2004), Johan Steyn discussed the role of the judicial branch in the US during the War on Terror and the legal status of the detainees in Guantanamo Bay. Steyn urges judges to check the injustice and abuse of power by the executive branch under the pretext of national security. He also asks them to preserve the rights of detainees captured during armed conflicts under the Third Geneva Convention and humanitarian law. He assumed that the purpose of putting detainees in Camp detention in Cuba (Gitmo) is to keep them away from the reach of law, where the writ of Habeas Corpus is unreachable. Gitmo detainees are simply “deprived of any right to test the legality of their detention.” (Steyn 10)

Though the article did not tackle the maltreatment of Guantanamo Bay detainees and the torture they have been through in detail, it points out some conditions, like the measures of the cells and the illegal deprivation of a fair trial. The article basically focuses on US laws and the relationship between the executive and judicial branches. It concluded that the policies of the US in Afghanistan and Iraq, in addition to the Guantanamo Bay Camp, could evoke bad feelings in the Muslim world, which the West does not want. In short, Steyn criticized human rights transgressions by “the most powerful of all democracies” and ignored the fact that the ones whose rights are violated are human beings.

Jordan J. Paust wrote an article entitled “Post-9/11 Overreaction and Fallacies Regarding War and Defense, Guantanamo, the Status of Persons, Treatment, Judicial Review of Detention, and Due Process in Military Commissions” (2004) in which he considered that the U.S. Administration violated international and constitutional laws with respect to human and civil rights. He also addressed some serious errors made by the Bush Administration in response to the 9/11 attacks, like the “unacceptable transformations of legal norms” (1336) and its overreaction. The article emphasized that the executive branch and all those who are within it, such as military personnel, have no right to act against the constitution within the limits of American soil or even abroad. It discussed the misconception of “Legal No-Man’s Lands” and asserted that Guantanamo Bay Camp is a territory controlled by the U.S. government and “various types of international laws, including human rights and relevant laws of war.” (1348) Therefore, the detainees of Gitmo are protected by the rules of international law, such as Article 3 of the Geneva Convention, that preserve the basic human rights and dignity of the detainees in times of peace and war. To sum up, Paust sharply criticized

the unreviewable and unchecked infringement of the executive branch on civil liberties, human rights, and the constitution on the claim of fighting terrorism.

One of the papers that shed light on Guantanamo Bay Camp detainees is Silvia Borelli's "Casting light on the legal black hole: international law and detentions abroad in the "war on terror" (2005). Borelli discussed the legal situation of the extraterritorial prisoners, or detainees, during the war on terror. The Bush administration disavows the legal responsibility by claiming that the international obligations are not applicable in the context of the war on terror outside the American soil. Many detainees have been deprived of international law protection, though "the protections of international humanitarian law and/or international human rights law remain applicable to these individuals, wherever detained." (39)

Individuals are kidnapped, detained incommunicado, and interrogated coercively in a large network of CIA black sites and U.S. prisons around the world, as argued by Jonathan Hafetz in his article "Guantanamo and the "Next Frontier" of Detainee Issues." (2007) The Court in *Rasul vs. Bush* decreed the right of Guantanamo Bay detainees to have access to file habeas corpus petitions, and in *Hamdan vs. Ramsfeld*, the Court cancelled the temporary military commissions created by the President to try detainees "who have been charged with crimes" in Gitmo. However, the U.S. administration started transferring prisoners outside Guantanamo to prisons like Bagram Air Base in Afghanistan, in addition to other CIA black sites in countries such as Syria and Egypt, for torture, where the "dirty work" of the United States could be done beyond the reach of law.

Rita Maran discussed the camp detainees' conditions through the lens of international human rights law in "Detention and Torture in Guantanamo" (2006). The unlawful treatment of detainees is achieved by using menacing interrogation methods such as sleep deprivation and stress positions, in addition to exposing detainees to excessive periods in cold rooms. All that torture made the detainees confess their involvement in terrorist actions.

On July 23, 2003, Major General Geoffrey D. Miller said that three-quarters of the roughly 660 detainees had confessed to some involvement in terrorism." (156) When dealing with the detainees of Gitmo, the U.S. government violates many acts of international law, like the Torture Treaty, the International Human Rights Law, and the Geneva Conventions.

The American lawyer Zachary Katznelson, on his turn, was frustrated by the U.S. government's policies in Guantanamo. In his article "The Forgotten Prisoners of Guantanamo Bay" (2008), he argued that the camp is totally under the control of the United States and that American laws are valid there on everything except detained men. "If an iguana is killed at Guantanamo, you face a ten thousand dollar fine. Five men have died in Guantanamo, nobody has faced anything." (126) Men held in Gitmo without charge or a fair trial are exposed to horrible torture techniques, such as forced feeding and water boarding, every day. Zachary emphasized the importance of humanizing the cases of Gitmo detainees and letting people acknowledge their situation in the detention camp. He noted that the law violations practiced by the U.S. government in Guantanamo should be exposed to public opinion.

Elsbeth Van Veen, in her paper "Captured by the camera's eye: Guantanamo and the shifting frame of the Global War on Terror" (2011), studied the visual representation of detainees of Gitmo. The first images of orange-clad detainees

became a symbol of the detention camp of Guantanamo and the practices of the U.S. government there. After the release of the images of the detainees by the U.S. Department of Defense, a split in public and official opinion occurred. Some Americans condemned the facility, like the 39<sup>th</sup> U.S. president, Jimmy Carter. Others, on the other hand, considered the facility part of the Global War on Terror (GWOt); thus, the American government has all the powers to proceed what it takes to protect its citizens and reduce the threat to American soil.

According to Elspeth, “the images of Guantanamo provide the public with a window into the operations of the U.S. military in Guantanamo,” (1748) a window offered by the U.S. authorities to control and frame how the audience perceives the facility in a process of dehumanizing the detainees and solidifying the idea of the threatening other. Therefore, the images are part of the discursive practices of the U.S. government to generate and build a meaning that supports and reinforces the GWOt operations.

Visual representations of Gitmo are important to “keep it in the public eye, keep it in forefront, teach people about it,” notes (Hollander 6). It will then be interesting to mention some documentaries and movies that portray the condition of prisoners in Guantanamo Bay Detention Camp. Among them is *Taxi to the Dark Side* (2007), an American documentary directed by Alex Gibney. The documentary scrutinizes U.S. policies concerning torture and techniques of interrogation, especially the CIA’s utilization of torture. The documentary claims that 93% of prisoners in Afghanistan have been handed to the U.S. military by warlords in exchange for a bounty. The documentary makers also project their claim on Guantanamo Bay detention, i.e., the same

method of detention and torture. However, the documentary focused on the CIA black site in Bagram prison in Afghanistan and did not address Gitmo's detention in depth. It must be added that *Taxi to the Dark Side* won the 2007 Academy Award for Best Documentary Feature.

In contrast, the documentary *Explorer: Inside Guantanamo* (2009), directed by Jon Else Bonni Cohen, provided an in-depth insight into the wires of Guantanamo detention. The documentary presented the perspectives of both the detainees, like the British Pakistani and a former Guantanamo Bay detainee, Moazzam Begg, and the facility's guards. Yet, the documentary did not give a balanced picture of both sides, as detainees inside the detention could not express their opinions.

Another documentary film that deserves to be mentioned is Thomas Wallner's *Guantanamo Trap* (2011). It examined closely the effect of Guantanamo Bay detention on four different individuals who faced the atrocities of Gitmo and saw their lives changed completely forever. Contrary to documentaries, movies can reach a vast number of audiences and change their perspectives about global matters like Guantanamo Bay detention. *Camp X-Ray* (Petter Sattler, 2014), tells the story of a young female guard named Cole in Guantanamo Bay who develops a complex relationship with one of the detainees, Ali. The film also portrays the difficult conditions of detainees at the camp.

Similarly, the movie *The Report* (Scott Z. Burns, 2019) is about the investigation conducted to uncover the Central Intelligence Agency's abuse in the detention camps, including Gitmo. The two movies mentioned previously did not delve deep into the reality of the camp and its detainees. While *Camp X-Ray* maintains the usual negative stereotype about Muslim detainees, *The Report* entirely dehumanizes and ignores them.

Last but not least, *The Mauritanian* is an adaptation of a firsthand memoir by Mauhamedou Oued Slahi. As said previously, there is no study that analyzes the movie of our case study, namely *The Mauritanian*. However, it could point to only one study conducted by Meagan Bilodeau entitled “Female Lawyers Don’t Need Pity; They Need a Paycheck: Analyzing the Impact of Emotional Intelligence on the Female Lawyer Narrative,” which examines “how Hollywood directorship can continue to make valuable progress when showcasing how women are portrayed in the justice system.” (4) The study focused particularly on the portrayal of female lawyers, including Nancy Hollander, played by Jodie Foster, and the importance of their emotional intelligence. All in all, it can be said that there is no academic work to this date that has explored the cinematic representation of Gitmo Camp in the film *The Mauritanian*.

## **5. Definition of concepts**

There are a set of concepts that will be frequently used throughout this dissertation, and they need to be defined. The aim here is to develop a logical and coherent conceptual framework for this thesis.

The first concept that needs to be defined is ‘*Habeas Corpus*’. The *Online Etymology Dictionary* states that “the word was first used in the 15th century to refer to a writ requiring a person to be brought before a court, literally meaning “(you should) have the person.” The phrase “habeas corpus ad subjiciendum” means “to produce or have the person subjected to (examination).” Also, the *Online Cambridge Dictionary* defines Habeas Corpus as a legal order that states that a person in prison must appear before and be judged by a court of law before he or she can be forced by law to stay in prison.

The website of the Cornell Law School notes that “in the US system, federal courts can use the writ of habeas corpus to determine if a state’s detention of a prisoner is valid. A writ of habeas corpus is used to bring a prisoner or other detainee.”

The other concept that will occur frequently throughout the research is the war on terror. It is a military campaign initiated by the United States and its allies as a direct response to the 9/11 attacks. The website of *Britannica* notes that War on Terrorism is a “term used to describe the American-led global counter-terrorism campaign launched in response to the terrorist attacks of September 11, 2001.”

Finally, the concept that we shall frequently use is the Geneva Convention, which refers to “a set of agreements, accepted by many countries that establish how people should be treated when they are prisoners in war.” (Online Cambridge Dictionary)

## **6. Primary and Secondary Sources**

Concerning primary sources, they include the film *The Mauritanian*. The different components of the movie will be analyzed. These include storyline, characterization, sounds, costumes, acting and, editing, among many other cinematographic techniques.

Secondary sources include several books and articles written by different writers concerning Guantanamo Bay detention, Habeas Corpus, torture, and film analysis techniques. We will also rely on the memoir of Mouhamedou Oued slahi, entitled *Guantanamo Diary* (2015), to make a critical comparison between the film and the memoir in some scenes. In addition, several documentaries about the detention camp and interviews conducted with Slahi or with the film cast will be used

accordingly. We will also use some newspaper and magazine articles that conducted reviews about the movie.

## **7. Approach and Method of the Research**

The methodology employed in this thesis is qualitative, with a descriptive design and interpretative research that uses film analysis as an optimal method to deconstruct the filmic representation of Guantanamo Bay prison and the maltreatment of Muslim detainees there. The focus will be placed on the formal components of the film, including cinematography, editing, sound, and mise-en-scene. The aim here is to give a valid interpretation of the movie *The Mauritanian* by relying on the different components of film analysis.

## **8. Structure of the Study**

This study is conducted in four chapters. Chapter one is a general overview that deals with Guantanamo Bay's historical background and its status before and after the 9/11 attacks on American soil. This chapter also tackles the legal status of the detention. The research explores in Chapter one the notion of Habeas Corpus and its relation to Guantanamo. Chapter one, then, addresses Mohamedou's life in addition to providing a summary of the film by including technical details.

Chapters two and three are respectively concerned with presenting the main strategies used by the film director to portray detainees in Guantanamo. Chapter two focuses on the hatred and torture faced by detainees, whereas chapter three depicts an ameliorative image of whites as embodied by the lawyer Nancy Hollander, who, contrary to the other white Americans, defends Mohamedou Ould Slahi and criticizes American hypocrisy regarding Guantanamo Bay Prison Camp. Chapter four will discuss the representation of

Mohamedou's literacy and resilience. It should be mentioned that cinematography, lights, sound, acting, and mise-en-scene will be integrated within chapters two, three, and four as valid tools to justify the thesis's arguments. In short, this master dissertation will offer solid interpretations of the film *The Mauritanian* by relying on objective interpretations and film analysis.

## **Chapter One: General Overview of Guantanamo and *The Mauritanian***

*“The military prison at Guantanamo was the equivalent of any concentration camp in Nazi Germany, the most shameful example of the cruel and complete abolition of all human rights by the Government, all in the name of the war on terrorism.”*

*Kenneth G. Eade*

*“And when 9/11 came, that was open season to violate human rights. And that's how I was kidnapped.”*

*Mohamedou Ould Slahi*

*“Freedom of religion, freedom of the press, freedom of person under protection of habeas corpus; and trial by juries impartially selected, these principles form the bright constellation which has gone before us, and guided our steps through an age of revolution and reformation.”*

*Thomas Jefferson*

This present chapter provides a general overview of the Guantanamo Bay detention camp, also referred to as Gitmo. First, section one offers the different key events that led to the use of Gitmo and reviews the contemporary history of the US before and after the 9/11 attacks on American territory. Then, the concept of Habeas Corpus and its connection to Guantanamo are examined in the second section of this chapter. The third and last section of the chapter discusses Mohamedou Ould Slahi’s life and provides a synopsis of *The Mauritanian* (Kevin Macdonald, 2021) while incorporating a number of technical details of the legal drama film.

### **1. Guantanamo Bay Detention Camp before and after 9/11**

The Cuban-American Settlement permitted America to construct the Guantanamo Naval Base in 1903. The- 45- square mile facility was used as a naval base after first operating as a coaling station. Before 9/11, the main reason for the existence of Gitmo was to provide support for US military operations. Guantanamo Base represents the oldest reminder of the ideological disagreements between the US and Cuba. Rita points out that “Guantanamo is the oldest U.S. base outside the continental United States and the only one in a country that does not enjoy an open political relationship with the United States.” (152)

Due to the dispute over the lease agreement, Cuba has no political control over Gitmo's operations. Before 2001, the camp was used as a shelter to hold refugees. In the early 1990s, it held refugees who fled Haiti after military forces overthrew democratically elected President Jean-Bertrand Aristide.

The camp was created as a military prison for suspected terrorists and enemy combatants during the war on terror that was initiated by the US following the September 11 attacks. Before this period, President George W. Bush launched military operations in Afghanistan to capture members of Al Qaeda and imprison them in secret prisons called Black Sites.

Vitkovskaya discussed the opacity held by the CIA around incarcerators by noting that "the secret prisons, known as "black sites," were used by the CIA to interrogate suspects, often using water boarding to obtain intelligence." (1) Since the arrival of the first detainees in January 2002, they have been jailed in Camp X-Ray then moved to Camp Delta. This latter was harsher because it was enhanced by isolation cells. Rita noted that isolation and silence are powerful strategies that contribute to undermining a person's will to resist interrogation. (154)

In late 2006, President Bush announced that the Gitmo camp incarcerated 770 individuals, and 315 of them were released. He also added that 275 individuals might be detained forever, stating that these detainees have no right to a jury trial as long as they reside outside the US territory.

The U.S. government's policies in Guantanamo Bay Camp evoked a disturbing reality concerning the prisoners. In fact, most of the inmates were jailed without being given a fair trial. In addition, they confronted awful maltreatment since they were excluded from U.S. law.

All prisoners in Guantanamo Bay Camp are outside Cuba's jurisdiction, and all aspects of the camp are under international laws with the exception of detainees. Katznelson noted that "if an iguana is killed at Guantanamo, you face a ten thousand dollar fine. Five men have died in Guantanamo, nobody has faced anything." (126) The U.S. infringed countless international laws when it came to detainees at Guantanamo Camp, including the International Human Rights accord and the Geneva Convention.

The Geneva Convention is an act of legislation that encompasses sections that preserve prisoners of war's rights, and it was signed by most nations in the world, including the United States of America. For these laws to become valid the U.S. government must declare the detainees as prisoners of war (POWs), but contrary to that, it coined the new term 'Unlawful Enemy Combatant' to categorize the prisoners in Gitmo. Donald Rumsfeld, Defense Secretary, used this new terminology in order to prevent prisoners from receiving Geneva Convention protection and to exclude them from a fair trial protocol. Rita stated that "in international law, the Geneva Convention does not apply to 'unlawful combatants' and the illegal fighter acts under the orders of a leader who does not represent an authorized government." (153) The unfair distinction made by Bush's administration witnessed criticism from the U.S. policy leaning under the concept of 'Black Hole'.

The Bush administration charged detainees with a crime without having solid evidence, ignoring the fundamental legal principle that states that everyone is considered innocent unless proven guilty. Many of the prisoners were indulged in a hole that lacks a system for determining whether they are truly guilty or not, and the former Pakistani president Pervez Musharraf stated in his

autobiography that “millions of dollars were received as bounties in exchange for human beings.” (qtd. in Katznelson 127)

The U.S. government repudiates its legal responsibilities regarding the harsh and cruel interrogation the prisoners faced. In 2006, Harold Hongju Koh, the head of State Department delegation to the committee Against Torture, claimed that torture should never be tolerated and must be forbidden, highlighting the necessity of Guantanamo Bay Camp’s closure.

Donald Trump’s presidency was marked by his opposition to Obama’s 2009 order to close Guantanamo Bay Camp. Trump signed an executive order to keep the facility open, asking Congress to keep the authority needed to hold terrorists, especially those in Gitmo. Section 2 of Trump’s presidential executive order states that:

Detention operation at U.S. Naval Station Guantánamo Bay shall continue to be conducted consistent with all applicable United States and international law, including the Detainee Treatment Act of 2005. In addition, the United States may transport additional detainees to U.S. Naval Station Guantánamo Bay when lawful and necessary to protect the Nation.

Although the section proclaimed by President Obama was canceled by the arrival of the Trump administration, no new detainees have been sent to Gitmo Camp since 2008.

In the beginning of February 2021, President Joe Biden announced his aim to close Gitmo before the end of his term, although his administration has made limited progress towards achieving that goal. Guantanamo Bay remains operational as of April 2023. While the detainee population has significantly decreased over the years, 30 individuals remain held in the facility without trial or formal charges.

## 2. Habeas Corpus

To understand why Nancy Hollander (Jodie Foster) said “I want to defend Habeas Corpus” in the movie *The Mauritanian*, we have to first understand the meaning of Habeas Corpus and explore the evolutionary phases of the legal concept passed throughout American history. In this section, the researchers will present a brief explanation of the writ, especially in the United States justice system, and clarify its relationship and importance to the detainees of Guantanamo Bay. The section will also highlight how Guantanamo Bay detainees changed and shaped the application of Habeas Corpus in American courts.

### 2.1 Definition

Habeas Corpus, the great writ, is a Latin expression that means “you shall have the body.” It is a basic legal principle that protects and shields individuals against unlawful aspects of arbitrary detention by forcing authorities to justify the reasons for holding someone in custody before court.

Some argue that we can trace back its first emergence to the Anglo-Saxon era. One of the most significant events in the evolution of habeas corpus was the enactment of Magna Carta in 1215. Though the writ was not explicitly stated, the British Great Charter set the foundation for protecting individuals’ liberties, including the right to challenge the unlawful confinement. The purpose of habeas corpus “was and is to bring a prisoner before a judge in order to signify the crimes laid against him, and thereby to ensure the law is honored in holding or releasing him.” (Halliday 2)

Throughout the next few centuries, the writ of habeas corpus developed through various statutes and precedents, strengthening its role as a cornerstone

of Anglo-American law. During the reigning King Charles II, the Habeas Corpus Act was passed in 1679 and added crucial procedural protection against torture and access to immediate hearing by judges.

Throughout history, the writ of habeas corpus has been invoked to resist the government's abuse of power during times of political and social restiveness. The "Great Writ" was an efficient instrument to restrict and limit executive power and provide assurance to detained individuals in times of peace and in times of crisis as well.

## **2.2 Habeas Corpus in the USA**

Habeas corpus in the U.S. dates back to its first foundation in the 18<sup>th</sup> century. The writ evolved over time through different legal cases and constitutional interpretations. For instance, the writ of habeas corpus was already known and recognized as an instrument for preventing arbitrary imprisonment during the colonial period 1607-1783. Colonial charters and laws; such as the Massachusetts Body of Liberties, explicitly admitted habeas corpus right to colonists. Jonathan asserts that "colonial leaders saw habeas corpus as the preeminent safeguard of physical liberty, a natural and inalienable right of mankind." (86)

The writ of habeas corpus faced significant challenges during times of crisis. In 1787, habeas corpus was mentioned in the constitutional convention; precisely in the "Suspension Clause," which has been called "the most important human right in the constitution." (Jonathan 86) The suspension clause states that habeas corpus could be suspended in times of crisis for just limited period of time. The first to use the suspension of the writ was President Abraham Lincoln during the Civil War. On April 27, 1861, following the fall of Fort Sumter, Lincoln authorized army generals to suspend habeas corpus when necessary "for public safety." (Jonathan 89)

This decision was met with severe opposition by Chief Justice Roger B. Taney in the case of *ex parte Merryman*. The judge ordered Merryman's military jailors to bring him before the court, "but Lincoln ignored the instruction." (Jonathan 89) The suspension of habeas corpus resulted to the imprisonment of more than 13,000 individuals in military jails during the civil war without accusation or trial. Since then, habeas corpus has only been suspended three other occasions in the U.S. history. Each occasion was confined to a certain area, approved by Congress, and only lasted as long as the underlying emergency.

The first suspension occurred in 1871, when the Congress permitted President Ulysses S. Grant to suspend habeas corpus in southern states because imposing justice was impossible due to the violence initiated by the post-civil war Ku Klux Klan. The second time was in 1902, when the Congress passed laws allowing the governor of Philippines territory to suspend the right to habeas corpus in order to put an end to any invasion, revolt, or rebellion. Using this power, the governor imposed a nine-month suspension on habeas corpus in two provinces to repress the rising violence committed by organized gangs.

The final suspension of habeas corpus occurred during World War II. After the Pearl Harbor attack on December 7, 1941, the governor of Hawaii authorized the suspension of habeas corpus. Hawaii thus remained under military government until 1944, when "habeas corpus was restored and martial law ended." (Jonathan 90)

The modern use of habeas corpus in the United States broadened widely. In the mid-twentieth century, the U.S. Supreme Court's expansive interpretation of criminal constitution rights led to multiple habeas petitions by prisoners

challenging their convictions. The interpretation was limited to the Supreme Court and Congress later. Maybe one of the most significant challenges that the writ confront during the 21<sup>st</sup> century was the situation of the detainees of Guantanamo Bay Camp during the War on Terror procedures. During this critical period in American judiciary, the writ adapted many important changes that effected American decisions domestically and abroad.

### **2.3 Habeas corpus after 9/11**

After the devastating terrorist attacks on September 11, 2001, the United States faced exceptional challenges in ensuring national security. The establishment of detention facilities; Guantanamo Bay Detention in particular, was among other various measures taken in response to the attacks.

Since the very beginning of the Afghanistan invasion in January 2002, men have been captured just because of suspicion of involvement with Al-Qaeda's planning of attacks on American soil. The captured individuals were transported to Guantanamo Bay. "The administration claimed the authority to detain them there as the President should choose, for times and in conditions of his choosing, with no advice or recourse except what his officials chose to grant." (Timothy 3)

President Bush signed already the USA Patriot Act on October 26, 2001, which restricts habeas corpus for resident aliens. "Guantanamo Bay was chosen for the avoidance of habeas corpus" (Timothy 3) and therefore the foreigners detained outside the American territory cannot bring a petition for habeas corpus in the federal courts. The detention of individuals at Guantanamo Bay raised serious concerns regarding the protection of their fundamental rights, particularly concerning habeas corpus.

The United States government classified Guantanamo Bay detainees as “enemy combatants” rather than war prisoners, who have certain human rights and protection under the Geneva Conventions. This categorization permitted the Bush administration to detain 770 men from over 45 countries definitely without access to legal procedures or trial.

Since 2002, Guantanamo detainees challenged their brutal detention on various occasions. The U.S. Supreme Court addressed the issue of habeas corpus for Guantanamo detainees in multiple important milestone cases.

In the *Rusul v. Bush* case (2004), the Supreme Court decreed that, since the U.S. has control over the Guantanamo Bay territory, “the prisoners in Guantanamo have the right to challenge the legal and factual basis for their detention in U.S. courts.” (Rita 168) Therefore, the detainees have the right to fill petitions of habeas corpus, and the petition is not dependent on citizenship.

Similarly, in *Hamdan v. Rumsfeld* (2006), the Supreme Court issued whether the military commission established by the executive power was authorized to try those regarded as enemy combatants imprisoned in Guantanamo Bay. Moreover, the case raised the question “whether the courts can enforce the articles of 1949 Geneva Conventions” (Rita 169) through a habeas corpus petition. Eventually, the court ruled that the military commissions created by President Bush are not constitutional. As a result, military commissions have to comply with the regular laws of the United States of America. “On July 7, 2006, the department of defense issued an internal memo stating that prisoners would in the future be entitled to protection under the Geneva Conventions.” (Rita 169)

In *Boumediene v. Bush* (2008), the court held a significant decree stating that those who have never been on the U.S. soil de facto have constitutional protection under the Suspension Clause. As noted by Daniel, “the constitution’s Suspension Clause despite its indirect wording, affirmatively guarantees access to the courts to seek the writ of habeas corpus (or an adequate substitute) in order to test the legality of executive detention.” (1)

The Supreme Court established for the first time constitutional protection for Gitmo detainees after seven years of imprisoning hundreds of individuals without any access to a fair trial. After that, Guantanamo detainees were able to benefit from the constitutional right to file petitions for habeas corpus and challenge their brutal detention.

The frame and meaning of habeas corpus in the USA shifted remarkably after 9/11. The evolution of the writ implication emphasized that the executive power cannot manipulate access to the court by manipulating the location where detainees are imprisoned. Endicott notes that “that fact reflects the novelty of the Bush administration’s plan to use Guantanamo Bay as an enclave for uncontrolled executive detention” (15) or by manipulating their legal status and classification.

In short, habeas corpus always presented itself as a tool to challenge arbitrary government, and it “drives its power from attacking unlawful executive power.” (Cary 223) The Guantanamo Bay cases brought back the ethos of “the Great Writ” as a check over executive power transgressions.

### **3. Of *The Mauritanian* and Oued Slahi**

#### **3.1 Mohamedou Oued Slahi**

Undeniably, Mohamedou Oued Slahi is an exceptional person and an important witness who wrote about Guantanamo and leaked an interesting segment of the

ongoing horrors he and other prisoners lived. He could eternalize what happened in the world's "Black Hole" before it was completely erased from the world's history. In a very sophisticated way, he handwrote his book, *Guantanamo Diary* later turned to a movie, *The Mauritanian* (2021) in which he unveils the true face of the world's democracy guard, namely the USA.

Mohamedou Oued Slahi was born on December 31, 1970, in a small town on the Senegal River on Mauritania's southern border. Not long after his family moved to the capital Nouakchott, his father died. Mohamedou showed signs of brilliance, intelligence, and excellence from a young age. He memorized the Holy Qur'an as a teenager, excelled in secondary school, and demonstrated mastery in mathematics. He applied and won a scholarship from the Carl Duisberg Society to study in Germany in 1988, where he pursued a degree in electrical engineering.

Oued Slahi's life took a dramatic turn when he decided to participate in revolt against the communist-led government in Afghanistan; a cause supported by the West, particularly, the US. Therefore, in early 1991, he attended the Al-Farouq training camp near Khost for seven weeks and swore loyalty oath to Al-Qaeda.

In his 2004 Combatant Status Review (CTR) hearing in the U.S.A, he mentioned that he was training on light arms and mortar shells. He asserted in an interview with Alaraby TV that he had never used a weapon to kill anyone. He added that there was simply no need for that; he was not in a situation that required it.

After the training in Afghanistan, he returned to finish his studies, but the bounced excitement after the collapse of the communist regime and he returned

to Afghanistan. He joined a unit commanded by Jalaluddin Haqqani in the city of Gardez, but he decided to end his commitment to Al-Qaeda after witnessing the fighting over power between members of the organization. He returned to Germany to resume his family's life plan, but destiny decided otherwise.

In Germany, Oueld Slahi "completed his degree in electrical engineering at the University of Duisburg, his young Mauritanian wife joined him, and the couple lived and worked in Duisburg for most of the 1990s." (Larry 17) Though he cut ties with the Al-Qaeda organization, he kept his relationship with his distant cousin and brother in law Mahfouz Ould al-Walid, also known as Abu Hafs al-Mauritani; a member of Al-Qaeda Shura Council and Osama Ben Laden's senior theological adviser. The two were in a sporadic phone contact during the time Oueld Slahi lived in Germany. A call from Abu Hafs, using bin Laden's satellite phone, caught the ears of German intelligence in 1999. Moreover, he transferred \$ 4,000 to Abu Hafs' family in Mauritania during Ramadan.

In 1999, Oueld Slahi moved to Canada after receiving a refusal to his demand for permanent residency in Germany. In Montreal, he was invited to lead Ramadan prayer in al Sunnah mosque because he was a "Hafez" who memorized the Quran. He stayed only a month in Montreal when an Algerian immigrant and Al-Qaeda member Ahmed Ressam was arrested in the United States and accused of what is known as the Millennium Plot, a plan to bomb Los Angeles International Airport on New Year's Eve.

Ressam was attending the al-Sunnah mosque in Montreal before he left to the United States. This event brings, for the first time, Oueld Slahi's name among terrorists connection. For the first time he was interrogated by The Royal Canadian Mounted Police for a suspicion to be related to terrorists. His family was alarmed and

they asked him to return to Mauritania. On January 21, 2000, Oued Slahi left Canada back to Mauritania.

In the table below taken from Oued Slahi's book *Guantanamo Diary*, Larry Siems the editor of the book draw a timeline of Oued Slahi's detention. It is worth noting that the researchers of this thesis modified the last column of the table, considering that it was written while Oued Slahi was still in prison, so the date of his release from Guantanamo was added.

January 2000	After spending twelve years studying, living, and working overseas, primarily in Germany and briefly in Canada, Mohamedou Ould Slahi decides to return to his home country of Mauritania. En route, he is detained twice at the behest of the United States —first by Senegalese police and then by Mauritanian authorities—and questioned by American FBI agents in connection with the so-called Millennium Plot to bomb LAX. Concluding that there is no basis to believe he was involved in the plot, authorities release him on February 19, 2000.
2000-fall 2001	Mohamedou lives with his family and works as an electrical engineer in Nouakchott, Mauritania.
September 29, 2001	Mohamedou is detained and held for two weeks by Mauritanian authorities and again questioned by FBI agents about the Millennium Plot. He is again released, with Mauritanian authorities publicly affirming his innocence.
November 20, 2001	Mauritanian police come to Mohamedou home and ask him to accompany them for further questioning. He voluntarily complies, driving his own car to the police station.
November	A CIA rendition plane transports Mohamedou from Mauritania to a prison in

28, 2001	Amman, Jordan, where he is interrogated for seven and a half months by Jordanian intelligence services.
July 19, 2002	Another CIA rendition plane retrieves Mohamedou from Amman; he is stripped, blindfolded, diapered, shackled, and flown to the U.S. military's Bagram Air Base in Afghanistan. The events recounted in <i>Guantánamo Diary</i> begin with this scene.
August 4, 2002	After two weeks of interrogation in Bagram, Mohamedou is bundled onto a military transport with thirty-four other prisoners and flown to Guantánamo. The group arrives and is processed into the facility on August 5, 2002.
2003-2004	U.S. military interrogators subject Mohamedou to a “special interrogation plan” that is personally approved by Defense Secretary Donald Rumsfeld. Mohamedou's torture includes months of extreme isolation; a litany of physical, psychological, and sexual humiliations; death threats; threats to his family; and a mock kidnapping and rendition.
March 3, 2005	Mohamedou handwrites his petition for a writ of habeas corpus.
Summer 2005	Mohamedou handwrites the 466 pages that would become this book in his segregation cell in Guantánamo.
June 12, 2008	The U.S. Supreme Court rules 5–4 in <i>Boumediene v. Bush</i> that Guantánamo detainees have a right to challenge their detention through habeas corpus.
August- December 2009	U.S. District Court Judge James Robertson hears Mohamedou habeas corpus petition.
March 22, 2010	Judge Robertson grants Mohamedou habeas corpus petition and orders his release.

March 26, 2010	The Obama administration files a notice of appeal.
November 5, 2010	The DC Circuit Court of Appeals sends Mohamedou habeas corpus case back to U.S. district court for rehearing. That case is still pending.
October 17, 2016	Mohamedou was released and returned to Mauritania after spending 14 years in Guantanamo Bay Camp without charge.

In summer 2005, Mohamedou handwrote his story in English, his fourth language, which he learned while detained in Gitmo. *Guantanamo Diary* is a memoir that depicts Mohamedou’s journey to and in the “Black Hole” of Guantanamo. He testified about the horrors and mistreatment he faced by U.S.A. military forces and intelligence agencies.

“Slahi’s book, which has just been acquired at auction, is the first diary to be released by a still-imprisoned Guantánamo detainee.” (Alison A1) Salahi was very keen to make his voice heard to the world through his book. Larry Siems, the editor of his memoir, mentioned that Mohamedou told the presiding during one of his ARB hearing sessions: “I just want to mention here that I wrote a book recently while in jail about my whole story, okay? I sent it for release to the district of Colombia, and when it is released I advise you guys to read it. A little advertisement. It is a very interesting book, I think.”

### **3.2 Summary of the Movie**

Oueld Slahi was determined to make his voice heard, and so were the makers of *The Mauritanian* movie, a 2021 political and legal drama directed by Scottish filmmaker Kevin Macdonald. The movie is based on Salahi’s story and stars Benedict Cumberbatch (Lt.Col. Stuart Couch), Tahar Rahim (Mohamedou Oueld Slahi), and two-time Oscar winner Jodie Foster (Nancy Hollander).

Macdonald is famous for directing docudramas, dramatized television movies based on real events like Mohamedou's story.

The movie's script was written by Sohrab Norshirvani, Rory Haines, and M.B. Traven. "The film powerfully exposes the reality of America's war on terror." (Laurier 1) The movie starts two months after the 9/11 attacks, the opening was at a Mauritanian traditional wedding where Mohamedou was talking and laughing with his accountancies. Suddenly, the scene shifts to Mauritanian police, who came to take him to the station.

From this point on, the rhythm of the movie changes and with it, we start to sense Slahi's suffering in Guantanamo. From Nouakchott, Mauritania, November 2001, a shift in space-time takes the viewer to Albuquerque, New Mexico, February 2005, where a French attorney named Emanuel tells Nancy Hollander, an American attorney, about a man called Mohamedou Oued Slahi, whose family's lawyer approached his firm in Paris to search for their son after reading about his detention in Guantanamo Bay Camp in a German newspaper. Emanuel asked Nancy to investigate the information for him since she has a security clearance as an American attorney. Nancy agreed and eventually decided to represent Slahi and file habeas corpus petition for him.

At the same time, during a naval law conference held in New Mexico, the marine prosecutor, Lieutenant Colonel Stuart Couch, learned about Mohamedou's case and was told that he was the one who recruited Al-Qaeda members to execute the 9/11 attacks, causing hundreds of casualties, including Couch's friend. Couch agreed to prosecute Mohamedou and guarantee his death penalty.

Concurrently, when Nancy and her assistant Tri went to Guantanamo to ask for Mohamedou's acceptance to represent him in court, Colonel Couch was actively

searching for evidence to implicate Mohamedou and impose the death penalty on him. The research led both Nancy and Colonel Couch to uncover a shocking truth. After reading the MFR (Memorandum for the Record) by Couch and Mohamedou's letters by Nancy, both documents uncovered the brutality of the torture that he was subjected to, and because of the "enhanced interrogation methods," Mohamedou signed a false confession admitting his relationship to 9/11 attacks. Colonel Couch offensively drops from the case and resigns from his position.

After a long fight to file habeas corpus for Mohamedou, Nancy finally succeeded in having him testify in court via video link in December 2009. In an emotional scene, Mohamedou affirmed his innocence and his trust in American justice. He confirmed that he does not hold any grudge against his jailors. In March 2010, Mohamedou reads a letter of his release with great joy. A text displayed informing the viewers that the Obama Administration appealed and it would take seven more years for Mohamedou to be released. The text also informs the viewers that his mother died in 2013, and they could never see each other again after 2001.

Finally, scenes showing the real Mohamedou's return to Mauritania being welcomed by his family and people. On Mauritania Mohamedou met Nancy Hollander and Teri Duncan and Steve; the guard from Guantanamo. Text show in the end of the movie:

*Mouhamedou married Kitty, an American lawyer in 2018. They have a son, Ahmed. Theresa (Teri) Duncan continues to practice criminal law, specializing in death penalty cases. Stuart Couch retired from the Marine Corps and now works for the*

*Department of Justice. Nancy Hollander is still working. Her clients include one of the men still held in Guantanamo, and whistle-blower Chelsea Manning.*

The movie ends with Mohamedou singing Bob Dylan's "*The Man in Me*" from *The Big Lebowski*; his favorite movie. The scenes and shots of the movie will be analyzed in the following chapters. "The Mauritanian isn't actually about whether Slahi helped recruit or fund terrorists. It's about the human spirit surviving brutality and incarceration, and also about the rule of law: specifically, the writ of habeas corpus, prohibiting unlawful and indefinite detention." as put by Michael.

### **3.3 technical details of *The Mauritanian* (2021)**

The movie is based on a screen story written by M.B. Traven and a screenplay written by M.B. Traven, Rory Hains and Sohrab Noshirvani, adapted from Mohamedou Oued Slahi's memoir "*Guantanamo Diary*."

- **Director:** Kevin Macdonald; a Scottish film and documentary director. Macdonald won the Academy Award for Best Documentary feature for his work *One Day in September* (1999), about the 1972 murder of 11 Israeli athletes. His works include the remarkable historical drama *The Last King of Scotland* (2006), and publically praised documentaries on artists Whitney Houston and Bob Marley.
- **Cinematographer:** Alwin H. Küchler; a German cinematographer, he received a nomination of Bafta Award for Best Cinematography (2021). (Lewis)
- **Producers:** Adam Ackland and Michael Bronner among others. 30West, Topic Studios and BBC Film were the principle production companies. The film distributed by the American entertainment and media company STXFilms; the release was on February, 12, 2021 in the

United States theaters (248 theater), followed by a digital release on March 02, 2021. In the United Kingdom, the movie premiered on Amazon Prime video on April, 01, 2021 because of the COVID-9 pandemic.

- **Acting crew:** The leading actor the French actor Tahar Rahim as Mohamedou Oued Slahi, besides to Jodie Foster as criminal defense lawyer Nancy Hollander. The role of Teri Duncan; Nancy's assistant is played by Shailene Woodley. The role of Colonel Stuart Couch is represented by the English actor Benedict Cumberbatch who is, also, one of the film producers. Zachary Levi as Neil buckland Stuart's friend.
- **Title:** the movie title changed several times, first it was "*Guantanamo diary*" then they changed to "*Prisoner 760*" In November the title revealed to be *The Mauritanian*.
- **Box Office and audience reception:** According to Ramos, and IMDbpro Box Office Mojo, the film had made 836,536 \$ (11, 1%) domestically and 6,690,494\$ (88, 9%) internationally, in global total of 7,527,030\$. Rotten Tomato; a review-aggregation platform, statistics shows that 75% of 218 critic reviews were positive, with an average rating of 7, 3/10.

**Distinctions:** "*The Mauritanian* received worth noting nominees and praises." (Lewis) For her role Jodie Foster won a Golden Globe Award of Best Supporting Actress in a Motion Picture category (2021), as well as an award of Best Supporting Actress in AARP Movies for grownups (2021). The director; Kevin Macdonald won the Heartland Film Award of Truly Moving Picture category. Also, the leading actor Tahar Rahim was nominated for the British

Academy Film Award of Best Actor in a Leading Role (2021), and also nominated in The Best Actor category of European Film Award. *The Mauritanian* movie received a nomination for Film of the Year category of London Film Critics Circle Award, and Best Film nomination from British Academy Film Award.

## **Chapter Two: Torture, Mistreatment and Obstruction of Justice in Gitmo**

*“I think what’s going on in Guantanamo Bay and other places are a disgrace to the U.S.A. I wouldn’t say it’s the cause of terrorism, but it has given impetus and excuses to potential terrorists to lash out at our country and justify their despicable acts.” Jimmy Carter*

*“People from cold regions might not understand the extent of the pain when ice Cubes get stuck on your body.”  
Mohamedou Ould Slahi*

*“I'm sure if there is a debate, Guantanamo Bay must be closed. And it should be closed, because it does not belong in a democracy.”*

*Mohamedou Ould slahi*

*The Mauritanian* is mainly a dramatization docudrama of Mohamedou Ould Slahi's experience in Guantanamo Bay detention in Cuba. The director, Kevin Macdonald, wanted to disclose Slahi's suffering in Gitmo Camp to the mainstream public and expose the U.S. government's manipulation and violation of domestic and international laws. In this chapter, the focus will be on spotlighting the artistic techniques used by Macdonald to reveal Mohamedou's sorrowful experience. For that reason, section one of this chapter will be about the description, analysis, and interpretation of the key scenes and discourses that portray the torture and abuse of Mohamedou in the movie. Then, section two will address the visual and discursive representation of the U.S government's transgressions of the laws and the pressure applied upon its own citizens to camouflage the horrors in Guantanamo Bay Camp as a place beyond the law and beyond the rule of habeas corpus. On the whole, chapter two will explore the artistic and cinematic techniques used by the filmmaker to represent Mohamedou's experience and examine if the dramatization is presented genuinely and objectively and provided a realistic account of Mohamedou's and other detainees situation in Gitmo.

The 9/11 attacks on American soil were the reason for the launch of a fierce war on terrorism. As a result, the Bush administration used Third World

countries lands as its battlefield. Like any other war, the War on Terror exposed U.S.A government's proclamation of being the world's human rights' protector and liberties' preserver. The events of September 11 changed a lot in US policy towards the public and private freedoms of individuals, inside and outside the country. The former director of CIA's counter-terrorist branch Cofer Black illustrated this idea in his speech to the congressional intelligence committee as he noted that: "All you need to know: there was before 9/11, and there was an after 9/11... After 9/11 the gloves came off." (qtd in Johan 8)

Guantanamo Bay Camp was opened on January 11, 2002, by presidential decree. The detention camp hosted more than "770 men from over 45 countries." (Rita 151) Most were Muslim and Arab. The U.S. government considered them as "Enemy Combatant," which means that they are not protected by the Third Geneva Convention Law of prisoners of war. Rita point out that: "the Bush administration urged that the Third Geneva Convention does not apply to al- Quaeda or Taliban fighters, since the Geneva Conventions only apply to uniformed soldiers of recognized governments." (153) At the same time, they have been positioned on an alien country, where U.S laws are unreachable. As a result of these restrictions stipulated by the Patriot Act and by order of the executive branch, many detainees were subjected to grave violations and abuse.

Despite the chaos caused by the War on Terror, there were brave individuals, agents, guards, soldiers, judges, and lawyers, who stood up against the abuses of the government. They faced oppression and obstacles; however, they fought on, determined to prove injustice wrong, as contended by Mouhamedou in his memoir:"The law of war is harsh. If there's anything good at all in war, it's that it

brings the best and worst out of people: some people try to use the lawlessness to hurt others, and some try to reduce the suffering to minimum. ” (38)

In *The Mauritanian*, Macdonald employs the lens through which he discusses certain features. He depicts a torture scene where Mohamedou, presumably representing Gitmo detainees, is maltreated and abused in various ways. This treatment ultimately leads to his confession of terrorist activities he never considered or committed.

The movie also depicts the manipulation of the U.S. government; the executive and the Defense Department precisely, and the pressure they deposit on their own citizens to hide the truth and fulfill their agendas. In this chapter, the main scenes; where the filmmaker focused on torture techniques and obstruction of justice, will be analyzed and interpreted to uncover the hidden meanings in his artistic choices.

In this chapter, the main scenes focusing on torture techniques and obstruction of justice will be analyzed and interpreted to reveal the underlying meanings behind the filmmaker’s artistic choices.

### **1. Torture and mistreatment**

Guantanamo Bay Camp, enter alia, became a symbolic icon for US torture, war crimes, and other horrible violations of the law in the post-9/11 period. Many may argue that it is a bygone era; nevertheless, the New York Times asserted that in February 12, 2024, the detention camp is still open and 30 men remain imprisoned in the facility. Each of those men detained in Guantanamo went through physical and psychological abuse and maltreatment. Hajjar argues that “many people are unaware that the prison is still open or that the military commissions created and recreated to prosecute detainees are still

malfunctioning.” (2) That is why people should be consistently reminded of the horrors that happened in the camp and the necessity of its closure.

In this regard, the attorney Nancy Hollander said in an interview with Jaylim Aboneaaj that “we have to keep it in the public eye, keep it in the forefront, teach people about it.” (6) The primary objective of the film director was to reach the widest possible audience and evoke remembrance of the atrocities inflicted upon detainees in Guantanamo prison due to the government’s unjust policies during the war on terrorism. Macdonald told Screen International journalist Michael Rosser: “When Mohamedou and I first talked about what kind of film this should be, we both agreed it has to be a film that doesn’t just sing to the choir... We want to reach a mass audience, and change people’s minds. ”

*The Mauritanian* dramatizes Mouhamedou’s detention, torture, and eventual release. The torture scenes serve as the cornerstone of its narrative, allowing the director to depict the brutal truth of Mouhamedou’s experience in the detention camp during his unlawful imprisonment. The film highlighted in grim details the realities of U.S. military mistreatment, transgressions, and violations of human dignity orchestrated by the highest authorities in the state.

The scene where Lieutenant Colonel Couch discusses with his superior, Seidel is interesting to examine. Couch’s face is steady and stony as he argues with Seidel in the Pentagon parking lot. Upon reading the MRFs, Couch appeared visibly disappointed. He listed the torture methods and techniques to which Mohamedou had been subjected, ultimately leading to his confession of crimes he didn’t even know about. Colonel Couch deemed the persecution unjust, as shown in the following dialogue:

*Couch: We can’t persecute Slahi, We don’t have the evidence.*

*Seidel: He gave you multiple signed confessions, how much more could you need.*

*Couch: They were given under duress, sir. Fruit of the poisonous tree. He spent seventy days in special project, tortured. Nothing he said will be admissible: I read the MFRs... Sleep deprivation, water-boarding, stress-positions, flat out assault ... Captain Collins and such personally threatened to have Slahi's mother shipped to Gitmo to be raped by other detainees.*

The above conversation exposed the reality of the maltreatment Mohamedou endured during his interrogation sessions. Clad in their official military uniforms, the two American men discussed the fate of another foreign individual who had suffered humiliation under their country's auspices. Colonel Couch's tone and facial expression betrayed his disbelief, highlighting his disappointment upon confronting the ugly truth. The scene resonated with seriousness, intensity, and disillusionment.

Macdonald skillfully used lighting and camera angles as primary elements to manipulate the atmosphere. Low-key lighting, for example, served to visually immerse the viewer in the dramatic, somber mood of the storytelling, while the green tint added a subtle layer of discomfort to the ambiance. (See the shot below).

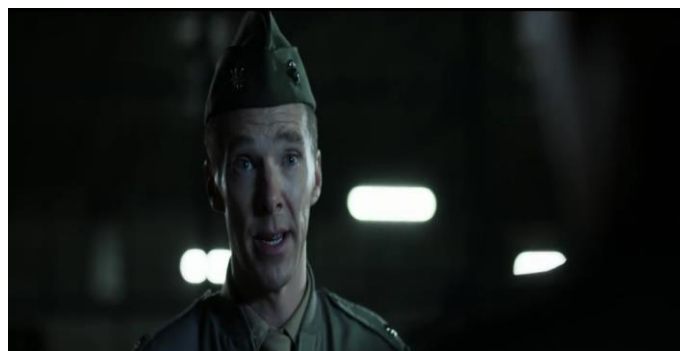


Fig. 1 (1:47:39) (© *The Mauritanian*, Kevin Macdonald, 2021)

The swing of the camera between Colonel Couch and Colonel Bill Seidel in medium close-up shots not only signifies the intensity of their conversation but also emphasizes the stark contrast in their views and opinions regarding the torture of detainees.

This contrast is embodied in Seidel's statement: "I don't want to hear any more about detainee treatment." It is evident that he lacks concern for the detainees; his focus is solely on prosecuting them and bringing charges against them.

Despite the fact that torture violates human rights treaties and the American constitution, Seidel views torturing detainees as essential to safeguarding America from another 9/11. He dismisses Couch's objections by stating, "Our interrogators are doing a tough job under pressure to prevent a second 9/11." Seidel justifies the torture of individuals as a preemptive measure against potential future attacks, even though there is often no concrete evidence linking these detainees to such threats. Many of them, like Mohamedou, were not captured on battlefields but rather kidnapped from their homes. In Seidel's eyes, interrogators who resort to torture are heroes who are working under pressure to protect their own people and their country. In that case one should sympathize with them instead of denouncing their methods of extracting information, because by the end of the day the end justifies the means.

To protect America from the evil terrorists, the highest authorities in the country authorized the use of torture to interrogate Guantanamo Bay detainees. In 2002, the secretary of defense back then Donald Rumsfeld signed and approved the use of multiple "enhanced interrogation techniques" at Guantanamo Bay detention camp. Despite repeated assurances from the U.S. government that the enhanced interrogation

methods used on prisoners at Guantanamo did not amount to torture, this narrative shifted in 2014 when President Barack Obama candidly acknowledged, “We tortured some folks.”

Macdonald tried to portray the governments, approval and blessing of the usage of torture. Couch told Seidel in a disbelief state: “And it’s all documented, it’s systemic, OSD approved. Rumsfeld’s signature is on the top-sheet. The whole well’s poisoned, not a single one of these cases will stand up in court, Nor should they. What’s been done here is reprehensible.”

For Lieutenant Colonel Couch all confessions and intelligence extracted from detainees while they were exposed to torture and abuse are poisoned and invalid. Through this conversation the filmmaker emphasized that torture is ineffective. Most of the information that investigators seek during investigation is fabricated and not true because a person under torture tends to say false things just to end the torture.

Rumsfeld in person signed for Mohamedou to be tortured as noted by, Neil who admits to Couch that: “The week Slahi transferred to Military intelligence, we received signoff from Donald Rumsfeld authorizing the use of special measures.”

*The Mauritanian* shed light on this aspect of the American War on Terror legacy. Once again, Neil justified his participation in torture sessions by asserting: “We were trying to prevent a second 9/11,” implying that detainees were dehumanized and subjected to torture in an effort to prevent future terrorist attacks on American soil. He referenced 9/11 as a historical lesson that Americans comprehended. However, *The Mauritanian* presents torture as an unacceptable violation of human dignity.

Macdonald used the crosscutting technique, which is defined as “editing that alternates two or more lines of action occurring in different places or times, thereby connecting them.” (Sikov 62) In fact, crosscutting was employed when Nancy Hollander, on the one hand, was reading Mohamedou’s handwritten pages, while on the other hand, Lieutenant Colonel Couch was reading the MFRs and Mouhamedou was getting tortured simultaneously. The aspect ratio switched the moment the facts of Mohamedou’s torture were broadcast. The filmmaker chose to change from an extreme ratio to a Polaroid square ratio (16:9), as shown in figure (03), to emotionally transport the film viewers to the time period when Mohamedou was being tortured in Guantanamo Bay. The Polaroid ratio is a technique that was widely used during the 1950s; therefore, the spectator unconsciously associates the scenes he sees with old times. Macdonald implicitly indicates that the torture applied upon Slahi is cruel and intolerable; nonetheless, it happened in the far past. The torture scene has been mitigated completely by using this type of ratio.



Fig. 2 (1:41:28)

The use of the Polaroid square ratio also creates an unrealistic, hallucinatory mood in the film. As a result of the severe torture endured by Mohamedou, he begins to experience hallucinations. Indeed, the film director aims to convey to the audience the mental damage inflicted upon Mohamedou, in addition to the physical harm. The manipulation of light begins when Nancy Hollander starts to read the handwritten papers; the lighting becomes darker, effectively conveying a powerful, dramatic contrast between the past and the present.

In an intense eight-minute scene, the film captures Mohamedou, clad in orange, enduring what are usually referred to as enhanced interrogation techniques. These methods entail unimaginable cruelty, including subjecting the prisoner to relentless sleep deprivation by forcing him into stress positions for long periods.

Mohamedou's own handwritten notes documented his endurance of these stress positions for up to 20 hours each day. Adding to the psychological torment, the scene portrays the use of black metal music as a tool to deprive Mohamedou of rest and manipulate his mental state. Moreover, the scene depicts the reality of solitary confinement, wherein Mohamedou is confined to a freezing chamber and inundated with cold water.

It can be said that the torture faced by Mohamedou is part of "intentional manipulation of the thermostat in order to cause discomfort or pain to a detainee," (Mark 21) and this emphasizes the cruelty of his jailers in Gitmo. In addition to these harrowing methods, the scene depicts further brutality, including the acts of weatherboarding, shackling, physical assault, sexual humiliation, and threats to bring and rape his mother. Globally speaking, this scene stands out as the most disturbing

segment of the film, leaving a huge mark on the film viewers and prompting reflection on the ethics of interrogation and torturing techniques.

The director focused in the scene on Mohamedou's facial expression in extreme close-up to emphasize his suffering and pain; eventually, he is a human being who feels and cries. (See figure 5 below) The scene humanized Slahi to make the spectators sympathize with him. The DODs torturing Slahi were wearing Halloween masks to cover their faces. This gives the impression that they are certainly committing horrible things and hide beneath their masks, their looks add horrific moments to the scene. The camera movement was disorienting, the handheld shots creates anxiety within the viewer by giving a shaky, unstable position to the scene and to the whole situation.

The flashing light, participated in the whole nauseous atmosphere of the scene. It also engaged the film viewers with Mohamedou's mental and psychological state. Because of the continuous physical, psychological and mental abuse, he collapsed and started to hallucinate as shown in figure 3 and 4. The use of light and the sequence of shots, along with the dark tone create a dystopian world in which Mohamedou lived for months under torture and psychological aggression, but for the protagonist of the movie it was endless pain and suffering.

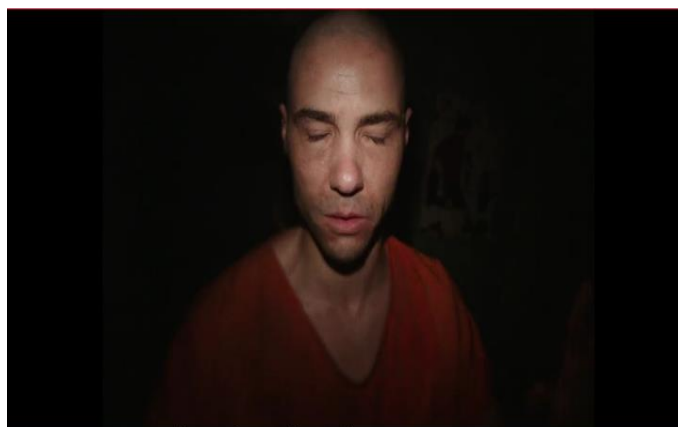


Fig.3 (1:38:20)



Fig.4 (1:35:20)

Eventually, Mohamedou decided to confess. He could not bear the abuse and mistreatment any longer, especially when they threatened to bring his mother to Guantanamo Bay detention. The filmmaker succeeded in depicting Slahi's suffering and mistreatment. The facial expressions of Nancy Hollander and Colonel Stuart showed their shock and disbelief. Although these events took place in the past, there are now two Americans who have discovered the truth and are determined to defend him. Those who tortured him repeatedly justified their actions by claiming they were trying to prevent another 9/11. The effects of torture were evident from the moment Slahi appeared shackled. He was afraid, anxious, and skeptical about the intentions of the two lawyers, which leads the film viewers to believe he had endured significant intimidation and torture. This also foreshadows the torture scenes to come.

Macdonald's artistic choices and directing techniques allowed him to depict torture applied to detainees in a simulated way that is close to reality. In light of these violations of laws and transgressions against human rights and

dignity, it will be interesting to examine how the U.S. government manipulated law and fortified its unjust rules in Guantanamo Bay detention according to *The Mauritanian* prism.

## **2. Obstruction of justice, pressure and intimidation**

The USA government committed grave abuses against human rights; the “Democratic government abandoned its fundamental principles within Gitmo walls to achieve its ultimate goal, i.e., eliminating terrorism.” Despite the deep meaning of the concept “Democratic government,” the U.S. government designed isolated, mysterious facility cautiously to evade the rules of law and enhance unlawful practices. This latter led Guantanamo Bay Camp to reach the spot of indelible station of torture and abuses over years. The whole US policy adopts a system to infringe the legal status of detainees and transgress the limits toward their rights.

The Guantanamo Bay facility tends to be a symbol of the Bush administration’s scandal that brought incarcerators close to the scene of the extreme torture and perversion. Since almost all nations have approved the Geneva Convention, which is an international law, and made it mandatory, the U.S. government has obstructed its implementation in Guantanamo Bay Camp. Due to the ultimate power of the American government, authorities dismiss detainees from being entitled as “prisoners of war” and considering them as “Unlawful Combatant” in order to prevent them from the scope of the Geneva Convention. Zizek states that “They act as a legal power, but their acts are no longer covered and constrained by the law—they operate in an empty space that is nonetheless within the domain of the law.” (qtd in Hannah 633)

After 9/11, as a reaction to restrain another ‘War on Terror’, the U.S. authorities provoked an extreme crisis of legitimacy through a drastic violation of human rights as well as deteriorating the ideal picture of America as a democratic nation. *The*

*Mauritanian* showed the whole U.S. government as a powerful system, which created legal puzzles and raised quandaries with regard to the inmate Mohamedou Oued Slahi.

The American dominance in the movie turned into a focal point as a result of the illegal things and practices that undermine the U.S.'s commitment to the rule of law. *The Mauritanian* highlights the contradictions of US policy and the deception made by Bush's administration. It promotes scenes that display the opacity held by the whole of American sovereignty with regard to Mohamed Oued Slahi's state.

Initially, Lieutenant Colonel Couch was aggressively seeking evidence to indict Mohamedou and have him executed as revenge for his friend who died during the 9/11 attacks. At the same time, Nancy Hollander and her assistant Teri Duncan were endeavoring to have a clue related to the brutal tribulations caused by US officials. On the other hand, the United States Department of Justice, conversely, is implicated in intricate operations and blockades the judicial procedures as a way to exhibit Mohamedou Ould Slahi's fair trial.

With the development of events and the ambiguities the two lawyers encountered during their journey, their searches revealed a startling truth for both of them when they finally seized the occasion to read all his files. After Couch reached the memorandum for the record and read Mohamedou's letters by Hollander, it became clear how cruelly he was tortured. Additionally, as a result of the enhanced interrogation methods, Mohamedou signed a false confession acknowledging his involvement in the 9/11 attacks. There is a scene in the movie highlighting a conversation that took place between Seidel and

Couch where Seidel tried to veil Mohamedou's innocence and the reality of US hypocrisy.

*Seidel: That's what they're trained to say. AQ laid it all out in the Manchester Protocol.*

*Couch: This isn't coming from AQ, this is coming from our side.*

The above discussion indicates the shock and the unpleasant reality that Couch ultimately discovered. In addition to that, the ferocity of their exchange clearly signals the pivotal moments of disappointment and skepticism of US justice. Steyn noted that "the regime applicable at Guantanamo Bay was created by succession of presidential orders." (9)

The intimidation applied on Mohamedou symbolizes the 'dark art of interrogation' which enhanced a rigged confession declared by him. Rumsfeld signed a special program to be applied on Mohamedou, as for Americans, Mohamedou is a high profiled detainee, although there is no tangible evidence for his guilt.

The film features a scene where Couch challenges the legitimacy of the U.S. government's position on Mohamedou's confession by informing Seidel: "Rumsfeld's signature is on the top sheet. The whole well is poisoned." This special plan includes various brutal abuses and measures of bluster and frustration, including physical, psychological, and sexual humiliation. Couch responds, "He spent seventy days on special projects, tortured. Nothing he said will be admissible."

In the same scene, Couch noted that Guantanamo jailers "threatened to have Slahi's mother shipped to Gitmo to be raped by other detainees. And it's all documented; it's systemic, OSD approved'. The filmmaker here paints a clear image of the U.S. corruption, hypocrisy as well as intolerable infringements on human dignity. These outrageous techniques held by U.S. interrogators, encompassing the

stimulation of his death and the cases of his mother, inflicted him harshly, especially when the subject's dignity was hit.

From this point, it can be said that torturers reach the soft spots of Muslim detainees. Gregory spoke about how the Department of Defense in October 2002 permitted the Joint Chiefs of Staff to use tough techniques by stating, "Category III techniques involved convincing the prisoner that death or severe pain were imminent for him and/or his family, to cold weather or water, and 'use of a wet towel and dripping water to induce the misperception of suffocation.'" (416) The highest authorities in the U.S. sanctioned the operation of a 'Censorship System' to preserve the image of the United States and to disavow the ruthless practices associated with Guantanamo Bay. This is evident when the film director portrays a dark scene for democratic values, where transparency is restricted. When Hollander and her assistant Duncan attempt to access and read the memorandum, they encounter the manipulation system of the US, facing redacted portions in Mohamedou's letters. These black lines posed challenges for defense lawyer Hollander in ensuring a fair trial for his release. Furthermore, the severe techniques to which Mohamedou Ould Slahi was subjected, particularly those mentioned in the third category, were all redacted. As Gregory pointed out, "This memorandum had been prepared with CIA rather than military interrogations in mind, but the lines were already blurred." (416) From a broader perspective, Mackdonald portrays the gravity of deleting detainee information as a means of obliterating human rights and as a tool to conceal sensitive expressions in Slahi's as well as other detainees' files.



Fig. 5 (1:43:10)

The shot above discloses Hollander's trauma. Her facial expressions highlight adhere concision with the unpalatable facts she ultimately discovered. The close-up angle used by the filmmaker stresses how much Slahi's somber words injured her.

The uncensored file confirms the tension between shock and a pervasive sense of seriousness that fills the scene. From this perspective, one can observe her struggle to hold back tears and control her emotions. Despite being affected by the harsh truth, the defense lawyer's commitment to the case is strengthened. Additionally, the non-diegetic sound, which is not sourced in the world of the story (Sikov 54), in this scene, contributes to the creation of a serious atmosphere, allowing the audience to sense the intensity of the moment.

Following Hollander and Couch's mutual realization of the stark reality they faced, the White House then exerted pressure on the prosecutor, given his repulsion towards U.S. policies, as expressed to Seidel: "What's been done here is reprehensible." Couch, serving as a military commission prosecutor of Guantanamo Bay detainees, withdrew from the prosecution upon discovering the brutal methods employed on Mohamedou, which ultimately coerced him into confessing to crimes of which he was unaware. Couch faced pressure from various sides, as his duty as a military officer was to protect both national security and the US constitution. He

believed that securing a conviction was unethical for America, and he made this clear to Seidel:

*Couch: I refuse to prosecute this case, sir. As a Christian, as a lawyer*

*Seidel: what makes you think you're so much better than the rest of us?*

*Couch: I'm not better than anyone else. We all took an oath to support and defend the Constitution and at the very least we're miles away from that.*

The discussion above emphasizes how his ethical standards exceed the military rules and the dissimulation of the U.S. misconduct. Because he refused to prosecute Mohamedou and was against the unlawful treatment of detainees, the Minister of Defense removed his clearance as punishment for his action. Additionally, the Pentagon blocked him from testifying. Seidel accused Couch, stating, 'You're a traitor'.

After the display of the proofs, Nancy committed to make fair trial and to confirm Mohamedou's innocence, even though she faced hurdles. With Obama's presidency, Mohamedou got the right to habeas corpus when "Obama praised the Supreme Court's decision in *Boumediene v. Bush* (2008), which held that Guantánamo detainees have a constitutional right to habeas." (Hajjar 11)

Despite Obama's administration successfully made appeal, Slahi spent seven more years in Guantanamo custody. Obama also promised to close Guantanamo Bay camp, as he noted, "Guantanamo will be closed no later than one year from now... We're not going to continue with a false choice between [American] safety and [American] ideals." (Toufouti 812) However, the closure of the facility proved to be impossible. The movie depicts the illegal system that

occurred in Guantanamo Bay and the murky challenges Mohamedou faces regarding his release.

The injustice and egregious practices depicted in the movie reversed the long standing view with reference to the U.S. assertion that it is the global guardian of liberty and human rights. *The Mauritanian* illustrates the absurdities and outrageous treatment on human rights simply through the Iguana's shot shown below:



Fig. 6 (00:37:47)

The shot highlights the threat issued by the highest officials that anyone harming an iguana would face a fine of \$10,000. Through this statement, Macdonald sheds light on the “falsities of justice” that have been perpetrated in the name of national security. The protection of iguanas by United States law disregards the legal rights of detainees and elevates the perception of Guantanamo Bay, as the defense lawyer tells Couch: “You know, I think I figured out why they built the camp down there. We were both wrong. It wasn’t the detainees they wanted to keep out of the courts, it was the jailors. My client’s not a suspect, he’s a witness. ” Nancy realized the factual purpose of establishing Gitmo at the first place. The main aim is to keep jailors away from the scrutiny of laws. Mohamedou; as well as other detainees, are

witnesses of the conditions and activities inside the detention camp, which implies illegal information. Nancy's statement implicitly indicates that Guantanamo Bay Camp is a fortress that shields U.S. government officials against legal accountability for any offense associated with Gitmo. Eventually, Gitmo remains a cynosure of U.S. hypocrisy.

The obstruction of justice and manipulation of the law are evident in the initial meeting between Emmanuel and Hollander. The audience, upon hearing the name Mohamedou Ould Slahi for the first time, understands that he is a person whose civil and legal rights have been violated and who is in trouble. Furthermore, the audience gains insight into the American administration's disregard for the law. When Emmanuel said that Mohamedou "disappears, Three years, they don't know, is he dead? In prison? They don't know. No one knows." This dialogue alludes to the crime of forced disappearance, which is described as "a grave and abominable offense against the inherent dignity of the human being." (Jordan 1355).

The meeting scene between Couch, Seidel, and Cobb Whit reveals several violations of the law by the Bush Administration. Firstly, the establishment of military commissions by presidential order, as mentioned by Seidel to Couch: "I have orders to stand up 9/11 war court for enemy combatants held at Guantanamo. Under jurisdiction of the president." This bypasses executive powers because the establishment of military commissions is typically limited to times of actual war, which was not the case at Guantanamo Bay Detention. As Jordan pointed out, "The military base at Guantanamo is neither in a theater of actual war nor in a war-related occupied territory. Thus, a military commission at Guantanamo would not be properly constituted and would be without lawful jurisdiction." (1363) Therefore, Seidel's

statement highlights the misuse of executive powers by the Bush Administration during the War on Terror.

Furthermore, the term “enemy combatant” used by Seidel to refer to the prisoners at Guantanamo implies another manipulation of the law. Labeling the detainees in Guantanamo as such deprives them of their rights under the Third Geneva Convention regarding prisoners of war. As Greenberg and Dratel noted, “members of al Qaeda, the Taliban, and associated forces are unlawful enemy combatants who are not entitled to the protections that the Third Geneva Convention provides to prisoners of war.” (qtd in Hajjar 5)

The conversation in this scene also tackled the unlawful deportation and rendition of the detainees. When Seidel said, “We’ve taken a lot of prisoners in Afghanistan, working our way up to Bin Laden.” He implicitly pointed to the act of “extraordinary rendition,” where CIA agents kidnapped and secretly transferred Mohamedou and other detainees to Guantanamo. The viewer later in the movie acknowledges this fact; during the first encounter of Mohamedou and his two attorneys, he proclaimed that: “They kidnapped me from home, imprisoned me in Jordan for five months, then a military base in Afghanistan- which was like living in a toilet, by the way- and then brought me here, with a bag on my head and chains around my body.”

MacDonald skillfully allows the viewer to draw connections between the events portrayed in the film to conclude how the American government and its influential officials manipulate the law. They even manipulated Couch, and normalized the rendition of prisoners, which is a “grave breach of the Geneva Conventions.” (Jordan 1364) All of these transgressions were with the blessing of the Bush government. “On September 6, 2006, Bush announced that 14 people who had been in CIA custody for

years were about to be transferred to Guantánamo. He praised the CIA's rendition, detention, and interrogation (RDI) program." (Hajjar 10)

The Bush administration aimed to adopt a firm approach in its war on terrorism. This goal was revealed in the movie when Seidel said, "Rough justice, that's what this administration wants." Here Seidel cited the World War II case of *Ex Parte Quirin*, when "on July 2, Roosevelt issued an order establishing a military commission to try the defendants for violations of the laws of war and offenses under the Articles of War (the predecessor of the UCMJ). The order made Roosevelt the final reviewing authority and denied the defendants access to the civilian courts." (Hafetz 94) The order deprived eight Nazis saboteurs of the right to habeas corpus, and they were tried by a military commission, and six of them were executed by electric chair. The reference to this case indicates the kind of justice that the Bush administration wanted to achieve.

The scene was filmed in a way that makes the viewer apprehensive and skeptical from the beginning about the way the law is implemented in the American administration. The viewer understands from the first moment of the beginning of the dialogue that there are manipulations taking place behind the scenes. The dim light in the room gives the impression of mystery and manipulation (see figures 7 and 8), as does the positioning of Whit and Seidel, and the tone of their speech. The camera's movement and the angle of filming when pronouncing some facts are focused on the facial expression of Couch, especially when mentioning his friend Bruce Taylor. His facial expression reveals deep pain and indicates that he would commit anything to avenge the death of a friend. This is what Whit was betting on when he mentioned his friend. He aimed to manipulate emotions, much like all of Bush's speeches at the

time, which played on the emotional strings of the American people during their war on terrorism.



Fig.7 (0:11:39)

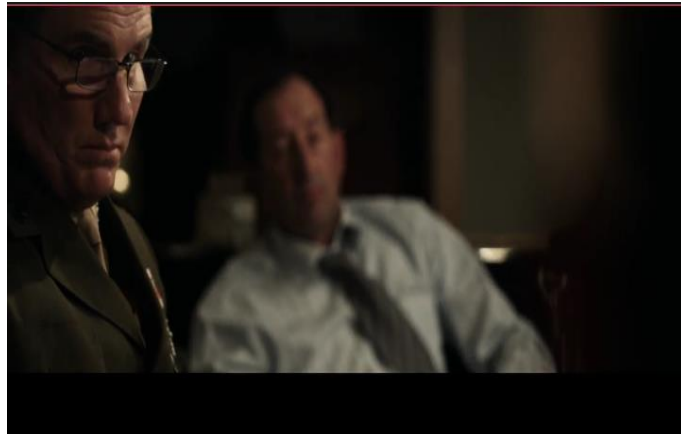


Fig. 8 (0:11:55)

All in all, the film director made a concerted effort to portray the torture and transgressions perpetrated by the Bush administration at Guantanamo Bay Detention. Mohamedou Ould Slahi served as the lens through which the audience experienced the horrors of Guantanamo and the violation of human rights law. However, the presence of attorneys and human rights advocates like Nancy Hollander and Lt. Col. Stuart Couch provides a glimmer of hope. The audience comes to understand that the

torture inflicted upon Mohamedou and other detainees was a significant mistake of the past, an annoying memory that stemmed as a reactionary attempt to prevent another 9/11 on American soil. At the same time, the audience questions the motivations that led both Hollander and Couch to defend the Muslim men; Mohammedou Ouled Slahi. Throughout the movie, the audience tracks the three characters' journey to establish justice and forgiveness based on their background principles, values, and religious teachings.

## Chapter Three: Christian Redemption, Legal ethics and Empowerment of Islam

*“I don’t believe that the average American is paying taxes to wage war against Islam, but I do believe that there are people in the government who have a big problem with the Islamic religion.”*

*Mohamedou Ould Slahi*

*“We have to face the fact that a group of property-owning, Protestant, God-fearing men started this country. They didn’t think women were ever going to vote, many of them had slaves. When they said, “Freedom for all” they meant freedom for all of them, that’s really what they meant.”*

*Nancy Hollander*

*“If men were angels, no government would be necessary. In framing a government which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed; and in the next place oblige it to control itself.”*

*James Madison*

In chapter three, the focus will be on examining the film director's techniques to depict Couch and Nancy's efforts and endeavors to achieve justice for Slahi and defend the rule of law and American legal ethos. After exploring the cinematic techniques Macdonald used to portray Slahi's mistreatment in Guantanamo in the previous chapter, this chapter will be dedicated to exploring how Mohamedou overcame the torment through his Islamic faith. The first and second sections focus on Christian redemption and the ethical values embodied in the lawyer Slahi and the persecutor. In Section 3, the focus will be on how Islam is presented in the movie by examining verbal and non-verbal elements related to Islam, in addition to highlighting the cinematic techniques used to add meaning in relation to the representation of Islam through the character of Mohamedou.

Guantanamo Bay Detention opened in 2002 by presidential order to host "779 Muslim men and boys." (Shamsi 1) After 9/11, Islam and Muslims were labeled tightly with violence and terrorism; therefore, Guantanamo Bay was a "Muslim-only prison" Mohamedou Ould Slahi was one of them. He was detained without any charges or trial for fourteen years; he suffered from torture and degrading treatment in the detention camp; he was prevented from any access to legal support or due process of law.

However, his attorney strove to make his voice heard and reclaim his freedom. Not only Nancy helped him and fought for his human and civil rights, but also his prosecutor Couch, the one who was supposed to prosecute him and guarantee him the death penalty. In fact, the prosecutor played a significant role in Mohamedou's liberation. Both Nancy and Couch appealed to their beliefs

and convictions in judging Mohamedou's case. *The Mauritanian* focuses on their efforts to seek justice, and establish the rule of law.

Macdonald shed light on the inhumane usage of torture techniques in Guantanamo detention. The filmmaker used flashbacks and Polaroid (4:3) ratio cinematic techniques to depict torture and mistreatment scenes, which softened and smoothed the brutality and harshness of the ugly fact that detainees, such as Mohamedou, were exposed to dehumanization and assaults on their human dignity with the authorization of the U.S. government.

The cinematic techniques used degraded the perception of the cruelty of torture and created a kind of ease that the situation in Mohamedou was a mistake from past history. Among the mistreatment and transgression scenes represented in *The Mauritanian*, the focus of the director was mainly on Couch and Nancy's reactions and responses. The audience immediately puts its hope in the two characters to save Slahi from Guantanamo and sees them as the saviors who fought for justice and the release of Mohamedou.

### **1. Christian redemption**

In *The Mauritanian*, the white, Christian characters play a crucial role in the story of the film, and accordingly, this section will analyze their compassion and moral values.

The prosecutor, Couch, is a devout man who attends church services every Sunday. After reading Mohamedou's MFRs, he refused to persecute him and withdrew his case. The reason that motivated Couch to stand against his government's agenda was his Christian dogmas in the first place. Couch, in his dispute with Sheidel about Mohamedou's prosecution, said: "I refuse to prosecute this case, sir. As a Christian, as a lawyer." Couch believes that he will contradict Christianity's tenets

and convictions of compassion, mercy and empathy if he unfairly prosecutes Mohamedou. In his statement, Couch did not only lay on his religious principles, he also arbitrated his professional conscience as a lawyer. He refused to compromise on his profession ethics; being a lawyer means upholding justice and fairness. Benedict Cumberbatch's firm tone and deep voice give credibility to his performance and statement, which upgrade him to a superhero persona who fights for the justice of a Muslim individual.

The music and the intensity of the discussion between Couch and Shiedel create an aura of empathy and admiration for Couch's character. The film's viewers perceive him as the savior who sacrificed his job and his reputation to stand against his government's sins. This scene not only underlines Couch's morals as a Christian and as a man of law, it also victimize him as an American patriot who pay the price of the War on Terror.

Before the confrontation with Sheidel, Couch was in a bright, beautiful old church attending a baptism service when he got a moment of epiphany hearing the priest citing, "Will you do everything in your power to seek justice on earth and treat every human being with inherent human dignity?" This essential question stroked Couch's soul powerfully, which was emphasized by the dolly camera movement and the non-diegetic, dramatic music that engaged the audience with Couch's struggle between his military duty and his conscience. He eventually realized that he should choose the right path and refuse the government's injustice methods in Guantanamo. The priest's prayers were presented as the magical, Christian words that made Couch seek redemption through resigning from Mohamedou's prosecution case and confronting Sheidel with the harsh fact of law transgressions in Guantanamo.

The church, where the realization moment of Couch occurred, is portrayed with bright, soft, and diffuse lighting. The film director chose to use an extreme high-key light image to create a peaceful and comfortable atmosphere (see figure 9).



Fig. 9 (0:39:49)

The other interesting Christian sign that occurred in the film was during the conversation between Couch and Nancy. Nancy replied to Couch's statement in a mocking manner: "how very Ignatian of you .... I didn't know they studied the Jesuits in the marine law school." This exchange between Nancy and Couch indicates that mentioning "Jesuits" with marine law school context is an ironic and excluded idea because militarism deals with power and harshness; whereas, Jesuits' teachings calls for pure humanitarian stands in peaceful means.

The dialogue between the two characters could be understood as if the Jesuit's teachings oppose militarism's aggressive means, if the spectators read it from the surface. Yet, if they dive deep into the history of the Jesuits, they will acknowledge the fact that there is no difference between the Jesuits' dogmas and the military principles since, like Napoleon Bonaparte said: "The Jesuits are a military organization, not a religious order. Their chief is a general of an army, not the mere father abbot for monastery." (qtd in Chiniquy 684) Therefore, Macdonald wants to emphasize that the US military is as extremist as the Jesuits, particularly during the

War on Terror. Hence, the essence of this dialogue is a criticism of both the Jesuit principles and the U.S. army breaches during the War on Terror.

Couch is a religious man portrayed as a Christian, straightforward character who believes that God rewards virtuousness and punishes wickedness. Regardless of human evil and wrongdoing, God's will will eventually prevail. This message was clearly stated in Couch's conversation with Nancy after discovering the truth about Mohamedou's torment and torture.

He said: "But I think God pays for what he orders; one way or another, he'll make it work." This statement shows the deep sense of confidence in God's plan by Couch; he is a true believer, which is why he withdraws Mohamedou's prosecution case. However, Nancy doubts his statement: "You really believe that?" She replied, which implies that she is not a religious woman, she is; rather, a practical one. Couch challenged his government's misconduct of the rule of law and questioned the correctness of the legal process in his country. He committed to finding the truth and achieving justice for both his friend and Mohamedou Ould Slahi. His driven motive was based on his religious background as a Catholic, a Christian believer first, and a man of law second.

## **2. Legal ethics and white compassion**

*The Mauritanian* is a legal docudrama that documents a crucial era for American judicial history in the Guantanamo Bay detention camp. Gitmo is a "legal black hole," a symbol of the abuses of unchecked power where the executive decision-makers chose to detain alleged 9/11 executors purposefully to deny them the right to due process of law, as Solicitor-general Ted Olsen

proclaimed: “ The government’s position was that Guantanamo Bay is a place from which there can be no appeal.” (qtd in Yoroshefsky 565)

For that reason, American lawyers’ ethics and morals were; remarkably, challenged during this period. On one hand, there were the government’s attorneys; the masterminds of the “torture memo,” the memorandum that “provoked outrage and disgust among legal professionals.” (Mrkovic 1) On the other hand, there were lawyers whose “job placed them at the edge of the rule of law and caused consistent crises of conscience.” (Yoroshefsky 565) In the middle of the WoT battle, they “demonstrated unwavering commitment to the constitution and to the rule of law.” (Yoroshefsky 563)

*The Mauritanian* portrays one of these “brave flocks”; Nancy Hollander who is portrayed as an extremely committed attorney who prefers to work on challenging and controversial cases. She shows incredible bravery in representing Slahi; her major motive was defending the American constitution and the American core values.

The viewers catch Nancy’s tough and rational aura at first glance at her appearance; her gray costume with the blue scarf indicates her objectivity, confidence, and trustworthiness since colors are essential components of the storytelling. Both colors, which indicate those qualities, are part of Nancy’s character. The red lipstick she wears reveals her power and rebellion mindset (see figure 10). Nancy decided to represent Slahi as a challenge to the violation of law posed by Bush administration’s policies, especially defending habeas corpus writ. Her intent was evident in her claim during a meeting with other firm partners: “I’m defending habeas corpus, which Bush and Rumsfeld are gleefully dismantling.” Nancy’s primary interest was defending habeas corpus; her country’s significant jurisdiction and constitutional law.

Before encountering Slahi and diving deep in his case's details and circumstances, she shows a steady willingness to defend American's principles. During the discussion with the other firm colleagues she wondered in a disappointed tone: "since when we start locking people up without a charge in this country," this statement emphasizes the positive side of American judicial liberties and rights, and it seems that what is happening in Guantanamo is a strange issue for American democracy.

Nancy, in her argument, shows a sense of rationality and reasonableness that convinced not only her colleagues but also the spectators of *The Mauritanian*. The personality of Nancy as an activist and justice fighter was skillfully performed by Jodie Foster, who gave the character a realistic dimension. This made the audience believe in her capacity to save Mohamedou from his incarceration.



Fig. 10 (00:06:50)

As Nancy and Teri arrive to Guantanamo Bay, the viewers immediately predict that the legal battle that she immerses herself in will be fierce. The filmmaker could insert this feeling in the audience by the windy weather shot when Nancy and Teri first descended from the school bus in front of Camp

Echo portal on their way to meet Mohamedou for the first time (See figure 11). Indeed, the legal journey was not easy for both Nancy and Teri. The decision to represent the supposedly master head of the 9/11 terrorist attacks, in which more than 3.000 Americans were murdered, was disapprovingly confronted by public opinion, (See figure 12).



Fig. 11 (0:15:05)



Fig. 12 (01:17:46)

The American government also made the legal fight difficult for the two defense attorneys. That was demonstrated through the scenes of the information sensory and interrogation materials of Mohamedou. Nevertheless, Nancy challenged all the obstacles and worked hard for establishing justice. The scene of Nancy and

Teri drowning in piles of redacted files of Mohamedou's intelligence information revealed, through a slow, upward movement, illustrates and emphasizes the amount of work and effort the defense lawyers sacrificed to defend the rule of law. (See figure 13)



Fig. 13 (00:51:44)

Despite all the tension Nancy faced, she withstood brave and fought for her principles to maintain justice. Even when Teri's confidence was shaken, Nancy was repeating that "everybody has the right to counsel." And in the response to people who called her a "terrorist lawyer", she emphasized, in a journalist interview, her real attention: "When I stand by my client and insist he gets a fair hearing, I'm not just defending him, but you and me." In addition to defending Mohamedou, Nancy's primary goal was to defend the American constitution, rules, and freedom values.

The toughness and courageous personality of Nancy also have a compassionate side toward Mohamedou. She is depicted as a lawyer who fights for the habeas corpus hearing of a man who is considered Guantanamo's "special project" and classified as a high-value detainee, and after reading his story and acknowledging the horrific experience he went through, she

sympathizes with him and tries to relieve his fear and unease. Foster's mastery of acting and her control over her facial expression make the scene extremely realistic, which pushes the audience to admire her and see her as the lifeline of Mohamedou.

All in all, the filmmaker highlighted the legal ethics of the American constitution and legal system through Nancy's unwavering dedication to the rule of law and justice. Macdonald focused on Foster's costumes and appearance to create the impact of the tough lawyer on the viewers. The narrative throughout Nancy's scenes reveals on her attention to not only defending Mohamedou but, most importantly, defending habeas corpus and the rule of law, which distinguish her as a trustworthy, neutral, and brave attorney. Therefore, the viewer perceives her as Mohamedou's savior.

As regards Nancy defended Mohamedou, motivated by her belief that every detainee has the right to due process of law and everyone should be able to claim the right to a habeas corpus hearing. McDonald delivered this image of Nancy to the audience by focusing on portraying Nancy's character as a strong, neutral, and rational law activist lawyer, which gave her credibility. Nancy bravely challenged the unfair political decisions to protect the "rule of law." Nancy could be perceived as one of the "Guantanamo habeas attorneys" who "played a critical role in revealing the way that law becomes distorted by politics." (Fletcher *et al.* 622) However, Mohamedou's right to habeas corpus hearing was not Nancy's solo effort; Couch, a government, military attorney, has made a significant contribution to Mohamedou's liberation journey.

The filmmaker did not ignore Couch's role in Mohamedou's journey to liberation from the Guantanamo hellhole. Couch was depicted as a straightforward, religious character who is ready to do anything for his country. Although he lost a

close friend in the 9/11 attacks, he did not seek revenge from anyone; he just wanted to punish the responsible ones. When it became evident to him that Mohamedou was innocent, he opposed his subordinate and refused to prosecute an innocent man motivated by his Christian values, which call for justice for all human beings, even Muslim men.

### **3. Islamic faith as an empowering medium**

After 9/11, the US government viewed Muslims as the epicenter of evil and as enemies of America. Yet at the same time, following the War on Terror attacks, the United States forwarded this moment as a prime excuse for stereotyping Muslims and labeling them as “terrorists.” The US governmental mode seeks to provide a demonized picture of Muslims’ religious background. Robert A. Morey, author of a truculent invective against Islam, asked Christians to sign a pledge, and a part of it states: “We, the undersigned believe that Islam is the root cause of all Muslim terrorism, which is the fruit of Islam.” (qtd in Graham 403) Throughout the U.S. political history, the United States’ perception has made a link between the War on Terror and the diverse Islamic world.

In Guantanamo detention camp, there was an intentional offense to Islamic symbols to hurt Muslims, “including disrespect for Muslim sensitivities about enforced nakedness and sexual humiliation.” (Rukhsana khan 302) Mohamedou was no exception; like other detainees, he faced these abuses, notwithstanding, he fought them with a faithful mindset.

*The Mauritanian* highlights Mohamedou’s somber period in Gitmo and his relationship with the teachings of Islam. The director spots light on the way

Slahi used his faith as a weapon to combat injustice and endure agony, as well as demolishing the pervasive idea of “Muslim Terrorists.”

Unlike post 9/11 movies like *The Report* (2019) and *Zero Dark Thirty* (2012), which emphasize and reinforce the deterministic relationship between Islam and terrorism, *The Mauritanian* portrayed an objective and realistic perception about Guantanamo Muslim detainees through Mohamedou’s character.

The initial meeting between Stuart Couch, Colonel Bill Seidel, and Cobb Whit clearly exhibits the manipulation of truth targeting the Muslim population and the deteriorating situation around them. Colonel Seidel stated: “Mohamedou Ould Slahi, the Mauritanian. Fought with Al-Qaeda in Afghanistan in the 90s and became a key recruiter for 9/11 in Germany.” As a result, the film’s viewers perceived Slahi as an “evil perpetrator.” When Couch met Seidel and Whit in the conference room at a hotel, the way the scene was filmed gave the audience a sense of doubt and distrust. The manners, in which they speak, in addition to the room’s faint lights, add a solemn and suspicious vibe, which gave incredibility to Seidel and Whit’s previous statement. The moment Couch opens the file, the camera intentionally puts it in the spotlight on Mohamedou’s religion description.

In the figure below, we can see that the light is directed to Slahi’s profile with all the needed details. Among Mohamedou’s information transcribed in the file, the viewers can read that it mentions his religion, Islam. Macdonald wanted to deliver the message that Guantanamo is a one- religion prison, and that religion is Islam. He simply showed how the U.S. government connected terror to Islam, like Mirrlees and Ibaid said: “A fourth stereotype is the Muslim terrorist. Every religion’s history has its share violence but the cultural industries sometimes make violent extremism seems unique to Islam.” (35)

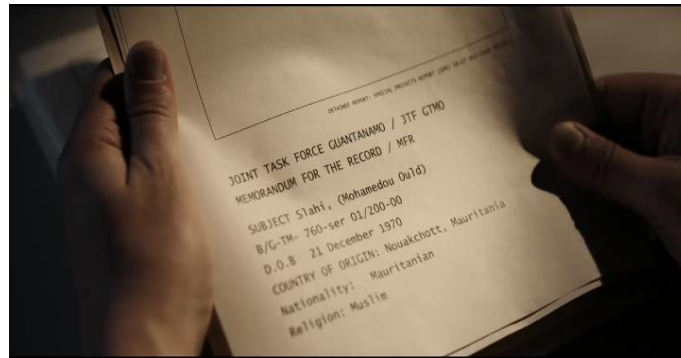


Fig. 14 (01:33:20)

*The Mauritanian* depicts the U.S. government’s torture and cruelty that Slahi faced as the basis framework of the story. Donald Rumsfeld, the defense secretary, adopted the “increased interrogation techniques” and gave his approval to torture Mohamedou Ould Slahi. He signed a special program only for him to be tortured, as Colonel Couch stated: “He spent seventy days in special project ...” The filmmaker wants to bring attention to the miseries the Muslim detainees faced as a result of U.S. policy and unfair tactics toward them in order to fulfill their agenda. Despite the severe torture methods, Slahi could resist with an optimistic mind all the horrors he faced, and one major factor that empowered him was his religion.

The movie portrayed Islam as an empowering source for Mohamedou. For instance, in one of the flashback scenes, when Mohamedou was chatting with

Marseille across the prison fences, he told him: “I always prayed to see the world.” This statement indicates that Mohamedou has a deep belief in Allah and is confident that his prayers will be answered. Praying and practicing his religious, Islamic rituals is portrayed as his comfort zone. The conversation with Marseille represents Slahi’s strong connection with Allah, which strengthened him and activated his hope and self-control despite the dark stages he went through. It is evident from the movie that the director wants to show how Slahi exceeded the serious damage the U.S. system attempted to implant in Muslims’ souls. From a specific angle, Macdonald traces the absolute faith as a good art of hope and human life dignity. The first moment Mohamedou entered his cell in Guantanamo, he found a copy of the Holy Koran. He immediately hugged it and fell asleep (see figure 14). In his tiny, narrow cell, wearing the famous orange jumpsuit and the Koran between his arms, Mohamedou slept, dreaming about his nomad father singing traditional Mauritanian songs. The high angle view of Mohamedou sleeping and hugging the Koran gives a sense of his powerlessness in the new alien place, and the only comforting and empowering thing is his faith. The scene gives a deep meaning to Mohamedou’s displacement and, at the same time, his sincere belief in Allah as a comfort in holding the Koran.



Fig. 15 (00:31:38)

Mohamedou relied on his Islamic faith to overcome the brutality of the Guantanamo detention camp, and the other detainees were depicted as resisting the Guantanamo cold cells by raising their voices in prayers. Throughout the corridor, the audience can hear the echo of the prisoners' voice repeating, "Allah is always with those who are truly patient." Thus, Islam is portrayed as comforting and empowering for Muslims. Indeed, the filmmaker showed the bright side of Islam by relating him to the humanistic side of detainees.

The matter of fact is that Islam helped Mohamedou in his incarceration dilemma. Mohamedou was close to Marseille, one of the detainees. In their conversations, the viewers sensed that Marseille, unlike Mohamedou, had a defeatist soul; eventually, he could not resist and killed himself. The scene when Mohamedou learned about his friend's death was extremely touching; the cinematic techniques Macdonald used helped to create a sad atmosphere, and the viewers were deeply immersed in sympathetic feelings toward Mohamedou, Marseille, and other Guantanamo detainees.

Mohamedou, after the sad news, performed his Islamic ablution. The filmmaker focused on the whole ritual steps in detail. After that, Mohamedou spread his prayer mat on the floor of his tiny cell and started praying. The filmmaker chose to use a low angle (hero angle) and strong, bright lighting (see figure 15), which made Mohamedou performing his Islamic prayer look giant and powerful and gave the meaning of how his prayers and Islamic faith empowered and comforted him. Further, the sad, non diegetic soundtrack, while Mohamedou and other prisoners were repeating prayers for dead Muslims and the echo of their voices was loud through the cells, the camera movement was in a slow pan and a wide lens, generated a sense of sympathy for prisoners and, at

the same time, a state of anger at the government's policies during the so-called Global War on Terrorism. The filmmaker confirms once again the role of Islam in comforting Mohamedou; when his friend died, he used prayers as a condolence for himself.



Fig.16 (01:17:00)

*The Mauritanian* also explores Islamic scene prayers as an attractive force of hope. Macdonald features a scene when Slahi enters his cell after the intolerable infringements he confronted, and then, with his bruised body starts praying, “Allah, Most Gracious, and Most Merciful. I cannot find my way on my own. Please guide me. I am surrounded by merciless wolves, which fear not thee.” His persistence in supplication helped him fight the brutality of the Guantanamo Bay camp.

After a session of drastic torture, the only comfort zone for him was resorting to Allah and seeking protection and strength from him. The filmmaker used a contrasting light in this scene: a faint light projected onto Mohamedou's exhausted, injured, and skinny body and a dark light from the surrounding environment (see figure 15). Despite the darkness that surrounds Mohamedou, he always finds power

and light when he prays, just like he wrote in his memoir, “My experience has taught me that God always responds to your serious prayers.” (537)



Fig.17 (01:42:26)

*The Mauritanian* broke Hollywood rules when he represented Muslims post 9/11 as being powerful and having a strong belief in Allah’s will. In one of the scenes, Nancy and Teri arrived at Guantanamo prison to meet Mohamedou for the first time, and then the badging officer slid a piece of tissue to Nancy and told her, “it’s recommended you wear hijab when visiting your client. We’ve had incidences of inmates spitting at female lawyers or spraying bodily fluids.” The officer claim here represents the propaganda about Islam and the savage, misogynist Muslims during the War on Terror and how it demonized them. Despite the officer’s warning, Nancy ignored him and did not look at the piece of tissue. When she encountered Mohamedou for the first time, he greeted her and Teri with hugs and handshakes. Macdonald, in this scene, refutes the stereotypical narratology about Muslims. Mohamedou is

a faithful man who has memorized the Koran, and he is respectful to women and deals with them with a beautiful soul.

This scene reversed the Hollywood equation regarding Guantanamo Muslim detainees in terms of portraying them as barbaric and uncivilized. Mohamedou's character is represented as a cheerful, optimistic individual who maintains his friendly sense most of the time, while the American guards appear as spiteful and cunning characters.

*The Mauritanian*, with great cinematic professionalism, embodied Mohamedou's stamina. The torture and injustice he experienced in Guantanamo were unbearable, yet he could endure the pain and suffering because of his deep faith in Allah. Every time he faces oppression, he relies on praying to overcome it with a solid soul. The filmmaker's cinematic techniques, specifically playing with the contrast and degradation of light in addition to camera angles and movement and the soundtrack he used, made the audience sympathize with Mohamedou, admire his powerful will, and appreciate Islam, which made him stand steady against Guantanamo's horrors.

In conclusion, the analysis in this chapter showed that Macdonald first represented Nancy as the tough white American savior who succeeded in saving Mohamedou from the Bush administration's injustice and who also fought aggressively to defend the rule of law and protect American ethos. Second, Lt. Col. Couch, represented as the typical American army personal, atoned for his country's mistreatment of detainees; he quit his job and decided to stand on the right side of history based on his Christian faith dogmas. Third, Islam could give Mohamedou the strength he needed in the middle of the darkness and evil that surrounded him in Guantanamo. The film viewers can sense that there is a shift in the discourse and cinematic representation of Islam and Muslims. The director used clever cinematic

techniques to highlight and give meaning to Nancy's resilient and rebellious character, to Couch's sympathetic, faithful, and straightforward personality, and to Mohamedou's strong, faithful soul. Moreover, Mohamedou's portrayal profiled his literacy and its pivotal role in maintaining his resilience and endurance and reshaping the public opinion's perspective about Guantanamo and U.S. policies during the war on terror era.

## Chapter four: Literacy, Resilience and Freedom

*“Mastering English in Guantánamo meant moving beyond translation and interpretation, beyond the necessity of a third person in the room, and opening the possibility that every contact with every one of his captors could be a personal exchange. On another, it meant decoding and understanding the language of the power that controls his fate—a power, as his twenty -mile odyssey of detention and interrogation vividly illustrates, of staggering influence and reach. Out of engagement comes a truly remarkable work.”*

*Mohamedou Ould Slahi*

*“Once you learn to read, you will be forever free.”*

*Frederick Douglass*

*“The pen is mightier than the sword.”*

*Edward Bulwer-Lytton*

Chapter four discusses the cinematic techniques used by Macdonald in *The Mauritanian* to portray Mohamedou’s intelligence and resilient spirit. These not only create a powerful experience for the film viewers but also foreshadow for Mohamedou’s eventual liberation. Mohamedou resisted the U.S government’s abuses in Guantanamo detention camp. The film chronicles the dreadful journey of Ould Slahi, a Mauritanian who was detained in Gitmo without charge for over fourteen years. The exploration of Mohamedou’s literacy and perseverance while in imprisonment is, the researchers believe, one of the film’s major themes.

### **1. Mohamedou’s literacy**

*The Mauritanian* is an adaptation of Mohamedou Ould Slahi’s memoir, *Guántanamo Diary* (2015). Mohamedou wrote his memoir while he was imprisoned in Guantanamo; he documented the brutality of the physical and psychological abuses he was exposed to by U.S military officials in the prison. Despite the ghastly conditions he experienced in prison, he kept seeking knowledge and learned English language in jail. He realized that learning his jailors’ language is an escape from their cruelty and a shield to protect him from their injustice, as he stated in his memoir, “when I first met Americans I hated their language because of the pain they made me suffer without a single reason; I didn’t want to learn it. But that was emotion; the call of wisdom was stronger, and so I decided to learn the language.” (258)

Ould Slahi had the ability to think critically, evaluate his situation, and recognize the practical advantages of learning his enemy's language. He eventually wrote his book in his fourth language inside the walls of the Guantanamo dungeon. Mohamedou manifested significant literacy and intellectual mindset and challenged his incarceration with an open-minded spirit; accordingly, he was portrayed by the film director as a particularly intelligent and communicative person throughout the movie.

When Nancy decided to defend Mohamedou's right to file a habeas corpus petition, she learned that he speaks only three languages; Arabic, French, and German. For that reason, she took Teri as her assistant because she speaks French. However, when they met Mohamedou, they were astonished because he was speaking English fluently. When Teri asked him, "How did you learn?" he answered, "same as you, one word at a time." Mohamedou simply stated that he acquired the language naturally, a step-by-step progression.

The film viewers later discover from Mohamedou's flashbacks that he worked hard to learn English. Throughout the movie Mohamedou was presented as a curious learner who asks questions about everything, especially the ones concerning English vocabulary and their meaning. He often repeats what the guards say and tries to imitate them. Eventually, Mohamedou learned English and used it as a weapon in his freedom battle in Guantanamo.

Regardless of Mohamedou's effort to learn English, he was acquiring it from the wrong source; the guards. The director emphasized this particular issue in a conversation between Mohamedou and Marseille. The scene when Mohamedou was boasting about learning new words by structuring a whole sentence in English "what you doing, mother f\*\*\*\*\*?" Marseille warned him "you should learn English from

your books, not the guards.” This dialogue implies Mohamedou’s use of informal language; it is clearly profanity. For that reason Marseille was concerned about the negative influence of learning language from the guards, which may not be appropriate for Mohamedou’s learning process. The dialogue also reveals the aggressiveness and hostility of the Guantanamo guards towards the detainees, their language exposed their aggression.

In his memoir *Guantanamo Diary* Mohamedou wrote that “my problem is I had picking the language from the wrong people- namely, U.S Forces recruit who speak grammatically incorrectly. So I needed somebody to take away the incorrect language from me and replace it with the correct one. ” (313)

Macdonald emphasized Mohamedou’s efforts to learn the English language by focusing his camera lens on his pen and papers while learning and using close ups shots to draw the audience’s attention to his hard work and insistence as “the camera is the “eye” of the audience; how the camera takes in the scene is how the audience will perceive it.” (Brown 39)

The scene when Mohamedou was in his cell writing words he learned in both Arabic and English, we can see the words he wrote through a close up shot on his hands while writing. (See figure 16) The film viewers can read on Moohamedou’s paper words like; bird, sun, wind, love. These words symbolize freedom and contradict the setting of Guantanamo detention. In fact the words go beyond the narrow cell; they indicate the desire to freedom, and disclose the protagonist optimistic and forgiving spirit. We can also hear the annoying sound of the humming air conditioner mixed with the sound of pen writing on the paper. Through these mixed sounds the director showcases the stamina of Mohamedou by challenging his cruel detention conditions in Guantanamo by a pen and a paper.



Fig. 18 (1:06:19)

Similarly, the film director made Salhi's writing visually represented on multiple occasions. The scenes where Mohamedou is writing to his lawyers or taking notes in his journal are highlighted to show his dependence on writing to record his experience. For instance, the scene when he tries to write to his lawyers (see figure 17), the shot is bright and the key light shines on the hands of Mohamedou holding the pen on the paper, which enhances their importance as a weapon against Guantanamo horrors.

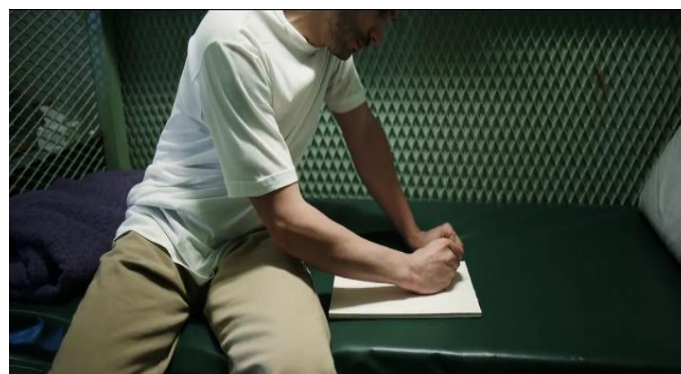


Fig.19 (00:28:30)

From the very beginning of the movie, the audience is shown how crucial pen and paper are. Indeed, the power of the written word is a recurring theme in *The Mauritanian*, introduced early when Mohamedou uses a pen to fight for his freedom.

When the lawyers first met Mohamedou in Guantanamo, there was a pen and paper in front of him. They are the first thing that catches the audience's eye. The key light is projected on them as a symbol of enlightenment and freedom; they are perceived as the only light in the darkness of Guantanamo (see figure 18). The director relates the pen and paper to Mohamedou's case.



Fig.20 (00:17:05)

In addition to depicting Mohamedou's endeavors to learn English and associate pen and paper with his literate quality, the filmmaker highlighted the significance of his writhing inside the walls of Guantanamo. The filmmaker employed close-up shots of Mohamedou's papers and writing materials for his attorneys to convey this purpose (see figure 19). Through these close up shots, the audience is able to focus on Mohamedou's words, handwritten on paper, which contribute as a direct connection with his inner thoughts and emotions.

It can be said that the film viewers sympathize with him as the words represent “a first-hand account of the author’s ghastly mistreatment at the hands of the United States.” (Carter 1) Hence, the filmmaker, by means of close-ups, features the importance of Ould Slahi’s perspective on the ugly fact of Guantanamo Detention Camp. Therefore, the film viewers develop a deep understanding of Mohamedou’s liberation journey.

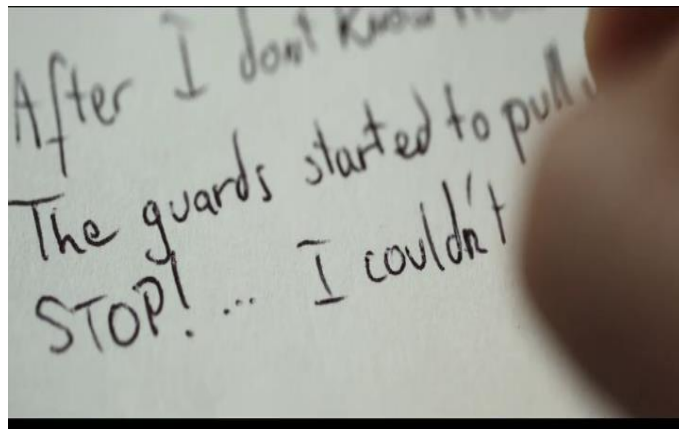


Fig. 21 (00:29:02)

Macdonald employs a powerful technique by intercutting scenes of Mohamedou writing with those depicting his experiences at Guantanamo. This juxtaposition lends credibility to Mohamedou’s written words, as they are directly contrasted with the harsh realities of his imprisonment. In other words, the scenes of Ould Slahi’s writing are weaved together with the scenes of his flashbacks of his long-term interrogation or with scenes of torture and brutal detention conditions. The intercutting technique of these scenes asserts the

pivotal role of the written words in Mohamedou's journey in world's notoriety detention camp.

The use of the cross-cutting or intercutting technique in the editing process relates written words to the external fact of Guantanamo; Macdonald "draws a thematic connection between the two." (De Guzman 1) Furthermore, Macdonald reinforces Mohamedou's mental resilience by deliberately including pen and paper within the film's frames. Despite physical confinement, these tools become a weapon for Mohamedou. Through his writing, he exposes the human rights violations and hypocrisy within the American justice system. Mohamedou's pen was more powerful than all of the JTF-GTMO. The words he handwrote while he was Gitmo cell are in a book which was published in over 25 countries and translated to other languages across the world, notes Weissman. (10)

On the whole, Macdonald uses *The Mauritanian* to highlight the power of literacy in Mohamedou's unique Guantanamo experience. Writing becomes a multifaceted tool: a coping mechanism for Mohamedou's resilience, a weapon against injustice, and a way to document the horrors of U.S. detention camp policies. The filmmaker achieves this by using skillful cinematographic techniques, close-ups, intercutting of writing scenes with real events and impactful dialogue of the actors. Beyond exposing human rights violations at Guantanamo, it can be asserted that *The Mauritanian* becomes a powerful celebration of Mohamedou's unwavering voice.

## **2. Resilience and toughness**

Following the 9/11 attacks, Guantanamo Bay Camp tends to be a core of the U.S. torture and atrocious violations. This illegal penal institution raised questions about its controversial and harsh conditions toward the incarcerators. The U.S. government launched a fierce tactics that broke its legality under the international

law. In addition, the Bush administration switched moral standards to drastic violations as well as permitted a severe indefinite detention exerted on jailors. Gregory asserts that “testimony from prisoners released from Guantanamo makes it clear that the red lines, such as they were, were repeatedly crossed.” (416) As a result of these forms of hostile interrogations specified by the order of the Bush administration, many prisoners were exposed to physical and psychological trauma because “the interrogation methods employed by the CIA and U.S. military embodied a mixture of techniques and were not either purely psychological or physical.” (Prados565) However, some of the detainees used their smart and sophisticated portion as a way to overcome the despair and loss of control, that emerged from the level of cruelty and the unpredictability of the indefinite detention, among them Mohamedou.

*The Mauritanian* offers a glimpse into the way Mohamedou endured all the pain he went through during a complex and coercive interrogation. In this regard, in an interview with Jodie Foster, who played the role of Nancy Hollander, she noted that “this film is really about Mohamedou’s character.” In the movie Macdonald depicts a scene that shows Ould Slahi’s sturdy character despite the aggravated assault he witnessed in prison. The interrogation scene perceived as an integral part through disclosing Mohamedou’s forceful spirit.

In one scene the film director highlighted the inhumane maltreatment that the intimate Slahi indulged in. Adding to that the movie captures disgraceful and cruel system applied on the detainees which are referred to as enhanced interrogation techniques. Since Mohamedou was accused by the U.S authorities as he is a high profiled detainee, Rumsfeld signed a special program only for him. Although the inconceivable cruelty that inflicted him harshly, he kept his strong emotions and

endured all these dreadful and alarming methods the long interrogation. Even when he was at the ultimate of physical and psychological aggression, he transcended these irrational implications he suffered from by saying “although I was physically very weak, the interrogation did not stop. But I was nonetheless in good spirits. ” (76) Mohamedou represents a realistic figure of toughness and recovery as he used his spiritual energy as a weapon to control the unbearable conditions.

The movie features a moment of flashback when the intimate Slahi was all along this gruesome special program. In a scene of extreme sexual harassment the film director brought attention close to the iguana flashback intentionally in order to relate Mohamedou’s real personality to the iguana’s particular features. (See figure 20)

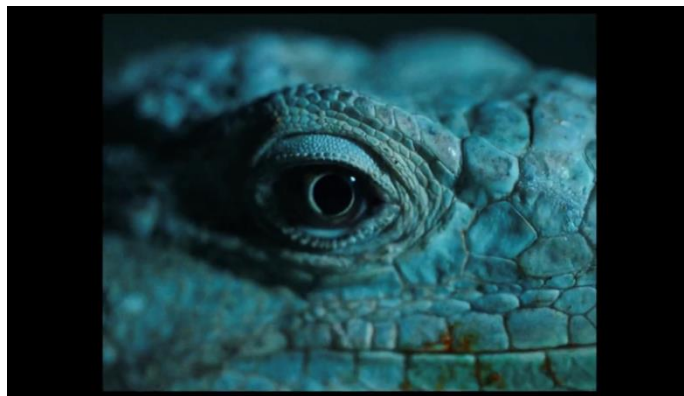


Fig. 22 (1:35:24)

Tandora states that “iguanas are resilient- they adapt well to reintroduction programs.” (qtd in Sekulovich 4) So from this point the iguanas as a species are resilient, patient and adaptable to any changes that might happen at any time. This scene not only underlines the cruelty of the U.S policy but also it goes deep to his inner feeling via iguana flashback.

Adding to that Mohamedou's physical and psychological torment turned to become a sign of his empowerment and endurance. It can be said that Mohamedou has the features of the iguana which represents a symbol of his resilience and resistance.

*The Mauritanian* shed light on Slahi's survival and the way he relied on his desire to switch the current situation to an exceptional chance of hope. In a flashback scene over the prison's fence he told his friend Marseille "don't give up" and when he informed him "don't let them break you." These expressions signal his strong, positive energy as well as his solid footsteps in the path of hope.

In another scene that represents his dialogue with Marseille about the sea and the waves of Nouakchott, Slahi closes his eyes and tries to hear the faint sound of the ocean telling his Marseille "Nouakchott also. When I'm home, I will lie on bed, listen to the waves. " The filmmaker used the non-diegetic music that is only heard by viewers as a source to convey the true personality of Mohamedou and his ability to find power although the intensity of Gitmo. The audience is affected by the scene along with the music and sympathizes with Slahi. Throughout the conversation it becomes clear that Slahi used his imagination as a defense mechanism against reality especially when he said "it's good. When you hear it, dream of home. " Further, this act of dream is depicted as an absolute power that conveys strength and optimism.

Macdonald showed the big difference between Slahi and Marseille the moment he knew about his death. It is evident from this scene that Marseille killed himself due to the perplexing psychological damage the U.S authorities inflicted "people were desperate and growing tired of being interrogated all the time, without hope of an end." (Ould Slahi78) However, Mohamedou resisted and displayed his positive spirit as an emergent way to find strength and redeem the damaged psyche. "Thus for Bloch

the key to man's existence lies in his hope for future..." (Meissner 12) This reveals the impression that hope has roots for his transformational process and is a core feature for his adaptation and patience.

*The Mauritanian* also focuses on scenes where Slahi kept his sense of humor despite the intolerable torturing techniques the U.S government committed. In a scene when Nancy and Teri visited Mohamedou for the first time, he informed them about the U.S brutality he was exposed to "I am interrogated eighteen hours, everyday, three hours" and then he turned the seriousness of the matter into joke and absurdity by mentioning the TV show "That's like... go and ask Charlie Sheen to name all his girlfriends." Even the trauma and the chaos he went through, he tries to soften the Gitmo's scenario via using humor.

Eventually, Mohamedou challenged his real situation and withstood against all the tension he experienced. The endurance of pain, humiliation and all the cruel and degrading conditions were received with a steady soul as well as inner strength. In the last scene when he finally get released, at the end of the Mauritanian movie, Macdonald shows the real Mohamedou singing Bob Dylan "The man in me" as an indication of his high spirit and no one can destroy his strength and willingness.

To sum up, *The Mauritanian* highlighted Mohamedou's literacy and resilient spirit through brilliant cinematic techniques. The portrayal of Slahi's literacy and perseverance in challenging the ugly fact of the Guantanamo detention camp in *The Mauritanian* is both emotional and powerful. The film's cinematography demonstrates how Slahi uses writing to document his experience while also serving as a way of survival. It is both heartwarming and inspirational to see how resilient he was in the face of cruel treatment; it is a testament to the resilience of the human spirit.

# Conclusion

Films have the power to create meaning and crystallize public opinion. Through watching them, the audience absorbs visual information that shapes their perception and understanding of the world around them without being aware of it.

One of the world's events that were rich material for evoking the imagination of filmmakers was the attacks against United States territory on September 11, 2001. 9/11 changed not only the geopolitical and economic aspects of the world but also impacted the film industry. Filmmakers and screenwriters depicted the event and its aftermath, mostly based on their American standpoint.

*The Mauritanian* movie which came after 20 years from the attacks, portrays a unique experience of one of the 9/11 attacks and the launched War on Terrorism victims. It is a legal, biographical film based on Mohamedou Ould Slahi's memoir, *Guantanamo Diary*. The movie depicts the drastic experience of Mohamedou while he was detained in the Guantanamo Bay detention camp in Cuba and the horrific torture and atrocities he faced throughout the interrogation sessions.

Also, the movie deals with the long legal fight to file a habeas corpus petition and liberate Mohamedou from the black hole of the Gitmo. The significance of the movie lies in its adaptation from the firsthand testimony of one of the Guantanamo detainees, which allows the viewers to form a deep understanding of the detainees' conditions in the prison, in addition to gain a clear grasp of the truth of the U.S. policies during the alleged War on Terror.

Chapter one gave an overview of the Guantanamo detention camp. First, the researchers examined the major events that preceded and followed the U.S.' establishment of the detention camp in Guantanamo, Cuba. It also discussed the legal status and history of the camp prior to and following the 9/11 attacks on the American territory. The study also focused on the notion of habeas corpus and how it was related to Guantanamo detention. After 9/11, the U.S executive branch launched a worldwide war on terrorism, the captured terrorist were detained in Guantanamo detention camp.

The prison established in Guantanamo was outside the U.S territory as well as outside the reach of the due process of law, which allowed the violation and manipulation of Guantanamo detainees' fundamental rights. However, after many tumultuous legal fights submitted, Guantanamo detainees' cases revived the idea of "the Great Writ" that protects individuals against the executive power infringements.

Furthermore, since Mohamedou Ould Slahi is a real person, his recorded experience was the principle material of the movie, Chapter one introduced and presented an overview of his journey from Mauritania to Guantanamo. Mohamedou wrote about his experience in Guantanamo while he was in prison; he gave testimony regarding the atrocities and abuse he endured at the hands of

American military personnel and intelligence services in his memoir. Eventually, Kevin Macdonald decided to make Mohamedou's voice heard by depicting his troublesome and inspiring experience in the movie starring Jodie Foster, Tahar Rahim, and Benedict Cumberbatch, among others.

Chapter two of this present research explored how Macdonald exposed Mohamedou's suffering in Guantanamo. The film director depicted Guantanamo as a torture chamber of detainees through skillful choices of cinematographic techniques such as light, cross-cutting, camera angle, and the switch of the frame from extreme ration to the Polaroid square ratio (16:9) or academic ration when depicting Mohamedou's flashbacks.

By using realistic simulations of torture, Macdonald was able to portray some aspects of the harsh realities endured by prisoners in Gitmo. The film director also examined how the US government twisted the law and strengthened its unfair regulations in Guantanamo Bay confinement, highlighting the hypocrisy of the Bush Administration's human rights abuses and legal violation.

Chapter two also discussed how the US government violated the law, as well as examined the pressure placed on its own citizens to conceal the atrocities occurring in Guantanamo Bay Camp as a location outside the scope of the law and the habeas corpus.

In general, chapter two focused on the Macdonald's creative and cinematic techniques used to represent Mohamedou's experience. It then assessed whether this dramatization offers a realistic portrayal of the circumstances faced by Slahi and other detainees at Guantanamo Bay. The film director made a concentrated effort to expose the abuses and legal breaches committed by the Bush administration at Guantanamo

Bay Detention. Through the lens of Mohamedou's experience, the film viewers saw the atrocities of Guantanamo and the transgression of international human rights law.

Chapter three delved into Macdonald's depiction of the characters involved in Mohamedou's legal fight. It analyzed how Macdonald presented Nancy as the tough American lawyer valiantly battling to uphold the rule of law and protect Mohamedou from the injustices of the Bush government. In contrast, Lt. Col. Couch was portrayed as an ordinary American army official, made amends for his nation's abuse of Guantanamo detainees by resigning from his position and choosing to stand on the right side of history in accordance with his ethics and Christian beliefs.

Mohamedou could find the power in Islam to overcome the horror and darkness surrounding him in Guantanamo. The film viewers are able to see a change in the way that Islam and Muslims are portrayed.

The director employed skillful visual devices to accentuate and provide context for Couch's empathetic, devoted, and direct nature, Mohamedou's powerful, devoted spirit, and Nancy's resilient and rebellious character. Moreover, Mohamedou's portrayal highlighted his literacy and how important it was to preserving his fortitude and endurance as well as changing the public's perception of Guantanamo.

The fourth and last chapter focused on the portrayal of the outcome of Mohamedou's legal battle and his eventual release from prison thanks to his resilience and literacy. In fact, the cinematography of the movie shows how Slahi used writing as a means of both survival and documentation of his experiences. Seeing how strong he remained in the face of harsh treatment is

heartening and encouraging; it is evidence of the human spirit's resiliency and power.

*The Mauritanian* is a biopic docudrama that depicts one of the former Guantanamo detainees experience in detention camp. The movie exposes the United States grave infringements of the international laws and human rights. Mohamedou's experience is a shocking; it is a provoking indignation truth. For the common public, the film unveils the hypocrisy of the U.S government's discourse as the safeguard of the world's freedom and liberties. The policies of the United States' executive branch aftermath 9/11 not only violated the international laws; it also breached the American constitution and the rule of law in the country.

Macdonald delivered a deep political, legal, and human message. He did not allow the forgetfulness of Guantanamo detainees, most of whom were abducted prisoners. The film reminds the public about the individuals who were kidnapped and transferred overseas away from their homes and families, tortured using advanced interrogation techniques, and imprisoned without charges or any trials.

In conclusion, it can be said that *The Mauritanian* is a reference film because it stands on the right side of history and keeps the black spot of American crimes in the forefront. It does not allow that Guantanamo detainees vanish into the "unhistory of the world", as contended by Noam Chomsky, "historical amnesia is a dangerous phenomenon not only because it undermines moral and intellectual integrity but also because it lays the groundwork for crimes that still lie ahead." (43)

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