



THE DEVIL'S ADVOCATE

A feature documentary by Habiba Nosheen and Hilke Schellmann

74 min. | USA, CANADA | 2020

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SHORT SYNOPSIS

The Devil's Advocate is a feature-length documentary by Emmy-Award winning directors Habiba Nosheen & Hilke Schellmann that follows lawyers who defend men accused of terrorism.

LONG SYNOPSIS

The Devil's Advocate introduces us to three terrorism suspects.

Richard Reid was charged with trying to kill 197 people aboard American Airlines Flight 63. **Sulaiman Abu Ghayth** was charged with conspiring with Osama bin Laden to kill Americans. **Ghaleb al-Bahani**, a Guantanamo inmate, is accused of fighting on behalf of Al Qaeda in Afghanistan. Donald Trump calls them “unlawful enemy combatants” who should be “treated like the terrorists they are”, the implication being that they don’t deserve the constitutional right to a trial. The three attorneys who defend these men say they deserve to have their rights upheld, the same as any other accused person. The film weaves the stories of these three attorneys together to reveal a rarely seen side of the American legal system and its war on terrorism.



The film starts with attorney Stanley Cohen on the first day of the trial of his client, Sulaiman Abu Ghayth. On the morning of the “the biggest terrorism trial in the United States since 9/11,” Stanley is cleaning his kitchen counters and watering his plants.

Stanley is irascible, garrulous, and he has the look of a man who has been fighting the government his entire life. The trial is taking place in lower Manhattan, steps from the World Trade Center site. Archival news footage sets the stage, while our cameras have exclusive access to Stanley as he brings us behind the scenes as he attempts to defend Osama bin Laden’s son-in-law who made videos, including one on 9/11 celebrating the attacks that terrorized Americans.

Viewers will also meet attorney **Pardiss Kebriaei**, an American lawyer with Iranian origins. She is introspective, thoughtful and compassionate. She represents Ghaleb al-Bahani, who was picked up in Afghanistan and brought to the prison at Guantanamo Bay by US military forces.



When we meet Pardiss she is surrounded by protesters in black hoods and orange jumpsuits at a rally in Washington D.C. She steps up to the mic and talks about her client, Ghaleb, who has been held at the prison in Guantanamo Bay, Cuba for 12 years without ever being charged with a crime.

She explains the difficulty in defending someone accused of terrorism when public perception is informed by racist stereotypes and the evidence against the accused is classified. She is consumed by guilt and sorrow. She firmly believes her client is innocent and unfairly imprisoned and all she can think about is how to get him out.



Viewers also meet Tamar Birckhead, who represented Richard Reid, the Shoe Bomber. When she represented Richard, she worked as a public defender in Boston. She says she proudly sees herself as an outsider and relishes the opportunity to fight for the voiceless.

She takes us through her initial awkward meeting with Richard. She reveals her surprisingly sympathetic relationship with him, even though the evidence against him was “voluminous” as Tamar puts it.

Tamar shares that over time she started to enjoy her conversations with Reid and actually grew fond of him. She shares, she believes Richard was ultimately sorry for what he tried to do, so the filmmakers set out to find out if that’s true. And that’s when director Habiba Nosheen finds herself being a penpal with the shoe-bomber.

There is a personal cost to defending terrorists.

The trial of Abu Ghayth continues, and we join Stanley as he’s taking his dog for a walk. He finds out his neighborhood and the courthouse has been covered with leaflets calling him “a self-hating Jew” and a “terrorist sympathizer” calling for Jews to boycott his law practice.

We also see how doing this work creeps into the lawyers’ personal lives. As she’s sitting down at the dinner table with her daughters, Tamar goes over the news clipping about the Richard Reid case. Her daughters ask her genuinely honest questions, like if she gets scared when she is sitting in a room with some of her clients. Then her eldest daughter begins to probe if she would represent Hitler?



We watch as she responds to her daughter in a calm, professorial voice that is a forceful defense of her profession. It is also chilling.

Viewers get a rare point-of-view of the legal system from the perspective of those who defend the men accused of terrorism.

In Ghaleb's case, the government essentially sees Guantanamo as outside the purview of the constitution. He has not been charged with a crime, but cannot leave. The futility of Pardiss' task is evident on her face as she travels to Guantanamo for yet another hearing.

Our camera catches Pardiss in an emotional moment, "And when I think about it, life goes on, I come back from the hearing. There is other work, there is life, there is activity and for him he went from that hearing to a cell." She continues to fight for his freedom.

Stanley is betting his client's life on the argument that videos do not prove he took any actions. He claims his client simply made the videos but the words and the message were provided by Osama bin Laden. Richard Zabel, the US attorney trying the case against Sulaiman, gives the audience the government perspective on why they are so keen on locking up a man forever who rejoiced about 9/11 while sitting next to bin Laden in videos.



In an unexpected turn, the audience finds themselves learning about Stanley's own legal troubles. He is being pursued for tax evasion, for not filing his taxes for five years, Stanley thinks the case is simply politically motivated.

The tension in the film builds toward the verdict in the Sulaiman trial. "As soon as I heard there was a verdict, I knew what it was," Stanley says, "It doesn't require

science." We watch as Stanley goes on a tirade about Islamophobia on the courthouse steps, after his client is found guilty.

Stanley doesn't have time to rest after the trial. Only a few weeks after the verdict, Stanley heads to court again, this time to face his own legal battle.

Pardiss gets surprising news. Ghaleb has received his clearance to be transferred out of Guantanamo after over a decade of being held without being charged of a single crime.

And director Habiba Nosheen shares her correspondence with Richard Reid who is serving a life-sentence in prison. He disputes Tamar's claim that he ultimately felt sorry for trying to blow up a plane filled with passengers.

Ultimately, Stanley faces another legal defeat. He pleads guilty to tax evasion. In the final scene, we witness a teary goodbye between Stanley and his partner as he walks into prison to serve out his 18 month sentence.

VISION OF THE DIRECTORS

The question that informed this documentary was a simple one, “What is it like to represent the most hated men in the world, men accused of terrorism?” We knew that due to laws put in place after 9/11 in the United States, most people charged with terrorism cannot communicate with anyone in the outside world, except their lawyer. That makes that relationship even more crucial than a typical relationship between a client and an attorney.

We met with dozens of lawyers before deciding to focus the film on Tamar, Pardiss and Stanley. The three in many ways approach similar work with very different attitudes. We wanted to capture the diversity of experiences of lawyers who do this kind of work and why. The purpose of the film is in no way to justify heinous terrorist acts or violence, it is simply to pull the curtain and examine the legal system from the point-of-view of lawyers who defend those accused of terrorism.

In order to truly understand how this work consumes their lives, we follow our characters beyond their office and into their personal lives. It’s with this approach that we captured one of our favorite scenes in the film with Tamar and her young daughters who ask questions that most people watching the film would have. Their honesty in challenging and trying to understand their mother and her work was at the heart of what we hoped to capture with this film. How do you explain to your family that you are willing to stand up for someone who has been charged or accused of a horrible crime?

Producer/Director
Habiba Nosheen



Habiba Nosheen was born in Pakistan and moved to Canada at the age of nine as a refugee. She got her start in journalism reporting for CBC Radio and went on to become a graduate of the Columbia School of Journalism Masters program in New York.

She then collaborated with *This American Life* and *ProPublica* for the radio documentary, "*What Happened at Dos Erres?*" which was called "a masterpiece of storytelling" by *The New Yorker*.

She was also the director and reporter for the Emmy award-winning documentary, "*Outlawed in Pakistan*" which aired on PBS FRONTLINE. The film premiered at the Sundance Film Festival where it was called "among the standouts" of Sundance by *The Los Angeles Times*. Prior to that, her PBS investigation, "*To Adopt A Child*," earned her the Gracie Award for Outstanding Correspondent.

After a decade of being based in the United States, in which she held the prestigious NPR KROC Fellowship and won two Emmy Awards for her work on *CBS: 60 Minutes*, she returned to Canada in 2017 to join CBC News as the co-host of *The Fifth Estate*.

Her reporting has garnered numerous awards including three Emmys awards, the George Foster Peabody, the Gracie Award for Outstanding Correspondent, three Overseas Press Club awards, the New York Festival award, and the Third Coast Audio Festival award. She has also earned three nominations for the Livingston Award, which recognizes the work of top journalists under the age of 35.

She currently lives in Toronto with her partner and two children.

Producer/Director
Hilke Schellmann



Hilke Schellmann is an assistant professor of journalism at NYU and an Emmy-award winning investigative reporter. Using innovative multimedia tools, she focuses her reporting on unearthing systemic wrongdoing and its impact on vulnerable people.

As an independent filmmaker, Schellmann shot, produced and directed the investigative documentary *“Outlawed in Pakistan”* which aired on PBS FRONTLINE. The film was dubbed “among the standouts” at the Sundance Film Festival by The L.A. Times and called “extraordinary” by Variety. The documentary was recognized with an Emmy, an Overseas Press Club and a Cinema for Peace Award and successfully played at prestigious film festivals such as IDFA, Full Frame, Thessaloniki Film Festival and AFI Docs.

Schellmann’s investigation into student loans for VICE on HBO, she uncovered how a spigot of easy money from the federal government is driving up the cost of higher education in the U.S. The immersive documentary was named a 2017 finalist for the Peabody Awards.

Schellmann’s work has appeared in several publications including The New York Times, VICE, HBO, PBS, TIME, ARD, ZDF, WNYC, National Geographic, Glamour and The Atlantic. For two years, Schellmann spearheaded video coverage as a Multimedia Reporter for the New York section at The Wall Street Journal. Prior to joining NYU, Schellmann was the Director of Video Journalism at Columbia University’s Graduate School of Journalism. She is currently shooting and directing a feature length investigative documentary.

Schellmann is a Fulbright Scholar and holds an MS from Columbia University and an MA from Humboldt University in her native Germany. While in graduate school, she co-founded the nonprofit Center for Documentary Art UnionDocs in Williamsburg, Brooklyn and now serves on its advisory committee.

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