

URGENT ACTION

FILMMAKER JAILED FOR DRUG USE DENIED HEALTH CARE

Tunisian filmmaker Issam Bouguerra, imprisoned since 24 August 2021 on charges of use and possession of cannabis, suffers from bleeding but prison authorities are denying him access to urgently needed, adequate healthcare. His trial is scheduled for 24 November after a first session set for 6 October was postponed. If convicted, Issam Bouguerra faces up to 15 years in prison. Amnesty International calls on the Tunisian authorities to drop the charges against him and release him as the criminalisation of the use and possession of drugs violates a number of human rights.

TAKE ACTION: WRITE AN APPEAL IN YOUR OWN WORDS OR USE THIS MODEL LETTER

Minister of Justice, Leila Jaffel
31 Boulevard Bab Bnet, Tunis
Email: info@e-justice.tn
Fax: +216 71 568 106

Dear Minister of Justice,

I write to you to express my grave concern over the continued detention of Tunisian filmmaker **Issam Bouguerra** for over a year on charges related to personal drug use. I am concerned that prison authorities are refusing him access to an adequate medical examination despite his urgent need for specific medical check-ups given his haemorrhoids bleeding and doctors recommendations to undergo regular exams for colon cancer. He is currently receiving minimal health assistance inside the prison clinic and has repeatedly asked prison authorities to take him to a doctor outside prison.

Issam Bouguerra's father visited him on 3 and on 17 October in Mornaguia prison, Tunis. He told Amnesty International that his son has been suffering from bleeding for several weeks. Due to a history of colon cancer in the family, which led to Issam Bouguerra's mother's death, the family doctor has recommended medical scans every six months. Yet, since his arrest, prison authorities have failed to provide him with the required medical check-ups because the prison medical facility is not equipped to provide the examinations he requires, such as a scan or coloscopy. Issam Bouguerra asked to see a qualified doctor outside the prison repeatedly since April, but prison authorities ignored his requests. Amnesty International considers the criminalisation of the use and possession of drugs to be in violation of human rights.

It is clear that the prohibition and criminalization of drugs has failed to decrease the use and availability of drugs over the years and has instead undermined the rights of millions, exacerbated the risks and harms of using drugs, and intensified the violence associated with illicit markets. Amnesty International calls on States to adopt new models of drug control that put the protection of people's health and human rights at the centre, including the decriminalization of the use and possession of drugs for personal use and an expansion of health and other social services to address drug-related risks, which has demonstrated to have beneficial impacts on public health, public security and human rights.

Issam Bouguerra's trial is scheduled for 24 November after a first session set for 6 October was postponed. If convicted, Issam Bouguerra faces up to 15 years in prison.

I urge you to drop the charges against Issam Bouguerra and release him because he is being detained solely for his use of drugs. Pending his release, I urge you to allow him access to the medical care he requires, including outside prison. I also call on the Tunisian authorities to undertake a comprehensive review of all drug laws and policies, including Law N.92-52, to decriminalize the use and possession of drugs for personal use and ensure an expansion of health and other social services to address the risks related to drug use.

Yours sincerely,

ADDITIONAL INFORMATION

Issam Bouguerra is a 39-year-old Tunisian filmmaker from Kairouan. After studying graphic design in Tunisia, he went to the United States to pursue his passion for film and studied cinema in Los Angeles. He directed several TV series for Tunisian and Algerian television channels. He is most known for his short film "Faracha" (Butterfly) about the story of a young boy from Kairouan, an impoverished and conservative Tunisian city, who decides to follow his passion despite everyone's disapproval. "Faracha" was critically acclaimed and [won](#) the Couple d'Or for best short fiction film at the second edition of the Mon premier Film Festival in Paris in 2022 while Issam Bouguerra was in jail.

Issam Bouguerra was first summoned for interrogation on 20 September 2021. Tunisian authorities submitted him to a urine drug test in violation of his right to privacy. Police also searched his phone and found what they call "suspicious photos related to drugs." They confiscated his phone and laptop, and also searched his home.

Issam Bouguerra is accused under Articles 4 and 5 of Law N.92-52 on Narcotics (Law 52). Article 4 mandates one to five years of imprisonment and a fine of up to 3000 Tunisian dinars (around 900 USD) for any person who uses drugs or is found in possession of drugs or plants. Article 5 provides for 6 to 10 years of imprisonment and a fine of up to 15000 Tunisian dinars (around \$4500 USD) for whoever cultivates, harvests, produces, holds, owns, appropriates, offers, transports, intermediaries, buys, sells, delivers, distributes, extracts, or manufactures drugs for the purpose of trafficking. Authorities did not provide any evidence that he was involved in trafficking or had intention to sell or profit from the drugs. If convicted, Issam Bouguerra faces up to 15 years of imprisonment.

Issam Bouguerra's ordeal epitomises the suffering of thousands of people deprived of their liberty in Tunisia held solely for their use of drugs. According to a recent [report](#) by Lawyers Without Borders, more than 2500 individuals were detained for drug related offences in 2019, 60% of them for consumption. Prison overcrowding is long standing issue in Tunisia with prisons already exceeding their maximum [capacity](#) with around 22,000 inmates for 18,000 places, many of them for drug related offences. Tunisian and international civil society organizations have documented the wide array of human rights violations that are facilitated by punitive drug laws, including physical and verbal [assault](#) from police officers. While Law n.92-52 was amended in 2017 mainly to reduce prison overcrowding, human rights violations stemming from this law continue unabated.

Amnesty International opposes the blanket prohibition of drugs under which governments have deliberately punished, violently attacked, stigmatized and demonized millions of people with the aim of stopping them and deterring others from using drugs. Instead, Amnesty International calls upon the Tunisian authorities to take a different approach based on international human rights law and standards to ensure that drug control policies protect people, not harm them. Amnesty International calls on the Tunisian authorities to adopt new models of drug control that put the protection of people's health and other human rights at the centre, including the decriminalization of the use, possession and cultivation of drugs for personal use, and the effective regulation of drugs to provide legal and safe channels for those permitted to access them. Such policies must be accompanied by an expansion of health and other social services to address drug-related problems as well as other measures to address the underlying socio-economic causes that lead people to engage in the drug trade such as poverty, discrimination, unemployment, ill-health, denial of education or lack of housing.

The same call was made by the UN Special Rapporteur on the right to [health](#), who recommended that member states... "should reform domestic laws to decriminalize or de-penalize possession and use of drugs, and increase access to controlled essential medicines." A recent [study](#) by the United Nations Working Group on Arbitrary Detention issued on 18 May 2021 recommends States to "Promptly release persons detained only for drug use or possession for personal use and review their convictions with a view to expunging their records".

PREFERRED LANGUAGE TO ADDRESS TARGET: Arabic, French and English

You can also write in your own language.

PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL: 2 January 2023

Please check with the Amnesty office in your country if you wish to send appeals after the deadline.

NAME AND PRONOUN: Issam Bouguerra (He/Him)