

URGENT ACTION

BLOGGER PROSECUTED FOR HUMOROUS POST

On 2 May 2020, 27-year-old Tunisian blogger Emna Chargui shared a Facebook post that she found on social media of a humorous text that imitates the verses of Quran to make fun of the COVID-19 situation. The text is void of any incitement to hatred or violence. It is intended to be funny and it even includes a call for staying home and washing hands. Emna now faces up to three years in prison for this post. On 6 May 2020, the Court of First Instance in Tunis charged her with inciting hatred between religions through hostile means or violence and "offending authorised religions" under articles 52 and 53 of the Tunisian Press Code.

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

*Public Prosecutor of The Republic of Tunisia Bechir Akremi
Court of First Instance
Avenue Beb Bnet
1019 Tunis*

Your excellency,

On 6 May 2020, Tunisian blogger **Emna Chargui** was charged with "inciting hatred between religions through hostile means or violence" and "offending authorised religions" under Articles 52 and 53 respectively of the Tunisian press code, which regulates the work of the press in Tunisia, for sharing a text on social media on 2 May 2020 about the COVID-19 pandemic that imitates the format of a Quran verse. She could be imprisoned for up to three years as a result.

The prosecutor initiated the case against Emna based on Article 6 of the 2014 Tunisian constitution which states that "the state is the guardian of religion and freedom of conscience and belief." On 4 May, Emna received the summons from the judicial police for investigation.

The following day, the police questioned Emna in the presence of her lawyer. On 6 May, she appeared before the prosecution who refused to allow her lawyers to accompany her. Emna entered the court room alone and reported feeling intimidated with a panel of seven officials at the prosecutor's office who interrogated her for half an hour including about her religious beliefs. One member of the prosecution even asked her if she had consulted a psychotherapist suggesting that she might be mentally disturbed.

Emna is awaiting a trial on 28 May 2020. After her post went viral, Emna started receiving death threats and calls for rape and other violence against her on social media. Emna told Amnesty International that she was concerned for her safety.

I therefore ask you to drop all charges against Emna Chargui for her social media post which is protected by the right to freedom of expression since it does not incite hatred or violence. I call on you to ensure her protection and open an investigation into the death and other threats that she has received. I finally call on you to amend clauses in the Tunisian law that criminalise the peaceful exercise of the right to freedom of expression.

Yours sincerely,

**AMNESTY
INTERNATIONAL**



ADDITIONAL INFORMATION

Emna Chargui said that she is a staunch defender of personal freedoms and has been outspoken about freedom of beliefs and conscience, but she only shared this post because she thought the way it described the COVID-19 context in Tunisia was amusing. She said, "I expected that people would get a laugh out of it". The text she shared is a humorous take on the reactions to COVID19 in Tunisia. It imitates the rhymes and format of a quranic verse. It reads as follows: a play on a Quranic verse in terms of structure, mentioning that the virus came from China and that people need to wash their hands and refrain from buying semolina in reference to the shortage of semolina that Tunisia witnesses during the beginning of the lockdown.

Emna mentioned that her blogs and social media posts often trigger waves of insults from people who don't agree with her views but the comments she had received in the aftermath of this social media post were threats that she had never experienced before. She quotes one death threat she received: "here is my name and my picture, I don't care if I go to jail as long as I kill you." Another person sent her a message of her picture with her father with a message threatening to kill her father "get a sponge to wipe his blood once I kill him." Emna has been documenting and sharing screenshots of all the gruesome threats she has been receiving. She doesn't feel safe and had to change her location several times in the past weeks. She told Amnesty International that she didn't even feel safe going to her trial whose date and location are publicly known now.

While Tunisia is known among its neighboring countries for more progressive laws and a constitution that provides a protective framework that grants freedom of expression, religion, and faith, in practice a number of Tunisian laws and fall short on those terms. Despite the fact that Emna Chargui's post does not incite to violence or hatred, she was charged under Article 52 and 53 of the Tunisian press code. Article 52 provides a prison sentence of one to three years and a fine from one to two thousand Dinars (500 USD) to anyone who explicitly calls for hatred between races, religions and inhabitants and uses hostile means or violence or racial discrimination. Article 53 punishes with a fine of one to two thousand dinars everyone who purposefully uses preaching sites for political campaigning and anyone who intentionally infringes on any of the licensed religious rites.

Amnesty International has documented a growing trend of prosecutions of bloggers, journalists and activists using legislation that penalize peaceful speech, notably speech deemed to be offensive or defamatory not only toward individuals but also toward state institutions and speech deemed liable to disturb the public order or morality. The Tunisia's 2014 Constitution guarantees the right to freedom of expression under Article 31. Tunisia is party to the International Covenant on Civil and Political Rights (ICCPR), which also guarantees the right to freedom of expression.

PREFERRED LANGUAGE TO ADDRESS TARGET: Arabic and English

You can also write in your own language.

PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL: 8 July 2020.

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

NAME AND PREFERRED PRONOUN: *Emna Chargui (She/Her)*

ADDITIONAL TARGETS

Head of Government

Elyes Fakhfakh

Address: Place du Government

La Kasbah

1020 Tunis

Phone: +216 71 565 400

Email: boc@pm.gov.tn

Messenger: <https://www.facebook.com/Presidencedugouvernementtunisien/>

Salutation: Your Excellency

Minister of Interior

Hichem Mchichi

Address: Avenue Habib Bourguiba

1000 Tunis

Phone: +216 71 333 000

Messenger: <https://www.facebook.com/ministere.interieur.tunisie/>

Salutation: You Excellency

Minister of Justice

Thoraya Jeribi

Address: 31 rue Beb Bnet

1019 Tunis

Phone: +216 71 561 440

Email: www.e-justice.tn

Messenger: <https://www.facebook.com/ministere.justice.tunisie/>

Salutation: Your excellency

And copies to:

His Excellency Mr Nabil Ben Khedher

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