



STATEMENT ON THE CONVICTION OF EMNA CHARGUI IN TUNISIA

Photo Source: Tunisie Numerique

This statement can be attributed to a spokesperson for the Clooney Foundation for Justice. For further inquiries, please contact info@cfj.org

CHARGES

'Inciting Hatred Between Religions Through Hostile Means or Violence' and 'Infringement of an Authorized Religion'

OUTCOME

Convicted

SENTENCE

Six Months Imprisonment and 2,000 Dinar Fine

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The Clooney Foundation for Justice's TrialWatch initiative monitored the trial in Tunisia of Emna Chargui, a blogger convicted of 'inciting hatred between religions through hostile means or violence' and 'infringing an authorized religion.' She was sentenced to six months imprisonment for the former and fined 2,000 dinars for the latter. The court's decision violates her right to freedom of expression.

The charges were based on a satirical comment on COVID-19 that took the form of a Quranic verse that she reposted on social media. This 'Sura Corona' pointed out, among other things, that the virus would equalize 'kings and slaves.' This is speech protected by treaties that Tunisia has ratified, including Article 19 of the International Covenant on Civil and Political Rights and Article 9 of the African Charter on Human and Peoples' Rights. A full report assessing the trial under international human rights law will be released soon.

Ms. Chargui was not the author of 'Sura Corona'; rather, she reposted it with the thought that [it would make others laugh](#). The prosecution presented no evidence to show that Ms. Chargui had intended to incite hostility or violence against Muslims or that imminent hostility or violence was likely to occur as a result of her post. In fact, it was Ms. Chargui who was [immediately subjected to threats, including threats of murder and rape](#).

In its 2020 review of Tunisia's human rights records, the UN Human Rights Committee [noted with concern](#) that "a number of legal provisions . . . continue to criminalize activities related to the exercise of freedom of expression." And human rights groups [have called](#) for the charges in this case to be dropped.

CFJ calls for Ms. Chargui's conviction to be reversed and for the authorities to allow her to exercise her right to freedom of expression.

BACKGROUND

Articles 52 and 53 of Tunisia's 2011 Law on freedom of the press criminalize, respectively, 'direct incitement of hatred between religions by calling for hostility or violence' and 'knowing infringement on an authorized religion.' These provisions, as well as [others that have recently been invoked](#) to prosecute individuals for online commentary, predate Tunisia's 2014 constitution, which enshrines the right to freedom of expression. Further, as the UN Human Rights Committee has [made clear](#), "[p]rohibitions of displays of lack of respect for a religion or other belief system . . . are incompatible with" international human rights law, except "in the specific circumstances envisaged in article 20, paragraph 2, of the [ICCPR]."

In this case, the prosecution alleged that posting 'text similar to the Qu'ran' constituted an offense under Article 52. But the defense argued that it would not have been clear to a reasonable person that this was criminal conduct. Indeed, one lawyer for the defense pointed out that historically many poems have taken the style of Quranic verse. Further, the defense asserted that the text in no way prevented anyone from practicing their faith under Article 53—at most, it may have been embarrassing.

The full TrialWatch Fairness Report, based on TrialWatch's monitoring of the trial hearing in this case, will be made available shortly at www.trialwatch.com.

ABOUT THE CLOONEY FOUNDATION FOR JUSTICE'S TRIALWATCH INITIATIVE



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The Clooney Foundation for Justice's [TrialWatch](#) initiative monitors and grades the fairness of trials of vulnerable people around the world, including journalists, women and girls, religious minorities, LGBTQ persons and human rights defenders. Using this data, TrialWatch advocates for victims and is developing a Global Justice Ranking measuring national courts' compliance with international human rights standards.