

Criminalizing Coronavirus-related April Fools' Pranks

تجريم كذبة أبريل ذات الصلة بجائحة كورونا

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Abstract:

Each beginning of April, people practise jokes, hoaxes and harmless pranks everywhere, but this tradition has become a subject of criticism, where supporters see an entertainment, and opponents who slammed it as disturbing and deceptive behavior which must be abolished and banned. This year, April's fools coincided with a large spread of the Corona virus, which may increase the damage caused by those pranks, which was a strong motivation towards the suggestions to completely cancel and ban this bad tradition, for that there were initiatives from companies and organizations. In support of these initiatives, several countries have banned jokes and pranks related to corona virus, such as India and Taiwan; the latter explicitly threatened by prison terms to those who spread harmful rumors, then Algeria, which has realized the matter with the latest penal code draft amendment.

Key words: Corona virus, criticism, April's fool's day, criminalization, hoaxes, pranks, ban, initiative, joking.

المخلص:

في كل فاتح أبريل، يقوم بعض الأشخاص بنكت ومزحات ومقالب غير ضارة، وهي ممارسات شائعة خاصة في المجتمع الغربي، لكن هذا التقليد أصبح محل نقد، حيث هناك من يراه مجرد ترفيه، ومن يراه مقلق وخادع يجب إلغائه بل وتجريمه. وقد تزامنت كذبة أبريل هذه السنة مع انتشار كبير لفيروس كورونا، مما قد يزيد من الأضرار التي تسببها تلك المقالب خاصة إذا ما تعلقت بهذه الجائحة، وهو ما كان دافعا قويا في المضي قدما نحو مقترحات الإلغاء والحظر التام لهذا التقليد السيئ، فكانت بذلك مبادرات من شركات تكنولوجيا عالمية، ثم مبادرة منظمة الصحة العالمية. ودعمت تلك المبادرات، حضرت دول عدة النكت والمقالب ذات الصلة بالفيروس التاجي، على غرار الهند وتايلاند وألمانيا، وتايوان التي هددت صراحة بالسجن لمن ينشر الشائعات الضارة بحياء الناس، ثم الجزائر التي تفتنت للأمر مع مسودة التعديل الأخير لقانون العقوبات.

الكلمات المفتاحية: فيروس كورونا، نقد، يوم كذبة أبريل، تجريم، مقالب، خدع، حظر، مبادرة، مزاح.

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Introduction:

April Fool's Day is an annual tradition celebrated on April 1 each year, consists of jokes, hoaxes and practical pranks, and those comic and clowns often reveal their actions to the recipient victim; these pranks and banter can even be shared by the media, which may be revealed as such in the next day; April Fool's Day is not an official holiday or is legally recognized as an official celebration in any country except Odessa in Ukraine, thus majority of researchers' opinions have said that "It's a European tradition"⁽¹⁾, though its exact origins remain a mystery.

Practicing April's Fool and its deception is controversial; mixed opinions are embodied in whether it is a great joke or a terrible hoax, where the positive view holds that it can be good for one's health because it encourages fun and self-promotion, brings benefits such as blowing reducing stress, and also encourages creativity and writing; the negative view describes it as manipulation, insolence and badness, as real news or important real warning may be circulated but misinterpreted and considered a joke so that ignored, on the other hand, sometimes these jokes are taken seriously, and in both cases, it would be possible that there be harmful effects such as embarrassment, misleading, waste of resources and exposure to risk, in addition to legal or business consequences.⁽²⁾

Nowadays, the timing of the first of April's Fool comes amid the outbreak of the Corona pandemic, which raises fears and disturbs the public mood, not to mention that this occasion may be used in a non-innocent manner, which is a sufficient reason why people should be more considerate and self-restraint and not use it as a prank or a joke,⁽³⁾ so what was considered, over the years, a white or innocent lie, can today lose the element of enjoyment, and even violate the law because it manipulated people's emotions and may deepen the lack of clarity and instability.⁽⁴⁾

In this regard, as families, web users, and companies embrace practical jokes, Google Inc., famous for its elaborate stunts, has told its employees that it will abolish this tradition this year out of respect for all those fighting the Corona pandemic as the outbreak of the deadly disease was accompanied by a large collection of misleading information over the Internet; This makes it difficult for governments to maintain the safety of their citizens, as countries such as Taiwan have warned people spreading false rumors of imprisonment and fines, in addition to Thailand, which has taken a hard line, then India, which urged citizens to verify information and exchanged messages from just reliable sources and not to fall into fake news in order to avoid trial.⁽⁵⁾

Thus the plan backfired after the owners of jokes and pranks enjoyed what victims fall in, today, on the occasion of the outbreak of the Corona virus, they are exposed to legal accountability for the done rumors, given that they threaten stability and public security and increase terror and panic among society, so due to the importance situation we are living:

How were April's Fools related to the Corona virus banned and abrogated, and what is the legal basis for criminalizing these lies?

In a descriptive, analytical approach, we'll detail the article via two main chapters, the first is devoted to the legal qualification, the second for samples of legislation that started banning this matter.

Section I: The legal qualification of April's fool

Annually, many people around the world engage in deceit and spread lies in a legitimate way, but on the occasion of the spread of the Corona virus, this year, many countries have called for the criminalization of heinous lies that may cause serious harm if related to this virus; scholars and jurists also called for the creation of a new type all of these crimes and the complete criminalization of certain types of lies.⁽⁶⁾

In this regard, China has banned April's fool, considering that this ancient tradition as well as democracy and freedom of expression are non-welcomed Western concepts, so Xinhua announced on social media that that tradition does not fit the Chinese cultural traditions or basic socialist values hoping that no one believes in rumors, make or spread them.⁽⁷⁾

As noted these days, there are those who make fun of aches, pains and conditions of people living with Covid-19 without respecting feelings and considering moral or legal liability, but some of them went to spread rumors of corona infection, and therefore we find in Arab laws what can deal with such facts by criminalizing "April's Fool", whether by qualifying it as "false denunciation" or "slander", "deception" or "nuisance".

A) On the ground of false denunciation crime:

There is no universally accepted definition of lying to others; in dictionaries such as Oxford lies are traditionally defined as "making a false statement with the intention of deception", but this definition raises many problems among them that it is too narrow because it requires falsehood, and is very broad because it allows lying about something other than what is mentioned, lying to a person who thinks he is listening but not being addressed (like April's Fool), but the most widely acceptable definition of lying is: "A lie is a statement made by one who does not believe it with the intention that someone else shall be led to believe it".⁽⁸⁾

In view of the principle of legality, where there is no crime, punishment, or security measures except by law, lying does not constitute a crime in law.⁽⁹⁾ Positive laws, unlike religious laws, don't punish for lying unless there is harm to certain interests protected by law. Rather, positive laws allow the accused to lie to avoid punishment.

With a sense of jest, humor often creates false illusions and impressions, so there are many provisions of criminal law in several countries⁽¹⁰⁾ designed to combat appearances and misinformation; deception is a type of humor that humorist must appreciate: his pleasure is derived from misleading the victim, as it is the case with April's fool.⁽¹¹⁾

1- General definitions of lying:

According to the traditional definition of lying mentioned above, at least four necessary conditions for lying must be met:

First, lying requires that a person make a statement (statement condition).

Second, lying requires that the person believe the statement to be false; that is, lying requires that the statement be untruthful (untruthfulness condition).

Third, lying requires that the untruthful statement be made to another person (addressee condition).

Fourth, lying requires that the person intend that that other person believe the untruthful statement to be true (intention to deceive the addressee condition).⁽¹¹⁾

Emmanuel Kant defines lying as "a statement intended to deceive others intentionally", in keeping with the classic definition and ignoring the definition of lawmen who required to lie, in order that it be, to cause harm to others or to oneself. Kant practically distinguished between three types of lying, the moral in which harm is not required, the legal which necessitates causing harm to others and political lying, taking a position not introducing the element of "harm" about these three types of lying in his definition because lying is inherently harmful to all humanity.⁽¹²⁾

Lying is defined as the utterance that contradicts the truth of the matter and reality, it is false news about reality by giving a picture to the listener contradicting the truth;⁽¹³⁾ Islamic Sharia did not allow lying in its criminal concept in the first place, but it allowed saying of words on the face of the truth to achieve legitimate purposes or to avoid greater harm, and lying to people is the least dangerous type of lying, and its impact on its owner is lighter, but it is a major sin;⁽¹⁴⁾ thus Islamic law prohibited lying in several forms⁽¹⁵⁾ and positions.

Instead of lying, the Egyptian legislator used the term false denunciation as many Arab laws.⁽¹⁶⁾ The Egyptian legislation punishes anyone who tells a false matter with malicious intent even if no rumor is obtained from him other than the mentioned news and the lawsuit wasn't instituted according to what was told; The matter differs if the false communication is against a public official, a person with a public representative capacity, or a public service in charge, and that was due to the job, representation, or service performance.⁽¹⁷⁾

2- The fulfilment of lie crime (false denunciation):

In order for the crime of a false denunciation to take place, there should be a physical element which consists in informing orally or in writing the competent authority of a crime that did not originally occur and the attribution of that alleged crime to one or a group of people, from the same reporter, even if the notification did not directly occur from the perpetrator, which may be via an indirect way, as is the case in spreading lies about Corona virus infections in certain areas, so when he had prepared manifestations that indicate that the crime had occurred with the intention of communicating news to the competent authorities, he would have committed the act, such as someone who publishes a rumor of his personally infection⁽¹⁸⁾ or the infection of other people with the

Corona virus through communication platforms or spreading it among them without informing the authorities.

But the problematic arises when it comes to reports of suspicions, fears or allegations of infection of the new Corona virus, especially if it coincides with the April fool's day (April 1st), because everyone has the right to report or complain, as well as distinguishing these allegations from illegal or tort work that alone requires compensation,⁽¹⁹⁾ so it is necessary to deal with these received complaints by the competent security authorities and health services in order to take the necessary measures in their regard in accordance with the requirements of legislation in force to avoid follow-up on false communications.

As for the mental element (criminal intent), for the crime of a false denunciation, it is that the informant intends to harm the perpetrator of the alleged crime, knowing that the reported facts are false, and that the reported person is innocent of what was assigned to him, and that with the intent to damage the denounced person; the proof of the availability of this element refers to the trial court which has the absolute right to recall it from the facts before, and that researching the falsehood or validity of the statement is a matter entrusted to it according to its conviction.⁽²⁰⁾

Since it was necessary for the criminal intent to exist in the crime of a false denunciation, the reporter has submitted a notification malevolently, knowing that the reported facts were false and that the reporting person was acquitted of what was attributed and with the intention of damaging against him, so in the case of a false claim of any incident related to the Corona virus, the innocence denounced person must be legally excluded, as the condition of the intention to harm is assumed, and here the denounced person could be the state and its institutions and all the staff affiliated with it where all their efforts, material and human means are devoted to combat this pandemic called Corona.

B) On the ground of deception crime:

Deception is the belief promotion in something not real or not all of the truth and may include taqîya,⁽²¹⁾ rumor, distraction and camouflage. It is a distortion of truth leads to errors and mistakes, and means that the essence of deception is a lie results in creating a disorder in behavior or thinking that makes the person believing the opposite of truth.⁽²²⁾ The essence of deception is to provide false, incomplete or misleading information with the aim of achieving an interest; it is more appropriate to use fraud and deceit⁽²³⁾ as synonyms for deception, e.g., betrayal requires a specific type of relationship between the two parties, while deception is not related to the deceptive relationship with the deceived as it is the case for those who deceive on the occasion April's fish.

Various legislations have provided protection from all kinds of deception, similar to the Algerian legislator in protecting the consumer from the crime of deception in the marketing process under the penal code as well as Law no.03/09 related to consumer protection and the suppression of fraud,⁽²⁴⁾ however, deception that people may do on the occasion of the April's Fool Day rises to the

level of accountability under several laws due to the damage it causes, especially if it comes to these conditions under which the world is going through as a result of Corona.

1- Definition of deception:

The Oxford dictionary definition states that deception is "the act of deliberately making someone believe something that is not true", however, this definition raises a major problem which is that it is too broad, thus just an appearance could be deceptive, moreover, it is possible to deceive others unintentionally, and although some philosophers believe that deception could be unintentionally or wrongly, many have argued that deception cannot be unintentionally or wrongly because it is similar to lying, intentional, and they suggest the term "misleading" to cover instances of causing wrong beliefs whether intentionally or unintentionally, and therefore, deception is intentionally the pushing to the existence of a misconception known or believed to be false.⁽²⁵⁾

Opposite to lying, as mentioned above, there is no statement condition to show deception, thus in addition to deception by lying, it is possible to deceive using natural or causal signs (indicators), symbols, or images, for example, by spreading the presence of a drug for the Corona virus which makes more eagerness in pharmacies and is not actually present, finally, it is possible to deceive through traditional non-linguistic signs (symbols), interfere, exclamation, issue an order or incitement, make certain statements, or even by silence.⁽²⁶⁾

Since April's fool primarily aims at humor, there is a relationship between humor and deception, which is that with jokes comes the humor intent first and deception is only a way to achieve it, in other words, we first perceive the desire to play a trick and make someone laugh, then, the lies and falsehood would be ways to achieve this error, but this may not always be true, because an unintended lie or misunderstanding may turn into a joke.⁽²⁷⁾

Deception consists of misleading a person by taking advantage of his naivety in order to amuse at the expense of the victims, so deception is exactly the type of humor that criminal legislation targets. Law condemns certain scenarios such as raising a false alarm as it happened with someone with a corona virus, or threatening a risk such as claiming to infect a particular person, and interfering with borders as someone who claims the authorities do not control the situation, all of which are examples of deception that turns into a crime; the criminalization of deception is usually subject to two criteria:

First, the risk of immediate or future harm (damage)

Second, the compelling nature of the joke or the hoax⁽²⁸⁾

2- The fulfilment of deception crime (false denunciation):

When jokes, hoaxes and pranks reach a certain level of enough gravity, they are prohibited and become criminal offences because of the serious violations they create. Criminal law does not punish all bad jokes without exceptions, as the damage that the legislature wants to prevent varies from one offence to another, so lack of public security, turmoil and financial insecurity are

all evils that are suppressed by criminalizing deception that there should be an immediate and tangible harm.⁽²⁹⁾

The physical element of deception crime is presented in the issuance of false assertions by means of words or writings focused on the reality they are heading to and here is the Corona virus, and these lies and pranks would be in a matter related to the epidemic such as its spread and multiple infections or even the claim of the presence of drugs or treatments..., without stipulation of certain means, as the crime of deception is a positive and temporary crime in which the perpetrator's activity does not take a long period of time; it does not require that there should be another party⁽³⁰⁾ directed by methods of fraud and lying to make him believing.

Common law treats deception in a number of ways, but it consistently includes the condition of harm before the perpetrator bears responsibility, and what can cause harm here is acts of misrepresentation, defamation, and fraudulent harmful lies, which reflects how common law usually deals with deception; and since the latter is based on fraud, misleading facts, opinion, intent, or law for the purpose of urging another person to act or refrain from acting based on misrepresentation, deception has essential elements:

First, there is a behavior committed by the prankster

Second, the behavior is wrong and deceitful

Third, knowledge or intention of deception on the part of the speaker

Fourth, the listener relies on the distortion

Fifth, causing damage⁽³¹⁾

As for its mental element, the crime of deception is classified as one of intentional crimes that require the criminal intent of knowing the elements of the crime and the will to commit it in reality. Knowing the law criminalization is presumed and there is no way to deny it on the basis that knowledge to criminal law and its complementary laws, as we will see later, is assumed against all and from there excuse is not accepted by ignorance or mistake to deny the criminal intent, but knowledge of reality is assumed in this case which is the prevailing situation due to the epidemic which should not be proved.

The criminal intent for the crime of deception is available via a lie from April's fools, as soon as the accused knows the facts related to the incorrectness of the jokes, pranks or hoaxes that he publishes with clear and real knowledge, i.e. the availability of the intention of deception by simply knowing that the followed means would lead to deceiving the receiver, and this is at the time of the act occurrence, which is the first day of April, but the posed problematic is, *is the fraud related to the first of April and in such circumstances (Corona epidemic) considered to be temporary or continuous crimes?*

C) On the ground of nuisance crime:

In most jurisdictions, nuisance (inconvenience) is almost non-codified,⁽³²⁾ however it has grown and expanded through interpretation and through a set of rulings; nuisance is more common in daily life, and therefore, in inconvenience

issues, some courts sought help to some principles, such as English ones, as well as to decisions from common law system besides creating their own precedents, this has led to the development of a sound legal system that guarantees justice and prosperity for all parties and society as a whole.⁽³³⁾

Most punitive laws determine terms that mean general nuisance. For example, the Indian Penal Code, in Article 268 defines it as "an illegal omission which causes any common injury, danger or annoyance to the public or to the people in general who dwell or occupy property in the vicinity, or which must necessarily cause injury, obstruction, danger or annoyance to persons who may have occasion to use any public right".⁽³⁴⁾ A common nuisance is not excused on the ground that it causes some convenience or advantage."⁽³⁵⁾

1- Definition of nuisance:

The term "nuisance" is derived from the French word "nuire", which means "hurt or annoy", so one in possession of a property is entitled as per law to undisturbed enjoyment of it. If someone else's improper use in his property results into an unlawful interference with his use or enjoyment of that property or of some right over, or in connection with it, we may say that tort of nuisance occurred. In other words, nuisance is an unlawful interference with a person's use or enjoyment of land, or of some right over, or in connection with it. Nuisance is an injury to the right of a person in possession of a property to undisturbed enjoyment of it and result from an improper use by another person in his property.⁽³⁶⁾

Infringement of a third party's property is a direct physical interference with the claimant's possession through some material or tangible objects, while the nuisance is harmful to some of the correct attachments to the possession but is not in his possession, for example, the right of the way⁽³⁷⁾ is an unfamiliar right over the property that does not amount to possession, therefore, the prejudice is a nuisance and not an infringement, it's also that nuisance, unlike infringement, occurs only when proving actual harm, which means that infringement and nuisance are two terms used in a reciprocal context.⁽³⁸⁾ In order for this nuisance to be practical harm, it is necessary to have:

- Illegal acts.
- Damage, loss, inconvenience or harassment to another.
- The reaction should be more than just an allergy.
- This annoyance or discomfort should be considered real, intrinsic and material.

Simply, public nuisance is an act that affects the public in general, or a large part of it, and must interfere with the rights enjoyed by members of society. Thus, actions that seriously conflict with health, safety or comfort in general or that tend to deteriorate public morals are considered a public nuisance, such as, the trade that causes intolerable noise, and in general, public nuisance is not harmful and therefore does not lead to a civil lawsuit, but in the following cases,

the individual may have the right to take action in relation to public harassment, and thus becomes a private nuisance:

- He must prove that he suffered more damage than the public.
- This injury must be direct, not just a dependency one.
- The injury must be of a fundamental nature, not transient or excessive.

In the field of April's fool, many studies and polls have unanimously agreed that not everyone enjoys the April Fool's Day pranks, as *YouGov*, a global community online company, surveyed millions of people and thousands of different organizations in ongoing conversations about their beliefs, behaviors, and brands, more than four thousands of American adults to see if they were looking forward to the first of April and all the jokes or accidents that might happen, so the respondents had a gap between a supporters and an opponents, where more than half found it an amusing joke while the rest found it annoying,⁽³⁹⁾ on the other hand, many called to cancel April Fool's Day like anything else with the outbreak of the new corona virus in 2020 where has become a nuisance than an opportunity to laugh, and most people do not have the emotional space of a day of pranks that are pointless.

2- The fulfilment of nuisance crime:

To start with, the first attempts to legalize lying on April the first took place between 1855 to 1905 by setting rules and customs for April's Fool's Day, which were unwritten rules, but nevertheless bear the weight of hundreds of years of tradition and what activities are appropriate to engage in that day, and from among these rules, *first*, avoiding harm, violence, inconvenience, not stir embarrassment, anger, and everything including causing serious psychological harm; this to legitimize committed jokes and pranks, *second*, appropriate timing, which is that no afternoon pranks, *i.e.*, they must be contained within strict time limits lest it go beyond its borders and cause chaos throughout the rest of the year.⁽⁴⁰⁾

The physical element of the nuisance crime consists in every physical act that worries the person in his safe place and the intention of the defendant to perform this act contrary to public morals and public order; the criminal intent is available regardless of the motives and emitters that have no effect on the availability of the criminal intent, such as someone who publishes lies, rumors and pranks related to Corona virus on the occasion of the day of the first April lies; the physical element here is based on disturbing others in their safe places, or confusing them and preventing them from practicing their normal life, especially in their incision related to comfort and calm, but the means are all considered.⁽⁴¹⁾

As for the mental element, it takes a form of criminal intent where the perpetrator should know that by his behavior he disturbs the others, and despite this, his will tended to commit this behavior and from there the intentional error, even if it was simple, is enough to carry out this crime, given its gravity in these circumstances and the possibility to turn into a grave error, threatening everyone's life or causing serious harm.

The nuisance is divided into two categories, namely private nuisance and public nuisance.⁽⁴²⁾ The private nuisance is an act that annoys an individual or a limited group of individuals, while public nuisance affects public in general or a large part of the audience, whoever lies to a person would be a private nuisance that may turn into a public nuisance, especially if it is in exceptional circumstances in which all rumors and lies may be believed as in the case Corona epidemic.

Section II: Samples of legal prohibitions initiatives and bases

“Today is April Fool’s Day in the West, where you can openly lie and not be punished, why don’t we do the opposite and make this day a day of truth?” One Westerner said; he added, “I hope today we can tell the truth, express our true feelings, show our true colors, spreading truth without restriction, punishment or blacklisting it as inciting crime”.⁽⁴³⁾

In this sense, in addition to banter, which may be one of the goals of April’s lie, and with the reliance of people on the Internet and media to obtain vital information about Corona, there were fears that these jokes and pranks could increase the spread of wrong information, which may constitute a danger threatening security, health and people's interests; In this regard, the World Health Organization said that April’s Fool is a "pandemic" which could increase the spread of the virus among the vulnerable, and therefore Google the giant technology Inc., which is famous for its annual deception, canceled this tradition out of respect for all those who are fighting Covid-19 pandemic.⁽⁴⁴⁾

Ordinary rules still govern behaviors such as lying, nuisance, and deception, but if it comes to bantering on April’s Fool Day related to the corona virus, it may go beyond other laws, as Thailand warns of this according to the emergency law; The German Ministry of Health has warned against circulation April’s Lies through pranks linked to Corona pandemic, on the basis of health law, from its part, cyber security unit in an Indian state has threatened to pursue according to the communications law,⁽⁴⁵⁾ as for an Arab, we find the criminalizing in Egyptian law on Electronic Crime and Sudan in the Penal Code...

A) The first initiatives of ban:

T-Mobile and Google are among the companies that initiated the cancellation of April’s Fools related to Corona pandemic, and the first brands that renewed their invitations and promoted charitable giving during the pandemic, by launching, since the first week of the same month, a campaign on social media to urge people to avoid hoarding its products where shoppers need them to avoid commercial panic, and has pledged to donate to help people suffering from hunger and poverty.

April Fools ’Day comes this year, when Google and other tech giants have won praise for their response to the epidemic, which is rare after years of criticism over privacy lapses and data-collection scandals. Thus, all the platforms it owns, such as *Facebook* and Twitter, have cooperated to eliminate false

information and highlight reliable votes; the two companies said in a joint statement, "We are working closely together in efforts in response to Covid-19",⁽⁴⁶⁾ by highlighting government sources when people search about "Corona virus" information and relevant terms on their platforms to ensure that the provided information are consistent with WHO ones".

In parallel with many countries threatening to jail for practicing April's Lies and jokes related to corona virus, the annual event has taken a darker turn this year, Google, known for its highly complex April's Fools allegations, decided to cancel all of these stunts, this year.

1- Google and T-Mobile initiatives:

Both Google and T-Mobile say they have canceled their pranks this year on the occasion of the outbreak of the Corona virus, but other companies continue to do so, even went further by suggesting jokes, from an Australian online education company, consists in a "diploma to stay in quarantine". This company added that, regardless of whether the stunts provoke laughter and are usually harmless, this year, April fool's Day is particularly perilous. With the corona virus pandemic, the world faces an unprecedented crisis, in which much public who must stay in their places, turn into madness in front of computer screens because of the flood of misleading information on the Internet, which revolve around Covid-19.⁽⁴⁷⁾

According to a report published by Business Insider last week, Google Company, which for two decades was the main poster of deceiving via April's Lies, is canceling all its pranks this year; a Google chief marketing officer wrote, in an email to company directors: "Take the year off from that tradition out of respect for all those fighting the COVID-19 pandemic. Our highest goal right now is to be helpful to people, so let's save the jokes for next April, which will undoubtedly be a whole lot brighter than this one."⁽⁴⁸⁾

Given the conditions that the world lives in the shadow of the Corona pandemic, Google focused on what would benefit people this year and did not launch any deceptive products as it did in previous years through the exciting acts of internet entertainment that it considered an offer of intelligence and symbols that make ordinary users feel happy, interactive and entertained.⁽⁴⁹⁾

For its part, T-Mobile said that it is getting rid of the April's lies this year and called on companies instead to donate to charities, the mobile phone company said that it has a history of celebrating the worst days, but this year, it encourages everyone to give thanks ... not pranks, the company urged people to show their gratitude to "world assistants" rather than pulling pranks on April's Fool's Day in a bidding campaign during a corona virus pandemic.⁽⁵⁰⁾

The phone company adds that it is no secret that we love good pranks, but for the time being, there is nothing more important than health and safety of our world, so we exchange pranks for the sake of thanks, so that everyone can make a difference to healthcare heroes and families in need, and to deepen the impact, every other company is requested to join support and get rid of pranks this year

and donate to charities as an initiative to support the front lines countering the epidemic.⁽⁵¹⁾

2- WHO initiative:

The World Health Organization has banned all the pranks of April's fools amid Covid-19 crisis,⁽⁵²⁾ the ban has been imposed all over the world after a study by leading scientists discovered that with everything that has happened so far in 2020, people are ready to believe in anything, which leads to dangerous levels of spontaneity and naivety.

In another blow to media industry, as well as the ban on April's fool, the World Health Organization advised against publishing all fake news stories, as the WHO chief warned, on Monday, that "the worst is still ahead" about the corona virus outbreak, which again sounded the alarm, especially after the mitigation of restrictive measures aimed at curbing its spread, by many countries.⁽⁵³⁾

The World Health Organization has described the flow of unregulated and anonymous data as a "pandemic" that could increase the spread of the virus among vulnerable people, and therefore the organization prohibits April Fools' Day jokes because of the corona virus, where a WHO spokeswoman said at a press conference on Tuesday, March 31st, 2020 in Geneva, Switzerland, that this ban was to prevent some idiots from causing unnecessary panic on the 1st of April. She added that instead they should direct their energy to spread positive information about how to combat the corona virus pandemic, this is the most difficult year for the organization in decades, so let's defeat the virus.⁽⁵⁴⁾

What the World Health Organization announces will cut off the ropes of everyone who tries to tamper with the health of those around them through the denial of any false news or misleading information related to this epidemic, which to this day receives tens of thousands of people who publish inaccurate news about it, such as arriving at a viable vaccine for it or the discovery of new infection methods with it and even the discovery of other similar viruses, so many who have a sense of responsibility towards tampering with the minds and feelings of those around them, especially with regard to this fierce virus, may adhere to this guidance and directive.⁽⁵⁵⁾

B) Prosecution under traditional criminal laws:

The penal code that occupies a supreme position in the legislative structure of any society is at the forefront of the penal laws, as it comes in order after the constitution, because it protects the social, economic and political fabric and contributes to imposing security, stability, calm and tranquility by showing the prohibited acts and their punishment and laying down the rules of public deterrence as it is part of the general legal system, that is, a set of laws prevailing in the country.

The Penal Code should be able to achieve the desired goal mentioned above, but if its provisions are incapable to deterring the crime and imposing the appropriate punishment, an amendment and enactment of the Penal Code must be

issued within a new criminal policy whose texts are consistent with recent developments.⁽⁵⁶⁾

In light of the spread of the global epidemic called Corona by 2020 and the rumors, lies and propaganda that followed, criminal intervention was necessary in this field,⁽⁵⁷⁾ especially with the coincidence of the period of fighting the virus with the so-called April's fools, which may increase cases of terror and fear among the injured, which may once again make the traditional punitive intervention first an urgent necessity, through criminal prosecution to everything that could harm security, tranquility, and calm.

1- In the Egyptian penal code:

The Egyptian legislator tried to address the crimes of lying and false denunciation in general, and did not refer to the April's fools related to Corona virus, which falls within this framework, but the reason why criminalizing this crime is to achieve a dual interest, *the first* for individuals to protect their honor and protect them from nuisance, dismay and terror in confrontation of false communications, *the second* to protect the administrative and judicial authorities from the evil of misleading via communications and reports, which hinder their job and interests, as is the crime of disturbing authorities.⁽⁵⁸⁾

The text of Article 188 of the Egyptian Penal Code states: Detention for a period not exceeding one year and paying a fine of not less than five thousand pounds and not exceeding twenty thousand pounds, or either penalty shall be the penalty inflicted on whoever publishes with ill will by any of the foregoing methods, false news, data, or rumors, or fabricated or forged papers, or falsely attributed to a third party, if this is likely to perturb general peace, create fright among the people, or cause harm and damage to public interest.⁽⁵⁹⁾

As for Article 305 of the Egyptian Penal Code, it stipulated that however, a person who informs of a false matter, with bad faith, shall deserve the penalty, even no rumor occurs from him except the said information, and no action is initiated regarding what he informed of; the penalty for the false denunciation is the penalty for "slander" stipulated in Article 303 of the penal code, that is, detention for a period not exceeding one year and a fine of not less than two thousand and five hundred pounds and not exceeding seven thousand and five hundred pounds or either penalty, and it differs if the false communication was against a public official or a person with a public representative capacity or with a public service in charge and that was due to the performance of the job, the prosecution or the Public service.

The Egyptian legislator does not require punishment for a false denunciation that the reported matter was attributed to the reported person as a matter of confirmation or based on what the reporter himself knows. Rather, the punishment is valid even if the aforementioned order was assigned to the reported person in a form of a rumor or through account of others, as is the case with reporting of corona virus infections, and that the crime is realized even if the

perpetrator does not directly report, such as publishing it through a specific means or spreading it among people.⁽⁶⁰⁾

2- In the Sudanese penal code:

Article 77, Paragraph 01 of the Sudanese Penal Code states that a person is said to commit the offence of public nuisance if he commits an act which is likely to cause public damage or danger or inconvenience to the public or those living or working in a neighboring place or to those who exercise a public right, while the second paragraph added that the court may issue an order to the offender to stop the nuisance and not to repeat it if it thinks fit and may also sentence him to imprisonment for a term not exceeding three months or with fine or with both.⁽⁶¹⁾

From the text of the aforementioned article, it becomes clear that the crime of broadcasting false news and rumors in Sudanese legislation is based on the physical element, which is broadcasting false news and rumors that disturb public opinion and stir fear and terror among people, and this transmission is carried out in any way and in any form so there is no requirement for a specific medium to broadcast false news and rumors.

For example, every method is suitable for broadcasting these false news and rumors such as for someone who takes advantage of social media platforms to spread propaganda for a person being infected with the epidemic. The means of expression are in continuous progress, rumors were being spread verbally, but today they are transmitted directly, while the mental element consists in the general intent of being intentional crimes, while the publicity element has been excluded according to the text of the article, thus the crime is accomplished as soon as it is implemented and the result is not required; the tentative is as a complete act due to the difficulty to differentiate between them.⁽⁶²⁾

C) Prosecution under innovative laws:

One of the results that entailed from the criminal legality principle is that legislation is the only and direct source of the rules of criminalization and punishment. Legislation means every written legal rule issued by a competent authority in accordance with the stipulated procedures in the basic Law. Therefore, the source of the criminalization and the penalty must be written, and the penal legislation must include legal rules characterized by generalization and abstraction, therefore we find the penal code comes at the forefront of penal laws.

In front of the escalation of crime in the world as a result of the amazing technological development, which contributed to facilitating individuals' life, it also contributed greatly to the emergence of new types of crime, characterized by a set of features that make their identification and deterrence a very difficult matter; these types of crimes have not excluded any of the countries of the world,⁽⁶³⁾ which resulted, for example, in the spread of lies and rumors on social media platforms, on telephones and...

1- Prosecution under computer law in Thailand:

In a statement, The Thai government reported that violators who spread rumors and pranks on the occasion of April's Fool Day related to Corona virus,

will be tried under computer crime laws that punish those who import information considered false to computer systems, and penalties of five years imprisonment or a fine of up to thousand Dollars will be imposed; Article 14, Paragraph 02 of the Computer Crime Law stipulates that If any person commits any offence of the following acts shall be subject to imprisonment for not more than five years or a fine of not more than one hundred thousand baht or both: that involves import to a computer system of false computer data in a manner that is likely to damage the country's security or cause a public panic.⁽⁶⁴⁾

The assistant police chief said that the police will take measures against anyone who publishes, shares, or spreads false information about Covid-19, even if he mistakenly thinks that he could do so with impunity on April Fool's Day; the police spokesman added that anyone found so, he also would be subject to legal procedures for violating the Computer Crime Act of 2017, be liable to imprisonment for not more than five years, or a fine of not exceeding one hundred thousand baht, or both; perpetrators are also subject to legal procedures under the Executive Decree of Administration in Emergencies, with a prison period of up to two years and/or a fine of 40,000 baht.⁽⁶⁵⁾

A police spokesman said that publishing such practical jokes is not appropriate at a time when the country faces a serious threat from corona virus because it can cause confusion and panic, which is sufficient reason, because people should be more considerate and do not use it as a joke or a prank in light of the Thai government's declaration of state of emergency, which is in effect and will remain until the end of April, at least as the country tries to stop the spread of the virus.

The sixth part of the emergency decree related to Presentation of News prohibits to present or disseminate news through any media featuring content on the communicable disease Corona virus 2019 (Covid-19) which is false or may instigate fear among the people, or to intentionally distort information which causes misunderstanding of the emergency situation to the extent of affecting the public order or good moral of the people. In such cases, officials shall issue warnings to cease such acts or order to correct such news, or in cases where there are severe impacts, shall instigate a proceeding in accordance with the Acts on Commission of Offences Relating to Computer Act B.E. 2550 (2007) or the Emergency Decree on Public Administration in Emergency Situations B.E. 2548 (2005).⁽⁶⁶⁾

2- Prosecution under the Cyber Security and Cybercrime Act in India:

In India, on the occasion of the April Fool's Day, an Indian governmental state warned people not to spread rumors or circulate fake messages to avoid causing panic; the state authority also said that cases will be recorded, under Information Technology law (IT), against anyone found guilty, and the cyber security unit said that legal actions will be taken against anyone who publishes false news on the day of April's Fool, where Mumbai Metropolitan Police has already registered a case against an unidentified resident who falsely claimed on

WhatsApp that the army had spread in the city due to the outbreak of the epidemic.

Officials added that every year on the first of April, people make pranks with friends and relatives, but they must avoid it this year because India in all its states is fighting a battle against the corona virus, so fake messages and rumors in the name of April's lie will create a state of panic in society and therefore should not be done, adding that if a person is found to post such messages, the police will take action against him under the Cybercrime act, calling on people to cooperate in these circumstances.⁽⁶⁷⁾

As the corona virus started to spread and due to the increase in the number of cases, a 21-day closure was announced in India, and since April Fool's Day happened on Wednesday where people played pranks or publish hoax news on social media to deceive others and given the ongoing situation around the world, the Indian government has warned citizens against spreading false rumors or messages on this particular day because it could lead to undesirable situations of panic amid the current closure period, so everything will be monitored by police officials to maintain public safety.

The police issued a warning measure under section 188 of the Indian Penal Code against those who circulate misinformation and rumors related to the Corona virus, on social media platforms; thus a minister of interior in an Indian state has asked people not to play pranks on their friends and relatives this year, and according to him, such false messages and rumors will cause panic among people, and therefore should not be carried out.⁽⁶⁸⁾

It has been stated in the Indian Penal Code that Whoever, knowing that, by an order promulgated by a public servant lawfully empowered to promulgate such order, he is directed to abstain from a certain act, or to take certain order with certain property in his possession or under his management, disobeys such direction, shall, if such disobedience causes or tends to cause obstruction, annoyance or injury, or risk of obstruction, annoyance or injury, to any person lawfully employed, be punished with simple imprisonment for a term which may extend to one month or with fine which may extend to two hundred rupees, or with both; and if such disobedience causes or tends to cause danger to human life, health or safety, or causes or tends to cause a riot or affray, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.⁽⁶⁹⁾

Conclusion:

Most of researchers' views agree that "April Fool's Day is a European tradition" and does not relate to any of our customs and values, this day is based on jokes, pranks and lies, on which all juristic opinions were unanimously agreed that it is not permissible since lying could only be in certain matters that entail nor violation of rights, nor defamation and causing fear and anxiety; it's also that making rumors or lies and writing stories about fabricated incidents for entertainment often have more negative consequences than positive ones.

As April's Fool, this year, coincided with the high spread of Corona pandemic around the world, calls and appeals came to stop this tradition and even criminalizing it, out of respect for the feelings of the injured, solidarity and support for the efforts of those standing in the front lines to confront this dangerous virus.

The first initiatives came from international technology companies that started by themselves to stop spreading lies and pranks among their employees, then calling for the prohibition of any lies, deception or pranks related to the Corona virus, and then other countries such as Taiwan, Thailand and India followed them by stipulating explicitly the criminalization of such actions that increase danger of terror and fear among people and threatening their perpetrators with harsh and severe penalties.

The texts regarding the criminalization of April's Fools related to Corona pandemic ranged from a country to another country, thus there are those who establish prosecution on the ground of penal code as a crime of deception, lying, fraud, nuisance or false denunciation, and there are those who establish prosecution in accordance with modern texts similar to those related to computer crimes, cyber security or communications.

As for Arab legislation, Egyptian law has addressed the matter in accordance with the penal code and the electronic crime law as a crime of "false denunciation" known in other Arab countries as "slander" or "malicious claim." As for Algerian legislation, it may be aware of the matter through the recent draft amendment to the penal code by criminalizing acts of publishing or promoting false news to prejudice public order and security, especially during a crisis or exceptional circumstances, which was noted with the outbreak of the Corona virus accompanied by the spread of false news.⁽⁷⁰⁾

Results:

- Much legislation did not criminalize lying.
- This the second time that April fools are banned and even criminalized.
- The criminalization, this year, is based on circumstances of covid-19 as a mitigating circumstance.
- Many legislators refer to different legislation to set out the criminal qualification of the crime.

Recommendations:

- A complete ban of April's fools day since it does not fit our traditions.
- Setting out explicit provisions criminalizing lying.
- Criminalizing lying especially in exceptional circumstances.
- Making extra researches on the topic.

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