

Make Liars Pay

**What we can learn from German road traffic to prevent
destructive behavior in social networks**

Nord Atlantic Fella University (NAFU)

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Welcome

We explore how to make the truth as reliable and resilient as German cars.

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Part A

Intro

Summary

A civilized high culture of techniques, rules and institutions developed over decades enables the world's highest combination of freedom and safety in road traffic in Germany. Nowhere else can you drive at 200 km/h on the highway with almost no risk. In public communication, however, especially in social networks, anarchy, chaos and the law of the jungle prevail. Lies, hatred and hate speech are not only uncivilized, they also erode social cohesion and threaten our democracy. We have tried to show that a civilized culture of communication is possible, which raises truth, freedom of expression and the safety of people speaking to each other to a high level. To this end, we explain the diverse institutions of German road traffic and pose the question of what would be an analogue in the world of civilized communication. We then outline a model for freedom-preserving sanctioning of malicious mass communication behavior to reflect the importance of truthful and secure communication in our daily lives: #MakeLiarsPay.

Preface

Disinformation, with the help of social media and the covid-pandemic have eroded trust in truth, science, press and other societal institutions and is pushing our democracies into dangerous post-factual pre-fascist state. We all suffer lies, hatred, hate speech and massive organized propaganda and it is clear, that all previous attempts at regulating social media have completely failed.

For disinfo experts it is clear, that we need a completely different approach to reducing disinformation, and also normal citizens ask themselves: how can all this hostile disinformation and even foreign influence propaganda go unpunished? On a meeting of disinfo experts and engaged citizens the #MakeLiarsPay project was born: let's convince the legislators to penalize lies, hatred and hate speech on social networks and other communication channels.

However, when we returned from the project development workshop and talked to friends and lawyers about this, spontaneous reactions were very pessimistic. The concerns clustered around three topics against any regulation of communications:

- **Ethics:** Penalizing lies would limiting free speech would imply censorship
- **Rules:** It would be impossible to draw a line between truth and lies, to specify applicable rules
- **Costs:** Processing rule violations would overwhelm social network clearing departments and courts

Preface

We have realized that the idea of #MakeLiarsPay is too innovative not to be met with resistance. Put positively, the above concerns are based on false assumptions, and more fundamental work is needed to overcome these assumptions and begin to think beyond them. So we set out to prove that ethics, rules and costs are feasible, indeed have already been done: namely when it comes to punishing dangerous, aggressive, anti-social behavior on the road. In other words, we have examined the most important sets of rules and institutions that regulate car traffic and transferred the findings to the punishment of lies, hate and hate speech in communication traffic. This has a double benefit:

- it disproves the above concerns
- in Germany, a car crazy country, there is nothing better than car analogies to convince and engage people

This 60-page non-paper *Make Liars Pay* has three parts:

- **Background:** this part explains the legal continuum from private free speech to public speech to freedom of press: spoiler: publishing with a wide reach to a large audience comes not only with rights but also with obligations. That is the ethical framework for limitations on "free" as in "careless and reckless".
- **Road traffic:** this part analyzes an impressive list of institutions that participate in traffic regulation and actually enable freedom of driving exceptionally fast in Germany. The paper envisions similar functions in social communications
- **Communication traffic:** this part drafts a coherent system of rules and functions for communication, particularly
 - **Rules:** from car drives we do not expect optimal behavior (there is no need to define a precise truth), Instead, we expect some basic knowledge and mastery of the rules and some unacceptable behavior is codified and discouraged by penalties, the same is possible in communications.

- **Costs:** In road traffic, we have established a graduated system of rule violations (administrative offenses, criminal offenses), which for the most part works efficiently, automatically without the involvement of the courts, and punishes millions of rule violations, thus preventing billions of rule violations and chaos on the roads. This works even better in communications traffic.

Part B

Parts

1 Background

1.1 Wild East

Yesterday I was in a developing country where there are no rules for vehicle production and no road traffic regulations. There were no signs on the roads, but there were always deep potholes. It was the law of the jungle, a few rich people raced over the potholes in large off-road vehicles, while most others drove carefully around them in old, smelly cars. The cars had no license plates or seat belts, there was no MOT, serious hit-and-run accidents were the rule and went unpunished. Total dangerous chaos. From time to time, when there were too many deaths in the newspapers, there were calls for the road not to be a legal vacuum. But there were no laws that took into account the consequences of technological development; it was claimed that the rules against crime from the time before the invention of the automobile were sufficient. If anyone dared to suggest that car manufacturers should be regulated, road traffic regulations passed, MOTs and road police introduced, then the killer argument came: we were a free country, there was *free travel for free citizens*.

1.2 Civilization

Reminder: it's called *Free travel for free citizens*, not *Ruthless racing for reckless vandals*. In Germany, it is possible to drive without a speed limit,

1 Background

not because we have no rules, but because we have a *highly civilized rule-based order* in which the regulation of vehicles is closely intertwined with the Highway Code for drivers. For example, manufacturers must install seat belts, and vehicle occupants must wear seat belts. Manufacturers must meet quality requirements for tires, and vehicle owners must drive on winter tires when it snows. People from authoritarian, lawless and despotic systems do not know and understand this. Propaganda can easily denounce compulsory seat belts, compulsory winter tires, etc. as a restriction of freedom.

1.3 Communication

Yes, I am talking about the technical consequences of the internet, social networks, smartphones and so-called artificial intelligence. We do not have highly civilized legislation on this, but rather lawlessness, ruthlessness and impunity prevail - in short, the law of the jungle.

"The internet is new territory for all of us," said Angela Merkel in 2013, 24 years after its invention. In 2023, another ten years later, the oligarch Elon Musk, together with Russian oligarchs, bought the international and unregulated discussion platform *twitter* and, under the slogan "free speech", enforces the monopolist's totalitarian control of social networks: he alone defines - arbitrarily and non-transparently - the rules of discussion and who gets to see what. Musk has amnestied far-right accounts and the human and technical trolls he promotes are flooding the renamed "X" platform with disinformation, hate and hate speech.

The false promise of "free speech" turned out to be an open attempt to exert political influence, to bring the criminal subversive Donald Trump to power in the USA and to abolish American democracy in favor of a billionaire oligarchy (Project 2025).

1.4 Freedom of expression

The need for action is demonstrated by the initiative [Everyone](#) by the lawyer and author Ferdinand von Schirach, who formulated a "*Utopia for Europe*" with the petition [For new fundamental rights in Europe](#). It proposes one of six fundamental rights articles:

Artikel 4 – Truth Everyone has the right to trust that statements made by the holders of public office are true.

This laudable initiative from the time before Russia's open war against Ukraine and against the whole of Europe falls short, because corrosive disinformation is a mass phenomenon promoted by the reward mechanisms of social networks and the proposed article on fundamental rights would not even sanction lies by politicians before an election, see [Okhmatdyt Children's Hospital](#).

1.4 Freedom of expression

In Germany there is no "free-speech" tradition, but the right to *free expression of opinion*. After the experiences of the Third Reich, no one should be persecuted or imprisoned for their opinion. But there are limits. Like all rights, the right to free speech is balanced against other rights: the right not to be insulted or slandered, the right not to be suddenly attacked in the street by a political mob, the right to keep confidential information confidential, to protect privacy and to protect the general public. Anyone who reveals military secrets to the enemy cannot invoke freedom of expression.

1.5 Limits on the freedom of expression

Freedom of expression in Germany is restricted by various criminal offenses that serve our peaceful coexistence: Breach of the peace (§ 125),

1 Background

disturbing the public peace by threatening criminal acts (§ 126), endangering the dissemination of personal data (§ 126a), incitement to hatred (§ 130), incitement to commit criminal acts (§ 130a), depiction of violence (§ 131), failure to report planned criminal acts (§ 138), Rewarding and condoning criminal acts (§ 140), unauthorized removal from the scene of an accident (§ 142), misuse of emergency calls and interference with accident prevention and emergency aid equipment (§ 145), violation of instructions during supervision (§ 145a), Violation of professional prohibition (§ 145c), feigning a criminal offense (§ 145d), insult (§ 185), defamation (§ 186), slander (§ 187), inciting insult (§ 192a), violation of confidentiality of the word (§ 201), coercion (§ 240), threat (§ 241), Political suspicion (§ 241a), fraud (§ 263), forgery of documents (§ 267), falsification of technical records (§ 268), unlawful organization of a game of chance (§ 284), participation in unlawful gambling (§ 285), to name the most important.

There are also paragraphs in the Administrative Offenses Act (OWiG) that could impose limits on the arbitrary expression of opinion:

Unauthorized assembly (§ 113):

1. it is an administrative offense to join a public gathering or not to leave it even though a holder of sovereign authority has lawfully requested the crowd to disperse three times.
2. the offender who negligently fails to recognize that the request is lawful shall also be deemed to have committed an administrative offence.
3. the administrative offense can be punished in the cases of paragraph 1 with a fine of up to one thousand euros, in the cases of paragraph 2 with a fine of up to five hundred euros.

However, it is unclear whether this also applies to virtual gatherings.

Public nuisance (Section 118):

1.6 Freedom of assembly

1. it is an administrative offense to carry out a grossly improper act that is likely to harass or endanger the general public and affect public order.
2. the offense may be punished with a fine if the act cannot be punished under other provisions.

However, it is unclear whether limits on the expression of opinion can be derived from this, as Article 5(1) of the Constitution is not mentioned in the OWiG:

Restriction of fundamental rights (§ 132):

- The fundamental rights of physical integrity (Article 2 (2) sentence 1 of the Constitution), freedom of the person (Article 2 (2) sentence 2 of the Constitution) and inviolability of the home (Article 13 of the Constitution) shall be restricted in accordance with this Act.

However, it may simply not be necessary to mention Article 5(1) of the Constitution, as the Basic Law does not provide for a right to lie.

These rules date back to a time when there were no social networks, i.e. no reach for non-journalists, opportunities for virtual gatherings, flash mobs and the like.

1.6 Freedom of assembly

There is a difference between private, semi-public and public expression of opinion, or more precisely between private, semi-public and public reach.

While we traditionally protect the freedom of private expression to a large extent (secrecy of correspondence), there are requirements for public expression that are punishable by law: people are allowed to assemble, but only without weapons. An assembly in closed rooms (= limited number

1 Background

of participants) does not have to be registered, but an assembly in the open air must be registered 48 hours in advance due to the potentially unlimited number of participants, with the exception of spontaneous assemblies that are formed on the spur of the moment. The Act on Pacified Districts for Federal Constitutional Bodies defines a "pacified district" for the German Parliament, the Federal Council and the Federal Constitutional Court, in which open-air assemblies are generally prohibited.

These balanced regulations allow freedom of expression and ensure security in public spaces (provided they are applied).

1.7 Freedom of the press

Democracy thrives on the separation of powers: the legislative, executive and judicial branches are separate. In a democracy, the free press assumes the role of the Fourth Estate: public control. This is why there is freedom of the press in Germany: the right of the press to research and publish uncensored and largely unhindered. This right to public reach goes hand in hand with obligations: the duty of journalistic care and neutrality, the duty to separate reporting and commentary:

"The strict separation of information and commentary, which is part of the ethos of all solid papers and broadcasters today, had to be painstakingly re-instilled in journalists in Germany after the Second World War. Objectivity and non-partisanship had been thoroughly eradicated during National Socialism. These principles, however, "are not only desirable ideals, but real necessities in today's Germany, where subjectivity, addiction to distortion and special interests are constantly looking for ways to express themselves", according to the "Guide to Good Journalism", which the Allies published in April 1947 (quoted from K. Koszyk in: Mediengeschichte p.52)."

[ARD-Alpha](#)

1.8 Media Code of Conduct

The [Media Code of Conduct](#) of the Press Council sets out journalistic obligations. But this is only a voluntary commitment, not a legal obligation. And, surprise surprise, there is no obligation to separate reporting and commentary in this press code. The press code only recognizes the separation of advertising and editorial.

1.9 Voluntary

Voluntary commitments are not known to work. They have never even worked for professionals. So how are they supposed to work for untrained amateur journalists, like every twitter user? A few examples as a quick reminder:

1.9.1 BILD

The BILD newspaper was already proverbially known for its “lax” handling of the truth in the 80s, at the latest after Günther Wallraf’s investigations. At the time, the phrase “Mother put child through meat grinder, BILD talked to the meatball” made the rounds. According to [Wikipedia](#), *Bild* has been the most reprimanded newspaper since the Press Council’s statistics began in 1986, with 233 reprimands up to the first quarter of 2021.

1.9.2 Spiegel

“In 1956/1957, around ten years after the magazine was founded, Hans Magnus Enzensberger wrote a critical analysis of *The Language of Der Spiegel*, in which he put forward a number of theses: *The German news*

1 Background

magazine was basically not a news magazine, since it clothed its information content in the form of "stories", *Der Spiegel* did not practice criticism, but its surrogate, the reader of *Spiegel* was not oriented, but disoriented" [Wikipedia](#).

If "time-honored" press organs such as *Der Spiegel*, which are regarded as pillars of democracy, forgo the most objective reporting possible in favor of captivating stories, what about "press organs" that clearly pursue the goal of manipulating their readership in favor of certain political actors? What about actors who shamelessly spread malicious lies with a wide reach in order to destabilize our society and enforce harmful narratives?

1.9.3 Nius

Take Nius, for example, a right-wing populist and right-wing conservative online medium for which the Medienanstalt Berlin-Brandenburg (MaBB) is now (February 2024) examining whether a supervisory procedure needs to be initiated [Wikipedia](#).

Take, for example, the East German "journalist" Ralf Schuler, who wrote for the recorder newspaper "Neue Zeit" in the GDR, for the tabloid "BILD", a book with the unscrupulous title "Let's be populists: Ten Theses for a New Culture of Controversy", and another book in which he spreads the 'opinion' [it is also necessary to discuss 'alternative causes of warming' for climate change](#). The Nius contributor Schuler turns the conspiracy theorist manipulation technique ["Just asking Questions"](#) into a routine at Nius by twisting the *Spiegel* motto "Say what is" into "Ask what is".

1.9.4 RT

RT (until 2009: Russia Today) is a foreign television program founded and financed by the Russian state in 2005, which is broadcast on the Internet

1.10 Laymen

and via satellite transponders. Through targeted disinformation and propaganda, it has helped to deceive the world public about the intentions of the Russian regime and to prepare the war of aggression against Ukraine: Ukraine did not even exist, the non-existent Ukrainians were Nazis, their desire for freedom was financed by the West, Russian-speaking Ukrainians were Russians and were being persecuted in Ukraine, NATO was attacking Russia, Russia had to defend itself, etc.

On March 2, 2022, a ban on any broadcast of RT content came into force across the EU to prevent the spread of lies about the Russian invasion of Ukraine.

1.10 Laymen

If full-time journalists adopt a lax press code and abuse press freedom as rights without responsibilities, what about the non-trained casual writers who can reach a mass audience thanks to the technological revolutions of the internet, social networks and smartphones?

1.11 Malicious actors

Russia is waging hybrid war against free Europe. Russia is waging a brutal war of aggression from the outside against the defensive wall in eastern Ukraine. Russia is spying and sabotaging throughout the EU. And Russia is trying to discourage and divide democratic societies from within and destroy them with extremist parties such as the AfD and the BSW. Russia's strongest weapon is corrosive disinformation.

1 Background

1.12 Firehose of Falsehoods

Russia is industrializing the spread of pro-Russian disinformation

- by professional actors such as Bernd Höcke and Sahra Wagenknecht in high-reach formats such as talk shows
- through multipliers and useful idiots in social networks
- by troll factories with fake accounts in social networks
- and increasingly by bots automated by artificial intelligence
- supported by fake witnesses (e.g. Alina Lipp)
- supported by manipulative sources (e.g. anti-Spiegel)
- supported by fake press websites ([doppelganger campaign](#))

The goal of the [Firehose of Falsehoods](#) propaganda technique is to flood the public with many different narratives through as many communication channels as possible, so much, so fast, that

- the democratic public gives up trying to form its own picture of the truth by evaluating information and thinking for itself in an enlightened way
- so that one of the oft-repeated Russian lie narratives remains in the memory all the more easily and is remembered as true
- to distract from the truth and the necessary defense of freedom

1.13 Interim conclusion 1

Under the guise of freedom of the press and freedom of opinion, malicious actors are using disinformation to undermine our free democratic order. Are we decadently standing idly by or are we resilient and fighting back? Do we allow liars, agitators and haters to gather on our communication channels and threaten and persecute peaceful, committed citizens

1.13 Interim conclusion 1

and incite extremist parties? Do we continue to allow the lawless conditions on our communication channels or do we do what we have done so successfully with roads and cars: create a highly civilized rule-based order that allows for fact-based opinion formation again, which should be the basis for free speech. BILD's slogan "Your opinion" should not be violently blown into people's brains in a storm of disinformation, but rather developed in a completely civilized *educated* manner, based on reliable sources, without lies, manipulation or even threats.

2 Road traffic law

Before the killer argument comes up that laws on communication threaten freedom of expression, let's first look at how we have managed this in road traffic. At first glance, it seems incredibly difficult to formalize and implement what you can and cannot do on the road. So difficult that the AI apologists can't get it right with autonomous driving. Where and how fast I may/must drive is extremely context-dependent, and all these contexts are included in our regulation and legislation.

2.1 Roads

Our laws distinguish between many different types of road: Footpaths, cycle paths, roads, country roads, expressways, highways, with different guideline and maximum speeds. Roads and tracks are built and maintained according to strict standards. Depending on the local situation and the weather, different speeds are permitted and different signage and traffic lights must be observed.

Yes, we differentiate between print, radio, television and the Internet. But there are no quality regulations for different formats such as talk shows. There is no legal classification of social networks. There are no reliable quality guarantees in social networks. Not to mention that we regulate communication traffic depending on workload and topic weather, e.g. before an election, after an attack, etc.

2.2 Vehicles

Not every type of vehicle is allowed on every type of path. We distinguish between shoes, scooters, e-scooters, bicycles, e-bikes, mopeds, mopeds, mopeds, motorcycles, cars, vans, trucks, articulated lorries, etc. These vehicles are subject to different regulations, the more dangerous the more. Brakes and lights on bicycles, seat belts, airbags, ABS, crash tests on cars are mandatory. Cars must have permanent brakes and a parking brake system. Trucks and trailers are subject to more complex regulations for their braking systems.

There are no legal regulations on the safety of consumer devices and communication on the Internet. Social networks could be required to incorporate real-time content accuracy and emotionality checks in their editors. Users could be warned that the content of their tweet is suspicious, repetitive or aggressive, that they are about to become part of an online mob.

2.3 Manufacturers

Manufacturers must not only follow rules for individual vehicle types, but also emission limits for the entire fleet. This also applies without exception to foreign manufacturers who want to operate in Germany.

Providers of social networks are often oligopolists and are subject to almost no regulation. While social network providers like to claim that they are not editorially responsible for content, they are not subject to any neutrality obligations and can push certain actors and content while censoring others. Social networks should be legally bound to neutrality and fairness.

2.4 Insurances

Vehicles must be insured. Without liability insurance, which covers other road users, no vehicle may be registered. There is also a whole range of additional insurances: Accident, partially comprehensive, fully comprehensive. The cost of these insurances depends on the characteristics of the vehicle and the driver. For example, you can ride a normal e-bike without insurance, but a faster pedelec must be insured.

There is no compulsory insurance for damage caused by maintaining an account on social networks. However, this could be required for accounts that have a high level of activity or a large reach.

2.5 Traffic psychology

Following the reduction of the consequences of accidents through technical measures such as brakes, crumple zones, compulsory seat belts, ABS and airbags, psychological accident research optimizes the prevention of accidents on the roads.

The user-friendliness and standardization of control elements, the comprehensibility of signage, protection against attention overload due to too many signs, protection against glare, the design and lighting of priority roads as well as feedback on misconduct and its punishment are designed according to the findings of traffic psychology.

In IT, psychological methods are used to research user eXperience (UX), but the focus in social networks is on commercial aspects and "dark patterns" that lead to hatred, hate speech and addiction. Leaving the responsibility for communication management to the network operators leads to a massive conflict of interest, which the internationally powerful operators decide

2 Road traffic law

in their favor. What is needed here is an independent state institution, financed by the social networks via levies, which investigates the management of communication and makes standards that serve the common good mandatory.

2.6 Licensing authorities

Compliance with the regulations is monitored by the registration authorities. A new vehicle model may not be registered without approval. A registered vehicle type may not be modified in any relevant way.

There is no approval process for social networks, websites, blogs or other communication services (apart from telecommunications providers, for which the Federal Network Agency is responsible). Changes to existing popular platforms or new features in social networks should be subject to approval in order to avoid negative technological consequences such as data protection violations or the promotion of hate speech.

2.7 License plates

Most vehicle types may not be registered anonymously, but each vehicle is given a pseudonym, called a "license plate". This does not allow the driver to be identified, but at least the owner of the vehicle. In certain critical situations, even a pseudonym is not sufficient; the driver must remain with the vehicle in person after an accident, otherwise he or she commits hit-and-run, which is a serious criminal offense in its own right.

At present, hate speech and incitement to hatred can be spread completely anonymously online; there is no central pseudonymization office or obligation to use a license plate.

2.8 Driver's license

The use of anonymous accounts in social networks has a certain justification, but must be linked to compliance with certain rules. For example, it must be possible for readers to be sure that the author has certain claimed qualifications. Not simply that the author has paid for a blue tick.

2.8 Driver's license

Without a license you can do almost nothing in Germany, not even pull a fish out of the water. Driving a motor vehicle requires a driver's license. To obtain this, you have to pay for and complete a training course and pass a theoretical and practical test. Anyone who is dependent on aids, e.g. glasses, to drive a vehicle will have this restriction written on their driving license.

Anyone who disregards these restrictions or traffic rules can lose their driving license temporarily or permanently. In order to regain it, they must go to a psychologist (medical-psychological examination, commonly known as the "idiot test") and convince them that they are fit to drive a vehicle.

Publishing information on the Internet does not currently require any qualifications, let alone a certificate of competence. Accounts with semi-professional activity or medium reach should be allowed to demand a minimum level of journalistic training and integrity, such as separating report from opinion, and citing sources.

2.9 Professional drivers

There are special requirements for driving professions. Driving a truck requires a special driver's license, depending on the size of the vehicle. Trans-

2 Road traffic law

porting hazardous goods requires a special driver's license, and transporting people requires a special driver's license, different for many people (bus) than for a few people (cab).

Professional drivers are subject to stricter legal requirements regarding fitness to drive, which they must have checked regularly in the interests of road safety by means of medical and, in some circumstances, psychological examinations.

No special requirements are imposed on recreational journalists, full-time bloggers, influencers or even military bloggers. Special due diligence requirements should apply to people with professional activities or a wide reach or security-related topics. For repeated or particularly malicious disinformation, there should be account blocking, de-anonymization vis-à-vis the public prosecutor's office and special criminal offenses.

2.10 Wrong-way drivers

If someone is driving in the wrong direction on the highway, massive measures are taken: the wrong-way driver is warned about on the radio and the police try to remove them from the road as quickly as possible. The law is tough on wrong-way drivers: Under Section 315c of the German Criminal Code (StGB), wrong-way drivers face a prison sentence of up to five years if the driver acts in a grossly disorderly and reckless manner when driving the wrong way on the highway and there is also a concrete danger to life or limb or property of significant value is damaged.

Professional disinformants, especially in multiplier roles such as professorships or as experts in public broadcasting, but also workers in hostile troll factories or programmed bots pose a massive threat to our communication channels. They must

2.11 TÜV (MOT)

be identified promptly through targeted analyses in social networks in order to close the relevant accounts and severely punish the people responsible.

2.11 TÜV (MOT)

The Technical Inspection Association (TÜV) regularly checks individual vehicles for technical functionality and compliance with emissions regulations over the course of their "life". Otherwise there is no extension for an expired TÜV sticker. Without a TÜV sticker, a vehicle may not be driven or even parked on public roads.

Neither software nor devices are technically monitored. Social networks should be forced to disclose their algorithms and source code so that the fair and neutral operation of the social network can be monitored.

2.12 Traffic control

Roads and railways are built to strict standards. They must be regularly monitored and repaired. Driving fast in Germany is only possible because you can rely on the condition of the road: an unexpected pothole or a tight bend that is not indicated can have fatal consequences.

Traffic on the roads is also monitored, with traffic cameras, speed checks using radar and even helicopters flying over vacation traffic on highways.

There is no comparable monitoring of safety on social networks. The EU Digital Services Act (DSA) leaves control largely to the network operators, who systematically neglect it for economic and political reasons (X, Tiktok).

2 Road traffic law

2.13 Ecosystem

Cars are important to Germans ... so they invest time, creativity and money. An entire ecosystem of service providers and manufacturers has developed around road traffic, which contribute significantly - depending on your point of view - to the value creation or costs of road traffic: emergency doctors, fire departments, technical assistance, towing services, breakdown assistance, driving schools, specialized lawyers and accessory suppliers.

If Germans valued the truth and the quality of social discourse, there would be a similarly mature ecosystem for promoting truth, exchanging opinions ... and to sanction actions and actors that hinder this.

2.14 ADAC

The Allgemeine Deutsche Automobil-Club e. V. ([ADAC](#)), is the largest traffic club in Europe and is based in Munich. With 21.8 million members (2024), it is probably the largest interest group and lobby organization in Germany and offers services for motorists such as breakdown assistance and insurance.

In 2005, the ADAC enjoyed the highest level of trust among German institutions for the third time in a row. This was the result of the *Perspektive Deutschland* survey published at the time, which was carried out for the fourth time that year and in which over 500,000 online users took part. According to the survey, 62 percent of respondents trust the automobile club.

2.15 VGT

The Deutscher VerkehrsGerichtsTag [VGT](#) is a conference on road traffic law that has been held annually since 1963. It has nationwide relevance, as its recommendations are often taken into account by politicians when drafting laws and regulations.

The conference deals with all areas of traffic science in an interdisciplinary manner, with a focus on case law in traffic matters. Participants are lawyers and experts in traffic law, traffic safety, vehicle technology and traffic engineering from research, teaching and practice. In addition to several plenary sessions, numerous thematic working groups are formed, which publish their results as recommendations.

2.16 Criminal offenses

Endangering traffic is punishable and shows a clear differentiation where road traffic is concerned: endangering rail, ship and air traffic (§ 315a), dangerous interference with road traffic (§ 315b), endangering road traffic (§ 315c), prohibited motor vehicle racing (§ 315d), confiscation of vehicles (§ 315f), drunk driving (§ 316).

Accordingly, dangerous interventions in the public communications infrastructure should be punishable, e.g. suppressing true or amplifying false information in social networks, whether by the platform operator or by an external attacker.

2.17 Traffic offenses

Germany has a differentiated system of traffic rules, what is allowed and what is forbidden. Let's take the example of parking: where and for how

2 Road traffic law

long are you allowed to park your car? Parking is allowed in certain areas, sometimes limited to certain times, sometimes limited to a certain maximum duration, which is controlled with a parking disk indicating the beginning of the parking time. No parking is permitted in the "restricted stopping ban", only stopping for a maximum of 3 minutes. Stopping is generally prohibited in the "absolute stopping ban". However, the definition of stopping allows the vehicle to be parked if the traffic situation or an order requires it. Complicated? We all live with it.

In the same way, it is possible to differentiate under which circumstances which lies can be tolerated, how serious the lies are and how high a fine or penalty should be.

2.18 Administrative offenses

Millions of German drivers commit millions of traffic offenses. How can these be punished in accordance with the rule of law without overburdening the courts? The Imperial Criminal Code of May 15, 1871 differentiated between 'crimes', 'misdemeanors' and 'violations', and with the latter created a category of criminal law that provided for the possibility of simplified procedural treatment through pre-trial punishment by administrative authorities for unlawful and culpable conduct with a low level of wrongdoing.

In 1949, with the enactment of the first Economic Crimes Act, the legislature bundled some of the remaining elements of economic criminal law and reduced the influence of the administrative authorities by converting some criminal offenses into administrative offenses. It introduced the fine as a new type of administrative penalty.

The Administrative Offenses Act (OWiG), which came into force in 1952, adopted this administrative penalty. Accordingly, *regulatory offenses are all acts punishable by a fine.*

2.19 Traffic police

The Introductory Act to the Act on Administrative Offences (EGOWiG) of May 24, 1968 converted the offences under road traffic law that are of particular practical importance into fines.

For some violations of the German Road Traffic Act (StVO), a driving ban of a maximum of three months can be imposed in addition to a fine (synonym: fine).

Similar to road traffic, a catalog of fines could be defined for frequent offenses in publishing communication, e.g. in social networks, such as spreading disproven propaganda lies, and temporary publication bans could also be imposed (e.g. account blocking, talk show bans). With § 118 *Nuisance to the general public* there is a basis in the Administrative Offenses Act (OWiG). Such a scalable administrative procedure could stem the current flood of disinformation, hatred and agitation without jeopardizing freedom of expression, because, as with other administrative offences, the legal process would remain open.

2.19 Traffic police

Compliance with registration, TÜV (MOT), driving license and, above all, traffic behavior is monitored by the police and, if necessary, fined or reported to the police. In serious cases, vehicles are towed away or even taken out of circulation altogether, driving licenses are confiscated and drivers are taken to sobering-up cells. Some of these traffic enforcement measures are so formalized that full police training is not required (formerly “meter maid”, now [parking enforcement officer](#)).

Unfortunately, there is no comparable staffed organization with corresponding job descriptions to ensure security on communication routes: this is simply a question of priorities.

2 Road traffic law

2.20 Scoring

Germany has operated a Central Traffic Register (VerkehrsZentralRegister VZR) in Flensburg since 1958 - long before a scoring system in China - in which an account of 'points' is kept for each driver for serious violations of the road traffic regulations. In 2014, it was renamed the Driving Aptitude Register (Fahreignungsregister FAER). A high number of points can result in a warning, caution and revocation of the driver's license.

Modern statistics and IT have made scoring procedures more efficient and economical. The classic example is the Science Citation Index (SCI), created in 1955, and Google's Page Rank (patented in 1997).

Scoring is *the* method to technically collect and consolidate knowledge on the reliability of sources and accounts. In social networks, there should be transparency about which accounts report facts and how reliably, how much they spread hate and how often they have been reprimanded. Scores are the basis for imposing fines, temporarily blocking or permanently closing anonymous accounts, and automatically forwarding violations and identities to law enforcement authorities.

2.21 Interim conclusion 2

We regulate **roads, vehicles** and **manufacturers**. We pay attention to **traffic psychology**, our **licensing authorities** enforce **insurances, license plates, driver's license**, especially for **professional drivers**. We warn and punish **wrong-way drivers**. The TÜV (MOT) monitors the technical condition of every vehicle, the **traffic control** monitors roads and traffic, and an entire **ecosystem** of value-adding products and services has developed around the car. Germans invest money and trust in the **ADAC**, the **VGT** continuously develops legal recommendations, **criminal offenses** are prosecuted

2.21 Interim conclusion 2

and punished, mass **administrative offenses** are sanctioned largely automatically, the possible **traffic offenses** are finely differentiated, the rules are taught in driving schools and monitored by specialized **traffic police**. Violations of road traffic regulations are summarized in a **scoring** system and sanctions are imposed based on this.

All these measures and institutions have - potential - equivalents on our communication channels.

3 Communications law

The previous explanations have shown that our legal system must and can react to technical progress. This applies to modern, technology-based communication just as much as it does to road traffic.

3.1 Classification

In the legal assessment of speech acts, a rough distinction must be made between the following terms

- False statement (misinformation)
- Lie (disinformation)
- Incitement (bullying, incitement to hatred)
- threat
- Approval of criminal acts
- Incitement to commit crimes
- Supporting criminal acts (for example by publishing private addresses)
- Blackmail

Some of these offences are adequately sanctioned by law (e.g. blackmail), some are not adequately prosecuted (e.g. incitement to hatred), and one is wrongly not even punishable: lying.

3.2 Definition of a lie

Disinformation (colloquially 'lie') is defined as misinformation (colloquially 'false statement') spread with malicious intent.

3.3 Duty to be truthful

Like the law, truth is a valuable commodity. We spend a lot of money on institutions that research and teach the truth.

Lying is not covered by freedom of expression. A lie is not an opinion. Anyone who now cries out, whether from the liberal or totalitarian corner, should be reminded that the eighth of the ten commandments outlaws lying. "Thou shalt not lie" applies not only to Christians who follow the ten commandments, but to everyone, as this principle is also enshrined in German law on several occasions. Witnesses in criminal proceedings, for example, are generally obliged to tell the truth, otherwise they are liable to prosecution (§ 153 StGB). Section 13 SG (Soldiers Act) also stipulates that a soldier must tell the truth in official matters. This also applies to judges in Germany (Section 38 of the German Judges Act).

Outside of these special domains, however, lying is not sanctioned, because before the invention of social networks and the spread of smartphones, spreading news and opinions was reserved for professionals, mass public lying was not an issue, just like heaps of traffic accidents before the spread of the automobile.

3.4 Social networks

Since the invention of social networks and the spread of smartphones, we have seen that foreign powers and extremist forces at home can use lies

3.5 Common goods

to corrode social education and truth on a larger scale. We are seeing large sections of the population being misguided by technically amplified disinformation (Brexit), becoming unsettled and frustrated, turning away from (reasonably) reputable institutions (e.g. reasonably reputable public broadcasters PSB) and falling into the clutches of dubious actors. If large sections of the population only perceive the Fourth Estate as a “lying press”, the Robert Koch Institute as a “vaccination mafia” or environmental protection, which is vital for survival, as a “green sect”, our democracy is in danger. “The Kremlin classifies Germany as easy prey,” says former BND Vice President Arndt Freytag von Loringhoven in [Der Spiegel](#).

3.5 Common goods

In Germany, damage to common goods is of course punishable by law, ranging from water pollution (§ 324), soil pollution (§ 324a), air pollution (§ 325) to public intoxication (§ 314). The communication space in Germany, on the other hand, can be polluted with impunity and the truth made unrecognizable: our investments in education, schools, universities, adult education centres and public broadcasting (PSB) can still be destroyed by spreading disinformation, not even the poisoning of public discourse and our elections by hostile propaganda lies is punishable by law.

3.6 Public lies

While lying in private may still be tolerated as an “expression of opinion” or even praised as “social competence”, this no longer applies to the mass technically amplified lies in the public sphere. This means that we must face up to the task of regulating communication in the public sphere just as efficiently and civilly as we regulate road traffic.

3.7 Example of elections

I see time and again that people are of the opinion that lying cannot be sanctioned because it would undermine freedom of expression. Here is a simple motivating counter-example: the lies of political parties before elections.

It is indeed difficult to force a party to implement its election promises in government. We cannot fundamentally prevent pre-election lies. But there is absolutely no reason to allow parties to engage in modern target group marketing. If parties are allowed to make different and ultimately contradictory election promises to different groups of voters, this is not just an invitation to electoral fraud: with contradictory election promises or political priorities, electoral fraud is inevitable. Instead of promising everything to everyone, parties should draw up a uniform election program and use it to promote themselves to everyone.

Target group marketing before elections can simply be banned, controlled and sanctioned, with fines and, in the worst case, exclusion from the election. This does not harm our democracy, but on the contrary, benefits it through transparency and the parties' efforts to create sensible election programs.

3.8 Lie or truth

How do we distinguish the - legally relevant - lie from the truth without opening the door to censorship and arbitrariness? First of all, by choosing a general definition, similar to the formulation of fundamental rights, which is then differentiated in laws and regulations: a statement is a lie if it is obviously false (misinformation) and is obviously spread with malicious intent (disinformation).

3.9 Catalogs of lies

There are statements that are obviously lies in this sense and without further laws and regulations, e.g. *"the Holocaust did not take place"*. The truth of many statements is easy to verify with general knowledge that has coagulated in [Wikipedia](#). Some statements require more work to verify because several sources have to be considered. Conveniently, trustworthy fact-checking organizations have already done this work for us:

3.9 Catalogs of lies

The East Stratcom Task Force, a team of experts from the EU's diplomatic service with a background mainly in communications, journalism, social sciences and Russian studies, operates the internet service [euvdisinfo.eu](#). Part of the website is a database with (August 16, 2024) 17,400 refuted lies from Russia's disinformation campaigns. Anyone who deliberately spreads one of these lies should be sanctioned.

3.10 Deliberate lying

What if someone does not know that they are spreading a lie? In general, the principle "ignorance is no defense against punishment" applies. Someone who publicly disseminates statements, journalist or not, can be expected to do some research to ensure the truthfulness of their statements.

However, if you only want to punish people who know beyond doubt that they are lying, there is a simple procedure: you tell the person that they have made a false statement, citing reliable sources. If the person repeats this statement in the same or a similar way, i.e. in contradiction to the source provided, then they are deliberately lying. With this method, 99% of troll accounts in social networks could be shut down in a simple way

3 Communications law

without restricting the communication of honest citizens. Quite the opposite: without the troll garbage, the exchange of ideas becomes freer, undisturbed and more productive, just as road traffic improves when there are no hooligans on the streets.

3.11 Dimensions of the lie

The punishability of a lie depends on many factors (or dimensions): the severity of the lie, the frequency of the lie, the consequences of the lie and so on. To punish the lie means, mathematically speaking, to define a mapping function from this multi-dimensional space of lies to the level of punishment. I am not claiming here that it is possible to create a set of rules that precisely separates and evaluates the lie from the truth for each individual case and assigns an appropriate punishment (or leaves it unpunished).

What I am arguing, however, is that in this multi-dimensional space of lies, there are regions where it is very clear that we are dealing with serious and punishable lies. For example, we don't have to allow masses of anonymous maliciously programmed AI-driven bots to clog up our lines of communication with distraction, hate and hate speech.

I also believe that the general public would benefit from sanctioning wide-ranging malicious lies. Just as we benefit from the fact that not everyone parks their car somewhere, e.g. in front of a fire lane, and therefore a burning house cannot be extinguished.

The amount of the penalty should be a function of the following factors of a statement:

Penalty = f(Degree of falsehood, Degree of insistence, Frequency, Severity, Degree of mass, Degree of victimization, Degree of expertise, Liar-Score)

3.11 Dimensions of the lie

3.11.1 Degree of falsehood

The truthfulness of a statement can often be clearly stated as 100% (true) or 0% (false), in the case of incomplete information as a *plausibility* between 0% and 100%. The degree of falsehood is simple

$$\text{degree of falsehood} = 1 - \text{truth content}$$

3.11.2 Degree of insistence

If a person has repeated a lie despite being instructed, we code 100%, if there is no repetition, we code 0%, for statements that overlap with an instruction, with a number between 0% and 100%.

Publishing with the comment function switched off and malicious misunderstanding is coded with a high degree of insistence even without repetition.

3.11.3 Frequency

Troll and spam accounts typically repeat their lies very often. This is much cheaper than fabricating customized lies for individual cases. Therefore, the frequency of a lie is a useful feature in determining the level of penalty.

3.11.4 Severity

Some lies have no negative consequences; they may be unsightly but do not require sanctions. The statement "all swans are purple" is a 100% lie, but should generally have no consequences. The statement "all Ukrainians are Nazis", on the other hand, is not only a lie, it is also likely to undermine

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support for the attacked Ukraine and thus help the aggressor Putin to win, with genocidal consequences for the Ukrainian population and dire consequences for European security.

When determining the severity of a lie, at least the consequences for the following aspects should be taken into account, between harmless (0%) and harmful (100%)

- personal security
- internal security
- national security

The severity is determined as the maximum of the ratings of the relevant security aspects.

3.11.5 Degree of mass

Disinformation campaigns (and hate mobbing) thrive on the number of perpetrators involved. Therefore, the number of liars is an important feature for determining the level of punishment. This rule is important because

- the truth cannot be voted on
- offenders must not be able to hide behind a group.

Therefore, *offenses committed by groups (§ 184j)* are punished (and must be punished) in a special way.

3.11.6 Degree of victimization

We consider an offense to be worse if it is directed against a defenseless innocent person or group of people than if it is directed against a defensible guilty person. Killing an innocent - civilian - child is different from killing an attacking adult soldier in self-defense or emergency aid.

3.11 *Dimensions of the lie*

The statements “all Russians are Nazis” and “all Ukrainians are Nazis” are both false, but the second is directed - in the current context of 2024 - against an attacked people who are defending themselves against a war of extermination, is an attempt to legitimize this war of extermination and therefore has a high degree of victimization.

3.11.7 **Reach**

Reach, measured by the number of people reached, is an important criterion for the severity of a lie. If an influencer with a million followers publishes a lie, it has a different quality than if Little Jane or Little Jonny with 20 followers does it. If Jonny Geek publishes a lie in a school magazine with a circulation of 100 copies, this is rather harmless and can be handled within the school. It is completely different when an “expert” with an academic reputation (and civil servant duties) writes an article for Der Spiegel, a renowned weekly magazine that reaches around 4 million readers per issue and lies to them.

Reach could be scored as follows:

- up to 500 readers 0%
- up to 1,000 readers 10%
- up to 5,000 readers 20%
- up to 10,000 readers 30%
- up to 25,000 readers 40%
- up to 50,000 readers 50%
- up to 75,000 readers 60%
- up to 100,000 readers 70%
- up to 250,000 readers 80%
- up to 500,000 readers 90%
- over 500,000 readers 100%

3.11.8 Degree of expertise

A punch from a karate fighter is judged differently in court than a punch from a layman. The hands of a karateka with a black belt are considered weapons. We expect a professional to handle his weapons in a particularly responsible manner.

We determine the degree of expertise of a lie on the basis of two aspects (maximum of the percentage ratings):

- Is the author of the lie an expert in the field of the statement (or claims to be)?
- Is the author a professional journalist or professional communicator?

When a full-time professor of international politics comments on the war in Ukraine, it is a different matter than when a layperson does so. We suggest the following scoring

- No professional training in the field of the statement 0%
- Journeyman/Bachelor/ University of applied sciences 20%
- Master/Master/Diploma 40%
- Doctorate 60%
- Habilitation 80%
- Professorship 100%

If the current professional activity is in the field of the statement, the score is increased by 20% points. If expertise in the field of the statement is claimed, the assessment increases by 20% points.

Trained or full-time journalists are awarded 100%. Social media accounts are scored as follows:

- up to 500 followers 0%
- up to 1,000 followers 10%
- up to 5,000 followers 20%
- up to 10,000 followers 30%

3.12 Anonymous accounts

- up to 25,000 followers 40%
- up to 50,000 followers 50%
- up to 75,000 followers 60%
- up to 100,000 followers 70%
- up to 250,000 followers 80%
- up to 500,000 followers 90%
- over 500,000 followers 100%

Selecting account options with special reach increases the point value by 20%.

3.11.9 Liar-score

We generally punish repeat offenders more severely than first-time offenders, who we give a chance of social rehabilitation.

A liar-score codes the accumulated lies, i.e. the unreliability of the source that has become apparent over time. Liar-scores can be maintained per social network, or, as with the Flensburg points register, fines and penalties imposed can be collected and aggregated across different publishing bodies.

3.12 Anonymous accounts

There are good reasons to have an anonymous account on social networks, for example if you are using them to counter propaganda from Russian secret services. If an anonymous account commits a crime, the network operator is obliged to disclose the identity to the investigating authorities. But what do you do in the case of administrative offenses where revealing the identity is not proportionate? How can fines be collected from an anonymous account?

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Quite simply: in the case of anonymous accounts, the network operator would be obliged to pay in advance. They could try to recover the fines or even demand a deposit in advance for operating an anonymous account. In the event of repeated violations (above a certain lie score), the network operator could demand that the account holder give up anonymity or block the account.

3.13 Artificial accounts

Bots, artificial intelligence and other robots have no right to freedom of expression and could simply be banned. The network operator must be sanctioned if they allow bots or do not comply with requests from the authorities to block them. There must be appeals procedures for illegally blocked accounts (which end up in court if necessary).

3.14 Okhmatdyt children's hospital

On July 8, 2024, Russia fired a missile at the Okhmatdyt Children's Hospital in Kiev. Two adults were killed and 30 people were injured, including 10 children [Wikipedia](#).

On July 11, 2024, the leader and namesake of the pro-Putinist party "Alliance Sahra Wagenknecht (BSW)" is a guest on the talk show "Maybrit Illner" with an average of 2.5 million viewers in the first half of 2024. The entire show can be viewed on the ZDFheute YouTube channel (1.3 million subscribers) and had (another) 580,000 views [YouTube](#).

In this talk show, Sahra Wagenknecht suggested that the Okhmatdyt children's hospital in Kiev was not hit by a Russian missile, but by debris from a defensive missile. The relevant excerpt can be found here [X](#)

and is commented on by Gert Wöllmann as follows:

3.14 *Okhmatdyt children's hospital*

Wagenknecht's method: doubting the Russian missile attack on the children's hospital for a minute, only to claim at the end - after a headwind - that she doesn't want to argue about it at all, since it's not her topic. It was only for one minute.

Sahra Wagenknecht said verbatim:

I would like to set the record straight on one point, because they always say that the defense missiles can protect. Many civilian casualties in Ukraine, as is also reported, are also caused by missiles being intercepted and the debris then traveling into civilian areas.

So in Kiev, for example, on the same day that the children's hospital was hit, several deaths were reported in a women's health center; they were murdered by falling missile fragments.

The first reports were also from the children's hospital, incidentally, that these were also falling missile fragments.

Claudia Major pointed out that this is disinformation:

That has been refuted as false

Sahra Wagenknecht is evasive:

But I don't want to argue about that at all

Omid Nouripour confirms:

It has been confirmed from all sides

Sahra Wagenknecht insists:

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No, It's not confirmed. They have only confirmed that they found rocket parts there. But that is, of course, if they launch a missile, they will find the missile parts. I don't want to talk about it, I don't know the situation. And I know that in war, lies are told by all sides. So it may be that the Russians are lying, it may be that the Ukrainians are lying. I don't think it's very plausible to attack a children's hospital at the opening of the NATO summit. But I don't want to argue about that, because that's not my topic.

Nein, streiten wollte sie nicht darüber, sondern falsche Behauptungen streuen, die im Gedächtnis der Zuschauer hängen bleiben. Der Faktencheck der ARD *"Auf Linie mit der russischen Propaganda"* resümiert diese Passage unter der Überschrift *"Falschaussagen zum Krieg in der Ukraine"* wie folgt:

"Es gibt verschiedene Desinformationsmethoden, die bei Wagenknecht und ihren Parteimitgliedern auffallen", sagt Klaus Gestwa, Direktor des Instituts für Osteuropäische Geschichte und Landeskunde an der Universität Tübingen. Ungeniert würden Falschaussagen zum Krieg in der Ukraine verbreitet.

So suggerierte Wagenknecht beim ZDF-Politalk von Maybrit Illner, das Kiewer Krankenhaus Ochmatdyt sei nicht von einer russischen Rakete getroffen worden, sondern mutmaßlich von Trümmerteilen einer ukrainischen Flugabwehrrakete. Dabei gilt es als ziemlich sicher, dass die Kinderklinik von einer russischen Rakete des Typs Kh-101 (Ch-101) getroffen wurde. Zu diesem Ergebnis kommt unter anderem die vorläufige Untersuchung des UN-Menschenrechtsbüros.

This actually provides enough information about a clear, punishable and court-proof lie by Sahra Wagenknecht. We will see in a moment that the severity of this lie corresponds to a criminal offense, and not just the simplified fine of an administrative offense via EUvsDisinfo. Nevertheless, let's

3.14 Okhmatdyt children's hospital

search for '*Okhmatdyt*' and find eight entries, including this ["DISINFO: Russia strikes military sites, Kyiv children's hospital hit by fragments of Western air-defense missiles"](#), which clearly shows that it was a direct hit by a Russian Kh-101 missile:

Military experts have concluded unequivocally that the hospital was intentionally hit by a Russian missile, which Ukraine identified as a Kh-101 model launched from Russian aircraft Tu-95MS. The United Nations on 9 July 2024 said there was a "high likelihood" that the children's hospital in Kyiv suffered "a direct hit" from a Russian missile.

The episode was serious enough to lead to a UN Security Council meeting on 9 July 2024 at Ukraine's request. Online attempts to blame Ukraine for this incident have been debunked by professional fact-checkers.

This unsanctioned lie is *not* over yet. Just as the ARD fact-checker has clarified this and other lies by Sahra Wagenknecht and her party BSW, the small donation-financed Austrian fact-checker Mimikama has done the same. On 17.8.2024, the official X-account of BSW (19k followers) published this [tweet](#) with 35k views

We checked the facts of the self-proclaimed 'fact checkers'. Result: Mimika spread misinformation about the #BSW. Now they have to apologize to us. Thank you for that. Next time, please do your research better.

The link leads to an ["Editorial Correction"](#) from Mimikama in which Mimikama retracts *any* accusations against Wagenknecht:

We had claimed that BSW was deliberately spreading pro-Russian disinformation. We hereby retract this accusation.

and (incorrectly) "corrects" the allegation about the children's hospital:

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We wrote that Sahra Wagenknecht claimed on Maybrit Illner <https://youtu.be/s23M5K8kaxs> that the Ochmadyt hospital in Kiev was presumably hit by a Ukrainian anti-aircraft missile, although investigations had shown that the hospital was hit by a Russian Kh-101 missile.

In fact, however, Ms. Wagenknecht had merely pointed out that it was only known that the hospital had been hit by missile fragments, but not by which ones. There was no independent investigation to support either side.

On the same day [Mimikama admits](#) that it was forced to make this false correction by massive legal pressure, otherwise the existence of the association would have been threatened:

The last 7 days have been one of the most challenging for me and the Mimikama online team that we have ever experienced. It all started, last Friday, with a warning letter from the Sahra Wagenknecht Alliance (BSW) regarding one of our articles from July 30, 2024. The article dealt with the spread of Russian propaganda by BSW, and although we were sure that our research was thorough and correct, we were accused by BSW's lawyer of having made mistakes.

The warning was aimed at forcing us to issue a cease-and-desist declaration. The pressure was enormous: we were facing high legal fees and possible contractual penalties that could have threatened the existence of our small association. We were in daily contact with our lawyer and BSW's lawyer to find a solution. During this time, we realized how quickly everything we work for can be in jeopardy.

We remain convinced that our reporting was correct, but it is understandable that BSW's lawyer has a different view, especially in the context of the current election campaign. BSW has a vested interest in protecting certain narratives and this

3.14 Okhmatdyt children's hospital

makes the situation particularly complicated. Given these political tensions, the confrontation was inevitable. In the end, it was with a heavy heart that we had to decide to sign the cease-and-desist declaration to avoid a lengthy and costly legal battle. This step was anything but easy for us.

So Wagenknecht - with Putin's financial power behind her - forced a small fact-checking organization to ruin its reputation with a false correction. She was obviously unable to pull off the same maneuver with the fact-checker of the financially strong public broadcaster ARD (or agreed with ARD on the next high-reach program with Wagenknecht: prominent one-on-one interview and talk show participation on September 8 with Caren Misosga at prime time on Sunday at 21:45, as well as a conspicuous number of other nationwide TV shows with BSW protagonists, although BSW has never participated in a nationwide election).

In addition to the lie about the children's hospital, Wagenknecht's cowardly action is likely to have constituted the criminal offense of coercion by threatening a SLAPP suit. As for the lie itself, this episode proves that Wagenknecht lied *against her better judgment* and *several times*, and *coerced* third parties to lie about it.

Let's move on to the scoring of this statement, which can clearly be classified as a lie:

- Degree of lie: 100% lie, verified by various experts, fact checks incl. EUvsDisinfo
- Degree of insistence: maximum insistence of 100% (despite instructions from experts in the program, ARD fact check, Mimikama fact check)
- Frequency: multiple repetition of the lie, even coercing a fact checker to repeat the lie as truth
- Severity: maximum severity of 100%, a war crime is denied in order to withdraw support from an attacked country
- Mass degree: the EUvsDisinfo search yielded several hits

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- Degree of victimization: 100% of the victims of the war crime and the lie were sick children who were in the children's hospital for treatment
- Profigrad: 100% Wagenknecht has a degree in philosophy and a doctorate in politics, she is an experienced - and presumably FSB-trained - propagandist, claims expertise, is a full-time MP and has 727K followers on X.
- Liar score: 100% Wagenknecht has been spreading Russian disinformation for years

3.15 Priorities

Is the truth, is peaceful, truthful communication less important than smooth, accident-free traffic?

If you look at the German clubs, you might think so. The Allgemeine Deutsche Automobil-Club e. V. (ADAC) has 22 million members, the Allgemeine Deutsche Fahrrad-Club e. V. (ADFC) has 230,000 members (1% of them), the FUSS e. V. - Fußgängerschutzverein und Fachverband Fußverkehr Deutschland (FUSS) has less than 1000 members (0.5% of them) and the Allgemeine Deutsche Social-Media-Club e. V. (ADSC) has zero (0) members, because it doesn't even exist.

Personally, I spend 1 hour a week in the car, 5 hours on the bike, 10 hours walking and 28 hours consuming media and on social networks.

According to a [Swiss study](#), the average time spent on the road is between 80 and 90 minutes per day, 40% of which is spent in the car and on the bike, i.e. a good half hour. According to the statistics portal [de.statista.com](#), Germans spend 7 hours a day with media. According to data from [dataportal.com](#), people around the world spend 2 hours 20 minutes on social media.

Looking at the duration of use, truthful and safe traffic on social networks appears to be even more important than car traffic.

3.16 Conclusion

Similar to Road traffic law, Part 2, a Communication law, Part 3 could be designed with an appropriate **Classification** of speech acts and **Definition of a lie**. Publication should imply a **Duty to be truthful**, especially in high-reach media such as **Social networks**, in order to protect society's **Common goods**. The **Public lies** could be sanctioned without restricting freedom of expression, as the **Example of elections** shows. **Lie or truth** could be distinguished efficiently and with legal certainty, and established **Catalogs of lies** would allow fines to be imposed automatically. **Deliberate lying** could also be diagnosed with legal certainty and an appropriate penalty could be determined on the basis of eight **Dimensions of the lie** (**Degree of falsehood**, **Degree of insistence**, **Frequency**, **Severity**, **Degree of mass**, **Degree of victimization**, **Degree of expertise**, **Liar-score**). **Anonymous accounts** would also be feasible with automated fine procedures, and **Artificial accounts** could easily be banned. Using the example of Russia's attack on the **Okhmatdyt Children's Hospital**, we provide unequivocal proof of a serious lie that unfortunately remained unsanctioned ... but could and should be sanctioned, because an appropriate **Priorities** of the usage time of traffic in social networks compared to road traffic requires this in order to prevent the corrosion of our society.

