

# Corona Foundation Committee Report (short)

## **SARS-CoV2 and the Lockdown Consequences**

Berlin -14 September 2020



Rough English translation at <https://ratical.org/PandemicParallaxView/CC-SARS-Cov2andLC-14Sep2020.pdf>

# Introduction

The Corona Committee was set up in July 2020 by attorneys Antonia Fischer and Viviane Fischer and lawyers Dr. Reiner Fullmich and Dr. Justus Hoffmann. It seeks answers to the legal questions of whether the anti-Corona measures taken by the federal and state governments against a possible overloading of the healthcare system ("flattening the curve") and to prevent SARS-CoV2 deaths were suitable, necessary and proportionate - in accordance with the constitutional standard of review - or whether the collateral damage that occurred was culpably caused. To this end, experts and witnesses were questioned on the matter in a total of 13 sessions between July 14, 2020 and August 21, 2020. This short report provides an overview of the most significant findings of the meetings. A long version is currently being prepared, with further meetings to follow.



## **Everything stands still - the peak phase of the lockdown**

In January 2020, it became apparent that a coronavirus described as novel would spread from China to Germany. In early March 2020, the media showed frightening images of illness and death in Italy: crowded hospitals, coffins, military on emergency duty. The federal and state governments decided to impose a lockdown on Germany on March 22, 2020, which included closing kindergartens, playgrounds, schools, universities, theaters, concert halls, movie theaters, restaurants, and all businesses that did not serve the immediate basic needs of the population for several months. Assemblies were banned, hygiene regulations were laid down, and social contacts were restricted (ban on visits to old people's homes and hospitals, distance ban, etc.). In the meantime, there have been relaxations in many areas - opening of schools, restaurants, stores, etc. - and in other areas regulations have changed. - In other areas, regulations have become stricter, e.g. the obligation to wear masks, which in some cases is subject to fines.

The measures interfered, and in some cases still interfere, deeply with the fundamental rights of the population. Particularly affected are freedom of opinion (Article 5(1) sentence 1 GG), freedom of religion (Article 4 (1) and (2) GG), freedom of the arts (Article 5 (3) GG), freedom of science, research and teaching (Article 5 (3) GG), freedom to choose and practice a profession (Article 12 (1) GG), freedom of assembly (Article 8 (1) GG), the right to property (Art. 14 GG), especially the right to the established and practiced business, the freedom of movement and the freedom to choose the place of residence (Art. 2 para. 2 sentence 2), the right to education (Art. 26 UDHR), the freedom of political parties to operate (Art. 21 GG), the right to free development of the personality as part of the general freedom of action (Art. 2 para. 1 GG).

In the public discussion, it seems as if the equation corona-positive = infected = contagious = diseased = doomed to die applies, so that a balance must apparently be struck between potential fatalities and restrictions on civil liberties, i.e. in short: the life of the grandmother against the renunciation of singing in the karaoke bar. It is clear that the legal asset of life thus seemingly justifies any intervention.

However, the emotional equation corona-positive = doomed to die was not correct from the outset, given the extremely low death rate from SARS-CoV-2. According to government statements, the measures were therefore never aimed at averting a certain catastrophe, but only at averting risks for the population due to a possible overloading of the health care system or generally counteracting the spread of SARS-CoV-2.

The constitutional, legally relevant question is therefore: Is the relationship between the reduction of the risk of contracting and possibly dying from Covid-19 and the (realized) risk that the defense measures will have negative effects correct? Ultimately, then, it is a matter of balancing the risks of life. Only if the remedy is no more harmful than the disease can a measure be justified.

Particularly in the case of massive restrictions on freedom, the state is obligated to continually examine whether these are absolutely necessary to avert danger, whether there are milder means and/or whether the collateral damage outweighs health protection, for example. The state must constantly make an active effort to gain knowledge (e.g. regarding the dangerousness of the virus, increase in the number of lockdown victims) in order to always reduce the encroachment on fundamental rights to the absolute minimum necessary.

## Dangerousness of the virus

It quickly became clear that fears that SARS-CoV-2 would be significantly more dangerous than influenza in terms of transmissibility, disease burden, and mortality proved to be unfounded. A large number of studies have since been conducted in this regard. As early as April 2020, the Italian health authority reported that the average age of the deceased was 83 years and that virtually no one had died without pre-existing conditions. In some cases, the dead had up to three, sometimes severe, pre-existing conditions, particularly in the cardiopulmonary area. In Germany, too, this year's flu season has not shown any unusual morbidity or mortality data, either in outpatient or inpatient settings. The only striking feature is that a temporary excess mortality became apparent in the first weeks of the lockdown. Overall, physician offices and clinics were far less busy, and funeral directors were not as busy this year as they were in 2018, for example.

By comparison, according to the Robert Koch Institute (RKI), the 2017/18 flu epidemic in Germany resulted in excess mortality with 25,100 victims from all age groups despite vaccines. In 2018, there were also nearly 30,000 accidental deaths including 3,000 traffic victims. Hospital-acquired infections kill around 15,000 people in Germany every year.

The symptomatology of Covid-19 corresponds to that of influenza, further phenomena such as the microthromboses observed by the Hamburg pathologist Prof. Klaus Piischel in the course of autopsies performed contrary to the recommendation of the RKI have not yet turned out to be an original SARS-CoV-2 symptom. They are consequences of an excessive or misdirected immune response and are also known from other viral diseases as a complication. According to research by pulmonary specialist and epidemiologist Dr. Wolfgang Wodarg, there are no current comparative studies due to the lack of autopsies in immobilized influenza patients (e.g., in nursing homes) in whom a similar finding might be expected. However, for the influenza year 1969/70, O. Haferkamp described similar effects for influenza deaths. The suggestion that SARS-CoV-2 would cause symptoms similar to Kawasaki syndrome has not yet been confirmed.

According to the assessment of former chief medical officer Dr. Gerd Reuther, medications not approved for the treatment of covid-19 are likely to be the cause of many "covid deaths"

have been. In Germany, suggestions for the "emergency use" of drugs and medical devices had spread via medical journals such as The Lancet. In Italy, according to information from the Italian physician Dr. Luca Speciani, there was even a corresponding written instruction for action from the health authorities. In northern Italy, relatives are now suing the regional government for malpractice. In the initial phase, the standard treatment there was paracetamol, cortisone, antibiotics, a viral static agent, hydroxychloroquine and intubation ventilation. The first two drugs downregulate the immune system, which can be useful in individual cases, but not as standard treatment; antibiotics are useless in the case of a viral infection, but put a strain on the organism; and intubation is very dangerous, especially for older patients, due to the risk of injury, overpressure damage, and superinfection (with resistant germs). The gentler mask ventilation, which the RKI had initially advised against for fear of infectious aerosols, is now being practiced successfully, according to Dr. Gerd Reuther. According to RKI President Prof. Lothar Wieler, treatment with hyperimmune sera obtained from the blood of recovered patients has proved extremely promising in severe cases. However, due to a lack of patients since April 2020, the necessary clinical studies of sufficient quality are no longer feasible.

Studies of pre-Covid 19 blood suggest that more than 80% of people may already be immune to the novel coronavirus because of its relationship to other cold coronaviruses, or have cellular cross-immunity that also largely protects them from the SARS coronaviruses now circulating. Children, adolescents, parents, educators and teachers apparently refresh this cross-immunity every year without becoming seriously ill, according to Dr. Wolfgang Wodarg. Only people without such an annual virus update, i.e. elderly people living alone or people with a weakened immune system due to illness or treatment, are more susceptible to complications. It is important to protect them.

An analysis of a total of 23 studies conducted worldwide has shown that the corona infection-fatality rate (IFR) for persons over 70 years of age is approximately 0.12%, and for persons under 70 years of age it is only 0.04%. A closer look at the statistics, which are based on very different data, reveals that the infection-death rates and their age distribution for influenza and covid-19 / corona infections do not differ significantly.

According to the results of the so-called Heinsberg study by virologist Prof. Hendrik Streeck, smear infections hardly occur. Transmission via aerosols seems to be proven, but not with the highly aggressive spreading dynamics assumed. The former head of the public health department, Dr. Wolfgang Wodarg, reports that studies have shown that children in general are hardly an epidemic-hygienically relevant source, because in their environment a protective herd immunity develops regularly and without serious courses of disease.

International publications show that about 5 to 15 % of respiratory diseases are caused or contributed to by cold coronaviruses. Dr. Wolfgang Wodarg also points out that it has been known for a long time that in respiratory viral respiratory diseases are very often (up to approx. 50 %) caused by two or even more virus species occurring together or directly one after the other. With regard to influenza vaccination, the phenomenon has been scientifically proven that influenza vaccination minimizes the risk of contracting influenza. However, the flu- vaccinated were just as likely to suffer from respiratory illnesses as the unvaccinated. The place in the circle of the viruses, which the flu inoculation freed, is taken immediately by another pathogen, e.g. Rhinovirus or Coronavirus, so Dr. Wolfgang Wodarg. It is striking that there are officially hardly any flu deaths in 2020 - in comparison to an average of 8,000 flu deaths and even 25,100 deaths in the extreme year 2017/2018. This is probably due to a so-called attention bias, a particularly concentrated and presently even financially supported observation of great misleading significance.

What role SARS-CoV-2 plays at all in the context of respiratory diseases has remained unclear according to the current state of investigation in the committee. According to a corresponding special evaluation of the Federal Statistical Office, there was no excess mortality in Germany in the first half of 2020. In Germany, an average of 2,500 to 3,000 people die every day. If the number of people whose deaths are attributed to Covid-19 is applied to the past months, approximately 50 people per day have died in connection with Corona within six months. Without testing, Covid-19 might not have stood out as a disease event in its own right. The Covid-19 sick and dead would likely have been (mis)recorded as victims of a respiratory infection caused by influenza, a rhinovirus, or one of the already known coronaviruses.

## Significance of the PCR test

SARS-CoV-2 is currently to be detected by means of a PCR test. This detects tiny viral gene segments, replicates them repeatedly and thus makes them measurable. The gene segments thus replicated and detected are used to draw conclusions about the presence of viruses previously defined as carriers of such segments. The more uniquely and typically these sections are selected and found, the more likely the presence of the type of virus sought.

Individual segments of the SARS-CoV-2 virus sought, like the E gene coding for the viral envelope, are found in many coronaviruses that have been widespread in Europe for a long time. If, as suggested by the WHO for some time and practiced by many laboratories, only these less specific gene segments are determined, the PCR test is particularly often false positive.

Because of the confusing practice of PCR testing, a statement on the epidemiological significance of the SARS-CoV-2 viruses is almost impossible to date. According to the consensus of the specialists and laboratories interviewed by the committee, no reliable estimates for infection risks and thus no infection-limiting measures can be derived from PCR test results alone.

The biochemist and Nobel Prize winner Kary Mullis developed the PCR test in 1983 to amplify DNA sequences in vitro. According to Mullis, his test was not suitable for diagnostic purposes. As the biologist Prof. Ulrike Kammerer, the immunologist and virologist Prof. Dolores Cahill, the immunologist Prof. Pierre Capel and the microbiologist Clemens Arvay unanimously explained in the Corona Committee, the test cannot be used today to determine whether an active viral infection is present. The gene sequences detected by the test can just as well originate from a viral infection that has already been overcome or from a contamination that does not lead to an infection at all.

Many of the different SARS-CoV-2 tests currently in use and still not officially validated react, as e.g. the INSTAND interlaboratory comparison of the German Accreditation Body already showed in April 2020, with a blank sample to 1.4 % false positive, with a sample mixed with the known coronavirus HCoV OC 43 even up to 7.6 % false positive. There are various tests in circulation, which according to the interlaboratory test, were found in a remarkable 20 to 50 % of tests, which, as described, may also

be due to the fact that some of these tests only target the more non-specific E gene.

Many German laboratories use so-called in-house tests based on the test protocols published by the WHO (compare e.g. the so-called Drosten test assay of January 17, 2020). According to European standards, these tests require official validation. In practice, however, such validation is largely dispensed with due to the "emergency situation".

Based on the above, it is impossible to determine how many of the - as of August 27, 2020 - total of 239,507 persons tested positive by the RKI were actually infected. The same applies to the 9288 people reported to have died in connection with Corona by then.

## Reports from other countries

The Covid-19 statistics in the USA (reportedly approx. 5.3 million infected and 180,000 deaths by the end of August) have since been quietly corrected to the effect that Covid-19 is now listed as the sole cause of death in only less than 10,000 patients. In the case of the remaining (often very elderly) deaths, the American health authority CDC assumes that Covid-19 can at best have been a contributory cause because of the numerous previous illnesses. Holistic American physician and dedicated chronicler of corona events Pam Popper told the committee that there were and are major misincentives to diagnose corona in the US. There are instructions to record patients as having even a subjective suspicion that they have covid-19. Hospitals receive three times the standard rate of \$13,000, or \$39,000, for intubating a SARS-CoV-2 positive patient. People who were not tested at all because they stopped waiting in a test queue have also been told they tested positive.

Regarding the hospital occupancy situation, Pam Popper reported that in New York, contrary to press claims, parking lots do not house patients.



Donald Trump's hospital ship had been virtually empty. In addition, while the spectacular treatments allegedly took place in atypical locations, completely intact hospitals were closed. Incidentally, no differences had been found between the number of people testing positive in the states with and without lockdown.

Dr. Luca Speciani states that there have also been false incentives for the diagnosis of Covid-19 in Italy. For example, funeral allowances of €300 were paid to relatives if the death certificate stated Corona. Dr. Speciani also reported that about 7000 people who were only mildly ill had been transferred from hospitals to poorly staffed old people's homes and isolated there. This alone has led to many infections and unclear deaths among the residents of the homes. This, along with the departure of a large number of foreign caregivers shortly before the lockdown, had been a major cause of deaths in the homes.

Entrepreneur Ash Zrl reported from Nepal that there were only 70 corona deaths out of 32 million Nepalese. In addition, 11 people had committed suicide after receiving a diagnosis of corona. The country had experienced a massive lockdown lasting several months with devastating economic effects. Demonstrations were banned, desperate students and artists were on hunger strike, also to protest the disappearance of 90 million U.S. dollars intended to bring home five million expatriate Nepalese.

South African lawyer Anthony Brinks reported a massive lockdown on extremely minor Covid 19 star activity. The official sale of alcohol and cigarettes had been banned. As a result, he said, the state has suffered significant financial losses and is now forced to rely on IMF funds. The lawyer expressed fears that South Africa, in its economic distress, could be forced into a gag agreement here.

Sweden was one of the few countries to overcome the Corona crisis without a lockdown. Psychologist and journalist Patrick Plaga reports that life in Sweden continued quietly even during the crisis, with the economy being affected only to a small extent. Kindergartens and elementary school were open all the time, only secondary schools and universities were closed.

Large events were forbidden, people would have followed well a set of hygiene rules (wash hands, keep distance). Masks are not worn in Sweden. The majority of the very elderly Corona victims had lived in old people's homes, where, as the head of the health department and chief virologist Anders Tegnell admitted, protection had not been sufficiently successful.

Patrick Plaga explained that Anders Tegnell, who had already acted in the same capacity in the context of swine flu, had consistently taken care to communicate reassuringly with the population. For example, the number of Corona-positive people on television would not be presented cumulatively without deducting the (estimated) recovered as in Germany, but rather only the daily incidence, which is a more true-to-life presentation. Patrick Plaga suspects that Andres Tegnell's reassuring appearance is also intended to avoid panicky vaccination, which has led to many harms with swine flu (including narcolepsy, autoimmune diseases). What is remarkable in Sweden is that in a health emergency, the head of the health department becomes solely responsible and thus no political influence on health policy decisions is possible.

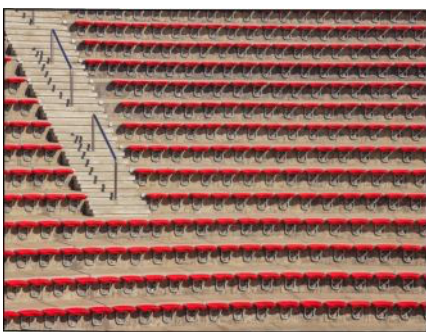
German journalist Gaby Weber reports from Argentina. The country suffers from such a massive lockdown regime that even borrowing an egg from a neighbor can lead to imprisonment. The courts have been closed for five months, so that no legal protection can be obtained. In the course of the lockdown, many criminals had been released, some of whom had now committed crimes again. The lockdown was imposed on evidence of zero Corona deaths. Argentines were desperate, he said, because their economy was in any case completely in the toilet.

## **Danger for the health care system**

The aim of the measures in Germany was to reduce the risk that the healthcare system would become so overloaded that there would be insufficient treatment capacity for the many sick people, especially those requiring inpatient or intensive care. Germany has 20,000 intensive care beds, and the Corona expansion has created up to 30,000 beds.

According to the constantly updated overview of the University of Constance ([www.corona-vis.de](http://www.corona-vis.de)), there was never the slightest threat of overload. In most cases, the utilization rate was well below 70% and many hospitals had to put female employees on short-time work. At Charite, for example, the utilization rate in March/April was around 60%. The former chief physician Dr. Gerd Reuther confirmed to the committee the consistent underutilization of many hospitals from his own experience.

Result: SARS-CoV-2 and the respiratory disease Covid-19 possibly triggered by the virus posed and still pose a low risk with regard to an overload of the German health care system, so that measures aimed at counteracting such an overload could only develop a modest effectiveness.



**Nothing works anymore - the lockdown at its peak**

## Negative effects of the measures

The lockdown in the sense of the overall package of measures depriving and restricting freedom that were adopted on March 22 (including those that were already in force and maintained, such as the ban on large events) represents the most massive restriction of fundamental rights in the history of the Federal Republic of Germany, affecting the entire population across the board.

The package of measures has unleashed a multitude of negative effects on social, cultural and societal life, on the health of people in Germany and on their economic opportunities.

To arrive at an assessment of the proportionality of the measures taken to avert the virus threats, the committee interviewed a wide range of experts and stakeholders.

## The situation of children

According to the expert opinion of the psychologist Elisabeth Stembeck, the situation of the children and adolescents in the corona crisis is extremely problematic. In the total lockdown, they were completely torn away from their usual social environment outside the family (daycare center, school), had hardly any contact with other children, were taught by parents who were often untrained in this respect, and were massively dependent on the use of digital media for educational purposes for the first time. In the lockdown, existing family problems often intensified. The multiple stresses on families - home office, childcare, corona fears, family confinement, lack of out-of-sight contacts, existential fears - also led to problems in the first place. The children respond to the stress with the development of sometimes great fears and aggression. Elisabeth Sternbeck reports about a little boy who believes that there are lots of little (corona) bugs on his hands, which is why he has to keep away from other people.

Like the psychoimmunologist Prof. Christian Schubert, Elisabeth Sternbeck cites the communication strategy of the paper "Wie wir Covid-19 in den Griff kriegen" ("How we can get a grip on Covid-19") from the Federal Ministry of the Interior, which the government seems to have implemented very precisely, as one of the causes of the traumatization of large parts of the population that can be observed. There, the government is advised to use a shock strategy to motivate people to comply with hygiene regulations. In particular, the fear of an agonizing death by suffocation of beloved relatives should be conjured up, for which one could be responsible oneself if, for example, one does not wash one's hands thoroughly enough. Prof. Christian Schubert points out that psychological trauma leads to immune suppression, the effects of which are reflected in the RNA and can even be passed on epigenetically to future generations.

Elisabeth Sternbeck refers to the particularly impressive experiment of the "Still Face" in relation to the masks, in the context of which a mother shows her baby a completely immobile face and no longer responds to it through facial expressions. After only two minutes of futile attempts to elicit a visible reaction from the mother, the baby begins to cry and scream. This experiment impressively shows how important the ability to read faces and the emotional optical reaction through facial expressions is, especially for human development.

Tina Romdhani from the initiative "Parents stand up" reports about discriminations that children who cannot wear masks face, among other things, through punitive work and about the discord that the different attitudes on this issue sow between people.

## **The situation in nursing homes**

Great suffering has been caused in the nursing homes as a result of the lockdown. Far-reaching visitation bans have been imposed, both with regard to relatives and doctors, physiotherapists, speech therapists, chiropodists, etc. As a result, the health of many people in need of care has deteriorated, in some cases irreversibly. The abrupt change in living circumstances - e.g., the absence of helping relatives - has put dementia patients in particular under great stress and emotional strain. In this situation, many have lost the courage to face life, as nursing expert Adelheid von Stosser

reports. The care situation, which was already difficult in many homes, has worsened considerably as a result of the measures, according to Martin Kusch, a professional caregiver. The care TUV of the medical service of the health insurance companies MDK was stopped, so that no more official control of the Pflegequalität could take place, besides the important Regulativ of the intervention possibility of the members and responsible persons against bad states was void. Many home residents were unnecessarily frequently sedated by the overworked nursing staff, with the corresponding negative, sometimes even life-threatening consequences. One relative reported on the extreme conditions in her mother's home, which led to her only being able to speak to her 90-year-old mother, who suffers from dementia, on her birthday through a balcony door that was tilted open, a situation experienced as traumatic by both sides.

Martin Kusch describes the situation of the home residents as worse than that of prison inmates, because in many cases it is not even possible to talk to the residents alone in the home, but only under the supervision of a caregiver, which in turn takes manpower away from caring for the home residents.

## The masks

Psychologist Daniela Prousa explains her study, according to which 60% *of* people who felt clearly burdened by the regulations were already experiencing severe (psychosocial) consequences. This manifests itself in a greatly reduced participation in life in society due to aversion-related MNS avoidance efforts, social withdrawal, reduced health self-care (up to and including avoidance of medical appointments) or the intensification of previous health problems (post-traumatic stress disorders, herpes, migraine).

According to the psychiatrist and psychotherapist Dr. Hans-Joachim Maaz, the mask reactivates traumas already present in society and threatens to become an object of projection and a lightning rod for one's own frustration and stress, from which the very aggressive reprimands for apparent "mask refusers" can partly be explained. Character weaknesses or other misconduct are attributed to them or anticipated, e.g. antisocial behavior such as theft. The denunciation that reemerged in the Corona context was a social phenomenon [that]

is highly questionable for society as a whole. It is to be feared that especially in view of the children, who learn a behavior not at all in accordance with the human being by means of social distancing, a very large group of people in need of therapy has already been created and will continue to be created if the problem situation persists.

## **Socio-cultural damage**

Professor of Public Law Dietrich Murswiek writes in his expert opinion on the legality of the Corona measures: "It is difficult to weigh the non-material damages. But they must not be underestimated. Man is a social being. Social interaction, intellectual, cultural, and musical activities are part of the core of what constitutes the human personality - with individual differences, of course - and what distinguishes humans from animals. Restrictions and prohibitions can be relatively trivial if they are of short duration, but over a longer period of time they impair the possibilities of personality development in a very serious way."

These aspects, which still need to be examined in more detail by the committee, include the loss of education due to the cancellation or restriction of school lessons and other educational institutions, the loss of cultural stimulation/experience due to the closure of theaters, concert halls or opera houses, etc., the loss of musical development opportunities through bans that prevent joint music-making in orchestras or choirs, the loss of community experiences/personal social interaction through bans on meetings in clubs, bans on events, bans on gatherings, closure of pubs, and much more.

## **Privacy**

In terms of data protection law, many problems have arisen in connection with Corona. Under current law, the PCR test may generally only be performed by a physician or under the supervision of a physician. The patient has a right to

The patient must be informed of the name of the physician responsible and the name of the laboratory commissioned, and must also be informed of what will happen to his or her samples. Genetic analysis of the patient's DNA, which is inevitably included in the sample collection, may only be carried out if consent has been given. In this case, however, the control that is actually required is not possible at present. If the DNA is to be used for research purposes, the patient would have to be informed precisely about the specific research project involved. The exemplarily discussed submission form to the Labor Berlin Charite Vivantes GmbH, which is linked on the website of the RKI via the consiliary laboratory for coronaviruses, does not meet these requirements. The committee has asked the viewers to describe the circumstances of their sample collection so that knowledge can be gained into the extent of the emerging data protection problem.

According to experts, the tracking app in its current form is not questionable in terms of data protection law, but the lack of traceability of contacts means that it is not effective either. In the course of introducing the app, however, an interface has been created in the operating system of cell phones that makes it possible to locate and track them.

The attendance lists in restaurants, which are sometimes kept in drawers, are very problematic in terms of data protection. The danger that these will also be misused for other purposes - e.g., the police's investigative work on other matters - has already materialized in individual cases.

## **Vaccination as a way out?**

According to the government announcement, a normal life will (eventually) only be possible again once a vaccine has been found. Approximately 170 applications for approval of vaccines have been submitted to the relevant authorities. Of these, the majority want to work with technologies that are considered experimental. In this respect, mRNA/DNA vaccines in particular are new, as biomedical scientist Clemens Arvay reports. These are partially introduced into the cells by means of electrostimulation and then - potentially - use all of the body's own cells as a bioreactor for the production of antigens. This represents, even if it is worded differently in the law, a de facto genetic engineering



manipulation of humans. It is also a procedure that has never been used routinely on humans.

Under normal circumstances, it takes six to eight years to develop a safe conventional vaccine. The novel Corona vaccine is now expected to be approved in a few months in a so-called "telescopic procedure", in which study parts that are actually connected in series are carried out in parallel, which Dr. Clemes Arvay considers to be highly dangerous and not compatible with the precautionary principle that applies in the EU and Germany.

The (negative) effects of the new technology cannot be estimated; in particular, it is not possible to predict which type of cells and how many of these cells will be genetically transformed into mRNA bioreactors. Entry into the human germ line could also not be ruled out with certainty, so that any damage could manifest itself only late or possibly only in future generations. The extremely shortened observation times prevent the detection of possible late effects due to neoplasms or autoimmune diseases as well as the effect on defense processes in other infectious diseases or vaccinations.

Since SARS, it has not been possible to develop an effective and safe vaccine. In an attempt to develop a Corona vaccine for cats, all of the cats died when exposed to the wild virus after vaccination because of an out-of-control immune response (so-called overshooting antibody-mediated response). Experiments with a SARS vaccine indicated that a similar problem may arise in humans. Also against this background, Dutch immunologist Prof. Pierre Capel considers it highly dangerous to open shortened approval pathways for the SARS-CoV2 vaccine.

Nevertheless, a vaccine has already been in production in India for several months, according to the press release of the manufacturing company.

## Economy

The economy is suffering extremely from the lockdown and the follow-up measures. The committee heard from Martin Ruland, a solo self-employed artist, Nils Roth, a karaoke bar operator, Hermann Wagner, a hospital caterer, and Martin Reiser, a consultant in the automotive industry. Martin Ruland, Nils Roth and Martin Reiser all report that the lockdown has pulled the economic rug out from under their feet. They were currently (still) living on savings. Nils Roth has succeeded in obtaining a bridging loan. Hermann Wagner has suffered significant drops in sales; in one part of his business - he also runs a burger chain supplied according to Demeter guidelines - sales almost completely collapsed. All of them report that they do not feel well supported by the state in their efforts to cushion the economic difficulties caused by Lockdown or the measures. Nils Roth, for example, did not receive any subsidies, he was not supported by the authorities in developing a hygiene concept, and he was also disconcerted by the unequal treatment of his large karaoke bar, which was not justified by the authorities, compared to competitors who had already reopened in other Berlin districts.

The economist Prof. Christian Kreis explained - in agreement with the remarks of the economics professor and psychoanalyst Wolf-Dieter Stelzner - that quite independently of Corona, the global economy had been constantly on the verge of collapse at least since the financial crisis. In this context, Corona had acted like an accelerant, but at the same time, the lockdown crisis had not only revealed the economic, but also a whole variety of sociopolitical mismanagement.

Prof. Christian Kreiss expects between 500,000 and 800,000 insolvencies in the fall of this year, especially among small and medium-sized entrepreneurs and the self-employed, i.e. the backbone of the German economy. Prof. Wolf-Dieter Stelzner pointed out that the conventional economic theories were not suitable to anticipate the financial crisis in 2009, the less one is now up to the current crisis, which is many times more massive. Both experts agree that a completely new approach to economics is needed, namely a holistic one that also includes other disciplines such as the social sciences and psychology, among others.

## Rule of law

The rule of law presents a difficult picture in the context of the corona/lockdown crisis. The legal basis for the Corona ordinances is Section 28 of the Infection Protection Act. The Infection Control Act was amended on March 25, 2020, effective March 27, 2020. At the suggestion of the Health Committee, the determination of the "epidemic situation of national scope" was made automatically when the law came into force, which is highly problematic in terms of constitutional law, as evidenced, among other things, by a legal opinion by Prof. Thorsten Kingreen of the University of Regensburg.

At the beginning of the lockdown, the courts were severely restricted in their activities, among other things due to understaffing of the offices. The Corona ordinances of the federal states have suspended the suspensive effect of an appeal for their area of application, so that citizens are directly referred to legal action with the corresponding cost consequences. However, a limited standard of review applies in interim legal protection, which is why virtually no successes have been achieved there to date. A well-known exception is, among others, the lifting of the ban imposed by the Berlin Senator of the Interior on the large-scale demonstration of August 29, 2020 by the Administrative Court of Berlin, confirmed by the OVG Berlin. An anticipation of the main issue may not take place in summary proceedings, so that only very obvious injustice must be terminated immediately.

It is problematic that, as attorney Gordon Pankalla reports, the courts always base their decisions on the RKI's assessment that a "dangerous" situation has been established. Although they are actually obligated to at least conduct a plausibility check in accordance with the official investigation principle, they refuse to even deal with the scientific studies submitted by the plaintiffs as well as with the thin numerical basis, which does not indicate a danger to the health care system. Because of the short duration of the prescriptions, in some cases only four weeks, the courts also argue that any restrictions on fundamental rights are just acceptable because of the short period of impairment.

A special opinion of the Berlin-Brandenburg State Constitutional Court nevertheless comes to the conclusion that even short-term restrictions of fundamental rights are unacceptable because it is not the citizen who must explain why and how he or she wants to exercise his or her rights of freedom; rather, it is the state that must explain the weighty reasons for which it interferes with the rights of freedom. The Federal

Constitutional Court has stated, at least with regard to the exercise of religious freedom, that the legislature must continually review whether the circumstances permitting a restriction of fundamental rights continue to exist. The courts have not yet followed this view in their case law practice.

Martin Schwab, professor of civil law, commented on the issues of state liability. He explained that the state, which forbids an entrepreneur to generate income with the help of his activity, has to explain where the money for his (the entrepreneur's) livelihood should come from. Entrepreneurs, who supported the state with their tax payments in good times, now have a right to be supported by the state - also financially - in bad times. The state should not leave a businessman sitting on his debts if, at the same time, it forbids him to generate income that covers his costs.

Encroachments on professional freedom that lead to a systematic underfunding are just as subject to compensation as corresponding encroachments on private property. The state was therefore obligated to financially support the entrepreneurs in the Corona crisis and must not fob them off with insufficient handouts. All this would apply even if the political decision-makers were blamelessly inaccurate in their assessment of the threat situation. If it were proven that the decision-makers had culpably misjudged the crisis at a certain point in time and had imposed restrictions on commercial activity on this erroneous basis, official liability under Section 839 of the German Civil Code (BGB) in conjunction with Article 34 of the Basic Law (GG) could also be considered.

It is certainly debatable whether specific points in time can be identified that would have forced a review of the Corona measures - for example, the publication of the reproduction graph in Epidemiological Bulletin No. 17/2020, which showed that the R-value had already fallen below 1 on March 20, 2020, or the publication of the comprehensive risk analysis prepared in the course of his work by the now suspended senior government official Stefan Kohn from the Federal Ministry of the Interior, which was dismissed by the government as a purely private opinion without the necessary factual discussion. In the course of his analysis, Stefan Kohn had come to the conclusion that the Corona crisis was a false alarm. The opportunities offered by this to conduct an open discussion about the real extent of the threat posed by SARS CoV-2 on the one hand and the massive collateral damage on the other hand had not been used. Should the

technical rationale of the Corona measures ultimately prove inadequate, state actors could be accused of culpability for failing to engage in this discussion.

## The role of the media

The media are classically referred to as the fourth pillar of democracy. The Interstate Broadcasting Treaty obliges the public media to report objectively. However, the study by Dennis Graf and Martin Henning, among others, shows that the Corona special broadcasts of ARD and ZDF have reported very one-sidedly in the sense of virus panic and hold-out slogans, by reporting prayerfully about rising case numbers, problematic courses of disease and Corona heroes in the supermarkets, but completely ignoring disarming voices with regard to the dangerousness of the virus and the complete lack of overloading of the health care system.

Political scientist and journalist Hermann Ploppa reports on an intensive economic and personal interweaving of decision-makers and editors-in-chief of the mainstream press with transnational think tanks, the pharmaceutical industry and political structures, which made critical reporting difficult. It also becomes clear that journalists swim with the crowd due to precarious employment conditions and time pressure, among other reasons, and do not (or cannot) question "official" figures, for example. The journalist Patrick Plaga reports from Sweden that an open culture of discussion in the journalistic field seems to be better developed there than in Germany, and that more critical voices are therefore heard (in the absence of a lockdown, however, critical in Sweden tends to mean advocates of a tougher approach).

The communication scientist and media researcher Prof. Michael Meyen and the media scientist Prof. Johannes Ludwig state that it is quite obvious that a large group of journalists are under pressure because they have to fear losing their jobs in case of government- or pharma-critical reporting. This could be related to the fact that large investors such as Blackrock or Bill Gates also invest money and carry out sponsoring in the media sector (e.g. € 2.5 million sponsoring of Spiegel online by the Bill and Melinda Gates Foundation) and have thus gained a certain control over these media. Strange is there

that even the public broadcasters ARD and ZDF, which are well supplied by the feepaying public, report strictly along government lines.

## **Misaligned incentives in the system**

Misaligned incentives are emerging at a variety of levels that helped create the corona and lockdown crises.

Health coach Don Dylan of Next Scientists for Future argues that the current health care system is fundamentally misguided because effective disease prevention, e.g., through strengthening the immune system, through community, through joyful experiences, is not economically viable. At present only the apparatus medicine and the sales of (for their part partly toxic) medicines hanging on this are economically interesting. If one sees this in connection with the industrial production of partly dangerous (e.g. completely over-sugared) food, then a pathogenic cycle consisting of mutually dependent false stimuli becomes obvious: pathogenic, industrially produced food leads directly into apparatus and medicine.

The former head of the economic department, Heinz Kruse, reports on ossified structures in the administrative sector and in the political parties, which would lead to the fact that it would be difficult to leave a path once taken, to recognize a mistake, let alone to correct it.

## Preliminary result

Based on the current state of knowledge, there is a great deal to suggest that the risk posed by SARS- CoV-2 was greatly overestimated, but that the risks and damage caused by the measures were not sufficiently taken into account. The government already stated in April 2020 that it had not conducted an impact assessment and did not plan to do so. In proceedings before the Bavarian Administrative Court led by lawyer Jessica Hamed, the Bavarian State Chancellery let it be known that to date - in violation of the principle of the rule of law, according to which all government action must be verifiable - there are no documents, no written expert reports on the impact assessment. This is to be regarded as grossly negligent at the very least, especially in view of the ever-increasing reports of lockdown damage to businesses, children, the elderly, etc.

The risk assessment shows that a manageable risk (influenza-like virus with no risk potential for the health system as a whole) has been combated with a high-risk package of measures. The lockdown and measure risks have already materialized to an extreme extent. They have not produced the hoped-for impact, as infections or positive test results were already declining at the time the lockdown was imposed, as evidenced at least in retrospect by evaluation of mortality events. Since late June 2020, positive test results now appear to be within the range of the test's baseline false-positive noise. Due to the continuing measures (masks, distance requirement and related sales losses, closure of concert halls, etc.), further major damage to the economy, health, cultural, social life of the people in Germany is being realized on a daily basis. Damage and benefit are out of proportion. The encroachments on fundamental rights are therefore disproportionate and unlawful.

The governments did not carry out an adequate, accompanying weighing of interests, as they were explicitly ordered to do by the supreme court; on the contrary, they deliberately refrained from observing the collateral damage. As a result, the governments must be reproached for culpable actions.

## Committee members

Lawyer Antonia Fischer, Medical Lawyer, Berlin

Lawyer and graduate economist Viviane Fischer, Berlin

Attorney at Law Dr. Justus Hoffmann, Liability Lawyer, Berlin

Dr. Reiner Fullmich, Attorney at Law, Liability Lawyer, Gottingen and California

## Experts at the hearing

*Order by reference in the report*

Dr. Wolfgang Wodarg, pulmonary specialist and former head of the public health department  
Dr. Gerd Reuther, retired chief physician

Dr. Luca Speciani, Chairman Physicians Network

Prof. Dr. Ulrike Kammerer, Biologist

Prof. Dolores Cahill, Virologist and Immunologist, Ireland

Prof. Piere Capel, Immunologist, Holland

Clemens Arvay, Graduate Engineer, Austria

Pam Popper, holistic physician, USA

Ash Zrl, entrepreneur, Nepal

Attorney Anthony Brings, South Africa

Patrick Plaga, psychologist and journalist, Germany and Sweden

Gaby Weber, journalist, Germany and Argentina

Elisabeth Sternbeck, psychologist and psychotherapist

Prof. Dr. Christian Schubert, Psychoimmunologist

Tina Romdhani, Parents Stand Up Initiative

Adelheid von Stosser, nursing expert

Martin Kusch, Supervisor Daniela Prousa, Psychologist

Dr. Hans-Joachim Maaz, psychiatrist and psychotherapist

Prof. Dr. Christian Kreiss, Economist

Prof. Dr. Wolf-Dieter Stelzner, economist and psychoanalyst

Attorney at Law Gordon Pankalla

Prof. Dr. Martin Schwab, Civil Law



Hermann Ploppa, political scientist and publicist  
Prof. Dr. Michael Meyen, communication scientist and media researcher  
Prof. Dr. Johannes Ludwig, Media Scientist  
Don Dylan, health coach Next Scientists for Future.  
Heinz Kruse, former Head of the Economic Department

## Studies / Documents (Selection)

### *Dangerousness of the virus*

Covid-19 transmissibility, burden of disease, and mortality studies overview

<https://swprs.org/studies-on-covid-19-lethality/>

Non-pharmaceutical interventions do not appear to affect the virus or overall transmission rates <https://www.prof-mueller.net/corona/analyse/>

Epidemic worldwide with and without measures to end after six weeks

<https://www.timesofisrael.com/the-end-of-exponential-growth-the-decline-in-the-spread-of-coronavirus/>

Statement Network Evidence-Based Medicine

<https://www.ebm-netzwerk.de/de/veroeffentlichungen/covid-19>, Update

<https://www.ebm-netzwerk.de/de/veroeffentlichungen/nachrichten/covid-19-evidenz-2>

Country comparison France

<https://www.researchgate.net/publication/343775235> Evaluation of the virulence of SARS-CoV-2 in France from all-cause mortality 1946-2020

Influenza and pulmonary embolisms (1970)

<https://www.thieme-connect.com/products/ejournals/abstract/10.1055/s-0028-1108874?device=mobile>

Heinsberg study <https://www.uni-bonn.de/neues/111-2020>

Intensive Care Bed Utilization Overview [www.corona-vis.de](http://www.corona-vis.de)

### *Findings on the PCR test* Prof. Dr. Marin Hadtisch on the PCR test

[https://www.youtube.com/watch?v=RFzBG\\_XMn\\_E](https://www.youtube.com/watch?v=RFzBG_XMn_E)

Accuracy of the PCR test, round robin test of the German Accreditation Body

<https://corona-ausschuss.de/wp-content/uploads/2020/07/Instand-Ringversuch-Virusgenom-Nachweis-SARS-CoV-2.pdf>

Hotspot strategy of the federal government from 16.07.2020

<https://corona-ausschuss.de/wp-content/uploads/2020/07/HotspotStrategieEND.pdf>

Too many false positives

<https://www.nytimes.com/2020/08/29/health/coronavirus-testing.html>

Calculate target accuracy yourself <https://www.bmj.com/content/369/bmj.m1808>

### ***Negative effects of the measures***

KM4 Crisis Management Analysis (ORR Stephan Kohn/BMI)

<http://schlussjetzt.org/BMI-Corona-Papier.pdf>

Lockdown deaths in the mortality curve

<https://medium.com/@JohnPospichal/questions-for-lockdown-apologists-32a9bbf2e247>

Reports of lockdown victims at [www.kollateral.news](http://www.kollateral.news)

### ***The situation of children "Panic paper of the BMI"***

<https://www.abgeordnetenwatch.de/blog/informationsfreiheit/das-interne-strategiepapier-des-innenministeriums-zur-corona-pandemie>

Still Face Experiment <https://www.youtube.com/watch?v=apzXGEBzht0>

Social distancing experiment with young rhesus monkeys

<https://www.youtube.com/watch?v=OrNBEhzig8I>

Experts sharply rebuke curtailments of children's rights

<https://www.bundestag.de/dokumente/textarchiv/2020/kw37-pa-kinderkommission-corona-706358>

### ***The situation in nursing homes***

SWR feature, Home residents in crisis

<https://www.youtube.com/watch?v=svDt7zglqt0>

Nursing home virus trap

<https://www.faz.net/aktuell/wirtschaft/unterschied/warum-private-pflegeheim-betreiber-kritisiert-werden-16834288.html>

The suffering of nursing home residents in isolation

<https://www.sueddeutsche.de/politik/coronavirus-pflegeheime-besuchsverbot-sterben-1.4871274>

### ***The masks***

Study of psychological and psychovegetative effects of masks

<https://corona-ausschuss.de/wp-content/uploads/2020/07/Studie%20zu%20psychologischen%20und%20psychovegetativen%20Beschwerden%20durch%20die%20Masken.pdf>

Schutz nicht belegt

<https://www.researchgate.net/publication/343399832> Face masks lies damn lies and public health officials A growing body of evidence

No evidence of efficacy

<https://www.thieme-connect.com/products/ejournals/html/10.1055/a-1174-6591>

### ***Privacy***

Guidelines for tracking apps

[https://ec.europa.eu/germany/news/20200417-tracking-apps-datenschutz\\_de](https://ec.europa.eu/germany/news/20200417-tracking-apps-datenschutz_de)

Beyond 1 Million Genomes <https://b1mg-project.eu/>

### ***Vaccination as a way out?***

Immune system and corona vaccination

[https://web.archive.org/web/20200907194256/https://www.goldegg-verlag.com/goldegg-verlag/wp-content/uploads/corona-fehlalarm\\_anhang-immunitaet\\_2020-08-24.pdf](https://web.archive.org/web/20200907194256/https://www.goldegg-verlag.com/goldegg-verlag/wp-content/uploads/corona-fehlalarm_anhang-immunitaet_2020-08-24.pdf)

Genetic engineering on humans <https://www.wodarg.com/impfen/>

Clemens Arvay on the dangers of the new vaccines

<https://www.youtube.com/watch?v=Pv6tzWfDK-w>

### ***Economy***

Economic impact of the lockdown

<https://www.heise.de/tp/features/Wirtschaftliche-Auswirkungen-der-Corona-Lockdowns-4842158.html>

Exploding debt of developing countries

<https://www.heise.de/tp/features/Covid-und-die-explodierenden-Schulden-der-Entwicklungslaender-4883736.html>

Brand letter middle class

<https://www.bvmw.de/fileadmin/download/BVMW-Brandbrief-Kein-zweiter-Lockdown.pdf>

### ***Rule of law***

Legal opinion Prof. Kingreen

[https://www.schlussjetzt.org/Rechtgutachten%20§%205%20Abs.%201%20IfSG-Kingreen\\_0.pdf](https://www.schlussjetzt.org/Rechtgutachten%20§%205%20Abs.%201%20IfSG-Kingreen_0.pdf)

Federal Constitutional Court on religious practice in lockdown

[https://www.bundesverfassungsgericht.de/SharedDocs/Entscheidungen/DE/2020/04/qk20200410\\_1bvq002820.html](https://www.bundesverfassungsgericht.de/SharedDocs/Entscheidungen/DE/2020/04/qk20200410_1bvq002820.html)

Legal opinion Prof. Murswiek <https://dokumente.landtag.rlp.de/landtag/vorlagen/2-12-17.pdf>

Special Opinion Constitutional Court Berlin

<https://www.berlin-brandenburg.de/einrichtungen/gerichte/entscheidungen-der-gerichte-in-berlin-und-brandenburg/>

Constitutional paper on the encroachment of fundamental rights

<https://www.welt.de/politik/deutschland/article206964441/Erosion-des-Rechtsstaats-Hans-Juergen-Papier-sieht-Gmndrechte-bedroht.html>

### ***The role of the media***

The narrowing of the world

[http://schlussjetzt.org/Hennig\\_Gra%CC%88f\\_Verengung%20der%20Welt.pdf](http://schlussjetzt.org/Hennig_Gra%CC%88f_Verengung%20der%20Welt.pdf)

Journalism and government policy hand in hand?

<https://www.frankfurter-hefte.de/artikel/hand-in-hand-2975/>

### ***Misaligned incentives***

Bought science

<https://www.heise.de/tp/features/Gekaufte-Wissenschaft-4876172.html>

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