Journal of Anomalistics Volume 24 (2024), pp. 427–468

Alien Encounter Narratives in a Forensic Environment

Michael Bohlander[1]

Abstract – The reluctance of the vast majority of SETI researchers to take non-repeatable personal alien encounter narratives into account is a staple trope in the alien encounter debate. However, the proof of the pudding would seem to lie in investigating the very practical consequences of the use of encounter testimony of all sorts in legal proceedings, for example, when examining how courts would react to a claim that somebody had a car accident because she was buzzed by a UFO or distracted by a sighting while driving etc. The German Federal Court of Justice in the famous "Sirius"-case already had occasion to test the impact of a victim's firmly held belief in the alien origin of a fraudster on the latter's criminal liability. In the age of increasingly ubiquitous dashcam footage, for example, we might now even have new sources of evidence to complement the personal narrative. The paper will engage with the rules of the holistic evaluation of evidence in court proceedings and take a look at the principles of forensic witness psychology and how the interplay might influence the outcome of a case in real life. After an initial survey of past court cases involving alien encounters of any kind, it will focus on the German legal system, because trial judges there have to give extensive reasons for their judgment, there is no "black box" of secret jury deliberations, and because the author will be able to draw on his own experience as a German trial and appellate judge.

Keywords: UAP – UFO – alien encounter narratives – rules of evidence – court proceedings – forensic witness psychology

Berichte über Begegnungen mit Aliens in einem forensischen Umfeld

Zusammenfassung[2] – Die Zurückhaltung der überwiegenden Mehrheit der SETI-Forscher, persönliche Erzählungen über nicht wiederholbare Begegnungen mit Aliens zu berücksichtigen, ist ein wiederkehrendes Thema der Debatte um Begegnungen mit Aliens. Die Prüfung der Tauglichkeit

1 **Michael Bohlander** holds the Chair in Global Law and SETI Policy, Durham Law School (UK). – The author would like to thank his former German judicial colleagues Jürgen Cierniak, René Triebel and Matthias Rümmler for their support in accessing German sources, as well as Dr. Mark Rodeghier (CUFOS) for providing access to materials about UAP events with vehicle interference. He is grateful to Rechtsanwalt Karl Ehler (Meiningen/Germany) and Dr. Danny Ammon (University Hospital Jena, Germany) for commenting on a previous version of this paper. The usual disclaimer applies.

2 Eine erweiterte deutsche Zusammenfassung befindet sich am Ende des Artikels auf den Seiten 462–463.

https://doi.org/10.23793/zfa.2024.427

könnte jedoch darin liegen, die sehr praktischen Konsequenzen der Verwendung von Zeugenaussagen in Gerichtsverfahren zu untersuchen, beispielsweise bei der Frage, wie Gerichte auf die Behauptung reagieren würden, dass eine Person einen Autounfall hatte, weil sie von einem UFO knapp überflogen wurde oder durch eine Sichtung beim Fahren abgelenkt war usw. Der Bundesgerichtshof hatte im berühmten „Sirius"-Fall bereits Gelegenheit, die Auswirkungen des festen Glaubens eines Opfers an die außerirdische Herkunft eines Betrügers auf dessen strafrechtliche Verantwortlichkeit zu prüfen. Im Zeitalter zunehmend allgegenwärtiger Dashcam-Aufnahmen könnten jetzt sogar neue Beweisquellen zur Verfügung stehen, die die persönliche Erzählung ergänzen. Der Beitrag befasst sich mit den Regeln der ganzheitlichen Beweiswürdigung in Gerichtsverfahren und wirft einen Blick auf die Prinzipien der forensischen Zeugenpsychologie sowie darauf, wie deren Zusammenspiel den Ausgang eines Falls im wirklichen Leben beeinflussen könnte. Nach einem ersten Überblick über frühere Gerichtsverfahren, bei denen es um Begegnungen mit Außerirdischen aller Art ging, wird der Schwerpunkt auf das deutsche Rechtssystem gelegt, weil dort die Richter in erster Instanz ihre Urteile ausführlich begründen müssen und es keine „Black Box" geheimer Geschworenenberatungen gibt. Zudem kann der Autor auf seine eigenen Erfahrungen als deutscher Prozess- und Berufungsrichter zurückgreifen.

Schüsselbegriffe: UAP – UFO – Berichte über Begegnungen mit Aliens – Beweisregeln – Gerichtsverfahren – forensische Zeugenpsychologie

> [E]xperimentation and experimental repeatability aren't essential to the scientific enterprise; rather, their success and utility vary greatly from one domain to the next. Experimentation is appropriate and essential in physics, chemistry, and microbiology, less so in astronomy, geology, and meteorology, and less so still in the behavioral sciences … what we need from science is systematicity, some way of converting an otherwise motley and disorganized collection of observations into an orderly and intelligible whole. But ultimately the domain guides and limits our attempts to systematize and understand it. It's almost comically arrogant to think that Nature should conform to our favorite modes of investigation, or that we should dictate to Nature the forms in which we're willing to accept its secrets. (Braude, 2014, pp. 175–176)

> [Percival] Lowell, of course, sought scientific truth, while we, as judges, go in search of legal, ethical or philosophical certainty. Yet judges, no less than astronomers, have but a blurred, imperfect gaze upon the objects of their passions. Truth is as elusive to those learned in the law as to those versed in the stars, clouded as it is by new discovery and deep complexity.[3]

3 Wilkinson CJ, in *Planned Parenthood of the Blue Ridge v L Camblos*, [1998] USCA4, 177; 155 F.3d 352, at para. 144 [Annex Case No. 17 – hereafter AC]. Annex cases on pp. 464–468.

Introduction

"Man in car crash: I was distracted by UFO!" Imagine a headline like that in a media report on a court case about a car accident, especially one involving serious consequences such as third party injury or even casualties. This may be a criminal case or a civil case for damages, or both. The defendant's only "defence" is one of a kind of quasi-automatism in the sense that he was so shocked by what he saw that he lost control over his actions and was thus not really "acting" within the meaning of the law. Cases of being stung by bees or swatting at wasps in a car while driving have occasionally been decided, but would the extraordinary and unexpected sight of a UFO at close quarters, maybe even one directly crossing the car's path, be equal to their traditional judicial treatment or would it make a difference? We should always bear in mind that while on an academic level, UAP/UFO does not *eo ipso* equal alien origin, for the average person that may be too fine a distinction. In that sense, being buzzed by a UFO may not be the same psychologically as being buzzed in a similar manner by a clearly manmade fighter jet. Nor are we concerned in this paper with advocating in favour of a particular outcome in cases with a UFO element, but with observing how UFO-related pleadings and evidence may interact with the ecosystem of the administration of justice. The UFO element first of all raises a question of substantive law, i.e., of the material legal blameworthiness of the defendant's conduct in the wider sense. However, even assuming that an encounter with a UFO could give rise to a defence in law of sorts, how would you prove it – a question of procedural law?

It seems unlikely that a court, be it one staffed by professional judges only or together with a jury, would simply believe the story of the defendant in the absence of any other evidence. Yet, things may not be that simple in our example case and there are many imaginable scenarios that could give rise to questions such as the following: What if there was corroborating evidence by uninvolved and otherwise credible and reliable bystanders of previously unimpeachable character, who consistently testify under oath and despite rigorous cross-examination that they also saw the UFO? What if they had filmed the entire episode on their mobile phones and the different recordings matched? What if the defendant's dashcam recorded it? What if the plaintiff did not dispute the defendant's version of events, maybe even because she also saw the UFO, but argued that it was not different from a bee sting scenario and did not relieve the defendant of liability? Would such a stipulation of facts between the parties make the taking of evidence about the UFO unnecessary or even unlawful? Who would bear the burden of proof in the first place, and what if that burden could not be discharged? Chief Judge Wilkinson's epistemological musings about the nature of truth and its proof in *Planned Parenthood* cited above[4] cannot hide the simple fact that our man in the car crash might be sent to prison for a very long time or

4 See footnote 3.

ordered to pay a life-changing amount of damages based on judicial persuasion arising from less than scientific proof – or not.

In this paper, we will interrogate the issue of evidence related to alien encounters in the wider sense through the real-world lens of the theory and practice of judicial decision-making, and of the general principles of the forensic evaluation of witness evidence. "Alien," rather than "extra-terrestrial," in this context is meant as a catch-all phrase that includes the theoretical possibility of terrestrial but non-human[5] origins of the related phenomena such as UFOs or UAP. The first part will address court cases from different jurisdictions where such encounters have already played a role – focussing especially on the USA due to the relative wealth of material found – including related freedom of information (FOI) litigation, which as such is not our primary concern here but highlights attempts at using the judicial process to obtain better information and hence possibly better evidence for the public debate about the entire topic. We will thus hereafter generically call these scenarios "alien encounters" (AE). FOI litigation aimed at discovery of secret government knowledge is, however, understandable and necessary not least due to the pervasive and stifling effect of the so-called ECREE principle coined by Carl Sagan in the context of SETI, i. e., that "extraordinary claims require extraordinary evidence,"[6] which tends to exclude any non-instrument-based evidence and hence *in limine* disenfranchises the many people who have claimed individual past and non-repeatable experiences of different forms of encounter, without even addressing the credibility and reliability in each case. We will then move on to the second part of the paper, looking at a few case studies of the potential treatment of AE evidence in a particular legal system for the purposes of explaining the effect of a consistent set of rules and a certain practice on their real-world implications. That jurisdiction will be Germany, due to the fact that, on the one hand, it has one of the more sophisticated systems of judgment drafting[7] when it comes to the evaluation of evidence by the court, and on the other hand, because the author had himself been a civil and criminal judge in Germany from 1991 to 2004. It should also be noted at the outset and for clarity's sake that the paper is not concerned with any – highly speculative – legal liability of aliens, but only with the impact of alleged alien involvement in purely inter-human relations.

5 The term "anomalous encounters" could also have been chosen to cover minority hypotheses such as that these phenomena are actually based on time-travelling humans from our far future (Masters, 2019, 2022). However, it seemed more in keeping with the overall aim of the paper to restrict the terminology to a non-human context.

6 "Extraordinary claims require extraordinary evidence. … For all I know, we may be visited by a different extraterrestrial civilization every second Tuesday, but there's no support for this appealing idea. The extraordinary claims are not supported by extraordinary evidence." – Carl Sagan, Cosmos: A Personal Voyage, PBS Broadcast, 14 December 1980.

7 See for a criminal judgment https://www.durham.ac.uk/media/durham-university/research-/research-centres/criminal-law-amp-justice-centre-for/Trial-judgment-GERMANY-25-Jan-2022.pdf

Previous Case Law Involving Aspects of AE[8]

In February 2023, a search for the terms "UFO," "UAP," "extraterrestrial" and "alien" was carried out across officially reported and some – if listed on the databases – non-reported case law using the UK and US editions of the legal database *Westlaw*, as well as the search engines of the British and Irish Legal Information Institute (BAILII)[9] and (in German) the German *Westlaw* equivalent *Juris*.[10] An initial caveat needs to be made, however: The official case reporting practice – especially via searchable online media – especially for lower-tier courts will differ significantly from country to country, which will inevitably affect the number of cases any online search might turn up. Certain case categories may also be classed as confidential to the court and parties, due to the subject matter, i. e. mental health, juvenile delinquents etc. and therefore not be reported. The results were then divided into the categories FOI, mental health proceedings (MH) and ordinary cases (OC). MH cases relate to persons being sectioned or otherwise treated under mental health regulations. OC cases are what one might call "normal" court proceedings and may range from criminal to civil, employment or social security law etc. A caveat must be made that there is an unavoidable overlap with MH cases when the defendant's mental state was examined, for example, in criminal cases when a plea of insanity had been made or in the context of sentencing or parole proceedings. Due to the time lapse since the searches and finalization of the paper, the numbers are, of course, likely to have changed somewhat in the meantime. Equally, for reasons of time, language barriers as well as access to, and coverage of, legal source databases, this selection is, of course, neither comprehensive nor representative of the wider global picture but it is at least indicative of the situation in certain countries.

The first striking result was that the entire search on *Westlaw UK* did not turn up one single hit. More or less the same applied to the German Juris database, where only three administrative tribunal FOI cases were found. On the other hand, the *Westlaw US* search alone resulted in numerous state and federal cases that had some link to AE, often UFO sightings or encounters with aliens, including abductions, but sometimes only views and opinions about aliens etc. However, all FOI (15) and MH (13) cases found across the different databases and search engines combined were far fewer than the US OC (64) cases alone. It was therefore not useful to analyze them statistically. However, the remaining number of US OC proceedings offered itself for a somewhat closer statistical look (see below at section "US cases").

8 All case law citations can be found in the Cardiff Index to Legal Abbreviations; https://www.legalabbrevs.cardiff.ac.uk/

9 www.bailii.org.

10 www.juris.de.

FOI Litigation

There have been a number of FOI cases in the USA, brought against different sections of the government or the CIA etc., one of them even reaching the US Supreme Court,[11] none of which succeeded in obtaining more information than was provided by the defendant authorities in their own FOI searches. One common theme, apart from occasional issues of data protection exceptions, was that the mere allegation that an authority had more information than they were sharing based on what they said was an exhaustive search, was not enough to warrant a more incisive judicial intervention (so-called fishing expeditions). The same fate was shared by a few UK[12] and Irish[13] cases.

In a German case that went from an administrative tribunal all the way up to the Federal Administrative Court (*Bundesverwaltungsgericht* – BVerwG), the plaintiff had asked for access to a paper produced by the Research and Documentation Services (RDS) of the Federal Parliament (*Bundestag* – BTag) in 2009, with the title:

> "Die Suche nach außerirdischem Leben und die Umsetzung der VN-Resolution A/33/426 zur Beobachtung unidentifizierter Flugobjekte und extraterrestrischen Lebensformen" (The search for extraterrestrial life and the implementation of UN Resolution A/33/426 on the observation of unidentified flying objects and extraterrestrial life forms).[14]

The BTag administration had refused to disclose the research paper, citing technical arguments to the effect that the work of the RDS was not "administration" in the meaning of the German FOIA, and that intellectual property issues additionally prevented disclosure. The first instance tribunal in Berlin found in favour of the plaintiff; on appeal to the Administrative Appeals Tribunal of Berlin-Brandenburg, the court reversed the judgment and dismissed the action.

11 *Ground Saucer Watch, Inc. v CIA et al.*, 692 F.2d 770 (1981) (AC 67); *Citizens against UFO Secrecy v NSA*, 102 S.Ct. 1635 (1982) (AC 68); *Citizens against UFO Secrecy, Inc. v US Department of Defense*, 21 Fed.Appx. 774 (2001) (AC 74); *Bryant v CIA et al.*, 742 F.Supp.2d 90 (2010) (AC 79); *Bryant v CIA et al.*, 818 F.Supp.2d 153 (2011) (AC 80); *Democracy Forward Foundation v US Department of Justice*, 2019 WL 5110537 (2019) (AC 92).

12 Information Commissioner's Office, *Decision Notice* of 29 November 2021, Ref. IC-72441-K6Y2; *Decision Notice* of 3 March 2022, Ref. IC-106431-G9J8 (AC 95).

13 Irish Information Commissioner, *Mr M and Defence Forces* [2021] IEIC OIC-108091-V5P3HO, 30 September 2021 (AC 96); *Mr X and Defence Forces*, [2022] IEIC OIC-118530-F6B6L5, 13 June 2022 (AC 99); *Mr Y and Department of Foreign Affairs*, [2022] IEIC OIC-120263-M5X5L4, 24 June 2022 (AC 100).

14 Document no. WD8-3000-104/2009 of 31 November 2009. www.bundestag.de/resource/blob/406336/741fdc9b7e96b9346e4e3414225b2835/wd-8-104-09-pdf-data.pdf.

The plaintiff appealed on points of law to the BVerwG. The Court, in an 11-page decision, gave the arguments of the BTag administration short shrift and reinstated the judgment at first instance.[15] As a consequence, the 10-page RDS document was disclosed – however, in an almost Kafkaesque turn, the names of any authors cited were redacted but the full titles and citations of their works were retained. The document contained no confidential or even significant revelations, so it remains unclear what the substantive reason had been for the initial refusal to release even a redacted version straightaway.

Mental Health Cases

The *Westlaw* search resulted in just ten cases from the USA. Due to their small number it would appear apposite to list these in full and give the brief essence of the statements made by the persons under scrutiny or the psychiatric/psychological expert witnesses, in order to get an impression of the range of AE-related factors. They are, in chronological order:

Matter of Allen (1990) [451 N.W.2d 68 (AC 70)]	"... Allen stopped taking his medications for mental illness, and began talking about UFO's, aurora lights, and the zodiac ..."
U. S. v. Hicks (1999) [799 F. Supp. 1148 (AC 72)]	"Hicks has also stated that he was 'Christ' and that he had been brought back to life several times by extraterrestrials ..."
State v. Wooster (1999) [293 Mont. 195 (AC 73)]	"... [W]hen asked about the murder of his two daughters, Mr. Wooster gave a lengthy, detailed, and apparently rehearsed tale with Satanic overtures and UFOs ..."
Batts v. Boganoff (2005) [2005 WL 3543774 (AC 77)]	"[...] Mr. Batts reported that his mother was taken by a UFO in the 1940s, but he would not discuss the incident because he believes that if he speaks of it, the UFO may return and abduct him ..."
People v. Anonymous (2011) [32 Misc.3d 1239(A); 938 N.Y.S.2d 229 (AC 81)]	"... [H]e claims to be 'Emmanuel, the son of Christ' […] and claims he has seen UFOs, demons, and spirits ..."
Spartz v. Jesson (2014) [2014 WL 7344385 (AC 84)]	"... [P]olice were spying on him and plotted against him; he ruled the world through his computer; he had a sixth sense; and he communicated with extraterrestrials by flashing car headlights ..."

15 Judgment of 25 June 2015, docket no. 7 C 2/14. – Available online at www.bverwg.de/250615U7C2.14.0. The judgment contains the citations of the lower court decisions. – Incidentally, the court also issued a parallel judgment on the same day with similar arguments, which is also available in English: Judgment of 25 June 2015, docket no. 7 C 1/14. – Available online at www.bverwg.de/en/250615U7C1.14.0. (AC 87)

Martin v. Kazulkina (2016) [2016 WL 1592901 (AC 90)]	"... Martin concludes that, because Defendants consider these assertions delusional, they "show […] their stupidity, illogical conclusion, as anyone who studies the subject of UFOs will learn [of] non-mentally ill people from all walks of life have reported seeing them and being abducted and video camera footage exists and has been shown on TV of UFOs which most people have seen probably." ... ...When I questioned the defendants whether they did any studying in the area of UFOs, alien abductions, they said no ..."
Mosley v. Berryhill (2018) [2018 WL 1866612 (AC 91)]	"Mosley was assigned a GAF* score of 60, and his medication was increased when he told his psychiatrist he had recently seen an unidentified flying object ('UFO') ..." * GAF = Global Assessment of Functioning. The scale runs from 0 – 100 (Smith 2023).
M. L. v. Madison State Hospital (2020) [155 N.E.3d 676 (AC 93)]	"... That he is a Five Star general, a Star Ship commander, that extraterrestrial aliens have been implanting female organs in his body ..."
Matter of M. L. (2020) [13 Wash.App.2d 1108 (AC 94)]	"... [H]e […] talked about UFOs. ... On March 1, 2019, M. L. went to the Renton Airport in search of an airplane to take him to Area 51 so that he could board a 'UFO' ..."

The majority of these cases can probably easily be classified as general psychiatric delusions where the extraterrestrial aspect may have any number of reasons. The only case where a somewhat more than nebulous reference to a historic event could possibly have been present, is *Batts v. Boganoff*, which mentions the alleged abduction of Batt's mother in the 1940s. Suffice it to say that the court did, of course, not investigate that allegation further.

The only other cases found were two from the Victoria Mental Health Tribunal (VMHT) and one from the Victorian Mental Health Review Board (VMHRB). The two from the VMHT of 2015 contained no more than general references to extraterrestrials,[16] whereas the finding of the VMHRB from 1998[17] has extensive references to the influence which the 1995 book *Hidden Mysteries – Ets, Ancient Mystery Schools, and Ascension* by Joshua David Stone had on the patient's mental illness. Again, no link to a distinct AE could be found.

16 *Statements of reasons* [2015] VMHT 64 and [2015] VMHT 167 (AC 88 and 89).

17 98-232 [1998] VMHRB 5 (AC 71).

Ordinary Cases

The German Sirius proceedings

This bizarre case was decided in 1983[18] by the German Federal Court of Justice: In the early 1970s, the defendant had met the victim who suffered from a retarded personality development. They initiated a mostly platonic relationship, and talked a lot about psychology and philosophy. The defendant became her de facto guardian, and she trusted him unreservedly. During their talks he disclosed that he was from the planet Sirius, whose inhabitants were on a much higher intellectual plane than humanity. He was on Earth in order to save a few 'valuable' humans and to ensure that after their death their souls could go to live on other planets such as Sirius, but this required that she had to advance intellectually. When he found that she believed him, he decided to exploit the situation by pretending that he could speed up her progression to a higher level if she donated a large amount to the monastery of a monk he knew well, who would meditate on her behalf. The victim took out a loan and gave the money to the defendant who spent it on his own lifestyle. When she asked about the monk's efforts, he eventually said that the monk thought her own consciousness was blocking her progress, and that this block could only be removed by her suicide and acquiring a new body. The defendant promised she would wake up in a new body in a 'red room on Lake Geneva.' However, she would also need money for her new life and thus should take out a life insurance and nominate him as the irrevocable beneficiary, and then feign an accident, so as not to void the insurance policy. He would hold the money in trust for her until she woke up in Geneva and then transfer the money. The victim then tried to kill herself by dropping a hairdryer in her bath. However, the current was not strong enough to kill her. The defendant called her to check whether she was dead and was surprised when she answered. He tried for over three hours to make her continue her suicide efforts. Eventually, he desisted. The victim never viewed her actions as attempted suicide, which she actually considered to be immoral, but saw it as moving on to another life. The defendant knew she did attempt to commit suicide only because she was totally enslaved to him. The defendant was convicted of attempted murder as a principal by proxy, i. e., acting through another, in this case the very victim herself. The federal court held that if the defendant deceives the immediate proxy or agent about the fact that she is about to cause her death, he is guilty of attempted murder, having made the agent an instrument against herself by telling her a fabricated story and exploiting her gullibility. To say that the victim knew she was going to kill herself in order to be 'reborn' and thus was in control of her own actions received short shrift from the court, because she did not view this as a termination of her life but merely as a transition to another life on Earth, as opposed to a life in what may be called the next world.

18 BGHSt 32, 38 (AC 69).

In addition to elucidating the German law on perpetration by proxy (Bohlander 2009, 157 –158) when the victim is the proxy herself, the court clearly accepted the fact that the victim's acceptance of the alleged extraterrestrial origin of the defendant and of his related extraordinary narratives was not something so outlandish and unreasonable that even somebody with a less developed intellect should have been able to see through the incredible story. That in effect put AE evidence out of the range of the patently unbelievable and legally irrelevant, and brought it into the realm of relevance based on individual subjective experience, in a similar way as the abduction accounts by the many people who were and are considered wrong in fact but often subjectively truthful in their recollection and testimony. Had she succeeded in killing herself, her induced misapprehension would have made the defendant a murderer.

Other non-US cases

National cases

In the UK,[19] in the 2009 case of *McKinnon v Home Office and DPP*,[20] the defendant McKinnon had unsuccessfully fought extradition to the USA because he had hacked into many thousands of computers of the US Government for the following reasons:

> (1) He believed that the US Government were concealing information about clean-energy which it would be in the public interest and therefore ethical to reveal; (2) He believed that the US Government were concealing information about the existence of UFOs which again he felt it would be ethical to check and reveal; […][21]

This belief did not qualify as any form of illness that would have made his extradition to the USA an inhuman or degrading treatment or punishment within the meaning of Art. 3 of the European Convention on Human Rights (ECHR). His case was later also dismissed by the European Court of Human Rights (ECtHR).

In a disability discrimination employment law case from 2014 in the Federal Circuit Court of Australia (FCCA), *Prosser v Trustees of the Roman Catholic Church for the Diocese of Wagga*

19 The case of John Burroughs, an American serviceman who was allegedly exposed to radiation from a UFO in the 1980 Rendlesham Forest incident and later received full disability payment for the incident from the Veteran Association, was not a judicial proceeding and is hence not dealt with here. The medical records apparently remain classified. The extent of the admission by the US Government regarding the nature of the source as a UFO is equally unclear (Swaney, 2015). The author thanks Andreas Müller, editor of the German blog Grenzwissenschaft Aktuell (www.grenzwissenschaft-aktuell.de) for alerting him to this case.

20 [2009] EWHC 2021 (Admin) (AC 78).

21 Ibid., at para. 56.

Wagga,[22] materials about the persuasions of the dismissed applicant about extraterrestrial life were adduced by her as evidence in the proceedings, however, unsuccessfully, and they were not discussed as such because they were deemed irrelevant to the case:

> The first of these is the material attached to her affidavit […] dealing with what is described as "Exopolitical Evidence" […] including a "DVD-R" disc […]. This material deals […] with the existence of extra-terrestrial life, evidence of such life, "Ufology" […], "UFO's and Aliens in Art History" […], and the alleged declarations from the Vatican that "Extraterrestrial Contact is Real" […]. […][I]t is difficult to see why the material relating to extra-terrestrial life […] was put before the Court in light of the applicant's own explanation of the key focus in her complaint. […][T]he material about the extra-terrestrial and the paranormal has nothing to do with the termination of her employment. […].[23]

Also in 2014, another Australian court, the Supreme Court of New South Wales, in the criminal case of *R v Lopez*,[24] returned a special verdict of not guilty of murder by reason of mental illness, of a defendant who had a longstanding obsession with extraterrestrials and the occult. Finally, a 2021 family law case from the Federal Circuit and Family Court of Australia, *Norris & Ishikawa*,[25] dealt with a woman who – in addition to being a Covid-19 vaccination objector – allegedly seriously entertained the views that

> [t]here is an extraterrestrial being called Nibiru that created humanity that is imminently going to return to Earth and do something drastic to the world. 5G[26] is an alien operation that, once implemented, is going to rewrite our brainwaves. […] Human science and history is all a collection of lies that were fabricated by a mysterious shadow organisation (this shifted between the aforementioned Satanists and other nameless groups) that tricked us all into believing our currently understood history is to cover up the truth. The truth being that we were created by aliens and that life as we know it is essentially an illusion.[27]

She denied having said these things. In essence, this case could also have been listed as mental-health related but the matter arose in a proceeding for interim parenting arrangements for two children. The court found against the mother, however, it did not make any specific findings related to the AE aspects of the submitted material in assigning main custody to the father.

22 [2014] FCCA 1476 AC 85).

23 Ibid, at paras. 30–31, 40–41.

24 [2014] NSWSC 287 (AC 86).

25 [2021] FedCFamC1F 305 (AC 97).

26 This refers to the new global wireless technology standard 5G. See for Australia www.infrastructure.gov.au/media-communications-arts/spectrum/5g-and-eme/your-questions-answered/what-5g.

27 Ibid.(fn. 34), at para. 56.

In a curious historical case from South Africa, *R v Mbombela*,[28] the Appellate Division of the Supreme Court of South Africa on 24 April 1933 held that where a native South African had killed his nephew in a dark hut in the "bona fide," i. e., honest belief that the child was not a human being but an evil spirit, based on local superstition, the charge and conviction had to be for culpable homicide, not murder. Even though the local belief in the existence of evil spirits was not reasonable by the standard of the average ordinary person, if it led to an honest mistake about the nature of the object attacked, it vitiated the *mens rea*, i. e., the intent for murder. If transposed to a community of people with seriously held beliefs about potentially hostile extraterrestrials visiting them clandestinely, this line of legal reasoning could raise interesting implications.[29]

International case

The ECtHR was seised of a freedom of expression case in 2006, *Mouvement Raëlien Suisse v Switzerland*,[30] which in the words of the Court concerned

> […] the national branch of the Raelian Movement, an organisation based in Geneva and founded in 1976 by Claude Vorilhon, known as "Raël." According to its constitution, its aim is to make the first contacts and establish good relations with extraterrestrials. […]
>
> […][T]he Raelian Movement's doctrine is based on Raël's alleged contact with the "Elohim," extraterrestrials with "advanced technology," who are said to have created life on earth and a number of world religions, including Christianity, Judaism and Islam. The Raelian Movement's followers believe that scientific and technical progress is of fundamental importance and that cloning and the "transfer of conscience" will enable man to become immortal. In that connection the Raelian Movement has expressed opinions in favour of human cloning.
>
> Some texts of the Raelian Movement or works written by Raël himself advocate a system of government called "geniocracy," a doctrine whereby power should be entrusted only to those individuals who have the highest level of intellect.

28 1993 AD 269 (AC 65).

29 This position regarding the distinction between an objective reasonable person standard and a subjective honest mistake is in principle still good law in South Africa, although the objective standard has undergone some modifications since. The author is grateful to Professor Gerhard Kemp, formerly of Stellenbosch University, for alerting him to the case and confirming the situation under the current law.

30 European Court of Human Rights (Grand Chamber), Judgment of 13 July 2012, *Mouvement Raëlien Suisse v Switzerland* (Application No.16354/06) - (2013) 56 E.H.R.R. 14 = [2012] 7 WLUK 437 (AC 83).

> In his book Sensual Meditation Raël defines this concept as an "instruction manual" given to humans by extraterrestrials, enabling each person "to discover his/her body and especially to learn how to use it to enjoy sounds, colors, smells, tastes, caresses, and particularly a sexuality felt with all one's senses, so as to experience the cosmic orgasm, infinite and absolute, which illuminates the mind by linking the one who reaches it with the universes he/she is composed of and composes.
>
> […]
>
> On 7 March 2001 the […] association requested authorisation from the police administration for the city of Neuchâtel […] to conduct a poster campaign in the period between 2 and 13 April 2001. The poster […] featured […] the following wording […]: "The Message from Extraterrestrials;" in the lower part of the poster […] the address of the Raelian Movement's website, together with a telephone number in France[…]; at the very bottom was the phrase "Science at last replaces religion." The middle of the poster was taken up by pictures of extraterrestrials' faces and a pyramid, together with a flying saucer and the Earth.[31]

The application to display the poster publicly was rejected by the police and after the national jurisdiction's avenues of judicial recourse were exhausted, the case reached the ECtHR based on a complaint about unlawful restriction of the freedom of expression. Ultimately, the case was referred to the Court's Grand Chamber, which very narrowly voted 9 votes to 8 that the rejection was not a violation of Article 10 ECHR, by classifying the activity more as commercial rather than political speech, and emphasising the national jurisdiction's wide margin of appreciation in evaluating the nature especially of the sexual and potentially paedophile aspects of the Movement's ideology.[32] The extraterrestrial aspect as such played no major role in the decision.

US Cases

The data from the *Westlaw* search in February 2023 for US cases resulted in 64 cases from 1977 to 2022.[33] Figure 1 shows the distribution across the years.

31 Ibid, at paras 6, 11–14. The additional complaint based on Article 9 ECHR, freedom of religion, was not entertained.

32 On a critique of the case see the case note Freedom of expression: ban on poster campaign - posters featuring extraterrestrials, *European Human Rights Law Review* (2012), 694–697.

33 The cases, their citations and the related data about origin, type of case, type of AE and year are found in Annex I, and are therefore not listed separately in the list of references or in the footnotes, unless specifically discussed in the text.

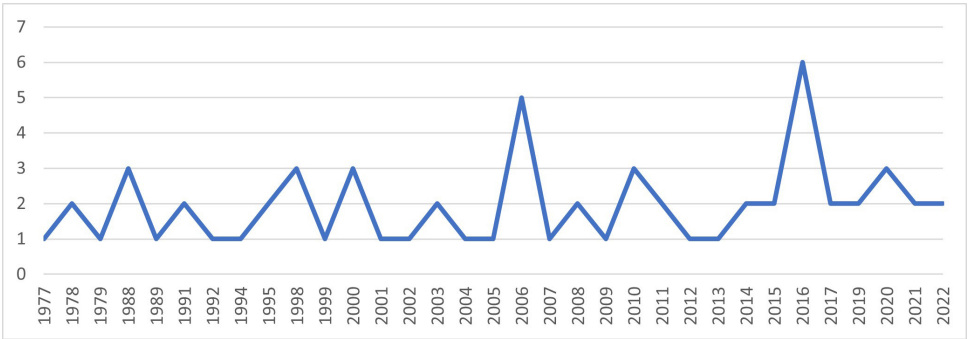

Figure 1. Case numbers by years.

2006 and 2016 are peak years, and interestingly no reported year after 2014 has fewer than 2 cases. Only 2018 was not a reported year after that, so one could say that the minimum case frequency seems to have generally plateaued at 2 after 2014. Figure 2 represents the states where the cases came from.

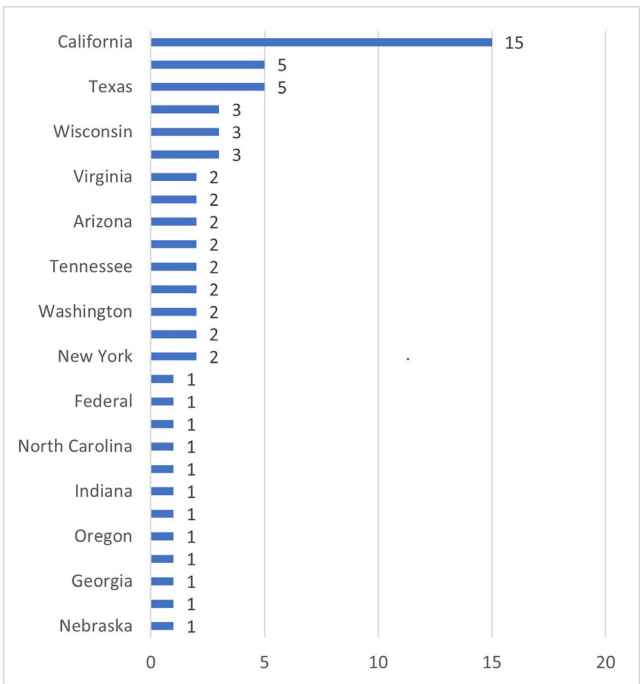

Figure 2. Geographical origin of cases by state.

The Federal case is a military court and hence not reasonably attributable to a state of origin. California alone makes up 15 cases, i. e., 23.4 % of all cases, almost a quarter. That ties with the fact that California has statistically had the most sightings in the USA.[34] California, Ohio, Texas, Pennsylvania, Wisconsin and Louisiana represent over 53 % (34). The data from the NUFORC databank on UFO sightings showed the following top ten ranking of sightings as of the date of access on 7 February 2024:

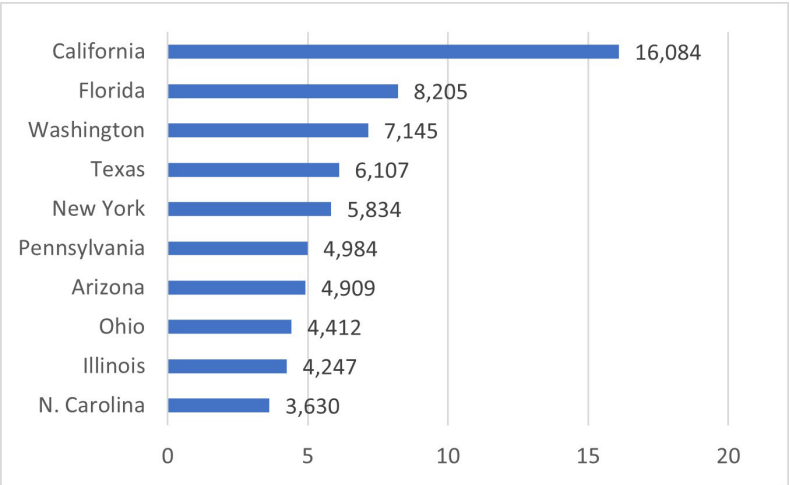

Figure 3. UFO sightings in USA: Top Ten states (Robledo 2023).

As such, there is a conspicuous, although not an exact, correlation between the top ten state ranking of case numbers and the top ten ranking of sightings: Six of the top ten states regarding reported case law are also in the top ten of sightings. Regrettably, none of the cases dealt with an AE as the actual basis for the proceedings. However, a variety of previous AE figured in evidence given during the trials etc., namely opinions about ETI or UAP, alleged artefacts, communications or contact with aliens or UFOs, and search for UFOs. Figure 4 shows the distribution of the diverse categories of AE referred to in the cases.

34 See the list on https://nuforc.org/ndx/?id=loc.

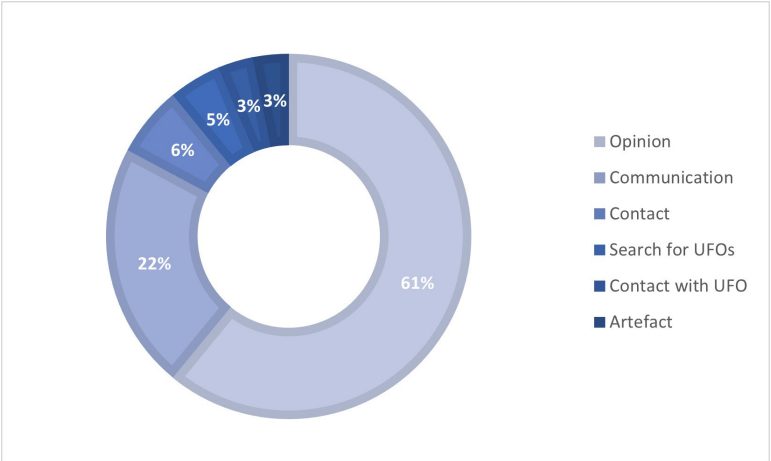

Figure 4. Categories of AE referred to in cases

When the cases were analyzed according to the types of proceedings (administrative, civil, criminal, family and military), the picture in Figure 5 emerged.

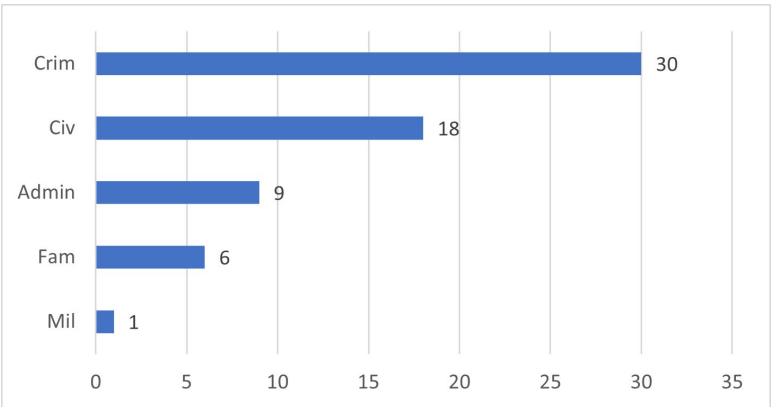

Figure 5. Types of cases

Criminal cases where thus in the clear majority, with a certain substantive overlap to mental health cases, because the proceedings often dealt with the question of whether the defendant was mentally responsible for her actions, or possibly insane in the legal sense. The same can be said of administrative cases which may deal with a person being sectioned. In any event, given the many hundreds of thousands, if not millions of cases every year in each state of the USA, 64

proceedings across 45 years is a rather homeopathic quota, even bearing in mind the varying reporting practice especially for lower level cases.

However, apart from the general discussion of different forms of evidence and proof in *Planned Parenthood*[35] already mentioned at the beginning, some courts did make statements about the forensic usefulness or status of AE evidence. In *In re E. I. du Pont de Nemours and Company C-8 Personal Injury Litigation*,[36] the court opined as recently as in 2016:

> ... For example, no scientist has ever found extraterrestrial life. ... But, the scientific method would preclude saying that extraterrestrials do not exist – only that there is no verifiable or known scientific finding of their existence. ...

In 2009 in *Walton v. Walker*,[37] the court even acknowledged Erich von Däniken:

> ... This Court has no problem dismissing a prisoner's complaint "about little green men," […] but – at the same time – it is worth noting that author Erich von Daniken [sic!] once captured the popular imagination (and many believers) with his book "Chariots of the Gods?" in which he claimed that the Earth had been visited by extraterrestrial beings. ...

In *Konsionowski v. Sikorski*,[38] a case from 2022, the court addressed the question of whether a police officer had a constitutional duty to disprove the existence of aliens in order to proceed with an arrest merely because a suspect made a far-fetched reference to that effect:

> For example, Konsionowski might have told Officer Sikorski that he appeared impaired because he was a Martian suffering under the crushing force of Earth's harsher gravitational forces. In that situation, the Fourth Amendment would not require Officer Sikorski to conclusively disprove the existence of extraterrestrials in order to execute an arrest.

None less than the US Supreme Court in the 2006 case *Clark v. Arizona*[39] appeared to entertain the possibility that in principle a mentally ill defendant who allegedly shot a police officer he thought was an alien trying to kill him could benefit from an absence of *mens rea*, i. e., the intent to kill a human being (see the South African case above). However, the argument failed because one the one hand Arizona state law did not allow a defendant to raise the insanity defence in that manner and the majority of the court found that Arizona's state legislature was not barred

35 *Planned Parenthood of Blue Ridge v. Camblos*, 155 F.3d 352 (AC 17).

36 342 F.Supp.3d 773 (AC 49).

37 2009 WL 1470409 (AC 36).

38 2022 WL 613297 (AC 64).

39 548 U.S. 735 (AC 29).

by federal constitutional law from taking that approach, and on the other hand the psychiatric defence expert stated that it was impossible to tell whether Clark was affected by that delusion at the precise moment of the shooting.

Still, a certain occasional involuntary comedy value in some cases cannot be denied. In *Peoples Bank & Trust Co. of Mountain Home v. Globe Intern, Inc*.[40] from 1992, for example, reference was made to

> CHURCHILL'S CLOSE ENCOUNTERS WITH UFO ALIENS – the articles [sic!] discloses that, although Winston Churchill implored them to do so, they declined to help the world defeat Hitler.

Summary

Although there are possibly more, or more recent, unreported or less accessible cases across all three categories (FOI, MH and OC) since the search date of February 2023, the impression from looking at the sparse case law is that actual AE were not the object of any of the proceedings, but that at best AE of different kinds were referred to as "background material." The cases do therefore not offer any guidance on how our research question, the influence of actual, real-time AE on judicial proceedings, is to be approached. We will thus have to proceed to hypothesise on the basis of general principles of law and judicial practice. To that study we turn now.

Law, Judicial Practice and Witness Psychology[41]

Unlike the so-called court of public opinion and the wider (social) media sphere with its proliferating and often unqualified hashtag commentary by anyone on anything, judicial proceedings are governed by rules of procedure and evidence. Decisions by judges on their interpretation are subject to appellate review in many if not most jurisdictions. So are their findings regarding questions of substantive law. Judges, prosecutors and counsel must also know the principles of witness psychology in order to avoid falling into semantic traps when interrogating parties and witnesses – however, it is a banal truth that they do not always have an adequate command of them. The same, if not worse, can, however, be said of many self-styled "UFO researchers" who either engage in wild conspiracy theories or contact witnesses about AE, conduct unprofessional interviews with them, publish their "findings" in a sensationalist manner in less than

40 786 F. Supp. 791 (AC 11). – However, that Churchill did ruminate about extraterrestrial life is a fact (Churchill, 1931; Livio, 2017).

41 Legal references have been kept to a minimum given the interdisciplinary audience of this paper.

reliable fora and for personal advantage in the ubiquitous attention economy of the supernatural, and thus on the one hand contaminate possibly perfectly good sources of evidence, and on the other taint the legitimate discipline of rigorous UAP studies with the reputation as being on the "lunatic fringe," a consequence more often than not eagerly pounced upon by the traditional SETI community of astronomers and astrophysicists, some of whom do not shrink from employing ridicule stemming from Seth Shostak's famous "giggle factor" (Shostak, 2004), in order to ensure the prevalence of their own approach, not least due to the highly competitive grant funding environment.

As we mentioned at the beginning, rules of procedure and evidence may even force a court to take a certain path regarding the facts before them. This section will first deal with the latter through a number of case studies, to make it clear where and why the rules may militate in favour on unexpected avenues, and then proceed to discuss general witness psychology. The two are naturally closely interlinked. As indicated, we will use the German legal system as a basis for the case studies; the psychology, however, is in essence the same in any jurisdiction, but may, of course, depend for details on idiosyncrasies within any cultural framework.

Law and Judicial Practice – German Case Studies

Basic rules of evidence

Before we can discuss the finer points in individual scenarios, a few very basic words on general legal principles of evidence, as opposed to witness psychology, are necessary for the non-legal audience.[42] The procedural laws of every legal system operate on one basic concept, the burden of proof, i. e., who must convince the court of certain facts and what are the consequences if they cannot do so. Put very simply: In criminal cases set in the Anglo-American world, or the so-called "common law jurisdictions" ultimately historically based on the inductive English case law approach, especially those with juries as fact-finders, the rule of "beyond reasonable doubt" holds sway. In civil cases, the standard is the "balance of probabilities."

The German legal system is part of the so-called "continental" or "civil law" sphere, which traditionally relies more on codification and its deductive interpretation by the courts. The burden of proof in criminal cases and civil cases in Germany is the "free evaluation of evidence" (*freie Beweiswürdigung*), i. e., the persuasion of the judge based predominantly on the probative value of the evidence, not – with a very few exceptions – on any formal rules of admission. Although common lawyers will forever dispute this, in criminal cases the burden of proof is always on the prosecution – or more to the point, on the court – and in its practical application

42 For more detail on this and the following: (Bohlander, 2011 and 2021).

it means exactly the same as "beyond reasonable doubt." German criminal law, unlike some common law systems, does, however, not countenance reverse burdens of proof borne by the defence – it is the court's duty to establish the so-called "material truth," i. e., what really happened, no matter what the parties submit or argue, the so-called "inquisitorial principle."

In civil cases this means that if the party which carries the burden of proof cannot convince the court, or if neither party can convince the court (so-called *non liquet*), the decision will be solely based on the burden of proof (burden of proof decision – *Beweislastentscheidung*) and the party under burden of proof will bear the consequence of the failure of proof. This rule applies to each and every material fact necessary for the court to reach a decision on the merits. However, if the plaintiff, for example, fails to convince the court that the defendant culpably caused him injury or damage, then there will naturally be no need to hear any evidence on the amount of damages. German civil procedure knows of cases when there is a reversal of the burden of proof – one well-known example being the reversal in medical malpractice cases when the doctor cannot show that the patient had been properly informed about the indications for, and the risks of, a surgical procedure. However, unlike in criminal cases, the court is not under the same duty of establishing the material truth and is in principle bound by the facts advanced by the parties, unless their submissions are patently in conflict with the established laws of nature etc. The court must advise the parties on any issues it intends to base its decision on if the parties have overlooked the matter, and allow them time to amend their pleadings – judgment by ambush is forbidden and will typically lead to reversal on appeal, unless the appeals court chooses to decide on the merits of the case itself.

It is hoped that these very basic and simplified introductory explanations will have set the scene for the case studies from the German system. To repeat, there are no real-life cases involving UAP or aliens so far other than those mentioned under section "Previous Case Law Involving Aspects of AE" above, so what will be discussed now are extrapolations from the general principles of evidence based on appellate jurisprudence and academic commentary on the one hand, and on the author's experience as a civil and criminal trial and appellate judge in Germany from 1991–2004.

Civil Case – Car Crash I

Let us return to our initial case and flesh out the facts somewhat further, bearing in mind that the point here is not so much whether the UFO evidence leads to a certain outcome, but whether and how the court would have to deal with it in the proceedings and the ultimate judgment:

> On 1 June 2024, A and B are driving in broad daylight on a wide country road in opposite directions. The weather is fine, the road surface is dry, there is little traffic. Neither A nor B have taken drugs or drunk alcohol. Both are experienced and careful drivers. Both cars are in perfect working order. Suddenly A's car veers into B's lane and both cars collide. There was nothing B could have done to avoid the collision. B suffers severe and life-changing injury.

She sues A[43] in court before a single judge for damages, both material and for pain and suffering.

A admits that he drove into B's lane but argues through his counsel that he was not at fault because he was overflown by a large, disc-shaped UFO at a very low altitude, lost control out of shock and instinctively swerved his car. He is unable to describe it in detail but says he remembers flashing lights around its rim. A's counsel also refers the court to the reports of increased public and official consideration of UAP in the USA and elsewhere, and submits related materials, offering to call their authors as expert witnesses. A has no prior history of delusions or hallucinations. His counsel further submits an official statement by the air traffic authority that there was no flight traffic scheduled or observed on radar over the area at the time.

Alternative 1)	A and B were alone in their cars. B disputes A's story. No witnesses were present.
Alternative 2)	A and B were alone in their cars. B disputes A's story. Witnesses W1 and W2, who were in the next car 100 meters behind A's car, state that they also saw the UFO and the driver, W1, had to brake hard in shock, almost veering off the road. Witness W3, who is a wild-life photographer and was in an adjoining meadow taking photos of birds, says he saw the UFO approaching and took a series of photos in burst mode of it with his professional digital camera. He did not take a photo of the actual crash. A's counsel submits the witness affidavits and the photos, as well the camera's memory card to the court and offers expert evidence on the authenticity of the photos. B disputes the truth and accuracy of the witnesses' evidence and the authenticity of the photos. All witnesses are meant to testify that they also saw flashing lights around the rim of the UFO. None of the witnesses are relatives or acquaintances of either A or B. All are adult citizens of impeccable moral standing.
Alternative 3)	B confirms A's story in her counsel's pleading, as she also saw the UFO, but argues that A is nonetheless liable because he should have maintained control as an experienced driver.

43 This is a simplified scenario. For completeness' sake it should be mentioned that in practice A will be typically sued together with his accident insurance. The same lawyer will usually represent both and it stands to reason that the insurance may wish to give different instructions than A. Depending on the terms of the individual insurance contract, the insurance may have the sole right to instruct the lawyer in the first place, and the client will have to abide by their preferred tactic. This can create ethical problems regarding the multiple representation of both by one lawyer, and possibly also with the duty of candour towards the court. Indeed, the insurance may well decide to settle B's claim in full out of court rather than incur the additional cost of a court case with a less than solid defence. – The author is grateful to Rechtsanwalt Karl Ehler, Meiningen/Germany, for explaining the insurance law and professional ethics aspects.

The law under the German road traffic legislation provides for a no-fault or strict liability for material damages merely because a person operates a car on a public road. That normally leads to a 50:50 split if two cars are involved because both parties would be liable under strict liability. Proof of the degree of fault of either side is therefore necessary to determine whether and to what degree there may have been contributory negligence under the Civil Code. Damages for pain and suffering under the Civil Code law of torts always require proof of fault, i. e., culpable action by the defendant.

However, the burden of proof in such cases is staggered by topic and can be complex: It is for the plaintiff in the first place to prove that the defendant acted at all in the legal sense, i.e., that he could have controlled his behaviour,[44] before proving he had done so by fault. This only becomes relevant in our case if there actually was a UFO, because in all alternatives, A has admitted that he drove into B's lane – but only because of the UFO. It would appear strange to require the plaintiff to disprove such an unusual allegation – ultimately, where would one draw the line? What if the defendant claimed that he had seen a sudden life-like apparition of his recently deceased mother right in front of his car?[45] Or that a winged pink unicorn had run across his path? That would in addition mean requiring the plaintiff to prove a negative, i. e., the absence of a fact.

However, this is not a paper merely for a legal audience requiring the detailed discussion of all legal facets of the case and their interconnectedness, and to repeat, we are not interested in advocating for a certain outcome. We will for argument's sake thus proceed from the view that the burden of proof regarding the UFO's existence is on the defendant, A. There is also sufficient reason to assume that a real court might take this view: On the face of it, A caused the accident by steering his car into B's lane, which might be considered sufficient to establish *prima facie* evidence that he acted and that he was also at fault, and B may be able to rely on this *prima facie* aspect to discharge her initial burden of proof on the act and the fault elements of liability. B may also argue that the non-existence of UFOs is common knowledge and proof is thus not required, according to section 291 ZPO (*Zivilprozessordnung* – Code of Civil Procedure). B herself had acted fully lawfully, so there is no indication of any contributory fault on her part. A appears to be 100% responsible for the accident. B as the plaintiff might initially not have to submit anything more than that, and it would be for A to dispute that the non-existence of UFOs was common knowledge. If the court were to believe A on the existence of the UFO, the burden of proof would then, however, shift back to B to show that despite that, A had control over his actions and was negligent.

44 BGH NJW 1963, 953 – 954 (AC 66); OLG Sachsen-Anhalt, NJW-RR 2003, 676 – 677 (AC 75).

45 Not to put too fine a point on this, but as scientific research on the paranormal has shown, even such scenarios – maybe with the exception of the pink unicorn – can have a grounding in reality (Mayer et al., 2015).

Alternative 1

In *Alternative* 1, the judge would have the option of either simply disbelieving A's submission about the UFO because she was of the view that they do not exist, or to find that even if it was true, A as an experienced driver should have kept control of his car and was thus acting negligently. However, in both cases, she would have to make an implicit finding that either, as B submits, it was common knowledge in the sense of section 291 ZPO that UFOs do not exist, or that being overflown by a UFO is more akin to the driver swatting at a wasp in the car than to a pure reflex scenario, when the driver gets stung in the face, without him having seen the wasp before, and loses control of the steering wheel due to the pain, in which case he would very likely not be acting at all in the legal sense.

The first option, it is submitted, will be difficult to justify in 2024 given the pervasive and detailed media reporting in serious outlets about UAP, as well as the increasing calls for scientifically rigorous research into UAP (Ammon et al., 2023; Gesellschaft zur Erforschung des UFO-Phänomens e. V., 2023), for example, Leslie Kean's seminal article in the *New York Times* in 2017 (Kean, 2017; Youn, 2021), the report by Marco Evers in *Der Spiegel* of 25 June 2021 (Evers, 2021), the work on historical UFO sightings in Germany by Andreas Müller (Müller, 2021; 2023), the request by Portuguese MEP Francisco Guerreiro that the EU should include scientific and coordinated research into UAP reporting into its developing space law,[46] and above all the recent governmental establishment of the All-domain Anomaly Resolution Office (AARO) in the USA,[47] to name but a few, as well as due to A's offering the relevant materials and to call their authors as expert witnesses. Indeed, as far as traffic-related events are concerned, there have been in-depth studies of so-called "vehicle interference reports" where a driver and her car came into contact with a UFO which then apparently led to a technical malfunction probably related to an electromagnetic (EM) pulse (Rodeghier, 1981; Falla, 2010). Rodeghier, for example, concluded in 1981 based on his study of 441 cases of alleged vehicle interference that

> [b]efore summarizing what has been discovered, the reader should be reminded that EM events are a special class of UFO events, because the chance that they have occurred as reported is very high. The vehicle acts as a large test instrument of low sensitivity which is affected independently from the witness. Moreover, in numerous cases, the vehicle was affected before the witness ever saw or heard the UFO. To believe that the witness has confabulated the vehicle interference and a UFO is rather farfetched an idea. Likewise,

46 Update of the EU regulation on Civil aviation to include UAP reporting – Question for written answer E-000314/2024 to the Commission, Rule 138, of 31 January 2024.www.europarl.europa.eu/doceo/document/E-9-2024-000314_EN.html.

47 www.aaro.mil/.

> most of the witnesses were unaware that there were such things as EM events before their own experience. There is no good reason to conclude other than that the witnesses have described events which actually happened to them. (Rodeghier, 1981, 132).

Reports of such occurrences date back many decades, even to the beginning of the 20th century (Rodeghier, 1981, 1); however, while in Rodeghier's 1981 report there is no example of a crash of two or more cars caused by an encounter with a UFO, in Falla's 2010 BUFORA report we find one case where a car crashed into a UFO and another where the technical parts of three cars malfunctioned and they crashed into each other (Falla, 2010, cases 267 and 320). Yet, neither of the reports contain an example of a vehicle interference having legal ramifications. Still, faced with this range of serious research, the judge would thus at the very least have to give clear notice to A that she was going to proceed on the basis of the first option and to allow him to provide further and better particulars on that point.

The second option, i. e., where she would have to accept for argument's sake that A's story were true, but would rule that the degree of shock would be no different from that of seeing a wasp in the car and swatting at it, also appears questionable: Given previous case law on ordinary road accidents,[48] one could argue that being suddenly overflown at low altitude by an easily recognizable human-built fighter jet might already be enough to move the case towards the reflex scenario. How much more so, however, if it was a "flying saucer," triggering the instantaneous instinctive assumption and ensuing additional shock of the presence of an alien extraterrestrial craft? It also stands to reason that – as the above research has shown, for example – since there has been no guiding case law or academic commentary on this particular scenario, she would need to proceed with caution before simply denying any reflex-like degree of impact in a UFO scenario. The statement by the air traffic authority that no human craft were scheduled or monitored over the area at the time would also *prima facie* rule out human flight traffic and an error about the nature of the object on the part of A as an explanation. The chance of an untriggered hallucination of a UFO would be negligible, given A's prior record in that respect and the absence of any potentially hallucinogenic substances.

However, even if the judge were to take a sympathetic approach to A's arguments about the existence of UFOs in general and the hypothetical shock effect in principle, she would still have to make up her mind about whether she believed that there actually *was* a UFO in the case at hand. On that particular issue, the fact remains that it would still be A's word against that of B. There is a high likelihood that the average trial judge would seek refuge in the *non liquet*

48 After all, in the case of OLG Sachsen-Anhalt NJW-RR 2003, 676 – 677 (AC 75), the court found that swerving to avoid a collision with a doe which suddenly crossed in front of the car was sufficient to count as a reflex – and negated fault as well.

principle and find that she is not fully convinced of A's story and hence the decision would fall according to the burden of proof, which means A would lose the case as far as liability is concerned, and the proceedings would move to the amount of damages, for which B would bear the burden of proof. In any event, and importantly for our purposes, she would have to make a finding either about the (non-)existence of UFOs or about the effect of seeing one in close proximity totally unprepared. Her written reasons would be open to review on appeal.

Alternative 2

In *Alternative 2*, the judge would not have the option of simply disbelieving A's story or taking refuge in the *non liquet*, and, unless she were again to take the second option above, i.e., deny any sufficient impact on A's capacity to control the car, would have to hear the witnesses and examine the photos, possibly with the assistance of a court-appointed expert. As in all cases (see section "Witness Psychology" below), the credibility of the witnesses and the reliability of their testimony would be closely scrutinised, i. e., whether they have a reason to favour A, or if they have a history of telling untruths or fabricating stories, whether their statements contain sufficient detail and to what extent they corroborate each other. The expert(s) would have to testify about whether the photos could be fakes or whether the images could be explained by conventional phenomena. Our scenario suggests that negative findings on any of these criteria would be unlikely. It is submitted that it would be very difficult for the judge to maintain her fundamental scepticism about UFOs in general and use it as a reason to disbelieve the evidence provided by W1 – 3 and the expert. In this case, an unprecedented finding for A about the occurrence of a possible[49] AE *in concreto* could actually begin to look plausible. In any event, the judge would have to deal with the typical questions that all serious UFO researchers grapple with – however, with the crucial proviso that she would not be able to leave the matter open as academics can, but would have to make a decision one way or another.

Alternative 3

Alternative 3 is legally speaking the most interesting one. It deals with stipulated facts, i. e., facts on which both parties either agree, or which one party admits as uncontroversial and on which the court does not need to hear evidence. In fact, under German procedural law, the court is bound by the stipulation and *must not* take evidence regarding stipulated facts, unless they are obviously untrue, for example, if they are in contradiction to the laws of nature etc., when an admission will not be binding (Zöller, 2022, § 288 mn 6–7). The central provision is section 288 ZPO:

49 We need to remind ourselves that a finding about a UFO would still not *eo ipso* mean an actual AE.

> Section 288
> Admission before the court
>
> (1) The facts alleged by a party do not require any substantiation by evidence if, in the course of the legal dispute, they are admitted by the opponent in the course of a hearing […].
>
> (2) The admission before the court need not be accepted in order to be effective.[50]

This rule goes beyond that on common knowledge in section 291 ZPO, because a party may adduce evidence to counter a court's view that a fact is common knowledge.[51] The fact that B has admitted A's story about the UFO through counsel's pleading makes it a stipulated fact. The pleadings, i. e., the written briefs, are introduced and referred to in the hearings, especially those which contain the motions. The judge is now faced with a dilemma: She either proceeds on the basis of the stipulated facts and therefore has to write a judgment which in effect confirms the "legal existence" of a UFO in the case, or she rules apodictically that the admission is without effect, because UFOs do evidently not exist. As above, it is submitted that the current state of scientific research about UFOs/UAP in 2024 would prevent such a ruling. In any event, before she could proceed in that direction, she would have to put the parties on notice and allow them an opportunity to be heard and make representations. Section 290 ZPO would, however, at that stage prevent B from retracting her admission, because she would have to *prove* that it was untrue and was made in error, i. e., intentional misrepresentations prevent any retraction (Zöller, 2022, 290 mn 1, 3). Even if she made the admission in the mere knowledge that it might turn out to be untrue, she would also be estopped from retracting it.[52] In our case, it would be difficult to see how such a retraction might succeed given that she admitted a fact that she herself allegedly witnessed. The judge would then still be left to decide whether the impact was sufficient to move the behavior of A into the zone of a reflex.

Criminal case – Car crash II

Let us now assume that B died in the car crash and that A is being prosecuted for culpably causing her death. The actual offences do not matter, as they all require at least some form of negligence, as in the civil case. We shall tweak the civil scenario somewhat to allow for discussion of other typical aspects arising from UAP aspects, and how they might impact in criminal cases. It is worth recalling that in criminal proceedings, it is the court's duty to establish the material truth *proprio motu*, and that it is not bound by anything the parties submit in fact or in law.

50 Translation of the Code of Civil Procedure by the Federal Ministry of Justice. www.gesetze-im-internet.de/englisch_zpo/englisch_zpo.html#p1079.

51 BGH NJW 2004, 1163 – 1164 (AC 76).

52 BGH NJW 2011, 2794 (AC 82).

> The foundation for the criminal case is the basic civil scenario in Alternative 1), but this time B dies in the crash.
>
> The prosecution dossier submitted to the court with the indictment argues that A's story is nothing but a fabrication and that there was no evidence of a UFO whatsoever. Even if there had been a UFO as A maintains, it would not absolve him of liability. (Same argument as in the civil scenario.)
>
> At trial, defence counsel for A files an evidentiary motion to prove the existence of a UFO at the time and place to the effect that, according to a local newspaper report unconnected to the crash and revealed to counsel only a day before the trial, there had been an alleged eye-witness report by a resident, retired veterinarian Dr. R, who had been out on a late-night walk. R talked about a clandestine operation by German military personnel in the dark of the night after the car crash in a field about 2 km away from the scene of the car crash, during which a large round object had been put on a heavy-load truck, covered with a tarpaulin, and taken away under high security. The witness was even able to recall that the number plate of the truck began with a "Y," i. e., the designated letter for German military vehicles. The field had been levelled afterwards by a military caterpillar. R had watched from about 50 metres away, hidden in a large bush. The court is requested to hear witness R, whom the defence has brought along to the court, and to compel the German government to disclose the nature of the operation, the object recovered and any related documentation or witnesses, to establish that it must have been the UFO the defendant saw.
>
> Defence counsel further submits that even if the court were to take the view that A would not be absolved of liability, such an event would nonetheless have to have a major impact on any sentence to be imposed.
>
> The prosecution objects and asks the court to deny the motion because it was common knowledge that UFOs do not exist and hence whatever R had seen the military take away, it could not have been a UFO.

The court might consider applying section 244(3) no. 1 StPO (*Strafprozessordnung* – Code of Criminal Procedure) which states that evidentiary motions may be denied if the alleged facts are common knowledge – for our case it is important to note that the appellate case law has extended that rule to the effect that a motion may also be denied if the opposite of the alleged facts is common knowledge (Schmitt, 2020), § 244 mn 50). Section 245(2) StPO requires the court to hear defence witnesses present at the court unless, again, the alleged fact is common knowledge – yet, crucially in this case, the rule is not extended to the opposite of the alleged facts, because the rule in section 245 StPO is meant to allow the defence to challenge the court's view of what is common knowledge (Schmitt, 2020, § 245 mn 24). Since the UFO issue is clearly relevant to the case, at the very least for the sentencing aspect, the court could not deny the motion based on lack of any connection to the fact-finding underlying the judgment (*fehlender Sachzusammenhang*) under section 245(2) StPO, either (Schmitt, 2020, § 245 mn 25). Indeed, if R's testimony in court turned out to be credible and reliable, the court would then have to try

to ascertain the details of the operation and request the Ministry of Defence (MoD) to provide clarification. It could not immediately apply the principle of in *dubio pro reo* (in doubt for the defence) without doing so.

The MoD is under a duty of candour towards the court. It must not lie. So it can either give a full account of the operation, if there is nothing to hide, or it can invoke section 96 StPO, i. e., the national security exception, and refuse to give any clarification – which may in theory of course also cover an operation not related to a UFO. Although the court is under a duty to remonstrate vigorously with the MoD in case of a refusal to comply, at the end of the day the government cannot be compelled by a criminal court, and the court must proceed with whatever evidence it has. It must deny the motion based on unavailability of the evidence but can now apply the *in dubio* principle, if it deems fit; this ground for denial of a motion is narrower than the general one of irrelevance in section 244(3) no. 2 StPO (Schmitt, 2020, § 96 mn 10). The only other avenue would be for the defendant to file a suit before the administrative courts in the hope that they would find in his favour – but that could take years before the case reached the BVerwG as the final court of appeal – as evidenced by the FOI case above – and in the event of a refusal by that court to compel the government to comply, the only option left would be a constitutional complaint to the Federal Constitutional Court, which usually also takes years (Schmitt, 2020, § 96 mn 14).

At the end of the day, the court would still be left in the same position as the civil court regarding the existence of the UFO at the time of the car crash (and its legal consequences), which it may or may not decide to accept based on the application of the *in dubio* rule. If it does not, A will face conviction and sentence as if the UFO never existed; if it does, the court may decide to negate A's liability or at least take the shock into account when determining the appropriate sentence.

Witness Psychology

Introduction – … and ECREE Revisited

All of the legal procedural twists and turns on the avenues to a judicial finding of fact or law that we addressed above are in practice intricately linked to the general principles of credibility of sources and reliability of pieces of evidence, above all witness testimony. In the UAP debate, much of the past – and also present – material comes from alleged human encounters of different sorts, as the research into judgments above has shown. Until recent times, few of those encounters like, for example, the 2004 *Nimitz* carrier strike group incident (Powell et al., 2019), dealt with instrument-based measurements – and so far, no instrumental data from the

traditional scientific SETI community have conclusively proved, or disproved, the existence of any alien life inside or outside our atmosphere. Nonetheless, Carl Sagan's ECREE dictum and its disciples in the SETI community have relegated everything else to the realm of the unreliable and to the sphere of laughable "tales of mystery and imagination" (after Poe, 1908). It is almost as if they were afraid to look at anything closer to home – that the search is more important than its success.

In truth, ever since its inception in the SETI context, ECREE has suffered from one fundamental flaw: There is no intrinsic logic to it. It represents nothing but an intentional choice by a large group of scientists with a myopic view of how the world works. The rule arbitrarily restricts the vast wealth of potential evidence based on human experience because it wants to accept only those facts which can be found and tested, and ideally repeated, in a controlled and pre-designed environment of instrumental assemblies. This has always been a major category error: Life is not such a controlled environment. Most, and often the very foundational of our life experiences cannot be repeated, yet we all rely on a shared understanding of social truth and moral propriety each day, based on a joint societal macro- and micro-history, without which no society could function. It bears repeating that judges' belief in accounts of individual and scientifically uncorroborated experiences is the bedrock of judicial proceedings across the world, and the testimony of one witness may suffice for a defendant to be imprisoned for life, or in some countries even sentenced to death. Every rape victim will appreciate that, when it is their word against that of the offender.

The obsession with instrumental measurements is a malaise which affects mainly natural scientists and engineers, many of whom have little to no training, education or experience in real-life social decision-making that has consequences for others. The ongoing academic SETI debate about the Fermi Paradox is a prime example of this intellectual disconnect, because it blithely ignores the increasingly relevant possibility that "the aliens" may already have been here a long time, if any of the UAP that have been reported for centuries were or are indeed not of this world. But fear about one's reputation and career prevents the vast majority of SETI researchers from turning their otherwise formidable intellects to things that may be happening right on humanity's doorstep. It is also questionable what "extraordinary" means in this context: Would the reports by the scouts of native American tribes centuries ago about approaching huge "boats" carrying many men with "iron hats" and sticks that spewed fire not have sounded extraordinary to their fellow tribesmen? Yet all it meant was that they had never seen the like before. It may have appeared extraordinary to them based on their limited experience of the world, but the fact remains that the arrival was just that – a fact, which on a holistic view of the situation was not extraordinary, only never before experienced by them. Mere novelty, however, is not an epistemologically relevant criterion. ECREE is therefore nothing but a biased expression of disbelief and mistrust in certain avenues towards the discovery of the hitherto

unimagined and unexperienced. It is not a scientifically grounded axiom. It therefore cannot command the almost slavish adherence given to it by the vast majority of the traditional natural science SETI community. Suffice it to say that we are still waiting for the first fully confirmed instrumentally observed sighting or signal.

Witness testimony has often been called the most unreliable of all sources of evidence but very often it is the only type of evidence we have. Yet, no-one is seriously suggesting that we do away with witness evidence altogether. We need to be aware of its pitfalls and control for their causes and effects, when we make decisions based on it. Those working in the administration of justice – judges, prosecutors, counsel, probation officers, juvenile and social offender support services etc. – have long been trained, often and most thoroughly of all on the job by benefitting from the advice of their more experienced senior peers, in recognizing "red lights" about certain pieces of human evidence. Literature and training on the matter of witness psychology for judges and other actors in the justice systems is widely available (Arntzen, 2011; Bender, Häcker, Schwarz, 2021; Jansen, 2022; Toglia et al., 2007) – for example, in Germany, courses are offered by the German Judges Academy every year.[53] In this section we will address, with the necessary brevity and at the example of a case study, some of the fundamental aspects of dealing with witness evidence, and hopefully find out by the end why we should be more open about applying these rules to human UAP evidence – and relying on it, too.

Case Study – Amy's Case

> Imagine 10-year-old Amy in an Amish village with no prior exposure to SF/UFOs/aliens on TV or other media etc. One afternoon, she comes running into the house and tells her parents excitedly that she just met three "little people," all just a bit taller than herself, when she was playing with her dog at the far end of the field near their house, that they had grey skin and very large black eyes without pupils, and that she heard voices in her head although their mouths were not moving. Her dog had suddenly become aggressive and growled at them. They then went into a large silver sphere, which she says was bigger than her parents' house, and which flew away so fast that it was gone from her view in a second. When asked to draw a picture of the little people, she draws a typical "Grey."
>
> Imagine that other children in that Amish village with equal absence of prior knowledge come home on the same afternoon and tell their parents a story similar to or partly overlapping with that of Amy – even though they were not with Amy or each other at the time, but each viewed the "event" independently from different locations and did not talk to each other about it.
>
> The parents are upset and word soon gets around, so that the police become involved and take statements from each child, including Amy, in the presence of their parents,

53 See www.deutsche-richterakademie.de at the tab "Jahresprogramm."

> who are asked to watch, however, from behind a one-sided mirror to avoid non-verbal communication with their children. The parents afterwards confirm to the interrogating police officers that the statements the children gave matched exactly what they had told their parents.
>
> No radar or other instrumental contacts of, nor photos or videos of the sphere were observed or recorded by anyone outside the Amish community. The sphere was never seen again in that area.

This case scenario shows us the two fundamental tenets of forensic witness psychology: Credibility of the person and reliability of their testimony. This applies *mutatis mutandis* to tangible evidence, such as, for example, documents, where it is the credibility of the document source, and the reliability of the document's content.

As far as credibility is concerned, Amy rates strongly: She is a girl from a religious community with strict ethical rules, where honesty is a fundamental value and lying is considered a sin. She has no prior exposure whatsoever to anything to do with extraterrestrials, not even through science fiction. At the age of 10, she will also be criminally responsible in Pennsylvania[54] for her actions which means that the law implies the basic potential for knowing right from wrong and acting accordingly – regardless of whether that is true in every individual case at hand, and of whether 10 years is an appropriate age of responsibility in the first place.

On reliability, Amy also ticks all the boxes: Her report is spontaneous and directly after the event, it is unrehearsed (she comes running). Her prior lack of familiarity with anything "alien" is evident in the way she describes things: Merely according to outward experience (little people, grey skin, large black eyes, silver sphere, gone in a second) with no attempt at interpretation of what it was she might have seen. She recalls accessory details (the eyes had no pupils; the dog started to growl; she heard voices in her head but did not see the mouths of the three little people moving – she does not say that she heard *them*; she is capable of giving size comparisons of the people with herself and of their sphere with her house), and the occasion was unrelated to anything out of the ordinary for a 10-year-old child's daily routines (she was simply playing with her dog). Finally, she draws a picture of a "Grey" that she can have had no prior knowledge of.[55] Her reliability is further enhanced by corroboration (other children

54 Pennsylvania Consolidated Statutes, Title 42, § 6302: "Delinquent child." A child ten years of age or older whom the court has found to have committed a delinquent act and is in need of treatment, supervision or rehabilitation.

55 Clearly, there has been a lot of debate regarding the origin of the "Grey" alien archetype and some believe it was an adaptation from media formats prevalent at the time. That is neither here nor there, for our purposes. The point in the scenario is to emphasise that the witness has had no prior exposure to any media, stories etc. about aliens at all but still draws an appearance familiar from many AE nar-

report similar sightings independently from her and from each other) and by consistency over time (the statement to the police is identical to what she told her parents) which speaks to a real experience, not a made-up narrative.

Of course, this is a constructed scenario made to fit the criteria for credibility and reliability 100% – but imagine that the case was real: Despite the absence of any instrumental observations, what reason could we find to discount the evidence of Amy and the other children, other than an *a priori* apodictic and fundamentally biased unbelief that such things are possible? That fundamental unbelief, however, has its roots not in any extraneous cause but only in our own mental (in-)disposition: Accepting their reality instantly brings us face to face with the existential fear that we are not in control of our planet.

This is not the place for a detailed discussion of a generic witness psychology for each and every category of human experiences with AE, but the author submits that basic rules should be taken into account by anyone interviewing persons who have reported an AE, and that the rigour of the questioning should ideally strive to attain a forensically admissible level – always bearing in mind that the more severe the trauma from the alleged AE, the more therapeutic and protective aspects may need to take precedence. This may then have to occur at the expense of obtaining a solid witness statement, or a statement at all. Formal training of interrogators should become the norm. "Freelancing" by untrained individuals should be suppressed. § 6 of the GEP's Principles of Good Scientific Practice for Research on UAP/UFOs in the version of 5 May 2023 (Ammon, 2024), for example, is an excellent starting point, but may focus too heavily on the protection of the interests of the person reporting an incident.

As cold as it may sound, therapeutically charged questioning, whether before or at trial, is often considered unhelpful to the point of contaminating the evidence in forensic settings, and public reporting in the media about an AE experience is likely to be even more incredulous than the average judge and jury, as well as prone to exposing the witness to ridicule, so the recorded narrative should be as methodologically unimpeachable as possible. Being (too) responsive to a witness's concerns inevitably leads to allegations of throwing the witness "softball" questions and not testing her story sufficiently, as well as of investigative confirmation bias, which ultimately does not do an honest witness's case any good.

Care must be taken to ensure that the witness does not merely remember her prior testimony or media reports etc., rather than the actual event. The witness must be confronted with diverging evidence, including inconsistent prior statements, with the necessary firmness. Equal care must be taken to ensure that the interviewer does not import her own (possible averse) bias

---

ratives. She might, however, just as well have narrated a story about, and drawn a picture of, a creature with three eyes, arms and legs.

about the topic into the taking of the testimony, possibly from her prior experience of taking statements from other "experiencers" – she must approach each person with an open mind. The testimony must be rigorously checked against any other available means of evidence related to the event, but so must they – it is dangerous to accord one type of evidence precedence over another without taking into account the exact circumstances of each case. Modes of questioning or methods that would lead to the evidence being declared inadmissible in a court of law, whether for lack of probative value or for legal reasons (for example, torture, threats, hypnosis, use of polygraphs, inducement by promising benefits, leading questions etc.), must be avoided. If possible, the interview should be recorded audio-visually and the recording formally signed off by the witness; a traceable chain of custody should be established and ideally the consent of the interviewee to the recording's ultimate dissemination obtained. Finally, it is always important to remember that mere absence of corroborating evidence is not evidence of the untruth of the uncorroborated testimony, and that the absence of corroboration is rarely, if ever, the witness's fault. If testimony holds up against these criteria, it should be taken seriously, if only as the basis for further investigations – not all evidence will be capable of proving an incident conclusively but may be a mere link in a larger chain of pieces of evidence which taken together might lead to a higher level of certainty.

Conclusion

In this paper, we tried to look at the phenomenon of alien encounters through the lens of their forensic relevance and treatment. The proof of the pudding in the UAP evidence debate would seem to lie in subjecting it to the exigencies of a framework that is predicated upon reaching binding and enforceable societal conclusions affecting real people's lives in often life-changing ways, the environment of judicial proceedings. We began by interrogating the existing case law from several conceptual categories – freedom of information, mental health, and all types of so-called ordinary cases (civil, criminal, administrative etc.) – and countries. We found that over a number of decades, case reports on any of them were few and far between, even taking into account the diverse reporting practice in each country. None of them actually dealt with a "live UAP case," i. e., one in which the alien encounter was the subject of the dispute, rather than mere background information. The ordinary cases from the USA lent themselves to some minor statistical analysis, which led to the after all not insignificant albeit anecdotal finding that there seemed to be a correlation of sorts between the states where most sightings of UFOs occurred and those with the highest quota of court cases involving alien encounters.

The second part of the study was dedicated to a number of case studies from civil and criminal proceedings in the German judicial system, based on the car crash scenario mentioned at the beginning of the paper, and to a case study of elements of general witness psychology. We

established that different scenarios trigger different legal responses which may lead a court to make actual findings about the general existence of UFOs, or the occurrence of a live UAP event *in concreto*, and which may even influence the outcome of the case. After revisiting the ECREE principle and demonstrating its character as an expression of a conscious biased choice by the majority of the scientific SETI community rather than as a legitimate epistemological tool, the example of 10-year-old experiencer Amy allowed us to highlight the major elements of witness credibility and statement reliability. We ended by drawing out fundamental requirements that persons attempting to take meaningful witness testimony about alien encounters should be able to fulfil to ensure that their work withstands scrutiny ideally to the level of forensic admissibility.

The scientific approach to SETI and to UAP is a necessary pathway, but it is not and cannot be the only viable one. Relying only on instruments, hardware and software, diminishes centuries of useful and trusted emanations from the human condition. The fact that we rightly need to be careful about "wanting to believe" should not lead us to the rash reverse conclusion that we never *can* believe.

References

All-domain Anomaly Resolution Office (AARO). www.aaro.mil

Ammon, A. (2024). Development, dissemination, and revision of good scientific practice for research on UAP. *Limina — The Journal of UAP Studies*, *1*, 31–39.

Ammon, A., et al., (2023). UAP research in Germany: Single case studies, data management, understanding of "strangeness." *Journal of Anomalistics, 23*, 302–323.

Arntzen, F. (2011). P*sychologie der Zeugenaussage – System der Glaubhaftigkeitsmerkmale*. C. H. Beck.

Australian Government. *What is 5G?* www.infrastructure.gov.au/media-communications-arts/spectrum/5g-and-eme/your-questions-answered/what-5g

Bender R., Häcker, R., & Schwarz V. (2021). *Tatsachenfeststellung vor Gericht*. C. H. Beck.

Bohlander, M. (2009). *Principles of German criminal law*. Hart Publishing.

Bohlander, M. (2011). Radbruch Redux: The need for revisiting the conversation between common and civil law at root level at the example of international criminal justice. *Leiden Journal of International Law, 24*(2), 393–410.

Bohlander, M. (2021). *Principles of German criminal procedure*, 2nd ed. Bloomsbury Professional/Hart.

Braude, S. E. (2014). *Crimes of reason: On mind, nature & the paranormal*. Rowman & Littlefield.

Cardiff Index to Legal Abbreviations. https://www.legalabbrevs.cardiff.ac.uk/

Churchill, W. (1931). Fifty years hence. *The Strand Magazine* (December 1931). www.nationalchurchill-museum.org/fifty-years-hence.html

Deutsche Richterakademie. *Jahresprogramm*. www.deutsche-richterakademie.de.

Evers, M. (2021, June 25). Alarm am Himmel – Chinesen? Russen? Aliens? *Der Spiegel*.

Falla, G. (2010). British UFO Research Association (BUFORA). *Vehicle Interference Report* 1944–2006.

Gesellschaft zur Erforschung des UFO-Phänomens e. V. (2023). Principles of good scientific practice for research on UAP/UFOs. Version May 5, 2023. www.ufo-forschung.de/wp-content/uploads/UAP-Research-Principles_2023-05-05.pdf

Jansen, G. (2022). *Zeuge und Aussagepsychologie*. C. F. Müller.

Kean, L. (2017, December 16). Glowing auras and 'black money': The Pentagon's mysterious UFO program. *New York Times*. www.nytimes.com/2017/12/16/us/politics/pentagon-program-ufo-harry-reid.html

Livio, M. (2017). Winston Churchill's essay on alien life found. *Nature, 542*, 289–291.

Masters, M. P. (2019). *Identified flying objects: A multidisciplinary scientific approach to the UFO phenomenon*. Self-published. Masters Creative LLC.

Masters, M. P. (2022). *The extratempestrial model*. Full Circle Press.

Mayer, G., Schetsche, M., Schmied-Knittel, I., & Vaitl, D. (Eds.) (2015). *An den Grenzen der Erkenntnis – Handbuch der wissenschaftlichen Anomalistik*. Schattauer.

Müller, A. (2021). *Deutschlands UFO-Akten: Über den politischen Umgang mit dem UFO-Phänomen in Deutschland ... mit Betrachtungen auch zu Österreich und der Schweiz*. Books on Demand.

Müller, A. (2023). *Deutschlands historische UFO-Akten: Schilderungen unidentifizierter Flugobjekte und Phänomene in historischen Aufzeichnungen aus Deutschland … mit Beispielen auch aus Österreich und der Schweiz*. Books on Demand.

NUFORC (n. y.). *Reports by location*. Retrieved on February 7, 2024, from https://nuforc.org/ndx/?id=loc

Poe, E. A. (1908). *Tales of mystery and imagination*. J. M. Dent and Sons, Ltd.

Powell, R., Reali, P., Thompson, T., Beall, M., Kimzey, D., Cates, L., & Hoffman, R. (2019). A forensic analysis of Navy carrier strike group eleven's encounter with an anomalous aerial vehicle. *SCU Manuscript*. www.explorescu.org/post/2004-uss-nimitz-strike-navy-group-incident-report

Research and Documentation Services (RDS) of the Federal Parliament (Bundestag – BTag) (2009). *Die Suche nach außerirdischem Leben und die Umsetzung der VN-Resolution A/33/426 zur Beobachtung unidentifizierter Flugobjekte und extraterrestrischer Lebensformen*. www.bundestag.de/resource/blob/406336/741fdc9b7e96b9346e4e3414225b2835/wd-8-104-09-pdf-data.pdf

Robledo, A. (2023). *'We have no explanation': See list of US states with the most reported UFO sightings.* https://eu.usatoday.com/story/news/nation/2023/10/06/states-with-most-ufo-sightings-reports-research-grows/71087920007/

Rodeghier, M. (1981). *UFO reports involving vehicle interference: A catalog and data analysis*. Center for UFO Studies.

Schmitt, B. (2020). *Meyer-Goßner/Schmitt, StPO – Strafprozessordnung*, 63rd ed. C. H. Beck.

Shostak, S. (2004). SETI and the media. In R. P. Norris and F. H. Stootman (Eds.), *Bioastronomy 2002: Life among the stars – IAU Symposium*. Vol. 213, 534–541.

Smith, M. (2023). *What is the global assessment of functioning (GAF) scale?* www.webmd.com/mental-health/gaf-scale-facts

Swaney, M. (2015). *Air Force veteran awarded full disability for UFO exposure.* Popular Military. https://popularmilitary.com/air-force-veteran-awarded-full-disability-for-ufo-exposure

Toglia, M. P., Read, J. D., Ross, D. F., & Lindsay, R. C. L. (2007). *The handbook of eyewitness psychology – Volume I: Memory for events*. Routledge.

Translation of the code of civil procedure by the Federal Ministry of Justice. www.gesetze-im-internet.de/englisch_zpo/englisch_zpo.html

Update of the EU regulation on civil aviation to include UAP reporting – Question for written answer E-000314/2024 to the Commission, Rule 138, of 31 January 2024. www.europarl.europa.eu/doceo/document/E-9-2024-000314_EN.html

Youn, S. (2021, June 14). *The woman who forced the US government to take UFOs seriously*. www.theguardian.com/world/2021/jun/14/leslie-kean-ufo-reporter-us-government-report

Zöller, R. (2022). *ZPO – Zivilprozessordnung*, 34th ed. Otto Schmidt.

Erweiterte Zusammenfassung

Dieser Artikel versucht, das Phänomen der Begegnungen mit Aliens durch die Linse ihrer forensischen Relevanz und Behandlung zu betrachten. Der Lackmus-Test der Beweisführung in der UAP-Debatte scheint darin zu liegen, sie den Erfordernissen eines Referenzrahmens zu unterwerfen, der darauf beruht, verbindliche und durchsetzbare gesellschaftliche Schlussfolgerungen zu ziehen, die das Leben realer Menschen oft auf lebensverändernde Weise beeinflussen – nämlich der Systematik von Gerichtsverfahren. Wir begannen damit, die bestehende Rechtsprechung aus mehreren konzeptionellen Kategorien – Informationsfreiheit, psychische Krankheiten und sogenannte „gewöhnliche" Fälle (zivil-, straf-, verwaltungsrechtlich usw.) – und Ländern zu untersuchen. Es stellte sich heraus, dass über mehrere Jahrzehnte hinweg nur wenige Berichte zu solchen Fällen vorlagen, selbst wenn man die unterschiedlichen Berichterstattungspraktiken in den einzelnen Ländern berücksichtigt. Keiner von ihnen befasste sich tatsächlich mit einem „Live-UAP-Fall", d. h. einem Fall, bei dem die Begegnung mit Aliens Gegenstand des Streits war und nicht nur Hintergrundinformation. Die gewöhnlichen Fälle aus

den USA ließen sich für eine kleine statistische Analyse verwenden, die zu dem nicht unerheblichen, wenn auch anekdotischen Ergebnis führte, dass es eine Art Korrelation zwischen den Bundesstaaten zu geben schien, in denen die meisten UFO-Sichtungen stattfanden, und denen mit der höchsten Quote an Gerichtsverfahren, bei denen es um Begegnungen mit Außerirdischen ging.

Der zweite Teil der Untersuchung war einer Reihe von Fallstudien aus Zivil- und Strafverfahren auf der Grundlage des deutschen Prozessrechts gewidmet, basierend auf dem am Anfang des Artikels erwähnten Autounfallszenario, sowie einer Fallstudie zu Elementen der allgemeinen Zeugenpsychologie. Es ergab sich, dass unterschiedliche Szenarien unterschiedliche rechtliche Konsequenzen auslösen, die ein Gericht dazu veranlassen können, tatsächliche Feststellungen über die allgemeine Existenz von UFOs oder das Auftreten eines Live-UAP-Ereignisses *in concreto* zu treffen, die ggf. sogar den Ausgang des Falls beeinflussen können. Nachdem der Charakter von Sagan's ECREE-Prinzip als Ausdruck einer bewussten, voreingenommenen Entscheidung der Mehrheit der wissenschaftlichen SETI-Gemeinschaft und nicht als legitimes erkenntnistheoretisches Instrument aufgezeigt wurde, konnten am Beispiel der 10-jährigen Amy, die Erfahrungen bei einem Kontaktszenario machte, die wichtigsten Elemente der Glaubwürdigkeit von Zeugen und der Zuverlässigkeit von Aussagen hervorgehoben werden. Abschließend wurden grundlegende Anforderungen herausgearbeitet, die Personen erfüllen müssen, die versuchen, aussagekräftige Zeugenaussagen über Begegnungen mit Aliens aufzunehmen, um sicherzustellen, dass ihre Arbeit einer Überprüfung im Idealfall bis hin zur forensischen Zulässigkeit als Beweismittel standhält.

Der wissenschaftliche Ansatz für SETI und UAP ist ein notwendiger Weg, aber er ist und kann nicht der einzig gangbare sein. Wenn man sich nur auf Instrumente, Hardware und Software verlässt, schmälert man den Reichtum von Jahrhunderten nützlicher und vertrauenswürdiger Erfahrungen aus der Entwicklung der menschlichen Existenz. Die Tatsache, dass wir zu Recht vorsichtig sein müssen, wenn wir „glauben wollen", sollte uns nicht zu der voreiligen Schlussfolgerung verleiten, dass wir niemals glauben *können*.

Annex Cases

Ordinary cases USA						
No.	Case name	Citation	State of origin	Case type	AE type	Year
1	*Dupas v. City of New Orleans I*	346 So.2d 322	Louisiana	Civ	Search for UFOs	1977
2	*G. B. v. Lackner*	145 Cl.Rptr. 555	California	Admin	Communication	1978
3	*Dupas v. City of New Orleans II*	354 So.2d 1311	Louisana	Civ	Search for UFOs	1978
4	*State v. Ross*	297 N.C. 137	North Carolina	Crim	Opinion	1979
5	*Bryant v. Weinberger*	838. F.2d 465	Virginia	Civ	Opinion	1988
6	*State v. Rice*	110 Wash.2d 577	Washington	Crim	Communication	1988
7	*P v. Wright*	171 Ill.App3d 573	Illinois	Crim	Opinion	1988
8	*Matter of L. W. O.*	152 Wis.2d 775	Wisconsin	Admin	Communication	1989
9	*Bryant v. Widenhouse*	924 F.2d 525	DC	Civ	Opinion	1991
10	*Sate v. Widenhouse*	582 So.2d 1374	Louisiana	Crim	Contact with UFO	1991
11	*Peoples Bank & Trust Co. of Mountain Home v. Globe Intern, Inc.*	786 F.Supp. 791	Arkansas	Civ	Opinion	1992
12	*Corder v. Kansas Bd of Healing Arts*	256 Kan. 638	Kansas	Admin	Opinion	1994
13	*Collymore v. F. B. I.*	1995 WL 165308	California	Civ	Opinion	1995
14	*Callis v. State*	1995 WL 596077	Tennessee	Crim	Opinion	1995
15	*Matter of Estate of Unke*	583 N.W.2d 145	South Dakota	Civ	Opinion	1998
16	*State Dept of Children's Services v. Bottoms*	1998 WL 124507	Tennessee	Fam	Communication	1998
17	*Planned Parenthood of Blue Ridge v. Camblos*	155 F.3d 352	Virginia	Fam	Opinion	1998
18	*State v. Kayer*	194 Ariz. 423	Arizona	Crim	Opinion	1999
19	*S.E.C. v. Todt*	2000 WL 223836	New York	Civ	Opinion	2000
20	*Lee v. Clinton*	209 F.3d 1025	Wisconsin	Civ	Opinion	2000

21	*P v. High-tower I*	92 CalRptr.2d 497	California	Crim	Opinion	2000
22	*P v. Hightower II*	114 Cal.Rptr.2d 680	California	Crim	Opinion	2001
23	*P v. Kelley*	2002 WL 501651	California	Crim	Communication	2002
24	*State v. Applin*	116 Wash.App. 818	Washington	Crim	Communication	2003
25	*U. S. v. Barlow*	58 M. J. 563	Federal	Mil	Communication	2003
26	*Volkswagen of America, Inc. v. Ramirez*	159 S.W.3d 897	Texas	Civ	Opinion	2004
27	*Forrester v. Forrester*	2005 WL 2403955	Ohio	Fam	Search for UFOs	2005
28	*P v. Gonzales*	2006 WL 688006	California	Crim	Communication	2006
29	*Clark v. Arizona*	548 U. S. 735	Arizona	Crim	Opinion	2006
30	*State v. Fichera*	153 N. H. 588	New Hampshire	Crim	Opinion	2006
31	*P v. Jennings*	2006 WL 3603101	California	Crim	Contact with UFO	2006
32	*B. A. S. v. J. E. S.*	2006 WL 2389561	Delaware	Crim	Opinion	2006
33	*Parks v. City of Horseshoe Bend, Arkansas*	480 F.3d 837	Arkansas	Admin	Opinion	2007
34	*P v. Davis*	2008 WL 2569165	California	Crim	Communication	2008
35	*Grove v. State*	2008 WL 3918025	Texas	Crim	Opinion	2008
36	*Walton v. Walker*	2009 WL 1470409	Illinois	Crim	Opinion	2009
37	*Worthington v. Astrue*	2010 WL 2102462	Oregon	Admin	Contact	2010
38	*Kennington v. Merit Systems Protection Bd.*	385 Fed.Appx. 983	DC	Civ	Contact	2010
39	*P v. Rodriguez*	2010 WL 453543	California	Crim	Communication	2010
40	*State v. Ramirez*	2011 WL 6382537	Ohio	Crim	Opinion	2011
41	*Gonzales v. Harrington*	2011 WL 7429400	California	Crim	Opinion	2011
42	*Rodriguez v. McDonald*	2012 WL 1601000	California	Crim	Communication	2012
43	*Eldridge v. Thaler*	2013 WL 416210	Texas	Crim	Opinion	2013
44	*Thieriot v. Wrapnews*	2014 WL 1491494	California	Civ	Artefact	2014

45	*Feuerstein v. Simpson*	582 Fed.Appx. 93	Virgin Islands	Civ	Opinion	2014
46	*Brown-Eagle v. County of Erie, Pa.*	2015 WL 4478222	Pennsylvania	Civ	Contact	2015
47	*State v. Longoria*	301 Kan. 489	Kansas	Crim	Opinion	2015
48	*Daye v. Colvin*	2016 WL 5724729	Alabama	Admin	Opinion	2016
49	*In re E.I. du Pont de Nemours and Company C-8 etc.*	342 F.Supp.3d 773	Ohio	Civ	Opinion	2016
50	*Gudmestad v. State*	209 So.2d 602	Florida	Crim	Opinion	2016
51	*People v. Lee*	2016 WL 3960064	California	Crim	Opinion	2016
52	*Franklin v. Jenkins*	839 F.3d 465	Ohio	Crim	Opinion	2016
53	*Harris v. Davis*	2016 WL 3543300	Texas	Crim	Contact	2016
54	*Pino v. Carey*	2017 WL 6210950	Pennsylvania	Civ	Communication	2017
55	*In Interest of A. L. H.*	515 S. W.3d 60	Texas	Fam	Opinion	2017
56	*Smith v. Commissioner of Social Security*	2019 WL 988654	Ohio	Admin	Communication	2019
57	*P v. Johnson*	2019 WL 3774492	California	Crim	Opinion	2019
58	*Frederick D. v. Commissioner, Social Security Administration*	2020 WL 13532884	Georgia	Admin	Opinion	2020
59	*Silva Medina v. Saul*	2020 WL 2079977	Pennsylvania	Admin	Opinion	2020
60	*Smith v. State*	154 N. E.3d 838	Indiana	Crim	Artefact	2020
61	*Fell v. Koph*	2021 WL 2562382	Nebraska	Crim	Opinion	2021
62	*In re F. P.*	275 Cal.Rptr. 3d 918	California	Fam	Communication	2021
63	*Joseph v. Nasa*	2022 WL 2986693	New York	Civ	Opinion	2022
64	*Konsionowski v. Sikorski*	2022 WL 613297	Wisconsin	Civ	Opinion	2022
FOI, Mental Health and non-US Ordinary Cases (All jurisdictions)						
65	*R v. Mbombela*	1993 AD 269	South Africa	N/A	N/A	1933
66	*Bundegerichtshof*	NJW 1963, 953	Germany	N/A	N/A	1963
67	*Ground Saucer Watch, Inc. v. CIA et al.*	692 F.2d 770	USA	N/A	N/A	1981
68	*Citizens against UFO Secrecy v. NSA*	102 S.Ct. 1635	USA	N/A	N/A	1982
69	*Bundesgerichtshof, "Sirius Case"*	BGHSt32, 38	Germany	N/A	N/A	1983
70	*Matter of Allen*	451 N.W.2d 68	USA	N/A	N/A	1990

71	*Victorian Mental Health Review Board (VMHRB)*	98-232 [1998] VMHRB 5	Australia	N/A	N/A	1998
72	*US v. Hicks*	799 F. Supp. 1148	USA	N/A	N/A	1999
73	*Statev. Wooster*	293 Mont. 195	USA	N/A	N/A	1999
74	*Citizens against UFO Secrecy, Inc. v. US Department of Defense*	21 Fed.Appx. 774	USA	N/A	N/A	2001
75	*OLG Sachsen-Anhalt*	NJW-RR 2003, 676	Germany	N/A	N/A	2003
76	*Bundesgerichtshof*	NJW 2004, 1163	Germany	N/A	N/A	2004
77	*Batts v. Boganoff*	2005 WL 3543774	USA	N/A	N/A	2005
78	*McKinnon v. Home Office and DPP*	[2009] EWHC 2021 (Admin.)	UK	N/A	N/A	2009
79	*Bryant v. CIA et al.*	742 F.Supp.2d 90	USA	N/A	N/A	2010
80	*Bryant v. CIA et al.*	818 F.Supp.2d 153	USA	N/A	N/A	2011
81	*People v. Anonymous*	32 Misc.3d 1239(A); 938 N.Y.S.2d 229	USA	N/A	N/A	2011
82	*Bundesgerichtshof*	NJW 2011, 2794	Germany	N/A	N/A	2011
83	*Mouvement Raëlien Suisse v. Switzerland*	(2013) 56 E.H.R.R. 14 = [2012] 7 WLUK 437	European Court of Human Rights	N/A	N/A	2013
84	*Spartz v. Jesson*	2014 WL 7344385	USA	N/A	N/A	2014
85	*Prosser v. Trustees of the Roman Catholic Church for the Diocese of Wagga Wagga*	[2014] FCCA 1476	Australia	N/A	N/A	2014
86	*R v. Lopez*	[2014] NSWSC 287	Australia	N/A	N/A	2014
87	*Bundesverwaltungsgericht Judgements of 25 June 2015; 7 C2/14 and 7 C1/14*	www.bverwg.de/250615U7C2.14.0 www.bverwg.de/en/250615U7C1.14.0	Germany	N/A	N/A	2015
88	*Victoria Mental Health Tribunal (VMHT)*	[2015] VMHT 64	Australia	N/A	N/A	2015
89	*Victoria Mental Health Tribunal (VMHT)*	[2015] VMHT 167	Australia	N/A	N/A	2015
90	*Martin v. Kazulkina*	2016 WL 1592901	USA	N/A	N/A	2016
91	*Mosley v. Berryhill*	2018 WL 1866612	USA	N/A	N/A	2018

92	*Democracy Forward Foundation v. US Department of Justice*	2019 WL 5110537	USA	N/A	N/A	2019
93	*M. L. v. Madison State Hospital*	155 N.E.3d 676	USA	N/A	N/A	2020
94	*Matter of M. L.*	13 Wash.App.2d 1108	USA	N/A	N/A	2020
95	*Information Commissioners Office, Decision Notice of 29 November 2021*	Ref. IC-72441-K6Y2	UK	N/A	N/A	2021
96	*Irish Information Commissioner, Mr. M and Defence Forces*	[2021] IEIC OIC-108091-V5P3HO	Ireland	N/A	N/A	2021
97	*Norris & Ishikawa*	[2021] FedCFamC1F 305	Australia	N/A	N/A	2021
98	*Information Commissioners Office, Decision Notice of 3 March 2022*	Ref. IC-106431-G9J8	UK	N/A	N/A	2022
99	*Irish Information Commissioner, Mr. X and Defence Forces*	[2022] IEIC OIC-118530-F6B6L5	Ireland	N/A	N/A	2022
100	*Irish Information Commissioner, Mr. Y and Department of Foreign Affairs*	[2022] IEIC OIC-120263-M5X5L4	Ireland	N/A	N/A	2022