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Legal Evidence from Outer Space (4)

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“THE USE OF SATELLITE DATA IN THE ITALIAN JUDICIARY POLICE INVESTIGATION TO
TRACK ILLICIT TRAFFIC AND DEPOSIT OF WASTE”

Abstract

Remote sensing technologies are excluded from military and meteorologist technologies: their use is licit for peaceful purposes according to the Outer Space Treaty. In this case, States can be sensed from outer space freely and their sovereignty would not be prejudiced. During years, outer space technology has shown how phenomena related to environment such as natural or man-made disasters can be controlled and mitigated, and how environment can be protected from man hazards. Satellites technology plays a strategic role, especially for the law enforcement and monitoring. There are few cases where remote sensed data played a substantial role in the Court judgment procedures in order either to get the facts dynamics and establish victims harm amount or to monitor the injured area and the time evolution of the damage. However, there are more cases where such data has been revealed as unique instrument to identify international and domestic law violation. Remote sensed data, integrated with other in-situ collected information have, on the one hand a concrete and effective probatory value in law cases and, in the other hand, contribute significantly to verification of domestic law and treaties compliance or non-compliance. This paper, first of all, looks to the provisions coming from the international and European law regime to determine the responsibility and liability regime related to illicit traffic of waste. Furthermore, it shows and analyse italian cases where satellite positioning and land mapping have been extremely important in the judiciary police investigation in order to precisely detect illegalities, specifically, traffic and deposit of waste. Finally, the paper will be concluded with some recommendation intended to underline the relevance of using remote sensed images in law cases and to orient judicial police operators and judges to use satellites data respectively for their investigation and judgments.