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Author: Ms. Larysa Soroka
NAS of Ukraine, Ukraine, lsoroka_kw@ukr.net

Ms. Anna Hurova
International Institute of Space Law (IISL), Ukraine, a.m.hurova@gmail.com

CRIMINAL LIABILITY FOR CRIMES IN OUTER SPACE

Abstract

Despite the widening of human presence in outer space, issues of criminal jurisdiction remain unresolved in the case of crimes committed by citizens of different countries both on the territory of the ISS and outside it, for example, on the territory of a private space facility, in open space, or on the surface of a space body. On this base, a lot of reasonable questions arise, for example the following. What criminal law, if any, applies in outer space when a crime is committed there? How will the issues of demarcation of criminal jurisdiction be resolved? Who and how will investigate such crimes? Which international or national institution will decide the issue of criminal prosecution and application of sanctions for crimes in space? As a result of research, authors of this presentation suggest to: conclude the Convention on Criminal Liability for Space Crimes or create a Space Criminal Statute (code); create a Special Tribunal for consideration of space disputes; to form the World Space Union to regulate commercial space activities; to modernize the current international space legislation (to determine the terminology, as well as the status of individual space flight participants); create a program for training ship captains and leaders of space expeditions in the basics of criminology and the criminal process. Furthermore, they are convinced that the commanders of the spacecraft, the station, or the head of the space hotel must be empowered by the international space commissioner to make decisions regarding: the initiation of investigative actions, the detention, and isolation of a suspect, the recording and preservation of evidence, etc. The model and the mechanisms of extraterrestrial justice are revealed in this presentation.