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SPACE EVIDENCE FOR HUMANITARIAN LAW AND HUMAN RIGHTS – THE FINDINGS OF THE
LDE SPACE THESIS LAB

Abstract

Satellites gather information from around the world, which can be used against countries as evidence of wrongdoing in proceedings before international courts. Despite the potential of data from Earth observation (EO) satellites and Global Navigation Satellite Systems (GNSS), several technical, legal, and business questions arise.

From a technical standpoint, it is essential to understand how satellites can reveal information indicating violations of humanitarian law and human rights, as well as to establish the necessary technical characteristics for data validation as court evidence.

The use of satellite data as evidence has significant implications as far as space law is concerned. The space treaties establish the international responsibility of States for their national space activities and their obligation to authorise and supervise these activities. Therefore, the use of data from satellites authorised by a State as evidence against other States raises important considerations. Additionally, the principle of peaceful exploration and use of outer space may conflict with the use of satellite data in cases of armed conflict. Security concerns described in various satellite data policies may also restrict data collection and dissemination.

Furthermore, using satellite data as evidence has implications for humanitarian law. In this regard, it is crucial to explore how satellite data can assist the monitoring and enforcement of humanitarian law and human rights, along with potential obligations of States and private entities processing such data to share them with authorities that investigate international crimes.

From a business perspective, it is important to address this matter through the lens of the growing commercialisation of the satellite data supply. This includes examining obstacles preventing public and private organisations from providing satellite data for detecting violations and offering incentives to improve data access.

This paper will present the findings of the LDE Space Thesis Lab, a collaboration between the Leiden University Law Faculty, the TU Delft Civil Engineering and Geosciences Faculty, and the Erasmus University Rotterdam School of Management. In the course of an academic year, eleven students from different backgrounds address the questions described above through an interdisciplinary approach. They are guided by faculty members of the three cooperating universities and analyse the topic of ‘Space Evidence for Humanitarian Law and Human Rights’.