

JURISDICTION IN OUTER SPACE FROM THE PERSPECTIVE OF INTERNATIONAL LAW

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ABSTRACT	KEYWORDS
This research aims to clarify the principles governing the exploration and utilization of outer space, emphasizing the role of international law, particularly international criminal law, in addressing crimes committed beyond Earth whether aboard spacecraft, the International Space Station, or in outer space generally. It examines relevant international treaties governing outer space activities, evaluates their strengths and ambiguities, and highlights deficiencies in their provisions. Furthermore, the study analyzes traditional principles of state criminal jurisdiction territoriality, nationality, universality, and protection and assesses their applicability to offenses committed in outer space.	Outer space; Criminal jurisdiction; space law; International Space Station.

Introduction

The advent of the space race in the 1950s, primarily between the United States and the Soviet Union, catalyzed international concern regarding the regulation of outer space activities and the prevention of its exploitation in ways that might jeopardize global peace and security. In response, the United Nations Committee on the Peaceful Uses of Outer Space was established, which subsequently drafted the Outer Space Treaty alongside four additional treaties to regulate state conduct in outer space.

Despite these efforts, the treaties lack precise provisions addressing jurisdictional matters in outer space, particularly in relation to criminal jurisdiction. This absence was understandable at the time, considering the prohibitive costs and state-centric nature of space exploration. However, with the recent expansion of private sector involvement in space activities, the issue of criminal jurisdiction beyond Earth has become increasingly pressing.

This study aims to:

- Clarify the foundational principles governing the exploration and utilization of outer space.
- Analyze the role and effectiveness of international law, with an emphasis on international criminal law, in addressing offenses committed in outer space.
- Examine the relevant international treaties, evaluating their strengths, ambiguities, and limitations.

- Assess the applicability of traditional principles of criminal jurisdiction territoriality, nationality, universality, and protection to crimes committed in the extraterrestrial environment.

The methodology of this research is primarily doctrinal and analytical, relying on a comprehensive review of international treaties, judicial decisions, scholarly writings, and case studies relevant to outer space law and criminal jurisdiction.

The central question guiding this inquiry is: When a crime occurs in outer space, which entity possesses judicial authority, and based on what legal principles? Additionally, the study explores the interplay between state sovereignty, the principle of sovereign equality, and the role of international treaties in delineating jurisdiction in this novel context.

By addressing these issues, the paper seeks to contribute to the ongoing discourse on the development of a coherent and effective legal framework for criminal jurisdiction in outer space.

1. Conceptual Framework

In this section, we will discuss the general provisions of criminal jurisdiction, starting with the concept of jurisdiction, who has it, defining outer space, the crimes committed therein, and its spatial scope.

1.1. General provisions of criminal jurisdiction

The principle of jurisdiction is one of the basic features of state sovereignty, which means the authority of the state over its subjects and property according to its national law and national courts. The state may exercise its jurisdiction through its legislative, executive or judicial authorities.¹ The jurisdiction of the state in general in outer space does not differ radically from the jurisdiction of the state internally, as we will explain later. As for criminal jurisdiction, it means the authority of the state to prosecute crimes committed on its territory, based on the principle of territoriality, and this includes its territory, territorial waters, and airspace above its territory, without specifying the height due to the lack of an international agreement in this regard.²

Therefore, to clarify the jurisdiction of the state in outer space, it is necessary to clarify the jurisdiction of the state over space objects on the one hand, and its jurisdiction in outer space on the other hand.

As for the state's jurisdiction over outer space, the outer space treaties explicitly stipulate that no one may own or claim sovereignty over any part of outer space, as Article 2 of the Outer Space Treaty of 1967 stipulates that outer space is not subject to any sovereign authorities,³ and according to the Moon Treaty of 1979, no state may claim ownership of the moon and other celestial bodies and that the moon and its natural resources are common heritage of mankind.⁴ Accordingly, the management of outer space areas and the exercise of jurisdiction therein is for the international community as a whole.

However, although a State is not allowed to claim ownership or exercise sovereignty over any part of outer space, the Outer Space Treaty of 1967 stipulates that the State in which a spacecraft is registered shall retain jurisdiction and control over that object, and any of its personnel, while it is in outer space or on a celestial body.⁵

¹. Ian Brownlie, *Principles of Public International Law* (Oxford: Oxford University Press, 2008), 299.

². Stephen Gorove, "Criminal Jurisdiction in Outer Space," *The International Lawyer*, vol. 6, no. 2 (1972): 313–14.

³. Article 2, Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies (1967).

⁴. Article 11, Agreement Governing the Activities of States on the Moon and Other Celestial Bodies (1979).

⁵. Article 24, Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space (1967).

Article 12(1) of the Moon Treaty of 1979 also provides that States Parties shall retain jurisdiction and control over their personnel, vehicles, equipment, facilities, stations and installations on the Moon.⁶

Based on the above provisions, a State has the judicial authority or criminal jurisdiction to prosecute persons who have committed crimes while on board its spacecraft. If the spacecraft is registered with State A, that State can exercise its jurisdiction over its astronauts or any other foreign astronaut if the crime occurred inside its spacecraft.⁷

As a result of the lack of current means of distributing criminal jurisdiction in outer space, international law has relied on traditional means of determining this jurisdiction, as is the case in the high seas or in Antarctica.

There are four basic traditional bases for determining the jurisdiction of the state: (territoriality, nationality, protection, universality). As for the principle of territoriality, it is the oldest basis for determining the criminal jurisdiction of the state and dates back to the Treaty of Westphalia (1648), which stipulates that the authority of the state ends at its borders, and thus any criminal behavior that occurs within its territory falls within its jurisdiction. The importance of adopting this method in determining criminal jurisdiction in outer space stems from the fact that it is familiar to states, as it does not apply only to the territory of the state, but also to its ships on the high seas, and it can be applied to space vehicles that are registered in a state.⁸

However, the territoriality principle is not without flaws if it was the only means of distributing criminal jurisdiction in outer space, once the astronauts leave the spacecraft, territoriality immediately conflicts with Article II of the Outer Space Treaty, which prohibits states from exercising jurisdiction in outer space. If someone commits a crime outside a spacecraft and returns to it, territoriality will not apply, because the jurisdiction of the state in which the spacecraft is registered is limited to the spacecraft only,⁹ and also because the law is clear that territorial jurisdiction must exist at the time the crime is committed.¹⁰

The second basis includes (nationality), which means the jurisdiction of the individual's country of nationality to prosecute him, regardless of the place where the crime was committed. There is also what is called passive personality, which means the jurisdiction of the victim's country of nationality to prosecute criminals regardless of the nationality of the accused, especially in sexual crimes and serious crimes (which is a generally accepted principle in international law). The adoption of this mechanism in determining the criminal jurisdiction of the state in outer space has many advantages, including: on the one hand, astronauts are responsible before their state or the state of the victim, regardless of where the crime was committed, even if it was outside the spacecraft. This idea addresses the defects of the territorial basis in determining jurisdiction.¹¹ The disadvantage of this method is that it will deprive the state of jurisdiction, even if it has a legitimate interest, as if French citizens committed crimes on board an American spacecraft, then jurisdiction according to this basis would be

⁶. Article 12, Agreement Governing the Activities of States on the Moon and Other Celestial Bodies, opened for signature 18 December 1979, entered into force 11 July 1984.

⁷. Hassan, Rafika Shari'ah binti Mohd. "From Earth to Heaven: States' Criminal Jurisdiction in the Space Station," *IIUM Law Journal*, vol. 23, no. 3 (2015): 407.

⁸. Avin Persad-Ford, Houston, "We Have a Problem – Jurisdictional Issues of Criminal Law in Outer Space," *LSE Law Review*, vol. 8, no. 1 (2022): 14–15.

⁹. *ibid.* p 16.

¹⁰. *S.S. Lotus (France v Turkey)*, 1927 PCIJ Series A, No. 10, 23.

¹¹. Michael Chatzipanagiotis, "Criminal Issues in International Space Law," *European Journal of Law Reform*, vol. 17, no. 1 (2016): 105–19.

for France, although the United States has a legitimate interest in prosecution.¹² Other difficulties facing this basis (nationality) are in the event that a state does not recognize the nationality of an individual from another state, as is the case in the *Nottebohm* case, or in the event of dual nationality.¹³ The other basis is the protective principle. According to this principle, the state has criminal jurisdiction over crimes that affect its security and safety, regardless of the perpetrator of the crime or the place where it was committed (such as crimes of counterfeiting currency and official documents such as passports and visas, and economic crimes...) therefore, if one of these crimes is committed in outer space, the jurisdiction of the state whose interests and security are affected may arise. However, this basis is limited to specific crimes exclusively and cannot be relied upon as a means of determining the jurisdiction of the state in outer space in general. In addition, states usually do not allow the extradition of their citizens to another state even if they are accused of these crimes, especially in espionage crimes.¹⁴

Finally, Universal principle

Universal criminal jurisdiction means the jurisdiction of a state to prosecute serious crimes even if they were not committed on its territory and regardless of the nationality of the accused or the nationality of the victims, or the impact of these crimes on the interests of the state, but due to the seriousness of these crimes, every state has the right to pursue and prosecute these accused, such as war crimes, crimes against humanity,¹⁵ Therefore, if any of these crimes occurred in outer space (on board spacecraft or space stations) or the acts began in space and their effects occurred on Earth, then each state would have universal jurisdiction to prosecute the perpetrators. However, this contradicts Article 8 of the Outer Space Treaty, which allows only the state in which the spacecraft is registered to prosecute crimes and acts that occur on board it.¹⁶

Therefore, the above means cannot be applied individually to determine the criminal jurisdiction of the state in outer space.

1.2. The concept of outer space and crimes committed therein

Outer space generally consists of countless galaxies and stars and is the place above the Earth's atmosphere, this field is newly established. However, jurisprudence defined it as ((the field above... Aerospace for countries and regions outside the borders of national jurisdiction)), and it is also known as: "the body of activities subject to the system of space law that began to emerge in the sixties of the last century and is mainly related to the launch and rotation of satellites and the exploration and exploitation of the moon and other celestial bodies".¹⁷

After the Outer Space Treaty was concluded in 1967, this treaty defined space in its first article as ((everything above the Earth's airspace, including the moon and other celestial bodies)).¹⁸

Outer space is governed by space law, which is a set of rules and regulations that regulate space activity and the exploration of outer space. The source of these rules is international agreements, which define

¹². Avin Persad-Ford, Houston, *Op . Cit.* p 22 .

¹³. *Nottebohm (Liechtenstein v. Guatemala)*, 1955, I.C.J. Second Phase, Judgment, *I.C.J. Reports* 1955.

¹⁴. Caleb Ohmer, "When Galaxies Collide: Resolving Criminal Jurisdiction Disputes among Nations in Space," *Journal of Space Law*, vol. 43, no. 2 (2019): 344.

¹⁵. Roger O'Keefe, *International Criminal Law* (Oxford: Oxford University Press, 2016), 25.

¹⁶. Article 8, Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space (1967).

¹⁷. Author, "Weaponization of Outer Space from the Perspective of International Law," *Imam Jaafar Al-Sadiq University Journal of Legal Studies*, vol. 1, no. 6 (2023): 474.

¹⁸. Article 1, Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space (1967).

the responsibilities of states and competent organizations participating in this field, and ensure the safety of space activities and the preservation of the space environment. International space law is one of the branches of international law, and therefore its sources are the same as the sources of international law.¹⁹

As for crimes that may be committed in outer space, despite the increase in space flights, whether for scientific or governmental exploration purposes or for tourism purposes such as companies (Virgin Galactic by Richard Branson, Falcon 9 by Elon Musk and Blue Origin by Jeff Bezos), the number of astronauts is still low. However, there are a number of violations or transgressions in outer space that have not reached the trial stage, but they constitute the beginning of a new phase for crimes in outer space, including the following:

- Theft: In 2011, NASA organized a surveillance operation for the widow of an astronaut who tried to sell a moon rock.
- Criminal damage: In 2013, a Russian satellite was damaged after it collided with debris from a Chinese satellite that was destroyed by China in a missile test in 2007.
- Privacy crimes: In 2019, an American astronaut was allegedly able to access her partner's bank account while she was on the International Space Station. The astronaut admitted that she did nothing illegal, but wanted to make sure of her partner's finances and that there was enough money for family expenses, as she used the computer network connected to NASA. She was charged with identity theft and unauthorized access to financial details, making this the first accusation of a crime that occurred in outer space.²⁰

As for the potential places for committing these crimes, this includes space stations orbiting the Earth, where astronauts may commit murder, theft, rape, drug use and possession, trespass on the property of others, or waste basic resources such as oxygen and water, which may affect the course of the process or lead to death inside the station, or the crime may occur during the launch of space flights. As a result of the tremendous technological development, it is possible for space travel to become like traveling by helicopter to any place on Earth, so it is possible to commit crimes similar to those that occur on airplanes at the present time, such as hijacking the spacecraft or endangering it or threatening the safety of passengers.²¹

2. Criminal Jurisdiction from the Perspective of International Treaties

In this section, we will discuss the position of international treaties on criminal jurisdiction in outer space.

2.1. Outer Space Treaty

There is currently no single law governing activities in outer space. Rather, there is a set of regulations and rules contained in two basic agreements: the Outer Space Treaty and the IGA Treaty.²² These two agreements were the result of political settlements between states, which govern the activities of states

¹⁹. Author, *Op. Cit.*, 475.

²⁰. Mike Baker, *NASA astronaut Anne McClain Accused by Spouse of Crime in Space*, *The New York Times*, 23 August 2019, last visited 2 October 2024, <https://www.nytimes.com/2019/08/23/us/astronaut-space-investigation.html>.

²¹. Sidra Aboawf and Sania Suresh, *Crime in Space*, *Ox Journal*, 30 January 2023, last visited 3 October 2024, <https://www.oxjournal.org/crime-in-space/>.

²². International Space Station Intergovernmental Agreement (IGA), signed 29 January 1998.

in outer space.²³ However, we cannot say that these two instruments can accommodate all possible scenarios for states' activities in space.

In addition, there are other international agreements related to outer space, such as the Moon Agreement and the Bogota Declaration²⁴, but they have limited importance, as the Moon Agreement was not ratified by the countries that participated in launching space flights carrying astronauts, while only eight countries ratified the Bogota Declaration, and aimed to exclude the definition of outer space from the space above the lands of these tropical countries, and to consider space, including the geostationary orbits through which satellites pass, as a natural resource.²⁵

As for criminal jurisdiction in outer space, by reading the texts of the Outer Space Treaty we notice that it allows states to impose their full jurisdiction over individuals on board spacecraft registered in the state, as Article VI states that private actors' activities in outer space require a nation's authorization and supervision,²⁶

And Article VIII states that „ownership of objects launched into outer space is not affected by their presence in outer space or by their return to Earth“ and that „a State Party on whose registry an object launched into outer space is carried shall retain jurisdiction and control over such object and over any personnel thereof,²⁷

Therefore, the 1976 Registration Convention,²⁸ stipulates that States must register all spacecraft before they are launched.²⁹ This rule has its origin in the law of the flag of the ship on the high seas, as it arose as a

customary rule and was stipulated in the 1982 Law of the Sea Convention, as well as the 1944 Chicago Convention on Aviation. Therefore, crimes that occur on board a ship or aircraft are subject to the nationality of the ship or aircraft. This concept was transferred to Article 8 of the Outer Space Treaty, which stipulates the sovereignty of the State in which the activities that occur on the vehicles registered with it take place. The only difference between registering a ship or aircraft and a spacecraft is that registering an aircraft or ship results in it obtaining the nationality of the State, while registering a spacecraft does not result in granting the nationality of the State, but rather the State only has the authority to exercise its jurisdiction and authority over it, which is similar to the principle of effective nationality.³⁰

As for the actions that occur outside the spacecraft, we can refer to the articles of the Convention, as Article 1 stipulates that the exploration and use of outer space, including the moon and other celestial bodies, must be in the interests of all mankind, and Article 2 stipulates that no state may claim or exercise sovereignty over outer space, but more importantly, what Article 3 stipulates, which states that the exploration or use of outer space or the practice of activities related thereto, shall be in

²³. Carrie Leonetti, "Space Bandits: The Need for Interstellar Criminal Law," *Kilaw Journal*, Special Supplement No. 4, Part 1 (2019): 199.

²⁴. Declaration of the First Meeting of Equatorial Countries, also known as the Bogota Declaration, is a declaration made and signed in 1976 by eight equatorial countries, and was an attempt to assert sovereignty over those portions of the geostationary orbit that continuously lie over the signatory nations' territory.

²⁵. Article 1, Bogota Declaration (1976).

²⁶. Article 6, Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space (1967).

²⁷. Article 8, Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space (1967).

²⁸. Convention on Registration of Objects Launched into Outer Space, adopted 12 November 1974, entered into force 15 September 1976.

on Registration of Objects Launched into Outer Space (adopted 12 November 1974, entered into force 15 September 1976).

²⁹. Article 1, Convention on Registration of Objects Launched into Outer Space.

³⁰. Michael Chatzipanagiotis, "Criminal Jurisdiction in International Space Law: Future Challenges in View of the ISS IGA," *International Institute of Space Law*, Issue 3 (2014): 327.

accordance with the provisions of international law. This article is not only important in terms of determining criminal jurisdiction, but also in adhering to the principles of international criminal law, such as the principle of Double jeopardy. Since Article 3 refers to the application of international law, it is therefore possible to resort to the rules of the relevant international treaties, such as Article XII of the Draft Code of Crimes against the Peace and Security of Mankind,³¹ and Article XIV of the International Covenant on Civil and Political Rights,³² Which confirms that it is not permissible to prosecute the same crime twice.³³

However, the Outer Space Treaty does not include all possible cases in space, such as private spacecraft, which may be launched by countries that are not parties to the Registration Agreement. The vehicle will be like a ship without a flag on the high seas, so it is difficult to determine the jurisdiction of the state in the event that a crime is committed on board it, or a spacecraft may be built in outer space without being launched from the ground, or crimes may be committed outside the spacecraft.³⁴

The same applies to the Moon Treaty, which was signed in 1984, which stipulated that the States Parties retain jurisdiction and control over their personnel, vehicles, equipment, facilities, stations and installations on the Moon.³⁵ However, the effectiveness of this treaty will be minimal due to the small number of States that signed it.³⁶ It also did not bring anything new in the field of State criminal jurisdiction in outer space, except for the above text, which is considered a repetition of what was stated in the Outer Space Treaty.

2.2. IGA Convention of 1998

There are two basic differences between the Outer Space Treaty and the IGA Treaty. The Outer Space Treaty applies to all of outer space, while the IGA Treaty applies only to the International Space Station. The other thing is that the IGA Treaty includes explicit provisions regarding criminal jurisdiction,³⁷ unlike the Outer Space Treaty. Thus, it is considered one of the rare sources in the field of criminal jurisdiction in outer space, although it is still a narrow source that needs a wider scope for development.

Article 5, paragraph two, of the IGA states that:

each Partner shall retain jurisdiction and control over the elements it registers in accordance with paragraph 1 above and over personnel in or on the Space Station who are its nationals.³⁸

In addition, Article 22 of the Convention stipulates that:

"In a case involving misconduct on orbit that: (a) affects the life or safety of a national of another Partner State or (b) occurs in or on or causes damage to the flight element of another Partner State, the Partner State whose national is the alleged perpetrator shall, at the request of any affected Partner State, consult with such State concerning their respective prosecutorial interests. An affected Partner State may, following such consultation, **exercise criminal jurisdiction over the alleged perpetrator**

³¹. Article 12, *Yearbook of the International Law Commission 1996*, vol. II.

³². Article 14, *International Covenant on Civil and Political Rights* (1976).

³³. Avin Persad-Ford, *Op. Cit.* p 6.

³⁴. Reid White, "Plugging the Leaks in Outer Space Criminal Jurisdiction: Advocacy for the Creation of a Universal Outer Space Criminal Statute," *Emory International Law Review*, vol. 35, no. 2 (2021): 348.

³⁵. Article 12, *Agreement Governing the Activities of States on the Moon and Other Celestial Bodies* (1984).

³⁶ P. J. Blount, "Jurisdiction in Outer Space: Challenges of Private Individuals in Space," *Journal of Space Law*, vol. 33 (2007): 312.

³⁷. Blount, P. J, *Op. Cit.* p 312.

³⁸. Article 5, *International Space Station Intergovernmental Agreement* (IGA) (1998).

provided that, within .90 days of the date of , such consultation or within such other period as may be mutually agreed, the Partner State whose national is the alleged perpetrator either:

- (1) concurs in such exercise of criminal jurisdiction, or
- (2) fails to provide assurances that it will submit the case to its competent authorities for the purpose of prosecution.

Accordingly, if a French astronaut commits a crime against an American astronaut on board the International Space Station, the criminal jurisdiction will be that of the French courts, according to the nationality of the perpetrator of the crime, according to Article 5. However, America may request from the French authorities its right to try the French astronaut if there is a fear of the ability of the French state to try this astronaut, or if it is skeptical about the integrity of the French courts, according to Article 22.

In fact, there are several reasons for adopting this approach (trying individuals in the courts of the national state to which they belong by nationality) in the IGA agreement. Among these reasons is the principle of sovereign immunity, which means that representatives of a state cannot be tried except by its courts. The origin of this principle goes back to equality between states.³⁹ This immunity does not only apply to the head of state, the Minister of Foreign Affairs, or the state's ambassadors, but also to other persons who represent their national state, such as consuls and military personnel. Therefore, astronauts can be considered government employees (not astronaut tourists) and representatives of their countries, and they cannot be tried in another country, where the penalty may reach the death penalty, as in the United States and Russia. The other reason for adopting the nationality principle in determining criminal jurisdiction on board the International Space Station is that the European Agency (which operates as an international organization and not a state in itself) owns the Columbus unit and other units.⁴⁰ If a crime is committed on board the units that have been registered with this organization, it will lead to chaos in determining the competent state if the principle of regionalism is adopted instead of nationality, because these units in which a crime was committed are not affiliated with a specific state in itself, but rather with a group of European countries represented by the European Space Agency. The other matter is the location of the crime, as the International Space Station consists of a group of stations affiliated with several countries. If a shot is fired from a unit affiliated with a specific state, and an astronaut is injured in a unit affiliated with another country, which country has criminal jurisdiction, especially since astronauts use all the stations, and their presence in a specific station may be a coincidence. As a result of these reasons, the application of the regional principle in determining criminal jurisdiction was excluded, and the nationality principle was adopted.⁴¹

As for the difficulties facing the application of this agreement, they are that it is based on the nationality of the individual for the purpose of determining criminal jurisdiction⁴², but it does not stipulate the case of dual nationality, or if one of the astronauts has a nationality that is not recognized by the other country.

One of the observations on the 1998 agreement is that different criminal laws can be applied to astronauts working in the same space station, based on their nationality law, which is considered unfair, because the violation may be a crime in one country, and a legitimate act in another country, or the

³⁹. Article 2, Charter of the United Nations.

⁴⁰. T. A. De Roos, *Disciplinary and Criminal Law in Space* (Brill | Nijhoff, 2006), vol. 1, 115.

⁴¹. Chatzipanagiotis, Michael. *Op . Cit.* p 330.

⁴². Taylor Stanton Hardenstein, "In Space, No One Can Hear You Contest Jurisdiction: Establishing Criminal Jurisdiction of the Outer Space Colonies Tomorrow," *Journal of Air Law and Commerce*, vol. 81, no. 2 (2016): 280.

penalty may differ, as if an astronaut committed a murder inside the International Space Station, if he was a European citizen the penalty could reach 15 years, and if he was an American the penalty could reach the death penalty.

A question may come to mind, what if a war crime, a crime of aggression, genocide or crimes against humanity were committed and these acts began in outer space? Can the case be raised before the International Criminal Court?

In theory, there are no restrictions on the extension of the jurisdiction of the International Criminal Court in outer space.⁴³ If these acts were committed on board a space station registered in a State Party to the Rome Statute,⁴⁴ or if the accused is of the nationality of a State Party, the case can be brought before the International Criminal Court, taking into account that the jurisdiction of the International Criminal Court is complementary to the jurisdiction of national courts.⁴⁵

3. Conclusion

- 1- International space law prohibits states from claiming or exercising sovereignty over any part of outer space.
- 2- There is some jurisdiction that the state has in the field of criminal cases according to the principle of territoriality, over the actions, activities and persons on board the stations registered with it.
- 3- According to the IGA Agreement, states have the right to prosecute their nationals for violations they commit on board the International Space Station, based on the principle of nationality in determining the criminal jurisdiction of the state, which is an exception to the general rule in determining jurisdiction according to the principle of territoriality, so the above agreement only applies to the states parties.
- 4- Article 22 of the IGA Agreement is an important precedent in the field of determining criminal jurisdiction, as it is considered the first article in the field of international space law, which explicitly stipulates determining criminal jurisdiction in space.
- 5- There is a distinction between crimes committed inside spacecraft and crimes committed outside spacecraft or the space station, as the former are subject to Article 8 of the Outer Space Treaty and Articles 22 and 23 of the IGA, while the latter are subject to international custom.

4. Recommendations

- 1- The international community needs an effective international legal system to regulate and monitor human actions and behavior in space.
- 2- The absence of colonies in outer space or on planets at the present time, or the rarity of outer space travel, should not be a reason for not enacting legislation regulating behavior in space, including legislation specific to criminal cases, and determining criminal jurisdiction.
- 3- The lack of current rules in the field of outer space, to keep pace with the tremendous technological developments, which resulted in an increase in flights into outer space, by private companies, although it is still small from the point of view of the time spent in space, as there are many questions that the current rules of international space law are still unable to answer.

⁴³. Steven Freeland, "International Criminal Justice in the Asia-Pacific Region: The Role of the International Criminal Court Treaty Regime," *Journal of International Criminal Justice*, vol. 11, no. 5 (2013): 1029.

⁴⁴. Rome Statute of the International Criminal Court, 17 July 1998, 2187 U.N.T.S. 90.

⁴⁵. D. Ireland-Piper and S. Freeland, "Star Laws: Criminal Jurisdiction in Outer Space," *Journal of Space Law*, vol. 44, no. 1 (2020): 63.

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