



**2020**

## **Manfred Lachs Space Law Moot Court Competition**

### **Responses to Requests for Clarification**

*Confederation of Valenkova*

v.

*The Republic of Saridia*

1. Did astronaut McKenzie exit the Bondar at any point before piloting it back to Earth?

*Further clarification is declined.*

2. In page 5, paragraph 16, issue a, does the term "when its crewmembers challenged the legitimacy of the Valenkovan CDM" refer only to the challenge raised by Astronaut Katie James in page 3, paragraph 8, or does this challenge also include first, Astronaut Christine McKenzie agreeing with her SaRidian colleague and suggesting an alternative course of action in page 4, paragraph 10; second, McKenzie challenging the chain of command and securing herself in the Bondar in page 4, paragraph 11; and third, disobeying the Commander's orders to leave the Bondar and secure herself in the Sharman in page 5, paragraph 12? In short, what all actions would the "challenge" include?

*Further clarification is declined.*

3. Are Valenkova and SaRidia civil law or common law countries?

*Further clarification is declined.*

4. Paragraph 17 of the fact sheet says that SaRidia and Valenkova have a bilateral agreement that allows use and leasing of SaRidian launch and landing facilities for Valenkovan vehicles. Against this backdrop, can it be assumed that Bondar was launched from Saridian Territory?

*No.*

5. Whether McKenzie's silence in the Bondar was due to the failure of the communication system or she chose to remain silent?

*Further clarification is declined.*

6. Do we need to look at the technical details related to the functioning of the space station, CDM's itself and the orbital collision that occurred? For example, the debris size, the time between receiving the CDM and acting upon it along with the time of collision. Are these the 'pre-determined risk thresholds' as mentioned in para 4?

*Further clarification is declined.*

7. Does McKenzie have to answer for the criminal responsibility of her alleged wrongful doing?

*The pleadings are before the Court.*

8. Why did Valenkovan crewmember maneuver the Sherman to a high-risk zone knowing that area posed a high risk?

*Further clarification is declined.*

9. Who carried out the analysis that showed that the valenkova CDM actually suffered from a type-one error?

*Further clarification is declined.*

10. In the national registry of which State is the module of the SSH registered, where the events in para. 7 – 12 of the Agreed Statements of Facts took place?

*SaRidia is the State of registry for the module of the SSH where the events described in para. 7 -12 transpired.*

11. What are the intervals of time between the start of the SSH mission, SSH receiving the CDMs, crew discussing course of action, Commander taking action, evacuation, collision of Sherman with the space debris and McKenzie piloting the Bondar back to SaRidia?

*Further clarification is declined.*

12. Is astronaut Prof. Mikaela - who is described as a "private astronaut" - acting in her personal capacity on board the SSH, or is she representing Valenkova?

*See Agreed Statement of Facts paragraph 2.*

13. Does the bi-lateral agreement between SaRidia and Valenkova on the use and leasing of SaRidian launch and landing facilities provide reciprocity in the use and handling of respective space facilities and objects of the States, including the transportation vehicles?

*Further clarification is declined.*

14. Did McKenzie know about transmission problems with communications system on Bondar when secured herself in the Bondar? (para 11)

*Further clarification is declined.*

15. Which one of awareness systems (SSA or GACSSCA) is priority in emergency situation? Are there any regulation acts?

*Further clarification is declined.*

16. Have the violations of the Code of Conduct been penalized in the national laws of the States Parties to the SSH IGA?

*See Agreed Statement of Facts paragraph 17.*

17. Have SaRidia provided assurances of submission of the case of Ms. McKenzie's misconduct to its competent authorities under Art.22 of the SHH governing agreement?

*Further clarification is declined.*

18. The Applicant State is named Confederation of Valenkova. Does the word 'confederation' mean it is a confederation of states (not a federation or unitarian state) or is it still all in all a single state with international legal capacity?

*It is a single state with international legal capacity.*

19. Did the Republic of SaRidia take any actions or assume any stance towards Astronaut McKenzie after The Confederation of Valenkova initiated diplomatic negotiations with the purpose of extraditing McKenzie, like submitting the case to the competent SaRidian Authorities (prosecutors, police force, attorney-general,...)?

*Further clarification is declined.*