



INTERNATIONAL COURT OF JUSTICE

**SPECIAL AGREEMENT**

BETWEEN

**KINGDOM OF EUPORIE**  
(APPLICANT)

AND

**PEOPLE'S REPUBLIC OF TAYGETE**  
(RESPONDENT)

JOINTLY NOTIFIED TO THE COURT ON 11 OCTOBER 2017

COUR INTERNATIONALE DE JUSTICE

**COMPROMIS**

ENTRE

**ROYAUME DE EUPORIE**  
(DEMANDEUR)

ET

**RÉPUBLIQUE POPULAIRE DE TAYGETE**  
(DÉFENDEUR)

NOTIFIÉ CONJOINTEMENT À LA COUR LE 11 OCTOBRE 2017

# Case concerning Incidents Onboard an Orbital Space Station of April 2017

*Euporie v. Taygete*

## STATEMENT OF AGREED FACTS

### Background

1. The Kingdom of Euporie is one of the largest economies in the world and was the fourth country in the world to send humans into outer space using its own rockets and spacecraft. It is an archipelagic state, with a population of around 62 million. It has one of the world's highest population density and has relied increasingly on land reclamation from the sea to attain arable and residential land. The Socialist Party of Euporie has governed the country continuously since 1954 and has successfully transformed the former socialist planned economy in Euporie into a capitalist market economy since the 1990s.
2. The People's Republic of Taygete has an advanced capitalist market economy that is the fifth largest economy in the world, with the world's highest gross domestic product per capita (by purchasing power parity), with its high living standards supported by free public healthcare, education, and social welfare programs. It is also the world's largest country by geographical area, with a population of around 41 million.
3. Both Euporie and Taygete are members of the United Nations.
4. Both Euporie and Taygete have highly successful government space programs that began in the 1960s and both countries have sent manned missions into space. Both countries have near-term plans to establish orbital stations, lunar colonies, and a manned mission to Mars. While all the space activities in Taygete are conducted by the Taygete Space Exploration Agency (*TSEA*), space activities in Euporie are conducted in cooperation between the Euporie Aerospace Administration (*EAA*) and its strong and internationally competitive private space sector.
5. Following an espionage incident in 1982, in which a senior official within the EAA was found to have passed on highly sensitive information concerning rocket engine construction, spacecraft design, mission planning, and trajectory modelling technology to the TSEA, both international and domestic law in Euporie restrict operational cooperation and technological exchanges between the EAA and foreign space agencies, including but not limited to the TSEA. Nevertheless, the TSEA was able to obtain advanced and much needed space technology from other countries to maintain progress in its governmental space program, which is partly-funded by private nationals from Taygete and elsewhere, paying much needed funds to the TSEA to become space tourists.

### Project SpaceLift

6. Following the global economic crisis that began in 2008, there was increasingly public opinion in both countries that the continuing political mistrust and economic rivalry between the two countries should be softened, to enable their economies to benefit from increased bilateral trade and investment. In 2014, the newly-elected coalition government in Euporie and a new generation

of leaders in Taygete met in a ministerial conference for the first time, on the sidelines of a United Nations summit meeting of the General Assembly, to explore avenues of cooperation.

7. In the New York Communiqué that was signed at the conclusion of the ministerial conference between Euporie and Taygete, it was agreed that the TSEA and the EAA would invite astronauts from the other country to visit and conduct joint scientific projects on their orbital research installations. This cooperation program began in February 2015, with three astronauts from Euporie visiting the EAA orbital station *ESS Celaeno* for three weeks and taking part in joint studies in the activities of amoebae in microgravity, and the results of this research were published in *Nature*, a highly-regarded international scientific journal, in October 2015.
8. On 16 June 2016, it was announced jointly by the TSEA and the EAA that a crew of four from the TSEA would join the existing crew of five onboard the TSEA orbital station *Aldebaran* in November 2016. It was also announced the mission would be called “Project SpaceLift” because, the astronauts of the two agencies would work together during this sixteen-day mission on the production and tensile testing of carbon nanotubes in microgravity, as part of the ongoing research efforts of both agencies towards a future space elevator.
9. On 19 June 2016, Francis Bacon, the Deputy Director of the EAA, wrote an email to Edmund Halley, the Senior Vice-Chairperson of the TSEA, seeking clarification on the identities of the TSEA crew that was to participate in Project SpaceLift, because while the agreed English media release published on 16 June 2016 referred to the crew of four from the TSEA as “*all* being current TSEA-trained astronauts”, the Taygetean translation of the media release that was published referred to “*most* being current TSEA-trained astronauts”. The EAA never received a response to this email.
10. On 23 October 2016, the TSEA announced that its crew for Project SpaceLift would comprise three professional astronauts and Dr. Kofi Hendrickson, a wealthy 57-year-old Internet entrepreneur of Taygete nationality, who had paid the TSEA to go into space as a space tourist onboard one of the TSEA’s resupply missions to the *Aldebaran*. There are local media reports, unconfirmed by the TSEA, that on hearing the announcement of Project SpaceLift, Dr. Hendrickson paid the TSEA four times what he had paid originally, to become one of the TSEA crew for that mission.
11. On the next day, at a media conference at EAA headquarters, Mr. Bacon announced that, due to safety and security concerns, the EAA would not permit an untrained space tourist onboard the *Celaeno*. In turn, Mr. Halley released a statement to the press to the effect that the EAA never prescribed how “professional” the crew had to be to participate, and Dr. Hendrickson has undergone two months of intensive training in preparation for the mission and, given his doctorate was in materials engineering before he went into business, was uniquely suited to participate in Project SpaceLift.
12. On 14 November 2016, notwithstanding warnings from Mr. Bacon that the TSEA crew would be “going an awfully long way to visit a sealed docking collar”, the TSEA launched the crew, including Dr. Hendrickson, towards the *Celaeno*. Upon docking with the *Celaeno*, the TSEA crew were denied entry onto the *Celaeno*. After two days without resolution of the impasse, the EAA crew onboard the *Celaeno* transferred some food, water, and fuel to the TSEA crew, who then undocked their spacecraft and returned to Taygete.

13. The TSEA demanded that the EAA pay compensation for the costs thrown away in the mission.

#### **Relaunch of Project SpaceLift (II)**

14. On 12 January 2017, after much negotiation between the EAA and the TSEA, involving the intervention at times of the King of Euporie, the Grand Chancellor of Euporie, and the President of Taygete, the two agencies agreed to conduct Project SpaceLift (though the TSEA refer to this mission as “Project SpaceLift II”) in April 2017, which would include Dr. Hendrickson as a “special participant” after he had completed successfully a four-week course of mission-specific training, to the satisfaction of both the EAA and the TSEA.
15. Dr. Hendrickson completed his special training at the end of February 2017, and the EAA and the TSEA agreed that the launch of Project SpaceLift (II) would take place on 11 April 2017.
16. Due to inclement weather, the launch of Project SpaceLift (II) was delayed until 13 April 2017.
17. On 16 April 2017 at 1400 GMT, Dr. Hendrickson, along with two EAA astronauts and two TSEA astronauts, began an extra-vehicular activity, or a “spacewalk” as part of an experiment to test the tensile strength of carbon nanotubes in vacuum and microgravity. The spacesuits worn by the crew were supplied by the EAA and were tailored to each crew member except Dr. Hendrickson, who wore a spare spacesuit that did not quite fit him.
18. It is not known whether it was due to excitement or inexperience, but Dr. Hendrickson did not notice the decreasing spacesuit air pressure among the various data shown in his visor display until it was so low it triggered an alarm and began flashing red. Overcome with panic, he wanted to press the buttons that would manoeuvre himself back to the dock, but instead he detached his whole personal manoeuvre system, which collided at high speed at the joint that connected the port-side solar panels with the *Celaeno*.
19. The other crew members were able to take Dr. Hendrickson back onboard the *Celaeno*.
20. In accordance with established procedure onboard in cases of rapid depressurisation, the EAA crew placed Dr. Hendrickson in one of the smaller spacecraft docked with the *Celaeno*, using it as a pressurisation vessel. However, due to a pre-existing respiratory condition, Dr. Hendrickson went into respiratory and cardiac arrest within hours and could not be revived.
21. With the substantial loss of power resulting from the damage to the solar panels, the decision was made by the EAA to evacuate. As one of the EAA evacuation spacecraft was used to treat Dr. Hendrickson, two of the EAA crew left the station onboard the TSEA spacecraft and returned to Taygete. On their arrival in Taygete, the Taygete Confederate Police arrested the two EAA crew members and they were subsequently charged with the murder of Dr. Hendrickson, which was subsequently downgraded to manslaughter charges by the Taygete prosecutors.

#### **Events Following the Incident**

22. The *Celaeno* will not be restored to full use until the solar panels and their connection to the space station are repaired by crews to be sent by the EAA over the next two years. The cost of the repairs and the commercial and scientific loss suffered by the EAA in the loss of the use of the *Celaeno* are substantial and it is impossible at this time to quantify them.

23. The EAA applied for and obtained a domestic patent from the Euporie Patents Office and an international patent under the Patent Cooperation Treaty for the carbon nanotubes partly developed during Project SpaceLift, and has licensed the technology for substantial royalties to various multinational aerospace firms.
24. Both the EAA and the Royal Government of Euporie has ignored demands from the TSEA and the Government of Taygete for the carbon nanotube technology and the royalties derived from it to be shared with them.
25. The autopsy conducted on Dr. Hendrickson by medical practitioners employed by the EAA found evidence of a pre-existing respiratory condition. In their report, they gave the opinion that Dr. Hendrickson would not have survived the spacewalk even if the depressurisation did not occur. This was disputed by the TSEA, which noted that Dr. Hendrickson passed medical examinations and vigorous physical tests conducted under supervision of EAA officials, and in any event the defect, or perhaps even sabotage, of the EAA's spacesuit was the direct cause of his death.
26. In June 2017, the medical specialist that was the head of the EAA's astronaut training unit committed suicide after she was shown to have maintained offshore accounts that received deposits from Dr. Hendrickson in a recent tranche of papers leaked to the public from a law firm in the Caribbean that specialised in offshore finance.
27. The two EAA crew members remain imprisoned without bail as they await trial.
28. After months of diplomatic efforts having failed to resolve the disputes between the States, including the use of the good offices of the Secretary-General of the United Nations, Taygete and Euporie agreed to refer the dispute to the International Court of Justice.
29. Euporie claims that:
  - (i) Taygete is liable to Euporie for the repair of the physical damage caused by Dr. Hendrickson to *Celaeno*; and
  - (ii) Taygete is liable to Euporie for the loss of the use of the *Celaeno*; and
  - (iii) Taygete must set aside all charges against the EAA crew and return them to Euporie;
30. Taygete claims that:
  - (i) Euporie is liable for the costs incurred and thrown away by its refusal to admit the first Project SpaceLift crew; and
  - (ii) Euporie is liable for the death of Dr. Hendrickson; and
  - (iii) Euporie must share with Taygete the carbon nanotube technology developed during Project SpaceLift II and the royalties derived from the relevant patents.

31. Both Euporie and Taygete are parties to the Outer Space Treaty, the Rescue Agreement, the Liability Convention, and the Vienna Convention on the Law of Treaties. Euporie is party to the Registration Convention, which has not been signed by Taygete. Neither Euporie nor Taygete are party to the Moon Agreement.
  
32. Both Euporie and Taygete are founding members of the International Telecommunication Union and the International Civil Aviation Organisation.