

# Review Report



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45TH EDITION

## TELDERS

INTERNATIONAL LAW MOOT  
COURT COMPETITION

THE HAGUE, 6-11 JUNE, 2022

Case concerning the  
compensation due  
from the exploded  
M2M Satellite's  
Space Debris



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# PROF. BENJAMIN TELDERS

The Telders International Law Moot Court Competition is named after Professor Benjamin Marius Telders, who first became a professor of international law at Leiden University in 1931. Telders was extremely interested in why and how law operated. He considered international law to be a unique study and challenge, since it was - and in many respects still is - undefined and interwoven with history and politics.



Professor Telders was respected for his sharp mind and frequently had the honour to represent his country, The Netherlands, before the Permanent Court of International Justice, predecessor of the International Court of Justice.

His interests and activities were not, however, limited to international law. Professor Telders was a man who enjoyed life to the full. He spent his time doing various other activities as playing the piano, editing a literary magazine and leading a political party. These other activities complemented his duties as a professor and a lawyer.

His approach to law was a practical one. Problems were meant to be solved, but not in contravention with important legal principles such as the rule of law and civil society. Professor Telders stood and fought for those principles even in the most difficult of times during the Second World War. Even being imprisoned for four and a half years did not break him morally or mentally, but made him more determined. He continued to write about international law, using a small pencil and match sticks. His fellow prisoners had great respect for his ability to put moral guidance and leadership into practice. Professor Telders died in the concentration camp of Bergen-Belsen in April 1945.

Two years later, in 1947, former students of Professor Telders founded the Telders Students Society of International Law (Telders Dispuut) in commemoration of their Professor. The first Telders International Law Moot Court Competition was organised in 1977 on the occasion of the 30th anniversary of the Telders Students Society for International Law.

Now, 45 years after the first competition, the Telders Moot Court continues to maintain and live up to the legacy of the learned professor of international law.

# PREFACE

The Telders International Law Moot Court Competition has been held each year since 1977. This means that 2022 marked the 45th edition of the competition. This year, 25 universities from 18 countries competed in the competition. Due to the Covid-19 situation, this year's competition was held fully online.

The main objective of the Telders Competition is to stimulate students' interest and knowledge of international law. It is an exceptional opportunity for the participants in a variety of ways. In taking part, students are educated in legal practice, and such important principles as the rule of law and fair play. The Competition provides an excellent platform for experiencing a close-to-reality court setting.

To mark the special occasion of the 45th Anniversary of the Telders International Law Moot, the 2022 moot problem, for the first time in its history asked participating teams to argue at the phase of reparations, the merits already having been decided by the International Court of Justice. Telders therefore released the 'Case concerning the compensation due from the exploded M2M Satellite's Space Debris'. The moot problem concerns intertwined questions of international space law, international environmental law, and international human rights law. It asks participating teams to assess the compensation emanating from the liability of both parties to the dispute (*Jonam v. Maleen*) as a result of the explosion of the ambitious M2M space exploration satellite, and the ensuing damage caused in Outer Space and on the Earth.

The Supervisory Board and the Telders Organizing Office wish to express their gratitude to all Members of the International Board of Review, the Judges of the Oral Rounds and the Final Round. We are grateful for the financial support of the Leiden University Fund/Mr. S. J. Visser Fonds, and the Swiss Directorate for International Law (DIL) of the Federal Department of Foreign Affairs (FDFA), that has made this competition possible.

# **CASE CONCERNING THE COMPENSATION DUE FROM THE EXPLODED M2M SATELLITE'S SPACE DEBRIS**

BY MOHIT KHUBCHANDANI

## **A. Background**

1. The Republic of Jonam ("Jonam"/"Applicant") and the Republic of Maleen ("Maleen"/"Respondent") are two neighbouring countries, both members of the United Nations ("UN"). They are located in the continent of South Raunyka, home to the Nemozon, the world's largest rainforest; also known as the lung of the Earth.
2. Jonam is known for its pristine biodiversity and rare species. It is a developing country with an agrarian economy. 50% of the Nemozon is on Jonamian territory and 10% on Maleen's territory. Jonam suffered major economic losses in light of the 2019 Nemozon rainforest wildfires. The Jonamian Nemozon is also home to the Popri tribal community. Jonam and Maleen are also coastal states, having highly migratory species of pacific leatherback sea turtles, traversing through their waters and high seas.
3. Maleen is one of the world's fastest growing economies. To advance such ambitions, on 15 August 2009, Maleen's Prime Minister, Ms. Bel Bonetti, announced from the headquarters of Maleen's State-owned International Space Agency ("MISA"), the first of its kind flagship mission titled "Mankind To Mars" ("M2M"). M2M was designed to place an interplanetary observatory satellite in Mars' orbit. This was hailed as the world's cheapest Mars mission, at a cost of \$75 million US Dollars. The purpose of M2M was to collect data for the possible presence of Methane in Mars' atmosphere, and how any such findings could be useful for the Earth.
4. The key difference between this mission and the most expensive Mars mission by the world's most powerful national space agency, Modern Aeronautical Space Agency ("MASA"), was that MASA used a heavier payload and a more sophisticated launch vehicle. MISA had also initially planned to use its indigenously built Geosynchronous Satellite Launch Vehicle, but since MISA was having predicaments with its cryogenic engines for three years, MISA's scientists decided instead to reduce the payload and use the Polar Satellite Launch Vehicle. The Polar Satellite Launch Vehicle had not previously been used for such a mission. The M2M successfully aligned in the Martian Orbit in 2013 in its first attempt. The aim was for the M2M to orbit Mars for one Martian year.[1]
5. In September 2020, in recognition of the widespread impacts of climate change, especially in light of the latest Intergovernmental Panel on Climate Change's ("IPCC") reports, the United Nations Committee on the Peaceful Uses of Outer Space ("UNCOPUOS") [2], released a 'Report on Space Applications for Sustainable Development Goal 13: Climate Action' ("UNCOPUOS Report"). The UNCOPUOS Report calls for the use of space technologies to successfully meet the "Nationally Determined Contributions" ("NDCs") of nations under the Paris Agreement on Climate Change, 2015 ("Paris Agreement").
6. Soon after, in June 2021, during the G7 Summit [3] held in the United Kingdom, participants emphasized the threat posed by increasing 'Space Debris'. It was noted by the delegates that, "... [C]urrently an estimated 900,000 pieces of Space Debris, including old satellites, spent rocket bodies and even tools dropped by astronauts orbiting Earth, could stay in orbit for hundreds of years and present a real danger to the rapidly increasing number of new satellites being launched each year..."

7. Noting with concern these recent developments, whilst also recognising its 'Common but Differentiated Responsibilities' ("CBDR") under the Paris Agreement and in line with the object and purpose of the Vienna Convention for the Protection of the Ozone Layer, 1985 ("Ozone Convention"), Maleen's Minister of Space & Environment, Mr. Deanly Sparnik, commissioned a Working Group of Experts under the MISA, to study the relationship between space debris and climate change. The findings of a 400-page report ("Maleen's Working Group Report") on 24 July 2021, were alarming. In particular, it noted: "Through the re-entry of space junk in the Earth's atmosphere, immense heat is generated, that causes the thinning of the density of the atmosphere due to a sudden burst of carbon dioxide's release. The shockwaves created also produce nitric oxide, a cause of ozone depletion."
8. In light of recent events, a Jonam-based Environmental NGO, Peoples Against Wastage ("PAW"), released a 50-page report on 6 August 2021, titled: "Damage to the Earth's Environment by Space Junk" ("PAW Report"). The PAW Report stated: "Space Debris can sometimes contain highly toxic rocket fuel called 'Unsymmetrical Dimethylhydrazine' ("UDMH") – which can spread in the Earth's atmosphere. It also can penetrate through soil and water, harming plants and animals." When the media sought comments from Jonam's national Aeronautical and Space Agency ("JASA"), JASA's scientists kept silent "pending governmental enquiries".
9. Maleen had pledged in 2015 to meet its 1.5 to 2 degree Celsius below pre-industrial levels target by 2100, as enshrined under the Paris Agreement. To achieve this goal, it sought to be a beneficiary of the Green Climate Fund ("GCF") [4], established as a financial mechanism under the aegis of the United Nations Framework Convention on Climate Change, 1992 ("UNFCCC") for various sustainable development projects. Therefore, Maleen's Ministry of Space & Environment, on advice from MISA's scientists, prepared a proposal for the GCF on 19 September 2021, titled: "The Reformation and Re-utilisation of Interplanetary Satellites for Earth Observatory purposes for one year before being discarded as Space Junk" ("Maleen Proposal").
10. The Maleen Proposal sought to conclude bespoke contracts for each MISA interplanetary observatory satellite with the International Space Station ("ISS"). Such contracts would facilitate docking, refueling and refurbishment, after which a satellite could be relaunched into the Earth's orbit. Such an exercise would considerably reduce Space Junk; it would also be in consonance with the need for avoiding natural disasters, by using remote sensing technologies. The timing of this proposal seemed to be perfect for Maleen, just ahead of a Conference of Parties 26 ("COP") on Climate Change, to be held in Glasgow in November 2021. The M2M would be the only satellite designed to monitor the Nemozon region between Jonam and Maleen, in the backdrop of the recent damages caused in the Nemozon by other actors.
11. Prime Minister Bonetti spoke of Maleen's flagship program, named "The Conversion and Reuse of Interplanetary Satellites as Earth Observatory Satellites for one additional year" at the High-Level Week of the United Nations General Assembly ("UNGA") in 2021. This received appreciation from UN Member States. Later in September 2021, upon introduction of a formal resolution on this issue, the UNGA unanimously passed a resolution ("Satellites Resolution"), which stated: "Noting the significant development in space exploration, and the need to sustainably use spatial exploration related manufactured products, states parties are encouraged to conduct further research to study the viability and risks associated with prolonging the lifecycle of an interplanetary satellite, to be used as an Earth observatory satellite."

12. On 1 October 2021, high-level representatives of many national space agencies, including MISA and JASA, met at a meeting of the Space Climate Observatory (“SCO”) [5], an international consortium (without legal personality) of global space agencies. During this meeting, MISA’s officials informed other space agencies of MISA’s plan to revolutionize space exploration. For the first of its satellites for this exploratory program, Maleen proposed to recycle the M2M, which was due to return from Mars and retire on 4 October 2021. For the purposes of its refurbishment, refueling and reuse as an Earth observatory satellite for one more year, Maleen had received \$1 Million US Dollars under the aegis of the GCF. MISA’s scientists made a presentation titled: “Transforming Satellites in Space”. That presentation indicated how money, raw materials and time could be saved by making better use of the utilities already available at the ISS. Using these, a ‘refurbishment, refueling and reuse (“RRR”) facility’ could be setup at the ISS to transform the M2M. In the presentation, the delegation of Maleen proposed bespoke contracts for each satellite that would avail of the RRR services. Such contracts would require a fee to be paid to the ISS.

## **B. The M2M satellite’s refurbishment and subsequent explosion**

13. On 2 October 2021, on the sidelines of the SCO meeting, scientists from world-renowned national space agencies, who own and operate the ISS, decided to enter into a first of its kind Memorandum of Understanding (“MoU”) titled: “Refurbishment, Refueling and Reuse of the M2M interplanetary satellite by its conversion to an Earth observatory satellite for one year at the ISS” (“M2M MoU”). At a media conference later that day, the representative of Jonam, Ms. Célfia Novathe described the M2M MOU as a “hurried decision”.

14. The 15 managing States of the ISS (including MASA) entered into the M2M MOU with Maleen. The MoU contained a limited liability clause. The MOU’s dispute resolution clause referred to the International Court of Justice (the “ICJ” or the “Court”) as the forum for adjudication of any disputes that had not been settled amicably.

15. On 4 October 2021, the M2M successfully completed its Mars mission and docked at the ISS for further procedures under the M2M MoU. Pursuant to the MOU, cosmonauts on the ISS submitted to MISA, a “condition report”, which described the M2M as being in “good condition”.

16. Later, on 4 October 2021, while cosmonauts on board the ISS were asleep, an Anti-Satellite Weapon (“ASAT”) named “Space Debris Eliminator” (“SDE”) was launched. The launch was part of a joint exercise by three nations, including Jonam, to reduce satellite traffic and junk. The exercise would involve shooting down and discarding an old retiring Earth observatory satellite named “GOM 100”. This satellite was jointly owned and registered by these nations and located just 56 kilometers away from the ISS. As a result of the shutdown, thousands of space debris, about 5 millimeters each in size, blew up and flew at high speeds. The space debris’ velocity was later described as “ten times faster than a fired bullet”.

17. Since this ASAT exercise had been a normal occurrence since 2019, the cosmonauts proceeded to refurbish the M2M the following day, without checking the ISS for any damage. On 5 October 2021, the M2M was launched as an Earth observatory satellite in Earth’s orbit. After three days, there was a sudden leakage in the pressure control tubes of the refurbished M2M. Shortly afterwards, the M2M exploded. On 9 October 2021, several planks of the M2M crash-landed near Popri Village, located in the outskirts of Jonam, within the Nemozon. This caused severe damage in Popri, including to the cultural heritage of the Popri community, by damaging the religious Aphsup temple.

It also led to loss of human life, flora, fauna and damage to the Moji River. The Moji River flows into the Pacific Ocean and hosts several endangered highly migratory species under the International Union for Conservation of Nature (“IUCN”)’s lists and the Appendices of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (“CITES”).

18. Climate scientists worldwide deemed this incident an “unusual occurrence”. They called for an “immediate investigation”, including an “assessment of the gradual thinning of the Ozone Layer above the Nemozon”. In the following week, several incident reports were published. Their findings are as follows:

## C. Jonam’s claim

19. Jonam’s Space & Environment Ministry released a Report titled “Damage caused to the Jonamian Territory and Peoples’ due to the impact of the M2M Satellite’s Space Debris” (“Damage Report”), dated 11 October 2021. Exhibit A of the Damage Report assessed the damage caused in Popri under the following heads:

### **[I] Damage to Humans: Violation of International Human Rights Law**

- i. Loss of five civilian lives – all of whom were directly hit by the space debris and died on the spot; three of them were between ages 20-45, and two aged 65-80.
- ii. Three people suffered major injuries (such as permanent impairments – loss of mobility, sight, hearing etc.).
- iii. Seven people succumbed to minor injuries.
- iv. A World Health Organization official, based in Jonam, was quoted to have said, in her individual capacity: “Based on the world’s past experience, such an incident can also cause long-term effects, such as anemia, allergies, sore throat and skin cancer. There might after all, be a link between space debris and the health of people.”

### **[II] Damage to Flora, Fauna and the Marine Environment: Violation of International Environmental Law and the Law of the Sea**

- i. One Sumatran female elephant, aged four years, died.
- ii. 56 pangolins died; 28 were severely harmed.
- iii. Through the UDMH discharge, it is believed that 30 pacific leatherback sea turtles in the Pacific Ocean died within a week.
- iv. Soil acidification has occurred in an area of 3 square kilometers in the Nemozon.
- v. About 100 farm animals, 54 poultry and 46 cattle, died as a result of the impact, which is similar to an impact caused by aerial spraying.

### **[III] Cultural Damage: Violation of International Human Rights Law**

- i. The Aphsup temple, an important part of Popri cultural heritage, was partially (25%), yet permanently, damaged as a result of the impact.

### **[IV] Damage to the Climate: Violation of International Environmental Law**

- i. It is likely that this impact has caused damage to the Ozone Layer above Jonam, which can lead to many hazards, particularly human skin cancer. Jonam shall quantify these damages after a procedure for settlement or litigation is decided by the parties.”

20. In a Note Verbale prepared on the same day as the report, the President of Jonam, Mr. Hanidluca Khumani, wrote to Prime Minister Bel Bonetti, alleging that, "... [i]t is due to Maleen's lack of due diligence, whilst creating a 'dangerous transformative model', and the M2M's subsequent explosion and crash landing in Popri, that Maleen has committed an internationally wrongful act by causing transboundary harm, in violation of relevant treaties and customary international law. Jonam expects Maleen to act as a good neighbour and amicably settle this dispute, by paying fair compensation as a form of reparation for the four categories of damages suffered. Additionally, Jonam asks Maleen to undertake to not refurbish any satellites, originally designed for another purpose." Annexed to this letter was Exhibit A of the Damage Report, which listed the four heads of damages for which Maleen was allegedly liable for compensation.

## **D. Maleen's Claim**

21. Maleen also prepared its report dated 12 October 2021, titled "Damage to the M2M Satellite as a result of ISS' negligence and the elimination of GOM 100 by Jonam and other actors" ("Crash Report"). The Crash Report alleged that "... [t]he cosmonauts on the ISS failed to carry out an inspection, in violation of the M2M MoU, after an impact with the exploded space debris of GOM 100. The ISS cosmonauts should have exercised due diligence and check the RRR facility for any damage, upon the negligent usage of an ASAT by Jonam and three other nations on the night of 4 October 2021. Consequently, there was a leak in the pressure control tubes of the M2M, which led to its explosion and crash on Jonamian territory. Maleen therefore does not owe compensation to Jonam. On the contrary, Jonam and other nations are liable for the damage caused to the M2M."
22. The UNCOPUOS, in a special meeting held on 14 October 2021, confirmed the findings of Maleen's Crash Report to the extent of the cause of the damage to the M2M. The UNCOPUOS did not, however, comment on the international State responsibility of any nation.
23. Through a letter dated 16 October 2021, Maleen's Prime Minister responded in unequivocal terms, denying any fault of Maleen. The letter was addressed to President Khumani and annexed the Crash Report and the UNCOPUOS Report to substantiate the claims. The letter accordingly asked Jonam to pay fair compensation for the loss of the M2M, which Maleen's Foreign Ministry stated would "... ideally be determined through a mutually negotiated settlement or litigation." The Maleenian Foreign Ministry, in a press conference held that day, added: "This is not the treatment deserved by a law-abiding nation, willing to go the extra mile to revolutionize space exploration, whilst balancing it with its NDC's under the Paris Agreement."

## E. Special agreement to the Court and Questions Presented

24. After failed negotiations, the Ministers of Foreign Affairs of both nations jointly drafted a “Special Agreement”. On 1 November 2021, they submitted the Special Agreement to the ICJ’s Registry, pursuant to Articles 36(1) and 40(1) of the Statute of the Court. The Special Agreement, in relevant part, referred the following questions for the Court’s determination:

“Question I - Has Maleen committed an internationally wrongful act by the crash landing of the M2M Satellite on Jonamian territory?

Question II - Is Maleen liable to pay compensation for any or all four categories of damages listed in Exhibit A of the Damage Report?

Question III - Does Jonam bear international responsibility for damage caused to the M2M Satellite?

Question IV - If Maleen and/or Jonam are found to be liable to pay compensation for any or all of the damages caused, is this a case of contributory negligence of the ISS, which would accordingly apportion the quantum of the damages so caused?”

25. After the parties and the Court agreed an expedited procedure, the written and oral phases of the hearings took place; they concluded on 1 December 2021. On 22 January 2022, the Court rendered its judgment on the Merits.

## F. The Court’s Judgment on Merits: 22 January 2022

26. In its judgment, the Court held the following (extracted):

“64: The Court relies on its consistent jurisprudence pertaining to reparations. In the environmental context, the Court believes that the nature of environmental disputes is such that the application of the higher standard of proof would have the effect of making it all but impossible for a State to discharge the burden of proof.

68. The Court is fully aware of the inherently volatile conditions in Outer Space and the ensuing damage caused in the present circumstances. In arriving at its decision, the Court has paid due consideration to the tangible and intangible nature of harms alleged. It has applied the relevant applicable treaties, rules of customary international law, and the rules of evidence for standard and burden of proof and attribution of damage caused.

161. For these reasons

**The Court,**

(1) Unanimously,

*Finds* that Maleen has violated international space law and other treaties of environmental and human rights law. It is internationally responsible for the damage caused to the territory of Jonam;

(2) By ten votes to five,

*Decides* that Maleen would in principle be liable for the damages caused to Jonam, either partially or fully, for the four heads of damages claimed, subject to showing of evidence by both the parties at the stage of reparations;

(3) By eight votes to seven,

*Finds* that Jonam has violated international space law and is internationally responsible for the damage caused to the M2M Satellite;

(4) By nine votes to six,

*Decides* that this is a case of contributory negligence of the ISS' host nations. Thus, the damage so caused should be accordingly apportioned to the extent of the liability to the parties to the dispute. However, the scope of ISS' liability is beyond the scope of the upcoming proceedings on reparations.

169. ... [I]n these circumstances, the Court will decide on the amounts of compensation due by parties to the dispute to each other, based on equitable considerations.

170. The parties may produce credible reports by international organisations, expert opinions, price comparisons of the heads of the damages to real life incidents. The Court will observe the jurisprudence of international adjudicatory bodies, and rely upon contemporary valuation and compensation approaches for the environmental and other goods and services, to discuss each head of damages in Exhibit A, claimed by Jonam and for the loss of M2M Satellite, claimed by Maleen. The parties should also examine the 'Willingness To Pay' ("WTP") components and 'Evidentiary Discount Factors' ("EDF") for each of the damages claimed.

173. The parties have agreed to present their written and oral submissions collectively from 8-10 June 2022, for the case on reparations...

(Signed)  
**President**

# G. Considerations for the pleadings on reparations

## Notes:

- i. Jonam and Maleen are states parties to any relevant treaties cited by the students.
- ii. Students will be judged on the basis of the ability to prove the heads of damage associated with each claim. For avoidance of doubt, students are not expected to fully delve into the question of quantum and provide an exact financial valuation. Brief approximations of attempts to quantify heads by discussing the relevant compensation approaches and applying them to the best possible reasonably comparable international standards shall be acceptable.

***Example*** – A party should argue that the Court should make its decision based on – (1) X compensation approach and (2) Y – real life price comparator of (3) claim Z. It may attempt to, but it need not argue that it claims a precise amount under each particular head.

- iii. Students are encouraged to use the contextual facts in the record, to substantiate their arguments on the damages claimed.

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## Notes

[1] 1 Martian year = 687 Earth days.

[2] [https://www.unoosa.org/res/oosadoc/data/documents/2020/aac\\_105/aac\\_1051231\\_o\\_html/V2005482.pdf](https://www.unoosa.org/res/oosadoc/data/documents/2020/aac_105/aac_1051231_o_html/V2005482.pdf)

[3] <https://www.gov.uk/government/news/g7-nations-commit-to-the-safe-and-sustainable-use-of-space>

[4] <https://www.greenclimate.fund/about>

[5] <https://www.spaceclimateobservatory.org/about-sco>

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Ms. Anastasiia Furmaniuk

Ms. Kryhan Elina

Mr. Lutsyk Volodymyr

Mr. Patsurkivskyy Petro

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# Judges of the Oral Rounds

Mr. Emmanouil Amanios, PhD Candidate Law of the Sea, Hamburg University

Ms. María de Arcos, Pérez-Llorca Abogados, S.L.P.

Ms. Anja Blank, University of Helsinki

Dr. Lucian Bojin, West University Timisoara, Law Faculty

Dr. Martin Browne, Barnfather Solicitors

Ms. Axelle Cartier, International Civil Aviation Organization

Ms. Irene De Vos, Pan African Bar Association of South Africa

Dr. Elaine Dewhurst, University of Manchester

Mr. Dimitrije Đukić, Đukić & Novaković Law Firm

Ms. Summia El-Awawdeh, Alumna Leiden University

Mr. Karim Eshragh, Legal Expert and Ex-Agent to the International Court of Justice

Ms. Marina Fortuna, University of Groningen

Ms. Nina van Kampen Franco, Senior Consultant Digital Law, Deloitte

Dr. Laura Hughes-Gerber, Lancaster University

Mr. Kerem Gülay, Assistant Professor, Koç University

Mr. Jarret Huang, Deputy Public Prosecutor, Supreme Court of Singapore

Dr. Martha Mejía-Kaiser, International Institute of Space Law

Mr. Shayan Ahmed Khan, Harvard Law School

Mr. Mohit Khubchandani, United Nations International Law Commission

Prof. Dr. Ketevan Khutsishvili, Levan Alexidze Foundation

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Ms. Madeeha Majid, Project Officer on Forced Displacement, PILnet

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Ms. Yuliya Mik, The Hebrew University of Jerusalem

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# Judges of the Oral Rounds (2)

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Ms. Yulia Nuzban, International Criminal Court

Ms. Yana Obreshkova, Sofia University

Mr. Juan Pablo Hernández Paez, Ministry of Foreign Affairs of Guatemala

Dr. Ioanna Pervou, Democritus University of Thrace

Dr. Hossein Piran, Iran-United States Clams Tribunal

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Ms. Pem Tshering, Sidley Austin

Ms. Tess Van Gaal, Janson Law Firm

# Team Reports

## **Team ELTE- University of Budapest**

When we started our Telders journey, we never would have thought that it would be the most gripping adventure of our lives, especially at such a young age. From the first moment on, we understood that we are not only doing all the hard work for ourselves but for the other team members as well.

We felt like we are responsible for each other. Telders has taught us hard work, resilience, teamwork, perseverance, sensitivity, and care towards each other.

There is nothing better than getting immersed in a subject, understanding each other from half-sentences, and only the number of paragraphs, getting that reassuring smile from the coaches and hugging your team members after a long day of fighting in the courtroom. Telders was really a legendary experience!"

Thank you again for organizing this great event!

## **Universität Tübingen**

### Written Phase

It was exciting to read the case for the first time. It was about responsibility under international law for space activities and the calculation methods for claims for damages. Dealing with space law, a subject not common for a law student, was interesting and challenging. The facts of the case offered many points of reference for arguments under international law norms. It was a lot of fun to solve the case as an agent speaking for a country before the International Court of Justice.

The special attraction in the competition is to think of possible arguments of the opponent and a rebuttal. The search for legal sources that support one's own point of view can take a long time, but the joy of successful research is all the greater.

## Team Reports (2)

We filleted the case further and further and considered more and more legal arguments until our briefs for the respondent and the applicant took shape. The content of the arguments ranged from the requirements for gross negligence in space activities to the calculation of the value for an elephant cow (hit by a satellite debris). As with any term paper, great emphasis had to be placed on source work and careful citation. The writing of our briefs was nevertheless delightful and exhausting, and the odd long night was necessary to arrive at documents ready for submission. We were proud to submit a Respondent Memorial and an Applicant Memorial on time in March.

### Oral Phase

Presenting one's conclusions to experienced lawyers and answering follow-up questions confidently is a very different challenge from drafting a brief. The first trial pleading with a law firm was like the famous jump into cold water.

"Practice makes perfect" they say, in any case it is true: we have been tweaking our pleadings and practicing presenting week after week. With this amount of practice and preparation, we felt ready for the actual competition.

### The Competition

On Monday 5 June 2022, we finally started: at the beginning, we had an official welcome with a great speech on the importance of international law and a lecture on Benjamin M. Telders. In the following four days, the Respondent Team and the Applicant Team were each allowed to give their pleading twice.

Unfortunately, the competition took place online and not in The Hague. We missed being able to look the judges in the eye during the presentation.

## Team Reports (3)

Nevertheless, it was very exciting to compete against universities from all over Europe under the eyes of judges who are among the brightest and most important international law scholars of our time. We get to keep this experience forever; I am very happy about that. Of course, we were also excited before the results were announced. Even if you enjoy the game, you are of course especially happy when you do well. In fact, we were all very proud to hear that our Applicant came third overall and our Respondent came second. In addition, the Respondent won the prize for the best oral argument. Special congratulations to our team member Joelle Lang, who won the Best Oralist award. (The list of best speakers also includes the other team members, which fills us with joy and pride). Overwhelmed by these great results, we have been celebrating before we will get back to our everyday law studies. The Telders Moot Court 2022 was a lot of fun for all of us and also a great success.

We wish the next Telders teams every success and, of course, just as much fun!

# TEAM SPONSORS

**University of Graz**  
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Sofia University "St. Kliment Ohridski"



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# **PROGRAMME OF EVENTS**

## **Monday 6 June**

16:00 Opening Ceremony

## **Tuesday 7 June to Friday 10 June**

10:00 - 12:00 Oral Arguments: Round 1

13:00 -15:00 Oral Arguments: Round 2

16:00- 18:00 Oral Arguments: Round 3

## **Friday 11 June**

19:00 Announcement of the Finalist Teams

## **Saturday 11 June**

10:00 - 11:30 The Final Arguments Winning Team Applicant vs. Winning Team Respondent

### **Judges of the Final Bench:**

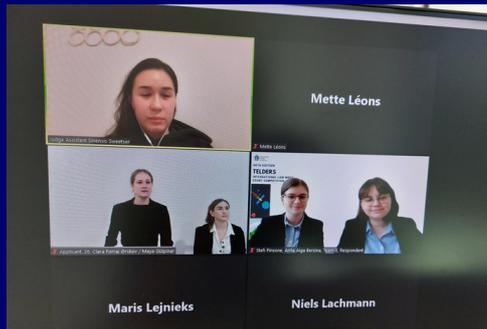
Judge Ida Caracciolo (ITLOS), Mr. Philippe Gautier (ICJ), Prof. Nilufer Oral (ILC)

**12:15 -13:00 Award Ceremony**

# IMPRESSIONS



OPENING CEREMONY



MOOT COURT SESSIONS



FINAL ROUND

AWARD CEREMONY



FINAL BENCH JUDGES



TELDERS ORGANIZING OFFICE



FINALIST TEAMS

# AWARDS 2022

## **Winner Final Round**

ELTE (University of Budapest) - Team 8

## **Finalist Team**

Leiden University – Team 18

## **Max Huber Award for the Highest Overall Score**

ELTE (University of Budapest) - Team 8

## **Best Oral Argument Applicant**

Karl-Franzens-University Graz - Team 21

## **Best Oral Argument Respondent**

University of Tübingen - Team 27

## **Best Memorial Applicant**

Universität zu Köln - Team 19

## **Best Memorial Respondent**

Heinrich Heine University Düsseldorf - Team 15

## **Best Oralist Award**

Joelle Lang (University of Tübingen) - Team 27x

## **Best Oralist Award Runner-up**

Almut Winkelbauer (Karl-Franzens-University Graz) Team 21

## **Best Judge Award**

Mr. Saamir Nizam

# ACKNOWLEDGEMENTS

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- ➔ The Leiden University Fund/Mr. S. J. Visser Fonds
- ➔ The Swiss Directorate for International Law (DIL) of the Federal Department of Foreign Affairs (FDFA)

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