

**INTERNATIONAL CENTRE FOR SETTLEMENT OF INVESTMENT DISPUTES**

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**In the arbitration proceeding between**

Astracommex Regional Satellite Communication Inc.

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*(Claimant)*

**and**

The Republic of Celestria

*(Respondent)*

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**ICSID Case No. ARB/22/99**

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**NOTICE OF NON-COMPLIANCE WITH  
DOCUMENT PRODUCTION**

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**20 June 2024**

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**For the Claimant:**

Ms. Astrid Stellaris

**AstroJuris Arbitration**

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Nebuland

## I. OVERVIEW

- 1635 1. On 1 June 2024 the Tribunal issued PO2 ordering Parties to produce documents identified in Annex A and Annex B respectively.
2. On 15 June 2024 at 8:36 pm, Celestria sent an e-mail to Astracommex Regional Satellite Communication Inc. (“**Astracommex**”), attaching the Privilege and Confidentiality Log, as well as the list of produced documents. Due to the size of the files, Celestria also attached a link to an external storage website, where the documents were available to download. Based on notification from the system, counsel for Astracommex logged in to the website at 8.53 pm and downloaded all documents.
- 1640 3. At 11:57 pm of the same day, Astracommex sent an e-mail to Celestria, also attaching the Privilege and Confidentiality Log, as well as the list of produced documents. Celestria downloaded these the following morning from an external storage website.
- 1645 4. Upon review, counsel for Astracommex noticed that Celestria did not produce an AS100 collision incident report dated 17 February 2021 under Request No. 23. Counsel for Astracommex therefore immediately notified Celestria, expecting this to be a clerical or technical error.
- 1650 5. Celestria responded by e-mail dated 16 June 2024. It stated that “after conducting reasonable search, these were the documents responsive to Request No. 23 in possession of Celestria.”
6. Astracommex considers that this statement is false and is a purposeful tactic employed by Celestria to obstruct Astracommex’s due process rights to argue its case. Astracommex became aware of the existence of the AS100 collision incident report when an anonymous source mailed a redacted first page of the report to Astracommex’s offices on 13 February 2024. The heavily redacted version shows that the document is responsive under the Request No. 23.<sup>34</sup> Based on the seal and stamp attached to the document, it is clear that this document was prepared by Valinor in cooperation with Celestria’s Department of Defense (“**DoD**”) and is thus in possession of Celestria.
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<sup>34</sup> Exhibit C-12.

- 1660 7. Based on the available unredacted information, the governmental cubesat involved in the  
collision was not part of the declared missile detection network. Instead, it was a prototype  
cubesat being developed as part of an advanced anti-satellite weapon system, in collaboration  
with the Celestrian DoD. The document also suggested that the AS100 was mistakenly  
1665 identified as its target. Consequently, this document appears to implicate Valinor as the cause  
of the collision, significantly jeopardizing Celestria's position in this arbitration. Given the  
contentious nature of anti-satellite weapons under international law, Celestria has a vested  
interest in concealing this document and refraining from its disclosure.
8. Astracommex requests the Tribunal to draw an adverse inference from the fact that Celestria  
breached its obligation under the PO2 and did not produce responsive documents. Alternatively,  
1670 Astracommex requests that the Tribunal orders Celestria to re-perform the search in relation to  
Request No. 23 of Annex A to the PO2 and produce all responsive documents, including the  
unredacted version of the incident report.

## II. REQUEST TO THE TRIBUNAL

9. Based on the above-mentioned, Astracommex respectfully requests the Tribunal to:
- 1675 i. **DRAW** adverse inference, assuming that unproduced document(s) would be detrimental  
to Celestria's case, from the fact that the Celestria failed to produce such document(s) as  
required by the Tribunal in PO2 under Request No. 23; or alternatively
- ii. **ORDER** Celestria to repeat the search and produce any document(s) further responsive to  
Request No. 23, as ordered by the Tribunal in PO2, by 1 July 2024 at the latest.

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For the Claimant,



AstroJuris Arbitration