

Historic Decision Recognizes Chimpanzee As Legal Subject

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At the hearing, the decision of the judge that granted habeas corpus to Suíça was discussed.

Suíça, the chimpanzee, who died on September 27, 2005 at the Salvador zoo, just became part of Brazilian legal history: She is the first animal to be recognized as a "legal subject" in a legal action. The judge, Edmundo Lúcio da Cruz, who analyzed the petition for habeas corpus submitted to the "9th Criminal Court" by petitioner/lawyers Heron José de Santana and Luciano Rocha Santana, ruled in favor of the chimpanzee. The decision was made on September 28 and published in the "Official Diary" on October 4th, World Animal Day, the same date that honors Saint Francis of Assisi, patron saint of animals.

"Animals are not able to bring actions in court, in the same manner as persons, since they are only legal objects and are treated as property." This ruling, given a few years ago by a judge in Rio de Janeiro to a lawyer petitioning for the liberty of a bird imprisoned in a cage, is outdated. To the joy of Bahia's animal protection groups, Judge Edmundo Cruz has very different thoughts.

In his first ruling on this topic in 24 years on the bench, Judge Cruz declares that he is certain to get the attention of jurists by changing the manner this issue is discussed, and thus creating reasons for ample discussion. Cruz stated that "It is well known that the penal right to due process is not static, but rather subject to constant change, where new decisions must be adapted to modern times. I believe that with the death of Suíça, this subject will endure in continuous debates, principally in law school courses."

In his ruling, Judge Cruz also indicated that the knowledge of the petitioners, who in addition to being lawyers are also law professors, "influenced the acceptance of the unprecedented discussion on this topic." The lawyer Heron Santana celebrates the decision. "The ruling is historic, there has never been a case in which an animal has been admitted to a legal action. I think that the justice system has established an important precedent for the protection of animals," he states.

Mr. Santana believes that the acceptance of the chimpanzee as a legal

subject, even if not in time to save her from her cage, where she appeared to be suffering from depression, should establish the justice system of Bahia as an example to the world. Suíça and her companion, Geron, arrived in the Salvador zoo four years ago. Since May, when Geron died of cancer, the 23 year old chimpanzee began to display unusual behavior, until she was found dead in her cage on the morning of September 27th.

The report of the Institute of Veterinary Medicine of the Federal University of Bahia, which performed the autopsy on the animal, is expected to be released next week. The "2nd Agency of the Environment" awaited the report today, but due to a lack of a certain necessary chemical, which was supposed to arrive from Sao Paulo, the cause of death is still unknown. Yesterday afternoon, Santana interviewed both the director and the veterinarian of the zoo, Marcelo Senhorinho and Maria Angélica dos Reis.