

****SEAL****

Federal Criminal Court of Appeals

Courtroom II
Docket No. CCC 68831/2014/CFC1
"Orangutan Sandra s/ appeal s/
HABEAS CORPUS"

File No.: 1603/14 LEX No.: CCC 68831/2014/efC001

Buenos Aires, December 18, 2014. –

Whereas:

Judges **Alejandro W. Slokar, Esq. and Angela E. Ledesma, Esq.**,
stated:

1st.) That these presents have come to the court's attention by remedy brought before the Court of Appeals by the representative of the "Association of Officers and Attorneys for Animal Rights," against the ruling of the 6th National Criminal and Correctional Court of Appeals, which affirmed the ruling found on folio 38 rejecting the habeas corpus action brought to protect the Sumatran Orangutan called Sandra, and ordered the production of testimonies on the matter.

2nd.) That based on a dynamic rather than a static interpretation of the law, it is necessary to recognize the animal as a subject of rights, because non-human beings (animals) are entitled to rights, and therefore their protection is required by the corresponding jurisprudence (Zaffaroni, E. Raúl et al., *Derecho Penal, Parte General*, Buenos Aires: Ediar, 2002, p. 493; and *La Pachamama y el humano*, Buenos Aires: Colihue, 2011, p. 54 et passim).

3rd.) That in accordance with the record preceeding, the Criminal Prosecutor's Office for Violations and Offenses No. 8 of the Judicial Branch of the Autonomous City of Buenos Aires, is currently intervening pursuant to the correctional court's declining jurisdiction in the matter, and has adopted evidentiary measures in order to determine the circumstances denounced.

The Hon. Judge **Pedro R. David** stated:

That I concur with the statements of Judges Slokar and Ledesma regarding the 3rd. point, and on that basis I adhere to the proposed solution.

On the merits of the causes set forth, the Court **RESOLVES** to remand the matter to the Criminal Division for Violations and Offenses of the Autonomous City of Buenos Aires, by reason of its competent jurisdiction (law No. 26.357).

So ordered to be recorded, published, made known, and delivered. This document serves as evidence of process service.-

****SIGNATURE****
ANGELA ESTER LEDESMA

****SIGNATURE****
PEDRO R. DAVID

****SIGNATURE****
ALEJANDRO W SLOKAR

****SIGNATURE****
MARIA JIMENA MONSALVE
COURT SECRETARY