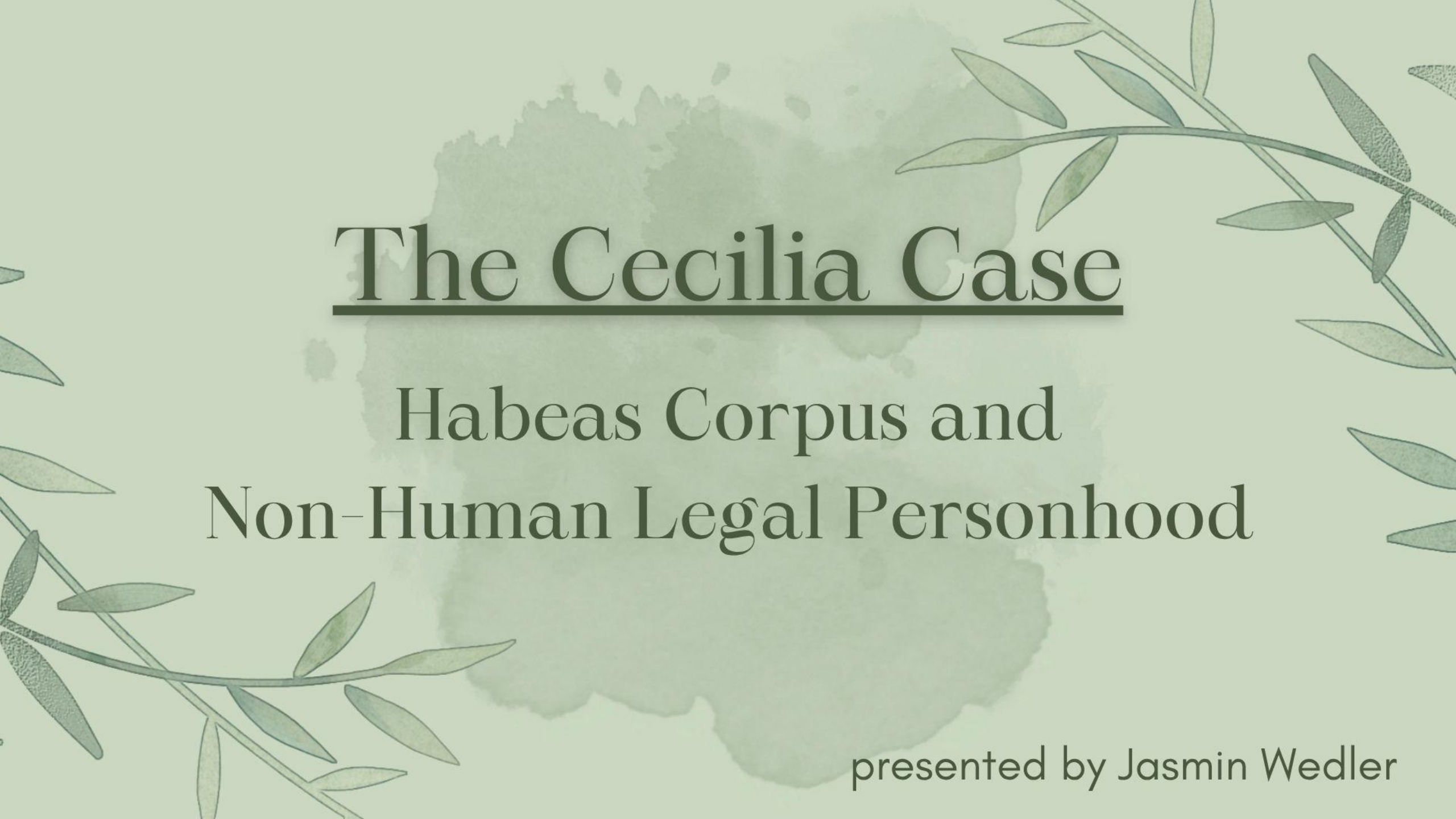
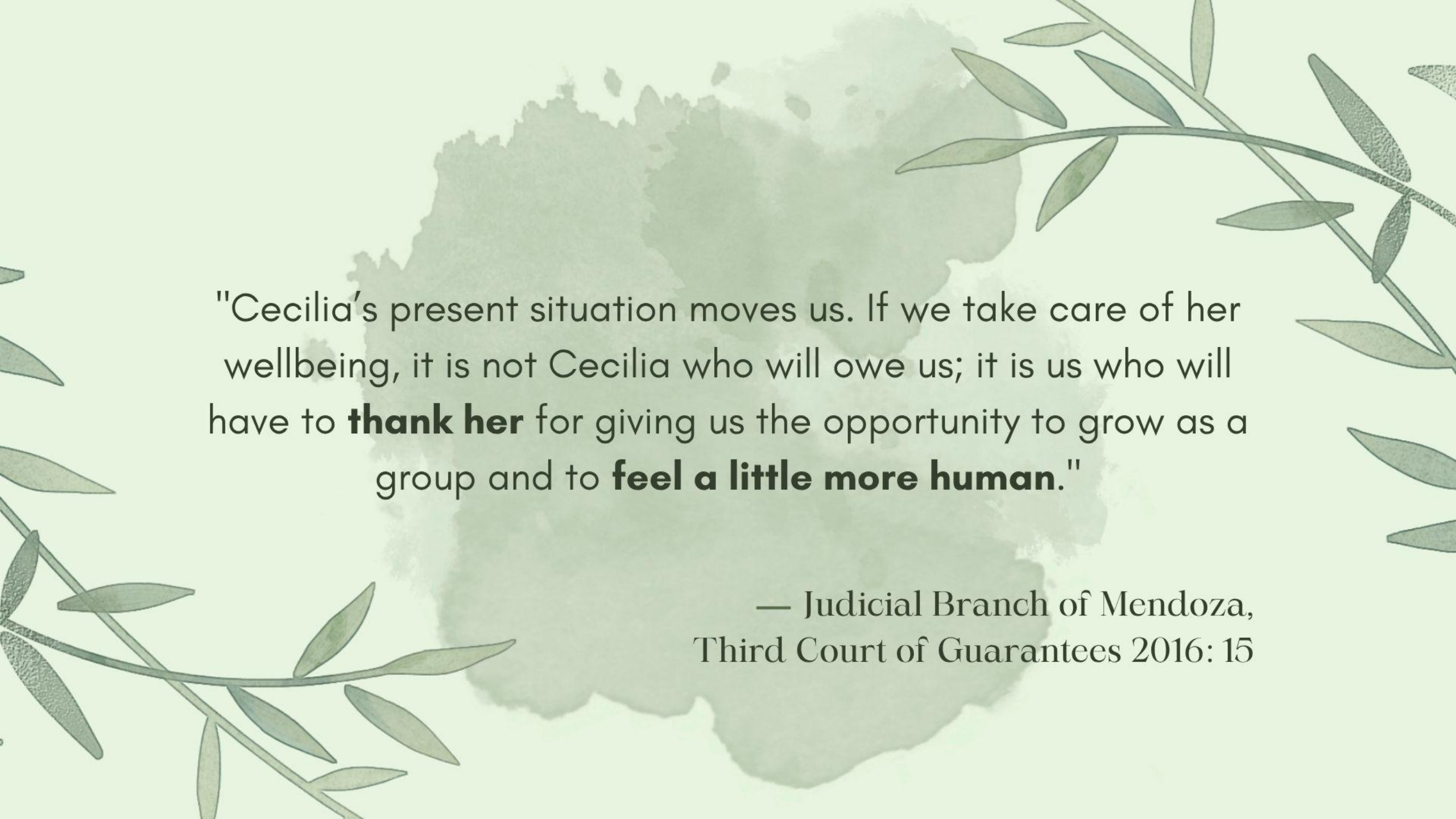




The Cecilia Case

Habeas Corpus and Non-Human Legal Personhood

presented by Jasmin Wedler

The background features a light green watercolor splash in the center, surrounded by delicate green leafy branches that frame the text on the left and right sides.

"Cecilia's present situation moves us. If we take care of her wellbeing, it is not Cecilia who will owe us; it is us who will have to **thank her** for giving us the opportunity to grow as a group and to **feel a little more human.**"

— Judicial Branch of Mendoza,
Third Court of Guarantees 2016: 15

Background of the Case

- Cecilia was a **chimpanzee** living in Mendoza Zoo in Argentina
- Her companions died, leaving her **isolated**
- AFADA (animal rights lawyers' association) filed a ***habeas corpus*** petition in 2016
- They argued that her confinement violated her liberty and dignity interests

Why Habeas Corpus?

Traditional Function

- One of the oldest legal remedies protecting **personal liberty**
- Allows courts to review whether a detention is lawful
- Historically available only to **human beings**
- Purpose: protection against arbitrary deprivation of freedom

AFADA's Argument

- Cecilia was practically treated as a slave
- As a **sentient** and **cognitively complex** being, she possessed an interest in liberty
- Therefore, her confinement should be subject to **judicial review**
- *Habeas corpus* is the legal remedy most closely linked to protection against **unlawful confinement**

The Judgement



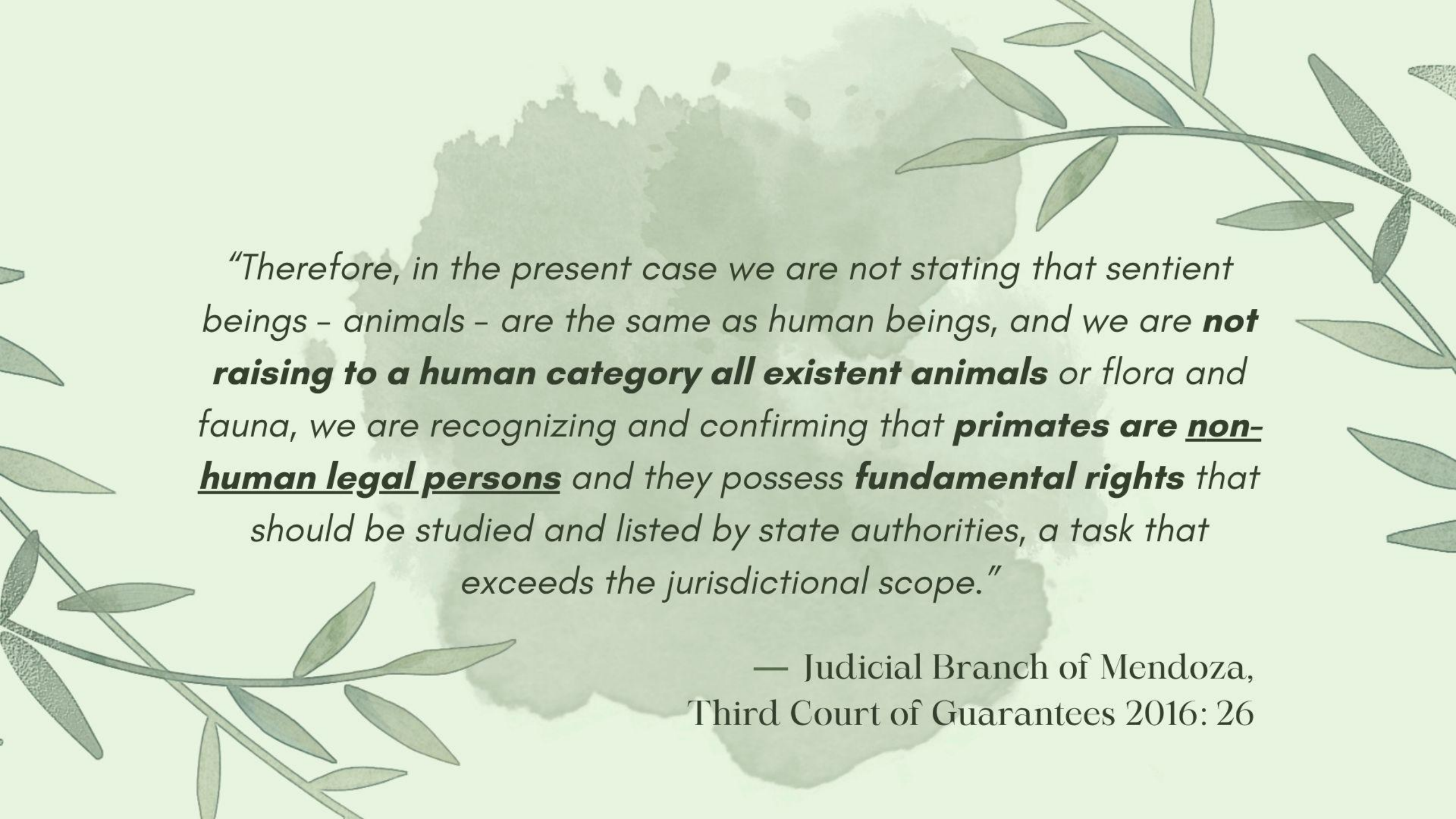
Judge María Alejandra Mauricio

- Accepted the *habeas corpus* petition.
- Declared Cecilia a "**non-human legal person**".
- Ordered her transfer to a sanctuary in Brazil.



Main arguments of the court:

- **Sentience and cognitive capacities**
→ Scientific evidence concerning chimpanzees
- **Constitutional environmental protection**
→ Art. 41 of the Argentinian Constitution
- **Animals are more than property**
→ As anti-cruelty legislation already shows



*“Therefore, in the present case we are not stating that sentient beings – animals – are the same as human beings, and we are **not raising to a human category all existent animals** or flora and fauna, we are recognizing and confirming that **primates are non-human legal persons** and they possess **fundamental rights** that should be studied and listed by state authorities, a task that exceeds the jurisdictional scope.”*

— Judicial Branch of Mendoza,
Third Court of Guarantees 2016: 26

Non-Human Legal Persons

General Concept

- Legal person = entity recognized by law as **capable of holding rights and duties**
- Legal status, not a biological fact
- **Not all legal persons** are **human** (e.g. corporations, foundations, associations, states)
- Does not automatically entail all possible rights → rights depend on the nature of the subject

Mendoza Court

- Chimpanzees possess interests that are sufficiently important to justify **legal recognition**
- Not all human rights, but rights relevant to Cecilias situation, especially **bodily liberty** and appropriate **living conditions**
- Special category of personhood for great apes, **distinct from both humans and property**

Evaluation



"Rights-follow-interests" approach

→ If a being can suffer and has an interest in freedom, the law should protect that interest.

Consistency argument

→ If corporations are legal persons, then sentient beings should be legal persons too.

Evolution of legal concepts

→ Groups once excluded from full legal protection later received recognition.



Legal certainty

→ Critics argue that personhood should remain restricted to humans and legal entities created by humans.

The "line-drawing" problem

→ If chimpanzees qualify, what about other species?

Anthropocentrism

→ Unfair privileges for intelligent animals like great apes over other animals

Significance for Animal Law



Shift from Welfare to Rights

- Traditional model: humans owe duties regarding animals
- Rights model: animals themselves may hold rights



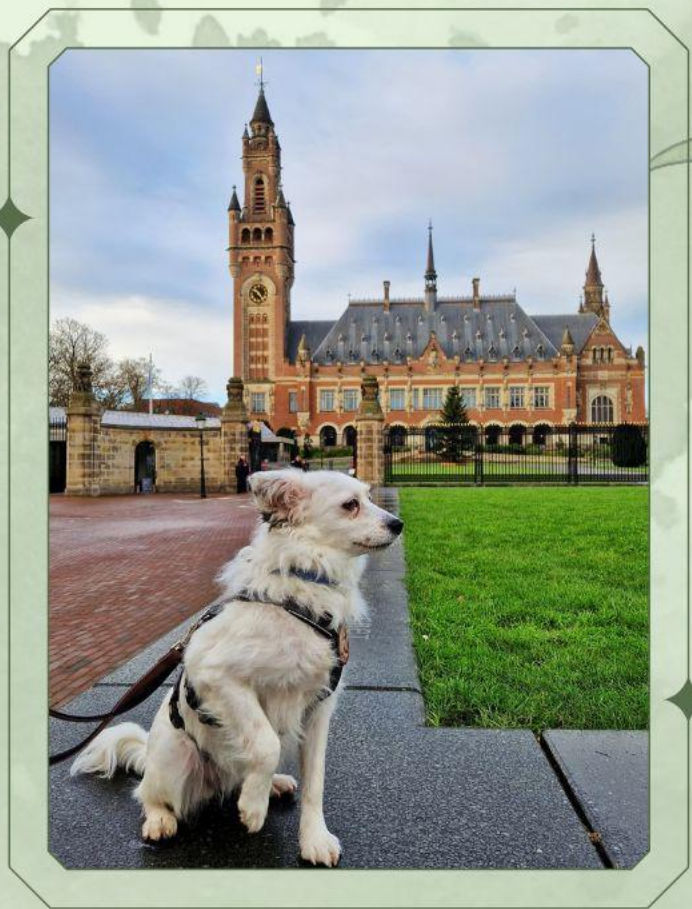
Strategic Litigation

- AFADA used courts rather than waiting for legislation
- First time a *habeas corpus* petition was granted for an animal



Emergence of "Animal Personhood"

- Case contributes to an international debate on whether some animals should become legal subjects rather than legal objects



Thank you for your attention !