

1) Sandra's Case (Argentina), EXPTE. A2174-2015/0: See PDF

Sandra was an orangutan at a zoo who was born in captivity and lived in a cement cage without an environmental enrichment. Defendants claimed that Sandra is a non-human person and therefore is entitled to fundamental rights. The conditions she was living in was also against the minimum conditions of the World Association of Zoos and Aquariums. The plaintiff argued that Sandra had the mental state of an institutionalized orangutan. The court ruled that Sandra is a sentient being and is entitled to the best life conditions possible and that the government of Buenos Aires needed to guarantee her adequate condition of habitat.

2) ABC v. Lenah Game Meats (Australia), (2001) 208 CLR 199

<https://voiceless.org.au/case-note-abc-v-lenah-game-meats/>

The Australian Broadcasting Company (ABC) obtained footage from an anonymous source regarding the slaughter process of possums in Lenah Game Meats Pty Ltd in Tasmania. Upon hearing that ABC was planning to air the footage, they took the issue to court claiming this was a breach of privacy as the footage was obtained by trespassing. The High Court of Australia ruled in favor of ABC as there is no right to privacy in Australia, despite the fact that the footage was obtained unlawfully and without permission.

3) Levy v. State of Victoria & Ors (Australia), (1997) 189 CLR 579

<https://www.animallaw.info/case/duck-shooting-case>

An individual (the plaintiff) entered restricted hunting areas during hunting season without a license in order to expose cruel and illegal activity that occurred in the area, including (but not limited to) shooting endangered species and not immediately killing wounded animals. The plaintiff claimed that disallowing him to be in the area was in violation of his freedom of speech granted in the Commonwealth Constitution. Despite the infringement on the plaintiff's right to political communication, the court found his presence in the area was a safety issue to life and limb and to hunters in the area with opposing interests.

4) Yanner v. Eaton (Australia), (1999) 201 CLR 351

<https://www.animallaw.info/case/yanner-v-eaton>

An Aboriginal individual hunted, consumed, and stored the skins of two young crocodiles, and was charged to be in violation of the Fauna Conservation Act 1974. The Fauna Act states that no person can take or keep fauna in the Queensland without a license to do so. The appellant stated that the charge was in violation of his rights under the Native Title Act 1993, which states that Australian Aboriginals are permitted to hunt for non-commercial purposes. The court ultimately ruled that the appellant be discharged as his consumption and storing of the crocodiles was not considered to be his "property," and because he was not claiming a legal ownership over the animals, the charge was in violation of the Native Title Act 1993.

5) Case of Matthew Pan (Austria)

<https://vgt.at/publikationen/texte/artikel/20080118Hiasl.php>

Eleven baby chimpanzees were illegally abducted from Sierra Leone in 1981, one of which being Matthew Pan, who was placed in a laboratory in Vienna to be infected with HIV/AIDS. Pan was juggled between the homes of families and an animal shelter after his lab could not have possession of him due to breaches of the CITES agreement. The trial of his humanity came to court in 2006 when his primary home was running into financial difficulties. Austrian Civil Law Code ABGB states that every person has rights, and seeing as how chimpanzees share 99.4% of DNA with humans, it could be argued that Pan is a human. Pan also possesses the ability to reason, use tools, herbs for medicinal purposes, and complex sign language, among other human traits. When deciding whether or not he was to be appointed a legal guardian due to the trauma he suffered throughout his life, the court denied the request and stated that he has no legal standing to proceed in court.

6) Upholding circus ban (Austria)

<https://www.stopcircussuffering.com/news/europe/legal-obstacles-uk-ban-wild-animals-circuses/>

The Austrian Constitutional Court in Vienna denied the application by Circus Crone to use animals in their circuses, which paves the way for the UK to ban the use of animals in circuses as well. (No facts on the case or dates were provided in the article.)

7) Austria Constitutional Court, *Identification*: AUT-2016-3-003, G 7/2016, (Austria) see PDF

Under the Hunting Act of the Land of Carinthia, private land owners must allow hunting on their land if the property is at least 15 hectares and is adjacent to other hunting districts. The exception is private property enclosed by a fence. A private land owner was trying to grow trees and stated that hunting on his land inhibited his ability to do so. The Constitutional Court agreed with the landowner that allowing hunting on his land violated his right to the peaceful enjoyment of his property, but ultimately found that not allowing hunting on his property went against the general interest and that he had a legal obligation to allow hunting on his property (unless it were to be enclosed).

8) Closing dolphin exhibit (Bahamas)

<https://www.peta.org/blog/win-dolphins-bahamian-supreme-court-orders-dolphinarium-closed/>

Animal rights groups challenged a “swim with the dolphins” exhibit that penned dolphins into a shallow part of a bay. The Supreme Court ordered the dolphins to be released because of the cruelty of their confinement. It also ruled that the owners of the exhibit illegally imported the dolphins into the nation, which only allows dolphins to be imported for research and conservation purposes. The owners also had to pay the animal rights group’s legal fees.

- 9) Animal Rights group seeks information from slaughterhouse, A. 224.081/VI-21.158, (Belgium), see PDF

Members of an animal rights advocacy group asked for a slaughterhouse to disclose documents that provided an assessment of the slaughterhouse, to which the slaughterhouse argued that releasing these would be a violation of privacy. There was also an argument made that it would take a great deal of work to release the documents. The court called the refusal to release the documents “manifestly abusive” and annulled the lower courts’ decisions to allow the refusal.

- 10) Animal seizure case: MOMMER-HORIKOSHI Michelle, A. 234.174/VI-22.113 (Belgium), see PDF

A person owned four dogs and two cats and was ordered to give these animals to a shelter called *Help Animals*, on the grounds that the animals were mistreated. This is known as administrative seizure. The owner contested that the animals’ welfare was at stake as they had not seen their owner for over two months and that they were her “four-foot life companions,” they were now living in cages, and that the owner had made changes to her house to allow a better living situation for her animals. There was also the concern that her animals could be readopted at any time, making it nearly impossible for the owner to have custody of them again. The court sided with the pet owner and ordered the suspension of the pet donation to *Help Animals*.

- 11) Belgium Ban on Religious Slaughter, 11/2021, (Belgium) see PDF

Stunning is considered any means of killing an animal painlessly and immediately. However, stunning animals before slaughtering goes against the religious texts and practices of Jewish and Islamic citizens. The practice of slaughter without stunning is covered in a charter that allows people to have beliefs and manifest those beliefs publicly. That said, there are practices which must not be allowed in order for a democratic society to function properly. The court dismissed the appeals to overturn, and upheld the ban on religious slaughter without pre-stunning.

- 12) Belgium ban on e-collars for hunting dogs, 119/2020, (Belgium) see PDF

The Flemish Government banned shock collars for training purposes (although they were still allowed for use with invisible fences). Hunters argued to repeal the ban, stating that dogs are used for hunting and shock collars greatly help in their training for this practice, and also to keep others safe if a dog starts to misbehave while on a hunt. Contrarily, it was argued that scientific evidence states that dogs can just as easily be trained using positive reinforcement. Some trainers and behavioral therapists state that shock training is helpful to the animal, while many animal activists argue that the practice is cruel and painful and puts too much power in the hands of those holding the device. Petitioners further argued that reversing the ban would violate Article 16 of the Constitution because it increases the risk of liability for the dog’s owner. Ultimately, the court ruled that the ban is still in place and that hunters have access to other training methods for their dogs.

13) Belgian Court uphold ban on religious slaughter (Belgium)

<https://www.jpost.com/diaspora/belgian-court-upholds-ban-on-religious-slaughter-680733>

In 2017, the Court of Belgium upheld a verdict that prohibits the slaughter of animals for religious purposes without pre-stunning the animals. However, Jews are not able to eat animals that have been pre-stunned, which prevents them from practicing their beliefs. World Jewish Congress President Ronald Lauder feels that Belgium's upholding violates the EU's Charter of Fundamental rights and goes against the rights of Jewish and Muslim citizens of Belgium, as well as those in minority religions, whose creeds go against the consumption of pre-stunned animals.

14) GABOEKAE v. THE STATE (Botswana), 1983 BLR 94 (HC)

<https://www.wildlex.org/court-decisions/gaboekae-v-state>

The appellant argued that he did not know that it was illegal to possess Government trophies (12 elephant tusks) and therefore should not be subjected to the penalty of a fine of P400.00 and one year in prison for violating the Fauna Conservation Act of 1974. The judge dismissed the appeal because it could be said that evidence suggested the appellant knew of wrongdoing (evidence not specified) and that the size of the operation combined with the false certificates that were used to cover transgression implied guilt.

15) STATE v. AKUJE (Botswana), 1994 BLR 475 (HC)

<https://www.wildlex.org/court-decisions/s-v-akuje>

The State of Botswana originally dismissed Dennis Akuje for violation of the Wildlife Conservation and National Parks Act of 1992 because they did not find evidence that Akuje was in possession/control of elephant tusks. However, the state appealed when evidence suggested that Akuje was in control of the tusks when he hid them at a residence, even though he did not own the property in which the tusks were hid. The State's appeal was granted and Akuje was put on the defense for possession of the tusks.

16) Upholding animal sacrifice (Brazil)

<https://www.riotimesonline.com/brazil-news/rio-politics/brazils-supreme-court-rule-animal-sacrifice-in-religious-ceremony-is-legal/>

In 2019, the Supreme Court of Brazil ruled that the right to animal sacrifice is afforded to individuals practicing religious ceremonies to safeguard religious freedoms.

17) No. 153.531-8/SC;RT 753/101 (Brazil)

[https://www.wikipt.org/Farra do Boi](https://www.wikipt.org/Farra_do_Boi)

Farra do Boi is a religious custom practiced in Santa Catarina in which an ox is released, forced to chase its releasers and is sometimes fought until it becomes exhausted and can no longer participate. Once it can no longer participate, the ox is slaughtered. In 1997, the Federal Supreme Court prohibited the practice due to its cruel nature and it is punishable with a prison sentence and a fine of R \$10,000.00.

18) Brazil case banning bullfighting: Action n. 4983, (Brazil) see PDF

This case focused on the right of freedom of expression vs. the right of animals not to be treated cruelly. Bullfighting came to Brazil from Portugal during the colonial period and represented entire control over the animal and the assurance that it would return to its owner. However, since that time the act had turned into somewhat of a circus event and the way the bull's tail was twisted and its four legs are straight up in the air after it had been overthrown was considered cruel and harmful to the bull. The Supreme Court ruled in a 5-4 decision that bullfighting was unconstitutional and would be illegal in Brazil.

19) Brazil Supreme Court upholds ban on cosmetic testing (Brazil)

<https://chemicalwatch.com/108872/brazil-supreme-court-upholds-state-ban-on-cosmetics-animal-testing>

In 2015, Brazil's Supreme Court issued a ban on animal testing for cosmetics. The Brazilian cosmetics company Abiphec also challenged some Brazilian to not only ban animal testing, but to ban the sale of cosmetics that have used animals in their testing. Similarly, The EU issued a European ban of animal testing on cosmetics, and called for a global ban in 2023, although they also stated that a worldwide statute would be difficult to enforce.

20) Guseva v. Vidin (Bulgaria), use the European Court of Human Rights opinion:

<https://hudoc.echr.coe.int/fre#%7B%22itemid%22:%5B%22001-152416%22%5D%7D>

Between the years of 2002-07, Lyubov Guseva requested information of an animal shelter in Vidin, Bulgaria regarding cleanliness and animal deaths—both natural and induced. All three of her requests were denied by the mayor of Vidin and in 2007, Guseva took the issue to the European Court of Human Rights. The European Court of Human Rights determined that denying her requests for information on the shelter was in violation of the rights of journalism (Article 10) and that information of public interest is a staple of democratic societies.

21) Harvard College v. Canada (Commissioner of Patents) (Canada)

<https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/2019/index.do>

Harvard developed a mouse called the “oncomouse,” which was a transgenic mouse that had its genome altered to become more susceptible to carcinogens than mice without the oncogene. Oncomice would develop tumors if a product or material was carcinogenic, making materials easier to test. Harvard then applied for a patent to their “invention,” and in 2002 was denied the ability to patent the transgenic mouse as it is a higher lifeform and higher lifeforms cannot be “invented” or “manufactured.” The words “invention,” “manufacture” and “composition of matter” were key in the ruling. Harvard was denied the right to patent on a 5-4 decision by the Supreme Court in 2002.

22) Her Majesty The Queen v. D.L.W. (Canada)

<https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/15991/index.do>

DLW was convicted of committing numerous sex crimes against his stepdaughters of the course of ten years, one of which involved a dog licking the stepdaughter’s vagina when peanut butter was applied. Prior to the case, the English definition of the word bestiality necessitated penetration, either on behalf of the animal or the woman involved. The French definition of the word, however, did not include penetration, but buggery with an animal with sexual intent. The court ultimately ruled that, despite the fact that the term bestiality was somewhat ambiguous in English, the element of touch between a human and animal for sexual purposes was to be considered an act of bestiality and DLW was convicted of such crimes.

23) Santics v. Vancouver, BC (Canada)

<https://www.cbc.ca/news/canada/british-columbia/punky-dog-death-row-vancouver-supreme-court-of-canada-1.5429082>

In 2017, a dog named Punky bit a woman at an off-leash park and was deemed dangerous with a death sentence. Punky’s owner took the case to the Supreme Court with hopes that the justices would not order Punky’s execution without a certainty that he could not be rehabilitated. Nonetheless, without reasons for the ruling, the court ruled that the dog be put to death.

24) Ward v. Canada (Canada)

<https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/1955/index.do>

Ford Ward was a fisherman convicted of selling and trading blueback seals pelts which was against Canadian law for the purpose of regulating seal fisheries and Canadian fisheries in general. Ward argued that the law was ultra vires, meaning “invalid,” as this was outside the jurisdiction of socio-economic law. Ward made several arguments, including that once blueback seals were in below the surface of the water (occurring at approximately 3 months of age), it was difficult for fisherman to determine which seals caught were bluebacks and which were not. The court ruled that the law was “pith and substance,” meaning that the law was valid within the Federal Fisheries Power.

25) Her Majesty The Queen v. Mousseau (Canada)

<https://decisions.scc-csc.ca/scc-csc/scc-csc/en/item/5706/index.do>

Treaty Indians are given access to Crown lands, even when the general public is not. Lawrence Mousseau was a Treaty Indian who saw a deer and killed it for consumption on Crown Lands during a year in which hunting was not permitted. Mousseau was charged for violating the Wildlife Act, and argued that Indians have access to public roads on Crown lands, noting that this charge was a violation of his rights as an Indigenous Canadian. The court debated the meaning of “access” as Mousseau was within his rights to be traveling on the road, but ultimately ruled that access does not include permission to hunt.

26) Her Majesty The Queen v. Horseman (Canada)

<https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/600/index.do>

Bert Horseman was a Canadian Indian who hunted a moose and upon his return to collect the carcass, a grizzly bear attacked him. Horseman killed the bear, skinned it and sold the hide for profit to support his family. He was charged with violating the Wildlife Act and argued that the charge was in violation of his rights under the Alberta Natural Resources Transfer Agreement, which stated that section 42 of the Wildlife Act did not apply to him as an Indian. Treaty 8, which agreed to protect Indians’ rights to hunt, fish, trap and preserve their way of life, was also called the question. The Court upheld his conviction stating that the protection of the grizzly bear species did not violate the protection of Indian ways of life.

27) Northwest Falling Contractors Ltd. v. The Queen (Canada)

<https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/5723/index.do>

A company had been resting tanks of diesel on an old rotten log, which broke and took the tanks of diesel with it—3,000 gallons was spilled into the water at Cooper Reach, Head of Loughborough Inlet. The appellant immediately applied for the case to be heard by the Supreme Court citing that the language of the Fisheries Act was multiplicitious and that it was ultra vires for Parliament to make these regulations. He cited that the Fisheries Act 33(2) had ambiguous language regarding water inhabited by fish and the definition of fish itself. The Supreme Court dismissed his case.

28) The Queen v. Sutherland et al. (Canada)

<https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/2558/index.do>

Three Indian men were charged with unlawful use of spotlights and reflective gear at night for the purpose of hunting deer. They were said to be in violation of the Wildlife Act (Section 49)

and did not have access to Crown land. The Supreme Court ruled that the three men were within their rights to access this land and the men, being Indians, have a constitutional right to hunt for food. The men were dismissed of their charges.

29) Dick v. La Reine (Canada)

<https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/89/index.do>

Members of the Penticton Indian Band were charged with unlawful hunting of deer because they hunted on Crown land during closed season. The law in question was the Indian Act 88, which, while subjecting Indians to the same provincial laws as non-Indians, allowed that hunting and fishing is an essential right. The appellants argued that the appellants were in rightful possession of the carcasses and that their right to hunt is not regulated by the Wildlife Act. The court ultimately dismissed the appeal, stating that it was not sure that the case was founded "on any ground that involves a question of law alone," and there was no official determination made about violations of the Indian Act 88.

30) R. v. Blais (Canada)

<https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/2077/index.do>

Ernest Blais, a Manitoba Métis man, was charged with hunting deer during the closed season and appealed that this was a violation of his rights as an Indian under the Natural Resources Transfer Agreement (NRTA). However, the court stated that the Métis were not considered Indians, nor were they afforded special protections because they were considered more independent from other Indians. Blais was not within his rights to hunt because of his status as a Métis.

31) R. v. Lewis (Canada)

<https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/1373/index.do>

Three Squamish Indian men were charged with fishing outside of their designed area, the Cheakamus Reserve, on the opposite side of the river that served as a border to the reserve. The case was a land dispute to determine the exact border of the Cheakmus Reserve: one of the two edges of the river or the middle of the river? Two appeals, those of the appellants who were fishing on the east side of the river were upheld, the appeal of the appellant who was fishing on the west side of the river was dismissed. The court ruled that the bodies of water must be *within* or *inside* the reservation.

32) R. v. Powley (Canada)

<https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/2076/index.do>

There was some disagreement about whether or not the Métis were considered to be Indians because their existence did not come about until after the arrival of the Europeans. As a result of this, two brothers who were part of the Métis Nation were charged with illegal hunting of a moose and were not protected by the rights afforded to other Indian bands in Canada. The courts needed to define community membership, as many Métis people were living independently, and determine whether the Métis were considered Indians, which would make the brothers within their rights to hunt. The court unanimously decided that the brothers were afforded membership in the Métis Nation and were therefore allowed to hunt on the basis that members needed: (1) identify as members, (2) live in the same region as their Métis ancestors and (3) live a similar way of life.

33) R. v. Horse (Canada)

<https://decisions.scc-csc.ca/scc-csc/scc-csc/en/item/289/index.do>

Several Indian men in Canada were charged with illegally using spotlights to hunt on privately owned land. The men were under the impression that they were immune to prosecution under Treaty No. 6, which gave them the right to hunt and fish in Crown and private lands in Saskatchewan. However, the court ruled that section 38 of the Wildlife Act prohibited the men from accessing private lands. This case distinguished a difference between a Indian's right to hunt in Crown lands and not to hunt in privately owned lands.

34) R. v. Badger (Canada)

<https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/1366/index.do>

This case involved three Indian hunters and questioned whether the Treaty rights offered to Canadian Indians to hunt, fish and trap at the time that Indians ceded had been extinguished or augmented. Two of the three men who were said to be in violation of the Wildlife Act had their convictions upheld, as they were accessing private lands with signage and agriculture that made apparent that the land was occupied. One of the appellants was dismissed of charges because his hunting occurred in lands that had no visible signs that the land was occupied. The court decided that hunting for Indian peoples was limited to only hunting for food, and that hunting could not occur in places that were visibly incompatible with hunting.

35) Moosehunter v. The Queen (Canada)

<https://decisions.scc-csc.ca/scc-csc/scc-csc/en/item/2424/index.do>

A Treaty Indian was charged with hunting contrary to the Saskatchewan Game Act after he shot a moose for food during off-season. He appealed that he the right to hunt on the Cookson Wildlife Management Unit because it was unoccupied Crown land, to which Indians can access for hunting throughout the year. The appeal was upheld because of paragraph 12 of the Natural

Resources Agreement, which states that Indians can hunt on unoccupied Crown land throughout the year.

36) Côté v. Her Majesty The Queen (Canada)

<https://www.canlii.org/en/ca/scc/doc/1996/1996canlii170/1996canlii170.html>

A group of Algonquin Indians entered a controlled Harvest Zone (Z.E.C.) to teach their children to fish without paying the required motor vehicle fee and were charged with not disbursing the compulsory fee. The accused argued that they have to the right to fish, as per the Van der Peet test, since their tribe used fishing as a means to obtain food at the time of first contact with colonists. The court ruled that although the Algonquins were within their rights to fish, that did not exempt them from the required motor vehicle fees to access the Harvest Zone to do so and the charges were upheld.

37) Moore v. Johnson et al. (Canada)

<https://decisions.scc-csc.ca/scc-csc/scc-csc/en/item/5447/index.do>

The case dealt with an appeal for charges of violating section 15 of The Seal Fishery Act, due to the appellant killing seals. The appeal was based on the grounds that it was outside of Parliament's jurisdiction, and was dismissed due to Parliament's authority to regulate the killing of seals because of its "exclusive legislative authority over Sea Coast and Inland Fisheries."

38) Jack and Charlie v. The Queen (Canada)

<https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/90/index.do>

Two members of the Tsartlip Band were charged with violating the Wildlife Act by hunting out-of-season when they hunted a deer for its raw meat to practice a Salish religious ceremony. They appealed the charge on the grounds that the Act could not regulate customs that were essential to their religion and culture. The court ruled that the two men were guilty because they could not prove that hunting was essential to their religious practice and that the meat had to be fresh in order to perform the ritual. As a result, the Wildlife Act was found to not hinder their religious freedom.

39) R. v. Nikal (Canada)

<https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/1376/index.do>

A Wet'suwet'en Indian (Nikal) was charged with fishing without a license in violation of the British Columbia Fishing (General) Regulations and argued that the charge was in conflict with his Aboriginal rights under section 35 of the Constitution Act, 1982 because the Buckley River

was part of his reservation. The Crown argued that there was no infringement on his rights by imposing a license and that there was no application fee for Indians to obtain a license. Ultimately, the court found that Nikal was outside of his rights as the Buckley River was not on his reservation, and that the reservation included only the land; however, some of the rules of the license did infringe on his rights. Some of these infringements include: the restriction of fishing seasons, fishing for food only, salmon as the only species that could be fished, and the requirement that fish be collected by the fisherman or his family. As a result, the court ruled that the appeal was allowed and that charges were dropped.

40) R. v. Desautel (Canada)

<https://decisions.scc-csc.ca/scc-csc/scc-csc/en/item/18836/index.do>

A member of the Lakes Tribe (Desautel) was charged with violating the Wildlife Act for hunting in Canada without holding a license or being a resident of Canada. The central issue of the case regarded whether or not Desautel could be protected under section 35 of the Constitution Act, 1982 because the Lakes Tribe historically resided on both sides of the U.S.-Canada border, even though he was not a Canadian citizen. The court ruled in favor of Desautel stating that he was within his rights in hunting in the Sinixt Territory because his tribe was historically from that land and he could be protected under Canadian laws that protect the rights of Aboriginal people.

41) Do orangutans have legal rights (Chile)

<https://euroweeklynews.com/2022/08/16/chile-files-first-ever-human-legal-rights-case-for-captive-orangutan/>

Sandai is an orangutan kept in the Buin Zoo in Chile. The conditions in the zoo are poor, and according to the testimony of expert Marc Bekoff, “Sandai’s body language reflects a depressed, defeated and vulnerable emotional and psychological state, which is normal if we consider the conditions in which Sandai is being kept.” The Interspecies Justice Foundation filed a habeas corpus claim to declare Sandai a legal person with the right not to live in captivity. The courts should release her to a sanctuary in Brazil. Many experts testified in the case, but the court denied the claim because Chilean law explicitly grants rights only to legal persons. The Interspecies Justice Foundation appealed the case to the Supreme Court, which denied the appeal. The Supreme Court did order an improvement in her treatment at the zoo.

42) Punishment for wildlife crime (China)

<https://asia.nikkei.com/Spotlight/Caixin/China-s-reduced-penalties-for-wildlife-breeding-raise-concerns>

Wang Lei was sentenced to three years in prison for wildlife crimes – trafficking in endangered species. The Supreme People’s Court of China, however, overturned the sentence after Lei served 200 days. In an expansion of the previous case discussed below, the Court ruled that wildlife crimes are administrative instead of criminal. The Court believed that the sentences were too harsh, but animal advocates argued that the lack of enforcement would result in increased crime against wildlife.

43) Punishment for wildlife crime (China)

<https://asia.nikkei.com/Spotlight/Caixin/China-s-reduced-penalties-for-wildlife-breeding-raise-concerns>

A man was convicted of trafficking in conures, and he was sentenced to five years in prison. There public backlash against the sentence was intense, especially because many people regarded the birds as pets (they are not). The Supreme People's Court reduced the sentence to two years.

44) Decision AHC4806—2017 (Colombia)

https://www.animallaw-info.translate.google.com/case/decision-ahc4806%EF%BC%8D2017?_x_tr_sl=es&_x_tr_tl=en&_x_tr_hl=en&_x_tr_pto=sc

Chucho was a bear who was born and raised in a state of semi-captivity, but after his mental health worsened, he became depressed and started escaping. As a result, a decision was made to send him to the Baranquilla Zoo where he was put into a small enclosure. His attorney argued that Chucho be granted a habeas corpus and be relocated to a natural reserve. Several arguments were made in favor of Chucho's freedom including his rights as a sentient being, rights to environment, and that judicial protection mechanisms for animal welfare must be put into place. The court ruled at Chucho be given a habeas corpus.

45) Decision STL12651-2017 (Colombia)

https://www.animallaw-info.translate.google.com/case/decision-stl12651-2017?_x_tr_sl=es&_x_tr_tl=en&_x_tr_hl=en&_x_tr_pto=sc

The court decided that the habeas corpus given to Chucho was inadmissible because habeas corpus could only be given to human beings. It was argued that while humans and non-humans are both entitled to protections, "animals are not identical individuals to humans and they don't have to be." The labor chamber decided that granting a habeas corpus to an animal was not proper and would violate the mechanisms of the court.

46) Sentencia C-041, 2017 (Colombia) <https://www.animallaw.info/case/sentencia-c-041-2017>

This decision stated that bullfighting and cockfighting were illegal practices under Article 7 of the Statue of Animal Protection. In the past the court said that it had a lack of constitutional power when defending the rights of animals, but decided in the cases of bull and cockfighting that the practices were cruel and inhuman and would thereafter be considered illegal.

47) Sentencia C-1192/05 (Colombia)

<https://www.animallaw.info/case/sentencia-c-1192-2005>

The court held ruled that the practice of bullfighting was allowed in Colombia and that it was considered a cultural expression of the diverse people in that nation. In this case, animals did not have any rights that could be constitutionally upheld. Additionally, children would be able to attend bullfighting events and that it was not a violation of children's rights to attend cultural ceremonies such as bullfighting. This declared Articles 1, 2, 22 and 80 of the Taurine Regulatory Statue unconstitutional.

48) Sentencia C-283/14 (Colombia)

<https://www.animallaw.info/case/sentencia-c-283-2014>

The court ruled that Articles 1, 2 and 3 of Ley 1638, 2013 is unconstitutional. The articles prohibit the use of native and exotic animals in circuses, and the court claims that this is a violation of the rights of people under the categories of: right to work, right to choose a profession, right to culture and recreation and the right of freedom private of initiative of circus owners. The court also ruled that the right to protect animals is not absolute, rather that these articles created a situation that diminished the cultural heritage of a marginalized population of people.

49) Sentencia C-666/10 (Colombia)

<https://www.animallaw.info/case/sentencia-c-666-2010>

The court ruled that five points must be achieved in order to practice bullfighting: (1) animals should obtain special protections against suffering and pain, and cruel acts against animals must be lessened or eliminated, (2) the practice can only take place in areas where it has been going on as an established cultural practice, (3) municipalities and districts must be authorized for these practices to occur, (4) these already-established practices are the only ones that can be granted an exception to Article 7 of the Animal Protection Ley 84 of 1989 and (5) public funds cannot be used to support these activities. In summary, the court decided that Article 7 was unconstitutional and put exceptions on its mandates.

50) Sentencia C-889/12 (Colombia)

<https://www.animallaw.info/case/sentencia-c-889-2012>

The court decided on three criteria that must be met in order to satisfy the Articles 14 and 15 of the Bullfighting Statue: (1) bullfighting must offer legal conditions for all public shows, (2) it must meet the legal conditions outlined in Taurine Activity, Ley 196 of 2014. and (3) it must comply with constitutional restrictions established in C-666 of 2010 related to animal welfare and excessive pain and suffering.

51) Sentencia T-095/16 (Colombia)

<https://www.animallaw.info/case/sentencia-t-095-2016>

The plaintiff petitioned through a tutela (a fundamental right) on behalf of 25 dogs that the government was going to take. The government would provide some medical care and try to adopt the dogs, but if they can't be adopted after five days, then they'll be euthanized. The Court ruled that the tutela was not appropriate because although there is a fundamental environmental right that extends to animals, it does not extend to animal welfare for its own sake.

52) Sentencia T-608/11 (Colombia)

<https://www.animallaw.info/case/sentencia-t-608-2011>

A woman obtained a wild parrot from her cousin without evidence of title and it became a part of the treatment plan for her husband who was suffering from spastic quadriplegia and mixed aphasia. The bird was confiscated by the defendant, Corpocaldas, and the woman argued that the defendant violated her husband's rights to health and dignified life. The court ruled in favor of the defendant, stating that the parrot belonged to the nation and that wildlife was not at the disposal of humans, regardless whether or not it offered a benefit to a human. The court also stated that humans cannot act as a superior entity in the environment and her husband's rights had not been violated.

53) Sentencia T-760/07 (Colombia)

<https://www.animallaw.info/case/sentencia-t-760-2007>

A couple obtained a wild parrot and housed it as their pet for over five years. After the bird was confiscated by Corpocaldas, the wife's health suffered as a result of its absence, as it could be said that the woman cared for the bird as a member of her family and she required treatment. The husband sued Corpocaldas stating that their confiscation of the family pet was a violation of her rights to health, personal integrity and life and argued that the bird was never abused, nor neglected and its wings had never been clipped to prevent mobility. The court ruled that Corpocaldas was within their rights to confiscate the bird was the couple did not have evidence of title regarding where it had come from originally.

54) Sentencia C-367, 2006 (Colombia)

https://www-corteconstitucional-gov-co.translate.google.com/relatoria/2006/C-367-06.htm?_x_tr_sl=es&_x_tr_tl=en&_x_tr_hl=en&_x_tr_pto=sc

This case further established bullfighting as a protected art and cultural practice and placed guidelines to which events can be held. One of these guidelines is the allowance of minors to participate in bullfighting so long as they are at least fourteen years of age, that their legal

guardians give consent, and that public authorities involved in the ceremony guarantee their security. It also established the burgomaster as the first police entity of the event, that he cannot participate as a result of this role, and that the Mayor of the city must show impartiality in his duties related to the festivities. Bullfighting events can also not be considered to be of “product of high national interest, given their importance,” because it is not enforceable and does not have macroeconomic impacts. Lastly, the court found that the promotion of bullfighting schools was unenforceable as it is not in public interest, nor part of the educational policy of the state.

55) Ban on hunting (Colombia)

https://sg.style.yahoo.com/colombia-ban-sport-hunting-175949131.html?guccounter=1&guce_referrer=aHR0cHM6Ly93d3cuZ29vZ2xILmNvbS8&guce_referrer_sig=AQAAAGvBy9a3BzXi5EQZIOGjqIh2mFa3bFNvAWkwP_ieR1Nt2ePZdtH_hJs-W_lzqANyaSEPU4RGI56k8mr-BSI7vhJQLD9757aw6Q2NbXNR5u4_pCUeMF8stX8K-KVq7YVs-HvT3vqqGcY28TIavho2NXQ3_c3GGOY1Ffg4BcFqcK_k

Before this case, Colombia allowed recreational hunting in certain places with licenses. However, after animal rights activist Laura Santacoloma filed a suit, the court ruled that recreational hunting is incompatible with the Constitution’s mandate to protect the environment in what is to be called the world’s second most biodiverse country.

56) Bullfighting ban overturned (Colombia)

<https://colombiareports.com/amp/in-colombia-bullfighting-is-okay-again/>

The Constitutional Court had originally ruled in 2018 to ban the practice of bullfighting with a two-year mandate for Congress to enact the law. However in 2019, the Court’s judges changed and decided that Congress could do this voluntarily, but the Court could not force a law change, and the deadline was abandoned. That said, the ban on public financing for the event remained in place.

57) Ban on sportfishing (Colombia)

<https://www.newsendip.com/colombia-constitutional-court-rules-sport-fishing-unconstitutional/>

The Constitutional Court ruled that recreational fishing was to be banned because it was a form of animal cruelty. Other types of fishing, including industrial, subsistence, scientific, conservation and control, continue to be allowed in the country. Although the court could not decide whether or not fish are to be considered sentient beings, they acknowledged that the practice is harmful to the fish and their environments. There were two judges on the panel who felt this meant that there was greater value placed on the life of a fish than on the life of a human

being, citing a case three months prior that made abortion legal in Columbia. This ban will put a strain on those working in tourism who rent out equipment for recreational fishing.

58) Overturn parts of the Animal Welfare Act (Costa Rica)

<https://www.usexpatcostarica.com/constitutional-court-there-are-unconstitutional-flaws-in-the-animal-welfare-act/>

A group of animal-rights activists pressured the Supreme Electoral Court to convoke a referendum that required Congress to pass animal rights legislation. The resulting Animal Welfare Act is not considered unconstitutional because penalties were disproportional to the actions.

59) Overturn part of the Animal Welfare Act (Costa Rica)

<https://ticotimes.net/2017/02/01/animal-welfare-unconstitutional>

In a follow up to the previous case, the legislature amended the Animal Welfare Act to make it more proportional. However, the Supreme Court still overruled the act as unconstitutional because harming some species of animals listed did not warrant strict penalties. The decision is nonbinding, but it could hint at a future binding decision if a conviction is appealed.

60) Advocate for the Republic v. Panayiotis Panayiotou (Cyprus)

<https://network-presidents.eu/cpcl/judgement> (Use translated version)

<https://cyprus-mail.com/2018/01/15/ex-hotel-employee-found-guilty-billy-dogs-death/>

A stray black poodle named Billy was on hotel grounds and was chased by two hotel employees who beat him and threw him into a cardboard crusher alive. His cries were heard by those in the area, and although he was rescued from the crusher, he died a few days later due to injuries to his skull. The two employees were charged with animal cruelty, but acquitted due to lack of evidence, until the Animal Party appealed. One of the two employees was convicted for animal cruelty in the Supreme Court and is awaiting their sentence.

61) Penalty phase Panayiotis Panayiotou (Cyprus)

<https://network-presidents.eu/cpcl/judgement> (use translated version)

<https://cyprus-mail.com/2018/01/23/man-imprisoned-four-months-death-billy-dog/>

The convicted in the above trial (#57) was sentenced to four months in prison for the death and abuse of Billy. The previous sentence for animal cruelty was two months for a man who killed his dog by dragging them through the streets after tying the dog to his car. The Supreme Court hopes that harsher penalties will set a precedent that those convicted of animal cruelty will serve time for their offenses.

62) Attorney General v. GEORGE KONSTANTINOU, CRIMINAL APPEAL NO. 147/2017 (Cyprus)
<https://network-presidents.eu/cpcl/judgement> (use translated version)

Defendant was walking his dog, and another dog got out of someone else's house. That dog started to play with his dog, and the defendant stabbed the other dog. He was convicted and sentenced to 45 days in jail. However, the sentence was suspended, but the Supreme Court ruled that the lower court had no discretion to suspend the sentence, which was then restored.

63) LENOS GEORGIU MYLONA and PANIC ANDREA CHARALAMPOUS v. Republic, Criminal Appeal Nos. 146/2006 and 147/2006 (Cyprus)
<https://network-presidents.eu/cpcl/judgement> (Use translated version)

Two National Guardsmen in elite forces wantonly burned, tortured, and killed a cat. The military court sentence them each to 90 days in jail, as well as revoking other privileges including their elite status, educational benefits, and demotion in rank. An appeals court reduced their sentence to 45 days because of the administrative statements. The defendants also showed remorse. The Supreme Court upheld the sentence reduction for the same reasons.

64) Appeal from poaching conviction, 3 Tdo 594/2021 (Czech Republic), see PDF

A woman was convicted of poaching in regional district courts and appealed the charge on the grounds that certain deer, if undefended, can be hunted all year long. She also stated that aside from her confession that she hit a deer, there was no credible evidence that she actually caught the deer. Another appellant convicted of poaching claimed that he killed a wounded deer that was limping, and it was a "sanitary catch," which is justified. The Public Prosecutor considered these appeals manifestly unfounded, stating that non-criminal liability was not possible to remedy the charges if the appellant denied the crime occurred. The Supreme Court found the appeals admissible and addressed them individually, but later found that one of the appeals was inadmissible because the appellant would not admit to criminal activity. The Supreme Court rejected the appeals.

65) Activists appeal conviction for rescuing abused dogs, 3 Tdo 1572/2019, (Czech Republic) see PDF

A group of people broken into a farmstead illegally and released eleven dogs from their chains, then loaded them into a van. The parties were convicted with theft but appealed on the grounds that the dogs they stole were part of an illegal breeding facility and were being mistreated. The court did not believe these allegations of mistreatment or neglect were founded as all of the dogs seemed relatively well cared for and fed. It was also mentioned that even if the dogs were being subjected to cruel conditions that the appellants could have found another solution to the situation. The appeal was dismissed and the charges remained.

66) Appeal from poaching conviction, 3 Tdo 340/2020 (Czech Republic), see PDF

A man shot and killed a deer and his acquaintance helped him load the deer into the car. Both the hunter and the acquaintance were convicted of poaching and the acquaintance appealed the charge on the grounds that he did not kill the deer, but only aided in putting it in a vehicle. However, it was still considered a “joint hunt” and the appellant kept and illegally transferred the game. The age of the deer was also called into question as it was in its “octopus stage.” The men had a hunting permit, but acted beyond the scope of it and the appeals were dismissed.

67) Cruelty conviction appeal 7 Tdo 497/2020 (Czech Republic), see PDF

A farm owner did not provide proper food or whatever for his over 100 livestock, he did not provide shelter from extreme weather and he did not provide proper area for him, causing many of his livestock to die and live in the same bed as dead carcasses. He was banned from keeping livestock ever again. The farm owner appealed this conviction stating that he supplied ample food and used his suppliers as witnesses for how much food he supplied to his livestock. He also stated that the winter months inevitably make animals’ lives harder, but that does not mean they were tortured. He argued that the water he supplied the livestock never froze and he ensured that it was also running no matter how cold the temperature. Among other arguments, his key claim was that there was not an established cause of death that related back to their conditions in all but four of his animals’ deaths. The Supreme Court found his appeal admissible, but after taking a closer look found that only some of his evidence was reliable. The most damning evidence was the unannounced inspection in 2017. Ultimately, his appeal was rejected.

68) 25 Cdo 972/2018 (Czech Republic)

<https://www-zakonyprolidi-cz.translate.google.com/judikat/nscr/25-cdo-972-2018? x tr sl=cs& x tr tl=en& x tr hl=en& x tr pto=sc>

A dog escaped their designated garden area through an insecurity entrance gate and bit another dog and the plaintiff’s clothing. The plaintiff argued that the owner of the dog be responsible for the loss of his only companion (the bitten dog) due to its inability to breed and participate in dog shows. However, after the incident occurred, the plaintiff’s dog went on to participate in a dog show eight months later and received the title of class winner, showing that the dog’s value was not severely damaged by the incident. The Supreme Court ruled that the defendant, who already paid the medical expenses related to the bitten dog, was required to pay the plaintiff’s legal expenses, but was not required to pay property damages.

69) Appeal from dog seizure, 22 Cdo 1722/2018 (Czech Republic), see PDF

A dog was seized from its owner and the owner appealed the seizure stating that the court did not consider the significant emotional harm that could be done when the dog and owner were separated and that the case did not warrant such an extreme measure to be taken. The dog lived with the owner for five years, whereas the dog only lived with the adopted family (after the seizure) for one year, but received exemplary care. During this one year stay with the adopted family, the dog and the family formed a bond. The issue also became an argument over property rights. There was also an argument that the dog is a sentient being and the removing a dog from

their owner can cause psychological damage; an animal cannot be treated the same as an object in terms of property rights. The original dog owner's appeal was rejected.

70) 3 Tdo 48/2017 (Czech Republic)

https://www-zakonyprolidi-cz.translate.google.com/judikat/nscr/3-tdo-48-2017? x_tr_sl=cs& x_tr_tl=en& x_tr_hl=en& x_tr_pto=sc

A man was charged with animal cruelty after his neighbor's dog, a short-haired dachshund, jumped a fence and entered his property and he struck the dog with a garden hoe several times. The dog's injuries led a veterinarian to suggest that the dog be euthanized, and the veterinarian killed the dog. The accused appealed to the Supreme Court, who overturned his conviction of animal cruelty on several bases, the first of which being that this was an ongoing dispute between the neighbors and that neighbors did not respond to his ongoing requests for the dog to be restrained. After the dog was injured, his owners did not call the veterinarian right away because they did not want to pay for treatment, and it was called into question whether or not the dog's injuries warranted his death. Because of these facts, the Supreme Court ordered the Regional Court to reconsider their conviction.

71) 6 Tdo 468/2004 (Czech Republic)

https://www-zakonyprolidi-cz.translate.google.com/judikat/nscr/6-tdo-468-2004? x_tr_sl=cs& x_tr_tl=en& x_tr_hl=en& x_tr_pto=sc

The accused was found guilty of animal cruelty after a dog in her dog breeding facility tore up a kitten and she claimed that she would not restrict her dogs. The Supreme Public Prosecutor argued that it is not only by action that someone can be charged with animal cruelty, but inaction was well, as was the case of the accused. The Attorney General argued that the accused caused danger to herself as well, since these dogs sometimes act on their biological instincts. Ultimately, the prosecutor's appeal was dismissed because the place of the damage to property was inconclusive, so the accused could only be charged with damage to property, and not animal cruelty.

72) 8 Tdo 10/2014 (Czech Republic)

https://www-zakonyprolidi-cz.translate.google.com/judikat/nscr/8-tdo-10-2014? x_tr_sl=cs& x_tr_tl=en& x_tr_hl=en& x_tr_pto=sc

The accused held forty dogs of various breeds at her property without providing sufficient food, water or veterinary care that resulted in several of the dogs needing to be killed due to their distressing health situation (whole body skin conditions, anemia, kidney failure, etc.). She was charged with animal cruelty and appealed that the lower courts did not provide necessary evidence for her conviction. The Supreme Court dismissed her appeal and found that her guilty of animal cruelty.

73) 8 Tdo 1048/2012 (Czech Republic)

<https://www-zakonyprolidi-cz.translate.google.com/judikat/nscr/8-tdo-1048-2012? x tr sl=cs& x tr tl=en& x tr hl=en& x tr pto=sc>

A dog was tied out in front of a house, and a man hit the asphalt of that area of the road at least three times, which caused internal injuries that led to an immediate death. He was charged with animal cruelty. The accused appealed the charge on the basis that he did not have a direct or indirect intention to kill the dog, and there was a subjective aspect that was in question. There were some considerations regarding the ownership of the dog, as the circumstances would be different if the man who hit the pavement thought that the dog was a wild animal. The witness stated that she did not see exactly how the dog died, which made some of the facts of the case somewhat ambiguous. The court stated that the accused could have had a high penalty even if the crime was committed as a result of willful negligence, which it seemed to be, and denied his appeal.

74) 8 Tdo 657/2011 (Czech Republic)

<https://www-zakonyprolidi-cz.translate.google.com/judikat/nscr/8-tdo-657-2011? x tr sl=cs& x tr tl=en& x tr hl=en& x tr pto=sc>

A dog breeder suffered extreme poverty and could not provide food for his dogs, to which he hitched to a sled-dog team, despite his knowledge that they were malnourished and unhealthy. He was found guilty of animal abuse in the lower courts and appealed the charge to the Supreme Court, citing that he did not intentionally abuse the dogs and that they did not die from the excursion. The Supreme Court did not feel that animal cruelty was an accurate charge given the circumstances, however, there was an argument that he be found of general endangerment to animals due to negligence or neglect. The issue with this charge was that it must involve “more animals,” to which a specific number of animals was not defined. After deliberations, the Court decided that at least seven animals must have suffered as a result of the negligence or neglect. The Supreme Court sent the case back to the Regional Court stating that they needed to consider the aggravating circumstances at hand and the fact that there were not a great deal of animals involved.

75) 4 Tz 36/2010 (Czech Republic)

<https://kraken-slv-cz.translate.google.com/4Tz36/2010? x tr sch=http& x tr sl=cs& x tr tl=en& x tr hl=en& x tr pto=sc>

A man was charged with unlawful holding of a critically endangered species, the lynx. He borrowed a female lynx and kept her in his possession while he applied for a license to breed, which was not granted, and then returned the lynx to her owner. The Supreme Court dropped his charges on the basis that it was unacceptable for the district court to decide a case of this nature without “further criminal order.”

76) 6 Tdo 1014/2015 (Czech Republic)

<https://www-zakonyprolidi-cz.translate.google.com/judikat/nscr/6-tdo-1014-2015? x tr sl=cs& x tr tl=en& x tr hl=en& x tr pto=sc>

The accused was charged with property damage after killing a German Shepherd within 200 meters of an inhabited house while on a hunting trip. The accused argued that he believed the dog to be a stray and that the German Shepherd was interfering with his ability to hunt by presenting a significant threat to a deer, and that the property amount of the dog needs to be compared with the financial worth of the deer. He argued that he was within his rights according to the Hunting Act, which grants the hunting guard the right to shoot stray animals that present a problem to hunting and that his actions were taken in an extreme emergency. The Supreme Court ruled that the Regional Court needed to give the accused a new hearing due to a defect in the meeting minutes of the original trial.

77) 5 Tz 258/2000 (Czech Republic)

<https://www-zakonyprolidi-cz.translate.google.com/judikat/nscr/5-tz-258-2000? x tr sl=cs& x tr tl=en& x tr hl=en& x tr pto=sc>

A man transported 56 exotic birds in his car without a license to do so, and to hide this fact, he put the birds in curtain bags in the trunk of his car. Of the 56, 18 birds died as a result of dehydration, overheating and stress and the man was charged with animal cruelty. While it was found that the man committed a customs offence, the Supreme Court did not find him guilty of animal cruelty because he did not commit the crime with the intention of torturing the birds, and he could at most be guilty of deliberate negligence.

78) The State v. DEVERIL BENJAMIN, CASE NO. 24 of 2010 Eastern Caribbean Supreme Court (Dominica), see PDF

Benjamin was convicted of bestiality. The Court was responsible for sentencing him and did not consider animal cruelty. It suspended a three-year prison sentence and required him to repay the cow's owner because the damage to the cow resulted in the cow being euthanized.

79) Luis Obando Afredio Pomaquero jaguar case (Ecuador), see PDF

A photo was posted on Facebook of many people posing with a dead jaguar, and it was later found that Luis Obando had killed the wild jaguar. He was charged for "crimes against nature" and crimes against wildlife. Obando was found guilty and was sentenced to ten days in prison, and it was changed to six months in prison after his appeal.

80) Shark Poaching Ban (Ecuador)

<https://www.cnhtours.com/news/2019/5/23/sharks-win-supreme-court-case/>

A Chinese ship full of shark carcasses was found sailing through the Galapagos marine water reserves. Sharks are an endangered species in Ecuador and even though there was not proof that the sharks had been finished by the crew of the ship, the transportation of endangered species in Ecuador is illegal and the crew received sentences for one to four years, despite their appeals.

81) Estrellita Monkey Case, CASE No. 253-20-JH (Ecuador), see PDF

A Chorongó monkey named Estrellita lived with a human family for the first eighteen years of her life before a case was brought against the family ordering a habeas corpus and custody of a Management Center. The argument was brought up that animals are not beings for human enjoyment and are entitled to rights, however, it was also argued that letting the monkey go back into the wild would leave her to be a social outcast as her development revolved around that of other humans. There was also a fear that Estrellita would be sent to a zoo where she would also be socially outcasted due to her familial human upbringing. The case involved many factors, including the level of imprint that Estrellita had on her owners and indications of mistreatment or torture. When the case had finished, the monkey had already died in the custody of an eco-zoo.

82) V.T. indictment, 3-1-1-95-06 (Estonia)

See forwarded email

V.T. was charged with illegally killing a bear. The trial court acquitted him because he killed the bear in self-defense. The Supreme Court overturned that conviction and remanded the case. V.T. was already illegally hunting and put himself in the dangerous situation of confronting the bear.

83) ARD Kolju misdemeanour, 3-1-1-15-15, (Estonia)

See forwarded email

Kolju was convicted of illegally hunting and killing nine defenseless boars. He appealed his conviction and penalty (a fine). The Supreme Court uphold most of the conviction.

84) Indigenous Fishing Ban, KKO:2022:26 (Finland)

https://korkeinoikeus.fi/en/index/ennakkopaatokset/shortsummariesofselectedprecidentsinenglish/2022_1/kko202226.html

Four members of the Sami (a group native to Metsähallitus) were charged with illegal fishing without a permit in the Vetsijoki River, which is a violation of section 10(2) of the Fishing Act. However, daily permits were difficult to obtain amongst groups of tourists and others visiting the region, and the defendants argued that it violated their rights as native people in the area, to which reindeer herding, hunting and fishing are a vital part of their culture. The Supreme Court agreed with the argument presented by the defendants and dropped their charges.

85) Appeal from AWA Violation (Finland) – make sure to use the translation

https://www-kho-fi.translate.google.fi/index/paatokset/vuosikirjapaatokset/1471603333416.html?_x_tr_sl=fi&_x_tr_tl=en&_x_tr_hl=en&_x_tr_pto=sc

Over one hundred cows were ordered to be killed in order to protect them from further suffering due to their deterioration of health. The inspection team gave orders to the farm owner to clean up his farm, and many of these orders were neglected as upon second inspection many of the cows were malnourished. Among malnourishment, the haystacks that were served to the cows were moldy, the floors were slippery due to fecal matter, many of the young calves did not have tags, sick cows were not treated by a veterinarian, and pests were not controlled. The owner of the farm appealed on the grounds that not every cow's health was properly inspected, but his appeal was denied.

86) AR group appeals wolf hunt permit, KHO: 2020: 29 19.3.2020 / 1 (Finland), see PDF

Wolves have been an endangered species in Finland since their resurgence around 2008. Since 2008, the population, while still small, continued to grow until it began presenting a public safety concern for those living among wolf population. Families began to arrange rides to and from school and other activities to keep children safe from wolves when walking outside. There has been no solution to ensure the protection of wolves and public safety. Ultimately, the Finnish Center for Game granted the exempted permit of the Hunting Act for people to hunt an individual wolf if it recurrently comes near/in the yards of private residences or near people. The exemption must be a last resort and must not apply to wolves living within their natural range and there must be numerous reported sightings of a wolf near people before the decision to kill is made.

87) Cat hoarder appeals AWA violation, KHO: 2017: 90 31.5.2017 / 2530 (Finland), see PDF

A cat owner had twenty indoor-outdoor cats and only rehomed kittens to other owners when kittens were born. Because of this fact, the owner's home was not considered a breeding facility for profit gains. The owner's home had been inspected and it was recorded that there was no record of all the cats and because they could move freely inside and out, there was not a way to keep a count of exactly how many cats the owner was in possession of. Some of the cats seemed to be dirty and have skin infections. The Administrative Court ruled that the owner could keep his cats, but that all must be accounted for every day; each must have a name, but identified and be inspected for health concerns. Each cat must be given proper food and water. Lastly, the owner must notify the Regional State Administrative Agency of his large-scale animal husbandry. Because the residence was not a professional cat breeding facility, there did not need to be veterinary surveillance.

88) Appeal from Animal Welfare Act violation (Finland), see PDF

After someone was suspected of a crime unrelated to animal cruelty, their house was searched and a black dog or dog wolf was found to be in so much pain that a veterinarian stated that the dog should be shot by police. The suspect was charged and convicted for animal cruelty and appealed the conviction. The dog did not have any shelter in the area where it was found and was so stressed and anxious that the veterinarian found it was impossible to treat the dog. It was not possible to determine if the dog had diseases dangerous to humans. The dog's owner claimed that the animal inspection of the property was illegal, and that the veterinarian did accurately assess the dog's situation. It was also unknown where the dog had come from. The court ruled to dismiss the appeal and stated that the investigation or determination made by the veterinarian was not illegal.

89) Appeal against hunting denial (Finland) – make sure to use the translation

https://www-kho-fi.translate.google.fi/index/paatokset/vuosikirjapaatokset/1465281189929.html?_x_tr_sl=fi&_x_tr_tl=en&_x_tr_hl=en&_x_tr_pto=sc

The Finnish Game Center submitted an application to Metsähallitus to hunt deer and white-tailed deer at Sipoonkorvi National Park, to which Metsähallitus denied, despite allowing the hunting of raccoon dogs and mink in the park. The Finnish Game Center contested the decision in court arguing that the denial of the application would be bad for the park because the deer population was increasing, making car crashes as a result of deer more frequent. However, the court rejected The Finnish Game Center's appeal, stating that although the deer population had increased in numbers, the deer or white-tailed deer were not harming the environment or ecosystem and Metsähallitus was within its rights to deny the application.

90) Farmer appeals AWA violation, KHO: 2015: 88 11.6.2015 / 1584 (Finland), see PDF

A veterinarian inspected a farm that had five horses and thirty sheep. The farmer was present during the inspection. The veterinarian issued the farmer a completed form stating the fine and appeal notice printed on the back with the word "decision" printed on the front. The farmer should have been afforded two weeks to appeal the fine and state his case, however the veterinarian stated that two weeks was too much time given the concern for the animals on the farm and did not reserve the opportunity for the appellant to be heard. This is a violation of law as every appellant needs the opportunity to present his case orally before the court. The case was dismissed.

91) Appeal forced return of subsidies for animal welfare violations, KHO: 2015: 57 10.4.2015 / 9 (Finland), see PDF

The appellant was sentenced to pay subsidies for the conviction of failing to feed and water horses, a violation of the Animal Welfare Act. During an inspection in 2010, it was also found that the appellant supersaturated manure beds which made for poor air quality for the sheep and other animals. It was also noted that the horses had been ridden recreationally despite their

malnutrition. The Rural Development Agency was collecting the subsidies for the conviction. The court ultimately ruled that misconduct or noncompliance is not a criminal sanction and that the appellant did not need to pay the subsidies for the offense.

92) Appeal from AWA seizure of dog, KHO: 2013: 150 26.9.2013 / 3022, (Finland), see PDF

A dog was seized from her owner after the owner wrote on Facebook that he trained the dog with a boot, a cage and an animal-flight box. It is notable that the dog was seized while the owner was abroad and that the veterinarian made this call while the owner was not present. The owner stated that there was no evidence outside the Facebook posts that he had abused the dog in any way and that the posts had been taken out of context. He appealed for ownership of his dog. The Administrative Court ruled that the dog owner could not have custody of the dog until he was found innocent of the charges of animal cruelty brought against him according to the Animal Welfare Act.

93) Appeal from wolf hunting permit, KHO: 2007: 74 23.10.2007 / 2698 (Finland), see PDF

The Ministry of Agriculture and Forestry granted a permit to kill a single wolf to a homeowner with livestock who noticed the wolf was moving closer to his residence. Two nature conservation organizations appealed the permit, stating the endangered status of wolves in Finland and that wolves presented little to no threat to livestock, especially in residences with electric fences present. Contrarily, it was argued that some wolves act boldly and have been known to kill dogs and other animals. The court ruled in favor of the Ministry's decision on the grounds that this specific wolf was dangerously close to the residence and the appeal was dismissed.

94) Appeal from bird hunt permit, KHO: 2004: 76 13.8.2004 / 1848, (Finland), see PDF

Under the Hunting Act, the killing of birds is allowed between May 1 and July 15 in order to prevent birds from presenting salmonella or hygienic risks to humans. The Helsinki Ornithological Society, Tring ry, challenged this law stating that birds do not pose health risks to humans. The court ruled that the Society's complaint needs to be examined further and referred the case back to the Board of Appeal.

95) Appeal from denial of a seal hunting permit (Finland)

<https://leap.unep.org/countries/fi/national-case-law/kho200384>

A national park saw a large increase in the population of grey seals and applied for a permit to hunt grey seals because they were an inherent threat to some fish species and local fisheries as a result. The Supreme Administrative Court denied their request for a permit as grey seals did not harm the ecosystem of the park, and that it could not be permitted the seals to be killed just to protect the fisheries.

96) Animal neglect appeal, Appeal No. 21-83.475 (France), see PDF

A man was convicted of intentional animal abandonment and was sentenced to three months in prison along with a bad on his keeping animals. He appealed the charges, but they were determined by the court to be inadmissible.

97) AR group and prosecutor appeal abuse acquittal, Appeal No. 21-81.721 (France), see PDF

The appellant was found guilty of unnecessary abuse of domestic, tamed or captive animals and appealed the conviction. The court found the appeal inadmissible.

98) Cruelty appeal, Appeal No. 21-81.185 (France), see PDF

A man was sentenced to eight months in prison as well as probation and a ban on keeping an animal after he abandoned his pets. He appealed the sentence and it was rejected.

99) Case of Gerard X, No. 06 82.785, Juris-Data No. 2007-040538 (France), see PDF law review article about it – warning it is a disturbing case

A prison employee anally penetrated a pony with his penis. The man admitted to the action, but stated that the offense was not malicious in any way and that given the size of the pony, there was no pain suffered and the act was nonviolent. The court viewed this case in many angles: sexual interaction with children, who cannot consent, whether or not penetration needs to be present in sexual crimes against animals, the overall psychological infringement on the victim, etc. Foie gras was also brought up, as this is a legal act of penetration of a nonsexual variety in which geese are forced-fed extremely large amounts of food by pushing a tube from their mouths to their stomachs. The court ruled that sex acts against humans are only punishable if they involve children, violence, constraint, threat or surprise, but that none of these need to present to be punishable for sex acts against animals. The court equated the man's sexual penetration of the pony to other cases in which animals were tortured, sometimes resulting in the death of those animals.

100) Committee Radically Against Bullfighting Europe no. 2012-271 QPC (France) <https://www.conseil-constitutionnel.fr/en/decision/2012/2012271QPC.htm>

Article 521-1 of the Criminal Code states that serious maltreatment of any animal, domestic or wild, is punishable by up to two years in prison and a fine. Before this court decision, there was an exception made for bullfighting in areas that bullfighting was part of a longstanding cultural tradition. This clause, however, went against Article 6 of the Declaration of the Rights of Man and the Citizens of 1789 in that it prevented the legislature from establishing equal penalties. As a result, bullfighting is considered a crime under Article 521-1 with no exception

101) challenge to ban on building cockfighting arenas (France) <https://www.reuters.com/article/us-france-cockfights-idUSKCN0Q51HU20150731>

Although cockfighting and bullfighting were exempted from animal rights legislation in France to uphold culturally important traditions, the government stated that no one is allowed to build new cockfighting arenas. This applies even in overseas French territories, where the practice is legal.

102) MX v. French Republic, 11-84945, Unpublished (France), see PDF

Mr. X was found guilty of animal cruelty for the abandonment and neglect of his horses and donkeys. He appealed this charge, but it was dismissed by the judge who found his appeal inadmissible considering the neglect of his animals and he was sentenced to pay various sums of money and the removal of his animals.

103) Gilbert Y v. The French Republic (France)
https://juricaf-org.translate.goog/arret/FRANCE-COURDECASSATION-20060321-0583122?_x_tr_sl=fr&_x_tr_tl=en&_x_tr_hl=en&_x_tr_pto=sc

Two men imported, detained, sold and distributed veterinary drugs that were not evaluated by a pharmacist or veterinarian present that were designed to be put into animals' foodstuffs and cause excessive weight gain. This product, Maxivo, was considered harmful to the health of animals and the men were convicted of the falsification of foodstuffs and trafficking of anabolic steroids. One of the men argued that he did not know that Maxivo was contributing to excessive weight gain, nor did he know that it was harmful to the health of animals, but the court found that these claims did not seem true. Both men's appeals were dismissed and they were found guilty.

104) Bullfighting case (France)
https://www-legifrance-gouv-fr.translate.goog/juri/id/JURITEXT000007046930?_x_tr_sl=fr&_x_tr_tl=en&_x_tr_hl=en&_x_tr_pto=sc

A city outside of Rieumes hosted a bullfight in 2001 for the first time in twenty-five years and was charged with violating Article 521-1. However, the area in Toulouse was found in court to have a local tradition of uninterrupted bullfighting for cultural and artistic purposes and the bullfight was allowed to continue.

105) Dangerous Dog Case (France)
https://www-legifrance-gouv-fr.translate.goog/juri/id/JURITEXT000007607479?_x_tr_sl=fr&_x_tr_tl=en&_x_tr_hl=en&_x_tr_pto=sc

Axel X was in possession of a dog whose breed was considered by veterinarians to be dangerous. The dog was tattooed and it was marketed on the basis of certain characteristics that set it apart from other bulldogs. Axel X was convicted of possession of an attack/guard dog and the animal was confiscated.

- 106) Brigitte Bardot Foundation and Society for Protection of Animals bullfighting challenge (France)

<https://www-legifrance-gouv-fr.translate.google/juri/id/JURITEXT000007070563? x tr sl=fr& x tr tl=en& x tr hl=en& x tr pto=sc>

This trial stated that the area of Floriac belongs to a group that has a longstanding, uninterrupted cultural tradition of bullfighting. This tradition is allowed to continue, but with the regulations that the bullfighting must not include killing. However, to maintain the safety of the spectators, it still must take place inside an arena. The charges of the organizer of the bullfight were dropped.

- 107) French League for Animal Rights challenge bowhunting (France)

<https://www-legifrance-gouv-fr.translate.google/juri/id/JURITEXT000007305480? x tr sl=fr& x tr tl=en& x tr hl=en& x tr pto=sc>

The French League for Animal Rights argued that bow hunting caused animals to die with great suffering or anguish and that the practice should be made illegal. The Court dismissed this argument on the grounds that the League did not prove that it caused immense suffering and that they authorized the practice of harpoon fishing, which is very similar to bow hunting.

- 108) Jean Pierre X v. Republic (France)

<https://www-legifrance-gouv-fr.translate.google/juri/id/JURITEXT000007523118/? x tr sl=fr& x tr tl=en& x tr hl=en& x tr pto=sc>

Two kennels were opened, one in Montgeron and the other in Bréau. The kennel in Montgeron had dogs that were unhealthy, infested with parasites and had gastrointestinal problems. Sometimes these dogs were sold to customers and the dogs would die shortly after the sale. However, the animals in the kennel in Bréau did not seem to suffer the same neglect and mistreatment. Therefore, the court had the Society for the Protection of Animals take over the shelter in Montgeron, but dismissed their overall plea that both shelters and all animals be

confiscated from the owner of the kennels, as the request only concerned dogs from the Montegron kennel, and therefore, the plea lacked legal basis.

- 109) Administrative Court overturns ban on killing male chicks (Germany)
<https://www.bbc.com/news/world-europe-48620884>

Male chicks are considered useless in the food market due to their slow maturation and inability to lay eggs. After hatching, baby chicks are sexed and males are killed using grinding, gassing, asphyxiation or maceration. While the German Minister of Agriculture stated that the practice is “ethically unacceptable,” the court stated that it could still be practiced until pre-hatched sexing technology becomes more widespread.

- 110) Court upholds video of hen suffering on farms (Germany)
<https://www.dw.com/en/undercover-videos-of-organic-chicken-farms-can-be-aired/a-43320605>

The media unlawfully trespassed, obtained, produced and published footage of dismal conditions occurring at an organic chicken farm. The footage contained birds that were partially featherless and some dead on the ground. Although the judge ruled that the footage was unlawfully obtained, they stated that the footage was of legitimate public interest, and that the press has a responsibility to be the “watchdog of the public.” The footage did not contain any food safety violations, nor any business secrets, and was allowed to be published.

- 111) Wind turbine case, – 1 BvR 2523/13 – (Germany),
https://www.bundesverfassungsgericht.de/SharedDocs/Entscheidungen/EN/2018/10/rs20181023_1bvr252313en.html

A company was denied permits to build wind turbines for a complaint of constitutionality, meaning that the turbines would kill wildlife and were in violation of the Federal Nature Conservation Act. The court ruled that these complaints were not sufficiently substantiated because there were not standards by which scientists and experts could verify a risk to wildlife.

- 112) Mr A v. Administrative Court, - 1 BvR 1783/99 – (religious exemption to humane slaughter) (Germany)
https://www.bundesverfassungsgericht.de/SharedDocs/Entscheidungen/EN/2002/01/rs20020115_1bvr178399en.html

A devout Muslim had been living in Germany for twenty years and inherited his father’s butcher’s shop. For the man’s Muslim customers, he would slaughter animals without stunning them first, in order to adhere to Muslim teachings. After his right to slaughter animals without pre-stunning was contested, he argued that the contest was a violation of his religious rights, as

well as his rights to choose his occupation, as being a Muslim butcher is a specific occupation. He also argued that Jewish residents are allowed the practice of slaughter without pre-stunning. The butcher's citizenship (and rights that come with citizenship) came into play; although he was a resident of Germany, he was a Turkish citizen. The court ultimately decided that prohibiting the practice was a violation of his rights and the rights of his customers, and he was allowed an exception.

- 113) Dangerous dog ban, 1BvR1778/01 (Germany)
[https://www-bundesverfassungsgericht-de.translate.google.com/SharedDocs/Entscheidungen/DE/2004/03/rs20040316_1bvr177801.html? x tr sl=de& x tr tl=en& x tr hl=en& x tr pto=sc](https://www-bundesverfassungsgericht-de.translate.google.com/SharedDocs/Entscheidungen/DE/2004/03/rs20040316_1bvr177801.html?x_tr_sl=de&x_tr_tl=en&x_tr_hl=en&x_tr_pto=sc)

The court ruled that citizens cannot import or breed dogs that have genetic traits that make them more prone to acting aggressively. The reason for this ruling is to avert danger and breeds such as Pit Bull Terrier, American Staffordshire Terrier, Staffordshire Bull Terrier and Bull Terrier were specifically mentioned for being higher in aggression. This limitation is also in place to protect dogs who may be euthanized.

- 114) Challenge to egg-laying hen regulation, 2 BvF 3/90 (Germany)
[https://www-bundesverfassungsgericht-de.translate.google.com/SharedDocs/Entscheidungen/DE/1999/07/fs19990706_2bvf000390.html? x tr sl=de& x tr tl=en& x tr hl=en& x tr pto=sc](https://www-bundesverfassungsgericht-de.translate.google.com/SharedDocs/Entscheidungen/DE/1999/07/fs19990706_2bvf000390.html?x_tr_sl=de&x_tr_tl=en&x_tr_hl=en&x_tr_pto=sc)

This case challenged the rules for cages for laying hens kept in cages regarding cage dimensions, eating habits, animal pain, and other stipulations. The court ruled that while existing cages cannot be challenged because they were built in accordance with the provisions at their building, new cages cannot be approved using the same provisions according to the Hen Keeping Ordinance of December 10, 1987. It also stated that until a new Ordinance was made, new cages must comply with regulations according to the Animal Welfare Act.

- 115) Rhineland hen regulation, 2 BvF 1/07 (Germany)
[https://www-bundesverfassungsgericht-de.translate.google.com/SharedDocs/Entscheidungen/DE/2010/10/fs20101012_2bvf000107.html? x tr sl=de& x tr tl=en& x tr hl=en& x tr pto=sc](https://www-bundesverfassungsgericht-de.translate.google.com/SharedDocs/Entscheidungen/DE/2010/10/fs20101012_2bvf000107.html?x_tr_sl=de&x_tr_tl=en&x_tr_hl=en&x_tr_pto=sc)

This is a regulation on the caging of hens to enforce ethically based animal protection. It states that hens weighing over two kilograms must be at least 900 square centimeters. Group nest must be less illuminated than other areas. Each hen must have a perch and feeding trough. There must be a gap between the first hen cages and the floor of at least 35 centimeters. The cages must not cause the hen harm or pain. If facilities were built between 2002 and 2008, these regulations still

apply so long as they are given adequate room and each hen needs at least two drinking nipples or a water trough and incline of the cage floor does not exceed 14%. After one year, a conversion to meet these regulations must be in place.

- 116) Challenge to bestiality ban, 1BvR1864/14, (Germany), disturbing case
https://www-bundesverfassungsgericht-de.translate.googleusercontent.com/SharedDocs/Entscheidungen/DE/2015/12/rk20151208_1bvr186414.html?_x_tr_sl=de&_x_tr_tl=en&_x_tr_hl=en&_x_tr_pto=sc

A group of complainants felt sexually attracted to animals and argued that the constitutional law against bestiality goes against their principle of certainty and sexual self-determination. The court found that the complaint is unfounded and that the law only prevents animals from being coerced to act in a way that is not found within their species. The law is in place to protect animals from sexual assault and the law stands unchanged.

- 117) Ban on Kosher and Halal inhumane slaughter (Greece)
<https://greekreporter.com/2021/10/28/greek-court-kosher/>

The Hellenic Council of State banned the practice of slaughtering an animal without pre-stunning. The EU had left this decision up to its members and Greece determined that the welfare of the animals needed to be put before the religious practice of Muslims and Jews, insisting that animals needed to be euthanized before they are slaughtered. Jewish groups are speaking out against the legislation stating that it violates their religious liberty.

- 118) Hungary Dangerous Dog case (Hungary), see Page 2 of PDF for description of the case

Regulations were put on owners of dangerous dogs based on Act XXVIII of 1998. These dogs consisted of two groups: (1) pit bulls, terriers and crossbreeds and (2) dogs that have injured a human or animal. If an owner chose to keep one of these breeds, they had to seek permission, pay administration fees and use special equipment denoted to keeping dangerous dogs. This regulation was changed on September 20, 2010 to not include specific breeds and instead include dogs whose physical condition imply that they could be harmful to a human. Several rules are in place for owners whose dogs are deemed dangerous, including registration within 45 days of the date the dog would be considered dangerous, a sign being put on the owner's premises, a label on the dog's leash and several others. A dog should be put down in cases in which it is determined that the dog's intent was to injure a human or animal.

- 119) Animal Welfare Board v. A. Nagaraja and Ors., (India) 2014(4)ABR55, see PDF

Jallikattu, also known as bullock-cart racing, is a sport in which bulls are surrounded by huge crowds. They are sometimes subjected to chili powder in their eyes, tails pulled/twisted, kicking

and beating. The bulls often look afraid and are subjected to pain. In the same respect, it is up to the court to balance these acts with rights given to culture and tradition, of which jallikattu is a part in the states of Tamil Nadu and Maharashtra. The court ruled that the practice is unconstitutional under the PCA Act because bulls cannot be used as performing animals, since they are draught and pack animals.

- 120) N.R. NAIR AND ORS VS UNION OF INDIA AND ORS (India) APPEAL (CIVIL) 3609-3620
<https://indiankanoon.org/doc/462988/>

In order to prevent pain and suffering to animals, Section 22 of the Prevention of Cruelty to Animals Act was added in 1991, which stated that animals could not be exhibited or trained for profit. This was challenged by the Indian Circus Federation. The High Court reviewed the Act and decided that it cannot be determined if training causes pain to the animal, and the animal cannot be trained as a result. However, the court found that the organization could still keep their animals as pets, they just could not use them in their circus show.

- 121) Centre For Envir. Law, Wwf-I vs U O I & Ors on 15 April, 2013 (India) Writ petition 337 (1995)
<https://indiankanoon.org/doc/27900105/>

The Center for the Environment Law asked for the necessity of a second home for the Asiatic Lion, an endangered species, for longtime survival. A series of independent studies were conducted to support the second home which analyzed factors such as prey density, man-made threats to the species' survival and the affect of the re-introduction of lions would have on the existing cheetah population. The proposed protections fell in line with several sections of the Wildlife Protection Act (1972) and the Biological Diversity Act (2002), however it was also stated that their protection must be eco-centric and not anthropocentric. The court decided on their reintroduction to their historical home of Kuno.

- 122) Hinsa Virodhak Sangh vs Mirzapur Moti Kuresh Jamat & Ors (India), Appeal (civil) 5469
<https://indiankanoon.org/doc/560071/>

India is a country of many religious beliefs and ceremonies. For nine days every year, Jains celebrate Paryushana Parva which prohibits them from eating meat, and they therefore close their slaughterhouses during this time. The Ahmedabad Municipal Corporation sometimes passed resolutions to close the slaughterhouses, which some groups argued violated their right to trade/conduct business. The court found that the right to slaughter was not a fundamental right and that various religious groups show respect for others (e.g. Hindus take on a day of mourning with their Muslim community members) during certain times of the year. The court ruled that the Ahmedabad Municipal Corporation was within its rights to restrict business for nine days out of the year.

- 123) State Of Gujarat vs Mirzapur Moti Kureshi Kassab (India), Appeal(civil)4937-4940 1998
<https://indiankanoon.org/doc/101278772/>

This case was a challenge to certain sections of the Bombay Animal Preservation Act of 1954 which stated that no one could slaughter an animal without obtaining a certificate that the animal is fit for slaughter. These sections were challenged upon their conception, as arguments were made that banning the slaughter of cows would deprive many communities of their main source of protein. The law was upheld, however, stating that these communities could find other forms of nourishment. Cows, being a primary economic good in India, were the main part of the discussion as cows have usefulness outside of purposes just for food. Their dung and urine is beneficial for agriculture because it protects and fertilizes the top layer of soil. It was also considered that cows are sacred to those practicing Hinduism. The court upheld the existing law that no animal could be slaughtered without a certificate.

- 124) Attempt to restore Jallikattu Ban (India)
<https://www.thehindu.com/news/national/sc-refers-jallikattu-challenge-to-constitution-bench/article22630214.ece>

The people of Tamil Nadu and Maharashtra argued that jallikattu and bullock-cart races are protected in Article 29(1) of the Constitution which states that cultural and educational practices of cultures are to be preserved. While this normally applies to minority cultures, it can also apply to majority cultures, as it does here. The court was to decide if jallikattu violated the Prevention of Cruelty to Animals Act of 2017. PETA's petition was a key player in this case.

- 125) Ban on export animals to Nepal for sacrifice (India)
<https://www.hsi.org/news-media/india-supreme-court-gadhimai-ruling-102014/>

Due to an urgent petition submitted by a consultant to Humane Society International, the Supreme Court passed an interim order preventing the moving of animals across the Indian border to Nepal. Nepal's Gadhimai Festival sacrifices 500,000 animals, 70% of which are imported from India. These animals are sacrificed with swords and knives in front of the other animals and is considered to be "demeaning and cruel" by Justice Kehar. The court notified its four border states of this decision.

- 126) Reintroduce Cheetah (India)
<https://www.thehindu.com/news/national/sc-allows-centre-to-bring-african-cheetah-to-suitable-wildlife-habitat-in-india/article30673294.ece>

In 2021, African cheetahs from Namibia were introduced to the Indian habitat on an experimental basis in order to bolster the nearly extinct Indian cheetah population. The experimental period was seven years, but the Supreme Court lifted the stay in 2020 stating that they were unhappy with the unnatural conditions presented in the Kuno sanctuary for African cheetahs. They said that every effort needs to be made to ensure that the cheetahs find a home

that suits their needs. They were also concerned that the cheetahs could conflict with the native lion species in the area and that more studies need to be conducted to determine the result of two apex predators in the region. Ultimately, they need to favor native species first.

127) Manager, Pinjrapore Deudar & ... vs Chakram Moraji Nat & Ors (India),
<https://indiankanoon.org/doc/735616/>

Sheep and goats were being transported when they were seized by the Gujarat police for alleged violations of the Prevention of Cruelty to Animals Act of 1960. The animal owners filed a Criminal Revision Application and the judge allowed them to keep the animals pending trial. The court used these factors, among others, to determine their decision: the nature of the offense alleged against the owner, if the owner is a first-time offender, the condition of the animal at time of seizure and the possibility that the animal will be subjected to future pain or suffering. Using these criterion, the court did not find reason for the owners to not be in possession of their animals.

128) Wildlife & Rehabilitation Centre v Union of India (India), Writ Petition(s)(Civil)
No(s).743/2014
<https://indiankanoon.org/doc/144820807/>

The Chief Wild Life Wardens must contact each owner of an elephant in every state and determine if the owner has an ownership certificate. If the ownership certificate does not exist, a provision certificate may be granted if they meet certain qualifications. This information must be communicated to respondent NO. 1 (the Secretary, Ministry of Environment, Forests and Climate Change, Paryavaran Bhavan, CGO Complex, Lodhi Road, New Delhi).

129) Bharat Amratlal Kothari v Dosukhan Samadkhan Sindh (India) CRIMINAL APPEAL
NO. 2020 OF 2009
<https://indiankanoon.org/doc/608365/>

The accused were convicted of violating the Prevention of Cruelty to Animals act of 1960 when they loaded sheep and goats into trucks without a license to do so. They did not have any water for the sheep and goats, and the animals were loaded haphazardly. The trucks were driven erratically with one of them flipping over and killing some of the livestock. It was later found that the appellants obtained the livestock illegally. Interestingly, some of the petitioners of the high court were not formally accused of any violation and could not be convicted at trial as a result. The accused was found guilty of animal cruelty and ordered to return the livestock to their rightful owners in the presence of a police officer and ensure that no further harm would be done to the animals during their transport.

130) Challenge to order to kill tiger (India)
<https://www.bbc.com/news/world-asia-india-45480666>

India is home to 60% of the world's tiger population and this number increased by 30% in 2014. Due to deforestation, some tigers inevitably come into contact with villagers. One tiger in particular, T1, was accused of killing five people. The Supreme Court ruled that forest rangers

have permission to fatally shoot the tiger if they cannot safely capture her. Rangers say that they will attempt to tranquilize the tiger, her male companion and cubs, but if they cannot capture T1, they have permission to kill her.

131) AWBI v People for the Elimination of Stray Trouble (India) No(s).691/2009
<https://indiankanoon.org/doc/41496732/>

When stray dogs bite, compensation must be paid to those bitten by Justice Sri Jagan Committee. In order to solve the problem of stray dogs, a shelter home for stray dogs had been petitioned, in addition to a “dog zoo.” The “dog zoo” was shut down because it violates Animal Birth Control Rules, 2001 under Section 38 of the Prevention of Cruelty to Animals Act. The Section states the rules for euthanizing older/injured dogs, killing dogs with rabies and rehabilitation for other dogs, among other things. Jose Mavelly tendered an unconditional apology for his actions and promised to not involve himself with these activities again.

132) Seek to increase penalty for killings stray dogs (India)
<https://www.fiapo.org/fiapor/news/supreme-court-to-fix-harsh-penalty-for-killing-strays/>

In the past India had separate penalties for killing stray dogs vs. pets, as pets had more value because they were deemed as property. However, advocates claim that the penalty for hacking a puppy to death should include jail time, regardless of whether or not the dog was stray or owned. While pets of less value (Rs 10) carried a two-year jail sentence and of greater value (Rs 50) carried a five-year jail sentence, the Supreme Court decided hear a plea seeking a harsher penalty for killing stray animals.

133) Principal Conservator of Forests v. Johnson (India) CIVIL APPEAL NO. 2534 OF 2011
<https://indiankanoon.org/doc/1763374/>

A jeep was inspected during a routine inspection of all vehicles and officers found wild animals hunted illegally including a wild boar and three rabbits. The persons inside were accused of violating the Wildlife Protection Act and offered to pay a fine for their violation. However, the officer seized their vehicle and rifles used during the hunt. While the officer had the right under the Wildlife Protection Act to seize the animals, dead or alive, the officer did not have the right to seize the vehicle and rifles. The seized property therefore has to be dealt with by the Magistrate and the persons must apply for their return, with a high likelihood that the Magistrate will return the items.

134) Indian Handicrafts Emporium & Ors vs Union Of India & Ors (India) Appeal (civil) 7533 of 1997
<https://indiankanoon.org/doc/1231613/>

The appellants were accused of violating the Wildlife Protection Act when they were selling crafts made with ivory from African elephants. The appellants argued that elephant populations had gone up worldwide and that the ivory was imported legally. It is important to note that India,

where the crafts were being made and sold, had different policies regarding the trade of ivory than Kenya, where the ivory was obtained, which allowed the trade. The trade of ivory products was clearly in violation of the Wildlife Protection Act, which was established, in part, to protect the declining population of Indian elephants. However, the elephants that were poached were not Indian elephants. The court ultimately ruled that the appellants could not keep their ivory property as it was in violation of the Act, however, the crafts pertaining to religion would be saved and the appropriate authority would keep possession of those items.

135) Princl. Conservator of Forests v J.K. Johnson ors. (India) Record No. 23 & 185/10
<https://indiankanoon.org/doc/1763374/>

A jeep was inspected during a routine inspection of all vehicles and officers found wild animals hunted illegally including a wild boar and three rabbits. The persons inside were accused of violating the Wildlife Protection Act and offered to pay a fine for their violation. However, the officer seized their vehicle and rifles used during the hunt. While the officer had the right under the Wildlife Protection Act to seize the animals, dead or alive, the officer did not have the right to seize the vehicle and rifles. The seized property therefore has to be dealt with by the Magistrate and the persons must apply for their return, with a high likelihood that the Magistrate will return the items.

136) Minister for Justice v. Oliver Lown, [2021] IEHC 831 (Ireland)
<https://network-presidents.eu/cpcl/judgement – warning, depicts bestiality>

A man was convicted for sexual intercourse and penetration of an animal, taking indecent photos of children, possession of heroin, cannabis and extreme pornographic images of intercourse or oral sex with an animal. He also attempted to destroy evidence by throwing his computer into a pond. The man's acquaintance lied on behalf of the convicted man stating that he was not responsible for an accident (essentially, he did not know the vehicle or driver responsible) and it was therefore suspected that the acquaintance had some role in the business. It was argued that crimes of bestiality were violations of EU law, not UK law, and that given the UK's separation from the EU that he should not be convicted. The court dismissed this objection and ruled that both men were guilty.

137) Sfar v. Brennan and Others [Appeal No: 398/2008] (Ireland)
<https://www.casemine.com/judgement/uk/5da02a4f4653d058440f97ca>

The appellant's house was inspected and Garda Inspector McGinn gave orders that all of the appellant's dogs be seized and that she be ordered to not be allowed to keep animals for the next ten years. There was, however, no proof that the dogs were injured or neglected. The High Court quashed these orders with the argument that the appellant's rights were breached.

138) Let the Animals Live v. Hamat Gader Recreation Ent, LCA 1684/96 (Israel) – note:
you might need to press “read full text” button
<https://versa.cardozo.yu.edu/opinions/let-animals-live-v-hamat-gader>

A tourism company offered a 47 second show in which a man fights an alligator and the man is victorious. An animal rights organization called Let the Animals Live stated the belief that they felt the show was a violation of the Cruelty to Animals Law (Protection of Animals) 1994. The show involved grabbing the alligator's tail and jaws, riding the alligator, pulling his legs, turning him over and pressing against the lower part of his head. The tourism company argued that pain and torture were not involved in these acts and that alligators are flexible. They stated that at most the alligator experiences some discomfort, which does not violate the Law. The court ruled in favor of Let the Animals Live, citing passages in the Torah and Jewish beliefs that man must take his power of animals with great responsibility.

- 139) NOAH Israeli Fed. of Animal Prot. Orgs v. Att Gen, HCJ 9232/01 (Israel) – note: you might need to press “read full text” button
<https://versa.cardozo.yu.edu/opinions/%E2%80%9Cnoah%E2%80%9D-israeli-federation-animal-protection-organizations-v-attorney-general>

Geese in Israel are force-fed using a tube that goes from their mouths to their stomachs. They are forced to eat high-caloric food, much more than what is necessary, by this process multiple times per day in order to enlarge their liver and make a dish called Foie Gras. The petitioner argued that this practice violates the Cruelty to Animals Law 1994. It was argued that if force-feeding is found to be illegal, an entire industry (including in Europe) would no longer exist and many families would not be able to support themselves. It was also stated that some of the regulations in the Law are too broad. The court found the practice to be in violation of the law and outlawed it, citing religious texts and the moral rights of animals to be the reason for the decision.

- 140) Let the Animals Live v. Veterinary Services (Israel)
<https://www.haaretz.com/2004-06-02/ty-article/supreme-court-grants-right-to-life-for-street-cats/0000017f-e2f1-d9aa-aff-fbf991130000>

A company called Magen Lahatul killed street cats who were sick or injured. Two petitioners, Let the Animals Live and The Cat Welfare Society of Israel, argued that killing should be a last measure and that helping injured or street cats should happen first. The court ruled in favor of the petitioners, stating that the company can continue to operate but that a municipal veterinarian must have the authority to approve a killing. This ruling gives street cats the basic right to life.

- 141) Treatment of Lobsters (Italy) media reports
<https://www.reuters.com/article/us-italy-lobsters/italian-court-says-lobsters-must-not-catch-cold-before-cooking-idUSKBN1972JV>

While it remains legal to boil lobsters alive because that practice has been occurring for generations, the court ruled that it is not allowed to leave them on ice before their death. The ice or refrigeration causes them suffering before they are boiled and restaurants and grocery stores need to keep lobsters in oxygenated water tanks at room temperature.

- 142) Administrative Court Stops Experiments on Macaques (Italy), see PDF

At the time of the offense, the Animal Protection Law was not specific enough to determine what activities an animal owner should refrain from in order to not be held criminally liable. The Law only stated, “Violations of the keeping of animals regulations as results in the committing of light bodily injury to the victim.” Regardless, the court still held that the contested norm was clear enough and that the accused was in violation of the Law.

143) Dolphin confiscation case (Italy) See PDF

The Rimini Dolphinarium had its four dolphins confiscated due to violations of animal rights. The dolphins were kept in a space much too small for them and they were drugged from the veterinarian to so they would do all work to which they were forced to perform. While the Appeal Court did not find there was enough evidence of mistreatment to prosecute the owners, the dolphins were still confiscated.

144) Appeal of cruelty conviction for Green Hill Breeders, (Italy), see PDF

Green Hill, a breeding facility for beagles destined to be used in lab experiments, appealed convictions of animal abuse and their appeals were rejected. While it is not known exactly how many dogs were in the facility, it is estimated that 6023 beagles died in a span of four years, 104 of which were puppies who died due to poor quality sawdust. There was only one veterinarian responsible for 3000 beagles, who were left on their own for eleven hours per day despite sicknesses. The dogs were not given area to exercise and the facility had bad air quality, in addition to being hot and damp. The beagles were also operated on with isoflurane without anesthetic, causing immense pain and suffering.

145) Kenya Wildlife Services v Rift Valley Agricultural Contractors Ltd, PETITION NO. 11 OF 2015 (Kenya)
<http://kenyalaw.org/caselaw/cases/view/151754>

This case questioned who is responsible for damages committed by wild animals. Animals from the Maasai Mara Game Reserve entered the property of Narok County Council and destroyed crops. The appellant cited the Wildlife (Conservation and Management) Act of 1976 which states that compensation was due when wildlife caused damage of crops or property or the death of a person. There was an argument that the game crossing over to Narok County was an “Act of God,” which the court dismissed on the grounds that solutions could have been implemented that would have led the game to not migrate due to the drought. However, only part of the losses were to be paid to the appellant because the Wildlife Conservation and Management Regulation of 2015 was yet to be implemented. Additionally, the court suggested to the appellant that they obtain insurance for these types of occurrences.

- 146) Appeal from animal cruelty conviction and sentence, Case No. 2008-09-0106 (Latvia)
– see PDF

At the time of the offense, the Animal Protection Law was not specific enough to determine what activities an animal owner should refrain from in order to not be held criminally liable. The Law only stated, “Violations of the keeping of animals regulations as results in the committing of light bodily injury to the victim.” Regardless, the court still held that the contested norm was clear enough and that the accused was in violation of the Law.

- 147) Dangerous Dog Case, case No. 2002-01-03 (Latvia) – See PDF

This case sought to question and amend certain parts of the Law on Hunting, which may have been in violation of the Constitution with the primary issue being private land being used for hunting. The court found that four parts of the Law on Hunting were in conflict with the Constitution regarding notification of private landowners about their land being used for hunting and that their will for their land is not accounted for when drawing hunting boundaries.

- 148) Challenge to regulation that promotes hunting, Case No. 14/02 (Lithuania) – See PDF

This case sought to question and amend certain parts of the Law on Hunting, which may have been in violation of the Constitution with the primary issue being private land being used for hunting. The court found that four parts of the Law on Hunting were in conflict with the Constitution regarding notification of private land owners about their land being used for hunting and that their will for their land is not accounted for when drawing hunting boundaries.

- 149) Seizure of bovines for sale, No 38/2014 criminal law. (Luxembourg) – see PDF

The government seized mistreated bovines about to be sold because the farmer violated animal protection statutes. The Court of Cassation overturned the seizure.

- 150) Ban on plastics because they harm marine life (Malawi)

<https://www.theguardian.com/global-development/2019/aug/02/malawi-reinstates-ban-thin-plastic-bags-campaigners-hail-fantastic-victory>

Malawi had banned plastic bags in 2015, but the ban was repealed in 2016 when bag manufacturers said that the ban decreased quality of life without offering an alternative business strategy. However, the ban was reintroduced in 2019 because of the pollution plastic bags cause to wildlife, namely, Lake Malawi. The lake is considered a World Heritage Site and damage to the lake impacts livelihoods and food sources such as fish; its protection is the main reason for the ban.

- 151) Increase sentence for ivory dealers (Malawi)

<https://www.lilongwewildlife.org/2019/07/17/landmark-ruling-in-mzuzu-case-hailed-a-victory-for-wildlife/>

The Kaunda brothers pled guilty and were convicted of dealing ivory and were found trafficking 2.6 tons of ivory—representing the deaths of more than 400 elephants. They were originally sentenced to pay a fine of \$5,500 for their crimes. Four years later the Supreme Court overturned their fine and they were taken into custody to serve a prison sentence of eight years. Their sentence sets a precedent for future wildlife cases with some crimes carrying penalties of thirty years without the option of paying a fine for crimes.

152) Upholds cockfighting ban No. 139/2018, (Mexico)

<https://www.hsi.org/news-media/mexico-supreme-court-upholds-cockfighting-ban-110918/>

Veracruz State enacted a cockfighting ban on the grounds that no expression of cultural that involves cruelty to animals can be considered cultural expression upheld by the constitution. The Supreme Court of Justice of Mexico ruled that the ban is legal and constitutional. While many lobby in favor of cockfighting in Mexico City and elsewhere, the Humane Society International hopes that other states will follow Veracruz.

153) Challenge to building massive hog farm (Mexico)

<https://earthjustice.org/news/press/2021/mexican-supreme-court-ruled-in-favor-of-mayan-community-suspends-49-000-hog-farm>

The Supreme Court of Justice of Mexico ruled a definitive suspension of the hog farm Producción Alimentaria Porcícola to protect children who live in the Mayan village of Homún, Yucatán, Mexico. The facility produces more urine and feces each year than the entire human population of Tijuana and is considered threatening to air quality, water quality and human health.

154) State v. Kau and Others, (SA1/93) [1993] NASC 2 (Namibia)

<https://namiblii.org/na/judgment/supreme-court/1993/2>

Sixteen people were charged with hunting and killing a giraffe, to which they admitted to in court. They also stated that they were instructed to do so by a headman and questioned why the headman was not held liable, as those on trial believed that they had legal authority to kill a giraffe on his orders. The argument was made that the Magistrate did not inform the appellants of their rights or the purpose of cross-examination. It was also not explained to the appellants how to “shift the onus” in regards to the permit. The court ruled in favor of the appellants. Even though evidence pointed toward their guilt, had they had a fair trial and been informed of their rights, the evidence may lead to different conclusions.

155) State v Malanzabi Francis Bushebi CASE NO.: SCR 1/95 (Namibia)

<https://www.wildlex.org/court-decisions/s-v-malanzabi-francis-bushebi>

A man had been accused of unlawfully hunting protected game, a lechwe, without a permit. The Judge in the High Court was given bad advice that there needed to be an amendment to the Ordinance to include lechwe, as the Ordinance did not state anything about this particular animal. The advice stated that the issue was with the law and the phrase “irregularity in the

proceedings.” The court refused the application by the state, writing that the error was the state’s alone and that the man did not receive a fair trial.

156) Challenge to ritual animal sacrifice at Gadhi Mai Festival (Nepal)

<https://www.animals24-7.org/2016/08/05/supreme-court-of-nepal-orders-end-to-gadhi-mai-massacre/>

<https://english.onlinekhabar.com/nepal-supreme-court-orders-government-stop-animal-slaughter-gadhimai-fair.html>

Every five years a festival is celebrated to the goddess Gadhi Mai during which many animals are slaughtered. While there is some challenge to the actual number of buffalo slaughtered, there is no question that the ritual involves animal slaughter. There is also a question of when the practice began, as there are no official records of it beginning before 1999. Two Supreme Court Justices issued a writ petition against the slaughter naming the defendants as the Office of the Prime Minister and the Gadhi Mai Temple Management Committee.

157) Challenge to killing stray dogs (Nepal)

<https://blog.humanesociety.org/2017/12/nepals-supreme-court-ends-mass-killings-street-dogs.html>

In the past rabid street dogs were met with beatings, shootings or poisonings. The Supreme Court issued a ban on all street dog killings and began to evaluate a plan for humane management of homeless animals. The Jane Goodall Institute’s Nepal chapter, as well as the Human Society International/India were instrumental in this case. The new plan consisted of sterilizing and vaccinating 80% of street dogs and creating a space for homeless dogs where they can be sterilized, vaccinated, microchipped and groomed.

158) Challenge to inhumane transportation of birds (Nepal)

<https://myrepublica.nagariknetwork.com/news/sc-orders-govt-to-promulgate-animal-welfare-act/>

The Supreme Court ordered the government to put an Animal Welfare Act into law to provide safe transport of animals. Cited for its creation was advocacy and other countries (neighboring India) having their own laws for the safe and humane treatment of animals. A large part of the law was about preventing cruel and harsh conditions for animals during transport.

159) Appeal of conviction for rhino horn traders (Nepal)

<https://annamiticus.com/2012/10/02/nepal-14-rhino-horn-traffickers-sentenced-to-jail/>

Five people were each sentenced to ten years in prison for killing a rhino in Chitwan National Park and nine rhino horn traders were sentenced to five years in prison.

160) Challenge to ban on mink farming (Netherlands)

<https://www.furfreealliance.com/supreme-dutch-court-upholds-mink-farming-ban/>

For three years Dutch mink farmers battled in court against the Dutch Parliament, arguing that the ban on mink fur farming (the breeding and killing of minks for their fur) was a violation of their fundamental rights of protection of property and the European Convention of Human Rights. However, the Dutch Supreme Court ruled that the ban is legal and not in violation of human rights; since the law will not take affect until 2024 (eleven years after the decision to ban), mink fur famers will have time to sell their minks and get a return on their investments.

161) Shark Experience Ltd v Pauamac5 Incorporated (New Zealand), SC 86/2018
<https://nz.vlex.com/vid/shark-experience-ltd-v-839144925>

Shark Experience Ltd. was accused of being in violation of the Wildlife Act of 1953 because of their “Shark Experience,” which involved sending guests down into the ocean in cages to view great white sharks. The offense was marked by section 63A regarding the illegality of hunting or killing animals, which had a definition that included words like “chase,” “molest,” “disturb,” and “pursue.” While Shark Experience did not hunt, or even chase or pursue, sharks, there was an argument made that luring the animals with bait was disturbing them. Ultimately, the court decided that Shark Experience could continue to operate as there was no evidence that it directly violated the Wildlife Act.

162) Tatyana Kondratyeva v The Queen, SC 75/2015 (New Zealand) – see PDF

A woman had 50 cats at her residence and convicted of violating the Animal Welfare Act of 1999. She was sentenced to 125 hours of community service, a term of ten years without owning an animal and forfeit of her cats. For her application to appeal, counsel argued that she was not doing the cats harm; in fact she was protecting injured and diseased cats from a worse life and that only 22 cats had diseases or injuries. The Court rejected her appeal on the grounds that there was not a substantial miscarriage of justice in her sentence.

163) Douglas and John Williamson v The Queen SC 7/2016 (New Zealand) – see PDF

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164) Balfour v. Queen, SC 110/2013 (New Zealand) – see PDF

A married couple was convicted of three charges of animal neglect under the Animal Welfare Act of 1999. They appealed the conviction on the grounds that there was illegally obtained

evidence used against them that should not have been admitted, the charges were prejudicial, the expert witnesses were not impartial, the failure of their business made the case a matter of commercial importance and that their trial raises a matter of public importance. The courts did not agree with these claims and rejected the appeal.

- 165) Appeal to save dog from execution for killing chickens (New Zealand)
<https://www.stuff.co.nz/national/crime/300560002/supreme-court-rejects-auckland-womans-appeal-to-save-chickenkilling-husky>

While on a walk, a husky killed a chicken and a guinea pig and were order to pay \$150 to the owners as well as a \$750 fine. Initially, the dog was allowed to go back to his owners with the requirement that he be muzzled, but the dog was re-seized when his owners did not comply with the muzzle requirement. The owners argued that the order that their dog must be euthanized based on section 57 of the Dog Act was in violation of the Bill or Rights Act which states that accused are innocent until proven guilty. The court rejected this inquiry and ordered that the dog be euthanized.

- 166) Bestiality appeal (Norway)
<https://norwaytoday.info/news/norways-supreme-court-sentences-man-to-75-days-in-prison-sexual-intercourse-with-dogs-is-a-gross-violation-of-the-animal-welfare-act/>

A man was sentenced to five months in prison for violating the Animal Welfare Act by having sexual intercourse with three dogs over a course of seven years. After he appealed, the sentence was reduced to 90 days, then to 75, but the Supreme Court still emphasized that his actions would not be tolerated. He was also denied the right to own animals.

- 167) Appeal from wolf-killing case (Norway)
https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2997457

Five men killed wolves and received strict sentences for violating the Animal Welfare Act. They appealed their sentences and their sentences were dramatically reduced, concerning the question of whether or not crimes against animals should be considered “folk crimes” or as serious organized crimes. It is important to note that “folk crimes” are defined as crimes committed by everyday people without prior offenses and that poaching is considered a “folk crime,” while wildlife trafficking is an organized crime. It is assumed that the men involved did pre-plan to kill the wolves, but it was still not considered organized crime by the court.

- 168) Min. of Agric. & Food v. Jovsset Ante Iversen Sara, HR-2017-2428-A (Norway)
– see PDF

The Reindeer Husbandry Board set a maximum number of reindeer for all herding districts at 2,000. A reindeer herder’s herd was part of this district, and her herd caused the district to exceed

this amount. The Board discussed a proportionate reduction of her herd to 75 reindeer with a deadline and she appealed the cull order. The court of appeal held that the cull order violated the provision on the protection of indigenous peoples in ICCPR article 27. Legislation from the UN Human Rights Committee was cited and it was argued that the state had taken the necessary steps to ensure it was in compliance with article 27. The Court sided with the Ministry of Agriculture and Food stating that they were within their rights to reduce her herd to ensure that the district only had 2,000 reindeer.

169) A. v. Ministry of Justice and Public Security, HR-2018-1057-A (Norway) – see PDF

A Rottweiler and Boxer mix bit a neighbor's forearm, which caused a large bleed, and the neighbor called the police. The owner emphasized in court that the dog was of great value to his owner and that the aggression was likely caused by a castration implant injected shortly before the incident occurred. It was also argued that the dog never bit anyone before and that there was no contact between teeth and skin. The court ultimately order that the dog be destroyed because the dog acted in normal circumstances and was on a leash. It was determined that given the normalcy of the circumstances that the dog would act out again and presented a risk to public safety

170) Government of Punjab v Aamir Zahoor-ul-Haq, PLD 2016 SC 421 (Pakistan)
https://pakistanlaw.pk/case_judgements/13125/government-of-punjab-versus-aamir-zahoor-ul-haq

This case required amendments to be made to existing laws regarding the hunting of endangered species, in this case, houbara bustard. In the past, the seasonal hunting of houbara bustards was permitted, but this was ratified when the Pakistan Trade Control of Wild Fauna and Flora Act of 2012 was amended that they may not be hunted and that neither the Federation nor the Province could grant a permit to hunters. This is because the houbara bustard is considered to be endangered.

171) Government of Punjab v Aamir Zahoor-ul-Haq, (2016 rehearing) (Pakistan)
<https://courtingthelaw.com/2017/01/24/commentary/important-decisions-of-the-supreme-court-of-pakistan-during-2016/> -- read summary #2

The Supreme Court made an amendment to The Pakistan Trade Control of Wild Fauna and Flora Act of 2012 when it stated that no Federation or Province could issue licenses to hunt houbara bustards because they were an endangered species. However evidence showed that their numbers did not seem to be decreasing every year and that hunting had no impact on the species population. The court found that there was an error in their judgement and that they needed to review a new petition for the Act.

- 172) Group seeks ban on cockfighting and bullfighting (Peru)
<https://www.dw.com/en/cock-and-bull-fighting-are-legal-perus-top-court-rules/a-52536694>

Despite the efforts of animal rights activists, the Supreme Court considers cock and bull fighting an important cultural tradition and a ban did not receive enough votes to consider it unconstitutional. The tradition was brought to Latin America after Spanish colonization and some say that the bull was designed for this type of cultural tradition. Since this decision was made by the highest court in the land, no appeal can be made and bull and cock fights are considered legal.

- 173) Resident Marine Mammals v. Reyes, G.R. No. 180771 (Philippines)
https://lawphil.net/judjuris/juri2015/apr2015/gr_180771_so_2015.html

Animal Activists known as Animal Lovers fought in court for the right to take legal guardianship of cetaceans and represent their right to exist in court. It was argued that this has been done before in cases concerning trees and forestry which have been represented in court by a human party. Animal Lovers claimed that the cetaceans needed representation in order to gain protection from projects like oil exploration and the exploitation of marine resources for energy, specifically in the Tañon Strait. Energy Surveyors argued that the Tañon Strait was not a national park or conservation area, and that they were only exploring options that would cause the least amount of damage to the area. The court ruled that while they honor the rights of sentient creatures, the court is under no obligation to intervene and to stop the innate greed that is causing the demise of the planet and there is no need for these creatures to have legal representation.

- 174) PSPCA v. Commission on Audit, [G.R. NO. 169752 : September 25, 2007] (Philippines)
<https://www.chanrobes.com/cralaw/2007septemberdecisions.php?id=1095>

The Philippine government wanted to audit the PSPCA, claiming it is governmental institution, but the Court held that it a private institution. Although it could be audited, similar to any nonprofit, the Court's ruling freed it from governmental pressure through an audit.

- 175) Can animal welfare candidate run for office (Philippines)
<https://newsinfo.inquirer.net/1542570/sc-stops-comelec-from-canceling-senate-bid-of-animal-rights-advocate>

The Commissioner of Elections determined that Norman Marquez, an animal welfare candidate, was a "nuisance candidate" and put a retraining order on him not to run for a Senate seat. They said that he was virtually unknown to the country and there was not proof that he could have a financially viable campaign. The Supreme Court ruled that the Commission of Elections gravely

abused their powers and determined that he could run for Senate.

176) Ban on Kosher and Halal, 1st case (Poland)

<http://dijlp.org/critical-analysis-muslim-and-jewish-faiths-fight-polands-ban-on-ritual-slaughter/>

Poland's Constitutional Court issued a ban on the ritual slaughter of animals in contrast to the EU's position to allow animal slaughter for religious purposes. This presents a problem for Jewish and Muslim citizens of Poland, who fear their religious rights are at stake. The way animals are typically slaughtered involves a slit to the throat of the animal, allowing it to bleed out and die. There is some debate whether the animal is still able to feel great pain for up to two minutes after its neck is slit. The ban also raises economic concerns as commercial butchers sold \$450 million of kosher and halal meat. The court may need to reconsider their decision.

177) Ban on Kosher and Halal, 2nd case (Poland)

<https://www.bbc.com/news/world-europe-30412551>

This decision was a reversal on the previous decision to ban the ritual slaughter of animals, including for religious purposes. In order to maintain religious freedom, the court determined that Jews and Muslims could continue to slaughter animals to meet their kosher and halal standards. The reversal of the ban also means that Poland can continue to export meat to the Middle East.

178) Challenge to cruel carp processing practice (Poland)

<http://archiwum.thenews.pl/1/9/Artykul/284779,Polish-high-court-says-Xmas-carp-treated-%E2%80%98inhumanely%E2%80%99-report>

Carp is regularly eaten as part of a twelve course meal on Christmas Eve. The carp is usually bought at a grocery store and kept alive until it is killed on Christmas Eve. The Supreme Court ruled that the transportation of the carp in a waterless bag from the grocery store to the customer's water container is considered animal abuse and is illegal.

179) Animal cruelty appeal, 68/19.6GAVPA-A.S1 (Portugal) – see forwarded email

By unanimous decision, the Constitutional Court declared that the criminalization of the maltreatment of companion animals, as described in Article 387 of the Criminal Code, was unconstitutional on the grounds that there is no legal structure to support this offense as provided in the legislation. According to the document, the Portuguese Constitution already protects pet rights, so there isn't a necessity for the criminalization of mistreating pets as described in the Criminal Code. This decision was made when the applicant was convicted of mistreatment of companion animals, The applicant appealed on the basis that there were errors/unfairness in the proceedings. The appeal was dismissed; the court reaffirmed the decision to declare the criminalization of the offense as unconstitutional, but that the decision does not contradict the applicant's punishment, and that after looking at the past proceedings, there have not been errors or evidence of consequence that would require this case to have a retrial.

180) Portuguese Constitutional Court overturns criminal penalty for animal cruelty 867/2021 (Portugal)

<https://www.sistemapenale.it/it/sentenza/corte-costituzionale-portogallo-maltrattamenti-animale-bene-giuridico-protetto?out=print>

On November 10th of 2021, the Portuguese Constitutional Court ruled the offense of the maltreatment of companion animals (as described in Article 387 of the Penal Code) as unconstitutional due to the constitution, as it stands, having no basis for the criminalization of the maltreatment of animals. The decision was made by a majority of 3 judges out of 5. The Court acknowledged society's care for animal welfare but established that the relevancy of an animal's individual moral integrity (outside of its importance in the ecosystem and society) must be imbedded at the Constitutional level in order to criminalize the offense. According to the Court, society's "evolution" cannot disregard the amendment process. While there are other protections for animals in the rest of the Penal Code and EU laws, the current Constitution has no basis for criminalizing the maltreatment of companion animals— and by extension limiting human's liberty to make that decision—solely for the act of protecting their dignity.

181) Pigeon shooting case, JSTJ00038378 (Portugal) – see forwarded email

The legal proceedings began when Applicant A sought an order that notified defendants to refrain from conducting the shooting contest planned for February 1999 and to refrain from killing or injuring any pigeons in their possession. The court ordered an application for interim measures. The defendants then brought action against the applicant, which was admitted as aggravation—which now leads to the present case. In response, the applicant brought 37 conclusions. After reviewing the evidence provided by the applicants, the court rejected the assertive conclusions of the applicant and ordered that the infringement of legislation referred to in the conclusions do not exist. The action was dismissed, and the defendant confirmed free of charge. This decision was decided unanimously on 13 December 2000.

182) Constitutionality of killing stray dogs (Romania)

<https://www.seattletimes.com/nation-world/romanian-court-stray-dogs-can-be-euthanized/>

In 2013, Romania's Constitutional Court ruled that stray dogs can be euthanized. When taken to the shelter, if they are not adopted/claimed within 2 weeks, they will be killed. This bill is a reaction to a fatal attack of a four-year-old by a stray dog. This decision received a lot of backlash from the public and animal rights groups due to claims of it being unethical and an inefficient solution. Vier Pfoten animal welfare group claims that this decision ignores a European Commission appeal for the protection of animals in Romania.

- 183) Keeping foxes as pets (Russia)
<https://rusbankrot.ru/en/legislative-news/supreme-court-of-russia-banned-russians-from-keeping-foxes-at-home/>

The Russian government established a list of animals that people may not have in their homes, and the red fox was on this list. Someone who has a red fox as a companion animal indicated that they are not dangerous to people, which was the purpose of this list. The Supreme Court rejected this argument. It argued that experts considered the foxes to be dangerous and when the law was open for public comment nobody complained about the foxes being included in the list.

- 184) Brown Bear Case, (Slovakia) – see PDF

An animal welfare group advocates on behalf of bears and wanted to argue against a government decree that would open hunting to brown bears. The government did not recognize the group. The group appealed to the Slovak Supreme Court, which allowed the case to continue by referring it to the European Court of Justice, which ruled in the group's favor.

- 185) Illegal hunting case, VS21336 (Slovenia) – see forwarded email

The criminal offense in question during the legal proceedings was illegal hunting as defined by Article 343 of the KZ, which describes hunting as killing, wounding, or catching a wild animal, which independently of human beings, lives freely in the area of hunting grounds under the management of hunting organizations. The defendant was originally convicted of the offense of illegal hunting when they killed a wild animal without the authorization of the owner of the property by the Kocevje District Court. Counsel for the defendant applied for protection of legality against the final judgement on the grounds that there was infringement of criminal law; they asked for a reversal of the final judgement or an annulment of the case. The Supreme Court of Slovenia upheld this application and acquitted the convicted person on the reasoning that the act of the convicted person does not constitute the criminal offense of illegal hunting. A wild animal was defined as game that is injured, killed, or captured in hunting grounds that are assigned to hunting organizations. Since the location the act took place in was a private breeding ground and not official hunting grounds, the defendant cannot technically be convicted on the grounds of illegal hunting.

- 186) Challenge to animal protection action, VS00045917 (Slovenia) – see forwarded email

An animal abuser challenged the government taking his dog and giving it to another guardian. The Court ruled that the animal protection statutes and remedies are valid.

- 187) Animal protection dispute, VS17422 (Slovenia) – see forwarded email

On June 7, 2002, the Veterinary Inspector of the Veterinary Administration of the Republic of Slovenia imposed an inspection measure on the applicant ordering it to take care of the removal of an abandoned animal. Under Article 27(1) of the ZZZiv, an abandoned animal must be taken care of and accommodated in a shelter. The costs will be taken care of by the keeper of the animal, or if not present, the keeper of the shelter. The defendant had repeatedly asked the applicant to regulate the abandoned dogs and imposed the order on him when he failed to do so. In the court of first instance, it was decided that the veterinary inspector in the case did not have the legal basis to impose the contested inspection measure. The defendant then lodged an appeal requesting the judgement to be altered or set aside and referred to the court of first instance for retrial. The defendant argued that the ordering of the measure was lawful on the basis that the local community (municipality) is responsible for sheltering and/or financing the removal of abandoned animals when there is no keeper identified. On this reasoning the inspector had ordered at the applicant's expense to take care of the abandoned animals. The appellate court decided the appeal was unfounded and the court of first instance was correct. The reasoning being that a municipality is not classified anywhere as a "carer" of abandoned animals, so the applicant cannot be given the responsibility of financing the costs of care for abandoned animals through imposing the inspection measure in question. The Supreme Court upheld this decision.

188) Suit against animal protection agent, VS1014061 (Slovenia) – see forwarded email

An animal protection agent took action against a breeder who did not care for their dogs. The agent required adequate treatment and forbade the breeder from continued breeding. The breeder sued to prevent these actions. the Supreme Court ruled against the breeder, who lacked legal basis for the suit.

189) Poaching case, VS00010036 (Slovenia) – see forwarded email

A hunter was convicted and sentenced for illegal hunting/poaching and hunting at night. He proffered a number of procedural challenges to his conviction, and the Supreme Court dismissed them. The petitioner also made a substantive argument concerning a right to hunt, which the Supreme Court rejected.

190) NSPCA v. Minister of Justice, CCT01/16 (South Africa) – when you get to the website, click on the link that says "full judgement" and read and summarize the PDF <https://collections.concourt.org.za/handle/20.500.12144/3844>

On December 8th, 2016, the Constitutional Court of South Africa decided that the National Society for the Prevention of Cruelty to Animals (NSPCA) had the right to private prosecution, regardless of their status as juristic persons. After trying to file for a *nolle prosequi* certification (which allows them to conduct a private prosecution) from the National Prosecuting Authority

(NPA), they were denied on the basis that they did not meet the requirements of section 7(1)(a) of the Criminal Procedure Act (CPA) because they were juristic persons, not natural persons. The NSPCA challenged the constitutionality of this section with the argument that there is no rational reason for this discrimination of juristic persons. The case passed through the High Court and Supreme Court of Appeals before coming to the Constitutional Court. This court by unanimous decision affirmed the NSPCA of their right to private prosecution in order to allow them to continue their important work free of legal impediment – they did not consider the constitutional challenge any further.

- 191) NCPA v. Minister of Agriculture, CCT120/12 (South Africa) – when you get to the website, click on the link that says “full judgement” and read and summarize the PDF <https://collections.concourt.org.za/handle/20.500.12144/3699>

On July 11, 2013, the Constitutional Court of South Africa decided that sections 2 and 3 of the Performing Animals Protection Act 24 of 1935 was unconstitutional in regard to the use of a Magistrate to decide on and issue animal training and exhibition licenses. The National Society for the Prevention of Animal Cruelty (NSPCA) challenged the constitutionality of sections 2 and 3 of the Act on the basis that requiring a magistrate to decide applications for animal training and exhibition licenses was violating the separation of powers as determined by the constitution. The case went to the High Court before being brought to the Constitutional Court. Both courts decided in favor of the NSPCA that having the judiciary proceed over this administrative function (instead of the executive branch) went against South Africa’s separation of powers model. Since there were no valid justifications for granting magistrates this responsibility, the Constitutional Court declared the sections 2 and 3 invalid, but would allow them to remain in effect for 18 months to allow Parliament to remedy the defect in the two sections.

- 192) Minister of Agriculture v. NSPCA, CCT186/16 (South Africa) – when you get to the website, click on the link that says “full judgement” and read and summarize the PDF <https://collections.concourt.org.za/handle/20.500.12144/3850>

In 2016, the Constitutional Court of South Africa heard a request by the Minister of Agriculture to extend the suspended order of invalidity (from the 11 July 2013 NSPCA case) for the third time. The Minister urged to extend it for 6 months or longer in order to go through the appropriate legislative processes to make amendments to the Performing Animals Protection Act 24 of 1935. The reason for their delay in amending it was that the National Council of Provinces did not have the necessary quorum when the vote occurred. By unanimous decision, the Court decided to extend the suspension of the order of invalidity to 31 July 2017, but stated that any further requests for extensions will be viewed more critically.

- 193) Khohliso v. The State, CCT12/14 (South Africa) – when you get to the website, click on the link that says “full judgement” and read and summarize the PDF <https://collections.concourt.org.za/handle/20.500.12144/3755>

Khohliso is a traditional healer and was convicted in the Magistrates' Court of being in possession of two vulture's feet. Her possession of these feet violated section 13(c) and 84(13) of Decree 9, which prohibits the possession of a carcass of a protected animal. After the High Court overturned her conviction, declaring section 84(13) and 13(c) inconsistent with the Constitution. Khohliso approached the Constitutional Court to confirm this declaration of invalidity with the argument that Decree 9 is a provincial Act. This Court dismissed her appeal on the basis that Decree 9 is not a provincial Act and there is no need to confirm the declaration of the High Court.

194) Bottlenose dolphin case, (South Korea)
<http://www.koreaherald.com/view.php?ud=20130328001032>

https://www.earthisland.org/journal/index.php/articles/entry/south_korea_theme_park_forced_to_return_dolphins_back_to_the_sea/

The Supreme Court upheld a conviction, sentence, and remedy for someone who illegally took bottlenose dolphins and used them in an entertainment facility. The individual argued that there is no law protecting animal rights or welfare, but the Supreme Court agreed because the dolphins are protected. He was sentenced to 8-months in prison (suspended) and a fine equivalent to \$9,000. The Court also ruled that the dolphins should be released to a rescue organization, which will rehabilitate them and release them into the wild.

195) electrocution of dogs for dog meat criminal appeal (South Korea)
https://english.hani.co.kr/arti/english_edition/e_national/941123.html

The Supreme Court overruled an acquittal for someone who electrocuted dogs in dogmeat production. The lower courts ruled that the method was not "cruel" in violation of the Animal Protection Act. The Supreme Court disagreed and remanded the case to the lower court.

196) electrocution of dogs for dog meat criminal appeal (South Korea)
https://english.hani.co.kr/arti/english_edition/e_national/941123.html

This case is an extension of the previous one. The lower court convicted and fined the offender. He appealed, and the Supreme Court upheld the conviction and sentence.

197) Bullfighting ban (Spain)
https://english.elpais.com/elpais/2016/10/20/inenglish/1476967102_448261.html

Catalan banned bullfighting altogether, and bullfighting interests appeared. The Constitutional Court overturned the ban, ruling that regional governments may regulate bullfighting, but they cannot ban it outright. According to statutes, bullfighting is part of Spain's cultural heritage.

198) Toro de la Vega ban appeal (Spain)
https://english.elpais.com/elpais/2019/03/19/inenglish/1552988716_884895.html

<https://www.npr.org/sections/thetwo-way/2016/10/20/498732009/spanish-top-court-overturns-catalonias-bullfighting-ban>

The Toro de la Vega Festival goes back more than 550 years. It entails the crowd throwing spears at a bull, and it is the progenitor of bullfighting. The local government supports the festival, but the regional government banned the bull killing, as a result of pressure from animal activists. The Castilla y León court upheld the ban, and the local government appealed this ban arguing that a) the festival is steeped in Spanish history; 2) the festival attendees far outnumber the opponents; and 3) the festival actually celebrates the dignity of the bull. The Spanish Supreme Court rejected all three arguments.

199) Cruelty as a misdemeanor crime (Spain)

<https://progressivespain.com/2020/06/16/court-says-harm-to-domestic-animal-is-misdemeanor/>

A human beat a dog and was charged with a misdemeanor. He was convicted and sentenced – first to jail but later reduced to a fine. He appealed, arguing that animal cruelty was not a crime. The Supreme Court upheld the conviction and sentence. The Court stipulated that criminal animal abuse extends beyond wanton violence. It includes neglect and other behaviors that harm animals.

200) Kanagaratnam, Sri Bhadra Kali Amman Kovil v. Sri Bodhiraja Foundation, S.C. Spl. L.A. No. 258/2013 (Sri Lanka) – see PDF

A Hindu Temple ritually slaughters animals, and animal welfare groups, Buddhists, and political leaders sought to stop it as a violation of the Animal Cruelty Act. Because they lack butcher licenses, the temple is not exempt from animal cruelty laws. The lower courts agreed, but the Supreme Court ruled that because animal sacrifice was an ancient practice, it was exempt from the anti-cruelty regulations. This is a quintessential welfarist case.

201) Elephant export case (Sri Lanka)

<http://archives.dailynews.lk/2007/11/01/news21.asp>

https://www.elephant.se/database2.php?elephant_id=1849

The Sri Lankan government (Director of Wildlife) was planning to send an elephant to Armenia as a “gift.” Animal rights groups sued to stop the transfer because the conditions in Armenia would be unbearable. The Supreme Court agreed to halt the transfer.

202) Anti SHAC defendant (Sweden)

<https://www.thelocal.se/20091026/22888/>

A Swedish national helped a British animal rights (SHAC) group harass employees of Huntingdon Life Sciences. The activists illegally entered people’s homes, made loud noises, committed vandalism, and threatened employees and their families. The defendant only commissioned transportation and rang doorbells. He did not participate in the actual threats. The trial court did not pursue charges because his actions, unlike the other participants’, were not

aggravated. The appeals court overturned this decision, and the Supreme court upheld the appeals court decision. The defendant's actions were premediated, and he was essential to the harm caused. The defendant was fined.

- 203) Primate rights vote case, 1C_105/2019 (Switzerland)
See journal articles

An animal rights group (Sentience Politics) wanted a vote in the Canton of Basel-Stadt to grant rights of bodily and mental integrity to nonhuman primates. The government in the canton argued that the initiative is invalid because rights cannot be extended beyond humans; therefore, the government halted the vote. Sentience Politics appealed to the local courts and eventually the Federal Supreme Court. The Federal Supreme Court allowed the vote to occur, ruling that people have the authority to decide whether rights can expand beyond humans. Although the animal rights group lost the referendum, the decision is still important.

- 204) Rejection of application to conduct research on primates (Switzerland)
<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2759748/>
<https://www.uzh.ch/cmsssl/en/researchinnovation/ethics/primate-research.html>

Researchers at the University of Zurich applied to conduct research on animals, and his application was rejected because the benefits of the research did not outweigh the harm to animals. The researchers appealed, and the Federal Supreme Court upheld the rejection, based on a provision in the Swiss Constitution that recognizes the “dignity of living beings.” This decision expanded on the 1989 conception of “dignity of life” standard, which was weaker. It combined two cases together.

- 205) Ability for a debtor to care for animals (Switzerland)
See journal articles

A court was assigning financial responsibilities for a debtor, and he wanted caring for his parrots to be counted as a “cost of living.” However, the Federal Supreme Court ruled that it counted as a “cultural activity or hobby,” which permits far less spending. Therefore, the Court disregarded the emotional bond between nonhuman companion animals and human guardians.

- 206) Balancing animal interests (Switzerland)
See journal articles

The Federal Supreme Court ruled on the “dignity of life” clause in the Swiss constitution. It employed a Utilitarian perspective that recognizes the worth of the animal and would prevent wanton killing of animals for no good reason (e.g. luxuries, killing unwanted but healthy animals, etc.). However, it would allow animals to be killed for agricultural purposes.

- 207) Maduhu Joseph versus the Republic, No. 03 of 2015 (Tanzania)
<https://www.wildlex.org/court-decisions/maduhu-joseph-v-r>

The appellant was found in possession of skins of dik-dik, two pieces of dried meat of a wildebeest and an elephant tusk when his mother's house was searched in the middle of the night. He was sentenced to twenty years in prison, appealed the sentence and all charges were dropped. He was released from prison.

208) Wesiko Malyoki versus the Republic, No. 09 of 2015 (Tanzania)
<https://www.wildlex.org/court-decisions/wesiko-malyoki-v-r>

Gunshots were heard in a game reserve, but the poachers were not found until officers got information through the ward officers and the five men eventually confessed. One man confessed that he owed the other four after the sale of elephant tusks. All five men were charged with unlawful entry into a game reserve, while one man was charged with this and unlawful hunting in a game reserve. The man charged on both counts was sentenced to a fine and twenty years imprisonment, while his colleagues were sentenced to only three years imprisonment. The man charged on both counts appealed his sentence; all charges were dropped and he was released from jail.

209) George Malkiadi versus the Republic, No. 92 of 2014 (Tanzania)
<https://www.wildlex.org/court-decisions/george-malkiadi-v-r>

A man was convicted with the unlawful possession of an elephant tusk weighing 12.4kg and appealed the conviction. The High Court squashed the District Court's decision and ordered that the man have a retrial with competent jurisdiction.

210) The Republic versus Gerald Kasamya @ Sibula, No. 34 of 2002 (Tanzania)
<https://www.wildlex.org/court-decisions/r-v-gerald-kasamya-sibula>

Four men were charged with the unlawful possession of animal trophies and weapons, but only one was ultimately convicted. Despite his appeal, he was sentenced to 15 years in prison for his offenses because he violated both the Wildlife Conservation Act and the Economic and Organized Crime Control Act for the unlawful possession of a firearm. The three others charged were found not guilty because none of these items were in their possession during the poaching. However, it was revealed that the gun did not belong to the convicted man, but rather a neighbor who said he was not aware that allowing someone to borrow an unloaded firearm was against the law. All charges were dropped except for the man who was convicted.

211) Esther Mbalale and Jonas Ng'ata versus the Republic, No. 04 of 2000 (Tanzania)
<https://www.wildlex.org/court-decisions/esther-mbalale-another-v-r>

An informant volunteered information that two busses with two travelers contained elephant tusks. The busses were pulled over and searched, and two bags containing the tusks were found under the spare tire in the compartment that holds the spare tire. Both parties were found guilty and sentenced to twenty years to which both appealed their sentences to the High Court. The High Court found their testimonies to be contradictory; one appellant said that the bags were not

hers and that the other appellant told her to put the bags under the tire because they contained fragile items. The Court questioned why fragile items would be kept under a tire that could crush the items. It was later found that the appellant who claimed that the bags were not hers was actually the owner of the bags. However, she received presidential pardon and quickly dropped her appeal before it was rejected. The other appellant's appeal was dismissed and he was ordered to serve the twenty years.

212) Fahidha Minja Kabarabara and Mohamed Thomas versus the Republic, No. 02 & 03 of 2007 (Tanzania)

<https://www.wildlex.org/court-decisions/fahidha-minja-kabarabara-another-v-r>

Two men were found to be in possession of buffalo meat and were sentenced to five years each. They appealed their sentences, claiming that the meat belonged to the landlord of the place they were staying at. They testified that police found the meat and asked the landlord where he got it from, to which the landlord answered Mozambique. The police asked for 150,000 Tsh to which the landlord complied and the police charged the two men staying at the residence for the night. It is important to note that the landlord never testified and that the only testimony against the two men was that of the police. Their appeals were accepted and their sentences were quashed.

213) Abilah Hassani Mfaume versus the Republic, No. 02 of 2008 (Tanzania)

<https://www.wildlex.org/court-decisions/abilah-hassani-mfaume-v-r>

Game officers went on patrol and found about five people weighing meat. The police confiscated the meat, scale and suspect. The police officers said from experience that they believed the meat to be from a zebra, but there was no head or skin to confirm that claim and the suspect refuted it, claiming that the meat was from a hartebeest, which was legally hunted by a friend, who had a hunting permit, but could not be at the scene because he was sick. It is also important to note that the suspect, who was convicted, did not have a hunting permit. The man convicted was sentenced to twenty years imprisonment for violating the Wildlife Conservation Act and appealed the sentence. The appeal was upheld because the police did not properly identify the meat.

214) Daudi S/O Chacha @ Marwa versus the Republic, No. 100 of 2014 (Tanzania)

<https://www.wildlex.org/court-decisions/daudi-so-chacha-marwa-v-r>

A man carrying luggage was stopped by a patrol officer and ran. He was eventually caught and arrested, but claimed that there was only maize in his luggage. When it was found that there was meat, the officers assumed the meat was from a wildebeest, but the man insisted that it was from a cow. The man was convicted and sentenced to fifteen years in prison and appealed the conviction. The appeal was accepted on the grounds that the meat needed to be tendered to prove the accusation true, but the meat was not present at the trial and the suspicion that the meat was from a wildebeest remained only a suspicion, since the meat was never tendered. Charges were dropped.

215) Alfonse Sogore and John Lemayani versus the Republic, No. 23 of 2012 (Tanzania)

<https://www.wildlex.org/court-decisions/alfonce-sogore-another-v-r>

Two appellants were convicted of the unlawful possession of government trophies. They appealed their sentences and the appeal was accepted on the grounds that they did not receive a fair trial. According to the trial notes, the trial court did not state under which section of the law they were convicted, the inventory was wrongfully admitted, the prosecution testimony was contradictory and the exhibits tendered were also considered to be wrongfully admitted. The High Court did not feel that a retrial would be fair since the appellants had already served about twenty-one months in prison. They were released from prison and their convictions overturned.

216) Chembe Yotu versus the Republic, No. 33 of 2007 (Tanzania)

<https://www.wildlex.org/court-decisions/chembe-yotu-v-r>

Tarangire National Park Rangers were notified that certain villagers of Sangaiwe were in possession of government trophies. Village leadership led the Rangers to the appellant's home where they found zebra meat. The appellant was convicted of unlawful possession of government trophies and it was later found that the meat was kept in plastic bags and in the ceiling. The meat was also validated to be zebra meat worth Tsh 272,000. As a result of these findings, the High Court upheld the District Court's decision.

217) Zacharia Abdisent versus the Republic, No 17 of 2015 (Tanzania)

<https://www.wildlex.org/court-decisions/zacharia-abdisent-v-r>

The appellant was charged with unlawful possession of government trophies in the form of 3kg of hippopotamus meat and appealed the sentence. The High Court found that the District Court did not have consent or certificate from the Director of Public Prosecutions that may the crime be tried and that the court did not have jurisdiction to entertain the matter. The appellant stated he had nothing to say except that he prayed the court would set him free. Given the fact that the appellant had already been serving for over two years, the High Court did not want to merely give him a retrial, but instead decided to drop the charges and release him from prison.

218) Mohamed Seif versus the Republic, No. 39 of 2015 (Tanzania)

<https://www.wildlex.org/court-decisions/mohamed-seif-v-r>

An appellant was charged with unlawful possession of government trophies and appealed the sentence. The High Court found that the District Court did not have consent or certificate from the Director of Public Prosecutions that may the crime be tried and that the court did not have jurisdiction to entertain the matter. The High Court did not want to order a retrial because the appellant had already served a substantial portion of his sentence and another decision (Elias Mbalaga v Republic, 1983) was influential in this case. The High Court ordered the appellant be released.

219) Daud Kitonyi Dadi and two others versus the Republic, No. 1 of 2014 (Tanzania)

<https://www.wildlex.org/court-decisions/daud-kitonyi-dadi-2-others-v-r>

Three appellants were charged with unlawful possession of government trophies in the form of a Thompson gazelle to which they were sentenced to pay a fine of Tsh 8,000,000 or serve twenty years in prison. It was found, however, that two of the three appellants were minors at the time of the crime occurring and the prosecution also failed to bring the meat to trial, because it had rot. The appellants claimed it was not the meat of a Thompson gazelle, but goat meat. In fact, the prosecution failed to even bring the skin of the meat to trial. Because two of the appellants were children during the time of the crime committed, the court decided that the objective should be rehabilitation rather than a jail sentence where they would become acquainted with hardened criminals. The appeal was accepted and the convictions were dismissed.

220) Mandela Maskini Kasalama versus the Republic, No. 37 of 2015 (Tanzania)

<https://www.wildlex.org/court-decisions/mandela-maskini-kasalama-v-r>

Two people were accused with unlawful possession of lion skin and one was acquitted. The second person appealed their sentence on the grounds that they did not own the lion skin and that they were merely a passenger on the motorbike when the two were caught. The skin was tendered by the prosecution and the appellant did not object when it was found to be lion skin. Witnesses claimed that they saw the appellant with the lion skin and it was confirmed that the appellant was holding the bag while the two were on the motorbike. The appellant was also found to have more cash on him the day the two were arrested. The High Court dismissed the appeal and found there was no error in judgement in acquitting the second accused person.

221) Ausi Hassani Nampali versus the Republic, No. 1 of 2002 (Tanzania)

<https://www.wildlex.org/court-decisions/ausi-hassani-nampali-v-r>

An appellant was charged with unlawful possession of government trophies in the form of buffalo and wildebeest horns. In his appeal, he stated that someone planted the horns in his backyard, but they were not his. The court did not accept this argument, however, they significantly reduced his sentence because the horns could not be worth more than 5,000 shillings in an open market. His sentence was reduced from ten years imprisonment to two years or a fine of Tsh 25,000.

222) Mauridi Ganame versus the Republic, No. 3 of 2002 (Tanzania)

<https://www.wildlex.org/court-decisions/mauridi-ganame-v-r>

An appellant was charged with unlawful possession of government trophies and was sentenced to twenty-five years imprisonment. He was granted bail and jumped bail, then was tried ex-parte. The High Court accepted his appeal on the grounds that his trial was irregular and that he did not receive the opportunity to plead the charge. In regular proceedings, the appellant would have been issued a warrant of apprehension and after the arrest would have been taken to court to stand trial. Because this did not happen, his convictions were quashed, and he was released from prison.

223) Ahmadi Mshamu versus the Republic, No. 4 of 2002 (Tanzania)

<https://www.wildlex.org/court-decisions/ahmadi-mshamu-v-r>

An appellant was convicted of four counts: two unlawful possession of government trophies and two of unlawful possession of firearms. A report was made and the appellant's house was searched. The police found three pieces of lion meat, a skin of lesser kudu and several guns. While the court found the evidence from the search admissible, the court also stated that the appellant produced doubt about his guilt when he testified that he was often recruited to hunt down destructive wild beasts to help game scouts. The High Court quashed the convictions and accepted the appeal.

224) Jacob Michael versus the Republic, No. 15 of 2008 (Tanzania)
<https://www.wildlex.org/court-decisions/jacob-michael-v-r>

An appellant was charged with unlawful possession of government trophies and was sentenced to ten years imprisonment. He appealed the conviction on the grounds that the court did not act lawfully, stating that the dikdik he killed was damaging his crops, that the value of the dikdik was misrepresented in court and that his charge sheet was defective by citing a wrong provision of the law. The State Attorney argued that the appellant was found in the Nowa Forest when he trapped the dikdik, not near his crops. Nonetheless, the court sided with the appellant and quashed the convictions stating that the error on his charge sheet caused him to plead to a non-existing offence.

225) Hamisi Ramadhan versus the Republic, No. 37 of 2009 (Tanzania)
<https://www.wildlex.org/court-decisions/hamisi-ramadhan-v-r>

An appellant was charged with unlawful possession of government trophies and was sentenced to eleven years imprisonment. He appealed the conviction on the grounds that the Magistrate erred in law by relying on uncorroborated evidence, accepting exhibits alleged to be found in the appellant's house, though a search was not properly conducted, failing to consider that search was not conducted with an independent witness, and failing to comply with provisions of section 214 of the Criminal Procedure Act. In relation to uncorroborated evidence, the appellant argued that the "bloody clothes" which triggered suspicion were not tendered as evidence during trial. The High Court stated that the District Court had no power to deal with the matter and ordered a retrial by the Resident Magistrates' Court of Arusha.

226) Jasper Philemon Mngwulwi versus the Republic, No. 55 of 2015 (Tanzania)
<https://www.wildlex.org/court-decisions/jasper-philemon-mngwulwi-v-r>

An appellant was charged with unlawful possession of government trophies in the form of cheetah skin and was sentenced to six years imprisonment. He appealed the conviction on the grounds that the Magistrate erred in law when he failed to note the charge was not proved by the required standard of law, failed to note that the prosecution witnesses were not credible and failed to realize that there was no cogent and substantive evidence to warrant conviction. The High Court accepted the appeal and quashed the conviction and sentence, citing as one of the reasons that the appellant's name was different on the charge sheet, which spoke to the heart of the case.

227) Machako Athumani versus the Republic, No. 1 of 2014 (Tanzania)
<https://www.wildlex.org/court-decisions/r-v-machako-athumani>

An appellant was charged with unlawful possession of government trophies in the form of lesser kudu meat and appealed the conviction. The appellant stated that the Magistrate erred in law by convicting and sentencing the appellant under the offense of the Economic and Organized Crime Control Act, even though the meat was cow meat, and that the cautioned statement was not freely or voluntarily obtained by a police officer. It should be noted that the meat was tendered and investigated. The High Court found that the appeal had merit and quashed the conviction and sentence of the appellant.

228) Nkwabi Mayala and two others versus The Republic, No. 4 & 27 of 2014 (Tanzania) <https://www.wildlex.org/court-decisions/nkwabi-mayala-2-others-v-r>

Three appellants were jointly charged for unlawful possession of government trophies in the form of an African elephant, violating the Wildlife Conservation Act. They appealed their convictions and the court allowed the appeal, stating that the appellants needed a retrial before a court with competent jurisdiction.

229) Criminal poaching (Thailand)
<https://www.aljazeera.com/news/2021/12/8/thai-construction-tycoon-gets-jail-term-for-poaching-of-animals>
<https://www.reuters.com/world/asia-pacific/thai-construction-tycoon-gets-jail-term-poaching-protected-animals-2021-12-08/>

Premchai Karnasuta is one of the richest people in Thailand. He illegally poached a leopard, pheasants, and deer in a national park. Although many people thought he could buy his way out of prison, the Supreme Court sentenced him to 30 months in prison.

230) Wildlife Friend Foundation (Thailand)
<https://www.wfft.org/wildlife-general/court-win-rescued-animals/>

Wildlife Friend Foundation rescues and rehabilitates injured wildlife or wild animals that were illegally kept as pets. The government raided the facility, and charged it with illegally possessing wildlife. The leaders were convicted and sentenced to prison and deportation. The Supreme Court overturned the convictions because the facility engages in rescue activities. Unfortunately, the animals taken in the raid were not recovered.

231) HINT ASEEL HAYVANLARI KORUMA VE GELİŞTİRME DERNEĞİ AND HİKMET NEĞUÇ, (Application no. 2014/4711) (Turkey)
<https://kararlarbilgibankasi.anayasa.gov.tr/BB/2014/4711> (English translation)

Hint Aseel Hayvanları Koruma ve Geliştirme Derneği (the Court mainly calls it “the association”) is an association devoted to cockfighting, which violates the Animal welfare Act of Turkey. They held a cockfight anyway, and they were caught. The trial court sentenced the participants to prison and disbanded the association. This appeal to the Constitutional Court concerns

disbanding the association, which petitioners argued violated the Turkish Constitution's right to freedom of association. The Constitutional Court disagreed because the association was centered on criminal activity. It is noteworthy that paragraphs 47-50 discuss the animal welfare perspectives – animals should be treated “well” but human interests take precedence over animal interests when they clash. In this case, the human interests were weighed extremely low, given the criminal nature of the association.

232) AATTORNEY GENERAL v. ABDUL KARIM WINYI, CIVIL APPEAL NO.24A/92 (Uganda), <https://www.wildlex.org/court-decisions/attorney-general-v-abdul-karim-winyi>

Winyi was caught illegally importing chimpanzees. He was acquitted, but he wanted the chimpanzees returned to him. Even if not guilty, he still did not properly import the animals; therefore the Court rejected the appeal.

233) Highbury Poultry Farm Produce Ltd. V. Crown Prosecution Services, [2020] UKSC 39, (United Kingdom) – PDF

Highbury Farms used brutal methods to kill poultry – very painful. The EU Regulation under Article 3 requires farms to ensure that animals do not experience “unavoidable pain.” The UK Welfare of Animals at the Time of Killing Regulation proscribes the same actions. The UK government charged the farm for violating this provision. Highbury challenged the prosecution arguing that they were not culpable because they had no knowledge of the actions (means rea) and that the government needs to prove that they were culpable for the omission of oversight. The Court denied both claims and allowed the prosecution to continue. The Court applied the concept of “strict liability.”

234) *National Pork Producers Council v. Ross*, citation and decision pending (United States) – see PDF

In 2018 California passed proposition 12, which banned the sale of pork that is produced in a way that violates California state law. These laws provide for space and more humane living conditions for pigs, especially pregnant pigs, used in agricultural pork production. The pork industry claimed that this law violates the Interstate Commerce Clause (Article 1, Section 8) because it prevents the shipment of pork across state lines. Most states do not have the welfare protections that California does; therefore, pork producers in other states would either lose business or follow laws passed in another state. The lower courts ruled against the pork industry, and the outcome in the Supreme Court is pending.

235) *United States v. Stevens*, 559 US 460 (2010), (United States) – see PDF

Robert Stevens was convicted in federal court for violating 18 U.S.C. Section 48, which prohibits “knowingly selling depictions of animal cruelty with the intention of placing those depictions in interstate commerce for commercial gain.” Steven sold videos of illicit dogfights. The Supreme Court overturned the conviction and this statute because it violated the First

Amendment freedom of expression. Specifically, the 8-1 majority considered the law to be overbroad.

236) Kevin Kijonaa, et. al. v. United States, No. 10-7187, cert. denied (United States) <https://www.supremecourt.gov/search.aspx?filename=/docketfiles/10-7187.htm>

Seven defendants were part of Stop Huntingdon Animal Cruelty (SHAC), which sought to end the animal testing at Huntingdon Life Sciences – a research company that uses nonhuman animals as test subjects. Members of SHAC were convicted of violating the Animal Enterprise Terrorism Act (AETA), which prevents activists from harassing people who use animals for their own purposes. SHAC published names of Huntingdon executives and “fax-bombed” their offices. They appealed their convictions arguing that the AETA violates their First Amendment right to free expression. Several free expression organizations aided their appeal. However, the Supreme Court declined to hear the appeal.

237) *Church of Lukumi Babalu Aye, Inc. v. City of Hialeah, FL*, 508 US 520 (1993), (United States) – see PDF

The City of Hialeah, FL passed an ordinance that banned the “ritualistic” slaughter of animals. Practitioners of Santeria, which sacrifices animals (chickens and goats) as part of their religion challenged the law as a violation of their First Amendment free exercise of religion rights. The Supreme Court unanimously agreed. The law specifically targeted the practice of religion, instead of a generalized law against killing animals.

238) *Japan Whaling Association v. American Cetacean Society*, 478 U.S. 221 (1986), United States – see PDF

The International Convention for the Regulation of Whaling (ICRW) is an international agreement or protect whales. It creates the international Whaling Commission (IWC), which is empowered to set quotas, but the IWC has no enforcement mechanism. It relies on nations to comply. Accordingly, the United States Congress passed the Pelly Amendment to the Fishermen's Protective Act of 1967, which requires the Secretary of Commerce to “certify” that a nation is hurting marine conservation, e.g., violating the ICRW. The President can then issue sanctions on the offending nation. Subsequently, Congress enacted the Packwood Amendment to the Magnuson Fishery Conservation and Management Act, which required the President to enact sanctions when a nation is certified for violating the ICRW. In 1984 an executive agreement between Japan and the United States required Japan to decrease whaling, and in exchange the United States would not “certify” Japan under the Pelly or Packwood Amendments. After the IWC required that Japan end whaling by 1985, the United States, in accordance with the executive agreement, did not “certify” Japan, and the American Cetacean Society (ACS) sued for a writ of mandamus to force the government to certify and sanction Japan. Although the lower courts agreed, the Supreme Court ruled that the amendments grant discretion to the executive branch, especially because the executive branch was seeking to limit Japanese whaling through the executive agreement.

239) Mulumbwa v People, [1980] ZMSC 28 (Zambia) <https://www.wildlex.org/court-decisions/mulumbwa-v-people>

A hunter had his servant kill an elephant and stay with the body. The servant was charged, but the Supreme Court overturned the conviction between the hunter's license transfers to the servant.

240) John Kanjala and Martin Mbedu and Manwell Kandua v The People, [1988 - 1989] Z. R 108 (Zambia) <https://www.wildlex.org/court-decisions/john-kanjala-and-martin-mbedu-and-manwell-kandua-v-people>

Two first offender hunters (elephant and rhinos) were charged, tried, convicted, and sentenced to three years in prison. They appealed on a technicality – they were charged under the wrong part of the law that would have allowed for no jail time. They won their appeal and released from prison and fined.

241) Madubula v The People, (1994) S.J. 63 (S.C.) (Zambia), <https://www.wildlex.org/court-decisions/madubula-v-people-1994-sj-63-sc>

Madubala was convicted and sentenced for possessing rhino horns. He drove past a roadblock, which is why he was detained and searched. He claimed that there was no reason to search the container with the rhino horns. The Supreme Court ruled that driving past the roadblock is suspicion enough; therefore it rejected his appeal.