

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

- 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



[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

Harvard developed a mouse called the “oncomouse,” which was a transgenic mouse that had its



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)



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>

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

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



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](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

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.

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](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=aHR0cHM6Ly93d3cuZ29vZ2x1LmNvbS8&guce\\_referrer\\_sig=AQAAAGvBy9a3BzXi5EQZIOGjqIh2mFa3bFNvAWkwP\\_ieR1Nt2ePZdtH\\_hJs-W\\_lzqANyaSEPU4RGI56k8mr-BSI7vhJQLD9757aw6Q2NbXNR5u4\\_pCUeMF8stX8K-KVq7YVs-HvT3vqqGcY28TIavho2NXQ3\\_c3GGYOY1Ffg4BcFqcK\\_k](https://sg.style.yahoo.com/colombia-ban-sport-hunting-175949131.html?guccounter=1&guce_referrer=aHR0cHM6Ly93d3cuZ29vZ2x1LmNvbS8&guce_referrer_sig=AQAAAGvBy9a3BzXi5EQZIOGjqIh2mFa3bFNvAWkwP_ieR1Nt2ePZdtH_hJs-W_lzqANyaSEPU4RGI56k8mr-BSI7vhJQLD9757aw6Q2NbXNR5u4_pCUeMF8stX8K-KVq7YVs-HvT3vqqGcY28TIavho2NXQ3_c3GGYOY1Ffg4BcFqcK_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.

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/cpel/judgement> (Use translated version)  
<https://cyprus-mail.com/2018/01/15/ex-hotel-employee->









<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)

<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 del

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

[https://www-kho-  
fi.translate.google.fi/index/paatokset/vuosikirjapaatokset/1471603333416.html?\\_x\\_](https://www-kho-fi.translate.google.fi/index/paatokset/vuosikirjapaatokset/1471603333416.html?_x_)

After someone was suspected of a crime unrelated to animal cruelty, their house was searched





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](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](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](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)



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.

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](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 other

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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)



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

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 shot 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/fiaporg/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

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

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. She show involved grabbing the alligator's tail and jaws, riding the alligator, pulling his legs, turning

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

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

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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->

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. The ban was introduced in 2015 to prevent the spread of the deadly H5N1 avian influenza virus, which had been found in mink farms in the Netherlands.

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 p928.02 582.82 219.2657 RG[(-)] TJETQq0.00000912 0

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

- 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](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

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

176)

180)

- 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

(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/](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](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](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](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://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

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



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>

<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





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



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

