



## Nonhuman Rights Project

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### NONHUMAN RIGHTS PROJECT ADVANCES TO NEW YORK APPELLATE COURTS IN THREE CHIMPANZEE RIGHTS CASES

*- As Expected, Lower Courts Deny Writ of Habeas Corpus; Judges Provide Encouragement –*

**Dec. 10, 2013 – New York, NY** – The Nonhuman Rights Project (NhRP) announced today that the three lawsuits it filed last week on behalf of captive chimpanzees in which the NhRP demanded that judges issue a writ of *habeas corpus* ended, as expected, with judges refusing to issue the writs on the grounds that chimpanzees were not legal persons. The suits, which were filed in the lower courts, will now advance to the New York Intermediate Appellate Courts.

"These were the outcomes we expected," said Steven M. Wise, founder and president of the Nonhuman Rights Project, which received international press coverage last week regarding the three cases. "All nonhuman animals have been legal things for centuries. That is not going to change easily.

"What we didn't expect were the strong words of encouragement and support from the judges and their acknowledgement of the strength of our arguments. As we always knew we would, we will appeal each decision to the appropriate New York Appellate Divisions. The struggle to attain the personhood of such an extraordinarily cognitively complex nonhuman animal as a chimpanzee has barely begun."

Following is a recap of last week's developments in the three NhRP cases:

- **Monday, December 2:** First lawsuit filed in Fulton County on behalf of Tommy. Honorable Joseph M. Sise allowed an hour long oral argument in which the NhRP argued that Tommy is a legal person entitled to the writ of habeas corpus.

Judge Sise concluded, "Your impassioned representations to the Court are quite impressive. The Court will not entertain the application, will not recognize a chimpanzee as a human or as a person who can seek a writ of habeas corpus under Article 70. I will be available as the judge for any other lawsuit to right any wrongs that are done to this chimpanzee because I understand what you're saying. You make a very strong argument. However, I do not agree with the argument only insofar as Article 70 applies to chimpanzees. Good luck with your venture. I'm sorry I can't sign the order, but I hope you continue. As an animal lover, I appreciate your work."

The rich record that was created during this hearing will be used upon appeal to the Intermediate Appellate Court.

- **Tuesday, December 3:** Second case filed in Niagara County on behalf of Kiko. Honorable Ralph A. Boniello III scheduled a hearing over the telephone for December 9, 2013, when he allowed the NhRP to place its arguments on the record that Kiko is a person entitled to the writ of habeas corpus. Judge Boniello denied the petition on the grounds that Kiko is not a person for purposes of *habeas corpus*. He wished the NhRP luck, and stated that he did not want to be the first "to make that leap of faith."
- **Thursday, December 5:** Third lawsuit filed in Suffolk County on behalf of Hercules and Leo. Honorable W. Gerard Asher gave a brief written decision, without holding a hearing, denying the NhRP's petition for *habeas corpus* for Hercules and Leo on the ground that they were not persons for purposes of *habeas corpus*.

### **Background on the Cases**

The four captive chimpanzee plaintiffs\*, all located in the state of New York, are:

- Tommy – a 26-year-old chimpanzee living in a used trailer lot in Gloversville, NY, isolated in a cage in a dark shed on the owner's property.
- Kiko – a 26-year-old chimpanzee living in Niagara Falls, NY, on private property where he is caged and was previously used in the entertainment industry.
- Hercules and Leo – two young male chimpanzees owned by New Iberia Research Center, used in locomotion research in the Anatomy Department at Stony Brook University in Stony Brook, NY.

The lawsuits asked the judges to grant the chimpanzees the right to bodily liberty and to order that they be moved to a sanctuary that's part of the North American Primate Sanctuary Alliance (NAPSA), where they can live out their days with others of their kind in an environment as close to the wild as is possible in North America.

The Nonhuman Rights Project's lawsuits are rooted in genetic, cognitive, physiological, evolutionary and taxonomic evidence that the plaintiffs are autonomous, self-aware, self-determining, and able to choose how to live their lives provided by some of the world's greatest working primatologists.

The cases filed last week are the first in a series of long-term strategic litigation that the NhRP plans to file throughout the United States on behalf of captive animals who are scientifically proven to be autonomous beings. Those include great apes (gorillas, chimpanzees, orangutans and bonobos), elephants and cetaceans (dolphins and whales).

### **About the Nonhuman Rights Project**

The Nonhuman Rights Project (NhRP) is the first and only legal organization demanding that, based on scientific evidence, courts recognize the entitlement of certain nonhuman animals to such basic rights as bodily liberty and bodily integrity. Comprised of attorneys, law professors, law students, natural scientists, social scientists, mathematicians, and others, the NhRP focuses on raising awareness and educating the public about legal rights for nonhuman animals and litigating such cases. The organization uses the common law, not legislation, to gain legal rights for great apes, elephants and cetaceans (dolphins and whales).

Nonhuman Rights Project Founder, attorney Steven M. Wise, began his mission to gain rights for nonhuman animals in 1985. He holds a J.D. from Boston University Law School and a B.S. in chemistry from the College of William and Mary. He has practiced animal protection law for 35 years and is admitted to the Massachusetts Bar. Professor Wise taught the first class in "Animal Rights Law" at the Harvard Law School and is currently teaching "Animal Rights Jurisprudence" at the Lewis and Clark Law

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School, Vermont Law School and St. Thomas Law School. He is the author of four books: *Rattling the Cage – Toward Legal Rights for Animals*; *Drawing the Line – Science and the Case for Animal Rights*; *Though the Heavens May Fall – The Landmark Trial That Led to the End of Human Slavery*; and *An American Trilogy – Death, Slavery, and Dominion Along the Banks of the Cape Fear River*.

For more information on the Nonhuman Rights Project, please visit [www.nonhumanrightsproject.org](http://www.nonhumanrightsproject.org).

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\* Note: The Nonhuman Rights Project sought to file suit on behalf of all seven captive chimpanzees in New York State. Three of those seven died before the NhRP was able to file the first lawsuits.