

Chucho, the Spectacled Bear, Triumphs in the Supreme Court of Justice



Chucho, the Spectacled Bear who triumphed in the Supreme Court of Justice

The Supreme Court of Justice granted a writ of habeas corpus to the animal who had been transferred from a reserve near Manizales city, department of Manizales, Colombia, to the Barranquilla Zoo, so that he could be relocated to a habitat with “full and dignified conditions in semi-captivity”.

Chucho had arrived at the ecological reserve of Río Blanco, near Manizales city, 19 years ago. He had been only a bear cub when he left the department of Nariño along female bear cub Clama, as part of a program to repopulate the Spectacled Bear in Colombia.

Despite being born in captivity and living all his life in an “area of half a block, surrounded by barbed wire and an electrical fence”, as described by the Regional Autonomous Corporation, department of Caldas , it was Clama’s death nine years ago that left Chucho depressed and he began to run away into the nearby city of Manizales.

According to local media that followed his story, it was at that time that a physical deterioration began to occur from malnutrition and a lack of both a suitable habitat and contact with animals of his own species.

This was the reason that prompted environmental authorities to order his transfer to the Barranquilla Zoo. However, this decision did not please everyone. Attorney Luis Domingo Maldonado was the first one to consider that the deprivation of this mammal’s freedom was not going to improve his condition but worsen it and, above all, his fundamental rights.

Not only Clama’s death had turned Chucho “depressive, sedentary and passive”, but his unexpected transfer to the Barranquilla Zoo on June 14th worsened his condition and shocked the people of Caldas department. Luis Domingo Maldonado filed a petition for writ of habeas corpus to demand the improvement of Chucho’s emotional wellbeing. This was denied at first instance by the Civil Chamber of the Superior Court of Manizales. (See [habeas corpus](#).) [N.T.: links to PDF file in Spanish]

The court's argument was that both custodianship and habeas corpus are mechanisms inherent to human beings; therefore, they cannot protect an animal upon which administrative or popular actions can be requested.

To which Maldonado responded by disputing the measure, considering that there does not exist "a mechanism proper and ideal that allows (...) [sic] to protect sentient beings" in Colombia, while Argentina has already set precedents with a court ruling allowing a chimpanzee to be transferred to a "reserve of great apes in Brasil."

The case continued and reached second instance, where Maldonado convinced magistrate Luis Armando Tolosa Villabona. Following the study of the proposal, Tolosa Villabona concluded that the scientific studies justifying the transfer of the bear to the Supreme Court of Justice had not arrived. Nor, had the roadmap been delivered for his liberation into the confiscated native wildlife; therefore, it is impossible to determine the exact conservation strategy for Chucho. Any temperature or altitude change could impair his development.

Upon this, the magistrate revoked the decision of first instance and ordered his transfer from the Barranquilla Zoo to a more suitable area with "full and dignified conditions in semi-captivity". It is presumed to be in the La Planada de Nariño reserve, where he could meet other bears and perhaps a distant kin, those he had left behind when transferred.

Where do animal rights stand in Colombia?

The magistrate's discussion document also included the evolution of animal rights in Colombia.

Until the reform of 2016, animals had been considered moveable chattel per the Patriot Civil Code. Since law number 1774 from 2016, their statute changed when their basic rights were established under article 3.

Among these rights are included the rights to: 1) not to suffer thirst or hunger 2) not to suffer unjustified pain or physical discomfort 3) not to become ill from negligence or neglect 4) not to be subjected to conditions of fear or stress 5) display their natural behavior. It also mentioned that cruelty to animals is punishable

Notwithstanding, for Maldonado there is still lack of advancement in this field given that in Europe there are countries, such as Switzerland and Germany, with more advanced rights for all living creatures while Ecuador's constitution, for example, protects nature's rights.

In Chucho's case, whose species *Tremarctos ornatus* is nearly extinct, the lawyer believes that special conditions must be taken into account to guarantee the survival of a mammal important to nature for "being a disperser of seeds and a forest transformer".