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The Judiciary Power of the Autonomous City of Buenos Aires

“ASSOCIATION OF OFFICERS AND LAWYERS FOR THE RIGHTS OF ANIMALS AND OTHERS AGAINST GCBA [Government of the City of Buenos Aires] ABOUT LEGAL PROTECTION”--FILE A2174-2015/0

City of Buenos Aires, October 21 of 2015.

WHEREAS: the records of the case indicated in the heading that have come to office for final judgement, and

IT RESULTS:

----**I-** That, in pages 1/13, the joint plaintiffs **ASSOCIATION OF OFFICERS AND LAWYERS FOR THE RIGHTS OF ANIMALS** [their acronym in Spanish **A.F.A.D.A.**] and **ANDRES GIL DOMINGUEZ**, appear and bring this suit of legal protection against the Government of the Autonomous City of Buenos Aires and the Zoological Garden of the City of Buenos Aires, for “...*infringing in a clearly illegal and arbitrary way the right to freedom of movement, the right not to be considered an object or thing susceptible of ownership and the right not to suffer any physical or psychological injury that, as a non human person and a subject of law the ORANGUTAN SANDRA is entitled to...*” (page 1) for the purpose of an order that “...*SANDRA is released and relocated in a Sanctuary in accordance with her species where she can lead her life in a real state of welfare that shall be determined by an Evaluating Expert in the subject.*” (page 1).

----They indicate that Courtroom II of the Federal Chamber of Criminal Appeals in the case “Orangutan Sandra” has established that she is a non human subject entitled to rights, so therefore they understand that Sandra has stopped being an object of protection under law and has become a subject holder of certain fundamental rights.

----The plaintiff understands that by considering SANDRA a subject, her captivity and public exhibition violates the rights she holds (though she is fed and not treated with cruelty, within the terms of law 14,346).

----[The plaintiff] expresses that the decision mentioned has established, as of now and for posterity, the condition of the Orangutan Sandra and other animals recognizing them in law as non human subjects, holders of rights.

----They add that “...*the capacity of animals to feel cannot be doubted [...] Thereto, animals, as sentient beings must be able to benefit from some fundamental rights, as the right to life, to freedom not to endure sufferings, that is to say, to the protection of their basic interests*” (page5)-----//

//----Thereupon they recount that Sandra has never known freedom, which causes stress and depression and violates her right to animal welfare.-----

[Page two]----www.iJudicial.gob.ar-----

-----They describe her enclosure at the Zoological Garden of Buenos Aires as “*a true cement cage*” (page 6) which they rate as antinatural and extremely inadequate for an animal of that species (page 7), they indicate –among other characteristics, that there is neither any green space or trees to exercise nor any environmental enrichment (page 8); which might put her physical and mental health at risk (page 8).-----

-----Besides, they indicate that Sandra’s situation confronts the minimum rules of animal welfare established by the World Association of Zoos [and Aquariums] (WAZA) but also with the Universal Declaration of Animal Rights, the National Act of Animal Protection #14,346 and the Act of Wild Fauna Preservation #22,421.-----

-----They explain that Sandra is discriminated by her species (a victim of what Philosophy and Ethics name “ANTHROPOCENTRIC SPECIESISM”) (page 9). And they continue to indicate that orangutans are thinking, sentient, intelligent beings and genetically similar to human beings, with similar thoughts, emotions, sensitive and self-reflective ones; that they have a culture, a capacity to communicate and a rudimentary sense of right and wrong; an individuality of their own, with a unique history, character and preferences. And concludes that “*Especially SANDRA is a member of a species she does not know, and of a species that lives in a hábitat and a climate she does not now either... she has the state of mind of an ‘Institutionalized Orangutan’*”(page 10).-----

-----They add that this species is in a critical danger of extinction, appearing in the red list of threatened species by the International Union for Conservation of Nature (page 11).-----

-----In Point IX they request an interim safeguard measure, with the objective of calling a hearing with the Defendants in order to be informed about the present situation of Sandra and the adopted measures for her captivity to cease.-----

-----They offer evidence, particularly the appointment of a technical evaluator, give examples of case law and doctrine, including international ones, make reservation on the constitutional issue, apply for the intervention of the ‘Ministerio Público Tutelar’ [Office for the Protection of Minors and Incompetent People/Children and Vulnerable Adults] and that in due course the petition is granted.-----

-----II. In page 40 the parties were called with legal counsel, to Dr. Gabriel Aguado –director of the Zoological Garden of Buenos Aires, to Walter D’Elia – Sandra’s carer, to a hearing. Likewise, a decision was made to call several specialists as *amicus curiae*; among them the Faculty of Veterinary Sciences of UBA [University of Buenos Aires] (who appointed the Veterinary Medical///

///Doctor, Dr. Miguel Rivolta).-----
-----Besides the communication to the Defendant and the referral of the file to the Guardian's Office was ordered so that they take the action they deem pertinent.-----

[Page three]---www.iJudicial.gob.ar-----
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The Judiciary Power of the Autonomous City of Buenos Aires-----

-----In page 41 and page 43 the call as *amicus curiae* was extended to Doctors Gerardo Biglia, Susana Dascalaky and Maria de las Victorias Gonzáles Silvano, in their capacity of professors at the chair of Animal Law; to Dr. Ricardo David Rabinovich-Berkman, in his capacity of professor in History of Law and Director of the Department of Social Sciences, all of them serving at the Faculty of Law of the UBA; and to Dr. Héctor Ricardo Ferrari, as professor at the chair of Animal Welfare of the Faculty of Veterinary Sciences of the UBA and the Faculty of Natural Sciences and the National University of La Plata.-----

-----In page 47 the notification appears by the Advisor on Guardianship, Dr. Juan Carlos Toselli, who confirmed his attendance to the called hearing and requested a new hearing after its holding for the purpose of ruling.-----

-----In page 61 the record appears made during the hearing held on March 26 of this year, which due to its extension was filmed (and the CD's reserved under envelope A-1441). The reporter Karen Naundorf, a Weltreporter.net correspondent, also attended.-----

-----In page 68 the plaintiff extends the evidence offered, requesting Dr. Aldo Giudice is called as an expert to evaluate the present state of Sandra.-----

-----In pages 74/91 the opinion appears by the Advisor on Guardianship in which he expressed that he deems it is not for him to intervene.-----

-----In page 92 the plaintiff newly extends the evidence offered, requesting the obtention of testimonies by the experts Leiff Cooks, Gary I Saphiro and Shawn Thompson (residents in Australia, Canada and the United States of America) by means of hearings held via Skype.-----

-----III. In pages 114/139 the GCBA [Government of the City of Buenos Aires] presented and replied to the communication of the claim.-----

-----Therein they raised –as a first measure, the related actions of these proceedings with the file “Orangutan Sandra on/ cassation appeals on/ habeas corpus” (pages 114/119).-----

-----Thereupon they asserted negative answers and due acknowledgements, clarifies that this action of legal protection does not constitute a collective process (Point VII of page 121 and on.), they raise lack of active legitimation on the part of the legal protection claimers (see Point VIII of pages 121 /122), they raise the absence of cause or legal controversy (see Point IX of pages 122 /123), they oppose to the selected means and lastly they claim that animals are neither subjects of law/////-----

////nor can be reached by the legal concept of person.-----

[Page four]---www.iJudicial.gob.ar-----

-----They offer evidence, oppose to the evidence offered by the plaintiff, make reservation on the federal case and finally request the action be rejected.-----

-----IV.- In pages 213/220 The Zoological Garden of the City of Buenos Aires Inc. appears.-----

-----They request as a previous issue the rejection *in limine* of the action, answering to the claim as a subsidiary, asserting negative answers, they offer evidence, challenge the evidence offered by the plaintiff, make reservation on the federal case and requests the claim is rejected, with bearing of costs.-----

-----Finally they denounce the related actions with the file that is being processed before the First Instance Prosecutor's Office # 8 on Felony and Misdemeanor Criminal Cases.-----

-----V. As a matter of fact, in pages 222/236 a report appears added prepared by the experts Dr. Miguel Rivolta and Dr. Héctor Ferrari, with a series of proposals of change on the existing situation at the beginning of the proceedings in the enclosure where Sandra is with a view to improving her welfare.-----

-----VI. In pages 248/249 the plaintiff answers the communication on the related actions requested by the defendants and on the oppositions to the evidence offered. Both claims were dismissed by the Court in page 250 and on, opportunity in which in addition, the evidence offered by the parties was provided.-----

-----In pages 264/267 the codefendant GCBA claims the nullity of certain measures of evidence ordered in page 250, what was dismissed by the Court in page 268. Besides, the date was fixed for the reception of testimony *vía* Skype of the experts residing abroad.-----

-----For such purpose, a sworn translator and interpreter English/Spanish was appointed, Mrs. Ana María Janku (page 278).-----

-----In page 301 the codefendant Zoological Garden of the City of Buenos Aires Inc extends the oral evidence offered , which was provided in page 309.-----

-----In page 312, page 365 and page 389 records appear of the hearings held via Skype which, due to their extension were filmed and the CD's reserved (envelopes A-1444, A-1445 and A-1447).-----

-----In page 323 the plaintiffs request a new extension of the oral evidence, so as to receive the statement by Messrs. the Judges of the Federal Chamber of Criminal Appeals that had decided in the case "Orangutan Sandra on/ habeas corpus".-----

-----In page 325 the finding of Sandra's state of affairs and that of the enclosure assigned at the Zoo was ordered by means of a judicial recognition performed-----

[Page five]---www.iJudicial.gob.ar-----////

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The Judiciary Power of the Autonomous City of Buenos Aires-----

by Court staff. The result of such a process appears added in pages 326/330.-----

----The GCBA have appealed several simple decisions that appear in the records of the case, especially those in page 59, page 268, and pages 309 and 324; the appealing procedures of which were rejected by the signer of this document. The pertinent complaints having been lodged, to this date two of them have been rejected by Courtroom I of the jurisdiction Chamber of Appeals (A2174-2015/1 and A2174-2015/3), one remains pending of resolution.-----

----In page 369 the signer of this document called the parties to a hearing under the terms of article 29 of CCAYT [acronym in Spanish for Contentious-Administrative and Tax Code], in which it was resolved to establish a Technical Board of experts so that they prepare an expert opinion in relation to the situation of Sandra.-----

----In pages 405/416 and pages 434/436 two reports by the Technical Consultant of the plaintiffs, Dr. Aldo Giudice, appear added.-----

----In pages 441/446 there is a first report by the Technical Board.-----

----In page 455 the codefendant Zoological Garden of the City of Buenos Aires Inc, express that they have performed *ex-officio* the modifications proposed by the *amicus curiae* experts to Sandra's enclosure and that the works have finished.-----

----In page 484 and on the plaintiffs requested the provision of two new official communications, which were ordered by the Court in page 485.-----

----In pages 541/547 the final report prepared by the Technical Board was added, which have been communicated to the parties and, in view of the status of proceedings, the records of the case remained for final judgement.-----

AND CONSIDERING:-----

----**I.** That the relevant issues to be elucidated in these records are concretely two. Firstly, whether the orangutan Sandra possesses rights and if that implies to recognize her status as a non human subject of law. Secondly, whether it corresponds to proceed to her release or relocation; and if that results possible taking account of the specific circumstances of the orangutan Sandra.-----

----**II.** Regarding the first issue to be resolved, referring the legal status of the orangutan Sandra, that is, whether she is a subject of law or only a mere object, it is pertinent to refer to the decision made by Courtroom II of the Federal Chamber of Criminal Appeals comprised by Judge Angela Ledesma and Judges Pedro David and Alejandro Slokar who, in the case "Orangutan Sandra on/ habeas corpus" resolved on the 18th day of December of 2014, that "...based on-----

[Page six]---www.iJudicial.gob.ar-----

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//////a dynamic and not static legal interpretation, the animal must be recognized the status of subject of rights, since non human subjects (animals) are right holders, consequently their protection is imposed in the corresponding field of competence (Zaffaroni, E. Raul and et. Al., "Derecho Penal, Parte General" [Crime Law, General Part], Ediar, Buenos Aires, 2002, p. 493; also Zaffaroni, E. Raul, "La Pachamama y el humano" [Pachamama and the human being], Ediciones Colihue, Buenos Aires, 2011, p. 54 and ss)".-----

-----In accordance with the mentioned legal precedent, no legal barrier is noted to conclude likewise in this case, that is to say, that the orangutan Sandra is a non human person, and hence, a subject of rights and consequently obligations towards her on the part of the human people.-----

-----The dynamic and not static interpretation that the judges expressed in relation to this case is to be reached beyond shallow and the signer of this document bearing in mind the provisions of Article 2 of the Civil Code related to the duty to interpret the Law taking into account "its words, its purposes, analogous laws, the provisions arising from treaties on human rights, the principles and legal values, in a coherent manner with the legal system as a whole".-----

-----To that end, we will refer in the first place to the current precedents in Argentine law, for instance, article 1st of Act 14,346 (September 1954) which establishes that "[The person] who perpetrates ill-treatment or victimizes animals with acts of cruelty will be punished with imprisonment from fifteen days to one year" highlighting in the text the use of the word "victim" in relation to the ill-treatment that an animal may be inflicted -only- by human beings given the recipient of the penalty prescribed in the rule is precisely a human being.-----

-----The correlative legal guardianship to be exercised at court against this situation of ill-treatment is the animal or "non human person", following terminology by Valerio Pocar in his work "Los animales no humanos. Por una sociología de los derechos" [The non human animals. For a sociology of the rights], Ed. Ad-Hoc, First Edition January 2013.-----

-----It should be kept in mind here that the law under analysis does not distinguish between domestic or in captivity animals as in the case of the Zoological Garden of the Autonomous City of Buenos Aires thus a first conclusion is that, in this particular case, the full enforcement of such a law applies if the facts of the case effectively allow for the legal framing, at least to some relevant degree to the objectives of the same.-----

-----For instance, as it might be if it is established that the conditions of her hábitat in a whole sense -that is to say, comprehensive not only of the physical space but also of the performance of activities intended for her psychological welfare and preservation of her cognitive faculties, do not result reasonably adequate, the Government of the Autonomous City of Buenos Aires being responsible for that, in their capacity of owner in charge of controlling the obligations undertaken in due course by the Zoo licensee.-----//////

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The Judiciary Power of the Autonomous City of Buenos Aires-----

-----On the other hand, it is appropriate to remember that at the time of the enactment of this act (September 1954) the reform to the Civil Code had not been developed yet (Act 17,711, 1968) which included the concept of “abuse of rights” in our legislation. Therefore, a legal recognition of the limit to the right of ownership on the part of its holder did not exist, in this case, the Autonomous City of Buenos Aires.-----

-----To this respect, the Civil Code in its Article 10 establishes that “*Law does not protect the abusive exercise of rights*” determining that this is the case when the purposes of the legal order are opposed, or the limits imposed by good faith, moral standards and good practice are exceeded imposing on the judge the obligation to order what is necessary to avoid the effects of abusive exercise or abusive legal situation and, where applicable, to ensure the replacement to the previous state of affairs.-----

-----The substantive rule also results applicable to this case being it necessary to establish then, thus far, if Sandra’s captivity conditions oppose the purposes considered in Act 14,346, as regards not to inflict suffering to a living being, originated in this case both by the licensee and [by] the Government of the City of Buenos Aires.-----

-----On those grounds, it arises clearly that the interest legally protected by law is not a human or legal person’s ownership but animals in themselves, who are holders of the protection it establishes against certain human behaviours. To this respect I draw attention to the public interest committed as a democratic society not to tolerate criminally reproachable human conduct.-----

-----**III.** The categorization of Sandra as a “non human person” and consequently as a subject of rights should not lead to a rushed and out-of-context statement that Sandra is thus a holder of human people rights. That is in no manner applicable. On the contrary, as expert Héctor Ferrari indicates, “*to put a dress on a dog is also to ill-treat it*”. As a matter of fact, he continues, company animals are frequently considered as a part of the family being neither a person nor a “thing” in such a case because these constitute “*autopoietic heterotrophic systems, with a behavioural agency capacity*”.-----

-----Therefore, it is a question of affording Sandra her own rights as part of the obligation of respect to life and her dignity as a “sentient being”, innovative categorization that has been introduced by the reform of January 2015 to the Civil Code in France and to which we will refer later on.-----

-----For the purposes of clarifying from now on that when we refer to the rights of Sandra as a “non human person” I will give several examples both from-----

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Argentina and other countries which prove that there are animals which already enjoy own rights.-----

-----A recent case has constituted last April 29 piece of news –Animals Day- when the AFIP [acronym in Spanish for Federal Administration of Public Revenues] “retired” fourteen dogs. The fact is that as of 2004 the utilization of scanner dogs has begun in this body of the national State as an additional tool for non intrusive customs control in accordance with international rules on the subject matter. The retirement of these dogs consists in housing, health and food to the charge of the State. A right in parallel to that of their human person guide but, as it can be noticed, which is of their own [of the dogs].-----

-----In Chile there is the case of “Peseta”, a female dog that works at the First Family Court in Santiago, her task being to offer emotional support to children, adolescents and adults during reserved hearings before the judges. It is a free of charge service offered by the Judiciary Power. To this respect, there are working conditions for her such as timetables and vacations. The same idea exists in the United States of America by means of the Courthouse Dogs under the slogan “Promoting Justice with Compassion”.-----

-----As it is shown, Sandra’s legal recognition as a “non human person” incorporates a categorization that does not change the one existing in the Civil Code between possessed things and people. This is the solution by the recent reform to the French Civil Code by means of the category “sentient beings” which connect the obligations by human people towards animals.-----

-----Previously we referred to the duty by the judges to resolve interpreting law bearing in mind its words, its purposes, analogous laws, the provisions arising from treaties, the principles and legal values, in a coherent manner with the legal system as a whole.-----

-----Well, there is no doubt that the life and dignity of a living being though totally disaggregated in the legal system in relation to “human people”, does not prevent from being extended by analogy to Sandra when she empowers the condition of “sentient being”, a category that sympathizes with the Argentine Civil Code which, as well as the French case, only has two categories, people and possessed things.-----

-----With regard to new categorizations it may be quoted as an example, the Constitution of Ecuador when it establishes the right of Nature to its restauration (Article 72).-----

-----Thereon Zaffaroni (2013) states that *“It is very clear that in both constitutions the Earth assumes the condition of subject of rights, expressly in the Ecuatorian constitution and somewhat tacitly in the Bolivian one, but with equal effects in both: anyone may claim for their rights, without any requirement about being personally affected, scenario that would be primary if it was considered an*-----
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The Judiciary Power of the Autonomous City of Buenos Aires-----

exclusive right of human beings. (...). It is not a question of the traditional common good reduced or limited to human beings, but the good of everything living, including of course human beings, among those demanding complementarity and equilibrium, not reachable in an individual manner.” (Zaffaroni, Eugenio Raúl (2013) “La Pachamama y el Humano” [The Pachamama and the Human Being], Buenos Aires, Ediciones Madres de Plaza de Mayo, page 111, Buenos Aires, year 2013).----

----IV. Upon the aforementioned there is no doubt about referring to the manners among human beings to connect, the perspective anthropology investigates and that Juliano indicates (Juliano, D., (1997) “Universal/Particular, un falso dilema” [Universal/Particular, a false dilemma] In: Globalización e Identidad Cultural [Globalization and Cultural Identity], comp. Bayardo, R. and Lacarrieu M., Ediciones Ciccus, Buenos Aires.), and that serves to analyze how we connect in turn with animals.-----

----As Burke indicates (Burke, P. in “Estereotipos de los otros” [Stereotypes of the others] In: Visto y no Visto, Editorial Crítica, Barcelona, 2001), at every meeting that occurs among people, most probably images without nuances, stereotyped, will arise of that different other one. In the case of the relationship that has been established with animals over the course of history, the image that has been established of these beings, in many cases, has been the one of considering them inferior to the service of man.-----

----With regard to what Goffman indicates (Goffman, E. (1995) Estigma. La identidad deteriorada. [The deteriorated Identity] Amarrortu Editores. Buenos Aires. Selection pp. 9-31 and 45- 55.) about the generation of a stigma on a person and how it comes to considering them an infictionated and underestimated being, we can obtain a parallel with the manner in which animals are seen, and the consequences that such a manner of seeing them (stigmatized manner) has over the life of these beings.-----

----Every manner of classification and categorization of the world, is a social construction. And such manners of classification respond to a particular manner of appropriating reality.-----

----That is to say, the decision on what is considered superior and what is considered inferior, who or what must have rights and who and what must not, is a social construction, it is not something given by nature.-----

----Their establishment responds to a historical, scientific, social process by means of which certain senses have been selected and limited and others have been discarded so as to build them accordingly.-----

----As a result, far from being “natural”, homogeneous and static, categories are “inherently”////////

////////dynamic, heterogeneous and changing according to the social context that has produced them. The modifications certain categories-----

[Page ten]---www.iJudicial.gob.ar-----

may suffer over the course of a socio-historical period (diachronic approach), and the fact that one same category may be conceived differently within a same period depending on different societies or social groups (synchronous approach), are signs precisely of the social nature of them.-----

-----*“Law as every category and manner to classify and order daily life, is a social construction. On that basis, we hold that, who are the ones who must be beneficiaries of certain rights and who must not, is an aspect that may be modified”*.-----

-----*“We mean by this that neglected sectors of society, as originary peoples, black people, women and so on in the course of history have been, and also animals (that have been and are submitted by men, within the relationship of power they have established) may become subjects of rights. And in this manner achieve their submission be stopped”* (Guaimas, Lucía, 2015, “La Antropología: sobre la construcción social de las Categorías” [Anthropology: About the social construction of categories] , unpublished).-----

-----As Dr. Zaffaroni indicates, *“the legal good within the crime of animal ill-treatment is not other but the right of the animal itself not to be an object of human cruelty, for this to happen the nature of subject of rights must be recognized”*.(2013: 54) A the same time, he indicates that “no living being should be treated as a thing”. (Zaffaroni, Eugenio Raúl (2013) “La Pachamama y el Humano” [The Pachamama and the Human Being], Buenos Aires, Ediciones Madres de Plaza de Mayo, p.74)-

-----The aforementioned shows how in the course of history and even at present, society builds categories and grants characteristics to everything that surrounds it.-----

-----The ways in which we categorize have their origin in the society itself, and the ways to see reality and act upon it are affected by the ways we classify this reality.-----

-----Thus, we work on the principle that it is necessary to denature and problematize the manner we think daily, since such a thinking manner has been built socially and historically for centuries and may enclose relationships of domination and inequality.-----

-----Understanding and realizing that the ways of categorization and classification enclose specific relations of power, which in turn may provoke relations of inequality, domination and submission of living beings, will allow us the possibility of changing certain ways of seeing and acting over our daily life and over the life of the other human and not human [beings].-----

-----V. Having been established that the orangutan Sandra is a subject holder of rights, the practical consequence of this decision must be delineated.-----

[Page eleven]---www.iJudicial.gob.ar-----

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The Judiciary Power of the Autonomous City of Buenos Aires-----

-----By means of the application of prescriptions of Act 14,346, we have concluded that the orangutan Sandra has the right not to be submitted to ill-treatment or acts of cruelty nor that abusive human behaviour occur to her respect.-----

-----To such an effect, it becomes useful to resort to the technical reports added to the records of the case. Experts Leif Cocks, Gary Shapiro and Shawn Thompson, have indicated that *“The empirical evidence is that orangutans are a thinking, sentient and intelligent species, genetically similar to human beings, with similar thoughts, emotions and sensitivities and self-reflexive”* (see page 34).---

-----*“Space for orangutans is tridimensional, not bidimensional as it is for human beings ... To be deprived of the natural need for space to a serious degree, causes suffering. ... Sandra’s need for space should be respected.”* (see page 35).-----

-----*“To be deprived of the natural need for privacy, causes suffering”* (see page 35).-----

-----*“She is a Being with a high level of conscience and sensitivity, loss of freedom and of choice to a high degree, constitutes a form of suffering. Consequently, in human societies revoking freedom and choice is used deliberately as a ‘punishment’. Orangutans are highly conscious of power and freedom in the relations. They also feel the loss of power and the loss of freedom and they suffer for that”* (see page 35).-----

-----To the same effect the experts have illustrated the signer of this document during the hearings held via Skype.-----

-----A harmonic interpretation of the reports by the experts with the legal provisions analysed before leads us to conclude that Sandra has the right to enjoy the utmost quality life possible in her particular and individual situation.-----

-----And that the forementioned must tend to avoid any type of suffering generated on her due to man interference in her life, however, given her condition of birth in captivity and that she is an hybrid whose parents are from Sumatra and Borneo, this accounts for both her existence and her life conditions are the sole result of human manipulation, irreversible by the way.-----

-----In this last sense, the experts have indicated that *“Sandra is at the same time an individual orangutan, with her unique and own history, character and preferences and, genetically, a member of a species she does not know, and of a species that live in a hábitat and a climate that she does not know either”* (page 34)-----

[Page twelve]-----www.iJudicial.gob.ar-----

-----*“Sandra is a unique person-monkey, with her own history, character and preferences that must be respected when making the decision that is most convenient to her”* (page 35)-----////////

//////////-----As to the present conditions of Sandra's enclosure, it must be highlighted that the codefendant Zoo of the City of Buenos Aires Inc. once the actions were brought, has implemented by own decision the reforms proposed by the experts in the first technical report (see pages 222/233). This behaviour, that has undoubtedly resulted in a positive way on Sandra –at least in comparison with the original situation, brings implicitly the acknowledgement that the conditions previous to this legal action were clearly inconvenient.-----

-----With respect then to which are those "better conditions" for the orangutan Sandra, as a sentient individual, evidently it is a task that exceeds the tasks of the court and for that matter, it corresponds to be evaluated by the Technical Board of experts created for the case.-----

-----Doctor in Biological Sciences Ferrari has explained to us that the improvement in Sandra's situation has to be analyzed from the behaviour and developments on animal welfare. *"The idea is that every species has behaviour needs, that is, behaviour intrinsically motivated, that is related to the idea of instinct. Thus, for every animal -wild, in captivity, under investigation, accompanying ones, working and of production, an ambience must be generated that allows for those behaviour needs to be expressed, without injuring and injuring themselves. As an ambience I refer not only to the physical space but also to the conjunction of relationships and interventions that contain and modulate the life of beings under our control"*.-----

-----Lastly, it is appropriate to put on this record the acknowledgement of the court towards Doctors Miguel Rivolta and Héctor Ferrari, for their valuable and permanent coloboration ad honorem rendered in the complex technical aspects concerning the file for protection.-----

-----To such an effect an official letter will be ordered to the Secretariat so as to let the Faculties of Veterinary Sciences of the Universities of Buenos Aires and La Plata learn about it. At the same time, in the same sense we make our acknowledgement extensive to experts Leif Cocks, Gary Shapiro and Shawn Thompson.-----

-----It is also appropriate to mention Doctors Gerardo Biglia, María de la Victorias Gonzalez Silvano, Susana Dascalaky, Ricardo Rabinovich Berkman, Adolfo Marcelo Silveyra and the contributions by Doctors Aldo Giudice and Andrés Peña.-----

-----As regards the costs of the proceedings, with attention to the innovative aspect of the case and the particular circumstances involved, they will be imposed according to-----

[Page thirteen]---www.iJudicial.gob.ar-----

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The Judiciary Power of the Autonomous City of Buenos Aires-----

who caused the cost, with the exception of the sworn translators fees that will be born by the defendants (article 14 CCABA and article 62, second paragraph, CCAyT).-----

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//////////-----Based on the above, I RESOLVE:-----

-----To approve the action of protection submitted under the following terms: 1) To recognize the orangutan Sandra as a subject of law, in accordance with the provisions of Act 14,346 and the Civil and Commercial Code of the Argentine Nation as regards to the non abusive exercise of rights on the part of the responsible parties –the licensee of the Zoo of Buenos Aires City and the Autonomous City of Buenos Aires.-----

-----2) To dispose that *expertos amicus curiae* Doctors Miguel Rivolta and Héctor Ferrari together with Dr. Gabriel Aguado from the Zoo of the Autonomous City of Buenos Aires prepare a report resolving what measures shall the Government of the Autonomous City of Buenos Aires adopt in relation to the orangutan Sandra. The technical report will be binding.-----

-----3) The Government of the Autonomous City of Buenos Aires must guarantee Sandra adequate conditions of [her] hábitat and the activities necessary to preserve her cognitive skills.-----

-----Let it be recorded and notified by the Court personnel in their capacity of notifying officer Ad Hoc, with authorization of days and hours.-----

The undersigned, ANA MARÍA JANKU, Sworn Translator and Interpreter, registered at the Sworn Translators Association of the City of Buenos Aires, Argentine Republic, under entry Nr. 1658 Book VIII Page 57, hereby certifies that the preceding version is a true translation into English of the document in Spanish she had before her in print copy from a version received as an attached file via e-mail and that is embodied to this document.-----

In the City of Buenos Aires, on the eleventh day of October of the year two thousand and sixteen.-----

La que suscribe, ANA MARÍA JANKU, Traductora Pública e Intérprete, inscripta en el registro del Colegio de Traductores Públicos de la Ciudad de Buenos Aires, República Argentina, bajo el N° 1658 Tomo VIII Folio 57, certifica que la versión que antecede es traducción fiel al idioma inglés del documento en idioma español que tuvo ante sí en copia impresa de una version recibida como documento adjunto via e-mail y que forma parte integrante del presente documento.-----

En Buenos Aires, en el undécimo primer día del mes de octubre del año dos mil dieciseis.-----

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