

Group seeks 'personhood' for 4 chimps in US (Update)

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The Non Human Rights Project want chimpanzees to be given the right to freedom

An animal rights group is asking New York courts to recognize scientific evidence of emotional and cognitive abilities in chimpanzees and to grant the animals "legal personhood" so that they are ensured better treatment.

Nonhuman Rights Project, a nonprofit founded in 2007 by

Massachusetts lawyer Steven Wise, filed a second lawsuit Tuesday and plans to file a third Thursday that asks the courts to declare that the chimps are not things to be possessed and caged by people and should be released from "illegal detention."

The group is seeking an order, on behalf of four chimps, for their release to a sanctuary that is a member of the North American Primate Sanctuary Alliance, to live out their lives with other primates in a natural outdoor setting.

"In this case, we are claiming that chimpanzees are autonomous," Wise said. "That is, being able to self-determine, be self-aware, and be able to choose how to live their own lives."

Wise said he doesn't expect the decisions to be favorable because the judges have no legal precedent to rely on. But he said he would file appeals.

"These are the first in a long series of suits that will chip away at the legal thinghood of such non-human animals as chimpanzees," he said.

The national group says it is dedicated to changing the common law status of some species other than humans. The group's board of directors includes Wise and chimpanzee research pioneer Jane Goodall.

The lawsuits include affidavits from scientists who say chimpanzees have complex cognitive abilities, such as awareness of the past and the ability to make choices, and display complex emotions such as empathy.

"Once we prove that chimpanzees are autonomous, that should be sufficient for them to gain legal personhood and at least have their fundamental interests protected by human rights," Wise said.

If the lawsuits succeed, similar ones could eventually be filed on behalf of other species considered autonomous, such as gorillas, orangutans, whales, dolphins and elephants, Wise said.

The group filed suit Monday in state Supreme Court in Fulton County, New York, on behalf of Tommy, an adult male chimp owned by Patrick Lavery and kept in a cage in a shed in a used trailer lot in Gloversville, 35 miles (56 kilometers) northwest of Albany. The lawsuit says Tommy is kept in a small cage in a chilly shed with only a television to keep him company.

The lawsuit Tuesday was filed in Niagara Falls on behalf of Kiko, who lives in a cage in a brick building of the nonprofit Primate Sanctuary in that city. Owners Carmen and Christie Presti have said they plan to move Kiko and other monkeys to a new facility on a large rural property.

The group said the third lawsuit will be filed Thursday on behalf of two chimpanzees being used in locomotion research at Stony Brook University on Long Island.

None of the chimp owners returned phone calls seeking comment Tuesday.

David Favre, a professor of animal law at Michigan State University who is not part of the lawsuit, said chimpanzees ought to have recognition within the legal system. He said animals typically are protected by anti-cruelty and animal welfare laws, but prosecutors often don't pursue animal cruelty complaints.

He called the lawsuits "unprecedented" and said if they succeed, "it would be the first time a court has been willing to step forward and examine the living conditions that a particular chimpanzee is in, and take jurisdiction over the chimpanzee and move it someplace more suitable to

its needs."

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