

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO**

COMMUNITY OF HIPPOPOTAMUSES  
LIVING IN THE MAGDALENA RIVER,

Applicant,

Civil Action No:

To Issue Subpoenas For The Taking Of  
Depositions Pursuant To 28 U.S.C. § 1782.

**DECLARATION OF LUIS DOMINGO GÓMEZ MALDONADO**

1. My name is Luis Domingo Gómez Maldonado. I am a Colombian citizen and practicing attorney with over 15 years of litigation experience, of sound mind, appearing before your honorable Court with personal knowledge of the facts set forth below. I further affirm that I am entirely at your disposal to provide testimony in that regard and will do so if Your Honor so requires. This Declaration is given in support of the *Ex Parte* Application of the Community of Hippopotamuses Living In The Magdalena River For An Order Pursuant To 28 U.S.C. § 1782 To Conduct Discovery For Use In Foreign Proceedings.

2. I am an attorney with a degree from the University of Rosario, a specialist in Constitutional Law as a member of its faculty, and in the teaching of law at the university level at the Center for Military Education, with a Master's Degree in International Humanitarian Law and the International Law of Armed Conflict from the Superior War College, as well as a Master's in Law from the Sergio Arboleda University, advanced studies, in the city of Bogotá, Colombia.

3. At this time I hold the Environmental Law Chair at the Santo Tomás University, Bogotá campus, the State Structure and Administrative Function Chair in the Administrative Law Specialization, and the Colombian Constitutional Law Chair in the Constitutional Law Specialization at the Gran Colombia University in Bogotá and Armenia.

4. I am also the founder and current holder of the Animal Rights Chair in the master's programs on Citizenship and Human Rights and Environmental Law and Sustainability at the Jorge Tadeo Lozano University, Bogotá campus.

5. As attorney I have argued before the courts on behalf of the interests of a Spectacled Bear to live in a setting similar to its natural habitat, of bees and pollinators versus the use of neonicotinoids and the insecticide Fipronil, of sharks versus the Colombian government's authorization to market their fins, and of the Andean Condor as a national symbol species.

6. In the instant case, I represent the Community of Hippopotamuses who live in the Magdalena River. The litigation dates back to the 1980s, when drug trafficker Pablo Escobar Gaviria acquired several animals in the United States through a wild animal nursery in Dallas, Texas, including four hippos (one male and three females), for his private zoo at Hacienda Napoles in Puerto Triunfo, a municipality located in the middle Magdalena River basin. The Colombian government eliminated Escobar on December 2, 1993. His properties, including Hacienda Napoles and its animals, fell into the hands of the State, and most of the animals were relocated to zoos throughout the country. The authorities neglected the hippos and failed to take the necessary measures to control their birthrate. Eventually, their population grew and, in the absence of measures to control them, they left the hacienda area and are now dispersed throughout an area measuring approximately 2,000 square kilometers around the middle Magdalena River basin.

7. The Community of Hippopotamuses is currently facing imminent danger because the solution being advanced is their removal from the ecosystem by euthanasia, in part because it turns out to be the least expensive method. This solution has been supported by several publications, such as the scientific article titled “**A hippo in the room: Predicting the persistence and dispersion of an invasive mega-vertebrate in Colombia, South America,**” published in *Biological Conservation* (Vol. 253, January 2021, 108923),<sup>1</sup> regardless of the fact that they deserve to be treated with dignity, and thus merit the consideration of alternate solutions such as birth control.

8. In Colombia, the Constitutional Court has recognized that animals have standing to file a lawsuit. The Constitutional Court is the highest constitutional authority in the country, the guardian of the supremacy of the Constitution, and thereby the equivalent of the Supreme Court in the United States. In its Ruling C-666 of 2010,<sup>2</sup> the Constitutional Court wrote: “[T]he elements that make up the concept of the environment may be protected per se, not simply because they may be useful or necessary for human life.” This opinion was reiterated in Rulings C-123 of 2014, T-445 of 2016, C-225 of 2017 and C-032 of 2019; its underlying concept even led to a finding in Ruling T-622 of 2016 that the Atrato River was a subject of rights. Moreover, in a ruling dated October 24, 2019, this concept allowed Criminal Circuit Court One with Jurisdiction in Neiva (Huila) to recognize the Magdalena River, with its basin and tributaries, as a subject of the rights to protection, conservation, maintenance and restoration. It is important to point out that the population of hippos is distributed along the middle basin of the Magdalena River.

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<sup>1</sup> Available at: <https://www.sciencedirect.com/science/article/pii/S0006320720309812#>

<sup>2</sup> Ruling from the session dated August 30, 2010, authored by Justice Humberto Antonio Sierra Porto.

9. Justices in Colombia make law, just as they do in the United States. This practice has resulted in the explicit recognition by the Constitutional Court, in its same Ruling C-041 of 2017, of the fact that animals are subjects of rights even if such rights are not enshrined in laws or regulations:

*Even if the Constitution does not explicitly recognize animals as subjects of rights, this must not be construed as a denial of such rights, much less as a prohibition of the recognition of such unenumerated rights. This requirement responds to factors such as the evolution of humanity and the changes experienced by society, which may lead the Court to make visible what is not apparent in a simple reading of the Constitution.*

*Moreover, independently of the classification of rights over (generational) time, they form a unit insofar as they are interdependent, integral and universal.<sup>3</sup>*

*Since this Court is the authorized interpreter of the Constitution (Art. 241), it has a commendable duty to ensure, in the pursuit of the essential and societal ends of the constitutional State, that the Law includes animals as the subjects of certain rights (preamble, Art. 1 and 2 above). A right that is legally established and defined takes into account the system of evidence, the collective representations and beliefs of the community, and therefore the criterion demanding the express enshrinement of a right is inadequate to challenge the position adopted herein, particularly in the case of a deficit of protection or a condition of powerlessness.*

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<sup>3</sup> Cf. Ruling C-251 of 1997.

*The Court views the search for a just order, peaceful coexistence, dignity, effective rights, protection of the environment and its surroundings, and pluralism (diversity and multiculturalism) as interests that rise to a constitutional and international level and that permit animals to be benefited by the recognition of certain rights (a ban on cruel and degrading treatment for purposes of entertainment). (Emphasis added)*

10. This precept was upheld in Ruling SU-016 of 2020 wherein, despite having denied protection for the freedom of a bear, the Constitutional Court indicated:

*Nevertheless, the Court would call attention to the need to use already-existing statutory instruments to guarantee the mandate of animal welfare in contexts, such as the instant case, that involve wild animals kept in captivity under entirely human responsibility. It is likewise essential to continue making progress in the identification and perfection of procedural tools to guarantee this mandate, and to provide a framework for debates around the confinement and captivity of wild animals. (Emphasis added)*

11. In order to defend the hippopotamus population in light of the parameters set by the Constitutional Court, we used the figure of a Constitutional Action to Protect Collective Rights and Interests enshrined in Article 88 of the Constitution and regulated by Article 144 of Law 1437 of 2011, among other provisions, aimed at resolving the conflict among the human population living in the middle basin of the Magdalena River, the native species and the hippos, with the understanding that the continued uncontrolled growth of the latter population might irreversibly damage the habitat and represent a real danger to human beings.

12. The Popular Action was filed on July 31, 2020, on behalf of my clients, the Community of Hippopotamuses, and is currently proceeding in Cause Number 25000234100020200044400 before the Cundinamarca Administrative Court based in the City of Bogotá, D.C. [Capital District].

13. The Administrative Courts are at the intermediate level of administrative litigation jurisdiction. They are below the Council of State, which is the highest court for administrative matters, and since those responsible for the current situation of the hippos are the environmental authorities, the judicial action seeking the protection of their interests was filed in that jurisdiction.

14. We turned to the Popular Judge to seek a solution to the conflict and ensure the protection of the interests of the hippos, particularly respect for their lives and other interests, to prevent the sacrifice of the hippopotamus population as the solution to the conflict. We are requesting consideration for a strategy that favors the implementation of a program of sterilization, among other measures, a strategy that would enable a halt to uncontrolled reproduction and would reduce the possibility of sacrificing these beings.

15. At this time the proceedings are in their initial phase, entailing the definition of the preliminary injunction to prohibit the killing of any of the hippos while the proceedings are ongoing. The Judge is being asked to issue an order to the competent authorities preventing the sacrifice of any hippos until the matter is decided by a ruling. Next would come the phase of reaching a compliance agreement wherein the defendants and this attorney can reconcile claims. This phase is likely to be reached this year.

16. The phases following the compliance agreement are the evidentiary and ruling phases. In the evidentiary phase, keeping in mind that these types of actions are not limited by evidentiary constraints, we must also keep in mind that the official position of CORNARE

[Regional Autonomous Corporation of the Negro and Nare River Basins] and the Ministry of the Environment and Sustainable Development is focused on removing the hippos from the ecosystem using its preferred method of euthanasia, based on the core argument of the high cost of extraction for purposes of relocation.

17. The central purpose for which we are seeking discovery is to introduce testimony as evidence in the proceedings so that the Court will hear it and take it into account when deciding on the merits, preferably prior to the compliance agreement phase, which will occur towards the end of this year. It would also be essential to have such testimony available in that phase of the proceedings, since in other parts of the world there are persons interested in lending their knowledge and resources to a program that respects the interests of the hippopotamuses, respecting above all the lives of those living in the middle Magdalena River basin today, and one that helps ensure humane treatment based on a program focused on a strategy of contraception for which treatment is available.

18. In May 2021, the non-governmental organization Animal Balance, based in Portland, Oregon, contacted me through its representative in Colombia to let me know that it had been in contact with the Regional Autonomous Corporation of the Negro and Nare River Basins (CORNARE), which has jurisdiction over the area where the hippos live. As a result of that dialogue, it sent CORNARE the document titled “FERTILITY MANAGEMENT OF THE COLOMBIAN HIPPO: Achieving long-terms success with a low-cost humane strategy,” a proposal that was developed after it was discussed in the meetings that the hippo population would be reduced through “annual controlled killing” as the only viable solution to resolve the conflict created by their presence in the region. **Attached as Exhibit 1 is a true and correct version of that document, prepared in English by Animal Balance.**

19. Animal Balance reported in its proposal that its board of directors agreed to controlling the fertility of the Colombian hippos, and consequently its wildlife experts, a group of volunteer scientists, recommended beginning with the use of PZP (porcine zona pellucida) in the females, given its historical success in hippos held in zoos. PZP is an immunocontraceptive administered by a dart gun that sterilizes females for up to eight months before another dose is needed; they have also been informed by the laboratory that a prolonged-action formulation will be available soon.

20. Shortly afterward, I informed Honorable Judge Moises Rodrigo Mazabel Pinzon of the Cundinamarca Administrative Court that a group of wildlife experts had developed a plan to utilize immunocontraception to control the fertility of the Colombian hippos. **Attached as Exhibit 2 is a true and correct translation of my letter to the Court.**

21. Despite the efforts made by Animal Balance to inform the national government of its proposal, it has been ignored, and my clients are therefore being deprived of a solution that protects their interests, including their interest in remaining alive.

22. The team of volunteers disclosed to me by Animal Balance includes the megafauna experts Dr. Elizabeth Berkeley and Dr. Richard Berlinski, who reside in the state of Ohio in the United States. Their testimony will help explain to the Court the true possibilities of resolving the conflict without the need to kill the hippos, since they are experts in immunocontraception and exotic animal medicine. Since these individuals are not citizens of Colombia and do not reside in this country, they are not under the jurisdiction of our judicial authorities for purposes of attaining our goals. However, their contribution would be very significant in helping find a humane solution to this conflict.

23. Thus, we are filing an application for discovery involving the testimony of Dr. Elizabeth Berkeley and Dr. Richard Berlinski in order to obtain evidence regarding the

viability of solutions other than the death of my clients, to convince the Colombian authorities to agree that killing them is not the only solution, and so that we may forge a solution that will resolve the conflict while taking into consideration the interests of my clients and making it impossible to overlook the alternate proposals from megafauna experts. Discovery of this testimony is urgent given that the compliance agreement phase will almost certainly be opened by the month of November of this year.

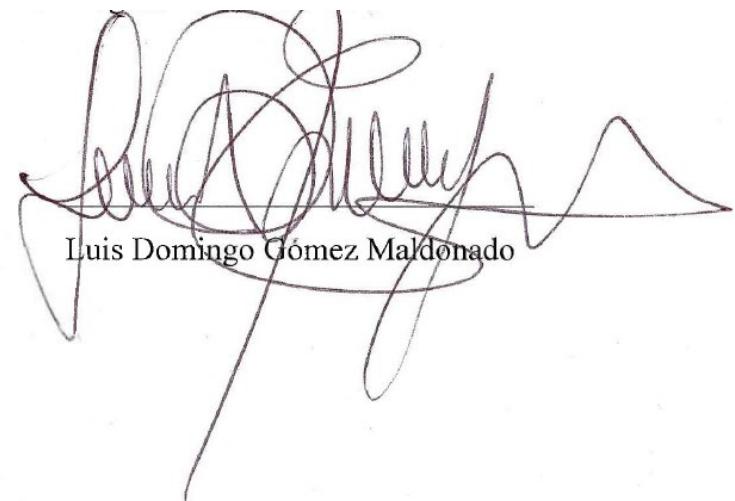
24. According to the procedural rules that inform this method of judicial oversight (Popular Action), it is possible to submit evidence at any time prior to a trial court ruling, and the submission of such evidence does not constitute an injury or affront to the Court insofar as the purpose of the evidence is to provide better information and show alternatives to the proposals submitted by either of the parties; at the same time, such evidence does not divert the attention of the Judge or undermine his/her authority. In other words, constitutional actions do not contain evidentiary restrictions, and they permit all types of legally obtained evidence. In this case, obtaining the testimony of Dr. Elizabeth Berkeley and Dr. Richard Berlinski will allow us to bring them into the case in a timely manner in order that the parties to the case and interested third parties may learn of their existence and give their opinions on this evidence in due course during the proceedings.

25. It is important to note that the evidentiary phase of the case has yet to be reached. This phase will undoubtedly begin in January 2022, which will help to the extent that we are able to obtain the testimony sought through discovery and incorporate it into the proceedings before the Justice orders the production of evidence and issues an *ex officio* ruling defining which evidence he deems necessary for a better understanding of the case. By that time, we expect to have already filed the testimony of Dr. Elizabeth Berkeley and Dr. Richard Berlinski for the consideration of the Colombian Court.

26. Moreover, the request through a foreign Court for an order of discovery to learn the views of Dr. Elizabeth Berkeley and Dr. Richard Berlinski does not violate any privilege, because its purpose is to obtain the fairest possible decision in favor of my clients, the hippopotamuses, by demonstrating the viability of a scientific solution that is technically feasible.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 12 day of October, 2021 in Bogotá D.C., Colombia.

A handwritten signature in dark ink, appearing to read "Luis Domingo Gómez Maldonado". The signature is fluid and cursive, with a large, stylized initial 'L' on the left. Below the signature, the name is printed in a smaller, sans-serif font.

Luis Domingo Gómez Maldonado



Christina Courtright  
ATA-Certified Translator

October 12, 2021

To Whom It May Concern:

I, Christina Courtright, translated the attached document from the Spanish into the English language.

I am not a relative, friend or associate of the interested party.

I am certified as a Spanish-English translator by the American Translators Association with certification number 482640, which may be verified at the link noted on my ATA stamp below. I am also certified as a Spanish->English Court Interpreter by the Supreme Court of the State of Indiana and the Administrative Office of the US Courts.

As a competent translator of legal documents from Spanish into English, I hereby attest that the attached translation is a true, complete, and accurate English-language representation of the Spanish-language original, to the best of my knowledge and ability.

*CE Courtright*

Christina Courtright  
ATA-Certified Translator



Verify at [www.atanet.org/verify](http://www.atanet.org/verify)

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**DECLARACIÓN DE LUIS DOMINGO GÓMEZ MALDONADO**

1. Mi nombre es Luis Domingo Gómez Maldonado, ciudadano y abogado colombiano en ejercicio con experiencia en litigio de más de 15 años, en pleno uso de mis facultades mentales, acudo a su honorable Despacho con conocimiento personal de los hechos que se exponen a continuación, y manifiesto que estoy a su plena disposición para testificar sobre los mismos y así lo haré en caso de ser requerido por su Señoría. Esta Declaración jurada se presenta en apoyo a la solicitud ex parte de la comunidad de hipopótamos que viven en la cuenca media del río magdalena colombiano, para que sea emitida una orden de conformidad con 28 U.S.C. § 1782 para realizar el descubrimiento para uso en procedimientos extranjeros.

2. Soy Abogado egresado de la Universidad del Rosario, Especialista en Derecho Constitucional del mismo claustro y en docencia Universitaria Centro de Educación Militar, Magíster en Derecho Internacional Humanitario y Derecho Internacional de los Conflictos Armados de la Escuela Superior de Guerra y Magíster en Derecho de la Universidad Sergio Arboleda, estudios adelantados en la Ciudad de Bogotá – Colombia.

3. Actualmente soy titular de la cátedra de Derecho Ambiental en la Universidad Santo Tomás sede Bogotá, de la cátedra de Estructura del Estado y Función Administrativa en la Especialización de Derecho Administrativo y de la catedra de Derecho Constitucional Colombiano en la especialización de Derecho Constitucional en Universidad La Gran Colombia en Bogotá y Armenia.

4. También soy fundador y actual docente titular de la Cátedra de Derecho Animal en las maestrías de Ciudadanía y Derechos Humanos y Derecho Ambiental y Sostenibilidad en la Universidad Jorge Tadeo Lozano sede Bogotá.

5. Como litigante he representado en estrados judiciales el interés de un Oso de Anteojos a vivir en un medio similar a su hábitat natural, a las abejas y polinizadores por el uso de insecticidas Neonicotinoides y Fipronil, a los tiburones por la autorización del Gobierno colombiano para comercializar sus aletas, al Cóndor Andino como especie símbolo nacional.

6. Ahora, en el presente caso, represento a la comunidad de hipopótamos que viven en el Rio Magdalena. El litigio tiene origen en la década de los 80's, cuando el narcotraficante Pablo Escobar Gaviria adquirió en Estados Unidos, a través de un zoocriadero en Dallas- Texas, varios animales, entre ellos cuatro hipopótamos (un macho y tres hembras) para su zoológico privado en la hacienda Nápoles en Puerto Triunfo, un municipio ubicado en el Magdalena Medio. El Gobierno colombiano eliminó a Escobar el 2 de diciembre de 1993, sus propiedades incluida la hacienda Nápoles y sus animales pasaron a manos del Estado, la mayoría fueron reubicados en diferentes zoológicos del país. A los hipopótamos se les descuidó por parte de las autoridades y no se tomaron las medidas necesarias para mantener bajo control su natalidad, al punto que su población fue creciendo y por la ausencia

de medidas de control salieron del área de la haciendo y hoy se encuentran dispersos en un área de cercana a los 2.000 kilómetros cuadrados de la cuenca media del río Magdalena.

7. La comunidad de hipopótamos se encuentra en peligro inminente debido a que la solución que se viene promoviendo es la extracción del ecosistema a través de la eutanasia, en parte porque resulta ser el método de control menos costoso, esta solución viene siendo respaldada por algunas publicaciones como el artículo científico titulado “**A hippo in the room: Predicting the persistence and dispersión an invasive mega-vertebrate in Colombia, South America**” publicado por Biological Conservation (volumen 253, january 2021, 108923)<sup>1</sup>, sin considerar que ellos merecen ser tratados con dignidad y por tanto tener en cuenta soluciones alternativas como el control de natalidad.

8. En Colombia, la Corte Constitucional ha reconocido que los animales tienen capacidad de presentar una demanda. La Corte Constitucional es la máxima autoridad constitucional del país, es la guardia de la supremacía de la Constitución, resulta equivalente a la Corte Suprema en los Estados Unidos. Mediante Sentencia C-666 de 2010<sup>2</sup> la Corte Constitucional señaló que: “**los elementos integrantes del concepto de medio ambiente pueden protegerse per se y no, simplemente, porque sean útiles o necesarios para el desarrollo de la vida humana.**”, regla que ha venido reiterando en las sentencias C-123 de 2014, T-445 de 2016, C-225 de 2017 y C-032 de 2019 , idea que incluso permitió que se declara mediante sentencia T-622 de 2016 al río Atrato como sujeto de derechos y permitió que el Juzgado Primero Penal del Circuito con Funciones de Conocimiento de Neiva (Huila), mediante sentencia del 24 de octubre de 2019, reconociera al Río Magdalena, su cuenca y afluentes como entidad sujeto de derechos a la protección, conservación, mantenimiento y

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<sup>1</sup> Disponible en: <https://www.sciencedirect.com/science/article/pii/S0006320720309812#>

<sup>2</sup> Decidida en sesión del 30 de agosto de 2010 con ponencia del Magistrado Humberto Antonio Sierra Porto.

restauración. Es importante señalar que la población de Hipopótamos se encuentra distribuida a lo largo de la cuenca media del Rio Magdalena.

9. En Colombia como en Estados Unidos los Jueces crean Derecho. Esta línea ha llevado a la Corte Constitucional en la misma Sentencia C-041 de 2017 a reconocer explícitamente la titularidad de derechos de los animales, aunque los mismos no hayan sido escritos en una ley o en un reglamento, así lo señaló:

*Aunque la Constitución no reconozca explícitamente a los animales como titulares de derechos, ello no debe entenderse como su negación, ni menos como una prohibición para su reconocimiento -innominados-. Su exigencia atiende a factores como la evolución de la humanidad y los cambios que presente una sociedad, lo cual puede llevar a la Corte a hacer visible lo que a primera vista no se avizora en la Constitución.*

*Además, con independencia de la clasificación de los derechos en el tiempo (generacionales), forman una unidad por cuanto son interdependientes, integrales y universales<sup>3</sup>.*

*Siendo este Tribunal el intérprete autorizado de la Carta Política (art. 241), tiene una función encomiable de hacer cierta para la realidad del Derecho la inclusión de los animales como titulares de ciertos derechos, en la obtención de los fines esenciales y sociales del Estado constitucional (preámbulo, arts. 1o y 2o superiores). Un derecho jurídicamente establecido y definido tiene en cuenta el sistema de evidencias, representaciones colectivas y creencias de la comunidad, por lo que el criterio de la*

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<sup>3</sup> Cfr. sentencia C-251 de 1997.

*consagración expresa de un derecho resulta insuficiente para cuestionar la posición aquí adoptada. Más aún cuando se endilga un déficit de protección o circunstancias de indefensión.*

*Concibe la Corte la búsqueda del orden justo, la convivencia pacífica, la dignidad, la efectividad de los derechos, la protección del medio ambiente y su entorno y el pluralismo (diversidad y multiculturalismo), como intereses de orden constitucional e internacional que permiten favorecer a los animales en el reconocimiento de ciertos derechos (la prohibición de tratos crueles y degradantes por diversión). (Negrillas propias)*

10. Esta regla fue reforzada en la Sentencia SU-016 de 2020, donde a pesar de haber negado la protección de la libertad de un oso, la Corte Constitucional señaló:

*No obstante ello, la Corte llama la atención sobre la necesidad de utilizar los instrumentos ya existentes en el ordenamiento jurídico para garantizar el mandato de bienestar animal en contextos que, como el presente, involucran a animales silvestres que se encuentran en cautiverio para la entera responsabilidad humana. Asimismo, resulta indispensable seguir avanzando en la identificación y en el perfeccionamiento de las herramientas procesales para garantizar este mandado, y para canalizar los debates relacionados con el confinamiento y el cautiverio de animales silvestres.*

*(Negrillas propias)*

11. Para defender la población de Hipopótamos, teniendo en cuenta los parámetros señalados por la Corte Constitucional, usamos la Acción Constitucional de Protección de los derechos e intereses colectivos consagrada en el artículo 88 de la

Constitución Política y regulada en el artículo 144 de la Ley 1437 de 2011, entre otras normas, esto con el propósito de lograr resolver el conflicto existente entre la población humana asentada en la cuenca media del Río Magdalena, las especies nativas y los Hipopótamos, bajo el entendido que de seguir creciendo de manera descontrolada su población es posible que se afecta de manera irreversible el hábitat y representen un peligro real para las personas humanas.

12. La Acción Popular de la comunidad de hipopótamos, mis representados, fue presentada el 31 de Julio, 2020 y actualmente se encuentra en trámite bajo el radicado 25000234100020200044400 en el Tribunal Administrativo de Cundinamarca con sede en la Ciudad de Bogotá, D. C.

13. Los Tribunales Administrativos son el nivel intermedio de la jurisdicción contencioso administrativa, su superior es el Consejo de Estado que es el máximo tribunal en materia administrativa y como quiera que las responsables de la actual situación de los hipopótamos son las autoridades ambientales, por esa razón el trámite judicial mediante el cual se busca la protección de sus intereses se adelanta ante esta jurisdicción.

14. Acudimos al Juez Popular para que resuelva el conflicto y salvaguarde los intereses de los Hipopótamos, especialmente respetando su vida y demás intereses evitando que la solución que se de al conflicto sea el sacrificio de la población de hipopótamos, estamos solicitando que se considere una estrategia que entre otras medidas privilegie la implementación de un programa de esterilización, estrategia que permitiría frenar la reproducción descontrolada y disminuiría las probabilidades de sacrificio de los especímenes.

15. Actualmente el proceso se encuentra en su etapa inicial, se está definiendo la medida cautelar, prohibir la muerte de alguno de los hipopótamos mientras se adelanta el proceso, con la que se pretende que el Juez emita una orden a las autoridades competentes de no sacrificar ningún hipopótamo hasta tanto el tema sea decidido mediante sentencia; luego viene la etapa de pacto de cumplimiento donde las entidades demandadas y este accionante pueden conciliar las pretensiones, es una etapa que puede ser desarrolla probablemente este año.

16. Las etapas siguiente al pacto de cumplimiento son la de pruebas y la sentencia, justamente en la etapa de pruebas, teniendo en cuenta que este tipo de acciones no cuenta con restricciones probatorias y teniendo en cuenta que la postura oficial de CORNARE y el Ministerio de Ambiente y Desarrollo Sostenible está orientada a extraer los hipopótamos del ecosistema teniendo como metodología preferente la eutanasia usando como argumento central el alto costo de extracción con fines de reubicarlos en otro lugar.

17. El propósito central que buscamos obteniendo los testimonios es poderlos introducir como prueba al proceso para que el Tribunal conozca y tenga en cuenta al decidir de fondo la cuestión, de preferencia antes de la etapa de pacto de cumplimiento, etapa que ocurrirá a finales del presente año, y sería central poder contar con estos testimonios en dicha fase del proceso, que en otros lugares del mundo hay personas interesadas en apoyar con conocimiento y recursos un programa respetuoso de los intereses de los Hipopótamos que, respete ante todo la vida de los que hoy se encuentran en el Magdalena Medio y que ayude a brindar un trato humanitario desde un programa que se centraría en una estrategia de contracepción que contaría con la disponibilidad de tratamiento.

18. En el mes de mayo de 2021 la Organización No Gubernamental Animal Balance con sede en Portland, OR me contactó, a través de su representante en Colombia, para hacerme saber que había sostenido comunicación con La Corporación Autónoma Regional de las Cuencas de los Ríos Negro y Nare – CORNARE, entidad con jurisdicción donde se encuentran los Hipopótamos, y como resultado de ese dialogo le entregó a la entidad el documento titulado “GESTIÓN DE LA FERTILIDAD DEL HIPOPÓTAMO COLOMBIANO: Lograr el éxito a largo plazo con una estrategia humana y de bajo costo”, propuesta que surge debido a que en el contexto de tales reuniones se habló de la reducción de la población de Hipopótamos mediante la “matanza controlada anual” como la única solución viable para resolver el conflicto suscitado con su presencia en la región. **Adjunto como Anexo 1 versión valida y correcta de ese documento, preparado en inglés por Animal Balance.**

19. En la propuesta Animal Balance informa que su junta directiva aceptó el control de la fertilidad de hipopótamos colombianos y en consecuencia sus expertos en vida silvestre, grupo de científicos voluntarios, recomendaron comenzar con el uso de PZP (zona pelúcida porcina) en hembras debido al historial de éxito de su uso en hipopótamos en zoológicos, es un inmunocontraceptivo administrado mediante una inyección de pistola de dardos, esteriliza a las hembras hasta por ocho meses antes de que sea necesario repetir la dosis, al igual que han sido informados por el laboratorio que pronto estará disponible una presentación de acción prolongada.

20. Poco después, puse en conocimiento del Honorable Juez Moisés Rodrigo Mazabel Pinzon del Tribunal Administrativo de Cundinamarca que un grupo de expertos en vida silvestre habían desarrollado un plan para usar inmunocontracepción para controlar la

fertilidad de los hipopótamos colombianos. **Adjunto como Anexo 2 traducción valida y correcta de mi memorial a la corte.**

21. A pesar de los esfuerzos realizados por Animal Balance para comunicar su propuesta al Gobierno nacional, la misma ha sido ignorada y por tanto se está privando a mis clientes de una solución que proteja sus intereses, entre ellos, el de seguir viviendo.

22. Dentro del Equipo de Voluntarios que me fue revelado por Animal Balance se encuentran los expertos en Megafauna Dra. Elizabeth Berkeley y el Dr. Richard Berlinski quienes tienen su residencia en el Estadio de Ohio en los Estados Unidos, personas que con su testimonio ayudaran a dar claridad el Tribunal sobre las posibilidades reales de resolver el conflicto sin necesidad de matar a los Hipopótamos, pues son especialistas en inmunocontracepcion y medicina de animales exóticos. Esta personas al no ser ciudadanos Colombianos y no residir en el país no se encuentran al alcance de nuestras autoridades judiciales para lograr el objetivo buscado, muy a pesar de la importancia de su aporte para ayudar a encontrar una solución humanitaria a este conflicto.

23. Justamente acudimos a la solicitud de descubrimiento de los testimonios Dra. Elizabeth Berkeley y el Dr. Richard Berlinski con el propósito de tener pruebas sobre la viabilidad de soluciones alternativas a la muerte de mis clientes, para que las autoridades colombianas accedan a aceptar que matarlos no es la única salida y, podamos construir una solución que resuelva el conflicto considerando los intereses de mis clientes y no sea posible ignorar las propuestas alternativas de expertos en megafauna. El descubrimiento de estos testimonios es urgente debido a que la etapa de pacto de cumplimiento muy seguramente será abierta para el mes de noviembre del presente año.

24. De acuerdo con las reglas procesales que informan este medio de control judicial (Acción Popular), es posible allegar pruebas en cualquier momento antes de la sentencia de primera instancia y no constituirá una ofensa o agravio para el Tribunal en la medida en que la misma tiene la pretensión de informar de mejor manera y demostrar alternativas de manejo diferente a las propuestas por una de las partes, tampoco tiene la capacidad de desviar la atención del Juez o socavar su autoridad. En otras palabras, las acciones constitucionales no tienen tarifa legal probatoria y permiten cualquier tipo de prueba obtenida legalmente, en este caso al obtener el testimonio de los Doctores Elizabeth Berkeley y Richard Berlinski nos permitirá insertarlos a tiempo dentro de la causa, para que las partes y terceros interesados conozcan su existencia y puedan manifestar sus apreciaciones a instancias del juicio.

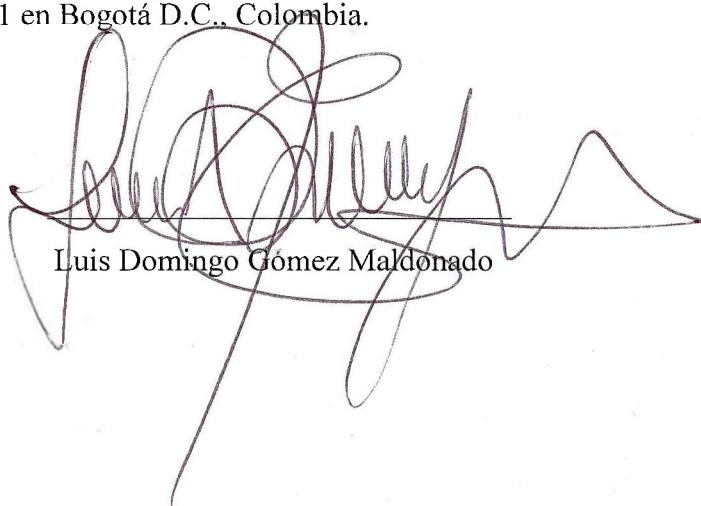
25. Es relevante anotar que actualmente en la causa no se ha llegado a la etapa probatoria, es una etapa que con seguridad se desarrollará a partir del mes de enero del año 2022, situación que ayuda en la medida en que logremos obtener el descubrimiento de los testimonios buscados, lograremos, incluso, allegarlos al proceso antes de que el Magistrado del Tribunal decrete las solicitadas y de paso se pronuncie oficiosamente de las que en su sabiduría sean necesarias para la mejor comprensión del asunto, momento en el que esperamos poder tener ya radicados los testimonios de los Doctores Elizabeth Berkeley y Richard Berlinski, para que sean considerados por el Despacho Judicial en Colombia.

26. De otra parte, al buscar este descubrimiento de la intención de los Doctores Elizabeth Berkely y Ric Berlinski ante un Juez extranjero no se vulnera ningún privilegio teniendo en cuenta el propósito es lograr una decisión lo más justa posible en favor de mis

clientes los hipopótamos demostrando la viabilidad de una salida científica y técnicamente realizable.

Declaro bajo pena de perjurio conforme a las leyes de los Estados Unidos de América que lo arriba expuesto es cierto y correcto.

Suscrito a los 12 días de octubre de 2021 en Bogotá D.C., Colombia.



Luis Domingo Gómez Maldonado

# Exhibit 1



## FERTILITY MANAGEMENT OF THE COLOMBIAN HIPPO

### Achieving long-term success with a humane and low-cost strategy

#### Introduction

During the pandemic, last year, I attended a virtual talk by scientists about the increasing number of introduced hippos living in the Medio Magdalena River and its tributaries in Colombia. And they spoke of resorting to reducing the hippo population through annual controlled killing, or culling, as the only viable solution. They discarded the use of surgical sterilization as a way to reduce the hippo birth rate, because of the complexity of these procedures and their high cost.

Based on my work in the Galapagos Islands as Latin America medical director for the international NGO, Animal Balance, I was concerned that at least two of the many reasons for their proposed approach carried huge potential for failure: sacrificing hippos would meet with tremendous resistance, as the hippos have become a charismatic species within Colombia, as evidenced by Colombians' massive outcry after the army killed a single hippo, Pepe, near Puerto Berrio in 2009; also, those of us working in fertility control (in my case managing cat and dog populations on the Galapagos Islands in order to protect endemic species) know that removing animals by relocation or killing to reduce their numbers is often only a temporary solution, as it can have the unintended consequence of creating a vacuum effect, where the remaining population reproduces more rapidly to fill that vacuum. This phenomenon is known as compensatory reproduction.

I began to investigate the situation at the local level to better understand the scope of the controversy and to determine what the most effective way to manage the hippo population would be for all stakeholders if cost were not the only criterion. I proposed to our organization, Animal Balance (AB), that we undertake a study using our successful integrated community-based approach, in consultation with experts in wildlife fertility management, to find the best strategies for solving this complex issue that has defied a solution for so long. I also began to investigate the social situation at the local level in Antioquia and legally in Colombia, and to compile scientific and academic literature on Colombian hippos and their impact, in order to evaluate the different approaches available to address the issue.

In this process we found that there are very few studies on the Colombian hippos. Notably, Dr. Jonathan Shurin of the University of California at San Diego has performed studies on the specific topic of the impact on bodies of water in Colombia where hippos are present. Most other studies focus on reviews and comparisons with the hippos in Africa. However, this information is not sufficient for creating a blueprint to achieve long-term fertility control for the Colombian hippos, as these hippos appear to be quite different from hippos living in Africa. Colombian hippos live in a very different ecosystem, and appear to have different behaviors and diets than their African counterparts, which suggests that appropriate interventions should be based on understanding the unique profile of these hippos who have now inhabited Colombia for over 30 years.

## Problem Statement

African hippos were smuggled into Colombia by Pablo Escobar in the 1980s for his private zoo at the Hacienda Nápoles in Doradal in the Antioquia department. The population has grown from four (one male and three females) to estimates of nearly 100. However, at this time there is no accurate and official census of their numbers or geographic range.

There are no definitive studies on the Colombian hippo population in the ecosystem they inhabit, including their potential impact on the flora and fauna of the region. Additionally, there are no studies on their genetics, parasitology, behavior, reproduction, metabolism, economic impact, and other essential information for formulating a comprehensive, long-term approach that would lead to a successful managed intervention—defined as one that will address the concerns and desires of all stakeholders.

Even fears expressed by some about the potential danger Colombian hippos could represent to humans are based on the reputation African hippos have as being extremely dangerous. There is only one record of a hippo attack on a human in Colombia under odd circumstances. The local community leaders state that hippos do not demonstrate aggressive behavior against animals and people in the area, in spite of their close coexistence in these communities.

Using statistical models, some scientists estimate that the population could grow to more than 1,000 hippos in the next twenty years. Hippos are known as ecosystem architects and the growing population could have an impact on the environment in ways that have yet to be determined. This potential impact is not yet apparent in the Magdalena Medio ecosystem due to its large size and the small number of hippos currently occupying it.

Only two scientific studies use field data directly from Colombia's hippos. These are, "Effects on the Ecosystem of the Largest Invasive Animal in the World", by Jonathan Shurin; and "Potential Ecological and Socioeconomic Effects of a New Introduction of Megaherbivores: the Hippopotamus in Colombia", by Amanda Subalusky. The conclusions of both studies are that more information is needed to determine the impacts and consequences that these animals generate.

For local citizens living in Puerto Triunfo, Puerto Berrio and other communities in the Magdalena Medio region, the hippos represent peace and prosperity. They have brought economic and social development from tourism to this region, which is a former conflict zone that suffered intense violence for decades. Now it is a thriving tourist destination, thanks to the large number of people who visit in search of experiences viewing wildlife and hippos in nature. Local community members appreciate the positive change these animals have brought to their region, their lives, and their livelihoods.

Recent media on "Pablo Escobar's cocaine hippos" and a scientist's recommendation to cull up to 30 hippos a year has drawn worldwide attention to Colombia's plight with hippos. The culling proposal has raised concern with many Colombians, who reject the idea of putting any hippos to death. And it has especially alarmed the communities living with the hippos, as the local citizens are deeply dedicated to protecting the flora and fauna of their beautiful region in which the hippos are now fully integrated.

The lack of a comprehensive, long-term humane management program for the Colombian hippos means that their population growth will continue unchecked. And there are growing concerns, expressed

recently by locals, that there is evidence that the controversy over culling the hippos appears to have prompted the theft and sale of hippo babies, which could be promoting an insipient issue somewhere else in Colombia, if other private zoos are being created with offspring of the Magdalena Medio population.

Today, the Colombian hippo population is still small enough to allow for a comprehensive and methodical fertility management program that humanely reduces their numbers over time, and can satisfy all stakeholders without serious controversy. Conversely, if unsystematic or controversial approaches are undertaken because of political pressure to “do something now”, this moment of opportunity to begin the process of achieving success and sustainability will be lost.

## **Background**

As soon as the Animal Balance board approved accepting Colombian hippo fertility control as a project, AB contacted David Echeverri, CORNARE biologist, and signed a letter of intent with CORNARE to formulate and carry out a multi-year hippo population management plan that is effective, affordable, humane and supported by the people of Antioquia and Colombia as a whole.

Fertility management of a group of animals is based on the public health concept of “herd immunity”. Generally, in order to reduce the rate of reproduction in the whole population, one must achieve a sterilization rate of 70% to 80%. Knowing that approximately half of the hippos live in the municipality of Doradal in a semi-managed state, and that it is urgent to begin halting the rate of reproduction, we began researching the safest, most effective way to begin preventing reproduction in this population, while at the same time undertaking scientific and demographic studies of the hippos, working in collaboration with the local community, and experts and scientists both domestic and foreign.

First, we carried out a full review of surgical sterilization of hippos, its risks and costs. We consulted with veterans from CES who have performed a small number of hippo sterilizations. And sought advice from hippo experts from Africa, and from those who have experience with hippos in zoos. After a thorough review, we also discarded using surgical sterilization (vasectomy, castration, tubaligation and spays) as too challenging and costly, at least for the first phase of the project. The hippo anatomy, their size and amphibious nature make these surgical procedures too lengthy and dangerous for the hippos, and too costly because of the need to maintain them sedated for extended periods of time. A sophisticated, controlled environment is needed to perform these surgeries safely on the hippos.

We reviewed non-surgical immunocontraceptive options with megafauna experts, as these methods have been used successfully where surgical sterilization is not viable. Our wildlife fertility experts recommended beginning with the use of PZP (porcine zona pellucida) on females, as there is a successful history of its use on hippos in zoos. This immunocontraceptive, administered via a dart gun injection, has been found to make female hippos sterile up to eight months before the injection needs to be repeated (and we have just been informed that a new, longer-acting PZP will be available soon). By using this approach in the first phase, there would be an immediate impact on reducing/halting reproduction, while not disturbing the male dominance/behavior patterns of the whole population of hippos (as could happen with surgical or non-surgical sterilization of males).

This approach allows time for beginning the demographic, ecological and scientific studies of the unique population of Colombian hippos, in order to formulate a long-term management approach and

enlightened sustainable laws and policies that take into account the wellbeing of the communities living with the hippos, and of the region's flora, fauna and ecology.

## Conclusion

Everyone can agree that reducing the birthrate of the Colombian hippos is urgent. And that it must be done in a safe, humane and measured way, so that the program is not halted and paralyzed by an outcry from the people of Antioquia, Colombia, and the international community. By beginning now on a disciplined, science and community-based multi-year strategy, Colombia can demonstrate to the world, that these animals who have helped bring peace and prosperity to this former conflict zone, can continue to do so into the future in a sustainable way.

Animal Balance has developed a low-cost, effective and humane blueprint that can begin to be implemented in October 2021, in collaboration with CORNARE, and community leaders where the hippos live. Assisting would be members of the advisory council we formed, who are preeminent megafauna/hippo experts, scientists, veterinarians and animal capture specialists. Our vision is to begin the program with the help of our international experts, while at the same time recruiting Colombian scientists, social scientists, graduate students and local community members to participate, so that the program becomes a Colombia-based program over time.

We have received a commitment for PZP at no cost from the Science and Conservation Center in Montana, USA, who produces it (along with a volunteer who would travel to Colombia to formulate it); and have recruited megafauna experts who will volunteer for this program. Additionally, we are seeking grant funding from international foundations. David Echeverri at CORNARE has promised in-kind donations of staff and supplies for making a hippo enclosure in Doradal, and for helping with our interventions. We have also received donations of microchips, drones and field cameras that will help track the hippos, in order to better understand their behavior and geographical range.

The plan for the first intervention is for Animal Balance to work in collaboration with Dr. Shurin and other scientists to begin the long process of directly studying Colombian hippos at the Hacienda Napoles, while applying the first doses of PZP. At the same time, we will continue to identify local citizens who can help with systematic tracking of the hippos living in the Magdalena and its tributaries.

The first intervention on the Napoles hippos will require capturing them and sedating them for no more than 15-20 minutes. During this time, Animal Balance will apply the PZP to females and insert microchips. At the same time, Dr. Shurin will be placing GPS tracking bracelets on the hippos; while members of the megafauna veterinary team will take skin and fecal samples in order to study the hippos' DNA, parasitology, etc.

We will also experiment with simple methods of excluding hippos from areas where they are not welcome, as on some fincas along the river, based on advice from experts who have used various low-cost methods with success (such as shade cloth barriers).

The processes we develop during the first intervention and the information we gather over time will inform the monitoring and management approaches we establish, as a foundation for the ongoing management of the Napoles population. They will also allow us to develop successful approaches for addressing the feral hippo population living in the rivers, who do not return to Napoles.

Succesfully introducing a humane method to address Colombian hippo population growth will allow the citizens of Antioquia and Colombia to develop unique policies and laws that will protect the sustainability of the Magdalena Medio, its human and non-human inhabitants, and the values of the people of Colombia.

The mission of Animal Balance is to create and provide humane animal management programs where conflicts occur between people, wildlife, and domestic animals. The most ethical, logical and effective solution to these conflicts is the gradual reduction of the population of animals that generates the conflict. We are eager to use our 17 years of experience working with communities around the world to undertake this unique project. We pledge to bring the same level stewardship to the complex human and ecological issues facing Colombia that we have to our Galapagos Islands program, which we started in 2004, and for which we continue to provide resources and consultation. We hope that we will be allowed to bring to bear the resources, expertise and our community-based model to supporting the resolution of this complex issue.

## References

Jonathan B. Shurin Nelson Aranguren-Riaño Daniel Duque Negro David Echeverri Lopez Natalie T. Jones Oscar Laverde-R Alexander Neu Adriana Pedroza Ramos, (2020) Ecosystem Effects of the World's Largest Invasive Animal, Helen Bailey

Subalusky, A., Anderson, E., Jiménez, G., Post, D., Lopez, D., García-R., S., . . . Jiménez-Segura, L. (2021). Potential Ecological and Socioeconomic Effects of a New Introduction of Megaherbivores: the Hippopotamus in Colombia. *Oryx*, 55 (1), 105-113. doi: 10.1017 / S0030605318001588

# Exhibit 2

Bogotá, D.C. [Capital District], May 5, 2021

Dr.

**MOISÉS RODRIGO MAZABEL PINZÓN**

Honorable Justice

Section One

Subsection "B"

Cundinamarca Administrative Court

Diagonal 22 B (Av. la Esperanza) 53-02

E-mail: [rmemorialessec01tadmcun@cendoj.ramajudicial.gov.co](mailto:rmemorialessec01tadmcun@cendoj.ramajudicial.gov.co)

Bogotá, D.C.

**Re:** Submission of Work Plan Proposed by Animal Balance.

**Cause No.** 25000234100020200044400

**Presiding Justice:** MOISÉS RODRIGO MAZABEL PINZÓN

**Attorney:** Luis Domingo Gómez Maldonado.

**Collective Rights Affected:** Enjoyment of a Healthy Environment and Existence of Ecological Equilibrium.

I, **LUIS DOMINGO GÓMEZ MALDONADO**, in my capacity as attorney in the above-captioned matter, acting on behalf of the interests of approximately one hundred (100) hippopotamuses who live in the Magdalena River, hereby submit to Your Honor the Work Plan drafted by the organization Animal Balance titled, "**MANAGING THE FERTILITY OF THE COLOMBIAN HIPPOPOTAMUS: Achieving long-term success with a low-cost humane strategy.**"

This work plan submits for consideration by Your Honor the availability of the financial, specialized human and scientific resources channeled by the NGO to resolve the conflict resulting from the presence of the hippos in the middle basin of the Magdalena River. These resources are particularly valuable in light of the fact that they represent a valuable contribution by civil society, where resources are being pledged, principally from abroad, in efforts that unquestionably bolster a comprehensive solution and enable the protection of the lives of the hippos. The plan concludes:

Everyone can agree that reducing the birthrate of the Colombian hippopotamuses is urgent, and that this must be done in a safe, humane and measured fashion to ensure that the program is not halted and paralyzed by an outcry from the citizens of Antioquia, Colombia, and the international community. By beginning today with a disciplined, scientific and community-based multi-year strategy, Colombia can show the world that these animals, who have helped bring peace and prosperity to this former conflict zone, can continue to do so in the future in a sustainable fashion.

Animal Balance has developed a low-cost, effective and humane blueprint that could begin implementation in October 2021, in a joint effort with CORNARE [Regional Autonomous Corporation of the Negro and Nare River Basins] and the leaders of the communities where the hippos live. It includes the involvement of members of the advisory council that we formed, comprising distinguished megafauna/hippo experts, scientists, veterinarians and

animal capture specialists. Our vision is to launch the program with the help of our international experts, while at the same time recruiting Colombian scientists, social scientists, graduate students and members of the local community to ensure their participation, so that the program will become based in Colombia over time.

We have received a commitment to obtain the PZP at no cost from the Science and Conservation Center in Montana, USA, which produces it, along with a volunteer who would travel to Colombia to formulate it, and we have recruited megafauna experts who have volunteered to become part of this program. We are also seeking grants from international foundations. David Echeverri of CORNARE has promised in-kind donations of staff and supplies for building an adequate enclosure for managing the hippos in Doradal and to assist us in our interventions. We have also received donations of microchips, drones and field cameras that will help track the hippos in order to gain a better understanding of their behavior and geographical range.

The plan for the first intervention is for Animal Balance to work together with Dr. Shurin and other scientists to begin the prolonged process of direct study of the Colombian hippos in Doradal, while administering the first doses of PZP. At the same time, we will continue identifying the local citizens who can help with the systematic monitoring of the hippos who live in the Magdalena River and its tributaries.

The first intervention involving the hippos of Hacienda Napoles entails capturing them and sedating them for 15-20 minutes at most. During this time, Animal Balance will administer PZP to the females and will insert microchips. At the same time, Dr. Shurin will place GPS tracking bracelets on the hippos, while members of the megafauna veterinarian team will take skin and fecal samples in order to study the hippos' DNA, parasitology, and other aspects.

We will also experiment with simple methods of excluding hippos from areas where they are not welcome, such as some of the properties along the river, relying on the advice of experts who have successfully used several low-cost methods in that regard (such as shade cloth barriers).

The processes we will implement during the first intervention and the information we gather over time will inform the monitoring and management approaches to be undertaken and serve as a basis for the ongoing management of the Napoles population. These will also enable us to develop successful approaches for addressing the feral hippo population living in the rivers and who do not return to Napoles during any season.

The successful introduction of a human method to address the growth of the Colombian hippo population will allow the citizens of Antioquia and Colombia to develop unique policies and laws to protect the sustainability of the middle Magdalena River, its human and non-human inhabitants, and the values of the Colombian people.

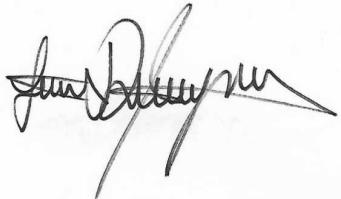
The mission of Animal Balance is to create and provide humane animal management programs where conflicts occur among people, wildlife and domestic animals. The most

ethical, logical and effective solution to these conflicts is the gradual reduction of the population of animals who generate the conflict. We are looking forward to applying our 17 years of experience working with communities around the world to undertake this unique project. We pledge to bring the same level of stewardship to the complex human and ecological problems facing Colombia as we have shown in our Galapagos Islands program, and are willing to contribute resources, expertise and our community-based model to support a solution to this complex issue.

For this reason, we ask Your Honor to take this Work Plan under consideration and, if necessary and in due course during the proceedings, to request that the NGO Animal Balance provide testimony, through its founder and director, **EMMA CLIFFORD**, a resident of Portland, Oregon USA, who can be contacted at [clifford@animalbalance.org](mailto:clifford@animalbalance.org) and at +1-541-306-8955, or in Colombia through **ISABEL CRISTINA GUERRERO NAUDÍN**, who can be contacted at [isanaudin@animalbalance.org](mailto:isanaudin@animalbalance.org) and at cell number 312-895-2807.

I am attaching the Work Plan dated 05/01/2021, on six (6) sheets of paper.

Respectfully submitted,



LUIS DOMINGO GÓMEZ MALDONADO



Christina Courtright  
ATA-Certified Translator

October 12, 2021

To Whom It May Concern:

I, Christina Courtright, translated the attached document from the Spanish into the English language.

I am not a relative, friend or associate of the interested party.

I am certified as a Spanish-English translator by the American Translators Association with certification number 482640, which may be verified at the link noted on my ATA stamp below. I am also certified as a Spanish->English Court Interpreter by the Supreme Court of the State of Indiana and the Administrative Office of the US Courts.

As a competent translator of legal documents from Spanish into English, I hereby attest that the attached translation is a true, complete, and accurate English-language representation of the Spanish-language original, to the best of my knowledge and ability.

*CE Courtright*

Christina Courtright  
ATA-Certified Translator



Verify at [www.atanet.org/verify](http://www.atanet.org/verify)

Bogotá, D. C., 5 de mayo de 2021

Doctor

**MOISÉS RODRIGO MAZABEL PINZÓN**

Honorable Magistrado

Sección Primera

Subsección "B"

Tribunal Administrativo de Cundinamarca

Diagonal 22 B (Av. la Esperanza) 53-02

Correo electrónico: [rmemorialessec01tadmcun@cendoj.ramajudicial.gov.co](mailto:rmemorialessec01tadmcun@cendoj.ramajudicial.gov.co)

Bogotá, D. C.

**Ref:** Allega Plan de Trabajo propuesto por Animal Balance.

**Radicado:** 25000234100020200044400

**Magistrado Ponente:** MOISÉS RODRIGO MAZABEL PINZÓN

**Accionante:** Luis Domingo Gómez Maldonado.

**Derechos colectivos involucrados:** Goce de un Ambiente Sano y la existencia del equilibrio ecológico.

**LUIS DOMINGO GÓMEZ MALDONADO**, en mi condición de accionante dentro del asunto de la referencia, actuando como representante de los intereses de los cerca de cien (100) Hipopótamos que viven en el Magdalena allego a su Honorable Despacho el Plan de Trabajo elaborado por la Organización Animal Balance titulado **"GESTIÓN DE LA FERTILIDAD DEL HIPOPÓTAMO COLOMBIANO Lograr el éxito a largo plazo con una estrategia humana y de bajo costo"**

Con el presente plan de trabajo se pone en consideración del Despacho la disponibilidad de recursos económicos, humanos especializados y científicos, canalizados por la ONG, para resolver el conflicto por su presencia en la cuenca media del Rio Magdalena, especialmente valioso teniendo en cuenta que es un apoyo valioso procedente de la sociedad civil y donde se están comprometiendo esfuerzos procedentes principalmente de origen extranjero, esfuerzos que sin duda suman a la solución integral y que permite salvaguardar la vida de los Hipopótamos, el Plan concluye:

Todos pueden estar de acuerdo en que es urgente reducir la tasa de natalidad de los hipopótamos colombianos. Y que debe hacerse de manera segura, humanitaria y mesurada, para que el programa no se detenga y paralice por un clamor de los antioqueños, colombianos y de la comunidad internacional. Al comenzar ahora con una estrategia disciplinada, científica y comunitaria de varios años, Colombia puede demostrarle al mundo que estos animales que han ayudado a traer paz y prosperidad a esta antigua zona de conflicto, pueden continuar haciéndolo en el futuro de forma sostenible.

Animal Balance ha desarrollado un plan de bajo costo, efectivo y humanitario que puede comenzar a implementarse en el octubre de 2021,

en colaboración con CORNARE y los líderes comunitarios donde viven los hipopótamos. Asistirán miembros del consejo asesor que formamos, que son expertos, científicos, veterinarios y especialistas en captura de animales destacados en megafauna/hipopótamos. Nuestra visión es comenzar el programa con la ayuda de nuestros expertos internacionales, y al mismo tiempo reclutar a científicos, científicos sociales, estudiantes graduados y miembros de la comunidad local colombianos para que participen, de modo que el programa se convierta en un proyecto con sede en Colombia con el tiempo.

Hemos recibido un compromiso para obtener el PZP sin costo del Centro de Ciencia y Conservación en Montana, EE. UU., quien lo produce (junto con un voluntario que viajaría a Colombia para formularlo); y hemos reclutado a expertos en megafauna que se ofrecen como voluntarios para este programa. Además, buscamos subvenciones de fundaciones internacionales. David Echeverri de CORNARE ha prometido donaciones en especie de personal y suministros para hacer un adecuado encierro para el manejo de hipopótamos en Doradal y para ayudar con nuestras intervenciones. También hemos recibido donaciones de microchips, drones y cámaras de campo que ayudarán a rastrear a los hipopótamos, con el fin de comprender mejor su comportamiento y alcance geográfico.

El plan para la primera intervención es que AB trabaje en colaboración con el Dr. Shurin y otros científicos para comenzar el largo proceso de estudiar directamente a los hipopótamos colombianos en la Doradal, mientras se aplican las primeras dosis de PZP. Al mismo tiempo, continuaremos identificando a los ciudadanos locales que puedan ayudar con el seguimiento sistemático de los hipopótamos que viven en el Magdalena y sus afluentes.

La primera intervención en los hipopótamos de Nápoles requerirá capturarlos y sedarlos durante no más de 15-20 minutos. Durante este tiempo, AB aplicará el PZP a las hembras e insertará microchips. Al mismo tiempo, el Dr. Shurin colocará brazaletes de rastreo GPS en los hipopótamos; mientras que miembros del equipo veterinario de la megafauna tomarán muestras de piel y heces para estudiar el ADN de los hipopótamos, parasitología, etc.

También experimentaremos con métodos simples para excluir a los hipopótamos de áreas donde no son bienvenidos, como algunas de las fincas a lo largo del río, basándonos en el consejo de expertos que han utilizado con éxito varios métodos de bajo costo (como barreras de tela de polisombra).

Los procesos que desarrollemos durante la primera intervención y la información que recopilemos a lo largo del tiempo, informarán los enfoques de monitoreo y manejo que establezcamos, como base para el manejo continuo de la población de Nápoles. También nos permitirán desarrollar

enfoques exitosos para abordar la población de hipopótamos salvajes que viven en los ríos y que no regresan a Nápoles en cualquier temporada.

La introducción exitosa de un método humano para abordar el crecimiento de la población de hipopótamos colombianos permitirá a los ciudadanos de Antioquia y Colombia desarrollar políticas y leyes únicas que protegerán la sostenibilidad del Magdalena Medio, sus habitantes humanos y no humanos, y los valores del pueblo colombiano.

La misión de Animal Balance es crear y proporcionar programas humanitarios de manejo de animales donde ocurren conflictos entre personas, vida silvestre y animales domésticos. La solución más ética, lógica y eficaz a estos conflictos es la reducción paulatina de la población de animales que generan el conflicto. Estamos ansiosos por utilizar nuestros 17 años de experiencia trabajando con comunidades de todo el mundo para emprender este proyecto único. Nos comprometemos a brindar el mismo nivel de administración a los complejos problemas humanos y ecológicos que enfrenta Colombia, que hemos demostrado con nuestro programa de las Islas Galápagos, en que estamos dispuestos a aportar los recursos, la experiencia y nuestro modelo comunitario para apoyar a la solución de este complejo problema.

Por tal razón solicito a su Señoría tener en cuenta el Plan de Trabajo y, de ser necesario, en el momento procesal que lo considere pertinente, se requiera a la ONG Animal Balance a través de su fundadora y Directora **EMMA CLIFFORD** a quien se le puede contactar a través del correo y [clifford@animalbalance.org](mailto:clifford@animalbalance.org) y al número +1(541)3068955 y residente el Portland OR, EE. UU., en Colombia a través de **ISABEL CRISTINA GUERRERO NAUDÍN** a quien se le puede contactar al correo electrónico [isanaudin@animalbalance.org](mailto:isanaudin@animalbalance.org) y al número celular 3128952807.

Allego el documento Plan de Trabajo fechado 01/05/2021, en seis (6) folios.

Atentamente,



**LUIS DOMINGO GÓMEZ MALDONADO**