



Darwin being weaned off human contact as trial continues



Yasmin Nakhuda stands with supporters outside a Toronto Animal Services office on Wednesday, Dec. 19, 2012, as she rallies support for the return of her monkey Darwin. (The Canadian Press/Chris Young)The Canadian Press

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OSHAWA, Ont. -- Darwin the Ikea monkey is being weaned off human contact at the primate sanctuary where he has been housed for the past six months as the woman who calls herself his "mom" fights in court to get him back.

The Japanese macaque escaped from a locked crate in Yasmin Nakhuda's car in December while she was shopping at an Ikea store in Toronto. He was scooped up by Toronto animal services and sent to Story Book Farm Primate Sanctuary in Sunderland, Ont., where he has been ever since.

Nakhuda -- a real estate lawyer -- alleges the animal services officers tricked her into signing a form that surrendered her ownership of Darwin and has sued the sanctuary to get him back.



A small monkey wearing a winter coat and a diaper exits an IKEA in Toronto on Sunday Dec. 9, 2012. The monkey let itself out of its crate in a parked and went for a walk. The animal's owner contacted police later in the day and was reunited with their pet, police said. (Bronwyn Page / The Canadian Press)

The trial heard Monday from sanctuary founder Sherri Delaney, who said that Darwin has needed extra care since he was treated like a baby. Sanctuary volunteers have been providing Darwin with human contact, but they are trying to transition him away from a bond with Nakhuda, court heard.

"Darwin was treated like Ms. Nakhuda's son and although that might not be a problem right now, it will be a problem as he grows up when he gets older and his testosterone kicks in," Delaney testified.

"So we transition the humans out of his life a little bit more...so that he learns to be a monkey."

But the trial is not about who loves Darwin or who can better care for him -- rather, it is a lawsuit for recovery of personal property.

An animal services officer testified Monday that Nakhuda voluntarily signed a form surrendering her ownership of Darwin. But she has said that she thought that by signing the form she was temporarily surrendering Darwin so public health tests could be conducted on him.

She only signed the form because the animal services officers threatened her with criminal charges and said the only way they would let her see Darwin one last time was if she signed the form, she said.

David Behan, who has been an animal services officer for 28 years, testified that he never mentioned criminal charges, though he conceded that "maybe" something he explained to Nakhuda got her to sign the form.

Nakhuda had rushed to Toronto animal services to claim the monkey she says is like her son, only to sign a form surrendering her ownership of him. She clearly didn't want to give him up, so something Behan said must have changed her mind, her lawyer Ted Charney suggested.

It's illegal to have a pet monkey in Toronto, and while Behan had dealt with other prohibited animals before, he had never encountered such a situation involving a monkey, so he needed direction from his supervisor, he testified.

"My supervisor said, 'First ask if she'll surrender the animal to us,'" Behan said. "I asked her openly if she would surrender the animal to us and she said yes."

Surely it wasn't as simple as that, Nakhuda's lawyer said.

"If you had just shown up in the room with the form and said, 'Ms. Nakhuda, please sign this form,' she would have never signed the form," Charney said. "You had to say more to her than, 'Please sign the form' in order for it to happen."

Behan agreed that he told Nakhuda that Darwin was a prohibited animal and she couldn't keep him in Toronto, he testified. He was not clear on all of the legalities surrounding prohibited animals, but his supervisor previously testified that there was no authority under the bylaw for animal services to detain Darwin.