

Darwin the Ikea Monkey: Animal control officers testify

Trial for custody of the Ikea monkey continues in Toronto courtroom after a week-long break.



BERNARD WEIL / TORONTO STAR

Yasmin Nakhuda is suing for custody of Darwin, known as the Ikea monkey.

By: Laura Kane News reporter, Published on Mon Jun 10 2013

Darwin the Ikea monkey is growing into a strong, powerful animal – perhaps no longer a sweet “baby boy” as his former owner once described him, court heard Monday.

Sherri Delaney, president and owner of Story Book Farm primate sanctuary, testified that when the seven-month-old Japanese macaque first arrived at the sanctuary in December, his muscles were underdeveloped from being leashed and his hair was thin from wearing clothing.

Now, he has sprouted a thick coat of hair and is growing stronger by the day, Delaney testified. “I see a bit of a toddler, rather than a baby as he was when he first arrived,” she said with a slight smile.

Darwin was transferred to the sanctuary Dec. 10, a day after being captured roaming an Ikea parking lot in a shearling coat. His former owner and self-proclaimed “mother,” Yasmin Nakhuda, is suing the sanctuary to get him back.

Although the sanctuary’s lawyer, Kevin Toyne, made clear in his opening remarks that the case is not about who is best able to care for Darwin, but rather about who is able to prove rightful ownership of him, Delaney’s testimony focused largely on the amenities offered by the sanctuary.

The Star’s requests to visit the sanctuary have been denied while the court case is underway. But Delaney testified Monday that Darwin has been staying in an enclosure that is at least six metres by six metres and spans an outdoor and indoor area. It has a swimming pool, tunnel, toys, monkey bars and a swing, she said.

Although Darwin is staying alone for the duration of the lawsuit, Delaney said that he is observing other monkeys in nearby enclosures and mimicking their behaviour.

The sanctuary is transitioning him away from human contact slowly that “he learns to be a monkey, to be an animal, which is what he is,” she said, adding that if it wins the lawsuit, Darwin will be allowed to interact with other monkeys.

“Darwin was treated like Ms. Nakhuda’s son. Although that might not be a problem now, that will become a problem later when he grows up and his testosterone kicks in,” said Delaney.

Delaney also testified that during the height of the media frenzy over Darwin, she received death threats and even one threat to burn down the sanctuary.

On Monday, she told reporters that some of Nakhuda’s supporters had been barred from entering the courtroom because they had filmed and took photos of her in court the previous week and uploaded the photos to Facebook.

One of Nakhuda’s most fervent supporters, Christina Sobolak, said she arrived at the courthouse Monday and was told she was not allowed to enter. She denied photographing Delaney and said that she and several others were being framed.

“I don’t know what pictures were taken, where they were posted or even if they exist,” she said. “I’ve done nothing wrong.”

The court also heard Monday from David Behan, the animal control officer who has been the subject of Nakhuda’s claim that she was “tricked” into signing a surrender form under the false impression it was a document transferring Darwin for disease testing.

Behan, who has 28 years’ experience, testified that Nakhuda voluntarily signed the form after he merely told her that it was illegal to own a monkey in Toronto and that there could be “more

serious repercussions.” He did not know what the repercussions could be under provincial law, so did not elaborate to Nakhuda, he said.

He testified that he had no experience dealing with monkeys and called a supervisor, Carl Bandow, for guidance. Bandow, who testified earlier in the trial, told him to see if Nakhuda would sign the monkey over, he said.

“I asked her openly if she would surrender the animal over to us and she said yes,” he testified.

He flatly denied threatening her with criminal charges or misleading her about the meaning of the form, two claims she made repeatedly in her earlier testimony. He said that he read to her the wording of the form itself.

The form, clearly signed by Nakhuda, reads: “I agree by signing this document that, to the best of my knowledge, the animal(s) specified above has (have) NOT bitten anyone within the last ten (10) days. I also agree that the final disposition of the animal(s) specified above shall be at the discretion of Toronto Animal Services.”

Behan acknowledged under questioning by Nakhuda’s lawyer, Ted Charney, that he did not explicitly state that the animal would become the “property” of Toronto Animal Services once she signed. He also said that it was possible that he said something that encouraged Nakhuda to sign the form.

Both Behan and another animal control officer, Joseph Fiorillo, testified that Nakhuda was “emotional” when she arrived at Toronto Animal Services shortly after losing Darwin at Ikea and that she intended to get her monkey back.

Behan testified that sometimes animal control officers do return exotic pets, such as pythons or boas, to their owners even after they sign surrender forms. Asked why that did not happen in this case, he said it was a supervisor’s decision to make.

Fiorillo testified that he was surprised when Nakhuda signed the surrender form. “She was very upset . . . (She and her husband) wanted the monkey back.”

The trial will hear further testimony from Delaney and closing arguments Tuesday.