

Who will keep Ikea monkey Darwin over the holidays?

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A judge is expected to hand down a decision tomorrow on whether Darwin, the so-called Ikea monkey, should be returned to his Toronto owners for the holidays.

Yasmin Nakhuda has gone to court to try to bring Darwin back to her home and family.

The real-estate lawyer alleges Darwin was illegally taken from her by Toronto Animal Services, after it was found earlier this month running loose outside an Ikea store.

The monkey has since been brought to a primate sanctuary in Sunderland, Ont., about 100 kilometres northeast of Toronto.

The CBC's Jeff Semple tweeted Thursday morning that the two sides agreed to adjourn the case until the new year.

But they were arguing over who gets to keep Darwin over the holidays. The judge said Thursday he will make that decision Friday morning.

Family members suffering anxiety

Nakhuda's lawyer, Ted Charney, told the court that his client and one of her sons have been suffering anxiety since being separated from Darwin.

He said that Nakhuda has been denied access to Darwin by the sanctuary where he has been living in recent days, which is breaking down the monkey's bond with her.

"The longer she goes without seeing Darwin, the more likely Darwin will lose his bond with the family," Charney said.

"That's why she's been denied access.... By the time the trial happens, the bond is going to be broken."

Charney said the sanctuary offered Nakhuda a 30-minute visit on Tuesday, but with strict conditions, including a police search, chaperoning by sanctuary officials and police, and a ban on physical contact with Darwin.

With such restrictions in place, the visit would not allow Nakhuda and Darwin to bond, Charney said, adding it would not be right if the bond is lost by the time the monkey is ultimately returned.

"If property is going to be returned to the plaintiffs, the property should be in the same condition," he said.

A lawyer for the sanctuary argued in court Thursday that Darwin is a wild animal and the monkey belongs in the wild.

Instant fame

The Japanese macaque was taken by animal services after it was found outside a north Toronto Ikea store on Dec. 9. Darwin had escaped from a crate inside a locked car while Nakhuda was inside shopping.

City officials fined Nakhuda \$240 for violating a municipal code for keeping a prohibited animal. Nakhuda argues in her statement of claim that she signed over ownership of the monkey to animal services under threat of criminal charges. Her claim has not been proven in court.

Darwin's story became an online and media sensation in part because he was photographed wearing a shearling-type coat at the time of his escape. Pictures of the stylish primate circulated around the world almost instantly and became fodder for late-night talk show hosts. The Guardian, a U.K. newspaper, even made mention of Darwin in a year-end story about fashion.

But Nakhuda insists the story is not a comedy, and that she and Darwin share a close bond that is now severed.

Owner confident about case

About two dozen protesters gathered outside the offices of animal services on Wednesday, holding signs saying "Free Darwin Now."

Nakhuda, a real estate lawyer, told CBC News she believes the court will rule that Darwin's seizure was not legal.

"We're pretty confident," she said. "I've spoken to a number of people in the legal community and they agree there's no statute allowing the city to take an animal away based on these circumstances. Hopefully, based on the law, the judge will decide that Darwin should be returned to his rightful owner."

Prior to Thursday's court appearance, Nakhuda also said she misses the monkey and wants to have him back for the Christmas holidays.

"I had bought his Santa Claus and Christmas dress and his bowtie for the New Year ... but he is not here right now to wear it."

Nakhuda said that if she gets Darwin back, she plans to move two hours east to Kawartha Lakes, where there is no ban on monkeys.