

## Ikea 'monkey mom' says she was tricked into surrendering pet to animal services

BY ALLISON JONES, THE CANADIAN PRESS JANUARY 31, 2013



Yasmin Nakhuda and her 11-year-old son leave an Oshawa courthouse on Friday, December 21, 2012 after she was denied custody of her famed monkey Darwin. An Ontario judge has ruled Darwin will spend Christmas at the primate sanctuary where he's been staying since he was found wandering an Ikea parking lot. THE CANADIAN PRESS/Michelle Siu

TORONTO — The lawyer for a woman trying to get back a Japanese macaque known as the Ikea monkey says she was tricked into surrendering it to animal services.

Yasmin Nakhuda, the self-professed "Monkey Mom," went to animal services to get Darwin back that day but ended up signing a surrender form.

Animal services then sent Darwin to the Story Book Farm Primate Sanctuary in Sunderland, Ont., where he has resided ever since.

Nakhuda's lawyer, Ted Charney, is arguing in court that animal services wrongly told her that once they seized the monkey they owned him and she had to sign the surrender form.

An Ontario Superior Court judge in Oshawa is deciding where Darwin should live until the case can be fully heard at a trial. After an interim motion in December the judge ruled that Darwin would stay at the sanctuary for the time being.

Nakhuda maintains she signed the surrender form because she was told that if she did she would not face criminal charges for owning an illegal animal.

One of the officers gave evidence in advance of Thursday's hearing that he suggested there could be repercussions for Nakhuda under provincial laws if she didn't sign a form surrendering Darwin.

Nakhuda — who refers to Darwin as her "monkid" — has become the target for much derision and scorn but also compassion.

She has posted numerous videos on YouTube of her cuddling in bed with Darwin, brushing her teeth with Darwin, at the gym with Darwin and changing Darwin's diaper.

Pictures and videos abound on a Facebook page of Darwin wearing overalls, polo shirts and his trademark coat, playing at her office, drinking from a baby bottle and splashing around in a bathtub.

Her newest video is a photo montage set to Phil Collins' song "Against All Odds." It ends with footage of Darwin wearing that famous coat, hopping up on a bed and over to Nakhuda, who hugs him.

The comments on that video speak volumes about how polarized — and acrimonious — the debate over Darwin has become.

"Wow. You people are seriously disturbed," reads the comment that received the most positive votes.

"She is not his mother...The pictures of that poor creature in clothing, being dressed up, moved around like some kind of toy is revolting. Let the monkey be a monkey."

Others, though, are far more sympathetic to Nakhuda and her fight to get the monkey back.

"My heart aches for what's being done to this family and to sweet little...Darwin," writes one user who says she cried watching the photo montage video. "The love between this woman and her baby is obvious. Stay strong Yasmin!!!"

The sanctuary has also taken to the Internet to boost support. It set up a fundraising campaign using pictures of Darwin and its website notes that Ikea Canada made a "generous contribution."

The debate rages in even hotter language over on the "Darling Darwin Monkey" Facebook page.

Supporters and opponents of Nakhuda trade barbs and long diatribes arguing over where the monkey belongs.

Nakhuda uses the Facebook page to directly hit back at some of the sanctuary's more incendiary allegations. In documents filed with the court in advance of Thursday's hearing the sanctuary alleges Nakhuda and her family "strangled" Darwin and otherwise mistreated him.

A video posted to the Facebook page shows Nakhuda bathing Darwin in the sink while holding him around the shoulders and neck. The post suggests that is what the sanctuary believes is choking.

The source of the sanctuary's allegations is not clear from its court documents.

Nakhuda appears particularly incensed that the sanctuary's allegations were directed at her two sons — aged 11 and 16 — as well as her.

"I can understand you throwing dirt on me," she writes on the Facebook page. "But you have gone too far. Accusing my children of animal cruelty and abuse??!! You are hereby being put on notice that you will be sued for slander and defamation."

Nakhuda's lawyer, Ted Charney, has previously said that those claims are an attempt to discredit his client. Anything can be claimed in such court documents, he said.

Darwin was biting the family to protect himself, which prompted them to make plans to have his teeth removed, the sanctuary also alleges. The sanctuary suggests animal cruelty laws were broken.

Charney recently interviewed the two animal control officers who got Nakhuda to surrender Darwin and said neither reported signs of abuse.

Nakhuda maintains that she signed a surrender form at animal services because she was told if she did she would not face criminal charges for owning an illegal animal. One of the officers gave evidence in advance of Thursday's hearing that he suggested there could be repercussions for Nakhuda under provincial laws if she didn't sign a form surrendering Darwin.

At the last court hearing in December, Nakhuda's husband suggested improprieties with the sanctuary's licence. Sanctuary lawyer Kevin Toyne said at the time that Brock Township, where the sanctuary is located, passed a bylaw in 2012 to deal with certain types of animals and the sanctuary was just waiting for its paperwork to be approved.

On Monday, the township issued the sanctuary a prohibited animals licence.

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