



## Ikea monkey to stay at sanctuary

BY [TERRY DAVIDSON](#), TORONTO SUN

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OSHAWA - The owner of Darwin the Ikea monkey will not be allowed to have her beloved pet primate home for the holidays.

The young macaque monkey that became a sensation after being found alone — and well dressed — in an Ikea parking lot earlier in December will remain at an animal sanctuary northeast of Toronto at least until the case to determine who will keep the animal comes up again in January, Justice Michael Brown ruled Friday.

The day before, lawyers representing owner Yasmin Nakhuda and her family asked Brown to allow Nakhuda to take Darwin home with her while the case is adjourned until the new year so that the bond between Nakhuda and the monkey could remain unharmed.

Nakhuda's lawyer, Ted Charney, had argued the Story Book Farm primate sanctuary placed "unreasonable" conditions on Nakhuda visiting Darwin, which included a search and police escort during the visits.

After Brown ruled Darwin would stay at the sanctuary during the adjournment, a wave of emotion hit the Nakhuda family.

Nakhuda's husband, Samar Khtoch, broke down and buried his head in his hands.

"And he calls himself a judge!" hissed Khtoch before Nakhuda placed an arm over his shoulder in an attempt to calm her irate spouse.

"There is no doubt that both the plaintiffs and the defendants have great affection for Darwin," said Brown, but added he must strike a "balance" of what is best for all who are involved with the case.

Darwin, he said, seemed to be doing fine at the sanctuary.

He also said his decision was based on the fact that all the evidence must be heard before it is decided where Darwin will live, and that "serious" issues must be tried. Brown did, however, say his decision was a "temporary" one until the case picks up in January, and that the conditions around Nakhuda's visits could be loosened.

Charney then proposed that Nakhuda be able to take Darwin home for the weekends. But after the sanctuary's lawyer, Kevin Toyne, said he is waiting to obtain e-mails that demonstrate possible animal abuse on the part of Nakhuda, Brown stuck with his original decision of visitation at the sanctuary only.

But in an odd twist, when Brown attempted to establish visitation conditions, Charney said Nakhuda and her family will decline to visit the monkey at all, as such short and restrictive visits would have a negative "psychological" impact on the animal.

Khtoch was beside himself with emotion outside the courthouse, insisting that Brown was "wrong" in his decision and began talking about Darwin as if he were a human child.

When asked what Toyne meant about possible abuse of the monkey, Khtoch shook his head.

"That's because they have nothing else to go on," Khtoch said.

Nakhuda had little to say as she left the building, covering her face with her hands as she rushed past reporters to a waiting SUV.

"This is not about me, this is about Darwin," she said.

Toyne said Nakhuda is free to change her mind about visiting Darwin at the sanctuary but that the conditions of a search, police escort and limited physical contact with the monkey are non-negotiable, citing concerns on the part of sanctuary staff for their safety.

When asked to specify, Toyne alleged threats had been made toward staff.

Toyne also noted that while Story Book Farm sanctuary is currently an unlicensed animal sanctuary, it has been working toward obtaining its certification after the Township of Brock recently enacted a bylaw that animal sanctuaries must have a licence.

"My understanding is there is no concern about (Story Book sanctuary) being in non-compliance," said Toyne. "The sanctuary provides excellent care for the primates that are there."

The case continues Jan. 31.