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‘American pie’

Disputes of two families from USA seeking to adopt Azeri girl resulted in launching criminal case under the control of the Prosecutor General’s Office and Ministry of national Security

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US State Secretary Colin Powell, senator Dick Durbin and other US officials were briefed about the situation concerning the couple Denis and Deiron Eddingtons who are currently in Azerbaijan. They came to Azerbaijan for the third time trying to take a child out of the country.

A couple whose visas expire today, 22 April, were left in Baku running out of money and without needed documents. Key Rayt, mother of Denis, repeatedly called US State Secretary Colin Powell to make him aware of the problem. It is already known that the problem was taken up by US senator Dick Durbin, according to State Journal, a US newspaper. It says that on Sunday Rayt called for some unspecified reason the US Embassy in Moscow but not in Baku. She explained the situation to diplomats and asked assistance in getting ‘her daughter and her husband home together with new daughter’.

State Journal wrote that Azeri procedures on adoption are quite simple. ‘Both of the parents have to visit Azerbaijan. The first trip ends with court’, says Wasath International Informational network on adoption. “Stay in Azerbaijan during first visit is very short, normally 3 days. The second trip to Azerbaijan is 7 days. Presence of one of the parents is required. Adoption takes place in Baku but the interview for visa is in Tbilisi”.

But as stated above the current visit is the third for Eddingtons. The first visit ended on 3 July last year when they learned that another family from USA was already adopting the child which Denis and Deyron wanted. But Azeri authorities told the couple to come in February anyway. They did as requested. They stayed in Baku for a week, signed all necessary documents for adoption’, said State Journal.

‘Azeri government requires 30 days of waiting period. Therefore Eddingtons went home and planned a visit to Baku for March. But their documents by that time were still not ready’. Denis and Deyron left for Azerbaijan on 4 April.

The paper says they reported ‘Before returning home with daughter, US Embassy in Moscow asked Eddingtons to send the documents the last time. The documents were sent from Azerbaijan to Moscow with Federal Express. The documents got lost’.

Meanwhile Eddingtons changed hotel in Baku because they made reservation for certain period and someone else needed their room. At the same time, according to State Journal, Denis got some infection, most probably ‘stomach bacillus’.

‘Only one positive thing happened with them, says Key Rayt. They met a man from their state who was in Baku on business. He paid their bills in hotel’. However, the case of the Eddingtons involves more revealing details which were told to Echo by Agalar Agashirinov, the advocate of law firm VIZA. As it appeared, Eddingtons are now cited in criminal case launched by Prosecutor general’s Office and Ministry of National Security on the issue of finding violations of legislation made during the adoptions from 2000 till 2003. The activity of all institutions that somehow are linked to the process of adoption is being looked into.

The Advocate informed Echo, that a letter from couple Tom and Carol Zelezny are also involved in the criminal case. In this letter the Americans recount facts constituting illegality, that occurred during the adoption procedures. The letter which was sent to MNS also lists names of those who demanded money from Zelezny for adopting the girl which they requested to adopt in November 2002.

As a result of all these violations, Zelezny’s were deprived of right to adopt the girl Sevinc Badalova, who was given after all to the Eddigtons by accused Azeri authorities. Advocate Agalar Agashirinov informed Echo that he is engaged in case of Zelezny since summer of 2003. At that time Zelezny’s US advocate, Barbara MacArtney contacted Agashirinov asking him to represent interests of her clients in Azerbaijan.

‘Carol and Tomas Zelezny had been in contact with Farida Kasimova, deputy chief of Baku Health Department of Ministry of Health, and orphanage in November-December 2002 requesting to adopt Sevinc Badalova. At that time they were advised to prepare the documents necessary for adoption in accordance with the legislation of Azerbaijan and USA. Once the documents were prepared and legalized by State Department of USA, on 3 March they were sent to the Embassy of Azerbaijan in USA through Assistant Stock, a courier company, and were delivered to consul Guseynov where they were authorized on 18 April 2003. On 22 April 2003 after the legalization of the documents in Azerbaijan Embassy in USA, Thomas Zelezny, who was in Baku was told that Sevinc Badalova at that time 2 years old was ‘reserved’ by the clients of Orson Mozes, attorney of Eddingtons’.

According to Agalar Agashirinov, Eddingtons did not have the legal right to adopt Sevinc Badalova because Zelezny addressed Azeri authorities long before Eddingtons did. The fact is confirmed by records of Assistant Stock. Zelezny's continued their action to adopt the child. On 25 April 2003 Thomas Zelezny together with advocate Agalar Agashirinov met with the consul of USA in Baku who promised to examine the case.

“On 13 May 2003 advocates in Baku informed that dossier of clients of Mozes was submitted to Ministry of Health of Azerbaijan on 6 May after legalization in Embassy of Azerbaijan in USA. It took place days after Zelezny's were approved in Azeri diplomatic representation. But, despite this, Zelezny's advocate, Barbara MacArthey found out, the dates of submission of documents of both families were illegally altered and both documents were falsely registered on the same day”.

According to Agashirinov, the advocate of Zelezny included all these details in the letter addressed to Mr Vann, representative of Department on Children's Issues of State Department. In May 2003, advocates of Zelezny submitted an application to Narimanov Court. The dossier of Mozes' clients was sent to court on 2 June 2003. In its turn, the consul of US Embassy in Azerbaijan sent a response to inquiry of US Congressman Bishop concerning the case of Zelezny, in which he underlined that ‘laws of Azerbaijan do not permit selection of a child before preparation and legalization of documents of potential parents’. Therefore, as the US consul confirmed, the legal right to adopt Sevinc Badalova belonged to Zelezny, says Agashirinov. Despite this “Eddingtons received permission on adoption of the girl on 23 February 2004, according to the decision of Narimanov Court which entered into force on 23 March 2004. The decision was illegal because the Narimanov Court headed by judge Agababa Babayev was addressed by Carol and Tomas Zelezny before the Eddington application”. By the way, as Agashirinov informed, interests of Eddingtons in Azerbaijan were represented by Rovshan Gadjiyev, representative of a well known American adoption agency Families Through International Adoption, on which Echo has repeatedly reported previously.

“Thomas and Carol Zelezny attempted to appeal to the Appeals Court but Narimanov district court would not accept their application and refuses to hear the case and make a ruling”. The advocate has called upon government bodies to act upon these facts. According to him the trustee of Eddingtons, Orson Mozes heads International Adoption Program Agency in USA. Despite his negative reputation there, he continues his work. For his services he charges certain fees. The fee is reflected in the contract which enters into force only after these or other clients sign it. Thus, for example, the first installment is 300 dollars. This fee is designed for helping clients to choose the country of future adoption. If the choice is Azerbaijan then next step is sending documents. Before this, potential parents are supposed to pay additional 550 dollars. Once the child is chosen, one has to pay 7575 dollars. Before the first trip 11 thousand should be paid. This sum covers trip to Azerbaijan, airport pick-up and guide. But this does not include hotel expenses. Hotel costs about 110 dollars per night. This price also does not include airfare for the child, medical services in Moscow, hotel in Moscow, as well as visa fee. “The

green card for the child is issued in USA Embassy in Moscow and only after this, one obtains the right to take the child to USA”, says the advocate.

The family of Zelezny refused to pay Mozes such amount of money and turned to advocate Barbara MacArtney who in her turn turned to Agalar Agashirinov. Should be mentioned that yesterday Echo contacted on Investigation Department on Heavy Crimes of Prosecutor’s Office in which criminal case on adoption was launched. This institution confirmed the information on launching criminal case but refused to give any further details. Echo also tried to contact on Farida Kasimova, deputy of Baku Health Department, but she appeared to be on leave. But in US Embassy we were informed that Eddingtons did not contact them at their arrival in Baku. They stated: “We don’t know anything about it”. Worth mentioning that yesterday in interview with Echo, Gular Ahmedova, deputy and head of Republic Children Organization, said that currently Prosecutor General’s Office is conducting investigation on illegal facts of adoption. By her words, the criminal case has indications the occurrence of corruption, bribery and abuse of power. MP underlined that by the results of investigation those found having relation to illegal adoption will be held responsible.

“Some officials of Azerbaijan linked to adoption are engaged in “covert affairs”. MP also said that representatives of Republic Children Organization also assist in fact finding concerning illegal adoption. “Only by the results of this investigation we can determine which gaps exist in the current legislation on adoption. For sure if they will be found, then parliament will have to discuss making amendments to the existing laws”, concluded the deputy.