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Human rights groups urge probe into death of Haitian in custody

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FORT LAUDERDALE, Fla. - (KRT) - Human rights groups on Wednesday joined prominent Haitian writer Edwidge Danticat in calling for an investigation into the death of her 81-year-old uncle, a pastor who died in federal custody after applying for political asylum, even though he was carrying a valid U.S. visa.

Family members said Joseph Dantica arrived at Miami International Airport on Oct. 29 and requested "temporary asylum" to escape thugs who ransacked his church and demanded he pay for the funerals of slain comrades. An immigration officer detained Dantica as part of the asylum-seeking process, the family said, despite his age and fragile health, and despite the fact that he was traveling on a multiple-entry visa.

The case prompted accusations that Dantica had fallen victim to an insensitive immigration system that failed at many turns to right itself. Dantica's son, Maxo, who traveled with him, said immigration authorities took the elderly man's medicine - he suffered from high blood pressure and an enlarged prostate - and promised to replace it with "an equivalent." He added that confusion arose when Dantica, who used a voice box, had difficulty making himself understood to a Creole-speaking translator.

After four days in detention, Dantica complained to his lawyer that he hadn't received his medicine, his son said. Moments later, during his "credible fear" hearing, he vomited and collapsed. He was eventually taken to Jackson Memorial Hospital, where family members weren't allowed to visit him. He died the next day.

A spokeswoman for the U.S. Department of Homeland Security, which oversees asylum cases, said Dantica had requested a "benefit," meaning asylum, that required him to be taken into custody. The department said in a statement Wednesday that Dantica "had in his possession a folk remedy (or poultice)," but no legitimate prescribed medication when he arrived in the United States.

"I want the people who are responsible for his death to be held accountable and that it doesn't happen to someone else," said Edwidge Danticat, the Miami-based author of "Breath, Eyes, Memory" and other critically acclaimed works about life in Haiti. "When they (immigration authorities) deal with immigrants who come here in despair, I think they count on our silence, on our not reacting."

The New York-based National Coalition for Haitian Rights and Florida Congressman Kendrick Meek also decried Dantica's detention and demanded an investigation into his death by the Justice Department, and by the inspector general of the Department of Homeland Security.

The U.S. government normally detains political asylum seekers when they enter the United States, even if they hold valid visas and passports. But legal experts said immigration officials had the authority to waive Dantica's detention given his age and health concerns. Such waivers are awarded on a case-by-case basis.

"It is unfortunate that Mr. Dantica died during the benefits application process and we understand his family's grief," the Department of Homeland Security statement said. It identified the cause of death as pancreatitis, adding, "There is no connection between the pre-existing terminal medical condition he had and the process

through which he entered the country."

Dantica's son, Maxo, said he had requested a copy of the autopsy report, and had been told he would have to wait four to six weeks to receive it.

The tragic episode began to unfurl in late October when Haitian police entered Dantica's church to look for gang members during a Sunday service. Then the police climbed onto the church's third-story roof for a better vantage point and shot dozens of rounds at gang members below. Haiti is still buffeted by political killings and street clashes after an armed uprising drove President Jean-Bertrand Aristide from office in February.

Later in the day, gang members visited the church to demand Dantica pay for the funerals of 15 fallen gunmen. The discussion grew aggressive, prompting Dantica to quickly gather his passport and a few clothes, and flee to a neighbor's home. Two days later, friends shuttled him to the airport disguised as a woman, and bundled him onto a flight for Miami.

Human rights lawyers faulted immigration authorities for making Dantica and his son wait in a hallway for 12 hours after their questioning at Miami International Airport. Family members who tried to reach him there were told he already had been sent to the Krome detention center for processing.

But rights advocates were most critical of the decision to detain Dantica in the first place.

"It's clear that for humanitarian reasons, especially in the case of an ill, 81-year-old minister, they did not have to jail him," said Eleanor Acer, director of the asylum program at the New York-based Human Rights First advocacy group. "There was no risk he would disappear or abscond."

Civil rights groups charge the Department of Homeland Security is detaining more and more asylum seekers in the wake of the Sept. 11 terror attacks, and that immigration officers increasingly consider a visa invalid once the holder seeks asylum, which in turn triggers immediate detention.

Danticat, the writer, remembered her uncle as a giving man who had worked as a tailor to bring his siblings from a small mountain village to better lives in the Haitian capital of Port-au-Prince. He had traveled more than a dozen times to the United States, especially when political violence erupted around his church and computer training center in the Bel Air neighborhood, but he had always returned home, she said. Unlike her uncle, Danticat uses a `t' at the end of her surname.

"I feel at every step this derailing could have been halted," she said. "I'm not sure he understood that if you say the word asylum, that means you're asking to stay here forever. I don't think he grasped the whole process."

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