

THE PRISONERS

Rumsfeld Supports Detaining Inmate With U.S. Citizenship

By KATHARINE Q. SEELYE

WASHINGTON, April 15 — Secretary of Defense Donald H. Rumsfeld contended today that the United States government's continued detention of an American-born prisoner who was captured in Afghanistan was justified, even though he had not been charged or given access to a lawyer.

Mr. Rumsfeld dismissed questions about the status of the prisoner, Yasser Esam Hamdi, as a "distraction," while civil liberties lawyers said Mr. Hamdi's detention was extremely unusual in the United States.

Mr. Hamdi, who apparently has dual citizenship with the United States and Saudi Arabia, was transferred from Afghanistan to the prison camp at Guantánamo Bay, Cuba, on Feb. 11. Two months later, the government determined that he probably had been born in the United States and flew him to a military base in Norfolk, Va., where he has been held in a brig while his case remains in legal limbo.

Mr. Rumsfeld said that government lawyers were still discussing what to do with Mr. Hamdi and that the case had not yet reached his

desk. But he dismissed the idea that Mr. Hamdi had been held too long.

The United States "has every right" to hold Mr. Hamdi so that he would not "go right back out and engage in battle on behalf of the Al Qaeda or the Taliban, as the case may be in this instance," Mr. Rumsfeld said.

"The idea that he's being held indefinitely — as though he's now in his fifth year — of course is just silliness," Mr. Rumsfeld added. "We've had him a relatively short period of time."

Justice Department officials said they were still determining Mr. Hamdi's status. They are not sure whether he ever renounced his American citizenship, officially or unofficially, or what legal consequences an unofficial renunciation of citizenship would have.

Officials also said it was not clear if Mr. Hamdi was asserting any legal rights as an American. "They're dealing with what it means to be a citizen," one official said.

Mr. Rumsfeld suggested that Mr. Hamdi was among those prisoners taken in Afghanistan who might know about future attacks.

"We're deeply concerned about getting intelligence from these folks," he said. "They were captured on the battlefield. We want to try to prevent further attacks. And it makes all the sense in the world to be doing exactly as we are doing."

Human rights lawyers and civil libertarians say that holding an American in the United States without charging him could be illegal.

"I don't know any law, international or domestic, that allows you to hold people without charges, without bringing them before some kind of court, without any access to lawyers," said Michael Ratner, president of the Center for Constitutional Rights, based in New York. "You cannot have the executive branch jail people arbitrarily."

Mr. Ratner said that the Pentagon had not made clear under what authority it was holding Mr. Hamdi.

Mr. Ratner said his group was seeking access to Mr. Hamdi to offer him representation. He said that if Mr. Hamdi was denied access, he would probably take legal action to try to force the government to explain why it was holding him.

Dead and Missing

Officials estimate that as of yesterday, 3,048 people had died, or were missing and presumed dead, as a result of the attacks on Sept. 11, not including 19 hijackers.

AT THE WORLD TRADE CENTER
2,824 dead or missing, with 147 dead on two hijacked planes

130 missing
959 death certificates issued by medical examiner's office

1,735 death certificates issued at request of families in cases in which remains have not been identified

AT THE PENTAGON
184 dead or missing, with 59 dead on hijacked plane

IN PENNSYLVANIA
40 dead on hijacked plane