Iraq war resister, a pregnant mother of four, sentenced to 10 months in prison

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On Monday, US Army Private Kimberly Rivera, a pregnant mother of four, was sentenced by court martial to 10 months in prison and given a bad-conduct discharge for crossing into Canada in 2007 to avoid redeployment to Iraq.

Rivera, now 30-years-old, was deployed to Iraq in 2006 with the Fort Carson, Colorado 4th Infantry Brigade Combat Team. Stationed in Baghdad, she was assigned to guard the gates at Forward Operating Base Loyalty, where she was constantly approached by civilians. The soldiers were under orders to treat every civilian, including small children, as a potential threat warranting a lethal-force response.

Home on leave in December of that year, Rivera made the decision to go to Canada with her family and seek out refugee status.

In an April 23 interview with the anti-war organization Courage to Resist, Rivera explained that she encountered a 2-year-old girl at the gate who was crying and shaking violently from trauma. The child had come to the base with her family, which was demanding compensation after a bombing by US forces. “When I saw the little girl shaking in fear, in fear of me, because of my uniform, I couldn’t fathom what she had been through,” she said. “And all I saw was my little girl and I just wanted to hold her and comfort her. But I knew I couldn’t.”

Rivera said in a 2007 interview, “I had a huge awakening seeing the war as it truly is: people losing their lives for greed of a nation and the effects on the soldiers who come back with new problems such as nightmares, anxieties, depression, anger, alcohol abuse, missing limbs and scars from burns. Some don’t come back at all.”

The family settled in Toronto and applied for legal immigration status. In January 2009, Canadian immigration minister Jason Kenney dismissed Rivera and other US war resisters living in Canada as “bogus claimants…people who volunteer to serve in the armed forces of a democratic country and simply change their mind to desert.” Rivera appealed the decision.

In August of last year, the Canadian government ordered Rivera to be deported into the hands of US authorities. She turned herself in at the border.

On April 29, the Army sentenced her to 14 months for desertion; under a pre-trial agreement, Rivera will serve 10 months in a military prison. She will give birth behind bars in December.

Rivera was charged on two specifications of desertion: “intent to stay away,” and “shirking hazardous duty.” While stationed in Iraq, Rivera consulted a chaplain about feeling that she would be unable to fire upon Iraqi civilians, including children she encountered during assignments.

Rivera’s attorney, James Branum, told *Democracy Now* on Tuesday, “The chaplain largely pushed her aside, did not give her the counsel that she really needed…it’s unfortunate that she did not get the legal advice and information she needed to seek status as a conscientious objector.” Instead, Barnum said, “this chaplain told her basically, ‘Suck it up. Continue on.’ ”

“If you are morally against what you are doing and don’t believe in what you are doing, if you can’t in your heart be able to harm another person but yourself…there should be a way out for people,” Rivera told Courage to Resist. “Even though I did not fill out the official application to obtain conscientious objector status, I consider myself a conscientious objector to all war.”

She explained that she has suffered from post-traumatic stress disorder since her deployment. Since

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being handed over to the Army, she had been put to work at Fort Carson. “To this day, I can’t handle or hold a weapon without breaking into severe anxiety and nervousness,” Rivera said. “Since being back in the army, I just go to work every day. Just playing soldier has been bringing up my anxiety. It has gotten worse as my trial gets closer. For a while, they had me clearing weapons…. They were having us clear them and test them for maintenance and malfunctions. One day, I almost passed out, clearing weapons.”

On hearing the news of the ruling Monday, Rivera’s husband Mario said that the children “broke down in tears. Just the thought of being away from their mother for 10 more months—they’ve already been gone for eight months out of her life, so it’s difficult.” He explained, “I personally feel that the judge already made up his mind before the trial had even started. It’s just too much. The kids need her.”

Their children, Kimberly Rivera explained, were suffering from depression and eating disorders as a result of her persecution.

The family’s plight typifies in many respects the situation confronting the millions of working poor in the US. Kimberly and Mario Rivera, natives of Mesquite, Texas, met at the local Walmart where they both worked. They had their first child when Kimberly was only 19, and had a second baby three years later. By 2005, the family was facing a dire financial situation. Kimberly and Mario decided that one of them should enlist in the military to acquire family health insurance and an $8,000 signing bonus.

Such enlistment perks were heavily promoted by the Army, which was facing a recruitment crisis in the face of popular opposition to the wars in Iraq and Afghanistan. Marketed to the most oppressed sections of the working class and poor as a way up the economic ladder, a means to serve one’s country, and a foot in the door to higher education, thousands of men and women took the offer and were sent to the Middle East.

Once in the theater of war, however, the illegality and brutality of the occupations became clear to thousands of soldiers like Rivera.

The deep unpopularity of the wars, within both the US and Canadian population, finds expression in the support Rivera’s case has elicited. In the 10 days before she was deported from Canada last fall, 20,000 people signed a petition supporting the family’s right to remain in Toronto. Polls have shown that two thirds or more of the Canadian population want US war resisters to be able to stay in Canada as permanent residents.

James Branum, Rivera’s lawyer, stated during the court martial proceedings that she was being singled out to be made an example for other would-be conscientious objectors. “Kim is being punished for her beliefs and for her comments to the press while she was in Canada. Because she spoke out against the Iraq War, Kim’s sentence is harsher than the punishment given to 94 percent of deserters who are not punished but administratively discharged. In the closing arguments, the prosecutor argued that the judge needed to give PFC Rivera a harsh sentence to send a message to the other war resisters in Canada and their supporters.”

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