

March 19, 2009

OPEN LETTER

The Right Honourable Stephen Harper
Prime Minister of Canada

Dear Prime Minister Harper:

As representatives of Canadian churches, we write out of our deep concern for the situation of U.S. war resisters in Canada, and in particular Kimberly Rivera.

We are deeply disturbed that the Government has refused to provide a process for permanent residency for resisters and their families as requested by the June 2008 Parliamentary Resolution. We are further concerned that efforts to deport resisters have escalated over the past few months. Likewise we are very troubled that the Minister of Immigration, who is to remain impartial and arms-length from the refugee determination process, has publicly called the U.S. war resisters "bogus refugee claimants".

We write at this time to implore you to intervene in the case of Kimberly Rivera and her family who have been ordered to leave Canada on 26 March 2009 or face deportation. Ms Rivera's case bears consideration for several reasons.

1. Religious convictions about conscientious objection.

Ms. Rivera's decision to desert the U.S. military arose out of her sincere belief, developed through her experience in Iraq, that the war was wrong and that it violated her religious convictions. In explaining her objection to the Iraq War and decision to come to Canada, she has said, "On leave back in the U.S., my husband and I decided the war was wrong based on our values as Christians, and the Army was tearing my family apart. We decided that we would go to Canada, where we heard there were other families like ours." Scripture teaches us not to kill, it invokes images of swords being turned to ploughshares, and it critiques war as a way of achieving justice and security. Ms Rivera, like so many of the resisters, learned this the hard way; nevertheless, her newfound conscientious objection is authentic and sincere. As a nation which has traditionally honoured the convictions of conscientious objectors, and which itself opposed the Iraq War, Canada should provide refuge to Ms. Rivera.

2. Differential treatment for those who speak out.

It is now evident that deserters who have spoken out against the war – such as Ms. Rivera – receive differential treatment from the US military judicial system than those who have not spoken out. While most deserters receive administrative discharges, people like Robin Long, who was deported by Canada in July 2008, have received lengthy prison sentences. Robin was subsequently sentenced to 15 months in military prison and received a dishonorable discharge. His sentence is one of the harshest handed to a deserter from the Iraq War. In July 2008, James Burmeister, who voluntarily returned to the U.S. from Canada, was sentenced to nine months in military prison and given a Bad Conduct Discharge, the equivalent of a felony conviction. Evidence of his speaking out against the war in Canada was introduced as part of the argument

for a harsh sentence. This differential treatment illustrates a punitive response to the resisters' freedom of speech. As a country which upholds impartiality in the judicial process and freedom of speech, Canada should provide refuge to Ms. Rivera.

3. The well-being of children.

Ms. Rivera is the mother of three young children, one an infant and Canadian citizen. Given there is a warrant for her in the US for being Absent Without Leave, she will be arrested upon return and prosecuted. She will likely be imprisoned and may be separated from her children for years. It is possible that her husband, Mario, will also be prosecuted for aiding and abetting her desertion. Whatever unfolds, without doubt her children will suffer most. As a country which seeks to protect and provide for the well-being of children, Canada should provide refuge for Ms. Rivera.

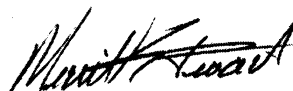
Given Ms. Rivera's sincere conscientious objection to war, the differential treatment that she will most surely receive if returned to the U.S., and the trauma such a return will mean for her children, it is imperative that Canada demonstrate compassion. We implore you to permit Ms. Rivera and her family to stay in Canada. We plead with you to implement the Parliamentary motion of June 2008 so that she, and others like her, can become permanent residents of Canada.

Our prayers are with you as you lead our country.


Sincerely,



Donald G. Peters
Executive Director
Mennonite Central Committee Canada



Merrill Stewart
Clerk,
Canadian Friends Service Committee (Quakers)



Nora Sanders
General Secretary, General Council
The United Church of Canada