



UNITED STATES MISSION
TO THE UNITED NATIONS AND OTHER INTERNATIONAL ORGANIZATIONS
IN GENEVA
April 8, 2013

OHCHR REGISTRY

Mr. El Hadji Malick Sow
Working Group on Arbitrary Detention
and
Mr. Frank La Rue
Special Rapporteur on the Promotion and
Protection of the Right to Freedom of Opinion and Expression
and
Mr. Heiner Bielefeldt
Special Rapporteur of Religion or Belief

15 APR 2013

Recipients : *SD*
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c/o OHCHR-UNOG
8-14 Avenue de la Paix
1211 Geneva 10 Switzerland

Dear Mr. Sow, Mr. La Rue, and Mr. Bielefeldt:

The Government of the United States of America received your letter dated December 20, 2012, regarding Ms. Kimberly Rivera. In response to your inquiry, the United States provides the following information concerning Ms. Rivera:

Private First Class (PFC) Kimberly Rivera voluntarily enlisted in the United States Army in March 2006. PFC Rivera has been on active duty continuously since her enlistment, and she is currently assigned to 4th Infantry Division at Fort Carson, Colorado.

At the time PFC Rivera enlisted, the United States was engaged in armed conflicts in Iraq and Afghanistan. In October 2006, PFC Rivera deployed from Fort Carson to Iraq. She requested, and was granted, rest and recuperation leave three months after her arrival in theater to return to the United States and see her family, with the knowledge that she would be required to return to Iraq after taking leave. At the end of the leave, PFC Rivera did not return to her unit and remained absent from the Army without authority. Rather, PFC Rivera and her family moved to Canada.

PFC Rivera submitted an application for refugee status in Canada, but her request was denied. When she returned to the United States on September 20, 2012, she informed the United States border patrol agents that she was absent from her military unit. She was arrested by the United States civilian law enforcement authorities on a

deserter warrant, and was confined by those authorities for four days before being returned to Army control at Fort Carson. She has not been confined by the Army since her return to Fort Carson.

After reuniting with her unit, PFC Rivera was charged with two specifications of desertion and is awaiting court-martial. Throughout pre-trial proceedings, PFC Rivera has been represented by military defense counsel free of charge, and also by civilian counsel that she has retained. She is presumed innocent until proven guilty by proof beyond a reasonable doubt in a court of law. PFC Rivera's case has been handled consistent with all U.S. law and military policy regarding desertion.

Although the United States Armed Forces have a robust conscientious objector program (see <http://www.dtic.mil/whs/directives/corres/pdf/130006p.pdf>), PFC Rivera has never applied for conscientious objector status. We appreciate your interest in this matter and hope the information provided is helpful.

Sincerely,

A handwritten signature in black ink, appearing to read 'Peter F. Mulrean', with a stylized flourish at the end.

Peter F. Mulrean
Deputy Permanent Representative