Exclusive: Victims of military sexual assault appeal to human rights panel

by Lori Jane Gliha

- @ljgliha
Jessica Kenyon doesn’t usually get emotional when she talks about the year she served in the military. But last week, the Army private couldn’t stop her eyes from welling up as she thought aloud about how much her life had changed as a result of her service nearly 10 years ago.

“Not being able to finish my service, the opportunities that were taken – and then the subsequent backlash from friends and family when I got home. All of that was really, really very difficult,” she said through her tears.

When she was a soldier, Kenyon said that two different men raped her. In separate, unrelated incidents, she said she was also sexually harassed by a training instructor. When Kenyon reported the first rape and the sexual harassment to a sexual assault response coordinator, she said she was told to put the accusations on the “backburner” and that it could be “used against her.”

In the past year, Congress has voted for significant reforms in how the military handles sexual assault. But many victims say they haven’t been enough. Kenyon and 19 other former service members have now brought their cases to the Inter-American Commission on Human Rights (http://www.oas.org/en/iachr/), an independent organization charged with promoting and protecting human rights in the American hemisphere.

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—Corey Calabrese
Human rights lawyer

In a petition filed in January, the former service members claim the U.S. government has failed to live up to its duties under international human rights law.
“International law has said that rape is a form of torture, especially one that is done by government actors – and that is exactly what we have here,” explained Corey Calabrese (http://www.coreycalabrese.com/), a legal fellow at the Cornell Law School International Human Rights Clinic, who worked on the case. “We have other military members who raped other military members and a U.S. government who did not intervene.”

Since it is impossible to sue the military in America, Calabrese said there was “literally no other remedy.”

The Department of Defense was not aware the petition had been filed until America Tonight informed a spokesperson about it. Lt. Col. Catherine Wilkinson said she would not directly comment on the petition, but in a statement she emphasized the Department of Defense’s commitment to preventing sexual assault and the number of new initiatives to enhance support and justice for victims, including those mandated in the 2014 National Defense Authorization Act, which she called “the most sweeping reform to the Uniform Code of Military Justice since 1968.” (The full Department of Defense statement is posted below.)

Before the petition is even considered by the commission, the organization must first declare it “admissible,” a process that could take up to a year. The petitioners are also asking the commission to make recommendations about removing the military chain of command from any decision-making related to sexual assault investigations and punishments.

“We believe that the chain of command does not have the legal expertise to decide whether a case should be prosecuted or not,” Calabrese said. “These are military commanders. They’re not trained prosecutors.”

One of the cases in the petition is Marine Stephanie Schroeder. She said a coworker “physically abused and raped her,” and that her command accused her of lying and labeled her a “troublemaker.” Not only did her command not punish her rapist, she said; it forced her to work with him.

Another petitioner, soldier Blake Stephens, said he was “repeatedly assaulted,” including an incident in which fellow soldiers “shoved a bottle of soda into his rectum.” For their sole punishment, his rapists were told to do extra push-ups, the petition alleged.
Kenyon told America Tonight that she was ultimately the one who was punished. “My whole life from then was terrible because I had the reputation of reporting people,” she said. “And I was the one to be ostracized, not this guy.”

Last year, Congress passed a series of reforms to the military justice system, in light of rising sexual assaults reports. They voted to scrap the military’s statute of limitations on sexual assault cases, made it a crime to retaliate against victims and mandated that anyone convicted of assault or rape be dishonorably discharged or dismissed.

But legislation to remove sexual assault cases from the chain of command, proposed by Sen. Kirsten Gillibrand (D-N.Y.), was derailed in the Senate (http://america.aljazeera.com/articles/2014/3/6/military-sexual-assaultreformbillshotdowninsenate.html) earlier this month under intense opposition from the military. Another military sexual assault bill by Sen. Claire McCaskill (D-Mo.) included significant but less fundamental reforms, and unanimously passed the Senate a few days after.

On Thursday, an Army general, who is believed to be the highest-ranking U.S. military officer ever court-martialed on sexual assault charges, avoided jail time (http://america.aljazeera.com/articles/2014/3/20/army-general-sinclairfinedavoidsjailtimeinsexcase.html) and was instead reprimanded and docked $20,000 in pay after pleading guilty to lesser charges.

“I think over the past year, the U.S. government and the U.S. military has taken some very positive steps to address sexual assault in the military and I'm not dismissing those steps at all, as advocates we are grateful that they've taken these steps,” Calabrese said. “But you know, the steps have not gone far enough.”

The full statement from the Department of Defense:
The Department of Defense has no higher priority than the safety and welfare of our men and women in uniform, and that includes ensuring they are free from the threat of sexual harassment and sexual assault.

We have extensive programs in place to prevent sexual assault, but when crimes do occur, victims are afforded privacy, offered a wide range of professional support, and provided access to safe and confidential health care and support services.

Since May 2013, with the support of Congress, we have implemented 21 new initiatives designed to improve victim confidence, including reforms to the military justice system, the creation of dedicated legal support to victims, enhanced access to victim advocacy, and increased training and awareness for the entire force.

The recently enacted NDAA provided the most sweeping reform to the Uniform Code of Military Justice since 1968 - it has 16 different military justice provisions that enhance victims' rights and constrain convening authorities' power and discretion. The department believes that these reforms significantly strengthen our prevention and response program.

We must and will ensure that we create and maintain a culture where every service member is treated with dignity and respect, all allegations of inappropriate behavior are treated with seriousness, victims' privacy is protected, bystanders are motivated to intervene, and where offenders know that they will be held accountable by strong and effective systems of justice.

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Given the reputation of the military to protect rapists in uniform, I would sleep with a weapon at all times.

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Kenya's stories never add up she is a fake victim of military sexual assault! She is a danger to real
As a vet, I know some of the men & women who have fought & died for this country!! I know the real soldier must be very ashamed @ what this situation has become!! No greater honor than to be given the oppertunity to wear the uniform!! The E-7,8 & 9's need to step up & take control of this!! They're the ones who run the day to day ops & they know this!!!