



FOR IMMEDIATE RELEASE

August 5, 2004

ADVOCATE LOOKS OUT FOR RIGHTS OF V CORPS VICTIMS OF SEXUAL MISCONDUCT

By Spc. Kristopher Joseph
V Corps Public Affairs Office

HEIDELBERG, Germany – Victims of sexual misconduct and witnesses to crimes are often left feeling helpless and unaware of their rights, experts say, but the Army has resources and an advocate in place to support them.

The Victim/Witness Assistance Program is a Judge Advocate General program that is available in every military community, but little known. The program is facilitated by legal liaisons trained to advise Soldiers who have experienced a traumatic event on available courses of action.

“Most victims feel they have stripped of all their power,” said Capt. Rebecca Weiler, the V Corps victim/witness liaison officer here. “We help fill in the gaps and give them an understanding of what’s going on.”

When a victim or witness reports a crime involving sexual misconduct, domestic violence or physical assault, he is referred to a liaison by Army Criminal Investigation Detachment officials, who have the lead on all sexual assault allegations. The liaison informs the victim of rights he might not know he has.

While witnesses to crimes have a less traumatic experience than victims, Weiler said, many witnesses fear for their safety if asked to testify in a trial. Liaisons inform witnesses that, like victims, they can be protected from the accused with a “no contact” order.

“Many times the victim works in the same unit or same the office as the assailant,” said Weiler. “We tell them that they don’t have to stay in any uncomfortable situation, and they have the right to be protected from the alleged attacker.”

The program was created by the Department of Defense, with a Victim/Witness Bill of Rights which, Weiler says, is the cornerstone of the liaison’s responsibilities.

Under that Bill, victim and witness’ rights include:

1. The right to be treated with fairness, dignity, and a respect for privacy.
2. The right to be reasonably protected from the accused offender.
3. The right to be notified of court proceedings.
4. The right to be present at all public court proceedings related to the offense, unless the court determines that testimony by the victim would be materially affected if the victim heard other testimony at trial or for other good cause.
5. The right to confer with the attorney for the government in the case.
6. The right to restitution, if appropriate. (Weiler explained that restitution applies, for example, in domestic violence or child abuse cases where a conviction would mean the discharge of the servicemember, and leave the dependants without financial support. The government would then give the dependants an interim income to compensate the loss.)

7. The right to information regarding conviction, sentencing, imprisonment, and release of the offender from custody. (If a victim or witness leaves the military, he can still receive information on the offender by staying in contact with the offender's confinement facility, Weiler explained.)

While legal procedures are the bulwark of their service to the victim, the liaison works with CID, medical, chaplain and other social services to help ensure victims know all the avenues of support that are available, Weiler explained.

Weiler said ultimately a victim or witness's command is responsible for making sure he is given all his rights and treated in a professional, non-judgmental way in his unit. If a victim feels he is not getting his rights, however, the liaison can intervene on his behalf.

"When the victim doesn't know what to do, or where to turn to, they often feel ignored and further victimized," said Weiler. "After what they've been through, we can't make it easy for them, but we can make it easier."

Weiler suggested that anyone who becomes a victim of sexual misconduct should immediately call the proper authorities. While the victim's inclination after being sexually assaulted is to shower and change clothes, she added, most of the evidence to convict an accused attacker is on the victim's body and clothes. The captain said it is better for victims to avoid showering or changing, so CID and medical officials can gather proper physical evidence, such as hair, blood, bodily fluids and DNA.

If evidence is washed away, it makes it much harder to prosecute the accused, but case history has proven that an attacker can still be convicted with little or no physical evidence.

“We have had sexual misconduct cases where the jury came back with a guilty verdict with no hard evidence,” said Maj. Brad Huestis, V Corps’ chief of military justice. “Sometimes all the jury needed was a compelling and believable testimony from the victim to convict the accused.”

For more information on victim and witness advocacy, call Weiler at 373-5058.

For more information on sexual misconduct and the resources available to help prevent it and assist victims, Soldiers can contact their Staff Judge Advocate or Equal Opportunity offices, or check out the web site of the U.S. Army Europe’s “Sexual Misconduct: Not In Our Army” program by visiting either the V Corps or USAREUR home pages and clicking on the link for the program.

