

S/00 SA G IEN

WITNESS STATEMENT

For use of this form, see AR 195-10 - TB PMG 3; the proponent agency is Office of The Provost Marshal General.

PLACE	DATE	TIME	FILE NUMBER
Quang Ngai City RVN LAST NAME, FIRST NAME, MIDDLE NAME	26 Dec 69	1600 hrs SOCIAL SECURITY ACCOUNT NO.	69-CID011-00014 GRADE
FEHER, Andre C R ORGANIZATION OR ADDRESS	CW4		
Det A, 8th MP Gp (CI) APO San Francisco 96243			

SWORN STATEMENT

I, ANDRE C R FEHER, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On 26 December 1969, Mr Do GIEN was interviewed by me in the presence of S/A Arthur D HARRIS, SSN: , 25th MI Det. APO San Francisco APO 96225, acting as an interpreter. This interview was started at 1030 hours and was completed at 1530 hours. A one hour lunch break was taken. GIEN was cooperative and was not reluctant to talk. He is of average intelligence and has a fair conception of distances and directions. GIEN was able to draw several trails on the prepared sketch of Xom Lang(Tu Cung) He also placed the houses of several people on the sketch. The trails and squares on the attached sketch were drawn by GIEN himself. He started from the watch tower located at the entrance of the hamlet and this tower and GIEN's house were used by him as reference points. GIEN has been a former VC who has come over to the side of the Government of South Vietnam. GIEN did not witness the incident at Xom Lang (Tu Cung) on 16 March 68. However he came back to the hamlet the next day.

Personal Data of GIEN is as follows:

NAME: Do GIEN
 ID#: 065348 (Son Tinh District)
 ADDRESS: Son My (V) Son Tinh(D) Quang Ngai Province, RVN
 DOB: 1930
 POB: Xom Lang (Tu Cung-My Lai(4) Son Tinh(D) Son My (V), Quang Ngai Province, RVN
 SEX: Male
 EDUCATION: Elementary school (read and write)
 MARITAL STATUS: Married (5 children)
 OCCUPATION: Farmer/house builder.

Interview of GIEN disclosed the following. GIEN at the time of the incident was residing at Xom Lang (Tu Cung-My Lai(4)). GIEN indicated the incident at My Lai(4) occurred on the 18th of the 2nd month of the lunar calendar, which according to our calendar is 16 March 1968. On the 16th of March 1968 GIEN however was not in the hamlet. He had gone to Cay Gieng, a sub-hamlet of Son Hai, located in the vicinity of coordinates BS 767813, South of the Batanga Peninsula. GIEN had gone to Cay Gieng on 15 Mar 68 to work on a house there. GIEN had left his wife Tran Thi DO(34 years old), his three daughters Do Thi HUU(12 years old), Do Thi THUAN(11 years old) and Do Thi TANG (6 years old) and his two sons Do TUAN(8 years old) and Do TE(2 years old) at Xom Lang (My Lai(4)) when he went to Cay Gieng. GIEN returned to Xom Lang (My Lai(4)) at approximately 1700 hours, 17 March 1968. Upon his return he noticed that ~~XXX~~ there were no bodies exposed anywhere in the village. All the houses were either knocked down or burned. All fruit bearing trees had been destroyed. He also noticed several animals such as cows, water buffaloes, and pigs that had been either burned or shot. He only seen 4 dead cows, 3 dead water buffaloes and 11 dead pigs. Two of the cows and one of the pigs were GIEN's. He was not able to estimate the total amount of animals killed.

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF 5 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF TAKEN AT DATED CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE OF PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

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STATEMENT OF ANDRE C R FISHER, TAKEN AT QUANG NGAI CITY, RVN, DATED 26 DEC 1969 (CONT'D)

Upon GIEN's return to the hamlet all the dead had been buried. GIEN stated that he was told by the villagers that 370 people had been buried. These 370 consisted of old men, women, children (including infants). Also some young women and some young men. The villagers told GIEN that the 370 people had been shot by the Americans on the previous day. According to the villagers the Americans had come with Helicopters. GIEN repeatedly stressed the point that all he knows about the incident is hearsay. GIEN was told that the Americans gathered the people together, put them in large groups and took them to a trail. This trail was bordered by rice paddies. When GIEN was shown the attached sketch of My Lai (4) and after he had oriented himself on the sketch he pointed out a spot where according to the villagers a large group of women, children and old men had been shot by the Americans. GIEN pointed out the "trail" where MEADLO and CALLEY allegedly shot several women and children. GIEN stated that this location was about half way up the trail from the road that leads from Son My Village to the Sea. (# 19 on the attached sketch) GIEN did not know how many women and children were shot there and by whom. He was further told that the Americans had shot another group of women and children at another location. GIEN however claims that he did not know where this spot is located. Questioning of GIEN on this subject did not reveal any information about the "ditch" east of the hamlet. GIEN then went on to say that his wife DO and their 5 children were gathered by the Americans and taken to the trail he had previously identified. They were taken past a watch tower (#20 on attached sketch) and a short distance from the tower in company of many other women and children they were shot at by the Americans. GIEN stated that none of his family (wife and 5 children) were hurt by the fire of the Americans. Upon close questioning GIEN stated that he did not discuss the matter too much with his wife and children and was not able to furnish any pertinent and detailed information. However an interview of his daughter HUU on 25 December revealed that she was shot at in an irrigation ditch. Interview of THIET on 25 December revealed that GIEN's wife and children had slipped away from the group that was being taken to the irrigation ditch and that they had hidden in the rice paddies. When these contradictions were brought to the attention of GIEN he stated that his wife and children were in the rear of the group being taken out of the hamlet by the Americans. He then stated that he was told that when the shooting started his wife and children sat down, then laid down. When the people started to fall as a result of the firing by the Americans, they slipped into the paddies bordering the trail and hid there. According to the villagers all the dead were buried by relatives, many of them in mass graves near the "trail". GIEN was not able to pin point the burial sites. According to GIEN there were approximately 150-200 houses in the hamlet. GIEN could not estimate the total population prior to the 16 March 1968 incident due to the various size of families living in the houses of the hamlet. GIEN lost 4 relatives during the incident on 16 March 1968. GIEN lost the following relatives:

Do XOC, 65 year old male, maternal uncle, killed in side the hamlet and buried near their house

Nguyen Thi DAY, 50 year old female, aunt, killed inside the hamlet and buried near their house

Do Thi BAY, 20 year old female, cousin, killed in side the hamlet and buried near their house. Also killed was the unnamed child of BAY.

The following persons were also killed by the Americans on 16 March 1968:

Nguyen GAP, 48 year old male, killed in his house and buried nearby.

Truong Thi Nguyen, GAP's wife, killed in front of her house and buried nearby.

STATEMENT OF ANDRE C R FEHER TAKEN AT QUANG NGAI CITY, RVN, DATED 26 DEC 69 (CONT'D)
GIEN does not remember the names of GAP's two daughters. But they were also killed
in front of their house and buried nearby. One of the daughters was 8, the other 12 years
old. GIEN does not know exactly where the GAP famile was buried but he thinks that it was
near their house.

Nguyen Thi CHUOC, 70 year old female, killed in one of the groups taken out of the
village by the Americans. She is buried somewhere in the paddies
outside of the village. GIEN thinks that ~~she~~ was buried north of
the hamlet.

BIET, 37 year old male, further identification unknown. Killed in one of the groups
taken out of the hamlet by the Americans, buried north of the hamlet
in the paddies. (Outskirts)

Nguyen Thi XY, 9 year old girl, daughter of BIET, killed in same group and also buried
in rice paddies north of hamlet (Outskirts)

Nguyen Thi NUI, 7 year old girl, daughter of BIET, killed in same group and also buried
in rice paddies north of hamlet. (Outskirts)

Nguyen HAI, 65 year old male, killed in his home, buried in ~~front~~ front of his home
Do Thi HANH, 67 years old, wife of HAI, killed in her home and buried in front of the
house.

Nguyen HUY, 30 year old male, son of HAI, killed in one of the groups taken outside of the
hamlet by the Americans. Burial site unknown.

The people mentioned above lived in the immediate area of GIEN's residence. According to
GIEN, no death certificates were issued. At least he does not know of any certifictase
having been issued. None of the bodies was cremated. The GAP family was burned through
the fire in their house. However their remains were also buried. GIEN did not assist
in the burial of the dead, since he was not in the hamlet when this was done. To GIEN's
knowledge no photographs were taken by anybody of the dead and/or burials. When questioned
GIEN stated that as far as he can remember on 14 and 15 January 1968, US troops had
been in Xom Lang (Tu Cung). However on both occasions no shots were fired. When asked if
the American troops had suffered casualties du to mines and/or booby traps, GIEN stated,
that he did not know anything about that.

GIEN then identified some more homes on the attached sketch. He identified the home of
Do BUU, 30 year old male. BUU however moved away from My Lai (4) in 1965. GIEN gave the
following additional information:

Nguyen Thi XANH, 50 year old female, survivor, now residing at Son My village.

Truong Thi DAU, 50 year old female, killed in one of the groups taken out of the hamlet
by the Americans.

Nguyen CHI, 49 year old male, departed for Saigon sometime in 1967

Do CAM, 51 year old male, father of THIET. Run away when the Americans entered the hamlet.
CAM now resides at Son My village.

Bui Thi BOP, 80 year old female, was out of the hamlet on the day of the incident. Now
residing at Son My village.

Pham LAI, 35 year old male, was out of the hamlet on the day of the incident. Is residing
now at Son My village

Pham Thi DAY, 55 year old female, survivor. DAY hid in a bunker. Her two children,
a boy Do DUC (13 years old) and a daughter Do Thi Nguyet (12 years old) were
dragged out and killed by the Americans in one of the groups taken out of
the hamlet.

Nguyen Thi THONG, escaped form one of the groups that was taken out by the American
troops. However she died recently from gun shot wounds received outside
of Son My village.

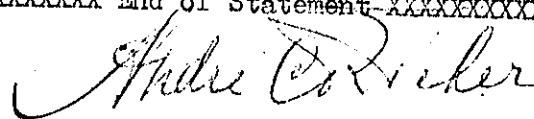
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STATEMENT OF ANDRE C R FEHER, TAKEN AT QUANG NGAI CITY, RVN, DATED 26 DEC 69 (CONT'D)

Further questioning of GIEN revealed that at the close of the winter season (end of January) in 1968, elements of the 48th VC Bn came for one day to Xom Lang (My Lai 4). They remained for one day and one night. GIEN however was not able to say how many troops were in My Lai 4. GIEN stated that he did not know if there were any North Vietnamese troops and or guerillas in the hamlet prior or during the incident on 16 March 68. According to the villagers the Americans did not meet any resistance. When shown the color photographs, GIEN identified the scene depicted on color photograph # 12. GIEN stated that he had heard that the man in the well was Truong THO, AKA, Truong NHONG. THO was allegedly thrown into the well and then shot. THO is 80 years old. (Note: On 17 November 69, when this investigator accompanied by elements of the Americal Division entered My Lai (4) the well mentioned by GIEN is apparently a well located close to the scene depicted on color photograph # 15. A grenade was thrown into the well by the Commanding Officer of C Troop 1/1 Cav, because the Commanding Officer thought that he had observed some movements in the water. After the grenade exploded it was discovered that a tunnel complex joined into the well.) On the scene depicted on color photograph # 15, GIEN identified the girl in the black pajamas as being Do Thi CANG, 26 years old. CANG was previously identified in my investigator's statement, dated 16 November 69 as Do Thi CAM. Do Thi CANG (CAM) was also according to GIEN shot by the Americans. When GIEN was shown the black and white photographs he identified the scene depicted on frame 34a. The old man on this photograph was Truong CHAU, 75 years old. Now residing in Saigon. GIEN also identified the scene depicted on frames 17 and 16. These photographs depict Mot LAI, 80 years old. GIEN does not know if LAI is dead or alive. GIEN also identified LAI on the color photograph in Life Magazine (page 39). GIEN was not able to furnish any more information and the interview was terminated.

XXXXXXXXXXXXXXXXXXXXXXXXXXXXXX End of Statement XXXXXXXXXXXXXXXXXXXXXXXXX



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AFFIDAVIT

I, ANDRE C R FEHER

HAVE READ OR HAVE HAD READ TO ME THIS STATE-

MENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 5. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT-OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

WITNESSES:

Arthur D Harris

S/A ARTHUR D HARRIS

SSN:

25th MI Det. APO SF 96225

ORGANIZATION OR ADDRESS

(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 26th day of December, 1969 at Quang Ngai City, RVNJames G. Keay

(Signature of Person Administering Oath)

KENNETH P MCLELLAN, Crim Inves

(Typed Name of Person Administering Oath)

Art 136(b),4, UCMJ 1968

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT