

11a3A DAV

# 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 Quang Ngai, RVN	DATE 3 Jan 70	TIME 0800	FILE NUMBER 69-CID011-00014
LAST NAME, FIRST NAME, MIDDLE NAME KIRK, Arvil Jackson Jr.	SOCIAL SECURITY ACCOUNT NO.		GRADE CW2
ORGANIZATION OR ADDRESS Det B, 8th MP Gp (CI), APO SF 96312			

## SWORN STATEMENT

I, ARVIL J. KIRK JR.

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH.

### INVESTIGATOR'S STATEMENT

On 2 January 1970, between 0840-0920 hours, DAV was interviewed by me in the presence of 1LT John C. WOOD, Hq MACV, APO SF 96222. DAV's personal data is as follows:

NAME: Tran DAV  
ID: None  
ADDRESS: Son My Village, Son Tinh District, Quang Ngai Province, RVN  
POB: Same as address  
DOB: 1947  
OCCUPATION: Farmer  
EDUCATION: None  
SEX: Male

DAV stated substantially as follows: He has been a medic of the local Viet Cong since 1967. He was captured by U.S. soldiers on 30 Dec 69, while treating farmers in the Son My area. He states that he remembers the day in 1968, when the U.S. soldiers came to Tu Cung. He was not in Tu Cung at the time but was in Son My. He did not live in Tu Cung but lived at a hill about one and one half kilometers from there. On that day after the soldiers left he went into the village and saw about one hundred women, children and men dead in a ditch. He saw about five to ten people alive and little kids and mothers hiding in bunkers. He was told by unknown persons that three hundred and seventy people were killed. He was told that the soldiers came by helicopters, fired into houses, called people out, gathered them at a ditch and killed them. If the people did not come out when called the soldiers threw grenades inside and killed them. He stated that he treated two women and one child for gunshot wounds. One was in the arm, one in the leg area and one in the face. He stated that he heard that people were also killed in My Hoi and Co Tuy but knew nothing else about this. The soldiers did not come to the hill where his home was located. He arrived in Tu Cung about 1700 hours the same day. He heard that a girl, known only as LUYEN, 13, was killed and raped by soldiers. He does not know the location of any houses or the names of any people in Tu Cung. He could furnish no further information. **AJK**

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT <b>AJK</b>	PAGE 1 OF 2 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.

STATEMENT (Continued)

[Faint, mostly illegible text from the previous page, likely the body of the statement.]

AFFIDAVIT

I, ARVIL J. KIRK JR.

HAVE READ OR HAVE HAD READ TO ME THIS STATE-

MENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 2. 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.

*Arvil J. Kirk Jr.*

(Signature of Person Making Statement)

WITNESSES:

LtJG JOHN C. WOOD,

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 3d day of January, 1970 at Quang Ngai, RVN

ORGANIZATION OR ADDRESS

*Kenneth P. McLehlan*  
(Signature of Person Administering Oath)

KENNETH P. McLEHLAN

-(Typed Name of Person Administering Oath)

Art 136 b (4), UCMJ, 1969

(Authority To Administer Oath)

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

JK