

TRI

JK134

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

Landing Zone Bayonet, RVN
LAST NAME, FIRST NAME, MIDDLE NAME

MOSCH, Juell Marvin

ORGANIZATION OR ADDRESS

USACIA, Task Force #2, (RVT Team), HQ MACV, APO SF 96222

DATE

3 Jan 80

TIME

1530

FILE NUMBER

69-07001-00014

SOCIAL SECURITY ACCOUNT NO.

GRADE

C/2

SWORN STATEMENT

I, Juell M. MOSCH

, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH.

On 3 Jan '80, Mr Nguyen TRI was interviewed by me at the Prisoner of War Interrogation Center, LZ Bayonet, RVN where TRI is a civilian detainee, with SA Arthur D. BARRIS acting as interpreter. It was evident during the interview that TRI was not always truthful in his answers and was somewhat reluctant. The following Investigators statement is the end result after TRI had been repeatedly questioned on certain aspects of the incident under investigation.

NAME: Nguyen TRI
 ADDRESS: Thuan Yen Sub hamlet, Tu Cung hamlet, Son Tin District, Quang Ngai Province, RVN.
 ID #: None
 DOB: 1939
 POB: Same as address
 OCCUPATION: Farmer
 VC Function: Youth Labor Team Coordinator
 EDUCATION: 3 years Grammer School (Tu CUNG Popular School)

During the period Jun ~ Dec 67, he was the Youth Labor Team Coordinator for the VC in Thuan Yen sub-hamlet. Since that period he has not been an active VC. He did not Chieu Hoi because he did not want to be separated from his family.

At approximately 0700, 17 or 18 day, 2d month of the Lunar Calender, the Americans came to his village. He ran into his house and hid in his bunker. He emerged from the bunker at approximately 1200 hours, that day. In the house on that date were; his grandfather Pham thi THINH, age 76; his father Nguyen TRI, age 56; his mother Do thi RI, 45; his sister; Do thi CHIN, 27; his sister Nguyen thi PHUONG, age 4; CHIN's daughter, Nguyen thi XI, age 1; CHIN was a widow; His wife Phung thi TRA, age 22; his son Nguyen XO, age 1. When he emerged from the bunker, he found that the Americans had shot THINH, NUM (his sister age 9), CHIN and XI inside the house. TRI stated these people were shot with AR 15s because shell casings were still in the house. PHUONG sustained wounds in the arms and legs. At the present elder TRI, RI, TRA and XO live in Truong An refugee camp. At the residence of Pham DAT, 40; TRI found DAT's wife Phung the IX, 35 and DAT's daughter CHUT, age 1 were dead in the house and another male that had apparently tried to hide in DAT's house was Pham HUNG, 12 had also been shot by the Americans. DAT had sustained wounds in the leg and is presently residing in Truong An refugee camp, RVN. At TRI's uncle resident Nguyen DAI, 55 TRI found his uncle dead. TRI's aunt HOI, age 55 (NFI) is alive but TRI does not know where she is living. At the residence of Ba LIEU, age 60 (NFI), TRI found Ba LIEU, LIEU's son Pham DOM, 37; DOM's wife Nguyen thi XAH, 32; DOM's son Pham NHAN, 4; DOM's daughter Pham thi XI, 3; LIEU's daughter Pham thi NGO, 22, (not married); LIEU's son Pham LIEU, 40; LIEU's wife Pham thi DAU, 38; Pham LIEU's daughter Pham thi DUY, 13 and a girl that stayed with Ba LIEU, Do thi NGUYET, 13. All

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF 31 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE READING "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 OF NGUYEN TRI TAKEN AT LZ BAYONET, DATED 3 Jan 70, CONTINUED

REMARKS: were dead shot by the Americans in their house. NGUYEN, MUI and MAI were in TRI's opinion raped before being shot. TRI based this opinion on the fact the other bodies were clothed while these three were nude. Also the vagina's of these three women were ripped.

TRI identified the following residences and occupants:

Nguyen CHUC, age 45
MAI, age 40, wife (MUI)
Nguyen CU, 12, son
Nguyen thi RAU, 10, daughter
Nguyen RANG, age 8, son
Nguyen GA, 3, son

MAI, RAU, RANG and GA were killed inside the house. CHUC and CU are living in Truong An refugee camp, RVN.

Pham thi DAU, 45, widow, was shot in her house and the house set afire.

Tran MAU, 45

Nguyen thi AN, 40, wife
Pham thi CU, age 10, daughter
Pham XANH, 5, son
Pham thi XI, 2, daughter

Tran NHAN, 10, male not related to MAU but stayed at MAU's house

Tran thi NGAP, 8, female also not related to MAU but lived at his house.

All were killed inside the house, except HOA who sustained a serious injury to her shoulder. HOA was treated at the Quang Ngai City hospital and is presently residing in Saigon.

TRI spent three days burying villagers that had been killed by the Americans. TRI was assisted by Nguyen HIEU, 20; Phung HOA, 25; and DO VIEN, 40. HIEU is presently at Quang Ngai Chieu Hoi center, Quang Ngai City, RVN. HOA and VIEN are presently at the PW center at Bayonet. (Reference my statements dated 3 - 4 Jan 70 of the interviews of these individuals). TRI indicated on the sketch the locations of these graves and who was buried in these graves (figures 9, 10 & 11).

9. 16 people; HIEU, MUI, NGUYEN; Tran DAU, Tran DOL, Tran DOC, Tran XIEN, Tran CU, Tran MAU, AN, Tran thi HUONG, Tran CU, (2, Tran XANH, Tran Thi XI, Tran MINH and Tran thi XANH.

10. 3 people; Do thi CHIN, Nguyen thi XI, Pham DOM

11. Tri's family all in one grave.

On the second set of questioning TRI changed his story to indicate his mother RI had been slain on the dirt road leading into the village. TRI stated he hunted for his mother's body at the irrigation ditch and finally found her at the road. TRI stated his father elder TRI, his brother Nguyen LINH, 12 (not mentioned before), TRA and XO are living in Truong An. The village chief Do NHION is still alive and living in Truong An refugee camp, RVN.

TRI indicated on the sketch the following additional residences and occupants:

Do thi HIEP, age unknown, widow
Nguyen HOAI, 20, son
Nguyen LINH, 30, son

HIEP was killed by the Americans at home. Tri did not see the body but heard about this from other villagers. HOAI and LINH live in Saigon.

Do TUAN, 40

Nguyen thi EM, 38, wife

Do thi NHAN, 16, daughter

TUAN was killed by stepping on a land mine approximately two years ago, after the Americans came. EM and NHAN are living in Truong An refugee camp, RVN.

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STATEMENT OF NGUYEN TRI, TAKEN AT LZ BAYONNE, DATED 3 Jan 70, CONTINUED

Do HUU, age unknown
Ba Phu (NFI), wife
Do TRO, son (NFI)
Do HUAI, 40, son
Do NHON, 35, son
So LAM, 18, son

this was a large family with many more members but TRI could not recall their names. All are living in Truong An refugee camp, RVN.

TRI estimated that there were 20 dead on the road leading into the village. He also saw approximately 10 bodies on the path adjacent to Do PHU's residence.

TRI indicated the following places and persons in the photographs.

Color Photograph #3, House is Do MINHAN (AKA: Do HUU)

Color Photograph #12, Do LIEN's cement well

Color photograph #15, Child in woman's arms right side of photograph Do HUAI, 3 (Do VIEN's son). Woman holding HAT is Do thi CAM, 30; woman in back with balding head Ba PHU, 50. This was all TRI could recognize.

Black/white photograph, #34. Old man uncle CHAU (NFI), two children are CHAU's grandchildren (NFI).

Black/white photograph, #16, Mot LAI, age 80.

Black/white photograph, 20, house in background belongs to Do HUU.

Black/white photograph, #26, 1st man on left, white shirt, TRO (NFI), man sitting black shirt, white towel, Quang VO; man standing black shirt white towel, Do LUON; man sitting white shirt with back to camera, Quang KHAI; man sitting 2d from left right white shirt Quang TANG, son of VO; man sitting 1st on right; white shirt Quang TU, son of KHAI. KHAI, and TU were believed to be dead by TRI. All the rest are apparently still living. TRO is in GVN jail (location unknown). TU is living in Son Quang village. All the rest are now living in Truong An refugee camp, RVN.

Continued on page 3 of 4

STATEMENT (Continued)

AFFIDAVIT

I, Juel H. MOSBS

HAVE READ OR HAVE HAD READ TO ME THIS STATE-

MENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 4. 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.

(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 30 day of January, 1970
at Quang Ngai, RVN

(Signature of Person Administering Oath)

THOMAS J. MCGREEVY, MAJ USA

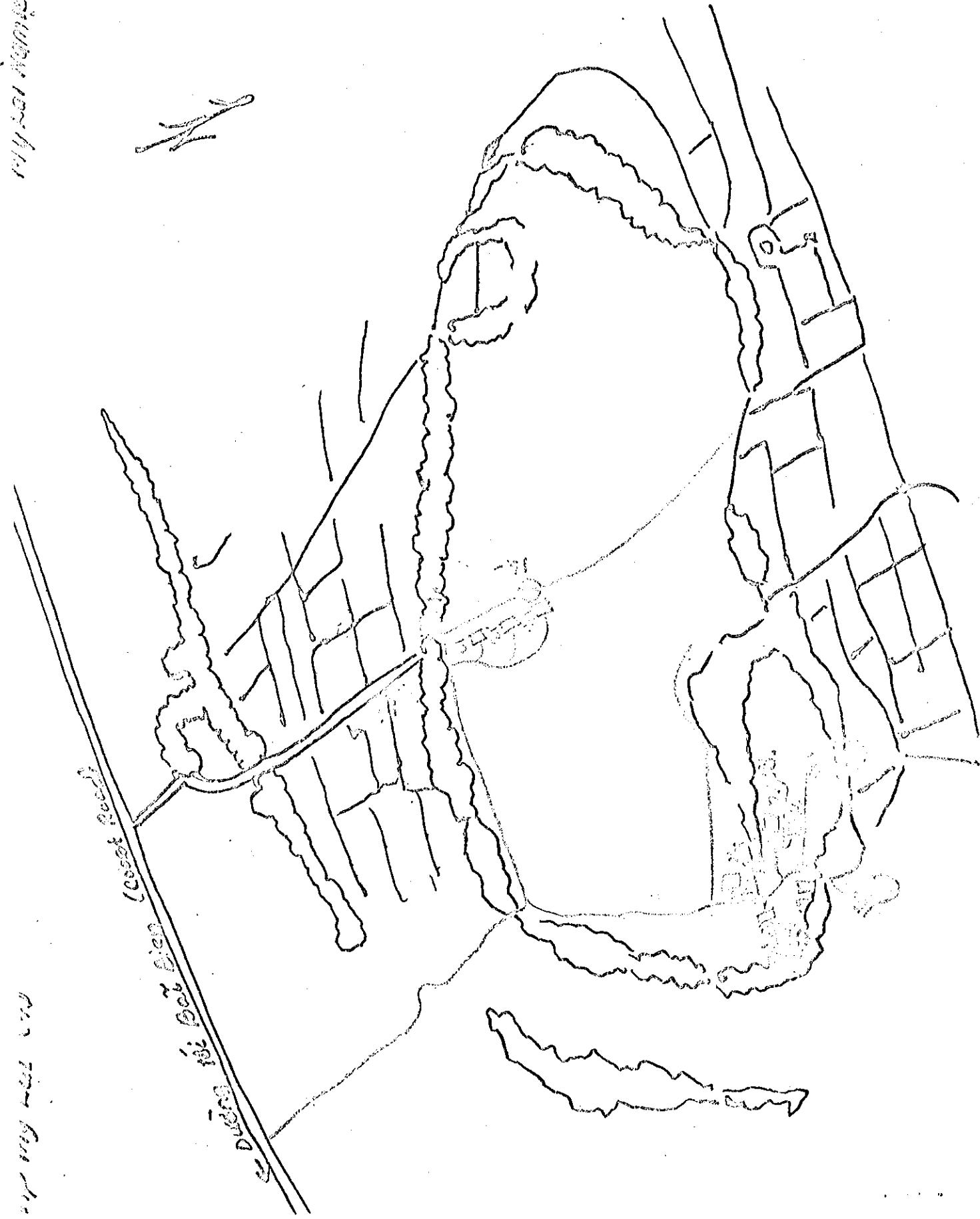
(Typed Name of Person Administering Oath)

Art 136 (b)(1), I.C.L., 1968

(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT



1. Giauoc Phao

3. Pham Dieu

4. Nguyen Dieu

5. Linh

6. Nguyen Chuc

7. Pham Thi Dieu

8. Tran Meu

9. Bui Van Phao

10. Bui Van Phao

11. Bui Van Phao

12. Do Thi Hiep

13. Do Tuoc

14. Do Phu

15. 20 bodies on roadside

16. 10 bodies on roadside