

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 Queens Ngai, RVN	DATE 14 Jan 70	TIME 1500	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME <u>KIRK, Avril Jackson Jr.</u>	SOCIAL SECURITY ACCOUNT NO.		GRADE CW2
ORGANIZATION OR ADDRESS <u>None</u>			

SWORN STATEMENT

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH

INVESTIGATOR'S STATEMENT

During the course of this investigation, it was determined that Truong TRO, 42, Pham HONG, 43 and Do DONG, 43, were detained as civilian suspects working for the Viet Cong. They were taken from the Tu Cung area to the Quang Ngai Correction Center in Quang Ngai City. On 14 Jun 70, the Assistant Director of the Correction Center, Do Van THANG was contacted by IIT John C. WOOD, , HQ MACV, APO SF 96222, interpreter and myself to determine their whereabouts and to interview them. THANG advised that the three men had been detained in June 1968 and held at the Correction Center until 21 Jun 68. They were then released to their own custody and as far as THANG knows returned to Soc Trang. The date of their detention was not determined, other than it was in Jun 68.

On 14 Jan 70, SGM Nguyen Van NGOC, medic at the Quang Ngai Military Hospital, Quang Ngai City, was contacted by WOOD and I in reference to anyone that may have been treated at the hospital from Son My or surrounding area in Mar 68. NGOC stated that the hospital did not treat any civilians at any time for they would be taken to the civilian hospital, which is across the street from the military hospital. He further stated that he had been there for four years and did not remember any incident involving treatment of civilians. He further informed us that there were no records for Mar 68, indicating treatment of any civilian. Captain Nguyen Van CUNG, surgeon, assigned to the Quang Ngai Military Hospital was interviewed. He stated that he has been a surgeon at the hospital for about three years. He stated that he heard of an incident in the Son My area, where many civilians were injured, but knows no details of what is supposed to have happened. He stated that he has never treated civilians at the hospital and it is policy that if civilians are brought to the hospital by dust off helicopter or any other means they are taken by ambulance to the civilian hospital just across the street.

EXHIBIT INITIALS OF PERSON MAKING STATEMENT *TK* PAGE 1 OF 2 PAGES

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.

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.



(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 14th day of January, 1970
at Quang Ngai, RVN



(Signature of Person Administering Oath)

ARMY KENNETH P. McLELLAN

(Typed Name of Person Administering Oath)

Art 136 b (4), UCMJ, 1969

(Authority To Administer Oath)

INITIALS OF PERSON MAKING STATEMENT

AJK

PAGE 2 OF 2 PAGES