

# 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 Saigon, Republic of Vietnam	DATE 20 March 70	TIME	FILE NUMBER 69-CID011-00014
LAST NAME, FIRST NAME, MIDDLE NAME FEHER, ANDRE C R	SOCIAL SECURITY ACCOUNT NO.	GRADE CW4	
ORGANIZATION OR ADDRESS 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:

Reference is made to my investigator's statement dated 17 December 69, which reflects the interview of Nguyen Thi BAY in the US Army hospital at Chu Lai, Republic of Vietnam. BAY during the interview was at times in considerable pain. She was confused about directions and distances. Considerable time was spend to determine the place where the incident on 16 March 68 occurred. BAY could not read the map shown to her. (Army map, Quang Ngai, Vietnam 1:50,000) As a first reference point to determine the place of the incident, the Song Tra Khuc River was used. By using the direction where the sun rises (East), it was ascertained that the incident happened north of the river. BAY then stated that the incident happened one kilometer north of the aforementioned river. Assuming that the distance mentioned by BAY was correct, then the incident should have happened at Co Lay (2). This investigator then asked if there was a hill about one KM from her home, to which. BAY answered in the affirmative. When asked if the name of the hill was Nui Ngang, BAY again answered in the affirmative.

Therefore it was in the mind of this investigator fairly well established that Co Lay (2) must have been the location of the incident. However BAY could have been in error as far as the distance from the river was concerned and that the place of the incident was farther north. BAY herself did not mention the hill (Nui Ngang) by name.

On 15 Dec 1969 when this investigator was informed that BAY was in the hospital, a subsequent conversation with SP5 Peter C DARBY, SSN: 517-56-8615, 635th MI Det. Americal Division, APO SF 96374, revealed that during the incident BAY was residing at My Hoi, a sub-hamlet of Cu Luy (See case progress report FEHER, dated 15 Dec 69).

On 17 Dec 69, during the interview of BAY and by deduction of this investigator the incident was placed at Co Lay (2). Case progress report of FEHER, dated 17 Dec also reflects My Hoi as the place of the incident. This investigator at the time of the interview was not familiar with the names of the several sub-hamlets comprising Cu Luy, and subsequently had to use reference points in order to arrive at a location where the incident occurred. The names of sub-hamlets did not appear on the map used during the interview of BAY. It has to be pointed out that during interviews, the Vietnamese will not furnish information unless asked. Past experience has also shown, that at times the Vietnamese have the tendency to try to please the person that is questioning them. This investigator attempted to pin point the location of the incident. Nui Ngang Hill was repeatedly mentioned to BAY. This might have accounted for BAY stating that Nui Ngang Hill was approximately one kilometer west of her home, when in fact her home was located farther North. The word "hootch" mentioned in my statement dated 17 Dec 69 is commonly used by Vietnamese interpreters to denote hut or house. END OF STATEMENT

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT <i>AF</i>	PAGE 1 OF <u>2</u> 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.

FORM 2823  
JAN 68

STATEMENT (Continued)

THIS PAGE NOT USED

## AFFIDAVIT

I, Andre C R FEHER HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 1. 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:

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

*Andre C R Feher*  
(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 20 day of March, 19 70 at Saigon, RVN

*David M Diehl*  
(Signature of Person Administering Oath)

DAVID M DIEHL, Crim Inves  
(Typed Name of Person Administering Oath)

Art 136 (b)(4), UCMJ 1968  
(Authority To Administer Oaths)