

# Kotouc Cleared on One Charge But Maiming Accusation Stands

By JON NORDHEIMER APR 28 1971  
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ATLANTA, April 27 — The military judge in the Army court-martial of Capt. Eugene M. Kotouc directed a verdict of acquittal today in one of two charges that the Government has brought against the stocky career officer.

Col. Madison C. Wright cleared Captain Kotouc of an assault charge stipulative that he had cut a suspected Vietcong prisoner on the neck with a knife in an interrogation outside the South Vietnamese hamlet of Mylai 4 three years ago.

Colonel Wright let stand, however, a charge that Captain Kotouc maimed a prisoner by cutting off a part of his finger. In an affidavit submitted by the prosecution today, the defendant stated that the suspect had been maimed accidentally.

The 37-year-old captain, who was in charge of interrogating prisoners after the killings at Mylai on March 16, 1968, is expected to take the witness stand in his own defense and repeat his contention that he had employed "accepted and approved tactics of military intelligence" during the events that took place that day.

## Affidavit in January

"It was my belief at the time and I now believe I had no responsibility for the custody or protection of the Vietcong prisoners whom I questioned since they were brought to my by the Vietnamese National Police," Captain Kotouc (pronounced Kuh-TOASH) said in the affidavit taken last January.

"I introduced the element of fear which is effective in breaking down a prisoner's resistance to questioning," the affidavit continued. "That I threatened one of the terrorists with a knife I do not deny . . . thereupon I caused a board to be placed under the right hand of the terrorists [sic], and I tapped on the board with the sharp edge of my knife. I hit the board several times to induce him to pay attention to my question. Unintentionally and by accident I hit the end of his little finger, cutting off the tip of the finger. I was shocked and surprised by this unexpected accident and immediately put my knife away."

The captain said he had identified the terrorist from a blacklist carried by the Vietnamese National Police.

According to the Geneva Convention to which the United States is a signatory, prisoners of war and unarmed civilians are not to be mistreated or subjected to any acts of violence, threats and insults.

## Examination Curtailed

Both the prosecution and the defense attempted today to clarify the treatment of prisoners in Vietnam by American forces.

A retired Army lieutenant colonel, Richard K. Blackledge, who was Captain Kotouc's superior in intelligence operations in Quangngai Province, where Mylai is situated, was called as one of the first defense witnesses to testify in his behalf.

Colonel Wright blocked detailed examination that dealt with alleged mistreatment of prisoners, however, and said he would fully explore the mat-

ter in his instructions to the seven-officer military court when both sides had finished their presentations. This was expected to occur late tomorrow or Thursday morning.

Outside of court, Colonel Blackledge said in response to a question by newsmen that exigencies of battlefield conditions permitted intelligence officers to "scare a prisoner a little bit" to obtain important life-saving information.

In response to a charge that American troops on some occasions had turned their backs and allowed the Vietnamese to beat and abuse prisoners to get information, Colonel Blackledge smiled and said:

"We can't enforce their [the South Vietnamese] compliance, can we? If the prisoners are under the control of the Vietnamese, it's their responsibility."

In testimony yesterday, one of the first prosecution witnesses said that the Vietnamese National Police had summarily executed the suspected terrorists after Captain Kotouc was through examining them.