

INTERNATIONAL PROSECUTION SECTION

Doc. No. 1758

1 June 1946

ANALYSIS OF DOCUMENTARY EVIDENCE

DESCRIPTION OF ATTACHED DOCUMENT

Title and Nature: The PANAY Incident

Date: Jan 46 Original (x) Copy () Language: Japanese
English

Has it been translated? Yes (x) No ()
Has it been photostated? Yes () No (x)

LOCATION OF ORIGINAL (also WITNESS if applicable)

Document Division

SOURCE OF ORIGINAL: Foreign Ministry

PERSONS IMPLICATED: OKAMOTO; HONDA; KAWAGOE; HASEGAWA;
HIROTA; SAITO; YOSHIZAWA

CRIMES TO WHICH DOCUMENT APPLICABLE: Aggression--China.

SUMMARY OF RELEVANT POINTS (with page references):

This document was published by the Research Bureau of the Foreign Ministry Jan 1946.

9 Dec 1937, Japanese Consul General in Shanghai OKAMOTO sent bulletins to all consuls and envoys of foreign nations asking them to cooperate with the Japanese Gov't in her attempt to respect the properties of other nations on the YANGTZE River. 11-12 Dec U.S. Consul General GAUSS sent a note to OKAMOTO stating the position of the PANAY and 3 other snips (27 mi. up the YANGTZE from NANKING) and asking that the Japanese armed forces be instructed as follows: The Panay may move up or down the river, and desires to return to NANKING to help U.S. nationals remaining there. Bulletins were immediately sent to army and navy authorities. "12 Dec the Naval Air Force had not been informed of the situation," and in bombing crafts of Chinese escaping from NANKING they dropped bombs on the Panay, and the other 3 ships, sinking the Panay and either sinking or firing the others. "A body of the Japanese forces took them for Chinese vessels and fired on them until they discovered that the ships were American, and then

Doc. No. 1758

Page 1

Doc. No. 1758 - Page 2 - SUMMARY CONT'd

they had the air bombings stopped and made strenuous efforts to rescue the American crews." ".....the bulletin was delayed and the smoke of the guns obscured their view so they could not see the U.S. flag at first."

13 Dec an inquiry was made by the U.S. Consul General re the Panay; on the same day a report was sent by a Naval officer HONDA to the Jap Consul General at SHANGHAI. At once orders were issued by naval authorities for the rescue of the crews of the sinking boats.

Here follows an account of apologies made by Jap diplomats to America and of the indemnity requested by the U.S. Gov't. (Complete translation attached to document.)

Doc # 1758

Must be returned to file of
this doc. after use.

NO. 1

BOMBARDMENT AND SINKING OF THE U. S. S. PANAY.

DATE OF THE DOCUMENT JAN. 1946

BY THE RESEARCH BUREAU OF FOREIGN MINISTRY

1 With the extension of the battlefields up to the spots around Hanking from Shanghai district, it was thought necessary to send ~~the~~ ^a general warning to ~~the~~ boats of various nations sailing or stationed on the Yangtze River and so on 9 Dec. 1937, the bulletins were sent by OKAMOTO, Japanese consul general in Shanghai to the groups of envoys and consuls of various nations asking to cooperate with Japanese Government in her fulfilling the duty to respect the properties of the third nations in the midst of her hostile actions with Chinese armed forces. Then request was made by OKAMOTO to the chairman of the consuls that all the nationals of the third nations shall leave Hanking

018

No. 2

II On 11 and 12 Dec. 37 request concerning the whereabouts of the U.S.S. Panay and three other steamers belonging to the Standard Oil Company, was sent by Gauss, the United States consul general to OKAMOTO stating that the U.S.S. Panay moved to the spot 57 miles up Nanking and the three other steamers of the Standard Oil Co. were near ~~the~~ ^{the} Panay and so due instructions should be issued ~~to~~ ^{to} the Japanese armed forces: Panay may sail up or down with the change of the situation desiring to return to Nanking to act in connection with the U.S. nationals remaining in Nanking. Bulletin's dealing with these informations were immediately sent to the Army and Navy authorities.

III On 12 of the month, however, the Naval Aircraft Force ~~was~~ ^{which} had not been informed of this situation bombed the Chinese armed forces who were escaping from Nanking sailing up the Yangtze River on steamers.

1758

No. 3

Then some of the aircraft began bombing ~~the~~ Panay and three other steamers at the spot 27 miles up Nanking, the U.S.S. Panay was sunk and the rest were either sunk or fired. A body of Japanese armed forces engaging independently in their duties took them for Chinese vessels and fired on them, later finding that they were ~~the steamers~~ ^{ships} of the United States made strenuous efforts ~~in~~ ^{to save} ~~saving~~ the crew and had the bombings of the aircraft stopped.

This was caused because of the delay of the bulletin to be sent to them and the mist and the smoke of cannons checked the sights of the attackers and ^{so} the flag X of the United States could not be noticed.

It was known by the information that the crew of the steamers were 59 officers and thirteen civilians and the 54 out of them were taking shelter to Wa hsien.

The captain of the U.S.S. Panay and one more high rank officer were wounded and one marine was killed.

1758

No. 3

Then some of the aircraft began bombing ~~the~~ ^{me} Panay and three other steamers at the spot 27 miles up Nanking, the U.S.S. Panay was sunk and the rest were either sunk or fired. A body of Japanese armed forces engaging independently in their duties took them for Chinese vessels and fired on them; later finding that they were ~~the steamers~~ ^{ships} of the United States made strenuous efforts ~~in~~ ^{to save} ~~saving~~ the crew and had the bombings of the aircraft stopped.

This was caused because of the delay of the bulletin to be sent to them and the mist and the smoke of cannons checked the sights of the attackers and ^{so} the flag X of the United States could not be noticed.

It was known by the information that the crew of the steamers were 59 officers and thirteen civilians and the 54 out of them were taking shelter to Wa hsien.

The captain of the U.S.S. Panay and one more high rank officer were wounded and one marine was killed.

IV. On 13 an inquiry was made by the United States consul general about the Panay which had been missing since 1 P.M. 12 Dec.

On the same day the report concerning the Panay was sent from HONDA, a naval officer, to the Japanese consulate general in Shanghai.

Orders were issued at once by the naval authorities to the vessels around the spot for the immediate rescue of the crew of the sinking boats.

V. Upon receiving the report of the accident OKAMOTO, Japanese consul general in Shanghai expressed his profound regret to the United States consul general. Telegram was sent from Ambassador KAWAGOE to the U.S. Ambassador expressing a great regret. The chief of the staff of the Japanese fleet was sent to the flag boat of the United States for apology. HASEGAWA, the commander in chief of the third fleet stated to bear the responsibility calling on the commandant of the United States fleet at his boat.

The United States commandant was visited by OKUMURA Secretary of the Japanese Embassy who was sent in place of Ambassador KAWAGOE

IV. In Tokyo, Foreign Minister HIROTA called on Ambassador Grew at the Embassy expressing his profound regret for the accident. Ambassador SAITO in Washington D.C. was instructed by the Japanese Foreign Minister in Tokyo to pay a visit to the State Secretary for apology and at that occasion the following document was handed by Hull

The document ~~is appearing~~ ^{appears} on page 7. (In English.)

Finding the words of indiscriminate bombing in the document, Ambassador SAITO visited Hull again and stated there there could not exist such thing as indiscriminate bombing on the side of Japanese armed forces.

In the afternoon of 14 Dec. YOSHIZAWA, the chief of the American Bureau of the Foreign Ministry visited Grew, giving him the

1758

No. 6

following explanation of the accident.

THE LETTER FROM FOREIGN MINISTER HIROTA TO
AMBASSADOR GREW DATED 14 DEC. 1937.

Excellency.

I have the honor of writing to you

The U.S.S. Panay and three other steamers
belonging to the Standard Oil Co. were bombed
on the Yangtze River on 12 of this month
and were sunk and I was asked by the
Imperial Japanese Government to convey the
words of apologies to the Government of the
United States. Following is the report
received from the dispatched authorities.

Upon receiving the information that the
Chinese troops were escaping from Nanking
and sailing up the Yangtze, the Imperial
naval aircraft force began to pursue
the troops and came to catch the vessels
sailing at the said spot. The recognition
of the nationalities of the vessels were not
easy so the low flight was done

yet no marks were recognized and thus the U.S.S. Panay and three other steamers were taken for the vessels which were carrying the Chinese escaping troops and were bombed and sunk. It is evident that this attacking was done by accident yet the Imperial Government is profoundly regretful for giving damages on a man of war and steamers of the United States and the casualties of the crew of the boats. The Imperial Government is ready to indemnify all the losses caused by the accident and to take suitable measures over the responsible persons. We have sent strict orders to the despatched authorities to take every precaution against the recurrence of such accidents. The Imperial Government is an earnest hope that this regrettable accident would not bring about any further troubles between two nations.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

1758

No. 8

VII Foreign Minister HIROTA was visited by Grew and was handed the following note

It is appearing on page 12 — 17.

The United States Ambassador visited HIROTA again on 17 Dec. and presented the informative memoire stating that the bombing of Panay and three other vessels was an intentional act.

Investigation committee of the army and navy authorities had been sent to the scene of the trouble and the full research had been made and it became evident that there was no such intentions on the part of the Japanese armed forces as had been suspected.

The army and navy officers who had returned from the investigation duty visited Ambassador Grew giving him a detailed explanation of the accident which gave good impression to the United States authorities.

1758

No. 9

VIII. The following letter for answer from the Japanese Government was handed to Ambassador Grew on 24 Dec.

THE LETTER FROM FOREIGN MINISTER HIROTA TO GREW,
THE UNITED STATES AMBASSADOR DATED ON 24 DEC.

I have the honor to address to your Excellency the following note.

In regard to the unfortunate incident caused on the Yangtze River at 26 miles up Nanking, when by accident the U.S.'s Paney and three other boats of the Standard Oil Co. were attacked by the Japanese naval aircrafts and were either sunk or fired and there came about death and wounded of the crew, we have already reported by the official document No. 159 dated 14 Dec.

About same time with this report, your letter No. 838 was brought to us which gave us the following instructions.

"... acts of Japanese armed forces have

1758

No. 10

violated the rights of the United States, have seriously endangered the lives of American nationals and have destroyed American property

In these circumstances, the Government of the United States requests and expects of the Japanese Government a formally recorded expression of regret, an undertaking to make complete and complete and comprehensive indemnifications, and an assurance that definite and specific steps have been taken which will ensure that hereafter American nationals, interests, and properties in China will not be subjected to attack by Japanese armed forces or unlawful interference by any Japanese authorities or forces whatsoever.

In regard to the cause of this disgraceful affair, a definition is given by your letter that the incident was resulted from our violation of the interests of the United States.

It is very evident however, that the attacking was done by accident as I have already explained on the last letter

1758

NO. 11

We have taken all the possible measures to investigate the real situation and that was continued even after the document had been presented. We are convinced of your understanding of the fact that the incident was by no means done by design. By the explanation given by the army and navy officers on 23 Dec.

In regard to the first two items requested by your letter i.e. formal recorded expression of regret and complete and comprehensive indemnifications, the sufficient explanations were given already by the last letter of mine and in regard to the assurance for future, the order was already issued in a strictest form to take every precaution against recurrence of such incidents in the territories in which the steamers of the United States and any other nation's stay, even under such situation as attacking on the Chinese troops thought to be necessary.

1758

No. 12

We have again issued a strict order as was done repeatedly to take specific precautions which ensure that the interests and properties of the United States or any other nations will not be subjected to attack by Japanese armed forces or unlawful interference by Japanese authorities.

Besides the methods how to put ^{these} into practices have been taken into serious consideration.

We intend to make sure of the investigation on the interests and properties of your nation whereabouts of your nationals, acting in connection with you. We promise you to elaborate a plan as to the methods of communication with our despatched officials.

As I have repeatedly stated the attacking was done by accident yet by the reason that the sufficient precaution was not paid by the Japanese naval/aircraft force, the commander in chief of the force was dismissed from his office and was called back and due measures have been taken as to the punishment of the responsible persons.

We are in an earnest hope that you would

1758

No. 13

understand our real intention of dismissing and calling back the commander in chief; it was done from our sincerest desire to ensure the interests and properties of the third nations in the future.

I avail myself of this opportunity to renew to Your Excellency the assurance of my highest consideration.

The following document was handed to HIROTA by the United States Ambassador Grew on 26 Dec. which is appearing on page 25-29 of the original document.

In regard to the indemnity of the damages, the following request dated 21 March 1938 was brought by the direction of the United States Government.

1. Amount of the properties damaged.

\$ 1945670,01

2. Amount of the indemnity of the casualties

\$ 268337,35

3. Total \$ 2214007,36

1758

No. 14

In the above minute description are counted up the amount of damages of four more steamers which were found out later and so the whole damages and casualties became as follow

1. Boats sunk The U.S.S. Panay
 Five steamers of the Standard
 Oil Company.

2. Boats destroyed
 Two steamers

3. Killed 3
 Wounded. 74

The scanner's notes are in possession of Lt. Wilds.

1258