



**e-mail:** 

15<sup>th</sup> April 2009

Dear Commissioner Cole,

Had I been able to travel to Sydney last month for a second Hearing before the Court, I would have taken the opportunity to draw its attention to the attached extracts of evidence given by the Kormoran survivors after being rescued by HMT Aquitania on November 23<sup>rd</sup> 1941.

As you can see, they testified that

- 1) It was Sydney that first opened fire, at a range (W. Galushka) of 9000m after a false reply (G. Grossmann) to her opening challenge
- 2) Kormoran was not scuttled as Detmers claimed, but sunk by Sydney's fire
- 3) Kormoran was preparing to ambush Aquitania, as W. Grun had already stated in his diary on the 17th
- 4) Kormoran opened fire when both ships were stopped and not steaming parallel at 14 knots as claimed

You will obviously appreciate that these statements directly contradict the official account of the action which was subsequently, in the words of Lt.Cmdr. J. Rycroft, 'cooked up'. It is therefore quite inexplicable to me that during the Commission's questioning of Kormoran survivors last year the opportunity was not taken to confront them with a single one of these statements, representing as they do the first to be recorded and therefore the most trustworthy, which can only indicate to me the Commission's determination to uphold the official account regardless of the evidence presented to it.

I must also point out that you have yet to reply to my letter to you of March 24<sup>th</sup>, which I am particularly anxious to receive in answer to my questions as to a) what grounds you have for publicly describing me as 'a not remotely reliable witness', and b) what steps have been taken to investigate Ministry of Defence archives in Tokyo.

I look forward to hearing from you shortly.

Yours sincerely,

A handwritten signature in black ink, written in a cursive style. The signature is slanted and appears to read "Michael Montgomery".

Michael Montgomery