

1 CMDR RUSH: Sir, I call Mr David Kennedy.

2

3 <DAVID GEORGE JOHN KENNEDY, affirmed: [10.08am]

4

5 <EXAMINATION BY CMDR RUSH:

6

7 CMDR RUSH: Q. Mr Kennedy, could you state your full  
8 name and address to the Commissioner, please?

9 A. David George John Kennedy, [REDACTED]  
10 [REDACTED]

11

12

12 Q. Your occupation?

13

13 A. I am a journalist.

14

15 Q. It is fair to say, Mr Kennedy, that over a long period  
16 of time you have had an interest in matters concerning the  
17 German raiders and particularly the *Sydney/Kormoran*  
18 engagement?

19

19 A. Yes, since about 1993, when I met somebody from the  
20 *Komet*.

21

22 Q. That has been the subject of you, I think, during the  
23 time that you were working in Germany, speaking to a number  
24 of the *Kormoran* survivors?

25

25 A. No, I didn't know anything about the *Kormoran* until  
26 after meeting Charles Noack, who brought back some footage  
27 from Germany, and it was so fascinating, it had Australian  
28 and New Zealand ships being captured by raiders. I didn't  
29 know this part of Australian history. As a journalist, it  
30 just seemed a topic that we should know about.

31

32 Q. As part of your effort to know about it, it involved  
33 your interviewing survivors of *Kormoran* in Germany?

34

34 A. I managed to interview one in Germany face to face.  
35 The others were by telephone, gradually. One would lead me  
36 to another and another.

37

38 I told my paper that we should go over and talk to a  
39 couple of these chaps, but they had other priorities at the  
40 time. I think we had had the 1997 *Stella Maris* seminar in  
41 Fremantle, but it really hadn't come up in the east to any  
42 great extent then.

43

44 Q. Trying to cover the territory in a general way, you  
45 made a number of submissions concerning the *Sydney/Kormoran*  
46 engagement to the Parliamentary Inquiry throughout the  
47 course of 1998?

1 A. Yes. It was interesting, in that I had been also  
2 trained in television and radio, so I could handle the  
3 technics - a bit like Mark Davidson and his interviews; he  
4 takes a camera along and shoots it. I was also a  
5 journalist. I was gathering information which would be  
6 good for a book or a documentary, but as the story  
7 developed, I could see that I had information that other  
8 people didn't have.

9  
10 When the Inquiry came up, I thought, well, will I keep  
11 it to myself - apparently, Graham Anderson in Berlin hasn't  
12 contributed to this Inquiry - or should this be in the  
13 public domain? It has been a bit of a conflict of  
14 interest, and I guess I thought it has to be out there. If  
15 it is not out there, what is the use of having these  
16 Inquiries?

17  
18 Q. That includes the provision to this Commission of  
19 Inquiry of a number of transcripts of the interviews that  
20 we've just spoken about?

21 A. Yes. Yes, some raw and others edited into a draft or  
22 preparatory form with subtitles, but incomplete as yet.

23  
24 Q. Mr Kennedy, do you hold to the view that there has  
25 been an official cover-up in relation to the circumstances  
26 of the loss of *Sydney*?

27 A. When I read Gill's History, there was the passage  
28 along the lines that this account is to be regarded as  
29 actually what happened, what took place. It was basically  
30 saying - I will paraphrase it - "This is what happened;  
31 there is little doubt about it" or "there is no doubt about  
32 it." CMDR Long's comment that he was not prepared to  
33 release any more information without a ministerial  
34 directive was just there, hanging in the air. Apparently,  
35 no ministerial directive came.

36  
37 THE PRESIDENT: Q. What's the answer to the question?

38 A. Oh, I'm sorry?

39  
40 Q. Perhaps you might direct your attention to the  
41 question you were asked?

42 A. Yes.

43  
44 CMDR RUSH: Q. The question was: do you hold to the  
45 theory that there has been an official cover-up in relation  
46 to the loss of *HMAS Sydney*?

47 A. I think that with the end of the European and Pacific

1 Wars, there was the Cold War, there was Korea, there was  
2 the Malayan emergency, there was Vietnam, but, basically,  
3 if there were codes and ciphers involved, it was more a  
4 continuation of security and people being too busy to grasp  
5 the nettle of what happened to the Sydney.  
6

7 THE PRESIDENT: Q. You still haven't answered the  
8 question.

9 A. Well, "cover-up" - I would probably say that it was  
10 more of an attempt to not disclose things that did not  
11 appear to need disclosing at the time, for various reasons.  
12

13 Q. That, if I may say so, is gobbledegook.

14 A. I don't think so, sir. It is an attempt to respond to  
15 your question.  
16

17 Q. An attempt by whom?

18 A. By - I am sorry?  
19

20 Q. "An attempt", you said. An attempt by whom?

21 A. Well, it was, I think, a matter that didn't have  
22 priority. I mean, there was the Korean War; there was the  
23 Vietnam War.  
24

25 Q. What is the matter that didn't have priority?

26 A. You will have to take me back to --  
27

28 Q. What you just said?

29 A. Yes.  
30

31 CMDR RUSH: Sir, you asked, "You still haven't answered  
32 the question", and Mr Kennedy answered:  
33

34 *Well, "cover-up" - I would probably say*  
35 *that it was more of an attempt to not*  
36 *disclose things that did not appear to need*  
37 *disclosing at the time, for various*  
38 *reasons.*  
39

40 THE PRESIDENT: Q. I asked you, "An attempt by whom?"  
41

42 CMDR RUSH: Q. The question and answer were:  
43

44 *Q. "An attempt", you said. An attempt by*  
45 *whom?*

46 *A. Well, it was, I think, a matter that*  
47 *didn't have priority. I mean, there was*

1           *the Korean War; there was the Vietnam War.*

2

3           A.    I would say an omission.

4

5           THE PRESIDENT:   Q.    An omission by whom and an omission  
6           to do what?

7           A.    Well, I think I have explained that.

8

9           Q.    You haven't, I am sorry. I don't understand, if you  
10          have. If you just tell me, an omission by whom, and --

11          A.    No, you have used the word "gobbledegook" already.

12

13          Q.    Mr Kennedy, would you please attend to the question  
14          I am asking you --

15          A.    I regard this as an attempt to disturb the witness.

16

17          Q.    You may regard it in that fashion. I am simply trying  
18          to find out what your position is, and I have asked you --

19          A.    And I have told you.

20

21          Q.    -- it was an attempt by whom and an attempt to do  
22          what?

23          A.    The Defence and political people at the time, since  
24          the War, had other things on their minds.

25

26          Q.    That's the best answer you can give?

27          A.    Well, if you are going to rate the answers, I can only  
28          say it is the answer I am giving, and I shall leave the  
29          rating up to you, sir.

30

31          THE PRESIDENT:   Very well.

32

33          CMDR RUSH:    Q.    In the submission that you provided to  
34          the Commission of Inquiry, Mr Kennedy, at SUBM.006.0070, at  
35          the bottom of the page, you said this:

36

37                   *There is a message of 23/11/41 from.*  
38                   *Admiralty to COIS the Naval board and*  
39                   *New Zealand Board in reply to message of*  
40                   *2359 Z of the 21st. It starts: "VESSEL*  
41                   *WAS NOT REPETITION NOT RAIDER 'C',*  
42                   *DESCRIPTION APPEARS TO FIT RAIDER 'G'*  
43                   *NUMBER 41." The message goes on to*  
44                   *describe Steiermark, now Kormoran, and ends*  
45                   *with "LAST LOCATED IN SOUTH ATLANTIC MAY*  
46                   *1941 WITH RAIDER 'C'." My research has*  
47                   *shown that a freighter of that description*

1           *in the Pacific Ocean could have been the*  
2           *Suva which operated from the north of*  
3           *Australia, but was well known. We have a*  
4           *signal of a sighting of a ship fitting the*  
5           *description of Kormoran two days after the*  
6           *action. Was that description from HMAS*  
7           *Sydney, but transposed to appear as though*  
8           *from another source? The message ends*  
9           *"LAST LOCATED IN SOUTH ATLANTIC MAY 1941*  
10           *WITH RAIDER 'C'."*

11

12           In relation to that suggestion that is contained in the  
13           paragraph that the description of *Steiermark* was from  
14           *Sydney* and transposed to appear as though from another  
15           source, do you seriously maintain that?

16           A.    I pondered that information and put it out there.  
17           I don't think that the Inquiries we have had so far, or  
18           this Inquiry, will resolve the situation. So that is out  
19           there for any historian who, like us, has been trying to  
20           check and expand on what we have.

21

22           Q.    The imputation behind what you wrote there is that you  
23           are questioning whether *Sydney* sent a signal that described  
24           *Steiermark*, and then you have put forward the potential  
25           proposition that that signal was transposed to make it  
26           appear as though it did not come from *Sydney* but came from  
27           another source. Am I correct in putting that as the  
28           inference or imputation behind what I have read to you?

29           A.    I was putting that out there for - it's a question.

30

31           Q.    Is that the sort of question that you put forward that  
32           relates to cover-up?

33           A.    "Cover-up" is your word.

34

35           Q.    Well, that would be a cover-up, wouldn't it?

36           A.    It depends on your definition of "cover-up". I mean,  
37           I have explained my position on what you describe as a  
38           cover-up. I'm not going to say that that indicates a  
39           cover-up or not, because I haven't introduced the word  
40           "cover-up".

41

42           Q.    How would you describe someone receiving a signal from  
43           *Sydney* and then transposing it so as to make it look as  
44           though it came from a different source?

45           A.    Well, it depends if it's intentional or something that  
46           happens in the course of routine work.

47

1 THE PRESIDENT: Q. Transposing a signal from one ship to  
2 make it appear that it came from another?

3 A. I am indicating that it was a possibility. I have put  
4 a question mark after it. I am not saying that that  
5 happened. It's up to the reader/researcher and the  
6 inquirer to establish that. I just put it out there,  
7 having pondered and thought that it was interesting.

8  
9 I actually came across the *Suva* and the *Salamoia* by  
10 interviewing a chap called Stuart Stewart. The *Suva* and  
11 I think the *Salamoia* had roughly similar configurations to  
12 ships that had been sought before, and I think it included  
13 a Meyer bow. That was information that I put in the  
14 submission with a question mark for people to consider. It  
15 is not a conclusion.

16  
17 Q. Mr Kennedy, do you say the raider code was broken?

18 A. Yes. This is what I have thought is a valid  
19 conclusion. Because a lot of these codes were still being  
20 used, naturally, after World War II, the Cold War,  
21 et cetera, the security apparatus, as I understand it,  
22 doesn't give away codes and ciphers.

23  
24 There were books from the people who worked at  
25 Bletchley Park. In the first of the books by the people  
26 who were really at the cutting edge of it, it said that the  
27 *Aussheimisch*, or the foreign key, had not been broken.

28  
29 Then, a bit further on, there were indications that  
30 codes had, in fact, been broken in the middle of 1941.

31  
32 Then there was a later book in which I think it might  
33 have been Dakin wrote that breaking these codes was  
34 difficult, but there was a signal that came from the South  
35 Atlantic and it had XXX, WWW, GGG, boom, boom, boom. He  
36 said when they looked at that, it was an unusual  
37 configuration of letters, and I think a double "G"  
38 appeared, and it was decoded as the *Ole Wegger*, which was  
39 one of the Norwegian whaling fleet captured I think in the  
40 Weddell Sea by *Pinguin* in early 1941 - late 1940 or early  
41 1941, about that, Southern summertime.

42  
43 The whaling fleet had been located by listening to the  
44 hunting ships' radio telephone messages to the mother  
45 ships, and the fact that *Ole Wegger* was hit - now, the book  
46 said that the signal came from the South Atlantic.

1           *Atlantis*, another time, going across the bottom, the  
2 Captain there, Rogge, said that he tried to signal with  
3 wireless telegraph scores, if not hundreds, of times to see  
4 if it could be picked up in Germany. The point here is  
5 that here we have the message coming from either the  
6 *Penguin* or the *Admiral Scheer*, the pocket battleship that  
7 was a bit further north, being cracked. In the same  
8 section of the book, it says basically that virtually all  
9 the codes were read from that point on.

10  
11 THE PRESIDENT: Q. When was that point?

12 A. That would have been - it was the Southern summer of  
13 1941 when *Penguin* captured the *Ole Wegger* and the whaling  
14 ship *Pelagos* and they were sent north. One of the whalers  
15 was given to the *Komet* and laid mines off New Zealand.

16  
17 Q. So do I understand from that answer that your position  
18 is that from early in 1941, the raider codes were broken?

19 A. As I recall, in the passage of the book - and I think  
20 the Inquiry has the pages of the book that I gave  
21 LEUT Nottle some time ago - the writer is either letting  
22 out accidentally, or possibly some of these people who  
23 worked with signals were leaving tracks; they were proud of  
24 what they did, and, "Oh, I will slip this in here." It was  
25 either, presumably, a slip, that he forgot that he wasn't  
26 supposed to disclose that, or he was rather proud of  
27 himself, "Well, we cracked that code that is apparently  
28 still being described as unbreakable."

29  
30 Q. Let me repeat the question. Am I to understand that  
31 your position is that from early 1941, the raider codes  
32 were broken?

33 A. I have put it out there, sir. I mean, that's all  
34 I can do.

35  
36 Q. Do you accept anything, or do you just put things out  
37 there, as you say?

38 A. Well, in this story - I have given the Inquiry,  
39 I think, 43 three-hour or four-hour video tapes. I'm still  
40 pulling bits and pieces out from between Golden Oldies  
41 Rugby programs, and I'm providing it as is possible.

42  
43 I think that until I have a chance to sit down with  
44 the documentation, and I have about six hours of raider  
45 footage from all the raiders - until I can sit down and get  
46 the agreeing and conflicting opinions together, then all  
47 I can say is that I'm putting it out there for posterity.

1  
2 I was once told by John Doohan, who organised the  
3 Stella Maris conference in 1997, "Oh, if you want to  
4 address the seminar, you might have to do it during  
5 lunchtime." I said, "Dr Mike McCarthy said I should come  
6 over and present this information." I said, "John, what am  
7 I supposed to do - suppress it?" They fitted me in. In  
8 fact, Mike McCarthy was encouraging me from the sidelines,  
9 I think, to show the "Send carrier, men on board" signals  
10 that are a central feature of this.

11  
12 CMDR RUSH: Q. Mr Kennedy, Dr Ian Pfennigwerth gave  
13 evidence to this Commission of Inquiry which supported  
14 other evidence that the Commission of Inquiry has, to the  
15 effect that the raider code was not broken until after the  
16 War. I know you have spoken with him a number of times.

17 He gave that evidence on Monday. Why shouldn't the  
18 Commission of Inquiry accept that evidence from him?

19 A. Well, Dr Pfennigwerth had sent me a couple of his  
20 books to review. He has his areas of knowledge and  
21 specialty, and I am not saying he is right or wrong, but he  
22 also told me that he didn't think that the Christmas Island  
23 body was from the Sydney --

24  
25 Q. Mr Kennedy, my question was quite direct, and could  
26 you answer the question: what is it about that evidence  
27 that we should not accept? Why shouldn't it be accepted in  
28 relation to the raider codes?

29 A. Of Ian Pfennigwerth? I suggest that he hasn't  
30 happened to come across the material that I have.

31  
32 Q. Towards the bottom of the page of this part of your  
33 submission, after citing "The Intrigue Master", you state:

34  
35 *The dog of Detmers was named Senta. Senta*  
36 *was the a heroine of the Wagner opera The*  
37 *Flying Dutchman in which the captain comes*  
38 *ashore every seven years. Sydney I drove*  
39 *Emden ashore in 1914. Including 1914 and*  
40 *1941, the total is 28 years - seven years*  
41 *by four - to the month.*

42  
43 *Kormoran First Officer Kurt Foerster is*  
44 *quoted in the 89-page handwritten report*  
45 *that "Captain never talked about plans and*  
46 *had a private cupboard for all his secret*  
47 *papers. Foerster had never seen anything*

1                   *in it.*"

2

3                   What are we meant to make of those two paragraphs?

4                   A.    Well, the Second World War was a lot closer to the  
5                   First World War than we are to the Second World War. The  
6                   *Emden*, after being run aground in Cocos (Keeling) Islands,  
7                   when Glossop came back - and there was a flag and an ensign  
8                   still showing - was attacked again, with loss of life.

9

10                  The *Dresden*, which had escaped from I think *Invincible*  
11                  and *Indefatigable* in the Falklands, was eventually run down  
12                  in the Pacific near Chile, and *Kent*, I think it was, opened  
13                  fire. A young Canaris came over to try to work out a  
14                  peace.

15

16                  My understanding is that the German Captains, although  
17                  generally honourable men, still had that memory of the  
18                  first War and the fact that the *Emden* had been hammered  
19                  totally, and arguably mercilessly, into submission after it  
20                  was grounded, and the *Dresden* would have, in normal  
21                  circumstances, been interned in Chile.

22

23                  Q.    I don't understand, if I might say so - and you might  
24                  enlighten us - the significance of "28 years - seven years  
25                  by four - to the month"?

26                  A.    I see, yes.

27

28                  THE PRESIDENT:    Q.    Coupled with the name of  
29                  CAPT Detmers' dog?

30                  A.    Senta. Yes, Senta was Detmers' dog. Every seven  
31                  years, the Captain of *The Flying Dutchman* - I mean, it just  
32                  seemed an interesting point that hadn't been raised before,  
33                  and I raised it. Was Detmers in a ship that had white  
34                  metal problems and might have difficulty getting back to  
35                  Germany, might have to go to Japan eventually? Was he  
36                  prepared to trust his arm against the *Sydney*, particularly  
37                  as he had used the underwater practice torpedo against the  
38                  Z23 in the Baltic exercise beforehand.

39

40                  Q.    I am sorry, I don't understand any of that. Can you  
41                  explain to me what I am supposed to draw from some  
42                  relationship that you have found between the name of  
43                  CAPT Detmers' dog, a heroine in *The Flying Dutchman* and a  
44                  period of 28 years?

45                  A.    Well, every seven years, the Master of *The Flying*  
46                  *Dutchman* was allowed to go ashore, was allowed to land.  
47                  I mean, there it is. Why is his dog called Senta and not

1 Poopski or something? It's there.

2

3 Q. What does that have to do with the loss of  
4 *HMAS Sydney*?

5 A. Well, if you can't see it - that Detmers was,  
6 apparently, prepared to chance his arm to take on and sink  
7 a cruiser because he thought he had the capability - then  
8 I can't assist you.

9

10 CMDR RUSH: Q. So is that the significance of the  
11 extract that you incorporate in your submissions in the  
12 next paragraph:

13

14 *In "Prisoners of the Kormoran" by WA Jones*  
15 *of the Mareeba, it is recorded*  
16 *that ... Detmers got very drunk at the time*  
17 *of his birthday, visibly while on the*  
18 *bridge. Later while drinking with the*  
19 *prisoners he told them: "Eat, drink and be*  
20 *merry, for tomorrow we may die."*

21

22 A. Yes, that's - well, in saying "yes", I am reading  
23 that, but this is something from a book at the time which,  
24 again, is being put out for people now and those who follow  
25 to consider.

26

27 THE PRESIDENT: Q. What am I supposed to draw from the  
28 fact, if it be the fact, in relation to the loss of  
29 *HMAS Sydney*, that CAPT Detmers got drunk on his birthday?

30 A. With respect, I don't really think it's up to me to  
31 consider what you should think about it. I think I have,  
32 in fact, indicated that he had perhaps a bit of hubris.

33

34 Q. Is this not part of the material that you have placed  
35 before this Inquiry?

36 A. I am sorry?

37

38 Q. Is this not part of the material that you have placed  
39 before this Inquiry?

40 A. It is up to you, sir, what you make of it.

41

42 Q. You put it before me.

43 A. I am sorry?

44

45 Q. You put it before me. I am asking you why and what  
46 I am supposed to draw from it?

47 A. I put it before a Commission of Inquiry into the loss

1 of HMAS Sydney.

2

3 CMDR RUSH: Q. For what purpose, Mr Kennedy? What's the  
4 point to be derived out of it?

5 A. It was an aspect that was interesting at the time.  
6 I think it is still interesting to consider. I put it  
7 forward for the consideration of us and those that follow.  
8 I mean, the mystery of the Sydney I don't think is going to  
9 finish with this Inquiry.

10

11 Q. Could we go over to page 0072. In the middle of the  
12 page, you refer to the book of Admiral Collins and you say  
13 this:

14

15 *In his book "As Luck Would Have It",*  
16 *Captain John Collins, although involved in*  
17 *Singapore with commerce protection from*  
18 *raiders and stationed in Fremantle after*  
19 *the fall of the island state, writes only*  
20 *of the Sydney action: "But mostly we*  
21 *remember her tragic end, when she*  
22 *disappeared all hands after sinking the*  
23 *German raider Steiermark (Kormoran), and*  
24 *mourn the loss of the friends and shipmates*  
25 *we knew so well."*

26

27 *Michael Montgomery has told me on tape at*  
28 *various times (your DVD reference) that*  
29 *when he mentioned the Sydney to John*  
30 *Collins at a social gathering, he got the*  
31 *response that it was a terrible business*  
32 *"and we don't want to talk about that".*

33

34 Why is that there and what is the point of it?

35 A. Interviewing Michael Montgomery - he was possibly on  
36 my mind, because I remember greater the torpedo officer of  
37 the *Kormoran* saying that when Michael Montgomery visited  
38 him, he thought that Montgomery was boring holes in him.

39

40 I suppose that Michael Montgomery had approached  
41 Collins. We had on record and in documents Collins'  
42 opinions on the loss of Sydney. There is not much about it  
43 in that book.

44

45 It was another little bit of information that occurred  
46 to me at the time that might be of interest. I make no  
47 definite comment on it, just present it for consideration

1 of the Inquiry and posterity.

2

3 Q. Is it put there, Mr Kennedy, to assert, to insinuate,  
4 that in some way or another Collins is hiding his knowledge  
5 about *Sydney* in not wanting to talk about it at a social  
6 gathering to Mr Michael Montgomery?

7 A. I think in the overall scheme of things - David  
8 Stevens had a publication on the RAN in World War II and  
9 the *Sydney*, where it was a matter of one paragraph saying,  
10 "Things were difficult after the loss of *Sydney*", and then  
11 a caption. I asked Dr Stevens, "Why, if you have a book on  
12 the RAN and World War II, don't you have more about the  
13 *Sydney*?", and he said that it was a collection of addresses  
14 to a forum.

15

16 I suppose at the time, having thought, well,  
17 Dr Stevens' book has only a little bit about it,  
18 CAPT Collins' book has only a little bit about it, it's  
19 interesting.

20

21 Q. When you say "it's interesting", what is interesting  
22 in relation to that comment?

23 A. Well, the fact that CAPT Collins was approached by the  
24 son of the navigator, who had written a book or was writing  
25 a book and gave that answer. I have no comment on the  
26 quality or otherwise of Mr Montgomery or CAPT Collins. It  
27 is something that I thought might be of interest, and it  
28 has obviously stimulated your interest.

29

30 Q. No. My interest - and I am putting it to you by way  
31 of question - is what the purpose of your putting it there  
32 is. You say that it is interesting to you, and I want to  
33 know whether it is of interest to you because you are  
34 asserting or insinuating that Collins had something to  
35 hide?

36 A. Well, it was at a social function. CAPT Collins might  
37 well have been in the mood not to talk about it at the  
38 time, but the fact is that Michael Montgomery, who had  
39 written or was writing about the loss of the ship, put the  
40 question to CAPT Collins and he says that that was the  
41 answer.

42

43 Q. My question, Mr Kennedy, is directed at you: what do  
44 you make of that being the answer?

45 A. Well, I have told you. In the overall scope of the  
46 loss of *HMAS Sydney*, if you are going to keep tying people  
47 down on paragraphs, with lengthy questioning, and avoiding

1 some of the larger issues, then this is not going to look  
2 very good for posterity.

3  
4 THE PRESIDENT: Q. Mr Kennedy --

5 A. I am answering the question, sir.

6  
7 Q. Mr Kennedy, this is material which you have placed  
8 before a Commission of Inquiry. I assume that you did so  
9 because you thought that it was, in some fashion, material  
10 to the deliberations of that Inquiry. At present, I am  
11 unable to see what this has to do with any matter related  
12 to the loss of *HMAS Sydney*. If there is something to be  
13 drawn from it, I would like you to tell me what it is.

14 A. One of the things in this whole saga is presenting  
15 information for people to consider themselves. My method  
16 of working - and I did it with the Brit documentary and  
17 with this - is to present, as much as possible, the raw  
18 statements and material of the people who were there or  
19 thereabouts. It is within that sort of framework that  
20 I have put items that had not, to my knowledge, been in the  
21 public sphere. I am not in the business of telling people  
22 what they should think beyond indicating that I think this  
23 is worth thinking about.

24  
25 Q. I should think about the fact that Sir John Collins  
26 did not wish to talk to Mr Montgomery at a social function  
27 about the loss of *Sydney*?

28 A. That's what I have suggested. He didn't want to talk  
29 about it either for personal reasons or for social reasons,  
30 but that's all that Montgomery said. I didn't then say,  
31 "Michael, do you think they were trying to cover it up?"  
32 I just took that on board and wrote it there. It is up to  
33 Michael Montgomery to elaborate on that.

34  
35 I have noticed often in this Inquiry that people are  
36 being asked about things that some other people said, when  
37 it would have been better to ask the person. I am  
38 surprised, in fact, why Heinz Messerschmidt was not asked  
39 what speed *Kormoran* was going at when the action started,  
40 because of the ABC Rewind program in which David Mearns  
41 said, "Were they still doing 14 knots?", and Messerschmidt  
42 said, "No, slower, slower."

43  
44 I had submitted that I had been told by Messerschmidt  
45 that *Kormoran* had slowed to, variously, 6 to 7 knots; on  
46 another occasion, 5, 6 knots. Messerschmidt was spoken to  
47 twice in Germany and he wasn't asked, and I had brought to

1 the attention of the Inquiry that they should get that tape  
2 off the ABC, because when Messerschmidt is commenting on  
3 the *Sydney* slowing down and *Kormoran* slowing down, the tape  
4 cuts. David Mearns has not provided, or the ABC has not  
5 provided, so far as I know, the tapes.

6  
7 CMDR RUSH: Q. The ABC doesn't have the tapes.

8 A. Well, can I ask, who has the tapes?

9  
10 Q. We have investigated --

11 A. You know, I would have thought that, rather than  
12 talking about this, one would think that it would be handy  
13 to find out where that tape of Messerschmidt is, to see if  
14 it agrees with my tapes.

15  
16 Q. Mr Kennedy, as you would appreciate, I am at the  
17 moment - and I have a fair bit more to do - taking you  
18 through matters that you have put in your submission to the  
19 Commission of Inquiry and asking you to explain the matters  
20 to the Commission of Inquiry, as all the witnesses have  
21 done.

22  
23 In the next paragraph, you say this:

24  
25 *Cyril Heyden, who told me in the company of*  
26 *two other merchant sea veterans who knew*  
27 *him on the NSW Central Coast, that he*  
28 *assisted then German survivors aboard*  
29 *Aquitania ... also stated that it was*  
30 *accepted by him that Hitler hated the*  
31 *Aquitania "for some reason". This may well*  
32 *have been that the sinking of a consort of*  
33 *Aquitania, the Lusitania, as the Germans*  
34 *claimed an armed merchant cruiser carrying*  
35 *munitions, had brought the United States*  
36 *into the World War I. Under building*  
37 *programs from the previous century, large*  
38 *British merchant ships were designed to*  
39 *accept weaponry in strengthened areas. The*  
40 *sinking of Aquitania was also desirable to*  
41 *Japan, which was planning to capture*  
42 *Singapore and would have appreciated the*  
43 *loss of one of the then giant troopships.*  
44 *This brings into play whether testimony ...*  
45 *of a mine-laying attempt at Fremantle*  
46 *earlier in November was intended to sink*  
47 *Aquitania there.*

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What is the point that you wish to make out of that in relation to *Aquitania*?

A. I think it is fairly evident. In fact, in the "*Black Raider*", *Orion*, Weyher was considering whether he might have a go at the *Queen Mary*.

Q. So do you support the propositions and theories that have been put that there was a concerted campaign on behalf of the *Kormoran* to intercept *Aquitania*?

A. Well, the fact that Weyher was prepared to consider having a go at the *Queen Mary*, and Jim Delaney, who was a wireless operator on the *Queens*, recounted how, later, a torpedo blew up short of the *Queen Mary* - we can't totally dismiss that Detmers may have been tempted to think, "Well, could we get the *Aquitania*?"

THE PRESIDENT: Q. That involves a number of factual issues, does it not, such as knowing where the *Aquitania* was or being told where the *Aquitania* was?

A. Yes. The *Aquitania* would have been held up in Singapore. Heyden said that there was a fire in the dining room, but then, later, there was a more serious fire in a rope locker and they put that down to sabotage. Singapore was a bit of a hotbed of espionage, so far as we can tell, and it would not have been difficult for Detmers to establish that *Aquitania* was at least in Singapore.

Q. Do you have any evidence of any sort at all to suggest, first, that CAPT Detmers knew where *Aquitania* was and, second, that CAPT Detmers had any intention to seek out the *Aquitania* for the purpose of sinking it?

A. Well, I certainly think that Detmers would have known.

Q. No, I asked for evidence, any evidence --

A. Oh, sir --

Q. -- as distinct from what you may think.

A. This is stuff that should have been looked at in the 1940s. I think the Inquiry and I are in the same situation. Probably - something that was put forward was, I think, "We must meet oceangoing liner." I don't think that's conclusive. The fact that if Detmers had got the *Aquitania* after several weeks, if not months, of very little activity in that part of the Indian Ocean - we might as well ask, "Well, why did Leinsdorf and the *Graf Spee* not just run, if he had enough to get him out of the way of the

1           cruisers before midnight?"

2

3

4           I think that given that Detmers was a raider Captain  
5           and Koehn and Linke were the two merchant wireless  
6           operators on *Kormoran* whose job it was to keep track of the  
7           shipping press and any information that came up through  
8           normal transmissions, they knew *Aquitania* was in Singapore  
9           and where it was supposed to go.

9

10          THE PRESIDENT:    You go on, Commander Rush.

11

12          CMDR RUSH:    Q.    And the method of communication with  
13          *Kormoran* for that information?

14

15          A.    Well, it would have been from SKL, the  
16          Seekriegsleitung - the German Admiralty.

16

17          Q.    They are records that can be searched, aren't they?

18

19          A.    Well, on signals, I mean --

19

20          Q.    There is no signal from SKL, German Admiralty or  
21          anywhere else that has been found, after much searching,  
22          concerning such a direction about *Aquitania*.

23

24          A.    How about Tokyo?

24

25          Q.    Tokyo?

26

27          A.    Yes.

27

28          Q.    Are you saying that Tokyo was communicating with  
29          *Kormoran*?

30

31          A.    Well, there was an embassy post.

31

32          Q.    I know there is an embassy post. My question is, do  
33          you say that Tokyo communicated with *Kormoran*?

34

35          A.    Well, you said, "Anywhere else?"

35

36          Q.    You said "Tokyo", and I am asking you, do you say that  
37          Tokyo communicated with *Kormoran*?

38

39          A.    I think you asked me could it have come from anywhere  
40          else or is there any evidence that it could have come from  
41          anywhere else? If you are confident that you have all the  
42          signals, considering the firebombing of both Japan and  
43          Germany and the amount of signals that had been destroyed,  
44          then that's up to you, I submit respectfully.

44

45                 Heinz Bonatz's book, "Seekrieg im Aether", "The Radio  
46                 War", doesn't even record that a QQQQ signal was sent,  
47                 which appears to be generally accepted by us. Now, that's

1 Heinz Bonatz. He was the head of the German Intelligence  
2 radio.

3

4 Q. Mr Kennedy, I will ask you a direct question, and if  
5 you could give a direct answer: do you say that Tokyo  
6 communicated with *Kulmerland* - sorry, *Kormoran*?

7 A. I think that submissions I have made indicate that  
8 there was communication between the Tokyo Embassy, *Kormoran*  
9 and *Kulmerland*.

10

11 THE PRESIDENT: Q. By radio?

12 A. Radio, yes, wireless telegraph.

13

14 Q. From the Tokyo Embassy?

15 A. Yes.

16

17 Q. To *Kormoran*?

18 A. *Kormoran* and *Kulmerland*.

19

20 Q. And *Kulmerland*?

21 A. And *Kulmerland*, yes, both.

22

23 Q. What is your evidence for that?

24 A. It popped up, as information often does in this.  
25 I was trying to get photographs of the Norwegian ships that  
26 had been sunk off Nauru, five in three days, by *Komet* and  
27 *Orion*, and *Kulmerland* was accompanying them there, and was  
28 pointed in the direction of the Larsens, who had met a  
29 wireless operator in Tunisia in 1949/1950 - the early  
30 1950s.

31

32 They went on board this neighbouring ship socially and  
33 they thought that the wireless operator was Swedish, but he  
34 was German. Fae had lost an uncle on *Sydney*. They were  
35 talking about the *Sydney*, and Fae and Roald said that this  
36 wireless operator mentioned that he had been in contact  
37 with *Kormoran* and that he was horrified at what happened.

38

39 I said, "Gee, I've only come here for photographs, and  
40 you tell me this." I said, "You don't remember the name of  
41 the ship, do you?" She said, "Yes, it was the *Flora*".  
42 Okay. Well, I got on to a Swedish shipping line here and  
43 the Swedish Embassy and the German Naval Attache in  
44 Canberra. We got, months later, a photograph of a wireless  
45 operator who had been on the *Flora* at about that time, and  
46 Fae and Roald decided, no, it wasn't him.

47

1           Then another one came through, and it was this Heinz  
2 Herrmann, who was also, according to the Swedish shipping  
3 company and the checks that had been done in Germany by the  
4 responsible Defence or Government organisations there -  
5 I am sure CMDR Rush has got it - they spoke to the family  
6 of Herrmann and established that Herrmann was there.  
7 CMDR Rush probably has this photograph. That's his report  
8 of being in the Swedish Ship Service (indicating), and  
9 that's a photograph taken from Admiral Wenneker's diary,  
10 "The Price of Admiralty". Interestingly enough, there are  
11 many, many photographs in that book, but his is the only  
12 one that doesn't have him being identified in the caption.  
13

14           It turned out that Herrmann left the shipping line  
15 because he was not prepared to go into the then East  
16 Germany for the shipping line, because of his belief that  
17 he might be held.  
18

19           Herrmann was used later on Radio Intelligence within  
20 Germany itself. This would be monitoring and tracing  
21 wireless signals within Germany. He was trained in the  
22 section of Canaris's responsibilities. As you probably  
23 know, Admiral Canaris was hanged - in fact, hanged twice.  
24 They strung him up, cut him down and strung him up again  
25 for plotting against Hitler.  
26

27           It is interesting that Wenneker mentions somewhere -  
28 well, I could find it in my papers - that he had  
29 corresponded with Berlin in a way that avoided Ribbentrop.  
30 Regardless of any role that Heinz Herrmann had in the  
31 *Sydney* saga, he was certainly an interesting character  
32 because of his activities through Admiral Canaris.  
33

34 THE PRESIDENT:   Q.   May I see if I can understand what  
35 you have just said. Your evidence to support the  
36 proposition that the German Embassy in Tokyo communicated  
37 by radio with *Kormoran* is that you went to visit some  
38 people called the Larsens - I think you said in Africa -  
39 and you met them on board a ship.  
40

41           They then took you to a ship next door, where you  
42 spoke to a radio operator, who you thought was Swedish but  
43 who turned out to be German. That German man had nothing  
44 to do with any communication between Tokyo and *Kormoran*,  
45 but he referred to another man called Hermann, I think, who  
46 apparently did. Herrmann wasn't there. Somebody got in  
47 touch with Herrmann's family, and the family said that

1 Mr Herrmann had been at the Tokyo Embassy. Is that a  
2 correct summary of what you have just told me?

3 A. I think a reading of what I said will establish that  
4 I did not, in fact, say that. Any reasonable reader,  
5 reading what I said --

6

7 Q. Would you summarise, please, that evidence for me?

8 A. Yes, okay, right. Okay. Heinz Herrmann --

9

10 Q. Did I get the first part right? You went to a ship --

11 A. No, no, I wasn't there. I went to the Larsens, who  
12 live in Newport - Bilgola, actually.

13

14 Q. The Larsens told you that they had been on a ship  
15 somewhere in Africa; is that right?

16 A. Yes, Roald Larsen was a wireless operator.

17

18 Q. He was taken to an adjacent ship?

19 A. No. He went socially, which I said. I am sure, sir,  
20 that anybody - I had a flu shot yesterday, but  
21 I respectfully think that my account will probably be  
22 clearer than your interpretation, with respect. Basically,  
23 Herrmann --

24

25 Q. No, let's start from the beginning. You spoke to the  
26 Larsens, who live in Newport?

27 A. That's correct.

28

29 Q. They told you that they had been on board a ship  
30 somewhere in Africa?

31 A. Tunisia.

32

33 Q. They were taken from that ship to an adjoining ship?

34 A. No, they went across socially, because there was a  
35 Swedish ship.

36

37 Q. They went across socially to an adjoining ship?

38 A. To an adjoining ship.

39

40 Q. On board, there was a gentleman who was a radio  
41 operator?

42 A. Yes.

43

44 Q. They thought that he was Swedish, but he turned out to  
45 be German?

46 A. Yes.

47

1 Q. That man, as I understood what you said, had nothing  
2 to do with Tokyo or *Kormoran*?

3 A. Oh, no, no. Heinz Herrmann was sent to the Tokyo  
4 Embassy.

5  
6 Q. Are you telling me that the man who was thought to be  
7 Swedish, who turned out to be German, was in fact --

8 A. German.

9  
10 Q. -- the man called Heinz --

11 A. Heinz Herrmann.

12  
13 Q. Heinz Herrmann?

14 A. Yes.

15  
16 Q. He was on that adjacent ship?

17 A. Yes.

18  
19 Q. The next step was - did he tell the Larsens something  
20 that they told you?

21 A. That he had been in contact with *Kormoran*.

22  
23 Q. Mr Herrmann told the Larsens that he had been in  
24 contact with *Kormoran*?

25 A. With *Kormoran*, yes.

26  
27 Q. Somebody subsequently got in touch with his relatives  
28 and established that he, in fact, had been in the Tokyo  
29 Embassy?

30 A. Well, it's not just his relatives saying - it's not as  
31 though I got in touch with the relatives. It has come  
32 through the Deutsche Dienststelle, the information and - this  
33 has faded a bit. It is old (indicating). There is a  
34 better copy in a volume of the Parliamentary Inquiry. The  
35 relatives and members of the former German Armed Forces --

36  
37 Q. Anyway, you say that it has been established that --

38 A. It is probably the Repatriation Department.

39  
40 Q. -- this Heinz Herrmann man was, in fact, based in the  
41 German Embassy in Tokyo?

42 A. Yes. He went out on *Kulmerland*, which rendezvoused  
43 with *Kormoran* in the latter half of October, and they spent  
44 a week supplying the *Kormoran*, and then *Kulmerland* returned  
45 to Tokyo. At the time of the action, *Kulmerland* was at  
46 about the position of the Tahiti area, and, if I recall  
47 properly, waiting to connect with another German unarmed

1 support ship.

2

3 Q. Mr Kennedy, I am really trying to focus a little, if  
4 I may. I am trying to focus on any material that may  
5 establish whether or not the German Embassy in Tokyo  
6 communicated with the *Kormoran*. You have told me that this  
7 man, Mr Heinz Herrmann, was on board *Kulmerland* when she  
8 rendezvoused with *Kormoran* west of Australia in October  
9 1941?

10 A. Yes.

11

12 Q. That doesn't establish in any way whatsoever that  
13 there was radio communication from the embassy in Tokyo to  
14 the *Kormoran*.

15 A. Interesting, there, sir, because the Kriegstage book,  
16 the diary of *Komet*, carries frequent mentions of wireless  
17 connection with Tokyo. The *Kormoran's* Kriegstage book, as  
18 translated for the Western Australian Maritime Museum by  
19 Barbara Winter, or Poniewierski, mentions radio signals  
20 coming and going but does not give the source. I suggest  
21 that it might be advisable, if possible, to get hold of the  
22 original German version of that documentation to see if the  
23 source or the target of wireless messages from *Kormoran*  
24 involved places other than Germany.

25

26 Q. Does that mean that you have no further material that  
27 you can place before me as to whether or not there was any  
28 radio communication between the German Embassy in Tokyo and  
29 *Kormoran*?

30 A. Oh, in Admiral Wenneker's diary, there are many  
31 accounts of transmissions to various ships, including the  
32 *Kulmerland*.

33

34 Q. I don't recall, from my reading of Admiral Wenneker's  
35 diary, that there is any note of any communication from the  
36 German Embassy in Tokyo to *Kormoran*. If I am wrong, please  
37 tell me.

38 A. To which one, sorry?

39

40 Q. *Kormoran*.

41 A. Oh, I thought you said "*Kulmerland*". I cannot be  
42 expected to be an authority on the total communications  
43 there, but what I am saying - and it was provided in  
44 evidence and I gave LEUT Nottle many, many months ago the  
45 information to get hold of the Wenneker diary.

46

47 The Wenneker diary, for instance, warns supply ships,

1 such as the *Kulmerland*, about leakage from wireless  
2 equipment, that there could be antenna leakage which would  
3 enable those ships to be targeted by direction-finding.

4  
5 THE PRESIDENT: You go on, Commander Rush.

6  
7 CMDR RUSH: Q. Mr Kennedy, you mentioned in your  
8 submission that you asked a Mr Frank MacDonough to  
9 investigate a signal, at page 0074. He sent some signals  
10 to you that he had located in National Archives. About  
11 10 lines down the page:

12  
13 *Frank sent me on February 18, 2003 copies*  
14 *of two signals he had received from*  
15 *National Archives. One is to Admiralty*  
16 *(FOR DNI) C in C East Indies, ACNB NZNB SO*  
17 *(I) HONG KONG from COIS on 20/11/41 (copy*  
18 *enclosed). Dealing with reports of*  
19 *Japanese submarine activity it includes*  
20 *that on October 21, 1941 a ship closely*  
21 *resembling Japanese submarine depot ship*  
22 *Karasaki was sighted at 10 degrees 14 North*  
23 *and 110 degrees 33 East. It says the ship*  
24 *is the tenth Submarine Squadron depot ship*  
25 *for I53-58 inclusive and 133 and 134. This*  
26 *perhaps could be examined in relation to*  
27 *testimony of submarine movements.*

28  
29 The signal and the location of the Japanese submarine that  
30 is referred to in that signal on 20 October - 10 degrees  
31 north and 110 degrees 33 east - puts it somewhere off North  
32 Vietnam.

33 A. Yes, yes.

34  
35 Q. Do you hold to some theory that has been put by a  
36 number of people to this Commission of Inquiry that there  
37 was Japanese involvement in the sinking of *Sydney*?

38 A. I don't think that there needed to be Japanese  
39 involvement. I think the way that Detmers planned his  
40 reaction to an interception indicated that the *Kormoran* was  
41 capable alone of sinking or severely damaging *Sydney*.  
42 Attention came to these signals because Frank, who --

43  
44 Q. Could I ask you to answer the question.

45 A. Oh, sorry.

46  
47 THE PRESIDENT: Mr Kennedy, please try to direct your mind

1 to the question you are asked.

2

3 CMDR RUSH: Q. I will ask you again. Do you hold to a  
4 theory that there was Japanese involvement in the sinking  
5 of *Sydney* - not whether it was needed, but whether it  
6 actually occurred?

7 A. I just found it interesting that in dealing with this  
8 signal before, the Pearl Delta was mentioned and the area  
9 west of Myanmar, Burma, was mentioned, but left out of it  
10 was a reference to the ship resembling the depot ship.

11

12 Now, if we're seriously going to look at the possible  
13 Japanese involvement, I suggest that somebody is going to  
14 turn up, some time, similar information. The fact that  
15 this was marked "non-accessible" - again, as a researcher  
16 putting a doco together and a journalist, the temptation is  
17 to hang onto it, but the responsibility is to get it out  
18 into the public domain.

19

20 Here we have a ship like the *Karasaki*, which had been  
21 withdrawn from the Japanese Naval List in 1939 but not  
22 removed or scrapped until after the War, being in a  
23 position between Japan and Australia and belonging to the  
24 10th Submarine Squadron, depot ship for I-53 to I-58.

25

26 Now, we all know - well, anyone closely acquainted  
27 with it - that the book "Somewhere Below" says that I-58  
28 sank *Sydney*. I considered that attention should be drawn  
29 to this so that it could be examined to either support or  
30 oppose the conclusions of the book "Somewhere Below".

31

32 I think that the person probably better qualified is  
33 Peter Jenkins. I don't know if he has been called. He was  
34 supposed to appear before the DFAT Inquiry but did not turn  
35 up on the day. He is the best authority and did more  
36 research on Japanese submarines and wrote "Battle Surface",  
37 a book about it. I mean, why am I being asked about this  
38 instead of David Jenkins?

39

40 Q. If you look at the website, you will see the  
41 submission from Mr Jenkins to the COI. Putting that to one  
42 said, Mr Kennedy, my question is this - and you can answer  
43 it "yes" or "no"; it might be better - do you hold to the  
44 theory that has been put forward by one of the people you  
45 have mentioned, Mr Samuels, Mr Montgomery and others, that  
46 there was Japanese direct involvement in the loss of  
47 *Sydney*?

1 A. I think that the *Kormoran* attack on *Sydney* was  
2 sufficient to bring her to the state in which she sank.  
3 I have said in the past, and for what my humble opinion is  
4 worth, I don't think a Japanese submarine was necessary and  
5 I don't think it was necessarily there. But David Jenkins  
6 is the authority. When was David Jenkins' submission put  
7 on?  
8

9 Q. Some months ago, or weeks. Be that as it may,  
10 Mr Kennedy, is it the position that you do not have an  
11 opinion as to whether there was Japanese direct involvement  
12 in the loss of *Sydney*; is that correct?

13 A. You're asking me for totality. I would say the odds  
14 are against a Japanese submarine being involved in the  
15 battle between *Sydney* and *Kormoran*.  
16

17 Q. Mr Kennedy, in one of your submissions to the  
18 Parliamentary Inquiry, you made a submission in relation to  
19 a conversation alleged to have occurred between Mr Andrew  
20 Clark and a LEUT Peterson in Darwin in 1942. Do you recall  
21 the topic that I am raising?

22 A. Yes.  
23

24 Q. Perhaps we could have PINQ.SUBS.016.0021 on the  
25 screens. If we go down under the heading "Clark-Pedersen",  
26 you stated this in your submission to the Parliamentary  
27 Inquiry:  
28

29 *Mr Andrew Clark has said in a submission*  
30 *that he was approached by a naval officer*  
31 *who identified himself as Peterson while on*  
32 *diving duties in Darwin in 1942. I have*  
33 *subsequently spoken with Mr Clark who also*  
34 *served as a gunner on Shropshire. Mr Clark*  
35 *said that after confirming that he had lost*  
36 *his brother Daniel on Sydney, the officer*  
37 *told him Kormoran had surrendered with a*  
38 *white flag, after being shelled by Sydney,*  
39 *but then hit the cruiser by underwater*  
40 *torpedo when it came close to board and*  
41 *seize secret material.*  
42

43 *Mr Clark said he believed the officer could*  
44 *have been from Intelligence and added that*  
45 *no action would be taken against the*  
46 *Germans because it would "lead to reprisals*  
47 *against Australian and Allied" prisoners of*

1           *war. Mr Clark's account reflects the first*  
2           *London Daily Express report by defence*  
3           *correspondent Bernard Hall - believed to*  
4           *have come from British Admiralty sources.*  
5

6           Mr Clark made a submission prior to yours to the  
7           Parliamentary Inquiry, at PINQ.SUBS.011.0097. I would ask  
8           you to note that you have referred to him as Pedersen,  
9           P-E-D-E-R-S-E-N?

10          A. Yes. It's really interesting with this one. Mr Clark  
11          lived at North Richmond, which was just a short drive,  
12          relatively, from where I was --

13  
14          Q. I will come to that.

15          A. I am sorry, okay.

16  
17          Q. My question is, you have referred to him as Pedersen,  
18          P-E-D-E-R-S-E-N. Where does that name come from?

19          A. In trying to establish who this chap was, it could be  
20          Petterson, two Ts, one R; Pederson; he could have said, "My  
21          name's Peter, son." There were just so many possibilities  
22          that I have not yet been able to locate among my papers -  
23          I am sure I have it somewhere. The one that caught my  
24          interest was a chap who had been --

25  
26          Q. I want to stick with just one matter.

27          A. Okay, yes, sir.

28  
29          Q. You have referred to him as "Pedersen". If we look at  
30          PINQ.SUBS.011.0097, which is the submission of Mr Clark to  
31          the Parliamentary Inquiry, he writes:

32  
33                 *I was stationed in Darwin in February 1942*  
34                 *as a member of a diving team engaged in*  
35                 *salvage work. At that time I was a Petty*  
36                 *Officer. Sometime in 1942 a Lt. Petersen*  
37                 *[RANR-[S] spoke to me and asked if I had*  
38                 *lost a brother on the "Sydney". I replied*  
39                 *"Yes".*

40  
41                 *He then said "Would you give me your word*  
42                 *that what I am about to tell you, you will*  
43                 *not discuss with anybody as I have had to*  
44                 *sign the wartime secrets act. The only*  
45                 *reason I am telling you is so you will know*  
46                 *what happened to your brother. He wasn't*  
47                 *killed. He was murdered."*

1  
2           He then stated "The Germans should be hung  
3           for piracy, treachery and murder on the  
4           high seas. For they had surrendered and  
5           hoisted a white flag and then they opened  
6           fire when the Sydney came in close. I will  
7           explain that to you later."  
8

9           I told him I would give him my word not to  
10          discuss it with anybody. I have kept my  
11          word for 56 years.  
12

13          He then told me he was the Chief Officer of  
14          the "Centaur" which had picked up survivors  
15          off the German Raider "Kormoran".  
16

17          This is exactly what he told me. I still  
18          have vivid memories of it.  
19

20          "The "Kormoran's" lifeboats had machine  
21          guns mounted in their bows, the ratings  
22          were armed with rifles and the officers had  
23          revolvers strapped around their waists.  
24          They were told to throw all arms overboard  
25          and only the wounded would be taken on  
26          board. After all arms were thrown over  
27          board the wounded were taken on board the  
28          "Centaur". The saloon was turned into a  
29          makeshift hospital.  
30

31          Then we joined all ships hawsers and towed  
32          the lifeboats astern. We had to reduce  
33          speed as the lifeboats were being towed  
34          under.  
35

36          Then he speaks about the wounded being taken on board,  
37          accompanied by a German officer:  
38

39          ... who asked if anyone spoke German. The  
40          reply was "No. I didn't tell him that I  
41          speak German perfectly as I was taught  
42          German at school in Norway. Also I spoke  
43          German when trading in ships between Norway  
44          and Germany.  
45

46          This officer kept lecturing the wounded on  
47          what to say day after day." [Perhaps this

1           *is why when questioned years later, they*  
2           *all tell exactly the same story.]*

3  
4           *Lt Peterson said he listened to the wounded*  
5           *talking between themselves about how the*  
6           *"Sydney" had hit them and caused large*  
7           *fires. They spoke about the "Sydney"*  
8           *starting to come closer after the*  
9           *"Kormoran" hoisted a white flag.*

10  
11           *They talked amongst themselves about how*  
12           *they saw ratings in white uniforms come on*  
13           *the upper deck and how the "Sydney" was*  
14           *preparing to lower a boat [These would be*  
15           *Seaboat Lowers, as it is naval procedure to*  
16           *send an armed boarding party to take over*  
17           *the enemy ship.]*

18  
19           *They talked about the*  
20           *"Kormoran" "presumably" drifting closer to*  
21           *the "Sydney" and then the "Kormoran's"*  
22           *Captain ordering the two underwater*  
23           *torpedoes to be fired, hitting the "Sydney"*  
24           *under the bridge. He also ordered the main*  
25           *armaments and close range weapons to open*  
26           *fire.*

27  
28           It goes on to speak about one of Sydney's turrets opening  
29           fire, hitting Kormoran:

30  
31           *Lt Peterson stated that when he arrived at*  
32           *Carnarvon he told the Investigating Officer*  
33           *what he had told me. He was asked to sign*  
34           *the War Times Secret Act. He was also told*  
35           *that no action would be taken against the*  
36           *Germans as it would lead to reprisals*  
37           *against Australian and Allied POWS.*

38  
39           Did you pick the word "Pedersen" as a consequence of the  
40           nationality of LEUT Peterson?

41           A. I think the way it progressed was that Mr Clark was  
42           recounting this. Myself and Reg Hardstaff were trying to  
43           ascertain whether this chap had been there, had been on the  
44           *Centaur*, and Pedersen - now, I have his details at home  
45           somewhere between the Golden Oldies programs, but it  
46           appeared, from memory - and I think the Inquiry has  
47           probably got the records, or it should have; I spoke with

1 one of your people the other day - that this Pedersen would  
2 appear a more likely candidate because of a Nordic  
3 countries background and an ability to understand the  
4 Nordic language.

5  
6 Again, here, I went to interview Mr Clark, and those  
7 interviews have been submitted to the COI. He was there in  
8 the company of his family. I don't know if Andrew is still  
9 alive; he was a year ago. But so many people --

10  
11 Q. The Commission of Inquiry has interviewed Mr Clark.  
12 May I call up NAA.102.0143, please. Did you look up the  
13 service records for a LEUT Pedersen?

14 A. Yes, I did. I have it somewhere, but I haven't been  
15 able to locate it, so I told the --

16  
17 Q. This is service records for Charles Edward Pedersen.  
18 You will see that his date of birth is 20 September 1894.  
19 His place of birth is Lundborg in Denmark. If you go down  
20 the page, he entered Service on 29 September 1941. He was  
21 given the rank of Lieutenant in the Royal Australian Navy  
22 Reserve. He was mobilised to *HMAS Brisbane* and then for  
23 Melville.

24  
25 If we could go over the page to 0144, you will see  
26 that he was on *Brisbane* from 29/9/41 to 5/10/41 and then on  
27 Melville from 6/10/1941 to 20/4/42. I suggest that that  
28 excludes LEUT Pedersen from being on what was then a  
29 passenger liner, *Centaur*.

30  
31 A. I was recording what Mr Clark said. There are  
32 countless accounts of people and vessels. In fact, the  
33 *Yarra* was supposed to be, according to the Official  
34 History, in the Gulf, when it was in the Mediterranean.  
35 There are many occasions that I have come across that -  
36 although Pedersen here could have been based on Melville,  
37 what was to prevent him being called and told, "We need  
38 somebody who speaks Nordic languages, Germanic languages.  
39 Hop on such-and-such"?

40  
41 I don't know. I don't know. But this chap with the  
42 name Charles Noack, on the *Komet*, who featured large in  
43 this story - his name was Karl-Heinz. We can have people  
44 with a Nordic or Germanic spelling of the name Karl, or  
45 they could have been named after the Emperor with a "C".  
46 Instead of being called Karl Heinz or Karl Josef, they  
47 changed their name to Charles.

1  
2           We have LCDR Ean McDonald being described as a retired  
3 motor mechanic in his stat dec that he was supposed to  
4 sign, and living in Melbourne, when he is a retired  
5 lieutenant commander architect and master mariner living in  
6 Perth.

7  
8           Q.    HMAS Melville was a shore establishment, wasn't it?

9           A.    Yes, yes.

10  
11          THE PRESIDENT:   Q.    Why don't you accept that document as  
12 being correct?

13          A.    I am sorry?

14  
15          Q.    Why do you not accept that document as being correct?

16          A.    Which document, sir?

17  
18          Q.    The document on the screen in front of you.  I know  
19 that it may demolish one of your theories, but why is it  
20 not correct?

21          A.    From experience and looking at these things, if it  
22 says that you are at Melville and you are asked to go on a  
23 ship to check out, if possible, whether these Germans will  
24 say anything, then I don't think they are going to put it  
25 in your record.  It was the same with Alan Boehm, who was  
26 put on one of the minesweepers; I think it was the *Heros*.  
27 I don't think LEUT Boehm would have entered in his papers  
28 that he was put on a minesweeper to go to the scene of the  
29 action of the *Sydney*.  Does the court think it would be in  
30 his record if it's a one-off?  Surely, if people are based  
31 at Melville, it doesn't mean they sit at a desk at Melville  
32 all the time.

33  
34          CMDR RUSH:   Q.    When you look at the record for  
35 LEUT Pedersen, it would appear that he sat at a desk all  
36 the time.

37          A.    Well, you know, these questions should have been asked  
38 40 to 50 years ago.  You're asking us to work out what this  
39 chap was doing there all the time.

40  
41          Q.    Did you ever look at the crew lists for *Centaur*?

42          A.    Well, was he going to be included on the crew list of  
43 the *Centaur* if he was being used for intelligence purposes?  
44 I think this is pretty self-evident.

45  
46          THE PRESIDENT:   Q.    What is self-evident?

47          A.    Well, if somebody is being used long term or short

1 term for intelligence gathering, are you going to leave a  
2 paper trail if he goes onto the *Centaur*?

3  
4 CMDR RUSH: Q. Why would he be on the *Centaur* for  
5 intelligence gathering?

6 A. If he had been called to check out whether these  
7 Germans were going to say anything. I mean, you tell me.

8  
9 Q. That would require him to be parachuted onto the ship.

10 A. Well, we don't know what went out to the *Centaur*.

11 I am only presenting this as - having interviewed Mr Clark,  
12 I am putting on the public record, along with  
13 LCDR Hardstaff, that apart from a Petersen,  
14 P-E-T-E-R-S-E-N, there were also Pedersens.

15  
16 I asked one of the chaps at the dedication ceremony at  
17 Mt Scott, who was a Peterson, "Could your uncle or father  
18 have been up at Darwin at that time?", and he checked out  
19 and said, "I don't think so." There were a couple of  
20 others. I am only trying to help.

21  
22 THE PRESIDENT: If you are going to a different topic, we  
23 will take a brief adjournment.

24  
25 **SHORT ADJOURNMENT**

26  
27 CMDR RUSH: Sir, in relation to the last topic, can  
28 I tender PINQ.SUBS.011.0097, which was the submission of  
29 Mr Clark to the Parliamentary Inquiry.

30  
31 **EXHIBIT #239 SUBMISSION OF MR CLARK TO PARLIAMENTARY**  
32 **INQUIRY, BARCODED PINQ.SUBS.011.0097**

33  
34 CMDR RUSH: Could I tender PINQ.SUBS.016.0020, the  
35 submission of Mr Kennedy to the Parliamentary Inquiry.

36  
37 **EXHIBIT #240 SUBMISSION OF MR KENNEDY TO PARLIAMENTARY**  
38 **INQUIRY, BARCODED PINQ.SUBS.016.0020**

39  
40 CMDR RUSH: Could I tender NAA.012.0143, which is the  
41 service records of Charles Edward Pedersen.

42  
43 **EXHIBIT #241 SERVICE RECORDS OF CHARLES EDWARD PEDERSEN,**  
44 **BARCODED NAA.012.0143**

45  
46 CMDR RUSH: Could I tender, sir, a list of crew, as  
47 required for records of the Commonwealth of Australia, up

1 to 8 September 1941, of the ship *Centaur*, which is at  
2 NAA.103.0001.

3  
4 **EXHIBIT #242 LIST OF CREW ACQUIRED THROUGH RECORDS OF**  
5 **AUSTRALIA UP TO 8 SEPTEMBER 1941 OF THE SHIP CENTAUR,**  
6 **BARCODED NAA.103.0001**

7  
8 CMDR RUSH: Then could I tender abstracts of the logbook  
9 of *Centaur* from NAA.104.0001 to NAA.104.0009, which show  
10 the entirety of the crew from July 1941 until April 1942.

11  
12 **EXHIBIT #243 ABSTRACTS OF LOGBOOK OF CENTAUR WHICH SHOW**  
13 **ENTIRETY OF CREW FROM JULY 1941 UNTIL APRIL 1942,**  
14 **BARCODED NAA.104.0001 TO 0010**

15  
16 THE WITNESS: Could I just mention something that is  
17 relevant to the documentation on Mr Pedersen? I received  
18 the summons which mentioned the service records relating to  
19 LEUT Karl Pedersen at 1630 on 12 March. The summons was  
20 dated 25 February 2009. The summons requires me to make  
21 the documentation available no later than 4pm on Thursday,  
22 12 March 2009. As I say, it was delivered to me at 4.30 in  
23 the afternoon on 12 March.

24  
25 It was delivered to me at News Limited at Surry Hills,  
26 not the address on the summons. The address on the summons  
27 is to Flat 3, Trafalga - T-R-A-F-A-L-G-A - Court, Gladstone  
28 Street, and the same "Trafalga" appears on enclosure 2 -  
29 T-R-A-F-A-L-G-A. The documents include "correspondence you  
30 have had with Baron Von Malpert", M-A-L-P-E-R-T. There was  
31 a Baron Hauptmann von Malpert, who served in the first War,  
32 but I thought you would probably rather have Baron von  
33 Malapert, who was the person in question.

34  
35 With Mr Andrew Clark and Pedersen, if I had had more  
36 time to go through all my written records after 15 years of  
37 inquiry, I would perhaps have been more prepared for a  
38 subject which is actually the business of Mr Clark and  
39 Glenys McDonald, who traced the crew of the *Centaur*.  
40 I interviewed Mr Clark as a service to journalism, history  
41 and this Commission of Inquiry.

42  
43 THE PRESIDENT: Q. When did you do that?

44 A. Interview Mr Clark?

45  
46 Q. Yes.

47 A. It would have been 1998, I think.

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CMDR RUSH: Q. I don't think the Commission of Inquiry had been set up then, sir.

A. Oh, for the DFAT.

Q. Okay. You just made a mistake in your evidence, a bit like the one in the summons?

A. Yes. The point there is, I think we both accept --

THE PRESIDENT: Q. Anyway, have you responded to the summons or not?

A. Yes.

Q. Very well, thank you.

A. It asks for service records relating to Heinz Herrmann. I presented all that I had been able to obtain through Germany and the shipping companies, but --

CMDR RUSH: Q. Mr Kennedy, we are trying to finish this.

A. Okay, yes, right.

Q. Have you done the best you can to comply with the summons?

A. Oh, yes, yes.

Q. Mr Kennedy, you hold the theory, do you not, that *Kormoran* fired an underwater torpedo?

A. I do.

Q. A large amount of your theory is based upon conversation you had with AB Hans Linke?

A. Some of it.

Q. Mr Linke was a wireless operator on *Kormoran*?

A. Yes.

Q. You no doubt have read his notes of interrogation that were prepared after interrogation and dated 8 December 1941?

A. I would have, yes, yes.

Q. Just to remind you, they are at NAA.012.0085. This is a copy of the notes of interrogation. He nowhere referred to the firing of an underwater torpedo. That's correct, is it not?

A. If you say so. I don't have that with me.

1 THE PRESIDENT: Q. It is on the screen in front of you.  
2 A. Oh, I am sorry. It is a bit blurry. Is that the best  
3 focus?

4  
5 CMDR RUSH: Q. If we go to the third paragraph, after he  
6 had given some of his background, or a little bit further  
7 up:

8  
9 *Sent out two QQ messages ... before*  
10 *beginning battle with Cruiser. No*  
11 *acknowledgment of message received.*  
12 *Fight began after 4pm (3 or 4 minutes after*  
13 *sending out QQ messages) 26 S 111 E given*  
14 *as position.*  
15 *He was not in regular communication with*  
16 *German Stations.*  
17 *The wave length varied from 10-60*  
18 *[megacycles] according to weather and time.*  
19 *Wave length increased as evening came on.*  
20 *The QQ signal was intended to distract*  
21 *attention from them.*  
22 *Sent on 200 watt power.*  
23 *No other signals sent out.*  
24 *Later on the radio apparatus was out of*  
25 *action and no message could be sent to*  
26 *Germany.*  
27 *For receiving they had no fixed wave*  
28 *length.*  
29 *They received messages and news from*  
30 *various stations.*  
31 *They jammed messages sent out by captured*  
32 *ships with press notices, figures etc.*

33  
34 Mr Linke under interrogation, for one, gave very little  
35 information concerning the engagement because he couldn't  
36 see it; that's correct, is it not?

37 A. Both Mr Linke and Mr Marmann, who was another wireless  
38 operator, said that they left their posts at and when  
39 opportune. Linke was a merchant wireless operator --

40  
41 Q. Can we just take one thing at a time.

42 A. Yes, sure. Okay.

43  
44 Q. In their positions - and I'm talking about Mr Linke at  
45 the moment - he, in his position in radio room 2, if he was  
46 at his station, would not have had any view of the  
47 engagement?

1 A. Yes. He would not have had any view of the  
2 engagement, he said.

3  
4 Q. You have had communications with him?

5 A. I did in 1999, I think.

6  
7 Q. And they were by telephone?

8 A. No. No. I was going to Bulgaria and I went through  
9 Hamburg, and I interviewed Mr Linke there. I didn't have a  
10 great deal of time. I interviewed him because, on the  
11 phone, I had been talking about him on wireless in German  
12 for about half an hour and I just couldn't say anything  
13 more, particularly in German, about frequencies and  
14 wavelengths and jamming. It's hard enough in English.  
15 I just said, "Well, what happened in the action?"

16  
17 Q. I will come to it. We will get through it much  
18 quicker, I think, if we just stick to the questions.

19 A. Sure.

20  
21 Q. You had telephone conversations and you interviewed  
22 him?

23 A. Yes.

24  
25 CMDR RUSH: Sir, may I tender, firstly, the notes of  
26 interrogation of Hans Linke at NAA.012.0085.

27  
28 **EXHIBIT #244 INTERROGATION NOTES OF HANS LINKE, BARCODED**  
29 **NAA.012.0085**

30  
31 THE WITNESS: Would it help if I mention there that  
32 Mr Linke told me that they "fa'ashed" the interrogators -  
33 which is roughly, in our language, "took the piss out of  
34 them". They tipped a guardhouse onto one of the people in  
35 the prison camp later, as a bit of fun.

36  
37 Q. Could we turn to part of one of your conversations  
38 with Mr Linke at PTE.006.0178. Perhaps if we started at  
39 the bottom of page 0177, with your question:

40  
41 *KENNEDY: Ah ... do you know which crew or*  
42 *... who ... fired the torpedo, this*  
43 *underwater torpedo? I am only asking*  
44 *because ... an engineer in Rushworth said*  
45 *that someone said that Bill Elmeker fired*  
46 *the torpedo. Hermann Ortman said Bill*  
47 *Elmeker was with him at munitions ...*

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*LINKE: At the gun.*

*KENNEDY: ... was with him at the gun.*

*LINKE: That I can't say.*

*KENNEDY: Yes, well.*

*LINKE: Well, I assume that the torpedo was fired by Torpedomaat, an Unteroffizier. That's what I think.*

So Mr Kennedy wasn't actually aware of who fired the underwater torpedo?

A. Mr Linke wasn't, I think.

Q. And you are not either, I take it?

A. Well, there has been a suggestion, but you are not interested in suggestions. Sorry, I don't mean to be --

THE PRESIDENT: Q. The answer is "no", is it?

A. That's correct. I don't know who fired it.

Q. Then, if we can go back to page 0177, towards the top of the page, he states:

*LINKE: That was - I only remember that it must have happened within the first quarter hour, this hit.*

Perhaps that needs some more context, because you were asking about the radio room. So if we go back to page 0176, at the bottom of the page, you asked him about the QQQQ signal, then you put:

*KENNEDY: Yes, because Admiral Wenneker said in his logbook that Berlin sent an order that every German ship, if a foreigner appears, they should include a "G" in the transmission so that when British stations repeat it, a German receiver would hear that a ship was in trouble with the English.*

*LINKE: Yes, that's right.*

1           KENNEDY:   And:  was there damage with the  
2           first radio room?  The first radio room  
3           suffered a hit.  Was that early in the  
4           battle, or?

5  
6           LINKE:    That was - I only remember that it  
7           must have happened within the first quarter  
8           hour, this hit.  The Sydney also opened  
9           fire on us otherwise they wouldn't have hit  
10          us, which made the empty tanks explode.  In  
11          these tanks there was still gas and the hit  
12          must have penetrated the tank, making the  
13          gas that was still in them explode.  And  
14          this caused the fire which then spread into  
15          the engine room.  That's how I know the  
16          story.

17  
18          KENNEDY:  Did you ... did you go upstairs?  
19          Did you have a chance to ... to ... see  
20          anything ... or did you have to help  
21          someone?

22  
23          LINKE:    I went upstairs later when the  
24          battle was over.  Then I went on the upper  
25          deck and I still observed how the smaller  
26          weapons - ours, on the KORMORAN - swept the  
27          aft deck of the SYDNEY in that they ... -  
28          The gun crew that was to go to the deck of  
29          the SYDNEY - there were torpedo tubes  
30          [etc] ...

31  
32          So in at least one account, Mr Linke informed you that he  
33          went up and left his station when the battle was mostly  
34          over?

35          A.    Yes.

36  
37          Q.    Mr Linke had some difficulty describing to you, did he  
38          not, the procedures for the firing of the underwater  
39          torpedo?

40          A.    He said that it had been fired and that the matter had  
41          been discussed in the prison camp.  He said they had plenty  
42          of time.

43  
44          Q.    He actually told you that it was fired forward, didn't  
45          he?

46          A.    I - no.

47

1 Q. Look at PTE.006.0172. At the top of the page:

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47

*LINKE: Well, I estimate, about a quarter of an hour later, I would say. KORMORAN changed her flag, the German war ensign was hoisted on the aft mast and the railing was turned down so that the guns could operate freely. The guns were situated in hatches and at the front, at the bow, there were two guns, on starboard and port, and there were two guns astern, 15cm, starboard and port. And they had only a limited [...] arc of fire. They could not be turned around completely; they could only be turned and swung out at a certain angle, whereas the guns in the hatches could be turned to all sides.*

He continued on. These are matters that he described to you. Then you said:

*You have explained that the first and only torpedo that hit was an underwater torpedo.*

And he said:

*Yes.*

You said:

*Yes, and that made a lot of sense because this underwater torpedo could be used there and ... and ... Captain Detmers was ... was ... smart enough to use these weapons ...*

*LINKE: Yes.*

*KENNEDY: ... In the right way.*

*LINKE: ... yes ... yes ...*

*KENNEDY: And who explained how this engagement went? Afterwards ... did you hear all that afterwards, in the camp ... or ...?*

*LINKE: No ...*

1  
2           KENNEDY:   ... or who told you all this?

3  
4           LINKE:   With the underwater torpedo you  
5           had to aim with the whole ship. It was -  
6           the torpedo was tube - was built in at an  
7           angle, I think towards ... the front, but  
8           I'm not sure.

9  
10          Then you said to him:

11  
12                 It was the back.

13  
14          And then Linke said:

15  
16                 Back ... it was the back ... built in  
17                 facing towards the back. One had to aim  
18                 with the whole ship. One had to turn the  
19                 ship into that position that made it  
20                 possible to aim the underwater torpedo.  
21                 And that's what we indeed did ...

22  
23          Now, firstly, his first explanation to you was that it  
24          fired forward. You told him that it fired backwards. But  
25          the rest of the explanation, as you have indicated, is  
26          something that he indicated was picked up in the PoW camp?  
27          A.   Hermann Ortmann, who I interviewed, also --

28  
29          Q.   No, no, I'm talking about --

30          A.   Also first indicated --

31  
32          Q.   Mr Kennedy, I would ask you to answer the question.  
33          I am trying to be very direct to get through this. This is  
34          something that Linke told you he had picked up in the PoW  
35          camp?

36          A.   The firing of the underwater torpedo was discussed in  
37          detail among them in the camp, he said.

38  
39          Q.   You went on towards the bottom of the page to ask:

40  
41                 KENNEDY:   Do you know ... do you know  
42                 where the two ships were positioned back  
43                 then?

44  
45                 LINKE:   That I can't say. They actually  
46                 passed each other. And I also don't  
47                 remember anymore in which direction they

1           *headed off, you see? And ...*

2

3           *KENNEDY: Approximately how fast were both*  
4           *ships proceeding then --*

5

6           you telling him --

7

8           *because it wasn't possible to go that fast*  
9           *and shoot an underwater torpedo, was it?*

10

11           *LINKE: Yes, well, how fast we were at the*  
12           *time of the underwater torpedo, that*  
13           *I don't know either, but it can't have been*  
14           *very fast. It was actually rather slow,*  
15           *you see, when the torpedo was fired.*  
16           *Otherwise one would probably not have had*  
17           *the accuracy here, yes? The torpedo might*  
18           *perhaps have passed under the ship, you*  
19           *see, which would indeed have been possible,*  
20           *wouldn't it. But it must have hit the*  
21           *SYDNEY, on the front end of the bridge.*

22

23           And then over the page you went on to signals.

24

25           You came back to it on another occasion when you spoke  
26           to Mr Linke at PTE.007.0290. This, it would appear, was a  
27           telephone conversation. You commence by saying:

28

29           *For me, talking to you is so interesting,*  
30           *because you remember things that are not*  
31           *completely described in the books ...*

32

33           Then down towards the bottom of the page, you asked him,  
34           after a positioning matter:

35

36           *KENNEDY: And the other thing: when*  
37           *SYDNEY first arrived and formed this kind*  
38           *of circle, you were travelling westwards,*  
39           *I think it was 250 degrees or something,*  
40           *did SYDNEY pass by on the left or on the*  
41           *right, and then past [you] at the front,*  
42           *then back ... how ... how exactly was that?*

43

44           *LINKE: Well, I can't tell exactly any*  
45           *more, because I didn't see anything in the*  
46           *radio transmission room 2 which was below*  
47           *the deck. I had no view. Only later, when*

1           I had nothing to do any more, I went to the  
2           upper deck, and then I saw the SYDNEY  
3           sailing past on the portside, I think. And  
4           that was also the point at which the  
5           torpedo was fired.

6  
7           KENNEDY: So, portside, that's the  
8           left-hand back side, isn't it?

9  
10          LINKE: Yes, the left hand side. SYDNEY  
11          passed us, on the left, and then we fired  
12          the torpedo, I can say that with certainty,  
13          yes. But how we travelled, that must have  
14          been starboard, yes, yes. The SYDNEY  
15          passed us.

16  
17          What Mr Linke is there referring to is the firing of a  
18          torpedo after Sydney had passed astern of *Kormoran*.

19          A. No. Is this a translation of the disk by somebody  
20          else or was it a translation I had done --

21  
22          Q. This is an independent translation of your disk.

23          A. Okay, yes. Mr Linke had said that Sydney approached,  
24          basically went in sort of a semicircle, and at some stage  
25          it was on the port side during the inspection, and the  
26          impression was that it made a bit of a "6". That's as much  
27          as I can say.

28  
29          With the underwater torpedo, it is positioned near the  
30          front of the *Kormoran*, basically under the leading edge of  
31          the Bridge.

32  
33          The comment there on any possible discrepancies is  
34          that we would really have to look again at it to establish  
35          whether Mr Linke meant that the tubes were forward, at the  
36          front, or they were pointing to the front.

37  
38          Q. What Mr Linke says there is that he came up on the  
39          deck after the battle was substantially finished, with  
40          Sydney sailing off on the port side of *Kormoran*, and that's  
41          when he saw a torpedo fired. That's what he says there.

42          A. I am sorry, which line is that again?

43  
44          Q. I will read it to you.

45          A. Yes.

46  
47          Q. He states:

1  
2           *Well, I can't tell you exactly any more,*  
3           *because I didn't see anything in the radio*  
4           *transmission room 2, which was below the*  
5           *deck. I had no view. Only later, when*  
6           *I had nothing to do any more, I went to the*  
7           *upper deck, and then I saw SYDNEY, sailing*  
8           *past on the portside, I think. And that*  
9           *was also the point at which the torpedo was*  
10          *fired.*

11  
12          Now, putting that answer, the only way that can be  
13          interpreted in relation to what is in it, and also what he  
14          has previously told you about what he was doing during the  
15          battle, is that that was after *Sydney* had passed astern of  
16          *Kormoran* and was travelling off to the port of *Kormoran*?

17          A.    I think I would need to have a look at that  
18          translation. I might remind the Commission that a previous  
19          Sydney University translation had 50cm guns, eight masts,  
20          5cm guns and wrong calls, as though aircraft were in  
21          attendance. I definitely suggest that that translation be  
22          looked at again and I will also do so.

23  
24          THE PRESIDENT:    Q.    You do that. It has been looked at  
25          by two people who are independent translators and both of  
26          whom are German.

27          A.    Well I have noticed that an independent translator in  
28          Germany did know what a "granate" was. Now, whether these  
29          people are familiar with nautical terms - the word "bach",  
30          whether it is at the front or back of the ship, et cetera.  
31          All I am saying is that on previous experience of the  
32          translations, I would not be satisfied in answering that  
33          question, or any, where I have not seen the original again.  
34          I don't think that's too much to ask, because you are  
35          asking me to take somebody's translation without having the  
36          original.

37  
38          CMDR RUSH:    Q.    You have the original?

39          A.    Yes, but I haven't got it here.

40  
41          THE PRESIDENT:    Q.    Mr Kennedy, you will no doubt tell us  
42          if you think there is anything wrong with that translation  
43          when you have checked it again, but assuming that the  
44          translation is accurate in substance - you may be able to  
45          find a word or a letter that is wrong somewhere, but if in  
46          substance it is right - it is clear that Mr Linke is saying  
47          that he couldn't see anything, because he was in the

1 wireless room number 2. After the battle was almost over,  
2 he came upstairs and he saw the ship *Kormoran* fire a  
3 port-side torpedo. That's what he is saying there, if  
4 that's a correct translation, is it not?

5 A. Well, the port-side torpedo was fired, according to  
6 evidence, at the departing *Sydney*, at about 8,000 metres as  
7 it was limping away. Mr Linke had said that the first and  
8 only torpedo was fired from the underwater tube and it hit  
9 *Sydney* under the leading edge of the Bridge, and it has  
10 been described in other translations, I have noticed, as  
11 "under the Bridge", but he said "under the leading edge of  
12 the Bridge". (German translation given) It hit *Sydney*  
13 under the leading edge of the Bridge. Unless the port  
14 torpedo that was fired later hit *Sydney*, then we can't be  
15 talking about that, because the other evidence is that the  
16 torpedo that was fired at the departing *Sydney* did not hit  
17 it, unless Linke and others thought that the second  
18 torpedo - but Linke couldn't have.

19

20 Q. Mr Kennedy, it may not fit your theory, but if that is  
21 an accurate translation, he is saying that a torpedo - he  
22 doesn't say it is underwater - was fired from the port  
23 side?

24 A. I don't think that's an exact translation with regard  
25 to what I have seen. In some of the accounts of the  
26 interviews in Germany, you have an interpreter answer and  
27 then the answer that the person gave in German translated  
28 to English, and there are huge differences.

29

30 Q. I am concerned, Mr Kennedy - I know you will be able  
31 to search around and you will find some errors in  
32 translations made by the interpreters in Britain, made by  
33 the interpreters in Germany and made by the interpreters in  
34 Australia. However, if this happens to be, by some chance,  
35 a correct interpretation of your tape, Mr Linke is saying  
36 that he saw a port-side torpedo fired, is he not?

37 A. Well, I cannot say that, because (a) I don't trust the  
38 translation and (b) my recollection is that he did not say  
39 that.

40

41 THE PRESIDENT: Very well.

42

43 CMDR RUSH: Q. Mr Kennedy, you also spoke with  
44 Mr Greter, did you not?

45 A. Yes.

46

47 Q. Was that a telephone call or an in-person

1 conversation?

2 A. Telephone. Telephone.

3

4 Q. All these people were prepared to talk to you, I take  
5 it?

6 A. Yes. Yes. Yes. They basically said, "I wish the  
7 Australian Government would tell the people there what  
8 happened - what actually happened."

9

10 Q. Mr Kennedy, Greter was the torpedo officer?

11 A. Yes.

12

13 Q. If we can go to PTE.006.0147, if we go down after a  
14 heading "General discussion about Kennedy's documentary",  
15 you said this:

16

17 *KENNEDY: Would it be too much trouble*  
18 *just to get you to say what you saw from*  
19 *the start of the action, and then we can*  
20 *leave it. So you were on deck, on the*  
21 *bridge. What was the first you saw of*  
22 *SYDNEY, could you just tell me what*  
23 *happened that day?*

24

25 *GRETER: Well, I was not on watch when*  
26 *SYDNEY on the bridge was sighted. But when*  
27 *alarm was called, when the battle stations*  
28 *were founded, then I went on the bridge.*  
29 *So that was when she was already a bit*  
30 *closer. What did I see? Nothing! Because*  
31 *it's quite difficult to find the right*  
32 *words in English ...*

33

34 *KENNEDY: We can switch to German if you*  
35 *like.*

36

37 *GRETER: What did I see? I saw*  
38 *nothing ... Because the ship was found by*  
39 *the lookout on the front mast. On the*  
40 *forward mast we always had an officer*  
41 *looking out there, because he was much*  
42 *higher and could see much further. And he*  
43 *saw it first and there was only the mast,*  
44 *and the tip of the mast came into sight on*  
45 *the horizon. First we thought it might be*  
46 *a fishing boat, but then we saw the other*  
47 *masts and the chimney of SYDNEY and we*

1 realised that it was a bigger ship.  
2 Finally we found out that it was a warship,  
3 SYDNEY. When she saw us over the horizon,  
4 she also turned to and changed her course  
5 but all of this can be read in the books.  
6 It's nothing new. The Captain wrote a  
7 book ... and Barbara Winter, and  
8 Mr Montgomery peppered me with questions  
9 about everything. Also Mr Templeton was  
10 here, so many have asked so many questions  
11 and it hasn't helped.

12  
13 KENNEDY: I know what Captain Detmers  
14 wanted to do, he wanted to confuse SYDNEY,  
15 and that was his job. He had to do that.

16  
17 GRETER: ... about 270 degrees, if you  
18 take the circle exactly west, that's about  
19 the course we took into the setting sun,  
20 and then SYDNEY came closer and closer.  
21 And finally she was alongside ...

22  
23 KENNEDY: Did she come in quickly, or did  
24 she wait and then come in quickly, or was  
25 it steady if she kept all the time?

26  
27 GRETER: No, she was steady. She was  
28 faster than us, we had 14 knots, and she  
29 had maybe 17, 18 or 20 ... I don't know how  
30 much ...

31  
32 KENNEDY: Did it look as if she was going  
33 to put down a boat? Boarding party?

34  
35 GRETER: No. Then she would've stopped,  
36 she couldn't lower her boat with 14 knots  
37 because we were a few minutes or a quarter  
38 of an hour. I don't know how long we went  
39 alongside of each other. But we had about  
40 14 knots so it was easy to fire a torpedo  
41 when you know the velocity of the ship you  
42 want to hit. It is in the course, it's an  
43 easy job you must know, you must not  
44 imagine how fast she was going because we  
45 were going 14, and so was she. So  
46 everything was rather easy.  
47

1 That's the account in relation to the lead-up and the  
2 firing of what were above-water torpedoes from Mr Greter?

3 A. Yes. Yes.

4  
5 Q. Mr Greter told you explicitly of the firing of  
6 above-water torpedoes?

7 A. That was his account, yes.

8  
9 Q. You had a further conversation with him, if we could  
10 ask you to go to PTE.006.0150. If we go down the page,  
11 Mr Greter said:

12  
13 *GRETER: Let me just ask you one question:  
14 how old are you?*

15  
16 *KENNEDY: I'm 51, born in 1946.*

17  
18 *GRETER: 51. So you were born after the  
19 war and now [sic] you were born in  
20 Australia, so all of what has happened then  
21 in Australia is coming to you all by  
22 reading the history, or by talks, or  
23 rumours which are still apparently running.*

24  
25 *KENNEDY: This is why I think it is  
26 necessary to say that you people from the  
27 KORMORAN, have not changed your story.  
28 I think it's important to say that.*

29  
30 *GRETER: Why should we change it?  
31 Remember, we always told what we knew. And  
32 I don't know if that's the use in the  
33 Australian Navy, that the decrees are  
34 ordered by the officers what they have to  
35 say and what not to say. Such a thing does  
36 not exist in the German Navy. So everyone  
37 on board can tell his story and did tell  
38 his story if he wanted to ... and maybe  
39 invent things, I don't know, but the truth  
40 still stays to be the truth.*

41  
42 And then you went on from there, on page 0151, to ask him:

43  
44 *KENNEDY: How far do you think SYDNEY  
45 might have travelled after the battle?*

46  
47 *GRETER: Up to the horizon. Now can you*

1 tell me how far the horizon is?

2

3

KENNEDY: 20 miles.

4

5

GRETER: 20 miles, maybe. That's quite far. I say 10 miles or 15. 10 miles is almost 20km, that's quite a distance. But anything between that ...

6

7

8

9

10

KENNEDY: How long did it take before KORMORAN sank? 5 hours, 10 hours?

11

12

13

14

15

16

17

18

19

20

21

22

GRETER: No, we didn't sink; she detonated, with her 300 mines, because we made her sink. It was just a blink and she was gone. That's how it happened. It was an enormous explosion, and I think there's not much left of the KORMORAN. I don't know how much there is left of the SYDNEY. It's not easy to say. But it will be difficult to locate the KORMORAN.

23

24

25

26

KENNEDY: When Captain Detmers gave the order to decamouflage and fire, when did you fire the torpedo? Straight away?

27

28

29

30

GRETER: No, that was not possible. That has been said and written ... and ... you must read the books!

31

32

KENNEDY: I do, but ...

33

34

35

36

37

38

39

40

41

42

43

44

45

46

47

GRETER: Because you know, this torpedo, there were two sets and there were about three or four positions in which I could put this set when [...] we opened the closing where they had been guarded behind, so we had to open it, then we had to push the set so it was in a certain direction. Now we had to point with the whole ship that means Captain DETMERS had to alter course towards the SYDNEY. [...] And then when I was in position to fire, I fired both torpedoes. And then we went off, we turned off again to a parallel course with the SYDNEY. All this has been written down and said, and it won't change. Fired? So

1           I fired ... it must have been about a few  
2           seconds after [the order] "Open fire!" was  
3           given.

4  
5           KENNEDY:   Why couldn't you shoot the  
6           torpedoes on a parallel course?

7  
8           GRETER:   No, I could not because the  
9           positions in which I [incomprehensible]  
10          this torpedo set ... they was not in the  
11          correct aiming then, this was a fixed  
12          position and then we had to turn with the  
13          whole ship to get in the right shooting  
14          angle.

15  
16          KENNEDY:   I thought that was only for the  
17          underwater torpedoes?

18  
19          GRETER:   No, no, the underwater is quite a  
20          different story. The underwater torpedo  
21          was pointing aft from about 120 degrees aft  
22          from the forward. Please, this is written  
23          down everywhere, and you couldn't fire this  
24          torpedo, of course, not with any velocity.  
25          You must be almost stopped to fire an  
26          underwater torpedo.

27  
28          KENNEDY:   Exactly, I understand, I just  
29          wanted to hear it from you, because ... you  
30          are the expert.

31  
32          GRETER:   But why? This is written down  
33          and has been said and everybody knows that.  
34          It won't change anyhow, you can't change  
35          anything. Nobody can invent a story like  
36          KORMORAN/SYDNEY. This is impossible.

37  
38          I take it, Mr Kennedy, from what you told Mr Greter, that  
39          you accepted his version?

40          A.   I found Greter a very interesting and forthright man  
41          to --

42  
43          Q.   No, I didn't ask about his personality. My question  
44          was direct: I take it, from what is written there and what  
45          I have just read to you, that you accepted Mr Greter's  
46          story. You said, as I understand, "I just wanted to hear  
47          it from you, because ... you are the expert"?

1 A. If you would like an answer, write it down for me.  
2 I have recorded and produced, without being subpoenaed, the  
3 interviews with Greter. I have also supplied the  
4 interviews with Linke and others. I will stand by - and it  
5 is obvious there in English - my interview with Mr Greter,  
6 and I will stand by the authenticity of my interviews with  
7 Mr Linke. I am presenting the information, and I think  
8 it's fairly obvious that I am saying to Mr Greter, "Okay,  
9 thank you, that's your version. Terrific."

10  
11 THE PRESIDENT: Q. I am sorry, Mr Kennedy, I think you  
12 have missed the point. The point where this all started  
13 was that you were asked whether you accepted the underwater  
14 torpedo theory, and you said that you did. You were then  
15 taken to the evidence of Mr Linke, and you have used that  
16 in some fashion to support the view that an underwater  
17 torpedo was fired.

18  
19 You are now being taken to Mr Greter, who was the  
20 torpedo officer, and he, plainly enough, told you that the  
21 underwater torpedo was not fired but that two above-water  
22 torpedoes were fired. That's the point of what is being  
23 put to you.

24 A. Well, I am using the information from Mr Linke and  
25 I am using the information from Mr Greter. It is up to the  
26 Inquiry and the reader to make up their own minds - if  
27 Mr Greter, who is portraying the version that has been  
28 accepted by the historians, or Mr Linke and some other  
29 evidence that suggests they didn't want to say that they  
30 had an underwater tube torpedo to fire. You are not going  
31 to give away your advantage or your secret weapon in an  
32 interrogation while Germany still has its nose in front in  
33 the War. I mean, Stalingrad and Leningrad hadn't happened  
34 yet. They are not going to say that they used an  
35 underwater torpedo.

36  
37 CMDR RUSH: Q. Mr Linke told you that he did say that to  
38 his interrogating officers. You referred to it in your  
39 submission.

40 A. I would like to see it. I think Linke said that Linke  
41 gave - yes. Linke said that he told them what happened,  
42 and he said that he had been represented as saying that  
43 there was a sailing ship, and he said, "I didn't say that."

44  
45 So what Linke was basically saying, as I recall it at  
46 this stage, was that he was misquoted. I think it was  
47 Crace or Royle or one of the chaps in the east described

1 Linke's evidence as not being reliable, which I took to,  
2 perhaps, say, "Gee, we had better discount this bloke's  
3 evidence for some reason."  
4

5 So it is an interesting one with Linke's first  
6 interrogation, because he said that things were attributed  
7 to him that he didn't say.  
8

9 THE PRESIDENT: Q. Mr Kennedy, could you listen to the  
10 question I am going to ask you.

11 A. Yes, I am, sir.  
12

13 Q. You said that you support the firing of an underwater  
14 torpedo. To date, you have been taken to the evidence of  
15 conversations you had with two people. The first didn't  
16 see the battle until it was almost over and then, on the  
17 evidence of this translation, said a port-side torpedo was  
18 fired.  
19

20 The second is the man whose responsibility it was to  
21 fire the torpedoes, and he said there were two above-water  
22 torpedoes fired. Why is it that you accept the evidence of  
23 the man who couldn't see against the evidence of the man  
24 whose task it was to fire the torpedoes?

25 A. It was also Mr Greter's task not to reveal that  
26 *Kormoran* was equipped with underwater torpedoes.  
27

28 Q. These discussions occurred many years after the event.  
29 They are interviews with you. He is telling you that. You  
30 now prefer the view, apparently, of Mr Linke, and I don't  
31 understand why you would do that.

32 A. Okay. I am presenting the evidence of people who told  
33 me those accounts. Now, von Goessel was most concerned to  
34 find out the result of the Inquiry. He was very relieved  
35 when I said, first, "Look, the way things are going,  
36 I don't think they are going to blame any of you people,  
37 because you were in a sticky situation at war, and whether  
38 you fired the deck torpedoes or the underwater torpedoes -  
39 it happened at the spot."  
40

41 Allen Dollard told me in an interview that if he were  
42 in the same or a similar position, he would not give away  
43 an advantage. Why give an advantage? And you don't fly  
44 your flags; you fly them on ceremony. This is a real  
45 situation. Why on earth would Greter tell people then, or  
46 now in fact, that they used the underwater torpedo when  
47 people were still - now, this is 12 years ago - being

1 prosecuted for war crimes, or being accused of them. He is  
2 not going to change his story.

3  
4 Q. So your logic is that because if he said they fired an  
5 underwater torpedo, that might, in some fashion which is  
6 not entirely clear, have constituted a war crime;  
7 therefore, the evidence which he gave to you, which you  
8 told him you accepted, should be rejected? Is that the  
9 thought process you go through?

10 A. It is a matter of whether you identified yourself, as  
11 I understand it, beforehand. It has only just come to  
12 light, I think - I haven't seen it anywhere before - that  
13 the *Komet* also had underwater torpedoes, and the report by  
14 the torpedo officer there, Hans Zumpe, to whom I spoke  
15 years ago in reference to the sinking of the *Rangatane* - it  
16 was entirely different. He was also the welfare officer  
17 and he was mates with a young New Zealand girl who was a  
18 prisoner. They got on very well.

19  
20 Zumpe's report, which I could have copied, says quite  
21 specifically that the underwater torpedo was engineered to  
22 the point where it could be fired with only slight ruffle  
23 on the surface and no bubbles. That's the only copy I have  
24 (indicating), but I would be glad to send it.

25  
26 There is Shu Ah Fah, one of the chaps from the  
27 *Eurylochus*, the Chinese - there were four on board, who  
28 testified that there were three torpedoes fired in quick  
29 succession, and the translation of his was "and they hit".

30  
31 Some say, well, what was Shu Ah Fah doing on deck?  
32 The *Penguin* had been stopped or intercepted by the *Cornwall*  
33 earlier on, and the report there was that she was  
34 suspicious in part because there was nobody on deck.

35  
36 A very good thing that has come out of Mr Schulte's  
37 interview in Germany is that he says that some people moved  
38 about looking like civilians, "Some people even moved on  
39 our deck and were disguised as civil persons." I think  
40 Paul Koenig might have been the chap from the engine room  
41 who was sent upstairs to collect a spanner, or something.  
42 He was a darkish chap, from photographs, who could look  
43 like an East Indian, on those ships.

44  
45 I thought either the chap who sent him up was doing  
46 him a favour, because he was a young bloke and he knew that  
47 there was something earnest, but he also spoke about being

1 hidden, and the Inquiry asked him if it was something like  
2 camouflage, and he said "hidden" and he went below to  
3 another deck.

4  
5 Fritz Englemann said that he lied at the time to  
6 interrogators, and he said that he indicated that he had  
7 lied in Germany too. And I think it is Mr Buttner who  
8 gives a very reasonable interpretation, saying:

9  
10 *We were put up in an area of garden plots,*  
11 *all the 26 of us, and we didn't know*  
12 *anything about our other comrades. There*  
13 *were just the 26 of us there, and along*  
14 *came an interpreter, a Jew. A Jew came and*  
15 *sounded a bit Yiddish, too.*

16  
17 Then over the page, he said that there were three men  
18 sitting there with sidearms - set on edge, three men with  
19 sidearms:

20  
21 *I am thinking, "Oh my God, what's going to*  
22 *happen now?" But the Jew, Meier, he said*  
23 *nothing.*

24  
25 Then further on, there was this Jewish interpreter,  
26 Mr Meier, who also spoke like a Jew. These people,  
27 I think, were from the *Aquitania*, the 26.

28  
29 Meanwhile, in the west, one of the main interpreters  
30 there was a Mr Lobstein from the university over there.  
31 There was Mr Frank, I understand, and Weis was one of the  
32 organisers. With Hans Linke saying that they ridiculed  
33 some of the interrogators, possibly because they were using  
34 Yiddish - Germans are regarded as dangerous interned, and  
35 I think we're looking at a situation where Germany had its  
36 nose in front in the War, and it was the responsibility of  
37 combatants to misinform and dis-inform the enemy if  
38 captured.

39  
40 THE PRESIDENT: Q. Mr Kennedy, do you remember the  
41 question I asked you --

42 A. Well, I am sure that --

43  
44 Q. -- that you have spent some five or ten minutes  
45 answering?

46 A. Well, is there a time limit? If you had told me there  
47 was a time limit - I am just trying to aid the Inquiry.

1  
2 Q. The question was to the effect that the reasoning  
3 process that you engage in to reject the evidence of  
4 Mr Greter, whose job it was to fire the torpedoes and who  
5 said that they were over-water torpedoes which were fired,  
6 is because you take the view that to admit the firing of an  
7 underwater torpedo may, in some fashion, constitute a war  
8 crime and, therefore, Greter's evidence is to be rejected;  
9 is that the process by which you reject Mr Greter's  
10 evidence?

11 A. I am not rejecting Mr Greter's evidence. I am not  
12 rejecting Mr Linke's evidence. I am not endorsing either  
13 evidence. I am saying that as a chap who is interested in  
14 making documentaries, if they fall in my lap, that reflect  
15 what the people say, what the documents say represents the  
16 story - I have often said to other inquiries, and  
17 generally, that I am representing as factually as possible  
18 the circumstances.

19  
20 These questions should have been asked 40, 50 years  
21 ago, and here is muggins here saying, "I have spoken to  
22 these people, I have looked at this amount of  
23 documentation", and this Inquiry is asking me to be the  
24 judge?

25  
26 I am just a poor working hack who happens to have  
27 seen, in the overall raider story - and *Kormoran* and *Sydney*  
28 are a minority of the evidence that I have got on all the  
29 raiders - I am saying that I have expertise from, what was  
30 that, 12 years ago. I at least spoke to these people.  
31 I mean, other researchers didn't.

32  
33 Winter didn't talk to them. She said somewhere that  
34 Greter - that the wireless operators - for example, she  
35 says that Malapert avoided it and the others didn't want to  
36 talk. Well, I tracked down Malapert by ringing up the  
37 Chilean telephone exchange and saying, "Have you got a  
38 von Malapert in Santiago or Valparaiso?" I said, "Do you  
39 want HJ or JN?" Something like that. Excuse me. I am  
40 presenting the evidence from both sides and you are asking  
41 me to be the judge?

42  
43 Q. No, I am certainly not. I wouldn't ever place you in  
44 that position.

45 A. I am sure you wouldn't after this.

46  
47 Q. But you did say that you supported the theory that an

1 underwater torpedo was fired. If you do support that  
2 theory, necessarily you must reject the evidence of  
3 Mr Greter?

4 A. Oh, no, no, no. No, I don't think so.

5  
6 Q. Would you please just listen to what I am saying. You  
7 must reject the evidence of Mr Greter, because he said -  
8 and he said it to you - that above-water torpedoes were  
9 fired, not underwater torpedoes.

10 A. Well, this is true, and he was repeating the approved  
11 version.

12  
13 Questions have been put to people about, were they  
14 told what to say? About a hundred of the hard men, the  
15 gunners, including Hermann Ortman, were in the two  
16 lifeboats that stayed in the shipping lane area, and there  
17 is evidence that their idea was to commandeer a neutral  
18 ship or another ship, or, hopefully, they wanted a Japanese  
19 ship to pick them up. The others, von Malapert, Meyer,  
20 et cetera, went to shore.

21  
22 The fact also that Detmers got some of the section  
23 leaders who were still available and spoke to them - this  
24 has been mentioned to me a few times. There was no general  
25 gathering of the crew and briefing them on what to say.  
26 Actually, selected men like the gunners were held back for  
27 those two lifeboats, and leaders of the groups were told  
28 what to say. They were basically told to tell what  
29 happened during the action but not to say anything about  
30 the general operation of a raider. And I think probably  
31 that is what happened, but, I mean, it is up to the public  
32 to make up its mind.

33  
34 We have Edmund Ebel, who was the torpedo mechanic,  
35 with the famous "torpedo auch schon gischt", "the torpedo  
36 is running". Now, he was the only one of all the people  
37 interrogated, that I saw from the 600, 700, 900 pages of  
38 interrogations, that was referred to somebody else for an  
39 interrogation.

40  
41 CMDR RUSH: I note the time, sir.

42  
43 THE PRESIDENT: Yes. We will adjourn until 2 o'clock.

44  
45 **LUNCHEON ADJOURNMENT**

1 UPON RESUMPTION:  
2

3 CMDR RUSH: Q. Mr Kennedy, just to finish off on Greter,  
4 if we can go to PTE.006.0154. You had another conversation  
5 with him and you said:  
6

7 *KENNEDY: There's just one thing I forgot*  
8 *to ask you last time ... If Sydney was*  
9 *approaching on the starboard quarter, as*  
10 *they should have done ... why didn't you*  
11 *slow down and fire the underwater torpedo?*  
12

13 *GRETER: Because we thought we could come*  
14 *off with our fake, you know, with our*  
15 *guise. [...] In any case, it was not my*  
16 *possibility to give orders on the ship.*  
17 *The Commander was the one who had to say*  
18 *what is to be done. But we had the idea of*  
19 *behaving like a normal transport, like*  
20 *a normal ship, you know, and keep on our*  
21 *course and say what is asked, answer the*  
22 *questions. That's it.*  
23

24 *KENNEDY: [...] How fast were you going,*  
25 *14 knots, or had you slowed down?*  
26

27 *GRETER: [...] We were going faster with*  
28 *four engines, but one broke down, so we had*  
29 *to continue with three, and then the most*  
30 *speed we could do was 14 knots. And that's*  
31 *what we did. 14 knots was an acceptable*  
32 *velocity for a merchantman.*  
33

34 *KENNEDY: And when you fired the two up*  
35 *top, did you fire simultaneously, at the*  
36 *same time, those two, or one after another?*  
37 *[...]*  
38

39 *GRETER: One after the other. I think it*  
40 *was not possible to shoot them both at the*  
41 *same time because you had to discharge them*  
42 *one at the time.*  
43

44 *KENNEDY: Was it a 10-second gap?*  
45

46 *GRETER: I have no idea. Please ...*  
47

1           KENNEDY: Thank you very much. I promise  
2           no more questions.

3  
4           Then you said:

5  
6           KENNEDY: ... the reason why I am asking  
7           you these things is that some of the  
8           fanatics in Western Australia with all the  
9           funny stories, they'll say 'Well, what  
10          about this, and what about the underwater  
11          torpedoes, and what about that?' And I can  
12          say to them 'Well, they did not slow down',  
13          and, well, if you had fired, if you had  
14          fired the underwater torpedo at pace ...

15  
16          GRETER: We would have to let fall our  
17          disguise! Why should we do that?

18  
19          KENNEDY: Exactly. And it would've  
20          deflected, wouldn't it? If it went out, it  
21          would have gone off course anyway ...

22  
23          GRETER: We would have to stop and that  
24          would have been our death.

25  
26          KENNEDY: Why did you have to stop to fire  
27          these torpedoes ... because it would  
28          deflect?

29  
30          GRETER: I told you, because it was an  
31          angle of 125 degrees from the bow of the  
32          starboard side and on the portside, and if  
33          you drive the torpedo doesn't come out,  
34          because it is ... as soon as it falls out  
35          of the hull it is pressed off and if you go  
36          at a certain velocity then you can't, and  
37          it doesn't come out. That's the problem.  
38          You have to be almost stopped to shoot this  
39          underwater torpedo. The submarines have  
40          long tubes from the stern to the bow. And  
41          they come out of the bow shooting into the  
42          direction of the course. That's another  
43          question. And the velocity of the torpedo  
44          is added to the velocity of the firing  
45          ship. But if you go and try to get the  
46          torpedo underwater out ... even if it is  
47          slightly to the stern showing ... it will

1           *be pressed to the tube and it won't come*  
2           *out and it won't come out. It will get*  
3           *stuck. I think you can understand that.*

4  
5           *KENNEDY: Okay.*

6  
7           That was a further, and at a later time, I think,  
8           explanation from Mr Greter.

9  
10           You also spoke to von Goesseln from time to time. At  
11           PTE.006.0227, you asked him:

12  
13           *KENNEDY: You were on the bridge, on the*  
14           *lookout station, is that correct?*

15  
16           *VON GOESSELN: Yes, I was on watch.*

17  
18           *KENNEDY: It would be great to know from*  
19           *your point of view what happened when*  
20           *SYDNEY was approaching. What did you see*  
21           *as far as you remember?*

22  
23           *VON GOESSELN: It's been too long ago. But*  
24           *you probably read Barbara Winter's book.*  
25           *What she wrote is completely true. She*  
26           *recorded and evaluated everything correctly*  
27           *and very neutral. I value this book very*  
28           *much.*

29  
30           Down the page, towards the latter part of the page, you  
31           said:

32  
33           *KENNEDY: When SYDNEY sailed off; did she*  
34           *go with about 10 knots, or 12? Or less?*

35  
36           *VON GOESSELN: That's hard to say*  
37           *precisely. She was damaged very heavily*  
38           *and couldn't go very far anyway. Very*  
39           *early in the encounter she received a hit*  
40           *by a torpedo. As she sailed off behind the*  
41           *stern it could've been up to 10 knots, but*  
42           *certainly not more.*

43  
44           *KENNEDY: Two torpedoes were fired ...*

45  
46           *VON GOESSELN: ... but only one hit her!*  
47

1           KENNEDY: Right. Was it the first or the  
2           second torpedo?

3  
4           VON GOESSELN: They were fired  
5           simultaneously. It was a double tube which  
6           could fire two torpedoes at the same time,  
7           and one of them hit.

8  
9           KENNEDY: And surely ...

10  
11          VON GOESSELN: ... Greter would know about  
12          that. He was the torpedo officer. He shot  
13          the torpedoes.

14  
15          KENNEDY: I spoke to him for a very long  
16          time, but this is the only thing I didn't  
17          ask him about.

18  
19          VON GOESSELN: It was a double tube, they  
20          were fired simultaneously and one hit.

21  
22          KENNEDY: So when SYDNEY later turned  
23          right ...

24  
25          VON GOESSELN: Yes, behind our stern. We  
26          were motionless and drifted only. Because  
27          we also received hits, and our engine was  
28          broken. We received a hit in the engine.  
29          Our ship could not change the course, we  
30          were just drifting.

31  
32          KENNEDY: And SYDNEY sailed past you?

33  
34          VON GOESSELN: Right.

35  
36          Was von Goesseln referring to the above-water tubes and  
37          torpedoes?

38          A. Yes. In fact, so far as I can see, it's a reasonable  
39          translation, from what I can see. I'll check it with the  
40          tape. Yes, I notice I said that I hadn't asked Greter  
41          about whether both fired at the same time, which I see  
42          I had, or maybe I was trying to seek a bit more  
43          information.

44  
45          Q. Mr Kennedy, you also spoke to Hermann Ortman about  
46          this at PTE.006.0215. Perhaps if we can start at the  
47          bottom of 0214, Ortman was a gunner?

1 A. Yes, yes, number 4 gunner, I think.

2

3 Q. Towards the bottom of 0214, if you start about three  
4 paragraphs from the bottom of the page:

5

6 *KENNEDY: You know there have been some*  
7 *suggestions that Detmers might have been*  
8 *a bit casual about when the torpedo was*  
9 *fired, but as far as you saw of this it was*  
10 *a couple of minutes into the engagement.*

11

12 *ORTMANN: Yes, I think he fired the torpedo*  
13 *as soon as he could. That means that they*  
14 *had to decamouflage and the torpedoes had*  
15 *to put into action and have to be timed*  
16 *for, and all these things so it takes*  
17 *a little while, but they fired as soon as*  
18 *possible, yes.*

19

20 *KENNEDY: With the torpedoes part of the*  
21 *hull would go down, would it, or up? The*  
22 *hinge.*

23

24 *ORTMANN: It was more or less like a door*  
25 *I think. As far as I remember it just went*  
26 *down.*

27

28 Then:

29

30 *KENNEDY: ... Anybody on the SYDNEY, if the*  
31 *KORMORAN exposed its torpedoes before it*  
32 *fired its guns then the SYDNEY would*  
33 *obviously have seen the ...*

34

35 *ORTMANN: No, the demi-flash of the*  
36 *torpedoes was the same time as the guns*  
37 *started firing.*

38

39 *KENNEDY: So those who suggest that the*  
40 *torpedo was fired early do not take into*  
41 *account that the torpedoes had to be*  
42 *exposed by the door dropping and swinging*  
43 *around so that anybody on the SYDNEY would*  
44 *have seen this?*

45

46 *ORTMANN: Yes, but no, it was impossible.*  
47 *I've often heard the suggestion that we*

1           *were firing torpedo from our underwater*  
2           *tube, which we did have, but you can't fire*  
3           *unless you lie completely still because you*  
4           *have to aim with the ship. If the SYDNEY*  
5           *asked us to stop then it might have been*  
6           *a possibility but she didn't and for that*  
7           *reason we couldn't do it.*

8  
9           *KENNEDY: Why do you have to aim with the*  
10          *ship if you are going parallel?*

11  
12          *ORTMANN: The torpedo tube underwater is*  
13          *fixed. You can't move - you have to aim*  
14          *with the whole ship. The tube is more or*  
15          *less built in/fixed. The only way you can*  
16          *do it is to turn the ship in the direction*  
17          *you wanted the torpedo to go.*

18  
19          *KENNEDY: That wouldn't have mattered*  
20          *because the ships were side by side anyway.*

21  
22          *ORTMANN: Probably not, although it would*  
23          *have meant that both ships would have been*  
24          *laying completely still.*

25  
26          *KENNEDY: What would happen and you fired*  
27          *a torpedo underwater and it came out*  
28          *against water that was moving, would it*  
29          *make any difference to its direction, or?*

30  
31          *ORTMANN: I'm not an expert but I assume*  
32          *it will have been, unless you lay*  
33          *completely still you just can't do it.*

34  
35          *KENNEDY: The thing with the underwater*  
36          *torpedo is the aiming, but if SYDNEY and*  
37          *KORMORAN are side by side anyway there's no*  
38          *problem with aiming, is there?*

39  
40          *ORTMANN: Yes there is. If the torpedo*  
41          *tube is not on a 90 degree angle so the*  
42          *ship has to be turned somehow. I would say*  
43          *roughly the underwater torpedo would have*  
44          *been roughly on a 45 degree angle ship*  
45          *laying there is a 90-45 is something there,*  
46          *so you had to turn the ship to SYDNEY to*  
47          *get the right line, which would have made*

1                    *them suspicious in the first place.*

2

3                    You say, do you, in relation to this theory that this is  
4                    material that you put before the Commission of Inquiry for  
5                    its consideration?

6                    A.    Oh, yes, with the addition that even as Evan Allan,  
7                    the last World War I sailor to die, a man of great  
8                    experience, said, "Well, they had gyroscopes, didn't they?"  
9                    And this is quite right. So far as my expertise goes, you  
10                   can fire a tube and it can go in another direction when the  
11                   gyroscopes take over.

12

13                   THE PRESIDENT:    Q.    Mr Kennedy, don't you recognise that  
14                   the evidence of Messrs Greter, von Goesseln and Ortman,  
15                   given to you, leaves little if no room, if you accept that  
16                   evidence, for any firing of an underwater torpedo?

17                   A.    Well, they were also conforming, as aware people, that  
18                   if the story were changed about torpedoes, then other  
19                   questions could come into play. I'm submitting what  
20                   von Goesseln, Greter and Ortman said for the consideration  
21                   of the Inquiry and posterity, the same as I was with the  
22                   other chaps. You know, Messerschmidt has said they slowed  
23                   down to between, say, 5 and 7 knots, he's said at various  
24                   times. At that stage, Hermann Ortman would pull out the  
25                   book. The 45-degree angle - well, it's fair enough.

26

27                   But I have to keep returning to the point that what  
28                   they said originally and what was said originally - why  
29                   should they change it later in life, unless, as with,  
30                   I feel, Mr Linke and Mr Messerschmidt, they had been  
31                   speaking about other things and then they got the question  
32                   and then they answered it from genuine momentary expression  
33                   rather than, "What do I have to say?"

34

35                   Q.    So your understanding, then, from these questions you  
36                   asked them and the replies they gave you, was that they  
37                   were not telling you the truth but just repeating the old  
38                   story, as you put it? Is that your position?

39                   A.    I couldn't say that. I mean, von Goesseln said he  
40                   didn't see any torpedoes running from *Sydney*. He said,  
41                   "I was looking at the water. I didn't see torpedoes." I'm  
42                   trying to think of another fairly notable exception.

43

44                   Q.    What I still don't understand is the answer you gave  
45                   to CMDR Rush to the first question he asked you about this  
46                   topic: did you espouse or agree with the theory of the  
47                   underwater torpedo being fired by *Kormoran*, and you said

1 you did?

2 A. I said what, sorry?

3

4 Q. We have now taken you through four witnesses, three of  
5 whom - Greter, who fired them; von Goessel and Ortman -  
6 said no such torpedo was fired; Linke, who was down in the  
7 engine room and didn't see it --

8 A. The radio room, sir.

9

10 Q. His evidence was that then when he came upstairs it  
11 fired from the port side. We know that that didn't hit  
12 *Sydney*. Yet you tell me that you espouse the underwater  
13 torpedo theory. It just doesn't make any sense.

14 A. Well, I suggest that it does make sense, if you  
15 consider that I've been asked to present evidence. I'm  
16 presenting the evidence of Mr Linke, Mr Messerschmidt and  
17 others.

18

19 And there's another mention here of Kilroy, with the  
20 Chinese cooks. According to the Chinese cooks, they lay  
21 parallel to each other, beam on, pulled up parallel with  
22 them, you know.

23

24 CMDR RUSH: Q. Mr Linke told you that they were locked  
25 up for this sort of engagement because of the potential  
26 danger to the disguise of *Kormoran*.

27 A. I don't recall that.

28

29 THE PRESIDENT: Q. And Mr Ortman told you that if the  
30 ships were parallel, underwater torpedoes wouldn't have  
31 hit, anyway, because they fired at 135, 145 degrees from  
32 the bow.

33 A. Well, you have the gyroscopes. What Mr Linke and  
34 Mr Greter have said is open to examination by the Inquiry  
35 and by posterity. It doesn't matter what you want me to  
36 say. I can only say what my research and my  
37 representation - which I think has been genuine - of these  
38 people dictates.

39

40 Q. But that's not true, because you were asked whether  
41 you espoused the underwater torpedo theory, and you said  
42 that you did. So far, we have seen four people who gave  
43 evidence to you - and you must have formed the view that  
44 you told me you had on some basis - three of them told you  
45 that there were no underwater torpedoes, which means you  
46 must reject them, which means you must accept the man who  
47 didn't see it?

1 A. I think if we're going to take the consistencies and  
2 the inconsistencies - the choice of words - at one time  
3 it's, "Do you support, do you espouse?", and all I'm saying  
4 is that I was told this by these gentlemen and I was told  
5 that by the other gentleman.

6  
7 I again say that I asked them the questions -  
8 questions that other writers and experts in the Navy and  
9 other Forces did not ask them decades ago.

10  
11 CMDR RUSH: Q. You have put forward the suggestion in  
12 your submission that *Kormoran*, in addition to the Q signal,  
13 sent other signals?

14 A. This was my information, yes.

15  
16 Q. You referred earlier this morning to a conversation  
17 with Roald and Fae Larsen. They, as you explained, alleged  
18 that they had been aboard a Norwegian ship off Sfax in  
19 Tunisia a few years after the War and they had gone on to a  
20 Swedish ship. On the Swedish ship, and after Mrs Larsen  
21 had said she had lost an uncle in *Sydney*, a German radio  
22 operator on the Swedish ship told them that he had been in  
23 contact with *Kormoran* during the action. You have

24 theorised that the person they spoke to was Heinz Herrmann.  
25 A. I think rather than "alleged", they told me. And  
26 rather than "theorised", I took an extraordinary amount of  
27 trouble. The fact that Fae Larsen had remembered that the  
28 ship was *Flora* was a big luck score for us, not for me.  
29 And I went through the Swedish Embassy, Transmarine, and  
30 the German Repatriation Department to establish whether  
31 this bloke was around. The Larsens may have spoken to  
32 somebody else after me, and this would have been missed or  
33 taken at face value.

34  
35 I put down the fact that I traced Heinz Herrmann and  
36 I traced Reinhold von Malapert when nobody else did as  
37 a benefit for us, rather than words deserving of  
38 "allegations" and "theorising".

39  
40 Q. I've not used the word "allegation".

41 A. You said that Fae Larsen and Roald Larsen "alleged  
42 that".

43  
44 Q. Mr Kennedy, at SUBM.006.0060 --

45 A. I don't have any numbers here.

46  
47 Q. It will come up on the screen.

1 A. Okay.

2

3 Q. You returned to Mr Linke, saying:

4

5 *KORMORAN wireless operator Hans Linke:*  
6 *a short signal after the action received by*  
7 *Norddeich and Bodensee at least. Kormoran*  
8 *wireless operator Adolf Marmann, when head*  
9 *of the Kormoran veterans' association told*  
10 *me later that, contrary to the*  
11 *official/Detmers versions, the main*  
12 *Kormoran radio room had power long after*  
13 *the fighting and until he was released from*  
14 *duty to abandon ship.*

15

16 I want to have a look at what Mr Linke did tell you. If we  
17 can go to PTE.006.0173, at the top of the page --

18 A. Excuse me, is this from the raw footage or the  
19 subtitled?

20

21 Q. This is from "Hans Linke and David Kennedy,  
22 disk 1/track 1". There are no subtitles. This is the  
23 conversation as recorded there.

24 A. Okay.

25

26 Q. It records:

27

28 *KENNEDY: Is it your understanding that*  
29 *KORMORAN has ... or was able to send*  
30 *signals after the battle?*

31

32 *LINKE: As far as I'm informed, after the*  
33 *encounter ... after the battle a short*  
34 *signal was sent. A short signal was always*  
35 *sent when a ship was seized, a so-called*  
36 *enemy ship was seized, and when one had*  
37 *shot at her and sunk her. Then a short*  
38 *signal was seized [sic] and this short*  
39 *signal was received by several stations in*  
40 *Germany, wasn't it. There was a station at*  
41 *Bodensee, Norddeich mainly, Kiel Radio,*  
42 *Elbe-Weser Radio was adjusted to [receive]*  
43 *it so that the signal would be received by*  
44 *some station somewhere, wouldn't it.*

45

46 *KENNEDY: I've also read recently that*  
47 *there was a big receiver in Vienna, an*

1           *Abwehr receiver in Vienna.*

2

3           *LINKE: That I don't know.*

4

5           That would appear to be the passage that you are relying  
6           upon?

7           A. For what, sir, sorry?

8

9           Q. In relation to Linke indicating that there was  
10          a signal sent by *Kormoran* after the battle.

11          A. Oh, there are other references in video and audio, I'm  
12          sure, where we discuss that - oh, yes, yes. We were  
13          talking about whether Herrmann in *Kulmerland* would have  
14          been able to receive signals from *Kormoran* --

15

16          Q. No, what I'm talking about at the moment is  
17          Mr Linke --

18          A. Yes, Linke, that's right.

19

20          Q. -- and the passage that I particularly took you to in  
21          your submission.

22

23          THE PRESIDENT: Q. The topic being addressed, if  
24          I remind you, is whether or not a signal was sent after the  
25          battle.

26          A. Yes, I was referring to that, because I thought  
27          CMDR Rush said, "That's what you're relying upon" --

28

29          CMDR RUSH: Q. That's what you are relying upon from  
30          Linke. You've used the words, "There was a station at  
31          Bodensee", et cetera. I am coming to the next passage,  
32          Here he has told you, "I am informed that after the  
33          encounter" - after the battle - someone has told him  
34          something and he's attempting to recount it to you.

35

36                 You further spoke to him about it at PTE.007.0299. At  
37          the top of the page, you said:

38

39                 *KENNEDY: I won't keep you so long this*  
40                 *time. Of course, when I ended the phone*  
41                 *conversation, I thought that I had not*  
42                 *asked what the content of the signals to*  
43                 *Germany and Tokyo was, the position and*  
44                 *what had happened. What do you think?*

45

46                 *LINKE: I wouldn't know. That's done by*  
47                 *the captain, the commander; he writes that*

1 down and gives it to an officer to take it  
2 down to the radio room, sealed. And the  
3 officer takes it with him again, the short  
4 signal, and I also could not hear what it  
5 was.

6  
7 KENNEDY: And are you talking generally or  
8 about anything specific?

9  
10 LINKE: No, about specific signals. There  
11 were various abbreviations and they are  
12 condensed and the signals are ciphered, do  
13 you understand what that means?

14  
15 KENNEDY: Yes, encoded.

16  
17 LINKE: Yes, and these are deciphered  
18 again in Berlin, and I don't know what the  
19 content was, but that was short and  
20 precise, it can't have been a lot.

21  
22 Then Mr Linke has to explain the German term "kurz und  
23 bundig" to Mr Kennedy.

24  
25 KENNEDY: Yes, of course. And it seems,  
26 you remember these special signals, you saw  
27 when the officer came downstairs, and you  
28 think Koehn transmitted that, did he?

29  
30 LINKE: Yes, probably Koehn. I don't know  
31 who did it, I can't say. It was not me.  
32 It was in the transmission room upstairs,  
33 in Transmission Room 1, at the bridge.  
34 There we had the strongest short wave  
35 transmitter; the short wave transmitter had  
36 1 Kilowatt power, 1,000 Watt, and we always  
37 used that one for short signals, because it  
38 would, with certainty, get through to  
39 Europe, or Japan, one doesn't know.

40  
41 KENNEDY: So it's very clear that up there  
42 the signal was sent off before extensive  
43 damage had happened, yes?

44  
45 LINKE: That is quite possible, that we  
46 sent off the signal before the start of the  
47 engagement.

1  
2           *KENNEDY: We don't know for certain when*  
3           *but it's very possible - or certain - that*  
4           *a short signal was sent.*

5  
6           *LINKE: Yes, that's very probable, because*  
7           *after the engagement we had no more*  
8           *electricity. The electricity failed, the*  
9           *engine had suffered a strike et cetera.*

10  
11           Mr Linke is not telling you at all that a message was sent  
12           from *Kormoran*, is he?

13           A. My attention was caught first by his having to explain  
14           "kurz und bundig", short and combined, so I was distracted  
15           by that. My understanding, although I lost track a bit  
16           there further on because of the "kurz und bundig"  
17           reference - now, are you saying that a signal was not sent,  
18           or that he did not?

19  
20           Q. I'm saying that Mr Linke could not be a reliable  
21           source to say that any signal was sent by *Kormoran*  
22           immediately prior to or during the course of the engagement  
23           with *Sydney*.

24           A. If one has been told that signal was sent - I mean,  
25           you cannot rely on everybody to have heard it. There were  
26           cases --

27  
28           Q. No, my question, Mr Kennedy, is not about everybody or  
29           anything, but Mr Linke. In what I have just read to you,  
30           Mr Linke is not saying that a signal was sent.

31           A. Well, he was not asked if he sent the signal.  
32           Adolf Marmann said there was power in the other radio room.  
33           Koehn, von Malapert - Koehn wasn't asked. von Malapert -  
34           there were, what, about 20, 28 wireless operators.

35  
36           Q. Mr Kennedy, could you concentrate on my question. In  
37           what I have just read to you, Mr Linke does not say that  
38           a signal was sent.

39           A. He is discussing whether a signal may have been sent.  
40           I have never suggested that Linke sent a signal to Germany  
41           or Tokyo.

42  
43           Q. Well, you did say in your submission --

44  
45           THE PRESIDENT: Q. Linke certainly didn't, because he  
46           was in wireless room number 2, which we know, because  
47           I think he told us, was a receiving room, not

1 a transmitting room.

2 A. Not all the time. Both Linke and Marmann said they  
3 left at stages, and the *Komet* operator, Otto Schmidt, has  
4 spoken about the "hundertprozentigers", the ones who were  
5 on the ship through intelligence duties, largely, rather  
6 than chaps like Linke and Koehn, who were previously  
7 merchant ship operators, and Marmann, who was a young Naval  
8 operator. I had been told that there were  
9 "hundertprozentigers", who were party people, the German  
10 version of commissars - I'm basically presenting what is  
11 there and adding --

12  
13 Q. What is there is not that a signal was sent after the  
14 engagement.

15 A. Well, Linke has been asked about the possibilities.  
16 I never asked him if he sent it. I'm asking him generally  
17 about the possibility.

18  
19 Q. He volunteered that he didn't send it.

20 A. Well, if the Commission takes that from that passage  
21 there, then well and good.

22  
23 Q. Could you scroll up a little bit, please.

24  
25 *... I can't say. It was not me.*

26  
27 A. Well, if he's saying that, I was thinking of the  
28 "kurz und bundig" reference at that time.

29  
30 Q. Can you read that:

31  
32 *Yes, probably Koehn. I don't know who did*  
33 *it, I can't say. It was not me.*

34  
35 A. Well, that's what Mr Linke said.

36  
37 Q. So what we know is that Mr Linke was in room number 2.  
38 This so-called signal which might have been sent was sent  
39 from number 1. Mr Linke did not send it and, according to  
40 this evidence here, he said he didn't know that one was  
41 sent.

42 A. Mr Linke and Mr Marmann both were outside the  
43 wireless rooms at that time. There is other material that  
44 says that Detmers and an operator - could well have been  
45 von Malapert - went to a wireless room after the engagement  
46 and sent a signal.

47

1           While speaking with von Malapert the first time  
2 around, he was convalescing. I spoke largely to his wife.  
3 Then there was an exchange of letters. He was fairly  
4 incapacitated by the time - well, when David Mearns and  
5 Peter Hore went to Chile and spoke to him, they could have  
6 asked him about that, but they didn't. Not that I know of,  
7 unless they've --

8  
9           CMDR RUSH: Q. Mr Kennedy, could we perhaps turn to what  
10 I think may have been your first conversation with  
11 Mr Linke, at PTE.006.0193. If we can go down to the bottom  
12 of the page, where you say to Mr Linke:

13  
14           KENNEDY: *Well, it's been some time.*  
15 *I learned German 20 years ago in Munich,*  
16 *but it stays with me. I have met people*  
17 *here who were in contact with Heinz*  
18 *Herrmann, he was in Tokyo and also on the*  
19 *KULMERLAND. Have you met him when you were*  
20 *at the Marius meeting point in October?*

21  
22           LINKE: *Yes, I met him there. I was on*  
23 *the KULMERLAND for about one hour and then*  
24 *we returned by boat to the KORMORAN. I had*  
25 *known Heinz Herrmann from the time before*  
26 *the war, I met him at sea, on a different*  
27 *vessel, I can't recall the name, I was on*  
28 *my way to South America on the Cap ...*  
29 *vessel. I visited relatives in*  
30 *Buenos Aires. And then we met again when*  
31 *he was on the KULMERLAND and I on the*  
32 *KORMORAN. We received supplies, provisions*  
33 *and ammunition.*

34  
35           KENNEDY: *Was it possible that Heinz*  
36 *Herrmann was in contact with the KORMORAN*  
37 *during the attack on the SYDNEY?*

38  
39           LINKE: *No, that's impossible. I would*  
40 *have known about that. KULMERLAND had no*  
41 *radio contact with KORMORAN. KULMERLAND*  
42 *sailed back to Tokyo, Japan, and we, well,*  
43 *had our battle then. There was no more*  
44 *contact.*

45  
46           I just wonder why, in the discussion about Larsen,  
47 Heinz Herrmann and your reference to Linke that I've taken

1 you to about a short signal after the action received by  
2 Norddeich and Bodensee, you didn't refer to that passage?

3 A. Over various conversations with Linke - and I had  
4 several before I went to Germany - he had spoken to or had  
5 been spoken to by others, including Adolf Marmann, who was  
6 then the leader of the Kormoran Association. He had  
7 exchanged views with them. Linke's daughter Sigrid, when  
8 driving me back to the airport, said, "You know some of the  
9 *Kormoran* people are calling him a verrater?", a traitor.  
10 I said, "Are they calling him a lugner?", a liar. She said  
11 no.

12  
13 I've called Linke on the advice of Marmann, when  
14 asking who was where and what was what and did signals come  
15 or go, trying to check out information from the Larsens and  
16 about Heinz Herrmann. I've spoken to these chaps. Then  
17 they've spoken, and all I can do is present what was said  
18 hoping that this one is a correct translation, and leave it  
19 to the Inquiry to make up its mind. I am not going to  
20 second-guess Linke or Greter. I'm presenting the  
21 information. It's up to the Inquiry.

22  
23 Q. Mr Kennedy, I suggest that you present the information  
24 that supports the sort of case that you want to put forward  
25 without going into it in any detail.

26 A. No, I think really that's quite unreasonable. Now,  
27 Winter didn't talk to any of the radio operators, and she  
28 has written that. Tom Frame didn't, he writes, speak to  
29 any of the Germans, because he thought that they were  
30 telling falsehoods.

31  
32 I have contacted these people and I've presented this  
33 information. Now, you're suggesting that I have  
34 a particular axe to grind, when I keep saying that I'm  
35 presenting the information. Also, I might add that the  
36 *Sydney/Kormoran* part is still in the minority of all the  
37 research that I have on all the raiders. I have about  
38 three minutes of footage from on the *Kormoran*. I have  
39 interviews with some of the people. I have the gathering  
40 in Kiel, and it's a minority.

41  
42 Q. Mr Kennedy, I think you've told us that before.

43 A. Okay.

44  
45 Q. If we can go to your submission at SUBM.006.0060, we  
46 have been to the second paragraph there:

1           *Kormoran wireless operator Hans Linke:*  
2           *A short signal after the action received by*  
3           *Norddeich and Bodensee at least.*

4  
5           Then if we go down two paragraphs, you say:

6  
7           *Kormoran communications officer, Reinhold*  
8           *von Malapert, told me in a phone*  
9           *interview ... that Linke's account of radio*  
10           *signals after the action "could be*  
11           *accepted, that is completely clear".*

12  
13           What we've taken you to does not, I suggest, support what  
14           you have put about Linke saying "a short signal after the  
15           action", et cetera.

16  
17           But let's have a look at von Malapert at PTE.006.0244.  
18           You apparently telephoned von Malapert, saying:

19  
20           *Hello Baron, it's David Kennedy again, from*  
21           *SYDNEY, Australia. Again, years later!*

22  
23           *VON MALAPERT: Who are you?*

24  
25           *KENNEDY: David Kennedy in Australia.*

26  
27           *VON MALAPERT: David Kennedy from*  
28           *Australia, right?*

29  
30           *KENNEDY: Yes, we were talking 5 or*  
31           *6 years ago. And recently I talked to*  
32           *Peter Hore, he visited you and wrote*  
33           *something about this.*

34  
35           Then if we could go, please, to PTE.006.0246. You were  
36           asking him about signals, and in the middle of the page you  
37           said:

38  
39           *Okay, that may be the best.*

40  
41           That was after he asked you to put your questions in  
42           written form.

43  
44           *KENNEDY: It was only ... only a ... Linke*  
45           *said he was doing radio jamming with the*  
46           *Marconi device. Jamming - because SYDNEY*  
47           *was trying to transmit a signal. And That*

1           *would be the thing to do, and I just wanted*  
2           *to prove whether you think that was*  
3           *correct. SYDNEY tried to send a signal,*  
4           *and KORMORAN used the Marconi jamming*  
5           *device.*

6  
7           *VON MALAPERT: Yes, that is obvious. If*  
8           *we heard anything we didn't like, we*  
9           *disturbed that. We put a transmission on*  
10          *top of it that made it impossible for*  
11          *others to understand.*

12  
13          *KENNEDY: Right. Did that also happen in*  
14          *SYDNEY's case?*

15  
16          *VON MALAPERT: I cannot tell you exactly.*  
17          *But I don't think so.*

18  
19          *KENNEDY: You don't think so. Okay.*  
20          *I know it was war and nobody could talk*  
21          *about it because there was a ruse de guerre*  
22          *and so on, but Linke said SYDNEY tried to*  
23          *send a signal and KORMORAN did that radio*  
24          *jamming.*

25  
26          *VON MALAPERT: I am very certain about*  
27          *that. We had always been doing that. And*  
28          *his statement is correct if he says so.*

29  
30          That was relating to a different issue, I suggest. I guess  
31          it's not overly important, in one way.

32          A. Yes, I'd have to look at the original there - listen  
33          to the original again.

34  
35          Q. Perhaps if we go to something that's a bit clearer, at  
36          PTE.008.0107, which is a letter on 1 October 1998 from  
37          von Malapert to yourself. I want to go to PTE.008.0107\_E,  
38          which is a translation of that letter.

39  
40                 *Dear Mr Kennedy:*

41  
42                 *Many thanks for your letter of 31 August*  
43                 *1998 with my notes I took during the*  
44                 *lifeboat journey to the Australian coast*  
45                 *attached. I am only today after my return*  
46                 *from a trip to Germany getting round to*  
47                 *answering your questions: ...*

1  
2           2.) *During the whole time, from the*  
3 *sighting of the cruiser until the sinking*  
4 *of KORMORAN and SYDNEY, only one signal was*  
5 *sent, and that was our QQQ-message which*  
6 *was part of the "camouflage". After the*  
7 *battle we were unable to send any message*  
8 *by wireless either to Germany or anywhere*  
9 *else not least because due to a hit in the*  
10 *engine room we did not have any electricity*  
11 *anymore.*

12  
13       Then:

14  
15           5.) *During the whole voyage we had only*  
16 *very precise and short radio contact*  
17 *(Kurzsignale [short signals]) with Germany,*  
18 *(short wave stations Norddeich and Nauen).*  
19 *We were in this manner directed by Naval*  
20 *War Staff and the distribution of the*  
21 *auxiliary cruisers on the world's oceans*  
22 *was managed [in this way]. We NEVER had*  
23 *radio contact with JAPAN and the Naval*  
24 *attache in Tokyo, Admiral Wenneker.*

25  
26       So did you accept that?

27       A.   When I first spoke with Malapert, it would have been  
28 1997 or 1998, and getting cold called out of Australia -  
29 although I say previously, 20 years ago, I worked in  
30 Germany; I learnt it. I was married for 20 years to  
31 a German and had German friends, so it wasn't as if I had  
32 left Germany and lost my German.

33  
34           Now, here, this is after things get serious. That is  
35 a cold call from Australia about the *Sydney/Kormoran*  
36 action. When I spoke to him in the previous one, it was  
37 six, seven, eight years later when David Mearns and  
38 Peter Hore went over.

39  
40           One of the things about interviewing people is that  
41 the first interview is probably the one where you get the  
42 best version. Then they start to read books, they talk  
43 with people. It's fine if they get information that makes  
44 sense to them from other people. But in this situation,  
45 with David Mearns and Peter Hore arriving, and more  
46 acceptance and the fact that von Goessel, who had been in  
47 touch with Malapert, and also Malapert - I said to them

1 after the DFAT Inquiry, "Well, this is what's been  
2 returned. There will be no charges against anybody", and  
3 I think probably, naturally, they may have relaxed. If  
4 there are differences, that would be an interpretation that  
5 could be put upon it. But it's not for me to say what  
6 von Malapert had in his mind at that time with the  
7 different answers over the years.

8  
9 THE PRESIDENT: Q. You were asked whether you accept  
10 paragraph 5. Do you or not?

11 A. Oh, no, no.

12  
13 Q. And why do you not accept it?

14 A. Well, *Komet*, which --

15  
16 Q. No, we're talking about *Kormoran*, not about *Komet*.

17 A. I'm getting to this. The translation of the *Kormoran*  
18 diary by Barbara Winter doesn't say where the radio signals  
19 came from and went to.

20  
21 *Komet*, and I think we had the *Thor*, say, "message to  
22 Germany", "message through Tokyo". They were relaying  
23 signals through Tokyo. The signals would be picked up,  
24 sent to Tokyo, then sent by landline to Berlin --

25  
26 CMDR RUSH: Q. Landline from Tokyo to Berlin?

27 A. Yes. Well, I mean through - well, it would have gone  
28 through Tokyo to, what, Singapore. I mean, the landlines  
29 did exist. And then up through the British area. There  
30 was a telegraph line from Sydney to Darwin in 1871.

31  
32 THE PRESIDENT: Q. We need not trouble about that,  
33 Mr Kennedy. We have here a letter, which presumably is  
34 a considered letter, written by Baron von Malapert in which  
35 he says, "We never had radio contact with Japan" and in  
36 which he otherwise addresses the matter of signalling. As  
37 I understand it, you do not accept that.

38 A. What I'm saying is that the traffic from the raiders  
39 to Tokyo was sent by cable until things warmed up with the  
40 Americans, and the Japanese informed the Germans that there  
41 would no longer be any traffic to do with military matters  
42 transmitted by cable through Tokyo. That left wireless.

43  
44 Q. And you don't accept paragraph 2 either, I suppose?

45 A. After the battle --

46  
47 Q. First of all, do you accept it or not?

1 A. I don't, no. We have Marmann saying that he sat in  
2 the radio room until he was told later that they were  
3 leaving the ship, getting ready to leave the ship, that he  
4 could get out of there. He said they had power in that  
5 wireless room.

6  
7 Q. Do you prefer Mr Marmann to von Malapert and --  
8 A. You asked me if I accept it, but I can't say that  
9 I accept it.

10  
11 Q. You said that you didn't accept it.  
12 A. Well, I couldn't say I accept it, if there's evidence  
13 that suggests to me that it's not correct.

14  
15 Q. Right, so you can't form any view at all about whether  
16 signals were or were not sent, because there is what you  
17 call conflicting evidence?

18 A. No, in toto, I have an understanding that signals were  
19 sent.

20  
21 CMDR RUSH: Q. Why would von Malapert want to lie about  
22 it?

23 A. In one of the interrogations, I think Crace described  
24 him as a "rabid Nazi". Now, I didn't find that.

25  
26 Q. No, I'm not interested in that. I just want to know  
27 why would he want to lie? What's the point strategically,  
28 in relation to the battle or anything else - what's the  
29 point in lying about whether *Kormoran* got a signal off or  
30 not?

31 A. This is 1998, and he has been contacted. It's  
32 reopening a matter --

33  
34 Q. Could you answer my question?

35 A. Well, I am. And he says later, on tape, "Look, I'm  
36 a retired seaman, officer, I'm a retired Naval" --

37  
38 Q. Mr Kennedy, you're not answering the question.

39 A. Well, I suggest I am. You asked me why he would say  
40 that, and I'm saying that he tells us that he is a retired  
41 Naval officer living in Chile and they have treated him  
42 well and, basically, "Gee, I don't want to talk about it  
43 any more." That's my assessment.

44  
45 THE PRESIDENT: Q. Therefore, he told a lie? Is that  
46 your reasoning process?

47 A. You're saying that.

1  
2 Q. You were asked to explain why you said he would be  
3 lying.

4 A. Well, I mean, you asked me if I think he's lying.  
5 I suggested that he thought that he might have to look  
6 after himself and his family in a volatile country such as  
7 Chile, which had a dictatorship.

8  
9 CMDR RUSH: Q. How could he get into trouble if *Kormoran*  
10 sent a signal after the battle?

11 A. I mean, there are people - Allen Dollard said his wife  
12 was in --

13  
14 Q. No, no, look just --

15 A. No, don't "no, no" me, please. I'm answering --

16  
17 THE PRESIDENT: Q. Are you constitutionally unable to  
18 stick to a point? Is there something in your character --

19 A. That's an insult.

20  
21 Q. No, I'm making an observation of fact because you will  
22 not address the point that you were asked. You were asked  
23 why it would be that this gentleman may consider that he  
24 might get into trouble if he told what had occurred in  
25 relation to a sending of a signal in 1941, when the  
26 question was asked of him some time in the 1990s?

27 A. I said he has family in Chile, which is volatile. You  
28 can talk to a number of people who are married to  
29 telegraphists, former telegraphists, and they say, "She  
30 still won't tell me anything about what she did in the  
31 War". And I do formally object to some of your language.

32  
33 Q. That explanation doesn't address the issue and it  
34 gives no account whatsoever to the fact that he actually  
35 wrote you a letter in which he set out his account.

36 A. Yes, that was in 1998. The last conversation I had  
37 with him was in about 2005.

38  
39 CMDR RUSH: Q. Mr Kennedy, do you hold or put forward  
40 a theory that *Sydney* sent signals?

41 A. I have information that *Sydney* signalled and *Kormoran*  
42 jammed, and that has been laid out. If you choose to  
43 hammer away on the same point several times trying to  
44 extract a particular answer --

45  
46 Q. I've changed the point.

47 A. -- then all I can say - I've answered it. My --

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Q. No, I'm asking you about *Sydney* sending signals.

A. That's right.

Q. We've been dealing with *Kormoran* sending signals.

A. *Sydney* signalled and *Kormoran* jammed. I've provided testimony on that on several occasions.

Q. Yet the people that you spoke to indicated that *Sydney* did not send signals.

A. Some of the people said *Sydney* did not send signals. Others said that they did and there was jamming. You know, these questions should have been asked 40 or 50 years ago.

Q. No, they shouldn't have been asked.

A. They should have been.

THE PRESIDENT: Q. You keep saying that.

A. Well, it's true.

Q. But if there is evidence before you from some that *Sydney* did send signals and *Kormoran* jammed, and from others that *Sydney* did not send signals, why is it that you prefer the former to the latter?

A. I have submitted information on radio and the underwater torpedo tube because I happened to be there when that information popped up. If you want to, or if the court wants to, suggest --

Q. This is not a court, may I say.

A. Well, Commission. I actually thought it was a court of inquiry that should have been held at the time.

Q. It's a Commission of Inquiry.

A. It's being held now, Commission of Inquiry. But, I mean, the Board of Inquiry should have been held then.

It's just that I keep saying, "Here is the information." I'm a journalist who put it out with goodwill and good intention, provided everything to the Inquiry, and you seem to be wanting to grind down, with team-wrestling tactics, an answer out of me that suits the Commission, and excuse me.

Q. Mr Kennedy, what you've said is quite inaccurate.

A. It's a matter of opinion.

1 Q. What you have done is provide to this Inquiry a lot of  
2 material. In it, as you yourself have pointed out, is  
3 material which says that on the one hand *Sydney* did send  
4 signals, and on the other hand she did not. You have said  
5 that you preferred the former. I want to know why.

6 A. No, you've assumed, you've assumed it. I don't know  
7 how more clearly I can say that --

8  
9 Q. Pardon me, let me finish. I have to make up my mind  
10 whether *Sydney* did send signals or not. You have given me  
11 evidence on two sides but you have said, in addition, that  
12 you prefer one view, and I want to know why you prefer that  
13 view. So far, you haven't been able to tell me.

14 A. I'm basically saying, why is the Commission asking me,  
15 when I am the messenger?

16  
17 Q. Because you have said that you prefer one view to the  
18 other. I assume that you have some sensible reason for  
19 that. I'm asking you what it is.

20 A. Well, we have an old saying in the trade, "Never make  
21 an assumption." Basically --

22  
23 Q. Perhaps I shouldn't assume that you have a logical  
24 reason for it.

25 A. I just don't think that it's profiting anybody or  
26 anything to keep hammering me on this, when I'm saying,  
27 "Well, here is information. It's up to the Commission to  
28 figure out what happened."

29  
30 Q. I agree with that, but what I don't understand is why  
31 you take the next step and say that you prefer the view  
32 that *Sydney* did send a signal?

33 A. There's other evidence that hasn't been addressed  
34 here. There's *Thor's* Heinz Weitzel. There's Alex Hagerty,  
35 who interviewed these people. He was the only survivor  
36 from the Bridge of the *Voyager*, spoke German, and was at  
37 the meeting in 1991 in Hamburg. We've got him on tape  
38 saying that he asked Marmann whether *Sydney* signalled, and  
39 Marmann said that *Sydney* signalled and *Kormoran* jammed.

40  
41 I don't mean to get a little agitated, but that is in  
42 English in evidence. I shot it down, down at the Crown,  
43 over lunch opposite the Family Court. There is other  
44 evidence that has been available, yet we're hammering away  
45 here at two versions seven years apart, when at first  
46 Malapert gets a cold call from the only journo or the only  
47 researcher who had bothered to contact the wireless

1 operators since they went back to Germany in, what, 1947,  
2 and here's a cold call from a journo all those years later.  
3

4 I would suggest that he's sticking to the safe version  
5 first. I've spoken to wireless operators from *Kormoran*,  
6 *Komet*, *Thor*, and picked up a wealth of background. The  
7 evidence from Hans Weitzel from the *Thor* is there, too.  
8 I just don't know why we're sort of concentrating so long  
9 and continuously on this one.

10  
11 Q. Because this is from the person who was there as  
12 distinct from the person who was not.

13 A. Marmann was there. Weitzel says that *Thor* had heard  
14 about the engagement some days later and indications are  
15 that it was while *Thor* was going out and there was an  
16 incident where they scraped a tanker with ore coming down  
17 from Sweden, and that's basically how I've been able to  
18 connect the times.

19  
20 I can only say that it's up to the Commission to  
21 decide on this evidence, and there is other evidence before  
22 the Commission that might help it. I mean, Greter said  
23 that Michael Montgomery was boring into him. I think  
24 Greter had an easy time. I'm here to help, but I cannot do  
25 the wrong thing by Linke or Marmann, the same way as  
26 I cannot do the wrong thing by Greter or von Goesseln.

27  
28 von Goesseln used to take the calls late at night  
29 there, because he could not sleep at night. He used to  
30 sleep during the afternoon --

31  
32 THE PRESIDENT: I don't think we need to go into his  
33 sleeping habits, I really don't. Yes, CMDR Rush.

34  
35 CMDR RUSH: Q. You said in your submission that it has  
36 become clear to you that signals from *Kormoran* and *Sydney*,  
37 including jamming with false information, were being  
38 listened to and sourced by direction-finding, with some  
39 success. Is that an opinion that you still hold?

40 A. Yes. We have evidence that there was definitely  
41 direction-finding at Perth, from Lee Hitchins, and there  
42 was direction-finding at Coonawarra, so far as I can  
43 understand, plus the British bases.

44  
45 Q. Is there any reason that you can think of why Marmann,  
46 Messerschmidt, von Goesseln and von Malapert would want to  
47 tell you that *Sydney* did not get messages off?

1 A. Once there's a variation from a story like this, then  
2 authorities can ask, "Well, what else were they not being  
3 truthful about?"

4  
5 Q. So apart from their not wanting to vary something that  
6 they weren't asked about in their interrogations, is there  
7 any other reason that you can proffer?

8 A. The first thing is, why weren't they asked about it in  
9 the interrogations?

10  
11 Q. No, we know they weren't, so there is nothing to vary.  
12 Is there any other reason that you can proffer why they  
13 would want to say that *Sydney* didn't get a signal off?

14 A. There is a recorded case that I think I've mentioned  
15 on the *Admiral Scheer* of --

16  
17 THE PRESIDENT: Q. Just remember the question, please,  
18 and try to answer it.

19 A. I am - where they thought that a freighter that they'd  
20 intercepted did not get a signal off, but one of the  
21 operators got a signal, and Krancke's book details how the  
22 boarding party that went across found written evidence that  
23 a signal had been sent. If another ship was signalling,  
24 there was no guarantee that even a pocket battleship would  
25 necessarily pick up the signal.

26  
27 Q. That had nothing to do with the question you were  
28 asked.

29 A. Well, I think it did. Excuse me. My perception of  
30 what you're asking about, and I'm giving you extra  
31 information as well --

32  
33 Q. The question was: is there any other reason which you  
34 can proffer why they would want to say that *Sydney* didn't  
35 get a signal off - that was the question you were asked.  
36 Your reply had absolutely nothing to do with it.

37 A. Well, I think it did.

38  
39 Q. Is there any other reason you can proffer?

40 A. Yes, they didn't want to talk about it.

41  
42 Q. Yet they were prepared to write about it.

43 A. Well, people write in books --

44  
45 Q. And they were prepared to have conversations with you,  
46 which were recorded.

47 A. -- about their experiences, but there's information

1 from the Sydney Association, the Naval Association of  
2 Australia, saying:

3  
4 *It was only a short time ago the ex captain*  
5 *secretary received a warning, which he is*  
6 *sure emanated from Navy Office, telling him*  
7 *to keep his gates shut as he was still*  
8 *covered by the Official Secrets Act. As*  
9 *a result of this information we have to*  
10 *date must lie low for a while longer.*  
11 *There is nothing startling at this stage*  
12 *but could build up in the future.*

13  
14 That's 8 July 1993.

15  
16 Q. Mr Kennedy, we are talking about why four German  
17 officers would want to say that *Sydney* did not send off  
18 a signal. We're not talking about the Official Secrets Act  
19 in Australia or anything like it.

20 A. I think I've answered that question.

21  
22 THE PRESIDENT: Very well.

23  
24 CMDR RUSH: Q. Mr Kennedy, do you say that *Sydney* could  
25 communicate by voice?

26 A. Okay, I'll start off with --

27  
28 THE PRESIDENT: Q. Can we start off with a "yes" or  
29 "no", and then you can give your reason?

30 A. I'm a civilian. I respect the authority of this  
31 court, but I do --

32  
33 Q. It's not a court.

34 A. Well, excuse me for making that mistake.

35  
36 CMDR RUSH: Q. Let me put it another way. Apart from  
37 allegations that *Sydney* sent voice signals on 19 November  
38 1941, are you aware of any other document or memo or cable  
39 or anything else that would suggest that *Sydney*  
40 communicated by voice?

41 A. JN Brown, a wireless operator on *Sydney*, has sent  
42 correspondence to this Inquiry, this Commission, detailing  
43 the W/T and the R/T equipment on *Sydney*.

44  
45 Q. No, I think my question was a bit more specific than  
46 that. Apart from allegations of signals or communications  
47 by voice on 19 November 1941, are you aware of any other

1 document, cable, telegraph, copy of the same, anything  
2 else, from which you could gain support for the proposition  
3 that *Sydney* communicated by voice? Just put aside  
4 19 November.

5 A. Oh, the Commission keeps saying, "can I support".  
6 I've made it clear enough that I'm presenting evidence for  
7 interpretation. The documentation, the famous "men on  
8 board, send carrier" - now, I told DFAT's Inquiry, when  
9 asked about that --

10  
11 Q. Mr Kennedy, we have a limited amount of time and  
12 I would ask you specifically to address the question, not  
13 by what you told anyone, but by specifically addressing my  
14 question.

15 A. I told them that --

16  
17 Q. Are you aware of any document, any record, anything,  
18 to support the fact that *Sydney* had, prior to 19 November,  
19 sent signals by voice?

20 A. We have limited time, and I'm saying to you that the  
21 question of R/T in that signal was added between the time  
22 it was sent off by Eric Cooper in Geraldton - Cooper said  
23 in testimony before the Inquiry that he sent it through to  
24 Pearce for on-passage to Navy on the 19th and certainly  
25 before the search --

26  
27 Q. I don't think you're answering --

28 A. Excuse me, can I finish this, and I will finish  
29 quickly, if you will permit me. He said that the words  
30 "R/T" appeared on those documents on 4 December. He said  
31 he did not mention R/T; somebody else put in "R/T" there.

32  
33 Q. Now, my question was, apart from any signals --

34  
35 THE PRESIDENT: You've asked it three times, CMDR Rush.  
36 You're not going to get an answer from him.

37  
38 CMDR RUSH: I'll try once more, sir.

39  
40 Q. What you addressed is a signal allegedly sent on  
41 19 November. Apart from 19 November, are you aware of any  
42 document of any nature that indicates that *Sydney*  
43 communicated its signals by voice?

44 A. Considering that *Sydney* was lost --

45  
46 Q. No, before 19 November, I'm talking about, obviously.

47 A. Yes, but considering that *Sydney* was lost then, there

1 has been enough debate as to whether *Sydney* had R/T.  
2 I think that not me, not I have established, but  
3 information that I have come upon and put before the  
4 Inquiry - I was the one who spoke to Neal Brown at the  
5 Mt Scott Memorial. The man's saying that *Sydney* had R/T.  
6 Am I going to second-guess him?  
7

8 THE PRESIDENT: Q. I'll take that answer as a "no".

9 A. I'm sorry, "no"? What's that, sorry?  
10

11 Q. You've been asked four times now a specific question.  
12 You haven't answered it, and I'm assuming from the answers  
13 that you have given that if you did answer the question, it  
14 would be "no".

15 A. I would have thought that the Inquiry was more likely  
16 to have that sort of information than I am.  
17

18 Q. That's why you were asked the specific question if you  
19 knew of any other document, and that's the question you  
20 would not answer.

21 A. There were other reports of signals, but I would say  
22 that one has only a certain amount of time to research.  
23 The information that I put to the Inquiry might assist the  
24 Inquiry in establishing the radio status of *HMAS Sydney*.  
25

26 CMDR RUSH: Q. You mentioned a number of matters  
27 concerning that in your submission. You mentioned, for  
28 instance, Arthur Lane, who allegedly heard - are you  
29 laughing because you dismiss it?

30 A. Oh, I think Arthur Lane could have heard something  
31 from the Army people in Singapore. Obviously, the  
32 Commission has more information from its sources which it  
33 has not made public, and there are some reasons why more  
34 images of the *Sydney* have not been released. Ted Graham of  
35 the Sydney Foundation --  
36

37 Q. I think we might be straying from point.

38 A. Basically, I'm saying --  
39

40 Q. I was asking you about Arthur Lane.

41 A. You know I have two 2s, and I don't know if you have  
42 a full hand. I'm basically saying, "I've told you all the  
43 information I have, please whack me."  
44

45 THE PRESIDENT: Q. Mr Kennedy, you have a complete  
46 misconception of this Inquiry, I think. We are trying to  
47 discover material and evidence on which I can form some

1 judgments. You have been kind enough to give us a great  
2 deal of material, but you have also expressed views as to  
3 the accuracy or whether particular pieces of material ought  
4 to be preferred. It is those views which are being  
5 explored so that I can endeavour to understand them.  
6

7 It's not a question of matching material you have and  
8 matching material that the Inquiry has. I think you just  
9 completely misunderstand the nature of this Inquiry.

10 A. I think there's a general perception that information  
11 that was promised to have been provided after DFAT's  
12 Inquiry in fact has not come out; that the Commission has  
13 further information, but, for some reason, it has not been  
14 put out for researchers to look at, and people are being  
15 asked for 15, 20 minutes, half an hour on the same  
16 questions, and people have been trying to answer them to  
17 the best of their ability. But you keep asking and asking  
18 and asking the same one.  
19

20 Q. No, no. When people advance theories or speculations  
21 or, in some cases, frauds, they are investigated and they  
22 are tested against known information. When somebody  
23 advances a theory, we have to investigate it, so we have to  
24 pry into why it is that that theory has or has not  
25 substance. That is the function of this Inquiry.

26 A. I have been providing answers on the information.  
27 Obviously, the Commission has to take its opinion from the  
28 information and what I've said. If you ask somebody once,  
29 then they give an answer. But the nature of the human  
30 being is perhaps to vary the words a little the next time  
31 and a little the next time until you get further away from  
32 what was the original sentence, and I'm basically saying,  
33 well, this is what I'm saying first time, and there it is.  
34

35 THE PRESIDENT: Yes, CMDR Rush.  
36

37 CMDR RUSH: Q. Mr Kennedy, do you hold to the view of  
38 Mr Eagles that the photographs and videos taken of the  
39 wrecks of *Sydney* and *Kormoran* have been doctored or fiddled  
40 with?

41 A. There's also a perception that witnesses are being  
42 discredited by association with. Now, why are you asking  
43 me? I've just told you that we have not seen all the  
44 images, and now you're linking me with the theory that the  
45 *Sydney* is not the *Sydney*. I mean, excuse me.  
46

47 THE PRESIDENT: Q. Is the answer to the question "yes"

1 or "no"?

2 A. Have I ever said that the images on the floor of the  
3 sea out there are not the *Sydney*? Yet, you're associating  
4 me with James Eagles, who is perhaps the most vociferous  
5 champion of the fact that it's not the *Sydney*, and that's  
6 dirty ball.

7  
8 CMDR RUSH: Q. Is the answer "no"?

9 A. I haven't seen enough images to decide totally  
10 whether - now, there's a shot of an underwater tube exit.  
11 Right? The remote didn't go down and shoot up the exit.  
12 It was able to get lifeboats, but it didn't shoot up the  
13 exit. There's information here that there were flaps over  
14 the underwater tubes on the *Kormoran*. I said to Ted Graham  
15 last week, "I'm up next week. Any chance of having a look  
16 at the DVD?" He said, "Dave, I'd like to, but the  
17 Commission has told me that I can't give any out." I said,  
18 "Well, okay, thanks, Ted", and we agreed to have a Little  
19 Creatures next time I'm over there.

20  
21 But to ask me if that's the *Sydney* when I haven't seen  
22 images, excuse me. I've never said it's not the *Sydney*.  
23 I've never said it is the *Sydney*. Although I did say, when  
24 called by the ABC on the morning the ship was found out  
25 there, "A cup of tea has never tasted so good."

26  
27 Q. I suggest, Mr Kennedy, that you are well aware of what  
28 Mr Eagles has said in relation to the images that he has  
29 seen of *Sydney*, which he says have been doctored. Do you  
30 accept what Mr Eagles has said about the doctoring of those  
31 images?

32 A. I'm afraid that you really are going to have to go to  
33 experts. Now, how the heck am I --

34  
35 THE PRESIDENT: Q. Well, you see, we have. That's the  
36 whole point.

37 A. Am I supposed to pass judgment? What are you trying  
38 to cast me as? Jesus. You know, I'm providing information  
39 to this Commission of Inquiry. You are trying to link me  
40 with Jim Eagles in the same way that Michael Montgomery was  
41 linked to John Samuels - as something like a totally  
42 unreliable witness.

43  
44 CMDR RUSH: Q. Mr Kennedy, you have, over the years,  
45 been a very public speaker and figure in relation to  
46 *Sydney*. I know that you have communicated with Mr Eagles.  
47 I know that you have seen what Mr Eagles purports are

1 fraudulent photographs in relation to *Sydney*. I'm asking  
2 you a straightforward question: in the light of the  
3 evidence, which no doubt you have seen, from DSTO and RINA  
4 saying that these are the wrecks of *Sydney* and *Kormoran*,  
5 what is your opinion? Now, are you prepared to give it?  
6

7 THE PRESIDENT: Q. If you don't wish to give an opinion,  
8 simply say so.

9 A. I think it's affected by the fact that David Mearns  
10 presented documents that he said were found in London as  
11 new finds, and they were in fact available in Australia.  
12 That's the action report. And Peter Hore said he'd decoded  
13 that, when there was a paper out in 1998 that showed  
14 exactly how a decoding of that document was made.  
15

16 The dictionary that David Mearns held aloft from  
17 Detmers in which he had put the dots under there and  
18 claimed that he had decoded that - a page from that  
19 appeared in DFAT's Inquiry report of 1999 and pages of it  
20 have been available, I think, from the War Memorial long  
21 before.  
22

23 Now, I am basically sticking to my humble area of  
24 expertise, and I would like to leave it up to Mr Eagles and  
25 the Commission and FSF, if they're allowed to release those  
26 photographs. I'll leave that bunfight to them.  
27

28 CMDR RUSH: Sir, all the photographs of *Sydney* are on the  
29 website. I have no further questions.  
30

31 THE WITNESS: Not all of the photographs.  
32

33 THE PRESIDENT: Thank you, Mr Kennedy. You are excused.  
34 Thank you.  
35

36 CMDR RUSH: Sir, there was one matter that Mr Kennedy  
37 raised with me at lunchtime. I think there is a document  
38 that he provided to the Commission in January, from memory,  
39 that may have been misplaced. It is to the effect of an  
40 answering submission to material that had been put in, and  
41 he desires to tender it, sir.  
42

43 THE PRESIDENT: Yes, very well.  
44

45 Q. Do you have a copy of it there?

46 A. Yes, sir. I really only do so because it was raised  
47 in testimony the other day by one of the counsel, on

1 opinions of other people expressed by --

2

3 Q. May we retain this, or shall I have a copy made?

4 A. No, please, retain that one.

5

6 THE PRESIDENT: Very well. I shall mark this document,  
7 which is headed "HMAS Sydney; To Commission of Inquiry;  
8 Dear LEUT Nottle", comprising a number of pages, concluding  
9 with the words "David Kennedy, January the 15th, 2009", as  
10 exhibit 245.

11

12 **EXHIBIT #245 DOCUMENT HEADED "HMAS SYDNEY; TO COMMISSION OF**  
13 **INQUIRY; DEAR LEUT NOTTLE", HANDED TO COMMISSIONER BY**  
14 **MR KENNEDY, BARCODED EXH.245.0001**

15

16 CMDR RUSH: Q. Is there something else, Mr Kennedy?

17 A. Yes, there are just things that might be helpful. If  
18 I dot point them, it will only take a couple of minutes,  
19 and if you want anything further on it - Ludwig Ernst, who  
20 was on the top above the Bridge with the viewfinders --

21

22 Q. Is it a German document?

23 A. It's a letter from me to Mike McCarthy, Curator of  
24 Maritime Archaeology --

25

26 Q. If we were to get a copy of that and have that  
27 exhibited?

28 A. Yes, sure. It just says that Sydney did not signal on  
29 approach, but at 900 metres came the signal. They were  
30 asked for the pass for single Allied ships, fast ships.  
31 So, apparently, apart from a secret code, they were asked  
32 for the paper of passage for a fast Allied ship sailing  
33 alone, and we did not have that.

34

35 Q. Is that a German --

36 A. That's a letter in English, just with that quote.

37

38 THE PRESIDENT: May I see that? (Handed to the  
39 Commissioner). I'll mark this letter from Mr Kennedy to  
40 Dr Mike McCarthy of 7 February, it looks like, 2000 as  
41 exhibit 246.

42

43 **EXHIBIT #246 LETTER FROM MR DAVID KENNEDY TO DR MIKE**  
44 **McCARTHY, DATED 7 FEBRUARY 2000, BARCODED EXH.246.0001\_R**

45

46 CMDR RUSH: Q. How many more are there, Mr Kennedy?

47 A. About five.

1  
2 CMDR RUSH: I wonder whether we can deal with it by way of  
3 your providing them to us with a description. Sir, if it  
4 is convenient to you, we could tender them in chambers.

5  
6 THE PRESIDENT: Yes.

7  
8 THE WITNESS: Yes, sure. I wasn't sure of procedure,  
9 whether if I did the dot points, they would be in the  
10 record or not.

11  
12 CMDR RUSH: I will see to it that we get copies of those  
13 and that they be marked as exhibits, sir, not in the  
14 Commission of Inquiry but in chambers.

15  
16 THE PRESIDENT: Yes, very well. Thank you.

17  
18 THE WITNESS: Would they perhaps appear as --

19  
20 CMDR RUSH: They will appear on the website.

21  
22 THE WITNESS: Oh, okay.

23  
24 CMDR RUSH: Thank you, Mr Kennedy.

25  
26 THE WITNESS: Thank you, Commander. I'm sorry if I got a  
27 bit Irish there.

28  
29 **<THE WITNESS WITHDREW**

30  
31 CMDR RUSH: Sir, you might recall that in Perth there was  
32 the tender of documents relating to correspondence with  
33 ASIO that concerned Pastor Wittwer and a person by the name  
34 of Grossmann. As a consequence of the evidence in Perth,  
35 a further letter was sent to ASIO to ask for some  
36 clarification in relation to the matters that had been  
37 raised.

38  
39 The letters were marked "Restricted". With the  
40 further letter that has been sent to us from ASIO dated  
41 20 March 2009, the restriction notice can be lifted,  
42 conditional upon the blacking out of the names of any  
43 persons employed by ASIO. I have copies of those  
44 documents.

45  
46 THE PRESIDENT: With the names blacked out?  
47

1 CMDR RUSH: With the names blacked out.

2

3 THE PRESIDENT: Very well. I shall mark the letter, which  
4 is itself restricted, of 7 January 2009 from ASIO to  
5 CMDR Rush and a further letter of 20 March 2009 and  
6 attachments as exhibit 247.

7

8 **EXHIBIT #247 LETTER FROM ASIO TO CMDR RUSH, DATED 7 JANUARY**  
9 **2009, BARCODED CORR.020.0236\_R; LETTER FROM ASIO TO**  
10 **CMDR RUSH, DATED 20 MARCH 2009, WITH ATTACHMENTS,**  
11 **BARCODED CORR.020.0239\_R, CORR.020.0241 AND CORR.020.0243**

12

13 CMDR RUSH: Sir, I desire to tender a statutory  
14 declaration of Beryl Caroline Luscombe, who deposes to  
15 having been born in Richmond on 7 July 1929 and to being  
16 a cousin of Leading Seaman Stoker Herbert Charles McLeod.  
17 It relates to evidence that was given in Brisbane, sir, by  
18 Ms Carr as to an account that was given to her by a person  
19 who purported to having joined the Navy under the name  
20 Herbert Charles McLeod.

21

22 In this statutory declaration, Mrs Luscombe sets out  
23 her relationship with Herbert McLeod and, in particular,  
24 states that he did not have any nephews at the time he died  
25 and that her father was the brother of Charles McLeod, who  
26 was the father of Herbert Charles McLeod. The three  
27 children of her uncle she sets out and refutes the  
28 newspaper article in which that account first appeared.

29

30 THE PRESIDENT: The statutory declaration of Beryl  
31 Caroline Luscombe dated 11 March 2009 will be exhibit 248.

32

33 **EXHIBIT #248 STATUTORY DECLARATION OF BERYL CAROLINE**  
34 **LUSCOMBE, DATED 11 MARCH 2009, WITH ATTACHMENTS,**  
35 **BARCODED EXH.248.0001\_R**

36

37 CMDR RUSH: Sir, there is a summary of submissions, with  
38 diagram, received from Mr Bernard O'Sullivan, which already  
39 is marked SUBM.009.0001. I'm not sure that these need to  
40 be marked as exhibits, sir. All the submissions received  
41 appear on the website --

42

43 THE PRESIDENT: They do.

44

45 CMDR RUSH: -- and can be taken as evidence. Sir, there  
46 is a letter from Mr John Montagu, the author of "The Lost  
47 Souls and Ghosts of Sydney", who was written to in

1 connection with evidence that he gave concerning documents  
2 that purported to have come from both the United Kingdom  
3 and Germany.

4  
5 As to the German document, opinion was sought from the  
6 Military Archives in Germany as to the nature of that  
7 document and whether it was a German document. I will  
8 tender, sir, the original German document and the reply,  
9 which is to the effect that the document is a fraud.

10  
11 THE PRESIDENT: The document from the German Archives and  
12 the translation will be exhibit 249.

13  
14 **EXHIBIT #249 LETTER FROM GERMAN MILITARY ARCHIVES DATED**  
15 **2/3/2009 - GERMAN DOCUMENT, BARCODED EML.005.0347;**  
16 **TRANSLATION OF LETTER FROM GERMAN MILITARY ARCHIVES OF**  
17 **2/3/2009, BARCODED EML.005.0347\_E**

18  
19 CMDR RUSH: Finally, in relation to that matter, sir,  
20 a letter was sent to Mr Montagu enclosing the document from  
21 the German Archives and the translation that have just been  
22 tendered and asking for his response. That letter to  
23 Mr Montagu and his reply I would seek to tender, sir.

24  
25 THE PRESIDENT: The letter to Mr Montagu of 11 March 2009  
26 and his response of 17 March 2009 and attached documents  
27 will be exhibit 250.

28  
29 **EXHIBIT #250 LETTER TO MR MONTAGU, DATED 11/3/09, ENCLOSING**  
30 **EML.005.0347\_E, BARCODED CORR.011.0173; RESPONSE OF**  
31 **MR MONTAGU, DATED 17/3/09, AND ATTACHED DOCUMENTS,**  
32 **BARCODED CORR.020.0220\_R TO 0235\_R**

33  
34 CMDR RUSH: Sir, until today, despite the public request  
35 that submissions to the Inquiry conclude on 31 October, we  
36 have continued to receive submissions, and they have been  
37 posted to the website.

38  
39 Some of that material, sir, may still require some  
40 investigation, and some of it we may seek to have exhibited  
41 and put on the public record that which is not in the  
42 nature of submissions. This being the last hearing day,  
43 sir, I would seek permission, if anything of that nature  
44 arises, to do it informally by way of putting it before you  
45 in chambers.

46  
47 THE PRESIDENT: Yes, very well.

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CMDR RUSH: Sir, that concludes the public hearings of the Commission of Inquiry.

THE PRESIDENT: Thank you. I would like to thank those who have assisted me with the public hearings. I will now adjourn.

**AT 3.50PM THE COMMISSION ADJOURNED ACCORDINGLY**