

## THE LOSS OF HMAS SYDNEY II IN NOVEMBER 1941

### SUBMISSION TO THE HMAS SYDNEY II COMMISSION OF INQUIRY

#### Evidence for Captain Burnett's Defence - Annex A

by

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A diagram illustrating the sequence of events is attached - Annex B.

#### INTRODUCTION

By the laws of Naval Warfare, Burnett was not allowed to open fire once the enemy had surrendered.[1] Detmers would have known that. In order to use **HSK *Kormoran's*** underwater torpedo tube, she had to be stopped or nearly so. [2] To be certain of a hit with a torpedo from the underwater tube, **HMAS *Sydney*** had to be lured in close. The German torpedoes did not leave a trail of bubbles so would not have been observed by ***Sydney*** if the torpedo missed.[3] If it missed, Detmers could have carried on with his surrender, all he stood to lose was his Knights Cross! [4] The surrender ruse was the obvious answer. Before he left the *Baltic*, Captain Detmers rehearsed the action he would take if he had the misfortune to meet an enemy warship. [5] Detmers knew that this ruse was contrary to the Laws of Naval Warfare and he would be liable to the death penalty if the allies had found out what he had done[6].

#### THE FACTS

Detmers tells us that, at 15.55 hours on 19th November 1941, the mast-head lookout saw a ship to the north. Detmers turned ***Kormoran*** to 260°. [7]

It is on the record of his first interrogation that Detmers admitted that when challenged, ***Kormoran*** stopped. [8]

Conversations between German prisoners were reported in which they said that Detmers flew a white flag [9] before ***Sydney*** closed in to take her prisoner. [10]

Hans Linke, a ***Kormoran*** survivor, told David Kennedy that ***Sydney*** steamed round ***Kormoran***. "She had a good look at us from all sides". [11]

Detmers wrote: ***Sydney's*** heavy guns and torpedo tubes were pointing at ***Kormoran***. [12]

Detmers wrote: "..... she (***Sydney***) was broadside on and sailing a course parallel to that of the ***Kormoran*** at a reduced speed. The range was only about 1000 yards now ....". [13] (We know that ***Kormoran*** had stopped when challenged, so this cannot be true.)

Detmers tells us "My eyes were glued to the bearings compass, and as soon as I saw that the enemy had come practically to a standstill .....". [14]. For this to be true, ***Kormoran*** must have stopped previously, as otherwise the bearing of ***Sydney*** from ***Kormoran*** would have been changing.

Hans Linke told David Kennedy that: "At the start of the action, ***Kormoran*** fired a torpedo from an underwater tube and hit ***Sydney*** under the bridge. He said: "Some of our comrades cried out "hooray, hooray". This was the first shot of the action." [15].

Of a previous engagement Detmers wrote: "The day after the sinking of the *British Union*, I assembled my crew on deck and spoke to them about what happened, ..... I made this after-action parade an invariable custom until the end came". [16]

In addition to their duty to the Fatherland to preserve the secret of the underwater torpedo tubes, Detmers knew that if the enemy found out that he had opened fire after pretending to surrender, he would be liable to trial by court martial and risked the death penalty. These would be his motives for instructing his crew to say that the ships were steaming on parallel courses about 1000 yards apart when *Kormoran* hoisted the German Ensign, decamouflaged and opened fire.

9 July 2008.

#### REFERENCES:

1. THE COMMANDER'S HANDBOOK ON THE LAW OF NAVAL OPERATIONS. For a summary, see Annex A to my letter dated 26 May 2008. For the full text, see: [http://www.lawofwar.org/naval\\_warfare\\_publication\\_N-114M.htm](http://www.lawofwar.org/naval_warfare_publication_N-114M.htm)
2. Greter, Torpedo Officer, told Templeton that *Kormoran's* underwater tubes were set at an angle of 125° to the ship's centre line and could only be fired when the ship was dead in the water. Inquiry into the Circumstances of the Sinking of HMAS SYDNEY, Volume 9, Page 2020, Paragraph 22. by A. R. Templeton. In fact, there is evidence that the torpedo tubes were set at an angle of 135° to the centreline of the ship.
3. During World War II, German submarines generally carried electric motor torpedoes, as these made little noise and were essentially wakeless. For more information, see: [http://www.navweaps.com/Weapons/WTGER\\_Notes.htm](http://www.navweaps.com/Weapons/WTGER_Notes.htm) It is probable that *Kormorna's* underwater Torpedo tubes were designed to launch electric motor torpedoes.
4. Detmers knew that he needed to sink about 100,000 tons of allied shipping to qualify for a Knight's Cross. He was well short of that figure when his engagement started. Following the battle, he received his Knight's Cross whilst in the POW Camp in Victoria.
5. During his work-up in the Baltic, Detmers fired a practice torpedo from his secret underwater torpedo tube at Destroyer *Z 23*. Both ships were stopped. Detmers wrote: "Neither of us (referring to the Captain of *Z 23*) suspected how bitterly earnest a situation would develop in which the torpedoes would play such a role" This is a clear reference to the battle with *Sydney*. "The Raider KORMORAN", Page 43. by Captain Detmers.

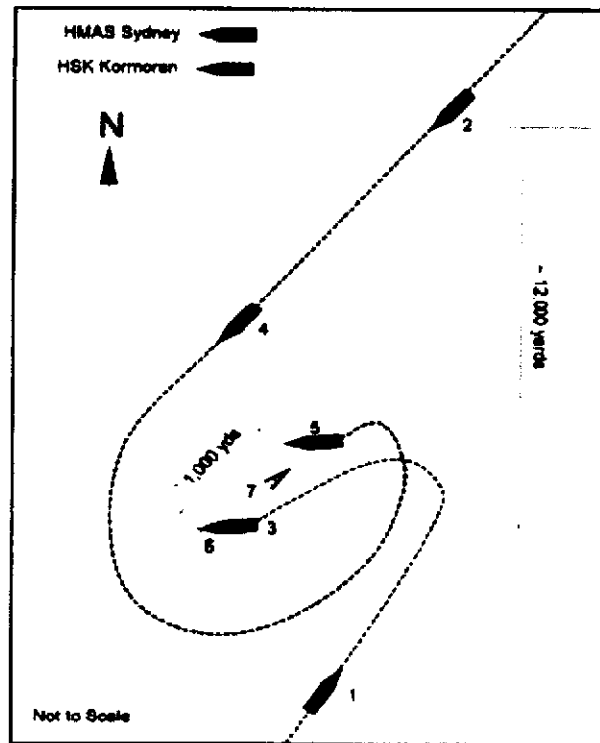
6. Detmers expected to be court martialled if there had been any survivors from *Sydney* who were able to give a true account of the battle. He refers to this in five places in his book. In the last paragraph but one he wrote: "There was never at any time the slightest suggestion that I was to be brought before a court martial, so obviously my conduct had been accepted as within the laws of naval warfare". "The Raider KORMORAN", by Captain Detmers. Pages 153, 154, 156, 158 and 159.
7. The Raider KORMORAN" by Captain Detmers. Page 136.
8. During his interrogation in Swanbourne Barracks on 1 Dec, Detmers stated that "cruiser signalled 'stop' ". There can be no doubt that *Kormoran* stopped. If she had not done so, *Sydney* would have opened fire. Inquiry into the Circumstances of the Sinking of HMAS SYDNEY, Volume 5 Page 978 by David Kennedy.
9. Lt Petersen RANR-S aboard *Centaur* and H Evans, 3rd Mate on *Koolinda* made statements that *Kormoran* flew a white flag. An Italian POW named Cardacci was in the same camp as the *Kormoran* survivors. His son told LCDR Ean McDonald that *Kormoran* flew a white flag. The Sydney – Kormoran Battle – Annex A Serials 46, 47 and 48. by T. Warren Whittaker.
10. Once *Kormoran* had hoisted a white flag, Captain Burnett's only option was to close in and take her prisoner.
11. Inquiry into the Circumstances of the Sinking of HMAS SYDNEY, Volume 9, Page 2035 by David Kennedy.
12. In particular we could see that her four double turrets with their 6 inch guns and also the port torpedo tube battery were all directed at us." "The Raider KORMORAN" by Captain Detmers. Page 140. Detmers knew that if he attempted to decamouflage and open fire with his guns, *Kormoran* would be devastated before she could get a shot away.
13. "The Raider KORMORAN", by Captain Detmers. Page 142.
14. Detmers account says that he manoeuvred *Kormoran* until aiming marks on the compass (housing) were aligned with the target to determine when to open fire. **Those marks were for aiming the under water torpedo tubes, not the guns.** This corroborates Linke's evidence: that Detmers opened fire with a torpedo from *Kormoran*'s under-water tube, and not initially with guns as he claimed. "The Raider KORMORAN", by Captain Detmers. Page 142.
15. Inquiry into the Circumstances of the Sinking of HMAS SYDNEY, Volume 5, Page 966 by David Kennedy.
16. "The Raider KORMORAN", by Captain Detmers. Page 62.

Annex B.

THE PROBABLE COURSE OF THE BATTLE.

Chart No 78

THE STORY OF THE BATTLE



1. *Kormoran's* crows nest lookout sighted a ship. Captain Detmers turned towards the setting sun on a heading 250°.
2. *Sydney* encountered a suspect vessel and ordered her to stop.
3. Detmers stopped, must have pretended to surrender and flew a white flag.
4. *Sydney* made a wide circle round *Kormoran* in order to have a good look at her.
5. *Sydney* stopped on *Kormoran's* starboard quarter and started to lower a boat
6. *Kormoran* was now directly up-sun of *Sydney*, as planned by Detmers. *Kormoran* turned slowly to starboard to align her underwater torpedo tube with *Sydney*.
7. With a white flag probably still flying, Detmers launched a torpedo from *Kormoran's* starboard underwater tube, hitting *Sydney* just forward of A Turret. Presumably, as soon as he saw the torpedo hit, he hoisted the German Ensign, decamouflaged and opened fire with his guns. *Kormoran* could only bring four of her 15cm guns into action at any one time. Of these, two were in the hold and would have taken more than one minute to bring into action.