

9 September 2008.

The Secretary,
HMAS Sydney II, Commission of Inquiry
Level 18
Defence Plaza
270 Pitt St
Sydney, NSW, 2000

Dear Sir,

In reference to my letter dated 26 May 2008, indicating that I wished to be noted as an interested party who may make a submission to the Inquiry, I now wish these documents to be admitted.

This will be my only submission to the HMAS Sydney II Inquiry, in several parts. I would also like to point out the apparent unsatisfactory methods used by the previous government and the Finding Sydney Foundation (FSF) in connection with Mr David Mearns and his overseas associates.

First, the funding for the search and allocation of that funding. There seems to be no adequate access to the details of the agreement between the government and FSF, Mearns, and the grant of public money to the project, no satisfactory public accounting of the unused funds with the search being so remarkably brief.

Second. So far there has been only about 24 photographs of the two wrecks released out of a publicly announced several hundred taken. Nor has there been very much video out of the many hours taken of the two ships. If Mr Mearns has been given the publication rights to this material and is withholding it, why ?

Third. There also appears to be some very serious problems with the photographs already released. While a warning has been issued not to criticize or analyse this material, it is with good reason, however, if the unpublished material is as bad as that released, I can understand why. I cannot see why anybody at all cannot study these photographs and pass criticize them. It is up to the FSF to justify such criticism and the Inquiry analysis will be studied with great interest.

Some of this material is so badly mislabelled, it is causing amusement, while the opposite extreme one photograph in particular at least, can be seen to have been digitally altered. It isn't so amateurish it might have been overlooked, but it cannot.

Out of all the photographs so far released, only the lifeboats with Sydney's crests (so plainly visible after over 66 years) testifying to the incredible durability of 'pushers'

paint, actually identify the Sydney. Likewise, the '08KO' on the hull of the German ship is its only identification. This under normal circumstances would be sufficient, except that the lifeboat photograph (included) has been seriously altered. With the use of digital imaging changing this photograph comes the very strong suspicion that all of the photographs were prepared from files and photographic libraries (I would expect from private files, previously unpublished). A list of all these errors, mislabeled, altered and I suspect, substituted, photographs of the wrecks are included in the first part of this submission.

Fourth. Having cast serious doubt on the validity of the photographs, it has to be considered whether the Sydney has actually been found. Mr Mearns immediately identified the Kormoran wreck from a sonar image, which I have thought extremely daring, something Bob Ballard found to his regret while searching for the Bismarck (Reference source: *The Discovery of the Bismarck*, Ballard, Warner Maddison Press, 1990, page 54-55: "The sight of this teak rudder ended any possibility that the wreck we found in 1988 was the Bismarck")

Out of 1400 known wrecks off the W.A. coast and an impossibly high number of as yet unidentified ones, he was able to identify half a ship (Kormoran) over two kilometers down from a minute sonar trace on a TV monitor !

Fifth. While ever the remaining photographs and video remains unpublished there is going to be yet further speculation about these wrecks and their identity and the suspicion that there is something very wrong with all of this. The fact that it was taxpayers' money that was spent, having the photographs kept from the public is almost criminal as far as families are concerned.

The announcement of finding the Sydney satisfied the public anger over lack of action on the part of the government and stopped all of the discussion and speculation over the mystery, placated the German government about the German version of the story and the accusations they lied and confirmed their story, stopped all the speculation about the other unexplained aspects of Sydney's loss, made Mr Mearns a lot of money (via free advertising is nothing else) and he received much credit and praise. Satisfied the navy and silenced their critics after sidestepping the whole issue for over 65 years and allowed the government to finally wash their hands of the whole deal. They obviously didn't count on losing the election and having the new government hold another Inquiry.

Attached to this submission there is also a statement by a Member of the House of Representatives stating that the latitude and longitude of the sunken HMAS Sydney should never be released to the public.

In my opinion I believe the position of the Sydney still remains a secret from the public and the announced location is a fiction, if indeed, it was even found at all. If, as I believe, the photographs were prepared in advance, then I believe the announcement of the Sydney's discovery was going to be made, regardless of the search outcome and it was always going to be where the Germans said the battle had taken place. By doing this,

validation of the German story has produced the result that the aircrews which searched the area many times were incompetent at the least (as well as blind), the navy search ships and the search itself were badly mishandled, naval intelligence blind to the facts, government departments were fools and the wartime Prime Minister of Australia, a liar. It seems incomprehensible to me that two ships totaling 15 thousand tons between them could vanish without a trace of oil or wreckage in an area so thoroughly and repeatedly scrutinized by professional and experienced servicemen. It certainly does them an injustice. It has been said that wreckage was sighted, but rafts and boats are survival items, not wreckage, and that wreckage was never found.

Friday 30 May Transcript.

Flt Lt Monk

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“I mention that some 47 hours of video film and some 1400 stills have been taken and require analysis. I caution those who have seen only a minute sample of these films from drawing conclusions before the whole of the material is properly analysed and made public”

Why hasn't it all been made public, and why cannot anyone with naval experience or merchant navy experience make their own analysis ? A letter to Minister Snowden requesting more photographs be made available was not answered except by a nasty reply from a naval officer who didn't know what they were talking about.

Same transcript, same date.

Commander Rush.

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“.....Leander Class Light Cruiser HMAS Sydney.....”

The ship was a Modified Leander Class Light cruiser, it seems this mistake has been made by a lot of people.

While the use of deception in wartime can be a legitimate tactic, the use of deception by a government against its own people in peacetime raises many moral and ethical problems. Captain Detmers stated in his book, he set a trap for the Sydney and his ruse worked using his camouflage - unfortunately today, I don't believe it has worked. If nothing else the ROV photographs from FSF show three different gun turrets, apart from other glaring mistakes, that alone shows that there has been some type of subterfuge going on here.

Article 37 of the Geneva Convention states”

“.....the use of camouflage, decoys, mock operations and misinformation.”

“....surprises, ambushes, feigning attacks, retreats, or flights, simulating quiet and inactivity, use of small forces to simulate large units, transmitting false or misleading radio or telephone messages, deception of the enemy by bogus orders purporting to have been issued by the enemy commander, making use of the enemy's signals and passwords, pretending to communicate with troops or reinforcements which have no existence,



deceptive supply movements, deliberate planting of false information, use of spies and secret agents, moving landmarks, putting up dummy guns and vehicles or laying dummy mines, erection of dummy installations and airfields, removing unit identifications from uniforms, use of signal deceptive measures.....”

With the above in mind my submission includes, information that has been obtained only since the last Inquiry in accordance with the Inquiry directions.

Following is a list of some files that may need your attention and also following is a critique of some of the photographs and video, despite Flt Lt Monk's caution. I hope all of this information will be accepted by the Inquiry in the spirit that I wish that the Sydney story be finalized once and for all time, honestly and with integrity. If these photographs and criticism deny Sydney's discovery then let us have all the available photographs and video for perusal, withholding it only creates more problems.

James Eagles
Ex-RAN Communications Branch 1960-1969