



1 February 2009

The Secretary
H.M.A.S. Sydney
Commission of Inquiry
Level 18 Defence Plaza
270 Pitt Street
Sydney 2000

Dear Commander Radburn

Following your advice I have commenced reading through the transcripts of the proceedings of the Commission. I have only read through the early evidence of the sailors on Sydney and the junket to Germany so far, but it seems to me that the Commission has missed a number of opportunities to establish at least a skeletal account of what happened because of it's strange preoccupation with 'un essentials' as the Chief of Naval Staff called them.

As far as I can tell, in the interviews with the Australian and German sailors the Commission hasn't established any of the following:

- (a) Which way Kormoran was travelling i.e. generally north or south when she first sighted Sydney; if she made a turn in front of Sydney, that should have alerted the warships crew that something was amiss.
- (b) Whether she had made a turn from north to south earlier in the afternoon having come to the end of her routine patrol up and down the Australian coast, which may have lead to the Navy's account of her movements.
- (c) What approximate bearing she was on when intercepted. One witness said Detmers told Sydney that they were bound from Batavia to South America which would be consistent with travelling SSE down the Australian coast, but not south west since Batavia is to the north west and the ship would be a thousand miles off a course around the Cape of Good Hope.
- (d) How the time was established on the ship. i.e. according to what meridian. Had the ships clocks been recently adjusted? It might have been more useful to ask the position of the sun which is something sailors would be more likely to notice, particularly if Sydney 'came out of the sun'. Sailors may not have worn a watch whilst on duty, indeed many might not have owned one.
- (e) Whether Kormoran slowed for any appreciable amount of time before or during the battle. There is mention of engine trouble just as Sydney fired her torpedoes, and the engines were restarted, but confusion as to how many engines failed (there were four) how long they failed



- for, and approximately when Kormoran finally lost all power i.e. how long after the action started did the engine room fire break out?
- (f) Whether Sydney also slowed below 14 knots, 5 knots, or stopped at any point.
 - (g) There is a lack of clarity as to how long the battle lasted or in fact whether there were two separate exchanges. It is likely that the battle occurred later than the times given because of the rapid onset of the night. (see times above)
 - (h) There is confusion about how long it took to fire each round (one a minute or six per minute) from Kormoran's 150mm guns, although one witness said they fired less than 100 rounds; from one gun or all six? Other sources say Kormoran scored about 150 hits in total from its 150mm guns.
 - (i) There has been no attempt to fix the time at which the order to abandon ship was given on Kormoran. This would probably be in terms of 'during daylight', 'as the sun was setting', 'as darkness fell', 'after dark'
 - (j) There is no explanation why Sydney stopped firing with her rear turrets on Kormoran. Had these turrets been disabled too? Kormoran had a restricted range and radius of fire, Sydney did not. Once she got ahead of Kormoran now dead in the water, Sydney should have been able to pulverize her with her rear guns and with little expectation of return fire.
 - (k) There is no confirmation as to whether Sydney was listing, or significantly down by the bow, or even whether there was sufficient light to be able to see. Photographs of Bartolomeo Colleoni in the Imperial War Museum show a similar sized ship, with similar armament, after she was torpedoed in the bow at the Battle of Cape Spada. There is significant distortion but minimal settling of the ship. (The RAN was presented with a cruiser, faster than anything it had, more or less in working order, with a full crew, and decided to use it for target practice!)
 - (l) There is no information regarding the flash reported by some survivors from the direction of Sydney as it ran away to the south at about 10pm. Did it actually happen, did they hear anything, was there an electrical storm that night?
 - (m) There is little information about the weather or visibility prior, during or after the engagement other than that there was a 3-4 metre swell as the crew left Kormoran.
 - (n) There is no information regarding the sequence of boats and rafts leaving Kormoran, some witnesses suggest that some left quite early whilst others record that boats had to be man handled into the water and this took some hours.
 - (o) There is no information as to whether Kormoran sank as a result of scuttling charges laid by Detmers or as a result of the fires setting off an (unconfirmed) number of mines on board. The later would presumably be a danger to anyone in proximity. (If I identify it correctly the mine deck of Kormoran appears to be intact in photographs)
 - (p) Did Sydney really only score three hits with its 100mm anti aircraft guns at 900 metres and none at all with its 150mm guns?
 - (q) The interviews have failed to establish definitively whether any of Sydney's guns were trained on Kormoran as it approached, (in a strict sense they weren't because they missed)



whether the engine of the aircraft on the catapult was running (why does it matter?) or whether Sydney approached quickly or at leisurely pace. (One witness claimed he could see the pilot in the plane 900 metres away?)

- (r) Any common basis of questions and answers which would enable certainties or probabilities to be identified. Different witnesses were asked different questions many of them completely irrelevant. One of the few consistent questions was 'what did you do before the war?' What is the relevance of that? One witness couldn't remember his full name.
- (s) The Navy's early questions related to persons on Sydney's decks and what they were wearing, (white would indicate officers) and whether there was any attempt to lower a boat (which would indicate speed had slowed to less than 5 knots based on earlier evidence) This leads into what could be characterized as the White Flag Conspiracy Theory.
- (t) When they got no joy on this, the Navy switched to the whereabouts of the speed boat which would have to be used to massacre men in the water 12 km away, and in the dark. This is the Massacre Conspiracy Theory. They forgot to ask if the speedboat was equipped with a searchlight, or if it could be operated in swells of 3-4 metres. One wonders what the Germans would have done with the bodies so they were not found floating with small calibre bullets in them, and why a minelayer would be equipped with a searchlight.
- (u) The interviews confused everyone by referring to the guns as 'camouflaged' when in reality they were completely hidden from above and the side behind moving panels or elevated from below on hydraulic jacks. I'm sure the German Navy would provide the Commission with a copy of the working drawings at moderate cost if it was asked nicely.
- (v) The Commission has failed to establish any context of what Kormoran was doing in the hours, days and weeks prior to 4pm on 19 November. This goes to the veracity of testimony given previously by other persons in Australia that a ship was tracked moving up and down the West Australian coast.
- (w) Whether the officers (or the Nazi cadres) were in the habit of carrying side arms on board Kormoran, and might have thought it prudent to dispose of them when they reached the beach at Carnarvon.
- (x) The Commission asked each witness whether they saw a Japanese submarine torpedo Sydney, but since it would only need rise to periscope depth it is unlikely that they would, and even less likely that they could identify it as Japanese. Oddly, it didn't ask whether perhaps it was a passing Vichy French or Italian submarine, or even a British or American one which was actually aiming at the Kormoran, but missed and has therefore been hushed up? The Navy thought there were submarines laying mines all around the coast of Australia, but submarines, like the fairies at the bottom of the garden, are seldom seen. That doesn't make the fairies (or the bible) any less true to believers!
- (y) How many torpedoes Sydney carried, where they were stored, how they were raised to the trainable tubes on deck, whether they could be reloaded and launched under fire, how long this might take, and whether the torpedoes shown in the photographs are fitted with warheads or whether they are practice dummies. Some witnesses say two torpedoes were launched, some say a pattern of four, one even says eight, yet there are only two empty tubes. Why were the other six not used? Was there yet another design fault in the Leander class?



(z) What the temperature was; hot, cold, mild? The Commission refers to 'summer dress' but it may have been quite cold out at sea, and it was not yet summer on any definition. I think the reference these days is to 'tropical' dress but they weren't in the tropics either. Apparently it was cold later in the evening when the survivors were in the boats.

(aa) How the witness who said that Aquitania picked them up only about 5 nautical miles from the site of the battle, and had told that to the stoker interrogator, had fixed his position. (Aquitania presumably recorded the position where the survivors were picked up?)

As you can see I have come to the end of the latin alphabet and there are still many more gaps in the 'evidence' collected from survivors. As a piece of research it would not score very highly, I'm afraid, but I loved the question about how long it takes to run a flag up a pole! I do hope the Commission made it clear it came from Sydney!

If the Commission does have the opportunity to go to Europe again at taxpayers expense might I suggest that it takes a selection of religious texts, in case any of the witnesses have changed their religion, and perhaps a Sydney phone book for those who profess none? Why should anyone in civilized country like Germany tell lies to a kangaroo court from Australia?

Yours sincerely

Howard Patterson