

## COMMISSION OF INQUIRY INTO THE LOSS OF HMAS SYDNEY II

Before The Hon TRH Cole AO RFD QC

Held at residence of Mr Fritz Engelmann  
[REDACTED] Germany

Counsel Assisting: LEUT Matthew Tyson  
LEUT Stephen Harper

On Tuesday, 8 July 2008  
(Day 9)

30 THE PRESIDENT: I have come to the home of Herr Fritz  
31 Engelmann [REDACTED] which is about 360 kilometres from  
32 Berlin, to take evidence before this Commission of Inquiry.  
33 Counsel assisting previously saw Mr Engelmann on 17 June  
34 2008, and there was a video recording made of that  
35 interview. A transcript of that interview has been  
36 prepared, and it is my hope that the evidence previously  
37 given will be verified by Herr Engelmann. However,  
38 I understand from what has been told to me this afternoon  
39 after I arrived that Herr Engelmann does not wish to take an  
40 oath, nor will he give an affirmation.

41

42 Interpreter [German]: We are in the home of Mr  
43 Fritz Engelmann [REDACTED] which is about 360 km  
44 from Berlin. Here with me is the assisting  
45 counsel who interviewed Mr Engelmann on 17 June  
46 2008. A video recording was made of that interview  
47 and the interview was also recorded in writing. The transcript

1 of the interview was shown to Mr Engelmann.  
2 I have come here to question Mr Engelmann again on a number of points  
3 and I hope that Mr Engelmann will verify that interview and the  
4 transcript  
5 which was prepared beforehand.  
6 However, I found out when I arrived that Mr Engelmann  
7 is not prepared to testify under oath.

8  
9 Yes, Leut Tyson.

10  
11 <FRITZ Engelmann, called:  
12

13 LEUT TYSON: Herr Engelmann, we have had the opportunity to  
14 print out a transcript of your examination and interview.  
15 Can I hand you a copy of that now? I should also confirm  
16 in the Instrument of Appointment that this is dated  
17 28 March 2008. It's signed by the Chief of the Australian  
18 Defence Force, and I'd like to confirm that just prior to  
19 this interview Herr Thomas has translated for you the last  
20 paragraph in that Instrument of Appointment. Can I ask  
21 you, for the purposes of the tape, whether or not you're  
22 prepared to give an affirmation of your evidence, or to  
23 swear the evidence.

24  
25 Interpreter [German]: Mr Engelmann, we prepared a transcript  
26 from the last interview - may I pass it to you?  
27 I would then like to point out that in the official  
28 certificate of appointment dated 28 March 2008, which is signed by the  
29 Chief of the Australian Armed Forces. .. And I would like to confirm  
30 that Mr Thomas translated the final paragraph of this certificate of  
31 appointment  
32 for you a short time ago. May I ask you once again for the record whether  
33 you are prepared to swear the evidence under oath on the Bible  
34 or without the Bible?

35  
36 Engelmann [German]: We have already said several 100 times, what  
37 is there to say under oath? That's not our problem.

38  
39 Mr Kuse: May I have a quick word with him alone?

40  
41 (The parties speak in German)  
42

43 THE INTERPRETER: Mr Engelmann just said both - talked  
44 about this 100 times already, if not more.

45  
46 THE INTERPRETER And I don't see the point in doing this  
47 under an oath or under any affirmation.

1

2 THE INTERPRETER: Then Mr - said he wishes to speak to  
3 Mr Engelmann alone for a while, if that's possible.

4

5 THE PRESIDENT: Yes. Very well, we'll take a short break.

6

7 Interpreter [German]: Yes, we will take a short break.

8

9 SHORT ADJOURNMENT

10

11 Engelmann [German]: ... It was 66 years ago when they interviewed  
12 us in Australia. I have confessed to the only lie here;  
13 at that time we were still enemies, I have admitted the lie  
14 because that was under particular circumstances, otherwise everything is  
15 true.

16

17 THE INTERPRETER: Well, they've talked about this oath –

18

19 Engelmann [German]: ... I will still say this in 10 years. Without oath.

20

21 (Parties speak in German)

22

23

24 THE INTERPRETER: Mr Kuza, well, this little talk they  
25 had, Mr Kuza, Mr Engelmann, was about Mr Kuza tried to  
26 convince Mr Engelmann to do this whole thing under an oath  
27 or an affirmation, but Mr Engelmann then said later that he  
28 doesn't still doesn't see the point, because he said it so  
29 many times. Even back then in Australia when they were  
30 prisoners of war, okay, he admitted that he lied during  
31 these days when he was there during the interrogation, the  
32 original interrogation, but that was because they were  
33 enemies at that time and he has already admitted this and  
34 he still doesn't see the point in doing this under an oath  
35 or an affirmation.

36

37 THE PRESIDENT: Very well

38

39 MR Engelmann: (In German - not translated)

40

41 Engelmann [German]: The only thing that I possibly- the thing with  
42 the submarine, I find that so ridiculous- as I've said, that  
43 came into being with Mr Trinke when I told him  
44 what I had heard. But the other thing, that we  
45 fired at people- as I understand anyway-  
46 that would have been absolutely impossible. I have just read  
47 that again here- the distances involved- how are

1 we supposed to shoot them?

2

3 Interpreter [German]: If you stated this under oath, then  
4 it would carry a lot more weight; why don't you say this under oath?

5

6 Engelmann [German]: I don't need to testify under oath.

7

8 (Parties speak in German)

9

10 LEUT TYSON: Thank you, Herr Engelmann.

11

12 Mr President, I'd seek at this point to tender a  
13 transcript of the interview that was conducted on 17 June  
14 2008.

15

16 Interpreter [German]: Mr. President, I would like to pass you  
17 the transcript dated 17 June 2008. This will be recorded  
18 as exhibit 21.

19

20 THE PRESIDENT: I think that Herr Engelmann should be given  
21 the opportunity to read the transcript of what he said.

22 I understand this to be a transcript of a videotape, which  
23 will in due course be tendered along with the  
24 tape-recording of what was said so that the two - that is,  
25 the transcript of the actual tape and the video of the  
26 proceedings - will be before me as evidence. So that  
27 should be exhibit 22 and in due course I will have the  
28 videotape added to that exhibit.

29

30 Interpreter [German]: I was just handed the transcript  
31 of the interview dated 17 June 2008 as  
32 exhibit 21. I would now like to state that  
33 this is a transcript of a audio recording.

34 I will accept this transcript, along with the audio recording  
35 and the video recording that was made at the time  
36 as exhibits.

37 Sorry, that will be recorded as exhibit 22,  
38 which I will accept together with the audio recording as an exhibit.

39 However, before doing so, I would like to ask Mr Engelmann  
40 to read through the transcript and establish whether there  
41 are any points which he considers  
42 not to be the truth.

43

44 Engelmann [German]: Of course that is not really possible in the  
45 short space of time. But I am sure that what you have written here  
46 is in accordance with the truth. I am also happy to sign  
47 that I said that. I would be happy to do that.

1  
2 MR Engelmann (is following used instead of THE INTERPRETER): Well,  
3 probably I will not be able to read  
4 this in a very short time, but I assume that everything  
5 that is included in the transcript is the truth and, if you  
6 wish me to, I will also sign that this is the truth, or I  
7 will also sign that this is what I said.  
8 EXHIBIT #22 TRANSCRIPT AND VIDEOTAPE OF INTERVIEW CONDUCTED  
9 ON 17/6/2008.  
10  
11 THE PRESIDENT: But I want Herr Engelmann to have the  
12 chance to read this and make sure that there is nothing in  
13 there that he wishes to change.  
14  
15 THE PRESIDENT: Yes, but I think he should read it, or  
16 have it read to him before he signs it as being what he  
17 said, and I'd like him to sign it as being the truth. But  
18 he must have it read to him so that I can be sure that  
19 that's exactly what he wanted to say.  
20  
21 Interpreter [German]: However, I would like you to either  
22 read it yourself or have it read to you, then you can  
23 sign that this is what you said  
24 and is according to the truth that you testified.  
25 That is actually what this is about.  
26  
27 Engelmann [German]: Should I quickly read through this all now?  
28  
29 MR Engelmann: Do you wish me to read this now?  
30 THE PRESIDENT: What I will do is I'll briefly adjourn  
31 and, Herr Thomas, you might go through it with  
32 Herr Engelmann if there are any difficulties in him reading  
33 what is there.  
34  
35 Interpreter [German]: It would be best for us to do it together;  
36 Mr Kohl suggests we go through it now. Of course it looks like  
37 a lot now but you only have to read through the German part.  
38 I can vouch for the accuracy of everything I said;  
39 of course that is not your concern.  
40  
41 THE INTERPRETER: What do you wish to do - have a break?  
42  
43 LEUT TYSON: We will have a short break and we'll let  
44 Herr Engelmann read it.  
45  
46 Interpreter [German]: We will now take a break, then we will go  
47 through everything. I can also read it all out to you if you like.

1 That is, your part.

2

3 Engelmann [German]: So perhaps we can read through the parts with my name  
4 and then I know then and there whether it is correct.

5

6 THE PRESIDENT: We will have a break and you go through it  
7 with him and then we will resume. And if Herr Engelmann is  
8 satisfied that what is there is what he said and that it is  
9 the truth, then he might sign the piece of paper.

10

11 Interpreter [German]: Then if you are satisfied and if it  
12 does in fact correspond to the truth, then you can  
13 sign it.

14

15 Engelmann [German]: I will go through it and check certain points.  
16 I don't need to read every detail, like when I was born and so on.

17

18 THE INTERPRETER: He says I just have to cross-read it  
19 more or less and look at some points. I don't have to read  
20 it all.

21

22 THE PRESIDENT: All right. We'll briefly adjourn then -  
23 take a break.

24

25 Interpreter [German]: Okay, we'll take a short break and then we can do  
26 that.

27

28 SHORT ADJOURNMENT

29

30 MR Engelmann: (In German - not translated).

31

32 Engelmann [German]: If I assume I am now supposed to shoot at someone  
33 in the water...

34

35 LEUT TYSON: Herr Engelmann, thank you for that break and  
36 can I now confirm you've had the opportunity to look  
37 through exhibit 22?

38

39 Interpreter [German]: May I now confirm that you have had the opportunity  
40 to look at the transcript, exhibit number 22?

41

42 Engelmann [German]: 22, yes.

43

44 MR Engelmann: Yes, 22.

45 LEUT TYSON: And were there any errors in that or things  
46 that you need to have changed?

47

1 Interpreter [German]: Were there any errors or points that you would like  
2 to have changed?

3

4 Engelmann [German]: No. A minor point, it's ridiculous.

5

6 MR Engelmann: No. (In German - not translated).

7

8 LEUT TYSON: Sir, if you are confident in the truth of

9

10 that transcript, I would ask you to sign at the end of  
11 page 22.

12

13 Interpreter [German]: If you agree with the contents of the transcript,  
14 I would then ask you to sign on page 33 at the end of the transcript.

15

16 THE PRESIDENT: Page 33.

17

18 MR Engelmann: (In German - not translated).

19

20 LEUT TYSON: Yes, please.

21

22 Mr Commissioner, I'll return to you exhibit 22.

23

24 Interpreter [German]: Mr President, I will now return exhibit number  
25 22 to you.

26

27 THE PRESIDENT: Thank you.

28

29 LEUT TYSON: Mr Commissioner, there were some short  
30 questions on behalf of counsel assisting.

31

32 Herr Engelmann, on the last occasion you marked a  
33 diagram from Tom Frame's book of the Kormoran regarding  
34 your position during the encounter with Sydney. Could  
35 I ask you please again to indicate where you were on  
36 19 November 1941, at what gun position you were at.

37

38 Mr President, if that's convenient, could that be  
39 tendered as exhibit 23?

40

41 THE PRESIDENT: Yes.

42

43 Engelmann [German]: And on the starboard side too. That's what I said.  
44 That was my battle station.

45

46 MR Engelmann: It was on this starboard side, that was my  
47 battle station, my action station.

1  
2 THE PRESIDENT: I'll mark that as exhibit 23.  
3  
4 EXHIBIT #23 DIAGRAM FROM TOM FRAME'S BOOK OF THE KORMORAN  
5 REGARDING MR Engelmann'S POSITION DURING ENCOUNTER WITH  
6 SYDNEY  
7  
8 LEUT TYSON: Can I just confirm, Herr Engelmann, on the  
9 last occasion I think initially you referred to the  
10 starboard side but then you indicated that you were on the  
11 portside of Kormoran; is that correct? Are you able to  
12 show by reference to the model?  
13  
14 Engelmann [German]: Yes, well, at first we were hanging there, as I've  
15 already explained  
16 here. He said "decamouflage", the command to remove the camouflage,  
17 we raised the flaps here and turned the guns.  
18  
19 MR Engelmann: (In German - not translated).  
20  
21 Interpreter [German]: That's all clear. Our concern is as follows,  
22 just a minute, last time you said that you were on the --  
23  
24 LEUT TYSON: You explained that you moved --  
25  
26 THE INTERPRETER: Can you just repeat it? I'm sorry.  
27  
28 LEUT TYSON: I'll just pause there. Herr Engelmann, this  
29 is what you explained to us last time. You indicated that  
30 you moved across to the starboard side to help the gunners  
31 on the starboard side, but then you moved back to your  
32 battle station, which was the port 15-centimetre forward  
33 gun. Can you just confirm that that's correct? .  
34  
35 Interpreter [German]: Can you verify once again what  
36 you said last time; you said you were  
37 on the port side gun but then you went over to the  
38 starboard side gun to assist there, is that correct?  
39  
40 Engelmann [German]: Yes, with ammunition. We had an  
41 ammunition hoist, which served both guns.  
42 The starboard side was being operated when the gun  
43 came onto the port side, onto our side, then we  
44 fired.  
45  
46 MR Engelmann: Well, yeah, that's how it was, because we  
47 had this ammunition elevator, which brought up or lifted

1 the ammunition for both guns, the one on the portside as  
2 well as on the starboard side, and first I helped on the  
3 starboard side, because that gun was shooting, but then  
4 later, when Sydney came on the portside, then we had to  
5 shoot, and then we shot.

6

7 LEUT TYSON: On the last occasion, Herr Engelmann, you  
8 explained the damage that resulted to Kormoran as a result  
9 of the battle.

10

11 Interpreter [German]: Last time you also reported to us  
12 the damage that the Kormoran sustained  
13 from the battle.

14

15 Engelmann [German]: Yes.

16

17 MR Engelmann: Yes.

18 LEUT TYSON: I want to ask you as well: were you able to  
19 see any shell fire from Sydney that either went over or  
20 through Kormoran?

21

22 Interpreter [German]: In this context, I would like to ask you  
23 whether you were in a position to see any shells  
24 which were fired from the Sydney and either went over the Kormoran  
25 or hit the Kormoran.

26

27 Engelmann [German]: I saw one. I saw one as it  
28 struck the port side. I also found it inside  
29 here. There was something like a circle here. I've already explained this  
30 to you.

31 It came down like rain. Like rain.

32

33 (Discussion in German between interpreter and witness)

34

35 Interpreter [German]: Where was that, if I may ask?

36

37 Engelmann [German]: The station was here and I saw it here.  
38 Just below the ship.

39

40 Interpreter [German]: That is where the shell struck?

41

42 Engelmann [German]: Into the water. It first went through here,  
43 killed someone, I even put some iron around the man  
44 for a burial at sea, but when I next  
45 went there, he had already gone.

46 I knew him very well, he was an Austrian who

47 sat at my table, then there he was lying dead. That was him.

1     However, the shell didn't detonate, not until it hit the water. It was  
2     probably the one that I saw, here. And a perfect circle  
3     here; a beautiful sight but dangerous.

4

5     MR Engelmann: Well, as I have read, there were two shells.  
6     However, I only saw one shell that went through the fore  
7     section of the ship, and it went directly through and  
8     I could see it falling down in the water on the other side  
9     of the ship and it had killed one man who was in here.  
10    That was an Austrian and he sat at my table when we ate.  
11    But the grenade did not explode and it fell into the water  
12    on the other side of the ship. With that seaman, I even  
13    put some matter around him so he would sink, because he was  
14    dead already, but when I came back later he had already  
15    gone.

16

17    LEUT TYSON: And I just want to ask you about the timing  
18    of that shot, Herr Engelmann. In relation to Kormoran's  
19    firing, the time when Kormoran started to fire, when did  
20    that shot come through Kormoran? .

21

22    Interpreter [German]: I would like to question you once again on the  
23    timing of when this shell hit. In relation to  
24    when the Kormoran started to fire, when approximately  
25    was she hit by this shell?

26

27    Engelmann [German]: I don't know. I must have also  
28    been on the side of my gun, that is at the second  
29    gun, number 2, because I saw it. I did not only  
30    track shells, I also went over to our side and back  
31    from time to time and here I saw how it... yes,  
32    I cannot say how much time.

33

34    MR Engelmann: Well, I don't know. I have no idea. I was  
35    at the second gun every now and then, because I went to and

36

37    fro between the two guns every now and then, not all the  
38    time, but as far as the time is concerned, I cannot say  
39    anything about it. I don't know.

40    LEUT TYSON: Could you even say whether it was early in  
41    the battle or late in the battle, or –

42

43    Interpreter [German]: Can you perhaps say whether it was early  
44    in the battle or late in the battle?

45

46    Engelmann [German]: I would say it was still early in the battle.

47

1 MR Engelmann: It was early in the battle, I would say.

2 LEUT TYSON: Mr President, they're the additional  
3 questions on behalf of counsel assisting.

4

5 Interpreter [German]: Mr President, those were the additional questions,  
6 I had as counsel assisting.

7

8 THE PRESIDENT: Thank you. Herr Engelmann, I have read the  
9 statement, being the transcript of what you told Leut Tyson  
10 last time, and I want just to make sure I understand your  
11 evidence. My understanding is that your battle position  
12 was on the forward gun on the portside but you moved  
13 between the port and starboard gun assisting with  
14 ammunition delivery.

15

16 Interpreter [German]: Mr Engelmann, I have the statement  
17 that you made last time and which you have as a transcript,  
18 and I would like to confirm once more precisely how we will  
19 proceed with it. Just to make sure I understand correctly - your battle  
20 position  
21 was at the forward gun on the port side.

22 However, during the battle you went to and fro between the port and  
23 starboard side  
24 to reload ammunition?

25

26 Engelmann [German]: Yes.

27

28 MR Engelmann: Yes.

29 THE PRESIDENT: And it was when you went on one occasion  
30 to the starboard side that you first saw the Sydney.

31

32 Interpreter [German]: And the first time you saw the  
33 Sydney was when you were on the starboard side.

34

35 Engelmann [German]: Yes, through the scuttle.

36

37 MR Engelmann: Yeah. Yes, yes, through the porthole.

38 THE PRESIDENT: And when you first saw the Sydney, the  
39 camouflage was still up - still there? .

40

41 Interpreter [German]: And when you saw the Sydney for the first time,  
42 was the Kormoran still camouflaged?

43

44 Engelmann [German]: Yes.

45

46 MR Engelmann: Yes.

47 THE PRESIDENT: And you could see through a hole or crack

1 in the camouflage.

2

3 Interpreter [German]: And you could see her through a hole?

4

5 Engelmann [German]: No, we had scuttles, like every normal merchant ship,  
6 here in the front we had scuttles and at the aft on each  
7 side and we could look through them.

8

9 MR Engelmann: No, we have scuttles on each side of the  
10 ship where we could look through, because every merchant  
11 ship has them, scuttles or portholes, round holes, to look  
12 through.

13

14 THE PRESIDENT: Were they portholes?

15

16 THE INTERPRETER: They're either portholes or scuttles, as  
17 we discussed before in the car, but, Mr Engelmann, to make  
18 this clear, if you really want to know this --

19

20 THE PRESIDENT: I do.

21

22 Interpreter [German]: Mr Engelmann, the scuttles, what were they like,  
23 were they ones you swing open, or...

24

25 (Interpreter to witness in German).

26

27 THE PRESIDENT: Would you get a picture of that, please? .

28

29 MR Engelmann: (In German - not translated).

30

31 Engelmann [German]: This is one- here.

32

33 THE PRESIDENT: That's the sort of scuttle you are talking  
34 about?

35

36

37 Engelmann [German]: Yes.

38

39 THE INTERPRETER: Yes.

40 THE PRESIDENT: Thank you. When you looked through the  
41 scuttle and first saw the Sydney, the firing had not yet  
42 started; is that correct?

43

44 Interpreter [German]: Is it also correct that when you first looked  
45 through the scuttle and saw the Sydney,  
46 the firing had not yet started? Is that correct?

47

1 Engelmann [German]: Yes, that's right.

2

3 MR Engelmann: Yeah, that's right.

4 THE PRESIDENT: And can you tell me about how far away the  
5 Sydney was when you first saw her through the scuttle?

6

7 Interpreter [German]: Can you tell me how far away the Sydney  
8 was when you first saw her through the scuttle?

9

10 Engelmann [German]: Well, not precisely. The distances of  
11 900m and 1100m were given. One time it was 900m, but we did not fire at  
12 that point,

13 we only fired after the command was given, when the Sydney  
14 wanted to see our ensign and we couldn't, I think that was 1100m.

15 In my view. Others claim it was 900m.

16 No firing had started at 900m. I also don't know  
17 whether I saw 900m or 1100m, I don't know.

18

19 MR Engelmann: Well, I don't know if it was 900 or 1,100  
20 metres. I can't really tell the true detailed distance and  
21 I also can't remember anymore whether that was before or  
22 after we shot whether then it was 900 or 1,100 metres. I'm  
23 not sure about it basically.

24 THE PRESIDENT: Can you remember if you saw the whole of  
25 the ship or just part of Sydney?

26

27 Interpreter [German]: Can you remember whether you could see  
28 the entire ship or just part of the ship?

29

30 Engelmann [German]: Definitely the silhouette.

31 Like this perhaps and then she dropped back a little.

32 Yes, you could certainly see that.

33

34 MR Engelmann: I could see the shape of it - the  
35 silhouette. (In German - not translated).

36 THE PRESIDENT: Could you see Sydney's large guns? .

37

38 Interpreter [German]: Could you see the Sydney's main guns?

39

40 Engelmann [German]: Yes. They were all at zero. None of them were aimed  
41 at us.

42

43 MR Engelmann: Yeah, they were all positioned in zero.

44 They were not pointed at us.

45 THE INTERPRETER: That's what he means.

46

47 MR Engelmann: Just like they are now on the ship, in the

1 neutral position I would say.

2

3 THE PRESIDENT: In the model.

4

5 THE INTERPRETER: In the model, yes.

6

7

8 THE PRESIDENT: You've also said in your statement that  
9 there was an order given to remove the camouflage. How was  
10 that order given?

11

12 Interpreter [German]: In your statement you also said  
13 that there was a order given to remove the camouflage. How exactly was  
14 the  
15 order given, in what way?

16

17 Engelmann [German]: I've stated that too. The Commander  
18 approved it, I know that. It is very accurately described here,  
19 that's exactly how it was.

20

21 MR Engelmann: (In German - not translated).

22 THE PRESIDENT: Never mind what's in the book. I just  
23 want to –

24

25 Interpreter [German]: We are not concerned with what is in the book.

26

27 Engelmann [German]: You can compare to see whether  
28 it tallies. If it does not tally, I have lied.

29

30 MR Engelmann: (In German - not translated).

31 THE PRESIDENT: I just want to know what he can remember.

32

33 Interpreter [German]: No, we just want to know exactly what  
34 you can remember.

35

36 Engelmann [German]: Well, that's what happened, the Commander  
37 informed his officers of what was to be revealed - there were  
38 several things - the guns, the smaller guns, the signals,  
39 they were fore and aft, and for us the command was "decamouflage".  
40 That meant some had to raise the flaps and others had to lower them.  
41 There was no command like "lower the flaps"  
42 or anything like that. Only the command "decamouflage".

43

44 MR Engelmann: Well, as I explained before, our captain  
45 gave this order first to the officers and then from there  
46 it must have proceeded to the large guns, to the smaller  
47 guns, and to the signals in the aft and in the bow, but for

1 us there was only one order and that was to remove the  
2 disguise. There was no such order as lower or raise flaps  
3 or anything like that.

4 THE PRESIDENT: But that means he did not hear the captain  
5 give that order. Who gave the order to him to raise the  
6 flaps on his gun?

7  
8 Interpreter [German]: But that means you did not directly hear the order  
9 -  
10 who gave you the order to raise the flaps - "decamouflage" -  
11 at your position?

12  
13 Engelmann [German]: I'm just telling you - the Commander to his officers  
14 and the officers to their respective messengers for transmitting orders.  
15 And this messenger - in our case it was Ludwig Ernst, you  
16 know him too- gave it by telephone and there was also a  
17 messenger with us who repeated it very loudly for everyone to hear.

18  
19 MR Engelmann: Well, the order was the Commander, the  
20 captain, gave the order to the officers. The officers  
21 passed this order on to those people who were responsible  
22 for passing orders on - in this case that was Mr Ernst you  
23 have interviewed already, and he gave it by telephone,  
24 passed this order on to the several battle stations where  
25 there again were people who received these orders and these  
26 people then shouted these orders to all people present at  
27 the several battle stations.

28 LEUT TYSON: Herr Engelmann, who was in charge of your  
29 gun - who was the gun Commander?

30  
31 Interpreter [German]: Who was the gunner at your position?

32  
33 Engelmann [German]: Willi Dobileit.

34 MR Engelmann: Willi Dobileit.

35 THE PRESIDENT: And was it Willi Dobileit --

36  
37  
38 Engelmann [German]: There is also a picture of him here in the book, with  
39 a monkey. With a  
40 monkey.

41  
42 MR Engelmann: There he is with a monkey.

43 THE PRESIDENT: Was it Willi Dobileit who shouted out the  
44 order that you heard to remove the camouflage?

45  
46 Interpreter [German]: So was it also Willi Dobileit you heard give the  
47 order to remove the camouflage?

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(Mr Engelmann takes mobile phone call).

Engelmann [German]: The order came from the messenger.

Interpreter [German]: But that was Willi Dobileit?

MR Engelmann: My wife.

Engelmann [German]: No, no, the messenger, there was one who gave the height values and one who gave the sideways values. One of the two, I don't know who, he passed it on. The height values, that was Brelowski, yes. And the two gunners- one adjusted the height values, turned the wheels here, and he was definitely there. And the one who adjusted the barrel to the side. So, the barrel was adjusted once in height and once to the side. And the values were already complete and the moment the word "decamouflage" came, both had already turned towards the target which they had been given.

(Discussion between interpreter and witness in German)

Interpreter [German]: But from whom did you hear the word "decamouflage"?

Engelmann [German]: It was the one who gave the height. As far as I know his name was Brelowski.

Interpreter [German]: Brelowski, not Dobileit?

Engelmann [German]: No, Brelowski gave the height values and he also had the headphones on. And Dobileit fired.

MR Engelmann: Mr Dobileit was in command of the guns, so he was the operator, he shot, and the one who had the headphones on was Mr Brelowski and he was the one who shouted the order at me, or at all the persons present.

THE INTERPRETER: And then before Mr Engelmann made some comments again on Mr Dobileit and others and then I interrupted him to explain that this was not the question he was supposed to answer.

THE PRESIDENT: All right. So when the order was shouted to him by Mr Dobileit --

1 THE INTERPRETER: Brelowski.

2

3 THE PRESIDENT: By Mr Brelowski, did Mr Engelmann then have  
4 to pull some levers to lift up the camouflage? .

5

6 Interpreter [German]: So when you heard the order from Mr Brelowski  
7 you then had to pull somewhere to raise  
8 the flaps?

9

10 Engelmann [German]: No, those who had nothing else to do were all hanging  
11 onto it.

12 And then there was a yank, perhaps 2 seconds to raise the flap.

13 Maybe only one second. And it was then lashed down firmly and the  
14 others had already turned, so it was a matter of seconds.

15

16 MR Engelmann: No, it was the same at all guns. Anyway, it  
17 was that those people who did not have anything to do after  
18 the shells were already fed into the gun, they sat there  
19 like this on the flaps and when the order came, we just had  
20 to pull and we were there many - like two or three men, a  
21 couple of us, not all of us but all of the people who  
22 didn't have anything to do at the moment, they lowered the  
23 flaps.

24 THE PRESIDENT: Lowered the flaps or raised the flaps? .

25

26 Interpreter [German]: Did you pull them up or pull them down?

27

28 Engelmann [German]: Down. And the flap went up.

29 There were also still counterweights on them and we  
30 pulled down and the flaps then went up.

31

32 MR Engelmann: Well, we had to pull it down. There were  
33 counterweights and then the flaps went up.

34 THE PRESIDENT: When the flaps went up, where were  
35 Kormoran's guns pointing?

36

37 Interpreter [German]: When the flaps went up,  
38 where were the Kormoran's guns pointed?

39

40 Engelmann [German]: Mainly the water line, the bridge or  
41 the funnel. I don't know. Let's say the funnel  
42 and the water line. And then they were adjusted-  
43 put forward or back, of course the speed had to be taken into  
44 consideration,  
45 and so they had to hit them all.

46

47 MR Engelmann: Well, they were pointed before at several

1 targets. They were made to hit the funnel or the water  
2 line, and also this was always in accordance with the speed  
3 of the boats - it was changed every now and then.

4 THE PRESIDENT: When the flaps went up, were the guns

5

6 which were behind the flaps in the Kormoran pointing  
7 forward and then had to be swung around to the Sydney, or  
8 were they pointing immediately at the Sydney when the flaps  
9 went up?

10

11 Interpreter [German]: When the flaps went up, were the  
12 guns still pointing forward and then, when the  
13 flaps were up, they had to be moved out?

14

15 Engelmann [German]: Yes, otherwise it doesn't achieve anything.

16

17 MR Engelmann: Yes, otherwise they wouldn't have worked.  
18 They had to be moved in the right direction.

19 LEUT TYSON: Leut Harper has changed the battery. We'll  
20 now continue.

21

22 THE PRESIDENT: The question I think I asked was when the  
23 flaps went up, did the guns of the Kormoran have to be  
24 swung round to face the Sydney, to point at the Sydney?

25

26 Interpreter [German]: When the flaps went up, were the  
27 guns already pointing at the Sydney?

28

29 Engelmann [German]: No.

30

31 MR Engelmann: No, they had to be pointed at Sydney.

32 THE PRESIDENT: And after they were pointed at Sydney, did  
33 the gunnery person receive orders to adjust the height of  
34 the guns?

35

36 Interpreter [German]: After the guns were aimed at the Sydney,  
37 did the gunner or the messenger for  
38 transmitting orders - who was responsible for receiving  
39 further orders - say whether the height had to be readjusted?

40

41 Engelmann [German]: That happened constantly. When the  
42 values changed, which happened from time to time, if we overshot  
43 or shot too short, then the figures was subsequently adjusted.

44

45 MR Engelmann: Well, that was something that went on all  
46 the time. Every now and then we received new values that  
47 were given to these people and then the elevation was

1 changed accordingly.

2 THE PRESIDENT: Right. And then the guns were fired.

3

4 Interpreter [German]: And after that the guns were fired?

5 After it had been readjusted?

6

7 Engelmann [German]: Yes, firing was also on command

8 and this was quite briefly, "salvo, fire!".

9

10 MR Engelmann: Yeah, that was done like that and also the

11 shots were - we only shot after we received the command.

12 The command was, "Salvo, fire" - the order, sorry.

13 THE PRESIDENT: Initially it was the starboard guns that

14 fired, but later on, as I understand the statement, the

15 port guns also fired from the bow.

16

17 Interpreter [German]: As I also gather from the statement,

18 at first it was the starboard guns that fired initially

19 and later, in the course of the battle,

20 the port sides also fired, at least from the bow - is that correct?

21

22 MR Engelmann: What I want to explain is that the guns

23 No. 3 and 4, they were able to shoot at both sides, whereas

24 No. 1 and 5 could only shoot to the starboard side. When

25 Sydney came on our port side, then the guns No. 3 and 4

26 were able to shoot at her, because they were on the port

27 side and -

28

29 Engelmann [German]: If I just quickly...

30 OK, guns 3 and 4 could shoot to both sides.

31 And guns 1 and 5, they could only shoot to one side,

32 only to the starboard side. And on the port side,

33 3 and 4 had their guns pointed to the port,

34 and these were now joined by guns 2 and 6. And guns 1 and 5

35 had to take a break.

36

37 THE INTERPRETER: Well, I want to explain it, that the guns number 3 and 4

38 were able to shoot at both sides, whereas number 1 and 5 could only shoot

39 to the starboard side. When Sydney came to our port side, then the guns

40 number 3 and 4 were able to shoot at her, because they were on the port

41 side, and..

42

43 THE INTERPRETER: Excuse me - no, sorry, no, guns 3 and 4

44 could be pointed to the port side and could shoot at Sydney

45 and were supported by guns 2 and 6, which were on the port

46 side. Guns No. 1 and 5 could not shoot at this moment

47

1 anymore.

2

3 THE PRESIDENT: Could you look at the transcript, please,  
4 at page 13. You have a look at this, please,  
5 Mr Interpreter. The last question in English says:

6

7 Yes, of course, of course...

8

9 Could you read to yourself, please, the previous answer  
10 given in German and then the answer which suggests that  
11 flaps were lowered after the battle. Is that a correct  
12 interpretation?

13

14 THE INTERPRETER: You are referring to this, the last two  
15 paragraphs?

16

17 THE PRESIDENT: Here:

18

19 Yes, of course, of course because when -  
20 after the battle we had to again lower our  
21 flaps to put on the disguise.

22

23 Over the page, we're on the disguise again:

24

25 In this moment I saw that our tubes and our  
26 guns were very hot.

27

28 I don't understand the circumstances in which flaps were  
29 lowered. It may be an incorrect interpretation.

30

31 Could we just move in a little bit? It's raining.

32 We'll just take a short break while the interpreter reads  
33 that and while we move inside out of the rain

34

35 SHORT ADJOURNMENT

36

37 THE INTERPRETER: He says "when we put back the  
38 disguise" - maybe that's what leads you to the wrong track.  
39 That's what's missing maybe, that after the battle they put  
40 on the disguise again, then they lowered the flaps again  
41 and then that was the time when the tube was glowing and  
42 that had never happened before.

43

44 THE PRESIDENT: No, but is it the fact that after the  
45 firing ceased the flaps were lowered?

46

47 THE INTERPRETER: That's what he says here, yes.

1  
2 THE PRESIDENT: Would you ask him if that's correct?  
3  
4 Interpreter [German]: Is what you said here correct,  
5 this point, "yes, of course, of course, if this question is put,  
6 I have to say that we... the battle was over..."  
7 The key issue is this sentence "The flaps were then lowered again."  
8  
9 Engelmann [German]: Yes, yes. There was also the order, "everything to  
10 zero". Yes.  
11 Then everything was closed again.  
12  
13 MR Engelmann: Yes, there was the order given to - the guns  
14 were swung back in and the flaps were put down again - were  
15 lowered again, yes - put down.  
16 THE PRESIDENT: Before the ship was abandoned?  
17  
18 Interpreter [German]: That was before the ship was abandoned?  
19  
20 Engelmann [German]: That was when the battle was finished.  
21  
22 MR Engelmann: No, it was when the battle had ended.  
23 THE PRESIDENT: So the battle finished, then the flaps  
24 were lowered.  
25  
26 Interpreter [German]: So the battle had ended  
27 and then the flaps were lowered again.  
28  
29 Engelmann [German]: Yes, also on command. "Everything to zero",  
30 I don't know what the order was, "battle over".  
31 It was something like that.  
32  
33 MR Engelmann: Yeah, there came an order. It was something  
34 like, "Put everything back to zero", or something like  
35 that. I don't know the exact words of this order, but it  
36 came after the battle.  
37 THE PRESIDENT: Was it "Cease fire", or was it some other  
38 order?  
39  
40 Interpreter [German]: Was the order "the battle is over"  
41 or was it a different order?  
42  
43 Engelmann [German]: I can't remember the order -  
44 everything to zero, the battle is over.  
45  
46 MR Engelmann: Two things were said: "Battle has ended.  
47 Everything back to zero," even though I cannot remember the

1 exact wording.  
2 THE INTERPRETER: Or he cannot remember the exact wording.  
3  
4 THE PRESIDENT: How did he hear those orders?  
5  
6 Interpreter [German]: How did you hear this order?  
7  
8 Engelmann [German]: From the messenger for transmitting orders.  
9 Brelowski.  
10  
11 MR Engelmann: From the person that was responsible for  
12 passing on orders, Mr Brelowski, the one who had the  
13 headphones on, yes.  
14 THE PRESIDENT: Now, before the firing began, you were at  
15 your battle station, as I understand it.  
16  
17 Interpreter [German]: Before the first shot was fired, were you  
18 already at your battle station?  
19  
20 Engelmann [German]: Yes, for at least one hour.  
21  
22 MR Engelmann: Yes, at least one hour or half hour before  
23 I was there.  
24  
25 THE PRESIDENT: Yes. And you were at the gun position,  
26 which had the camouflage around it.  
27  
28 Interpreter [German]: You were at the battle station which was surrounded  
29 by camouflage - is that correct?  
30  
31 Engelmann [German]: Yes.  
32  
33 MR Engelmann: Yes.  
34  
35 THE PRESIDENT: Could you see the flags flying on the  
36 Kormoran from that position?  
37  
38 Interpreter [German]: From this position, could you see  
39 which flags the Kormoran was flying?  
40  
41 MR Engelmann: No, it was all closed. We didn't see  
42 anything.  
43  
44 THE PRESIDENT: And after the camouflage was lifted so  
45 that the guns could point at Sydney, could you see the flag  
46 on the Kormoran?  
47

1 Interpreter [German]: Could you then see the flags  
2 when the flaps were raised and the camouflage had been removed  
3 from the Kormoran?  
4

5 Engelmann [German]: No, I had enough to do with my ammunition.  
6 You will have to ask other people.  
7 But we know from other battles how this  
8 happened. We didn't see it though.  
9

10 MR Engelmann: No, I had enough to do with my ammunition.  
11 I didn't see anything of the flags. You have to ask other  
12 people for this. I know, of course, from battles in the  
13 past and how it was told to me, but I haven't seen it  
14 myself.

15 THE PRESIDENT: Thank you. Now, the statement also says  
16 that after the firing ceased Herr Engelmann went to the main  
17 deck and looked around and all he could see of Sydney was  
18 that it was like a burning ball; already it was quite far  
19 away.  
20

21 Interpreter [German]: In your statement you also said that  
22 after the gun battle, you went up to the main deck  
23 and all you could still see of the Sydney  
24 was a large fire ball. And also that it was already quite far away.  
25

26 Engelmann [German]: Yes, that's right.  
27

28 MR Engelmann: Yes, that's true; that's right.

29 THE PRESIDENT: From your position, was it on the horizon,  
30 or near the horizon, or can you say how far away it was?  
31

32 Interpreter [German]: From your position, could you  
33 say how far away the Sydney was? Already at the horizon,  
34 still before the horizon?  
35

36 Engelmann [German]: No, no, one could still clearly see  
37 her burning. But she was certainly several nautical miles away.  
38 And the Sydney burned.  
39

40 MR Engelmann: No, it's not very clear. Well, it was  
41 clearly visible, that's for sure, but I cannot say how many  
42 kilometres it exactly was away. It must have been a number  
43 of kilometres - a number of nautical miles, and it was  
44 burning.

45 THE PRESIDENT: Thank you. So I don't have any other  
46 questions. Do you have any other questions?  
47

1 Interpreter [German]: I have no further questions; do you have any other  
2 questions?

3

4 LEUT TYSON: Herr Engelmann, where you were in your battle  
5 position on 19 November 1941, was there a 2-centimetre gun  
6 nearby that position?

7

8 Interpreter [German]: At your battle station on 19 November 1941,  
9 was there also a 2cm gun near you?

10

11 Engelmann [German]: Right, yes, that was here. Our gun was here.  
12 The 2cm one was a little further forward. It was inside with us on the  
13 deck.

14 And it was also raised by a hydraulic system.

15

16 MR Engelmann: Yes, it was very close to my position. In  
17 fact, we were positioned here and then the 2-centimetre  
18 guns were up here.

19 LEUT TYSON: On the fo'c'sle?

20

21 Interpreter [German]: Were they also up here on the fo'c'sle?

22

23 Engelmann [German]: No, not that far. Of course down here it was closed  
24 and if our gun was here, then it was around about here.

25 No 1, No 2, and here 2cm.

26

27 MR Engelmann: No, not so far.

28 LEUT TYSON: On the hatch - on the first hatch?

29

30 THE INTERPRETER: No, it was not - sorry, just let me  
31 translate this.

32

33 MR Engelmann: All this was covered on Kormoran and they  
34 were all there on the same deck all together these guns,  
35 and the two 15-centimetres here and the 2-centimetre gun  
36 was here and was lifted by a hydraulic system.

37

38 LEUT TYSON: Did that 2-centimetre gun come into action  
39 during the battle with Sydney?

40

41

42 Engelmann [German]: Yes, it was pretty much the same time,  
43 maybe they took a few seconds longer  
44 because of the hydraulics. Otherwise it went quite quickly.

45

46 Interpreter [German]: So it fired during the battle with the  
47 Sydney?

1  
2 Engelmann [German]: Shortly after us- it took a few seconds  
3 longer.  
4  
5 MR Engelmann: Yeah, but it shot during the battle - it was  
6 in action. It just took these guns a little bit longer to  
7 be ready for battle. Maybe two or three seconds after us  
8 they started firing.  
9  
10 THE PRESIDENT: One other thing: you've told me that the  
11 guns on the port side from the bow fired on the Sydney  
12 after the Sydney went to the port side of Kormoran.  
13  
14 Interpreter [German]: Coming back to this; you said  
15 that the port-side gun of the Kormoran first fired at the Sydney  
16 when she was on the port side of the Kormoran?  
17  
18 Engelmann [German]: This is the Sydney here. She was then carried off  
19 course here, we suspect that she wanted to ram us and then  
20 she came over here - but I did not see or hear any shot,  
21 one may have been fired but  
22 I did not notice anything. Because we fired with everything we had,  
23 our barrel was glowing, we fired every 6 seconds.  
24 And that was with four guns here. There was not much left.  
25 They didn't have a chance...  
26  
27 MR Engelmann: Yes, that's correct, and then when the  
28 Sydney came to the port side, like I described before, then  
29 I could not see any shot being fired from Sydney, because  
30 we shot at her all the time. We had a 6-second rhythm of  
31 our guns and they shot every 6 seconds, one shell.  
32 THE PRESIDENT: When you were in your gun position on the  
33 port side at the bow, could you see how far the Sydney was  
34 when she passed behind the stern of Kormoran?  
35  
36 Interpreter [German]: When you were in your position  
37 here at the port side gun at the bow, could you see how far away the  
38 Sydney  
39 was when the Sydney passed by the stern of the Kormoran?  
40  
41 Engelmann [German]: No, I don't know that either. We were here at the  
42 front.  
43 I could not see astern.  
44  
45 MR Engelmann: No, I couldn't see this, because it was  
46 behind the stern and I was in the bow. I couldn't see  
47 this.

1 THE PRESIDENT: Could you see Sydney when the port guns  
2 were firing at her?  
3  
4 Interpreter [German]: Could you see the Sydney when the port side guns  
5 fired at her?  
6  
7 Engelmann [German]: Yes, insofar as I could clear the view to see her.  
8  
9 MR Engelmann: Yes, insofar as I had the opportunity to see  
10 her.  
11 THE PRESIDENT: Are you able to say how far away Sydney  
12 was when the port guns first started firing on her?  
13  
14 Interpreter [German]: Can you say approximately how far away the Sydney  
15 was when the port-side guns first  
16 fired at the Sydney?  
17  
18 Engelmann [German]: I don't know.  
19 That was also announced over and over again, but I  
20 can no longer remember. I can remember how it was here  
21 on this side when they announced the distance.  
22 But I don't know about here.  
23  
24 MR Engelmann: I don't remember now. I can remember as  
25 Sydney was on the starboard side that the distance were  
26 transmitted via these people who were responsible for  
27  
28 passing on orders but, as she was on the port side,  
29 I cannot remember.  
30 THE PRESIDENT: Thank you.  
31  
32 MR Engelmann: Still, and I feel very sorry about it.  
33  
34 THE INTERPRETER: Are we going to have a break, or was  
35 this - okay, sorry.  
36  
37 THE PRESIDENT: They are the questions I have. Do you  
38 have any further questions?  
39  
40 LEUT TYSON: Just one final topic. Do you remember,  
41 Herr Engelmann, the type of ammunition that you were using  
42 during the battle on the 15-centimetre guns?  
43  
44 Interpreter [German]: I have one more question- can  
45 you remember which ammunition you used  
46 at the 15cm?  
47

1 Engelmann [German]: We had two kinds of ammunition,  
2 one with impact fuse and high-explosive shells.  
3 In other words, with delay fuse.

4

5 MR Engelmann: Yes, we had two types of shells - one were  
6 nose-fused shells.

7

8 THE INTERPRETER: The other ones Mr Engelmann referred to  
9 as tank-exploding shells, which I don't really know what  
10 exactly they are, but anyway, they were used.

11

12

13 Engelmann [German]: And that came about because it was a  
14 armoured cruiser- armour-piercing shells.

15 We had impact fuse and armour-piercing shells.

16 And then the order "armour-piercing shells" was given. And  
17 so they were then brought up.

18

19 MR Engelmann: Because this was a light cruiser, that's why  
20 they were used, to go through the hull, and we received  
21 this order to use this ammunition and that's also how they  
22 were brought up with the elevator from the ammunition  
23 depots.

24 THE PRESIDENT: Herr Engelmann has just been attending to  
25 his dog.

26

27 LEUT TYSON: Herr Engelmann, in that answer you've talked  
28 about receiving an order to use the Panzer tank-exploding  
29 shells or the base-fused shells. Did that order come  
30 before the firing against Sydney started?

31

32 Interpreter [German]: You just said that you  
33 were given the order to use the armour-piercing shells-  
34 did this order come before the gun battle broke out?

35

36 Engelmann [German]: Yes.

37

38 MR Engelmann: Yes, of course.

39

40 LEUT TYSON: Do you know whether - I'm not asking you now  
41 about your gun but I'm asking you about the starboard  
42 15-centimetre gun - did the starboard 15-centimetre gun run  
43 out of ammunition during the battle with Sydney? Do you  
44 know that?

45

46 Interpreter [German]: I am now not referring to the gun  
47 at which you were positioned but to the starboard 15cm gun-

1 are you able to say whether the ammunition for this ran out?

2

3

4 Engelmann [German]: Well I only heard that afterwards, I

5 don't know. We did not run out.

6

7 MR Engelmann: That's something I only heard afterwards. We had enough

8 ammunition

9 on our gun.

10 LEUT TYSON: They are the only further questions on behalf

11 of counsel assisting, Mr President.

12

13 Interpreter [German]: Those were the only other questions I have,

14 Mr Engelmann.

15

16 THE PRESIDENT: Thank you, Herr Engelmann, for seeing us

17 and for giving us your assistance. I have not asked you

18 any questions about the various theories in the books,

19 because you've explained your views about those on the last

20 occasion, and you have now signed the statement as being

21 true regarding your views on those matters, and I think

22 your views are adequately clear in that statement. Thank

23 you very much for your assistance

24

25 Interpreter [German]: Mr Engelmann, thank you very much

26 for being prepared to provide us with information. I have

27 not questioned you about some of the theories in connection

28 with the sinking of the Sydney because I think you have already

29 explained these sufficiently in the statement you have already made

30 and which you have already signed and I feel that this statement

31 was also brought across very adequately so we do not

32 need to repeat it now.

33 Once again, thank you very much.

34

35 MR Engelmann: Thank you very much.

36

37 THE INQUIRY ADJOURNED ACCORDINGLY

38

39

40

41

42

43

44

45

46

47

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