The Sydney - Kormoran battle:
A Summary of the Evidence.

by

T. Warren Whittaker, OBE


This review of the course of the battle between HMAS Sydney and HSK Kormoran takes account of new evidence and interpretations that cast doubt on the German account.

German survivors claimed that Sydney and Kormoran were steaming on parallel courses about 1,000 yards apart at 14 knots when Kormoran hoisted the German Ensign, decamouflaged, and opened fire within 6 seconds, with immediate devastating effect on Sydney.

While accepting that Kormoran could open fire with her 20 mm anti-aircraft (AA) guns within 6 seconds of starting to decamouflage, it would have taken about one minute to bring all her 15 cm guns into action.

The problem with this account is that the AA guns alone could not have disabled a warship such as Sydney in the manner described. As soon as Kormoran hoisted the German Ensign, Captain Burnett would have opened fire with eight 6" guns. Kormoran would have been devastated before being able to bring her 15 cm guns into action.

We know that Kormoran was equipped with both above water and under water torpedo tubes. At 1,000 yards, it would have taken about one minute for torpedoes to reach their target. We also know that at 14 knots, it was impossible for torpedoes to be fired from her underwater tubes.

There is evidence that when challenged Kormoran stopped. Detmers flew a white flag and pretended to surrender. Sydney closed in to take her prisoner. Detmers fired a torpedo from Kormoran's secret underwater tube. When the torpedo hit, he hoisted the German Ensign, decamouflaged and opened fire with his guns.

In his book, "The Raider Kormoran", Detmers describes how, during his work-up in the Baltic, he rehearsed the action he would take if he met an enemy warship that he was unable to outrun or outgun. This involved the firing of a practice torpedo from Kormoran's secret underwater tube at Destroyer Z23, when it was found that Z23 could neither prevent nor outmanoeuvre the torpedo attack. It is highly significant that Detmers wrote: "Neither of us (referring to the Captain of Z23) suspected how bitterly earnest a situation should develop in which the torpedoes would play such a role."

The underwater torpedo tubes were aligned at 135° to the centre line of the ship to cover her quarters. The alignment of the tubes was marked on Kormoran's compass. In order to aim a torpedo, Detmers had to turn Kormoran until the torpedo tube was aligned with the target.

On 19 November 1941, Kormoran was about 100 nm west of Shark Bay, steaming north eastwards at 14 knots. She was flying the Dutch Ensign and was disguised as the Straat Malakka. That afternoon the lookout in Kormoran's crow nest sighted a warship. See Chart No 78, position (1). Captain Detmers states that he then turned towards the setting sun, a heading 250° as shown.
In accordance with standard procedures in force at the time, *Sydney* was required to treat every vessel as hostile until proven otherwise. Before leaving Fremantle for the last time, Captain Burnett had told his ship’s company that there was a raider operating off the coast of WA and he intended to get her.

On the afternoon of 17 November, *Sydney* was escorting *Largs Bay* from Sunda Strait to Fremantle. After about two hours, *Sydney* left *Largs Bay* and steamed south. C-in-C CHINA was using HF/DF to track *Kormoran*. There is circumstantial evidence that *Sydney* had been ordered by C-in-C CHINA to intercept a raider.

There is NO WAY *Sydney* would have left *Largs Bay* without a direct order from C-in-C CHINA.

About 100 nautical miles west of Shark Bay, *Sydney* encountered a suspect vessel. In accordance with standard procedure and from beyond the range of a possible enemy’s guns, *Sydney* ordered the vessel to stop. At his first interrogation, Detmers said *Kormoran* stopped and gave her name as *Straat Malakka*.

Burnett sent a signal to C-in-C CHINA in Singapore requesting confirmation that the ship that he had “bailed up” was the *Straat Malakka*. The naval radio station *Harman*, in Canberra monitored the signals and passed the information to the Navy Office in Melbourne. Meanwhile *Sydney* would have remained beyond the range of a possible enemy’s guns.

There is evidence that *Kormoran* was monitoring *Sydney*’s signals, and Detmers realized that the game was up so he activated the plan that he had rehearsed in the Baltic. In order to get *Sydney* close within range of his underwater torpedo tube, Detmers pretended to surrender and flew a white flag.

We can infer that, having accepted *Kormoran*’s surrender, *Sydney* closed in to take her prisoner. A German survivor said the *Sydney* made a wide circle round *Kormoran* in order to have a good look at her. *Sydney* stopped on *Kormoran*’s starboard quarter and started to lower a boat.

In his book “The Raider KORMoran” Detmers wrote “My eyes were glued to the bearings compass, and as soon as I saw that the enemy had come practically to a standstill I gave the order: “Decamouflage”. He did not decamouflage at this stage. This sentence is an accurate description of the procedure for firing a torpedo from *Kormoran*’s underwater tube. It is probable Detmers did not decamouflage until he saw the torpedo hit *Sydney*.

Detmers would have turned *Kormoran* slowly to starboard to align her underwater torpedo tube with *Sydney* (6). Then, with a white flag still flying, he launched a torpedo from the underwater tube, hitting *Sydney* just forward of A Turret.

The fact that some raiders were fitted with underwater torpedo tubes covering the port and starboard quarters was not known to the Allies at this time.

In case the torpedo missed, Detmers would have waited until the torpedo exploded before hoisting the German Ensign. If the torpedo had missed, he would have had the option of continuing to surrender. All he stood to loose was his Knight’s Cross!

When the torpedo hit *Sydney*, the shock of the explosion prevented immediate retaliation and gave Detmers time to hoist the German Ensign, decamouflage and bring his guns into action. Photographs of wreck of *Sydney* taken by the Finding Sydney Foundation illustrate the devastation consistent with a torpedo hit and the large number of hits by *Kormoran*’s 15 cm guns.

Detmers tells us that *Kormoran* was hit by a few shells from *Sydney*’s X Turret, and that one of those shells set fire to *Kormoran*’s engine room. The fire could not be brought under control and she was abandoned and scuttled just after midnight on 19/20 Nov. Over 300 members of her crew survived.

There were no survivors from *Sydney*, whose wreck was found about 12 nm from *Kormoran*.

If this analysis is correct, the German account of the battle must have been designed to hide the fact that Captain Detmers pretended to surrender, then opened fire with a torpedo from a secret underwater torpedo tube, and that Detmers would have been well aware that if the Australians found out about his conduct of the battle, it is likely that he would have had to face a firing squad. This scenario would exonerate Captain Burnett and the crew of HMAS *Sydney*.

An analysis of the data relating to the *Sydney* – *Kormoran* battle is attached at Annex A.

Extracts from “The Commander’s Handbook on the Law of Naval Operations” is attached at Annex B.
# THE SYDNEY - KORMORAN BATTLE

| Annex A. |
|-----------------|-----------------|
| **Part 1.** The battle according to Captain Detmers - The German lie. | |
| **Part 2.** The "Official" account of the battle - The cover-up. | |
| **Part 3.** What probably happened - The true story. | |
| by T. Warren Whittaker, OBE. | |

## Key to Abbreviations.

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<thead>
<tr>
<th>Sydney</th>
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<th>HMAS Sydney 11.</th>
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<tr>
<td>Kormoran</td>
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<td>HSK Kormoran.</td>
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<td>Centaur</td>
<td>=</td>
<td>MV Centaur.</td>
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<td>SAR</td>
<td>=</td>
<td>Search and Rescue.</td>
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<td>Harman</td>
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<td>HMAS Harman (Naval signals unit located in ACT).</td>
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<td>Geraldton</td>
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<td>RAAF Geraldton.</td>
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<td>Aquitania</td>
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<td>HMT Aquitania.</td>
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## Part 1

The battle according to Captain Detmers - The German lie.

In the German version of his book, "The Raider Kormoran", Captain Detmers records the successful firing of a practice torpedo from an underwater tube at Destroyer Z 23 during a trial in the Baltic. He wrote: "A crew mate of mine was commander of Z 23. I practised with him the stopping of a steamer. I managed to let go a practice torpedo from the underwater tube so that the commander could neither prevent nor outmanoeuvre the attack. In the German version of his book, Detmers wrote: "Neither of us suspected how bitterly earnest a situation should develop in which the torpedoes would play such a role."

**Comment:** The correct interpretation of this statement is that, in the battle with Sydney, Detmers pretended to surrender. When Sydney stopped and prepared to lower a boat, Kormoran, with a white flag still flying, fired a torpedo from a secret underwater tube which hit Sydney forward of A Turret. This gave Detmers time to hoist the German Ensign, decamouflage and open fire with his guns.

Detmers recorded that a ship was sighted by the masthead lookout at 1555 on 19 Nov 1941. Kormoran went to action stations and altered course to 250 deg at 14 knots. Sydney approached and nearly one and a half hours after she was sighted, took station on Kormoran's beam at a distance of 1000 yards. At 17.30 Kormoran hoisted the German Ensign, decamouflaged and opened fire. **Comment:** If Kormoran had hoisted the German Ensign, decamouflaged and prepared to open fire, Sydney would have opened fire with eight 6 inch guns the instant Kormoran began to decamouflage. This would have devastated Kormoran before she could get a shot away. Detmers account is fiction designed to hide the fact that he used an illegal ruse to defeat Sydney. He was in breach of three sections of the Law of Naval Operations. For details see Part 3, What actually happened - The German lie.

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Captain Detmers, The Raider KORMORAN Page 43

Captain Detmers, The Raider KORMORAN Chapter 17
Detmers recorded in his book that he expected to have to face a court martial because he had opened fire whilst flying a white flag. **Comment:** Detmers had breached the following sections:

1. Enemy warships, including naval auxiliaries, are subject to attack, destruction, or capture anywhere beyond neutral territory. It is forbidden, however, to target an enemy warship that in good faith clearly conveys a timely offer of surrender. Once an enemy warship has clearly indicated a readiness to surrender by hauling down her flag, by hoisting a white flag, by stopping engines and responding to the attacker's signals, the attack must be discontinued.

2. Customary international law recognizes the white flag as symbolizing a request to cease-fire, negotiate, or surrender. Enemy forces displaying a white flag should be permitted an opportunity to surrender or to communicate a request for cease-fire or negotiation.

3. Feigning surrender in order to lure the enemy into a trap is an act of perfidy. However, it is unlawful for a warship to go into action without first showing her true colours.


Detmers knew that he was guilty of a breach of the Law of Naval Operations and took great care to hide the fact that he had pretended to surrender then, with a white flag flying, opened fire with a torpedo from an underwater tube. Before they disembarked, Detmers told his crew that if they were taken prisoner, they were to say that Sydney and Kormoran were sailing on parallel courses about 1000 yards apart when Kormoran hoisted the German Ensign, decamouflaged and opened fire. **Comment:** In his book, Detmers records that after each engagement, he assembled his crew and told them what had happened. It is reasonable to assume that he did the same after the battle with Sydney. His aim would have been to hide the fact that he had opened fire after pretending to surrender.

Observation by T. Warren Whittaker.

A Russian language version of the battle provided by Waldemar Hirchwald and translated for the Australian Archives contains the following: Detmers had more than once thought about his course of action in the event of suddenly meeting with an opposing warship. And, although he would have preferred to avoid it "Fate had sent him the possibility of testing theoretical considerations in practice". **Comment:** This is confirmation that Detmers used an illegal ruse to trap Sydney.

Report to the Inquiry by David Kennedy. See Vol 5, Page 996.

The German newspaper Voelkischer Beobachter of Aug 13 1944, citing Dr Habben, said Detmers' "plan was clear from the beginning. He achieved everything that he had already prepared in a quiet hour for such an emergency". **Comment:** This is evidence that Detmers had planned and rehearsed the action that he would take if he met an enemy warship.

Report to the Inquiry by D. Kennedy. See Vol 5, Page 984.

Seven days after the battle, Detmers was picked up by Centaur, he wrote that he considered the fate of the men in the other boats and: "On their account I decided that as soon as possible I would give the position at which our engagement with the Australian cruiser had taken place so that the search could be properly sited and there would be the best possible chance of picking up survivors". **Comment:** There is evidence that Detmers had a number of opportunities to do so but did not disclose the location of the battle until nine days afterwards and he had been told that Sydney was missing with all hands. This shows a total disregard for the fate of survivors from the Kormoran or the Sydney.

Captain Detmers. The Raider "KORMORAN" Chapter 19, Page 153.

Just before he arrived in Carnarvon as a prisoner aboard Centaur, Detmers speculated: "I wondered what happened to the cruiser herself. She had been terribly battered, but might have been able to stay afloat. How many of her crew had been saved and what would they have said about me and my conduct of the engagement? I might easily find myself before a Court martial." **Comment:** This is evidence that Detmers expected to be court-martialled and shot if his captors found out that he had opened fire whilst displaying a white flag.

Captain Detmers, The Raider KORMORAN Chapter 19, Pages 153.
**Centaur** arrived at Carnarvon on 27 Nov. The next morning, nine days after the battle, LCDR Rycroft asked Detmers if he could tell him anything about the whereabouts of the sydney which was overdue. In his book, Detmers remarked "And she had not got back to port. We had obviously sunk her!" In answer to a question by LCDR Rycroft, Detmers wrote "... I told him immediately, as I had made up my mind to do so: 111 deg E by 26 deg 34' S. **Comment**: There is evidence that Detmers had a number of opportunities of telling the Australians where the battle had taken place but did not do so until he had been told that Sydney was overdue. If Detmers had told the Australians where the battle had taken place at the earliest possible moment, it would have improved the chances of survival for his own crew and it is possible that some of Sydney's crew might have been saved. Detmers was afraid that survivors from the Sydney would tell the true story. **This is evidence that Detmers was more concerned to save his own skin.**

Whilst in Carnarvon, Detmers speculated: "Never before in Naval history had an armed merchant ship defeated a cruiser in open battle; but we had proved that the presumed impossible was possible. I felt sure that I should have to face an enemy court martial over the business, but I was not disturbed: come what may I looked forward to standing at the head of my men in the face of the enemy once again." **Comment**: If Detmers had not breached the rules of naval warfare, why did he expect to have to face a Court Martial?

In a comment at the end of his examination by the Commission of Inquiry in Perth, Detmers wrote: "This was the end of my examination, and there was no mention of any charges against me." Again, in the last paragraph but one of his book 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". **Comment**: Detmers displayed a guilty conscience. He knew that his conduct of the battle was a breach of the laws of naval warfare and was afraid that the Australians would find out the truth about the battle.
## THE SYDNEY - KORMORAN BATTLE

### Part 2.
The "Official" account of the battle - the cover-up.

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<thead>
<tr>
<th>Source</th>
<th>Details</th>
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<tr>
<td>In November 1941, the Australian Navy and the Government accepted the German survivors account of the battle and blamed Captain Burnett for the loss of his ship. It is the normal practice to hold a Court of Inquiry into the loss of a warship. In the case of Sydney, no trace of a Court of Inquiry has been found. Many ship's logs are missing. It was widely known by 20 Nov 1941 that Sydney was involved in an action with a German raider yet a full SAR operation was not put in hand until 25 Nov. <strong>Comment:</strong> There is reason to believe that the 'official' account of the battle was designed to cover up the fact that SAR was not put in hand as soon as it was known that Sydney had been in action with a German raider.</td>
<td>T. Warren Whittaker - background information.</td>
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<td>Group Captain &quot;Rick&quot; Bourne was interviewed by David Kennedy said that if the information received by Harman about 2000 on 19 Nov had been acted upon, a squadron of Hudson Maritime Reconnaissance aircraft could have been repositioned at RAAF Geraldton in time for a 4:30 am takeoff on 20 Nov.</td>
<td>Report by David Kennedy recorded in Vol 5, Page 1000.</td>
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<td>Commander RMB Long in a letter to Staff Officer Intelligence, Fremantle dated 22 Oct 1945 wrote: &quot;There are a number of reasons, however, why the full analysis should not be published, the principle that such an analysis would still not be accepted by some people as being absolute confirmation of the loss of all the &quot;SYDNEY'S&quot; complement. It is intended not to publish anything further concerning this action, and its results, unless the Board is forced by Ministerial pressure to write a ministerial statement. <strong>Comment:</strong> It is probable that Long was hiding the fact that it was known by the morning of 20 Nov 1941 that Sydney had been involved in a battle with a German raider yet the Navy did not start the Search and Rescue Operation until 25 Nov.</td>
<td>Department of the Navy. Submission by D. Kennedy. Vol 18 Page 4452.</td>
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<td>In his submission to the Government Inquiry into the Circumstances of the Sinking of HMAS SYDNEY, The Hon Ian McLachlan AO MP, Minister for Defence, wrote: &quot;The only first hand accounts available are those provided by the crew of the Kormoran. Everything else is pure speculation.&quot; <strong>Comment:</strong> The submission was compiled by Mr. J.H. Straczek, Senior Naval Historical and Archives Officer in the Navy Office. I understand that Dr David Stevens was head of his Department and would have approved the report. It would appear that the Navy is determined to cover-up the fact that it was known that Sydney had been in action with a German raider on 19 Nov but did not put SAR in hand until 25 Nov.</td>
<td>Submission No 94 to the Inquiry by the Minister for Defence on 8 Dec 1997 and published in Vol 8, Page 1839.</td>
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<td>In his submission to the Inquiry, the Minister for Defence sets out the events of the battle as told by German survivors and summarised in Attachments A and B. He assumes that the German account of the battle is true <strong>Comment:</strong> The German story was dictated by Detmers to hide the fact that he had pretended to surrender then, with a white flag flying, opened fire with a torpedo from his secret underwater tube. It is assumed that the Minister is continuing the cover up started by the Navy in November 1941.</td>
<td>Submission No 94 Vol 8, Page 1839 and Pages 1862 - 1867.</td>
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The 'HMAS SYDNEY 11 Wreck Location Seminar' took place in the Western Australian Maritime Museum at Fremantle on 16 November 2001. Its stated aim was to provide the Chief of Navy with information sufficient to allow him to make an informed recommendation to the Minister for Defence on the viability of a wreck search. **Comment:** The Wreck Location Seminar was chaired by Dr David Stevens, Director of Strategic and Historical Studies, Sea Power Centre- Australia. It is submitted that the Seminar should have had an "independent chairman". I was present at the Seminar and it was obvious that the Chairman was firmly biased in favour of the German story.

The Archival Committee Chaired by Mr Wesley Olson, Author of "Bitter Victory" considered that the information supplied by the Kormoran survivors was essentially accurate. **Comment:** The committee findings were biased because its findings were based, to a large extent, on the opinions expressed in Mr Olson's book. Again, the Committee should have been chaired by an independent person. The Chair of the Seminar, Dr David Stevens, did not permit any discussion of the conduct of the battle.

In his report to Parliament, the Chief of Navy concluded: "Having examined the workshop reports it is the Navy's firm opinion that the archival evidence is by far the most credible presented. "..." the cumulative evidence for an area in the vicinity of 26° S, 111° E is quite feasible and convincing. There is no good reason to doubt that the German survivors told the truth and their descriptions of the action and its aftermath have remained essentially consistent over the years. The information they provided paints a credible picture of what occurred and is compatible with the known facts. **Comment:** The Seminar was given the task of recommending the viability of a wreck search. The Seminar was not required to investigate the truth of the German survivors' description of the action. The descriptions of the action referred to by the Chief of Navy were originally dictated by Detmers and have been accepted by the Navy as true ever since November 1941. There is compelling evidence that these descriptions were designed to hide the truth.

Following the finding of the wreck of Sydney by the Finding Sydney Foundation, Dr David Stevens, Director of Strategic and Historical Studies, Sea Power Centre- Australia wrote: "But the location of the Sydney and images of the enormous damage inflicted on the ship proved that information provided by the German survivors was accurate. No one has discovered anything that shows that the German survivors were lying about what happened". **Comment:** These images show the damage done to Sydney. They do not show how it happened. It has been the Navy's view ever since Nov 1941 that Captain Burnett was to blame for the loss of the Sydney. However, over the years, survivors have come forward with evidence that Burnett was the subject of an illegal ruse. This evidence is discussed in Part 3 of this paper.

"Report on the loss of HMAS SYDNEY" dated 18 July 2002

"Report on the loss of HMAS SYDNEY II Proceedings of the Wreck location Seminar Report, Page 51


Sydney AFP dated 21/4/2008 and published on the www. (Copy available)
<table>
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<th>What probably happened - The German lie.</th>
<th>Source</th>
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<td>21 Len &quot;Buster&quot; Crabbe recorded that before leaving Fremantle, Captain Burnett told his ship’s company that there was a raider about and that he intended to get it. <strong>Comment:</strong> Knowing this, there is no way Sydney would have approached a suspect vessel unless she had surrendered.</td>
<td>David Kennedy Vol 5, Page 977.</td>
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<td>22 Able Seaman W.E.A. Freer joined the RAN at the age of 19 year on 12 year engagement and served from 1923 to 1935. In response to a call for experienced men to rejoin the navy, he was accepted into the RAN Fleet Reserve and joined Sydney on 28 Aug 1941. In a letter to his wife dated 23 Oct 1941, he wrote: &quot;... no beating about the bush either with us, straight into it now, come what may big or little, its answer or go down...only trouble all have answered so far, although we have had two thrills, one was a close call for one ship that didn't speak quick enough, cleared for battle, but every body was disappointed when all well, blood thirsty lot on here I can tell you...and spoiling for a fight...&quot; On 25 October, he wrote &quot;...the travels extend 1000s of miles in all ways hunting...&quot; <strong>Comment:</strong> This is evidence that Sydney challenged the ships that she met and expected a prompt reply, and was always hunting for a German raider.</td>
<td>Extracts from AB Freer's letters to his wife supplied by his daughter, Mrs B.J. Craill.</td>
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<td>23 There is evidence that, on the way back from Sunda Strait on 17 Nov, not the 19 Nov as stated by Mr Drake, Sydney took over the escort of the troop ship Largs Bay at about 1600 for the journey to Fremantle. After a couple of hours, Sydney left her and steamed south. <strong>Comment:</strong> There is NO WAY Sydney would have left Largs Bay unescorted without a direct order from C-in-C CHINA. This is circumstantial evidence that the C-in-C was tracking Kormoran by HF/DF and had ordered Sydney to intercept.</td>
<td>L. H. Drake, Submission No 12, Vol 1 Page 95.</td>
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<td>24 Robert Mason was Chief Writer to LCDR McLachlan, Commanding officer, HMAS Harman. He reported that, at about 8 PM on 19 Nov, he was told by Chief Petty Officer Telegraphist Ben Tiller that a signal had been received from Sydney saying that she had a queer customer bailed up in the Indian Ocean and was trying to identify her. Telegraphist John Gore provided independent support for this statement. The Harman log for 19 Nov 1941 is missing. <strong>Comment:</strong> It is probable that Harman was monitoring the signals traffic between Sydney and C-in-C CHINA in Singapore. Hans Linke’s statement that Kormoran jammed Sydney’s radio can not be true. If she had done so, Sydney would have regarded this as a hostile act and would have opened fire instantly. The Departmental Submission by the Minister for Defence disputes Robert Mason’s evidence. Mason’s evidence is supported by German survivors and recorded by Alfons Schmitt. See Serial 25.</td>
<td>Interview by D. Kennedy Vol 5, Page 962 and Vol 9, Page 2040. Departmental Submission No 94 by the Minister for Defence, Vol 8 Page 1849</td>
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Alfons Schmitt was a POW in Dhurringile. He gleaned the following account of the battle from Kormoran’s officers: “When a cruiser became visible the Germans knew it would be Australian. Sydney signalled on international radio frequency: “What Ship” Kormoran replied with the name of the KPM vessel. The raider was monitoring Sydney and heard her sending off a message that they did not understand but which Detmers knew meant that they were being checked up on. Sydney “stayed off for a while, as though waiting for advice”. Kormoran’s bridge knew that after an acknowledgement, “a message would come back at any moment and that when it did they would probably revealed as impostors”. They thought they were dead”. It was at this point that Detmers hoisted a white flag and pretended to surrender. 

Comment: This story rings true. Schmitt was not on Kormoran’s bridge during the action and this information would have been put together by Schmitt whilst in Dhurringile POW camp. This is important because it ties in with Robert Mason’s account of messages monitored by Harman. See Serial 24.

The Minister for Defence states “Mr Mason’s version of the events has a senior sailor listening to an encoded morse code transmission, mentally deciphering the code, verbally reporting the contents of the message and continuing to monitor the transmission. A truly remarkable feat.” Comment: This is a gross and deliberate distortion of the facts. Mason was in the passage way outside the WT Room. He was told by Chief Petty Officer Telegraphist Ben Tiller that “Sydney has a queer customer bailed up in the Indian Ocean and is trying to identify her”. This is clearly a summary of the messages received and decoded in the WT Room. Mr Mason recorded the incident in detail on video tape for David Kennedy. The fact that Kormoran had been challenged by Sydney and stopped at the start of the engagement was recorded by Alfons Schmitt, a prisoner in in Dhurringile POW camp. See Serial 25.

David Kennedy interviewed Hans Linke at his home in Germany in October 1998. Linke said that, when interviewed by RAAF Officers six days after the battle, he told the truth about the action because, for him, "the war was over". Linke’s daughter Sigrid said that other Kormoran crew members called her father “a traitor” because he told the truth (about the battle instead of the story dictated by Detmers). Comment: Linke was the only survivor to tell the truth from the beginning. As recorded below, others have come forward since. The statement in the submission by the Minister for Defence that there is no supporting evidence that the German survivors lied to cover up war crimes is wrong (Serial 15). There is a mass of evidence in this paper which shows that most of the German survivors followed Detmers order to lie about the events leading up to the battle to hide the fact that Detmers pretended to surrender then opened fire with a torpedo from a secret underwater tube.

Dr John McArthur has followed the HMAS SYDNEY saga since 1971. In his submission to the Inquiry, he wrote: "The officers on Sydney knew that the ship they were in the process of apprehending was Raider 41. There is NO WAY that Sydney would have drawn as close as the German and official narrative would have us believe ... ". He summed up by writing: "Sydney did not come upon the raider by chance. She was ordered to find and engage the raider. Accept this as fact and the official narrative dissolves. The official narrative is flawed to a degree that makes it an unworthy chronicle of Sydney’s last moments. It is time to unravel the real story and give Sydney and her Captain the honour they deserve". Comment: As John McArthur has pointed out, Burnett was a man of caution . . . A man whom Admiral Colvin, then First Naval Member serving with the RAN, was prepared to rank as on of the three foremost serving senior officers. It is considered that the Navy blamed Captain Burnett for the loss of his ship to cover their mistakes.
LCDR Ean McDonald wrote that there was a special routine for dealing with a suspect ship. If the ship stopped when challenged, "then the warship's cutter with a heavily armed party would be lowered and the ship instructed to approach and take the boarding party on board. In the mean time the warship would move away well out of range until she had clarified the situation. The Cutter's crew would board with set tasks. ..... " Comment: Sydney did not carry out this procedure because, when challenged, Kormoran stopped and pretended to surrender. As Kormoran was flying a white flag, Sydney's only course of action was to close in to take her prisoner. As soon as Sydney stopped on Kormoran's starboard quarter, with a white flag still flying, opened fire with a torpedo from her secret underwater tube.

Submission No 45 by LCDR Ean McDonald and published on Vol 3, Page 525.

LCDR Ean McDonald wrote " After many years of researching and consideration of the mystery I have concluded that a simulated surrender by the Germans answers most of the questions as to how Sydney was lured to her destruction. I have no doubts that Detmers used some ruse to bring Sydney in as close as he could before opening fire".

Comment: The best evidence that Detmers used an illegal ruse to trap Sydney is to be found in his book. He wrote "I practised with him the stopping of a steamer. I managed to let go a practice torpedo from the underwater tube so that the commander could neither prevent nor outmanoeuvre the attack" and "Neither of us suspected how bitterly earnest a situation should develop in which the torpedoes would play such a role."

Submission No 45 by LCDR Ean McDonald and published on Vol 3, Page 540 and Captain Detmers book "The Raider KORMORAN" Page 43

David Kennedy interviewed Hans Linke in January 1988. Linke stated that Sydney steamed round Kormoran. "She had a good look at us from all sides". Comment: For this to be true, Kormoran had to be stopped. This confirms Detmers' statement made when he was interrogated at Swanbourne.

Vol 9, Page 2035.

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. Linke said that the action was discussed and talked over in the prison camp. The torpedo personnel explained it and it was passed from mouth to mouth in conversation. Comment: This rings true. The torpedo took about one minute to reach Sydney. It is probable that Detmers did not display the German Ensign until he saw that the torpedo had hit Sydney.

Vol 5, Page 966.

Hans Linke told David Kennedy that when the action started, Kormoran jammed Sydney. Comment: I think that this is most unlikely. Kormoran had surrendered. To jam Sydney would have been regarded as a hostile act. Sydney would have opened fire instantly. See Robert Mason's account of events at Harman on the evening of 19 Nov. Serial 23.

Vol 5, Page 968.

Hans Linke told interrogators that Kormoran twice sent the position 26 South, 111 East on the 600 metre band. Ernst Pachmann said the signal was QQQQ 111 E 26S 1100 GMT Struct Malakka. Comment: There is reason to believe that the time of origin of this signal was 1000 GMT. This message, slightly garbled, was picked up by the tug UCO, Geraldton and Perth. The wreck of Kormoran was found within 5 nm of this position!

Vol 5, Page 978.

Vice Admiral Sir Guy Royle, First Sea Lord, was dissatisfied with Linke's evidence and considered that it was not necessary to give it consideration. Kennedy commented that Royle could have eliminated the only witness to have given an account closest to the truth.

HMAS SYDNEY Loss and Controversy, Page 82.
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<td>36</td>
<td>Heinz Schott recorded in his diary that, at the start of the engagement, he heard an announcement over the ship's communication system that &quot;After the sighting, Sydney began to send messages ordering us to stop.&quot; <strong>Comment:</strong> This supports Linke's statements.</td>
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<td>37</td>
<td>Von Goesseln told David Kennedy in 1997 that as she approached, Sydney had her Walrus turned on with the engine running. Detmers wrote: &quot;The engine was probably warming up. At any moment it would be catapulted into the air; and once the observer spotted us from above he would recognize us at once for what we were, an auxiliary cruiser. Or at very least he would wireless back that we looked highly suspicious.&quot; <strong>Comment:</strong> The Walrus engine was shut down because Kormoran had surrendered and there was no further need to inspect her from the air.</td>
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<td>38</td>
<td>Kristin Williamson recorded in &quot;The Last Bastion&quot; that on the evening of 19 November, Prime Minister Curtin told his wife Elsie &quot;The Sydney's been sunk by a German raider&quot;. <strong>Comment:</strong> This information must have come from the Navy Office. There is a possibility that the Author got the date wrong. It is more likely that this happened on 24 November.</td>
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<td>39</td>
<td>'Lofty' Cummins on duty at Belconnen, then part of Harman, monitored calls from Sydney late on the evening of 19 Nov and concluded that Sydney was lost. Cummins told Bob Ridley. When questioned, Bob Ridley reported that this information was 'all over Canberra within 24 hours'. <strong>Comment:</strong> The Navy claims that no signals were received from Sydney on 19 Nov. Harman's log for 19 Nov has not been found!</td>
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<td>40</td>
<td>Reginald E. Lander made a statutory declaration on 30 Apr 1997. He described his involvement in the tracking of Kormoran by means of HF/DF. He stated &quot;Our interception of the raider's traffic was done over a period of about 8 to 10 days and every night there was something there. ........ until one day we received news that the Sydney had sunk.&quot; <strong>Comment:</strong> The Departmental Submission by the Minister for Defence page 1847 contains the comment: &quot;Whilst it is unlikely that the organisation as described by Mr Landers carried out the work he states, it is possible that these stations were involved in some form of HF/DF work.&quot; The submission sites a paper on HF/DF tracking in the South China Sea and the Dutch East Indies in the early part of 1939. It has nothing to do with tracking Sydney in November 1941. The department's attempt to discredit Mr Landers fails utterly!</td>
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<td>41</td>
<td>Goesseln told David Kennedy that Detmers let it be known that the men could talk about the action but not the preceding operations. <strong>Comment:</strong> Detmers gave this order to hide the fact that he had pretended to surrender then opened fire with a torpedo from Kormoran's secret underwater tube.</td>
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<td>42</td>
<td>In July 1960, Gustav Albers told Alan Dower that he was a member of the crew of the Kormoran. He said: &quot;One day we sight the Australian cruiser and Captain Detmers orders &quot;action stations&quot; but not to show the guns&quot;. &quot;The Sydney, she was suspicious... but later she came within 1000 metres of us to examine closely while our Dutch flag was still flying. The range had been given us from our bridge. It was an accurate and careful one ..... and I laid it on No 4 six-inch gun on the starboard side. All was quiet. Then suddenly Capt. Detmers orders &quot;Open fire!&quot; &quot;Whoosh!&quot; We launch two big torpedoes. One hits the Sydney's bows. She is lame and turns away as up come our heavy guns. Our small-calibre quick-firing guns hammer at the Sydney's bridge... as the Dutch flag is struck and the German ensign rises to the mast. Then our big guns open fire. We hit right along the water line, ... &quot; <strong>Comment:</strong> Kormoran launched one torpedo from an underwater tube. This is the nearest approach to the true account of the events given by any of the Kormoran survivors.</td>
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<td>43</td>
<td>During his interrogation in Swanbourne Barracks on 1 Dec, Detmers stated that &quot;cruiser signalled 'stop'&quot;. There can be no doubt that Kormoran stopped. If she had not done so, Sydney would have opened fire. <strong>Comment:</strong> The fact that Detmers was able to fire with a torpedo from his secret underwater tube is evidence that Kormoran was stopped.</td>
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<td>44</td>
<td>In a follow-up interview in Jan 1988, Hans Linke stated that Sydney signalled Kormoran to stop. This is supported by Heinz Messerschmidt who said &quot;We were not mobile ...&quot; i.e. stopped. Sydney approached Kormoran from the north-east then slowed down and steamed round us. She had a look at us from all sides. <strong>Comment:</strong> This confirms Detmers' statement to his interrogators at Swanbourne Barracks that Kormoran stopped when ordered to do so.</td>
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<td>45</td>
<td>Messerschmidt told David Kennedy that he has a mental &quot;picture you never forget&quot; that &quot;Aquitania was going north&quot; was &quot;steering to the north&quot; when he saw it from Detmers' boat (about noon) on Nov 23. David speculates &quot;... had she (Aquitania) been ordered by the Admiralty to do a high speed search (after picking up survivors from Kormoran's raft at about 0600.)&quot; <strong>Comment:</strong> Assuming Detmers' lifeboat started from a point near the wreck of Kormoran and that Detmers saw an aircraft orbiting Goesseln's boat near 24 52N, 111 09E at 0700 on 25 Nov, his average speed over the ground would be about 0.73 knots. (This is in good agreement with LCDR Ean McDonald's calculations!) Using this figure, Detmers could have sighted Aquitania about noon on 23 Nov near 25 15S, 111 00E. If Aquitania had been carrying out a search on orders by C-in-C CHINA, this would appear to be possible.</td>
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<td>46</td>
<td>Lt Petersen RAN-S who spoke fluent German was aboard Centaur when she picked up survivors from Kormoran. He listened to survivors discussing the action. He gathered that Kormoran had opened fire with a torpedo from an underwater tube whilst flying a white flag. On arrival in Carnarvon, he reported the matter to a Naval Officer. He was made to sign the Official Secrets Act and ordered to tell no one about what he had heard. In 1942, he told Mr. A.D.M. Clark who lost a brother aboard Sydney. He told no one else. In a personal communication, Glenys McDonald wrote that the crew lists of Centaur dated 8.9.41 do not include a Lt Petersen. <strong>Comment:</strong> I do not think the fact that Lt Petersen was not on the crew list proves that he was not aboard Centaur.</td>
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<td>47</td>
<td>In a personal communication, LCDR Ean McDonald RANR (Retd) told me that the fact that Kormoran flew a white flag was corroborated by an Italian named Cardacci who was told by a member of Kormoran's crew when in POW camp. <strong>Comment:</strong> This supports Lt Petersen's evidence.</td>
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<td>48</td>
<td>In a report on the Inquiry, Michael Montgomery wrote: H. Evans, Third Mate on the Koolinda which picked up Kormoran survivors Reported that survivors said that Kormoran raised a white flag and lured Sydney in close. <strong>Comment:</strong> This supports Lt Petersen's evidence. Captain Detmers took great care to suppress the evidence that he flew a white flag because this was a breach of Law of Naval Operations and attracted the death penalty.</td>
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<td>49</td>
<td>Heinz Weitzel, a radio operator on the second voyage of the German raider Thor, said that in battle, messages were sent in &quot;open text&quot;, i.e. in plain language <strong>Comment:</strong> When in contact with the enemy, the British army applied the same rules. This explains why Sydney's signals sent to C-in-C CHINA and recorded by Harman were not encoded.</td>
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"It should also be considered that Detmers, in his escape (from Dhurringile) in 1945, did so in the knowledge that his notoriety and poor health would virtually ensure his capture on an Island Continent. That he did not dispose of his hidden diary before it was found indicated that he wanted it discovered, and decoded, so that the version (of the battle) he had given to interrogators would be "confirmed" by entries in the diary.  

Comment: Detmers knew that if the Australians found out that Kormoran was flying a white flag when Sydney closed in to take her prisoner and then opened fire with a torpedo from a secret underwater torpedo tube, he would be liable for the death penalty. This was a deliberate and successful attempt by Detmers to convince his captors that he told the truth about the conduct of the battle.

Hermann Ortmann was a passenger in Detmers' Lifeboat told David Kennedy that Aquitania passed within five miles about noon on 23 Nov. One of the officers tried to fire a flare but Detmers prevented it because he was hoping to be picked up by a neutral ship.  

Comment: If Detmers had hailed Aquitania, he could have passed on information about the location of the battle so that Search and Rescue could have been put in hand.

Jack Hazelwood was told by two members of the crew of the Lighthouse Tender Cape Otway that they had sailed amongst bodies at the foot of the Zuytdorp Cliffs. When they reported this by radio to the Navy. The Navy asked "Any Survivors" We answered "No apparent survivors". Later, a signal from the Navy read "Leave the area immediately, resume your normal duties". Mr McCarthy, WA Maritime Museum heard the Otway Bodies story from a number of sources. A number of pages are missing from Cape Otway's log from 18 Nov 1941 to 30 March 1942.  

Comment: It is possible that these bodies came from a lifeboat that was wrecked off Shoal Point some days after the battle. There is no evidence that the lifeboat and the bodies in lifejackets came from Sydney. In any case, this is a good example of the 'cover up' by the Navy at that time.

Glenys McDonald recorded that a person who wished to remain anonymous contacted the Sunday Herald Sun stated that he was attached to 1st Signals Corps' Special Wireless Monitoring Group heard Cape Otway reporting many bodies but the search ship was ordered to leave the area immediately.  

Comment: This is good independent confirmation that bodies were found by Cape Otway.

Following the Inquiry into the Circumstances into the Sinking of HMAS SYDNEY, The Joint Standing Committee on Foreign Affairs, Defence and Trade (JSCFA). In their Report on the loss of HMAS SYDNEY, the Committee wrote: "The Committee believes a strong case can be made that the Kormoran's underwater torpedo capability played a major role in the defeat of Sydney.  

Comment: The Committee did not follow this up. There is evidence that Detmers pretended to surrender then fired a torpedo from Kormoran's secret underwater tube whilst a white flag white flag was flying.

Tom Frame wrote "I believe my reconstruction of the Sydney - Kormoran action, which revolves round my contention that Sydney was preparing to board Kormoran when the German ship fired a torpedo from the starboard submerged tube, is consistent with the evidence which offers a plausible explanation of why the Australian light-cruiser ventured so near to the raider".  

Comment: This is the crux of the matter.
6.2.5 War Crimes Under International Law. For the purposes of this publication, war crimes are defined as those acts which violate the law of armed conflict, that is, the rules established by customary and conventional international law regulating the conduct of warfare, and which have been generally recognized as war crimes. Acts constituting war crimes may be committed by the armed forces of a belligerent or by individuals belonging to the civilian population. Belligerents have the obligation under international law to punish their own nationals, whether members of the armed forces or civilians, who commit war crimes. International law also provides that belligerents have the right to punish enemy armed forces personnel and enemy civilians who fall under their control for such offences.

The following acts are representative war crimes:

12. Treacherous request for quarter (i.e., feigning surrender in order to gain a military advantage).

7.5 ACQUERING ENEMY CHARACTER

All vessels operating under an enemy flag, and all aircraft bearing enemy markings, possess enemy character. However, the fact that a merchant ship flies a neutral flag, or that an aircraft bears neutral markings, does not necessarily establish neutral character. Any merchant vessel or civilian aircraft owned or controlled by a belligerent possesses enemy character, regardless of whether it is operating under a neutral flag or bears neutral markings. Vessels and aircraft acquiring enemy character may be treated by an opposing belligerent as if they are in fact enemy vessels and aircraft. (Paragraphs 8.2.1 and 8.2.2 set forth the actions that may be taken against enemy vessels and aircraft.)

2. Before summoning a vessel to lie to, the warship should hoist its national flag. The summons is made by firing a blank charge, by international flag signal (SN or SQ), or by other recognized means. The summoned vessel, if a neutral merchant ship, is bound to stop, lie to, display her colors, and not resist. (If the summoned vessel is an enemy ship, it is not so bound and may legally resist, even by force, but thereby assumes all risk of resulting damage or destruction.)

8.2.1 Enemy Warships and Military Aircraft. Enemy warships and military aircraft, including naval and military auxiliaries, are subject to attack, destruction, or capture anywhere beyond neutral territory. It is forbidden, however, to target an enemy warship or military aircraft that in good faith clearly conveys a timely offer of surrender. Once an enemy warship has clearly indicated a readiness to surrender by hauling down her flag, by hoisting a white flag, by surfacing (in the case of submarines), by stopping engines and responding to the attacker's signals, or by taking to lifeboats, the attack must be discontinued.
Accordingly, enemy merchant vessels may be attacked and destroyed by surface warships, either with or without prior warning, in any of the following circumstances:

1. Persistently refusing to stop upon being duly summoned to do so

11.7 PRISONERS OF WAR

Combatants cease to be subject to attack when they have individually laid down their arms to surrender, when they are no longer capable of resistance, or when the unit in which they are serving or embarked has surrendered or been captured. However, the law of armed conflict does not precisely define when surrender takes effect or how it may be accomplished in practical terms. Surrender involves an offer by the surrendering party (a unit or individual combatant) and an ability to accept on the part of the opponent. The latter may not refuse an offer of surrender when communicated, but that communication must be made at a time when it can be received and properly acted upon—an attempt to surrender in the midst of a hard-fought battle is neither easily communicated nor received. The issue is one of reasonableness.

11.9.5 The White Flag. Customary international law recognizes the white flag as symbolizing a request to cease-fire, negotiate, or surrender. Enemy forces displaying a white flag should be permitted an opportunity to surrender or to communicate a request for cease-fire or negotiation.

12.1.2 Prohibited Deceptions. The use of unlawful deceptions is called "perfidy." Acts of perfidy are deceptions designed to invite the confidence of the enemy to lead him to believe that he is entitled to, or is obliged to accord, protected status under the law of armed conflict, with the intent to betray that confidence. Feigning surrender in order to lure the enemy into a trap is an act of perfidy.

12.3 NEUTRAL FLAGS, INSIGNIA, AND UNIFORMS

12.3.1 At Sea. Under the customary international law of naval warfare, it is permissible for a belligerent warship to fly false colors and disguise its outward appearance in other ways in order to deceive the enemy into believing the vessel is of neutral nationality or is other than a warship. However, it is unlawful for a warship to go into action without first showing her true colors. Use of neutral flags, insignia, or uniforms during an actual armed engagement at sea is, therefore, forbidden.

12.5 ENEMY FLAGS, INSIGNIA, AND UNIFORMS

12.5.1 At Sea. Naval surface and subsurface forces may fly enemy colours and display enemy markings to deceive the enemy. Warships must, however, display their true colours prior to an actual armed engagement.

12.7 FALSE CLAIMS OF NONCOMBATANT STATUS

It is a violation of the law of armed conflict to kill, injure, or capture the enemy by false indication of an intent to surrender or by feigning shipwreck, sickness, wounds, or civilian status (but see paragraph 12.3.1). A surprise attack by a person feigning shipwreck, sickness, or wounds undermines the protected status of those rendered incapable of combat. Similarly, attacking enemy forces while posing as a civilian puts all civilians at hazard. Such acts of perfidy are punishable as war crimes.

End of extract.