

COMMISSION OF INQUIRY INTO THE LOSS OF HMAS SYDNEY II

Before The Hon TRH Cole AO RFD QC

Held at residence of Mr Fritz Kummerer
[REDACTED] Germany

Counsel Assisting: LEUT Matthew Tyson
LEUT Stephen Harper

On Friday, 4 July 2008
(Day 7)

28 THE PRESIDENT: I've come to the home of Mr and
29 Mrs Fritz Kummerer [REDACTED] in Germany to take evidence
30 in relation to the Inquiry into the encounter between
31 HMAS Sydney and the Kormoran. I've come here because
32 Herr Kummerer is a survivor from the Kormoran and he is in
33 his late 80s. Herr Kummerer, I would ask you to take an oath to tell
34 the truth. Can you translate that?

35
36 Interpreter [German]: I am in Mr & Mrs Kummerer's house [REDACTED]
37 I will today take a statement from Mr Kummerer in relation to the Commission of
38 Inquiry into the HMAS Sydney 2. Mr Kummerer is one of the survivors of the
39 Kormoran. He is in his late eighties and I will now administer an oath to him. Please take
40 the Bible.

41
42 THE PRESIDENT: Take the Bible, please. If the evidence you are about to give to this
43 Inquiry are the truth and nothing but the truth, please say 'So help me God'.

44
45 Interpreter [German]: If the statements you are about to make are the truth and nothing
46 but the truth, please say 'So help me God'.

47

1 <FRITZ KUMMERER, sworn:
2
3

4 Fritz Kuemmerer [German]: So help me God.
5

6 THE PRESIDENT: Thank you very much.
7

8 LEUT TYSON: Q. Thank you, Herr Kummerer, for your
9 assistance with this Commission of Inquiry. My name is
10 Leut Matthew Tyson. I'm here with Mr Frank Thomas,
11 interpreter, and my colleague, Leut Stephen Harper. Sir,
12 can I start, please, by asking for your full name?
13
14

15 Interpreter [German]: Hello Mr Kuemmerer. My name is Matthew Tyson and to start
16 with I would like to thank you for making yourself available. I am here with my
17 colleague Mr Harper and our interpreter Mr Thomas. I would like to begin this interview
18 by asking your full name. Would you tell us your name please?
19

20 Fritz Kuemmerer [German]: Friedrich Franz Kuemmerer.
21

22 A. I'm Friedrich Franz Kummerer.

23 Q. Thank you, and what is your address, sir?

24 A. I'm Friedrich Franz Kummerer.
25
26

27 Interpreter [German]: What is your address?
28

29 Fritz Kuemmerer [German]: [REDACTED]
30

31 A. I'm Friedrich Franz Kummerer.

32 Q. And before the outbreak of World War II, what was your
33 occupation?
34
35

36 Interpreter [German]: What was your occupation before the outbreak of World War II?
37

38 Fritz Kuemmerer [German]: Well, I worked for the Tramways later on. You could say I
39 was a labourer in a factory.
40

41 A. I was working in a factory. I was just a helper, a
42 helping hand.

43 Q. And, sir, what's your date of birth?
44
45

46 Interpreter [German]: What is your exact date of birth?
47

1 Fritz Kuemmerer [German]: [REDACTED]

2

3 A. [REDACTED]

4 Q. I'd now like to ask about what your duties were on the
5 Kormoran, and can you start by telling us what division
6 were you in?

7

8

9 Interpreter [German]: I would now like to ask you questions about your duties on board
10 the Kormoran. Would you tell us to start with which Division you belonged to?

11

12 Fritz Kuemmerer [German]: The Fourth Division.

13

14 A. I was in the IV Division.

15 Q. And who was in charge of the IV Division? Was it
16 possibly Mitelaff?

17

18

19 Interpreter [German]: Who was in charge of the Fourth Division?

20

21 Fritz Kuemmerer [German]: Who was it... Lieutenant Brinkmann.

22

23 A. Leut Brinkmann.

24 Q. Now, sir, what were your duties on Kormoran? What did
25 you do on Kormoran?

26

27

28 Interpreter [German]: What were your duties on board the Kormoran? What did you do?

29

30 Fritz Kuemmerer [German]: I operated a 2cm anti-aircraft gun.

31

32 A. I was at the 2cm anti-aircraft gun.

33 Q. Can I ask you which 2cm gun did you serve on?

34

35

36 Interpreter [German]: May I ask which 2cm anti-aircraft gun you operated?

37

38 Fritz Kuemmerer [German]: The second one. We had four of them. Two of them were on
39 the upper deck and two amidship.

40

41 A. At the second. I was at the second. We had four
42 altogether. Two were at the forward deck, at the fo'c'sle,
43 and two were amidships.

44 Q. Sir, I'd like to show you a diagrammatic
45 representation of Kormoran. Would you please be able to
46 identify on that document whereabouts the gun was that you
47 served at?

1
2 Interpreter [German]: I brought along this diagram of the Kormoran. Could you indicate
3 the location of your canon, your anti-aircraft gun, by means of a cross?
4
5 Fritz Kuemmerer [German]: Yes.
6
7 THE INTERPRETER: Do you want to see this?
8
9
10 Fritz Kuemmerer [German]: It was here, behind the Bridge.
11
12 LEUT TYSON: Yes, thank you.
13
14
15 Interpreter [German]: We need something to write on. That might make it easier. There
16 we are.
17
18 LEUT TYSON: Mr Commissioner, I'll just show you this document and
19 I'd ask whether it's convenient to the Commission if that
20 be tendered as exhibit 19?
21
22
23 Interpreter [German]: Mr Chairman, I would like to give you this document and request
24 that it be admitted as Exhibit No 19.
25
26 THE PRESIDENT: Yes.
27
28 EXHIBIT #19 DIAGRAMMATIC REPRESENTATION OF KORMORAN SHOWN
29 TO FRITZ KUMMERER
30
31 THE PRESIDENT: Just make the mark more definitive.
32
33
34 Interpreter [German]: Let's make the marking clearer.
35
36 LEUT TYSON: Q. Now, sir, did that gun have any
37 camouflage or disguise around that it?
38
39
40 Interpreter [German]: Was this gun you manned disguised?
41
42 Fritz Kuemmerer [German]: Yes, of course. Everything was disguised. Absolutely
43 everything. Nothing was visible from outside. It was lowered and then the cover closed.
44
45 A. Yes, of course it was disguised. In fact, everything
46 was disguised, and this one was lowered underneath the deck
47 and then it was covered with a hatch.

1 Q. And how was that gun raised when it was brought into
2 action?

3

4 Interpreter [German]: How was this gun raised?

5

6 Fritz Kuemmerer [German]: Hydraulically. It was so cleverly designed that you could see
7 nothing of it from the outside.

8

9 A. It was an hydraulic system. It was a very
10 sophisticated system. You couldn't see anything from the
11 outside. It was, yes, lifted hydraulically.

12 Q. When the gun lifted hydraulically, how did the doors
13 on the hatch open?

14

15

16 Interpreter [German]: When the gun was hydraulically raised, how did the covers open?
17 How did that work?

18

19 Fritz Kuemmerer [German]: Well, they moved apart like that.

20

21 Interpreter [German]: By themselves? Or was there a mechanism?

22

23 Fritz Kuemmerer [German]: Yes, it all worked at the push of a button, automatically. It
24 was very cleverly designed. Brilliant.

25

26 A. As I said, it was very sophisticated. It was all by
27 the push of a button. It all opened automatically.

28 Q. How long would it take, from when the gun was below
29 the deck, to go from that position and to come up above the
30 deck and be ready to fire? How long did that take?

31

32

33 Interpreter [German]: How long would it have taken to bring the gun from below deck,
34 supposing that's where it was located, and start it up ready for battle?

35

36 Fritz Kuemmerer [German]: 5, 6, 7 seconds. It was fast. It worked on the basis of air
37 pressure.

38

39 A. About six to seven seconds. It was with air pressure
40 and it was very quick, six or seven seconds.

41 Q. And, sir, what was your precise role on the gun? What
42 did you do with the gun?

43

44 Interpreter [German]: What exactly was your task at the gun?

45

46 Fritz Kuemmerer [German]: I loaded it. It took 5 or 6 cartridges. We packed them in and
47 it would produce four or five consecutive shots. It sounded a bit like a drum. It was all so

1 cleverly devised. And it worked faultlessly.

2

3 A. My job or my duty was to load the gun, and we had five

4

5 to six bullets each in one cartridge or in a revolver
6 thing, and it was my duty to load them onto the gun. It
7 was a very sophisticated machine. It worked perfectly.

8 Q. Was this gun available for use against aircraft
9 targets or also against surface targets?

10

11

12 Interpreter [German]: Were you able to use these guns only as anti-aircraft missiles, i.e.
13 against planes or could they be deployed against targets on land or on the ground?

14

15 Fritz Kuemmerer [German]: Yes, we did use them on land and on the ground but only for
16 a distance of up to 1.5km. They wouldn't have reached further.

17

18 A. Now, it could be used for both, but the distance it
19 could shoot was only one and a half kilometres.

20 Q. So against a surface target, the range was about one
21 and a half kilometres?

22

23

24 Interpreter [German]: Talking about targets on the ground, you could reach targets which
25 were no further than 1.5km away.

26

27 Fritz Kuemmerer [German]: Yes, correct.

28

29 Interpreter [German]: And air targets?

30

31 Fritz Kuemmerer [German]: It was the same. One and a half kilometers.

32

33 A. Well, yes, that was surface targets. But in the air,
34 it was more or less the same also, 1.5 kilometres.

35 Q. Now, sir, I want to take you to the afternoon of
36 19 November 1941 when Kormoran came across an unidentified
37 ship on the horizon.

38

39 THE PRESIDENT: Q. Just before you do - when you were
40 down below, before the gun was raised, could you see out?

41

42 Interpreter [German]: When you were below deck, could you see anything of what was
43 happening outside before you raised your guns?

44

45 Fritz Kuemmerer [German]: Yes, we could to some extent. We had these peep holes.
46 They were quite small and they were disguised so you couldn't detect them from outside.
47 Very cleverly done really.

1

2 A. Yes, we had little holes, peepholes, that we could
3 look through. It was difficult to look through, because
4 they were very small, but you could see through them. It
5 was, again, very sophisticated, the camouflage. It was not
6 possible to see anything from the outside.

7 LEUT TYSON: Q. Okay, sir, I want to take you to the
8 afternoon of 19 November 1941. Do you remember the alarm
9 going off on Kormoran that afternoon?

10

11 Interpreter [German]: I would like to take you back to 19 November 1941 now. Do you
12 remember the alarm going off on board the Kormoran that afternoon?

13

14 Fritz Kuemmerer [German]: Yes. The moment we sighted the ship, the alarm went off.
15 We were immediately called to combat stations.

16

17 A. Well, as soon as there was a ship sighted, the alarm
18 bell rang and then we all went to our action stations
19 immediately.

20

21 Q. Do you remember what time that was, sir?

22

23 Interpreter [German]: Do you remember approximately what time it was?

24

25 Fritz Kuemmerer [German]: Oh, it was mid-day, four o'clock, half past four may be.

26

27 A. Well, it was noon or later. It was 4 or half past 4,
28 more or less.

29 Q. Now, when the alarm rang, I think you said that you
30 went to your battle station; is that correct?

31

32 Interpreter [German]: When the alarm was sounded, you headed for your battle stations,
33 you said. Is that correct?

34

35 Fritz Kuemmerer [German]: Yes, immediately.

36

37 A. Yes, immediately.

38 Q. And, sir, what was your battle station?

39

40 Interpreter [German]: And what exactly was your battle station?

41 Fritz Kuemmerer [German]: The 2cm gun.

42

43 A. The 2cm gun.

44 Q. So the gun that you've pointed out earlier - that was
45 your battle station?

46 A. Yes.

47

1 Interpreter [German]: The gun you pointed out earlier?

2

3 Fritz Kuemmerer [German]: Yes, that's right.

4

5 Q. Do you remember, at any time after the alarm rang, did
6 Kormoran change her course?

7

8

9 Interpreter [German]: Do you remember if the Kormoran changed course after the alarm
10 was sounded?

11

12 Fritz Kuemmerer [German]: Yes, I think he announced that he wanted to go to South
13 America a few days earlier as far as I remember. And so we would have adjusted our
14 course somewhat. We had wanted to deposit mines off the coast of Perth at night. We
15 practically had to turn around 180 degrees.

16

17 A. Well, the course was changed, because we told them we
18 were going from Batavia to South America, so of course we
19 had to change our course, and because also we wanted to lay
20 mines in the harbour of Perth, so we had to turn around for
21 about 180 degrees.

22 Q. So you remember Kormoran changing her position, the
23 direction in which she was travelling - she moved?

24

25 Interpreter [German]: So you remember the Kormoran changing course shortly before
26 battle?

27

28 Fritz Kuemmerer [German]: Yes, we changed course the moment we sighted the ship.

29

30 A. No. Immediately when we saw the other ship, we
31 changed our course to make this course equivalent to what
32 we were going to tell them, to move to the course correct
33 for a route between Batavia and South America.

34 Q. And, sir, when you got to that battle station, were
35 you able to see the warship that had been located?

36

37 Interpreter [German]: When you went to your battle station, could you see the war ship
38 from there which had been sighted previously?

39

40 Fritz Kuemmerer [German]: Sure. We kept looking through the peep holes. But what ship
41 it was, we didn't know. We could see that it was a war ship, of course. We could tell
42 from the canons but that it was the Sydney, we didn't know.

43

44 A. Yes, of course. We looked all the time through these
45 little holes, the peepholes, but we didn't know what kind
46 of ship it was, that it was the Sydney. Of course, we
47 could see that it was a warship, but we didn't know which

1 one it was.

2 Q. Can you describe what you saw about this ship? What
3 did you see about her? What did you observe?

4

5 Interpreter [German]: Can you describe what you could see of the ship? What were your
6 observations?

7

8 Fritz Kuemmerer [German]: Yes. I saw that it was a cruiser and it came closer, to within
9 a kilometer, something you would think almost impossible in war times. Our Commander
10 was questioned later when we were in Australia . He was asked if he personally would
11 ever have steered that close to an unknown war ship. He neither said yes nor no. He didn't
12 want to bring the Captain into disrepute.

13

14 A. Yes, I saw her approaching; I saw that it was
15 a cruiser, and until she came about to a distance of
16 one kilometre, I thought it was impossible - like our
17 Commander said later in Australia when we were prisoners of
18 war, if he was asked if he would have done the same, but
19 then he answered neither "yes" nor "no", because he didn't
20 want to insult the Commander of the Sydney.

21 THE PRESIDENT: Q. When you were at your battle station
22 and first saw this other ship, about how far away was it?

23

24 Interpreter [German]: When you were on your battle station and saw the other ship for
25 the first time, how far away would you say it was?

26

27 Fritz Kuemmerer [German]: When we saw it for the first time? About eight miles.

28

29 Interpreter [German]: That was when you saw it for the first time, through the peep hole.

30

31 Fritz Kuemmerer [German]: Yes, that's right. But we didn't know what it was. The first
32 thing you tend to see are the masts, aren't they? Then the bow slowly came into view and
33 then the canon. And that's when we knew we are in trouble here.

34

35 A. Well, when we first saw it, it was behind the horizon,
36 and then, of course, you first see the mast and then later
37 you see the guns, and we thought, oh, this is going to be
38 dangerous.

39 Q. But when you went to battle stations and looked
40 through the little hole, you saw it?

41

42

43 Interpreter [German]: The first time you saw the ship with your own eyes, through the
44 peep hole, you could see that somewhere on the horizon there was the Sydney? So let's
45 pinpoint the exact moment when you personally ...

46

47 Fritz Kuemmerer [German]: At first we thought that what we are seeing is a sailing

1 ship because initially all we saw was masts.

2

3 Interpreter [German]: But when you personally saw the Sydney for the first time, how
4 far away was she – a kilometer or further away than that?

5

6 Fritz Kuemmerer [German]: No. Much further away. Five kilometres, three nautical
7 miles.

8

9 THE INTERPRETER: Okay, to make this clear for the
10 translation purpose, I repeated your question a couple of
11 times to make it clearer for Mr Kummerer, because I think

12

13

14

15 he didn't understand quite what was your point, so I made
16 clear that we only wanted to know exactly the moment, what
17 he saw when he looked through this little hole, and then he
18 said he doesn't know exactly, but it was maybe
19 five kilometres she was away.

20

21 THE PRESIDENT: Thank you.

22

23 LEUT TYSON: Q. Was there a range finder in the gun that
24 you were at?

25

26 Interpreter [German]: Was there a range finder on the gun you used?

27

28 Fritz Kuemmerer [German]: No.

29

30 A. No.

31 Q. How were ranges communicated?

32

33 Fritz Kuemmerer [German]: Only the 15cm gun had a range finder. We had none.

34

35 A. Only the 15cm guns had one. We didn't have any.

36 Q. I want to take you back to your observations of Sydney
37 as you saw her through these peepholes. Do you remember,
38 were there any changes in her speed or any changes in her
39 angle of approach to Kormoran?

40

41 Interpreter [German]: When you observed the Sydney through these peep holes, did you
42 think she changed her speed or course? Did you notice?

43

44 Fritz Kuemmerer [German]: Yes, they came towards us quite rapidly. Quite fast as far as
45 I recall.

46

47 A. Well, as far as I can remember, it came up very, very

1 quickly.

2 Q. And you don't remember any changes in her speed or her
3 position?

4

5

6

7 Interpreter [German]: But were you aware of a change in her speed or position? Did you
8 notice anything like that?

9

10 Fritz Kuemmerer [German]: She came to within 900m of us. He then asked where
11 we were going and where we came from. I think they questioned us for hours. The
12 Commander kept on replying, frequently making mistakes and so on. He didn't want it to
13 drag on through the night. And well, it wasn't too successful. Then they asked for the
14 signal. Which we didn't have. After seven seconds the fire started. On both sides
15 simultaneously. After seven seconds.

16

17 A. Well, I just saw her until she was one kilometre,
18 900 metres away, and then we started - it went for hours
19 that we went parallel, and then the signalling started,
20 which we tried to prolong. The idea of our Commander was
21 to prolong this whole procedure into the night, which
22 didn't work in the end, and then they asked us for the
23 signal sign, which of course we didn't have, and then the
24 firing started.

25

26 Q. Okay, I just want to take it slowly, step by step,
27 going through what you actually saw. Can I go back to
28 something you just mentioned. You talked about signalling.
29 What signals did you see from Sydney?

30

31 Interpreter [German]: I would like to take it step-by-step here so that we can clarify one
32 thing at a time. We'll deal with the rest later. I would like to return to a point you made.
33 You spoke of signals.

34 What signals did you see on board the Sydney?

35

36 Fritz Kuemmerer [German]: The war ensign. We hoisted the war ensign too from the
37 moment we dropped our disguise. The enemy flag – for us the Dutch were the enemy –
38 was hoisted. From the moment of dropping the disguise, it was lowered and our flag
39 automatically went back up again. It all happened within a matter of seconds.

40

41 A. The Sydney had her war flag hoisted. The Sydney had
42 the war flag hoisted. Of course, after we removed our
43 disguise, we hoisted our war flag. We had the Dutch flag
44 open, up there, but then it was a question of a couple of
45 seconds to take down the Dutch flag and hoist our flag.

46 Q. Okay, we'll come to that in a moment. But just in
47 terms of signals from Sydney, did you see her signal flags

1 used at all? Did you see any search lights blinking Morse
2 messages to Kormoran, anything like that?

3

4

5

6

7 Interpreter [German]: We'll get to that later. My first question is this: did you see signal
8 flags or Morse codes coming from the Sydney trying to exchange signals?

9

10 Fritz Kuemmerer [German]: No, I didn't see anything like that.

11

12 A. No, I haven't seen any of that.

13 Q. And, sir, what about other activity on Sydney's decks?

14 Do you remember seeing any activity above her decks?

15

16

17 Interpreter [German]: Did you observe anything else on board the Sydney? Any
18 activities? Any people?

19

20 Fritz Kuemmerer [German]: Yes, there was an 8.8cm light gun on the side. And upon
21 dropping the disguise, they jumped to it and wanted to shoot. Our 3.7cm gunner returned
22 the fire and we immediately headed back inside the ship.

23

24 Son of Fritz Kuemmerer [German]: Father, you are getting ahead of yourself. He asked
25 you if you observed any activities on board the Sydney.

26

27 Fritz Kuemmerer [German]: Nothing, nothing, nothing at all.

28

29 THE INTERPRETER: Okay, let's translate the first thing.

30 Mr Kummerer Snr told me that he saw a light gun on board
31 the Sydney; it was an 8.8cm or 3.7cm, and after the
32 disguise was removed, they fired and the 3.7cm gun of
33 Kormoran fired onto this gun that was on the Sydney, and he
34 thinks that people tried to mend this gun on the Sydney,
35 the 8.8cm or 3.7cm gun, but then as they got hit by
36 Kormoran, they immediately went back under deck.

37 Then Mr Kummerer Jnr interrupted this a little bit and
38 explained to Mr Kummerer Snr that this was not really the
39 question; the question was about the activities before the
40 firing started. And then Mr Kummerer answered this
41 question and said that he didn't see any activities on
42 board Sydney before the battle.

43 LEUT TYSON: Q. Do you remember ever seeing where
44 Sydney's turrets were pointed before the firing started?

45

46

47 Interpreter [German]: Can you remember where the gun turrets were pointing before the

1 battle began, the gun turrets of the Sydney, I mean?

2

3 Fritz Kuemmerer [German]: Well, yes, they were certainly aimed at us. And we were
4 frightened.

5

6 A. Yes, I can remember they were pointed at us, yes, and
7 we were scared.

8 Q. Did you see any activity associated with Sydney's
9 aeroplane?

10

11

12 Interpreter [German]: And did you observe any activities taking place in the vicinity of
13 the plane?

14

15 Fritz Kuemmerer [German]: The airplane was going to start. The propeller was running
16 and our 15gunner took aim and hit it and so that was the end of it.

17

18 A. Yes, the propellers were running. It was about to
19 start, but then it was hit by our 15cm gun. Then it was
20 destroyed.

21 Q. So you saw the propeller of the aeroplane spinning
22 before the firing started?

23

24

25 Interpreter [German]: And you could see how the propeller was rotating before the
26 battle started?

27

28 Fritz Kuemmerer [German]: Yes, yes, of course. As soon as we shot it tried to start.

29

30 INTERPRETER [GERMAN]: No, before the battle.

31

32 KUEMMERER [GERMAN]: Yes, before.

33

34 INTERPRETER [GERMAN]: Not before?

35

36 KUEMMERER [GERMAN]: As far as I know the propeller was running when the first
37 shot was fired but it's a bit hard to say after so many years.

38

39 A. It was - no, it was like that - when the first shot
40 hit, then the aeroplane was started. But I cannot really
41 remember. I think it started then. It's a bit difficult
42 after all these years.

43 Q. Okay, okay. Again, I'm just asking before the firing
44 started, do you remember any of Sydney's boats, her cutters
45 or pinnaces, being lowered or men doing anything with
46 Sydney's boats?

47

1

2 Interpreter [German]: Once more now and let's be precise: before the first shot was fired,
3 did you notice any life boats being lowered from the Sydney or any other ships? Were
4 there any other activities?

5

6 Fritz Kuemmerer [German]: No, nothing. Nothing at all.

7

8 A. No, nothing.

9

Q. And, sir, in this period after the alarm rang and
10 before any firing started, how were orders reaching your

11

12

13 gun position?

14

15

16 Interpreter [German]: Let's return to the period between the first sounding of the alarm
17 and the first shot being fired. How were commands being communicated to you as the
18 gunner? Where did you receive your orders from?

19

20 Fritz Kuemmerer [German]: From the Bridge. They came from the Commander. There
21 was an alarm that sounded five times and very fast. And then immediately alarm:
22 'Everyone to their battle stations', that meant.

23

24 A. Well, there was a klaxon or a sound signal that rang
25 a couple of times, and that was the alarm, and then
26 immediately after this, there came the order to proceed to
27 the action stations, and then real orders were given from
28 the bridge, from the Commander.

29

Q. But did orders reach the gun - was there someone in
30 charge of the gun who got a telephone call from the bridge,
31 or was there a loudspeaker that you were able to hear in
32 the gun position, or was there some other method of
33 communication from command to the gun position that you
34 were at?

35

36

37 Interpreter [German]: How did this work exactly at the battle station? Did the
38 Commander wear head phones via which he gave orders? Or were there loudspeakers or
39 some other form of communication via which orders were passed from the Bridge to the
40 gunners?

41

42

43 Fritz Kuemmerer [German]: The Commander wore head phones. That's for sure. He
44 needed to have a very clear understanding.

45

46 A. Now, of course, the Commander of the gun was having
47 earphones, because he obviously had to understand perfectly

1 well the orders.

2 Q. So you yourself didn't hear the order; only the
3 Commander of the gun got the order, and then did he tell
4 the people in the gun crew what to do?

5

6

7 Interpreter [German]: That means you personally did not actually receive the order. Only
8 the Commander received the order via head phone. Did he pass on the order to you or tell
9 you what was supposed to happen next? Or how did it work?

10

11 Fritz Kuemmerer [German]: Yes, we were all connected. There was a loudspeaker down
12 below. The Commander had an additional set. Through the loudspeaker you could ...

13

14 Interpreter [German]: I see. So via loudspeaker you could hear the same as the
15 Commander.

16

17 Fritz Kuemmerer [German]: Yes, that's it. The Commander is not able to hear anything
18 when shots are being fired. That's why he needs head phones.

19

20 A. No, the gun operator - he himself was the one who had
21 the headphones. But, in addition, there was a loudspeaker
22 also and we could hear everything through the loudspeaker,
23 whereas obviously the gun operator had to have earphones,
24 because he wouldn't be able to hear anything during the
25 battle when he was firing.

26 Q. What was Brinkmann's role in relation to your gun
27 position?

28

29

30 Interpreter [German]: What was Mr Brinkmann's role in relation to your battle station?

31

32 Fritz Kuemmerer [German]: Well he was the Commander. For all intents and purposes he
33 was our Commander. We did whatever he told us to do. If he said 'everyone to their
34 battle stations, get ready to fire' then that meant 'get the machine guns ready'. Not that
35 you can call a 2cm gun a machine gun really.

36

37 A. Well, he was our Commander, and what he said we had to
38 do. If he said, "Go to your battle station or action
39 station", we did so, and we basically followed his orders.

40 Q. Did Skeries have any role in relation to your gun
41 position?

42

43

44 Interpreter [German]: Did Mr Skeries have any duties related to your machine gun
45 position?

46

47 Fritz Kuemmerer [German]: Oh yes, he did. He was in charge of the whole ship. Of all

1 battle stations. Whatever orders he handed down were followed. That's the way it was.

2

3 A. Well, he was like the Commander of all guns on the
4 ship, and of course his orders were also followed. He was
5 above Brinkmann.

6 Q. For your gun, where did the range information come
7 through and targeting information?

8

9

10 Interpreter [German]: Where did you get your instructions for setting the distance and the
11 elevation of your gun?

12

13 Fritz Kuemmerer [German]: Well, I am at a loss as to answer this. I don't really know. I
14 suppose I had some idea of the distance. It would have been 800 to 900m but as for the
15 elevation ...?

16

17 A. Well, I don't really know. It was known all over the
18 ship that the distance was 800, 900 metres, and I don't
19 know if there was any special information about range and
20 elevation.

21 Q. Do you remember where you knew that range from?

22

23 Interpreter [German]: Do you remember how you knew the distance? Where did you get
24 this information from? How did you know that the Sydney was 900m away?

25

26 Fritz Kuemmerer [German]: Well, that was announced from above by the Commander.
27 He has a range finder and things like that and so via loudspeaker it becomes common
28 knowledge. That's no problem at all.

29

30 A. Well, the Commander informed us via the loudspeakers,
31 so everybody in the whole ship knew what the distance was.

32 Q. I just want to ask another question about the
33 loudspeakers. In this period between when the alarm rang
34 and before the fighting started, you mentioned that you
35 heard a number of messages over the loudspeakers.

36

37

38 Interpreter [German]: I just want to go back to the issue of these loudspeakers. Going
39 back to the time between the first alarm and the first shot, do you remember what news or
40 rather what orders were communicated via loudspeakers?

41

42 Fritz Kuemmerer [German]: I don't remember that. All I remember is that the distance
43 was announced from time to time.

44

45 A. Well, I can't remember much, just that the distance
46 was announced via the loudspeakers every now and then.

47

1 Q. So you can't, doing the best you can, remember
2 anything else that was said over the loudspeaker?

3

4

5 Interpreter [German]: So you don't remember anything else that might have been
6 communicated via the loudspeakers?

7

8 Fritz Kuemmerer [German]: Skeries announced on one occasion, shortly before the
9 battle, 'We are sure to get this guy. He is pretty small.' He meant the Sydney of course. I
10 do recall that one.

11

12 A. The only thing I can really remember is that what
13 Mr Skeries said over the loudspeakers was, "Oh, that's
14 a quite small guy. We're going to kill him, actually."

15 Q. Apart from Capt Detmers and Skeries, did any other
16 officer talk to the crew across these loudspeakers before
17 the firing started?

18

19

20 Interpreter [German]: Apart from Skeries and Detmers, was there any other officer who
21 communicated with the crew via the loudspeakers?

22

23 Fritz Kuemmerer [German]: No. Not that I know of.

24

25 A. No, not as far as I know.

26 Q. Now, sir, do you remember what orders were - how it
27 was that your gun started to fire? What caused your gun to
28 fire?

29

30

31 Interpreter [German]: Do you remember what exactly happened before the machine gun
32 you operated was fired? What order was given to actually start fire?

33

34 Fritz Kuemmerer [German]: Well, an order came to fire leeward but I was portside. And
35 then.. the ship was basically in the wrong direction, so we couldn't shoot. So I went
36 below deck. I thought I would be safer there. I was a coward, you know. Since we
37 couldn't shoot anyway, why expose myself to danger, I thought.

38

39 A. Well, the order came to fire on the leeward side, but
40 I was on the port side. That was the other side. So
41 I decided to go under deck, because I was scared of the
42 whole situation. I thought, why should I expose myself to
43 the danger? I was a little bit like that and was under
44 deck.

45 Q. So at the time that this order was given, whereabouts
46 on Kormoran were you?

47

1

2 Interpreter [German]: Where were you when the order came? The order to open fire.

3

4 Fritz Kuemmerer [German]: I was up above. But we were told that those of us who were
5 starboard should head leeward. We are restricted. We couldn't shoot. So I went down one
6 deck to be safe.

7

8 A. Well, I was at the battle station, but then the order
9 came that we should fire from the other side because we had
10 a limitation there that we couldn't fire, so I didn't have
11 anything to do, and that was the point when I went under
12 deck.

13 THE PRESIDENT: Q. So it was only the starboard 2cm guns
14 that fired?

15

16

17

18 Interpreter [German]: That would suggest that it was only the 2cm machine guns
19 starboard which fired at all?

20

21 Fritz Kuemmerer [German]: No. Starboard and portside couldn't shoot on the upper deck.

22 Only the front machine gun starboard could fire. But remember we were
23 behind the Bridge.

24

25 A. No, it was not like that. It was because the guns
26 were positioned behind the bridge, so we couldn't reach
27 with our gun, so this means both guns on the starboard and
28 on the port side were not able to fire at Sydney; only the
29 guns on the starboard side and the front were able to fire
30 at Sydney.

31 Q. Did the 2cm guns fire like a machine-gun or were they
32 separately loaded with each shot?

33

34

35 Interpreter [German]: Did these 2cm guns fire like a machine gun or did you have to
36 reload them for each shot?

37

38 Fritz Kuemmerer [German]: We were capable of shooting five or six shots at a time.

39

40 A. No, there were five to six shots per cartridge, so it
41 was more firing like a machine-gun.

42 Q. It was continuous fire?

43 A. Five to six shots at a time.

44

45 LEUT TYSON: Q. Now, the order that was given - can you
46 remember as best you can what words were actually said in
47 the order to fire?

1

2

3 Interpreter [German]: Talking about the order to fire, can you remember the exact
4 wording of the order to open fire?

5

6 Fritz Kuemmerer [German]: 'Open Fire'. What else can you say?

7

8 A. "Open fire." What else can I say? That must have
9 been it.

10 Q. Were there any other --

11

12

13 Fritz Kuemmerer [German]: 'Drop the disguise'. Then 'fire'.

14

15 A. Well, "Remove your disguise", first, and then when
16 everything was opened, then, "Open fire."

17 Q. So the order "Enttarnen" is, "Remove disguise"?

18 A. Yes.

19 Q. That came before the order to fire?

20

21

22 Interpreter [German]: So the order 'Drop the Disguise' came before the order to fire?

23

24 Fritz Kuemmerer [German]: Well, yes. We would have had to drop the disguise first.
25 Otherwise we couldn't have fired.

26

27 A. Yes, of course we had to remove the disguise, because
28 otherwise we wouldn't be able to shoot at all.

29 Q. But did they simply remove the disguise or was there
30 an actual order to remove the disguise?

31

32

33 Interpreter [German]: But did you just remove your disguise or was there an order to
34 remove the disguise? What I am getting at is this: did you remove the disguise of your
35 own initiative or was there an order that said: 'Remove the Disguise!'

36

37 Fritz Kuemmerer [German]: Well, why would there be? We couldn't shoot. We were
38 restricted.

39

40 Interpreter [German]: We understand that. But we are wondering if you removed the
41 disguise on specific orders or did you take it upon yourselves?

42

43 Fritz Kuemmerer [German]: There was a specific order. That's for sure.

44

45 A. No, of course there was the order to remove the
46 disguise.

47 THE INTERPRETER: Just to explain for the translation,

1 I repeated your question again, because I had the
2 impression with the first bit that Mr Kummerer didn't
3 really understand what this question was about.

4

5 LEUT TYSON: Q. And, sir, are you able to explain,
6 perhaps using the models, the relative position of Kormoran
7 and Sydney at the time this order was given to remove
8 disguise and fire?

9

10 Interpreter [German]: Could you demonstrate approximately by means of these ship
11 models what the position of the two ships was as they faced each other the moment the
12 order was given to drop the disguise?

13

14 Fritz Kuemmerer [German]: The Sydney came along and was positioned something like
15 this. We were restricted. We couldn't shoot. And only the front machine gun could shoot.
16 And the other side was restricted too. The 15cm portside gun, starboard and the two in
17 the middle, they would have been able to shoot. The 4 15cm. And how it all went from
18 there, I don't know either. I went downstairs to be reasonably safe. The 3.7cm gun was
19 one that could fire.

20

21 A. The ships were more or less in this position. This is
22 also the limitation we had, because we couldn't shoot at
23 Sydney from this angle. Only the 15cm guns here and there
24 and also the two other guns we had on this side were able
25 to shoot at Sydney, and then I went under deck, and for the
26 rest I didn't see anything. I don't know what happened
27 then. The 3.7cm gun - that's the one that could shoot at

28

29 Sydney.

30

31 THE PRESIDENT: Just describe for the record the relative
32 positions.

33

34

35

36

37 LEUT TYSON: Herr Kummerer has used the models to explain
38 the relative position of the two ships. In his depiction
39 of the action, the ships were not parallel to each other at
40 the time of the action. Sydney is on Kormoran's starboard
41 front quarter, it would appear, and he has suggested by his
42 illustration of the action that the 2cm gun just aft of the
43 funnel on the model was not able to get a direct shot at
44 Sydney.

45 Interpreter [German]: For the record Mr Cole has requested that Mr Tyssen confirm what
46 Mr Kuemmerer has stated regarding the position of the ships in relation to each other. To
47 recap, Mr Kuemmerer has stated that the ships were not parallel to each other but that the

1 bow of the Kormoran steered towards the bow of the Sydney and that he was not able to
2 shoot at the Sydney at all from his battle station due to the funnel or rather the Bridge.

3

4 Q. At this time that the firing broke out, what flag, if
5 any, was Kormoran flying?

6

7

8 Interpreter [German]: When the order came to open fire, what flag was the Kormoran
9 flying at that particular moment?

10

11 Fritz Kuemmerer [German]: Yes, the war ensign.

12

13 A. The war ensign.

14 Q. Were you able to actually see with your own eyes that
15 flag at the time the firing broke out?

16

17

18 Interpreter [German]: Did you see with your own eyes that the war ensign was hoisted at
19 that stage?

20

21 Fritz Kuemmerer [German]: No, I didn't have time for that. I only know that in all other
22 cases of alerts the war ensign was hoisted and we always sailed under false flags. Once
23 we pretended to be South Americans, once we were Portuguese...

24

25 A. No, I couldn't see it. No, I didn't have the time for
26 that. I didn't see it. No, I couldn't see it with my own
27 eyes, the flag, but I just remember that that was our usual
28 procedure. Whenever there was a battle we hoisted our war
29 ensign, whereas usually we were disguised as a merchant
30 ship and then we had other flags. Like, for example, we
31 once were disguised as a South American ship, then as
32 a Portuguese ship and so on.

33 Q. Do you remember which of Kormoran guns was the first
34 to fire against Sydney?

35

36

37 Interpreter [German]: Do you remember which gun on board the Kormoran fired first?

38

39 Fritz Kuemmerer [German]: Pretty well simultaneously. Say within seven seconds. Then
40 the Sydney and the Kormoran.

41

42 A. Well, they shot more or less all at the same time,
43 simultaneously, within seven seconds maybe. But also the
44 Sydney fired more or less simultaneously after seven
45 seconds or something.

46 THE PRESIDENT: Q. Did the position of the ships ever
47 change so that the 2cm guns amidships could fire at Sydney?

1

2

3 Interpreter [German]: Did the position of the ships change at any point in a way that
4 allowed the 2cm guns to shoot at the Sydney?

5

6 Fritz Kuemmerer [German]: Yes, certainly.

7

8 A. Yes, certainly.

9 Q. How long was that after the battle, after the firing
10 started?

11

12

13 Interpreter [German]: How long did it take for this position to be reached after the first
14 shot was fired?

15

16 Fritz Kuemmerer [German]: Oh gosh, may be 15 seconds. We were moving around and
17 the Sydney was in motion too most of the time.

18

19 A. That must have been 15 seconds, I think, because we
20 were going and the Sydney was also going, so it was just
21 I think 15 seconds.

22 LEUT TYSON: Q. So, in this action, your gun fired at

23

24 Sydney?

25

26

27 Interpreter [German]: Did you fire at the Sydney with your machine gun or were any
28 shots fired at the Sydney from the machine gun that was assigned to you?

29

30 Fritz Kuemmerer [German]: I immediately headed downstairs. I chickened out.
31 Whether they fired again, I don't know.

32

33 A. Oh, I was too scared. I was under deck. I didn't see
34 anything of that.

35 Q. When the firing happened, can you tell us what were
36 you doing?

37

38 Interpreter [German]: Can you tell us exactly what you did when the battle actually took
39 place?

40

41 Fritz Kuemmer [German]: We are on the leeward side. We rushed across to the other side
42 only to be told we had a problem: we can't shoot. We should disguise ourselves. So I
43 made for the deck below. That's where I was disguised.

44

45 A. Well, as I said before, we were on the leeward side
46 and couldn't shoot because we couldn't reach the Sydney
47 from our position, and then we were ordered to go to the

1 in-between deck and that's where I was during the battle,
2 and also they told us to disguise and I went to the
3 in-between deck and there I was disguised.

4

5 THE PRESIDENT: By "disguised", he means hidden, does he?

6

7

8 Fritz Kuemmerer [German]: It's not as if you could do any damage with a 2cm gun
9 anyway.

10

11 THE INTERPRETER: I think so, yes.

12

13 LEUT TYSON: Q. When you use the word "disguised" in
14 that context, what do you mean by that, sir?

15

16

17 Interpreter [German]: You just said you received orders to disguise yourselves. What
18 exactly did you mean by that?

19

20 Fritz Kuemmerer [German]: That just meant that we had to stay on the leeward side so
21 that people did not unnecessarily get hurt or shot.

22

23 A. It just meant that we had to go to the leeward side,
24 and "disguised" meant in this context to hide so we were
25 not hit by any bullets.

26 Q. Do you know, sir, how long this firing continued for
27 before it stopped?

28

29

30 Interpreter [German]: Do you know how long the gun battle went on for before it
31 stopped?

32

33 Fritz Kuemmerer [German]: That's a good question. Let me put it this way: afterwards I
34 heard that the 4.15 guns of the Kormoran were fired 120-130 times. And you have to
35 imagine it all happening quite fast.

36

37 Interpreter [German]: But in terms of time, do you know roughly how long it took?

38

39 Fritz Kuemmerer [German]: Quarter of an hour at the most.

40

41 A. Well, afterwards, it was told to me that the four guns
42 of Kormoran fired about 120 to 130 shells. But it all went
43 very, very quickly.

44 THE INTERPRETER: And then I asked Mr Kummerer again if he
45 can remember how much time it was, and then he answered,
46 "Oh, a maximum of 15 minutes; that's how long the battle
47 lasted."

1

2 LEUT TYSON: Was that 15 or 50?

3

4 THE INTERPRETER: Fifteen minutes.

5

6 LEUT TYSON: Q. And, sir, after the battle, after the
7 firing stopped, did you come up above deck on Kormoran?

8 5

9

10 Interpreter [German]: When the gun battle was over, did you go back on deck?

11

12 Fritz Kuemmerer [German]: Oh yes. Then we went back upstairs and it was a case of
13 immediately 'off into the life boats'. Our Bridge was ablaze. A shell had hit the daily oil
14 storage unit. The burning oil had spread to the engine room which ignited immediately.
15 You barely knew how to get out of there any more. Oh, one person did manage to escape
16 from there but was burnt so severely that he died shortly afterwards on the life boat.

17

18 A. Yes, yes, I went up to the main deck, and then
19 immediately there came the order to go into the lifeboats
20 because our bridge was already burning very much at this
21 point. This happened because the daily tank for diesel oil
22 was hit and the oil flooded all the machine room - the
23 engine room, sorry, flooded the engine room, and then also
24 the engine room caught fire very quickly and nobody

25

26 survived there. One person, I think, survived from those
27 people in the engine room. One other person from the
28 engine room was totally burnt. He died later in the
29 lifeboat.

30 Q. When you came up onto the main deck, did you have the
31 opportunity to see Sydney at that stage?

32

33

34 Interpreter [German]: When you went to the upper deck, was it possible for you to see
35 the Sydney from there?

36

37 Fritz Kuemmerer [German]: Yes, certainly. She was a sea of flames, the Sydney.
38 Alight from back to front.

39

40 A. Yes, I saw her, definitely, yes, but she was just
41 a sea of flames, really. From aft to forward was just
42 flames.

43 Q. Is it possible to say where the flames were centred,
44 where was the focus of the flames on Sydney?

45

46

47 Interpreter [German]: Would it be possible to say where approximately the fire was

1 centered on board the Sydney, where the most flames were?

2

3 Fritz Kuemmerer [German]: I would say probably at the front because the 15cm gun had
4 hit her bow.

5

6 LEUT TYSON: I'm sorry, sir, I need to interrupt you. We
7 need to change tapes.

8

9

10 Interpreter [German]: Sorry, we need to take a short break. We need to change tapes. We
11 are about to run out.

12

13 Short adjournment.

14

15 SHORT ADJOURNMENT

16

17 LEUT TYSON: The tape has now been changed and restarted.
18 Is that correct, Leut Harper?

19

20 LEUT HARPER: It is.

21

22 LEUT TYSON: Herr Thomas, was there a section that you
23 were translating before that tape was changed or do you
24 want to go back --

25

26 THE INTERPRETER: Would you repeat the last question?

27

28 LEUT TYSON: Q. I'll just go back to the last question,
29 sir. You've said that you did see Sydney and you described
30 flames on the deck of Sydney, and I asked you the question
31 are you able to say where the focus or centre or source of
32 the flames was? Where was the part of the ship that seemed
33 to have the most damage and most flames?

34

35

36 Interpreter [German]: I would like to go back to the question from before the break. So
37 I'll simple repeat it: you said that you could see the Sydney and that she was a sea of
38 flames. Now, however, I would like to ask you if you were able to see where the centre of
39 the flames was? Where were the flames strongest? Where did they rage most fiercely?
40 Where did the Sydney suffer most damage?

41

42 Fritz Kuemmerer [German]: Well, as far as I know it was at the bow where she was hit.

43

44 A. As far as I know, that was in the bow section where
45 she was hit by the torpedo.

46 Q. But that's also where you say the flames and the fire
47 seemed to be the most fierce?

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Interpreter [German]: So that's where you think the fire and the flames were strongest?
On the bow?

Fritz Kuemmerer [German]: I can't tell exactly, I did see how the torpedo hit her. It
threw her up into the air and then she crashed down.

A. No, I cannot really say this, but the only thing
I really saw was that when she was hit by the torpedo, she
was lifted up and then went down again.

Q. But, sir, is that something that you saw yourself -
that lifting up and down of Sydney after the torpedo hit?

Interpreter [German]: Is that something that you really saw with your own eyes? The fact
that she was thrown up and then down as a result of the torpedo?

Fritz Kuemmerer: Yes. Don't forget, I was on the upper deck and could observe it all.

A. Yes, because I was on the main deck, I observed the
whole battle.

Q. Sir, I just want to go back, to help me understand
your evidence. This is how I understood it, and it may be
wrong. I understood that your initial position was in
a 2cm gun on the starboard side, and then you said that
when the firing began, you moved and hid yourself away from
the action on the leeward side of Kormoran. Is that
correct?

Interpreter [German]: Let me make sure I understand correctly what you have said
earlier. Correct me if I am wrong. As I understand it, you said that in the beginning you
were at the 2cm anti-aircraft gun starboard side. Then, as the battle started, you couldn't
shoot and went below deck to hide there. Am I correct so far?

Fritz Kuemmerer [German]: Yes, that's right.

A. Yes, that's right.

Q. And then I thought you said that you were hiding
and --

Interpreter [German]: And then I thought you hid below deck.

1 Fritz Kuemmerer [German]: Well yes, I went down a deck further.

2

3 THE PRESIDENT: Q. That's not my understanding at all.

4 A. Well, yes, I was --

5

6 Q. Go on.

7 A. Well, yes, I went to the in-between deck, yes. I was

8 sort of hiding there, yes.

9

10 THE PRESIDENT: Q. My understanding was that he was on

11 the port side 2cm gun, and neither the port side nor the

12 starboard side 2cm guns could fire directly at the Sydney.

13 That's my understanding of his evidence.

14

15 THE INTERPRETER: Is this a statement or a question?

16

17 THE PRESIDENT: It's a question.

18

19 Q. Leut Tyson just put that he understood that he was on

20 the starboard gun. My understanding was that he was on the

21 port gun.

22

23

24 Interpreter [German]: Mr Cole just mentioned that as far as he understands it, you
25 were portside and both anti-aircraft guns couldn't fire from that position.

26

27 Fritz Kuemmerer [German]: Well, first I was leeward and then we were told to get across
28 portside.

29

30 A. Okay, now, first I was on the starboard side, and then

31 because we couldn't shoot, because we had this limitation,

32 then I went to the port side.

33 LEUT TYSON: Q. I'll just clarify it once more, and

34 please tell me if this is right or wrong. Tell me if this

35 is correct: you were on the starboard 2cm gun and then you

36 moved and went across to the leeward side, the port side,

37 of Kormoran?

38

39

40 Interpreter [German]: Let me restate this to make sure we get it right: initially you

41 manned the 2cm starboard canon and then moved across leeward or rather portside.

42

43 Fritz Kuemmerer [German]: Yes.

44

45 A. Yes, that's right.

46 Q. Thank you. Now, sir, you've just said that you did

47 actually have the opportunity to observe the battle?

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Interpreter [German]: You just said that you also had the opportunity to watch the battle?

Fritz Kuemmerer [German]: Yes, I went downstairs and saw it because the middle deck was open. It wasn't covered.

A. Yes. Yes, because as I went down to the in-between deck, that was open, so I could see there what happened.

Q. Could you please tell us, then, sir, what did you see? What did you see happen in this battle?

Interpreter [German]: Can you explain to us exactly what happened in this battle? What happened that you were able to see?

Fritz Kuemmerer [German]: We fired two torpedoes. One missed the Sydney. The other one hit the bow.

A. Well, we had two torpedoes. One hit in the bow section, hit the bow section of Sydney.

Q. What else do you remember, sir? Do you remember where Kormoran's hits were landing on Sydney from her guns? I'll say the question again. The Kormoran's artillery, her guns - do you remember where those hits were landing on Sydney? What parts of Sydney were being hit by the guns?

Interpreter [German]: What else do you remember? Do you remember which parts of the Sydney were hit by fire from the Kormoran? Where exactly was the Kormoran hit?

Fritz Kuemmerer [German]: The bow was hit initially. That means Tower 1, Tower 2 went down immediately and shortly afterwards Tower 1 probably went down too.

Interpreter [German]: Forgive me. I couldn't hear the last sentence.

Fritz Kuemmerer [German]: The first and second guns of the Sydney, that's to say the first and second Towers, went down immediately. The reason was that the first salvo was too long, the second one too short, and that was practically the end of the Sydney already. That's how both Towers went down. I would think that the third and fourth Towers could conceivably have fired another round because our guns were intact. All four of them.

A. Well, she got hit in the foreship, and then soon after that, the first and the second turret got hit. Also, they tried to fire at us, but then the first salvo was too long, the second one was too short, and then these two turrets didn't even work any more, they were hit so badly.

1 I think, as far as I can remember, only the third and the
2 fourth turrets were still working, and one of those two -
3 I don't know which one - must have fired once or twice at
4 us. That's where we received the hits from. And, on the
5 other hand, all our four turrets were still working at this
6 point and they were firing.

7 Q. Was there any change in the relative position of
8 Sydney and Kormoran during this firing?

9
10

11 Interpreter [German]: Did the two ships change their position towards each other during
12 the battle?

13

14 Fritz Kuemmerer [German]: Yes, for sure. As far as I could see, the Sydney fired off four
15 torpedoes and all four of them passed behind us. Not one of them hit. At that stage we
16 got our engine going again and the four torpedoes from the Sydney passed by our stern.

17

18 A. Yes, certainly. Yes, of course, because at one point
19 we didn't move any more, and then also the Sydney shot her
20 four torpedoes, which passed our stern, and I remember
21 I think that was the moment when our engines suddenly
22 started working again. That was the point when the four
23 torpedoes passed behind us, yes.

24 Q. Sir, are you able to illustrate perhaps with the
25 models the change in the relative position of the two
26 ships?

27

28

29 Interpreter [German]: Could you possibly demonstrate with the help of the models
30 how the positioning of the ships changed in relation to each other?

31

32 Fritz Kuemmerer [German]: I don't recall exactly but let me see. Let's say we were
33 positioned like this and of course the Sydney fired. The moment she fired, and this
34 would have taken a few seconds, our engine started running and we were quite far away
35 at that stage. And the four torpedoes passed behind us.

36

37 A. I don't know, sir, exactly. Well, I don't know really
38 how it was any more. I cannot really remember. But one
39 thing is that when Sydney shot her four torpedoes, they
40 came here, and that obviously takes a couple of seconds
41 before they reached the other ship, and that was exactly
42 the moment when our engines started working again, so we
43 went a bit forward like this, and that's why the four
44 torpedoes of Sydney couldn't hit us.

45 Q. Do you know whether the torpedoes fired from Sydney's
46
47 port side or from Sydney's starboard side?

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Interpreter [German]: Can you remember if the torpedoes fired from the Sydney came from the starboard side or portside?

Fritz Kuemmerer [German]: I couldn't tell you exactly. My guess would be portside.

A. I cannot really say, but I think it must have been the port side, but I cannot tell really exactly how it was.

Q. Okay. When the firing stopped, where was Sydney's position in relation to Kormoran?

Interpreter [German]: What was the position of the two ships towards each other when the battle ended and the last shot had been fired?

Fritz Kuemmerer [German]: I guess we would have been 1500m, one and a half kilometer or nautical mile apart. That's when I last saw her. She was a sea of flames. She moved towards the coast line. We were on fire too and stayed at the site of the battle. We wouldn't have been able to go any further. We were 10 nautical miles off the coast, the Australian coast. I couldn't tell you anything more precise. What I do know is that we got off the ship around 11p.m. or between 11 and 12 o'clock at night at any rate. The Sydney was gone already. We saw a sea of flames and suddenly the flames were gone. We thought 'now she has gone down'. Oh yes, and we got our life boats out. Two of them we had to pull out...

Interpreter [German]: I am sure we'll get to that later.

A. It was 1,500 metres away, one nautical mile, more or less, and then the Sydney tried to move or headed towards the coast. The coast wasn't really far away. I think it was also more or less nautical miles. That's how far the Australian coast was away. And, well, our ship stayed there, because it was under fire; it was burning and sank later actually there at the same place where the battle took place. And at o'clock at night, the Sydney had disappeared. At first we saw these flames, and then suddenly it disappeared; everything was gone. At o'clock, that was when we went into our lifeboats, and, yes, that's when we didn't see anything any more of Sydney at o'clock.

Q. Sir, when you say that you saw Sydney about a nautical mile away from Kormoran and before she started to head towards the Australian coastline, was she parallel to Kormoran, was she astern of Kormoran - what was her position in relation to Kormoran?

1

2 Interpreter [German]: Let's go back to where you are saying the Sydney was about one
3 nautical mile or 1, 0m away from the Kormoran. Are you able to tell us about the
4 positioning of the Kormoran in relation to the Sydney? Was she positioned parallel or
5 was she located behind the stern, astern or in front?

6

7 Fritz Kuemmerer [German]: I couldn't tell you exactly. As far as I know she was headed
8 for the coast and the coast wasn't too far away.

9

10 A. I also cannot really say. As far as I know, she was
11 heading towards the coast because it wasn't so far away,
12 and that's I think what happened.

13 Q. You talked a bit earlier about how Kormoran, the ship,
14 was abandoned. Do you remember that?

15

16

17 Interpreter [German]: A little while ago, you spoke of the leaving of the Kormoran. Can
18 you remember how it all happened? What happened when you left the ship? Can you
19 describe leaving the ship as such?

20

21 Fritz Kuemmerer [German]: It was a case of 'everyone into the life boats'.

22

23 A. Yes, it was just the alarm came or the order came,
24 "Everybody to the lifeboats."

25 Q. And can you please tell us what did you do then? How
26 did you end up in a lifeboat?

27

28 Interpreter [German]: Can you explain what you did then? How did you get into a life
29 boat?

30

31 Fritz Kuemmerer [German]: At first I couldn't believe that we had to get off. When the
32 Bridge was engulfed in bright flames. And there were about another men still on there.
33 We got two life boats from the bow with the help of the winch. Otherwise we would have
34 drowned too. All the other life boats were already gone. They had already headed off. All
35 we could think of was 'let's get the hell out of here'.

36

37 A. Well, at first I couldn't really believe that we would
38 have to abandon ship, because even though the bridge was
39 burning, I thought, well, why do we have to leave Kormoran?
40 And then I ended up in one of the two lifeboats that were
41 in the bow section of the ship, in the hold there, together
42 with another people there, and we had to lift these
43 lifeboats by our hands. Also, this saved our lives,
44 because all the other lifeboats had already gone at this
45 point; they were, like, up and away and just went away, and
46 this saved our lives that we still had these two other
47 lifeboats there on the deck.

1 Q. Who was in charge of the lifeboat that you ended up
2 on?

3

4

5 Interpreter [German]: Was there a Commander in your life boat?

6

7 Fritz Kuemmerer [German]: The Commander was Captain Detmers.

8

9 A. The Commander was there, Capt Detmers.

10 Q. These two boats in the bow section were boats that
11 were down in a hatch; is that correct?

12

13

14 Interpreter [German]: The two life boats at the bow were located in a storage hull, is that
15 correct?

16

17 Fritz Kuemmerer [German]: Yes, that's right. There was no power. Nothing worked any
18 more. So we had to pull them out manually.

19

20 A. Yes, of course, yes, that's right. They were in the
21 hold and we had to lift them up by hand, because we didn't
22 have any electricity at that time.

23 Q. How long did it take to raise those boats from the
24 hatch?

25

26

27 Interpreter [German]: How long did it take you to retrieve the boats from down there?

28

29 Fritz Kuemmerer [German]: I am not exactly sure but it must have been a good hour. I
30 do remember it took a lot of pulling to get them out. Those boats were heavy. They held
31 men to a boat.

32

33 A. It was at least one hour. They were very heavy and it
34 took us a long time to lift them up. It was hard work,
35 really. We were people in one boat, yes.

36 Q. Do you remember where the schnell boat, the light
37 speedboat, was at this time?

38

39 Interpreter [German]: Do you know where the light speed boat was at that stage?

40

41 Fritz Kuemmerer [German]: That was below deck. We didn't bring it out any more.

42

43 A. Yes, it was under deck. We didn't take it out any
44 more, no. It was under deck.

45 Q. Now, before you got in the lifeboat, was there ever an
46 occasion where either von Goessel or the captain got the
47 crew together and addressed the crew?

1

2 Interpreter [German]: Now before you got into the life boat, would there have been such
3 a thing as Mr Detmers or Mr von Goessel getting the crew together to address them?

4

5 Fritz Kuemmerer [German]: No. Only one thought went through our minds: save
6 yourself. Our rescue was all we worried about.

7

8 A. No. No, there was no such thing, because the only
9 thing we had on our minds at this point of time was how to
10 save our lives, how to get rescued.

11 Q. And what about, Herr Kummerer, when you were in the
12 lifeboat - did Capt Detmers give you any instructions about
13 how to answer questions if you were ever interrogated by
14 the Allies?

15

16 Interpreter [German]: Later when you were sitting in the life boat, did Captain Detmers
17 give any instructions as to how you were to conduct yourselves in the event of an
18 interrogation by the Allied Forces?

19

20 Fritz Kuemmerer [German]: He only said we call out 'help, help, help' three times and
21 nothing more. It's better to drown, proud as we Germans are.

22

23 A. No, I cannot remember anything like this. The only
24 thing I can remember is that he told us we have to shout
25 three times, "Help, help, help", but nothing else. If they
26 don't help us, then we would rather drown, because we are
27 proud Germans.

28 Q. Can you tell us what sorts of supplies you had in the
29 lifeboat?

30

31

32 Interpreter [German]: Can you tell us if you had provisions on board the life boats or any
33 other articles?

34

35 Fritz Kuemmerer [German]: A barrel of water. Nothing more.

36

37 A. We had just one barrel of water, nothing else.

38

39 Q. Did you have signal flares?

40

41 Interpreter [German]: Did you have signal flares with you?

42

43 Fritz Kuemmerer [German]: Oh yes, we did have one. And someone had wanted to shoot
44 but he was held back by Mr Detmers. He said 'Who gave you the order to shoot? Our
45 Commander hasn't given any signal. Put the pistol away.'

46

47 A: Well, yes, true we had a signal flare and one of this crew members who were
responsible for signaling wanted to shoot a signal but then he was stopped from Mr.

1 Detmers and Mr. Detmers shouted at him: "Who gave you this order to shoot the signal
2 flare? Put that gun away." And that's just how our captain was.

3

4 Q. Were the signal flares ever fired?

5

6

7 Interpreter [German]: That means that the signal flares were never fired off?

8

9 Fritz Kuemmerer [German]: No.

10

11 Q. Did you see signal flares fired from any other of the
12 lifeboats?

13 Fritz Kuemmerer [German]: I don't think they had any. We were the only ones who had
14 any with us.

15

16 A. No, I don't think they had any with them. I think we
17 were the only ship that had signal flares with us.

18

19 Q. Which were the other officers in your lifeboat, sir?

20

21 Interpreter [German]: Which other officers were in your life boat?

22

23 Fritz Kuemmerer [German]: The medical officer. As for the others, I don't know where
24 they were. They were all over the place, I suppose. There were quite a few life boats
25 after all. And they were all over the place. Somewhere. They went off in the direction of
26 the shoreline. Only our Commander didn't want to end up in captivity. He would have
27 preferred to drown. He was proud.

28

29 A. Well, with us was the ship's doctor, but I don't
30 remember anybody else being there, because we were all
31 separated on the various ships. There were many lifeboats,
32 and all the others were heading towards the coast. Just
33 the one - our Commander said, "I'd rather drown than to
34 become a prisoner of war", and he was heading for the sea.

35 Q. Do you know what happened at all to Kormoran's war
36 ensign?

37

38

39 Interpreter [German]: Do you know by any chance what happened to the Kormoran war
40 ensign?

41

42 Fritz Kuemmerer [German]: No. I expect it went under with the ship.

43

44 A. No, I don't. I think it just sank with the Kormoran.

45 Q. Sir, I now want to ask you, do you remember when you
46 were interrogated in Western Australia in December ?

47

1
2 Interpreter [German]: Now I would like to ask you something else. Do you remember
3 being interrogated in December ?
4
5 Fritz Kuemmerer [German]: Yes, I do.
6
7 A. Yes, yes, I remember.
8 Q. What's your recollection of the interrogation? What
9 happened during the interrogation?
10
11 Interpreter [German]: Do you still remember the interrogation?
12
13 Fritz Kuemmerer [German]: Yes, I remember it very well actually. They asked me how
14 many shots I fired and whether or not I fired. I said we couldn't shoot because we were
15 restricted. Then he asked me where I come from. I said I come from Württemberg, from
16 Langenburg in Württemberg to be precise. So he said 'Langenburg in Württemberg'?
17 You can go.' That was it. That was the entire interrogation.
18
19 A. Well, I remember this very well. I was asked how many
20 shots were fired from my gun, and then I said, "No, we
21 couldn't shoot at all, because we couldn't reach Sydney."
22 And then I was asked where I was from, and I said, "I'm
23 from Wuerttemberg- from Langenbergen, Wuerttemberg", and then
24 the interrogator told me, "Okay, you're done, if you're
25 from Langenbergen, Wuerttemberg", and that was the whole
26 interrogation.
27 LEUT TYSON: Mr President, do you want to ask a further
28 question about the interrogation?
29
30
31 Interpreter [German]: Mr Chairman, do you have any further questions concerning the
32 interrogation?
33
34 THE PRESIDENT: Yes.
35 Interpreter [German]: -
36 Q. Could I ask this question: can you tell me how the
37 2cm guns were sighted? If you were going to fire on
38 something, was there a sighting mechanism done by hand?
39
40
41
42 How was it done?
43 7
44
45 Interpreter [German]: Can you explain to me how the target mechanism on these 2cm
46 canons worked? Was there some sort of mechanism?
47

1 Fritz Kuemmerer [German]: Yes, there was but it was quite basic. It had a kind of barrel
2 with crosses on it. Good grief, those things were virtually useless. They were much too
3 weak.

4

5 A. Well, there was something, but it was a very primitive
6 apparatus. I'm not so sure, but I think it had a monocular
7 plus a cross. But, anyhow, these guns were far too weak to
8 make lots of damage, to cause much damage, and that was
9 just the primitive thing we had on them.

10 LEUT TYSON: Q. Just a further question from me about
11 guns: on the Kormoran, there were cm guns, there were
12 the mm guns and there were the 2cm guns.

13

14 Interpreter [German]: Just one more question regarding the canons on board the
15 Kormoran. There were three types of weaponry: the cm, the 3.7cm and the 2cm. Have I
16 got that right?

17

18 Fritz Kuemmerer [German]: Yes, that's right.

19

20 A. Yes.

21 Q. Was there also a dummy gun, a fake gun, on the poop
22 deck of Kormoran?

23

24 Interpreter [German]: In addition to that, were there any dummy canons on board the
25 Kormoran? Any fake weapons?

26

27 Fritz Kuemmerer [German]: No, no.

28

29 A. No, no, there was no such thing.

30 Q. And were there smaller machine-guns, were there 0.
31 calibre machine-guns or 0.3 calibre machine-guns on
32 Kormoran?

33

34 Interpreter [German]: Were there any other smaller machine guns? Such as 0. cm or
35 0.3cm machine guns for instance?

36

37 THE INTERPRETER: By 0.3, do you mean 1.3 or 0.3?

38

39 LEUT TYSON: No, 0.3 or 0. calibre.

40

41 THE INTERPRETER: 0. , that's the other one?

42

43 LEUT TYSON: 0. .

44

45 THE INTERPRETER: 0. .

46

47 Fritz Kuemmerer [German]: No, nothing

1 THE INTERPRETER: No, there was no such thing. No, nothing.

2 LEUT TYSON: Mr President, if it's convenient to you,
3 I might move now to the final topic on behalf of counsel
4 assisting.

5

6 THE PRESIDENT: Yes.

7

8 LEUT TYSON: Q. Sir, I want to now go into the final
9 area of questions that counsel assisting have for you
10 today. As you know, this encounter between Sydney and
11 Kormoran has generated a lot of interest, many books, many
12 articles, many theories about what happened. Are you aware
13 of the theories and the debate and the books about this?

14

15

16 Interpreter [German]: I would now like to discuss the final area of questions with you.
17 You may be aware that the encounter between the Kormoran and the Sydney has led to
18 the publication of numerous books, articles and other publications. These books and
19 publications and articles throw up many different hypotheses and arguments. Do you
20 know any of them?

21

22 Fritz Kueimmerer [German]: I only know our book of the Kormoran. I know nothing else.

23

24 A. No, I just know our book, the one that's written by
25 Mr Detmers about the Kormoran.

26

27 Q. I want to give you the opportunity now to address some
28 of the ideas and theories that have been said about this
29 battle, and I want to ask you some questions about the
30 theories and I'd like you to tell me, tell the
31 Commissioner, whether you agree with it, whether you
32 disagree with it, whether it's true or not true.

33

34

35 Interpreter [German]: I would now like to give you the opportunity to comment on the
36 theories which have surfaced in connection with the battle. I will therefore present
37 them briefly and give you the opportunity to agree or disagree. One or the other.

38

39 Now, sir, one theory that has been raised is that
40 there was a Japanese submarine, a Japanese U-boat, that
41 fired a torpedo into Sydney. Did you see a Japanese
42 submarine involved in the sinking of Sydney?

43

44

45 Interpreter [German]: One of the theories suggests that a Japanese submarine was
46 involved in the skirmish which downed the Sydney by means of a torpedo hit. Did you
47 notice a Japanese submarine involved in the battle?

1

2 Fritz Kuemmerer [German]: No, I am sure we would have noticed that but there was
3 nothing like that aimed at us.

4

5 A. No. No, there was not. We should have seen that, but
6 there wasn't one.

7 Q. Another theory is that a Vichy French submarine fired
8 a torpedo into Sydney. Did you see a Vichy French
9 submarine at all do that?

10

11

12 Interpreter [German]: A further theory suggests that a French submarine of the Vichy
13 Government fired a torpedo at the Sydney. What do you say to that? Did you see a
14 French submarine?

15

16 Fritz Kuemmerer [German]: Those are all just theories ... No, there is nothing in it.

17

18 A. No. There were theories. There was no French
19 submarine.

20 Q. Another theory says that a German U-boat was
21 cooperating with Kormoran, and a German U-boat fired
22 a torpedo into Sydney. Did you see any evidence of that?

23

24

25 Interpreter [German]: Then there is also a suggestion that a German U-boat helped the
26 Sydney and fired a torpedo at the Sydney. Did you see any proof of that?

27

28 Fritz Kuemmerer [German]: Nothing, nothing at all. There's nothing in it. It's all just
29 theories.

30

31 A. No, I haven't seen any. There was nothing like that.
32 Those are just theories.

33 Q. Yes, but it's important that eyewitnesses have the
34 opportunity to address these theories. Another theory is
35 that Sydney was lured, lured in close to Kormoran, by
36 a white flag, by a suggestion that Kormoran had
37 surrendered. Did you see a white flag on Kormoran?

38

39

40 Interpreter [German]: Yes, that's right but it is important that eye witnesses in particular
41 be given the opportunity to comment on these hypotheses. A further hypothesis says that
42 the Kormoran hoisted a white flag as a means of tricking the Sydney into coming so
43 close. Did you see the Kormoran flying a white flag?

44

45 Fritz Kuemmerer [German]: I only know that we sailed under the Dutch flag as 'Straat
46 Malakka'. That's all I know.

47

1 A. No, I just know that we were disguised with a Dutch
2 flag. We were disguised as Straat Malakka. That's all
3 I know, nothing else.

4 Q. Another issue, a serious issue, which has created
5 a lot of questions is the fact that there were no survivors
6 from Sydney, and a serious allegation has been made that
7 survivors of Sydney were actually shot in the water by
8 members of Kormoran crew. What do you say to that? Do you
9 agree with that; do you disagree; did you see anything like
10 that happen?

11

12 Interpreter [German]: Another issue, and this is a very serious one, which also obviously
13 led to many questions in Australia, is the fact that there were no survivors at all on the
14 Sydney. It resulted in the very serious allegation that survivors of the Sydney were shot in
15 the water by the Kormoran crew. What is your opinion on this? Do you agree? Did you
16 see anything like that?

17

18

19 Fritz Kuemmerer [German]: No, never. Nobody managed to save themselves. There was
20 a sea of flames. Nobody could get out of there. And bear in mind that all the cm guns we
21 fired actually hit. I think there might have been two or three people still left in the engine
22 room who wouldn't have been able to get out. It was simply impossible to salvage
23 anything.

24

25 A. No, that's just completely - never, ever would we have
26 done this. It was also completely impossible for the crew
27 of Sydney to get out of this burning thing, I think,
28 because we hit so hard, our cm guns hit so hard that
29 I think there must have been only maybe one or two persons

30

31

32

33 in the engine room who were still alive after the fire
34 attack, and they also couldn't get out any more. Nobody
35 survived there, anyway.

36 Q. Allegations have also been made that in two of
37 Kormoran's earlier encounters with merchant ships - so this
38 is before Sydney - with the British Union and the Mareeba,
39 two merchant ships that Kormoran engaged with, in the
40 course of those engagements as well, people in lifeboats in
41 the water were shot at by Kormoran.

42

43

44 Interpreter [German]: In addition there are accusations that during previous encounters
45 with other merchant ships, in particular the 'British Union' and the 'Mareeba' which
46 were two merchant ships the Kormoran came across, there were incidents in which
47 people in life boats were shot at from the Kormoran. What do you say to that?

1
2 Fritz Kuemmerer [German]: I don't know them at all. I am totally unfamiliar with those
3 names.

4
5 A. I don't even know these ships. I don't know the names
6 of these ships.

7 Q. But in any of Kormoran's earlier encounters with
8 merchant ships, did you ever see at any time any of the
9 opposition survivors in lifeboats or in the water being
10 shot at by anyone on Kormoran?

11
12 Interpreter [German]: Well and good, I understand that but in the case of all other prior
13 altercations between the Kormoran and merchant ships, did you ever observe that
14 survivors of enemy ships were shot at from the Kormoran?

15
16 Fritz Kuemmerer [German]: Out of the question. Never. We sank a British steamer once.
17 Someone swam across from there. And one of us pulled him out of the water. The officer
18 said 'what you did there was much too dangerous. I'd rather of them drown than one of
19 us'. The one who rescued him was an old sailor. He knew the laws that rule the sea. He
20 pulled him in and dragged him up.

21
22 A. No, never, ever would we have done such thing.
23 Absolutely impossible. I can remember the story then - it
24 was an English steamer. When we sank it, then one of those
25 people swam towards us and one of our crew members lifted
26 him out of the water, and the officer told him, "No, you
27 cannot do this, because this is far too dangerous for us",
28 but nevertheless he did it, because he was a real seaman
29 and he knew how to behave at sea.

30 LEUT TYSON: Mr President, at this stage they're the
31 questions on behalf of counsel assisting.

32
33 THE PRESIDENT: Yes, thank you. I have no more questions.
34 Herr Kummerer, thank you very much for your help.

35
36
37 Interpreter [German]: Did you understand that? Would you like me to translate it? Mr
38 Thyssen said: 'Mr Chairman, do you have any further questions for Mr
39 Kuemmerer?' And Mr Cole replied: 'No, I have no further questions but I would like to
40 thank you very much for this interview.'

41
42 Fritz Kuemmerer [German]: We had 0 prisoners shortly before we sank. That was days
43 before we sank. Everyone who could be saved, was saved.

44
45 THE INTERPRETER: Now, just two weeks before we sank, we had
46 0 prisoners on board and they were also all saved.
47 I mean, everybody possible who could be saved by Kormoran

1 was saved.

2

3 THE PRESIDENT: Thank you very much.

4

5 THE INQUIRY ADJOURNED ACCORDINGLY

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