

COMMISSION OF INQUIRY INTO THE LOSS OF HMAS SYDNEY II

Before The Hon TRH Cole AO RFD QC

Held at residence of Mr Paul König
[REDACTED] Germany

Counsel Assisting: LEUT Matthew Tyson
LEUT Stephen Harper

On Monday, 7 July 2008
(Day 8)

28 INTERPRETER [GERMAN]: Good. All the recording equipment is operating,
29 and we can now administer the oath, Mr Cole.

30

31 THE PRESIDENT: We have come to the home of Mr Paul König
32 [REDACTED] in Germany to take evidence in relation to the
33 Inquiry into the encounter between HMAS Sydney and the
34 Raider Kormoran.

35

36 Herr König, thank you for agreeing to see us. I would
37 ask you to take the following oath.

38

39 KÖNIG [GERMAN]: Yes, I understand. Yes.

40

41 INTERPRETER [GERMAN]: You understood us? You don't need me to interpret?

42

43 KÖNIG [GERMAN]: No, you don't need to.

44

45 INTERPRETER [GERMAN]: OK, as you wish.

46

47 KÖNIG [GERMAN]: I did not understand everything, but I understood the

1 basics. You can repeat it however.

2

3 INTERPRETER [GERMAN]: Good, okay then. Good day, Mr König. We are here
4 in the home of Mr Paul König, [REDACTED] Germany. Today Mr König will
5 give evidence relating to the encounter between HMAS Sydney II and the
6 Kormoran. Thank you, Mr König, for being willing to do this. At the
7 outset I would like to swear you in. You hereby certify that in this
8 interview you will state the truth, the whole truth and nothing but the
9 truth. If you wish to do that, please say: "Yes, I will".

10

11 KÖNIG [GERMAN]: Yes, I will.

12

13

14 <PAUL KÖNIG, sworn:

15

16 INTERPRETER [GERMAN]: Thank you very much.

17

18

19 LEUT TYSON: Good morning, Herr König. My name is
20 Leut Matthew Tyson. I'm here with Herr Frank Thomas, and
21 my colleague Leut Stephen Harper, and it's 7 July 2008.

22

23 INTERPRETER [GERMAN]: Good day, Mr König. I am here together with our
24 interpreter, Mr Frank Thomas, and my colleague, Lieutenant Stephen
25 Harper. Today is the 2nd of July 2008.

26

27 KÖNIG [GERMAN]: It's not the 2nd of July.

28

29

30 THE INTERPRETER: Did you say the 2nd?

31

32 LEUT TYSON: The 7th.

33

34 THE INTERPRETER: Sorry.

35

36 INTERPRETER [GERMAN]: The 7th of July 2008.

37

38

39 THE WITNESS: Of course.

40

41 LEUT TYSON: Q. Herr König, you've been shown a copy of
42 the Instrument of Appointment for the Commission?

43

44 INTERPRETER [GERMAN]: Mr König, you have already received a copy of the
45 Instrument of Appointment from the Commission of Inquiry?

46

47 KÖNIG [GERMAN]: Yes, that's correct. I have.

1

2 A. Yeah.

3

4 Q. Sir, could you tell us your full name?

5

6 INTERPRETER [GERMAN]: I would like to begin by asking you to tell us your
7 full name.

8

9 KÖNIG [GERMAN]: My name is Paul König.

10

11 A. My name is Paul König.

12

13 Q. And, sir, what is your date of birth?

14

15 INTERPRETER [GERMAN]: What is your date of birth?

16

17 KÖNIG [GERMAN]: [REDACTED]

18

19 A. [REDACTED]

20

21 Q. Sir, what is your address - what's your current
22 address?

23

24 INTERPRETER [GERMAN]: What is your current address?

25

26 KÖNIG [GERMAN]: Here. This is my address.

27

28 INTERPRETER [GERMAN]: Just say it again so that we have it on tape.

29

30 KÖNIG [GERMAN]: [REDACTED]

31

32 A. [REDACTED]

33 [REDACTED]

34

35 Q. Sir, just before World War II started, what was your
36 occupation?

37

38 INTERPRETER [GERMAN]: Before the outbreak of World War 2, what was your
39 occupation?

40

41 KÖNIG [GERMAN]: I was an electro-mechanical engineer.

42

43 A. I was a builder for electric machines.

44

45 Q. How was it that you came to serve on Kormoran?

46

47 INTERPRETER [GERMAN]: How did you come to serve on the Kormoran?

1

2 KÖNIG [GERMAN]: The Navy, they were all volunteers. Even before the war.
3 Only volunteers went into the Navy, also into the air force. They were
4 all professional soldiers.

5

6 A. Well, with the Navy there were only volunteers, and
7 even before the war there were just volunteers, the same as
8 with the air forces, and they were all professional
9 soldiers.

10

11

12

13 1 Q. Whose division were you serving in in Kormoran?

14

15 INTERPRETER [GERMAN]: In which division on the Kormoran did you serve?

16

17 KÖNIG [GERMAN]: In the third division. That was the mechanics troop.

18

19 A. I was in the Third Division. Those were the engine
20 room - engine troop.

21

22 Q. Was that under Mitelaff?

23

24 INTERPRETER [GERMAN]: Was that under Mr Mitslaff?

25

26 KÖNIG [GERMAN]: Yes. Mitslaff was my superior.

27

28 A. Yeah. Mr Mitelaff was my Commander.

29

30 Q. Now, Herr König, can you tell us what were your duties
31 on Kormoran, what did you do?

32

33 KÖNIG [GERMAN]: Mr König, can you tell us what your duties were on board
34 the Kormoran?

35

36 KÖNIG [GERMAN]: Yes. Later on I was in Engine Room 1. On the main
37 engine.

38

39 A. Well, I was in the engine room No. 1 and at engine
40 No. 1, that was the main engine for the ship.

41

42 Q. Did you have anything to do with the wireless rooms on
43 Kormoran?

44

45 INTERPRETER [GERMAN]: Did you have anything to do with the wireless rooms
46 on board the Kormoran?

47

1 KÖNIG [GERMAN]: No, no, no.

2

3 A. No.

4

5 Q. Do you know where the wireless rooms in Kormoran were?

6

7 INTERPRETER [GERMAN]: Did you know where the wireless rooms were?

8

9 KÖNIG [GERMAN]: Yes, I knew that.

10

11 A. Yes, I knew that.

12

13 Q. Could you please explain where the two wireless rooms
14 were?

15

16 INTERPRETER [GERMAN]: Can you explain to us approximately where they
17 were, the wireless rooms?

18

19 KÖNIG [GERMAN]: Well, there must have been one up here, and then another
20 one underneath. But precisely where, I cannot say for certain. It is
21 too long ago. But there must have been one on top here.

22

23 A. There must have been one up on top.

24

25 Q. Can you indicate?

26

27 INTERPRETER [GERMAN]: Can you perhaps mark it with the pen?

28

29 INTERPRETER [GERMAN]: Just a moment. You said "on top" because this is
30 a top view, this here. And so we have the ... perhaps we can mark it
31 here.

32

33 KÖNIG [GERMAN]: Yes, yes , yes. It was on top, that is correct. Yes.

34

35 INTERPRETER [GERMAN]: O.K., but was there also one on the port side?

36

37 KÖNIG [GERMAN]: Yes, on the port side.

38

39 A. Yes, it was on the top. I don't know - there was
40 another one under deck, and I can't remember where that one
41 was, and it was --

42

43 THE INTERPRETER: I asked him to mark it also on this one,
44 because this is from top - it's from the side, and Mr König
45 said it's the same position up here and that it was on the
46 portside of the ship.

47

1 LEUT TYSON: Portside?

2

3 THE INTERPRETER: Yes, as indicated in the sketch.

4

5 LEUT TYSON: Mr President, I'll show you this document.

6 It may be convenient to you to have it marked as exhibit

7 20.

8

9 INTERPRETER [GERMAN]: Mr President, I am giving you this document now,
10 and perhaps we can admit it as exhibit number 20.

11

12

13 THE PRESIDENT: Yes. That will be exhibit 20, and I'll
14 reinforce the mark made by Herr König by making it into a
15 little arrow, that being the position of the wireless room.

16

17 INTERPRETER [GERMAN]: We will admit this as exhibit number 20, and I'll
18 enhance the marking which Mr König has applied a little. I'll make an
19 arrow out of it to make it clearer.

20

21

22 EXHIBIT #20 SKETCH AS MARKED BY MR KÖNIG.

23

24

25 LEUT TYSON: Q. Sir, you told us that your duties took
26 place in the engine room, engine room No. 1. Can you tell
27 us what you actually did inside that engine room?

28

29 INTERPRETER [GERMAN]: You said that you were working in engine room 1, on
30 the main engine. Can you tell us what exactly you did there?

31

32 KÖNIG [GERMAN]: Yes, I had the engine plant.

33

34 INTERPRETER [GERMAN]: You were overseeing it?

35

36 KÖNIG [GERMAN]: No, no, not overseeing it.

37

38 INTERPRETER [GERMAN]: Maintenance?

39

40 KÖNIG [GERMAN]: Yes, operating it.

41

42 A. Well, I've operated the engine No. 1.

43

44 Q. Sir, I want to take you now to the afternoon of
45 19 November 1941. Do you remember the alarm sounding that
46 afternoon?

47

1 INTERPRETER [GERMAN]: I want to take you back now to 19 November 1941.
2 Can you remember the alarm going off that afternoon?

3

4 KÖNIG [GERMAN]: Yes. That was about 16.00 hours. But there had already
5 been a sighting earlier. I can't be more exact any more. In any case,
6 four o'clock came, I had gone on watch, and then I was sent above by
7 Staff Engineer Hölzel to fetch his bag. He was the master-
8 sentinel/watch-master. I was supposed to fetch his pocket torch from the
9 orderly room. And when I got there it must have been after 4.30. But it
10 wasn't there. And then I just looked through the porthole and the Sydney
11 was abeam from us, about 1000 meters. And I saw people moving on the
12 deck. And I had the impression that there had not been an alarm. Then I
13 went further and then the ship's loudspeaker went: "Fire now".

14

15 INTERPRETER [GERMAN]: Excuse me, now what?

16

17 KÖNIG [GERMAN]: Fire now.

18

19 INTERPRETER [GERMAN]: I see.

20

21 KÖNIG [GERMAN]: Then I ran around to port side because the Sydney to the
22 starboard side of us. And as I ran to port side the Sydney returned
23 fire. But the shells from the heavy artillery, from the gun turret, all
24 flew over us. We presumed that they didn't have the directional angle
25 set low enough, because they all went over. I went back to the engine
26 and it was already on fire. I couldn't touch the door handles any
27 longer. So then I was going to enter through the emergency exit when
28 two people came out.

29

30 A. Yes, I do. It was more or less Sydney was sighted at
31 about 4 o'clock, maybe a little bit before, ...

32

33 KÖNIG [GERMAN]: I think the engagement began towards five o'clock.

34

35 INTERPRETER [GERMAN]: I see, the engagement. I was not up to that yet.

36

37 KÖNIG [GERMAN]: I see.

38

39 A but I can't really remember this now.
40 Anyway, at 4 o'clock I went to
41 my watch and then the staff senior machinist ...

42

43 INTERPRETER [GERMAN]: What was his name again? Mr Holzhepler? The Staff
44 Mechanic?

45 KÖNIG [GERMAN]: Hölzel.

46

47 A. ...Mr Hoelzel,

1 sent me off to get his flashlight, and so I went up on the
2 main deck to get this flashlight - that must have been
3 about half past 4, a little bit later maybe. However, the
4 flashlight I was searching for, I couldn't find it, so
5 I looked through one of the scuttles and that's when I saw
6 the Sydney abeam, more or less 1 kilometre away, and I even
7 could see people moving around on deck of Sydney and to me
8 it seemed that the Sydney - there was no alarm sign given
9 on board of Sydney. And then just a little bit later
10 I heard the order via loud speakers on the ship that, "Now
11 we are going to fire."

12
13 Then I went to the portside, whereas the Sydney was on
14 the starboard side, and then the Sydney returned the fire
15 also, but the first shells flew over Kormoran - they were
16 too high. I think this was because they didn't have the
17 right elevation set in their turrets or guns.

18
19 Then I went back to the engine room, but the engine
20 room had already caught fire. I tried to open one of the
21 doors and I touched the handle, but the handle was already
22 so hot that I couldn't touch it anymore, and then I went to
23 the emergency exit and there were already two people there.

24
25 Q. Sir, what I want to do - thank you for that account -
26 I want to go through some of that in a bit more detail,
27 what you've just told us.

28
29 INTERPRETER [GERMAN]: Thank you for your statement. However, I would
30 like to break the whole up into more detailed parts, so that we don't
31 have so much all at once.

32
33 KÖNIG [GERMAN]: All right.

34
35
36 Q. Mr President, could I just have exhibit 20, if that's
37 convenient.

38
39 Q. Sir, the first thing, after the alarm rang, you said
40 you went to your watch position. Can you indicate, please,
41 on this document whereabouts your watch position was. And
42 perhaps could you mark with an X or -

43
44 INTERPRETER [GERMAN]: You have just said, that when the alarm sounded,
45 you went to your action station. Where exactly was that? Can you mark
46 it here? Can you mark it with the pen?

47

1 KÖNIG [GERMAN]: Yes. I can be fairly precise about this. It was here.
2 Should I make a stroke?
3
4 INTERPRETER [GERMAN]: A cross is best above here, that gives us more
5 clarity.
6
7 KÖNIG [GERMAN]: Yes, it must have been here. Should I put a cross here?
8
9 INTERPRETER [GERMAN]: Yes, exactly.
10
11 KÖNIG [GERMAN]: Yes, that was my station, on the starboard side.
12
13
14
15 A. That was my watch station on the starboard side.
16
17 Q. Now, sir, can you tell us, in that position where
18 there any officers down there?
19
20 INTERPRETER [GERMAN]: Can you tell us if there were any officers there
21 below?
22
23 KÖNIG [GERMAN]: Yes. The first engineer, Lieutenant Stehr and Lieutenant
24 von Gerzen.
25
26 INTERPRETER [GERMAN]: Stehr and von Gerzen?
27
28 KOENIG [GERMAN]: G - A - Z - E - R.
29
30
31 THE PRESIDENT: The watch stations are marked with an X.
32
33 THE INTERPRETER: Well, there was the engineer in command,
34 Mr Stehr and then there was officer von Gerzen.
35
36 LEUT TYSON: Q. Now, sir, you then indicated that you
37 went on the main deck to look for a searchlight.
38
39 INTERPRETER [GERMAN]: You said that you then went up to the main deck in
40 order to fetch a torch.
41
42 KÖNIG [GERMAN]: Yes.
43
44
45 THE PRESIDENT: A torch, I think.
46
47 THE INTERPRETER: A torch, yes.

1

2 LEUT TYSON: Q. Can you please tell us again, by
3 reference to the diagram, exhibit 20, whereabouts on the
4 main deck you arrived - maybe mark it with two crosses.

5

6 INTERPRETER [GERMAN]: Can you perhaps make an entry on this drawing where
7 approximately you were on the main deck when you were looking for the
8 torch?

9

10 KÖNIG [GERMAN]: It was here.

11

12 INTERPRETER [GERMAN]: Perhaps you can make a circle there?

13

14

15 THE INTERPRETER: A circle, is that all right?

16

17 LEUT TYSON: Yes.

18

19 KÖNIG [GERMAN]: Yes. It was there. But here, at this level on the
20 between-deck, not on the top deck. It was here on this side.

21

22 THE INTERPRETER: Okay, it was not on the main deck; it was on
23 the between deck.

24

25 THE PRESIDENT: And it's been marked with a cross, and
26 I'll put a "2" beside it, so the cross with the figure "2"
27 beside it marks the point where Herr König went to, seeking
28 the lantern.

29

30 INTERPRETER [GERMAN]: I have added a two to this cross.

31

32 KÖNIG [GERMAN]: Yes.

33

34

35 Q. On the portside or the starboard side?

36

37 INTERPRETER [GERMAN]: Was it on the starboard side or the port side?

38

39 KÖNIG [GERMAN]: It was on the starboard side.

40

41 A. It was on the starboard side.

42

43 THE PRESIDENT: Thank you.

44

45 LEUT TYSON: Q. Now, sir, you mentioned that you looked
46 at Sydney, or the warship - you saw this warship. For how
47 long did you observe that warship?

1
2 KÖNIG [GERMAN]: Only briefly. I only looked out briefly, then I went
3 back.
4
5 A. Just a very short time. I just had a brief look and
6 then I went back to - I went back inside.
7
8 Q. Now, you mentioned that you saw some people moving
9 around on Sydney, on the warship.
10
11 INTERPRETER [GERMAN]: Should I translate?
12
13 KÖNIG [GERMAN]: Yes.
14
15 INTERPRETER [GERMAN]: So, you mentioned that you saw people walking
16 around on board the Sydney.
17
18 KÖNIG [GERMAN]: Yes.
19
20 A. Yeah.
21
22 Q. Are you able to tell us, perhaps by reference to the
23 model or your own memory, whereabouts were those people
24 moving around?
25
26 INTERPRETER [GERMAN]: Are you able to tell us, perhaps from memory or
27 with the aid of the model, where these people were?
28
29 KÖNIG [GERMAN]: Yes, I can. I saw them walking here. On this side.
30 That was the port side. I saw two people walking there.
31
32 A. I saw people walking around here on the portside.
33
34 INTERPRETER [GERMAN]: You say it was on the port side?
35
36 KÖNIG [GERMAN]: Yes.
37
38
39 THE PRESIDENT: Q. The point indicated was near the rear
40 funnel.
41
42 KÖNIG [GERMAN]: No, I meant on the starboard side. Starboard side.
43
44 A. No, I was wrong; it was on the starboard side, yes.
45
46 LEUT TYSON: Now, sir, that's on the starboard side. And
47 was that sort of amidships near the rear funnel where you

1 indicated; is that right?

2

3 INTERPRETER [GERMAN]: Was that approximately amidships next to the
4 funnel, as you have marked?

5

6 KÖNIG [GERMAN]: Yes, it was amidships, roughly...

7

8 A. Yes, it was amidships, more or less.

9

10 Q. And what were those people wearing?

11

12 INTERPRETER [GERMAN]: What sort of clothing were these people wearing?

13

14 KÖNIG [GERMAN]: White clothes. I think work clothes ...

15

16 A. I can't really remember, but I think it was white
17 clothes they had on, as they looked as if they were made
18 for working - working clothes.

19

20 Q. And do you remember roughly how many people you saw?

21

22 INTERPRETER [GERMAN]: Can you remember roughly how many men were there?

23

24 KÖNIG [GERMAN]: Maybe two.

25

26 A. Maybe two.

27

28 Q. Do you remember anything else about their clothing?

29

30 INTERPRETER [GERMAN]: Do you remember anything else about their clothing?

31

32 KÖNIG [GERMAN]: No.

33

34 A. No.

35

36 Q. Apart from walking, were they doing anything else?

37

38 INTERPRETER [GERMAN]: Apart from the fact that they were walking around,
39 did they do anything else?

40

41 KÖNIG [GERMAN]: No, they were 1000 meters away, so ...

42

43 A. No, they were about 1,000 metres away and I couldn't
44 see anything else, what they were doing.

45

46 Q. Now, sir, you also mentioned that you heard an order
47 by loud speaker over the ship.

1
2 INTERPRETER [GERMAN]: You also said earlier that a command was given over
3 the loudspeaker?
4
5 KÖNIG [GERMAN]: Yes.
6
7 A. Yeah.
8
9 Q. Can you tell us, please, do you remember when that
10 order was?
11
12 INTERPRETER [GERMAN]: Can you remember exactly when this command was
13 given? What was the time?
14
15 KÖNIG [GERMAN]: No, I can't.
16
17 A. No.
18
19 Q. And do you remember what the order said?
20
21 INTERPRETER [GERMAN]: Can you remember what the order was?
22
23 KÖNIG [GERMAN]: Yes. I said it just before. "Open fire. "
24
25 A. Yeah, that's what I said before, "Now we are going to
26 shoot."
27
28 THE PRESIDENT: Q. Whereabouts were you when the order
29 was given?
30
31 INTERPRETER [GERMAN]: Where were you when this order was given?
32
33 KÖNIG [GERMAN]: In the passageway on the starboard side. I went around
34 to port side. I wanted to look for the torch. He had is cabin on the
35 port side.
36
37 A. Well, I was on the - what do you call it - the lane -
38 where you walk on the ship.
39
40
41 Q. A gangway?
42 A. A gangway, yes.
43
44 Q. A corridor?
45 A. Corridor. I was in the corridor on the starboard side
46 and I was about to go to the portside, because I was still
47 looking for the torch light and that's where the cabin was

1 where I was to find the torch light.

2

3 Q. And that order that came over the loud speaker, whose
4 voice was behind the order?

5

6 INTERPRETER [GERMAN]: This command over the loudspeaker, whose voice was
7 it? Who did it come from?

8

9 KÖNIG [GERMAN]: I don't know. I couldn't say.

10

11 A. I don't know, I can't tell. (

12 KOENGIG [GERMAN]: I cannot say that any more.

13

14 Q. I just wanted to take you back: at any time after the
15 alarm rang and before this order was given, was there a
16 change in Kormoran's position, where she was sailing, where
17 she was heading to?

18

19 INTERPRETER [GERMAN]: We have to go back again. During this period
20 between the first alarm and when the order to fire was given, can you
21 remember whether the Kormoran changed course?

22

23 KÖNIG [GERMAN]: I don't know that either. I was with the engine crew.

24

25 A. No, I can't remember this, because I was in the
26 engine - with the engine crew. I didn't see that.

27

28 Q. Do you know whether the speed changed of Kormoran at
29 all?

30

31 INTERPRETER [GERMAN]: Do you know whether the Kormoran altered speed?

32

33 KÖNIG [GERMAN]: No, we had roughly a marching pace, about 10 miles, but I
34 don't know exactly.

35

36 A. No, we had the average or the marching speed, which
37 was 10 miles per hour - 10 knots.

38

39 THE PRESIDENT: Cruising speed.

40

41 THE INTERPRETER: Cruising speed, okay.

42

43 LEUT TYSON: Q. And in this period between when the
44 warship was first identified and before the order was
45 given, were there any problems with any of the engines or
46 any issues associated with the engines?

47

1 INTERPRETER [GERMAN]: During this time between the first sighting of the
2 Sydney and the order to fire were there any mechanical problems?

3

4 KÖNIG [GERMAN]: With us? Yes. One diesel engine had broken down, and
5 that was why we weren't going so fast.

6

7 A. Yes, there were problems. Yeah, one diesel engine
8 didn't work, and that's why we were also not going very
9 fast.

10

11 Q. Now, sir, earlier on when you gave your account, you
12 talked about Sydney returning Kormoran's fire and the
13 shells flying too high. Do you remember that?

14

15 INTERPRETER [GERMAN]: Earlier you said that the Sydney returned fire, but
16 that the shells flew over the Kormoran. Do you recall this?

17

18 KÖNIG [GERMAN]: Yes, I saw that, yes. They must have been from the gun
19 turret. We only got hand grenades from the casemate artillery. It was
20 here, from this artillery, not from the turret. We must have received a
21 hit from this casemate guns.

22

23 INTERPRETER [GERMAN]: May I ask what exactly were the casemate guns? How
24 big were they approximately?

25

26 KÖNIG [GERMAN]: Eight centimeters.

27

28 A. Yes.

29

30 (Discussion in German between interpreter and witness)

31

32 THE INTERPRETER: Yes, I do remember. I have seen this with my
33 own eyes. Those were the turrets that returned the fire,

34

35 but they were too high. The only hits we received were
36 from the smaller about 8-centimetre guns that were
37 positioned also on Sydney. Those were the only hits.

38

39 LEUT TYSON: Q. Can you just explain to us how you were
40 able to see this firing, given that you said then that you
41 went back to the engine room?

42

43 INTERPRETER [GERMAN]: Can you explain how you saw this, since you said
44 before that you went back to the engine room.

45

46 KÖNIG [GERMAN]: I didn't go into the engine room again. I couldn't go
47 into the engine room again. I couldn't touch the door handle any more.

1
2 A. No, I said I couldn't go to the engine room because
3 the door handle was too hot.
4
5 Q. So after you felt the door handle too hot on the
6 engine room, where did you go, sir?
7
8 INTERPRETER [GERMAN]: Where did you go then, when you found that the door
9 was too hot?
10
11 KÖNIG [GERMAN]: I was going to enter the engine room through the
12 emergency exit...
13
14 A. I tried to enter the engine room through the emergency
15 exit.
16
17 Q. And what was the result of that attempt?
18
19 INTERPRETER [GERMAN]: And what was the result of that attempt?
20
21 KÖNIG [GERMAN]: Nobody could come through, smoke was already coming out.
22
23 A. Nobody could enter through this door anymore because
24 there was smoke already coming out.
25
26 THE PRESIDENT: Q. Was that because the engine room had
27 been hit by a shell?
28
29 INTERPRETER [GERMAN]: Was that because the engine room had already been
30 hit by a grenade?
31
32 KÖNIG [GERMAN]: Yes. In fact, the shell must have entered here, at the
33 spot where I had my station. I marked it there – my station. And the
34 shell tore the suction pipe from the fire extinguisher. So we couldn't
35 pump any water. Well, I only know that from being told, I did not see it
36 myself. But it must have been the case. The shell went further, into
37 the oil tank which then caught fire and the burning oil flooded the
38 engine.
39
40 A. Yes, I saw the - yes. It must have been because the
41 shell hit directly where my station actually was, as I have
42 indicated on the drawing we have there. What happened was
43 that the shell destroyed the tube that was feeding our fire
44 extinguishing apparatus.
45
46 THE PRESIDENT: The pipe.
47

1 THE INTERPRETER: The fire extinguishing system.

2

3 THE INTERPRETER: That's also why we couldn't pump water
4 anymore, because the tubes had broken. However, I only

5 know this from what other people told me; I haven't seen

6 this with my own eyes, but it must have been like that.

7 And then the shell went through this tube and later hit the

8 oil tank, which also caught fire, and the oil from this oil

9 tank was spilled all over the engine room, and that's how

10 it caught fire also.

11

12 LEUT TYSON: Q. Do you know what Leut Stehr and von

13 Gaerten were doing at this time?

14

15 INTERPRETER [GERMAN]: Do you know what Lieutenant Stehr and Mr von Gerzen

16 were doing at this time?

17

18 KÖNIG [GERMAN]: No.

19

20 A. No.

21

22 THE PRESIDENT: Q. Herr König, whereabouts were you when

23 the first shots were fired?

24

25 INTERPRETER [GERMAN]: Mr König, where exactly were you when the first

26 shots were fired?

27

28 KÖNIG [GERMAN]: Here, on this side. In the inner passageway. Here, this

29 is outside, but behind it is a passageway.

30

31 A. I was in this side. I was in the inside corridor.

32

33 There's one on the outside and one on the inside and I was

34 in the inside corridor, on that side, on the starboard

35 side. There's the corridor, so there was a corridor here.

36

37 KÖNIG [GERMAN]: Can I mark it there?

38

39 INTERPRETER [GERMAN]: Of course.

40

41 KÖNIG [GERMAN]: Here is a passageway, and also here, above it. You can

42 go in here, there is a passage, and here are the troops' and officers'

43 rooms. And behind these rooms was a passageway which went to here and I

44 got there, to the cabin, and then the shells were coming over the ship

45 into the water. But I was approximately in this passage.

46

47

1 THE PRESIDENT: I'll just mark it with dotted lines; is
2 that right? I've marked with dotted lines --

3

4 THE INTERPRETER: And on this side there where the cabins --

5

6 THE PRESIDENT: -- the area where Herr König indicated
7 where the corridor was.

8

9 KÖNIG [GERMAN]: I was there, at this spot, when the first salvo fell.

10

11 A. Yes. On this side - and I was about here when the
12 first salvo was fired.

13

14 THE PRESIDENT: I'll mark an X, with a cross, with a "3"
15 beside it to mark the position where you were when the
16 first shot was fired.

17 A. Yes. And then I went around here, because his cabin
18 was on the portside. Here there was another corridor.

19

20 Q. So then you went around here; is that right?

21

22 KÖNIG [GERMAN]: Yes.

23

24 A. Right.

25

26 Q. To where the cabin was on the portside.

27

28 LEUT TYSON: Q. Sir, when you were in this corridor
29 here, were you able to see the warship?

30

31 KÖNIG [GERMAN]: No. I saw the Sydney approximately here. I have already
32 marked it here.

33

34 A. No. This cross No. 2, that's where I saw the Sydney.

35

36 THE INTERPRETER: And I have to add something from before.
37 When he was here on the portside --

38

39 INTERPRETER [GERMAN]: So you saw the first shot there, or what? Or the
40 shells flying over the ship?

41

42 KÖNIG [GERMAN]: I saw that from here.

43

44

45 THE INTERPRETER: From this side, that's where I saw how the
46 shells went over Kormoran.

47

1 THE PRESIDENT: Q. You're on the portside near the cabin
2 you were seeking when the shells went over and landed in
3 the water on the portside; is that what you're saying?
4

5 INTERPRETER [GERMAN]: Are you saying that you were right here on the port
6 side and could then see how the shells were fired over the Kormoran and
7 landed in the water here?
8

9 KÖNIG [GERMAN]: Yes, I was then here in the cabin of Staff Mechanic
10 Hölzel. And I could see that through the porthole, the water founts
11 where they went into the water.
12

13 A. Yeah, I was in this cabin of Mr Holzel, and then
14 I could see through the scuttle how the shells, or I could
15 see fountains in the water from these shells.
16

17 LEUT TYSON: Q. Can you say roughly how many shells you
18 saw overshoot Kormoran?
19

20 INTERPRETER [GERMAN]: Can you say roughly how many shells you saw flying
21 over?
22

23 KÖNIG [GERMAN]: No, I left straight away.
24

25 A. No, I couldn't see this, because I directly went away
26 again.
27
28

29 THE PRESIDENT: Q. About how far over the Kormoran did
30 the shells land in the water? You can't say?
31

32 INTERPRETER [GERMAN]: Do you perhaps know how far distant in the water
33 from the Kormoran the...
34

35 KÖNIG [GERMAN]: No, I couldn't say.
36

37 A. No.
38

39 LEUT TYSON: Q. When this was happening, did you at any
40 stage see what flags were flying on Kormoran?
41

42 INTERPRETER [GERMAN]: While all this happened, could you at some stage
43 see which flags were hoisted on board the Kormoran?
44

45 KÖNIG [GERMAN]: During the firing it was the Naval ensign. Before we
46 started firing the flag of war was hoisted. I know that from Leading
47 Seaman Ahlbach. He was the Leading Signalmann and therefore responsible

1 for hoisting the flags.

2

3 A. Well, during the firing, during the battle, the war
4 ensign was hoisted and they were hoisted by the senior
5 seaman, Mr Ahlbach, who was responsible for the signals,
6 and he did this.

7

8 KÖNIG [GERMAN]: But all of this must be in the archives, what I have just
9 stated. It must all be in the archives.

10

11 INTERPRETER [GERMAN]: All of this is in books somewhere?

12

13 KÖNIG [GERMAN]: No, not that. It must be there from our interrogation.
14 We were interrogated in 1941 you know.

15

16 A. This must be in your archives already
17 what I've said now. You must have this all in your
18 archives when we were interrogated back in 1941.

19

20 Q. We've heard other accounts about the flags, but what
21 the Commission's interest now is whether you yourself saw
22 with your own eyes the flags that were flying.

23

24 INTERPRETER [GERMAN]: Naturally we have heard many reports from witness
25 statements concerning the flag. But what we are interested in now is
26 what you yourself were able to see of the flags with your own eyes.

27

28 KÖNIG [GERMAN]: I don't know. I did not see anything. I only know that
29 Ahlbach hoisted the flags, that I know. You see, I was good friends with
30 Ahlbach.

31

32 A. Well, I personally haven't seen anything of that. The
33 only thing I know is that Mr Ahlbach was responsible for
34 hoisting the flags, and I know this because he was a good
35 friend of mine.

36

37 THE PRESIDENT: Q. Was there a procedure in relation to
38 the flag when Kormoran went into battle?

39

40 INTERPRETER [GERMAN]: Was there a certain way of proceeding for hoisting
41 the flag at the point when the Kormoran was ready for battle?

42

43 KÖNIG [GERMAN]: I don't understand.

44

45 INTERPRETER [GERMAN]: Did I express that too oddly?

46

47 KÖNIG [GERMAN]: Yes.

1

2 INTERPRETER [GERMAN]: Was there a certain way of proceeding for hoisting
3 the flag if the Kormoran was getting ready to go into battle?

4

5 KÖNIG [GERMAN]: Well, whenever we fired the Naval ensign was also up.
6 We did not fire under false flags. We didn't do that.

7

8 A. Well, when we were firing, we had the war ensign up; we
9 were never firing without the war ensign up - that never
10 happened.

11

12 LEUT TYSON: Is there anything further, Mr President, on
13 that?

14

15 Sir, you've described some of your movements around
16 Kormoran after the firing began.

17

18 INTERPRETER [GERMAN]: You have already recorded the movements you made
19 after the encounter began.

20

21 KÖNIG [GERMAN]: Yes.

22

23 A. Yes.

24

25 Q. Can you tell us, as you moved around after the firing
26 started, what did you see? What else was happening on
27 Kormoran at this time?

28

29 INTERPRETER [GERMAN]: Can you tell us what else happened on board the
30 Kormoran after the gun battle started? What did you see?

31

32 KÖNIG [GERMAN]: Nothing. I was at the engine.

33

34 A. Well, I haven't seen anything, because I was at the
35 engine.

36

37 Q. You talked about feeling the entrances to the engine
38 room being very hot and the emergency exit. Was a
39 fire-fighting team got ready to fight the fire or to go
40 into the engine room?

41

42 INTERPRETER [GERMAN]: You stated before that the door handle was too hot
43 to touch. Can you remember whether there was a fire extinguishing troop
44 underway to extinguish the fire?

45

46 KÖNIG [GERMAN]: No, no, there wasn't. That was for us from the engine
47 room to put out. But the pipe from the fire extinguisher had been

1 destroyed by the shell we got. I recorded that before.

2

3 INTERPRETER [GERMAN]: The Säureleitung?

4

5 KÖNIG [GERMAN]: The suction pipe. The suction pipe for water.

6

7 A. No, that would have been done from the engine room

8 usually, but, as I explained before, the pumping tube for

9 this fire extinguishing system had been hit by a shell.

10

11 That's why it was not working anymore.

12

13 Q. How long did the firing go on for?

14

15 INTERPRETER [GERMAN]: How long did the gun battle last?

16

17 KÖNIG [GERMAN]: I would say it was dark when the Sydney opened fire

18 again. There had been a break in the battle and then the Sydney opened

19 fire again.

20

21 A. Well, I want to say that it was dark already, and then

22 there was a break in the firing, but then the Sydney fired

23 again after this break.

24

25 Q. Did the Kormoran also fire again after the break?

26

27 INTERPRETER [GERMAN]: Did the Kormoran also fire after this break in the

28 battle?

29

30 KÖNIG [GERMAN]: Yes, we shot back then.

31

32 A. Yes, we returned the fire.

33

34 Q. Do you know what guns Kormoran used to return the

35 fire?

36

37 INTERPRETER [GERMAN]: Do you know what guns the Kormoran deployed in this

38 case to return fire?

39

40 KÖNIG [GERMAN]: The 15-centimetre guns.

41

42 A. The 15-centimetre guns.

43

44 Q. Do you know the relative position of the two ships at

45 the time this firing was taking place?

46

47 INTERPRETER [GERMAN]: Do you know the relative position of the ships to

1 one another when this gun battle took place?

2

3 KÖNIG [GERMAN]: No.

4

5 A. No.

6

7 Q. Where were you at this time, sir?

8

9 INTERPRETER [GERMAN]: Where were you at this time?

10

11 KÖNIG [GERMAN]: On the upper deck. I couldn't get into the engine room
12 any more. There was smoke. So for a while we were all standing on the
13 upper deck.

14

15 A. I was on the main deck, because I couldn't go back to
16 the engine with all the smoke in there. Even sometimes all
17 of us were there on the main deck, or many of us.

18

19 Q. At that stage can you describe what was the damage to
20 Kormoran when the firing stopped?

21

22 INTERPRETER [GERMAN]: When the gun battle was over, can you tell us what
23 damage the Kormoran had suffered from it at this point?

24

25 KÖNIG [GERMAN]: Yes, we had a hit to the turret. Right here. The funnel
26 was hit. And a hit to the engine. We had three hits.

27

28 A. (In German - not translated).

29

30 THE PRESIDENT: Pointing to?

31

32 LEUT TYSON: The area just in front of the bridge.

33

34 Q. Was it as far as the bridge?

35

36 INTERPRETER [GERMAN]: So, by turret hit do you mean a hit to your turret?

37

38 KÖNIG [GERMAN]: Yes. The turret. We had it here and here. Here over
39 the turret and here we had two. They could shoot with four guns each
40 side.

41

42 A. The Kormoran received one hit in the turret, then
43 another one in the funnel, and another one in the engine
44 room. All together there were three hits.

45

46 THE INTERPRETER: And then he explained that they had,
47 each side of the ship several guns, all together four per

1 side. They could shoot with four guns per side on the
2 other ship.

3

4 LEUT TYSON: Q. And after the firing had stopped, did
5 you see Sydney at all?

6

7 INTERPRETER [GERMAN]: After the gun battle stopped were you able to see
8 anything more of the Sydney?

9

10 KÖNIG [GERMAN]: Yes, the glow of the fire.

11

12 A. Yes, I could see the glare.

13

14 Q. Can you tell us where Sydney was when you saw this
15 glare?

16

17 INTERPRETER [GERMAN]: Can you tell us where the Sydney was when you saw
18 this fire glow?

19

20 KÖNIG [GERMAN]: Quite far away on the horizon. We couldn't sail any
21 more. We had stopped. But the Sydney was still sailing.

22

23

24 A. She was pretty far away on the horizon. We had to
25 stop because our engines were broken, but Sydney could
26 still proceed.

27

28 Q. Now, at that point after Kormoran's engines were
29 broken, what happened next?

30

31 INTERPRETER [GERMAN]: At this point, when it was clear that the
32 Kormoran's engines were no longer functioning, what happened next?

33

34 KÖNIG [GERMAN]: Well, nothing more. Nothing more happened.

35

36 A. Nothing - nothing happened.

37

38 THE PRESIDENT: Q. You said Sydney could still proceed.
39 About what speed? Could you see her speed?

40

41 INTERPRETER [GERMAN]: You said that the Sydney was still proceeding. Do
42 you know what her speed was approximately?

43

44 KÖNIG [GERMAN]: No. But she had had a torpedo hit in the forecastle. So
45 she couldn't go fast any more.

46

47 A. No, I cannot really tell. They were hit by this

1 torpedo in the fore ship, and I think they were not going
2 very fast. It was just simply not possible for them, but
3 I cannot say exactly with which speed they went.

4

5 LEUT TYSON: Q. Sir, what happened to the Kormoran after
6 this?

7

8 INTERPRETER [GERMAN]: What happened with the Kormoran after all this...?

9

10 KÖNIG [GERMAN]: Nothing, nothing at all. We couldn't extinguish anything
11 at all. So we cleared the lifeboats.

12

13 A. Well, nothing apparently, because the engine's not
14 running, we didn't fire anymore. That's when we started to
15 clear the lifeboats.

16

17 Q. Can you explain, in clearing the lifeboats, which
18 lifeboat did you get on?

19

20 INTERPRETER [GERMAN]: Can you explain to us in which lifeboat you went?

21

22 KÖNIG [GERMAN]: Yes. It was a lifeboat that was lying here on the upper
23 deck. It was a lifeboat from a ship. The ship's crew went in the boat
24 and then we took over the boat.

25

26 INTERPRETER [GERMAN]: From...?

27

28 KÖNIG [GERMAN]: From an English ship or a Greek ship. I don't know any
29 more what sort of ship it was. In any case, we took over some lifeboats
30 from a ship.

31

32 A. Yes. I went to a lifeboat that was positioned here on
33 the main deck, as I have indicated, and this was the
34 lifeboat we had captured from another ship before - I think
35 it must have been either an English or a Greek ship,
36 I cannot really remember, but this is the boat I went to.

37

38 Q. How was that boat lowered into the water?

39

40 INTERPRETER [GERMAN]: How was the lifeboat lowered into the water?

41

42 KÖNIG [GERMAN]: Thrown down.

43

44 A. We just threw it in there.

45

46 Q. And who was in charge of that boat? Who was the most
47 senior person in that lifeboat?

1
2 INTERPRETER [GERMAN]: Who was the leading Commander? Who was the most
3 senior person in this lifeboat?
4
5 KÖNIG [GERMAN]: There were two officers. I think one was Bunjes and, I
6 think, von Gösseln. But I'm not one hundred per cent certain.
7
8 A. I have to think this over. I am not 100 per cent sure
9 about this, but I think that we had two officers in our
10 lifeboat, and I think they were Bunjes and Mr von Goesseln.
11
12 Q. Before you got into the lifeboat, were the men on
13 Kormoran addressed by either Capt Detmers or von Goesseln?
14
15 INTERPRETER [GERMAN]: Before you got into the lifeboat was there any
16 instruction either from Mr von Gösseln or from Captain Detmers?
17
18 KÖNIG [GERMAN]: No. No, I don't know of any instructions being given.
19 There was just the order given to disembark.
20
21 A. No, not as far as I know. I don't think they have
22 given any instructions. Only the order was given to
23 abandon ship, that was all, but no instructions.
24
25 Q. How was the order given to abandon ship?
26
27 INTERPRETER [GERMAN]: How was the order to abandon ship given?
28
29 KÖNIG [GERMAN]: Through the Duty Officer. The Duty Officer crossed the
30 ship and called out that we were to abandon ship. Everyone went to
31 lifeboats and rescue stations.
32
33 INTERPRETER [GERMAN]: Could you perhaps explain to me exactly? A Duty
34 Officer? I have never heard of this. What precisely is he? Do you know
35 another word for this? Was he in the officer ranks?
36
37 KÖNIG [GERMAN]: He called himself Duty Officer. He was a First
38 Lieutenant.
39
40
41 (Discussion in German between interpreter and witness)
42
43 THE INTERPRETER : It was --
44
45 THE INTERPRETER: This is now a direct translation.
46
47 THE INTERPRETER: -- the role officer. Anyway, he was an

1 officer, senior officer. I don't know what the exact
2 translation might be into English. Anyway, this person was
3 responsible for going over the ship and telling everybody -
4 he gave the order to abandon ship and told everybody to get
5 ready for the rescuing station.

6

7 LEUT TYSON: Q. Q. Was it Foerster?

8

9 INTERPRETER [GERMAN]: Was it Mr Förster?

10

11 KÖNIG [GERMAN]: No, it wasn't Mr Förster.

12

13 A. No, it was not Foerster.

14

15 Q. Bretschneider?

16

17 KÖNIG [GERMAN]: It wasn't Bretschneider either.

18

19 A. No, also not.

20

21 Q. How was it that von Goesseln came to be in your boat?

22

23 INTERPRETER [GERMAN]: How did it happen that Mr von Gösseln was in the
24 boat with you?

25

26 KÖNIG [GERMAN]: I don't know exactly any more. In any case, the officer
27 who came onto our boat, he swam up to it. We pulled him onto the boat.
28 And he was wearing only a shirt and shorts.

29

30 A. I can't really remember this now if it was von
31 Goesseln. Anyway, what I can remember is that there was an
32 officer who came into our boat and he swam to our boat and
33 the only thing he was wearing at this time was just a shirt
34 and some shorts.

35

36 Q. What supplies did you have in that lifeboat?

37

38 INTERPRETER [GERMAN]: What food or other stock did you have on the boat?

39

40 KÖNIG [GERMAN]: Nothing at all. The boat was broken. The boat had had a
41 mechanical drive, a sort of manual operation, with a screw at the back.
42 But the machinery had been taken out and there was just a hole there. We
43 were up to our knees in water for eight days.

44

45 A. We had nothing on board - nothing. Also, this boat
46 did not work anymore. It used to have a hand machine which
47 you could use a propeller. Anyway, this machine had been

1 taken out, so there was a hole in the boat where the water
2 entered the boat and until we were finally rescued we were
3 all these days more or less in the water up to our knees.

4

5 Q. At any stage while you were in the boat did you
6 receive any instructions about how to answer
7 interrogations?

8

9 INTERPRETER [GERMAN]: When you were in the lifeboat did you ever get any
10 instructions on how to behave in the case of an interrogation? What
11 answers to give?

12

13 KÖNIG [GERMAN]: No, no, no.

14

15 A. No.

16

17 Q. Do you remember, sir, when you were interrogated in
18 the camp in Western Australia?

19

20 INTERPRETER [GERMAN]: Can you remember being interrogated in a prisoners-
21 of-war camp in Australia?

22

23 KÖNIG [GERMAN]: Yes. In Harvey.

24

25 A. Yes, it was in Harvey.

26

27 Q. Yes, Camp Harvey. Do you remember in the course of
28 that interrogation you were asked some questions about a
29 Yugoslav boat which Kormoran had attacked?

30

31 INTERPRETER [GERMAN]: Can you remember that you were asked about a
32 Jugoslavian boat which the Kormoran attacked during this interrogation?

33

34 KÖNIG [GERMAN]: No.

35

36 A. No.

37

38

39 Q. Perhaps this might help you to remember. I might just
40 get Herr Thomas to read you the notes taken of your
41 interview in Harvey.

42

43 INTERPRETER [GERMAN]: Perhaps this will help you to remember. I ask Mr
44 Thomas to read it to you now in German.

45

46

47 THE INTERPRETER: Whereabouts do we start?

1
2 LEUT TYSON: Here.
3
4 THE INTERPRETER: "It's just a small thing"?
5
6 LEUT TYSON: Yes.
7
8 INTERPRETER [GERMAN]: O.K. It says here: " König, Paul. Aged 23.
9 Electrician on board. Joined the Navy in 1940. Was on lower deck – that
10 was the station?
11
12 KÖNIG [GERMAN]: Yes.
13
14 INTERPRETER [GERMAN]: He knows that the Eurylochus – as the ship was
15 called – was sunk and the Kormoran took on board some Chinese. Some of
16 the prisoners from the Eurylochus could speak German...
17
18 KÖNIG [GERMAN]: Only one.
19
20
21 THE INTERPRETER: Well, it was "some prisoners" - he
22 says just one. Can you read this word?
23
24 LEUT TYSON: "Misbehaviour".
25
26 INTERPRETER [GERMAN]: We met the last supply ship about ten weeks ago. I
27 am not entirely sure about this because I was under arrest at the time
28 for misbehaviour. I can remember that a Yugoslavian boat, a Yugoslav,
29 was sunk and that only nine men were rescued from it in a lifeboat. The
30 rest of the crew drowned. We searched for them for at least 3 hours."
31 That was your statement at that time.
32
33 KÖNIG [GERMAN]: Yes.
34
35
36 Q. Do you remember now that interview? Do you remember
37 that interview?
38
39 INTERPRETER [GERMAN]: Can you now remember this questioning from that
40 time?
41
42 KÖNIG [GERMAN]: Yes. Now that you have read it out, yes.
43
44 A. Yes. Now that you've read it to us, I can remember,
45 yes.
46
47 Q. Okay. Can you please tell us what happened with this

1 Yugoslav boat?

2

3 INTERPRETER [GERMAN]: Can you perhaps tell us again what happened with
4 this Yugoslavian boat?

5

6 KÖNIG [GERMAN]: I don't know. It is too long ago.

7

8 A. I cannot. I don't know. It's too long ago.

9

10 Q. So you don't remember at all the nine men being saved
11 in a lifeboat from that ship?

12

13 INTERPRETER [GERMAN]: So you can't remember that these nine men, who were
14 in the lifeboat, were rescued from the ship at that time?

15

16 KÖNIG [GERMAN]: Well, it was claimed that the Chinese didn't allow any
17 English on the lifeboat.

18

19 INTERPRETER [GERMAN]: Excuse me, I did not hear that properly. Did not
20 allow what on the lifeboat?

21

22 KÖNIG [GERMAN]: There were indeed Chinese on the Eurylochus. It was a
23 Chinese crew. And as far as I know, they did not allow any Englishmen
24 onto the lifeboat. I believe that no Englishmen were rescued. That must
25 have been something that was said too.

26

27 A. No, but what has been said is that the Chinese on
28 board of the Eurylochus, they wouldn't allow English men in
29 the lifeboats, because they were just a whole, pure Chinese
30 crew.

31

32 KÖNIG [GERMAN]: We reached land for the first time in Carnarvon. Then we
33 went further, toward Perth. The Chinese were already there... There we
34 had made a statement, on board, that the English were not taken on by the
35 Eurylochus. I believe they were even arrested, the two Chinese. So it
36 was said.

37

38 A. Well, it was when we were brought on land that I
39 think it was in Carnarvon, but then later we were brought
40 to Perth and, anyway, while still on board of the ship
41 which rescued us the Chinese were interrogated and we also,
42 and then it was found out that the Chinese didn't take the
43 English men in the lifeboats, and I think the Chinese were
44 even imprisoned for this. That's how it was told.

45

46 LEUT TYSON: Mr President, I understand the tape's about
47 to stop. It might be convenient for a break.

1

2 THE PRESIDENT: Yes, very well.

3

4 INTERPRETER [GERMAN]: Mr President, Mr Harper has just indicated to me
5 that the cassette is about to end. Could we have a short break?

6

7

8 SHORT ADJOURNMENT

9

10 LEUT TYSON: The tape's now restarted. Mr President, at

11

12

13 this stage they are the questions on behalf of counsel
14 assisting.

15

16 THE PRESIDENT: I'll just ask a couple of questions if I
17 may.

18

19 Q. Herr König, I understand that before the encounter
20 between the Sydney and the Kormoran, the Kormoran was
21 disguised as a Dutch ship, the Straat Malakka; is that
22 correct?

23

24 KÖNIG [GERMAN]: Yes.

25

26 A. Yes.

27

28 Q. Do you recall any order being given to decamouflage
29 the ship?

30

31 INTERPRETER [GERMAN]: Can you remember whether any orders had been given
32 to decamouflage the ship?

33

34 KÖNIG [GERMAN]: No.

35

36 A. No.

37

38 Q. Was there any usual procedure about decamouflaging the
39 ship before the Kormoran went into battle with another
40 ship?

41

42 INTERPRETER [GERMAN]: Was there a set procedure for decamouflaging the
43 Kormoran before it went into battle?

44

45 KÖNIG [GERMAN]: Preparation? Yes. We were at our battle stations. When
46 the alarm sounded we went to the battle stations. But we were not
47 camouflaged then.

1

2 A. There were preparations in such a way that as when the
3 alarm came, or any alarm came, we went to our action
4 stations of course, but then that was not when the disguise
5 had been removed yet; it happened later.

6

7 Q. So you maintained the disguise when you were at battle
8 stations?

9

10 INTERPRETER [GERMAN]: Well, did the camouflage still hold, even when
11 people were already at their battle stations?

12

13 KÖNIG [GERMAN]: Yes.

14

15 A. Yes.

16

17 Q. When was the disguise removed?

18

19 INTERPRETER [GERMAN]: When was the camouflage then normally removed?

20

21 KÖNIG [GERMAN]: Well, when the battle started.

22

23 A. As soon as the battle started.

24

25 Q. As soon as the battle started?

26 A. Yes.

27

28 Q. And you've said that you heard an order or a direction
29 that the Kormoran was going to open fire on the Sydney. Do
30 you recall how long after that order it was that the first
31 shots were fired?

32

33 INTERPRETER [GERMAN]: You said before that you heard the command to start
34 firing. Can you recall how long it was from the moment this order was
35 given until when the first shot fell?

36

37 KÖNIG [GERMAN]: That happened very fast. It happened very fast. The
38 covering flaps flew up, the guns swivelled. Then they fired at once.
39 The guns were already charged.

40

41 A. That was very, very quick - very quick, really,
42 because just the flaps opened, the guns were pointed
43 outwards or swung outwards, and they were charged already
44 and they started to shoot immediately, so it was very
45 quick.

46

47 Q. Do you recall who shot first - the Kormoran or the

1 Sydney?

2

3 INTERPRETER [GERMAN]: Can you recall who shot first, the Kormoran or the
4 Sydney?

5

6 KÖNIG [GERMAN]: We did.

7

8 A. We have shot first, Kormoran.

9

10 THE PRESIDENT: Yes, I think they're the only questions
11 I wanted to ask.

12

13 LEUT TYSON: Q. Mr König, I just want to now turn to a
14 final set of questions and topics to raise.

15

16 INTERPRETER [GERMAN]: I would now like to come to the last focal point of
17 our questions. This is really the last point.

18

19 LEUT TYSON: Q. As you know,
20 there have been many books and many articles and theories
21 which have been raised about this encounter between
22 Kormoran and Sydney.

23

24 INTERPRETER [GERMAN]: As you certainly know, there have been many books,
25 newspaper articles, and so on, written about the battle between the
26 Kormoran and the Sydney.

27

28 KÖNIG [GERMAN]: Yes, yes. In particular one by Montgomery and one by
29 another person. He was from Frankston, a suburb of Melbourne. I got his
30 article sent to me. His name was on it, and Frankston. And I have a
31 relative who lives in Frankston. I rang her straight away and said, look
32 in the telephone book for this person and this name, whether their
33 telephone number and address... And so she gave me the address and the
34 telephone number. The man must have been mad. He got carried away and
35 rambled on. He railed against the Sydney, railed against us. It was
36 dreadful. He must have been crazy.

37

38 A. Yes, especially Mr Montgomery, and then there's
39 another writer from Frankston - I think that's a suburb of
40 Melbourne. I have his article, I've read it here, and then
41 it was just the name of this author, which I can't remember
42 now, and that he was in Frankston. Then I had also a
43 relative living in Frankston, and I just called her and
44 asked her to get his telephone and his address from the
45 telephone book in Frankston, and she gave that to me. But
46 I must say this guy was completely crazy. He was so -
47 yeah - over the top and explained it in full detail, which

1 were that were publicly wrong these details. He was
2 complaining about Sydney and about us. He must have been
3 really very crazy.

4

5 Q. I'd just like to have the opportunity for you to
6 respond directly to some of these main theories, which I'd
7 like to just ask you about, because it's important to see
8 from the eye witnesses whether there's any truth at all in
9 these accounts. Now, first, in relation to –

10

11 INTERPRETER [GERMAN]: I would like to give you the opportunity to respond
12 to some of these theories which have been postulated in relation to the
13 Sydney and the Kormoran, and to give your comments. We are particularly
14 interested to have statements from eye witnesses in order to assess
15 whether there could be even the slightest truth behind these theories.

16

17

18 THE PRESIDENT: Q. Do you wish to say something?

19

20 INTERPRETER [GERMAN]: Would you like to say anything to this now?

21

22 KÖNIG [GERMAN]: Yes, I'll come to it later. I'll wait first for his
23 question.

24

25 A. Well, I'll do that later. I'll wait for his questions
26 first.

27

28 LEUT TYSON: Q. First, in relation to Mr Montgomery's
29 theory that a Japanese submarine - Japanese U-boat fired a
30 torpedo –

31

32 KÖNIG [GERMAN]: I know, I know. Crazy. Do you know that Montgomery's
33 father is English? Montgomery's father, he was on the Sydney. He was on
34 officer on the Sydney. I had contact with him once. I broke it off.
35 There was no point.

36

37 A. Yes, I know that one. He's a mad guy. Well, you know
38 that he's in fact English and that the father of
39 Mr Montgomery was apparently an officer on board of Sydney.
40 I also had some contact with him, with Mr Montgomery, but
41 this all ended, because I think he was completely crazy.

42

43 Q. But did you ever see a Japanese submarine fire a
44 torpedo on Sydney?

45

46 INTERPRETER [GERMAN]: Did you ever see a Japanese submarine submarine
47 fire torpedoes at the Sydney?

1

2 KÖNIG [GERMAN]: No.

3

4 A. No.

5

6 Q. Did you see another Naval unit, such as a German

7

8 U-boat or another German warship, firing against Sydney?

9

10 KÖNIG [GERMAN]: No.

11

12 A. No.

13

14 Q. There's also an allegation made that some survivors of
15 Sydney were in the water and some of these men were shot in
16 the water. What do you say to that?

17

18 INTERPRETER [GERMAN]: It is also maintained by some that survivors of the
19 Sydney were swimming in the water?

20

21 KÖNIG [GERMAN]: Well, you know what. The Sydney lay burning far beyond
22 the horizon. I've got pictures here. They have now been found. I can
23 show you them afterwards. The ships were so far apart. We weren't able
24 to sail any more. How then were we supposed to see people in the water?

25

26 A. Well, I've got to tell you something. I mean, the
27 Sydney was very far away already burning behind the
28 horizon. I have now found pictures, they have been
29 published recently I think from the wrecks, and there you
30 can see that the ships were very far away from each other
31 and our engines didn't work anymore. How could we see
32 survivors from Sydney if she was such a long distance away?
33 That's just impossible.

34

35 Q. The argument is that what happened, people in the
36 lifeboats went out with hand guns and shot some of the
37 people in the water.

38

39 INTERPRETER [GERMAN]: What is maintained is, to be sure... The theory
40 goes as follows, that the people in the lifeboats shot the survivors
41 swimming in the water with handguns.

42

43 KÖNIG [GERMAN]: That is just crazy. A normal human being could not
44 believe that. We and the Sydney were at least 15 kilometers apart. And
45 it was dark, at night. How then was a lifeboat supposed...? We didn't
46 leave the ship until 10 o'clock, or even later. It was pitch dark. How
47 is a lifeboat supposed to travel 15 kilometres? In two hours? Madness!

1

2 A. That's crazy; that's crazy. A normal-thinking person
3 cannot believe this, because you must see that we were at
4 least 15 kilometres away from each other, and also it was
5 dark - it was very, very dark. It was in the middle of the
6 night, because it was 10 or even later when we abandoned
7 Kormoran. It must have been completely impossible to take
8 the lifeboat and go these 15 kilometres to find survivors
9 of Sydney and shoot them within two hours. That's just
10 mad.

11

12 Q. What was the sea state like at this time?

13

14 INTERPRETER [GERMAN]: How was the sea at this time?

15

16 KÖNIG [GERMAN]: There was quite a swell. It was quite rough.

17

18 A. Well, we had quite a swell.

19

20 Q. And the final thing that I wanted to ask you about, do
21 you know what happened to the light schnell boat - the
22 light speed boat - from Kormoran?

23

24 INTERPRETER [GERMAN]: And the last thing I would like to ask you, do you
25 know what happened with the Kormoran's speedboat?

26

27 KÖNIG [GERMAN]: It sank with the Kormoran. As did our aeroplane on
28 board.

29

30 A. Well, it drowned together with the Kormoran, the same
31 as the aeroplane we had on board.

32

33 LEUT TYSON: Mr President, they're the questions on behalf
34 of counsel assisting, if that's convenient to you.

35

36 THE PRESIDENT: Q. Herr König, do you know if the German
37 battle flag was left on board the Kormoran or taken off the
38 Kormoran?

39

40 INTERPRETER [GERMAN]: Mr König, do you know whether the German Naval
41 ensign was left on board the Kormoran or whether it was taken with you?

42

43 KÖNIG [GERMAN]: No. It remained on board.

44

45 A. No, it stayed on board the Kormoran.

46

47 Q. I see you have some pictures there. Are they of

1 interest to my Inquiry?

2

3 INTERPRETER [GERMAN]: I see you have pictures there. I would like to
4 have a look at them.

5

6 KÖNIG [GERMAN]: This is a picture, I don't know any more, how they got
7 the flag. That's on the national holiday. And on that there was an Iron
8 Cross. Here it is complete again. There was an Iron Cross with the
9 swastika on top, we had to take it down. Then the Austrian put it up
10 again.

11

12 INTERPRETER [GERMAN]: An Austrian or a Mr Österreich?

13

14 KÖNIG [GERMAN]: No, an Austrian. You can see it better here. But how he
15 got the flag in Australia...

16

17 INTERPRETER [GERMAN]: An Australian, not an Austrian?

18

19 KÖNIG [GERMAN]: No, an Austrian, who was also in the prison. However he
20 lived there. Somehow he got hold of the flag.

21

22

23 A. I don't know how they got the flag. This is a
24 picture, and I don't know where they got the flag from.
25 That's on the people's commemoration day and on top of this
26 there was the Iron Cross. There was the swastika first on
27 top of this together with the Iron Cross, and they had to
28 remove that. However, some Austrian guy put the Iron Cross
29 back on top. It was an Austrian guy, and I don't know
30 where he got the flag from in Australia, because this all
31 is in Australia apparently.

32

33 THE PRESIDENT: Yes.

34

35 LEUT TYSON: This is in Tatura Murchison.

36

37 KÖNIG [GERMAN]: That is in Murchison. Yes.

38

39 A. Murchison, yes.

40

41 THE PRESIDENT: I'll just have it noted that I've been
42 shown three pictures of the memorial to the Kormoran, and
43 one with a German flag, another memorial with a top piece
44 and the Iron Cross and on the back, the first one is dated
45 1987 [sic], and the second one 1998, and the third
46 photograph also dated 1997 shows two Australians apparently
47 about to lay a wreath at the Kormoran memorial. Are they

1 Australians?
2
3 LEUT TYSON: It is Mr Elmecker and Fritz Engelmann perhaps?
4
5 KÖNIG [GERMAN]: Yes, Elmecker.
6
7 A. Elmecker.
8
9 THE PRESIDENT: Mr Elmecker, who is a survivor still
10 living in Australia.
11
12 KÖNIG [GERMAN]: Yes, that is Elmecker.
13
14 A. That is Elmecker --
15
16 LEUT TYSON: Willi Elmecker.
17
18 THE PRESIDENT: Q. On the left or the right?
19 A. That is the --
20
21 KÖNIG [GERMAN]: That is the ...
22
23
24 LEUT TYSON: Q. He's the gentleman on the left with the
25 dark coat.
26
27 KÖNIG [GERMAN]: Yes. That's the memorial of the Sydney.
28
29 A. Yeah. That is the memorial of the Sydney.
30
31 KÖNIG [GERMAN]: Do you know it?
32
33
34 LEUT TYSON: Q. In Kiel?
35
36 INTERPRETER [GERMAN]: In Kiel?
37
38 KÖNIG [GERMAN]: No, no. In Australia. Do you know it?
39
40 A. No.
41
42 Q. Oh, Western Australia.
43 A. In Western Australia. Do you know it? Yes.
44
45 THE PRESIDENT: The fourth is a picture of the memorial at
46
47

1 Carnarvon I believe.

2

3 INTERPRETER [GERMAN]: A picture of the memorial in Carnarvon, I assume.
4 Several pictures of it, are there?

5

6 KÖNIG [GERMAN]: Yes, there is a dove there for every fallen soldier.
7 Here, you can see it better there. A dove for every soldier.

8

9 A. There's a dove for every lost soldier.

10

11 LEUT TYSON: Q. And it is also a picture of the young
12 lady looking out to sea.

13

14 KÖNIG [GERMAN]: Yes. You can see it here. And that is my friend. We
15 exchange stamps. He was a high ranking officer, a professional soldier.
16 Unfortunately he died quite suddenly just a year and a half ago.

17

18 A. Here you can see there's the doves. That is a friend
19 of mine. We swap stamps - we collect stamps. He was a
20 professional high officer, a soldier in high office - very
21 senior officer. Unfortunately, he died just one and a half
22 years ago quite suddenly and quickly.

23

24 THE PRESIDENT: Thank you. They are pictures of the
25 memorials in Victoria and in Western Australia. Thank you
26 very much.

27

28 INTERPRETER [GERMAN]: Thank you very much for showing us these pictures.

29

30 KÖNIG [GERMAN]: Yes. And that is the museum for soldiers lost in war in
31 Tatura. Ms Knee manages it. And that was in Tatura in 1974 at the
32 wreath laying I was in Australia with a group at the time, and the
33 Australians invited us to visit Australia again. And then more than 80
34 people travelled again to Australia. And on that occasion we laid a
35 wreath at the memorial in Tatura.

36

37 A. That is the museum for the prisoners of war in Tatura.
38 That's Ms Knee - she's organising it - she's the head of
39 it. That was back in 1974. We were invited by Australians
40 and we went over there with about 18 persons, and we laid
41 down these flowers at the monument or the memorial in
42 Tatura. That's a picture of this.

43

44 Q. In 1974.

45

46 KÖNIG [GERMAN]: Here I've got ... perhaps you recognise it? That was
47 2001 at a wreath laying in Laboe. We also laid a wreath for the people

1 from the Sydney. That's an Australian, that officer.

2

3 A. That was in 2001 in Laboe in Germany near Kiel.

4 There's the memorial for the German Navy, and these are
5 Kormoran people, and that's also one of our memorial days
6 and here's one from the Australian Royal Navy and these are
7 all survivors from Kormoran.

8

9 THE PRESIDENT: Thank you. That picture shows some
10 survivors from Kormoran and their wives or widows, as well
11 as two Australian Naval officers at a memorial in Germany
12 at Laboe in 2001. Thank you.

13

14 KÖNIG [GERMAN]: That's an Australian.

15

16 A. He's Australian.

17

18 THE INTERPRETER: He's not Australian?

19

20 KÖNIG [GERMAN]: No, no. That's a German. A German officer.

21

22

23 THE WITNESS: No.

24

25 THE INTERPRETER: He's not Australian.

26

27 KÖNIG [GERMAN]: The Australian, he has the bars, here.

28

29

30 THE PRESIDENT: I see. One Australian officer, with the
31 rank of captain.

32

33 KÖNIG [GERMAN]: So, now I have a question. Do the gentlemen know that
34 when we were in prison, in 1942, that we collected about 700 pounds and
35 donated it for the orphans from the lost soldiers of the Sydney?

36

37 A. Now, I have had the questions, I have to (inaudible)
38 this by saying do you know that back in 1942 while we were
39 still prisoners of war we collected more than 700 pounds
40 and gave them to the kids left from the survivors of
41 Sydney. Did you ever hear about this?

42

43 THE PRESIDENT: Yes, I knew about that - to some widows.

44

45 INTERPRETER [GERMAN]: For the children or the widows?

46

47 KÖNIG [GERMAN]: No, I believe it was for the children.

1
2 A. I think it was not for the widows but for the kids.
3
4 INTERPRETER [GERMAN]: And your question then? Oh, I see, that was the
5 question, whether they know that, is that right? Yes, he knows of it.
6
7 KÖNIG [GERMAN]: Yes.
8 I
9 INTERPRETER [GERMAN]: He knows about it. Yes.
10
11 KÖNIG [GERMAN]: But no-one has spoken about it.
12
13 A. No-one ever talked about that.
14
15 THE PRESIDENT: No, it's written –
16
17 KÖNIG [GERMAN]: You see we had money sent from Germany via Switzerland,
18 no, via Sweden. And the officers there, every month, 3 pounds, 4
19 shillings, and Naval crew 1 pound, 17 shillings... We were the best
20 customers of Myer Department store. Myer sold us everything. Wedding
21 rings, shoes, underwear...
22
23 A. I don't know if you know, it was like we received via
24 Sweden, money was transferred to us from Germany, and petty
25 officers received 3 pounds 4 shillings per month...
26
27 INTERPRETER [GERMAN]: Per week or per month.
28
29 KÖNIG [GERMAN]: Month. 3 pounds, 4 shillings.
30
31 A. ...whereas
32 the crews received 1 pound 17 shillings per month and we
33 spent all this money in the next store - it was called
34 Myer - that's where we bought everything from rings for
35 getting married to apparently everything.
36
37 THE PRESIDENT: The Myer store still exists.
38
39 INTERPRETER [GERMAN]: The Myer store still exists.
40
41 KÖNIG [GERMAN]: Yes, I know. I've been there five times.
42
43 A. Yes, I know. All together I was five times in
44 Australia again.
45
46 THE PRESIDENT: Since?
47

1 KÖNIG [GERMAN]: The last time was 1999.

2

3 A. Last, summer in 1999.

4

5 THE PRESIDENT: All right. Is there anything further?

6

7 LEUT TYSON: Nothing from counsel assisting.

8

9 THE PRESIDENT: Thank you very much, Herr König, for
10 agreeing to see us and to give us your account of what
11 occurred. Thank you very much.

12

13 KÖNIG [GERMAN]: Now, do the gentlemen want to go somewhere to eat? Can I
14 recommend something?

15

16

17 LEUT TYSON: Thank you. We will bring the interview to an
18 end.

19

20 INTERPRETER [GERMAN]: First we must officially end the interview.

21

22 KÖNIG [GERMAN]: Yes.

23

24

25 THE INQUIRY ADJOURNED ACCORDINGLY

26

27

28

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