

COMMISSION OF INQUIRY INTO THE LOSS OF HMAS SYDNEY II

Before The Hon TRH Cole AO RFD QC

Held at residence of Mr Ludwig Ernst
[REDACTED] Germany

Counsel Assisting: LEUT Matthew Tyson
LEUT Stephen Harper

On Monday, 14 July 2008
(Day 13)

34 [Preliminary chat in German/English]

35

36 THE PRESIDENT: Today is 14 July 2008 and I have come to
37 the home of Herr Ernst [REDACTED] to take
38 evidence from him in connection with the inquiry into the
39 encounter between HMAS Sydney and the Kormoran.

40

41 INTERPRETER [GERMAN]: Today is 14 July 2008. We are at the house of Mr
42 Ernst in, [REDACTED]. I have come here to take the evidence of
43 Mr Ernst, in connection with the Commission of Inquiry which deals with
44 the sinking of the Sydney.

45

46 Herr Ernst, thank you for agreeing to see me and to assist
47 this inquiry.

1

2 INTERPRETER [GERMAN]: Mr Ernst, thank you very much for being prepared to
3 receive me and thank you very much for being prepared to make yourself
4 available to the Commission of Inquiry.

5

6 ERNST [GERMAN]: No problem.

7

8

9 MR ERNST: No problem.

10

11 THE PRESIDENT: Counsel Assisting saw Herr Ernst on
12 19 June 2008, and I have read a transcript of that
13 interview...

14

15 INTERPRETER [GERMAN]: The Counsel Assisting has already conducted a
16 conversation, an interview with Mr Ernst on 19 June 2008, and I have seen
17 a transcript of that interview.

18

19 THE PRESIDENT: ... and I understand that Counsel Assisting wish to
20 clarify some matters arising from that interview.

21

22 INTERPRETER [GERMAN]: And I have seen or I have understood that the
23 Counsel Assisting has a few further questions in relation to that
24 transcript.

25

26

27 THE PRESIDENT: Herr Ernst, I understand that you are not willing to
28 take an oath to tell the truth, but I also understand that
29 you are prepared to affirm to me that what you are saying
30 and what you said on the last occasion was and is the
31 truth.

32

33 INTERPRETER [GERMAN]: Mr Ernst, I have had to realise that you are not
34 prepared to give this evidence under oath. However, I have also
35 understood that on the other hand you are prepared to affirm that what
36 you stated last time is the truth.

37

38 ERNST [GERMAN]: No problem.

39

40

41 MR ERNST: No problem.

42

43 THE PRESIDENT: Very well. I will proceed on the basis
44 that what you are telling me is the truth.

45

46 INTERPRETER [GERMAN]: Very good. Thank you. So I shall assume that what
47 you are telling me or have told me is the truth.

1
2 THE PRESIDENT [GERMAN]: Sincere thanks.
3
4 ERNST [GERMAN]: We don't have anything to hide; the failure was with the
5 command of the Sydney and not with us.
6
7
8 MR ERNST: We have nothing to disguise. This mistake was
9 done by Sydney, at the end of the day.
10
11 ERNST [GERMAN]: With Collins on board as Commander, we probably would not
12 have gotten away.
13
14 MR ERNST: If Mr Collins had
15 been the Commander of that ship, probably we would not have
16 survived this.
17
18 THE PRESIDENT: I just want to get from Herr Ernst what he
19 saw, rather than his speculation about matters.
20
21 INTERPRETER [GERMAN]: I would actually rather like to come back to what
22 you really saw, rather than your current speculations on the course of
23 events.
24
25 ERNST [GERMAN]: Yes, no, that's fine by me. Let's begin.
26
27
28 MR ERNST: Okay. Let's start.
29
30 <LUDWIG ERNST, interviewed:
31
32 LEUT TYSON: Q. Herr Ernst, what I'd like to do,
33 I'd like to direct attention to some aspects of your
34 evidence, what you told us on the previous occasion, and
35 then I'm going to ask you some questions that arise from
36 some of those things that you told us.
37
38 INTERPRETER [GERMAN]: Now I would like to go through a few points in the
39 transcript and ask you some questions in relation to them to clarify
40 these points once more.
41
42 ERNST [GERMAN]: Please.
43
44 LEUT TYSON: So first I want to
45 ask you some questions about calculations and distances
46 between Kormoran and Sydney.
47

1 INTERPRETER [GERMAN]: The first set of questions will deal with
2 calculations and distances on board the Kormoran.
3
4 LEUT TYSON: Now, you explained to us that
5 your responsibility was to prepare the documents for the
6 artillery and calculate the various angles and ranges for
7 Kormoran's guns.
8
9 INTERPRETER [GERMAN]: You have explained to us that you were in charge of
10 maintaining the documents of the artillery and also of calculating the
11 various elevation settings and sideward settings.
12
13 ERNST [GERMAN]: Yes.
14
15 LEUT TYSON: You explained that you did this by hand,
16
17 unlike your previous experience on Deutschland,...
18
19 INTERPRETER [GERMAN]: You have also explained to us that you did that by
20 hand, contrary to your previous experience on board the Deutschland.
21
22 LEUT TYSON: ...and you
23 explained that at your battle station on 19 November 1941,
24 you were present with the artillery officer Skeries, as
25 well as some other people.
26
27 INTERPRETER [GERMAN]: And you have further explained that on 19 November,
28 that your battle station together ..., that there were also [Mr] Officer
29 Skeries as well as several other persons present.
30
31 LEUT TYSON: Now I would like to come to
32 the question.
33
34 INTERPRETER [GERMAN]: Now I would like to come to the questions.
35
36 LEUT TYSON: Now, in the transcript previously, this is
37 what you said to us. I will just ask Herr Thomas to read...
38 it.
39
40 INTERPRETER [GERMAN]: Nothing, I was just looking ...
41
42 LEUT TYSON: ...read the question first...
43
44 INTERPRETER [GERMAN]: The question was: And during the battle, what did
45 you do, Mr Ernst? Nothing, your answer there, I'll just read it aloud, ...
46
47 ERNST [GERMAN]: Nothing, I ...

1
2 MS ERNST [GERMAN]: He's already reading it aloud.
3
4 INTERPRETER [GERMAN]: I need to read it aloud first ...
5
6 LEUT TYSON: ...and then the answer.
7
8 (Excerpt from transcript read in German)
9
10 THE PRESIDENT: Would he like to read it himself?
11
12 INTERPRETER [GERMAN]: Exactly, you can read it with me at the same time.
13 Nothing, I was just looking, because my calculations for the guns I
14 needed ... , those I had done already prior to that, of course, and I
15 reduced them to 10,000 metres, 8,000, to 1,000 – and 1,000 metres, and
16 when the shooting then began at 900 metres, then our guns did not need
17 any lead angles and no elevation angle.
18
19
20 LEUT TYSON: Q. With those calculations that you did,
21 can you tell us what did you do with them? Who did you
22 give them to, if anyone?
23
24 INTERPRETER [GERMAN]: These distances which you had calculated, what did
25 you do with them then, to whom did you pass them on?
26
27 ERNST [GERMAN]: They were not needed because the Sydney had approached us
28 to 900 metres, so the 10,000, 5,000 and 1,000 metres were no longer
29 required. At 900 metres, our shells took approximately a little longer
30 than a second to reach the Sydney. So, I don't know, do you know the
31 meaning of "v0" ["v zero"]?
32
33 INTERPRETER [GERMAN]: What? v0?
34
35 ERNST [GERMAN]: v0 – the initial velocity of our shells was approximately
36 at 800 metres, as far as I still remember.
37
38 A. Nothing, because all these calculations were not
39 needed anymore because, in fact, the Sydney, when the
40 firing started, was at 900 metres, at a distance of
41 900 metres, so the calculations of 10,000, 5,000 and 1,000
42 metres were not needed anymore. Our shells needed a little
43 bit more than 1 second to overcome the 900 metres between
44 Sydney and Kormoran. We had the VO, that's the first speed
45 of our shells, they had a speed of 800 metres per second.
46
47 Q. We understand that your evidence was quite clear, that

1 when you said that Sydney got to 900 metres you didn't need
2 to do any calculations. We understand that.

3

4 INTERPRETER [GERMAN]: They have understood, because the Sydney was so
5 close, that you did not have to do any calculations any more.

6

7 Q. However, what
8 we thought you were saying, before any firing started,
9 before Sydney got close, as she approached, you were doing
10 calculations; is that correct or not?

11

12 INTERPRETER [GERMAN]: But we have understood it in the way that before,
13 while the Sydney was still approaching, before the battle began, you were
14 still occupied with your calculations.

15

16 ERNST [GERMAN]: That was a breeze. That was a simple calculation, because
17 I had to do that each time we came across a prize. So that was no
18 problem.

19

20 A. Yeah, but that was quite an easy job, there was not
21 much to do, because I had done this task already many times
22 with any other ship we captured before.

23

24 Q. But just to explain to others who don't understand how
25 these things work, when you did those calculations, what
26 did you do with them? Did you give them to Skeries, did
27 you discuss them with Capt Detmers or someone else? What
28 did you do with the calculations?

29

30 INTERPRETER [GERMAN]: But to totally clarify this once more, and to make
31 it practically clear especially for others, for lay people, how this
32 worked: what did you normally do with these calculations? Did you discuss
33 them with Detmers, or with Skeries? Or?

34

35 ERNST [GERMAN]: I made the calculations, and as I made them, they were,
36 if they were required, used by the artillery. I didn't [...] any artillery
37 officer ... I had the training for that, after all.

38

39 A. No, I was trained to do that. I didn't have to
40 discuss this with any other officer. My calculations were
41 just usually given to the gun operators.

42

43 Q. And how did it get from you to the gun operators?

44

45 INTERPRETER [GERMAN]: How did this information get from you to the gun
46 operators?

47

1 ERNST [GERMAN]: By telephone.

2

3 A. Via the telephones.

4

5 Q. So that's a telephone on the signalling deck where you

6

7

8

9 were through to each gun position?

10

11 INTERPRETER [GERMAN]: That means, on the signalling deck where you were,
12 you had a telephone through which you were connected with each gun?

13

14 ERNST [GERMAN]: That was a shared telephone line which was connected to
15 each gun as well as to the bridge, and the person who was addressed would
16 reply, and those who did not need it, they just listened in, but it
17 always reached the correct station.

18

19 A. Well, what we had on there were interconnected
20 telephones, and everything that was sent through these
21 telephones - well, they were connected to the bridge and
22 the signalling deck and the various guns, and everything
23 that was sent through these telephones could be heard by
24 anybody who was connected to it, and the person to which a
25 message was directed just confirmed having received such
26 message.

27

28 Q. Thank you. Now, can you explain the particular
29 ranges. In your answer last time you referred to
30 particular distances - 10,000 metres, 8,000 metres and
31 1,000 metres.

32

33 INTERPRETER [GERMAN]: Thank you very much. In your last interview you
34 said that there were certain settings for the various distances, one for
35 10,000 metres, then for 8,000 metres and for 1,000 metres.

36

37 Q. Can you explain, when Sydney was
38 approaching, how would you do calculations - would you do a
39 calculation every thousand metres or did the artillery
40 officer say, "Do a calculation at these metres"? Can you
41 please explain to us why you picked particular distances to
42 do calculations at?

43

44 INTERPRETER [GERMAN]: What we would like to know in more detail is how
45 that worked precisely. Did you receive instructions from the artillery
46 officer who told you to perform calculations at 10,000, 8,000, 1,000 or
47 at 1,000 ...

1

2 ERNST [GERMAN]: No, no, no. That was automatically part of it. I made the
3 calculations for the relevant distances, and I didn't [...] any instruction
4 from the artillery officer ..., that was part of it, that was my task,
5 after all.

6

7 INTERPRETER [GERMAN]: Part of what? Who [...] you...?

8

9 ERNST [GERMAN]: That was my job. My job during alarm if any ... I have
10 already said last time ...

11

12 INTERPRETER [GERMAN]: So you had basically learnt it like that, that it
13 is to be done at 10,000, 8,000 and 1,000?

14

15 ERNST [GERMAN]: There are also different distances where I also
16 calculated it, so that, if it was needed, it would not take me too long
17 to do.

18

19 A. There was no artillery officer involved in this.

20 That is something I have learnt in my training as being

21 what I was. I had prepared these calculations for 10,000,

22 8,000 and 1,000 metres so that in case they were needed

23 I wouldn't need much time to produce these calculations.

24

25 THE PRESIDENT: Q. I don't understand. My understanding

26 from reading the transcript is that you were on a deck

27 above the bridge...

28

29 INTERPRETER [GERMAN]: I don't completely understand. From what I have

30 heard or read in the transcript, I understood that during the battle you

31 were on a deck above the bridge.

32

33 ERNST [GERMAN]: Yes. The bearing deck.

34

35 THE PRESIDENT: Q. ...and that from there you first saw the

36 Sydney when you think she was about 33km away?

37 INTERPRETER [GERMAN]: And that from there, you saw the Sydney for the

38 first time when she was approximately 33 km away.

39 ERNST [GERMAN]: At that point, we did not see anything. Our rangefinder

40 established: object 330 hectometres, that's 33 km, and that was still

41 behind the line of horizon. But the Sydney certainly came up quickly, and

42 there we first saw the foremast, the funnels, the towers and the bridge,

43 and at 20 km, the whole of the Sydney lay in front of us.

44 A. Well, at 33km, we didn't see anything. This

45 information we had from our rangefinder. That gave the

46 information that there was an object at 33km, at a distance

47 of 33km. But the Sydney approached very fast, and then we

1 saw the funnels and the superstructure of the Sydney and
2 then she was more or less 20km away.

3

4 Q. As Sydney approached, did the person on the
5 rangefinder advise what the distance between the two ships
6 was?

7

8 INTERPRETER [GERMAN]: When the Sydney was approaching, did the person at
9 the rangefinder state the respective distances? Or measure them?

10

11 ERNST [GERMAN]: Erich Westphal announced the first measurement with 330
12 hectometres, passed it down to the bridge, with the added remark:
13 "probably a war ship". Subsequently Detmers came up to the bearing deck,
14 stood behind the rangefinder and had a look at his opponent. He went down
15 to the bridge, reversed course and gave the alarm.

16

17 A. It was Mr Westphal who took the first distance, and he
18 reported - that was 33km. He reported this to the bridge
19 and said it is probably a warship. Then Capt Detmers came
20 up to the signalling deck and checked the rangefinder
21 himself and watched this enemy ship for a while. Then he
22 went down again and changed his course, veered away, and
23 gave the alarm.

24

25

26

27

28 Q. Were there any distances between the two ships given
29 by the rangefinder, apart from the 33km?

30

31 INTERPRETER [GERMAN]: Was there any further information given by the
32 rangefinder concerning the distance, apart from this initial 33 km
33 reading?

34

35 ERNST [GERMAN]: Yes, he passed it on continuously, as he determined the
36 distance.

37

38 A. No, we did this continuously, whenever he had a new
39 distance.

40

41 Q. Who would he tell it to?

42

43 INTERPRETER [GERMAN]: To whom did he report the distance?

44

45 ERNST [GERMAN]: Artillery officer, Skeries, and I was next to him; I
46 heard it, of course. We were in the same spot.

47

1 A. To the artillery officer, Mr Skeries, and I was next
2 to him so I --

3

4 Q. Next to Mr Skeries?

5 A. Next to Mr Skeries, that's how I understood it.

6

7 Q. So you knew the decreasing distances between the ships
8 as they were reported to Herr Skeries?

9

10 INTERPRETER [GERMAN]: So you knew to what extent the distance between the
11 two ships had decreased, as these distances were passed on again and
12 again to Mr Skeries, yes?

13

14 ERNST [GERMAN]: [at the same time] Yes – yes – yes.

15

16 A. Yes.

17

18 Q. Do you recall the distances that were told to
19 Herr Skeries as they reduced?

20

21 INTERPRETER [GERMAN]: And do you remember how these distance details were
22 passed on in each case to Mr Skeries when you stood next to him?

23

24 ERNST [GERMAN]: Yes.

25

26 A. Yes.

27

28 Q. So do you recall –

29

30 ERNST [GERMAN]: Acknowledged by the artillery officer, by me, I don't
31 know [and Messerschmidt, I believe, was also on the bearing deck, as well
32 as the head fire fighter, Schneider, but ...

33

34 A. Yes, we all received or heard these messages -
35 together with me also Mr Messerschmidt, who was also on the
36 signalling deck, as well as our - he was responsible for
37 the fire, that was Mr Schneider.

38

39 Q. Do you recall when it was that you did the
40 calculations for the gunnery at a distance of
41 10,000 metres?

42

43 INTERPRETER [GERMAN]: Can you still remember that you did the
44 calculations for the guns when the distance of 10,000 metres was
45 announced?

46

47 ERNST [GERMAN]: We can forget about all of that. I'd gone through that,

1 and it became critical for us when at 900 metres distance a double signal
2 went up on the Sydney, and we did not have a reply to that. I don't know
3 the extent to which there had been an exchange of signals between the
4 Kormoran and the Sydney prior to that, I don't know that, but I saw the
5 double signal on the Sydney and Detmers called up to Skeries: "Skeries,
6 it will start soon!" And then came the removal of the disguise and that
7 was at 900 metres distance, and that was exactly what I as a normal
8 seaman did not comprehend, that the Sydney [...] so close to us, and if you
9 get yourself the letters collected in 1942 by the Admiralty of the seamen
10 perished on the Sydney and if you have a look at them, then there are
11 some of them who regard Commander Burnett very critically because of his
12 behaviour in the case of objects unknown to him. And we were an unknown
13 object.

14
15 A. Well, we don't have to talk about this anymore,
16 because when the Sydney was at 900 metres we received the
17 double signal, and this signal was a signal to which we did
18 not have the answer, and I remember how Detmers shouted up
19 towards the deck where Skeries was, "It will start soon,"
20 and then the battle started.

21
22 There's also something what I will never understand as
23 a normal seaman, how the Sydney could have come so close at
24 this stage.

25
26 There is also something I would like to mention: if
27 you read the letters written by people from Sydney - I
28 think they were published in 1942 - then you also see that
29 Burnett received heavy criticism from these people,
30 especially when they were approaching unknown objects and
31 we were an unknown object.

32
33
34 Q. Well, that's not correct. He received criticism from
35 one sailor who had been on the ship for three days.

36
37 INTERPRETER [GERMAN]: That is not quite correct, he was criticised by a
38 seaman who had been on the ship for only three days.

39
40 ERNST [GERMAN]: I don't know that ...

41
42 Q. In any
43 event, that is by the bye. I just want to get this
44 witness's evidence.

45
46 ERNST [GERMAN]: We had a man who – somehow they were connected – and
47 there were three who were critical. But whatever.

1

2 A. Well, we had one man. He said there were three people
3 who were critical, but anyway, let's go on with it.

4

5 Q. Does it mean that the guns on Kormoran were given no
6 information about range distances at any time before they
7 opened fire?

8

9 INTERPRETER [GERMAN]: Does all that mean that the guns on board the
10 Kormoran did not receive any distance information before the fire, the
11 battle broke out?

12

13 ERNST [GERMAN]: They did not need any. They only need the distance, after
14 all, when they are swung out and want to fire.

15

16 A. They didn't need that because the point when they need
17 the distance information is when they are swung out and
18 when they are ready to fire.

19

20 Q. When they were swung out, when you say the distance
21 was some 900 or 800 metres, were they given any information
22 for firing purposes at that time?

23

24 INTERPRETER [GERMAN]: When the guns were swung out then, at 900 metres
25 distance, as you say, did they then receive any information as to how
26 they had to fire or any other information?

27

28 ERNST [GERMAN]: No, there were the instructions and the order from the
29 artillery officer: "As soon as the target is picked up, fire as much as
30 you can get out." There was no salvo rate or anything. The man from the
31 Sydney, who we met with in January 2000, also asked: "Have you had a
32 salvo rate?" and I said: "No". And this is the strange thing: I have not
33 found out from anyone how many shots of ammunition were brought up close
34 [Translator's note: use of the – unusual – verb "vormannen" (literally:
35 "fore-manning") – to bring up ammunition manually from below in
36 preparation of firing].

37

38 INTERPRETER [GERMAN]: Forema ...?

39

40 ERNST [GERMAN]: Brought up, from below to up above, that is what we
41 called "vorgemannte Munition" [Translator's note: literally: "fore-manned
42 ammunition"]. So we did not rely on ammunition elevators, because if we
43 had relied on ammunition elevators, you would risk that with the first
44 shot, which went into the engine of our ship, our ammunition elevators
45 would have stood still.

46

47 A. There were no instructions or orders given. The only

1 instruction we had or that was given to the guns was
2 whenever the target was there to shoot as much as possible.
3 There was also no order given in respect to a salvo rhythm.
4 They just shot as they liked. Also, I was asked this
5 actually by somebody who sailed before this on Sydney, or
6 something. I met him in 2000 and he also asked me about
7 salvos, and I explained to him already, no, there weren't
8 any salvos.

9
10 Another story is what I don't know is how many
11 ammunition was prepared to be loaded into the guns without
12 using the elevators, because with the first hit in our
13 engine room, the elevators would not have worked anymore,
14 but I don't know that, as I said, how many ammunition was
15 prepared without.

16
17 LEUT TYSON: Q. I want to now clarify another aspect of
18 your evidence from the last occasion, Herr Ernst.

19
20 INTERPRETER [GERMAN]: I now would like to clarify again another point
21 from last time with you.

22
23 LEUT TYSON: You told
24 us last time about the running time of torpedoes and you
25 said that the running time of the torpedo from Kormoran
26 towards Sydney was 52 seconds and you said, "That's how
27 also how we came - how we know that Sydney was - the
28 distance between Sydney and Kormoran was below
29 1,000 metres".

30
31 INTERPRETER [GERMAN]: Last time, you also gave us details in regard to
32 the running time of the torpedoes ...

33
34 ERNST [GERMAN]: 52 seconds.

35
36 INTERPRETER [GERMAN]: Exactly, 52 seconds. But you also said that, based
37 on these 52 seconds, you could establish that the Sydney was at a
38 distance of under 1,000 metres.

39
40 ERNST [GERMAN]: Exactly, because the running time of our torpedoes for
41 1,000 metres was one minute.

42
43 A. Yes, that's because the running time for our torpedoes
44 for 1,000 metres was exactly 1 minute.

45
46 Q. But can you explain, this running time of 52 seconds,
47 is that something that was told to you at the time of the

1

2 battle with Sydney, was it calculated at the time, or is
3 that a figure that you've calculated in your mind after the
4 event?

5

6 INTERPRETER [GERMAN]: Yes, but these 52 seconds, is that something you
7 were told later or did you yourself, was that calculated or have you
8 thought of that yourself. – Let me finish translating first!

9

10 ERNST [GERMAN]: [in part at the same time] I have ..., slowly! I have from
11 a fellow soldier from Vienna ... – he is deceased – and his wife wrote to
12 us that she still had things from Max; the nephew was not interested in
13 them, whether she should throw them out or not. So I said to her: "We'll
14 come around, and I'll have a look at them." And amongst these things,
15 there was a document from the torpedo mechanic who released the
16 torpedoes. And the torpedoes were of course all timed by stopwatch. In
17 the instant when they took off, the mechanic pressed his stopwatch, and
18 according to the mechanic's measurement, the torpedo reached the Sydney
19 after 52 seconds.

20

21 INTERPRETER [GERMAN]: And that was written in this correspondence of his.

22

23 MS ERNST [GERMAN]: In the report.

24

25 ERNST [GERMAN]: In a report which I received from the widow of an
26 Austrian mate.

27

28 A. Well, how I knew this is there was one comrade - he
29 was Austrian and lived in Vienna. When he died, his wife
30 sent us a letter in which she told us that her nephew is
31 not interested in the letters and documents her husband had
32 and asked us whether we want any of this or whether she
33 should throw them away. Then we went there to look, have a
34 look at the documents, and we found a letter from this
35 person, he was a torpedo mechanic, and we found his report
36 about the encounter with the Sydney, and there in this
37 report we found that he had stopped with his watch the
38 52 seconds for the torpedo running time.

39

40 Q. What was his name?

41

42 INTERPRETER [GERMAN]: What was his name?

43

44 ERNST [GERMAN]: The mechanic?

45

46 INTERPRETER [GERMAN]: Yes?

47

1 ERNST [GERMAN]: Gustav Thieme. [Translator's note: uncertain spelling of
2 name; this spelling is used in the following translation but sometimes
3 the name also sounded like "Diem", possibly due to dialect.]
4
5 A. Gustav Thieme.
6
7 ERNST [GERMAN]: He is dead. And now something else, concerning this whole
8 circus. We have met often, be it in Hamburg or in the vicinity of
9 Würzburg, but the Sydney was never again sunk by us.
10
11 MS ERNST [GERMAN]: ... was never spoken about again.
12
13 ERNST [GERMAN]: The Sydney was never spoken about again, I did that and
14 that, they did that and that, and that was this and this, the Sydney's
15 fault. It was not spoken about again.
16
17 MS ERNST [GERMAN]: They were only family meetings.
18
19 A. Another thing I would like to add,
20 we had a number of meetings after the war, either here,
21 near here in Wurzburg or in Hamburg and one thing we've
22 never talked about again was what we did on Sydney,
23 what happened on Sydney. We never ever talked about this
24 again.
25
26 THE INTERPRETER: Then Ms Ernst added, "We just talked
27 about family affairs."
28
29 LEUT TYSON: Q. This letter from Gustav Thieme, do you
30 still have a copy of that?
31
32 INTERPRETER [GERMAN]: Have you still got a copy of these papers, the
33 document from Mr Thieme?
34
35 ERNST [GERMAN]: Do we still have that, Mum?
36
37 MS ERNST [GERMAN]: I think so.
38
39 A. I think so.
40
41 Q. Just to make it clear –
42
43 ERNST [GERMAN]: One moment. The document is not by Gustav Thieme himself,
44 I believe.
45
46 A. One thing, this letter or document is not written by
47 Mr Thieme himself. I don't know.

1

2 ERNST [GERMAN]: That I don't know.

3

4 MS ERNST [GERMAN]: I have two large drawers full. I'd have to search for
5 it.

6

7

8 MS ERNST: I have two large drawers and I would have to
9 search through them.

10 MS ERNST [GERMAN]: If we find it, we can send it to you somehow.

11

12 THE PRESIDENT: Q. Do we know who did write the letter?

13

14 INTERPRETER [GERMAN]: Do you know who has written this document?

15

16 ERNST [GERMAN]: No.

17

18 MS ERNST [GERMAN]: It is not written on it ...

19

20 ERNST [GERMAN]: Nothing is written on it.

21

22 MS ERNST [GERMAN]: It says in the front.

23

24 ERNST [GERMAN]: It does? Good.

25

26 MS ERNST [GERMAN]: Yes, but I must look for it. Now that would take too ...

27

28

29 MS ERNST: I have to search it, which will take too much
30 time right now. I could send it by post if you want it.
31 I think the address of whoever wrote this document is
32 stated on top of the document, but I don't know it now.

33

34 LEUT TYSON: Q. It may be that at the end of the
35 interview we'll make some inquiries about how we could get
36 a copy of that, Herr Ernst.

37

38 INTERPRETER [GERMAN]: We can discuss after the interview whether we could
39 obtain a copy of it ...

40

41 ERNST [GERMAN]: If we find it, no problem.

42

43

44 A. If we find it, no problem.

45

46 THE PRESIDENT: Thank you.

47

1 LEUT TYSON: Q. Another topic I asked you about on the
2 last occasion, I was asking you about your observations of
3 HMAS Sydney before the outbreak of the gunfire.

4

5 INTERPRETER [GERMAN]: Another point, which we had also discussed already
6 on the last occasion, was that I asked you about your observations which
7 you made in person of the Sydney before the battle broke out.

8

9 LEUT TYSON: You told
10 us as Sydney was approaching Kormoran you were calculating
11 the values Kormoran needed for the artillery.

12

13 THE PRESIDENT: No, that's not right. My understanding is
14 that he calculated them before they approached.

15

16 LEUT TYSON: Q. At page 10 in the transcript you said:

17

18 I was on the top deck, on the bearing deck,
19 hiding, and apart from this I was
20 calculating the values we needed for the
21 artillery.

22

23 INTERPRETER [GERMAN]: Yes, you said then: "I was on deck, on the bearing
24 deck, taking cover, and nothing else. Also, I calculated the values for
25 the artillery, and only then it started."

26

27

28 A. Yeah.

29

30 Q. Is that true, were you calculating the values "we
31 needed for the artillery" as Sydney approached Kormoran at
32 different distances?

33

34 INTERPRETER [GERMAN]: And is it correct that you, when the Sydney was
35 approaching, were in the process of calculating the various values for
36 the various distances?

37

38 ERNST [GERMAN]: That was normal.

39

40 MS ERNST: [GERMAN]: Yes?

41

42 ERNST [GERMAN]: Yes.

43

44 A. Yeah, that was normal.

45

46 Q. I then asked you questions about flag signals and
47 morse signals.

1

2 INTERPRETER [GERMAN]: After that I then asked you about flags and morse
3 signals ...

4

5 ERNST [GERMAN]: I did not see any.

6

7 A. I didn't see any.

8

9 ERNST [GERMAN]: We did not see any because we, we were behind the
10 bulwark, behind the cover on the bearing deck.

11

12 A. Well, I didn't see any because we
13 were hidden behind the armour on the signalling deck.

14

15 Q. I was just setting the background for the question.

16 That is what I was coming to ask you about.

17

18 INTERPRETER [GERMAN]: I had actually just intended to clarify the
19 background for this question. That was actually exactly what I wanted to
20 ask now.

21

22 Q. If you assume,
23 just for the purpose of the question, that flag signals
24 were sent from Sydney to Kormoran, can you explain how it
25 is that if you're on the signalling deck you did not see
26 those flag signals?

27

28 INTERPRETER [GERMAN]: If we now just assume that there were signals, flag
29 signals being sent by the Sydney ...

30

31

32 THE PRESIDENT: Sydney to Kormoran or Kormoran to Sydney?

33

34 LEUT TYSON: Q. From Sydney to Kormoran.

35

36 INTERPRETER [GERMAN]: That flag signals were sent from the Sydney to the
37 Kormoran ...

38

39

40 THE INTERPRETER: Sorry, now I was interrupted. Sorry.

41

42 LEUT TYSON: Q. Okay, we will go back.

43

44

45 THE PRESIDENT: Q. Did you ever see Sydney signal by
46 lamp?

47

1 INTERPRETER [GERMAN]: Did you ever see whether the Sydney [...] morse
2 signals with lamps ...

3

4 ERNST [GERMAN]: No.

5

6 A. No.

7

8 Q. Did you ever see Sydney –

9

10 ERNST [GERMAN]: The only thing I saw were the two flags before Detmers
11 gave the alarm. Or before he prompted the removal of the disguise.

12

13 A. The only thing I saw were the two flags that were
14 hoisted on Sydney before Mr Detmers - shortly before
15 Mr Detmers gave the order to remove the disguise.

16

17 Q. That were hoisted on the Sydney?

18

19 INTERPRETER [GERMAN]: Those were hoisted on the Sydney?

20 ERNST [GERMAN]: The two flags? The Sydney, yes.

21

22 A. Yes.

23

24 ERNST [GERMAN]: They went up on the Sydney and briefly afterwards ..., it
25 is likely that that was some kind of identifying signal that the Sydney
26 was asking of us, which we did not have.

27

28 A. Yeah, they were hoisted on Sydney just shortly
29 before our captain gave the order to remove the disguise,
30 and what I assume is they were asking with these flag
31 signals for our recognition signal.

32

33 LEUT TYSON: Q. But you yourself couldn't understand
34 those flag signals?

35

36 INTERPRETER [GERMAN]: But you could not understand these yourself?

37

38 ERNST [GERMAN]: No, I didn't. No, I didn't.

39

40 A. No, I couldn't understand them.

41

42 Q. As you explained last time, before those signals, you
43 didn't see any morse signals or any flag signals from
44 Sydney to Kormoran?

45

46 INTERPRETER [GERMAN]: Before that, you did not [...] any signals ...?

47

1 ERNST [GERMAN]: No, I didn't. No exchange. No radio, no blinking signal.
2 At the time we were behind the bulwark of our cover and we did not see
3 any of that. The only thing I saw were the two officers probably from the
4 engine, standing at the aft of the ship.

5
6 A. No, I didn't see anything because we were hiding
7 behind our camouflage and I didn't see any light or
8 flag signals before. The only thing I could see were the
9 two officers, I think, of the engine room who were on the
10 aft ship.

11
12 ERNST [GERMAN]: Yes, nothing else.

13
14
15 Q. These two flags that were hoisted on Sydney, I want
16 you to put out of your mind what anyone else told you about
17 those flag signals afterwards. At the time of the
18 engagement with Sydney on 19 November 1941, when those
19 two flags were hoisted which you saw, did any of the other
20 men on the signalling deck or the bridge discuss those
21 signals? Did they say what they were or did they have a
22 conversation about them?

23
24 INTERPRETER [GERMAN]: Now I would like to come back again exactly to
25 these two flags that you saw and I would really like to ask you to make
26 sure that you forget everything that others have said about them but only
27 relate your personal recollections of them. Can you recall, when these
28 two flags were hoisted on board the Sydney, whether they were in any way
29 commented on or discussed by any of the other persons located on the
30 bearing deck?

31
32 ERNST [GERMAN]: No, nothing, no comment.

33
34 INTERPRETER [GERMAN]: They did not speak about it at all?

35
36 ERNST [GERMAN]: No, it was not spoken about. The flags went up and
37 Detmers said: "Skeries, it'll start soon."

38
39 A. No, there were no comments or discussions on the
40 signalling deck. The only thing that happened, when these
41 two flags were hoisted, Detmers said to Skeries, "It's
42 going to start soon."

43
44 THE PRESIDENT: Q. Before those two flags were hoisted
45 on Sydney, did you see anyone on Kormoran signalling with
46 flags?

47

1 INTERPRETER [GERMAN]: Before these two flags were hoisted on board the
2 Sydney, were you able to observe on board the Kormoran whether any flags
3 were hoisted there?
4

5 ERNST [GERMAN]: No.

6
7 A. No, I didn't see anything.

8
9 LEUT TYSON: Q. I just want to come back to something
10
11 you've just said, and you mentioned it on the last
12 occasion.

13
14 INTERPRETER [GERMAN]: Now I would like to come back to something which
15 you have said just now, but which you also mentioned on the last
16 occasion.

17
18 LEUT TYSON: I asked you about what activity you saw on
19 Sydney's decks before the gunfire started...

20
21 INTERPRETER [GERMAN]: Back then, I had asked you which activities you
22 were able to observe on board the Sydney before the battle began ...

23
24 LEUT TYSON: ...and you did say,
25 as you have just now said again, that you saw two men in
26 the aft part of Sydney wearing white uniforms with caps?

27
28 INTERPRETER [GERMAN]: And back then you said, actually what you have said
29 just earlier, that actually you saw exactly two persons at the aft of the
30 ship who were wearing white uniforms. And ...

31
32 ERNST [GERMAN]: No. Khaki. They had khaki uniforms ... – I already said
33 that at the last time, they were not wearing white uniforms. That was
34 engine personnel, they were wearing visored caps and khaki uniforms.

35
36 A. No, they were not wearing white uniforms. I think the
37 last time I said khaki colour and they were engineers from
38 the engineer crew and they wore hats, though.

39
40 LEUT TYSON: I just want to briefly pause to ask
41 Herr Thomas just to look at that on page 14.

42
43 THE INTERPRETER: Sorry, yes, that is definitely my
44 mistake, yes. I didn't understand this word probably.

45
46 LEUT TYSON: Khaki.

47

1 THE INTERPRETER: Yes.

2

3 LEUT TYSON: Q. Pardon me, Herr Ernst. There was just a
4 slight error in translation?

5

6 INTERPRETER [GERMAN]: Apologies, that was indeed a small translation
7 error back then.

8

9 ERNST [GERMAN]: No problem.

10

11 A. No problem.

12

13 Q. I just want to ask, when you saw Sydney before the
14 gunfire broke out, did you see any activity associated with
15 the aeroplane on Sydney?

16

17 ERNST [GERMAN]: No. Aeroplane? The engine was running, but then they
18 positioned the aeroplane on zero and then, I don't know what happened
19 after that. In any case, in the instant when it is positioned on zero, if
20 the Sydney fires a salvo, the aeroplane of course is wrecked.

21

22 INTERPRETER [GERMAN]: The Kormoran fired off a salvo?

23

24 ERNST [GERMAN]: No, the – one moment!

25

26 INTERPRETER [GERMAN]: No, he asked about the aeroplane on board the
27 Sydney, not on board the Kormoran.

28

29 ERNST [GERMAN]: No, no, not on board the [could not be understood,
30 background noises], but when the aeroplane on the Sydney is in a zero
31 position and the Sydney fires a shot, then the frame of the aeroplane is
32 too much ... – that was a sailcloth-covered aeroplane, not a metal plane –
33 then it is all done for, then the machine can not be used any more.

34

35 INTERPRETER [GERMAN]: With zero position you mean, it was already being
36 swung back again?

37

38 ERNST [GERMAN]: Exactly.

39

40 A. Well, the engines were running, but then the engines
41 were turned off and the aeroplane was swung back in in a
42 neutral position, because the problem is if they had fired
43 with the aeroplane being in a non-neutral position, being
44 swung out, they would have destroyed the aeroplane with
45 their own firing.

46

47 Q. But, Herr Ernst, what the Commission is interested in

1 hearing is what you yourself saw. This information you've
2 given about the engine of the plane running and the
3 catapult, is that something you saw at the time on
4 19 November 1941?

5

6 INTERPRETER [GERMAN]: The Commission of Inquiry is of course very
7 interested in obtaining your personal information as an eyewitness, and
8 what I would then like to ask in this context: have you seen yourself, in
9 person, that the engines were running on the aeroplane?

10

11 ERNST [GERMAN]: The aeroplane was in the start position.

12

13 MS ERNST [GERMAN]: Whether you have seen it.

14

15 ERNST [GERMAN]: Yes, I have seen that.

16

17 A. Yes, I have seen it myself.

18

19 ERNST [GERMAN]: And the engine was running. And then it was positioned
20 back to zero and the engine was switched off and then was off.

21

22 A. Yes, I've seen it myself,
23 and the engines were running, but then the engines were
24 turned off and it was swung back.

25

26 THE PRESIDENT: Q. How far away was Sydney when you saw
27 that?

28

29 INTERPRETER [GERMAN]: How far away was the Sydney at that time?

30

31 ERNST [GERMAN]: Whether it was fifteen hundred metres, well, I cannot
32 exactly say that any more today.

33

34 A. Something I cannot tell anymore. Approximately
35 1,500 metres.

36

37 ERNST [GERMAN]: Short. The distance was not all that large.

38

39 A. It was not a long distance.

40 LEUT TYSON: Q. When you say the engines were running,
41 do you mean the propeller was turning? What do you mean by
42 that comment about engines running?

43

44 INTERPRETER [GERMAN]: When you say the engines were running, does that
45 mean that the propellers were turning?

46

47 ERNST [GERMAN]: Yes.

1

2 A. Yes.

3

4 Q. Also, Herr Ernst, did you notice any activity
5 associated with any of Sydney's boats, any of her pinnaces?
6 Were any of those being lowered as she approached Kormoran?

7

8 INTERPRETER [GERMAN]: Then I would still like to ask you about the boats
9 which were on board the Sydney, the pinnaces, were any of them lowered
10 down when she was approaching the Kormoran?

11

12 ERNST [GERMAN]: No, nothing – she did not have that many pinnaces,
13 actually.

14

15 A. No, I didn't see anything of that and she didn't have
16 so many extra boats anyway.

17

18 ERNST [GERMAN]: They would have had to fire a shot across the bow of our
19 ship first, we would have had to be stationary and then the prize
20 examination party would have come on board the Kormoran, and that was not
21 the case.

22

23 A. No, then they should have
24 fired across our bow and then the prize control party could
25 have come to our ship, but that was not the case.

26

27 THE PRESIDENT: Q. Did you see the propellers on the
28 aeroplane stop?

29

30 INTERPRETER [GERMAN]: Did you see the propellers stop turning?

31

32 ERNST [GERMAN]: Yes. In that instant when the aeroplane was on zero,
33 meaning in the lengthwise position, well, I don't know how it is in
34 Australia, with us it was in a zero position, then that was the end, then
35 the engines were switched off; anyway, it only had one engine.

36

37 A. Well, as soon as it was in the neutral position, that
38 is, swung back in - I don't know what it's called in
39 Australian - that's when the propellers were not running
40 anymore.

41

42 Q. So you saw the aeroplane moved from the position when
43 you first saw it?

44

45 INTERPRETER [GERMAN]: So did you see how the aeroplane was moved after ...
46 – so you first saw it, for the first time, and you saw how it was moved
47 back again.

1
2 ERNST [GERMAN]: [speaks at the same time, could not be understood] ... then
3 it came back, to zero position, and then the engines were off.
4
5 A. Yes. When I first saw it, it was in the launching
6 position, and then it was swung back into the neutral
7 position, and that's the point when the engines were turned
8 off.
9
10 Q. Was it the aeroplane that moved or the catapult that
11 moved?
12
13 INTERPRETER [GERMAN]: Was it the aeroplane that moved or the catapult
14 that moved?
15
16 ERNST [GERMAN]: The aeroplane stands on the catapult and it was swung
17 back with the catapult slide.
18
19 A. Of course the aeroplane is positioned on a catapult
20 and the aeroplane was on a slight - on the catapult and was
21 swung back in, the catapult.
22
23 Q. What was swung back in? The catapult was swung back
24 in?
25
26 INTERPRETER [GERMAN]: The catapult was swung back?
27
28 ERNST [GERMAN]: Yes, and the aeroplane was on top of it.
29
30 A. Yes, the catapult was swung back in and on top of it
31 there was the aeroplane.
32
33 Q. Thank you.
34
35 LEUT TYSON: Q. Herr Ernst, I now want to come to
36 another question, which is about the orders that were given
37 on the day of the battle between Sydney and Kormoran.
38
39 INTERPRETER [GERMAN]: Now I would like to come to another point. This is
40 about the orders which were given during the battle or on the day of the
41 battle.
42
43 LEUT TYSON: First, to go over some of the things you told us last time,
44 you said before the battle began you heard Skeries give
45 orders, "Have the guns ready. Aim at target.
46 Bring ammunition and stock the guns with more ammunition"?
47

1 INTERPRETER [GERMAN]: First now I would like to come to a point with you
2 which was before the battle. You said last time that Skeries had given
3 the following orders: "Getting ready – get the guns ready, aim at the
4 target, bring ammunition close and bring more ammunition to the guns."
5

6 ERNST [GERMAN]: Yes. That is what we mean by [Translator's note: See
7 above; literally:] the "fore-manning of ammunition".

8 A. That's exactly what we understand under foremanning of
9 ammunition.

10

11 Q. Are they things that you heard before the battle began
12 with Sydney, before the firing began, from Skeries?

13

14 INTERPRETER [GERMAN]: Are these things that you heard before the battle,
15 things Mr Skeries said?

16

17 ERNST [GERMAN]: With the fore-manning?

18

19 INTERPRETER [GERMAN]: Yes.

20

21 ERNST [GERMAN]: I indeed passed on the orders to the guns.

22

23 A. Yes. Well, I have forwarded these orders to the guns.

24

25 Q. So you passed on those orders to the 15cm guns and the
26 10 other guns on Kormoran?

27

28 INTERPRETER [GERMAN]: So you passed these orders on to the 15 cm guns and
29 to the other guns?

30

31 ERNST [GERMAN]: Yes. Yes.

32

33 A. Yes.

34

35 Q. When you spoke to the gun stations, is there a captain
36 or a Commander of each individual gun station who you would
37 speak to with these orders?

38

39 INTERPRETER [GERMAN]: When you passed these orders on to the individual
40 guns, was there an individual gun operator at each gun who received these
41 orders?

42

43 ERNST [GERMAN]: The orders were [...] to the order transmitter at the gun ...
44 – it was not the gun operator who had the telephone on but an extra man,
45 and he stated the orders which I passed on from the artillery officer to
46 the guns, he spoke them out further along at the gun.

47

1 A. No. They were passed on to the person responsible for
2 forwarding messages. There was special person at each gun,
3 and this person was wearing the headphones, and he received
4 these orders and passed them on to the gun operator.

5

6 THE PRESIDENT: He received the orders from Herr Ernst?

7

8 THE INTERPRETER: From Mr Ernst and then passed them on to
9 the gun operator.

10

11 ERNST [GERMAN]: I was only the go-between between artillery officer and
12 guns.

13

14

15 THE INTERPRETER: I was just the person in between the
16 artillery officer --

17

18 THE PRESIDENT: Q. Between Herr Skeries?

19

20 THE INTERPRETER: Yes, between Herr Skeries, the artillery
21 officer, and the guns.

22

23 ERNST [GERMAN]: And so far, I have not heard from any of the gun crews
24 who I have met with how much ammunition they had brought up.

25

26

27 THE INTERPRETER: And so far I have never heard from any of
28 the gunning crew how much ammunition they had prepared.

29

30 LEUT TYSON: Q. You also told us about another order
31 that was given. You said Herr Skeries give an order,
32 "As soon as you have, can aim at the target, shoot with all
33 you can"?

34

35 INTERPRETER [GERMAN]: Back then, you also said that the order came from
36 Mr Skeries: "As soon as the target is picked up, fire as much as you can
37 get out."

38

39 ERNST [GERMAN]: Exactly. That was exactly what Skeries, or what I passed
40 on from Skeries to the guns. As soon as they come up ... and that now is
41 the difference between salvo rate and free shooting. And at the last
42 meeting, that was only a few weeks ago, I have [...] with Erhard Saalfrank
43 ...

44

45 INTERPRETER [GERMAN]: May I briefly ask something: the difference between
46 salvo rate and free shooting?

47

1 ERNST [GERMAN]: Yes.

2

3 INTERPRETER [GERMAN]: In what way?

4

5 ERNST [GERMAN]: As soon as you shoot the picked up target without an
6 order, triggering as soon as the shell and the cartridge is in; and the
7 salvo rate is: loading, waiting until the order comes to shoot. That is a
8 salvo rate. And that was the important thing.]

9

10 A. Yes, exactly. That's what I've said. It's also the
11 difference between salvo attack and free shooting because
12 there was no special order given as when to shoot. The
13 order was, "As soon as you can reach the target, shoot with
14 all you can."

15

16 Q. That order, Skeries gave that to you. What did you do
17 with that order?

18

19 INTERPRETER [GERMAN]: This order which Skeries gave to you, what did you
20 do with the order?

21

22 ERNST [GERMAN]: I passed it on to the guns. That was my task, after all.

23

24 A. I've passed it on to the guns. That was my task.

25

26 ERNST [GERMAN]: One moment. In this case, I was [as] the BÜ, and BÜ means
27 "Befehlsübermittler", "order transmitter", BÜ is the abbreviation for the
28 man who passes it on.

29

30 A. I

31 was the bu, that stands for befehlsübermittler, which in
32 English is the transmitter of messages.

33

34 Q. This order about "as soon as you can, aim at the
35 target, shoot with all you can," can you be precise about
36 the timing of that order? Was that an order that was given
37 after Kormoran started to fire or was that just before
38 Kormoran started to fire?

39

40 INTERPRETER [GERMAN]: This order, to fire as soon as the target is picked
41 up with all you had, was that given before the battle started or just as
42 the battle was already ...

43

44 ERNST [GERMAN]: No, that was already done before the start of the battle,
45 because in the moment when it was "Remove the disguise", the hatches went
46 up, the guns came out, and then they fired.

47

1 A. No, that was given before the firing started, because
2 in the moment when the order was given to remove the
3 disguise, these guns were ready to start firing.

4

5 Q. The order "remove the disguise", can you explain who
6 made that order, how did that order come about?

7

8 INTERPRETER [GERMAN]: The order to remove the disguise, can you say from
9 whom it came and how it was passed on?

10

11 ERNST [GERMAN]: The order came from Detmers and was passed on to the guns
12 via artillery officer and me.

13

14 A. The order was given by Detmers, and then passed on to
15 the artillery officer and then to me and I passed it on.

16

17 Q. Did you hear Capt Detmers giving that order to
18 Skeries, or is that something that came over a telephone to
19 Skeries from Detmers? Do you know about that?

20

21 INTERPRETER [GERMAN]: Do you still know whether this order was given
22 directly by Detmers to Skeries or whether it was given via the telephone?

23

24 ERNST [GERMAN]: No. Detmers was on the bridge and called loudly and
25 forcefully: "Remove the disguise", and that applied to everyone, we did
26 not need a telephone or anything for that. We all heard it, and I then
27 passed it on to the guns because they of course were further away.

28

29 A. No, Detmers stood on the bridge and shouted very loud
30 to remove the disguise, and we all could hear that.
31 I passed this on to the guns later then.

32

33 Q. Just to try to be very precise, he simply said, did
34 he, "Remove the disguise," rather than also saying
35 something about firing? Is that correct?

36

37 INTERPRETER [GERMAN]: Now to be totally accurate in this: So he said:
38 "Remove the disguise", but he did not say anything yet about "Fire at
39 will".

40

41 ERNST [GERMAN]: That was superfluous. That was superfluous, "Fire at
42 will", because in that instant when the disguise was removed in that
43 case, fire was given immediately because even prior to that the guns had
44 had the order: "As soon as the target is picked up, fire as much as you
45 can get out." Not everything happened on order. In that case in that
46 moment it went freely.

47

1 A. No, that was not needed in this moment because the
2 guns had received this other order before, this other order
3 we talked about to shoot as much as you can as soon as you
4 can reach the target, so it was not required to have
5 another order to start firing.

6
7 THE PRESIDENT: Q. I don't understand that. I thought
8 you said that the order to fire as much as you can was
9 given by Skeries after Detmers had given his order.

10
11 INTERPRETER [GERMAN]: Now I don't understand that. As far as I understood
12 you earlier, it was such that ...

13

14

15 THE INTERPRETER: Sorry, can you just repeat to make this
16 very clear?

17

18 THE PRESIDENT: Q. I thought you had told me that the
19 order given by Skeries to fire as much as you can was an
20 order given by him after Detmers had given the order to
21 remove the disguise?

22

23 INTERPRETER [GERMAN]: As far as I understood you earlier, it was such
24 that the order was given by Skeries after the order came to remove the
25 disguise.

26

27 ERNST [GERMAN]: But yeah. The instructions to the guns were: "As soon as
28 the target is picked up ..." – and that is only possible once the disguise
29 is removed – "as soon as the target is picked up, fire as much as you can
30 get out." Without order, there was no extra order or anything. Everyone
31 knew that. Indeed everyone who stood opposite knew that.

32

33 A. No, it was said that - well, they had received the
34 order to shoot as much as they can before, before they --

35

36 THE INTERPRETER: Sorry.

37

38 THE INTERPRETER: The order to fire as much as they can as
39 soon as they could reach the target was given before the
40 order to remove the disguise. That was something they had
41 already, and then as soon as the disguise was removed, they
42 could fire as much as they want without any extra-special
43 order.

44

45 LEUT TYSON: Q. Just to be very clear, I want you to
46 think of the moment when the guns started firing.

47

1 INTERPRETER [GERMAN]: Now to totally clarify this once more: I would like
2 to come to the point, to the exact moment when the first shots were fired
3 ...

4
5 LEUT TYSON: Are you
6 able to tell us, just before that time, what was the order
7 of events with these orders before the guns actually
8 started firing?

9
10 INTERPRETER [GERMAN]: Could you explain that to us once more precisely
11 how, in which sequence the orders were given, before the first shot was
12 even fired, up to the first shot?

13
14 ERNST [GERMAN]: The instructions that the guns had to shoot immediately
15 when they picked up the target came before the disguise was removed, and
16 then came at first the removal of the disguise, the guns were moved out
17 and, as far as I remember, the first gun fired the first shot and that
18 went into the water short of target. So, there was not much further
19 order-giving after that. It went without saying that then, in the instant
20 when the – indeed, the “Remove the disguise” was at the same time “Fire
21 at will”.

22
23 A. The instructions were given before the disguise was
24 removed, and so that this previous order to shoot as much
25 as you can as soon as you can reach anything came before
26 the order to remove the disguise. When the disguise was
27 removed, the first gun gave the first shot - that did not
28 reach its target, it was too short, but of course it was
29 for everybody something that was clear, that as soon as the
30 disguise was removed it was the time to start firing, that
31 no extra order for this was required.

32
33 THE PRESIDENT: Q. The guns could not fire until the
34 disguise was removed, in any event.

35
36 THE INTERPRETER: Exactly.

37
38 INTERPRETER [GERMAN]: The guns could not fire before the disguise was
39 removed.

40
41 ERNST [GERMAN]: And at that moment when the disguise was removed, it was
42 also “Fire at will”.

43
44
45 THE INTERPRETER: And as soon as the disguise was removed, it
46 was open fire.

47

1 LEUT TYSON: We'll just have a short break to change the
2 tape.

3

4 INTERPRETER [GERMAN]: Short break to [...] the tape [cut off].

5

6

7 SHORT ADJOURNMENT

8

9 THE PRESIDENT: We'll now resume.

10

11 LEUT TYSON: I was now going to move on to another topic,
12 Commissioner, if that is convenient to you.

13

14 Q. I now want to ask about some of the evidence you gave
15 us last time about the flags that were flying on Kormoran
16 at the time of the battle with Sydney.

17

18 INTERPRETER [GERMAN]: Now I would like to ask you some questions relating
19 to the flags, also something we already discussed last time, the next
20 questions ...

21

22 Q. It is very
23 important to hear what you actually saw on the day, as

24

25 opposed to what other people may have told you afterwards
26 or what you may have read about.

27

28 INTERPRETER [GERMAN]: Here it is very important that you tell us exactly
29 what you actually saw and not what you heard from other people or what
30 you read later on.

31

32 ERNST [GERMAN]: Yes.

33

34 Q. Do you recall that on the
35 last occasion you circled on a diagram I showed you your
36 action station during this battle?

37

38 INTERPRETER [GERMAN]: Initially I would like to present you with a
39 drawing on which you circled your battle station at the last interview
40 date.

41

42 A. Yes.

43

44 LEUT TYSON: Mr President, would it be convenient that
45 that document perhaps be marked as exhibit 28?

46

47 THE PRESIDENT: Yes, that will be exhibit 28.

1
2 INTERPRETER [GERMAN]: Mr President, may I hand you this as Exhibit Number
3 28?
4
5
6 EXHIBIT #28 DIAGRAM SHOWN TO HERR ERNST PREVIOUSLY ON WHICH
7 HERR ERNST MARKED HIS ACTION STATION DURING THE BATTLE
8
9 LEUT TYSON: Q. There are different flags that can fly
10 on a ship - a national flag or a war ensign.
11
12 INTERPRETER [GERMAN]: As is well known, there are different flags that
13 can be hoisted on board a ship, such as the national flag or the war
14 ensign ...
15
16 LEUT TYSON: Q. It may even
17 be that there is another flag as well, which is a
18 Commander's pennant or a Commander's pennant of
19 Capt Detmers.
20
21 THE INTERPRETER: Sorry, what's a Commander's pennant?
22
23 LEUT TYSON: It's just described in some of the accounts,
24 a flag for the Commander of the ship.
25
26 THE INTERPRETER: For himself? For Mr Detmers?
27
28 INTERPRETER [GERMAN]: Then there is also the possibility that the
29 Commander's flag is hoisted.
30
31 ERNST [GERMAN]: There was just a pennant. On each ship where there was a
32 Commander, there was just one pennant: the Commander's pennant. And that
33 was only flown at the commissioning. When we commissioned the auxiliary
34 cruiser, the pennant was flown, and then no more.
35
36
37 LEUT TYSON: Mmm.
38
39 THE WITNESS: That was just one of the small triangular
40 flags for the Commander and we only used it on the day the
41 service of Kormoran as a warship started. That was the
42 only time it was ever used.
43
44 LEUT TYSON: Q. Okay. That is very useful.
45
46 INTERPRETER [GERMAN]: Thank you very much.
47

1 LEUT TYSON: Q. I just want
2 to ask you to explain, perhaps by reference to this
3 document exhibit 28, where the flag masts were on Kormoran,
4 please.

5
6 INTERPRETER [GERMAN]: I would like to ask you to mark, here on this, what
7 we have already admitted as Exhibit , where the flag masts of the
8 Kormoran were.

9
10 LEUT TYSON: Q. Can you start, please, by showing us where the
11 German war ensign normally flew from?

12
13 ERNST [GERMAN]: Here.

14
15 INTERPRETER [GERMAN]: Could you first point out where normally the German
16 war ensign was flown, on which mast?

17
18 LEUT TYSON: Q. Perhaps you can mark
19 that with a cross.

20
21 ERNST [GERMAN]: That was here.

22
23 INTERPRETER [GERMAN]: Could you maybe please mark a cross, with the pen,
24 for instance? – That was the war ensign that was hoisted there?

25
26 ERNST [GERMAN]: And then there was another war ensign here. That was
27 flown when the disguise was removed and this one here as well.

28
29 A. They were both hoisted when the order of remove the
30 disguise was given.

31
32 THE PRESIDENT: Can you describe those, please?

33
34 LEUT TYSON: Q. The first cross you made on the highest
35 mast at the stern, what flag flew on that mast?

36
37 THE PRESIDENT: Just make a note that Herr Ernst marked
38 two crosses - one at the aftermast and the other --

39
40 LEUT TYSON: At a mast just above the signal deck.

41
42 THE PRESIDENT: Thank you.

43
44 INTERPRETER [GERMAN]: I would just like to record for the minutes, for
45 the records, that Mr Ernst marked two crosses, one at the aftermast and
46 one above the bearing deck.

47

1 ERNST [GERMAN]: And the flag at the aftermast was already up when the
2 Sydney arrived, and it was slipped first, it was tied together and was
3 held with a slip knot, and the signalling sailor Otte, he slipped it, and
4 here, the flag above the bearing deck, that was hoisted by Otto Wendroth
5 as the disguise was removed.

6

7

8 THE INTERPRETER: Yes, and I must add that the flag on the
9 aftmast was already up there, it was just tied with a slip
10 knot, and then the signalling person,

11

12 INTERPRETER [GERMAN]: What was the name again of the signalling sailor at
13 the aftermast?

14

15 ERNST [GERMAN]: Otte; he is dead.

16

17 THE WITNESS: Mr Otte, he just had
18 to pull a rope and then this would fly open, whereas on the
19 signalling deck it was Mr Wendroth who had to hoist this
20 flag.

21

22 LEUT TYSON: Q. I just want to take it step by step.
23 Whereabouts on Kormoran did the national flag - for
24 example, a Japanese flag, a Russian flag, a Netherlands
25 flag, what mast did that fly from?

26

27 THE PRESIDENT: If it was flying at all.

28

29 LEUT TYSON: Q. I'm not asking at this stage on the
30 event. I'm saying, generally, on Kormoran what was the
31 mast used to fly national flags?

32

33 INTERPRETER [GERMAN]: I would like to proceed step by step. On which mast
34 of the Kormoran was the national flag hoisted when it was flown, be it
35 the German, the Russian, the Japanese one, whichever.

36

37 ERNST [GERMAN]: Also on the aftermast.

38

39 A. It was also at the aftmast.

40

41 LEUT TYSON: Herr Ernst has indicated the mast which he
42 put the first cross on, the aftmast on Kormoran.

43

44 Q. Now I would like to take you to 19 November 1941.

45

46 INTERPRETER [GERMAN]: Now I would like to discuss with you the
47 19.11.1941.

1

2 Q. It
3 is very important, as I said, we want to hear what you
4 actually saw on the day, rather than what someone might
5 have told you afterwards.

6

7 INTERPRETER [GERMAN]: And as just before, I would like to stress again
8 how important it is that you tell us exactly what you saw and not what
9 was reported to you by others or ... that we make a clear distinction
10 there.

11

12 Q. Before the gunfire began, can
13 you please tell the President whether you could see the
14 flag masts on Kormoran?

15

16 INTERPRETER [GERMAN]: Before the battle began, could you please tell us
17 and explain to the President whether you were able to see the flag masts
18 of the Kormoran then?

19

20 ERNST [GERMAN]: Yes. Yes. Because they were higher than our position.

21

22 A. Yes, because they were higher than the position we
23 were at.

24

25 Q. Did you actually look at the flag masts before the
26 firing broke out?

27

28 INTERPRETER [GERMAN]: And did you actually observe the flag masts before
29 the battle broke out?

30

31 ERNST [ENGLISH]: No.

32

33 A. No. No,

34

35 ERNST [GERMAN]: No. To this day, I would like to see the faces of the
36 officers of the Sydney when they saw our war ensign.

37

38 A. I didn't see them. Today I would really like
39 to know what the officers on board or on bridge of Sydney
40 thought in that moment when they saw our war ensign.

41

42 Q. So you didn't see what flags were flying on Kormoran
43 before the firing broke out?

44

45 INTERPRETER [GERMAN]: So you could not see which flags were actually
46 hoisted on board the Kormoran before the battle broke out.

47

1 ERNST [GERMAN]: I don't know exactly, but I assume that the Dutch flag
2 was up.
3 A. I don't know exactly, but I assume that the Dutch flag
4 was flying.
5
6 THE PRESIDENT: Q. Where? Where do you assume it was
7 flying?
8
9 INTERPRETER [GERMAN]: Where, do you believe ...
10
11 ERNST [GERMAN]: At the aftermast.
12
13 A. At the aftmast.
14
15 LEUT TYSON: Q. But you didn't see it, you're saying;
16 that's just an assumption?
17
18 INTERPRETER [GERMAN]: You did not see it yourself, that was an
19 assumption.
20
21 ERNST [GERMAN]: That is correct, [yes, I assume so.
22
23 A. Yes, I assume so. I haven't see it myself.
24
25 Q. What about after the firing started and during the
26 firing, did you ever see what masts were flying on
27 Kormoran's --
28
29 THE PRESIDENT: What flags.
30
31 LEUT TYSON: Q. -- what flags were flying on Kormoran's
32 masts?
33
34 INTERPRETER [GERMAN]: What about after the battle had begun, or for the
35 duration of the battle, could you see which flags were flying on which
36 masts of the Kormoran then?
37
38 ERNST [GERMAN]: Yes, yes, the flag above the bearing deck was flying, and
39 it was the biggest version we had. And the one in the gaff as well. I did
40 not have anything else to do, after all.
41
42 INTERPRETER [GERMAN]: Where in the gaff? Where do you mean?
43
44 ERNST [GERMAN]: Yes, that is the aftermast.
45
46 INTERPRETER [GERMAN]: At the spreader or something, yes.
47

1 A. Well, on the signalling deck we had the war ensign
2 hoisted. It was also the biggest one of these war ensigns
3 we had. Whereas on the aftmast at the spreader of the
4 aftmast also the war ensign was flying.

5

6 Q. You saw both those flags, both those war ensigns,
7 flying during the fighting with Sydney?

8

9 INTERPRETER [GERMAN]: And you saw that both of these flags were hoisted
10 during the battle with the Sydney? Yes?

11

12 ERNST [GERMAN]: Yes. Just as I saw the flag on the Sydney.

13

14 A. Yes, as well as I have seen the flag on Sydney.

15

16 Q. What was the flag flying on Sydney?

17

18 ERNST [GERMAN]: The white war ensign of the Australians.

19

20 A. The white flag, the war flag of the Australians.

21

22 Q. The white ensign. You have told us about a slip knot
23 arrangement with the flags. Can you please --

24

25 THE PRESIDENT: With one flag.

26

27 LEUT TYSON: Q. With one of the flags. Can you please
28 explain which of the flags the slip knot arrangement was
29 with?

30

31 INTERPRETER [GERMAN]: You told us just earlier that at one of these war
32 ensigns a slip, slip knot ... that it was fixed to the slip knot. Could you
33 tell us which of the two was held like that?

34

35 ERNST [GERMAN]: At the rear on the aftermast, because the one on the
36 bearing deck was lying on the deck, on the boat.

37

38 A. That was the one at the aftmast, because the one we
39 hoisted at the signalling deck was lying on the deck before
40 it was hoisted.

41

42 THE PRESIDENT: Q. That's lying on the deck on which you
43 were standing?

44

45 INTERPRETER [GERMAN]: That means on the deck where you were standing?

46

47 ERNST [GERMAN]: Exactly.

1

2 A. Exactly.

3

4

5 LEUT TYSON: Q. Earlier today you mentioned Mr Otte and
6 I think you might have mentioned Mr Wendroth,...

7

8 INTERPRETER [GERMAN]: Earlier you have already mentioned Mr Otte and Mr
9 Wendroth ...

10

11 LEUT TYSON: Q. ...and you have
12 told us what they did.

13

14 INTERPRETER [GERMAN]: And you have told us what they were doing.

15

16 LEUT TYSON: Q. Is that something that you saw
17 happening on the afternoon of 19 November 1941 or is that
18 something that those two gentlemen have told you after the
19 battle was over?

20

21 INTERPRETER [GERMAN]: Is that something that you were able to observe
22 yourself on this afternoon of 19 November 1941, how they were doing that,
23 or is that something that these two gentlemen have told you afterwards?

24

25 ERNST [GERMAN]: With Otte, I know it because he had his action station
26 there. And Otto Wendroth was with us on our deck, on the bearing deck. So
27 he was taking cover next to us.

28

29 A. No, I know this personally because it was Mr Otte's
30 action station to be there, and Mr Wendroth was there with
31 us on the signalling deck, he just laid there covered as we
32 did.

33

34 Q. So you saw Mr Otte do what you have just told us?

35

36 INTERPRETER [GERMAN]: So you saw that Mr Otte did what you have just told
37 us? You saw that as he was doing it?

38

39 ERNST [GERMAN]: Yes. He only needed to pull, to pull the line, and then
40 the flag was flying by itself.

41

42 A. Well, all he had to do was to pull the line and then
43 the flag would open.

44

45 Q. Are you able to say when he did that - did he do that
46 before the firing or after the firing?

47

1 INTERPRETER [GERMAN]: Can you tell us precisely when he did that? Before
2 the battle, after the battle, during the battle ...

3

4 ERNST [GERMAN]: When the disguise was removed, both the flags were flying
5 openly, the one above the bearing deck and the one at the gaff.

6

7 A. In the same moment when the order was given to remove
8 the disguise - or when that was given, then immediately
9 these both two flags were hoisted or opened.

10

11 Q. How long did it take for the flags to open?

12

13 INTERPRETER [GERMAN]: How long did it take until the flags were hoisted
14 or opened?

15

16 ERNST [GERMAN]: Excuse me, were you in the Navy? Do you know what a slip
17 knot is? Please. Do it, try it. And in the instant when that is pulled it
18 is flying openly, and Otto Wendroth, he had the flag lying on the ground
19 with us, on the deck, and he merely pulled it up and [could not be
20 understood]. One moment, up there, there runs a line, so it was maybe
21 just two metres. Or three metres.

22

23 A. Excuse me, were you at the Navy? Do you know what a
24 slip knot is? It means you just have to pull and
25 immediately the flag flies.

26

27 Q. Herr Ernst, this is for the benefit of the tape and
28 for other people.

29

30 THE INTERPRETER: Sorry, I'm not finished yet.

31

32 THE INTERPRETER: So it was just very quick. Whereas
33 Mr Wendroth, where the flag was lying on the floor, he had
34 to hoist it really, but just two metres, so - yeah.

35

36 ERNST [GERMAN]: It's a shame, Otto is ill, seriously ill. Otherwise I
37 would have said, you go to him and ask him directly.

38

39 MS ERNST [GERMAN]: He has declined it. It says on the list that he is not
40 able to. He needs to be taken to bed and all. May I?

41

42

43 THE PRESIDENT: Q. If you saw Herr Otte removing the
44 slip knot, you must also have seen if there was another
45 flag on that mast?

46

47 INTERPRETER [GERMAN]: If you saw how Mr Otte opened the slip knot, then

1 you must also have seen if there was another flag flying on that mast.

2

3 ERNST [GERMAN]: That one was gone. At that moment, that one was gone. He
4 only needed to release and let go.

5

6 A. He just had to open it or untighten it at the bottom
7 and then the other flag would come down.

8

9 Q. Was there another flag to come down?

10

11 INTERPRETER [GERMAN]: Was there another flag that had to be pulled down?

12

13 ERNST [GERMAN]: Presumably the Dutch one. Because we were travelling as
14 Straat Malakka.

15

16 A. I assume it was the Dutch flag, as we were disguised
17 as Straat Malakka.

18

19 Q. I know you're assuming that, but did you see it?

20

21 INTERPRETER [GERMAN]: I know that you are assuming that, but did you see
22 it yourself?

23

24 ERNST [GERMAN]: I don't know that any more today. That is 60 years ago.

25

26 A. I don't know. It's 60 years ago.

27

28

29

30

31 LEUT TYSON: Q. Herr Ernst, I wanted to turn to a final
32 topic.

33

34 INTERPRETER [GERMAN]: Now I would like to come to the last point.

35

36 LEUT TYSON: Q. On the last occasion, after the tape ended you told
37 us about how you were involved in the arrangements to
38 remove the lifeboat from inside the hatch?

39

40 INTERPRETER [GERMAN]: Last time after the recordings had actually
41 finished, you told us again to what extent you were involved in removing
42 the lifeboats from the hatches.

43

44 ERNST [GERMAN]: Yes.

45

46 A. Yes.

47

1 Q. For the benefit of the tape and the other people who
2 are going to hear about this, can you please explain what
3 you did and how you got the life raft out of inside the
4 hatch?

5

6 INTERPRETER [GERMAN]: In order to have that also on a recording
7 afterwards, I would like to ask you to explain to us once more how back
8 then you got the lifeboats out, how all that happened.

9

10 ERNST [GERMAN]: There were others there before us who had tried it. To be
11 precise, they had at two "Tallien"- waists ? [could not be understood]
12 got the boats up but could not remove them because the boats were too
13 deep in the hatch. And we also said, we won't be able to remove them any
14 more, and now comes the strange thing: we turned around, and when we had
15 turned around, I saw an image from my childhood in front of me. And I saw
16 how our threshing machine operator at home levels out his threshing
17 machine with a winch. And then I asked: "Do we have a winch anywhere?"
18 And then they said: "Yes, there is a winch at the first gun"; we fetched
19 it, then we pushed the boats up in front at the keel, and at the instant
20 when the keel was on the edge of the hatch, one was able to pull them out
21 from the outside. That way, 120 men still got to shore. – Uwe [unsure
22 whether name was understood correctly], do you know what the translation
23 is for a winch? You don't know that either.

24

25 INTERPRETER [GERMAN]: Yes, that's a "winch".

26

27 A. So I can tell you how it happened. We had two - we
28 tried it first with ropes, and we had to lift it, the
29 lifeboats inside these hulls already, but we couldn't get
30 them over the coamings on the side of the hatch because
31 they were too low in there. Then I turned around and at
32 that certain moment I remembered a picture from my
33 childhood, how the person who was responsible for or who
34 operated the mowing machines, these huge mowing machines
35 you have from the country, how he used the wind to bring
36 these mowing machines in a horizontally perfect position.
37 Then I asked around, "Do we have a winch on board?", and
38 somebody said, "Yes, at the first gun we do have one," and
39 so we put this winch under the keel of the lifeboats and
40 could lift them with this winch over the coaming, and in
41 the end that meant that we could save the lives of another
42 120 men.

43

44 Q. How long did it take to get that boat out from inside
45 the hatch and into the water?

46

47 INTERPRETER [GERMAN]: How long did it take approximately to get the boat

1 out of the hatch and lowered into the water?

2

3 ERNST [GERMAN]: I cannot say that any more today. Because the boats were
4 pulled out from the outside and then thrown over board and then they
5 still had to be readied, all bailed out.

6

7 INTERPRETER [GERMAN]: What still needed to be done with them?

8

9 ERNST [GERMAN]: Bailed out, because the boats were full of water. All the
10 boats had metal buoyancy tanks and did not sink, and then they were
11 bailed out, and only then we got in. And afterwards even, Diebitsch
12 [spelling?] got hold of us and sent us down: "Fetch provisions from the
13 load". There are people who claim that there was no light any more on our
14 foreship but the light was burning until the Kormoran blew up in the air.
15 And so we fetched provisions up from down in the load, meat, tinned food,
16 corned beef and whatever we could lay our hands on.

17

18 A. I cannot say today anymore how long it really took,
19 but you have to imagine it must have taken some time
20 because once they were lifted over the coamings, they were
21 thrown into the water, they had metal tanks so they
22 wouldn't sink, but still they were full of water because we
23 had to throw them in the water and that also took some
24 time.

25

26 Then, when we were in the boats, then Mr Diebitsch
27 also told us to back on board of Kormoran again and to get
28 some supplies, and what I don't understand, well, our
29 machines were not working anymore, we didn't have energy,
30 but in the foreship the lights were still going, they were
31 still turned on, the lights were still working, and they
32 worked in fact until the moment when the Kormoran exploded.

33

34 Well, anyway, as I said, we went onboard again to get
35 some supplies, Mr Diebitsch told us, so we got some meat,
36 some corned beef and other things.

37

38 Q. When the lifeboat was lowered into the water, can you
39 remember what the sea conditions were, what the sea state
40 was?

41

42 INTERPRETER [GERMAN]: When the life boats were lowered into the water,
43 can you remember what the swell was like?

44

45 ERNST [GERMAN]: Zero. No swell.

46

47 A. Zero. There was no swell.

1

2 LEUT TYSON: Mr President, they're the questions on behalf
3 of Counsel Assisting.

4

5 THE PRESIDENT: Thank you.

6

7 Q. I just have two matters. I understand, Herr Ernst,
8 that you left in the lifeboat with Capt Detmers?

9

10 INTERPRETER [GERMAN]: Thank you. I have only two small matters left: Mr
11 Ernst, you said that the lifeboat, that Captain Detmers was in it as
12 well.

13

14 ERNST [GERMAN]: Yes.

15

16 A. Yes.

17

18 Q. Do you know what happened to the Kriegsmarine flag on
19 Kormoran?

20

21 INTERPRETER [GERMAN]: Do you know what happened to the war ensigns that
22 were on the Kormoran?

23

24 ERNST [GERMAN]: They were sunk in the Indian Ocean in a gas mask
25 container. Detmers fetched it/them [Translator's note: ambiguous] down,
26 and were [...] into a gas mask ... how the gas mask, where that came from,
27 that I don't know. But they were sunk in a gas mask container.

28

29 A. They were scuttled in a box that was usually used for
30 gas masks. Detmers took them off the boat and put them
31 into this box and then he sank them in the Indian Ocean.

32

33 Q. Did he take both flags off or only one?

34

35 INTERPRETER [GERMAN]: Did he take both flags with him or just one?

36

37 ERNST [GERMAN]: Only one, because the one above the bearing deck ... it was
38 burning there, nothing got away from there any more.

39

40 A. No, he just took one, because the one on the
41 signalling deck was burning there and he couldn't reach it.

42

43 Q. So he took the one from the aftermast?

44

45 INTERPRETER [GERMAN]: So he took the one from the aftermast?

46

47 ERNST [GERMAN]: Yes.

1 Thank you.

2 ERNST [GERMAN]: And then there was the ammunition from the 3/7 which was
3 still up there, the ammunition also blew up.

4 A. Yes. No, because the ammunition of the 3.7cm guns
5 exploded.

6

7 Q. The last matter is torpedoes. I understand from the
8 evidence previously given, on the last occasion, that you
9 did not see the Kormoran firing its torpedoes, but you did
10 see a torpedo hit Sydney. Is that correct?

11

12 INTERPRETER [GERMAN]: One matter, the second matter to which I would like
13 to come back again, is the torpedoes and from your evidence at the last
14 interview I could gather that you could not see that a torpedo was fired
15 from the Kormoran, but that you were able to see that a torpedo hit the
16 Sydney.

17

18 ERNST [GERMAN]: Moment! Slowly. Dieter and Petrus, who were still on
19 board, were released after the battle because Detmers feared that the
20 fire might spread to the torpedo room.

21

22 INTERPRETER [GERMAN]: I believe, this is about, not after the battle,
23 because it's in the ...

24

25 ERNST [GERMAN]: Not during the battle, as ...

26

27 INTERPRETER [GERMAN]: This is about the torpedo which when the ... I
28 believe last time you said that the Sydney was hit by a torpedo.

29

30 ERNST [GERMAN]: That was an above-water torpedo.

31

32 INTERPRETER [GERMAN]: Yes, exactly, and this is about the above-water
33 torpedoes.

34

35 ERNST [GERMAN]: Yes.

36

37 INTERPRETER [GERMAN]: And you said last time that you could not see how
38 they were fired from the Kormoran but you could see that they had hit the
39 Sydney. Is that correct?

40

41 ERNST [GERMAN]: That could not be seen. For I was above on the bearing
42 deck, and the torpedoes were below. First a hatch had to be opened, then
43 the torpedoes were moved out, and the tubes, if they protruded from the
44 vessel's side by maybe one or one and a half metres, then that was a lot,
45 and we could not fire under-water torpedoes on the Sydney because with
46 those, one has to aim with the whole ship. So it is ...

47

1

2 THE INTERPRETER: First, Mr Ernst gave the wrong answer.
3 He didn't understand exactly what you meant. He was
4 talking about the underwater torpedoes released after the
5 battle was over. Then when I repeated this question and
6 clarified this he said, "Yes, that's correct, because I was
7 on the signalling deck and I could see very well the
8 torpedoes, but I could not see the - how they were fired."

9

10 THE PRESIDENT: Q. So I'm correct in my understanding
11 that you didn't see it fired, but you did see it hit the
12 Sydney?

13

14 INTERPRETER [GERMAN]: So did I understand that correctly, while you could
15 not see the torpedoes when they were fired, you did see how they hit.

16

17 ERNST [GERMAN]: That I did.

18

19 A. Exactly.

20

21 Q. Am I also correct in understanding that you did not
22 see Sydney fire torpedoes at Kormoran after she had gone
23 astern of Kormoran, although you heard about it later on?

24

25 INTERPRETER [GERMAN]: Is it then also correct, have I then also
26 understood correctly, when you state that you did not see the Sydney fire
27 any torpedoes after she had passed by the stern of the Kormoran?

28

29 ERNST [GERMAN]: No, I did not see that.

30

31 A. Yes, I have not seen this.

32

33 THE PRESIDENT: They are the only matters I had.

34

35 LEUT TYSON: That is all from us, Mr President.

36

37 THE PRESIDENT: Herr Ernst, thank you very much indeed for
38 your help. You have been of great assistance to the
39 Inquiry.

40

41 INTERPRETER [GERMAN]: Mr Ernst, thank you very much for your assistance,
42 you have really done the Commission of Inquiry a great service.

43

44 ERNST [GERMAN]: No problem. No problem.

45

46

47 LEUT TYSON: Thank you, Herr Ernst.

1

2 ERNST [GERMAN]: A question, my wife has baked a cake ...

3

4 [End of tape 1]

5

6

7 (Although formally adjourned, the Inquiry resumed
8 shortly thereafter)

9

10 [Beginning of tape 2]

11

12

13 LEUT TYSON: Q. Herr Ernst, on the last occasion,
14 I asked you some questions about some of the various
15 theories and alternative accounts that have arisen about
16 the battle between Sydney and Kormoran.

17

18 INTERPRETER [GERMAN]: At our last meeting, Mr Ernst, I have already
19 explained to you the various theories and alternative reports regarding
20 the encounter between the Kormoran and the Sydney and asked you about
21 that.

22

23 LEUT TYSON: Q. I asked you a
24 question about the involvement of a Japanese submarine in
25 this action, and I also asked you whether you ever saw any
26 survivors of Sydney in the water following the battle.

27

28 INTERPRETER [GERMAN]: Among other things, I have asked you whether you
29 could see any Japanese submarine which was involved in the action and
30 whether you saw any survivors from the Sydney who were in the water.

31

32 ERNST [GERMAN]: We did not see any submarine, not a Japanese one nor any
33 other, and we were so far from the Sydney, and that is what I already
34 said on the last occasion, I admire the ability of the Sydney to get as
35 far away from us as they did. We were standing still, and the Sydney only
36 sank at a distance of twelve miles, I believe, from ours, the wreck of
37 the Kormoran, after all, and also saw that [could not be understood] and
38 then, I believe it's not likely that there were many survivors on the
39 Sydney. Because I have a picture from the Internet, which our son printed
40 out, of the Sydney, there are three hits very close together. And I have
41 said before at some point, I do not think that any shots from us went off
42 the mark, or they were unexploded shells. The Sydney also fired an
43 unexploded shell on us. But otherwise, there was no one, dead or alive.
44 If there had been any survivors, then they would have been saved by us.
45 That goes without saying, but she was too far away. And we, we stood
46 still because our engine had failed. The first salvo that hit us, a shot
47 into the engine, a direct hit and everything was done for. And then on

1 top of it, the hit into the engine room ignited as ..., I am not from the
2 engine room, I don't know, but we had this tank in the engine room in
3 which the fuel to be consumed for the day was warmed up. The why and
4 wherefore ... , or was softened for the engine ... and that drained out and
5 burned. And this fire then slowly spread aft in the bilge and has
6 probably caught Ammunition Room 3. I still see it to this day, it blew
7 up, and after the Ammunition Room 3, the mines blew up; the Ammunition
8 Room 3 was the initiating explosive for the mine load. And they were
9 situated close together.

10

11 MS ERNST [GERMAN]: But that was not the question.

12

13 ERNST [GERMAN]: Pardon?

14

15 A. Well, we didn't see a Japanese U-boat, nor did we see
16 any other U-boat. As I said on the last occasion already,
17 referring to the survivors now, we didn't see any survivors
18 because they were far too far away.

19

20 What I ask myself still today is how the Sydney could
21 still proceed for such a long distance, because, as I have
22 gathered now, it was found 12 miles away from Kormoran,
23 so that's quite a distance, but if you ask me personally,
24 I also don't believe that there were many survivors on
25 board of Sydney. As I have seen now from a picture that my
26 son found on the Internet about the wrecks that were found
27 of Sydney, I could see that there were three hits in a very
28 short distance. I don't think that there were many
29 survivors for this.

30

31 Also, I don't believe that one of our - not one of our
32 shots did not hit its target. There may have been
33 occasionally some shells that did not explode, same as
34 for Sydney, also some of her shells did not explode, but
35

36 I think every single shot we fired at Sydney hit its
37 target.

38

39 If there had been survivors in the water, we would
40 have, of course, rescued them. That's very, very clear.
41 But the Sydney moved away and we were there standing still,
42 we were stationary, as our engines did not work anymore,
43 because what happened is that one of the shells from Sydney
44 destroyed our engine room, and what exactly happened was
45 that it hit one of the daily tanks we used to put our
46 diesel in and they were also used to heat the diesel or the
47 fuel we needed and this all burned and this fire went

1 through the bilge to the aft and slowly approached the mine
2 deck, which was very dangerous, and I can remember that in
3 the end - at first the fire reached the ammunition room
4 number 3, which exploded, and shortly after that the mine
5 deck exploded, so the ammunition room number 3 was sort of
6 the initial ignition for the mining deck in the end.

7

8 Q. Thank you, Herr Ernst. I just want to put some other
9 theories to you, because it's important that the
10 Commissioner sees what an eyewitness says in response to
11 these theories.

12

13 INTERPRETER [GERMAN]: Thank you very much, Mr Ernst. I would like to
14 present you with some other theories because it is very important for us
15 that the President sees what an eyewitness has to say to these individual
16 theories.

17

18 Q. One of the theories suggests that on
19 19 November 1941 Kormoran pretended to surrender and did
20 surrender and lured Sydney close and then fired on her.
21 Did you see Kormoran with a white flag on 19 November 1941?

22

23 INTERPRETER [GERMAN]: One of them says that the Kormoran showed the white
24 flag or wanted to give up or pretended to surrender, and then indeed
25 surrendered just for the purpose of luring the Sydney as close as
26 possible. Did you see on 19 November 1941 whether there was a white flag
27 hoisted on board the Kormoran?

28

29 ERNST [GERMAN]: No, nothing. And as for the luring close ... I saw the
30 Sydney come over the line of horizon, I saw the Sydney come up over the
31 line of horizon, and then only after 14 km she turned towards us, towards
32 the Kormoran, because she was still following her southern course, and
33 then after 14 km she came towards us. And Skeries said, I still hear
34 Skeries today, as he said we'll make a "shake hands" with her and then
35 they will continue and so will we, however ... because: at 5,000 metres no
36 signal and no shot across the bow. Then 4,000 metres, 3,000 metres. And
37 at 900 metres, then the two flags rose on the Sydney, and there I only
38 saw the upper tip and then Detmers said: "Skeries, it'll start soon" and
39 then came the removal of the disguise, but otherwise, a white flag, no. –
40 Detmers joined the Reichsmarine as a cadet and was trained by officers of
41 the Imperial Navy, and he was an honorable man from head to toe. And, we
42 said it already on the last occasion, even in the boat, Detmers did not
43 pass on, issue or recommend any rules of conduct for imprisonment, no.
44 The only one who did that was Hans Böhm. And Hans Böhm, I don't know in
45 which boat he was, was a mate of mine, and he said: "When you get to
46 shore, don't convey anything about the engine, anything about arms, you
47 don't know anything." And most of them did that. And coincidentally, as

1 far as I can remember, I was in the hand rudder room during the battle.
2
3 INTERPRETER [GERMAN]: Excuse me, I did not understand that acoustically
4 just now. Where were you?
5
6 ERNST [GERMAN]: Pardon?
7
8 MS ERNST [GERMAN]: In which room ...
9
10 INTERPRETER [GERMAN]: Where were you at the end? In which room were you
11 at the end?
12
13 ERNST [GERMAN]: Well, not in any room.
14
15 MS ERNST [GERMAN]: You have just said something.
16
17 ERNST [GERMAN]: Yes, I might have eventually said that at the
18 interrogation in Australia, that perhaps I purportedly was in the hand
19 rudder room.
20
21 INTERPRETER [GERMAN]: Precisely hand ...? How ist he room called?
22
23 ERNST [GERMAN]: Hand rudder room!
24
25 INTERPRETER [GERMAN]: Hand rudder room!
26
27 ERNST [GERMAN]: Hand rudder room, yes, and that is a substitute in case
28 the rudder engine fails ...
29
30 INTERPRETER [GERMAN]: ... fails so that one [...] per hand ...
31
32 ERNST [GERMAN]: ... and that was in the bottom of the ship, but please,
33 Hans Böhm was the only one who said in his boat, nothing about arms,
34 nothing about encounters and the like ...
35
36 INTERPRETER [GERMAN]: May I first translate now, please?
37
38 A. No, I did not see any white flag, not at all - not at
39 all, there weren't any white flags.
40
41 What happened was - now this point refers to luring
42 Sydney closer to us - when she came over the horizon she
43 followed another course and then she still continued this
44 course for about 14km, and that was the point when she
45 changed her course and came towards us, and after that it
46 was Skeries' impression that they would shake hands and say
47 farewell to each other and that nothing would happen.

1 Also, he was supported in this idea because after she had
2 approached to 5km we did not receive a shot across our bow,
3 no signals were sent; only when she had approached to this
4 final distance of 900 metres and showed her two signals,
5 then that was the point when everything happened.

6
7 About the survivors again, Detmers was a recruit or
8 was trained at the officers school of the Imperialist Navy,
9 that was the German Kaiser's Navy, he was a cadet there and
10 he was a man of honour from head to toe. Also, as
11 I explained last time already, he did not give any
12 recommendations or any instructions as to how to react in
13 the case of interrogations.

14
15 The only person who said something about how to behave
16 in the event of any interrogations was my friend Mr Hans
17 Boehm. He said, "Don't say anything about our machines,
18 the weapons or any encounters we had. Don't say anything
19 about it," and as far as I remember, during this
20 interrogation I said I was in the replacement rudder room,
21 that's the room underneath - in the stern of the ship if
22 the main rudder does not work anymore, you can operate it
23 manually, and I said in the interrogation that I was there.

24
25 Q. Another theory suggests that on 19 November 1941
26 Kormoran pretended that there was a medical emergency on
27 board or that there was some issue of distress affecting
28 the ship and lured Sydney in that way. Did you see any
29 evidence of those things happening on 19 November 1941?

30
31 INTERPRETER [GERMAN]: Another theory stated that the Kormoran pretended a
32 medical emergency to lure the Sydney close, or a different kind of
33 problem or damages on board.

34
35 ERNST [GERMAN]: No.

36
37 INTERPRETER [GERMAN]: Did you see any of that?

38
39 ERNST [GERMAN]: No, nothing like it.

40
41 A. No, I have not seen anything like that.

42
43 LEUT TYSON: Mr President, they were the final matters
44 Counsel Assisting wanted to put.

45
46 THE PRESIDENT: I think you should put the machine-gunning
47 episode.

1

2 LEUT TYSON: Q. I have asked you some questions about
3 survivors in the water. Did you ever see any survivors off
4 Sydney in the water being machine-gunned?

5

6 INTERPRETER [GERMAN]: I have already asked you about the survivors of the
7 Sydney in the water. Did you see whether any of the survivors of the
8 Sydney in the water were shot with machine guns?

9

10 ERNST [GERMAN]: I have already said last time: the distance between the
11 Sydney and us was too big. How should we shoot with a machine gun at the
12 Sydney which was already two or three kilometres away, or then at the end
13 twelve miles from us?

14

15 A. As I explained last time already, the distance between
16 Sydney and Kormoran was far too high as to be able to shoot
17 survivors of Sydney with our machine guns.

18

19 THE PRESIDENT: The answer is "no", I take it?

20

21 LEUT TYSON: Q. So, Herr Ernst, the answer to that
22 question is "no"; is that correct?

23

24 INTERPRETER [GERMAN]: So the answer to the question is "no"?

25

26 ERNST [GERMAN]: No.

27

28 A. No.

29

30 ERNST [GERMAN]: Listen: We were in Canberra at the museum, and among
31 other things, there is the rubber dinghy which supposedly drifted to
32 shore on the Christmas Islands in 1942, I believe it was in February or
33 March. That was on display there. I had a look at it and said, "Well,
34 with a boat like that, nobody even gets as far as one kilometer", as it
35 was riddled with holes. There was a theory that these were bullet holes
36 from machine guns. However, Barbara Winter whom I also told this, said to
37 me: "No, those are not bullet holes, those were all souvenir hunters who
38 wanted a piece of the rubber boat." And indeed, now the rubber dinghy is
39 behind a plastic wall.

40

41 A. Also, one thing I must add is that I was in the
42 museum in Canberra where one of the rubber boats of Sydney
43 is exhibited. I think it was found in February/March 1942
44 and it is exhibited now there. I must tell you, I thought
45 you cannot go with this rubber boat for, like, not even 1km
46 because it had so many holes in it, and then
47 Barbara Winter, who also interviewed me, told me that these

1 holes were not caused by shells of machine guns, but by
2 souvenir hunters who wanted to have a piece of this rubber
3 boat. That's also, I think, why they've put this rubber

4

5

6

7 boat behind a glass, to protect it.

8

9 ERNST [GERMAN]: Yes.

10

11

12

13

14 LEUT TYSON: Mr President, they were the questions on
15 behalf of Counsel Assisting.

16

17 ERNST [GERMAN]: Something else that disturbs me about the whole rubber
18 dinghy and the dead person: the man did not have any papers on him, and
19 what was even more interesting for me is that he did not wear any Navy
20 clothes, neither outer clothing nor underclothing, and that's why the
21 whole issue, the whole matter of the supposed dead man from the Sydney,
22 is rather implausible for me.

23

24

25 THE INTERPRETER: Also, another thing that concerns me, in a
26 way, is that with this dead body that was found in the
27 rubber boat, he did not have any papers with him and he
28 also did not wear any Navy clothes - neither upper clothes
29 nor underwear, nothing from the Navy. I think that this
30 dead person, the presumably dead person - well, he was
31 dead, but presumably from the Sydney, to me this doesn't
32 sound very credible.

33

34 THE PRESIDENT: Thank you.

35

36 INTERPRETER [GERMAN]: Good, thank you very much.

37

38 THE PRESIDENT: This is some additional
39 evidence that's just been taken from Herr Ernst
40 supplementary to that previously taken. Thank you,
41 Herr Ernst.

42

43 INTERPRETER [GERMAN]: Thank you very much.

44

45 ERNST [GERMAN]: You are welcome.

46

47 INTERPRETER [GERMAN]: We are closing now, and these were some questions

1 additional to Mr Ernst's evidence.

2

3

4 THE INQUIRY ADJOURNED ACCORDINGLY

5

6 [End of tape 2]

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#	5,000 513:28,41 557:35 52 521:26,34,36,37 ,46 522:6,19,38 5km 559:2	added 517:12 523:26 additional 561:38 562:1 address 524:31 addressed 515:15 adjourned 555:7 562:4 adjournment 540:7 admiralty 519:9 admire 555:34 admitted 542:7 advise 517:5 aeroplane 530:15,17 ,18,20,26,30,31,32 ,41,43,44 531:9,11 532:28,32,42,45 533:10,13,16,19,20 ,28,31 affairs 523:27 affecting 559:27 affirm 510:29,35 aft 528:4,10 529:26 ,29 556:5 557:1 aftermast 542:38,45 543:1,13,37 545:11 ,44 546:35 552:43 ,45 afternoon 547:17,22 afterwards 527:24 528:17 540:25 544:5 547:23 550:7 551:11 aftmast 543:9,39,42 545:13 546:3,4,38 again 517:22 518:11 ,12 521:20 523:9,11 ,13,15,22,24 528:24 529:25 530:36 532:47 543:12 544:7 549:41 551:27,34 553:13 559:7 ago 535:42 549:24 ,26 agreeing 509:46 aim 533:45 534:3 535:32 536:34 553:46 air 551:14 alarm 516:9 517:15 ,23 527:11 alive 555:43 along 534:46 aloud 512:45 513:2,4 already 510:15 513:2 ,14 514:21 516:10 521:7 525:5 529:32 530:35 536:42,44 538:41 540:19 542:7 543:1,9 547:8 550:29 555:18,33 556:16 557:42 559:11 560:6,10,12 ,15 alternative 555:15	,19 although 554:23 555:7 always 515:17 am 554:21 556:1 ambiguous 552:25 ammunition 520:33 ,35,42,42,43,44 521:11,14 533:46,46 534:4,4,7,9 535:24 ,28 553:2,3,4 556:6 ,7,7 557:3,5 among 555:28 560:30 amongst 522:14 angle 513:17 angles 512:6 513:17 announced 517:11 518:45 answer 512:45 513:6 515:29 519:18 554:2 560:19,21,24 anybody 515:24 anymore 513:39,42 519:15 521:13 531:34 532:40 551:18,29 556:42 559:22 anyone 513:22 520:33 528:16,45 anything 511:4 516:39,44 520:30 528:6 529:7 532:15 537:26,38 538:30 539:25 545:40 557:46,46,47 559:17 ,18,41 anyway 520:3 532:16,35 551:34 anywhere 550:17 ao 509:11 apart 517:29,32 525:19 apologies 530:6 applied 537:25 approached 513:27 514:9 516:47 517:4 525:14,31 532:6 557:1 559:2,3 approaching 514:13 515:38 517:8 519:30 525:10,35 532:10 approximately 513:29,35 516:38 531:34 550:47 arise 511:35 arisen 555:15 arising 510:20 armour 526:13 arms 557:46 558:33 around 522:14 550:14,15,31,37 arrangement 546:23	,28 arrangements 549:37 arrived 543:2 artillery 512:6,10,24 514:36,36 515:39,45 516:4,19 517:45 518:1,30 520:29 525:11,21,25,31 534:45 535:11,16,20 537:12,15 ask 511:35,39,45 512:37 526:16,20 528:25 529:40 530:13 531:8 532:8 535:45 540:14,18 542:2,6 548:37 550:7 556:20,23 asked 520:31 521:4 ,6 522:32 525:1,6,46 526:2 529:18,21 530:26 550:17,37 555:14,20,23,25,28 560:2,6 asking 525:2 527:26 ,30 543:29 aspect 521:17 aspects 511:33 assist 509:46 assistance 554:38 ,41 assisting 509:21 510:11,15,19,23 552:3 559:44 561:15 associated 530:14 532:5 assume 510:46 526:22,28 527:30 545:1,3,6,21,23 549:16 assuming 549:19,21 assumption 545:16 ,19 astern 554:23 attack 536:11 attention 511:33 australia 532:34 558:18 australian 532:39 australians 546:18 ,20 austrian 522:26,29 automatically 516:2 auxiliary 541:33 available 510:4 away 511:12 516:36 ,38 517:2,22 522:33 531:26,29 537:27 552:38 555:35,45 556:18,22,41 560:12	
1	6	6			
1 513:43 521:44 555:4 1,000 513:15,15,28 ,41 515:31,35,46,47 516:13,22 521:29,38 ,41,44 1,500 531:35 10 525:16 534:26 10,000 513:15,28,41 515:30,35,46 516:13 ,21 518:41,44 12 556:22 120 550:21,42 13 509:27 14 509:26,36,41 529:41 557:31,33 14km 558:44 15 534:28 15cm 534:25 19 510:12,16 512:23 ,27 528:18 531:4 543:44 547:17,22 557:19,21,26 559:25 ,29 19.11.1941 543:47 1941 512:23 528:18 531:4 543:44 547:17 ,22 557:19,21,26 559:25,29 1942 519:9,28 560:32,43 1km 560:45	60 549:24,26	8	8,000 513:15 515:30 ,35,46 516:13,22 800 513:36,45 520:21		
	9	<			
	900 513:16,28,29,40 ,41,43 514:1 519:1,7 ,16 520:21,24 557:37 559:4	<ludwig 511:30			
	A				
	abbreviation 536:27 ability 555:34 able 529:2,22 539:6 544:17 547:21,45 548:40 550:13,20 553:15 560:16 above 516:27,31 520:40 534:7 542:40 ,46 543:4 545:38 548:5 552:37 553:41 above-water 553:30 ,32 according 522:18 accordingly 562:4 accounts 541:23 555:15 accurate 537:37 acknowledged 518:30 acoustically 558:3 across 514:17 532:18,24 557:36 559:2 action 540:36 541:7 547:25,30 555:25,29 activities 529:21 activity 529:18 530:14 532:4 actually 511:21 521:5 526:18,19 529:28,29 532:13 539:7 540:23,29 544:4,25,28,45 549:40 add 523:19 543:8 560:41		added 517:12 523:26 additional 561:38 562:1 address 524:31 addressed 515:15 adjourned 555:7 562:4 adjournment 540:7 admiralty 519:9 admire 555:34 admitted 542:7 advise 517:5 aeroplane 530:15,17 ,18,20,26,30,31,32 ,41,43,44 531:9,11 532:28,32,42,45 533:10,13,16,19,20 ,28,31 affairs 523:27 affecting 559:27 affirm 510:29,35 aft 528:4,10 529:26 ,29 556:5 557:1 aftermast 542:38,45 543:1,13,37 545:11 ,44 546:35 552:43 ,45 afternoon 547:17,22 afterwards 527:24 528:17 540:25 544:5 547:23 550:7 551:11 aftmast 543:9,39,42 545:13 546:3,4,38 again 517:22 518:11 ,12 521:20 523:9,11 ,13,15,22,24 528:24 529:25 530:36 532:47 543:12 544:7 549:41 551:27,34 553:13 559:7 ago 535:42 549:24 ,26 agreeing 509:46 aim 533:45 534:3 535:32 536:34 553:46 air 551:14 alarm 516:9 517:15 ,23 527:11 alive 555:43 along 534:46 aloud 512:45 513:2,4 already 510:15 513:2 ,14 514:21 516:10 521:7 525:5 529:32 530:35 536:42,44 538:41 540:19 542:7 543:1,9 547:8 550:29 555:18,33 556:16 557:42 559:11 560:6,10,12 ,15 alternative 555:15	,19 although 554:23 555:7 always 515:17 am 554:21 556:1 ambiguous 552:25 ammunition 520:33 ,35,42,42,43,44 521:11,14 533:46,46 534:4,4,7,9 535:24 ,28 553:2,3,4 556:6 ,7,7 557:3,5 among 555:28 560:30 amongst 522:14 angle 513:17 angles 512:6 513:17 announced 517:11 518:45 answer 512:45 513:6 515:29 519:18 554:2 560:19,21,24 anybody 515:24 anymore 513:39,42 519:15 521:13 531:34 532:40 551:18,29 556:42 559:22 anyone 513:22 520:33 528:16,45 anything 511:4 516:39,44 520:30 528:6 529:7 532:15 537:26,38 538:30 539:25 545:40 557:46,46,47 559:17 ,18,41 anyway 520:3 532:16,35 551:34 anywhere 550:17 ao 509:11 apart 517:29,32 525:19 apologies 530:6 applied 537:25 approached 513:27 514:9 516:47 517:4 525:14,31 532:6 557:1 559:2,3 approaching 514:13 515:38 517:8 519:30 525:10,35 532:10 approximately 513:29,35 516:38 531:34 550:47 arise 511:35 arisen 555:15 arising 510:20 armour 526:13 arms 557:46 558:33 around 522:14 550:14,15,31,37 arrangement 546:23	,28 arrangements 549:37 arrived 543:2 artillery 512:6,10,24 514:36,36 515:39,45 516:4,19 517:45 518:1,30 520:29 525:11,21,25,31 534:45 535:11,16,20 537:12,15 ask 511:35,39,45 512:37 526:16,20 528:25 529:40 530:13 531:8 532:8 535:45 540:14,18 542:2,6 548:37 550:7 556:20,23 asked 520:31 521:4 ,6 522:32 525:1,6,46 526:2 529:18,21 530:26 550:17,37 555:14,20,23,25,28 560:2,6 asking 525:2 527:26 ,30 543:29 aspect 521:17 aspects 511:33 assist 509:46 assistance 554:38 ,41 assisting 509:21 510:11,15,19,23 552:3 559:44 561:15 associated 530:14 532:5 assume 510:46 526:22,28 527:30 545:1,3,6,21,23 549:16 assuming 549:19,21 assumption 545:16 ,19 astern 554:23 attack 536:11 attention 511:33 australia 532:34 558:18 australian 532:39 australians 546:18 ,20 austrian 522:26,29 automatically 516:2 auxiliary 541:33 available 510:4 away 511:12 516:36 ,38 517:2,22 522:33 531:26,29 537:27 552:38 555:35,45 556:18,22,41 560:12
2	2 555:10 562:6 20 516:43 2000 520:31 521:6 2008 509:26,36,41 510:12,16 20km 517:2 28 540:45,47 541:3 542:3				
3	3 556:6,7,8 557:4,5 3,000 557:36 3.7cm 553:4 3/7 553:2 33 516:38,40 517:32 330 516:40 517:11 33km 516:36,44,46 ,47 517:18,29				
4	4,000 557:36				
5				B	
				back 511:21 526:42	

528:24 529:9,14,21 ,28 530:7,36,41 531:20,24 532:38,47 533:3,6,17,21,23,23 ,26,30 535:35 550:7 551:27 553:13	biggest 545:39 546:2 bilge 556:5 557:1 bit 513:43 blew 551:14 553:3 556:6,7 blinking 528:1 board 511:11 512:2 ,20 520:9 528:28 529:1,2,22 530:26 ,27,29 532:9,20 541:13 544:39,46 550:37 551:4,27 553:19 556:25 557:27 559:27,33 boat 546:36 550:44 ,47 552:30 557:42 ,45 558:33 560:34 ,38,45 561:3,7,27 boats 532:5,8,16 550:12,12,19 551:3 ,9,10,26,42 560:42 body 561:26 boehm 559:17 bottom 549:6 558:32 bow 532:18,24 557:36 559:2 box 552:29,31 break 540:1,4 breeze 514:16 bridge 515:15,21 516:27,31,42 517:12 ,15,18 528:20 537:24,29 544:39 briefly 527:24 529:40 535:45 bring 520:35 533:46 534:4,4 550:35 broke 520:11 525:7 530:14 544:26,29,43 ,46 brought 520:33,40 535:24 bu 536:31 bullet 560:35,37 bulwark 526:10 528:2 buoyancy 551:10 burned 556:5,47 burnett 519:11,29 burning 551:14 552:38,41 bye 519:43	515:39,40 calculations 511:45 512:2 513:13,20,38 ,41 514:2,5,10,14,25 ,28,32,35,40 515:38 ,42,46 516:3,21,23 518:40,44 called 519:5 520:41 532:38 537:24 558:21 camouflage 528:7 canberra 560:30,42 cannot 531:31,34 551:3,18 560:45 caps 529:26,34 capt 514:27 517:19 537:17 541:19 552:8 captain 527:29 534:35 552:11 captured 514:22 cartridge 536:6 case 516:22 518:22 519:12 530:19 532:21,25 536:26 537:43,45 558:27 559:13 catapult 531:3 533:10,13,16,17,19 ,20,21,23,26,30 caught 556:6 caused 561:1 certain 515:34 550:32 certainly 516:41 change 540:1 changed 517:22 558:45 charge 512:9 chat 509:34 checked 517:20 childhood 550:15,33 christmas 560:32 circled 540:35,39 circus 523:8 claim 551:13 clarified 554:6 clarify 510:20 511:39 514:30 521:17,20 526:18 539:1 clear 513:47 514:31 523:41 538:16,45 539:29 544:9 556:40 close 514:5,9 519:8 ,23 520:33 534:4 555:40 556:9 557:20 ,25,29 559:32 closer 558:42 closing 561:47 clothes 561:20,28,28 clothing 561:20 cm 534:28 coaming 550:40 coamings 550:30	551:20 coincidentally 557:47 cole 509:11 collected 519:9 collins 511:11,14 colour 529:37 coming 526:16 command 511:5 commander 511:11 ,15 519:11 534:36 541:24,32,40 commander's 541:18,18,21,29,32 comment 528:32 531:42 commented 528:29 comments 528:39 commission 509:4 ,43 510:4 530:47 531:6 554:42 commissioned 541:33 commissioner 540:12 557:10 commissioning 541:33 completely 516:29 comprehend 519:8 comrade 522:28 concerning 517:32 523:7 concerns 561:25 conditions 551:39 conduct 557:43 conducted 510:15 confirmed 515:25 connected 515:12 ,14,21,24 519:46 connection 509:38 ,43 consumed 556:3 container 552:25,27 context 531:8 continue 557:35 continued 558:43 continuously 517:35 ,38 contrary 512:20 control 532:24 convenient 540:12 ,44 conversation 510:16 528:22 convey 557:46 copy 523:30,32 524:36,39 corned 551:16,36 correct 514:10 515:17 519:34,37 525:34 537:35 545:21 553:10,39 554:6,10,21,25	560:22 correctly 550:22 554:14,26 correspondence 522:21 couldn't 527:33,40 550:29 552:41 counsel 509:21 510:11,15,19,23 552:3 559:44 561:15 country 550:35 course 511:22 513:14 517:15,22,46 522:16 530:20 531:6 533:19 537:27 539:28 556:40 557:32 558:43,44,45 cover 525:24 526:10 528:2 547:27 covered 547:31 credible 561:32 crew 529:38 535:28 crews 535:23 critical 519:1,47 520:3 critically 519:11 criticised 519:37 criticism 519:29,34 cross 542:19,23,34 543:42 crosses 542:38,45 cruiser 541:34 current 511:22 cut 540:4
	C		D	
became 519:1 bed 548:40 beef 551:16,36 befehlsbermittler 536:27 befehlsbermittler 536:31 began 513:16 514:13 529:22 533:44 534:11,12 544:12,16 begin 511:25 beginning 555:10 begun 545:34 behalf 552:2 561:15 behave 559:15 behaviour 519:12 behind 516:41 517:14 526:9,10,13 528:2,7 560:39 561:7 believe 518:31 523:44 545:9 553:22 ,28 555:36,38 556:24,31 560:32 below 520:35,40 521:28 553:42 benefit 548:27 550:1 558:33 bhm 557:44,44 big 560:11	cadet 557:40 559:9 cake 555:2 calculate 512:6 calculated 513:24 516:16 522:2,3,7 525:14,24 calculating 512:10 525:10,20,30,35 calculation 514:16	551:20 coincidentally 557:47 cole 509:11 collected 519:9 collins 511:11,14 colour 529:37 coming 526:16 command 511:5 commander 511:11 ,15 519:11 534:36 541:24,32,40 commander's 541:18,18,21,29,32 comment 528:32 531:42 commented 528:29 comments 528:39 commission 509:4 ,43 510:4 530:47 531:6 554:42 commissioned 541:33 commissioner 540:12 557:10 commissioning 541:33 completely 516:29 comprehend 519:8 comrade 522:28 concerning 517:32 523:7 concerns 561:25 conditions 551:39 conduct 557:43 conducted 510:15 confirmed 515:25 connected 515:12 ,14,21,24 519:46 connection 509:38 ,43 consumed 556:3 container 552:25,27 context 531:8 continue 557:35 continued 558:43 continuously 517:35 ,38 contrary 512:20 control 532:24 convenient 540:12 ,44 conversation 510:16 528:22 convey 557:46 copy 523:30,32 524:36,39 corned 551:16,36 correct 514:10 515:17 519:34,37 525:34 537:35 545:21 553:10,39 554:6,10,21,25	560:22 correctly 550:22 554:14,26 correspondence 522:21 couldn't 527:33,40 550:29 552:41 counsel 509:21 510:11,15,19,23 552:3 559:44 561:15 country 550:35 course 511:22 513:14 517:15,22,46 522:16 530:20 531:6 533:19 537:27 539:28 556:40 557:32 558:43,44,45 cover 525:24 526:10 528:2 547:27 covered 547:31 credible 561:32 crew 529:38 535:28 crews 535:23 critical 519:1,47 520:3 critically 519:11 criticised 519:37 criticism 519:29,34 cross 542:19,23,34 543:42 crosses 542:38,45 cruiser 541:34 current 511:22 cut 540:4	

decks 529:19	,40,41 539:15,16,20	558:1 559:19	,24,30,47 519:40,46	510:34 511:34
declined 548:39	,23,26,26,30,34,38	dutch 545:1,3 549:13	520:13,28,40 521:18	513:47 519:44
decreased 518:11	,41,45 542:27,30	,16	,34,40 522:10,23,25	521:18 540:14 553:8
decreasing 518:7	543:5 548:4,8		,44 523:1,7,11,13,17	,13 559:29 561:39
deep 550:13	557:39	E	,26,35,37,43 524:2,4	562:1
definitely 529:43	disguised 549:16	earlier 529:29 538:12	,8,10,16,18,20,22,24	exact 539:2
describe 542:32	display 560:33	,23 546:31 547:5,8	,26,29,36,41 525:38	exactly 513:12 519:7
described 541:23	distance 513:40	easy 514:20	,40,42 526:5,9 527:4	521:36,40,44 526:19
destroyed 530:44	516:46 517:5,17,32	edge 550:20	,10,20,24,38 528:1	528:24 529:29
556:44	,36,39,43 518:10,21	either 523:20 550:23	,12,32,36 529:5,32	530:38 531:32 534:8
detail 515:44	,40,44 519:1,7	elevation 512:11	530:3,9,17,24,29,38	535:39,39 536:10
details 518:21	520:10,13,17,20,25	513:17	,47 531:11,13,15,19	539:36 540:28 544:8
521:31	521:28,38 531:37,39	elevators 520:42,43	,31,37,47 532:4,12	545:1,3 546:47
determined 517:35	555:36 556:21,23,28	,44 521:12,13	,18,32 533:2,16,28	547:2 553:32 554:3
detmers 514:27,33	559:4 560:10,15	else 514:27 523:7	,35 534:6,17,21,31	,19 556:44
517:13,19 519:5,18	distances 511:45	525:24 528:12,16	,43 535:6,8,11,23,39	examination 532:20
527:10,14,15 528:37	512:2 513:24 515:30	545:40 561:17	536:1,5,22,26,44	example 543:24
,41 537:11,14,17,19	,34,41 516:3,15	emergency 559:26	537:11,24,41 538:27	excerpt 513:8
,22,24,29 538:9,20	517:9,28 518:7,11	,32	539:14,41 540:32	exchange 519:3
541:19,26 552:8,11	,18 520:6 525:32,36	encounter 509:39	541:6,7,31 542:13	528:1
,25,30 553:19	distinction 544:9	522:36 555:20	,21,26,37,45 543:1	excuse 548:16,23
557:38,40,42 559:7	distress 559:27	encounters 558:34	,15,37,41 544:20,31	558:3
deutschland 512:17	disturbs 561:17	559:18	,35 545:1,11,21,38	exhibit 540:45,47
,20	document 522:15	end 511:9 524:34	,44 546:12,18,35,47	541:2,6 542:3,7
diagram 540:35	523:33,43,46 524:14	532:34 550:41 555:4	547:25,39 548:4,16	exhibited 560:43,44
541:6	,31,32 540:45 542:3	557:3,6 558:10,11	,27,36,39 549:3,13	experience 512:17
dialect 523:3	documents 512:5,10	560:12 562:6	,24,31,44 550:10	,20
didn't 514:1,39	522:31,34	ended 549:36	551:3,9,45 552:7,11	explain 514:24
516:44 520:16 526:7	doesn't 561:31	enemy 517:21	,14,24,37,47 553:2	515:28,37,41 521:46
,12 527:43 528:6,7	doing 514:9 547:14	energy 551:29	,18,25,30,35,41	526:24 537:5 539:10
529:7,44 532:15,15	,22,37	engagement 528:18	554:2,17,29,37,41	542:2 544:17 546:28
544:38,42 545:15	don't 514:24 516:25	engine 520:44	,44,47 555:2,13,18	550:2,7
551:29 554:3,11	519:15 521:10,14	521:13 528:4,9	,32 556:11,13 557:8	explained 512:4,9,15
556:15,17	523:47 524:32	529:34 530:17 531:2	,13,29 558:6,8,13,15	,19,23,27 521:7
didnt 514:36 516:3	532:38 538:7 545:3	,19,20 532:35	,17,23,27,32 559:35	527:42 555:19
527:38,38 528:1	549:26 551:28	555:46,47 556:1,2,2	,39 560:10,21,26,30	559:11 560:15
diebitsch 551:11,26	556:24,28,31 559:17	,4,44 557:46 558:28	561:9,17,39,41,45	explode 556:33,34
,35	done 511:9 513:14	engineer 529:38	ernsts 562:1	exploded 551:32
died 522:29	514:21 516:13	engineers 529:37	error 530:4,7	553:5 557:4,5
diem 523:3	530:33 536:44 551:7	engines 530:40,40	especially 514:31	explosive 556:8
diesel 556:46,46	554:42 555:47	531:9,23,23,40,42	519:30	extent 518:10 519:3
dieter 553:18	dont 511:4 513:30	,44 532:35 533:3,7	establish 521:37	549:41
difference 535:41,45	516:29 518:30 519:2	556:42	established 516:40	extra 532:16 534:44
536:11	,4,40 524:2 530:18	english 536:32	even 537:43 539:12	538:30 539:31
different 516:15	532:33 538:11 545:1	544:31	541:16 551:11	extra-special 538:42
525:32 541:9,12	549:24 550:23	ensign 541:10,14	557:42 560:34,45	eyewitness 531:7
559:32	552:27 556:2 557:44	542:11,16,24,26	561:19	557:10,15
dinghy 560:31,38	,46,47	544:36,40 546:1,4	event 519:43 522:4	
561:18	double 519:1,5,17	,18,22	539:34 543:30	F
direct 511:33 555:47	519:1,5,17	ensigns 546:2,6,32	559:16	faces 544:35
directed 515:25	down 517:12,14,22	552:21	events 511:23 539:7	fact 513:39 551:32
directly 537:22	532:10 549:7,9,11	episode 559:47	eventually 558:17	failed 555:46
548:37	551:12,15 552:25	erhard 535:42	ever 523:23 526:45	fails 558:28,30
discuss 514:27,32	drained 556:4	erich 517:11	527:1,8 541:42	failure 511:4
,40 524:38 528:20	drawers 524:4,8	ernst 509:16,37,42	545:26 555:25 560:3	family 523:17,27
543:46	drawing 540:39	,43,46 510:2,6,9,11	every 515:39 556:36	far 513:36 531:26,29
discussed 525:5	drifted 560:31	,16,27,33,38,41	everybody 539:29	535:23,27 538:11,23
528:29 540:19	due 523:3	511:4,8,11,14,18,25	everyone 537:25	539:17 555:33,35,45
discussions 528:39	duration 545:35	,28,30,32,42 512:13	538:30,31	556:18,18 558:1
disguise 511:8 519:6	during 512:44 516:9	,45,47 513:2,27,35	everything 515:20	559:19 560:16,34
527:11,15,29 536:45	,30 533:40 540:36	514:16,35 515:1,14	,22 528:26 537:45	farewell 558:47
537:3,5,8,25,30,34	541:7 545:25 546:7	516:2,9,15,33,39	555:47 559:5	fast 516:47
,38,42 538:21,25,28	,10 548:2 553:25	517:11,35,45 518:14	evidence 509:38,42	fault 523:15

feared 553:19
february 560:32
february/march
 560:43
fellow 522:11
fetch 551:12
fetches 550:18
 551:15 552:25
few 510:23 511:38
 535:42
fifteen 531:31
fighter 518:32
fighting 546:7
figure 522:3
final 549:31 559:4,43
find 524:10,41,44
fine 511:25
finish 522:8
finished 548:30
 549:41
fire 518:32,37 520:7
 ,10,14,18,26,29
 532:18 535:36
 536:37,38,40 537:38
 ,41,43,44 538:8,19
 ,29,38,42 539:20,33
 ,38,42,46 553:20,45
 554:22,26 556:5,47
 557:3
fired 530:22,42
 532:24 536:46 539:2
 ,12,17 553:14,38
 554:8,11,15 555:42
 556:36 557:20
fires 530:20,31
firing 513:40 514:8
 520:22,36 530:45
 534:12 537:1,3,35
 538:5,46 539:8,30
 544:26,43 545:25,26
 547:46,46 553:9
first 511:44 512:1,42
 513:4,44 516:35,38
 ,42 517:11,17
 520:43 521:12 522:8
 532:19,43,46,46
 533:5,43 534:1
 539:2,11,12,16,17
 ,17,27,27 542:15,34
 543:2,42 550:18,28
 ,38 553:42 554:2
 555:46 557:3 558:36
fixed 546:32
flag 525:46 526:23
 ,26,28,36 527:30,34
 ,43 528:8,17 541:10
 ,13,17,24,29 542:3,7
 ,35 543:1,4,8,20,23
 ,24,24,25,34 544:14
 ,17,25,28 545:1,3,38
 546:12,14,16,20,20
 ,25 547:40,43
 548:18,25,33,45

549:1,7,9,11,16
 552:18 557:21,24,26
 ,39 558:38
flags 526:2 527:10
 ,13,20 528:15,19,25
 ,28,36,41,44,46
 529:1,2 540:15,19
 541:9,12,40 543:31
 544:42,45 545:29,31
 ,35 546:6,9,23,27,28
 548:4,9,11,13
 552:33,35 557:37
 558:39
flew 542:11,35
flies 548:25
floor 548:33
flown 541:33,34
 542:16,27 543:34
fly 541:9 543:18,25
 ,31
flying 540:15 543:27
 544:42 545:4,7,26
 ,31,35,38 546:4,7,16
 547:40 548:4,18
 549:1
followed 558:43
following 523:2
 534:3 555:26 557:32
food 551:15
forcefully 537:25
fore-manned 520:41
fore-manning
 520:35 534:7,17
forema 520:38
foremanning 534:8
foremast 516:42
foreship 551:14,30
forget 518:47 528:26
formally 555:7
forwarded 534:23
forwarding 535:2
found 520:33 522:34
 ,35,37 556:22,26,26
 560:43 561:26
frame 530:31
free 535:41,46
 536:11
freely 537:46
friend 559:16
front 516:43 524:22
 550:15,19
fuel 556:3,47
full 524:4 551:9,22
funnels 516:42 517:1
further 510:23
 512:27 517:31
 534:46 537:27
 539:18

G

gaff 545:39,42 548:5
gas 552:24,26,26,27
 ,30

gather 553:14
gathered 556:22
gave 516:45 517:15
 ,23 521:31 527:11
 ,15,29 536:16,19
 539:27 540:14 554:2
generally 543:30
gentlemen 547:18
 ,23
german 509:41
 510:2,6,15,22,33,38
 ,46 511:2,4,11,21,25
 ,38,42 512:1,9,13,19
 ,27,34,40,44,47
 513:2,4,8,12,24,27
 ,33,35 514:4,12,16
 ,30,35,45 515:1,11
 ,14,33,44 516:2,7,9
 ,12,15,29,33,37,39
 517:8,11,31,35,43
 ,45 518:10,14,21,24
 ,30,43,47 519:37,40
 ,46 520:9,13,24,28
 ,38,40 521:20,31,34
 ,36,40 522:6,10,21
 ,23,25,42,44,46
 523:1,7,11,13,17,32
 ,35,37,43 524:2,4,10
 ,14,16,18,20,22,24
 ,26,38,41 525:5,23
 ,34,38,40,42 526:2,5
 ,9,18,28,36 527:1,4
 ,10,19,20,24,36,38
 ,46 528:1,12,24,32
 ,34,36 529:1,5,14,21
 ,28,32 530:6,9,17,22
 ,24,26,29,35,38
 531:6,11,13,15,19
 ,29,31,37,44,47
 532:8,12,18,30,32
 ,45 533:2,13,16,26
 ,28,39 534:1,6,14,17
 ,19,21,28,31,39,43
 535:11,23,35,39,45
 536:1,3,5,19,22,26
 ,40,44 537:8,11,21
 ,24,37,41 538:11,23
 ,27 539:1,10,14,38
 ,41 540:4,18,28,32
 ,38 541:2,12,28,31
 ,46 542:6,11,13,15
 ,15,21,23,26,44
 543:1,12,15,33,35
 ,37,46 544:7,16,20
 ,28,35,45 545:1,9,11
 ,18,21,34,38,42,44
 ,46 546:9,12,18,31
 ,35,45,47 547:8,14
 ,21,25,36,39 548:1,4
 ,13,16,36,39,47
 549:3,11,13,21,24
 ,34,40,44 550:6,10
 ,25,47 551:3,7,9,42

,45 552:10,14,21,24
 ,35,37,45,47 553:2
 ,12,18,22,25,27,30
 ,32,35,37,41 554:14
 ,17,25,29,41,44
 555:2,18,28,32
 556:11,13 557:13,23
 ,29 558:3,6,8,10,13
 ,15,17,21,23,25,27
 ,30,32,36 559:9,31
 ,35,37,39 560:6,10
 ,24,26,30 561:9,17
 ,36,43,45,47
german/english
 509:34
germany 509:17
gets 560:34
getting 534:3
give 510:34 513:22
 514:26 533:44
 535:31 557:24
 559:11
given 514:41 517:28
 ,31 520:5,21,47
 521:1,3 531:2
 533:36,40 534:2
 535:31 536:12,36,41
 537:1,2,14,21,22,43
 538:9,9,19,20,20,24
 ,39 539:11,23
 542:30 548:7,8
 553:8
giving 537:17
glass 561:7
go 511:38 520:3
 526:42 533:43
 548:37 549:4 560:45
go-between 535:11
goes 555:45
going 511:35 528:42
 540:11 550:2 551:30
gone 518:47 549:3,3
 554:22
good 510:46 524:24
 561:36
gotten 511:12
great 554:38,42
ground 548:18
gun 514:41,43,45
 515:9,12,15 534:35
 ,36,40,40,43,44,46
 535:2,4,9,23 539:17
 ,27 550:18,38
 560:11
gunfire 525:3 529:19
 530:14 544:12
gunnery 518:40
gunning 535:28
guns 512:7 513:13
 ,16 515:22 518:44
 520:5,9,24 521:1,11
 533:45,46 534:3,4
 ,21,23,25,26,28,29

,40,46 535:12,21,40
 536:22,24,46 537:3
 ,11,27,31,43 538:2
 ,27,46 539:7,14,16
 ,33,38 553:4 560:8
 ,17,36 561:1
gustav 523:1,5,29,43

H

half 553:44
hamburg 523:8,21
hand 510:35 512:15
 ,20 541:2 558:1,18
 ,21,23,25,27,30
hands 551:16 557:34
 558:46
hans 557:44,44
 558:33 559:16
happen 558:47
happened 523:23
 528:40 530:18
 537:45 550:8,27
 552:18,21 556:43,44
 558:41 559:5
happening 547:17
 559:29
harper 509:22
hatch 549:38 550:4
 ,13,20,30,45 551:1
 553:42
hatches 536:45
 549:42
hats 529:38
haven't 545:23
having 515:25
head 518:32 557:41
 559:10
headphones 535:3
hear 537:17,30
 540:23 544:3 550:2
 557:33
heard 515:23 516:30
 517:46 518:34
 533:44 534:11,14
 535:23,27 537:26
 540:29 554:23
hearing 531:1
heat 556:46
heavy 519:29
hectometres 516:40
held 509:16 543:3
 546:33
help 554:38
herr 509:37,46
 510:11,27 511:18,32
 512:37 518:8,19
 521:18 524:36
 529:41 530:3,47
 532:4 533:35 535:6
 ,18,20,31 541:6,7
 542:37 543:41
 548:27,43 549:31

552:7 554:37,47 555:13 557:8 560:21 561:39,41 hes 513:2 hidden 526:13 hide 511:4 hiding 525:19 528:6 high 560:16 higher 544:20,22 highest 542:34 hit 521:12 553:10,15 ,28,38 554:11,15 555:46,47 556:1,32 ,36,45 hits 555:40 556:27 hmas 509:4,39 525:3 hoist 543:19 548:34 hoisted 527:14,17,19 ,28 528:15,19,28,41 ,44 529:1,3 541:13 ,29 542:24,29 543:4 ,34 544:46 546:2,9 ,39,40 548:9,13 557:27 hold 551:12 holes 560:35,35,37 ,46 561:1 home 509:37 550:16 hon 509:11 honorable 557:41 honour 559:10 horizon 516:41 557:30,31 558:42 horizontally 550:36 house 509:41 however 510:34 514:7 557:35 560:36 huge 550:34 hulls 550:29 hundred 531:31 hunters 560:37 561:2 husband 522:31	implausible 561:22 important 536:8 540:23,28 544:3,8 557:9,14 impression 558:46 imprisonment 557:43 indeed 530:6 534:21 538:31 539:20 554:37 557:24 560:38 indian 552:24,31 indicated 543:41 individual 534:36,39 ,40 557:15 information 514:45 516:45,46 517:31 520:6,10,17,21,25 ,26 531:1,7 initial 513:35 517:32 557:6 initially 540:38 initiating 556:8 inquiries 524:35 inquiry 509:4,38,43 ,47 510:4 531:6 554:39,42 555:7 562:4 inside 549:38 550:3 ,29,44 instance 542:24 instant 522:17 530:19 532:32 537:42 539:19 548:17 550:19 instruction 516:3 521:1 instructions 515:45 520:28,47 538:27 539:14,23 559:12 intended 526:18 interconnected 515:19 interested 522:12,31 530:47 531:7 interesting 561:19 intereter 539:45 internet 555:39 556:26 interpreter 509:41 510:2,15,22,33,46 511:21,38 512:1,9 ,19,27,34,40,44 513:4,12,24,33 514:4,12,30,45 515:11,33,44 516:7 ,12,29,37 517:8,31 ,43 518:10,21,43 519:37 520:9,24,38 521:20,31,36 522:6 ,21,42,46 523:26,32 524:14,38 525:5,23 ,34 526:2,18,28,36	,40 527:1,19,36,46 528:24,34 529:1,14 ,21,28,43 530:1,6,22 ,26,35 531:6,29,44 532:8,30,45 533:13 ,26,39 534:1,14,19 ,28,39 535:8,15,20 ,27,35,45 536:3,19 ,40 537:8,21,37 538:11,15,23,36,38 539:1,10,36,38 540:4,18,28,38 541:2,12,21,26,28 ,46 542:6,15,23,44 543:8,12,33,46 544:7,16,28,45 545:9,18,34,42,46 546:9,31,45 547:8 ,14,21,36 548:1,13 ,30,32,47 549:11,21 ,34,40 550:6,25,47 551:7,42 552:10,21 ,35,45 553:12,22,27 ,32,37 554:2,14,25 ,41 555:18,28 557:13,23 558:3,10 ,21,25,30,36 559:31 ,37 560:6,24 561:25 ,36,43,47 interrogation 558:18 559:20,23 interrogations 559:13,16 interrupted 526:40 interview 510:13,16 ,17,20 515:33 524:35,38 540:39 553:14 interviewed 511:30 560:47 involved 516:19 549:37,41 555:29 involvement 555:24 islands 560:32 issue 557:43 559:27 561:21 ist 558:21 it's 528:41 532:38 536:10 541:23 549:26 557:9 it/them 552:25 itll 528:37 557:38 itself 547:40	K kaiser's 559:9 keel 550:19,20,39 khaki 529:32,32,34 ,37,46 kilometer 560:34 kilometres 560:12 kind 527:25 559:32 km 516:38,40,43 517:32 557:31,33 knew 518:7,10 522:28 538:31,31 knot 543:3,10 546:22 ,28,32,32 548:17,24 ,44,47 know 513:30,30 515:44 518:31 519:2 ,4,40 521:10,14,27 523:47 524:2,12,14 ,32 530:18 532:33 ,38 537:19,21 544:39 545:1,3 547:25,29 548:16,23 549:19,21,24,26 550:22,23 552:18,21 ,27 556:2 557:44,47 known 541:12 kormoran 509:39 511:46 512:2 513:44 519:4 520:5,10 521:25,28 525:10,11 ,31 526:24,32,32,34 ,37 527:44 528:45 529:2 530:22,27 532:6,10,20 533:37 534:26 536:37,38 540:15 541:41 542:3 ,8 543:23,30,34,42 544:14,18,42,46 545:36 551:14,27,32 552:19,22 553:9,15 ,38 554:22,23,27 555:16,20,37 556:22 557:19,21,23,27,32 559:26,31 560:16 kormoran's 512:7 545:27,31 kriegsmarine 552:18	549:34,36,40 553:7 ,8,13,28,37 555:13 ,18,34 556:16 557:42 559:11 560:10,15 later 522:7 537:31 540:30 554:23 launching 533:5 lay 514:31 516:43 551:16 lead 513:17 learnt 516:12,20 left 552:8,10 lengthwise 532:33 less 517:2 let 522:8 549:4 let's 511:28 520:3 lets 511:25 letter 522:30,34 523:29,46 524:12 letters 519:9,27 522:31 leut 509:21,22 511:32,44 512:4,15 ,22,31,36,42 513:6 ,20 521:17,23 523:29 524:34 525:1 ,9,16 526:34,42 527:33 529:9,18,24 ,40,46 530:3 531:40 533:35,43 535:30 538:45 539:5 540:1 ,11,44 541:9,16,23 ,37,44 542:1,10,18 ,34,40 543:22,29,41 545:15,31 546:27 547:5,11,16 549:31 ,36 552:2 554:35,47 555:13,23 559:43 560:2,21 561:14 levels 550:16 life 550:3 551:42 lifeboat 549:38 551:38 552:8,11 lifeboats 549:42 550:8,29,39 lift 550:28,40 lifted 551:20 light 528:7 551:13,14 lights 551:30,31 liked 521:4 likely 527:25 555:38 line 515:14 516:41 547:39,42 548:20 557:30,31 list 548:39 listen 560:30 listened 515:16 literally 520:34,41 534:7 little 513:29,42 lived 522:29 lives 550:41
I i'd 511:32,33 i'm 511:35 543:29,30 548:30 554:10 i've 531:22 536:10,24 id 518:47 524:4 idea 559:1 identifying 527:25 ignited 556:1 ignition 557:6 ii 509:4 ill 512:45 522:14 548:36,36 image 550:15 imagine 551:19 immediately 537:43 539:14 548:8,25 imperial 557:41 imperialist 559:8	january 520:31 japanese 543:24,35 555:24,29,32 556:15 job 514:20 516:9,9 joined 557:40 july 509:26,36,41 june 510:12,16	L laid 547:31 lamp 526:46 lamps 527:2 large 524:4,8 531:37 last 510:30,36 515:29,33 516:10 521:18,21,24,31 525:2,6 527:42 529:11,15,33,37 533:43 534:2 535:41 540:15,19,35,39		

load 551:13,15 556:8
loaded 521:11
loading 536:7
located 528:29
long 516:16 531:39
 548:11,13 550:44,47
 551:18 556:21
longer 513:28,29
look 517:14 519:10
 522:14,33,34 524:26
 529:41 544:25
 560:33
looking 512:40
 513:13
loss 509:4
lot 553:44
loud 537:29
loudly 537:24
low 550:31
lowered 532:6,9
 551:1,38,42
ludwig 509:16
lure 559:32
lured 557:20 559:28
luring 557:25,29
 558:41
lying 546:36,39,42
 548:18,33

M

machine 530:33
 550:16,17 560:8,11
 ,17,36 561:1
machine-gunned
 560:4
machine-gunning
 559:46
machines 550:34,34
 ,36 551:29 559:17
main 559:22
maintaining 512:10
malakka 549:14,17
man 519:46 520:2,30
 534:44 536:28
 557:41 559:10
 561:18,21
manually 520:35
 559:23
march 560:33
mark 542:6,18,23
 555:42
marked 540:45 541:7
 542:37,45
mask 552:24,26,26
 ,27
masks 552:30
mast 542:16,35,35
 ,40 543:25,31,33,41
 548:45 549:1
masts 542:3,7
 544:14,17,25,28
 545:26,32,36
mate 522:26 557:45

matter 553:7,12,12
 561:21
matters 510:20
 511:19 552:7,10
 554:33 559:43
matthew 509:21
max 522:12
may 524:34 535:45
 540:25,26 541:2,16
 548:40 556:32
 558:36
maybe 542:23
 548:20 553:44
mean 520:5,9 530:35
 531:41,41,45 534:6
 545:42
meaning 513:31
 532:33
means 515:11
 536:26 546:45
 548:24
meant 550:41 554:3
measure 517:9
measurement
 517:11 522:18
meat 551:15,35
mechanic 522:15,17
 ,35,44
mechanics 522:18
medical 559:26,32
meeting 535:42
 555:18
meetings 523:17,20
men 528:20 529:25
 550:21,42
mention 519:26
mentioned 529:11
 ,15 547:5,6,8
merely 548:19
message 515:25,26
messages 518:34
 535:2 536:32
messerschmidt
 518:31,35
met 520:31 521:6
 523:8 535:24
metal 530:32 551:10
 ,21
metres 513:15,15,16
 ,28,28,29,36,40,41
 ,42,43,45 514:1
 515:30,30,31,35,35
 ,35,39,40 516:22
 518:41,44 519:1,7
 ,16 520:21,24
 521:29,38,41,44
 531:31,35 548:21,21
 ,34 553:44 557:35
 ,36,36,37 559:4
miles 555:36 556:22
 560:13
mind 522:3 528:16
mine 556:8 557:1,4

,45
mines 556:7
mining 557:6
minute 521:41,44
minutes 542:44
mistake 511:8
 529:44
mmm 541:37
moment 523:43
 530:24 536:26,45
 537:2,46 538:1,46
 539:2,41 544:40
 548:7,20 549:3
 550:32 551:32
 553:18
monday 509:26
morse 525:47 526:2
 527:1,43
move 540:11
moved 532:42,45,46
 533:10,11,13,14
 539:16 553:43
 556:41
mowing 550:34,34
 ,36
mr 509:16,41,43
 510:2,9,16,33,41
 511:8,14,14,28
 512:28,45 517:17
 518:1,4,5,12,22,35
 ,37 523:33,47
 527:14,15 534:15
 535:8,36 540:44
 541:2,26 542:45
 543:17,19 547:5,6,8
 ,8,29,30,34,36
 548:33,47 551:26,35
 552:2,10 554:2,35
 ,41 555:18 557:13
 559:16,43 561:14
 562:1
ms 513:2 522:23
 523:11,17,26,37
 524:4,8,10,18,22,26
 ,29 525:40 531:13
 548:39 556:11 558:8
 ,15
mum 523:35
munition 520:41
museum 560:30,42
myself 531:17,22
 545:23 556:20

N

name 522:40,42
 523:2,3 543:12
 550:22
national 541:10,13
 543:23,31,34
navy 548:16,23
 557:41 559:8,9
 561:19,28,29
near 523:21

need 513:4,16 514:1
 515:16 516:23
 520:13,13,16,16
 537:26
needed 513:14,27,39
 ,42,42 516:16,22
 525:11,20,31 538:1
 547:39 549:4 551:7
 556:47
needs 548:40
neither 561:20,28
nephew 522:12,30
netherlands 543:24
neutral 530:42
 532:37 533:6
new 517:38
next 517:45 518:1,4
 ,5,22 540:19 547:27
no 510:6,9,38,41
 511:25 513:17,28
 514:17,39 516:2,2,2
 ,19 517:38 520:5,28
 ,30,32,47 521:3,7
 524:16,41,44 525:13
 527:4,6,38,38,40
 528:1,1,1,1,6,32,32
 ,36,39,39 529:5,7,32
 ,36 530:9,11,17,24
 ,26,29,29 532:12,15
 ,23 535:1 536:12,44
 537:1,24,29 538:1
 ,30,33 539:31
 541:34 544:31,33,33
 ,35 547:29 551:13
 ,45,47 552:40 553:4
 554:29,44,44 555:43
 557:29,35,36,39,43
 558:38 559:3,35,39
 ,41 560:19,22,24,26
 ,28,37
nobody 560:34
noises 530:30
non-neutral 530:43
nor 555:32 556:15
 561:20,29
normal 519:7,23
 525:38,44
normally 514:32
 542:11,15
note 520:34,41 523:1
 534:6 542:37 552:25
nothing 511:8
 512:40,45,47 513:13
 ,38 524:20 525:24
 528:12,32 532:12
 552:38 557:29
 558:33,34,47 559:39
 561:29
notice 532:4
november 512:23,27
 528:18 531:4 543:44
 547:17,22 557:19,21
 ,26 559:25,29

number 523:20
 541:2 557:4,5
nuremberg 509:37
 ,42

O

oath 510:28,34
object 516:40,46
 519:13,31
objects 519:12,30
observations 525:2
 ,6
observe 529:2,22
 544:28 547:21
obtain 524:39
obtaining 531:7
occasion 510:30
 511:34 521:18 525:2
 ,6 529:12,16 540:35
 549:36 553:8 555:13
 ,34 556:16 557:42
occasionally 556:33
occupied 514:14
ocean 552:24,31
off 522:17 530:22,41
 531:20,20,24 532:35
 533:3,8 540:4
 552:30,33 555:41
 560:3
officer 512:24,28
 514:37,40 515:40,46
 516:4,19 517:45
 518:1,30 520:29
 534:45 535:11,16,21
 537:12,15
officers 528:3,9
 544:36,39 557:40
 559:8
often 523:8
okay 511:28 526:42
 541:44
onboard 551:34
once 511:40 514:30
 538:28 539:1,10
 550:7 551:20
one 515:34 519:35
 520:2 521:41 522:28
 523:21,43,46 530:24
 532:35 536:26
 541:32,39 542:27,38
 ,45,46 543:35
 545:39 546:2,25,27
 ,31,35,38,38 548:5,5
 ,20 549:3,3,13
 550:20,38 552:33,35
 ,37,37,40,40,43,45
 553:12,44,44,46
 555:32,43 556:31,31
 ,43,45 557:18,23,44
 558:30,33 560:34,41
 ,42
open 539:46 543:18
 547:43 548:11 549:6

<p>opened 520:7 548:9 ,14,47 553:42 openly 548:5,18 operate 559:22 operated 550:34 operator 534:40,44 535:4,9 550:16 operators 514:41,43 ,46 opponent 517:14 opposed 540:25 opposite 538:31 order 520:28 521:3 527:15,29 534:43 535:30,31,35 536:6 ,7,12,13,16,17,19,20 ,27,34,36,36,40 537:2,5,6,6,8,11,14 ,17,21,44,45 538:2,2 ,5,8,9,19,20,20,24 ,24,30,30,34,38,40 ,43 539:6,24,26,31 542:29 548:7 550:6 order-giving 539:19 orders 520:47 533:36,40,45 534:3 ,21,23,25,28,37,39 ,41,43,45 535:4,6 539:7,11 otherwise 548:36 555:43 557:39 otte 543:3,15,17 547:5,8,25,34,36 548:43,47 otte's 547:29 otto 543:4 547:26 548:18,36 outbreak 525:3 outer 561:20 outside 509:37,42 550:21 551:4 overcome 513:43 own 530:45</p>	<p>pause 529:40 pen 542:23 pennant 541:18,18 ,21,31,32,32,34 people 512:25 514:31 519:27,29 520:2 540:25,29 548:28 550:1 551:13 per 513:45 558:30 perfect 550:36 perform 515:46 perhaps 540:45 542:2,18 558:18 perished 519:10 person 515:15,24 517:4,8 522:35 525:7 531:9 535:1,2 ,3,15 543:10 550:33 559:15 561:18,30,30 personal 528:27 531:7 personally 547:29 556:23 personnel 529:34 persons 512:29 528:29 529:29 petrus 553:18 picked 515:41 520:29 535:36 536:5 ,40 537:44 538:28 ,29 539:15 picture 550:32 555:39 556:25 piece 560:38 561:2 pinnacles 532:5,9,12 plane 530:32 531:2 plastic 560:39 please 511:42 515:41 542:4,10,23 ,32 544:13,16 546:23,27 548:17 550:2 558:32,36 point 516:39 520:16 521:20 525:5 533:7 ,39 534:1 539:2 542:15 549:34 555:41 558:41,44 559:5 points 511:38,40 position 515:9 530:31,35,42,43 531:11 532:33,34,37 ,42 533:3,6,7 544:20 ,22 550:36 positioned 530:18 ,19 531:19 533:19 possibility 541:28 possible 521:2 538:28 557:26 possibly 523:3 post 524:30 practically 514:31 precise 536:35</p>	<p>537:33 550:11 precisely 515:45 539:10 548:1 558:21 preliminary 509:34 preparation 520:36 prepare 512:5 prepared 510:2,3,29 ,34,35 516:21 521:11,15 535:28 present 512:24,29 540:38 557:14 president 509:36 510:11,19,27,43 511:2,18 513:10 516:25,35 524:12,46 525:13 526:32,45 528:44 531:26 532:27 535:6,18 538:7,18 539:33 540:9,44,47 541:2 542:32,37,42 543:27 544:13,17 545:6,29 546:25,42 548:43 552:2,5 554:10,33 ,35,37 557:15 559:43,46 560:19 561:14,34,38 pressed 522:17 presumably 549:13 561:30,31 pretended 557:19,24 559:26,31 previous 511:34 512:17,20 539:24 previously 512:36 541:6 553:8 561:40 printed 555:39 prior 513:14 519:4 537:43 prize 514:17 532:19 ,24 probably 511:11,15 517:13,19 528:3 529:44 556:6 problem 510:6,9,38 ,41 514:18 524:41 ,44 530:9,11,42 554:44,44 559:33 proceed 510:43 543:33 556:21 process 525:35 produce 516:23 prompted 527:11 propeller 531:41 propellers 531:45 532:27,30,39 protect 561:7 protruded 553:43 provisions 551:12 ,15 published 519:28 pull 543:18 547:39 ,39,42 548:24</p>	<p>550:20 pulled 548:17,19 549:11 551:4 purportedly 558:18 purpose 526:23 557:25 purposes 520:22 pushed 550:19 put 528:16 543:42 550:39 552:30 556:45 557:8 559:44 ,46 561:3</p>	<p>recall 518:18,28,39 528:27 540:34 receive 510:3 515:45 520:10,25 559:2 received 515:25 518:34 519:16,29,34 522:25 534:40 535:3 ,6 538:2,33 recognition 527:31 recollections 528:27 recommend 557:43 recommendations 559:12 record 542:44 recording 550:6 recordings 549:40 records 542:45 recruit 559:7 reduced 513:15 518:19 reference 542:2 referred 515:29 referring 556:17 refers 558:41 regard 519:11 521:31 regarding 555:19 reichsmarine 557:40 relate 528:27 relating 540:18 relation 510:23 511:39 release 549:4 released 522:15 553:19 554:4 relevant 516:3 relied 520:43 rely 520:42 remark 517:12 remember 513:36 518:21,43 519:18 539:17 551:39,43 557:2 558:1 559:19 remembered 550:32 removal 519:6 527:11 539:16 557:39 remove 527:15,29 536:45 537:2,5,8,25 ,30,34,38 538:21,24 ,40 539:20,26 542:29 548:7 549:38 550:12,13 removed 537:42 538:29,41 539:15,24 ,27,30,34,39,41,45 542:27 543:5 548:4 removing 548:43 549:41 repeat 538:15 repeated 554:5 replacement 559:20 reply 515:16 519:2</p>
Q				
<p>qc 509:11 question 512:32,42 ,44 526:15,19,23 533:36 554:5 555:2 ,24 556:11 560:22 ,24 questions 510:23 511:35,39,45 512:1 ,34 525:46 540:18 ,20 552:2 555:14 560:2 561:14,47 quick 548:32 quickly 516:41 quite 513:47 514:20 519:37 556:23</p>	R			
<p>radio 528:1 raft 550:3 range 520:6 rangefinder 516:39 ,45 517:5,9,14,20,29 ,32 ranges 512:6 515:29 rate 520:30,32 535:41,46 536:7,8 rather 511:19,21,22 537:34 544:4 561:22 reach 513:30 536:13 538:4,39 539:25,28 552:41 reached 515:17 522:18 557:3 react 559:12 read 510:12 512:37 ,42,45 513:4,8,10,12 516:30 519:27 540:26,30 readied 551:5 reading 513:2 516:26 517:33 ready 520:18 533:45 534:3,3 537:3 realise 510:33 really 511:22 528:25 544:38 548:34 551:18 554:42 rear 546:35</p>				
<p>page 525:16 529:41 papers 523:32 561:18,27 pardon 530:3 556:13 558:6 part 516:2,4,7 522:10 529:26 particular 515:28,30 ,41 party 532:20,24 pass 513:25 557:43 passed 517:12,35 518:11,22 534:21,25 ,28,39,45 535:1,4,8 ,39 536:22,24 537:9 ,11,14,15,27,31 554:27 passes 536:28</p>				
P				

report 517:43 522:23 ,25,35,37	,13 528:3,19,25 529:18,25,29 530:13	529:30 532:19,25 541:10,13,24,31	,19,24 557:33,34,38 558:46	standing 528:4 546:43,45 555:35 556:41
reported 517:18,18 518:8 544:9	531:1,3,26 532:42 ,43,46,46 533:5	553:46 558:32 559:21,28	slide 533:17	stands 533:16 536:31
reports 555:19	540:23,29 544:4,8 ,36,40 546:6,9,12	ships 517:5,28 518:7 ,11	slight 530:4 533:20	start 511:28 519:6,19 528:37,42 531:11
required 513:29 514:36 538:4 539:31	547:16,34,36,37 548:43,47 550:15,15	shoot 521:2 535:32 536:5,7,12,13,35	slip 543:3,9 546:22 ,28,32,32,32 548:16 ,24,44,47	536:44 537:3 538:5 539:30 542:10 557:38
rescued 556:40	555:25,30,37 557:29 ,30,38	538:3,34 539:14,24 560:11,16	slipped 543:2,3	started 513:40 514:8 519:20 525:25
residence 509:16	say 515:40 520:20,25 528:21 529:24	shooting 513:16 535:41,46 536:11	slowly 522:10 553:18 556:5 557:1	529:19 536:37,38,41 537:1 538:46 539:8 541:41 545:25
respect 521:3	531:32,40,44 537:8 ,38 547:45 551:3,18	shore 550:21 557:46 560:32	small 530:6 541:39 552:10	state 517:9 551:39 554:26
respective 517:9	557:15 558:46 559:17,18	short 531:37 539:18 ,28 540:1,4,7 556:28	softened 556:4	stated 510:36 524:32 534:45 559:31
response 557:10	saying 510:29 514:8 537:34 539:19	shortly 527:14,28 555:8 557:4	soldier 522:11	station 512:23,28 515:17 534:36
responsibility 512:5	543:30 545:15 555:45	shot 520:44 521:4 530:31 532:18	somebody 521:5 550:38	540:36,39 541:7 547:25,30
responsible 518:36 535:1 550:33	says 524:22 548:39 557:10,23	539:11,12,17,27 555:46 556:36	someone 514:27 544:4	stationary 532:19 556:42
resume 540:9	schneider 518:32,37	557:36 559:2 560:8	something 516:20 519:22,26 521:6,47	stations 534:35
resumed 555:7	school 559:8	shots 520:33 539:2 555:41 556:32	522:6 523:7 529:9 ,14 531:3,34 535:45	step 543:22,22,33,33
reversed 517:15	scuttled 552:29	shouted 519:18 537:29	537:18,35 538:40 539:29 540:19	stephen 509:22
rfd 509:11	sea 551:39,39	showed 540:35 557:23 559:4	545:46 547:16,18,21 ,23 558:15 559:15 561:17	stern 542:35 554:27 559:21
rhythm 521:3	seaman 519:8,23,38	showing 542:10 541:6	sometimes 523:2 555:39 556:26	stock 533:46
riddled 560:35	seamen 519:9	side 550:30 553:44	son 519:6,19 520:29 528:37,42	stood 517:14 518:22 520:45 537:29
right 524:30 525:13	search 524:4,9,29	sideward 512:11	532:37 535:32,36,40 536:5,6,13,34,40	538:31 555:45
risk 520:43	second 513:30,43,45 553:12	signal 519:1,5,17,17 ,17 526:45 527:25	537:44 538:3,27,29 ,39,41 539:25,29,45 557:38	stop 532:28,30
room 521:13 528:9 553:20 556:1,2,2,6,7 ,8,44 557:3,5 558:1 ,8,10,13,19,21,23,25 ,27 559:20,21	seconds 521:26,34 ,36,37,46 522:6,19 ,38	,31 528:1 542:40 557:36	sorry 526:40,40 529:43 538:15,36 541:21 548:30	stopped 522:37
rope 543:18	seen 510:16,22 531:8,13,15,17,22	signalling 515:5,11 ,22 517:20 518:36	541:21 548:30	stopwatch 522:16,17
ropes 550:28	546:14 548:44 549:1 553:41 554:31	,22 517:20 518:36 526:13,25 528:20,40 ,45 543:3,10,12,19	sort 557:5	story 521:10
rose 557:37	556:25 559:41	546:1,39 547:31 552:41 554:7	sound 561:32	straat 549:14,17
rosstal 509:17	send 524:10,30	signals 519:3 525:46 ,47 526:3,23,26,28	sounded 523:3	strange 520:32 550:14
rubber 560:31,38,38 ,42,45 561:2,3,17,27	sent 515:20,23 522:30 526:24,29,36 551:12 559:3	,29,36 527:2,31,34 ,42,43,43,46 528:8 ,17,21 559:3,4	southern 557:32	stress 544:7
rudder 558:1,19,23 ,25,27,28 559:20,22	sequence 539:11	simple 514:16	souvenir 560:37 561:2	submarine 555:24 ,29,32
rules 557:43	seriously 548:36	simply 537:33	speak 528:34 534:37	subsequently 517:13
running 521:24,25 ,32,40,43,46 522:38 530:17,40 531:2,9 ,19,23,40,42,44 532:39	service 541:41 554:42	sincere 511:2	speaks 533:2	substitute 558:27
runs 548:20	set 512:1	single 556:36	special 535:2 536:12	suggests 557:18 559:25
russian 543:24,35	setting 526:15	sink 551:10,22	speculation 511:19	sunk 523:9 552:24 ,27
	settings 512:11,11 515:34	sinking 509:44	speculations 511:22	superfluous 537:41 ,41
	several 512:29	situated 556:9	speed 513:44,45	superstructure 517:1
	shake 557:34 558:46	skeries 512:24,29 514:26,33 517:45	spelling 523:1,2 551:12	supplementary 561:40
	shall 510:46	518:1,4,5,8,12,19,22 519:5,5,19 528:37 ,41 533:44 534:2,12 ,15 535:18,20,31,36 ,39,40 536:16,19	spoke 534:35,46	supplies 551:28,35
	shame 548:36	537:18,19,22 538:9	spoken 523:11,13,15 528:36	supported 559:1
	shared 515:14		spot 517:46	supposed 561:21
	shell 536:6 555:43		spread 553:20 556:5	supposedly 560:31
	shells 513:29,35,42 ,45 555:42 556:33 ,34,43 561:1		spreader 545:46 546:3	sure 528:26
	ship 511:15 514:22 517:13,21 519:35,38 520:44 528:4,10		stage 519:24 543:29	surrender 557:19,20

S

,24	533:45 534:4 535:32	though 529:38	,45 554:4,8,15,22,27	u-boat 556:15,16
surrendered 557:25	,36 536:5,13,35,40	thought 514:8 522:8	totally 514:30 537:37	uncertain 523:1
survived 511:16	537:44 538:4,28,29	538:7,18 544:40	539:1	under-water 553:45
survivors 555:26,30	,39 539:15,18,28	560:44	towards 519:19	underclothing
,38,44 556:17,17,24	556:32,37	thousand 515:39	521:26 557:31,31,33	561:20
,29,39 559:7 560:3,3	task 514:21 516:4	three 519:35,38,47	558:45	underneath 559:21
,6,7,17	536:22,24	520:2 548:21 555:40	towers 516:42	understand 510:19
swell 551:43,45,47	telephone 515:1,5	556:27 560:12	trained 514:39	,27,28 513:47 514:2
switched 531:20	,12,14 534:44	threshing 550:16,16	557:40 559:8	,24 516:25,29
532:35	537:18,22,26	throw 522:13,33	training 514:37	519:22 527:33,36,40
swung 520:14,17,20	telephones 515:3,20	551:23	516:20	529:44 534:8 538:7
,24 530:36,41,44	,21,23	thrown 551:4,21	transcript 510:12,17	,11 551:28 552:7
531:24 532:38 533:6	tell 510:28 513:21	516:10,23,38 518:14	,24 511:39 512:36	553:7 554:3,14
,16,21,23,23,26,30	517:41 531:34 539:6	520:6,22 521:21,24	513:8 516:26,30	558:3
sydney 509:4,39,44	540:28 544:8,13,16	,24,25,31,32,40,43	525:16	understanding
511:5,9,46 513:27	546:33 548:1 550:27	,46,47 522:2,10,38	translate 558:36	516:25 525:13
,30,39,44 514:1,4,9	560:44	524:30 527:42 528:2	translating 522:8	554:10,21
,13 515:37 516:36	telling 510:44,47	,17 529:33,37 531:3	translation 523:2	understood 510:22
,37,41,43,47 517:1,4	thank 509:46 510:2,3	,29 532:46 533:2,43	530:4,6 550:22	,35 514:4,12 516:30
,8 519:2,4,5,8,10,16	,46 515:28,33	534:2 539:6,20,30	translators 520:34	518:5 530:29 533:2
,23,27 520:31 521:5	524:46 533:33	540:15,16,19 541:42	,41 523:1 534:6	538:11,23 548:20
,26,27,28,37 522:2	541:46 542:42 552:5	549:40 551:19,24	552:25	550:11,22 554:26
,18,36 523:9,13,22	,10 553:1 554:37,41	553:28,37 559:11	transmitter 534:43	555:37
,23 525:3,7,10,31,34	,47 557:8,13 561:34	560:10,15	536:27,32	underwater 554:4
526:24,29,32,32,34	,36,40,43	timed 522:16	travelling 549:13	underwear 561:29
,36,45 527:1,8,14,17	thanks 511:2	times 514:21	trh 509:11	unexploded 555:42
,19,20,24,25,28,44	that's 513:44 515:5	timing 536:36	triangular 541:39	,43
528:15,18,28,45	518:5 519:34 521:26	tinned 551:15	tried 550:10,28	uniforms 529:26,30
529:2,22,26 530:13	,43 525:13 532:39	tip 557:38	triggering 536:6	,32,33,34,36
,15,20,27,30,31	533:7 534:8 536:10	today 509:36,41	true 525:30	unknown 519:12,12
531:26,29 532:9	545:16 546:42 554:6	531:32 544:38 547:5	truth 510:28,31,36	,30,31
533:37 534:12	556:23,40 559:21	549:24 551:3,18	,44,47	unlike 512:17
540:16 543:2 544:36	561:3,39	556:20 557:34	try 537:33 548:17	unsure 550:21
,39 546:7,10,12,14	thats 511:25 516:40	toe 557:41 559:10	tubes 553:43	untighten 549:6
,16 553:10,16,28,39	550:25 561:20	together 512:28	turn 549:31	until 536:7 539:33
,45 554:12,22,26	theories 555:15,19	518:35 543:2 555:40	turned 530:41	548:13 551:14,32
555:16,20,26,30,33	557:9,11,14,16,18	556:9	531:24 533:7 550:14	unusual 520:34
,34,35,39,40,42	theory 559:25,31	told 510:47 511:34	,15,31 551:31	upper 557:38 561:28
556:20,25,27,34,36	560:35	,36 515:46 518:18	557:31	us 511:5,34,36 512:4
,41,43 557:20,25,30	there's 519:22	521:23,47 522:7,30	turning 531:41,45	,9,19,37 513:21,27
,30,37 558:42	thereafter 555:8	525:9 528:16 533:43	532:30	515:41 516:43 519:1
559:28,32 560:4,7,8	they're 552:2	535:30 538:18	twelve 555:36	,8 521:24,31 522:12
,11,12,16,17,42	they've 561:3	540:25 544:5 546:22	560:13	,30,30,32 523:9
561:21,31	thieme 523:1,5,29,33	,31 547:12,14,18,23	tyson 509:21 511:32	525:10 527:26
sydneys 523:14	,43,47	,34,36 549:36,41	,44 512:4,15,22,31	532:34 533:43
529:19 532:5	thing 520:32 523:19	551:27,35 560:36,47	,36,42 513:6,20	535:30 539:6,10
	,21,46 527:10,13	took 513:29 517:17	521:17,23 523:29	540:15,28 542:10
T	528:3,8,40 536:8	522:17 551:18,23	524:34 525:1,9,16	544:8,16 546:22,31
	550:14 560:41	552:30,40,43,45	526:34,42 527:33	,33 547:12,14,26,27
taken 548:40 551:19	561:25	top 524:32 525:18	529:9,18,24,40,46	,31,34,37 548:1,19
561:39,40	things 511:36 514:25	533:28,30 556:1	530:3 531:40 533:35	549:37,41 550:7,10
taking 525:24 547:27	522:12,14 533:43	topic 525:1 540:11	,43 535:30 538:45	551:12,12,27,35
talk 519:15	534:11,14,15 551:36	549:32	539:5 540:1,11,44	554:35 555:35,41,43
talked 523:22,23,26	555:28 559:29	torpedo 521:25	541:9,16,23,37,44	,44,46 557:14,31,33
538:3	560:31	522:15,18,35,38	542:1,10,18,34,40	558:42,45 560:11,13
talking 554:4	think 516:36 519:28	553:10,14,15,20,27	543:22,29,41 545:15	use 520:34
tallien- 550:11	523:37,39 524:31	,28,30	,31 546:27 547:5,11	used 514:36 523:2
tank 556:2	528:9 529:36 538:46	torpedoes 521:24,32	,16 549:31,36 552:2	530:33 541:40,42
tanks 551:10,21	547:6 555:41 556:28	,40,43 522:16,16	554:35,47 555:13,23	543:31 550:35
556:45	,36 559:46 560:43	553:7,9,13,33,42,43	559:43 560:2,21	552:29 556:45,46
tape 540:2,4 548:27	561:3,29		561:14	useful 541:44
549:36 550:1 555:4	thomas 512:37			using 521:12
,10 562:6	529:41			usually 514:41
target 520:29 521:2			U	

552:29 uwe 550:21	516:44 518:31,36 519:15,34 520:2 522:13,28 526:12 530:40 531:31 532:33,37 534:23 538:33 541:12,17 542:27 545:39 546:1 ,14 547:42 551:28 ,34 552:12 554:7 556:15 557:34 558:13 560:33 561:30	wish 510:19 without 521:11,15 536:5 538:30,42 539:19 555:45 witness 541:39 543:17 witness's 519:44 wont 550:13 word 529:44 wore 529:38 work 514:25 556:42 559:22 worked 514:32 515:45 521:13 551:32 working 551:29,31 wouldn't 516:23 551:22 wreck 555:36 wrecked 530:20 wrecks 556:26 write 524:12 written 519:27 522:21 523:46 524:14,18,20 wrong 554:2 wrote 522:11 524:31 wrzburg 523:9 wurzburg 523:21	547:22 549:22
V			Z
v0 513:31,33,35 values 525:11,20,24 ,30,35 various 512:6,11 515:22,34 525:35,36 555:14,19 veered 517:22 velocity 513:35 verb 520:34 version 545:39 vessels 553:44 via 515:3 537:12,22 vicinity 523:8 vienna 522:11,29 visored 529:34 vo 513:44 vorgemannte 520:41 vormannen 520:34	wendroth 543:4,19 547:6,9,26,30 548:18,33 went 517:14,22 519:2 520:44 522:33 527:24 528:36 536:45 537:46 539:18,19 551:34 555:41 556:47 weren't 521:7 558:39 westphal 517:11,17 what's 541:21 whatever 519:47 551:16 whenever 517:38 521:2 whereabouts 543:23 whereas 543:18 546:3 548:32 wherefore 556:4 whether 522:13,32 ,32 524:38 527:1 528:28 529:2 531:13 ,31 537:21,22 544:13,17 550:22 555:25,28,30 557:26 560:7 whichever 543:35 white 529:26,30,33 ,36 546:18,20,22 557:21,23,26,39 558:38,39 whoever 524:31 whole 516:43 523:7 553:46 561:17,21,21 whom 513:25 517:43 537:9 560:36 why 515:41 556:3 561:3,20 widow 522:25 wife 522:11,29 555:2 will 510:43 512:1,37 519:6,19,22 524:29 526:42 537:39,42 539:21,42 540:47 557:35,35 willing 510:27 winch 550:17,17,18 ,23,25,37,39,40 wind 550:35 winter 560:36,47	wish 510:19 without 521:11,15 536:5 538:30,42 539:19 555:45 witness 541:39 543:17 witness's 519:44 wont 550:13 word 529:44 wore 529:38 work 514:25 556:42 559:22 worked 514:32 515:45 521:13 551:32 working 551:29,31 wouldn't 516:23 551:22 wreck 555:36 wrecked 530:20 wrecks 556:26 write 524:12 written 519:27 522:21 523:46 524:14,18,20 wrong 554:2 wrote 522:11 524:31 wrzburg 523:9 wurzburg 523:21	zero 513:31 530:18 ,19,30,35 531:20 532:32,34 533:3 551:45,47
W			
waists 550:11 waiting 536:7 wall 560:39 want 511:18,44 519:43 520:14 521:17 522:32 524:30 528:15 529:9 ,40 530:13 533:35 538:42,45 540:14 542:1 543:22 544:3 557:8 wanted 526:19 549:31 557:24 559:44 560:38 561:2 war 517:13 523:20 541:10,13 542:11,16 ,24,26 544:36,40 546:1,2,4,6,18,20,31 552:21 warmed 556:3 warship 517:19 541:41 watch 522:37 watched 517:21 water 539:18 550:45 551:1,9,21,22,23,38 ,42 555:26,30 556:39 560:3,4,7,8 we'll 524:35 540:1,9 we've 523:21 weapons 559:18 wear 561:19,28 wearing 529:26,30 ,33,34,36 535:3 weeks 535:42 welcome 561:45 well 510:43 512:25 ,29 515:15,19,21			
		Y	
		yeah 514:20 525:28 ,44 527:28 538:27 548:34 years 549:24,26 yes 511:25 512:13 516:33 517:35 518:12,14,14,14,16 ,24,26,34 521:43 522:6,46 524:26 525:23,40,42 527:20 ,22 528:12 529:43 ,44 530:1 531:15,17 ,22,47 532:2,32 533:5,28,30 534:6 ,19,23,31,31,33 535:20 536:1,10 540:32,42,47 543:8 544:20,20,22 545:21 ,23,38,38,44,46 546:10,12,14 547:39 549:44,46 550:18,25 ,38 552:14,16,47 553:4,32,35 554:6 ,31 558:17,27 561:9 yet 537:38 548:30 you're 526:25 545:15 549:19 you've 522:3 529:11 531:1 yourself 510:3 519:9 522:7,8 527:33,36 531:1,8 545:18	