

Written Statement by RAe Löffler, Wenzel & Sedelmeier to the Higher Regional Court at Celle

Letter Professor Wenzel, Lawyer's Office RAe Löffler – Wenzel – Sedelmeier,
Stuttgart 20th January 1992 to:

Herrn
Generalstaatsanwalt
beim Oberlandesgericht Celle
Schloßplatz 2
3100 Celle

and
Herrn
Ltd. Oberstaatsanwalt
beim Landgericht Hannover
Volgersweg 65

3000 Hannover 1

René Düe

Dear Chief Public Prosecutor,
Dear Leading Senior Public Prosecutor,

I received the enclosed report from the Turkish magazine Miliyet in late 1991. It is about a murder in Istanbul, which René Düe is said to have arranged. As far as I have been able to find out this has been the cause of preliminary proceedings being initiated in Hanover against René Düe. In addition, an informant in Lower Saxony claims to have found out that a directive has been issued for the proceedings whereby investigations are to be carried out, though not in Turkey. Extracts from the enquiry and case files from the murder trial proceedings in Istanbul are now in my possession. I attach the 61 pages, including the German translation.

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These documents show that Aydin Yildizsoy murdered Nevzat Avan on 20/03/1991 in Istanbul. When questioned on 23/03/1991, Yildizsoy gave the following statement (page 18 in translation):

“The contract for the murder came from a jeweller in Germany. If I give this man's name to you, he will have my children murdered. I cannot give you the name of the man because my children are still living in Germany. In 1981, the murder victim and two accomplices struck the jeweller on the head with a pistol. That is all that I have to say in my defence.”

During the main trial on 17/10/1991, Yildizsoy added, among other things, the following (pages 19/20 in translation):

“I went to the place he had told me to come to for the meeting and waited there a while. He then arrived in a car. We made ourselves known to each other. He told me only that his forename was Cetin. When I asked him what it was that he wanted from me, he said that the man called René was offering DM 225,000 if I would kill Nevzat Avan. The money was so tempting that I could not refuse...

When I asked this Cetin why I should do it, he told me that Nevzat Avan and two accomplices had carried out a robbery in Germany in January of 1981* against the jeweller René Duve and had tortured his wife and daughter. They had then stolen jewellery to the value of DM 12 million. Nevzat Avan had injured the jeweller with the weapon, that’s why I was to kill Nevzat Avan. He said he would get the money from the bank for me on Wednesday if I would kill Avan. I agreed to do so, and returned to my hotel.”

* Since the “raid” on the jeweller’s took place on the 31st of October 1981, the date “January 1981” may be due to a typographical or other error.

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During the course of this main hearing, Yildizsoy also described another robbery, said to have occurred in 1991. Presumably, the criminals’ intention here was to collect the payoff promised to them by Düe for the feigned robbery of 1981.

Independently of this testimony by the accused Aydin Yildizsoy, Necatj Avan the murdered man’s brother described in two handwritten notes, particularly one dated 7/09 /1991, his brother’s account of the feigned Hanover robbery. I quote the following paragraph (page 5 in translation):

“My brother, Nevzat Avan and Aynan Yildizsoy made an agreement with a German (of French descent) whose name, Rene Duve, I found out from the newspaper. They were to carry out a robbery at his jeweller’s shop. For an agreed sum of DM 250,000 each, Nevzet Avan and Aynan Yildizsoy were to rob the jeweller’s shop and then return the stolen goods to the German owner who would then claim either 25 or 250 million Deutschmarks for the robbery from the insurance. Police enquiries led to the arrest of the later murdered Nevzat Avan and Aydin Yildizsoy. Nevzat Avan wanted to confess. Aydin Yildizsoy was then offered five million Deutschmarks to kill Nevzat Avan. He was given a knife to do the job.”

Düe’s offer of DM 5 million to Aydin Yildoszoj for the murder of Nevzat Avan before the conclusion of the criminal proceedings was evidently due to his

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fear that Nevzat Avan would “talk”. It was particularly important for René Düe to avoid this before the conclusion of the preliminary or criminal proceedings against him.

The descriptions by the murderer of Nevzat Avan, as well as those by the murder victim’s brother, reveal a knowledge of what happened that cannot be put down to invention. There is also no obvious motive for them to make things up. There is therefore a high probability, bordering on certainty, that the content of the above statements is substantially to be relied upon.

The enclosed documents contain the names of the following persons who either

lived, or still live, in Lower Saxony, who committed criminal offences there and who may be of importance for the Düe case:

1. Aydin Yildizsoy, born 1958 in Malayata, municipality of Kükpinar, the murderer of Nevzat Avan. He may have been one of those involved in the feigned robbery of Düe's jeweller's premises in Hanover.
2. Nevzat Avan, born 1962, the victim. He, too, is suspected of involvement. It should also be noted that both he and Aydin Yildizsoy are presumed to have been in custody in Hanover in 1982.
3. Cetin or Metin, who incited Aydin Yildizsoy to commit the murder. He is said to have arranged the first contact with Düe and to be, or to have been, a bodyguard to a Turkish underworld boss in Hanover named Erhem or Ethem.

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Cetin/Metin is said to have been seen in the company of "Düe's wife" in Istanbul prior to the murder. This may, in fact, refer to Düe's sister, Marion Busse, née Düe. It is believed to have been Cetin/Metin who handed over the 225,000 Deutschmarks in payment for the murder in Istanbul.

4. Erhem or Ethem, the underworld boss in Hanover, cf. number 3.
5. Necati Avan, the brother of the murdered man whose two letters supply important information in connection with the crimes and who could, presumably, provide more information that would give further leads.

The documents also reveal that objects were taken as evidence from both the murderer and the murder victim that could likewise be of importance for the Düe case, e.g. telephone lists etc.

Finally, in consideration of the above facts, I would urge the investigations into the René Düe case to be taken up/intensified, both in Germany and in Turkey and this as swiftly as possible, to minimise the twin risks of collusion and flight. The question of the resumption of proceedings in accordance with paragraph 362 of the German code of criminal procedure also needs to be looked into. I have also taken the precaution of informing the Federal Criminal Police Office. I would be grateful for a reply.

Yours sincerely

Prof. Dr. Wenzel
- Lawyer -

Enclosures:

Report from "Miliyet" of 29/10/1991 incl. Translation (3 pages)
Case files Istanbul (61 pages)
Translation of part of these files (23 pages)