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Dear Pitt von Bebenburg,

It was a pleasure to speak to you last week — please excuse the delayed response. You will find below Forensic Architecture's responses to:

1. Your published article from 24/8/17, quoting Mr. Holger Bellino of the Hestia CDU;
2. The text posted by Mr. Bellino on his website on 28/8/17; and
3. The questions you have sent us.

In both your article and on his own website, Mr. Bellino's statements are full of tendentious mischaracterisations. In advance of a more comprehensive response to the report circulated by Mr. Bellino, which we intend to draft in due course, we address here your questions and the content of the two web pages, all of which appear to be based upon that report.

**1. Your article published on 24/8/17 (*Rätseln über Temmes Anwesenheit*)**<sup>1</sup>

It is plainly incorrect to refer to Forensic Architecture as an "artists group". We are a multidisciplinary university-based research group whose members include architects, scholars, computer programmers, lawyers, scientists, filmmakers, journalists and artists.

We are funded by a European Research Council (ERC)<sup>2</sup> grant, awarded following the most rigorous peer-evaluation process by the highest research-granting body of the EU. We are subject to the

<sup>1</sup> <http://www.fr.de/rhein-main/nsu-morde-raetseln-ueber-temmes-anwesenheit-a-1337839?GEPC=s3> accessed 05.09.2017

<sup>2</sup> <https://erc.europa.eu/about-erc/mission> accessed 05.09.2017

ethical and scientific standards of both the EU and The University of London. We have produced evidence for numerous human rights investigations and for national and international courts.

Importantly, this information is readily available at [www.forensic-architecture.org](http://www.forensic-architecture.org).

That Mr. Bellino described us as an “artists group”, despite the fact that the very report he presented included a short (if partial) resume of the career of each Forensic Architecture staff member involved in this project as well as the reputable experts we collaborated with, demonstrates that the falsehoods he disseminated are intentional.

We were not “confused” about login data, as you reported in your article. We used data from publically available police reports. To suggest we were “confused” (“verwechselt”) in regards to the data implies that we committed an absolutely basic error when, in fact, we operated with data which was correct according to the Hestia state police.

We did not mistakenly use the “wrong weapon” as Mr. Bellino suggested. We rather followed scientific methods and worked with reputable experts in the field to accurately simulate the volume and pressure levels of the shots. All this is explained in our report<sup>3</sup> and the accompanying appendixes.

Similarly, our experiment did indeed take the plastic bag into consideration, as explained in our report.

The real-scale model that we built in Berlin's Haus der Kulturen der Welt was, in fact, fitted with carpet (black), contrary to Mr. Bellino's suggestion, and the crime scene had no curtains, again contrary to what was suggested by Mr. Bellino.

The crime scene at the time of the murder was illuminated with neon lights, according to the owners of the café and available photographs of the crime scene. We therefore used similar lighting conditions in our experiment. Furthermore, light levels in relation to perception need to be considered alongside other factors — most importantly, the length of time that a witness was present within the space, which would determine whether her or his vision would have adjusted to the light levels in that space. We concluded that light levels would not have impeded Temme's ability to see Halit Yozgat's body.

## **2. Mr. Bellino's blog post published on 28/8/17 (*Erkenntnisgewinn der heutigen Sitzung des NSU-Untersuchungsausschusses war erwartungsgemäß gering*)<sup>4</sup>**

On his own website, Mr. Bellino falsely contends that the lawyers for the Yozgat family found our analysis worthless. I hope that you are as disappointed as we were by this wilful misinterpretation of your own article in the Rundschau from 8/5/17 (*Experte wird nicht vor Gericht geladen*)<sup>5</sup>.

As you correctly reported in that article, certain technical considerations of the legal process relating to the custody of particular documents (“formalen Gründen”) were the reason for the exclusion of our evidence from the legal process. Mr. Blewier, one of the lawyers for the Yozgat family, explained at the time that we had made no mistakes; that he supported our methods and our findings; and that it was only an error made by other parties in the proceedings that caused the exclusion of our expert testimony.

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<sup>3</sup> [http://www.forensic-architecture.org/wp-content/uploads/2017/06/77sqm\\_9.26min\\_Report\\_2017.07.18.pdf](http://www.forensic-architecture.org/wp-content/uploads/2017/06/77sqm_9.26min_Report_2017.07.18.pdf) accessed 05.09.2017

<sup>4</sup> <http://www.holger-bellino.de/aktuelles/erkenntnisgewinn-der-heutigen-sitzung-des-nsu-untersuchungsausschusses/> accessed 05.09.2017

<sup>5</sup> <http://www.fr.de/rhein-main/nsu-experte-wird-nicht-vor-gericht-geladen-a-1274515> accessed 05.09.2017



We trust you will be keen to correct Mr. Bellino's misreading of your reporting.

It is hard to escape the impression that Mr. Bellino has made a habit of providing commentary — in the investigation committee, in his interview with you, and in the blog post of 28/8/17 — regarding this case, and our contribution to it, which are intentionally false.

As academic researchers, we always welcome serious peer review of our work. We cannot, of course, consider Mr. Bellino's criticisms as a serious or well-intentioned peer review and we are naturally led to wonder about his motivation for such consistent falsehoods concerning our contribution to this nationally-important case.

### **3. Your questions, based upon the CDU report you sent to us on 30/08/17**

As detailed above, we have only started to closely examine the full report that Mr. Bellino has circulated regarding our analysis prior to the 24/8/17 session of the investigation committee. The translation we required slowed down the process. We will not, therefore, engage with it fully here, instead restricting ourselves to answering the points you have extracted.

Before we start, however, we must say of this report that it is generally an extremely troubling document.

It is universally acknowledged that scientific or forensic reports *must be signed* to be seriously engaged with. We have no doubt that you will understand why an unsigned document of any kind, presented as a riposte to research conducted transparently and in collaboration with named experts in their respective fields, would inevitably raise doubts about the integrity of its contents.

Since this particular report seeks to undermine the results of our work and our qualification to undertake it, it is absolutely essential that we, and all those reading the report and acting on its conclusions, are made aware of the identities and credentials of the authors, as well as their professional competence in the field of forensics. This is even more essential in light of Mr. Bellino's tendency to make false claims about our work on the basis of this document.

Again, I am sure you understand why unsigned work of this kind, relating to issues of substantial political importance, raises a catalogue of questions about its provenance. The fact that this report, despite its many mischaracterisations, is written in the language of a state criminal investigation, while having at its disposal data that is not available in the public domain, raises doubts as to who might have produced the report and provided it to Mr Bellino. Furthermore, this brings into question the author's purpose and motivation for remaining unidentified.

It would be quite out of the ordinary for us to respond to this document as if it were a constructive piece of peer review without knowing who wrote it. Therefore, we call upon Mr. Bellino and the other CDU members on the investigation committee to reveal the author of this document. We invite you to join us in this call.

Nevertheless, we respond to your questions:

*1. CDU states that the period of time between Temme logging out and the murder was longer than stated by Forensic Architecture (FA). The correct finishing time of FHS' phone call would not be 17:03:26, but 17:03:52. They state that police had changed that detail by findings during their investigations after the first version of MK Cafe. They also point out that FHS not necessarily must have left the phone box immediately after his phone call. Thus the period between Temme's logout and the finding of the body might have been longer than in the FA assumption. Are you convinced?*

During this investigation, Forensic Architecture worked exclusively with material available in the



public domain. This included leaked files from the Hestia state police and transcripts of court proceedings, as noted clearly in our methodology section.

In any case, it should be clear upon a close and balanced assessment of our investigation that our results regarding what we call "Scenario 1" do not change in respect to the recently revealed timings, if correct. In Scenario 1, Andreas Temme had already left the internet cafe at the time of the murder. In fact, the strongest evidence against it is FHS's testimony that he heard the sounds of the gunshots before he began his second phone call. At this time, according to PC-2 login data, Temme was still in the internet café, and so our investigation is justified in proceeding to the question of whether Temme could have heard or smelled the shots or subsequently seen the body.

*2. FA states that AT has played "Call of Duty", as he has testified himself. CDU states that he had watched pornographic pages and chatted. They claim that police found that out checking the computer data.*

As previously stated, FA only had access to material available in the public domain. According to that material, AT stated that he was playing *Call of Duty*. In any case, what AT was doing during his visit at the cafe does not in any way change our determination regarding Andreas Temme's witnessing of the event.

*3. These two points illustrate a major accusation of CDU, stating that FA did partially use outdated results of police work. Is this true – and does this reduce the value of your results?*

We conducted our investigation on the basis of materials available to us.

In recent days, we were made aware of different timings relating to phone calls made by witnesses to Halit Yozgat's murder, derived from a 2008 report by the BAO Bosphorus investigation. The newer time data has provided *more accurate* timings for the witnesses' phone calls, as well as some that are different than those on the Hestia state police records. Taken together the new data confirms that it was impossible for Andreas Temme to have left the cafe at the time of the killing and supports the conclusion that he was sitting at his position on PC-2 at the time of the shooting.

This newer information, if correct, does not affect the results of our investigation in relation to the question of whether or not Temme witnessed the event. We determined through a series of scientific experiments in physical and digital models that Temme both witnessed the murder (by sight and sound) and provided false testimony. We maintain this conclusion.

*4. FA states that the other persons in the Cafe have heard the deadly gunshots. In their statements these witnesses state that they have heard noises („tak-tak-tak" or the fell of something heavy), but none of them realized from the noise that there have been gunshots. Is it correct to conclude from these testimonials, that they have heard the shots and that Temme must have heard them too?*

All witnesses testified to having heard loud sounds regardless of whether or not they were able to correctly identify the source of the sounds, which is a different matter altogether. Identification, as distinct from hearing, depends on one's personal and professional experience with the sounds of gunshots in particular and suppressed gunshots specifically. To the best of our knowledge, none of the other witnesses were familiar with the sound of direct or suppressed gunshots. This is the reason they all tried to express the sounds of the gunshot they heard in terms of other things such as objects falling, balloons popping, etc. Temme, being a trained marksman, would have likely identified the sounds as gunshots. However, Temme claims he heard no sound at all, despite having sat closer to the gunfire than other witnesses.

In any case, Forensic Architecture did not rely on other witnesses' perceptions when we determined the audibility of the gunshot at Andreas Temme's position at PC-2.



We collaborated with a team of experts in order to determine the sound level of the gunshots at the position of Temme's computer and determined them to be between 94-99dB  $L_{Amax}$ . We can confidently assert that, at this volume, it is impossible for someone who does not suffer from hearing disabilities to have not heard that sound. We invite you to review our report, and our methodology, regarding this conclusion.

*5. FA argues concerning scenario 1, it would be unlikely that Halit Yozgat would have left the Cafe with 5 customers in the shop. CDU argues that witnesses testified that he had done that before; they also give the possibility of Halit being on the WC during that period. Do you hold to your stand?*

This scenario refers only to the case that the gunshots were fired after Temme left his position at PC-2, a scenario now disqualified by the more recent timings available from the Bosphorus report. It is worth nothing that this point of critique contradicts a previous one (see Question 1).

To your question: according to witness testimonies, Halit Yozgat had visited the WC a few minutes before Temme logged out. Moreover, no other witness at either the adjacent tea house, Anadolu, or on the street reported seeing him outside. His father Ismail reported that there was no apparent reason for him to be outside at this time.

Most significantly, we can dismiss this scenario on the basis of the new timing from the Bosphorus report that was made recently available to us, as well as on FHS's testimony that timed the sounds of gunshots before his second phone call had begun – at which point Temme was still at the internet café. Based on this fact, Halit Yozgat was not absent at the time that Temme was leaving the internet café but rather was lying behind the counter.

*6. Why did FA use a different weapon and a different ammunition for your experiment than the murderers did?*

The sample sound recordings were conducted by internationally-reputable experts, Armament Research Services (ARES)<sup>6</sup>, who have conducted such research around the globe. ARES fired a CZ.83 with the same ammunition as was used to murder Halit Yozgat, and recorded the sound level of the gunshot.

Because a sound suppressor to the CZ.83 was not available to them, they employed a common scientific practice: ARES shot three other handguns of a similar calibre with the same ammunition to test how the sound levels of these handguns compared. Each gun was shot 5 times to account for divergences. All 20 gunshots offered very similar measurements. The results of this research are, of course, publicly available in our report.

From the similar calibre weapons, the Colt.32 was fitted with both dry and wet suppressors. We measured the reduction of sound with the suppressor (the suppressed gunshots were never below 130dB  $L_{Apeak}$ ) and later used the *lowest decibel level* result, for precautionary purposes.

ARES and Forensic Architecture are satisfied that the sound of a CZ.83 with a sound suppressor cannot be lower than the sound we played out in our experiments. The resulting figures agree with a test undertaken in 2012 by the Federal Criminal police and reported by Die Welt (Hat Temme den Schuss in Kassel nicht gehört?)<sup>7</sup>.

<sup>6</sup> <http://armamentresearch.com/services/> accessed 05.09.2017

<sup>7</sup> <https://www.welt.de/politik/deutschland/article158248218/Hat-Temme-den-Schuss-in-Kassel-nicht-gehoert.html> accessed 05.09.2017

*7. CDU calls it suggestive that the actor in the role of Halit Yozgat in your experiment wears a red shirt. Is it suggestive?*

The dress code of the actors participating in the experiment was used to differentiate the role played by each. The aim of the experiment was to establish a possible line of sight and there was a clear line of sight between Temme and Halit Yozgat's body, as detailed in our report. In fact, this result was originally derived from a monochrome digital model, without any colour differentiation between the body of Halit Yozgat and the environment around him. This is clearly visible in Figure 15 (p. 30) of our report.

We reject the suggestion that Andreas Temme, standing approximately 1.9m tall with good vision, failed to see, in a well-lit room, the dead body of Halit Yozgat behind a desk that stands only 73cm tall due to the colour of the victim's shirt.

*8. CDU calls it suggestive that noises were reproduced in a different surrounding, without carpets or curtains and without outer traffic noises. Is it suggestive?*

Our investigation closely considered the materiality of elements within the crime scene. The real-scale model of the internet cafe was fitted with a carpet. Furthermore, contrary to this claim, there were no curtains installed at the original crime scene.

All materials used in the construction of the real-scale model were specified and certified by acoustic experts Anderson Acoustics<sup>8</sup> — leading specialists in their field with whom we conducted this experiment — in order to simulate the acoustic performance of the materials in the crime scene. The results of this experiment were further corroborated by a series of digital simulations. Both techniques produced the same results. This is described in the sound analysis section of the written report of our investigation, as well as in the report produced by Anderson Acoustics included in Appendix B.

For the purposes of clarification: The weapons testing provided the sound level of the suppressed gunshot in open field conditions (no less than 130 dB  $L_{Apeak}$ ). The physical and digital simulations then determined how sound propagates through space and how it is attenuated through the material surfaces of the internet cafe. Based on these calculations, we determined the sound level at Temme's position at PC-2 (94-99 dB  $L_{Amax}$ ). These figures were then compared to the ambient sound levels expected in such an environment (no more than 55 dB  $L_{Aeq,T}$ ). Together with our acoustic specialists we determined that the gunshot would be audible from Temme's position.

*9. CDU accuses you of not having worked methodologically correctly. They state that they were plenty errors in your work. What do you answer?*

We hope our answers to the questions above confirm that our research methodology is both valid and sound; that none of the questions you have raised above indicate an error on our part; and that it is instead the methodology of the critique that needs to be questioned.

Finally, we would like to note that none of the points you have extracted from the CDU report invalidate our conclusion that Temme must have witnessed the killing of Halit Yozgat.

#### **4. Concluding remarks**

During the course of our investigation and in the making of our report, we consulted with several experts — all of whom are identified and all of whom are highly regarded in their fields. We have no

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<sup>8</sup> <http://www.andersonacoustics.co.uk/about-us/> accessed 05.09.2017



comparable knowledge of the competence of the author(s) of the unsigned report presented by Mr. Bellino.

This report *is unsigned* – something which runs contrary to the most basic scientific or forensic practices and methodologies. This fact alone raises substantial questions about the report's provenance and — in light of the many oversights within the issues you extracted from it — the competence of its authors to critically appraise our work.

Any document that goes unsigned cannot be considered a legitimate object for peer review and is absolutely without value as evidence.

As academic researchers, we welcome both new data to work with as well as constructive peer review based upon a thorough understanding of the way in which our work proceeds.

As civil society researchers, we hope for the combined effort of all parties involved to understand the particulars of the murder and the presence of a Verfassungsschutz agent in the internet café. We do not consider the report circulated by the CDU's representative Mr. Bellino to be such critical engagement. This mischaracterisation might indicate that the primary motive behind the production of the report was not a desire to understand the truth of the murder of Halit Yozgat.

**We call upon Mr. Bellino and the rest of the CDU faction to reveal the author of this document and allow us to debate its findings in an open session of the Hessian Parliamentary Commission of Enquiry.**

We cannot hide our disappointment that a long-standing political party such as the CDU would allow one of its senior members to spread tendentious, unfounded and intentionally misleading statements.

The resulting obfuscation of academic work prevents collective examination of a case of enormous national importance, which it is in our combined interest to thoroughly investigate.

German and European civil society deserve better from their elected representatives.

Sincerely,

  


Prof. Dr. Eyal Weizman, Principal Investigator  
Christina Varvia, RIBA II, Researcher in charge