



**STATE CORONER'S COURT  
OF NEW SOUTH WALES**

<b>Inquest:</b>	Inquest into the disappearance and suspected death of Suat Yildirimtekin
<b>Hearing dates:</b>	22 December 2016
<b>Date of findings:</b>	22 December 2016
<b>Place of findings:</b>	NSW State Coroner's Court, Glebe
<b>Findings of:</b>	Magistrate Derek Lee, Deputy State Coroner
<b>Catchwords:</b>	CORONIAL LAW – missing person, cause and manner of death, unsolved homicide
<b>File numbers:</b>	2012/232497
<b>Representation:</b>	Sergeant S Ferguson, Coronial Advocate
<b>Findings:</b>	I find, on the balance of probabilities, that Suat Yildirimtekin is now deceased. He died sometime after 8 October 1998. However the available evidence does not allow me to make any finding as to where he died, or the cause and manner of his death.
<b>Recommendations:</b>	I recommend that the death of Suat Yildirimtekin be referred to the Unsolved Homicide Unit of the NSW Police Homicide Squad for further investigation in accordance with the protocols and procedures of the Unit.

## Table of Contents

Introduction.....	1
Why was an inquest held? .....	1
Mr Yildirimtekin's life.....	1
What is known about Mr Yildirimtekin's criminal history? .....	2
What is known about the events of 8 October 1998? .....	3
What inquiries did the police make?.....	3
(a) Potential connection with arson attacks within the tow truck industry .....	4
(b) Potential connection with the murder of Albert Brikha.....	5
(c) Possible connection with the supply of illicit drugs .....	5
Is Mr Yildirimtekin still alive? If not, what was the cause and manner of his death? .....	6
Findings.....	7
Identity .....	7
Date of death .....	7
Place of death.....	7
Cause of death .....	8
Manner of death.....	8
Epilogue.....	8

## **Introduction**

1. Suat Yildirimtekin was last seen alive on 8 October 1998. His family reported him as missing to police nine days later on 17 October 1998. In the nearly 20 years since Yildirimtekin's disappearance there has been an extensive police investigation and numerous enquiries made to uncover information about what happened to Mr Yildirimtekin. Sadly, the investigation and enquiries have been uncovered little evidence about what happened to Mr Yildirimtekin following his disappearance.

## **Why was an inquest held?**

2. On 25 July 2012 the NSW Police submitted a report to the Coroner's Court in relation to Mr Yildirimtekin. That report was made because the police believed that Mr Yildirimtekin was deceased. When the case of a missing person, who is suspected to have died, is reported to a coroner, the coroner must decide from the available evidence whether that person has in fact died. In such cases there will often be very little information, despite extensive enquiries, about what happened to the person after they were last seen alive.
3. If the coroner forms the view that a missing person has died then the coroner has an obligation to make findings in order to answer questions about the identity of the person who died, when and where they died, and what the cause and the manner of their death was. The manner of a person's death means the circumstances in which that person died. If the coroner is unable to answer these questions then an inquest must be held.<sup>1</sup>
4. In Mr Yildirimtekin's case, although a large amount of information was collected by the police concerning the circumstances of his disappearance, none of the information was able to shed any light on exactly what happened to Mr Yildirimtekin. For this reason, an inquest was required to be held.

## **Mr Yildirimtekin's life**

5. Before going on to consider the circumstances surrounding Mr Yildirimtekin's disappearance and what the police investigation revealed about it, it is appropriate at this stage to recognise Mr Yildirimtekin's life and briefly mention a few things about it.
6. Mr Yildirimtekin was born in Kislá, a village in the Corum Province of Turkey. His family, consisting of his parents and three older siblings, moved to Australia in 1970. The family originally arrived in Melbourne before moving to Sydney after a short time and settling in the Lidcombe area.
7. Mr Yildirimtekin's father worked in the automotive smash repair industry. After leaving school early, Mr Yildirimtekin followed in his father's footsteps and later set up a smash repair business of his own in Regents Park in 1989. This business expanded to include a tow truck business in Peakhurst in the early 1990s.

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<sup>1</sup> *Coroners Act 2009*, section 27.

8. Mr Yildirimtekin met his wife, Zekine, and they married in Turkey in 1989 or 1990. The couple had a son, Eren, together but the marriage later ended in divorce several years later.
9. Mr Yildirimtekin was particularly close to his mother and older sister. Despite their support Mr Yildirimtekin unfortunately became involved in criminal activity at a young age which resulted in several appearances before the Children's Court. Regrettably, this type of activity would also later shape much of Mr Yildirimtekin's adult life, leading to more serious criminal activity and associations with persons who potentially sought to do harm to Mr Yildirimtekin.
10. Although Mr Yildirimtekin had a particular reputation amongst his business associates, his family saw a different side to him. Although Mr Yildirimtekin did spend some time in custody as a result of his criminal offending, his sister, Sureyya Albayir, believes that, at the time of his disappearance, Mr Yildirimtekin was on the path to making positive changes in life and seeking to leave behind his past negative associations and influences.
11. Ms Albayir described Mr Yildirimtekin as her best friend, someone who was caring, unselfish, always ready and willing to help others, and who had an infectious laugh. Mr Yildirimtekin's mother described him as always respectful and that he would always make sure that she was well and taken care of. There is no doubt that Mr Yildirimtekin's greatly miss him and that the effect of his loss has been made worse by the uncertainty surrounding what happened to him.

#### **What is known about Mr Yildirimtekin's criminal history?**

12. According to police records, Mr Yildirimtekin was involved in a wide range of criminal activity as an adult dating from 1992. His criminal history shows that he appeared before the courts for offences of dishonesty, stealing, fraud, assault, public disorder and drink driving. In the year before his disappearance Mr Yildirimtekin served a gaol sentence between 20 April 1997 and 13 July 1997. Mr Yildirimtekin also had a scheduled court appearance at Fairfield Local Court on 21 October 1998, only 13 days after his disappearance.
13. Much of Mr Yildirimtekin's criminal activity centred around the smash repairs and tow truck industry that he was involved in. According to information gathered by the police Mr Yildirimtekin had a reputation for being a standover man within this industry. There are numerous reports of Mr Yildirimtekin being involved in threats made towards other tow truck businesses that were in competition with businesses that he himself operated, or with other businesses that employed him. Some of these threats allegedly involved demands for money for "protection". Mr Yildirimtekin's family were aware that he was involved in extorting money from rival tow truck businesses and they believed that this type of behaviour placed Mr Yildirimtekin in danger.<sup>2</sup>
14. There is also evidence that Mr Yildirimtekin used illicit drugs and that he may have been involved in the supply of them. Much of the information gathered by the police about Mr Yildirimtekin's alleged involvement in drug supply comes from his associates within the tow truck industry.
15. It appears that most of Mr Yildirimtekin's family were aware of his drug use. Mr Yildirimtekin's mother never saw him using any drugs.<sup>3</sup> However she, and other people who knew Mr

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<sup>2</sup> Exhibit 1, page 133.

<sup>3</sup> Exhibit 1, page 127.

Yildirimtekin well, noticed that he lost a dramatic amount of weight in the immediate period before his disappearance. There were rumours that this drastic weight loss was a result of Mr Yildirimtekin's increased drug use. Many of Mr Yildirimtekin's associates describe him as behaving erratically and in an uncontrollable manner during this period of time. Mr Yildirimtekin's older brother, Nebi, was aware that Mr Yildirimtekin used a number of different drugs (amphetamines, cocaine) but did not know whether Mr Yildirimtekin was involved in supplying illicit drugs.<sup>4</sup>

### **What is known about the events of 8 October 1998?**

16. Mr Yildirimtekin's mother last saw him at about 2:30pm on 8 October 1998 at a café in Parramatta. Mr Yildirimtekin told her that he had plans to go out for dinner with a female companion and that that person was waiting in his car.<sup>5</sup> Mr Yildirimtekin's precise movements after leaving the café are unknown but he later went to Auto Management Services, a smash repairs business in Rydalmere, sometime between about 5:30pm and 7:00pm.
17. Whilst there, Mr Yildirimtekin spoke to Joe Rizk, the business proprietor (and a former business associate of Mr Yildirimtekin), and made a demand that Mr Rizk pay him \$1,500 which was to be collected the next day. Mr Rizk believes that Mr Yildirimtekin was accompanied by an unidentified female person who was waiting for Mr Yildirimtekin in his car.
18. After making the demand for money Mr Yildirimtekin left Mr Rizk. Apart from the unidentified female person who was reportedly with Mr Yildirimtekin on this day, Mr Rizk was the last person to see Mr Yildirimtekin alive. What Mr Yildirimtekin did after leaving Mr Rizk, and what happened to him, is unknown.

### **What inquiries did the police make?**

19. On 17 October 1998 Mr Yildirimtekin's sister went to Auburn police station and reported her brother as missing. Constable Semra Buyruk (as she then was) initially handled the investigation into Mr Yildirimtekin's disappearance. Constable Buyruk knew Mr Yildirimtekin's mother because Constable Buyruk's family and Mr Yildirimtekin's family lived in the same area, close to one another. As a result of her own personal knowledge of Mr Yildirimtekin's family, Constable Buyruk believed that Mr Yildirimtekin was involved in the supply of illicit drugs on a low-level street basis, and also involved in extortion activity within the tow truck industry.
20. As the police investigation developed it was strongly suspected that, due to his past history of criminal activity, Mr Yildirimtekin's disappearance may be connected to organised crime syndicates operating within the tow truck industry. As a result, the responsibility for the investigation into Mr Yildirimtekin's disappearance was transferred to a number of more senior police officers. A strike force was formed to investigate Mr Yildirimtekin's disappearance and a number of incidents surrounding it.
21. Part of the police investigation focused on the unidentified female person who (according to Mr Yildirimtekin's mother and Mr Rizk) was with Mr Yildirimtekin on the day that he was last seen alive. The police spoke to a number of female persons who either knew Mr Yildirimtekin, or who were identified as being associated with him. The names of many of these people were recorded

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<sup>4</sup> Exhibit 1, page 133.

<sup>5</sup> Exhibit 1, page 160.

in a notebook which Mr Yildirimtekin kept and which was subsequently given to police by Mr Yildirimtekin's mother. However, none of these inquiries was able to produce any information as to the identity of the unknown female person. Part of the difficulty encountered by the police in the attempted identification process was due to conflicting information regarding the unknown female person's appearance; in some reports she was described as having blonde hair, whilst in other reports she was described as being of Asian appearance.<sup>6</sup>

22. The police investigation also focused on the car that Mr Yildirimtekin had been driving on the day of his disappearance, a Toyota Starlet. Although the car was later sold, the police recovered the car and arranged for it to be forensically examined. The examination, however, failed to uncover any evidence indicating what had happened to Mr Yildirimtekin.
23. During the course of the investigation the police received numerous intelligence reports from a variety of sources in relation to what might have happened to Mr Yildirimtekin. Many of the reports related to claims that Mr Yildirimtekin had acquired a number of enemies because of his extortion activities within the tow truck industry, and that he had been killed in retribution for this activity, and his body disposed of. Some of the reports suggested that Mr Yildirimtekin's disappearance was connected with persons involved in the supply of illicit drugs. Other reports claimed Mr Yildirimtekin's disappearance was connected to other types of organised criminal activity.
24. Many of the above reports were uncorroborated and unsupported by other available evidence, amounting to little more than rumour and innuendo. However, as the police investigation unfolded, three possible theories to explain Mr Yildirimtekin's disappearance and suspected death gradually emerged. I shall discuss each below.

***(a) Potential connection with arson attacks within the tow truck industry***

25. Mr Yildirimtekin started a tow truck business, Central West Towing, in the Auburn area sometime around 1994. At the time Mr Rizk was in business with Mr Yildirimtekin, but Mr Rizk later left to set up his own towing business. This resulted in competition and rivalry between the two businesses in the 1990s, leading to tension and antagonism between the two men.
26. On February 1997 two tow trucks belonging to another towing business, Gladesville Towing, were set alight at Eastwood. The subsequent police investigation identified Mr Yildirimtekin as a possible suspect in relation to the arson attacks. It was thought that Mr Yildirimtekin may have been acting on behalf of his then employer and that the arson attacks were committed as a means to eliminate the competition from rival towing businesses, or at least send a warning to them.
27. A coronial inquiry into the arson attacks was held on 18 January 1999. A number of people within the tow truck industry in the Ryde area were called to give evidence. Most of these people were familiar with Mr Yildirimtekin and gave evidence about his extortion activity and standover methods within the towing industry. Mr Yildirimtekin himself was due to give evidence at the inquiry but did not attend, resulting in warrants being issued for his arrest. Information gathered by the police suggested that Mr Yildirimtekin may have been killed in order to prevent him from giving evidence at the inquiry and implicating persons who were

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<sup>6</sup> Exhibit 1, page 206.

responsible for the arson attacks.<sup>7</sup> However the police investigation did not reveal any reliable evidence positively connecting Mr Yildirimtekin's disappearance with the circumstances surrounding the arson attacks.

***(b) Potential connection with the murder of Albert Brikha***

28. On 4 July 1997 Albert Brikha, a tow truck business operator, was shot in the arm and injured. The police investigation revealed that a rival tow truck operator may have been responsible for the shooting. Later, on 20 February 1998, a second shooting incident occurred in which Mr Brikha was fatally injured.
29. A police strike force was formed to investigate the two shootings. During the investigation, information was given to the police from various sources that Mr Yildirimtekin's later disappearance was connected with Mr Brikha's murder. It was rumoured that, following the first shooting, Mr Yildirimtekin had been involved in offering Mr Brikha a bribe so that Mr Brikha would not give evidence against those responsible for ordering the shooting. The rumours suggested that Mr Yildirimtekin was himself subsequently killed in order to prevent him from providing information to police implicating those responsible for the shootings. It was also rumoured that, prior to his disappearance, Mr Yildirimtekin had attempted to extort money from those responsible for the shootings in exchange for not providing information to the police. Although the person who actually shot Mr Brikha was later arrested, tried and convicted, the person or persons suspected to be responsible for ordering the shooting have never been convicted.
30. Although these rumours were circulated within the tow truck industry, the police investigation did not uncover any evidence to suggest that Mr Yildirimtekin had attempted to blackmail those persons responsible for the shootings. The police investigation also found no evidence that Mr Yildirimtekin had information which may have assisted a prosecution case against those responsible for the shootings.<sup>8</sup>

***(c) Possible connection with the supply of illicit drugs***

31. As mentioned above, Mr Yildirimtekin was known to use illicit drugs, and information gathered from a number of sources suggests that he may have also become involved in the supply of illicit drugs shortly before his disappearance. Again, a number of rumours were circulated about the extent of Mr Yildirimtekin's involvement and about how it may have been connected to his disappearance.
32. Information provided to the police suggested that Mr Yildirimtekin was involved in uncontrolled drug distribution<sup>9</sup> and that he was in debt to the amount of \$7,000 to an Asian drug syndicate<sup>10</sup>, resulting in Mr Yildirimtekin travelling to Queensland in order to avoid possible retribution. Again, the information about these possible scenarios amounted to little more than rumours, with no reliable evidence to support them.

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<sup>7</sup> Exhibit 1, page 76.

<sup>8</sup> Exhibit 1, page 39.

<sup>9</sup> Exhibit 1, page 28.

<sup>10</sup> Exhibit 1, page 36.

33. There is evidence that Mr Yildirimtekin's mother told the police that she used to receive calls from persons claiming that Mr Yildirimtekin owed them money.<sup>11</sup> Mr Yildirimtekin's brother, Nebi, also told police that Mr Yildirimtekin would often ask him for loans. However, although this evidence suggests that Mr Yildirimtekin was in financial difficulty, the evidence from Mr Yildirimtekin's mother is that this difficulty pre-dated the period when Mr Yildirimtekin was allegedly involved in drug supply. Further, there is no direct evidence to establish that Mr Yildirimtekin's financial difficulty was the result of debts he had accrued with any organised drug syndicate. The police investigation did not discover any firm evidence that Mr Yildirimtekin was involved in drug supply or that his disappearance was linked to any organised drug syndicate.

**Is Mr Yildirimtekin still alive? If not, what was the cause and manner of his death?**

34. Since 8 October 1998 the police have not been able to discover any information to suggest that Mr Yildirimtekin is still alive. Signs of life checks were conducted in 2011 and 2012<sup>12</sup> which revealed that:
- (a) There were no entries for Mr Yildirimtekin on any Australian police database;
  - (b) There was no record of any activity by Mr Yildirimtekin on databases held by Centrelink and Medicare;
  - (c) Mr Yildirimtekin has not conducted any transactions with any of the major banks and financial institutions;
  - (d) Mr Yildirimtekin's mobile phone call charge records show no indication that he is still alive;
  - (e) Mr Yildirimtekin was not recorded on either the NSW or Federal Electoral Commission roll;
  - (f) No unidentified remains or bodies had been matched to Mr Yildirimtekin, including via forensic testing using a DNA sample taken from Mr Yildirimtekin's mother;
  - (g) The Department of Immigration held no record that Mr Yildirimtekin (using his own name or any alias) had ever departed Australia;
  - (h) As a result of information provided by Interpol there was no evidence that Mr Yildirimtekin was alive in Turkey and that he was also listed as a missing person there.
35. In determining whether Mr Yildirimtekin is still alive or now deceased, I have taken into account a number of factors. Firstly, none of the above searches have produced any evidence that Mr Yildirimtekin is still alive. Secondly the evidence establishes that it was extremely unusual for Mr Yildirimtekin to not remain in contact with his family, especially his mother and sister, after 8 October 1998. Prior to his disappearance, Mr Yildirimtekin regularly stayed in contact with his family; he would call his mother up to six times a day.<sup>13</sup> Thirdly, the police investigation revealed that Mr Yildirimtekin had placed himself at risk of harm from enemies that he had acquired as a

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<sup>11</sup> Exhibit 1, page 126.

<sup>12</sup> Exhibit 1, page 243ff.

<sup>13</sup> Exhibit 1, page 125.



result of his alleged unlawful activities within the tow truck industry. Having regard to all of this evidence, and in the context that it has now been 18 years since Mr Yildirimtekin's disappearance, I conclude, that it is more probable than not, that Mr Yildirimtekin is now deceased.

36. Regrettably, the available evidence does not allow me to make any finding, even on the balance of probabilities, as to precisely when Mr Yildirimtekin died, or what the cause and manner of his death was. Given Mr Yildirimtekin's drug use there is the possibility that his death may have been the result of misadventure from excessive drug use. However, in such a scenario, one might expect Mr Yildirimtekin to have been discovered at some stage or for there to be at least some evidence as to his whereabouts.
37. The nature of Mr Yildirimtekin's alleged extortion and standover activity gives rise to the possibility that his death may have been the result of a criminal act. However, the large amount of information that has been given to the police about a number of different scenarios in this regard amounts to little more than hearsay and rumour. There is insufficient evidence to determine which of the three possible theories summarised above, or even whether any of them, resulted in Mr Yildirimtekin's death.

#### **Should any recommendations be made?**

38. Although the available evidence does not allow me to make a finding as to the manner of Mr Yildirimtekin's death the police investigation raises the strong suspicion that it was the result of homicide. Further, there is also a considerable amount of evidence that if it was a homicide that it was connected with criminal elements within the tow truck industry, or with organised drug syndicates. If Mr Yildirimtekin did die in this manner then there is obviously public interest in having those responsible for his death brought to justice.
39. I therefore recommend that the death of Suat Yildirimtekin be referred to the Unsolved Homicide Unit of the NSW Police Homicide Squad for further investigation in accordance with the protocols and procedures of the Unit.

#### **Findings**

40. Before turning to the findings that I am required to make, I would like to thank Sergeant Samantha Ferguson, Coronial Advocate, and Detective Sergeant Peter Skiadopoulos, the officer-in-charge of the police investigation, for their assistance with this inquest.
41. The findings I make under section 81(1) of the Act are:

##### ***Identity***

The person who died was Suat Yildirimtekin.

##### ***Date of death***

Mr Yildirimtekin died sometime after 8 October 1998.

##### ***Place of death***

The available finding does not allow me to make a finding as to where Mr Yildirimtekin died.

***Cause of death***

The available evidence does not allow me to make a finding as to the cause of Mr Yildirimtekin's death.

***Manner of death***

The available evidence does not allow me to make any findings as to the manner of Mr Yildirimtekin's death.

**Epilogue**

42. On behalf of the coronial team I would like to offer my sincere and respectful condolences to Mr Yildirimtekin's family. His mysterious disappearance, and the uncertainty associated with it, has no doubt caused a great deal of sorrow and anguish to them. That anguish was clearly evident during the inquest when Mr Yildirimtekin's sister and mother both spoke some heartfelt and moving words about their brother and son. My hope is that sometime in the future some reliable evidence can be uncovered, to take away this uncertainty about Mr Yildirimtekin's fate, and provide more information about what happened to him.
43. I close this inquest.

Magistrate Derek Lee  
Deputy State Coroner  
22 December 2016  
NSW State Coroner's Court, Glebe