

Additional redactions applied pursuant to F631.

1 Tuesday, 27 June 2023

2 [Open session]

3 [The accused appeared via videolink]

4 --- Upon commencing at 9.29 a.m.

5 PRESIDING JUDGE VELDT-FOGLIA: Good morning, and welcome.

6 Court Officer, can you please call the case.

7 THE COURT OFFICER: Good morning, Your Honours. This is case

8 KSC-BC-2020-04, The Specialist Prosecutor versus Pjeter Shala.

9 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

10 Let us see. Who is present today in court?

11 SPO, please, you have the floor.

12 MS. PERGOLO: Good morning, Your Honours. For the SPO today,
13 Line Pedersen, case manager; Filippo De Minicis, Prosecutor; and me,
14 Gaia Pergolo, Associate Prosecutor.

15 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

16 Victims' Counsel, you have the floor.

17 MR. LAWS: Good morning, Your Honours. I am Simon Laws, counsel
18 for the victims in this case, together with my co-counsel,
19 Maria Radziejowska.

20 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

21 Defence Counsel, you have the floor.

22 MR. GILISSEN: Thank you very much. Good morning. Good
23 morning, Your Honours. So that's almost the same team than
24 yesterday. Mr. Aouini and Ms. Cariolou, co-counsel;
25 Ms. Dzeneta Petravica, case manager; two evidence reviewers,

Additional redactions applied pursuant to F631.

1 Juliette Healy and Judit Kolbe; a new one, an intern, Alana
2 Gonçalves; and of course, Mr. Shala; and myself, Mr. Gilissen. Thank
3 you.

4 PRESIDING JUDGE VELDT-FOGLIA: Very well. Good morning,
5 Mr. Shala, can you confirm that you can hear me well?

6 THE ACCUSED: [via videolink][Interpretation] Good morning. I
7 hear you very well.

8 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

9 Before we start with the witness testimony, we will issue two
10 oral orders.

11 The first one pertains to the Defence's request to postpone the
12 closing of the SPO case, which is scheduled to take place 6
13 July 2003.

14 More specifically, during yesterday's hearing, and I refer to
15 the transcript of the hearing of 26 June 2023, page 12, line 24 to
16 page 14, line 10, the Defence made a request to the Panel to postpone
17 the closing of the SPO case until the Panel renders a decision on the
18 Defence upcoming request for leave to appeal the decision on the
19 Specialist Prosecutor's Office to admit the evidence of Witness 2,
20 Witness 4, under Rule 153 of the rules - this is filing 556 - and,
21 eventually, until the determination of the Court of Appeals Panel on
22 the matter.

23 Having heard the parties' submissions -- I have seen your hand.
24 Please, not now, Mr. Shala.

25 Having heard the parties' submissions --

Additional redactions applied pursuant to F631.

1 JUDGE BITTI: He doesn't hear.

2 THE ACCUSED: [via videolink][Interpretation] I didn't receive
3 the interpretation, Your Honour.

4 PRESIDING JUDGE VELDT-FOGLIA: We will check that, Mr. Shala.

5 [Trial Panel and Court Officer confer]

6 PRESIDING JUDGE VELDT-FOGLIA: Mr. Shala, can you hear me now?

7 THE ACCUSED: [via videolink][Interpretation] Yes, I can hear you
8 now.

9 PRESIDING JUDGE VELDT-FOGLIA: What I will do, Mr. Shala, I will
10 start again with the issuance of the oral order from the start, in
11 order to provide you with the complete translation. Yes?

12 THE ACCUSED: [via videolink][Interpretation] Thank you very much
13 for that.

14 PRESIDING JUDGE VELDT-FOGLIA: The first oral order pertains to
15 the Defence's request to postpone the closing of the SPO case, which
16 is scheduled to take place on 6 July 2023.

17 More specifically, during yesterday's hearing, the transcript of
18 the hearing of 26 June 2023, page 12, line 24, to page 14, line 10,
19 the Defence made a request to the Panel to postpone the closing of
20 the SPO case until the present Panel renders a decision on the
21 Defence's upcoming request for leave to appeal the decision on the
22 Specialist Prosecutor's request to admit the evidence of Witness 2
23 and 4 under Rule 153 of the Rules - and this is filing 556 - and,
24 eventually, until the determination of the Court of Appeals Panel on
25 the matter.

Additional redactions applied pursuant to F631.

1 Having heard the parties' submissions, the Panel sees no reason
2 to delay the closing of the SPO case and finds that this would not be
3 in the interests of the efficient conduct of the proceedings. This
4 is without prejudice to the Panel's determination on the upcoming
5 request for leave to appeal, and should that be granted, and should
6 the Court of Appeals Panel reverse the decision, we will decide then
7 how to proceed.

8 Thus, the Defence request is rejected.

9 And this concludes the Panel's first order.

10 We will now proceed to render a second oral order.

11 During yesterday's hearing, this is transcript of the hearing of
12 26 June 2023, page 3, line 24, to page 7, line 16, and page 27, lines
13 11 to 20, the Defence made a request to the Panel to postpone the
14 cross-examination of Witness 4826, initially for 40 hours and
15 ultimately for one week, in order to have adequate time to consult
16 with their expert and prepare for the questioning of the witness.

17 During the same hearing, the SPO raised its objections to the
18 Defence request. This is transcript of the hearing of 26 June 2023,
19 page 28, lines 2 to 10.

20 Having taken note of the parties's submissions and taking into
21 consideration the unavailability of the courtroom on Thursday and
22 Friday, the Panel decides to postpone the cross-examination of
23 Witness 4826 until next week. We have received confirmation that --
24 we have interpreters for 3 July, so that means that we can then
25 proceed with the cross-examination on Monday.

Additional redactions applied pursuant to F631.

1 Furthermore, with a view to ensuring the efficient and
2 expeditious conduct of the proceedings, the Panel urges the Defence
3 to make sure that it will be in a position to consult its experts
4 when necessary throughout the hearings of next week in view of the
5 upcoming testimony of two expert witnesses.

6 And this concludes the Panel's second oral order.

7 And that means we can now proceed with the testimony of
8 Mr. Gasior.

9 Defence Counsel, you have the floor.

10 MR. AOUINI: Thank you. And sorry, Your Honour. Good morning
11 to everyone.

12 Just a bit of information from yesterday about the consulting of
13 our expert. We were able to, as my colleague Ms. Cariolou said, we
14 ascertained that our expert, one of the two experts we are
15 soliciting, are not available yesterday and today. However, we could
16 arrange for a coordinator of the institute this morning, and we are
17 in the process of securing and preparing a secure transmission of
18 questions and portions of information we want advice on. And we
19 should be able to transmit this securely today, and we hope that our
20 expert will be able to provide us with the necessary consultation by
21 the end of the week.

22 So we are hopeful that we will be effectively in a position to
23 cross-examine on Monday. This is a bit of information we wanted to
24 convey this morning.

25 Thank you, Your Honour.

Witness: Marek Gasior (Resumed) (Open Session)

Page 2107

Examination by Ms. Pergolo (Continued)

Additional redactions applied pursuant to F631.

1 THE WITNESS: [Interpretation] Yes, I can hear you fine.

2 PRESIDING JUDGE VELDT-FOGLIA: And how are you today?

3 THE WITNESS: [Interpretation] Very well. Thank you,
4 Your Honour. I am not as stressed as yesterday, I have to admit.

5 PRESIDING JUDGE VELDT-FOGLIA: Good to hear.

6 Mr. Shala, can you hear the witness fine?

7 THE ACCUSED: [via videolink][Interpretation] Yes, I hear him
8 very well.

9 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

10 Then today we will continue with the examination by the
11 Specialist Prosecutor's Office.

12 Mr. Gasior, I remind you that you are still under oath. I will
13 give now the floor to Madam Prosecutor.

14 Please.

15 WITNESS: MAREK GASIOR [Resumed]

16 [Witness answered through interpreter]

17 Examination by Ms. Pergolo: [Continued]

18 Q. Good morning, Dr. Gasior.

19 A. Good morning.

20 Q. We will start back from where we left yesterday, and we were
21 taking, in particular, the trajectory of the three shots based on the
22 injuries you found on the body.

23 I would like to show you the trajectory that you assessed in one
24 of the pictures included in the report.

25 MS. PERGOLO: And with Your Honours' permission, I would like to

Witness: Marek Gasior (Resumed) (Open Session)

Page 2108

Examination by Ms. Pergolo (Continued)

Additional redactions applied pursuant to F631.

1 call on the screen the report and the particular page. I'm happy to
2 provide the ERN number.

3 PRESIDING JUDGE VELDT-FOGLIA: Please proceed, Madam Court
4 Officer.

5 MS. PERGOLO: It's 031049 to 031095 RED2. And the page with ERN
6 number ending in -66. If we can zoom in on picture 36, please.

7 Q. Dr. Gasior, can you see picture 36 in front of you?

8 A. Yes, I can see the photo number 36 in front of me.

9 Q. Thank you. First of all, can you explain from which perspective
10 we're looking at the bones here, at the body, if you would like.

11 A. So in photo 36, the aspect of the view, this is lateral of the
12 right knee joint.

13 Q. Would you be able to point on the skeletal model, let's say,
14 from which direction is the viewer of this picture positioned, just
15 for clarity?

16 A. So this is the lower femur, patella, the tibia, and fibula.

17 PRESIDING JUDGE VELDT-FOGLIA: For the record, I state that the
18 witness has indicated the four different bones just mentioned in the
19 transcript.

20 MS. PERGOLO: Thank you.

21 Q. I will now make reference ...

22 PRESIDING JUDGE VELDT-FOGLIA: I did not hear the English
23 translation.

24 MS. PERGOLO: Me neither, Your Honours.

25 PRESIDING JUDGE VELDT-FOGLIA: I think we heard the Polish.

Witness: Marek Gasior (Resumed) (Open Session)

Page 2109

Examination by Ms. Pergolo (Continued)

Additional redactions applied pursuant to F631.

1 Can we repeat the question --

2 MS. PERGOLO: Yes.

3 PRESIDING JUDGE VELDT-FOGLIA: -- and then we will receive the
4 translation.

5 MS. PERGOLO: I have the answer of the witness at line 15, page
6 8:

7 "So this is the lower femur, patella, the tibia and fibula."

8 I don't know, Dr. Gasior, did you add anything else to this
9 sentence that we perhaps didn't catch in the -- because it was not
10 translated?

11 A. So in the photos, we can see the distal femur and the patella,
12 and also proximal tibia and proximal fibula. So these are four bones
13 that together create the knee joint.

14 PRESIDING JUDGE VELDT-FOGLIA: The transcript is not working.
15 Because now we just heard what the witness said, but it's not in the
16 transcript.

17 Mr. Witness, we have a problem with the transcript that what you
18 are saying is not being transcribed in the transcript, so we are
19 trying to resolve it.

20 [Trial Panel and Court Officer confer]

21 PRESIDING JUDGE VELDT-FOGLIA: Very well. We had a little
22 moment of freeze of the transcript, but I think we can proceed.

23 Madam Prosecutor, you have the floor.

24 MS. PERGOLO: Thank you.

25 Q. Dr. Gasior, going back to picture 36, which shot of the three

Witness: Marek Gasior (Resumed) (Open Session)

Page 2110

Examination by Ms. Pergolo (Continued)

Additional redactions applied pursuant to F631.

1 represented in your report is represented by the arrow with the red
2 colour? Can you see that in the picture?

3 A. This is the gunshot that we discussed yesterday that is located
4 in the lower part of the right femur. Entry is at the front and in
5 this condylar fossa we have the exit at the back.

6 Q. Thank you. And, again, making reference to picture 36, which
7 shot is represented by the light blue arrow?

8 A. This is a gunshot whose trajectory is from down to up and from
9 medial to lateral, so it goes down from -- from -- it goes in the
10 upper direction.

11 MS. PERGOLO: If we take -- can we perhaps go to the report at
12 page 031051, just to confirm what the expert just said.

13 PRESIDING JUDGE VELDT-FOGLIA: Please proceed.

14 MS. PERGOLO:

15 Q. Dr. Gasior, if we look at the three bullet points under the
16 heading of "Injuries consistent with three shots from front to back,"
17 would you be able to tell us which one is the shot, which bullet
18 point, let's say, is the one shot that you just described now?

19 A. Well, it refers to the second bullet point, because here, it
20 says "from down to upward," I'm quoting, and "from front to back."
21 More or less.

22 Q. Thank you. And then if we move to the third bullet point at
23 this page, I see again repeating:

24 "the third shot from front to back and down to upward and
25 slightly from medial side to lateral."

Witness: Marek Gasior (Resumed) (Open Session)

Page 2111

Examination by Ms. Pergolo (Continued)

Additional redactions applied pursuant to F631.

1 MS. PERGOLO: Can we now please go back to the picture we were
2 looking at before. Again, this is at 031066, picture 36.

3 Q. Dr. Gasior, do I then understand that the third shot as in
4 the -- described in the report, the one we just read, is represented
5 by the green arrow in this picture?

6 A. The third shotgun -- or gunshot is indeed marked with the green
7 arrow.

8 Q. Thank you. And just a clarification of perhaps medical terms.
9 What does medial side mean? Can you clarify that for us?

10 A. So the medial side, it means in the direction of the midline of
11 the body. Anatomically, all the injuries, as I said, are described
12 when the body is in the anatomical position, so erect, legs on the
13 floor, then arms along the trunk, and the hands facing the front.

14 In the middle we have something that is called the midline, and
15 this is with relation to this line that location of all of the
16 injuries are defined. In this case, this part of the bone is the
17 medial one. And this part is the lateral one.

18 Q. Would I then be correct in saying, based on what you just
19 explained to us, that a shot from medial side to lateral would mean
20 from the middle part of the body - so let's say the internal part of
21 the body - towards the external part of the body? Would that be
22 correct?

23 A. Yes. This could be defined in such a way, indeed.

24 Q. Thank you, Dr. Gasior.

25 MS. PERGOLO: May I then have on the screen another page of the

Witness: Marek Gasior (Resumed) (Open Session)

Page 2112

Examination by Ms. Pergolo (Continued)

Additional redactions applied pursuant to F631.

1 same report, and this is page with ERN number 031055.

2 PRESIDING JUDGE VELDT-FOGLIA: Please proceed.

3 MS. PERGOLO: Can we perhaps just zoom out a little bit so We
4 can see the full body. Thank you.

5 Q. Dr. Gasior, can you confirm that this image represents the
6 trajectory of the bullets that you just described and you have been
7 discussing with us today and yesterday?

8 A. In the left image, we have the anterior view, so we see the
9 medial fibula to the lateral side. Or the arrow. That's the way the
10 arrow goes.

11 Q. Thank you very much.

12 Now, Dr. Gasior, you earlier today explained, and yesterday as
13 well, that all of the injuries found in the skeleton are described
14 to -- according to the anatomical position of the body; that is to
15 say, upright, as you just described. And the reference from
16 yesterday is also at page 69, lines 10 to 15.

17 So my understanding is that this is a standard way to describe
18 findings in an autopsy report. Is that correct?

19 A. This is the standard that is simply accepted in forensic
20 medicine and when you describe the location of injuries on the body
21 of the deceased. So this is the standard, indeed.

22 Q. Thank you for that. Dr. Gasior, based on your findings in this
23 autopsy report, was it possible for you to conclude in what position
24 the patient, or individual A, was when he was shot?

25 A. The injuries visible on the body, as I said before, are

Witness: Marek Gasior (Resumed) (Open Session)

Page 2113

Examination by Ms. Pergolo (Continued)

Additional redactions applied pursuant to F631.

1 described according to the anatomical position of a human being.

2 Now, when it comes to the actual position when that individual A

3 received the gunshot, then I'm sorry, I cannot tell you.

4 Q. Thank you. Would your findings be compatible with individual A
5 being seated at the time he was shot?

6 A. What I was talking about is the trajectory of the shot and the
7 injuries resulting from the shot. However, what the position of the
8 person was at the moment when this person was shot, this is beyond
9 forensic medicine. And the answer does not only depend on the
10 position of the person but also the direction; that is, where the
11 shot was made from.

12 [Specialist Prosecutor confers]

13 Q. Thank you, Dr. Gasior. I have a final question in relation to
14 this autopsy report. Yesterday we discussed your findings as to the
15 cause of death, and at provisional transcript page 68, lines 4 and 5,
16 you talked about an artery which supplies the whole lower limb. And
17 at the same page, lines 15 to 16, you stated, and I quote:

18 "The gunshot wound with the total destruction of the artery
19 causes bleeding."

20 Now, in your medical opinion, what would happen if such a wound
21 was left untreated?

22 A. The injuries, if they result from the gunshot, if they are not
23 treated quickly and correctly, lead to a death as a result of the
24 bleeding or other complications resulting from the sustained
25 injuries.

Witness: Marek Gasior (Resumed) (Open Session)

Page 2114

Examination by Ms. Pergolo (Continued)

Additional redactions applied pursuant to F631.

1 Q. Thank you, Dr. Gasior. We have now concluded this part on the
2 autopsy report, and I would like now to move to another report.

3 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

4 The document can be taken down, Madam Court Officer.

5 MS. PERGOLO: Yes, please.

6 Your Honour, may I have please have another document which is
7 ERN number SITF00019134.

8 PRESIDING JUDGE VELDT-FOGLIA: What are we going to discuss now?

9 MS. PERGOLO: Yes, we're going to discuss another report and I
10 would like to ask the witness to identify the report. I will follow
11 a similar procedure to what I did with the autopsy, so I will ask the
12 expert to identify and authenticate the report.

13 PRESIDING JUDGE VELDT-FOGLIA: Very well.

14 Please proceed, Madam Court Officer.

15 MS. PERGOLO: And just for completeness, the end part of the ERN
16 is 19147 RED2. And this report should not be broadcasted to the
17 public.

18 And, Your Honours, just a clarification. There is another
19 version of the same report of which we sought inclusion in the list
20 of materials. In fact, there are some small discrepancies between
21 these two versions, so with your permission, I would like to use both
22 today with the expert. But we will start with the current version
23 that we have on the screen, if that is okay.

24 PRESIDING JUDGE VELDT-FOGLIA: Yes, you may. We didn't give an
25 explicit decision on this because it was the same document. But with

Witness: Marek Gasior (Resumed) (Private Session)

Page 2115

Examination by Ms. Pergolo (Continued)

Additional redactions applied pursuant to F631.

1 this addition that there are some discrepancies, we allow for the
2 use, of course.

3 MS. PERGOLO: Thank you.

4 Can the witness please be showed the page ending in 136. I
5 believe it is page 3 of this version.

6 And, Your Honours, can we please briefly move into private
7 session to discuss some protected information.

8 PRESIDING JUDGE VELDT-FOGLIA: Yes.

9 Madam Court Officer, could you bring us into private session,
10 please.

11 [Private session]

12 [Private session text removed]

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: Marek Gasior (Resumed) (Private Session)

Page 2116

Examination by Ms. Pergolo (Continued)

Additional redactions applied pursuant to F631.

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11 [Open session]

12 THE COURT OFFICER: Your Honours, we're now in public session.

13 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

14 Madam Prosecutor, you have the floor.

15 MS. PERGOLO:

16 Q. Dr. Gasior, did you prepare this report?

17 A. This report was, indeed, drawn up by myself after I conducted an
18 examination of the patient, individual B. And the report is numbered
19 *[REDACTED] Pursuant to In-Court Redaction Order F557RED.*

20 Q. Thank you. If we now look at page ending in 138 if possible ...

21 MS. PERGOLO: Could we perhaps scroll down a bit on the page.

22 Further down. Thank you.

23 Q. Do you recognise the signature on the page?

24 A. Yes, I do.

25 Q. Whose signature is that?

Witness: Marek Gasior (Resumed) (Open Session)

Page 2117

Examination by Ms. Pergolo (Continued)

Additional redactions applied pursuant to F631.

1 A. Mine.

2 Q. Thank you. Dr. Gasior, did you personally conduct the
3 examination described in this report?

4 A. This examination was performed on this patient by myself
5 personally.

6 Q. Thank you. How did the examination process unfold? If you
7 could just explain briefly how that worked.

8 A. The patient, or the body, was brought to the Department of
9 Forensic Medicine by -- as can I see in the report, by two police
10 officers who are mentioned here in the report on page 2. The police
11 officers were there on site. However, they were not present when the
12 patient was being examined.

13 Now, when I look at the report, I can see that in attendance
14 there was also the photographer, a forensic photographer who took the
15 pictures. Other people in attendance were two nurses who acted as
16 translators or interpreters. The information received was recorded
17 in the minutes, in the report.

18 Q. Thank you. And exactly I would like to go now to this part, the
19 information that you received.

20 MS. PERGOLO: Can we perhaps go to the -- to page 2 of the
21 report. It's the previous page compared to the one we are currently
22 seeing on the screen. And, again, this would be to ask the witness
23 to confirm that this is the information he received from the
24 individual B who is the subject of this report.

25 PRESIDING JUDGE VELDT-FOGLIA: Yes. Madam Prosecutor, just one

Witness: Marek Gasior (Resumed) (Open Session)

Page 2118

Examination by Ms. Pergolo (Continued)

Additional redactions applied pursuant to F631.

1 question.

2 Mr. Shala, can you confirm -- can you confirm that you are
3 hearing everything fine?

4 THE ACCUSED: [via videolink][Interpretation] Yes, Your Honour.

5 PRESIDING JUDGE VELDT-FOGLIA: Very well. Thank you.

6 MS. PERGOLO: So if we could move to the page ending in ERN 137.
7 Thank you. And a little bit further down.

8 Q. Dr. Gasior, I see that the individual B told you, and I'm
9 reading from the fifth sentence of the section with heading
10 "Information received from the patient":

11 "They maltreated and beat me with wood stick and with metal.
12 They beat me in head and in the body."

13 I will not read the last part as this may be identifying, so I
14 will stop here, but the witness has this in front of him.

15 Do you remember being provided with this information?

16 A. I conclude from the report that the examination took place
17 [REDACTED]

[REDACTED]. I do not recall all reports drawn up by myself.

18 However, with regard to this particular report, I can tell you that
19 the examination took place. However, I don't remember the details.

20 I am afraid I have to look at what is written in the report. The
21 examination was performed [REDACTED].

22 Q. We understand that, Dr. Gasior. Thank you. And, of course, we
23 have the report here, that's why we will be referring to some of
24 these findings, indeed.

25 So I would like to draw your attention to some of these

Witness: Marek Gasior (Resumed) (Open Session)

Page 2119

Examination by Ms. Pergolo (Continued)

Additional redactions applied pursuant to F631.

1 findings, and we can still be on this page, to elaborate on those.

2 So if you, Dr. Gasior, can please look at the bottom of this
3 page. And maybe the Court Officers could help us with moving -- or
4 actually I believe everything is there.

5 All right. So we see here mention of a scar on skin located
6 left parietal, plus/minus longitudinal measuring approximately 1 to
7 1.5 centimetre. I'm not going to read the rest.

8 I would now like to show you a picture to confirm that this
9 picture corresponds to these findings.

10 MS. PERGOLO: And again, here, I would ask that we move to page
11 ending in 139 of the same report.

12 PRESIDING JUDGE VELDT-FOGLIA: Please proceed.

13 And, Mr. Gasior, we appreciate that you make the distinction
14 between what you remember and what's in the report.

15 MS. PERGOLO:

16 Q. Dr. Gasior, if we look at the picture that is in front of you on
17 the screen, do this picture illustrate the injury to this -- the skin
18 located on the left parietal on the border with the forehead that we
19 just mentioned?

20 A. From the description, I gather that this injury does indeed --
21 is reflected in the image that you have just shown me.

22 Q. Thank you. Can you please locate this scar -- or, rather, the
23 position of this scar on the plastic model of the skull that you
24 brought with you.

25 A. It's more or less here. More or less.

Witness: Marek Gasior (Resumed) (Open Session)

Page 2120

Examination by Ms. Pergolo (Continued)

Additional redactions applied pursuant to F631.

1 PRESIDING JUDGE VELDT-FOGLIA: We have the picture in front of
2 us and I think it clarifies enough where he indicated now. I don't
3 think we need an addition.

4 And I am looking at the Defence and I see them nodding that it's
5 okay, and also the Prosecutor. Very well.

6 MS. PERGOLO:

7 Q. What does the fact that this scar is not adhered to the bone of
8 the cranium mean? And I'm referring to the way the findings on this
9 injury are described at page 137.

10 A. Now, from the description, we can conclude that the scar is not
11 stationary, it's moving over the bones. So it's not attached to the
12 bone of the cranium.

13 Q. And what does the fact that the scar is not attached to the bone
14 of the cranium mean?

15 A. The bone was not damaged. Most likely not damaged.

16 Q. Thank you. Dr. Gasior, is this injury to the head compatible
17 with the proposition that individual B was hit in the head?

18 A. The scar is a result of a wound, and the wound can be the result
19 of some kind of trauma. It is compatible with the proposition that
20 this individual, individual B, received a trauma or injury resulting
21 from some object being used.

22 Q. Thank you. I would now like to move to another picture in the
23 report -- or, rather, first I would make reference back to the
24 findings included in this report, and these are at the page ending in
25 138. This will be the first bullet point on top of the page. And

Witness: Marek Gasior (Resumed) (Open Session)

Page 2121

Examination by Ms. Pergolo (Continued)

Additional redactions applied pursuant to F631.

1 there is here an indication of injuries on the skin of the outer left
2 shoulder measuring 2 per 1.5 centimetre.

3 And then I would like to move to another picture and this is at
4 page ending in 140 of the same report.

5 Dr. Gasior, do the pictures that you have in front of you
6 illustrate this injury?

7 A. These photos illustrate the injuries described.

8 Q. Is this injury compatible with a wound caused by a sharp object?

9 A. In this place, we see a scar. There are the dimensions there.
10 And it's a result of an injury in this area.

11 Q. Do I then understand that from your findings it is not possible
12 to conclude from which object this was caused?

13 A. Talking about an object as a result of which the scar resulted,
14 which happened as a result of an injury, and what stems from the
15 patient's words [REDACTED], it is an extremely
16 difficult thing to do.

17 Q. Thank you.

18 Moving on to another finding. And again we'll need to be at
19 page 138 of the report. It's the second bullet point from top. And
20 I see here an indication of injuries to the lower leg, a scar on the
21 surface measuring 2.5 by 0.5 centimetre.

22 Dr. Gasior, first of all, I see a correction made on this page.
23 It's the second sentence. There is a strike through the word "of
24 cranium." Could you explain to us what that correction concerns?

25 A. This injury was located on the left leg, lower leg. It was a

Witness: Marek Gasior (Resumed) (Open Session)

Page 2122

Examination by Ms. Pergolo (Continued)

Additional redactions applied pursuant to F631.

1 scar which was not attached to the bone. Of course, to the bone of
2 the limb.

3 Q. Do you remember - if not, of course, the date, a long time has
4 passed - but in which circumstances you made this correction, just
5 for our understanding?

6 *[REDACTED] Pursuant to In-Court Redaction Order F557RED.*

7 *[REDACTED] Pursuant to In-Court Redaction Order F557RED.*

8 *[REDACTED] Pursuant to In-Court Redaction Order F557RED.*

9 Q. Thank you very much.

10 MS. PERGOLO: Can we please then have another picture on the
11 screen. And this would be --

12 PRESIDING JUDGE VELDT-FOGLIA: Please proceed.

13 MS. PERGOLO: Thank you. Page ending in 141.

14 Q. Do these pictures illustrate the injury you were just talking
15 about?

16 A. This picture is showing the presence of a scar on the left part
17 of the anterior left lower leg.

18 Q. Thank you.

19 MS. PERGOLO: Your Honour, out of caution, I would request to
20 move briefly into private session to discuss the next part, just
21 because we believe the information may be identifying of the person
22 who is the subject of this report.

23 PRESIDING JUDGE VELDT-FOGLIA: I understand, Madam Prosecutor.

24 Madam Court Officer, can you bring us into private session,
25 please.

Witness: Marek Gasior (Resumed) (Private Session)

Page 2123

Examination by Ms. Pergolo (Continued)

Additional redactions applied pursuant to F631.

1 [Private session]

2 [Private session text removed]

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: Marek Gasior (Resumed) (Private Session)

Page 2124

Examination by Ms. Pergolo (Continued)

Additional redactions applied pursuant to F631.

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: Marek Gasior (Resumed) (Private Session)

Page 2125

Examination by Ms. Pergolo (Continued)

Additional redactions applied pursuant to F631.

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14 [Open session]

15 THE COURT OFFICER: Your Honours, we're now in public session.

16 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

17 Madam Prosecutor, you may proceed.

18 MS. PERGOLO: Thank you.

19 Q. Dr. Gasior, we're reaching the end and I will now discuss a last
20 report with you today.

21 MS. PERGOLO: And I would request to have a document called up
22 on the screen, again, for the purposes of having the witness identify
23 the report. And the ERN number is SITF00019793 to 19810. This
24 report should also not be broadcasted to the public.

25 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

Witness: Marek Gasior (Resumed) (Private Session)

Page 2126

Examination by Ms. Pergolo (Continued)

Additional redactions applied pursuant to F631.

1 MS. PERGOLO: Is it possible to zoom out just a little bit?

2 Thank you.

3 And, Your Honours, again, can we please move briefly into
4 private session to discuss some protected information.

5 PRESIDING JUDGE VELDT-FOGLIA: Madam Court Officer, can you
6 bring us into private session, please.

7 [Private session]

8 [Private session text removed]

9

10

11

12

13

14

15

16

17

18

19

20

21 [Open session]

22 THE COURT OFFICER: Your Honours, we are now in public session.

23 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

24 Madam Prosecutor, you may proceed.

25 MS. PERGOLO: Thank you.

Witness: Marek Gasior (Resumed) (Open Session)

Page 2127

Examination by Ms. Pergolo (Continued)

Additional redactions applied pursuant to F631.

1 Q. Dr. Gasior, did you prepare this report?

2 PRESIDING JUDGE VELDT-FOGLIA: Mr. Gasior, please don't mention
3 any specific reference to the report. You can just confirm.

4 THE WITNESS: [Interpretation] Yes, I do -- I did, I did prepare
5 this report.

6 MS. PERGOLO: Thank you.

7 Can we please have page 3 of the report, again, for purposes of
8 identification. A bit further at the bottom of the page. Thank you.

9 Q. Do you recognise the signature on this page?

10 A. Yes, I do recognise the signature on this page.

11 Q. Whose signature is that?

12 A. It is my signature.

13 Q. Thank you. Did you personally conduct the examination described
14 in this report?

15 A. From the report, it stems that I carried it out personally.

16 Q. Thank you. I would like to draw your attention to page 2 of the
17 report.

18 MS. PERGOLO: And, Your Honours, I will be conducting a similar
19 exercise as before.

20 PRESIDING JUDGE VELDT-FOGLIA: Very well. Please proceed.

21 MS. PERGOLO: And if we can scroll down at the last bullet
22 point. Oh, apologies, no. Actually to -- a little bit further up,
23 the section "Information received from the patient."

24 Q. And I see here that, Dr. Gasior, the patient as indicated in the
25 report told you, among other things:

Witness: Marek Gasior (Resumed) (Open Session)

Page 2128

Examination by Ms. Pergolo (Continued)

Additional redactions applied pursuant to F631.

1 "They beat with me stick and with hand. I was beaten on sole of
2 feet and in all the body. Also they put cigarettes on body/on chest.
3 They beat me with the hand of revolver in the head and they kicked
4 [sic] me."

5 And, again, I understand that a long time has passed so you may
6 not remember receiving this information, but then I will ask you:
7 Can you confirm that if this information is concluded here, you would
8 have received that information from the patient?

9 A. The information in the report is the information which was given
10 by the patient before the examination. It was -- had been translated
11 by the forensic nurses, and this information I included in the
12 report.

13 Q. Thank you. Now, if you move at the bottom of this page, this is
14 a bullet point, the last bullet point, I see here an indication that
15 evidence of a number of injuries were detected. And the first one
16 I'd like to talk about is an injury, a scar on the skin located on
17 the left forehead.

18 MS. PERGOLO: Can we please have the picture now at page ending
19 in ERN 797.

20 Q. Dr. Gasior, do these pictures represent this injury on the
21 forehead?

22 A. These pictures do represent the description that we can see in
23 the report.

24 Q. And from the size of the scar, which I think you measured, and
25 actually it's in the report, an indication that it was 4.5

Witness: Marek Gasior (Resumed) (Open Session)

Page 2129

Examination by Ms. Pergolo (Continued)

Additional redactions applied pursuant to F631.

1 centimetres. Could you draw any conclusions as to the nature of this
2 injury, the gravity of it?

3 A. This scar is a consequence of a wound that had been healed, and
4 the wound was a consequence of an injury sustained.

5 Q. Is this injury compatible with the proposition that individual C
6 was beaten on the head with a revolver?

7 A. It is clear that this scar is a consequence of a serious injury
8 on the left forehead, and this was done by a blunt, heavy object with
9 a certain force applied.

10 Q. Thank you. I would now like to draw your attention to the
11 findings again at page 3 -- sorry, actually page 3 of the report.

12 MS. PERGOLO: And this is a little bit further up. It's the two
13 bullet points on the top. And these are indications of irregular
14 scattered scars located on the upper right front of the chest and on
15 the upper right posterior of the right shoulder.

16 And, again, if we could please move to the pictures at page
17 ending 798. And also if we could take the witness also to the
18 following page, ending 799; and also, finally, 802.

19 Q. Dr. Gasior, do these pictures correspond to the injuries you
20 have described in your report?

21 A. Those pictures do represent the descriptions that we have in the
22 report.

23 Q. Are these injuries compatible with the proposition that
24 individual C was burned with cigarettes?

25 A. This cannot be excluded. The scars are a consequence of an

Witness: Marek Gasior (Resumed) (Open Session)

Page 2130

Examination by Ms. Pergolo (Continued)

Additional redactions applied pursuant to F631.

1 injury sustained. They are irregular in shape. They are
2 superficial. They could have been created as a result of a contact
3 with something that was of high temperature.

4 Q. Thank you.

5 MS. PERGOLO: And then if we could please go back to page 3.
6 This is the third bullet point from top. And I see here a reference
7 to an injury on the left elbow which was slight deformed. I also see
8 that there's an indication that straighten of the left elbow was
9 limited up to 10 per cent.

10 And then, again, if we could please again move now to picture at
11 ERN ending 800.

12 Q. Do these pictures represent the injury to the elbow?

13 A. Those pictures represent the injury that the patient was
14 describing. He could have sustained such an injury.

15 Q. Is this injury compatible with an account of beatings on that
16 part of the body?

17 A. The patient said that he sustained an injury. In order to
18 confirm those injuries, those traumas to the bone structure, he was
19 instructed to have images, to have pictures done of the left elbow
20 and the head mainly. So the body parts involved. And there is no
21 information here confirming that he followed our instructions. So
22 those pictures, those photos were taken or not, we don't know.

23 Q. Dr. Gasior, I believe you are making reference to the end of
24 page 795 of the report, where you recommended individual C to undergo
25 X-ray examinations of the head and the left elbow. But if I

Witness: Marek Gasior (Resumed) (Open Session)

Page 2131

Examination by Ms. Pergolo (Continued)

Additional redactions applied pursuant to F631.

1 understand you correctly, those photos were not taken -- taken or
2 not, we don't know, because they are not present in this report. Is
3 that correct?

4 A. I have no information confirming that those photos were taken at
5 all and this information -- we have no information in the report, and
6 I have no information about those photos having been taken.

7 Q. Thank you. That's clear.

8 Now, I would like to move to the last finding in this report,
9 and this is again page 3. This is the last two bullet points from
10 top of the page. And here we see an injury on the skin of the dorsal
11 aspect of the thenar measuring 2 to 2.5 centimetre, and then on the
12 ulnar/lateral aspect of the left wrist.

13 And perhaps, first of all, Dr. Gasior, could you clarify for our
14 understanding what is the thenar and how is that different from the
15 wrist, perhaps using the anatomical model that you brought with you.

16 A. [No interpretation]

17 PRESIDING JUDGE VELDT-FOGLIA: We are not receiving translation.

18 THE WITNESS: [Interpretation] So the language -- so the thenar
19 is a group of muscles at the base of the thumb. And this is called
20 technically the thenar.

21 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

22 MS. PERGOLO: Thank you.

23 Can we then take a look at picture at page ending in ERN 801.

24 Q. Do these pictures show the injury you were just describing?

25 A. These pictures show the injury described in the report.

Witness: Marek Gasior (Resumed) (Open Session)

Page 2132

Examination by Ms. Pergolo (Continued)

Additional redactions applied pursuant to F631.

1 Q. Thank you. And is this injury compatible with a wound caused by
2 a sharp object?

3 A. The scar seen here is a scar which is a linear one. This type
4 of scars are a consequence of a healed injury sustained or made by a
5 sharp object.

6 Q. Thank you, Dr. Gasior.

7 MS. PERGOLO: Your Honours, may I be allowed to confer with my
8 colleague briefly. Thank you.

9 PRESIDING JUDGE VELDT-FOGLIA: Please proceed.

10 [Specialist Prosecutor confers]

11 MS. PERGOLO: Your Honour, we believe we don't have any further
12 questions for this witness, and this concludes our
13 examination-in-chief. Thank you.

14 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Madam Prosecutor.

15 So we have completed the questioning by the Specialist
16 Prosecutor's Office, Mr. Gasior, and I will now turn to the
17 Victims' Counsel in order to see if they have any questions.

18 Victims' Counsel, do you have any questions?

19 MR. LAWS: Your Honour, yes, I do. And I think they're going to
20 take me slightly longer than I suggested yesterday. Probably
21 something like 20, 25 minutes.

22 PRESIDING JUDGE VELDT-FOGLIA: Yes, thank you.

23 What we will do now is that we will adjourn until 11.30, and
24 then we will continue with the examination by Victims' Counsel.

25 Mr. Gasior, we will have a break now. I will ask Madam Court

Additional redactions applied pursuant to F631.

1 Usher to usher you out, and then we see each other again in court at
2 11.30. Thank you.

3 [The witness stands down]

4 PRESIDING JUDGE VELDT-FOGLIA: The hearing is adjourned until
5 11.30.

6 --- Recess taken at 10.57 a.m.

7 --- On resuming at 11.31 a.m.

8 PRESIDING JUDGE VELDT-FOGLIA: Welcome back.

9 I see that the SPO is in the same composition. The same goes
10 for Victims' Counsel, and for the Defence team. Yes.

11 And Mr. Shala is there. Can you hear me, Mr. Shala?

12 THE ACCUSED: [via videolink][Interpretation] Yes, I hear you
13 very well.

14 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

15 Good. Then we will continue with the examination by
16 Victims' Counsel. I will ask Madam Court Usher to bring in the
17 witness and then I will give the floor to Victims' Counsel.

18 You already indicated that you would be needing, what is it, 20
19 minutes, you told us.

20 MR. LAWS: [Microphone not activated]

21 PRESIDING JUDGE VELDT-FOGLIA: Take the time you think is
22 necessary.

23 MR. LAWS: Thank you, Your Honour. It might be slightly less
24 after discussions with my co-counsel during the break.

25 [The witness takes the stand]

Witness: Marek Gasior (Resumed) (Open Session)

Page 2134

Questioned by Victims' Counsel

Additional redactions applied pursuant to F631.

1 PRESIDING JUDGE VELDT-FOGLIA: Welcome back. Please. Thank
2 you. Welcome back, Mr. Witness. Please have a seat.

3 Mr. Gasior, we will now continue with the examination by
4 Victims' Counsel, and I will give him the floor.

5 You have the floor.

6 MR. LAWS: Thank you, Your Honour.

7 Questioned by Victims' Counsel:

8 Q. And good morning, Mr. Gasior. I am Simon Laws. I am the
9 Victims' Counsel in this case.

10 PRESIDING JUDGE VELDT-FOGLIA: Did you receive the translation,
11 Mr. Gasior?

12 THE WITNESS: [Interpretation] Yes, I can hear the
13 interpretation.

14 PRESIDING JUDGE VELDT-FOGLIA: Very well. Victims' Counsel,
15 after your first question and answer, I will check with Mr. Shala if
16 he is hearing right, what you -- what is translated -- if the hearing
17 right the answer of the witness.

18 MR. LAWS: Certainly, Your Honour.

19 Q. If I understood well yesterday, Dr. Gasior, was it four years
20 that you were performing autopsies on bodies recovered in Kosovo?

21 A. In Kosovo, I worked between the year 2000 and 2012; that is, 12
22 years.

23 Q. So 12 years in all. Not just 2008 to 2012, but from 2000 to
24 2012?

25 A. There was a one-year break. Because during that year, I was in

Witness: Marek Gasior (Resumed) (Open Session)

Page 2135

Questioned by Victims' Counsel

Additional redactions applied pursuant to F631.

1 Bosnia. But I started in Kosovo in the year 2000 and then I stayed
2 there until 2012, the year 2012.

3 PRESIDING JUDGE VELDT-FOGLIA: Victims' Counsel, I will now ask
4 Mr. Shala if he can hear the witness fine.

5 Mr. Shala, could you hear the translation of the replies of the
6 expert?

7 THE ACCUSED: [via videolink][Interpretation] Yes, I hear him
8 very well.

9 PRESIDING JUDGE VELDT-FOGLIA: Thank you.
10 Victims' Counsel, you may proceed.

11 MR. LAWS: Thank you.

12 Q. When a decision had been made to exhume a body, were you
13 familiar with the role of a judge in ordering that the exhumation
14 should take place?

15 A. I was employed by the Department of Forensic Medicine, and I
16 performed autopsies in that department. And the autopsies were
17 ordered --

18 Q. Yes. And so you were aware that it was --

19 A. -- by my principals.

20 Q. I'm so sorry. I didn't mean to [Microphone not activated]
21 translation ended. You wanted to add a couple of words? Or had you
22 finished your answer?

23 A. Yes, I finished my answer.

24 Q. Thank you.

25 MR. AOUINI: Excuse me, I --

Witness: Marek Gasior (Resumed) (Open Session)

Page 2136

Questioned by Victims' Counsel

Additional redactions applied pursuant to F631.

1 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, just wait that I
2 give you the floor.

3 Please proceed. You have the floor.

4 MR. AOUINI: Sorry, it's been corrected on the transcript now.
5 Because I heard "my principals." Now it's transcribed. I'm sorry.

6 PRESIDING JUDGE VELDT-FOGLIA: Good. Thank you. No, thank you
7 for following the transcript.

8 MR. LAWS:

9 Q. So your principals would direct you to perform the autopsy; is
10 that right?

11 A. I was a doctor employed in the Department of Forensic Medicine,
12 and I received information that I am to perform an autopsy. This is
13 what happened.

14 Q. Yes. I just wanted to know if you were familiar with the role
15 of the judge in ordering that the body should be exhumed from the
16 ground in order for the autopsy to be carried out. Were you aware
17 that was the process?

18 A. I received general information, what the procedures are. I knew
19 that exhumation was performed according to the orders of competent
20 authorities. As I said yesterday, the bodies that were exhumed were
21 transported to the Department of Forensic Medicine and then the team
22 and I performed the autopsies.

23 Q. Understood. Thank you very much, doctor.

24 MR. LAWS: If we could look, with Your Honours' leave, please,
25 at another part of the document that we looked at yesterday, which is

Witness: Marek Gasior (Resumed) (Open Session)

Page 2137

Questioned by Victims' Counsel

Additional redactions applied pursuant to F631.

1 0 -- we're going to follow this theme of the early part of the
2 investigation leading to the exhumation. And it is included as part
3 of the documentation in the report which is 031049-031095 RED2.

4 PRESIDING JUDGE VELDT-FOGLIA: Please proceed, Madam Court
5 Officer.

6 MR. LAWS: Thank you, Your Honour. Thank you.

7 Q. So, doctor, you will recall that we looked yesterday with you at
8 your report which you can see on the screen and some of the other
9 pages below it. Do you remember that?

10 A. Yes, I recall.

11 Q. Thank you. If we go right down to the bottom of the document,
12 please, to its end, to page 46, we have a document included in this
13 bundle of documents which is the order itself from the EULEX judge
14 dated [REDACTED] Pursuant to In-Court Redaction Order F557RED. Can
you see that document, doctor?

15 A. Yes, I can see that document.

16 Q. Thank you. And we don't need to read it. It orders an
17 exhumation in respect of Person A. But we note its date,
18 [REDACTED] Pursuant to In-Court Redaction Order F557RED.

19 MR. LAWS: Can we go up, please, in the document two pages.

20 Q. And then, doctor, this is a document that's been put together
21 with all of the other documents and it's a report about the
22 exhumation itself dated [REDACTED] Pursuant to In-Court Redaction
Order F557RED. Can you also see that,
23 doctor?

24 A. Yes, I can see the document.

25 Q. Thank you. So what I wanted to ask you is this: Two weeks have

Witness: Marek Gasior (Resumed) (Open Session)

Page 2138

Questioned by Victims' Counsel

Additional redactions applied pursuant to F631.

1 gone by between the order of the judge and the exhumation, [REDACTED]
Pursuant to In-Court Redaction Order F557RED.

2 [REDACTED] Pursuant to In-Court Redaction Order F557RED. Are you with
me so far? Yeah?

3 A. Yes. Yes, I am.

4 Q. Do you know --

5 MR. LAWS: This is obviously not for public broadcast. I hope
6 that is the position. Yes. Thank you.

7 PRESIDING JUDGE VELDT-FOGLIA: Nothing is publicly broadcasted
8 at the moment.

9 MR. LAWS:

10 Q. Do you know, doctor, if it was the practice to give advance
11 warning to anyone of the intention to perform an exhumation?

12 A. This question, I believe, should be directed to the then-head of
13 the Department of Forensic Medicine. That person was responsible for
14 the entire administrative procedure.

15 Q. I understand if you can't help. I thought perhaps it was
16 something you would know from your colleagues over those many years.
17 No?

18 A. In practice, the team, the exhumation team, in the Department of
19 Forensic Medicine in OMPF went with the police officers and
20 archeologists to perform an exhumation. As I said yesterday, the
21 bodies were transported to the Department of Forensic Medicine.

22 However, with regard to myself, I was responsible for the
23 autopsy and providing the cause of death, specifying the cause the
24 death.

25 Q. I understand.

Witness: Marek Gasior (Resumed) (Open Session)

Page 2139

Questioned by Victims' Counsel

Additional redactions applied pursuant to F631.

1 MR. LAWS: While we have this document here, may we just come
2 down the page, please, with the document that's on the screen. And
3 I'm not going to read it out because it may be identifying.

4 Q. We can see under the note that on this occasion there was
5 certainly no notice to one individual. Are you saying you just don't
6 know whether that was the practice or not?

7 A. What do you mean exactly?

8 Q. On -- in relation to the exhumation of the body which you
9 conducted an autopsy on, you can see on the screen next to the word
10 "note," that at least one individual was not informed about this
11 exhumation taking place.

12 Are you saying you know nothing -- you would no know nothing
13 about whether that was the practice or not?

14 A. I do not have any knowledge of this. As a rule, I did not take
15 part in exhumations --

16 Q. Thank you.

17 A. -- on site.

18 MR. LAWS: Can we go down, then, please, on this document to the
19 next page. And if we could see the bottom of the page, please, the
20 bottom row of images.

21 Q. Bottom left, is that the bag in which you receive the body for
22 the purposes of carrying out your autopsy?

23 And if it helps you, it's got a number on it which is the number
24 given to the investigation in this case. If we zoom in a little bit,
25 we can see the number [REDACTED] Pursuant to In-Court Redaction Order
F557RED. And that was the case

Witness: Marek Gasior (Resumed) (Open Session)

Page 2140

Questioned by Victims' Counsel

Additional redactions applied pursuant to F631.

1 investigation number, I believe.

2 A. I'm afraid I cannot take any position on this. I cannot provide
3 an answer. I was not involved in the exhumation process. I was not
4 there on site as a rule.

5 However, I was responsible for the autopsy of the patients whose
6 bodies were delivered to the Department of Forensic Medicine.

7 Q. Yes, very well. Thank you very much.

8 MR. LAWS: Those are the questions that I have of the doctor.

9 May we just zoom out on the page just for a moment. Maybe this
10 is not something that Your Honours and Your Honours' colleagues have
11 seen, but these photographs -- just a little bit more, please, so
12 that we can see the top row. Thank you. That's perfect. Thank you
13 very much.

14 Just a note for the record, really. This is the graveyard top
15 right, with the central grave being the grave of Person A before the
16 exhumation and then we see it again bottom right after the
17 exhumation. And that's a matter that we will be returning to, so I
18 thought it might be helpful just to point that out.

19 Q. Yes, thank you, doctor.

20 PRESIDING JUDGE VELDT-FOGLIA: Victims' Counsel, those were your
21 questions?

22 MR. LAWS: Those were my questions.

23 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

24 Defence Counsel, you have the floor.

25 MR. AOUINI: Thank you, Your Honour. We might need to redact

Witness: Marek Gasior (Resumed) (Open Session)

Page 2141

Procedural Matters

Additional redactions applied pursuant to F631.

1 the case number from the transcript.

2 PRESIDING JUDGE VELDT-FOGLIA: It has already been done.

3 MR. AOUINI: Okay. Thank you.

4 PRESIDING JUDGE VELDT-FOGLIA: Very well.

5 Mr. Gasior, for today we have finished your testimony. You have
6 been examined yesterday and today by the Specialist Prosecutor's
7 Office and by Victims' Counsel. We will continue with the
8 cross-examination of you next week on Monday. And I was informed
9 that you were informed of that.

10 I thank you very much for your time today. And let me remind
11 you, Mr. Gasior, that you should not discuss your testimony with
12 anybody in the upcoming days. That is clear?

13 THE WITNESS: [Interpretation] Yes, it is clear and obvious.

14 PRESIDING JUDGE VELDT-FOGLIA: It is --

15 THE WITNESS: [Interpretation] Thank you.

16 PRESIDING JUDGE VELDT-FOGLIA: -- but I have to say it always,
17 and I need to remind every witness here in this courtroom of that.

18 Madam Court Usher will usher you out. I thank you again, and we
19 see each other next week on Monday at 9.30.

20 [The witness stands down]

21 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Madam Court Usher.

22 Is there anything parties and Victims' Counsel would like to
23 raise with the Panel? No.

24 MR. DE MINICIS: Your Honours, just for the time being, the SPO
25 will be happy to keep custody of the models until we wait -- for next

Additional redactions applied pursuant to F631.

1 week until a final decision is made on who the custodian will be.

2 PRESIDING JUDGE VELDT-FOGLIA: Okay. I will leave it to CMU to
3 organise this. But if the Specialist Prosecutor's Office wants to
4 take care of them, I propose that you liaise with CMU and then they
5 will be taken care of for the time being. Very well. Thank you for
6 that offer.

7 Victims' Counsel, anything to raise with us?

8 MR. LAWS: No, thank you, Your Honour.

9 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel?

10 MR. GILISSEN: No. Thank you very much. Thank you very much,
11 Your Honour.

12 PRESIDING JUDGE VELDT-FOGLIA: Good. Then I thank the parties
13 and Victims' Counsel for their attendance. And I also want to thank
14 the interpretation booth and the stenographer and the people from the
15 audiovisual booth and, of course, security for their assistance.

16 The hearing will now be adjourned until next Monday, 9.30.

17 --- Whereupon the hearing adjourned at 11.53 a.m.

18

19

20

21

22

23

24

25