

FORM 37

Rule 60(1)

FINDING INTO DEATH WITH INQUEST

Section 67 of the Coroners Act 2008

Court reference: 3029/09

In the Coroners Court of Victoria at Melbourne

I, JUDGE JENNIFER ANN COATE, State Coroner

having investigated the death of:

Details of deceased:

Surname: KOSAROG
First name: GASPAR
Address: 37 Drummond Street, Carlton 3053

AND having held an inquest in relation to this death on 30th November, 2009
at Coroners Court of Victoria at Melbourne
find that the identity of the deceased was GASPAR KOSAROG
and death occurred on or about 21st December, 1968

at "Catani Gardens", St Kilda West, Victoria 3182

from

1a. CONSISTENT WITH ASPHYXIATION BY DROWNING

in the following circumstances:

1. At 7.05 am on 21 December 1968 the body of an unknown male was found on the shore of the beach in an area now known as the Catani Gardens, St Kilda West.
2. Uniformed and CIU police attended. The police determined there were no suspicious circumstances present. Death was certified at Prince Henry's Hospital by Drs Tutton and Thormann, who found no suspicious circumstances, the apparent cause of death being consistent with drowning.
3. The deceased person was described as being a male aged 40 to 50 years and being about 5'9" or 175 centimetres tall of slim build with brown greying hair, brown eyes and clean-shaven. A number of photographs of the deceased were taken at the scene, and at the city mortuary after the autopsy. A few remain, and these are of poor quality.

4. The deceased male was transferred to the City Mortuary where he was examined by pathologist Dr James Henry McNamara, Senior Government Pathologist. The stated cause of death was asphyxiation by drowning.

5. Toxicology reports indicate that there was nil alcohol evident in the body. When examined by Dr James Henry, it was noted that the deceased had an abrasion on the bridge of his nose, inner aspect, and left and right eyes.

6. An extensive investigation was conducted by police to identify the deceased. Information was sought from the public, through press and radio publicity. Photographs and descriptions of the deceased were forwarded to relevant mental hospitals and institutions.

7. On 26 January 1969, and as a result of the report and photographs forwarded to all mental hospitals, Francis Xavier Formosa, head male nurse at Larundel Mental Hospital and two unknown male nurses, attended at the City Mortuary in South Melbourne. After viewing the body they all agreed that the deceased was a former patient known to them as George Delaster, who had been admitted to Larundel on 25 May 1966 and discharged on 13 May 1967.

8. Mr Delaster was subsequently identified as being Angelo Delaster of 27 High Street Northcote. He was recorded at the Police Information Bureau Records on card U22989. He had criminal prior convictions and was known to be an alcoholic with no known relatives or home address.

9. There is some material that suggests that an inquest took place on 25 June 1969 at South Melbourne Coroner's Court before His Worship Coroner Mr Harry Pascoe in relation to the unknown male - Coroner's Case no. 4367 of 1968.

10. However, a search of all the records held at the court and the Public Records Office from 1840 to 1985 has not been able to confirm that information about the previous inquest. That is, if there indeed was one, our examination of the records has not been able to confirm that.

11. In any event, what documents there are, confirm that as a result of the identification of the body by the nurses from Larundel Hospital, the body believed to be Gaspar Kosarog was buried at the Springvale Cemetery on 6 March 1969 as George Delaster.

12. The identity of the deceased subsequently proved to be incorrect when Mr Angelo Delaster was arrested and interviewed by police in Warrigal on 27 March 1969. The Coroner at the time, Mr Pascoe, was informed and the records held at the Coroner's Court and the Registrar of Births, Deaths and Marriages were amended accordingly.

13. On 17 January, 1969, Mr Gaspar Kosarog was reported missing to the Carlton Police Station by his landlord, Mr A. Peric. Mr Peric reported that he had not seen Mr Kosarog since 18 December, albeit all of his possessions remained at the boarding house. On 29 July 1969 a statement was filed with the Coroner's Court by Senior Constable L.A. Smith, stating inter alia that, "It would appear that the unknown male (Case 4367 of '68) could be one Gaspar Kosarog, reported as a missing person on 17 January 1969." Photographs on file, V362 of the deceased and missing person Kosarog, show a marked resemblance, however the Coroner was not prepared to name Mr Kosarog as the deceased without positive evidence to that effect.

14. Mr Kosarog resided at a boarding house located at 37 Drummond Street, Carlton. He was born on 4 January 1920 in the former Yugoslavia. At the time of his disappearance he would have been approximately 49 years of age. Mr Kosarog was, at the time, employed as a carpenter and was described by Mr Peric as a heavy drinker who may have been suffering from a mental illness. Mr Kosarog was described by Mr Peric as being Yugoslavian, aged 49 and about 5'9" or 175 centimetres tall, of slight build with greying hair, olive complexion, clean shaven and being possessed of natural teeth and a one and a half inch scar on one of his forearms. This description closely approximates the description given of the deceased.

15. Investigating police have determined from documents found with Mr Kosarog's possessions that he had been divorced in 1951 and had at the time two children aged six and four. Further, it appears that the younger child was named Zalko Kosarog. Detective Senior Constable Peter Towner and Detective Senior Constable Mark Rippen have as a result of searches on the internet located one Zalko Kosarog, who may be the son of Gaspar Kosarog who separated from his mother when he was a child.

16. On 30 November 2007 a request was sent to Interpol via the Australian Federal Police requesting assistance in contacting the aforementioned Zalko Kosarog, to establish if he was the descendant son of the missing person Gaspar Kosarog.

17. On 13 February 2008, a reply was received from Interpol confirming the fact that contact had been made with Zalko Kosarog and that after being shown a photograph of the unidentified male he, that is Zalko, believed that that could be his father.

18. A DNA sample, a buccal swab, was obtained from Zalko Kosarog, at that stage in order to conduct a DNA comparison against the remains known as 4367 of 1968.

19. However, expert information from an appropriately qualified person inside the Victorian Institute of Forensic Medicine advised that the only viable source of mitochondrial DNA is not passed on by the father to the son. Therefore the sample obtained from Zalko Kosarog was not deemed suitable under the circumstances and no other suitable family members can be located in relation to a relevant DNA sample. For those reasons, no application for exhumation has been sought.

20. As a result of a search of historical immigration records held at the National Archives, Canberra, copies of Gaspar Kosarog's original migration records, dated 28 September 1959 have been obtained. Included in these files is a black and white passport photograph of Mr Kosarog. Using this photograph, it was subjected to a computer program that facilitated the process of aging and manipulating that image. The resulting image, in the opinion of the investigating police, proved to have a strong similarity to a photograph of the unidentified male believed to be Gaspar Kosarog, taken shortly after his discovery.

21. A comprehensive review of all Victoria Police and national interstate intelligence holdings relating to long-term missing persons data has been conducted, with the result that there are no other viable matches to Mr Kosarog.

22. In all of those circumstances, I am satisfied on the balance of probabilities that Case No. 4367 of 1968, being the unidentified human remains contained in that case number, may now be identified as Gaspar Kosarog.

Signature:



Judge Jennifer Coate
State Coroner

Date: 27th January, 2010

