

## DAY 17: “IF YOU HAD ANY RESPECT FOR ME, YOU WOULDN’T BE HERE”

17th Hearing, Women’s Section, Korydallos Prison, Athens, 29 September 2015

### 1. Court access

The hearing confirmed that the police’s new policy is to grant access to any interested citizen provided they display their identity cards. The courtroom was packed. Regarding the prospect of a change of venue, the matter was sidelined once again.

### 2. Presence and representation of the defendants

The following 12 defendants were present: Aggos, Agiovlasitis, Kalpitzis, Komianos, Korkovilis, Michalaros, Petrakis, Roupakias, Siatounis, Stratos, Tsorvas, Zisimopoulos,. The remaining defendants were, for the most part, represented by their counsel.

### 3. Statements and individual pleas

Eleni Zafiriou, counsel for the PAME trade unionists, made a further statement on the importance of recording the trial. She stressed that the court’s decision to forbid such recordings not only threatens the integrity of the trial but also prevents a thorough investigation of the charges. She added that a trial of such historic importance, that addresses itself to Greek society as a whole, should be archived as thoroughly and as comprehensively as possible.

As mandated by article 343 of the criminal code, the presiding judge addressed each of the defendants and asked them whether they pleaded guilty or not guilty. The defendants – those present as well as those represented by their counsel – pleaded “not guilty”, with the exception of a) Giorgos Roupakias, who pleaded guilty to the charge of homicide but not guilty to the charge of membership or direction of a criminal organisation and b) Christos Stergiopoulos, who attempted to take the floor in order to “present new information” but was stopped from doing so by the court.

At this point, Roupakias made two statements through his lawyer: he accepted the charge of homicide, but rejected that it was intentional, as set out in the indictment, but rather due to negligence. He also claimed self-defence. He requested that the charge be commuted to manslaughter or to fatal bodily injury.

The court proceeded to ask all witnesses to vacate the courtroom and invited Pavlos Fyssas's father, Panagiotis, to take the stand.

#### **4. Panagiotis Fyssas' testimony**

Panagiotis Fyssas's testimony was regularly interrupted by clarifying questions raised by the court. These questions are not transcribed in detail. Given the court has, for the time being, barred sound recording, we have attempted to reproduce Mr Fyssas's testimony with the greatest possibly accuracy.

*I am the father of the murdered Pavlos Fyssas. I am retired; I used to work in Perama shipyards. My son was unemployed and worked odd jobs in the shipyards. He was 34 years old, 1.85 meters tall and well-built. He wasn't interested in party politics – on my advice – because it's not worth it.*

*On 17 September, a Tuesday, Olympiakos was playing and I told him I couldn't watch the match with him, as I usually do, and that he should find some place to watch it on his own. The bars were packed and the only place he could find a table was at a bar in Amfiali called Koralli. I was just around the corner placing bets on the game. He called to tell me where he was. It was the last time I spoke to him. I had no idea the bar was a Golden Dawn hangout. If I had known, I would never have let him go. When the game ended, I went home without speaking to him. At 12:05am my brother called me and said, "run to Tsaldari Street, they've stabbed the boy". By the time I arrived, the place was in uproar and I heard sirens. Chrysa, his girlfriend, was sitting on the pavement; Pavlos's head was on her lap. He wasn't moving*

*and his eyes were rolled back. I thought instantly of Golden Dawn because I knew that his songs had annoyed them, because they are fascists. His songs were addressed to them. I thought that by wounding him they meant to intimidate him. There didn't seem to be a lot of blood – the wounds looked like mere cuts and scrapes. I had no idea it was a professional job. I called out his name two or three times to see if he would come round. A policeman showed up and said: "Move aside, the ambulance is here." Chrysa looked up at him: "You bastard, this is when you show up? We've been calling you for ages." He replied: "Miss, I just got here." She said: "I saw you around a while ago." I didn't see any Golden Dawners, only police and other people. Why wasn't the boy waking up? I followed the ambulance to the public hospital at Nikea. I kept wondering why the ambulance's siren not on. When we got to the hospital, I asked the driver how the boy was. He wouldn't say. He told me "you just report that I came from Magoula and that it took me 20 minutes. They told us that all of the ambulances were busy. I don't believe them."*

*When he came in, the doctor said, "the boy is gone". I asked him if it was because it took so long to get him to the hospital. "No," the doctor said, "it would have been the same if they'd hit him here, outside the hospital, it would have been the same; it was a professional job."*

*I asked Pavlos what I should say to his mother, who was out that night. I asked a relative to let her know. When she got to the hospital, the doctors told her Pavlos was dead.*

*In the car, I asked Chrysa what had happened. She told me they had been watching the game with two friends and then another seven or eight showed up. They heard people cursing outside: "Chickens, we'll kill you, we'll fuck you up." They went outside and saw around 60 people across the road, dressed in black with Golden Dawn insignia. Someone they didn't know introduced himself as a mediator and reassured them that they needn't worry: he would speak to the Golden Dawners and then they would be free to go. My son's friends did not provoke anyone. The police were there, four to six of them were standing next to the Golden Dawners. Why didn't they protect the kids? The group had lost – they couldn't leave because their car was behind the Golden Dawners. When they left, they heard voices*

*and the sound of stampeding feet. Twenty out of the 60 people were running after them. “Run,” said Pavlos, but he stayed behind; he stopped running. The Golden Dawners caught up with him and groups of two or three took turns to beat him. Chrysa shouted at the police to save him. The police officers answered, “how are we supposed to deal with those asses?” Pavlos couldn’t get away from them. They stopped him, beat him – they closed in on him. The coroner found more injuries from punches. Then the professional assassin, Roupakias, showed up. In the video, I saw Roupakias watching Pavlos as he tried to defend himself. As Roupakias approached, someone said, “good, our guy is here”. They talked about it. He was driving his car on the wrong side of the street. Pavlos lasted about four minutes and he pointed to his assassin. He cried out to Roupakias, “Where are you going? You stabbed me and now you’re leaving?” As a policeman arrested him, Roupakias turned and said, “Hey, I’m one of you; you’re arresting me?” When he was at the police station, he just sauntered about; he could have ordered pizza if he’d wanted. Finally, he wanted to leave. Pavlos’s friends had dispersed. Some of them were taken in by police, which showed they seemed more interested in chasing the victims than the perpetrators.*

In response to further questions posed by the court, Fyssas said that the motive for the murder was the organisation’s interest in silencing anyone opposed to it. He also said that Roupakias arrived at the scene after receiving a phone call and an order from a superior in the organisation. He added that the 60 people outside Koralli were phoned and told to go there, but he didn’t know on whose orders. “But their presence there was no coincidence. They wanted to do something bad. They struck with a plan,” he stated.

## **5. Civil counsel questions**

The Fyssas family’s counsels first took the floor.

Giorgos Maragkos: *Had Pavlos Fyssas released a CD?*

Panagiotis Fyssas: *Yes.*

Maragkos: *Did his antifascist message bother some people?*

Fyssas: *Yes, but that was no reason to kill him.*

Maragkos: *Did Roupakias live in the area?*

Fyssas: *As far as I know, he lived in Tavros.*

Maragkos: *Were there other people in his car?*

Fyssas: *I heard that there were.*

Maragkos: *Did Chrysa report the assault at the police station? Was she too afraid or did she choose not to go?*

Fyssas: *She seemed afraid.*

Maragkos: *Why?*

Fyssas: *She was afraid to go to the police station.*

Maragkos: *You said that Golden Dawn functioned according to a strict hierarchy; is this irrelevant to the murder?*

Fyssas: *No, as I said they don't get up off their chair without the order to get up.*

Maragkos: *Have you seen Roupakias in public?*

Fyssas: *I've seen him in photographs, on television and in Golden Dawn training centres.*

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Andreas Tzelis: *Have you seen Roupakias giving the Nazi salute?*

Panagiotis Fyssas: *Yes*

Tzelis: *Do you know if he called other people to come from inside?*

Fyssas: *The case file seems to suggest as much.*

Tzelis: *Did they receive orders from someone?*

Fyssas: *Yes, from their superior.*

Tzelis: *So he had communicated with his superiors?*

Fyssas: *Yes.*

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Violetta Kougiatsou: *After all this, did you ask the doctor how someone delivers a “professional” blow?*

Panagiotis Fyssas: *It requires training.*

Kougiatzou: *Do you know how these people are trained?*

Fyssas: *I’ve seen pictures.*

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Chrysa Papadopoulou: *Can you describe the group?*

Panagiotis Fyssas: *They wore black and Golden Dawn insignia.*

Papadopoulou: *What kind of shoes were they wearing?*

Fyssas: *They wore boots and all were in uniform. They were aggressive.*

Papadopoulou: *Could the murder have been avoided?*

Fyssas: *Yes, if the police had intervened to protect Pavlos and his friends or if they had taken them inside Koralli.*

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Eleftheria Tompatzoglou (displaying a picture of a Golden Dawn group): *Does this group look like the one from that night?*

Panagiotis Fyssas: *Yes.*

Tombazoglou: *How many people were arrested that night?*

Fyssas: *One, to my knowledge.*

Tombazoglou: *Was he one of the 60?*

Fyssas: *From what I know, no.*

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Counsel for the PAME trade unionists then took the floor.

Thodoris Theodoropoulos: *Do you know whether, before the murder of your son, there had been other clashes involving Golden Dawn members?*

Panagiotis Fyssas: *Yes, PAME members had been assaulted with iron bars a few days earlier. I heard that on the news.*

Theodoropoulos: *Do you know if, on the day of the murder, there had been a protest rally about the events concerning PAME?*

Fyssas: *I don't know.*

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Counsel for the Egyptian fishermen then questioned the witness:

Takis Zotos: *Did these 60 people all arrive at once? Did they leave together? Do you know if these people had attacked migrants in the area?*

Panagiotis Fyssas: *I heard something about Egyptian migrants, but I don't know much about it.*

Zotos: *Are these assaults isolated incidents or are they planned?*

P. Fyssas: *I don't know but I think they are planned.*

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Thanasis Kampagiannis: *Were your son or his friends found to be carrying weapons?*

Panagiotis Fyssas: *No.*

Kampagiannis: *Why did the witnesses to the murder not file a report with the police?*

Fyssas: *Because they were afraid.*

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Kostas Papadakis: *Did you hear about the assault on the Egyptian fishermen before or after your son's murder?*

Panagiotis Fyssas: *I'm not sure; I also heard of another boy whom they killed on a bike.*

Papadakis: *Had your son written antifascist lyrics in recent years?*

Fyssas: *For two years or more.*

Papadakis: *What inspired him?*

Fyssas: *Songs that spoke of love and of peace.*

Papadakis: *You described the murder as planned. Why?*

Fyssas: *Because of the way it happened.*

Papadakis: *Do you know who vandalised your son's memorial?*

Fyssas: *I don't know, but they drew a swastika on it twice.*

Papadakis: *Did [Golden Dawn leader Nikos] Michaloliakos's recent statement about Golden Dawn assuming political responsibility for the murder have some influence on your view of the murder?*

At this point, the presiding judge interrupted, forbidding a response.

Fyssas: *Michaloliakos has my son's blood on his hands.*

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It should be noted that the presiding judge, during the examination of the witness, allowed civil action lawyers to ask questions about membership and directing a criminal organisation, not for all the defendants, but only for those indicted for murder and membership of a criminal organisation. Such questions cannot be asked of Golden Dawn MPs or the leader of the group only accused in relation to the criminal organisation. This was decided at the trial's 9th hearing on 29 June 2015.

At this point, civil counsel requested, because no investigation had been launched into the matter, that the court obtain a recording of the recent radio interview in which Michaloliakos claimed political responsibility for Pavlos Fyssas' murder and to include it in the case file.

## **6. Questions from the defence**

Giorgos Sotirouopoulos, counsel for Ioannis Aggos, asked the witness if there was someone else apart from the doctor inside the ambulance. The witness responded that he believed this was the case. When asked if he knew the name of the doctor who spoke of a "professional job", the witness responded that he did not.

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Dimitra Velentza, counsel for Ioannis Kazantzoglou, began by telling the witness: *I respect your grief.*

Panagiotis Fyssas: *I doubt that. If you respected my grief, you wouldn't be here.*

Velentza: *Did you ask the public prosecutor to present the court with audiovisual material from Proto Thema newspaper, which published a picture of your son?*

The witness refused to answer this and other questions posed by this lawyer.

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Counsel for Elpidoforos Kalaritis then asked: *As you later found out, Koralli was a Golden Dawn hangout. Given your house was so close to it, how could you not have known?*

Panagiotis Fyssas: *As I said, I had no idea.*

Counsel: *Did your brother give you any details or say that he [Pavlos] had been hit?*

Fyssas: *Only that he had been hit.*

Addressing the subject matter of Pavlos Fyssas's songs, the counsel commented, "These are not antifascist songs", provoking the outrage of the public.

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Christoforos Tsagkas, counsel for Anastasios Michalaros, asked the witness: *In the video, was Roupakias wearing the same clothes as the people in the photographs?*

Panagiotis Fyssas: *I don't think so.*

Tsagkas: *Do you think the defendants knew Pavlos personally?*

Fyssas: *I don't know.*

Tsagkas: *Did your son take safety measures in his daily life?*

Fyssas: *No.*

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Giorgos Roumpekias, counsel for Giorgos Roupakias, asked questions about the orders his client had received to appear at the crime scene.

Presiding judge: *Is your client's position that he did not receive a message?*

Roumpekias: *The case file suggest that he didn't.*

Presiding judge: *Even so, he arrived at the area in an instant.*

Roumpekias: *What did your son's friends do when they harassed him?*

Panagiotis Fyssas: *I don't know. He told them to run and everyone fled, apparently to save themselves.*

Roumpekias: *Why didn't you ask the doctor who told you it was a professional job to go and testify?*

Fyssas: *I didn't think of it. I had lost my child at the time.*

Roumpekias: *The ambulance driver who arrived from Elefsina 25 minutes later told you to report the delay of his colleagues from a closer hospital. Do you think it would have made a difference if they had arrived sooner?*

Fyssas: *When I spoke into his ear, my child was freezing cold and had wet himself and I spoke to him in the hope he might come back.*

Roumpekias: *Are you throwing accusations at the police because they couldn't save Pavlos?*

Fyssas: *I am holding them accountable because they were not on the side of the children.*

Roumpekias: *The doctor told you about some elaborate knife-twisting technique to cover up the ambulance's irresponsibility – that's all.*

This final sentence incited heated responses from the public and from the civil counsel.

Roumpekias: *Why would Roupakias have driven on the wrong side of the road on a street full of traffic? Wouldn't he have trapped himself? Doesn't this indicate a degree of amateurishness? Have you heard of the circumstances surrounding the murder of Fountoulis*

and Kapelonis [members of Golden Dawn, victims of an attack in Neo Iraklio, Athens, on 1 November 2013].

Fyssas: *No, I haven't.*

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Counsel for Nikolaos Tsorvas said: *Greece mourns three young men.*

This statement provoked strong reactions in the public gallery. Many members of the public left in protest.

Thanasis Kampagiannis: *You are insulting the witness.*

Counsel for Tsorvas: *Has something come to your attention that might link the murder with Tsorvas? Tsorvas got to the scene a while after the murder. Do you know that my client had anything to do with the crime?*

Fyssas: *I don't know.*

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Mr Alpanidis, counsel to Markos Evgenikos, asked: *Was your son taken aback when Roupakias approached him?*

Panagiotis Fyssas: *I don't know.*

Alpanidis: *As you said, your son was a strong man. Could Roupakias have attacked him?*

At this point, the presiding judge interrupted, saying these questions did not concern the witness.

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Nikos Roussopoulos, counsel for Ioannis Lagos: *Tzelis attempted to elicit answers from the witness.*

Presiding judge: Please wait until we have finished examining the witness.

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Following this, each defence counsel was asked if they had any questions for the witness. Each of them answered "no questions at all". Moreover, none of the defence counsels for the Golden Dawn MPs or leadership wished to ask the witness any questions.

Shortly before the end of the hearing, Takis Zotos, counsel for the civil action, stressed that the hearing had demonstrated the need for audiovisual equipment with which to display video and photographic evidence during the trial and repeated his request that these be allowed in court. The court reserved its position.

Pavlos Fyssas's mother and sister will testify at the next hearing, on Friday 2 October.