

## DAY 1: ACCESS, OBSTRUCTION AND PROCEEDINGS

### 1st Hearing, Women's Section, Korydallos Prison, Athens, 20 April 2015

The much-awaited Golden Dawn trial began on 20 April 2015 in the women's section of Korydallos prison. The defendants, among them MPs but also more ordinary members of the organisation, are charged under the criminal code with a series of crimes and misdemeanours (as described in indictment 215/2015 of the judicial council of Athens Appeals Court). This trial is a unique, unprecedented event in the current Greek judicial, political and social context as, apart from the nature of the accusations levied against an entire parliamentary group and the exceptional number of individuals involved in the trial, the proper observance of procedural guarantees, together with shaping of the final outcome, present a critical challenge for all open-minded people – not just lawyers – in Greece and the world today.

#### 1. Court access and suitability

Providing public access to court trials is a legal principle designed to ensure the transparency of the proceedings and as a means to guarantee the interests of all parties concerned: witnesses, the accused and the broader public.

In order for the hearings to be fully accessible to the public, it is imperative that they be conducted in an appropriate facility. And yet, the first section of the Three-member Court of Criminal Appeal, which has been assigned this seminal criminal trial, seems bent on conducting proceedings in a hall inside Korydallos prison – a choice of venue that is decidedly inconsistent with the purported principle of public access that the court claims to uphold, and which thus questions the court's commitment to the public nature of the trial.

Despite the immense interest in this trial – expressed both by the wider public and by journalists at the national and international level – it was decided to conduct the proceedings in a wholly inappropriate venue; the relevant authorities had made no provisions to accommodate the level of interest the trial generated. In effect, this resulted in the public being barred from the proceedings. The venue in which today's proceedings were conducted cannot, under any circumstances, accommodate the large number of defendants, lawyers and victims; moreover, there are not enough seats for the defence lawyers or for interested journalists, while restricting admission to accredited persons essentially excluded the public from the courtroom. The sound system in place was not fit for purpose and most of what was said during the course of today's proceedings could

not be followed by everyone, the result being the repeated appeals by journalists to the court to ensure the public nature of the trial.

Access to Korydallos women's prison was equally difficult as, due to the security measures taken by the authorities, the main entrance to the prison on Solomou Street was cordoned off on both sides by police vans, with the result that the courtroom could only be accessed with police permission.

These crucial practical failings were raised with the court at the end of the day's proceedings by the mayor of Korydallos, who was in attendance, and by lawyers for the civil action, who submitted a request for a change of venue, proposing the ceremonial hall of Athens Court of Appeal as an alternative.

In articulating her own position, the court prosecutor stressed that:

- \* The meeting venue was determined by the justice minister
- \* The ceremonial hall of the Athens Court of Appeals was being used for other trials
- \* A solution would arise during the transfer to a new venue, which would be arranged for that purpose
- \* The application for a change of venue for the trial could not be submitted by the lawyers for the civil action as they had not yet been formally recognised by the court

The presiding judge expressed agreement with the final point.

She referred the matter to the next sitting, declining to accept any further interventions on the subject, despite the fact that even the president of the Athens Daily Newspaper Journalists' Union (ESIEA), who was present, demanded an explanation, pointing to the severe practical difficulties faced by her fellow journalists before and during this first day of the trial.

## **2. Obstruction of and attacks on witnesses**

Following the identification of the accused and the confirmation of their legal representatives, a member of the legal team representing the family of Pavlos Fyssas informed the court that two witnesses had been attacked upon reaching the courtroom and requested a short adjournment. During the ensuing process of identifying the witnesses, the lawyers for the Fyssas family confirmed that these two witnesses were absent because they had been attacked and injured outside the courtroom.

### **3. The court proceedings**

The meeting began at 9.15am with the identification of the defendants and with the opening statements of the defence. In total, 44 defendants were present while 24 defendants were absent but represented by their lawyers. According to lawyers for the defence, one of the accused, Antonis Boletis, was deceased.

Another defendant, Nikolaos Papavasiliou, stated that he had no legal representative and asked the court to provide him with a lawyer. The court then provided him with two ex officio lawyers from the Athens Bar Association and proceeded with reading the names of the witnesses.

The five protected witnesses confirmed their presence by phone, which was relayed to the courtroom. At 11.05am, the trial was adjourned until 7 May 2015 in order to allow time for Mr Papavasiliou's defence to familiarise itself with the case file.

The court's decision to adjourn marked the end of the first hearing before of the 1st Three-member Court of Criminal Appeal. The stated agenda for the next sitting is the formal recognition of the lawyers representing the civil action and the re-examination of the request for a change of venue.