

DAY 23: “YOU’RE NEXT; WE’RE GOING TO KILL YOU”

23rd Hearing, Women’s Section, Korydallos Prison, Athens, 21 October 2015

1. Court access

Hearings remain accessible to members of the public, provided they present their identity cards at the entrance. However, there were fewer members of the public in attendance than at the previous hearing. The spaces reserved for journalists are almost always occupied.

2. Presence and representation of the defendants

Ten (10) defendants were present at the beginning of the hearing. Thirteen (13) defendants were listed as absent; the remaining defendants were represented by their counsel.

3. Giorgos Rotas’s testimony (continued): further questions from the defence

None of the defence counsellors had any further questions for the witness. There were no questions from counsels representing defendants charged with more than involvement in a criminal organisation, that is, with the assault on the PAME trade unionists, the assault on the Egyptian fishermen or directing a criminal organisation.

4. Statements from the civil action following Rotas’ testimony

What follows are the more substantial elements of the statements by counsels for the civil action following the testimony of Giorgos Rotas (under article 459 of the code of criminal procedure).

Chrysa Papadopoulou (counsel for Irimi Fyssa) stated that, according to the witness’s testimony, the police arrived around five minutes before the murder. Takis Sapountzakis (counsel for the PAME unionists) stressed that the murder was premeditated, that the word “scuffle” is misplaced given this is an instance of an unwarranted assault on four or five people. He also noted the presence of the police did not intimidate Golden Dawn. Angelos Vrettos (for the PAME trade unionists) sought to substantiate his reference to Golden Dawn’s ongoing activities, by describing a recent photo taken in the parliamentary chamber, which “demonstrates [Golden Dawn MPs’] adoration of weapons”. His comments were stopped short by booing from the defence. One of them shouted: “And you have tin cans (*konservokoutia*)” [a reference to the rightwing allegation that communists killed their enemies during the civil war with the cut-off tops of tin cans].

The defence was eager to insist that “no other people were involved in the murder”, that “there was no organisation; only unrelated individuals”, that “just because someone has a buzz cut doesn’t mean he’s a Golden Dawner; he could be an anarchist”, that “an organisation wouldn’t operate with masked characteristics”, that “no one heard orders, commands or the voice of a leader”, that “if

they operated as a unit, they would not have left the perpetrator behind” (Christoforos Tsagkas for Ioannis Aggos). We note again that counsels representing defendants charged with crimes beyond participation in a criminal organisation did not take a stance. The only exception was Panagiotis Michalolias (for Nikos Michaloliakos) who stated that “witnesses have spoken only of things they read in the case file”, and A. Tsionis (for Christos Pappas), who stated that “there are no descriptions that they were Golden Dawners”, and that “there are contradictions in the witnesses’ testimony”.

5. Eyewitness Dimitris Melachrinopoulos gives evidence

Dimitris Melachrinopoulos, a friend of Pavlos Fyssas was called to give evidence, the most important points of which are presented here: “Pavlos and I were friends for 15 years. We played music together, we gave concerts, we worked on socially charged, antiracist, antifascist lyrics. Pavlos didn’t have beef with anyone; he didn’t even belong to a party. That night we started off at a bar called Souvenir and started watching the match there around 21:30. There were about ten of us there. After the first half, eight of us went to join Pavlos, who was in Koralli [another bar] with another two people, Chrysa and Doulvaris. We parked our two cars nearby. It was around 23:00. As I was walking in, I saw a tall, heavy-built man coming out. Afterwards I found out it was Michalaros; the investigating magistrate showed me a picture of him. Inside Koralli, I sat next to Pavlos. The screen was in front of me and on my left were two people dressed in black who were looking at us strangely and sending messages on their mobiles. I asked Pavlos if something had happened and he said that they might have overheard him joking about how one of them was wearing his t-shirt inside out. As we were leaving, one guy – it was Aggos – tripped over Seirlis’ chair and said sorry.”

Following a question from the presiding judge, the witness said that he was shown photographs for the purpose of identifying the culprits when he delivered his fourth and last statement to the investigating magistrate at Athens Appeals Court.

He continued his testimony: “We left the bar around 23:30 and I saw around ten people on the other side of the street. One of them was holding a beam, another one was holding a helve, another brass knuckles. A guy on a motorbike came and went between us and them, but looked more comfortable with them. He told us not to worry; that they would leave and we could leave as well. We went to put our sick friend into a cab. Then I saw two police motorbikes and five or six Golden Dawn cars and motorbikes. A grey Nissan approached us and Roupakias asked us if he was on Kefallinias street. Pavlos said yes. Two women were sitting in the back seat; one of them was blonde. We started to cross the street. I heard footsteps. Some 30 to 40 people wearing black or fatigues, carrying bats and helmets, were running behind us shouting, ‘come here, chickens; we’re gonna fuck you up’. Pavlos told the girls to go home and told us to run. Suddenly I saw five or six people

attacking Pavlos, hitting our friend Ilias against a shop window with their helmets. I turned around to help; they kicked me in the back and I fell down. Then I saw five or six people beating Pavlos. They took turns doing it, getting more and more excited. Then I saw the Nissan driving in reverse. It stopped, Roupakias got out and the people beating Pavlos spread out to give him room to kill him. I couldn't prevent it. It happened so quickly. The motorcycle policemen showed up and Pavlos shouted, 'he did it'. The policewoman turned her weapon to Roupakias and shouted 'hey guys, not with knives'. All the Golden Dawners suddenly disappeared. Pavlos sat bleeding on a step. I brought him water and he started to collapse. Chrysa showed up as well, we called an ambulance but it arrived half an hour later. He was so heavy it took three people to lift him."

Throughout the testimony, whispers, conversations and even laughter could be heard from the defendants and their counsels, the latter frequently interrupting the testimony without seeking the judge's permission.

The judge told the witness that there were some discrepancies in his various accounts. He responded that the first time he was called to testify, he was psychologically exhausted and that his mind wasn't calm. He gave the statement a few hours after his friend's murder; he was still in shock. On the matter of the number of people, he stated that he couldn't possibly have stopped to count them in that moment.

In response to questions posed by the judge, the witness said that Golden Dawners take their orders from their leader and are hierarchically organised, that they attack migrants, homosexuals and anyone who opposes them. Moreover, he added that after the murder, the police arrested him and his four friends, but not the Golden Dawners.

The prosecutor, Adamantia Oikonomou, took the floor. She accused the witness of "fabricating" his testimony based on previous testimonies and proceeded to question his statements with such rigour that the witness did not have the time to respond. For instance, the prosecutor wondered whether the witness could have seen a set of keys rather than brass knuckles in the hands of the individuals outside Koralli, and pointed out that the witness had originally attributed the attack to a verbal altercation; he now attributes it to an organised attack. Civil counsel called for "some discretion". The prosecutor proceeded to ask him whether helmets qualify as deadly weapons, and wondered why the witness had not mentioned earlier that Pavlos had been stabbed twice, rather than saying, as he had, that Roupakias "stabbed him". It is noted that the prosecutor did not ask the witness any questions regarding the matter of the criminal organisation.

Following a short break, Chrysa Papadopoulou (counsel for Irini Fyssa) took the floor and asked all present to be more dignified and discreet in the presence of Pavlos Fyssas' mother.

The witness continued his testimony: “I followed the ambulance in Doulvaris’s car. When Pavlos died, a policeman – probably with the Dias motorcycle police – took down my details at the hospital. After a little while, another one took my statement at Keratsini police station. I saw my friends there. I went upstairs, I saw Roupakias in a room, without handcuffs, totally at ease. After giving my statement, I went outside and saw Kontonikolas, they took us to Attica General Police Headquarters (GADA) for a line-up.

6. Civil counsel question the witness

Counsels for the Fyssas family took the floor first. Their questions initially concerned clarifications following the prosecutor’s questions. Thus, the witness specified that when he gave his first statement, Pavlos’s blood was on his clothes. He insisted that what he saw were brass knuckles and definitely not a set of keys. Andreas Tzelis (counsel for Panagiotis Fyssas) showed the witness a photograph from the case file and he confirmed that that night, all of them were wearing the same clothes as the Golden Dawners. He also showed a piece of paper to the witness, who answered questions regarding the movements of the two “sides” that night.

Throughout the questions, whispering and sarcastic comments could be heard from the defence counsel, who protested when civil counsel accused them of lacking respect. “We aren’t all the same” and “we are independent”. Mr Tzelis concluded by asking questions regarding Golden Dawn’s organisation and the police’s role in the incident. Similarly, Violetta Kougiatsou (counsel for Madga Fyssa) focused on the police’s actions and on those of the “middleman”. Dimitra Velentza (counsel for Kalaritis, Kouzilos, Kazantzoglou, etc.) protested at the use of the word “murderer” given that it had yet to be proven. Responding to a question posed by Chrysa Papadopoulou, the witness said, “After the murder, I was threatened five or six times. I would receive anonymous calls; they would say ‘You’re next, we’ll kill you’. Moreover, he said that recently, during the September 2015 elections, he had been verbally assaulted by a group of Golden Dawners outside the polling centre where he was registered.

Thanasis Kampagiannis (counsel for the Egyptian fishermen) stated that it wasn’t possible for a prosecutor to confuse detention with arrest and asked the witness questions regarding the accusation of involvement in a criminal organisation. The witness stated that Golden Dawn attacks are public and brazen and intended to intimidate; after all, they killed Pavlos in public.

Takis Sapountzakis (for the PAME trade unionists) asked the witness would it have made a difference whether there were 25 or 45 people in the mob, if it would have changed anything. He replied, “No. It would have ended the same way.” His next questions centred on the police’s role and the fact that no one was arrested apart from Pavlos Fyssas’s friends. From his questions, it emerged that Pavlos

Fyssas's activism in support of vulnerable people in the neighbourhood "bothered Golden Dawn". Angelos Vrettos (for the PAME trade unionists) stressed the matter of the organisation's hierarchy and leadership, concluding that "Golden Dawn has not disproved anything the media says about it". Eleni Zafiriou (also for the PAME unionists) asked about the Nazi character of the organisation and its assault divisions. The witness commented, "I have heard about 'blood, honour, Golden Dawn', and about their Nazi salutes."

At the defence's request, the hearing was adjourned until the following day, 22 October.