

DAY 29: “THEY CLEARLY WERE NOT OLYMPIAKOS SUPPORTERS”

29th Hearing, Women’s Section, Korydallos Prisons, Athens, 13 November 2015.

1. Court Access

Hearings remain accessible to members of the public, provided they present their identity cards at the entrance. The crowd had thickened since the previous hearing. However, some seats remained empty towards the end. The spaces reserved for journalists are almost always occupied.

2. Presence and representation of the defendants

Eight (8) defendants were present at the beginning of the hearing. Twenty-four (24) were registered as absent. The remaining defendants were represented by their counsel.

3. Testimony of police officer Konstantinos Kotsovos (continued)

Witness Konstantinos Kotsovos, a member of the rapid response unit of the police, was called to continue his evidence.

Following questions from Thodoris Theodoropoulos (civil counsel for PAME), the witness stated that he had never heard his colleagues refer to the incident as a clash between football hooligans. The perpetrators were stronger in number; this was one of the reasons why the police did not intervene. The second reason was that the mob seemed likely to turn aggressive, though the witness was not himself present to assess the risk. The witness stated that his colleagues at the police station where Roupakias was detained allowed him to use his phone knowing that he was the alleged perpetrator of the homicide. According to the counsel, Roupakias took advantage of the situation to place six calls to his co-defendant, Giorgos Patelis, and to speak to him for a total of six minutes. Finally, following a further question from the counsel, the witness stated that the police training centre at which he studied between 2009 and 2011 did not come close to matching Golden Dawn’s rigour in training its members at the its two-day camp on the Neda river, during which aspiring members were subjected to unannounced night excursions, shooting, swimming upstream, wearing camouflage with leaves, and lampblack, etc.

The defence proceeded to question the witness.

In response to questions from Dimitra Velentza (for Ioannis Kazantzoglou, Elpidoforos Kalaritis and Aristotelis Chrysafitis), the witness stated that he had no personal knowledge of any criminal acts committed by Golden Dawn; that he never heard his colleagues transmit a call along the lines of “do something; they are attacking us”; that he didn’t notice anyone present disobeying orders given by the police.

Responding to questions from Giorgos Michalolias, the witness clarified that the calls they receive from the police command come from calls placed by citizens, which are logged (though he wasn’t sure whether the recording device was working that day or whether a member of the public had placed a call about the fight). He also testified that he began to find out about Golden Dawn’s criminal acts on TV, that he had seen a parade involving target practice and that he has heard of attacks on migrants.

Responding to Giorgos Roumpekias (for Giorgos Roupakias), the witness stated that when he got to the scene, he did not see a fight but a gathering crowd and that he could not tell whether the victim was alive or dead.

4. Statements/comments from the civil action regarding the witness’s testimony

After a plea from the presiding judge, Maria Lepenioti, to keep their make comments as brief as possible so that the trial would not go beyond the time limit that defendants may be kept on remand, counsels from the civil action began their remarks.

Andreas Tzelis (for the Fyssas family) commented that the testimony was full of inaccuracies and that the witness has delivered four different versions of the facts to date. He was imprecise on the matter of the police command’s calls and on the matter of the police report of the day. Finally, he accused the witness of brazenly “caressing” the alleged criminal organization, by initially claiming that he received a call about football hooligans, only later to admit that it was simply his own assessment of the situation.

Ellada Christodoulou (for the Fyssas family) remarked on the apparent apathy of the witness towards the event, demonstrated by his submission of the daily report five days after the incident. She also asked the court to summon Iosif Symeonoglou, a senior police officer, who was mentioned by the witness in his testimony.

Violetta Kougiatsou (for Magda Fyssa) referred to the witness’s evident indifference with respect to the fulfilment of his duties, to the police’s utter ignorance with respect to the

calls they receive, and to the contradictions among the witness's testimonies. She accused the witness of lying to the court and of disrespecting his colleagues. She concluded that the only useful information to emerge from the witness's testimony was the confirmation that the incident had been provoked by Golden Dawners.

Chrysa Papadopoulou (for Irini Fyssa) commented on the fact that the witness claimed never to have received a call regarding an attack on migrants, even as the case file notes the occurrence of just such an attack that night in Monastiraki. Moreover, she commented on the witness's insistence that he knew nothing about the attacks in Perama; rather, he claims to have received an E11 call about a fight that appears nowhere in the case file. Finally, the counsel noted a suspicious coincidence in the fact that the notion of a fight between football hooligans was both Golden Dawn's adopted line and the "personal assessment" of the witness.

Thanasis Kampagiannis (for the Egyptian fishermen) noted that the witness testified that there had been two incidents on the night of the murder: one a code E11 on Krinis square, the other a code E6 on Tsaldari street. He also suggested that the misunderstanding of the incident as an attack on foreigners was likely the result of the police's prevailing attitude that Golden Dawn only attacks migrants.

Takis Sapountzakis (for the PAME trade unionists) noted that the witness's testimony confirmed that the order from the police command was to detain those dressed in black and combats, from which it follows that the incident was certainly caused by Golden Dawn. He continued that, in his opinion, the section of the indictment describing Golden Dawn as a criminal organization was quickly being verified.

Thodoris Theodoropoulos (for the PAME members) dwelled on the following points: four days before the Fyssas murder, the police had been ordered to be particularly careful, in view of the attacks on PAME. Despite this and the fact that the killer had already confessed to the crime (a confession that was instantly related to police command), Roupakias was allowed to make six telephone calls to the Golden Dawn cell-leader Giorgos Patelis. Moreover, he commented that Golden Dawn's training is more military in nature than the training received by the Greek police. Finally, he claimed that use of such elements in the state apparatus could not be made by individuals acting alone, but only by organizations.

5. Statements/comments from the defence

Most defence counsels did not wish to comment on the witness's testimony. N. Kontovazenitis (for Anastasios Anadiotis) stated that the witness claimed there were no Golden Dawners at the scene, but only "weirdoes" and local residents. Dimitra Velentza pointed out that the witness had not mentioned a single criminal act, or any case of disobedience of or resistance to police orders.

6. Testimony of Christos Deligiannis, a motorcycle policeman

Christos Deligiannis, a police officer with the Dias motorcycle unit, was then called to give evidence.

The witness testified that he lives in Korydallos. That day he was working the 19:00 to 01:00 shift. He was driving the motorbike with Giorgos Rotas in the driver's seat. They were patrolling with Koliouis (a driver) and Tsouvaras (a passenger). Three people had radio transmitters that day: Rotas, Tzouvaras and himself. Around 23:55, he received a call about 50 people standing with bats outside Koralli cafe, on Tsaldari and Ifigenias streets. They were three kilometres away and it took them around five minutes to get to the scene. As they approached the point, they saw the Keratsini motorcycle police unit: another four policemen. They stopped at the corner of Pavlou Mela and Kefallinias streets. There were 20-30 people there. One policeman, Tsolakidis, spoke with a man called Hatzistamatis, who claimed to be a policeman. Later, he found out that he was a prison warden. The people there wore black clothes – one of them had something like a club in his hand. The mob was in frenzy. It was obvious that these were not Olympiakos fans and that this had nothing to do with the match. There were some people outside Koralli who weren't doing anything; they just sat and watched. The witness heard Tsolakidis tell the police command that a man had told him there had been a fight between Golden Dawn and some anarchists, but that it had ended. Because there had been an attack on migrants elsewhere in Athens that night, the witness thought about the incident's proximity to Perama. When Hatzistamatis told them they were Golden Dawners, no one was in any doubt about it.

The witness stated that the assailants wanted them to disappear. Only one of them was carrying serious weaponry; though Legatou, a policewoman who was present, might be very capable, her physique was far from intimidating. At one point, the police command had

asked them to give them a sense of what was happening. He himself shouted, “Police, disperse!” from three or four meters away, but received no response. Tsolakidis was still speaking with Hatzistamatis and taking down the details of the event. Then, suddenly, the whole mob started running towards Tsaldari street in unison and cursing. They said, “Come here, you fuckers.” There were people were all over the length of Tsaldari street: it was like a village festival. They turned left, shouting the whole while. As the witness ran, he saw some people fighting. He saw a man (Fyssas) standing with three or four people, both in front of and behind him. Roupakias and Fyssas were fighting. It seemed as though the others were eager to deliver a massive blow, and they found Fyssas. Everything was happening so fast that the witness could not relate it to the station. His heart was thumping. The witness stated that the motorcycle police did not usually interfere in these kinds of incidents; that’s the job of the riot police. The Dias unit prevents robberies and are well-trained for it. But they definitely could not have intervened in the incident because of the speed at which it developed and the fact that they had not been trained in dealing with such a large number of people. The witness testified that he had tried to handcuff one of the four people around Fyssas, until one of them – a tall man – pushed him away and said “leave him”. He left immediately after the people who were behind Roupakias had left. When he left, the others involved caught Fyssas because he was taller and more agitated. Then, Fyssas cried out “not me, guys; that shithead stabbed me”. He lifted up his shirt and showed them his wounds. Fyssas remained standing for a minute and said “Fuck, no; he stabbed me.” Tsolakidis told police command there had been a stabbing and called for an ambulance. Fyssas’s girlfriend arrived; he was conscious for about ten minutes. When the police went to Roupakias, there were still a few people on the other side of the street. When they arrested Roupakias, the crowd dissolved instantly. When the ambulance left, the police command called to say that some people were hiding in the ground-floor car park beneath an apartment block. They looked for them, but there was no one there.

Moreover, the witness testified that he had been at the assault on the PAME trade unionists in Perama and had seen a man gravely injured. He also stated that Golden Dawn routinely held meetings, and that on those evenings, the police was called on to observe them discreetly. Golden Dawn events usually attracted 60 to 70 people, wearing black and combats, holding Greek flags, singing the national anthem and shouting, “Blood, Honour,

Golden Dawn". The witness said he had heard on television that they are Nazis, that they target migrants and that the Golden Dawn cell leader in Nikea is Giorgos Patelis.

In response to questions from the prosecutor, the witness stated that the purpose of the Dias motorcycle unit is to manage armed clashes and robberies. He added that he saw bike helmets as well as bats. Tsolakidis asked for back-up. The mob there cried "come here, you shits; we'll fuck you up". The prosecutor asked him why he had not mentioned that his colleague asked for back-up. The witness replied, "I'm sorry; I'm very nervous." Following a further question, the witness identified Giorgos Roupakias in the dock.

Following questions from the deputy prosecutor, the witness testified that the other 20-30 people near the spot were shouting and were clearly neither friends nor neighbours of Fyssas'. He added that the police chief, Symeonoglou, was also at the scene. Prompted by a question from one of the judges, the witness testified that he had never seen a legal political party display such disregard for the police and that he has heard about Golden Dawners interfering in police matters.

7. Cross-examination by the civil counsel

Following questions from Andreas Tzelis (for the Fyssas family), the witness testified that Fyssas's friends told him that they wanted to go to their cars but had to leave on foot because the Golden Dawners were blocking the road; that the mob did not start running in formation, but strangely they started running at the same time in the same direction. Most of them were well-built, had buzz cuts and wore black shirts.

Following questions from Ellada Christodoulou (also for the Fyssas family), the witness testified that the mob was particularly loud and even frightened him.

Following questions from Chrysa Papadopoulou (for Irimi Fyssa), the witness stated that the investigating magistrates called the incident a "conflict" because a mob was involved, which she assumed to be Golden Dawners, who shouted and cursed, threatening to destroy Fyssas and his friends.

Following questions from Eleftheria Tompatzoglou (also for the Fyssas family), the witness said that the Golden Dawn offices in Piraeus are in an alley behind Piraeus police station; that they are on the top floor and a Greek and party flag hang from the balcony. When asked why his colleague had testified that he used his patrol car to block Roupakias' car

from leaving the scene, the witness said he was wondering the same thing given he himself did not see that and was convinced that Roupakias had already been arrested. Finally, he testified that he knows his colleague, Venetia Popori, and that everyone at the police station was shocked to discover her dealings with Golden Dawn. Finally, he testified that he has seen a Golden Dawn MP destroy a migrant market vendor's stall.

Following questions from Takis Zotos, the witness testified that the Golden Dawners he saw on demonstrations wore combat trousers and chanted the slogan, "Blood, honour, Golden Dawn"; that he assumed the individuals involved in the murder were Golden Dawners; that he didn't know if the murder was carried out by one person or by many but that he knew the man who pointed out the victim to him. The witness then identified the murder weapon which, he said, though small, had a good handle and a sharp blade. Finally, the counsel endeavoured to obtain information in relation to the special garb and the military training of Golden Dawners as compared to the training received by the police, by displaying photographs of men in military uniforms performing drills. When the witness recognized a paintball gun in the photograph, Ilias Kasidiaris's counsel quipped that if civil counsel wanted to go with him to Malakasa [an area in eastern Attica], he could show them many such guns. The atmosphere in the courtroom became tense and the presiding judge tried to call the room to order.

Here, the court was adjourned until Wednesday 18 November at 09:00.