

DAY 2: REPITITION

2nd Hearing, Women's Section, Korydallos Prison, Athens, 7 May 2015

1. Court access and suitability

Regarding public access to the trial, the same conditions applied as on the opening day, given the second hearing was conducted in the same hall in Korydallos prison. Moreover, throughout the hearing, a number of journalists, witnesses and lawyers present complained that they could not hear the proceedings. Despite the provision of more seats to accommodate the defence counsel, many lawyers found themselves with no place to sit.

2. Presence and representation of the accused

The hearing began at 9.05am with the reading out of the names of the defendants and confirmation of representation by their counsel. Given the overall conditions in the courtroom and the absence of an adequate sound system, those present in the hall could not hear the statements of the accused nor their counsel regarding their appearance and representation in court. The presiding judge requested additional information regarding claims made by the defendants and their counsel concerning the alleged death of one of the accused, Antonis Boletis, noting that his death had yet to be confirmed by the court. Finally, the defendant Ioannis-Vasilios Komianos declared that the lawyer whom he himself had chosen as his counsel would not be representing him after all because, in his words, "they couldn't work it out financially". The defendant then requested the court to provide him with counsel. The presiding judge assigned counsel from the list of ex-officio lawyers from the Athens Bar Association.

Counsel for the Fyssas family requested the court to resolve all issues pertaining to the defence counsel so as not to delay the proceedings any further.

3. Civil action

The presiding judge then called out the name of the first witness for the prosecution, Pavlos Fyssas' father, whose counsel raised the question of whether the participation of civil parties would be announced at this stage.

A number of defence lawyers responded that civil plaintiffs cannot make statements before the defence counsel has had the opportunity to acquaint themselves with the case file. The prosecutor supported this view. The presiding judge suggested that the participation of civil plaintiffs could be

announced on the same day, following which the defence counsel would be given time to consult the case file so that any objections might be discussed at the next hearing.

While a number of lawyers for the defence agreed with the proposal, others objected, demanding the adjournment of the hearing so that the defence counsel appointed by the presiding judge might have time to acquaint themselves with the case file. It was eventually agreed that the legal recognition of the civil action would be determined in subsequent hearings.

4. Requests to the court

Counsel for the civil action reiterated their request to transfer the trial proceedings to the Athens Court of Appeals, given that the venue currently assigned to the case was inadequate. Questions were also raised concerning the necessary measures to ensure the safety of the trial and the local community – particularly the students attending a neighbouring school – whose lives have been disrupted by the decision to conduct the trial in the prison. One defence lawyer agreed with the request for a change of venue put forth by counsel for the civil action and stressed that of the arguments given, he supported the one concerning the unsuitability of the venue but rejected the one referring to the local community.

Taking the floor, the mayor of Korydallos requested the court to find a solution to the difficulties incurred by the 400 students of the school, who will otherwise be forced to sit the upcoming national exams in other municipalities.

A member of counsel for the civil action reiterated his request that public access to the trial be ensured and suggested the court call a former president of the Panhellenic Federation of Journalists' Unions (POESY) to the stand. The court accepted the request and gave the floor to the POESY ex-president. At this point, a member of the defence counsel remarked that "journalists don't interest us". Relating the difficulties faced by journalists due to the inadequacy of the venue, the former POESY president stressed that under such circumstances the principle of the public nature of the trial could not be adequately upheld.

The prosecutor proposed that hearings be conducted on Saturdays so as to avoid creating more difficulties for students during the exam period. After requesting to see a list of exam dates, the presiding judge accepted the proposal that the court meet on Saturdays or in the evening so as not to disrupt student exams.

5. Witnesses and the position of the presiding judge on the trial venue

After a short break, the presiding judge proceeded with the list of witnesses. Due to a technical problem, the five protected witnesses could not be contacted by phone to confirm their presence.

The presiding judge stressed that the issue of finding a suitable venue for the trial was the concern of the current political leadership (that is, the justice ministry) and that when it made arrangements for an adequate venue, the court would immediately take the decision to relocate the trial. The prosecutor proposed the addition of more seats to accommodate the defence counsel.

The court was then adjourned by the presiding judge until 12 May 2015, so that the appointed counsel could familiarise themselves with the case file. One lawyer insisted that this would not give him sufficient time to adequately examine what was a lengthy case file and to conduct the duties expected of a defence lawyer. The presiding judge urged him to do everything possible, making it clear that any further requests would be taken into consideration in the following session.