

DAY 30: THE ODDS WERE ENTIRELY AGAINST FYSSAS

30th Hearing, Women's Section, Korydallos Prison, Athens, 18 November 2015

1. Court access

Hearings remain accessible to members of the public, provided they present their identity cards at the entrance. The seats in the public gallery were taken up as usual, with no significant change in terms of numbers from the previous hearing. The spaces reserved for journalists are almost always occupied.

2. Presence and representation of the defendants

Seven (7) defendants were present at the beginning of the hearing. Twenty (20) defendants were registered as absent. The remaining defendants were represented by their counsel.

3. Cross-examination of witness Christos Deligiannis by the civil action

Counsels of the civil action proceeded to cross-examine witness Christos Deligiannis, a police officer with the Dias motorcycle unit.

Violetta Kougiatsou (counsel for the Fyssas family) asked how the policemen would have responded had it been a burglary for which, as the witness had stated, they have received relevant training. The witness refused to answer, deeming the question “too hypothetical”. In response to further questions, he testified that Fyssas had been seriously wounded; as far as regards Golden Dawn’s slogans, he said that he could not think of another party so partial to the use of the word “blood” or of any party leader who would assume political responsibility for criminal acts.

Takis Zotos (for the Egyptian fishermen) showed Deligiannis photographs, asking him if he recognised tactics specific to police or military training. The witness said he saw men in camouflage raiding uninhabited houses and firing shots with paintball guns. He said it could be a military training drill or simply a game of paintball.

The defence objected, insisting that this was not a military drill but a game gave. This gave rise to tension in the courtroom. The presiding judge, Maria Lepenioti, asked the defence to refrain from commenting while the witness was being cross-examined and to maintain some sense of seriousness and respect.

Vasiliki Pantazi (for Stathis Boukouras) said that paintball games look like military training drills. The witness proceeded to state that Golden Dawn supporters often wear white and grey camouflage clothing at their demonstrations and responded affirmatively to a question from Zotos, who showed him a relevant photograph.

In response to questions from Thanasis Kampagiannis (for the Egyptian fishermen), Deligiannis testified that he saw the mob shouting as it approached Tsaldari street and that they were definitely not anarchists. His colleague's description of them as Golden Dawners merely confirmed his suspicions. The judge did not allow the counsel to ask further questions regarding the incident, stating that this was beyond the scope of his brief. He responded that "[his] client has an interest in demonstrating the organisation's continuous activities, its organised structure and its deployment of assault divisions". The witness said that the decision not to intervene was due to the fact that they were faced with 40 people, that they had no experience in such matters and had no idea what they were dealing with. Had these people wanted they could have attacked the police as well.

The judge again asked Andreas Tzelis (for the Fyssas family) to limit the scope of his questions; he responded that all of civil action's questions were relevant, given the significance of demonstrating the continuous activity of the criminal group.

Takis Sapountzakis (for the PAME trade unionists) stressed that if the assailants had not been an organised unit, they would have dissipated as soon as the policeman ordered them to. Responding to this point, the defence shouted: "They may not have heard the words 'break it up'." Moreover, the witness repeated that Fyssas was left alone during the assault; it was clear that the four or five men crowded around him were not his friends. When asked, "do you call that a mere scuffle?" the witness responded in the negative.

Responding to questions from Thodoros Theodoropoulos (for the PAME trade unionists), Deligiannis stated that he didn't hear Fyssas' girlfriend call the police to help and that he was almost certain that the 20 to 30 people there did hear his order to disperse. He also said that, among those he saw on Tsaldari street, there were some people he had already seen screaming and cursing on Pavlou Mela street. "If they were a unit, they certainly worked to encourage [Roupakias]," he stated.

In response to questions from Eleni Zafiriou (for the PAME trade unionists), the witness stated that paintball is a strategy war game that educates players in military prowess and teaches them how to kick the enemy out of the game or out of his base. He stated that he himself had personally heard the slogan “Blood, Honour, Golden Dawn” chanted during party demonstrations, and added that he had discovered through the media that they were Nazis who imposed their rule by force. He proceeded to say that he had heard that the Golden Dawn leader had claimed political responsibility for the murder and heard the MP’s statement that “we support the boys in black shirts”.

Amid objections from the defence, Zafiriou explained: “Your honour, the aim of our questions is to belie the claim that there is a party and a separate, unrelated NGO-type organisation by the same name.”

Panagiotis Michalolias (counsel to Golden Dawn leader Nikos Michaloliakos) intervened to say that the particular excerpt regarding the political responsibility for the murder is misleading and that the interview should be read in full. Moreover, he objected to the counsel’s questions regarding party MPs.

Throughout civil action’s examination of the witness, whispering and comments could be heard continuously from the defence, with the result that the judge had to repeatedly call the court to order.

4. Cross-examination of witness Christos Deligiannis by the defence

The witness was then cross examined by members of the defence.

In response to a question from Christoforos Tsagkas (for Ioannis Aggos), Deligiannis stated that a car arrived between the pavement where the incident took place and where the 40 people were located on the opposite side of the street.

In response to questions from N. Kontovazenitis (for Anastasios Anadiotis), the witness stated that the people around Roupakias did not have badges. When asked if they could have been anarchists, the witness responded in the negative.

In response to questions from Dimitra Velentza (for Kalaritis, Kazantzoglou, Kouzilos and Stefan), the witness testified that the pavements were visible from either side and that he was sure the people gathered there heard his order to break it up.

Using the term “Golden Dawners”, Vasilis Oplantzitis (for the same defendants) then cross examined the witness, who stated that as they ran, they shouted, “come here, you bastards, we’ll fuck you up,” and that there was a general uproar during the murder. The counsel wondered why the witness used the term “war”, given it was a matter of one unit without a significant rival. He responded, “that’s just how I thought about it.” Moreover, the counsel argued that there are differences in the witness’s four testimonies. The witness corrected him: “They’re not different, I just added more details.” Finally, the witness stated that when Roupakias was arrested, Fyssas was still standing and shouted, “come here, you asshole”. Moreover, the witness stated that the mob across the street must have seen Fyssas lift his t-shirt to show his wounds.

Dimitris Gavelas (for Pantazis and Popori) reminded Deligiannis that in his first testimony, he mentioned three or four people behind Roupakias. The witness responded: “I was exhausted during my first testimony; I spoke only about the essentials and left the details out.” He insisted that witnesses were not influenced by the media and that he did not discuss or plan his testimony with anyone. The counsel asked about the ethos of the accused policewoman, Venetia Popori; the witness replied that she had been flawless in her work. The counsel asked “then why is she accused of receiving phone calls from Golden Dawn members and of storing bullets in her house?”

Giorgos Roumpekas (for Roupakias) insisted on the use of the word “scuffle” and asked descriptive questions about the incident. The witness replied that the odds were entirely against Fyssas, given he was encircled by four to five men: while one of them hit him, the rest tried to hit him. The blows he saw were strong, their bodies were not “glued” to each other’s but close. As regards Roupakias’ car, the witness said it was next to the curb and that he would have had to drive a short length in reverse in order to get out. The counsel began to formulate the question, “Before the stabbing, Fyssas told Roupakias ...” but was interrupted by the witness, who said, “I said that he shouted, ‘come here you asshole’ *after* he was stabbed.” The counsel insisted, asking whether Fyssas had said something before the stabbing; the witness responded in the negative.

In response to a question from D. Bonis (for Tsalikis) on whether there was another “scuffle”, the witness replied in the negative, adding that he did not hear words of encouragement such as “kill them”.

A. Mammis (for Nikolaos Tsorvas) began by asking the witness about his knowledge of paintball and airsoft. He proceeded to ask the witness why his first two testimonies did not refer to him being pushed away by the assailants; he replied that he had thought other details to be more significant. The counsel wondered why the three to four people did not beat Fyssas as well, given there was nothing to hinder them.

Giorgos Michalolias (for Koukoutsis) stated that an earlier witness, Giorgos Rotas, had said that the mob “broke up a little” when ordered to. Civil counsel reminded the court that nothing of the sort had been said. The same counsel asked the witness about other political parties: whether they engage in demonstrations and if they speak in a derogatory way to the police. The witness said that he has heard of it. The witness did not reply to the question, “Have you heard of a parliamentary speaker telling a policeman how to do his job?” The witness was asked what he thought of the slogan “Blood, Honour, Golden Dawn” and if he knew the slogan “EAM, ELAS, Meligalas”, to which he responded in the negative. The atmosphere in the courtroom became tense.

Nikos Roussopoulos (for Ioannis Lagos) asked, “Did you know that Karagiannidis, the Syriza MP, says he keeps clubs and gas masks at his home and uses them on marches?” The judge interrupted him to say that the issue was irrelevant to the case. The same counsel showed the witness a photograph; the witness described a motorcycle policeman on fire. The counsel showed the witness another photograph; the witness said he saw a Communist Youth of Greece (KNE) banner and men holding swords. The counsel asked the witness how he could explain the fact that members of other parties hold “swords”.

Panagiotis Michalolias (for Nikos Michaloliakos) asked the witness if he had seen members of Golden Dawn destroying property “as happens during events organised by other parties”; the witness responded that he didn’t know.

Alexandros Alexiadis (for Nikoletta Beneki) asked the witness if he has seen Golden Dawn pamphlets calling people to revolution and he answered in the negative. When the counsel began to read out loud from pamphlets of the Communist Liberation Youth (NKA), the judge interrupted him. His next question, “Was what you saw a criminal organisation or a playground?” caused uproar in the courtroom.

5. Statements/comments on the witness's evidence from the civil action

Andreas Tzelis (for Panagiotis Fyssas) stated that the existence of the organisation and the intentions of the Nikea local branch were clear; that while Fyssas was on the pavement, the Golden Dawners circled him in order to exhaust him before the killer arrived. All the elements of the incitement were confirmed, as is Fyssas' friend's presence at the scene of the crime.

Ellada Christodoulou (for the Fyssas family) stressed the climate of fear nurtured by those 50 people.

Violetta Kougiatsou (for Magda Fyssa) stated that the testimony demonstrated the teamwork involved in the incident, together with the murderer's total lack of remorse.

Chrysa Papadopoulou (for Irinui Fyssa) stressed the danger of Golden Dawn, noting that it is capable even of terrifying policemen, making it impossible for them to intervene.

Eleftheria Tompatzoglou (for the Fyssas family) noted that not only was the mob not intimidated by the presence of the police, but that they continued their assault in front of them, breaking up only once their accomplice had committed the murder.

Takis Zotos (for the Egyptian fishermen) said that the assault was organised by the Nikea local branch, as is demonstrated by the fact that they all arrived at once, by the volume of people who moved towards Tsaldari street right after being informed that something was happening there, and by the fact that they all left the place together. Such was the climate of fear they created that not even the witnesses wanted to appear to testify. Moreover, Melachrinopoulos' presence was confirmed, as was the military nature of Golden Dawn's training.

Similarly, Thanasis Kampagiannis noted that the uniform and coordinated mobility of the 20 to 30 people had been confirmed, and pointed out that even the defence had begun to refer to them as "Golden Dawners". The witness's testimony demonstrated that the assailants acted without provocation, that they arrived on Tsaldari street as a single group, and that it was a cowardly blow: many against a few.

Takis Sapountzakis (for the PAME members) commented that the following points had emerged clearly from the testimony: a) that it was not a "scuffle" but an unjustified attack, in which Fyssas was defenceless and alone against five to six people; b) that the unit was

organised, that it did not obey police orders to disperse, but only obeyed the orders they received from their own leadership; c) that Golden Dawn expounds a Nazi ideology, which it imposes by force; d) and that they receive military training.

Manos Malagaris (for the PAME members) stated that the descriptions provided by those present at the scene strongly suggest that the men were Golden Dawners, and that the witness had been present at an assault orchestrated by a Golden Dawn assault division.

Eleni Zafiriou (also for the PAME members) stressed that the evidence demonstrated the criminal endeavours of Golden Dawn members. The party does not condemn these criminal actions, and does not expel members involved in them.

Her colleague Thodoris Theodoropoulos stressed that the incident was not by chance or an accidental event; Roupakias was supported and he went there to make a kill. In the case concerning the PAME members, the assailants destroyed cars and there were convictions with severe penalties for those involved.

6. Statement/comments on the witness's evidence from the defence

Defence counsel Christoforos Tsagkas stated that the people standing on the other side of the road from where incident took place could not have seen what was going on between Fyssas and Roupakias, given the latter was tall and the car hid them from view; that the witness did not see party insignia or weapons or hear words of encouragement, orders or exhortations; that the victim was not immobilised or surrounded.

N. Kontovazenitis stated that there was no ring or organisation around Roupakias when he killed Fyssas, nor did anyone hear the words "kill him". Thus, there was no complicity in the murder.

Dimitra Velentza claimed that the fact that the people involved in the incident did not conceal their faces suggests that they had not planned to commit a crime: it was merely a case of a verbal confrontation with an unfortunate outcome. There was no evidence for the involvement of the three to four people behind Roupakias; these were only assumptions. She added that the witness had not, himself, seen the party or the organisation commit crimes.

Vasilis Oplantzakis said: “Suppose the people on the opposite pavement did see Fyssas being hit? Why would they just stand there and run the risk of being arrested?” Moreover, he added: “When Roupakias was arrested, Fyssas was still standing, and the people on the opposite pavement still didn’t leave. So they felt awkward or shocked.” Finally, the counsel wondered, “if the Golden Dawners knew what was happening on Tsaldari street, why would they lead the police there and run the risk of arrest?”

Giorgos Roumpekas reiterated his position that it was a case of self-defence, given blows were delivered by both parties. He wondered why the police went to Fyssas first. Here, civil counsel objected, stating “because he was wounded and cried out”. Roumpekas insisted that the location of the car proved that the crime was not professional or premeditated.

A. Mammis wondered why Fyssas wasn’t beaten by all three or four of the men there, and noted that the witness did not see any weapons apart from a wooden beam, which suggests that the people had no intention of launching an attack. Finally, he said that everyone – any average western person – plays paintball.

Giorgos Michalolias added that the witness knows very little about Golden Dawn beyond what he heard from the media.

Panagiotis Michalolias said that the witness was reliable only as far as regards “his own perception”.

The court was adjourned until 19 November 2015 at 09:00.