

## **DAY 31. “I DIDN’T GO OUTSIDE; I JUST MINDED MY OWN BUSINESS”**

**31st Hearing, Women’s Section, Korydallos Prison, Athens, 19 November 2015**

### **1. Court access**

Hearings remain accessible to members of the public, provided they present their identity cards at the entrance. However, the crowd in the courtroom had thinned. The spaces reserved for journalists are almost always occupied.

### **2. Presence and representation of the defendants**

Eight (8) defendants were present; twenty-six (26) were registered as absent. The remaining defendants were represented by their counsel.

### **3. Testimony of Dimosthenis Dimitrakos**

The court called on Dimosthenis Dimitrakos, whose brother owns the Koralli cafe, to give evidence. In brief, the witness’s testimony was as follows:

The bar belongs to my brother. He has owned it for 22 years. We open at 9, as we did that day. On days when there is a match scheduled, people often call to book a table. The bar has a capacity of about 40–50 people. When there is a game on, we bring in more chairs and can fit up to 70–80 people in the bar. Fyssas didn’t often frequent the bar; I hadn’t seen him in years. He may have come in at some point to watch a match. That night, he and his friends got there before the game started. I didn’t notice a confrontation, nor did anyone mention one to me. My brother and I were waiting tables; we didn’t notice anything – no abusive exchanges, nothing. I didn’t see anyone leave before the end of the match; someone may have left five minutes before the end. The bar started emptying; Fyssas and his friends paid and then stood lingering in the doorway. They stayed there for about ten minutes. When I took the trash out to the dumpster I saw them there and said, “What’s going on guys?” They answered, “can’t you see what’s happening?” pointing towards Pavlou Mela street. I looked over there and saw four people standing in the street, about 60 meters away. At that moment I sensed that a fight was about to break out. Again, one of the guys spoke. He said, “Are the fascists going to stop us from walking around in our own neighbourhoods?” I can’t describe the people on Mela street: their age or their clothes. Nor did any particular colour catch my eye. I didn’t see anything specific; you just got the sense

that something was going to happen: they were going to fight. A regular (Hatzistamatis) showed up. I knew he was a policeman. He was sitting on his motorbike six meters away. I said to him, “Dimitris, why don’t you stick around in case something happens?” Then I went into the bar to clear up. I didn’t see Dimitris again. Later I saw Dias motorcycle policemen; Fyssas’ friends left. I didn’t notice the motorcycle police stop outside the bar; I definitely would have seen them if they had. I don’t know where the others who were inside the bar went. Our bar is absolutely not a Golden Dawn hang out. If someone with a Golden Dawn T-shirt showed up, I suppose I would have to serve him but ... I heard the sound of moving feet; I looked up for a moment as I was clearing up. After a while, a policeman in civilian clothing showed up and told me about the incident; he told me the wounded man had been taken to hospital and that he had probably died. Then he took my brother in for a statement. They showed me photographs and I recognized Giannis Aggos, who is from the neighbourhood; he has lived on Mela street for years, less than 100 metres from the bar. I can’t remember where in the bar he was sitting exactly, or whether he was sitting with other people, or when he left. Dimitris spoke to Fyssas and his friends; I don’t know if he spoke to the people on Mela street as well. Aggos and I used to greet each other on the street sometimes. I know he has a kid. I don’t know what his job is, or if he is a member of Golden Dawn. I remember that he was at the bar. About the footsteps I heard: I only looked up for a second, but I got the sense that there were many people running. I can’t pinpoint exactly when I heard them. I wasn’t told who killed the kid until later on. The next day we found out that they had stabbed Pavlos Fyssas: that some Golden Dawners attacked the kid and stabbed him. I know about other Golden Dawn actions from the media. I know that they beat up migrants and fight with radical leftists. I know that they destroyed some migrant petty vendor stalls at street markets and I heard that some Golden Dawn MP hit the mayor of Athens.

In response to questions from the presiding judge, Maria Lepenioti, the witness testified that he didn’t know the Nikea local branch of Golden Dawn; that he didn’t know who the district or cell leaders are or what these positions entail; that he had never seen a Golden Dawn march or motorbike procession; that he didn’t know about a uniform for members, or about the party hierarchy, subordination, discipline or leadership. He also didn’t know of the assault divisions or about their training.

Responding to questions from the prosecutor, Adamantia Oikonomou, the witness testified that he could not remember whether the people in the bar were wearing camouflage clothing and black shirts, nor can he remember what Aggos was wearing, or who was with him. He couldn't remember if Aggos left on his own or in company; whether he was among the crowd on Mela street; whether there had been any kind of quarrel at the bar. He also said that he saw Hatzistamatis again and that they spoke, though the latter did not provide him with any more details. Finally, he cannot remember whether other people joined Fyssas' group of friends. The prosecutor ended her questions with the comment, "But you don't remember anything".

In response to questions from the deputy prosecutor, Stelios Kostarellos, the witness testified that had more people joined Fyssas' table, he would have remembered them, given they would have asked him to bring more chairs for them.

Here, the judge commented, "your indifference to the matter and to what happens right outside your door is truly impressive".

In response to questions from the court, the witness testified that it was just him and his brother at the bar that night. He didn't see anyone enter the bar with chains, nor did he know Pavlos Fyssas or his music.

Andreas Tzellis (counsel for the Fyssas family) started off questions from the civil action. The witness testified that he couldn't remember whether he told his brother that he saw men in black standing on Mela street; that he couldn't see if they were joined by more people; that there were four people at Fyssas' table. He repeated that he could not remember anything about Aggos on that night, nor had he ever had political discussions with him. He could not remember in what direction Fyssas and his friends set off after leaving the bar or who told him about the circumstances of Fyssas' death. He added that he had never been threatened by anyone.

Violetta Kougiatsou (for Magda Fyssa) continued questioning. The witness testified that he could not remember whether Aggos left immediately after the end of the match; that he didn't know the two parties there that night; that the people on Mela street looked as though they were together.

Responding to questions from Chrysa Papadopoulou (for Irini Fyssa), the witness stated that he couldn't remember what Fyssa's friends were like when he saw them outside the bar; that he sensed there would be trouble; that one of Pavlos' group of friends said something about fascists; that he himself would not relate the incident to the existence of fascists.

Responding to questions from Eleftheria Tompatzoglou (for the Fyssas family), the witness testified that he didn't discuss the incident with any of the bar's patrons the following day; that he didn't see anything as he left the bar on his way home. Here, the counsel insisted, "do you realize that the later you left the bar, the more likely it is that you walked right past the attack?" The witness responded, "what can I say? I don't remember". Moreover, the counsel showed the witness a photograph of an event held at the bar. The witness agreed that it was, indeed, his bar, but couldn't recognize any of the faces portrayed.

In response to questions from Takis Zotos (for the Egyptian fishermen), the witness testified that he couldn't remember where the Dias police motorcycles stopped, that he has not spoken to Aggos since 2013, that he can't remember the people on Mela street casting threatening looks. He added that he didn't pay much attention to them; he just went back into his premises. He added that he cannot remember whether Fyssas' friends had left the bar before the motorcycle policemen showed up, whether he heard the feet moving before or after the motorcycle police showed up, or whether more cars and motorbikes parked outside of his bar.

In response to questions from Thanasis Kampagiannis (also for the Egyptian fishermen), the witness testified that he did not see people entering the bar with chains, that he knew Giovanidis, the chief of Nikea police station, but didn't know they were neighbours.

Responding to questions from Kostas Papadakis (also for the Egyptians), the witness testified that he knew Giovanidis from Keratsini police station; that there were two screens in the bar, both inside and outside; that he can't remember where the two parties were sitting, that it is usual for the bar to empty in ten minutes; that he didn't know about the official Golden Dawn party's condemnation of the murder.

In response to questions from Angelos Vrettos (for the PAME trade unionists), the witness testified that he couldn't remember if he knew about the assault on PAME.

Thodoris Theodoropoulos (also for the PAME members) continued questioning. The witness responded that he didn't know what the young man meant when he referred to "fascists" and that he couldn't quite make out who the fascists were. He noted that Hatzistamatis was a patron of the bar – a family man with one child and a decent guy – while Aggos came to the bar only occasionally. Throughout Theodoropoulos' cross-examination of the witness, the defence held a running commentary, bringing the counsel to exclaim, "what kind of procedural order is this?"

In response to questions from the defence, beginning with those of Christoforos Tsagkas, the witness testified that there were no empty tables during the match and that he doesn't know if Aggos was a troublemaker.

In response to a question from Dimitra Velentza, he noted that the bar had operated beyond reproach for 22 years.

In response to questions from Vasilis Oplantzakis, the witness testified that on that night he was waiting tables outside. The bar was full when the match started; he can't remember where Fyssas and his friends were sitting; he can't remember which one of them told him about the fascists.

Responding to questions from other defence counsels, the witness testified that he could not remember what Hatzistamatis was wearing, nor can he remember details about Fyssas' friends; that he cannot remember when they got up and left; that he didn't know why the young man mentioned fascists, that he didn't know what anarchists wear; that he doesn't inquire after his patrons' politics and that he didn't notice any kind of quarrel at the bar. Finally, he said that he never knew Golden Dawn to exhibit any violent or threatening behaviour.

#### **4. Testimony of Panagiotis Dimitrakos**

Panagiotis Dimitrakos, the owner of Koralli, was then called to the witness stand. His evidence may be summarised as follows:

I have run Koralli since 1995. It belongs to me; my brother helps me out with it. That day it was just the two of us. I knew Pavlos' face as he was an occasional customer. That day he had shown up with some friends – three or four of them. The bar was packed; there were about 70 to 80 people there. They kept on coming throughout the match; some of them

were standing. I don't remember more people joining Fyssas' table. I didn't notice anything wrong, though I can't know what kinds of conversations they were having. The match ended and the bar emptied. People were leaving and I noticed that Pavlos and his friends had stalled at the door. There were four of them. My brother told me that some people were on the verge of a fight. I had a lot to do so I didn't dwell on it. My brother never mentioned any men in black on Mela street [the judge read the relevant section from the witness's brother's testimony]. When he told me about men in black, I didn't think anything of it. I can't remember how many people were left in the bar. I didn't go outside at all. At some point I saw Dias police motorcycles and later some people running, I only saw their shadows. Then everything was calm. Neither I nor my brother went outside. I can't remember if there were ten people in Pavlos's group of friends. Around 1am, a policeman showed up and asked me for a statement because a murder had happened. I heard about it from a passerby. I heard that a boy who had been in the bar was killed on Tsaldari street. At Attica General Police Headquarters (GADA), they showed me photographs but I didn't recognize anyone. I know Aggos; he lives nearby. He comes to the bar every so often. He was in the bar that night. I can't remember where he was sitting or whether he was with other people. Nor can I remember if he was there at the beginning of the match, but he left right after it ended. Golden Dawners don't frequent the bar; please don't call the bar a Golden Dawn den. It's nobody's den. I can't remember whether anyone told me that some fight was about to happen [the judge interrupted him to read a section of his testimony in which he said that someone had told him just that]. I didn't go outside, I just minded my own business. Then the police showed up and I figured they would arrest someone. I found out later that Roupakias had killed Fyssas. I don't know anything about criminal acts committed by other Golden Dawn members or supporters. I know nothing about the Nikea local branch, about the assault divisions, about hierarchies, convictions, subordinations. I know that Golden Dawn supporters wear the party's insignia [at this point, a violent clash ensued between defence counsel Karydomatis and the presiding judge, who threatened to take judicial measures against him].

In response to questions from the prosecutor, and one from the judges, the witness testified that he didn't know why Fyssas and his friends left; that he didn't notice a confrontation inside the bar; that he can't remember whether Aggos was alone or whether

he left before or after Fyssas. He didn't hear whether the running shadows were shouting anything such as curses or slogans; he couldn't figure out whether they were chasing anyone. No one has ever threatened him; he was not afraid. Finally, he added that he didn't discuss Aggos (his presence at the bar or his association with Golden Dawn) the following day.

In response to questions from the civil action, the witness testified that he couldn't remember the people who told him about the imminent fight; that he can't remember the passerby who told him about the murder; that Pavlos could have had nine friends with him; that he can't remember what Aggos was wearing; that he had dark hair; that he can't remember if he was wearing camouflage clothing, whether he had a beard or if he wore combat boots. He added that he couldn't remember whether he heard stamping; that Aggos didn't pass by the premises the following day. He also mentioned that Pavlos had passed by two hours before the match to book a table. He added that he can't remember whether he went outside again to take out the garbage. He stated that he didn't hear the sound of the police bikes; that he didn't know that on 20 September 2015 there was a Golden Dawn patrol at an elementary school in the area, with the involvement of a Golden Dawn MP. He stated that he knows Giovanidis and where he lives. He did not recognize the faces in the photograph counsel Kougiatsou showed him. It didn't occur to him that someone could have hidden in the bar to escape from what was going on outside. He doesn't know whether the tensions outside the bar had already begun inside it; nothing had happened to make him think of calling the police. He doesn't know if the men in black on Mela street had been in the bar earlier or if they had shown up later. He didn't leave the bar until the policeman arrived. The witness stated that he heard in the trial that his bar is a Golden Dawn den. He insisted that no Golden Dawn MPs have ever frequented it. He followed that he doesn't know if he and any of the defendants share a hometown; that he doesn't know where Aggos worked (civil action counsel Angelos Vrettos pointed out to him that in a previous testimony, he had stated that Aggos worked in Perama) and that he knows nothing about the incident in Perama. He also stated that Hatzistamatis told him that Pavlos had been stabbed, but that he could not remember when.

Defence counsellors began their questions. The witness responded as follows: that Fyssas probably chose the table on the left; that if eight more people did show up, they must have

asked him for more chairs or taken them from neighbouring tables. He doesn't know which of the friends paid, but he probably made out the bill. He stated that during his first testimony he was sleepless and under pressure; that he later remembered more details. That he didn't notice a political conflict; that only he and his brother were working that day; that he didn't know which football teams Aggos and Fyssas supported.

Throughout the hearing, defence counsels whispered, laughed and commented, provoking a heated response from the court.

Before the defence had completed its cross-examination of the witness, the court adjourned to Tuesday, 24 November at 9am, when it will resume.