

## **DAY 32: "I OWE PAVLOS MY LIFE"**

**32nd Hearing, Women's Section, Korydallos Prison, Athens, 24 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**

Five (5) defendants were present; twenty-five (25) were registered as absent; thirty-nine (39) were represented by their counsel.

### **3. Testimony of Panagiotis Dimitrakos: questions from the defence**

The defence had no further questions for witness Panagiotis Dimitrakos, the owner of the Koralli bar where Pavlos Fyssas and his friends had met to watch a football match on the evening of the murder.

### **4. Statements/comments from civil and defence counsel regarding Panagiotis Dimitrakos's evidence**

No counsel (civil or defence) commented on the testimony of the witnesses' brother, Dimosthenis Dimitrakos, following his testimony. Civil counsel did not comment on Panagiotis Dimitrakos' testimony either.

Defence counsel Vasilis Oplantzakis took the floor, noting that both witnesses confirmed that Koralli was packed on the night of the assault as people had crowded in to watch the match. Moreover, both witnesses stated that there were four, not ten, people at Fyssas' table.

### **5. Testimony of Giorgos Doulvaris**

The court then called on Giorgos Doulvaris, a friend of Pavlos Fyssas, to give evidence.

Responding to questions from the presiding judge, Maria Lepenioti, Doulvaris testified that he is employed in a company involved in fishing gear. He is a resident of Nikea, a district in Piraeus, and lives near Koralli, though he did not usually frequent the bar. He had known

Pavlos Fyssas since childhood. They were like brothers. That day, Fyssas had phoned him to arrange to watch the match together. Fyssas and his girlfriend, Chrysa, had gone to the witness's house for coffee at around 21:00. Then they left to find a place to watch the game. Initially, they wandered with no particular venue in mind. When they passed by Koralli, they asked the owner whether he had a free table that they could book for later. The owner agreed to keep a table for them and the group left for a while.

They went back to Koralli half an hour later as the match was starting. By then, the bar was full. The witness stated that he noticed two people sitting at the bar staring menacingly at them. The witness said he felt their gaze on him. He added that neither he nor any of his friends exchanged a word with these people. One of them was wearing his shirt inside-out and the other was wearing grey camouflage trousers. Judging from their clothes and their gaze, he thought they must be fascists. He turned to his friends and said: "How is it possible: they seem to be everywhere." The witness added that the comment was made quietly, and addressed to his friends alone; the two people at the bar could not have heard it over the racket in the bar.

After the first half, at around 55 minutes into the game, more friends joined them: Mandas, Hatziefstratiou, Seirlis, Melachrinopoulos and Kontonikolas. The owner brought them more chairs and a stool. When the match ended, they all went outside. The witness stated he couldn't remember whether the two men left before them. Having forgotten to pay his share of the bill, the witness returned to the bar to settle his account.

As he entered the bar, he noticed a car parked outside. The two people inside it were watching him and his friends. When the witness came out of the bar again, he saw ten people outside Koralli. They were shouting and cursing at him and his friends. They cursed their homes and their families and threatened to kill them. The witness stated that he couldn't recognise anyone from inside the bar. In the meantime, a stranger came and went between the ten people and his friends. The witness and his friends began to walk towards Tsaldari street to avoid the mob. When they crossed the street to the opposite sidewalk, the mob seemed to become even more angry, shouting "chickens, we'll kill you".

At that moment, five or six motorbikes, each carrying two people, turned onto Tsaldari street and joined them. The insults and threats increased. The assailants were lined up, holding helmets, sticks and batons, calling the witness and his friends to a fight. The witness

described them as behaving like beasts, constantly provoking them. The witness turned to Fyssas and told him they had to get out of there; it was evident that an attack was coming.

They started to run; the attack began. The witness turned into the first alley on the right. When he realised that Fyssas wasn't behind him, he circled around the block and ran back to the spot where Fyssas had already been stabbed. The witness stated that no policemen helped him or his friends. He had seen police officers (two units on motorbikes) there when they had crossed the sidewalk, attempting to avoid the mob. Fyssas' girlfriend, Chrysa, had begged the officers to help but they refused to intervene.

When the witness had circled the block and arrived back at the spot, he saw that Fyssas had been beaten up; Chrysa told him he had been stabbed. In that moment, the witness was so shaken that he didn't notice whether there were any Golden Dawners still around. The witness, Melachrinopoulos and Kontonikolas drove behind the ambulance carrying Fyssas to hospital. The witness said he was not present at the time of the murder; he was trying to escape. When shown photographs, the witness said he could not recognise anyone as he had been too shaken to register anyone's face.

When the judge asked him about the motive behind the attack, he answered that it was because he and his friends were opposed to Golden Dawn's views. The assault divisions wear military uniforms and terrify people. The witness broke down in tears at several points during his testimony and asked the judge to call a 15-minute break.

Prompted by questions from the prosecutor, Adamantia Oikonomou, the witness stated that he saw the two men in the bar send and receive text messages. However, he did not notice when they left the bar. He would not be able to recognise them, or to say whether they participated in the attack. Finally, he stated that he could not have heard anyone handing out orders over the racket. When the prosecutor asked him why he mentioned helmets, bats and wooden beams during his testimony while in a previous statement to the investigating magistrate he had mentioned only helmets, the witness replied that he made his first testimony in a state of utter confusion and agitation and had spoken only of what he could remember at that moment.

Responding to questions from the deputy prosecutor, Stelios Kostarellos, the witness stated that any one of his friends could have found themselves in Fyssas' position; he couldn't say

whether Fyssas had been a specific target. Fyssas was alone; he had stayed behind to protect the girls and his other friends.

## **6. Cross-examination by civil counsel**

In response to questions posed by civil counsel Andreas Tzelis (for the Fyssas family), the witness stated that he had been active in the rap scene. He said that rappers often wear baggy trousers and hooded sweatshirts in order to stand out from the crowd. That night, it must have been evident that he and his friends were rappers. The witness added that rap music often carries messages against racism and fascism.

Responding to questions from civil counsel Chrysa Papadopoulou (for Irimi Fyssa), the witness stated that he realised that the two men starting menacingly at them in the bar were Golden Dawners. The witness insisted that the attack was premeditated and that other Golden Dawners had been called to carry it out.

Responding to questions from civil counsel Eleftheria Tompatzoglou (also for the Fyssas family), the witness stated that the two men inside Koralli were sitting with their backs to his friends, but often turned to look at them. He also saw them use their mobile phones.

Responding to questions from civil counsel Takis Zotos (for the Egyptian fishermen), the witness stated that the two men began to stare at him and his friends shortly after they had taken their seats at the table they had booked. The witness claimed that he and his friends were targeted because of their clothing. The Golden Dawners' camouflage clothing and their formation in a line reminded him of a military unit. The witness claimed that the Golden Dawners attacked them in a show of strength.

In response to questions from civil counsel Thanasis Kampagiannis (also for the Egyptian fishermen), the witness testified that Fyssas had stayed behind in order to protect the others. Specifically he stated that he owes his life to Fyssas.

Responding to questions from civil counsel Kostas Papadakis (Egyptian fishermen), the witness responded that he has lived in the neighbourhood for many years and that the assailants might have seen him around. The Golden Dawners inside Koralli began casting them threatening looks just before the match started.

In response to questions from civil counsel Takis Sapountzakis (for the PAME trade unionists), the witness stated that rap lyrics are about life and are antifascist and antiracist. He also stated that Golden Dawn is a fascist and racist organisation. The witness added that he and his friends are known for their beliefs and that Golden Dawn had reasons to attack them: their ideas were opposed to theirs. The attack against them was premeditated.

Responding to questions from civil counsel Thodoris Theodoropoulos (also for the PAME members), the witness stated that he and his friends did not argue with anyone and that Dimitris Melachrinopoulos likely got things wrong in his statement because it was given two hours after the murder and he was in no position to think clearly. The witness could not remember whether the remark “I’d rather have a worm as a friend than a Golden Dawner” was said in the bar. The witness denied that the attack on him and his friends was provoked by their calling the men in the bar “fascists”.

In response to questions from civil counsel Eleni Zafiriou (for PAME), the witness stated that the assault divisions’ main slogan is “Blood, Honour, Golden Dawn”. When they say “Golden Dawn”, they mean their party. The witness said that he never heard Golden Dawn supporters condemn the criminal acts for which its members stand accused; rather, they praise them.

## **7. Cross-examination by the defence**

Defence counsel Christoforos Tsagkas asked the witness if he thought the remark “I’d rather have a worm as a friend than a Golden Dawner” was insulting. The witness replied that it was hardly cause for murder, adding that he and his friends discussed fascism as a social phenomenon, like everyone else. Here, defence counsel Giorgos Michalolias interrupted to state: “Not like everyone else!” Civil counsel Kambagiannis rebutted this remark, saying “that’s how everyone has spoken about it since 1945”. The witness proceeded to say that Fyssas was a strong man, but that he never saw him angry.

Responding to questions from defence counsel N. Kontovazenitis, the witness stated that he does not belong to any political party and that he and his friends had left Koralli together. When the witness circled the block to escape and returned to the spot where the attack had started, he found Melachrinopoulos and Chrysa.

Defence counsel Dimitra Velentza took the floor and commented on the witnesses' current attire. She asked the witness what he and his friends were wearing that night. The witness replied that he did not remember. He moved on to explain that their songs are addressed to everyone. The witness said he drove to the hospital in his own car, accompanied by Kontonikolas and Melachrinopoulos. He left the hospital at dawn, after Fyssas had died. The witness did not remember whether there were policemen at the hospital or whether he was asked for a statement. He stated that he did not know whether any of his friends brought any items such as brass knuckles with them to the hospital. Velentza raised a Facebook post by Fyssas, from which she inferred that he had called his band E13, the police code for homicide. The witness said he was not aware of that.

Defence counsel Vasilis Oplantzadis showed the witness a photograph of the inside of Koralli and asked him to point to where he and his friends had sat. The witness pointed to a table to the left of the entrance. The two Golden Dawners who had stared menacingly at them were seated at the end of the bar. The witness could not remember whether there was a table between them. He repeated that he had felt their gaze on him. He said that when his other friends arrived, they asked the owner for more chairs and stools. The witness said that he and his friends could not walk towards his house because they were terrified. When he left the hospital, the witness went to the police station.

Responding to questions from defence counsel Dimitris Tzempetzis, the witness said he remembered a stranger moving back and forth between his friends and the Golden Dawners, but that he couldn't remember what he had said to his friends. The witness said that after the murder, his friends told him they had been hit on the head with helmets.

Responding to questions from defence counsel Giorgos Roumpekas, the witness stated that he couldn't remember whether he or Fyssas had had a lot to drink. He added that Fyssas was very protective of his friends. He couldn't remember whether he saw Golden Dawners at the murder scene; he was too shaken up to notice. Melachrinopoulos and Kontonikolas were there. Those two had stayed behind and were eyewitnesses to the murder. When the witness reached the spot, he saw Fyssas lying semi-conscious. He was still alive when the witness set off for his house to get his car to drive him to the hospital because the ambulance was taking too long. The ambulance took 40 minutes to get there.

Roumpekas asked the witness if, in the months preceding his death, Pavlos had been on good terms with his parents and whether he lived at their house. The questions provoked a heated response from Fyssas' mother, who cried out, "Why is that so interesting to you? I had a great relationship with my child. I don't know what kind of relationship you have with your parents. What kind of question is that?" Roumpekas wondered why Magda Fyssa was so touchy about the question. The phrases "what do you want?" and "sit down!" were heard from the defence. The witness stated that he didn't know about a concert Fyssas had given at Agia Paraskevi, a suburb in northeastern Athens. He stated that Fyssas' songs were pacifist and that he could not remember whether any of his songs could be read as encouraging violence; nor could he remember a song called "Fuck them".

Responding to questions from defence counsel D. Bonis, the witness stated that he could tell that the two men in the bar were Golden Dawners from their combat boots and camouflage trousers. The witness added that he felt the hostility in their gaze.

In response to questions from defence counsel Giorgos Michalolias, the witness said he had been to Koralli to watch Olympiakos matches before and that he didn't know whether Koralli was a Golden Dawn hang out.

In response to questions from defence counsel Periklis Stavrianakis, the witness stated that he knows Pavlos Seirlis and that they were together that night. The witness stated that he couldn't remember who among his friends left the bar first. No one ran after them until they reached Tsaldari street. The witness was unable to explain why the police ran straight at him and only arrested people from his group of friends.

After learning that the defence had no further questions for the witness, the judge adjourned the hearing until 09:00 on 25 November.