

## **DAY 33: "FASCISTS, GO AWAY!"**

**33rd Hearing, Women's Section, Korydallos Prison, Athens, 25 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**

Seven (7) defendants were present at the beginning of the hearing; thirty-two (32) were registered as absent. The remaining defendants were represented by their counsel.

### **3. Statements/comments from civil counsel regarding Giorgos Doulvaris' evidence**

Members of the civil action were called to make their statements/comments on the evidence of Giorgos Doulvaris, a friend of Pavlos Fyssas.

Chrysa Papadopoulou (counsel for Irini Fyssa) took the floor and accused the defence of asking misleading questions. The presiding judge, Maria Lepenioti, requested counsel to limit her comments to the testimony itself. Counsel addressed the defence's insistence on highlighting contradictions between the witness' testimonies, notably the fact that the witness had referred only to helmets in his first testimony but to helmets, bats and wooden beams in his second. She argued the former referred only to the people who were chasing him, not to the others standing across the street and swearing at him. The same applies to the testimonies of the other witnesses who were friends of Fyssas. Furthermore, she pointed out that Fyssas and his friends had not exited from Koralli bar in a line military-style; naturally, one walked ahead of the other and thus not all of them could have seen the same things at the same time. The fact that Fyssas and his friends had made

derogatory comments about fascists could not be understood as cause for provoking the aggression of the Golden Dawn assault division.

Takis Zotos (for the Egyptian fishermen) continued, noting that the witness' testimony revealed the following points: first, the attack was premeditated; second, that [Golden Dawn's activities] extend over time and space; third, the witness identified the perpetrators as Golden Dawners; fourth, a motive for the attack was Pavlos and his friends' opposition to fascism and racism; fifth, another motive for the attack was intimidation; sixth, this asymmetrical violence owes much to the police's impassiveness and tolerance regarding the organisation's previous assaults, such as the attack on the Synergio, a social space in the Athens district of Ilioupoli.

Thanasis Kampagiannis (also for the Egyptians) stated that the court now has an adequate grasp of the details surrounding Fyssas' murder. The witness' testimony described the gathering and operation of a Golden Dawn assault division. Doulvaris described the real circumstances of the murder, supplementing and amending the testimonies of the police witnesses. Fyssas' friends were arrested, while Golden Dawners were, shockingly, permitted to escape. Even more shocking is the fact that this has been used as an argument against the victims.

Kostas Papadakis (for the Egyptians) noted that the witnesses clearly and vividly presented the details surrounding the criminal organisation's activities. It emerges that individuals, uniformly dressed, gathered in very little time and acted in unison. This should lead the court to question whether this was a random crime or, rather, one organised by a specific criminal organisation.

Haris Stratis (for the PAME trade unionists) noted that the witness described an organised attack, as well as the ideological persuasion of both the assailants and their victims.

#### **4. Statements/comments from defence counsel regarding Giorgos Doulvaris' evidence**

Christoforos Tsagkas noted that the witness contradicted himself: though he claimed that Fyssas was targeted because of his lyrics, he could not, himself, remember any of Fyssas' songs. Moreover, when asked about the phrase "I would rather have a

worm as a friend than a Golden Dawner,” attributed to him by Chrysa, Fyssas’ girlfriend, the witness stated that the phrase is not negative and denied having uttered it.

Dimitra Velentza stated that Doulvaris’ testimony did not support the charges. The witness did not explain why the police ran after him and his friends. He embellished his previous testimonies and contradicted himself. She pointed out that the witness only mentioned Golden Dawn’s curses in his court evidence.

Nikos Kontovazenitis said that one cannot speak of organised crime in such instances: where the victims themselves went to the bar almost as though they were seeking out the perpetrators. That would be unprecedented. Moreover, the witness said that the target could have been any one of Fyssas’ friends, who never previously had any issues with Golden Dawn. In other words the victim could not have been a Golden Dawn target, given he would have been entirely unknown to the party. The counsel stated the witness’s presence at the scene remains unconfirmed, thus challenging his status as an eyewitness. He concluded that the value of Doulvaris’ testimony remains minimal.

Vasilis Oplantzakis noted that the owner of Koralli, Panagiotis Dimitrakos, testified that no one asked for chairs or stools, even though Doulvaris insisted that his friends did ask for them. He stated that the witness did not provide a convincing explanation as to why he did not simply walk to his house (which was close to the bar) in order to escape from the “beasts”. Moreover, he mentioned the presence of Melachrinopoulos and Kontonikolas in his testimony to the court but not in his previous statement to the investigating magistrate.

Stathis Karydomatis said that the fight was incited by football, not politics. The incident was sparked by a comment made by a member of Fyssas’ group of friends, who were outnumbered. There was no reason for an organised assault given it had nothing to do with politics.

Vasiliki Pantazis said that the witness’ testimony demonstrated that Fyssas was not beaten because he was a target, but because he had lagged behind. The counsel

described it as an isolated incident, in which specific individuals participated. This should not concern the majority of the defendants, who were members of a legal political party.

Giorgos Michalolias raised the point that Fyssas was politically unaffiliated, though he had some social awareness and was a pacifist. The counsel insisted that one cannot, then, speak of ideological differences between him and Golden Dawn. The witness had described the assailants as a mob.

Yiannis Pagoropoulos took the floor and highlighted what he claimed was the stereotyping evident in questions surrounding Golden Dawn leader Nikos Michaloliakos' assumption of political responsibility for the crime. A civil counsel retorted: "why doesn't your client come here and explain it to us?" And: "Your client has explained it in a recent interview." The judge interjected: "That's for another time."

Papadopoulou (civil counsel) took the floor again, stating that everyone has the right to question and challenge the witness as he describes the events, but not to mock him with expressions such as "flirt" or to ask questions regarding Fyssas' relationship with his family, which provoked and distressed the family members present.

## **5. Testimony of Dimitra Zorzou**

The court then called Dimitra Zorzou, an eyewitness, to give evidence. [GoldenDawnWatch would like to note here that Dimitra Zorzou's testimony provides the most comprehensive overview of the incident to date.]

The witness agreed to be photographed. As photographers took her picture, some defendants and their lawyers protested that the photographers were including them in the shots. Indeed, defence counsel Angelos Angeletos turned to a photojournalist and said "next time, I'll break it [the camera]".

The witness testified that she is a chemical engineering student at Athens Polytechnic and works in a laboratory in Piraeus. She lives on Christopoulou street, near the junction of Kefallinias and TsaldarisTsaldari streets. On the evening of 17

September 2013, she met two friends in Pasalimani, the promenade in Piraeus. At 23:00, they left Pasalimani in the car of one of her friends, who dropped her and another friend off at Xanthou street and continued on his own for elsewhere. The witness and her friend planned on taking a walk given it was still early. They walked along Tsaldari street and reached the junction with Kefallinias street. There they sat on a bench on the northbound side of the street, the side with the even numbers, chatted.

From the bench, they could see the shop window of a cosmetics store, but their back was to the street. Suddenly, they heard voices on their right. They turned and saw about 20 people pass by them; they had turned into Tsaldari from Kefallinias. They were all under 18 and wore Olympiakos football jerseys. But the voices hadn't come from them. On the contrary, they were totally calm. Some of them started looking over their shoulders as another 20–30 people emerged from Kefallinias street. The voices from Kefallinias were growing louder.

This second group were wearing black clothes, some of them grey camouflage; their heads were shaved, their bodies visibly built, and some carried bats and helmets. The witness could tell from their appearance that they were Golden Dawners. She and her friend couldn't make out what they were saying until they got to Tsaldari street. Then she heard "We'll fuck your mothers and your homes." They kept cursing. The boys in Olympiakos jerseys ran off.

Another party of about eight men and two women had been left behind. One of them said, "Run!" They started to run and passed by the witness, who was so shocked by the voices and the sight of so many people fleeing that she and her friend sat petrified on the bench. Fyssas, who had said "Run!" was left behind with one other person. A few moments later, another person turned back and joined them. The others fled somewhere. In the same moment, half of the Golden Dawners crossed Tsaldari and came towards them. There, they began to beat those who had stayed behind with bats and helmets. It all happened very quickly. The Golden Dawners who hadn't crossed the street continued to curse. They beat them to

control them. Suddenly, they stopped and walked away, continuing to curse. The boys were left crippled and dazed from the beating and said “Fascists, go away!”

A few seconds later, the witness saw a man running on Xanthou street, where he met another in front of a dumpster. They hid there together for a while. Those two men looked identical; they were both wearing camouflage and had short hair. Suddenly, they ran out from behind the dumpster, passing by the witness and her friend on Tsaldari, and grabbed hold of Fyssas from behind and began to beat him. Fyssas turned to see where the blows were coming from and then another group of ten people (from the total of 20–30 Golden Dawners) crossed the street to beat him as well.

At that moment, a car drove across on the wrong side of Tsaldari street and parked awry in front of a bus stop where Fyssas was being beaten up. The witness and her friend panicked as they couldn’t understand what was going on. The arrival of the car on the scene attracted attention; everyone turned to look at it. As the witness and her friend watched, the assailants began to disperse, returning to the point across the street where the rest of them were assembled. Some of them stayed behind to isolate Fyssas from his friends.

At first, the witness assumed that the car was from the police security division. Roupakias got out of the car, took three steps, embraced Fyssas and made two motions with his hand. Then he turned and tried to get back into his car. Only then did the witness see police officers – specifically the Dias motorcycle police unit – approach to see what was going on. Fyssas cried out, “Catch him, he stabbed me!” There was one policeman and a policewoman. At the same time, the witness saw someone get out of the passenger’s seat and walk towards the police, trying to separate them from Roupakias, whom they had already caught. He didn’t manage it and ran away. That man was of average height, had narrow shoulders, very short dark hair and wore black clothes.

The witness looked at the defendants and stated that it was probably the man sitting in the second seat on the first row: Ioannis Kazantzoglou. The judge asked

Kazantzoglou to stand up and asked the witness to repeat whether she recognised him. Kazantzoglou stood up and addressed the witness: “Take a good look at me. You really think you recognise me from that night?” The witness repeated that it was probably him. There, Kazantzoglou became visibly irritated and allegedly threatened the witness, saying, “let’s take this outside and I’ll show you”. This caused tensions to rise in the court and the judge interrupted. Visibly shaken, the witness left in tears.

When the hearing resumed, a defence counsel asked that whenever a break is called in the court, witnesses be escorted to waiting rooms to which other participants in the trial do not have access. Other defence counsels made the same request. Oplantzakis took the floor and asked that the witness be cross-examined with police officers Giorgos Rotas and Christos Deligiannis who arrested Roupakias. The judge noted the requests.

When the witness returned to the stand, she said that throughout her testimony, she could hear the defence on her right saying that she had been put up to it. She added that she had received anonymous threats.

Continuing her testimony, the witness said that when the police arrived, the mob stopped cursing and started to disperse slowly. She stayed there with her friend. A patrol car showed up. The witness and her friend tried to call an ambulance, which finally arrived 40 minutes later. Then a high-ranking officer arrived and asked around for eyewitnesses. The witness gave him her details. Responding to a question from the judge, the witness stated that she couldn’t remember whether she had said in a previous testimony that the policemen had also been beaten. It is possible that the policeman hit the passenger as he attempted to prevent Roupakias’ arrest. The entire incident happened very quickly, lasting from about 23:45 to 00:00. They were taken to Keratsini police station in the officer’s car. There, the witness recognised Roupakias. Roupakias wandered freely through the police station and walked past the witness. Then an officer ordered him to be put in a room.

Responding to a question from the judge, the witness stated that the [Golden Dawn] cell-leader is responsible for local branches. Here, defence counsel Karydomatis asked the judge not to phrase her questions as though the existence of a criminal organisation were a given. The judge responded that he is at liberty to appeal to the court whenever he wishes. The witness continued, saying that she knows of Golden Dawn's organisational structure because she herself is politicised, and has followed the organisation since she was 17. She has known since then that Golden Dawn is a neo-Nazi organisation.

When the party's influence began to grow, she researched it further. She knows that the district leaders rank higher than cell-leaders and communicate with Parliament. All of them are MPs. Orders come from the leader. The witness said that she knows about other criminal acts committed by Golden Dawn such as the assault on PAME trade unionists in Perama. She also knows of assaults on foreigners in street markets. She added that she has seen Golden Dawn members infiltrate her university department even though they are not students and has known them to beat members of leftist organisations. She said that an assault division is a mass of individuals organised to perform actions such as attacks whenever they receive orders to do so. She knows that the assault divisions receive training but she does not know where and how.

Responding to questions from the prosecutor, Adamantia Oikonomou, the witness stated that when she gave her first statement, the police did not transcribe her testimony verbatim. Rather, they told her they would transcribe only the "important" elements. Her testimony to the court, however, contained the whole truth. The ten Olympiakos fans she saw at the beginning were unrelated to Fyssas and his friends. The latter just happened to be walking behind the football fans. The witness said she didn't hear the order, "beat them". She saw Roupakias only when he got out of the car. The prosecutor asked the witness why she testified that she had seen only one bat, whereas, in a previous testimony, she had spoken of two or three bats. The witness replied that she had also mentioned two or three bats in her court evidence.

Civil counsel intervened to confirm that the witness had, indeed, referred to two or three bats. The judge asked the court secretary to clarify the issue. The secretary checked the transcript and confirmed that the witness has mentioned two or three bats. Responding to a question from one of the other judges, the witness said that she didn't know Fyssas nor did she know whether Koralli was a Golden Dawn hang out.

Responding to questions from the deputy prosecutor, Stelios Kostarellos, the witness said that at the moment of the attack, she couldn't tell whether it had been organised in advance. It occurred to her in retrospect that the assault must have been organised given there were two attacks and that those involved did not simply want to rough up Fyssas and his friends. The witness said she did not know whether the other police officers saw the passenger in Roupakias' car trying to wrest Roupakias away from the arresting officer. The witness was frightened by the shouting and the sound of running feet. She did not see the Golden Dawners deliberate on how to carry out the attack.

In response to a question from the judge, the witness testified that she did not know whether the policewoman had seen Roupakias' accomplice, but that she was close by in that moment.

In response to a question from one of the other judges, the witness testified that the Golden Dawners did not look surprised to see Roupakias' car. Roupakias had headed directly towards Fyssas. His intention was not to help the Golden Dawners who were beating Fyssas; they had already managed that. Fyssas had likely stayed behind to talk to the attackers. In response to a question from the judge, the witness stated that she heard a woman asking the police for help.

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

In response to questions from civil counsel, the witness testified that she did not know Fyssas or his family. The individuals across the street encouraged the attackers. The witness did not see any policemen other than the two who arrested Roupakias. The witness insisted that the attack was premeditated, given there were

two attacks, with a pause between the two as the assailants took time to organise the second attack. Moreover, there was the issue of Roupakias' car driving on the wrong side of the road. The witness said she watched videos of the local Golden Dawn branch in Nikea in which the branch leader, Giorgos Patelis, says something along the lines of "we will slaughter anything that moves" and that they should await their leader's orders. Here, the judge asked the court secretary to insert into the record that the court called defence counsel Karydomatis to order.

In response to questions from Ellada Christodoulou (for the Fyssas family), the witness stated that Fyssas and his friends could not have intimidated anyone. She had heard the slogan "Blood, Honour, Golden Dawn" and believes it encapsulates Golden Dawn's ideology.

In response to questions from Papadopoulou, the witness stated that she does not know whether the passenger in Roupakias' car had been sitting there the whole time. The witness stated that following the murder of Manolis Kantaris, Golden Dawners took to beating foreigners in central Athens. The people carrying out those assaults dressed similarly to the men who attacked Fyssas and his friends.

[Note: In May 2011, Manolis Kantaris was stabbed for his camera while preparing to bring his pregnant wife to hospital to give birth. Two Afghan nationals were subsequently tried and convicted of his murder. The day after Kantaris' murder, a Bangladeshi national was fatally stabbed by a group of four individuals wearing black clothing. Golden Dawn is widely suspected of being behind the pogrom that followed Kantaris' murder.]

In response to questions from Eleftheria Tompatzoglou (for the Fyssas family), the witness stated she didn't know if she could identify the men who hid behind the dumpster. The witness said she has seen videos of Golden Dawn marches on the internet. When she saw the Golden Dawners, she knew instantly who they were. She added that she has been afraid throughout her testimony. Here, tensions mounted between the civil and defence counsels. The judge intervened and asked the witness whether she was fit to continue her testimony. The witness was shaken and cried constantly but insisted that she wanted to continue.

The prosecutor proposed the court adjourn until 2 December. The court decided on a half-hour break to allow the witness to calm down and decide on whether she wanted to continue. Following the break, the witness stated that she was too upset to continue. The court adjourned until 2 December.

At this point, defence counsel Oplanztidis asked that it be noted in the record that false allegations that his client, Kazantzoglou, threatened the witness are all over social media.

The judge interrupted him, saying the matter did not concern the court and that no such thing happened in front of them.