

DAY 35: TRIAL UNDER CONDITIONS OF TERROR

35th Hearing, Women's Section, Korydallos Prison, Athens, 4 December 2015

1. Court access

Hearings remain accessible to members of the public, provided they present their identity cards at the entrance. The attendance has thinned. We note here that 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-one (31) defendants were registered as absent. The remaining defendants were represented by their counsel.

3. Comments regarding Dimitra Zorzou's testimony from civil counsel

The court first dealt with defence counsel Vasilis Oplantzakis's request that witness Dimitra Zorzou be cross-examined with another witness, police officer Giorgos Rotas. The court announced it would reserve its decision on the matter until all witnesses to the Fyssas murder have testified.

Civil counsel Andreas Tzelis (for the Fyssas family) took the floor. He insisted that Zorzou had confirmed her credibility as a witness in spite of the defence's best efforts to undermine her. Her testimony was entirely consistent and bore no contradictions.

Counsel Violetta Kougiatsou (for Magda Fyssa) said the witness "won the lottery" by finding herself there on that night. She had witnessed a horrific murder and fulfilled her duty to testify. Her credibility was unquestionable.

Chrysa Papadopoulou (for Irini Fyssa) said that Zorzou's testimony proved that the murder had been planned. She noted that the defence's attempts to debunk her testimony had fallen flat. She referred in particular to the defence's attack on the witness by recourse to her Facebook posts.

Thanasis Kampagiannis (for the Egyptian fishermen) began his remarks by noting that Zorzou's testimony was the most significant to date. It demonstrated that the murder was an organized attack, that the parties were completely mismatched and that the killing was executed in cold blood. The witness utterly discredited the defence's line that there had

been a “fight” or “scuffle” between Fyssas and Roupakias. The witness had testified in her capacity as a responsible and courageous citizen rather than as a private individual.

Takis Sapountzakis (for the PAME trade unionists) noted that the witness had clarified that the unit that attacked and killed Fyssas was an assault division, and that there was no scuffle; only an unprovoked attack.

Taking the floor, Manos Malagaris (also for the PAME members) pointed out that in attempting to discredit the witness, the defence had gone so far as to try to deny that she was present at the scene. Her evidence, however, was consistent with the rest. Even her Facebook posts cannot affect her credibility; rather, they consolidate it, as they demonstrate that even at the time, the witness had sensed that an entire party was behind the attack.

Thodoris Theodoropoulos (for the PAME workers) said that the defence’s questions regarding the witness’s political inclinations were in violation of privacy laws. The witness’s Facebook posts were protected by the constitution and did not challenge her credibility. Moreover, the statement “We will kill anything that moves” is not, as the defence attempted to cast it, an “unfortunate statement”. Attempts to frame it as such demonstrate the defence’s poverty of argument and confirm the defendants’ guilt.

4. Comments regarding Dimitra Zorzou’s testimony from defence counsel

Defence counsel Christoforos Tsagkas (for Giorgos Germanis and Anastasios Michalaros) took the floor. He suggested that the witness’s presence at the scene could not be confirmed without relevant footage. He insisted that her testimony contained mistakes and contradictions, such as the matter of who stopped Roupakias or of whether or not there were people hiding behind the dumpster.

Nikos Kontovazenitis (for Anastasios Anadiotis) said the court could not trust a witness who described herself as “deeply politicized” and who harbours such passionate opposition to Golden Dawn. The witness was not present; she arrived after the murder. Moreover, her vision was seriously impaired.

Vasilis Oplantzakis (for Ioannis Kazantzoglou and Giorgos Roupakias) said that witnesses such as Zorzou create miscarriages of justice and manipulate courts into becoming instruments of revenge. The counsel’s statement provoked the reaction of the presiding

judge, Maria Lepenioti. The counsel insisted that the witness had contradicted herself and that she said “I don’t know” too many times to remain above suspicion.

Dimitra Velentza (for Thomas Barekas, Aristotelis Chrysafitis, Elpidoforos Kalaritis, Nikos Kouzilos and Theodoros Stefas) described the witness as having spent half of her testimony contradicting herself and the other half saying “I don’t know”. According to the counsel, the witness contributed nothing; she was not even at the scene.

Stathis Karydomatis (for Tasos Pantazis) said that the witness had been schooled in speaking about assault divisions. The fact that she cannot remember what Fyssas was wearing undermines her credibility.

Antonis Mammis (for Nikolaos Tsorvas) said that given the degree of empathy the witness felt for the victim and her contempt for Golden Dawn, an objective testimony would be impossible. He concluded that the witness did not contribute anything to matters concerning his client.

Tasos Dimitrakopoulos (for Giorgos Germenis) said that the witness could not be called an eyewitness as she could not remember what Fyssas was wearing. Moreover, he added, noting the witness said was consistent with the evidence from the police officers; she got everything she knew about the assault divisions from the media.

Yiannis Zografos (for Antonis Gregos and Nikos Michos) also objected to the witness’s eyewitness status. She tried to present herself as an impartial but politically informed individual, yet, as it turns out, she belongs to the Communist Party (KKE).

Giorgos Michalolias (for Dimitris Koukoutsis) said that the witness’s testimony betrayed the hatred and contempt she harbours for Golden Dawn – sentiments which might one day lead to acts of violence.

Nikos Roussopoulos (for Ioannis Lagos) said that this was weak evidence delivered by an unreliable witness whose passionate opposition to the third largest party in parliament was apparent. He added that the witness was not even at the scene.

Panagiotis (Takis) Michalolias (for Nikos Michaloliakos) said the witness despised Golden Dawn. He also pointed out that the witness resorted to “I do not remember” too many times.

Nikos Antoniadis (for Michaloliakos and Christos Pappas) accused the witness of perjury, for which she should be arrested.

5. Testimony of Paraskevi Karagiannidou

Before the next witness took the stand, civil counsel Antoniadis asked that the calls to have witnesses arrested cease.

Paraskevi Karagiannidou, who says he was a witness to the murder, was then called to give evidence. In summary, the witness's testimony was as follows:

"I am a fifth-year student in veterinary medicine at the University of Athens. Dimitra Zorzou and I have been friends since middle school; we are practically neighbours. On the evening of 17 September 2013, the two of us went to Pasalimani, the promenade in Piraeus, with another friend. He drove us back at around 11:30–11:45pm. We took a stroll along Tsaldari street and stopped to sit on a bench between Xanthou and Kefallinias streets, but closer to Xanthou. Suddenly, we heard noises coming from the junction of Kefallinias and Tsaldari streets. It was clear that there were many people shouting but I couldn't make out what they were saying. We turned around to look and saw a group of about seven people pass by. The screaming was coming from 20 to 30 people walking behind them and hurling threats at them. I couldn't catch what they were saying. It wasn't a simple quarrel among friends. There were lots of them, they were shouting, they all looked the same: they all wore black. The first group was not uniformly dressed.

Another group of friends had passed by before them. They were younger – about eighteen – and looked like football fans (they were wearing football jerseys). I heard one boy in the group of seven friends say, "run". They started to run; two of them stayed behind. One of them started running and then turned back. Three of them were left behind in total. Then, 10 to 15 men from among the group of 20 to 30 came at them and started beating them. Each of the boys was surrounded by three or four people. They beat them. Three or four of them definitely had helmets. They wore black shirts, army boots and grey camouflage trousers. Most of them had buzz cuts. Some of them had white lettering on their shirts but I couldn't make out what they spelled out or whether it was a symbol rather than a word.

The three boys who were being beaten did not fight back; they just tried to protect themselves. The rest of the mob encouraged the assailants and tried to break the boys'

morale. Everything happened very quickly – within a few seconds, more people arrived. They had been hiding behind trees and dumpsters and emerged to help beat up the boys.

Then I saw a car. The driver got out and walked directly to one of the boys. The two or three people who had been beating him stood back to let the driver pass. They didn't seem at all surprised to see him; it was as though they had an agreement with him – as though they knew him. The driver embraced Fyssas with his left hand and I saw his right elbow angle out, away from the boy's body. Then he turned and walked back to his car. At that point, the police arrived. As the driver tried to get into the car, one of the policemen tried to drag him back out and I saw someone get out of the car from the passenger's side. He and two other men from the mob tried to free the driver from the policeman. They kicked the policeman a few times as well. In the end, the police only managed to detain the driver.

Then more policemen arrived; one of them asked around for eyewitnesses. They took us to Keratsini police station where we saw Roupakias walking in and out of a room; he wasn't even wearing handcuffs. Then someone told the policemen to put him somewhere.

The judge asked the witness to state whether she could identify anyone involved in the incident among the defendants. The witness recognized Roupakias, whom she saw again at Keratsini police station, and she identified Ioannis Kazantzoglou as the passenger in Roupakias's car, though she added that she could not be entirely certain. She also said that the 20 to 30 people that night looked like Golden Dawners – based on their clothing, but also because the attack in Perama had taken place only two or three days earlier.

She knows of other attacks by Golden Dawn and knows how they work; what she saw that night was organized: the men were not acting for themselves, they arrived together, attacked the boys together and left together. The witness has heard that Golden Dawn operates according to a strict hierarchy; that they await orders from their leader.

5. Cross-examination of Paraskevi Karagiannidou

Responding to the prosecutor's questions, the witness testified that they all left together. She did not hear commands being issued; the driver definitely knew his target; the others provided a cordon for him; there was light from the shop windows and from the streetlamps. The witness remembers the passenger well because she saw him running on his own.

Responding to questions from the deputy prosecutor, the witness testified that the men behind the dumpster had planned to ambush their victims; they hid behind the bins and waited for the right moment to attack. Of course, the ambush was part of the plan of attack.

Responding to questions from civil counsel Tzelis, the witness said that the Golden Dawners' attack and the Fyssas murder were part of the same plan; that Golden Dawners were, by their own account, fascists. They dream of ethnic cleansing, they despise immigrants, leftists, anyone who opposed them.

Responding to questions from counsel Kougiatsou, the witness said she could see the people on the opposite sidewalk; that those people were following the attack; that she didn't hear the police shout anything or see them chase the Golden Dawners.

In response to questions from counsel Papadopoulou, the witness said that Fyssas and Roupakias never actually hit each other; that she can't remember whether she saw the first policeman handcuff Roupakias – though he definitely prevented his escape; that the rest of the Golden Dawners created an atmosphere of terror and intimidation in order to encourage their own guys; that she has seen a video of Patelis saying, "We will slaughter anything that moves" and of Michaloliakos saying that Golden Dawners are fascists and the descendants of those defeated in 1945.

Here, Takis Michalolias muttered, "very well", causing tensions to mount. The presiding judge called a break.

6. Violent incident during the break

During the break, defence counsel Karydomatis grabbed an independent German journalist by the throat and slapped a female audience member. The incident took place in a corridor leading to the toilet where the defence and some defendants typically sit during breaks.

Following the break, counsel Kampagiannis took the floor and made a statement on behalf of civil counsel. He referred to the incident, describing it as demonstrating the conditions of terror the criminal organization has created around the trial. He concluded that civil counsel would leave the courtroom as an act of protest.

The presiding judge responded that the statement would not be included in the trial transcript and that everyone is at liberty to exercise their rights as mandated by law. She

appealed to counsels not to waste time, as this will allow the time limitation on administrative detention to expire, as a result of which all of the defendants would be released from prison.

The presiding judge called a further five-minute break, after which she called the witness back to the stand. The witness stated that she did not feel she could continue with her testimony and asked the court to adjourn.

On behalf of the defence, counsel Kontovazenitis accused the witness of hypocrisy; Takis Michalolias stated that the examination of the witness could not continue in the absence of civil counsel and asked the court to adjourn.

The court adjourned until at 9am on Tuesday, 8 December 2015.