

## **DAY 37: “I SENSE SOME AGGRESSION IN YOUR QUESTIONS”**

**37th Hearing, Women’s Section, Korydallos Prison, Athens, 9 December 2015**

### **1. Court access**

Hearings remain accessible to members of the public, provided they present their identity cards at the entrance. The crowd had thinned since 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; thirty-eight (38) were registered as absent. The remaining defendants were represented by their counsel, whose respective bar associations had granted them special permits exempting them from the recess called by the country’s bar associations for 9–15 December 2015.

### **3. Paraskevi Karagiannidou’s evidence (continued): cross-examination by the civil council**

Takis Sapountzakis (for the PAME trade unionists) questioned the witness on the matter of the “assault divisions”. The witness explained that the term “division” refers to the unit’s military hierarchy, while the term “assault” is self-explanatory. The unit that executed the attack that night could best be described as an “assault division”. She stressed that Fyssas was not involved in a “scuffle”, as that term implies mutual aggression. He was attacked.

Responding to questions from counsel Haris Stratis (also for the PAME members), the witness clarified that the statement “we are the descendants of those defeated in 1945” is an expression of admiration or support for the Nazis. Moreover, the witness pointed to certain similarities between the attack on the PAME trade unionists and the attack on Fyssas, primarily as regards the execution of the assault and the choice of target. The witness specified that “the assaults target leftists or anyone who stands opposed to Golden Dawn.”

Thodoris Theodoropoulos (also for the PAME members) began to outline Golden Dawn’s hierarchical structure, referring to a document contained in the case file. He

was interrupted by defence counsellors Michalolias and Roussopoulos, who shouted: “Doesn’t the Communist Party (KKE) have a hierarchy? Are we putting ideologies on trial here?” Theodoropoulos moved on to ask the witness about Hitler and the SS, only to be interrupted again by defence counsellors who shouted, “And what do you have to say about Stalin?” or “You’re one to talk: you people slaughtered half the Greeks” [referring to the victims of the communists during the Greek civil war].

The civil counsels requested the presiding judge, Maria Lepenioti, to call the court to order and to stop the defence from intimidating the witness.

Eleni Zafiriou (PAME) raised the assault divisions’ slogans, asking the witness whether the party had ever formally condemned them. The witness responded in the negative and added that, on the contrary, Golden Dawn leader Nikos Michaloliakos had willingly assumed political responsibility for the Fyssas murder.

Angelos Vrettos (PAME) asked questions concerning the party officers responsible for local party branches. He proceeded to show the witness a photograph from the left-leaning daily *Efimerida ton Syntakton*. The witness described it as a picture of an assault division.

The statement provoked a heated response from the defence, as they argued that the question was irrelevant to the case to which civil counsels to the PAME trade unionists were admitted. Moreover, they insisted that the photograph did not depict an assault division. The witness explained that the group in the photograph included Golden Dawn MP Ilias Kasidiaris and others wearing helmets and lined up in formation; she insisted that it looked like an assault division.

#### **4. Cross-examination of Paraskevi Karagiannidou by the defence counsel**

The witness was then cross-examined by the defence, which sought to undermine the witness’s credibility, insisting that her testimony was riddled with contradictions, that her vision was compromised by her short-sightedness, by the distance, by various obstacles (trees, columns). The defence went so far as to suggest that the witness should not be considered an eyewitness. A further argument was that the witness’s political convictions engender a bias against Golden Dawn.

The most significant elements of the defence's cross-examination are noted here in brief. Christoforos Tsaggas (for Ioannis Aggos) implied that the witness was unreliable, given she did not wish to respond to questions concerning the friend who drove her to the area that night and because she could not remember what shops she walked past on the way to the bench where they sat. The witness was specifically asked, "How exactly were Fyssas' friends beaten and why?"

Nikos Kontovazenitis (for Anastasios Anadiotis) expressed his doubts that the witness was actually at the scene. Throughout his questioning, he referred to the event as a "scuffle". The witness corrected him, specifying that Fyssas did not return the blows; he merely tried to defend himself.

Questions concerning the witness's political convictions sparked the reaction of the judge and civil counsel. The judge likewise criticised counsel Dimitra Velentza (for Thomas Barekas, Aristotelis Chrysafitis, Elpidoforos Kalaritis, Ioannis Kazantzoglou, Nikos Kouzilos and Theodoros Stefanos) for her questions regarding the witness's boyfriend (who had driven the witness and her friend to the area from Pasalimani, the promenade in Piraeus). Velentza continued, accusing the witness of changing her testimonies. Specifically, she noted that in previous statements the witness had said that "over 20" men formed the mob, while in her evidence to the court she had referred to "30 people". The witness pointed out that these can mean the same thing. The counsel followed to ask the witness whether Fyssas' friends were injured and whether they sought medical attention. The witness replied, "I saw one of them on the ground, stunned. I don't know what they did afterwards."

Velentza asked the witness what Fyssas did after the attack – a question that provoked indignation in the gallery. The witness replied that after he was stabbed, Fyssas cried out to the police, "Not me, catch him!" and began to fall to the ground. The same counsel asked whether Fyssas had shouted or been agitated. The witness replied, "He stood for a little while, then he fell."

Velentza accused the witness of contradicting herself. Specifically, she pointed out that the witness had initially described Giorgos Roupakias's passenger as having a shaved head, while later she described his hair as close cut. The judge asked the counsel to sum up, given her questions were contributing nothing to the procedure.

Vasilis Oplantzakis (for Ioannis Kazantzoglou) wondered why the witness referred to Fyssas and his friends as “kids”. The witness responded that she didn’t remember calling them that. Regardless, she said that they were almost her age: they *were* kids. Oplantzakis followed in Velentza’s vein of questioning the witness’s credibility. He asked her about the exact position of the bench and if there were parking spaces on Tsaldari St. He followed to unwind a tape measure by 10–15 meters so that the court might visualise the distance between the witness and the incident. People in the gallery accused him of mocking and insulting the witness. The counsel said he would request a map of the area and asked the witness again whether she had a clear view of the incident given her short-sightedness. The witness said she had 1.5-degree myopia and reassured him that she had perfect vision when she wore glasses. The witness addressed the counsel: “I sense some aggression in your questions.”

Oplantzakis also brought up the issue of Roupakias’ passenger’s hair. The witness explained that by “close-cut” she means 1–1.5cm. Oplantzakis wondered what “shaven” would mean by her standards. During Oplantzakis’s questions regarding the incident and its participants, the judge repeatedly reminded him that “the matter has already been addressed.” Responding to a question regarding the Golden Dawners at the scene, the witness said, “No. They didn’t look remotely surprised. Had they been surprised, they would have left. But they didn’t; on the contrary, they held Fyssas down.”

Oplantzakis again accused the witness of contradicting herself, given she sometimes refers to the Golden Dawners as a “mob” and at other times as an “organized unit”. The judge interjected, “no, the terms are not mutually exclusive.” The counsel showed the witness black-and-white photocopies of photographs and asked her whether she was shown the same photographs when asked to identify Roupakias’ passenger. The judge intervened, “I have already asked you not to show her those photographs; they are blurry.” The witness said she was shown originals, not photocopies. Oplantzakis asked that the witness be cross-examined with police officer Giorgos Rotas (also an eyewitness), given he had doubted the presence of a passenger in Roupakias’ car.

Dimitris Gavelas (for Tasos Patelis) asked the witness where and when she saw the video of Patelis she had mentioned. The witness said she saw it long before the trial began, on some website she follows such as Newsit or Enikos. The counsel commented that the video was nowhere to be found and wondered how the witness had managed to see it. He asked her to describe the footage; the witness said it was a video of Patelis handing out orders to execute an attack. The counsel asked her whether the attack had, indeed, been carried out; the witness did not know. Here, the counsel turned to the judge and explained: “It is important for us to be able to ask the witness about her politics given significant details emerge from such questions.” He proceeded to ask the witness about the slogans deployed by youth parties at her university, listing some which, he claimed, “were violent in content”. He asked the witness to explain the meaning of some of these slogans but was interrupted by the judge, who said that “the witness can only offer her opinion on the matter; move on.”

Giorgos Roumpekas (for Giorgos Roupakias) also focused on the witness’s eyesight and doubted whether the incident qualified as an attack. The witness repeated that Fyssas and Roupakias never actually fought; the former merely tried to defend himself from Roupakias. The witness said it took the ambulance 40–50 minutes to arrive; Fyssas was “responsive” for about 15 minutes.

D. Bonis (for Leon Tsalikis) took the floor and asked questions concerning the witness’s eyesight and the exact timing of her arrival on the scene.

Dimitris Papadellis (for Ilias Kasidiaris) asked the witness whether she knew the exact meaning of phrases such as “party base organisation,” “prefectural committee”, and “central committee”. The witness said she did not. The counsel then shouted: “This is the structure of the Communist Party of Greece (KKE)”.

Giorgos Michalolias (for Dimitris Koukoutsis) showed the witness two photographs – screenshots of her Facebook profile – and asked her whether she was friends with Dimitris Melachrinopoulos or with other friends of Fyssas’. She replied that they did not hang out; Melachrinopoulos had sent her a friend request some time after her first testimony, but they had never spoken online. The counsel asked her why she “hid” her Facebook friends. She told him that her Facebook friends had always been

hidden (so that someone who is not her friend on Facebook cannot see them), and added that the counsel's photographs were misleading and unnerving given one of them shows her Facebook profile as seen by someone with whom she shares no mutual friends, while the other shows content to which only someone which whom she has a mutual friend would have access.

The court clerk pointed to a section of the witness's testimony: "I had no contact with Fyssas's friends until I met them here." The counsel followed to ask the witness whether she and her friend Dimitra Zorzou (another eyewitness) discussed political matters, specifically regarding Golden Dawn. The witness replied that they didn't talk about it often, but that both of them stand opposed to the party. The counsel showed her a screenshot of Dimitra Zorzou's Facebook profile. He referred her to a post that read, "Fucking Golden Dawners, you did your dirty work," which the witness had "liked".

He proceeded to show the witness the same photographs that civil counsels had in the previous hearing, saying "A man is holding a knife; what does that mean?" She replied: "I have already answered that: it's a training drill; the man is showing the others how to use the knife." The counsel commented, "The man is a martial arts instructor and is on *Greece's Got Talent*." When shown a different photograph, the witness read out the caption, "Communist Youth (KNE) video for training in combat and martial arts." The counsel asked her whether the image seemed appropriate for a political party. She replied: "A martial arts demonstration in a soccer field and in front of 30 people is not the same thing".

Girogos Michalolias began to read an excerpt concerning another party whose structure, he alleged, contains a military element, provoking heated responses from civil counsels, who retorted: "We should be judging the evidence on the basis of the indictment and nothing else."

At this point, the court was adjourned until 9am on 10 December 2015.

## **5. Comments on the proceedings and on the atmosphere in the courtroom**

The hearing was marked by increasing tension between civil and defence counsels. The presiding judge frequently appealed to both sides to conduct themselves with

respect and asked that the record show that “the defence counsel has disrupted the proceedings yet again”. The defence teams whispered and muttered throughout the witness’s testimony. Defence counsels often raised their voices to an aggressive level as they questioned the witness; some counsels (Oplantzakis, Michalolias) stood unnervingly close to the witness and were asked to back away by the judge. Their questions were often curt, and they frequently interrupted the witness’s answers, proceeding to the next question. Finally, the witness was often characterised as “unreliable”, and was asked to respond to questions involving a ridiculous degree of detail surrounding the place and time of the attack.