

DAY 3: CIVIL PARTY REQUESTS

3rd Hearing, Women's Section, Korydallos Prison, Athens, 12 May 2015

1. Court access and suitability

Regarding the issue of public access to the court, the same circumstances prevailed on day three of the trial, given the session was held in the same wholly inadequate venue in Korydallos prison as the previous two hearings. This made it impossible for the public to access the trial.

2. Presence and representation of the accused

While a number of the defendants were present, most were represented by their counsel. The claim that one defendant, Antonis Boletis, had died was not confirmed. In addition, one of the absent defendants, former MP Chrysovalantis Alexopoulos, who had already announced that he would be represented by three attorneys (the maximum number allowed), communicated to the court that he was being represented by a fourth lawyer, which resulted in him being tried as though he were present.

3. Requests from civil parties to join the prosecution

Attending the proceedings either in person or by proxy, the following individuals requested to join the proceedings as civil parties:

- 1) The parents and sister of Pavlos Fyssas, regarding the charge of murder committed on 17 September 2013
- 2) Two of the Egyptian fishermen regarding the charge for an assault on them in their homes on 6 June 2012
- 3) Eight of the victims of the assault committed outside Papilas Shipyards in Perama on 12 September 2013

Furthermore, all of the above declared that they were participating as civil parties in the prosecution of all those accused of membership of, participation in and leadership of the criminal organisation People's Association–Golden Dawn, given that all the aforementioned plaintiffs have incurred damages (to life, person, property and home) at the hands of this criminal organisation. Their statements were read out by their lawyers and submitted to the court in writing. While the lawyers

were making these statements, many of those present in the courtroom complained that they could not hear what was being said because of the wholly inadequate sound system in place.

Defence counsel asked for a break in order to familiarise themselves with the written declarations and to formulate their objections. Granting the request, the court adjourned until May 15.

4. Complaints from the civil action

Counsel for the civil action reiterated their request that the trial be moved elsewhere. Specifically, one of the civil action lawyers, Angelos Vrettos, presented the courtroom with a statement signed by Minister for Justice, Transparency and Human Rights Nikos Paraskevopoulos, dated 11 May 2015. The presiding judge announced that the court had already expressed its view on the issue, and that a new venue would be made available from September. She asked Mr Vrettos to withdraw the statement. Mr Vrettos proceeded to read aloud the minister's statement: "I recognise the urgency of the problems developing both within the hall in Korydallos Prison where the trial of Golden Dawn members is being conducted and its repercussions in the surrounding area. In view of these problems, a new hall is being built for the purpose and will be ready in early September 2015. Given the directorate of the trial has requested another hall, I would be willing to make provision for its transfer and to pursue any other feasible solution in the interim."

Another civil action counsel, Dimitrios Zotos, invoked the provision of article 18 paragraph 3 of law 1756/1988, arguing that if the court itself deems the venue to be inappropriate, it can appeal to the minister to find another premises for the purpose. The minister cannot act on the matter on his own initiative. The political leadership to which the presiding judge referred on the second day of the trial (arguing that it was up to the justice ministry to deal with the issue of the venue) was now on standby, awaiting the presiding judge's request that it solve the issue of the venue.

Civil action counsel Konstantinos Papadakis asked the presiding judge to draft a document to be brought before the minister. The presiding judge replied that the court had already stated its position on the issue of the hall, that this position led the minister to issue the above statement, and that if by September the ministry made a more suitable room available, then the trial would be transferred there. She added that those overseeing the trial are judges and not administrators and, as such, should not be expected to process and relay requests.

5. Defence requests/statements

Defence counsel Panagiotis Michalolias announced that the defence saw no reason to object to the requests pertaining to the well-being of students in the area, nor to requests concerning the search for an adequate trial venue, adding that the justice minister should have consulted the defence

counsel on the matter. The presiding judge reiterated that the court had already made its stance on the issue clear on day two of the trial, while Mr Vrettos intervened to clarify that the minister did not summon anyone for consultation; counsel for the civil action had appealed to the minister on their own initiative.

After protected witnesses A, B, C, D and E confirmed their attendance by telephone and on loudspeaker, the defence counsel stated their refusal to examine witnesses under such conditions and stated the right to submit their objections at a later time.

Ioannis Pagonas, one of the defence counsel appointed by the presiding judge, requested that the trial be adjourned for a longer period so that he might consult the case file in depth and exercise the functions of the defence for which he has been hired, a request echoed by another defence attorney appointed by the court.

Defendant Ioannis Aggos's attorney, Mr Sotiropoulos, added that if the court-appointed counsel was not given sufficient time to prepare, they would ask that the proceedings be declared invalid.

The prosecutor and the presiding judge responded that, although the allotted time may seem insufficient, the large number of defendants and lawyers would allow for plenty of opportunities for the defence to raise objections and formulate their arguments well into the proceedings.

6. Requesting waivers of and modifications of restrictions

Ilias Sideris, counsel for defendant Dimitrios Koukoutsis, requested that his client's house arrest be lifted in light of the fact that his client is no longer an MP and is thus obliged to seek employment.

Another defendant, Michail Arvanitis-Avramis, requested that the ban on his speaking at Golden Dawn events be lifted, arguing that it is unconstitutional, that it exemplifies a blatant intervention of the judiciary in the political field, and that the restrictions, which allow him to speak on behalf of Golden Dawn only within the confines of parliament, prevent him from adequately performing his duties as an MP. The result of this, he argued, was that he has become only "half an MP".

At this stage, attorney Ioannis Pagoropoulos intervened to request that the presiding judge rule that the order of speakers follow the alphabetical order of the accused, to which the defendant Arvanitis responded, "Do any restrictive conditions apply to you, sir? Why do you speak like this?"

A similar request was made by the lawyer of Antonis Gregos MP, who emphasised that, during the pre-election period, restrictive conditions imposed on her client were lifted, with no negative consequences.

Angelos Angeletos, lawyer for Eleni Zaroulia MP, asked that the house arrest imposed on his client be replaced by parole, given that his client's communication with her lawyers has been made difficult by the fact that it can only be conducted at her home.

Defence counsel for Nikos Michaloliakos MP also requested that his house arrest be replaced by some other measure, as the Golden Dawn leader's confinement has prevented him from fulfilling his duties as an MP.

The court declined to comment on these demands, expressing its intention to do so at the next sitting.

The trial was adjourned until 11pm on 15 May 2015 to the same venue.