

## **DAY 40: “I DON’T KNOW GOLDEN DAWN’S IDEOLOGY”**

**40th Hearing, Women’s Section, Korydallos Prison, Athens, 16 December 2015**

### **1. Court access**

Hearings remain accessible to members of the public, provided they present their identity cards at the entrance. There was a larger crowd in attendance than at the previous hearing. The spaces reserved for journalists are almost always occupied.

### **2. Presence and representation of the defendants**

Nine (9) defendants were present at the beginning of the hearing; thirty-seven (37) were registered as absent; twenty-three (23) were represented by their counsel. Defence counsel Christoforos Tsagkas announced that he would no longer be representing Ioannis Aggos.

### **3. Complaint from defence counsel Angelos Angeletos**

Defence counsel Angelos Angeletos (for Eleni Zaroulia) took the floor and informed the court that he had been hindered from entering the court by a crowd outside the Korydallos prison which had encircled him, chanting, “fascists, boneheads, you’re bound for the gallows”. He expressed his intentions to sue.

The presiding judge, Maria Lepenioti, acknowledged his statement, but responded that it could not be included in the court record given the incident took place outside of the court’s jurisdiction.

### **4. Testimony of Angeliki Legatou: cross-examination by the civil counsel (continued)**

The cross-examination of Angeliki Legatou, a member of the police motorcycle Dias unit, by civil counsel continued.

Picking up where he had left off in the previous hearing, counsel Thanasis Kampagiannis (for the Egyptian fishermen) questioned the witness. She testified that, on the night of the murder, she and her colleagues were wearing bulletproof vests and were armed – one of them with a submachine gun. The judge intervened to ask the counsel to limit himself to the case for which he was admitted as a civil counsel and to refrain from asking questions about the Fyssas case. Kampagiannis said that, for obvious reasons, proving the credibility of the witness and the police officers was in the legitimate interests of his client. He explained that the matter of whether the police were armed was relevant to the investigation of the

criminal organisation; Golden Dawn's complete lack of fear in the face of armed police officers demonstrates the power of the criminal organisation.

Responding to further questions from Kampagiannis, the witness testified that the mob was constituted by men in their mid-30s. Their strength had frightened her; they were all well-built and had buzz cuts. She could not have known what their intentions were exactly, but it was clear that they had gathered for a fight. She and her colleagues did not address them.

On Pavlou Mela St, her colleague Christos Deligiannis cried out, "Police! Break it up!" The crowd ignored him. They were not aggressive towards the police. They were not wearing hoods. Had they been anarchists, they would have attacked the police. Dimitris Hatzistamatis, the go-between, told them that they were members of Golden Dawn. A colleague of hers, Tsolakidis, related the event to the station exactly as Hatzistamatis had described it. One of her colleagues called an ambulance. The witness said there was no particular reason why she hadn't mentioned Golden Dawn in her initial statements. When asked why, in her first statement, delivered six hours after the murder, she had said that Hatzistamatis had told them about a quarrel among some football fans in front of the Koralli bar, the witness replied that it was likely because she was tired. She reassured the counsel that she had related the event with greater precision later on. Moreover, the witness said that Chrysa (Pavlos Fyssas' girlfriend) was not lying when she said that Golden Dawners were beating up her friends. The other police officers did not hear her, nor did she tell her colleagues. The witness said that, though her colleague Giorgos Rotas had testified that while police officers were frisking Giorgos Roupakias, 15 men stood glaring menacingly at them, she herself noticed no such thing. Moreover, unlike Rotas, she was not afraid that someone might try to free Roupakias.

The judge intervened and asked the counsel to limit his questions to matters concerning the case for which he was admitted as a civil counsel (that is, the attack on the Egyptian fishermen).

Continuing her response to his questions, the witness explained that whenever a police officer sees a criminal attempting to leave the scene of the crime, he or she must arrest and handcuff them. The counsel asked the witness who had handcuffed Roupakias. The judge did not allow the question. The counsel then turned to the court to ask whether they already knew the answer to the question. The judge responded that the witness had already

been asked by the prosecutor. The counsel asked the court to respond. The prosecutor muttered that Tsolakidis had handcuffed Roupakias. The witness replied, “why don’t you ask my colleagues?” The witness continued, stating that the police had sought eyewitnesses to the murder, but everyone they asked responded that they had just got there and that they hadn’t seen anything. In her patrol report she hadn’t mentioned that someone had pushed Deligiannis because that report was meant to include only events that concerned her unit. Deligiannis belonged to a different unit. She had not mentioned it in previous statements but she was mentioning it now. She stated that she didn’t know whether the chief of Nikea police station had any relationship with Golden Dawn.

Before beginning his cross-examination, Kostas Papadakis (for the Egyptian fishermen) addressed the court, stating that the development of the trial and the frequency of the hearings underlined the need to reiterate the request that the trial be moved to the Athens Court of Appeals in the Evelpidon courts complex. Moreover, he condemned any bodily or verbal injury caused to defence counsel Angeletos, but added that gatherings and slogans do not qualify as violence; slaps and threats, on the other hand, do. He proceeded to ask the witness whether burglars or killers, with whom the men and women of the DIAS motorcycle police unit are trained to deal with, were more, or less, dangerous than the Golden Dawners with whom they were faced that night. The witness replied that burglars and killers were more dangerous. She explained that the police did not intervene against the Golden Dawners because they were trained to deal with one person at a time. Whenever they are faced with more people, they have to call for back-up as they run the risk of being attacked themselves. The witness said that she couldn’t possibly have started a fight with 50 people who were holding bats, screaming and had assembled for reasons she herself could not have known at the time. The witness saw two people wearing helmets. She was afraid; 50 men assembled at midnight holding bats and helmets was hardly a normal occurrence. She added that anyone in her position would have been terrified; the fact that she was carrying a weapon made no difference. The intention of the crowd was to terrify people; they were not afraid of the police in the slightest. There was no point in threatening them with a weapon, and neither she nor her colleagues had tear gas. The witness had drawn her baton as she approached the men beating Fyssas, but she did not draw her gun. The police did not engage with the crowd outside Koralli; nor did they try to separate the group with their

motorbikes as this was not included in their methods. They could not arrest any of them because there were too many of them and because they didn't see them actually do anything illegal. The witness only heard about the attacks in Perama after the Fyssas murder. She had not heard about Golden Dawn leader Nikos Michaloliakos's had assumed of political responsibility for the murder.

Responding to questions from civil counsel Takis Sapountzakis (for the PAME trade unionists), the witness testified that every police mission frightens her, given it involves engaging in dangerous situations. The number of people involved, the fact that some of them were carrying bats, and the fact that she did not know why they were gathered there all contributed to her fear. The witness said she did not know whether the people beating Fyssas and the mob gathered there were part of the same group. The 15 to 20 people there were part of the group of 50, but the four people beating Fyssas were not part of the group of 15 to 20; had they been, the police would have caught up with them as they were chasing the group of 15 to 20 people. The witness said that it was likely that those four came from elsewhere, though they were wearing the same clothes as the rest: they were dressed in black. The witness said she didn't know whether they had planned the event in advance. She said she didn't know what Golden Dawn's ideology was; she knew from the media that it is a Nazi organisation.

Responding to questions from civil counsel Antonis Adanasiotis (for the PAME members), the witness testified that they only arrested Roupakias because they didn't see anyone else commit criminal acts. When they saw the people gathered on Mela St they made no arrests because there was no reason to and because their orders from the station were not to engage. The fact that the individuals were Golden Dawners did not play into their decision not to arrest anyone. The witness did not know whether Golden Dawn had friendly relations with the police, nor was she aware of any Golden Dawn attempts to supplant the legal order. She knew nothing about Golden Dawn's attacks on the street markets beyond the fact that they targeted migrants. She didn't know if Golden Dawners received training or whether the organisation had assault units in Nikea. As regards Golden Dawn's attacks on the PAME trade unionists, she knew only that there were a number of assaults and that some people were injured. She didn't know whether anyone's life was in danger. She did

not know how the police assessed the attack on PAME nor did she know whether increased surveillance measures were taken following the attack.

Responding to questions from civil counsel Eleni Zafiriou (for the PAME members), the witness testified that the whole incident lasted only a few moments. The station called for the entire Piraeus police force to move towards Keratsini. However, she did not know if and when they arrived. Five minutes after the murder, a unit showed up. When she herself reached the scene, Roupakias had already stabbed Fyssas. The people gathered there were Golden Dawners. She had not heard of Golden Dawn MPs guiding assault divisions. She had not heard a Golden Dawn MP referred to migrants as “subhumans”. She did not know whether Golden Dawners target specific groups of citizens. She said Fyssas may have been a Golden Dawn target, though she didn’t know the ideology of his group of friends. It was only later that she discovered that Fyssas was opposed to Golden Dawn. She never heard Roupakias say, “I’m one of you: a Golden Dawner.”

Responding to questions from civil counsel Thodoris Theodoropoulos (also for the PAME members), the witness testified that Hatzistamatis, the go-between, had informed them that the Golden Dawners were chasing anarchists. She did not notice whether the 50 people were lingering on the opposite pavement when Roupakias was arrested. The witness stated that the Dias motorcycle police unit was not trained to orient themselves at night without a compass or to wade through a river against the current under gunfire; nor are they trained in low crawling. All these are military tactics.

Responding to questions from civil counsel Angelos Vrettos (also for PAME), the witness testified that she had worked in all of the Piraeus units. She knew nothing about the attacks on the PAME trade unionists beyond what she was told by her colleagues. The assault was a serious incident. The witness was not aware of other attacks like it. As far as regards Golden Dawn MPs, she knew only of Michaloliakos and Ilias Kasidiaris. When shown a photograph, the witness identified Roupakias embracing a man – Golden Dawn MP Kostas Barbarousis – whom she did not recognise.

Responding to questions from civil counsel Haris Stratis (for the PAME members), the witness testified that she could not say whether what she saw had corresponded to an assault division. She heard something about it on television, but she was busy with housework during the broadcast in question. She did not know to whom Roupakias was

referring when he claimed that Fyssas had beaten up one of his guys. At the time, the witness did not know whom Roupakias was with; she later discovered that they were Golden Dawners.

When asked whether the mob's uniform that night was similar to the attire of the people in the photograph, the witness replied that they were all dressed in black.

#### **5. Testimony of Angeliki Legatou: cross-examination by the defence**

Responding to questions from defence counsel Nikos Kontovazentis (for Anastasios Anadiotis), the witness testified that she had served in the police force since 2008 and in the Dias motorcycle unit since 2010. She had seen anarchist marches on the media. She described anarchists as typically clad in red clothing and hoodies. She has not known them to wear black. Hatzistamatis, the go-between, spoke of a verbal assault. The clash involved Fyssas, Roupakias and four other people. Fyssas was alone. His friends arrived after the incident; Chrysa and a friend of his arrived on the scene following Roupakias' arrest. The witness suggested that the four people who had beaten up Fyssas were not part of the group of 15 to 20 people whom the witness had chased. The witness did not notice any of them encouraging the group as they beat up Fyssas. The witness mentioned that there were benches close by, but that she had not seen anyone there. She added, however, that she hadn't paid close attention to the benches. She was too far away to tell whether the men were dishing out kicks or punches. She saw movement from both sides.

Responding to questions from counsel Dimitra Velentza, the witness testified that the 50 people were lined up along the length of the entire street. They were not aggressive to the police: they did not attack, threaten or insult them. When she and her colleague ran after the 15 people, this group did not attack them. The people outside Koralli did not look like those on Mela St; the former were probably ordinary members of the public. She saw the five men on Mela St when she arrived on the scene. She noticed that they were wearing black, that they were holding objects and that two of them held helmets. She assumed that the objects they were carrying were bats. She and her colleague, Deligiannis, had cried out "Police!" as they approached the four people beating Fyssas; they ignored them until they reached the scene. Roupakias and Fyssas, however, continued to fight. They pulled Fyssas back, though the witness could not remember how they held him. Deligiannis helped her as Fyssas was stronger than her: he was fiercely agitated and a strong young man. It took two

people to hold him back. No one came forth as an eyewitness while the witness was at the scene. Fyssas' girlfriend and a friend of his approached the police but she did not take down their details herself. The witness was still present at the scene when the ambulance arrived. She saw the paramedics lift Fyssas' body into it, but cannot remember whether any of Fyssas' friends helped them. Fyssas' father arrived at the same time as the ambulance. A nurse arrived as well, but spoke only to Deligiannis, asking him if there was anything she could do to help.

Responding to questions from counsel Vasilis Oplantzakis (for Ioannis Kazantzoglou), the witness testified that she did not know where the four men who beat up Fyssas came from. They may have been among the 50 people on Mela St. When the group of 15 to 20 people started running, she and her colleague ran after them immediately. The four people could also not have been on Mela St. There were no other policemen on Tsaldari St. Had those 20 people not run away, Roupakias would not have been arrested. The witness did not know whether the stabbing could have been spotted by someone on the opposite pavement. The witness had assumed that Fyssas started the fight because he was visibly more agitated; he shouted and cursed. Fyssas stayed on his feet for about ten minutes. The witness didn't see Hatzistamatis again. No one attempted to drag Roupakias away. The counsel submitted a request that the witness be cross-examined together with eyewitnesses Dimitra Zorzou and Paraskevi Karagiannidou, who had already given their evidence.

Responding to questions from counsel Christoforos Tsagkas (for Giorgos Germanis and Anastasios Michalaros), the witness claimed that the reports following the Fyssas murder that mentioned her were libellous. She read them and saw them in the media. She did not know what could have motivated such misrepresentations of her involvement in the incident.

Responding to questions from counsel Giorgos Roumpekas (for Giorgos Roupakias), the witness stated that she could not remember people walking by the scene of the crime. She could definitely remember some members of the public around. She could not have seen someone following the event 30 meters away from the scene. She didn't notice anyone bent over. She didn't have a clear view of the blows being exchanged. From a distance, she could see arms and legs moving. Fyssas did not tell her he had been hit somewhere else before showing her the stab wound. Nor did she notice whether Roupakias was also injured.

The witness explained that police officers faced with a fight will typically approach the party most likely to have started it. However, the objective is to detain both parties. The witness could not remember whether Fyssas seemed to be the more dangerous of the two; she was led to believe that he had initiated the fight because he was aggressive: he cursed and yelled. The judge did not allow the counsel's question on whether it was possible that Roupakias had approached his car with the intention of finding his identity card to show to a police officer. The witness replied regardless, stating that she was sure Roupakias went to his car with the intention of escaping; the police had not yet asked him for ID. Fyssas lost consciousness shortly before the ambulance arrived.

Responding to questions from counsel Antonis Mammis (for Nikolaos Tsorvas), the witness testified that her helmet had a sliding visor, which was up as she was running. However, her peripheral vision remained limited even when the visor was up. She had to turn her head to look left and right. The unit's walkie-talkies have digital broadcasting systems, which means that only one unit could transmit information to the police station at a time. They did not have an intercommunication system. That day, the witness was wearing a bulletproof vest, as were the rest of the unit. One of them was carrying a submachine gun. The riot police did not carry such weapons. The witness did not see a procession of cars and motorbikes approaching. She did not remember seeing his defendant, Tsorvas, in the area. The witness was never involved in arrests arising from accusations surrounding a criminal organisation. The police service carries out training drills in self-defence and weapon techniques so that officers can familiarise themselves with their weapons. The witness added that training in martial arts is not illegal.

Responding to questions from counsel Yiannis Zografos (for Antonis Gregos and Nikos Michos), the witness testified that she knows nothing about Golden Dawn beyond what she had seen on the media. She has had no involvement with Golden Dawn beyond the incident in question. She had never seen Fyssas in the area before the night of the murder. She heard about the attack on the street market in the media, but knew nothing about the judicial development of the case.

Responding to questions from Giorgos Michalolias (for Dimitris Koukoutsis), the witness testified that she heard about Golden Dawn's attack on the PAME trade unionists through the media and from colleagues who were involved in the incident. She did not remember

what she saw exactly or on what news channel she saw it. The 15 people she ran after during the Fyssas attack were not holding bats; only three or four out of the 50 were.

Responding to questions from counsel Alexandros Alexiadis (for Ioannis Lagos, Ioannis Aggos and Nikoletta Beneki), the witness testified that she had seen Golden Dawn marches on the media. They were in formation, marched in unison and wore clothes similar to those worn by the crowd on that night. The witness did not see camouflage – only black clothing. She didn't notice the crowd marching. She didn't know whether the people there that night had any relationship with the Golden Dawners she had seen in videos.

Responding to questions from counsel Stathis Karydomatis (for Tasos Pantazis), the witness testified that she did not notice anyone issuing commands or any clear coordination among the men there that night.

At this point, the court adjourned until 9am on 22 December 2015.

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

Before the hearing, neighbourhood antifascist organisations had gathered outside the courtroom to chant slogans. The hearing itself was calm, apart from a few curt exchanges between civil and defence counsels. Unlike on other days, the judge did not have to resort to calling a break to restore order. The witness's evidence did not answer the civil counsel's questions regarding who arrested and/or handcuffed Roupakias and who retrieved the knife with which Fyssas was stabbed. Despite persistent questioning from civil counsel and from the judge, the witness insisted that neither she nor her colleagues could have done anything to prevent Fyssas' murder. The defence's cross-examination made it clear that the witness had been summoned to give an alternate account of the event from those given by previous witnesses. For instance, the witness claimed that Fyssas was beaten by four people who were not among the group of 15 to 20 people that broke away from the original 50. Moreover, the witness claimed that she didn't see those 50 Golden Dawners, or the 15 to 20 who broke away from them, or Roupakias himself, commit any illegal acts. Finally, she claimed that Fyssas was violent, that he swore at Roupakias and that he gave the police the impression that he had initiated the fight with Roupakias.