

8th Hearing, Women's Section, Korydallos Prison, Athens, 25 June 2015

1. Court access and suitability

The same conditions applied at today's hearing as at previous sittings. Entry to the room purportedly designed for the trial was limited to witnesses, preapproved journalists and photographers. It remains impossible for the general public to attend the trial.

2. Presence and representation of the accused

Eighteen defendants – most of them in custody – were present. The rest were represented by their counsel.

3. Counsel for the civil action continue their statements

Haris Stratis, counsel for members of the PAME trade union, began by asking the court to reject the objections to civil parties and to allow them participate in the trial. He cited examples from case law and legal theory to support his argument that civil parties can be included in cases where crimes have been committed against public order and where those same offences also caused damage to private goods and interests. He added that the indictment clearly states that leading members of the [Golden Dawn] organisation had ordered or approved the criminal acts of lower-ranking members. Thus, without the leadership's direction, there would be no individual criminal offences. Antonis Adanasiotis, another counsel for the PAME members, stated that "those wishing to join the trial as civil parties are not random individuals only loosely connected to the case. Are the relatives of Pavlos Fyssas, who was murdered because he was a known antifascist, 'loosely' connected to the case? Are the PAME trade unionists, who were attacked for their activism in Perama, 'random' individuals? And what about the Egyptian fishermen, victims of a racist attack? These were all Golden Dawn's chosen targets, selected on the basis of the organisation's ideological objectives. With their objections, the defendants are now seeking to dissect the case and to treat it as though it were based on four unrelated incidents. But this is not a case of three small organisations or gangs cut off from and acting independently of the main organisation. We can't attribute sole responsibility to arms and legs without investigating the brains of this criminal organisation." The defence counsel objected. Addressing the presiding judge, they shouted, "Is this acceptable legal terminology?" Golden Dawn leader

Nikos Michaloliakos' lawyer, Panagiotis Michalolias, protested, stating that "the defendants must be referred to as 'defendants' and not as 'a criminal organisation'".

On behalf of the PAME flyposters, counsel Eleni Zafiriou stated that, "according to the indictment, dozens of criminal offences were committed. Who directed the organisation and its activities? What was its structure? Michaloliakos as leader, Golden Dawn MPs and the heads of local branches. The structure functioned through the interdependence and inextricable links between the organisation's different ranks. Those who directed it must be made face a civil action. There is a logical flaw in the prosecutor's proposal, as it conceptually severs the individual crimes from the organisation's leadership. This is not a routine case; the scope of this trial extends to homes, to the streets and to the minds of the world watching and monitoring the trial. The criminal organisation fulfilled its functions through its local branches: it gave them orders and controlled their actions. What is it about the victims, in their capacity as civil parties in the trial, that terrifies the organisation's leaders to such a degree that they have to fight them with their absence from their trial or with constant objections?" Ms Zafiriou continued to describe Golden Dawn as a horrific aberration of history, a claim that sparked tension in the room. "You are not mouthpieces of the KKE [Communist Party]", Mr Michalolias interrupted, to which Andreas Tzelis, counsel for Pavlos Fyssas's father, replied "we didn't interrupt you". Mr Michalolias's countered that "we never expressed our opinions on Stalin and the Communist Party. So when you insult us, we will interrupt you." Ms Zafiriou retorted: "You are forbidding me from mentioning the rage with which these people twist knives; their anger and their passion for violence." With this, some members of the audience burst into applause and Fyssas' relatives shouted, "Go girl!" Ms Zafiriou concluded: "We can't let the egg hatch or, if it already has hatched, we have to make sure that the snake does not survive. The outcome of this trial will be our legacy to our children."

Angelos Vrettos, also a counsel for the PAME members, spoke last. He stated that the indictment was clear on the point that, without the existence of the organisation, the crimes of the individual defendants would not have taken place, given the criminal acts were sanctioned by the organisation's leadership. He added that "unlike our colleagues in the defence, we will not indulge in derogatory characterisations such as 'that Fyssas guy' and

the ‘Perama incident’”. He said that according to the indictment, the organisation’s activities targeted immigrants, political and ideological dissidents, citing the relevant sections of the document: “The offences being tried today were the fruition of an organised plan of action and of the organisation’s statutes.” Mr Michalolias interjected. “The court is familiar with the indictment; you don’t need to read it out to us,” to which the presiding judge responded: “Mr Vrettos is merely supporting his argument.” Mr Vrettos continued. “It is important for people to hear the contents of the indictment, so that the average member of the public can form a judgment on the proceedings. The indictment states that there was a criminal Nazi organisation that orchestrated the crimes. We can’t be all be barred from participating as civil parties given we want to end the activities of this Nazi organisation altogether.”

After delivering their verbal statements, counsel submitted their statements to the court in writing. The floor was then given to the defence counsel for their objections (rejoinder).

4. The defence’s rejoinder

Apart from the lawyers representing three of the accused (Crysovalantis Alexopoulos, Giorgos Dimou and Stavros Santorineos), all members of the defence called for civil parties to be excluded from the trial of charges relating to the criminal organisation. Most of the lawyers opted to study the written statements of the would-be civil parties with the view to voicing their objections at the next sitting. Others stated that, as they had already voiced their objections, they had nothing more to add.

More specifically, Mr Sotiropoulos, representing Ioannis Aggos (Fyssas case) requested the barring of civil parties both from charges relating to the specific offence (complicity in murder) and from charges relating to the criminal organisation, on the grounds that as participation in the criminal organisation was a prerequisite for the specific offence, thus, according to general principles of criminal law, they should not be treated separately. Mr Alevizakis (counsel for Kyriakos Antonakopoulos, Giorgos Tsakanikas and Christos Chatzidakis) stated: “We are cooperating with justice. The provisions of article 187 (on criminal organisations) are specific to public order offences. Can a man by whose kiosk the defendants once passed request to join the trial as a civil party now? How can a member of

the organisation be held accountable for crimes that he had nothing to do with? We lawyers who are not leftists, rightists or centrists simply demand the proper administration of justice. The presiding judge interrupted him, pointing out that none of this was relevant to the issue of the civil action. Nikolaos Apostolou's lawyer stated that the argument that "had there been no criminal organisation, there would have been no crimes" is simply too far-fetched and that his client "did not commit any crimes out of admiration for the activities of the Nikea members". The lawyer for Golden Dawn MP Giorgos Germenis stated: "The defendants should not be arbitrarily grouped together. The charges brought against my client should not be judged morally or politically but on the basis of legal criteria." Angelos Angeletos, counsel for Eleni Zaroulia MP, stated that "a civil action is, in this case, an abuse. Victims should confront individual perpetrators. The indictment does not mention my client in any incident that would suggest her membership of a criminal organisation. The inclusion of irrelevant witnesses such as Mikis Theodorakis or a journalist who has simply written a book on the trial of Golden Dawn is an attempt to transform the judicial proceedings into a spectacle. The court's judgments should not be subject to public speculation and the prosecutor's proposal does not call for this kind criticism." The presiding judge asked Mr Angeletos to limit himself to the issue of the civil action.

Counsel for Markos Evgenikos and Anastasios Pantazis stated that "it is improper to attribute individual offences to all of the defendants" while Polyvios Zisimopoulos's lawyer said that "the grouping together of accusations is a pathological weakness of the case file and we have reached the point where everyone is accused of everything". Dimitra Velentza (counsel for Ioannis Kazantzoglou, Nikolaos Kouzilos, Elpidoforos Kalariti, Thomas Barekas and Aristotels Chrysafitis) pointed out that "the organisation did not 'make' the acts, nor did the acts make the organisation. The charges were upgraded to felony during the investigation, and civil parties have now used this modification to justify their participation in the trial around article 187 on criminal organisations." The presiding judge asked that counsel refrain from commenting on the proceedings and limit herself to the issue of the civil action. Here, counsel for the Fyssas family, Chrysoula Pistioli, asked that the defence counsel not use phrases such as "the alleged victims"; Pavlos Fyssas was a victim and such phrases are an insult to his friends and family." Ms Velentza responded: "I tend to speak this way until the court has issued a final judgment," to which Mr Tzelis replied: "Do you mean

to say that there is no victim?” Counsel for Ioannis Lagos stated that “much like the Moscow trials, the lack of legal arguments is being compensated with political stances.” Counsel for the PAME members reacted in outrage while Thanasis Kampagiannis (consul to the Egyptian fishermen) cried out “and what do you have to say about the Nuremberg trials?” The presiding judge asked that the defence counsel limit himself to the issue of civil action. The latter then claimed that civil parties were trying to paint his client as the greatest criminal.

Defendant Nikos Michos’s lawyer then stated: “We have heard the manifestos of the Third International, we have heard about thousands of people taking Golden Dawn to trial, we have heard of about communist Egyptian fishermen; I don’t know if Egypt even has a communist party.” The presiding judge asked him to contain himself. Eftsathios Boukouras’s counsel, Vasiliki Pantazi, stated that her client never subordinated his own will to that of the party; he was duly elected an MP and he didn’t even know those who committed these illegal acts. Christos Pappas MP’s lawyer, Nikos Antoniadis, stated that ordering a crime to be committed qualifies as incitement, for which the indictment has made no accusation concerning his client. Nikos Tsorvas’s counsel stated that “as a young person living in 2015 and in a country going through a crisis, I can’t believe I’m hearing these things: talk of snakes, eggs and that the implications of the trial extend to people’s homes. This is simply a trial like any other.”

Just before the court adjourned, the presiding judge noted that in September, the court will meet on the 8th instead of the 7th and then again on the 9th, 14th, 22nd and 29th.

The next hearing is scheduled to take place at 9am on Monday 29 June 2015 in the same venue.