

# The Far-Right in Greece: The Elephant *and* the Room

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## Abstract

The paper critically evaluates the development of the far-right in Greece from the post-Junta era until today and assesses the impact of the Junta itself on the birth and development of the largest and steadiest grouping of Greece's far-right, namely Golden Dawn. As well as the development of the far-right and given the centrality of Golden Dawn on Greece's far-right scene, the paper considers the historical and ideological backdrop of Golden Dawn, a political party which, for years, also functioned as a violent subculture movement, with limited to no interference by the State. The paper argues that this state of impunity was a *facilitating factor* for its rise and potentially for its demise, as the group potentially felt untouchable. The turning point for this unhampered and unlimited activity of Golden Dawn, predominantly in the streets of Athens and predominantly against migrants, was the murder of Pavlos Fyssas, an ethnic Greek. Despite the party's dismal appearance in the 2019 parliamentary elections of Greece, the history and development of Golden Dawn and, in particular, the reaction (or non-reaction) of State actors to its hateful campaign and actions must be looked at and remembered for purposes of ensuring non-repetition.

**Keywords:** far-right, Golden Dawn. Greece, racism, violence

## **Introduction**

This paper<sup>1</sup> will provide a critical assessment of the far-right in Greece following the fall of the Junta (1974) until today. The Greek far-right scene is dominated by *The Popular Association - Golden Dawn* (*Λαϊκός Σύνδεσμος -Χρυσή Αυγή*) – hereinafter Golden Dawn, a registered political party simultaneously acting as a violent subculture movement but with a rigid rather than loose structure. It must be noted from the outset that in October 2020, following five and a half years of trial and 453 hearings, the leadership of Golden Dawn and other members were found guilty of, *inter alia*, leading or participating in a criminal organization.<sup>2</sup> This was despite a prosecutorial recommendation in December 2019 that there was no demonstrable link between the murder and Golden Dawn or its leadership<sup>3</sup>. The trial commenced following the murder of musician Pavlos Fyssas in September 2013 by a Golden Dawn member. For purposes of the current analysis, the paper will firstly look at the impact of the military dictatorship on the development of the far-right and, particularly, its foundational links with Golden Dawn. It will

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<sup>1</sup> Please note all translations from Greek into English are the author's.

<sup>2</sup> See, *inter alia*, Ekathimerini 'Greek Court Rules Golden Dawn Party Criminal Organization' (7 October 2010) available at: <https://www.ekathimerini.com/257783/article/ekathimerini/news/greek-court-rules-golden-dawn-party-criminal-organization> [Accessed 10 November 2020]

<sup>3</sup> See, *inter alia*, Ekathimerini 'Prosecutor in Golden Dawn case says Fyssas murder 'not premeditated' (18 December 2019) available at: < <https://www.ekathimerini.com/247687/article/ekathimerini/news/prosecutor-in-golden-dawn-case-says-fyssas-murder-not-premeditated>> [Accessed 10 November 2020]

continue to look at the post-1974 scene which was composed of several far-right groupings. After that, it will conduct an assessment of the ideology and structure of Golden Dawn, its rise and the factors which contributed to its rise. It will be demonstrated that until the murder of Fyssas, an ethnic Greek, there existed a state of impunity for the criminal activities of Golden Dawn, a factor which essentially gave Golden Dawn's hit squads, discussed hereinafter, a *get-out-of-jail-free* card to violence of, *inter alia*, a racist, homophobic and political nature.<sup>4</sup> The impact of the trial itself in the form of a reduction in hate crimes committed by the group and the reconsideration of cases which had previously been closed without the finding of criminal responsibility of the party will also be looked at.

## 1. Dictatorship – Regime of the Colonels: Sowing the Seeds of Golden Dawn?

Given the country's recent experience of a military dictatorship and the ramifications this has had on the development of the far-right, a brief insight into this period of history will be provided with emphasis on its interrelationship with post-dictatorship right-wing extremism. On the 21<sup>st</sup> April 1967, a group of far-right colonels carried out a *coup d'état*, which resulted in the country being run by a Regime of the Colonels (*Καθεστώς των Συνταγματάρχων*) also known as the Junta (*Χούντα*). It ended on the 24 July 1974. The interrelation between post-Junta far-right groups with the Colonel's Regime had traditionally 'rendered them illegitimate in the eyes of Greek voters.'<sup>5</sup> In addition, the country's experience with the Nazi invasion in 1941 rendered affiliation with fascist or Nazi ideologies unpopular. As such, the part of the electorate with far-right ideologies was attracted to the centre-right *New Democracy* as this option was considered more legitimate than resorting to supporting extreme-right parties.<sup>6</sup> Notwithstanding the above, by 2012 over 400,000 Greeks had voted for Golden Dawn, a party which embraces the principles enshrined in fascism and Nazism. The relationship between Golden Dawn and the *Junta* is clear since the links are present and obvious both historically and on a practical level. In 1973, Nikolaos Michaloliakos, the leader of Golden Dawn, joined the *4<sup>th</sup> August party* (*4<sup>η</sup> Αυγούστου*) named after the date of a military coup in 1936. This party was founded by Constantinos Plevris, a far-right extremist Holocaust denier and *LAOS* member of Parliament who had been brought to trial for his book 'Jews – the Whole Truth' (*Εβραίοι – Όλη η Αλήθεια*) in 2007.<sup>7</sup> Michaloliakos was arrested for political violence and convicted in 1978 for bombings in Athens. He remained imprisoned for ten months and during his stay met the leader of the *Junta*, George Papadopoulos. In 1984, Papadopoulos founded a new far-right party from prison, the *National Political Union*

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<sup>4</sup> See, *inter alia*, 'Hate on the Streets' *Human Rights Watch* (10 July 2012) available at:

<<https://www.hrw.org/report/2012/07/10/hate-streets/xenophobic-violence-greece>> [Accessed 10 November 2020]

<sup>5</sup> Sofia Vasilopoulou & Daphne Halikiopoulou, *The Golden Dawn's Nationalist Solution – Explaining the Rise of the Far-Right in Greece* (1<sup>st</sup> edn. Palgrave 2015) 21

<sup>6</sup> *Ibid.*

<sup>7</sup> Henry Grunwald, 'Greek Justice must address Racism' *The Guardian* (22 May 2009) available at:

<<https://www.theguardian.com/commentisfree/belief/2009/may/22/greek-justice-kostas-plevris>> [Accessed 10 November 2020]

(*Εθνική Πολιτική Ένωση*) and appointed Michaloliakos as leader of the party's youth wing.<sup>8</sup> In 1985, following a conflict between the two, Michaloliakos departed from this party to establish the Golden Dawn magazine which promoted ideas pertaining to National Socialism.<sup>9</sup> Moreover, on a practical level, leaders of the Colonels' Regime embraced Greek supremacist thinking which is evident in Golden Dawn's belief system.<sup>10</sup> Notwithstanding the above and the established links between Golden Dawn members and the Junta, the former 'selectively mentions the Junta in its materials,'<sup>11</sup> aware of the general public's position when it comes to the country's experiences under the dictatorship.

## 2. The Far-Right in the Post-1974 Era

After 1974, far-right groups carried out violent activities such as bombings and personal attacks.<sup>12</sup> It must be noted that, even though many of the attacks' masterminds were arrested, far-right violence of that period was 'largely under-recorded, under-reported and under-studied, in contrast with the violence of far-left groups.'<sup>13</sup> In relation to political participation, during this period far-right parties had traditionally remained on the margins of the political system,<sup>14</sup> partly because of the reason stated above, namely the rawness of the public's wounds resulting from their experience with a far-right system and the interconnection between the far-right and the Junta. The birth of the post-Junta far-right of Greece as a movement was essentially a 'reaction to leftist internationalism rather than... a positive identification with the Greek nation.'<sup>15</sup> Parties of this ideology which appeared on the scene include the *Hellenic Front* (*Ελληνικό Μέτωπο*), the *Front Line* (*Πρώτη Γραμμή*), *National Democratic Union* (*Εθνική Δημοκρατική Ένωση*), the *National Alignment* (*Εθνική Παράταξη*), the *Progressive Party* (*Κόμμα Προοδευτικών*) and the *National Political Union* (*Εθνική Πολιτική Ένωση*). The youth wing of the *National Political Union* became a 'breeding ground for future far-right leaders including Golden Dawn leader Nikos Michaloliakos...'<sup>16</sup> In general, the post-Junta far-right parties sought to 'protect the Helleno-Christian tradition but stayed short of the nationalist overtones that characterize the

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<sup>8</sup> Human Rights First 'We're not Nazis, but...The Rise of Hate Parties in Hungary and Greece and Why America should Care (August 2014) 83

<sup>9</sup> Nikos Hasapopoulos, 'Golden Dawn – History, Personalities and the Truth' (*Χρυσή Αυγή - Η Ιστορία, τα Πρόσωπα και η Αλήθεια*) (1<sup>st</sup> edn. Livani 2013) 17

<sup>10</sup> Human Rights First 'We're not Nazis, but...The Rise of Hate Parties in Hungary and Greece and Why America should Care (August 2014) 82

<sup>11</sup> Sofia Vasilopoulou & Daphne Halikiopoulou, 'The Golden Dawn's Nationalist Solution – Explaining the Rise of the Far-Right in Greece' (1<sup>st</sup> edn. Palgrave 2015) 58

<sup>12</sup> Robert McDonald, 'Pillar and Tinderbox: The Greek Press and the Dictatorship' (1<sup>st</sup> edn. Marion Boyars 1983) 187-188

<sup>13</sup> Sappho Xenakis, 'A New Dawn? Change and Continuity in Political Violence in Greece' (2012) 24 *Terrorism and Political Violence* 3, 441

<sup>14</sup> Sofia Vasilopoulou & Daphne Halikiopoulou, 'The Golden Dawn's Nationalist Solution – Explaining the Rise of the Far-Right in Greece' (1<sup>st</sup> edn. Palgrave 2015) 20

<sup>15</sup> Antonis A. Ellinas, 'The Rise of Golden Dawn: The New Face of the Far-Right in Greece' (2013) 18 *South European Society and Politics* 4, 545

<sup>16</sup> *Ibid.* 546

contemporary far-right in Greece.<sup>17</sup> Examples of some form of political representation of the far-right include the 1977 national parliamentary elections in which the *National Alignment* received 6.8% of the vote and five seats, the 1981 European Parliament elections in which the Progressive Party received 1.96% of the vote and one seat<sup>18</sup> and the 1984 European Elections when the *National Political Union* received 2.3% of the vote and one seat.<sup>19</sup>

Before proceeding with the consideration of more recent far-right political participation, a brief note on the nature of the country's electoral system should be made. This takes the form of reinforced proportional representation. This means that parties take the number of seats in parliament proportional to the number of votes received, with the winning party taking a bonus of fifty seats in the three-hundred seat parliament. This could potentially affect the representation of smaller parties in parliament. In addition, for an entity/individual candidate to enter parliament it/he/she must receive at least 3% of valid votes,<sup>20</sup> thereby placing another obstacle in the way of smaller parties. Since 1974, the Greek political scene has been dominated by two parties namely the centre left *PASOK - Pan-Hellenic Socialist Movement (ΠΑΣΟΚ – Πανελλήνιο Σοσιαλιστικό Κίνημα)* and *New Democracy (Νέα Δημοκρατία)*. However, following their demise due to the dissatisfaction of the electorate in their social and financial policies, particularly their alignment with the Memorandums of Understanding(s),<sup>21</sup> the rise of smaller parties was facilitated<sup>22</sup>. In more recent times, the far-right scene was initially dominated by *LAOS*. *LAOS* was established in 2000 after its leader George Karatzaferis, a previous parliamentarian of New Democracy, came into conflict with that party. Another founding member was the aforementioned Constantinos Plevris.<sup>23</sup> *LAOS* is 'explicitly nationalist and xenophobic,'<sup>24</sup> calling for the 'protection of the nation, the genus, the faith, the history and the cultural identity'<sup>25</sup> of Greece and for 'the expulsion of illegal immigrants.'<sup>26</sup> *LAOS* has also proved to be anti-Semitic with its leader publicly denying the Holocaust, uttering racist speech against Jews and relating Jews with the crime and theories regarding their world control through 'international Zionism.'<sup>27</sup>

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<sup>17</sup> Ibid.545

<sup>18</sup> Ibid. 546

<sup>19</sup> Ibid.

<sup>20</sup> Article 5 Law 3231/2004 Election of Members of Parliament Law (Εκλογή βουλευτών Νόμος)

<sup>21</sup> A total of three Memorandum of Understanding have been signed between the European Commission (on behalf of the Stability Mechanism), Greece and the Bank of Greece. Financial support is given to Greece but under the condition that certain 'adjustments' are made (austerity measures)

<sup>22</sup> As discussed in: Antonis A. Ellinas, 'The Rise of Golden Dawn: The New Face of the Far Right in Greece' 18 *South European Society and Politics* 4 (2013)

<sup>23</sup> Kostas Pittas & Thanasis Kampagiannis, *The Fascist Threat and the Fight to Eliminate it' (Η Φασιστική Απειλή και η Πάλη για να την Τσακίσουμε'* (2<sup>nd</sup> edn. Marxist Bookshop 2013) 19

<sup>24</sup> Antonis A. Ellinas, 'The Rise of Golden Dawn: The New Face of the Far Right in Greece' (2013) 18 *South European Politics and Society* 4, 547

<sup>25</sup> Antonis Ellinas, *The Media and the Far Right in Western Europe: Playing the Nationalist Card'* (1<sup>st</sup> edn. Cambridge University Press 2010) 137

<sup>26</sup> Ibid.

<sup>27</sup> Anna Frangoudi, *'Nationalism and the Rise of the Far-Right'* ('Ο Εθνικισμός και η Άνοδος της Ακροδεξιάς') (1<sup>st</sup> edn. Aleksandria 2013) 23

In 2002, the party included four Golden Dawn representatives on its local election listing.<sup>28</sup> In those elections, the party performed well, receiving 13.6% of the vote in the Athens-Pireaus area.<sup>29</sup> LAOS entered the European Parliament in 2004 with 4.12% of the vote and one seat<sup>30</sup> and the national parliament in 2007 with 3.8% of the vote and ten seats<sup>31</sup> and again in 2009 with 5.6% of the vote and fifteen seats.<sup>32</sup> By 2012, the party's support fell after it 'lost its outsider status'<sup>33</sup> following its support of the Memorandum of Understanding and its participation in the 2011-2012 government which worked on the second bailout. As a result, in May 2012, the party's vote fell to 2.9% and 1.6% in June of the same year, resulting in its losing all its seats in parliament.<sup>34</sup> Some of this party's electorate then supported Golden Dawn. This contributed to the fact that Golden Dawn is substantially the only entity, which has inhabited the Greek far-right scene following the fall of LAOS. Given the domination of the scene by this party, it will be examined alone in the section below. However, notwithstanding the centrality of Golden Dawn in the far-right spectrum of Greece, it must be noted that beyond it, *Κρυπτεία* (*Kriptia*) is a new subculture movement in Greece using violence against migrants.<sup>35</sup> It calls itself a 'national resistance organisation'<sup>36</sup> which pledges to 'fight until the last illegal migrant is gone'<sup>37</sup> and to do so will use 'relentless violence.'<sup>38</sup> The impact and magnitude of this movement's actions has yet to be quantified and analysed.

### 3. Golden Dawn

Golden Dawn is a far-right party, the symbol of which resembles the Nazi swastika and whose rhetoric and activities are racist and discriminatory and, at times, violent. The party experienced a steep rise between 2009 and 2012, going from 20,000 votes<sup>39</sup> to 440,000 votes.<sup>40</sup> In 2015, it

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<sup>28</sup> Dimitris Psaras, 'The Black Bible of Golden Dawn: The Documented History of a Nazi Group' (*Η Μαύρη Βίβλος της Χρυσής Αυγής, Ντοκουμέντα από την Ιστορία και τη Δράση μιας Ναζιστικής Ομάδας*) (1<sup>st</sup> edn. Polis 2012) 354

<sup>29</sup> Election Results:

<<http://www.ypes.gr/el/Elections/CityElections/ResultsofElections/2002/>> [Accessed 15 February 2016]

<sup>30</sup> Election Results: <<http://www.ypes.gr/el/Elections/ElectionsEuropeanParliament/ResultsofElections/2004/>> [Accessed 15 February 2016]

<sup>31</sup> Election Results (LAOS): <<http://ekloges-prev.singularlogic.eu/v2007/pages/index.html>> [Accessed 15 February 2016]

<sup>32</sup>Ibid.

<sup>33</sup> Antonis A. Ellinas, 'The Rise of Golden Dawn: The New Face of the Far Right in Greece' (2013) 18 *South European Politics and Society* 4, 547

<sup>34</sup>Election Results (LAOS):

<[http://ekloges-prev.singularlogic.eu/v2012a/public/index.html#{"cls":"party","params":{"id":16}}](http://ekloges-prev.singularlogic.eu/v2012a/public/index.html#{)> [Accessed 15 February 2016]

<sup>35</sup> Nooz.gr: 'Ομάδα "Κρυπτεία": Θα χρησιμοποιήσουμε βία αλύπητα' (Kriptia: 'We will use violence relentlessly' (28 November 2017) <<http://www.nooz.gr/greece/1474522/omada-krypteia--tha-chrisimopoiisoyme-bia-alypita>> [Accessed 5 October 2018]

<sup>36</sup> Ibid.

<sup>37</sup> Ibid.

<sup>38</sup> Ibid.

<sup>39</sup> Golden Dawn election results 2009: <<http://ekloges-prev.singularlogic.eu/v2009/pages/index.html>> [Accessed 1 November 2015]

<sup>40</sup> Golden Dawn election results 2012:-

witnessed a slight drop, receiving approximately 380,000 votes<sup>41</sup> but still managed to jump from the fifth to third largest party in the Greek parliament.<sup>42</sup> Following the murder of anti-fascist musician Pavlos Fyssas by a Golden Dawn member in 2013, the leadership and some members of Golden Dawn are currently on trial for leading or participating in a criminal organisation. This article will critically assess the domestic legal framework that can be utilised to challenge far-right movements in Greece.

### 3.1 Golden Dawn – Historical Development and Ideological Profile

Golden Dawn is a registered political party whose roots can be traced back to December 1980 when its current leader, Nikolaos Michaloliakos, along with other right-wing extremists he had worked with within the framework of the party *4<sup>th</sup> August* and *ENEK (Unified Nationalist Movement)* (*ENEK- Ενιαίο Εθνικιστικό Κίνημα*) issued the national socialist magazine Golden Dawn. The magazine ‘espoused blatantly Nazi ideology’<sup>43</sup> and often glorified Hitler<sup>44</sup> with its first issue in December 1980 noting that the group pursued a revolution for a Golden Dawn ‘which will lead humanity again to nature and the Greek ideals of civilization’<sup>45</sup> This was the beginning of a new life with ‘no place for Zionists, their products and their agents.’<sup>46</sup> In a 1993 edition on racism, the magazine wrote that: ‘Greeks are eminently racist ... Racism is not beating a negro in the street or burning a Filipina. Racism is the right to difference, the dislike of merger, the maintenance of a clean race and when we say clean race we mean the expulsion of foreign elements which do not conform with our nature and traditions.’<sup>47</sup> In 1983, the group running the publication of this magazine sought to organise itself into a political party and, so, Michaloliakos filed a declaration for the establishment of a political party entitled ‘Popular Association – Golden Dawn’ (*Λαϊκός Σύνδεσμος – Χρυσή Αυγή*). The party’s statutes hold that it is a popular movement with ‘faith in the ideology of nationalism.’<sup>48</sup> It is a party, which promotes anti-

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<[http://ekloges-prev.singularlogic.eu/v2012b/public/index.html#{"cls":"party","params":{"id":41}}](http://ekloges-prev.singularlogic.eu/v2012b/public/index.html#{)> [Accessed 1 November 2015]

<sup>41</sup> Golden Dawn election results: <[http://ekloges.ypes.gr/current/v/public/#{"cls":"party","params":{"id":41}}](http://ekloges.ypes.gr/current/v/public/#{)> [Accessed 1 November 2015]

<sup>42</sup> Greece election results 2015: <[http://ekloges.ypes.gr/current/v/public/#{"cls":"main","params":{}}](http://ekloges.ypes.gr/current/v/public/#{)> [Accessed 17 April 2015]

<sup>43</sup> Human Rights First ‘We’re not Nazis, but...The Rise of Hate Parties in Hungary and Greece and Why America should Care (August 2014) 82

<sup>44</sup> Council of Europe Commissioner for Human Rights – Report on Greece, CommDH(2013)6,

<sup>45</sup> Golden Dawn magazine, Issue 1 (December 1980): ‘μια Χρυσή Αυγή που θα οδηγήσει και πάλι τον Άνθρωπο στην φύση και το Ελληνικό Ιδεώδες του πολιτισμού’

<sup>46</sup> Golden Dawn magazine, Issue 1 (December 1980): ‘μια Ζωή στην οποία δεν θα υπάρχει θέση για τους Σιωνιστές, τα προϊόντα τους και τους πράκτορές τους’

<sup>47</sup> Golden Dawn magazine (20/3/93) text entitled ‘Greeks and Racism’: ‘Έλληνες και ρατσισμός – ‘Ο Έλληνας είναι ο κατεξοχήν ρατσιστής...Ρατσισμός δεν είναι το ξυλοφόρτωμα ενός νέγρου στο δρόμο ούτε το κάψιμο ενός Φιλιπινέζου. Ρατσισμός είναι το δικαίωμα στη διαφορά, η αντιπάθεια της συγχώνευσης, η διατήρηση της φυλής καθαρής. Κι όταν λέμε καθαρή φυλή εννοούμε την αποτίναξη στοιχείων ξένων, αταίριαστων προς τη φύση και τις παραδόσεις μας.’

<sup>48</sup> Statutes of the political party with the name ‘Popular Association Golden Dawn’ ‘Καταστατικό του Πολιτικού Κόμματος με την Επωνυμία «Λαϊκός Σύνδεσμος Χρυσή Αυγή», pg.2

Semitism and which, as far back as the 1990s, was involved in violent activity, something which has been a characteristic of its actions as will be extrapolated below. Moreover, it endorses populist xenophobic and racist rhetoric with its party statutes holding that it is ‘against demographic alteration, through the millions of illegal immigrants and the dissolution of Greek society, which is systematically pursued by the parties of the establishment of the so-called Left.’<sup>49</sup> It was founded and continues to be led by the same person who has been part of the Greek nationalist movement since the age of sixteen and was imprisoned in the 1970s for illegal possession of explosives. The party embraces a biological conceptualisation of race and subsequently endorses biological as well as cultural racism with its statute underlying that ‘for nationalism, the People is not just an arithmetic total of individuals but the qualitative composition of humans with the same biological and cultural heritage.’<sup>50</sup> In relation to how it was established, as noted by its leader in a 2012 interview

‘we started in a Leninist way: we decided to issue a newspaper, Golden Dawn and build a party around it. Back in the 1980s we flirted with all sorts of ideas of the interwar years, including National Socialism and fascism. But by the 1990s we had settled the ideological issues and positioned ourselves in favour of popular nationalism.’<sup>51</sup>

The party remained politically dormant up until 1993 where it capitalised on the issue of the name ‘Macedonia’ to be given to a Former Yugoslav state.<sup>52</sup>

Essentially, after the 1990s, Golden Dawn sought to avoid identification with National Socialism and adopt a Greek Nationalist Party.<sup>53</sup> However this move has been deemed ‘superficial’<sup>54</sup> with National Socialism remaining the ideological backdrop of Golden Dawn.<sup>55</sup> Even today, the party’s symbol remains a Greek meander which appears very similar to the Nazi swastika and its leader has often been seen using the Nazi salute.<sup>56</sup> As noted in the pre-trial report of the

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<sup>49</sup> Ibid.

<sup>50</sup> Positions: political positions (Θέσεις: Πολιτικές Θέσεις) Available online at <<http://www.xryshaygh.com/index.php/kinima>>

<sup>51</sup> Antonis A. Ellinas, ‘The Rise of Golden Dawn: The New Face of the Far-Right in Greece’ (2013) 18 *South European Society and Politics* 4, 548

<sup>52</sup> Antonis A. Ellinas, *The Media and the Far Right in Western Europe: Playing the Nationalist Card* (1<sup>st</sup> edn. Cambridge University Press 2010)

<sup>53</sup> Dimitris Psaras, *The Black Bible of Golden Dawn: The Documented History of a Nazi Group* (‘*Η Μαύρη Βίβλος της Χρυσής Αυγής, Ντοκουμέντα από την Ιστορία και τη Δράση μιας Ναζιστικής Ομάδας*’) (1<sup>st</sup> edn. Polis 2012) 250-251

<sup>54</sup> Vasiliki Georgiadou, ‘The Electoral Rise of Golden Dawn. Revenge Vote of the Doubtful and the New Political Opportunities’ (‘*Η Εκλογική Άνοδος της Χρυσής Αυγής. Ψήφος – Ρεβάνς των Επισφαλών και Νέες Πολιτικές Ευκαιρίες*’) in Giannis Voulgaris and Ilias Nikolakopoulos *The Double Electoral Earthquake* (Διπλός Εκλογικός Σεισμός) (Themelio 2014) 185

<sup>55</sup> Ibid.

<sup>56</sup> Fundamental Rights Agency, ‘Racism, Discrimination, Intolerance and Extremism: Learning from Experiences in Greece and Hungary’ (2013) 23

investigative judges, drafted for purposes of requesting parliament to lift the immunity of Golden Dawn's MPs in the sphere of the current trial (hereinafter pre-trial report), although the party alleges that their salute is an ancient Greek salute also used by the dictator Ioannis Metaxas, their National Socialist belief system is evident in, amongst others, their hidden constitution discussed in section 1.3<sup>57</sup> and also in pictures depicting one of their MPs and seven other people with the Nazi swastika.<sup>58</sup> The National Socialist belief system of Golden Dawn was also referred to in the Prosecutor's recommendations to the Appeals Council (*Συμβούλιο Εφετών*) in the sphere of the current trial (hereinafter Prosecutor's recommendations), through examples such as the Nazi salutes and evidence collected for purposes of the trial including Nazi flags and Nazi military uniforms. Further, Golden Dawn adopts the *Führerprinzip* (leader principle) characteristic of the regime in Nazi Germany.<sup>59</sup> In fact, in the pre-trial report and Prosecutor's recommendations, reference was made to the absolute hierarchy and omnipotence of the leader.<sup>60</sup> Golden Dawn has strong ties with the German neo-Nazi group named *Free South Network*, inviting it to visit the Greek Parliament.<sup>61</sup> As is the case with other neo-Nazi groups in Europe, Golden Dawn commemorates Adolf Hitler's birthday on the 20<sup>th</sup> April each year.<sup>62</sup> In more recent years, the leadership has attempted to avoid the reference to National Socialism in public speeches so as to sanitise its image and attract a wider range of voters. In the 2014 election campaign for example, Golden Dawn candidates disassociated themselves from violence, stopped uttering anti-Semitic speech and kept away from references to National Socialism, all with the hope of broadening the range of its electorate.<sup>63</sup> It can be said that, notwithstanding efforts to disassociate itself from National Socialism, this ideology not only continues to lie at the foundation of Golden Dawn but it is the issue that sets it apart from the other post-Junta far-right entities<sup>64</sup> and from other far-right parties in the European Union. It has also made statements glorying the 'enlightened leadership of Adolf Hitler.'<sup>65</sup> Interesting in relation to the nature of the party are the secret statutes deposited at the Supreme Court by journalist Dimitris Psaras,<sup>66</sup> for purposes of the

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<sup>57</sup> Findings of the Investigative Judges during the Pre-Trial Procedure' Document Number 305, 19 February 2014, 20 available at: <<[https://goldendawnwatch.org/?page\\_id=420&lang=en](https://goldendawnwatch.org/?page_id=420&lang=en)> [Accessed 10 November 2020]

<sup>58</sup> Ibid. 13

<sup>59</sup> Dimitris Psaras, *'Golden Dawn before Justice'* (*'Η Χρυσή Αυγή Μπροστά στη Δικαιοσύνη'*) (1<sup>st</sup> edn. Rosa Luxemburg Foundation 2014) 37

<sup>60</sup> Findings of the Investigative Judges during the Pre-Trial Procedure' Document Number 305, 19 February 2014, 20 available at: <[https://goldendawnwatch.org/?page\\_id=420&lang=en](https://goldendawnwatch.org/?page_id=420&lang=en)> [Accessed 10 November 2020] p.13-14, Prosecutorial Proposal ( 15 October 2014) available at: [https://goldendawnwatch.org/?page\\_id=420&lang=en](https://goldendawnwatch.org/?page_id=420&lang=en) [Accessed 10 November 2020] p. 32

<sup>61</sup> Fundamental Rights Agency, 'Racism, Discrimination, Intolerance and Extremism: Learning from Experiences in Greece and Hungary' (2013) 23

<sup>62</sup> Human Rights First 'We're not Nazis, but...The Rise of Hate Parties in Hungary and Greece and Why America should Care (August 2014) 83

<sup>63</sup> Ibid. 14

<sup>64</sup> Sofia Vasilopoulou & Daphne Halikiopoulou, *'The Golden Dawn's Nationalist Solution – Explaining the Rise of the Far-Right in Greece'* (1<sup>st</sup> edn. Palgrave 2015) 16-17

<sup>65</sup> Dimitris Psaras, *'The Black Bible of Golden Dawn: The Documented History of a Nazi Group'* (*'Η Μαύρη Βίβλος της Χρυσής Αυγής, Ντοκουμέντα από την Ιστορία και τη Δράση μιας Ναζιστικής Ομάδας'*) (1<sup>st</sup> edn. Polis 2012) 40

<sup>66</sup> A journalist who has researched Golden Dawn extensively

ongoing trial. It must be noted that Golden Dawn denies that this document belongs to its party,<sup>67</sup> notwithstanding that references had been made to another such document from the first editions of the Golden Dawn magazine issued over twenty years ago. However, it has been referred to and relied upon in the pre-trial report and also in the Prosecutor's recommendations.<sup>68</sup> The statutes reveal, amongst others, that the party is founded on principles of National Socialism and biological racism, it inherently believes in the supremacy of the Greek race, endorses the leader principle and ensures a rigid hierarchy and strict discipline. More particularly, amongst others, the statutes hold that the candidate members of Golden Dawn are 'only Aryans by blood, Greek by descent...'<sup>69</sup> whilst a candidate may only be someone who 'accepts the...principles of National Socialism and is determined to fight without reservation for their effectuation.'<sup>70</sup> They believe blood to be 'the supreme carrier of the biological virtue of our race.'<sup>71</sup> The statutes also underline the importance of the leader's principle holding that 'for us, the Greek national socialists there was never any dilemma, the democratic model of governance...has no place in our movement...we believe in the principle of the leader as fundamental for State legitimacy.'<sup>72</sup> It also notes that 'discipline which emanates from the hierarchy of Golden Dawn is necessary for the effectuation of the objectives of the movements.'<sup>73</sup> Interestingly, the Prosecutor's Recommendations highlighted that the belief system of the members and MPs was 'criminally indifferent.'<sup>74</sup>

However, this document contains no assessment of when such opinion becomes expression and when such expression may become destructive. Further, there is also a paramilitary element to this group, with the pre-trial report referring to evidence that depicts members of Golden Dawn carrying out military training including gun use, targetting, combat, self-defence and provision of first aid. Further, the self-sacrifice of members for purposes of ensuring the objectives of the party are noted in Article 10 of its secret constitution. The Prosecutor's Recommendations refer

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<sup>67</sup> Findings of the Investigative Judges during the Pre-Trial Procedure' Document Number 305, 19 February 2014, 20 available at: <[https://goldendawnwatch.org/?page\\_id=420&lang=en](https://goldendawnwatch.org/?page_id=420&lang=en)> [Accessed 10 November 2020] p.13-14

<sup>68</sup> Ibid. 13, Prosecutorial Proposal (15 October 2014) available at:

<[https://goldendawnwatch.org/?page\\_id=420&lang=en](https://goldendawnwatch.org/?page_id=420&lang=en)> [Accessed 10 November 2020] p. 26

<sup>69</sup> Άρθρο 12. 1: 'υποψήφια μέλη της χρυσής αυγής δύνανται να είναι μόνο Άριοι κατά το αίμα, έλληνες στην καταγωγή'

<sup>70</sup> Άρθρο 1.2: 'Στην Χρυσή Αυγή εντάσσεται ως δόκιμο μέλος οποιός αποδέχεται τις κοσμοθεωρητικές βιοθεωρητικές και πολιτικές αρχές του εθνικοσοσιαλισμού και είναι αποφασισμένος να αγωνιστή χωρίς συμβιβασμούς για την πραγμάτωσή τους.'

<sup>71</sup> Άρθρο 4: 'Το αίμα είναι ο υπέρτατος φορέας των βιολογικών αρετών της φυλής μας'

<sup>72</sup> *Attorneys of the Civil Action: Memo of the Civil Action of the Anti-Fascist Movement for the Trial of Golden Dawn (Υπόμνημα της Πολιτικής Αγωγής του Αντιφασιστικού Κινήματος για τη Δίκη της Χρυσής Αυγής)* (1<sup>st</sup> edn. Marxist Bookshop 2015) 20

'Για μας τους έλληνες εθνικοσοσιαλιστές δεν υπήρξε ποτέ κανένα δίλλημα, ο δημοκρατικός τρόπος διακυβερνήσεως, ο βασιζόμενος στην τυχάρπαστη πλειοψηφία των πολλών δεν είχε θέση στο κίνημά μας.... πιστεύουμε στην αρχή του αρχηγού ως θεμέλιο πολιτειακής νομιμότητας.'

<sup>73</sup> Άρθρο 10: 'Η πειθαρχία που διέπει την ιεραρχική δομή της Χρυσής Αυγής είναι αδήριτη ανάγκη για την πραγματοποίηση των σκοπών της κινήσεως και αποτελεί συνειδητοποιημένη κατάσταση για κάθε μέλος.'

<sup>74</sup> Prosecutorial Proposal ( 15 October 2014) available at: [https://goldendawnwatch.org/?page\\_id=420&lang=en](https://goldendawnwatch.org/?page_id=420&lang=en) [Accessed 10 November 2020] p. 26

to the militant and hierarchal structure of this group.<sup>75</sup> As noted, this party is ‘no ordinary ultra nationalist party. No other extreme-right party in Europe is as stridently racist, nativist and violent, none is so unapologetically anti-Semitic and none so openly calls for the overthrow of the State.’<sup>76</sup>

In addition to the National Socialist foundation of Golden Dawn, it is ‘against parliamentary democracy and treats it with contempt,’<sup>77</sup> with Michaloliakos stating directly that ‘we reject democracy.’<sup>78</sup> The party does not try to hide this characteristic with an example being the party spokesman’s statement in 2012 in which he said ‘we do not like the petty MP posts, we do not want them at all. Of course we take advantage of some privileges of this membership, we now have a permit for a firearm, there is no possibility for an immediate arrest upon the commission of a criminal offence and it is a bit easier for us to move around.’<sup>79</sup> Further, in one of its magazine’s issues, it held, amongst others that, ‘we say yes to everyone, we become the good guys of the system, we bless, with every way...the guilty political system...but we have a goal to use our actions as the Trojan Horse and destroy the system...’<sup>80</sup> As such, the MPs of this party ‘consciously try to devaluate the Parliament, the institutions and principles of the State.’<sup>81</sup>

Further, this party is ‘staunchly and indiscriminately anti-immigrant.’<sup>82</sup> The party’s statute, as deposited in the Supreme Court in 2012, which the party alleges to be the first and only true version, provides that it is ‘against the demographic alteration, through the millions of illegal immigrants and the dissolution of Greek society, which is systematically pursued by the parties of the establishment of the so-called left.’<sup>83</sup> Parliamentarians of this party have been quick and consistent in demonstrating their racist belief-system with ample examples existing to illustrate

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<sup>75</sup> Findings of the Investigative Judges during the Pre-Trial Procedure’ Document Number 305, 19 February 2014, 20 available at: <[https://goldendawnwatch.org/?page\\_id=420&lang=en](https://goldendawnwatch.org/?page_id=420&lang=en)> [Accessed 10 November 2020] p.13-14; Prosecutorial Proposal (15 October 2014) available at: <[https://goldendawnwatch.org/?page\\_id=420&lang=en](https://goldendawnwatch.org/?page_id=420&lang=en)> [Accessed 10 November 2020] p. 30

<sup>76</sup> 30 October 2013: Press conference of the Director of Internal Affairs (of the Police) Panagiotis Stathis following the investigation of accusations of police and Golden Dawn cooperation. Cited in Human Rights First ‘We’re not Nazis, but... The Rise of Hate Parties in Hungary and Greece and Why America should Care (August 2014) 87

<sup>77</sup> Council of Europe Commissioner for Human Rights – Report on Greece, CommDH (2013)6, 4-3

<sup>78</sup> Nikolaos Michaloliakos, ‘For a Great Greece in a Free Europe’ (‘Για μια Μεγάλη Ελλάδα σε μια Ελεύθερη Ευρώπη’) (2<sup>nd</sup> edn. Ascalon 2000) 17 ‘Αρνούμεστε τη δημοκρατία’

<sup>79</sup> Statement made on 25/11/2012 in Crete: «Δεν γουστάρουμε τα βουλευτικά... Εκμεταλλευόμαστε τα προνόμια αυτής της ιδιότητας. Έχουμε σπλοφορία πλέον με άδεια. Δεν έχει αυτόφωρο αν γίνει κανένα επεισόδιο και είμαστε πιο άνετοι στις κινήσεις μας».

<sup>80</sup> Golden Dawn Magazine issue 134/2007: ‘Λέμε ναι σε όλους, γινόμαστε καλά παιδιά του συστήματος, ευλογούμε με κάθε τρόπο και με όλα τα “Κύριε ελέησον” που διαθέτουμε το ένοχο πολιτικό σύστημα και όλα αυτά ασφαλώς με το αζημίωτο, αλλά έχουμε σκοπό να χρησιμοποιήσουμε τις ενέργειές μας σαν Δούρειο Ίππο για να αλώσουμε το σύστημα...’

<sup>81</sup> Prosecutorial Proposal (15 October 2014) available at: <[https://goldendawnwatch.org/?page\\_id=420&lang=en](https://goldendawnwatch.org/?page_id=420&lang=en)> [Accessed 10 November 2020] p. 110

<sup>82</sup> Sofia Vasilopoulou & Daphne Halikiopoulou, ‘The Golden Dawn’s Nationalist Solution – Explaining the Rise of the Far-Right in Greece’ (1<sup>st</sup> edn. Palgrave 2015) 3

<sup>83</sup> Golden Dawn’s Constitution (2012) given to Antonis Ellinas by the political party: Antonis A. Ellinas, ‘The Rise of Golden Dawn: The New Face of the Far Right in Greece’ (2013) 18 *South European Politics and Society* 4, 545

this point. In 2012, a Golden Dawn MP Eleni Zaroulia referred to migrants in Greece as ‘sub-humans who have invaded our country, with all kinds of diseases.’<sup>84</sup> It is noteworthy that there was no reaction and no measures were taken against her by parliament. This is unlike the European Parliament where, in 2016, Martin Schulz expelled Golden Dawn MP Eleftherios Synadinos following his remarks that Turks are ‘barbarians,’ ‘dirty,’ and ‘dogs.’<sup>85</sup> The hateful stance of Golden Dawn has not been restricted to words only but is evident in their exclusionary activities and violence. More particularly, over the last few years Golden Dawn has and continues to provide welfare services such as health services, soup kitchens, blood donation and job centres for Greeks only.<sup>86</sup> Through this method, Golden Dawn seeks to appear to be supporting the people, making up for the lacking social infrastructure in times of financial crisis. The party also alleges to fund these activities through the salaries of the MPs thus ‘alluding to the ultimate ideals of sacrifice, selflessness and popular supremacy.’<sup>87</sup> Further, Golden Dawn is anti-Semitic, accusing Jews or Zionists of attempting to eradicate Greece through globalisation.<sup>88</sup> Examples of such a belief can be reflected in the recital of a passage from the “Elders of Zion” by member of parliament Elias Kasidiaris. They are anti-Roma, with examples of their actions including supporting a demonstration against the registration of thirty Roma pupils in a school in Lamia in 2012.<sup>89</sup> They also disseminate hate against the Muslim minority of Turkish origin who live in Thrace with members of this community having reported hate speech and threats and violence carried out by Golden Dawn.<sup>90</sup> Although outside the sphere of this paper, it must be highlighted that they are also homophobic and transphobic.<sup>91</sup> Moreover, it has been noted that hate speech has risen substantially since 2009, a point which is directly interrelated with the rise of Golden Dawn.<sup>92</sup> In light of the above, Golden Dawn has been described as belonging to the ‘extreme right category of the broader far-right label’<sup>93</sup> due to the embracement of Nazi ideals, its dangerous approach to democracy and its anti-immigrant, anti-minority rhetoric.

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<sup>84</sup> Statement made in parliament in 2012: «Κάθε λογής υπάνθρωπο που έχει εισβάλει στην πατρίδα μας και με τις κάθε λογής αρρώστιες που κουβαλάει».

<sup>85</sup> 9 March 2016: The president of the European Parliament, Martin Schulz, expelled the mp, explaining that his decision was in accordance with the article 165 of the EU. “It is a blatant violation of human rights upon which the EU is unswerving and bows to. (Here), there is an effort to outflank the red lines, so that racism becomes acceptable. But this is not happening from me,” Schulz said: “So, according to article 165 of the regulation, in combination with article 11, mister Synadinos is excluded immediately from the session and the chamber.”

<sup>86</sup>Sofia Vasilopoulou & Daphne Halikiopoulou, *The Golden Dawn’s Nationalist Solution – Explaining the Rise of the Far-Right in Greece* (1<sup>st</sup> edn. Palgrave 2015) 58

<sup>87</sup> Ibid.

<sup>88</sup> See for example: Apostolos Karaiskos ‘Zionism and Globalisation’ (‘Σιωνισμός και Παγκοσμιοποίηση’) (2012): <<http://www.xryshaygh.com/enimerosi/view/siwnismos-kai-pagkosmiopoihsh>> [Accessed 30 March 2016]

<sup>89</sup> Council of Europe Commissioner for Human Rights – Report on Greece, CommDH (2013)6, 3

<sup>90</sup> Ibid. 11

<sup>91</sup> As reflected in, for example, the discriminatory talks that accompanied parliamentary debate regarding the passing of the civil union in Greece

<sup>92</sup>European Commission against Racism and Intolerance: Report on Greece (24 February 2015) para. 34

<sup>93</sup> Sofia Vasilopoulou & Daphne Halikiopoulou, *The Golden Dawn’s Nationalist Solution – Explaining the Rise of the Far-Right in Greece* (1<sup>st</sup> edn. Palgrave 2015) 6

### 3.2 Golden Dawn and Violence

Golden Dawn uses violence to instill fear amongst its political opponents and those groups it considers to be sub-humans (using the words of its MP Zaroulia as referred to above). These predominantly include migrants, but also Roma, with incidences of violence against Muslim minorities in Thrace having been recorded. Golden Dawn has also carried out violence against persons belonging to the LGBTI community. Golden Dawn has hit squads (τάγματα εφόδου) composed of members with particular physical features, knowledge of martial arts and use of weapons, especially trained in hard conditions. They wear black clothes or clothes with military colours, with the logo of Golden Dawn, military boots and helmets with short or no hair. They possess weapons such as knives, iron bars and bats.<sup>94</sup> A particularly significant description of the violence carried out by Golden Dawn was put forth by the President of the National Commission on Human Rights<sup>95</sup> for purposes of the pre-trial report. More particularly, he held that the violence conducted by Golden Dawn, which is a centrifugal element of the party's public appearance, works on two levels.

Firstly, there is the public violence in which members of Golden Dawn carry out violent acts, such as those carried out against market stalls of immigrants and often record and upload them on the internet as a form of the party's identity and success. There is also the secret type of violence which occurs at night and is directed at more vulnerable groups such as refugees.<sup>96</sup> Unlike its electoral development which was slow and fractured, Golden Dawn's use of violence became apparent more quickly, commencing in 1987 and becoming more systematic by 1992.<sup>97</sup> Essentially, up until the early 2000s, this party worked as a violent subculture working on the streets, remaining electorally marginalised. The backdrop which facilitated this was the fact that 1992 was the year during which a 'nationalist and xenophobic wave erupted.'<sup>98</sup> This occurred due to the fall of the regime in Albania and the influx of immigrants to Greece. Racism and xenophobia were starkly promoted by the media which placed a great emphasis on the alleged criminality of foreigners. To add to the rising feelings of insecurity was the dispute about the name of Macedonia.<sup>99</sup> As such, the xenophobic stance adopted by the media as well as the mainstream political parties created fertile ground upon which Golden Dawn could (violently) disseminate its own message and agenda. Targets of Golden Dawn were initially political

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<sup>94</sup> Prosecutor's Recommendation to the Appeals Council regarding the Prosecution of Golden Dawn members and Members of Parliament (15 October 2014) 42

<sup>95</sup> The National Commission on Human Rights is an independent advisory body to the State specialised in human rights issues

<sup>96</sup> Findings of the Investigative Judges during the Pre-Trial Procedure' Document Number 305, 19 February 2014, 20 available at: <[https://goldendawnwatch.org/?page\\_id=420&lang=en](https://goldendawnwatch.org/?page_id=420&lang=en)> [Accessed 10 November 2020] p.21

<sup>97</sup> Dimitris Psaras, *The Black Bible of Golden Dawn: The Documented History and Action of a Nazi Group* ('*Η Μαύρη Βίβλος της Χρυσής Αυγής, Ντοκουμέντα από την Ιστορία και τη Δράση Μιας Ναζιστικής Ομάδας*') (1<sup>st</sup> edn. Polis 2012) 63

<sup>98</sup> Ibid.

<sup>99</sup> Ibid.

opponents such as leftists but, in the years that followed, other groups such as refugees and migrants were incorporated therein,<sup>100</sup> with multiple attacks being recorded over the next years, with such violence remaining unpunished.<sup>101</sup>

One of the most serious attacks took place in 1998 when the second in charge, Antonis Androutsopoulos, nearly killed a student and seriously wounded two others, all members of a leftist group. After being on the run for several years, he decided to hand himself in and, in 2006, was convicted and sentenced to twelve years in prison,<sup>102</sup> but remained imprisoned for only four and a half years. The case is further discussed in section 5. This occurrence resulted in the party suspending its activities for a while.<sup>103</sup> Unfortunately, the number of violent activities carried out by Golden Dawn, even the known attacks, are so many that it is impossible to make reference to all of them in this article. As noted by the Greek Ombudsperson in 2013, the numbers recorded are only the ‘tip of the iceberg.’<sup>104</sup>

However, some of the most serious known examples of Golden Dawn violence include the killing of a Pakistani immigrant cycling to work, the murder of anti-fascist musician Pavlos Fyssas and a serious attack against an Egyptian fisherman, all discussed in this paper. In addition, members of this party are infamous for destroying the market stalls of immigrant vendors and raiding places which migrants inhabit.<sup>105</sup> It must be noted that, although Pavlos Fyssas’ murder was the murder of a person who Golden Dawn considered a political opponent and this does not, therefore, fall within the examination grounds of this article, it will nevertheless be considered firstly due to the severity of the act but, secondly, due to the ramifications of this murder on the prosecution of Golden Dawn’s leadership and membership. In fact, the connection between Golden Dawn and the racist crime that has marked Greek reality over the past few years is a central theme of the current trial. Although the violence carried out by this party has fallen following the arrests in 2013 and the trial, it continues to be a reality in Greece. Further, as well as individual attacks, there have been attacks on religious and cultural centres, migrant organisations and homes in which migrants live.<sup>106</sup>

Given the dramatic rise of such violence and given that there exist no systematic recordings of such crimes by the State, the National Human Rights Commission, the UNHCR in Greece and a

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<sup>100</sup> Katerina Toidou & Giorgos Pittas, ‘Golden Dawn’s File – Neo Nazi Crimes and How to Stop them’ (‘Φάκελος Χρυσή Αυγή – τα Εγκλήματα των Νεοναζί και πως να τους Σταματήσουμε’) (1<sup>st</sup> edn. Marxist Bookshop 2013) 15

<sup>101</sup>Ibid.13

<sup>102</sup> Antonis A. Ellinas, ‘The Rise of Golden Dawn: The New Face of the Far Right in Greece’ (2013) 18 *South European Politics and Society* 4, 548

<sup>103</sup>Ibid.

<sup>104</sup> Ombudsperson: Special Report – ‘The Phenomenon of Racist Violence in Greek and its Handling’ (September 2013) available at: <<https://www.synigoros.gr/resources/docs/eidikiekthesiratsistikivia.pdf>> [Accessed 10 November 2020] 7

<sup>105</sup> Human Rights First ‘We’re not Nazis, but...The Rise of Hate Parties in Hungary and Greece and Why America should Care (August 2014) 91

<sup>106</sup> Council of Europe Commissioner for Human Rights – Report on Greece, CommDH(2013)6, 3

number of NGOs set up the Racist Violence Recording Network. However, this is not present throughout Greece and is completely dependent on the will of victims to report such crimes to the network. As such, any findings are not reflective of the full extent of the situation *vis-à-vis* racist crime in Greece.<sup>107</sup> Further, given the rise in such violence, the Ombudsperson drew up a special report on hate crime in Greece which included research carried out for sixteen months from the 1<sup>st</sup> January 2012 – 30<sup>th</sup> April 2013. This found that two hundred and eighty one cases<sup>108</sup> of such violence took place in the particular timeframe.<sup>109</sup> In seventy one cases, the perpetrators were involved or appeared to be involved with Golden Dawn. Importantly, from January – April 2012, three reports of Golden Dawn violence were made but from the period from May until the end of 2012, fifty four such reports were made. Further, in the first four months of 2013, whilst the number of reports for racist incidents fell, the involvement of Golden Dawn rose to 46.50% of the incidents.<sup>110</sup> The report's findings have been described in the report as the 'tip of the iceberg'<sup>111</sup> given that the majority of attacks are not reported or are reported and not recorded or recorded without the racist motive.<sup>112</sup> Indicative of this reality is the 2013 statement made by staff members of Doctors of the World in Greece who held that they received one to six victims of racist violence who need medical attention each week.<sup>113</sup>

In light of the above, we are not confronted with the case of a political party with a violent past which, following electoral success opted to rid itself of its violent identity. Rather, we are confronted with an organisation with two faces, one of a political party, notwithstanding that this political party directly and openly rejects principles of a liberal democracy, and, two, of a violent subculture movement with a rigid, rather than loose structure.

### *3.3 Golden Dawn's Electoral Development*

From 1994 until 2010 Golden Dawn remained a marginalised political party with limited electoral success, receiving, for example, 0.11 and 0.07 % of the vote in national and European elections respectively<sup>114</sup> After suspending its activities for a short while following Androutsopoulos' conviction, in its 2007 general assembly it decided to contest in the next local, national and European elections.<sup>115</sup> In the 2009 national and European elections it received 0.29

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<sup>107</sup> European Commission against Racism and Intolerance: Report on Greece (24 February 2015) para. 611

<sup>108</sup> Ombudsperson: Special Report: The Phenomenon of Racist Violence in Greece and How it Can be Tackled' (Το Φαινόμενο της Ρατσιστικής Βίας στην Ελλάδα και η Αντιμετώπισή του') (September 2013) 7: The majority of victims were Asian from Pakistan, Bangladesh and Afghanistan and Africans – from Egypt, Morocco and Algeria.

<sup>109</sup> Ibid. 65

<sup>110</sup> Ibid. 12

<sup>111</sup> Ibid. 7

<sup>112</sup> Ibid.

<sup>113</sup> Council of Europe Commissioner for Human Rights – Report on Greece, CommDH(2013)6, 3

<sup>114</sup> Antonis A. Ellinas, 'The Rise of Golden Dawn: The New Face of the Far-Right in Greece' (2013) 18 *South European Society and Politics* 4, 548

<sup>115</sup> Ibid.

and 0.46% of the vote respectively and no seats in either one.<sup>116</sup> However, in 2010 it saw a rise in its electoral support at a local level, with its leader receiving 5.29 % of the Athens vote.<sup>117</sup> As Michaloliakos noted, ‘in 2010 we said we should take over Athens in order to spread the message to the rest of Greece as well. We strategically participated in this election for this reason. We knew we would succeed.’<sup>118</sup> It is important to note that he received particular support in the sixth district of Athens which houses the area of Agios Panteleimonas. As noted, ‘the high concentration of immigrants...and the seeming abandonment of the area by the State highlighted the electoral potential...’<sup>119</sup> In fact, the party resorted to anti-immigrant violence in the particular area to gain such support. The great leap forward, however, was taken in the national elections of May 2012 in which the party’s performance rose to 6.97%, gaining twenty-one seats out of the three-hundred in parliament.<sup>120</sup> In the national elections of June 2012 it received 6.92% of the vote and eighteen seats in parliament.<sup>121</sup> Over 400,000 Greeks voted for this party during this period, an occurrence which has been described as a ‘double electoral earthquake.’<sup>122</sup> Since then, notwithstanding the extremist and violent nature of this party, it has managed to gather sizeable electoral support and continued to maintain such support even following the arrest of its leadership and members of parliament in 2013. Even after the party’s MPs and some members were arrested and detained for their role in leading and/or participating in a criminal organisation, contrary to Article 187 of the Criminal Code, the party managed to maintain its electoral support, gaining 9.8% of the vote in the 2014 European elections, sending three members to the European Parliament and coming in third place.<sup>123</sup> In the 2015 national elections of January, their support fell slightly in comparison to the previous national elections, gaining 6.28% of the vote and 17 members of parliament. However, due to the results of other parties it moved to third place. The slight fall of January 2015 was quickly rectified by September of the same year in which Golden Dawn received 6.99% of the vote and eighteen members of parliament. During the 2019 European Parliament election, the party received only 4.88% of the vote, winning two seats, as opposed to 9.4% and three seats in 2014. The major turning point for its electoral appearance was the 2019 parliamentary’ elections where Golden Dawn lost all of its eighteen seats in the Greek Parliament, receiving only 2.93% of the vote, as opposed to 7.0% in 2015.<sup>124</sup>

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<sup>116</sup> Ibid.

<sup>117</sup> Ibid.

<sup>118</sup> Ibid. 549

<sup>119</sup> Ibid.

<sup>120</sup> Electoral Results: <[http://ekloges-prev.singularlogic.eu/v2012a/public/index.html#{"cls":"main","params":{}}](http://ekloges-prev.singularlogic.eu/v2012a/public/index.html#{)> [Accessed 15 February 2016]

<sup>121</sup> Ibid.

<sup>122</sup> Dimitris Psaras, ‘Golden Dawn before Justice’ (*‘Η Χρυσή Αυγή Μπροστά στη Δικαιοσύνη’*) (1<sup>st</sup> edn. Rosa Luxemburg Foundation 2014), 25 ‘διπλός εκλογικός σεισμός’

<sup>123</sup> Electoral Results:

<[http://ekloges-prev.singularlogic.eu/may2014/e/public/index.html#{"cls":"main","params":{}}](http://ekloges-prev.singularlogic.eu/may2014/e/public/index.html#{)> [Accessed 15 February 2016]

<sup>124</sup> For a discussion on this demise look at: Georgia Nakou, ‘What brought down Golden Dawn’ (27 August 2019) *MacroPolis* available at: <https://www.macropolis.gr/?i=portal.en.society.8643> [Accessed 10 November 2020]

In light of the above, it becomes evident that once Golden Dawn began succeeding electorally, the path it chose to follow was two-sided. On the one hand, it sought to establish an external image of a mainstream political party free of links to, amongst others, National Socialism whilst simultaneously continuing to carry out violent street activities that fall within the framework of a violent subculture movement rather than a political party.<sup>125</sup> Following its electoral success, it decided to demonstrate its legitimacy as a political party rather than as a violent movement by depositing a set of Statutes at the Supreme Court, even though it had no obligation to do so.<sup>126</sup> The last but one article of these Statutes holds that this document constitutes the first such document, notwithstanding that references had been made to another such document from the first editions of the Golden Dawn magazine issued over twenty years ago. With this move it sought to appear a legitimate party, with a legitimate constitution, removing any possibility of being attached to the secret constitution which had been deposited at the Supreme Court by Dimitris Psaras.

### *3.4 Reasons for Golden Dawn's Rise*

Golden Dawn saw a dramatic rise in a country which had experienced a Nazi invasion in 1941 and military dictatorship from 1967-1974. How was it possible for a nation who had lived through the dire effects of fascism and Nazism to vote Golden Dawn into third place? On one level, this question could be answered by quoting the financial crisis. The first Memorandum of Understanding was signed in 2010 and two followed in 2012 and then in 2015. This led to major austerity measures such as spending cuts, tax increases and reforms, moving the country into a great economic depression. As noted in the 2014 country report submitted by Greece to the Human Rights Committee, 'in times of economic crisis, extremist organisations or individuals attempt to exploit the anger or the discontent of some segment of the population to advance their social and political agenda.'<sup>127</sup> Whilst the exploitation of people's insecurities and discontent in such a financially dire period is a reality, the financial crisis itself is not a sufficient reason to explain the rise of this violent far-right party. Instead, as will be demonstrated below, the case of Greece saw the translation of the economic crisis into a simultaneous socio-political crisis, set against the backdrop of a rise in immigration.

The reality is that, apart from the consequences of the financial crisis, the rise of Golden Dawn was facilitated by the interrelated political crisis. Society became frustrated with and lost confidence in the effectiveness of the traditionally dominant political parties, namely *PASOK* and *New Democracy*, blaming them for their situation and no longer having confidence in these parties of the State. For example, good governance indicators between 2003 and 2013 demonstrate that the trust of the people in the political system declined with perceptions of

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<sup>125</sup> Ibid. 26

<sup>126</sup> Ibid.28

<sup>127</sup> HRC: Consideration of reports submitted by States Parties under article 40 of the Covenant, Greece CCPR/C/GRC/2 (21 February 2014) 31, 32

government stability falling from 61.5% in 2003 to 39.3% in 2013, government effectiveness falling from 75.1% to 67% and people's confidence in judicial impartiality and effectiveness falling from 73.7% to 63.5%.<sup>128</sup> As well as these figures, practical examples exist which demonstrate the people's dismay with the leading parties, such as an 'increase in incidents of public insults against politicians and the disruption of high symbolic public events.'<sup>129</sup> What became apparent is that the financial crisis came hand in hand with a political crisis, with society losing confidence in the political system, resulting in the demise of the two main parties. For example, in 2012, *PASOK* and *New Democracy* which were the political parties habitually voted for by the Greek people, averaging 83.8% of the vote in ten elections between 1981-2009 fell to 32% of the vote in the May 2012 election.<sup>130</sup> As such, the fall of the two traditionally dominant parties, subsequently making way for the rise of smaller parties.

In addition to the above, the rhetoric of Golden Dawn was facilitated due to the normalisation of racism occurring on a political and institutional level. In Greece, nationalism is evident in the rhetoric of all parties 'regardless of ideology or other social cleavages.'<sup>131</sup> This foundational setting enables adoption of racist and xenophobic rhetoric as mainstream rhetoric on a political level. As noted by the Council of Europe Commissioner for Human Rights, Greek politicians stigmatise groups such as migrants and the Roma whilst immigrant control measures further stigmatise migrants.<sup>132</sup> He argued that this 'reinforces the influence of racist parties such as Golden Dawn, triggers further intolerance and leads to the trivialisation of racism in society.'<sup>133</sup> Examples of such political speech include the reference in 2012 by the Prime Minister of the time that irregular migrants had 'occupied' certain areas, carrying out 'illegal activities.'<sup>134</sup> In the same year, the Minister of Public Order and Citizen Protection held that because of irregular migration the 'country perishes. Ever since the Dorians' invasion 4000 years ago, never before has the country been subjected to an invasion of these dimensions...this is a bomb on the foundations of the society and the state.'<sup>135</sup> Soon after, on its website, Golden Dawn held that this statement was a 'vindication of the positions of the party.'<sup>136</sup> The above statements were

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<sup>128</sup> Worldwide governance indicators, Greece:

<<http://info.worldbank.org/governance/wgi/index.aspx#countryReports> > [Accessed 1 February 2016]

<sup>129</sup> Antonis A. Ellinas, 'The Rise of Golden Dawn: The New Face of the Far Right in Greece' (2013) 18 *South European Politics and Society* 4, 556

<sup>130</sup> *Ibid.* 544

<sup>131</sup> Sofia Vasilopoulou & Daphne Halikiopoulou, 'The Golden Dawn's Nationalist Solution – Explaining the Rise of the Far-Right in Greece' (1<sup>st</sup> edn. Palgrave 2015) 81

<sup>132</sup> Council of Europe Commissioner for Human Rights – Report on Greece, CommDH(2013) 6, 1

<sup>133</sup> *Ibid.* 4

<sup>134</sup> Prime Minister's speech to the parliamentary group of New Democracy, 4 November 2012:

<<http://www.primeminister.gov.gr/2012/11/04/9815>> [Accessed 24 February 2016]: «κυρίως, στα κέντρα των πόλεων που είχαν καταληφθεί από λαθρομετανάστες και είχαν παραδοθεί στις παράνομες δραστηριότητές τους»

<sup>135</sup> Article in newspaper 'To Vima' (6 August 2012): «λόγω της παράνομης μετανάστευσης χώρα χάνεται..από την εισβολή των Δωριέων, 4000 χρόνια πριν, ποτέ μέχρι σήμερα η χώρα δεν έχει υποστεί μια εισβολή τέτοιων διαστάσεων... αυτό είναι μία βόμβα στα θεμέλια της κοινωνίας και του κράτους»

<sup>136</sup> Publication on Golden Dawn's website on 14 July 2012: <<http://www.xryshaygh.com/>>: «δικαίωση των θέσεων μας»

made within the framework of the infamous Xenios-Zeus<sup>137</sup> operation which commenced in July 2012 in which 4,500 police officers, using racial profiling as their key tool, entered the centre of Athens, making thousands of arrests as a means of cracking down on irregular migration. It must be noted that Golden Dawn acted simultaneously with this mission, with violent attacks happening all over the country.<sup>138</sup>

Thus, racist rhetoric is not confined to the political discourse of the far-right and racist activities are institutionalised, as illustrated in the Xenios-Zeus operation. This normalisation of racism allows for the speech and activities of Golden Dawn to appear more acceptable both by society and its institutions. In addition to this, on a societal level, rising sentiments of racism and xenophobia facilitated the rise of Golden Dawn with such sentiments already having commenced in the 1990s. More particularly, from the beginning of the 1990s, the Eurobarometer demonstrated a drastic change in the sentiments of Greek society towards foreigners and especially migrants. Within four years, from 1991 – 1994, Greece moved from the last place to the first place in relation to anti-immigrant sentiments. At the same time, Golden Dawn's systematic attacks against political opponents and, in turn, against migrants commenced. In fact the Human Rights Committee placed its discussion on the rise of extremism in Greece against the backdrop of the unprecedented rise in irregular migration.<sup>139</sup> In sum, the racist and xenophobic character of Golden Dawn was facilitated by the racism and xenophobia that existed on both an institutional and societal level which at first tolerated and, in terms of the electorate, endorsed it in relatively large numbers.

### *3.4 Golden Dawn's Impunity: A Facilitating Factor of its Rise*

The above section sought to extrapolate on the conditions, which created a fertile ground upon which the far-right Golden Dawn managed to gain electoral support. However, when considering this group's development, it is also significant to take into account how and why it was able to carry out violent activities amounting to hate crime without the interference of the State. There are several serious allegations that Golden Dawn infiltrated the police force and, in this way, managed to ensure impunity for their violent activities.<sup>140</sup> For example, in Athens polling stations, where members of the Greek police along with other Greek citizens voted during the 2012 national elections, Golden Dawn percentages were far above the national average, ranging from 17.2% to 23.04%. It is estimated that 'more than 50% of the police officials in these polling stations voted for Golden Dawn.'<sup>141</sup> As well as voting for this party, video footage has emerged

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<sup>137</sup> This is an ironic name since Xenios Zeus denotes hospitality

<sup>138</sup> Amnesty International: 'Imperium in Imperio: Culture of Bad Treatment and Impunity in the Greek police' (2014) <<https://www.amnesty.gr/news/ektheseis/article/20068/kratos-en-kratei-koyltoyra-kakometaheirisis-kai-atimorisiastin>> [Accessed 5 February 2016]

<sup>139</sup> HRC Concluding Observations: Greece (3 December 2015) CCPR/C/GRC/CO/2, 31

<sup>140</sup> Human Rights First 'We're not Nazis, but...The Rise of Hate Parties in Hungary and Greece and Why America should Care (August 2014) 26

<sup>141</sup> Council of Europe Commissioner for Human Rights – Report on Greece, CommDH(2013)6, 122

which shows police officers standing by as Golden Dawn members threw stones at opposition groups.<sup>142</sup> In light of these realities, the Ombudsperson spoke of the ‘passive stance’ taken by the police towards hate crime incidents.<sup>143</sup> In fact, following the arrests of Golden Dawn MPs and members, the Minister of Public Order instructed the Chief of Police and the Director of Internal Affairs to investigate the allegation of police involvement and/or facilitation of Golden Dawn’s violent activities. Although eight senior officials were suspended pending the investigation, in 2014 the Director held that fifteen police officers had been arrested, ten of whom were found to be ‘directly or indirectly linked to the criminal activities of Golden Dawn.’<sup>144</sup> He concluded, however, that, following the investigation and although ‘extremist behaviour’<sup>145</sup> had been identified in two hundred and three policemen/women, ‘there was no evidence of cells or factions of para-constitutional forces in the Greek police.’<sup>146</sup> This has been deemed not to be reflective of the real situation with the link between the police and Golden Dawn being reiterated by several national and international organisations such as Amnesty International.<sup>147</sup> The link between Golden Dawn and the general inertia of the police to act in cases involving groups such as migrants or Roma, deeply hampers the victims’ access to justice as they do not immediately carry out investigatory activities such as going to the crime scene, finding and examining witnesses and collecting material, a reality which has contributed to the impunity of Golden Dawn.<sup>148</sup> As well as the police, other institutions have been deemed to have facilitated the implementation of Golden Dawn’s objectives with there existing an ‘outrageous cover-up of Golden Dawn’s actions by the Greek Police, State mechanism and the ministries.’<sup>149</sup> In this ambit, it must be noted that only an estimate of 1-2% of Golden Dawn attacks over the past twenty years have reached the courts,<sup>150</sup> demonstrating a failure of the State to crack down on the violent and even fatal actions of this party. In relation to the judiciary, for the cases that do

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<sup>142</sup> Human Rights First ‘We’re not Nazis, but...The Rise of Hate Parties in Hungary and Greece and Why America should Care (August 2014) 100

<sup>143</sup> Ombudsperson: Special Report: The Phenomenon of Racist Violence in Greece and How it Can be Tackled’ (Το Φαινόμενο της Ρατσιστικής Βίας στην Ελλάδα και η Αντιμετώπισή του’) (September 2013) 66

<sup>144</sup> 30 October 2013: Press conference of the Director of Internal Affairs (of the Police) Panagiotis Stathis following the investigation of accusations of police and Golden Dawn cooperation. Cited in Human Rights First ‘We’re not Nazis, but...The Rise of Hate Parties in Hungary and Greece and Why America should Care (August 2014) 101

<sup>145</sup> Ibid: «Ακραίες συμπεριφορές από 203 αστυνομικούς σε Άμεση Δράση, Αλλοδαπών, Αθήνα, Πειραιά και Δυτική Αττική»

<sup>146</sup> 30 October 2013: Press conference of the Director of Internal Affairs (of the Police) Panagiotis Stathis following the investigation of accusations of police and Golden Dawn cooperation: «δεν διαπιστώνει συγκρότηση πυρήνων ή φραξιών ή παρασυνταγματικών πόλων στην Ελληνική Αστυνομία»

<sup>147</sup> Amnesty International: ‘Imperium in Imperio: Culture of Bad Treatment and Impunity in the Greek Police’ (2014):<<https://www.amnesty.gr/news/ektheseis/article/20068/kratos-en-kratei-koyltoyra-kakometahairisis-kai-atimorisis-stin>> [Accessed 5 February 2016]

<sup>148</sup> Dimitris Psaras, ‘The Black Bible of Golden Dawn: The Documented History of a Nazi Group’ (‘Η Μαύρη Βίβλος της Χρυσής Αυγής, Ντοκουμέντα από την Ιστορία και τη Δράση μιας Ναζιστικής Ομάδας) (1<sup>st</sup> edn. Polis 2012) 166

<sup>149</sup> Attorneys of the Civil Action: ‘Memo of the Civil Action of the Anti-Fascist Movement for the Trial of Golden Dawn’ (Υπόμνημα της Πολιτικής Αγωγής του Αντιφασιστικού Κινήματος για τη Δίκη της Χρυσής Αυγής) (1<sup>st</sup> edn. Marxist Bookshop 2015), 6

<sup>150</sup> Katerina Toidou & Giorgos Pittas, ‘Golden Dawn’s File – Neo Nazi Crimes and How to Stop them’ (‘Φάκελος Χρυσή Αυγή – τα Εγκλήματα των Νεοναζί και πώς να τους Σταματήσουμε’) (1<sup>st</sup> edn. Marxist Bookshop 2013) 45

eventually reach the courts, the circumstances are no better. As noted by one lawyer ‘the impunity of the organisation has to do not only with the police but also with the judiciary.’<sup>151</sup> The impunity could be based on lack of knowledge on relevant legal provisions, as noted by the Council of Europe Commissioner for Human Rights,<sup>152</sup> but could also stem from bias. According to a research study conducted in 2008 and considering records of the Criminal Appeals Court in Athens, the criminal treatment of persons differentiates according to racial criteria, with the key finding of the research being that migrants, especially migrant men aged thirty-five to fifty who are labourers, receive unequal treatment when it comes to sentencing in comparison to Greeks.<sup>153</sup> Although this finding considered the position of foreigners when defendants in criminal trials, it nevertheless demonstrates a tendency of racism and xenophobia within the judiciary, which has the potential to taint significantly the outcome of trials that involve potential racist motives. Such a stance could partly contribute to the fact that racist motives have seldom been found in cases involving Golden Dawn, as discussed in section 5. A prejudicial and/or indifferent stance to foreigners was also reflected on an executive level in 2012. More particularly, in receiving a report by the National Human Rights Committee, which highlighted the issue of racist violence, a former Cabinet Secretary stated that ‘we are not interested in the human rights of foreigners.’<sup>154</sup>

As such, Golden Dawn enjoyed a large degree of impunity due to the stances adopted by the different organs of the State, either due to their indifference to the issue and/or due to their own prejudicial approaches to some of the groups which Golden Dawn targeted but also due to the direct link between Golden Dawn’s activities and the police. This state of impunity allowed Golden Dawn to reap its violent seeds sown in the Greek community and develop itself into a criminal organisation, a status for which it is being prosecuted today.

The Greek State proved to be unwilling to take an active stance against the rhetoric and violence of Golden Dawn up until the moment that Pavlos Fyssas, an ethnic Greek, was murdered by a Golden Dawn member after a hit squad appeared at the café where he was sitting with his friends and subsequently chased him in the streets. This is notwithstanding that the Greek judiciary had been faced with several cases before that of Fyssas in which courts became aware of Golden Dawn and its activities. One of the most significant demonstrations of the judiciary’s knowledge of the intentions and means of the functioning of Golden Dawn was the case of Antonis Androustopoulos.<sup>155</sup> Androustopoulos was found guilty of attacks that took place in 1998 against three persons who belonged to a leftist group called the *Socialist Revolution Organisation (ΟΣΕ - Οργάνωσης Σοσιαλιστική Επανάσταση)*. In its judgement, the Court underlined that he had acted along with other people who were all members of Golden Dawn and that they had decided

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<sup>151</sup> Ibid. 46

<sup>152</sup> Council of Europe Commissioner for Human Rights – Report on Greece, CommDH(2013)6,9

<sup>153</sup> Research conducted by Vasilis Karidis (Professor of Criminology and Assistant to the Ombudsperson) 2008

<sup>154</sup> UNHCR, Marcus Walker & Marianna Kakaounaki: ‘Greece Struggles to Outlaw its Golden Dawn Fascist Party’ (2013)

<sup>155</sup> Case161,162,163/2009) which was upheld by case 11167/2010 of the Supreme Court.

to kill Dimitris Kousouris. Androutsopoulos and his accomplices had managed ‘with great savagery and barbarianism to cause multiple wounds to his head and body.’<sup>156</sup> As well as acknowledging the affiliation with Golden Dawn, the Court described the relationship between the party and the hit squads and confirmed that the violent activities occurred within the framework of the party rather than on an individual basis.<sup>157</sup> Further, the Court held that the group had the capacity of attempting to kill those it considers enemies of its ideology, as was the case with Kousouris.<sup>158</sup> Even though the defendant sought to challenge this point at the Supreme Court by holding that he had been convicted because he was a member of a group which differed ideologically to that of the victim, the Court rejected this argument and found homicidal intent.<sup>159</sup> The Court passed judgement in 2009, sentencing him to twenty one years in prison whilst the Appellant Court lowered his sentence in 2010 to twelve years.

There are other cases, both before and after Androutsopoulos where courts have also made reference to perpetrators’ links with Golden Dawn. For example, in case 30841A/2011,<sup>160</sup> the Court held that the two people who were charged with attempted homicide against two others claimed to be members of Golden Dawn.<sup>161</sup> According to case 4020/2006,<sup>162</sup> the Court held that in 2001, the perpetrator participated in a public assembly whose participants carried out violent activities against persons and properties. ‘Particularly, he participated in the group Golden Dawn which was concentrated outside the main entrance of the courthouse and attacked police forces and members of the *Socialist Labour Party*, throwing yogurts and sharp objects and causing damages to parked cars.’<sup>163</sup> It must be noted that the systematic reaction of Golden Dawn’s leadership to any reference of the party’s involvement in crimes was to argue that their members had not been part of the particular occurrence and to attribute the reference to the party to a plot of their political opponents, trying to appear as victims of the system.<sup>164</sup>

Moreover, the parliament was also confronted with the party’s violence and the issue of lifting the immunity of some of the MPs for cases that took place in 2007 and 2012. More particularly, the parliament lifted the parliamentary immunity of the party spokesperson, Ilias Kasidiaris, charged with taking part in a robbery and causing bodily harm in 2007.<sup>165</sup> In 2012, the

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<sup>156</sup> Ibid.

<sup>157</sup> Ibid.

<sup>158</sup> Attorneys of the Civil Action: ‘*Memo of the Civil Action of the Anti-Fascist Movement for the Trial of Golden Dawn*’ (Υπόμνημα της Πολιτικής Αγωγής του Αντιφασιστικού Κινήματος για τη Δίκη της Χρυσής Αυγής) (1<sup>st</sup> edn. Marxist Bookshop 2015) 23

<sup>159</sup> Case no 1607/2010

<sup>160</sup> Another case in which Golden Dawn was referred to and its violent activities includes case 4775/2009

<sup>161</sup> Case 30841A/2011

<sup>162</sup> Case 4020/2006

<sup>163</sup> Dimitris Psaras, ‘*The Black Bible of Golden Dawn: The Documented History of a Nazi Group*’ (‘*Η Μαύρη Βίβλος της Χρυσής Αυγής, Ντοκουμέντα από την Ιστορία και τη Δράση μιας Ναζιστικής Ομάδας*’) (1<sup>st</sup> edn. Polis 2012) 170

<sup>164</sup> Dimitris Psaras, ‘*Golden Dawn before Justice*’ (‘*Η Χρυσή Αυγή Μπροστά στη Δικαιοσύνη*’) (1<sup>st</sup> edn. Rosa Luxemburg Foundation 2014) 13

<sup>165</sup> Council of Europe Commissioner for Human Rights – Report on Greece, CommDH(2013)6, 3

Parliament lifted the parliamentary immunity of three Golden Dawn MPs so that the Court could proceed with the charges of falsification of authority and destruction of foreign property after they participated in destroying the stalls owned by migrant street vendors and carried out identification/documentation checks on such persons.<sup>166</sup>

In light of the above, it becomes clear that the police and the judiciary were aware of the violent actions of Golden Dawn, its hit squad tactics, its homicidal intent in certain cases and the link between such intent and its ideology and, importantly, conceptualised all the above crimes within the sphere of the organisation, rather than considering them as individual acts with no affiliation to any organisation. Further, the parliament was confronted with the involvement of some of the party's MPs in violent activities against persons and property. Notwithstanding this, there were no ramifications for the party itself and the State never considered the prohibition of Golden Dawn, never took a sincere and effective stance on cracking down on its leadership but, rather, let Golden Dawn flourish and extend its violence and, at times, homicidal intent towards political opponents and other groups such as migrants. All this changed when Pavlos Fyssas was murdered.

### *3.5 The Murder of Pavlos Fyssas – The Turning Point*

For several years, Golden Dawn acted violently against migrants, political opponents and other groups they considered not to belong to their world theories and belief system, without fear of any serious repercussions from the State and its institutions. This reality altered almost immediately following the murder of Pavlos Fyssas, an ethnic Greek anti-fascist musician, on the evening of the 17<sup>th</sup> (towards 18<sup>th</sup>) September 2013 by Georgios Roumpakias, a member of the party's council in the area of Nikea, with the aid of a hit squad who had chased Fyssas from a café he was in through the streets.<sup>167</sup> It was only after the murder of an ethnic Greek that Greece witnessed 'an unprecedented mobilization of law enforcement mechanisms'<sup>168</sup> which resulted in the arrest and prosecution of the leadership and some members of the party for, *inter alia*, leading and participating in a criminal organisation in contravention of Article 187 of the Greek Criminal Code. Seven MPs including the leader Michaloliakos and the party's 'spokesperson' Kasidiaris received prison sentences of over 13 years for leading a criminal organization and the rest of the MPs received prison sentences of between 5-7 years for participating in a criminal

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<sup>166</sup> European Network of Legal Experts in the Non-Discrimination Field, Athanasios Theodoridis, 'Report on Measures to Combat Discrimination – Directives 2000/43/EC and 2000/78/EC – Country Report 2013 – State of affairs up to 1<sup>st</sup> January 2014' 134, Council of Europe Commissioner for Human Rights – Report on Greece, CommDH(2013)6, 3

<sup>167</sup> Attorneys of the Civil Action: 'Memo of the Civil Action of the Anti-Fascist Movement for the Trial of Golden Dawn' (Υπόμνημα της Πολιτικής Αγωγής του Αντιφασιστικού Κινήματος για τη Δίκη της Χρυσής Αυγής) (1<sup>st</sup> edn. Marxist Bookshop 2015) 82

<sup>168</sup> Heinrich Böll Stiftung, 'Racism and Discrimination in Greece Today' (Ρατσισμός και Διακρίσεις στην Ελλάδα Σήμερα') (2014) 8

organization.<sup>169</sup>As underlined by ECRI, the ‘fact that hundreds of attacks against foreigners, including several killings, had not resulted in any steps against this organisation but that this required the death of a Greek is, in itself, worrying.’<sup>170</sup> It must be noted that just a few months earlier, the murder of Pakistani immigrant, Shehzad Luqman, by Golden Dawn members had not led to an equivalent response by the authorities.

A noteworthy consequence of Golden Dawn’s trial has been underlined by the Racist Violence Recording Network which has found a significant drop in hate crime following the mass arrests of Golden Dawn members and leaders. More particularly, it recorded eighteen incidents for the period between October and December 2013 whilst the average number of the previous three-month period came to fifty incidents.<sup>171</sup> Whilst a positive consequence of the arrest of Golden Dawn members, the above finding also demonstrates the damaging consequences of the fact that the Greek State was much too slow to take measures against the party.<sup>172</sup> Moreover, the Network concluded that the above finding demonstrates that such crime was perpetuated by the infamous hit squads of the party.<sup>173</sup> However, although these crimes have decreased, they still continue albeit less numerously. The Head of Doctors of the World in Greece noted that, due to the fact that the hit squads no longer have the safety net of impunity, there is a tendency to resort to other measures such as threatening and humiliating their target groups.<sup>174</sup> Furthermore, whilst the arrests of Golden Dawn members and the ongoing trial have led to the decrease in its violent activities, the current reality has not affected their electoral support as the figures in section 1.3 demonstrate.

Fyssas’ murder has also affected the way in which one particularly serious racist crime has been dealt with, namely, that against Egyptian fishermen in Pireaus. In 2012, a Golden Dawn hit squad, made up of at least twenty persons, attempted to enter the house resided in by the fishermen. They did not manage to break the door which was a metal door and so they went to the roof where the victim Embarak Abouzid was sleeping. They attacked him with metal rods and wooden bats and seriously injured him on his head and face as well as on his chest.<sup>175</sup> The Prosecutor of Pireaus Magistrates Court chose to prosecute the defendants for grievous bodily harm with intent and, although the defendants had been recognised by the brothers of the victim, had been let free with some restrictions whilst, importantly, no examination of the

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<sup>169</sup> For a full list of sentences please visit: <https://www.in.gr/2020/10/14/greece/xrysi-aygi-analytika-oi-poines-pou-epivlithikan-se-ola-ta-meli-tis-egklimatikis-organosis-lista/> [Accessed 30 November 2020]

<sup>170</sup> European Commission against Racism and Intolerance: Report on Greece (24 February 2015) para. 73

<sup>171</sup> Racist Violence Recording Network Annual Report 2013: <[http://rvrn.org/wp-content/uploads/2014/04/Report2013\\_EN.pdf](http://rvrn.org/wp-content/uploads/2014/04/Report2013_EN.pdf)> 5

<sup>172</sup> Ibid.

<sup>173</sup> Ibid.

<sup>174</sup> Human Rights First ‘We’re not Nazis, but...The Rise of Hate Parties in Hungary and Greece and Why America should Care (August 2014) 94

<sup>175</sup> Prosecutorial Proposal ( 15 October 2014) available at: [https://goldendawnwatch.org/?page\\_id=420&lang=en](https://goldendawnwatch.org/?page_id=420&lang=en) [Accessed 10 November 2020] 75

destructiveness of Golden Dawn was incorporated in the investigation or subsequent prosecution. It was only following the murder of Fyssas and the submittal of this case to the investigators (as well as others), for purposes of demonstrating the criminal activities of Golden Dawn, that there was a supplementary prosecution, incorporating the crime of attempted homicide.<sup>176</sup>

## **Conclusion**

In conclusion, Greece has experienced far-right ideology, rhetoric and/or criminal activity in both the pre- and post-1974 era. In relation to the former, this was embedded and manifested absolutely in the governing regime itself. Following the fall of that regime, the far-right could be found in pockets of smaller disorganized groupings. Golden Dawn, although at an embryonic stage post-1974, steadily developed and mobilized on opportunities such as the normalization of racism and xenophobia by mainstream politics and populist handling of disgruntled voters. As a mirror with two faces, its members were speaking in parliament in the morning and organizing hit squads at night. The particularly significant element in any assessment of this phenomenon is the role of the State in its rise, developments and actions. To this end, the point of departure for any assessment could be considered to be Fyssa's murder and its handling by the State. As such, the key points to underline are four. Firstly, that the Greek State remained idle and apathetic to the group's violent activities up until the point that they murdered an ethnic Greek, notwithstanding the plethora of evidence of hate crimes carried out predominantly against migrants before that, including the murder of Pakistani immigrant, Shehzad Luqman. Secondly, that by finally deciding to take action against Golden Dawn, the activities of the infamous hit squads decreased but were not eliminated completely. Thirdly, that minus a slight hiccup which was swiftly rectified, its electoral performance was not affected for several years up until 2019. Fourthly, the parody of a trial continued up until October 2020. Thankfully, however, the Greek Court did not adopt the recommendation of the Prosecutor and deemed Golden Dawn to constitute a criminal organization. Regardless of the outcome, the legal maxim of "justice delayed is justice denied" will continue to mark this trial and Golden Dawn's victims and their families.

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<sup>176</sup> Civil Action (Case files ABM Φ2013/3990, ABM Φ2012/979 and 979A) 14