

~~PC~~
~~GJ 262~~

Judgment
1956

IN THE PRIVY COUNCIL

No. 49 of 1955

ON APPEAL

FROM THE SUPREME COURT OF CYPRUS

B E T W E E N:

MICHALAKIS SAVVA KARAOUIDES Appellant

- and -

THE QUEEN ... Respondent

RECORD OF PROCEEDINGS

UNIVERSITY OF
WESTMINSTER

10 FEB 1957

INSTITUTE OF
LEGAL STUDIES

BISCHOFF & CO.,
4, Great Winchester Street,
London, E.C.2.

Solicitors for the Appellant.

CHARLES RUSSELL & CO.,
37, Norfolk Street,
Strand,
London, W.C.2.

Solicitors for the Respondent.

ON APPEAL

FROM THE SUPREME COURT OF CYPRUS

BETWEEN:

MICHALAKIS SAVVA KARAOLIDES

Appellant INSTITUTE OF

- and -

THE QUEEN

...

Respondent

10 FEB 1957

LEGAL

15980

RECORD OF PROCEEDINGS

INDEX OF REFERENCE

No.	Description of Document	Date	Page
<u>IN THE ASSIZE COURT OF NICOSIA</u>			
1	Information	-	1
2	Charge	-	2
<u>Prosecution Evidence</u>			
3	Torghut Suleiman	24th October 1955	2
4	Hussein Mehmet Djenkiz	24th October 1955	4
5	Feyzi Derekoglou	24th October 1955	22
6	P.C. 999 Mehmet Ismail	24th October 1955	33
7	Christodoulos Michael	25th October 1955	41
8	Mehmed Nazim	25th October 1955	46
9	Inspector Theocharis Dafnides	25th October 1955	48
10	P.C.1117 Panayiotis Papagregoriou	25th October 1955	50
11	Dr. Haralambos Liassides	25th October 1955	51
12	Kyriacos Pilakouta	25th October 1955	51
13	Theofanis G. Ionides	25th October 1955	52
14	Dr. Peter Alfonso Clearkin	25th October 1955	53
15	Damianos Michael Kamenos	25th October 1955	55
16	Inspector Sofocles Kaminarides	25th October 1955	64
17	Sgt.Major Loukis Kyriacou	25th October 1955	66

No.	Description of Document	Date	Page
<u>IN THE ASSIZE COURT OF NICOSIA (Contd.)</u>			
<u>Prosecution Evidence (Contd.)</u>			
18	Damianos Michael Kamenos (Recalled)	25th October 1955	66
19	P.S.333 Talat Moustafa	25th October 1955	67
20	P.C.662 Assim Arif	25th October 1955	70
21	Inspector Theodoros Theocharides	25th October 1955	71
22	Styllis Philippou	25th October 1955	72
23	Agapios Papaconstantinou	25th October 1955	74
24	Sgt.Major Loukis Kyriacou (Recalled)	25th October 1955	75
25	P.S. 975 Mehmed Ozesh	25th October 1955	77
26	Inspector Christos Decatris	25th October 1955	77
26A	Proceedings	25th October 1955	79
27	Kenneth Nash	25th October 1955	82
28	Neophytos Petrou	26th October 1955	83
29	Agathangelos Petrou, P.C.229	26th October 1955	84
30	Sgt. Mehmet Jemal	26th October 1955	85
31	Inspector Sophocles Kaminarides (Recalled)	26th October 1955	89
32	P.C. 158 Fikret Feramez	26th October 1955	95
33	P.C. 705 Kyriakos Patsios	26th October 1955	96
34	Inspector Christos Sophocleous	26th October 1955	97
35	Sub-Inspector Petros Paraskevas	26th October 1955	97
36	Styllis Iacovou	26th October 1955	100
37	Chief Inspector Apostolos Papaconstantinou	26th October 1955	101
38	Inspector Sofocles Kaminarides (Recalled)	27th October 1955	102
39	Damianos Michael Kamenos (Recalled)	27th October 1955	103

No.	Description of Document	Date	Page
<u>IN THE ASSIZE COURT OF NICOSIA (Contd.)</u>			
<u>Defence Evidence</u>			
40	Michalakis Savva Karaolides	27th October 1955	105
41	Djahid Bedevi	27th October 1955	120
42	Georghios Haritonides	27th October 1955	121
43	Yangos Myriantopoulos	27th October 1955	125
44	Panayiotis Hallis	27th October 1955	130
45	Despina Nearchou	27th October 1955	134
46	Costas Meshitis	27th October 1955	136
47	Christofis Cherkezos	27th October 1955	137
48	Haralambos Cherkezos	27th October 1955	140
49	Eleftherios Charalambous	28th October 1955	143
50	Arghyros Nicola Pallis	28th October 1955	148
51	Phidias Christodoulou	28th October 1955	152
52	Judgment	28th October 1955	159
<u>IN THE SUPREME COURT OF CYPRUS</u>			
53	Notice of Appeal on questions of law	4th November 1955	169
54	Application for Leave to Appeal	4th November 1955	170
55	Order granting Leave to Appeal	5th November 1955	173
56	Judgment	12th November 1955	174
<u>IN THE PRIVY COUNCIL</u>			
57	Order in Council granting Special Leave to Appeal	22nd December 1955	185

E X H I B I T S

Exhibit Mark	Description	Date	Page
1. (T.S.)	Plan	-	Separate Document
7. (D.K.)	Statement of Damianos Kamenos		187
8. (T.M.)	Letter found on the Accused	2nd September 1955	188
11(A) (C.D.)	Photograph of entrance to Alhambra outside Michaelides shop.	-	Separate Document
11(B) (C.D.)	Photograph of pool of blood (Close up)	-	Separate Document
11(C) (C.D.)	Photograph of pool of blood looking from Metaxas Square	-	Separate Document
13. (A.P.)	E.O.K.A. Pamphlet "Proclamation"	-	188
14(A) (M.J.)	E.O.K.A. Order	28th March 1955	189
14(B) (M.J.)	E.O.K.A. General Order	27th February 1955	190
16. (S.K.)	Accused's reply to formal charge.	5th September 1955	190
17. (F.F.)	E.O.K.A. Leaflet "The Innocent"	-	191
18. (K.P.)	E.O.K.A. Leaflet addressed to the Police	-	192
19. (Ch.S.)	E.O.K.A. Leaflet addressed to the Police.	-	193
20(A) (P.P.)	E.O.K.A. Leaflet	-	194
20(B) (P.P.)	E.O.K.A. Order	25th August 1955	195
20(C) (P.P.)	E.O.K.A. General Order	25th August 1955	195

LIST OF EXHIBITS transmitted to Privy Council
but not printed

Exhibit Mark	Description
4. (T.H.D.)	Newspaper "Ethnos" dated 30th August 1955
10.A. (M.O.)	Photograph of a finger print
10.B. (M.O.)	Photograph of palm prints.
10.C. (M.O.)	Enlarged photograph of finger prints.
12(A) (C.D.)	Photograph of dead body.
12(B) (C.D.)	Photograph of dead body.
12(C) (C.D.)	Photograph of dead body.
21. (M.S.K.)	Official pass of the Accused.
23. (Y.M.)	Newspaper "Eleftheria" dated 22nd September 1955.
24. (Y.M.)	Newspaper "Eleftheria" dated 13th September 1955.

LIST OF EXHIBITS produced in Court, but not
transmitted to Privy Council.

Exhibit Mark	Description
2. (C.M.)	Bicycle.
3. (M.N.)	Bicycle of the Accused.
5. (H.L.)	Bullet.
6. (C.C.)	Fragment of Bullet.
9. (A.P.)	Shirt of the deceased.
15. (S.K.)	Another Bullet.
22. (M.S.K.)	Shirt of the Accused.

1.

IN THE PRIVY COUNCIL

No. 49 of 1955

ON APPEAL

FROM THE SUPREME COURT OF CYPRUS

BETWEEN:

MICHALAKIS SAVVA KARAOUIDES Appellant

- and -

THE QUEEN ... Respondent

RECORD OF PROCEEDINGS

No. 1.

In the
Assize Court
of Nicosia.

10

INFORMATION

An information filed by the Attorney-General.

In the Assize Court of Nicosia.

The Queen

v.

Michalakis Savva Karaolides, of Palechori,
now of Strovolos. Accused.

Committed for trial on the 26th day of September,
1955, by Mr. K.T. Fuad, Magistrate.

Deposition taken at Nicosia on the 12, 21, 26.9.1955.

20

The accused is charged with the following offence:-

STATEMENT OF OFFENCE

FIRST COUNT

Murder, contrary to sections 198 and 199 of
the Criminal Code, Cap.13.

PARTICULARS OF OFFENCE

The accused on the 28th day of August, 1955,
at Nicosia, in the District of Nicosia, murdered
Heredotos Michael Poullis.

30

Sgd. M.N.MUNIR.
Acting Attorney-General.

In the
Assize Court
of Nicosia.

No. 2.

CHARGE

No. 2.
Charge.

In the Assize Court of Nicosia.

Coram: HALLINAN, C.J., PIERIDES, P.D.C., and
EKREM, D.J.

For the Crown: Mr. R.R. DENKTASH, Ag. Solicitor-
General.

For the Accused: Mr.S.Pavlidis, Q.C., and Mr.G.
Chryssafinis, Q.C., with Messrs.A.
Indianos, E.Emilianides, Cl.
Clerides and C.Fanos.

10

Charge: Murder, contrary to Sections 198 and 199
of the Criminal Code, Cap.13.

The accused on the 28th day of August,
1955, at Nicosia, in the District of
Nicosia, did of malice aforethought cause
the death of one Herodotos Michael Poullis
P.C. 195, of Lemythou, then of Nicosia.

Accused charged: Plea: Not Guilty.

Mr. Denktash opens the case.

20

Prosecution
Evidence.

No. 3.

EVIDENCE OF TORGHUT SULEIMAN

No. 3.
Torghut
Suleiman.
24th October,
1955.
Examination.

1. TORGHUT SULEIMAN. Sworn on the Koran, states in
English.

Examination by DENKTASH: Q. Your name?

A. Torghut Suleiman.

Q. You are an L.R.O. clerk in Nicosia? A. Yes.

Q. On the 8th September, 1955 did the Police take
you to Ledra Street and other places in Nicosia?

A. Yes.

Q. And a number of witnesses pointed out to you a
number of points and places in those streets you
have visited? A. Yes.

Q. And did you mark all those points and places on
a survey plan of that part of Nicosia? A. Yes.

30

Q. On an official survey plan? A. Yes.
 Q. And you made several copies of this? A. Yes.
 Q. And you produce it to the Court? A. Yes.

In the
 Assize Court
 of Nicosia.

Plan produced and marked EXHIBIT 1 (TS).

Prosecution
 Evidence.

Q. Now, points 1, 2, 3, 4 and 5 are on Ledra Street,
 at the bottom end of Ledra Street, is that right?
 A. Yes.

No. 3.

Q. And 6 and 7? A. Yes, point 1 to point 7.

Torghut
 Suleiman.

10

Q. Points 1, 2, 4 and 5 were shown to you by P.C.
 999, Mehmet Ismail? A. Yes.

Q. Where is point 1, will you tell the Court?

24th October,
 1955.

A. Point 1 is immediately at the entrance of the
 Alhambra Hall.

Q. Pointed out by? A. P.C.999 Mehmet Ismail and
 Hussein Mehmet Djenkiz.

Examination -
 continued.

Q. Point 2? A. Point 2 was again pointed out to
 me by the same witnesses.

Q. Point 3? A. Point 3 was shown to me by Hus-
 sein Mehmet Djenkiz.

20

Q. Point 4? A. Point 4 was shown to me by Mehmet
 Ismail and Hussein Mehmet Djenkiz, by both witnesses
 again.

Q. Point 5? A. Point 5 was shown to me by Mehmet
 Ismail, the police constable. Point 6 was pointed
 out to me by Feizi Derekoglou.

Point 7 was shown to me by Christodoulos Michail.
 P.C.27, Mehmet Nazim, also pointed out to me point
 7. And this point 7 was also shown to me by Feizi
 Derekoglou.

30

Point 8 was shown to me by Christodoulos Michail.

Point No.9 was shown to me by Feizi Derekoglou.

Q. Now, the red dotted line marks a route, does it?
 A. Yes.

Q. In Ledra Street and... what is the other street
 called? A. Kykko Avenue. That route was shown
 to me by witness 2, Mehmet Ismail, and Feizi Dere-
 koglou, witness 3.

Q. What is the distance, if you have an idea, from
 point 1 to point 3? A. 42 feet.

40

Q. And between point 1 and 2, what is the distance?

A. 17 feet. Q. And 1 to 5? A. 22 feet.

Q. Now, from point 2 to point 5? A. 28 feet.

Q. From point 1 to point 4? What is the distance?
 A. 55 feet.

Q. They are on the pavement, are they? A. Yes.

Q. Now, from point 4 to point 6? A. 150 feet.

Q. And from 6 to 4 is it visible? Can one stand-
 ing at point 6 see up Ledra Street? A. Yes.

Q. And from 6 to 7? A. 43 feet.

In the
Assize Court
of Nicosia.

Prosecution
Evidence.

No. 3.

Torghut
Suleiman.

24th October,
1955.

Examination -
continued.

Cross-
Examination.

Q. 7 to 8? 100 feet.
Q. And 8 to 9? A. 360 feet.
Q. And from 9 to the place where the road ends?
A. 160 feet.
Q. Would you also tell the Court where the Alhambra
Hall is? A. It is the one marked as "market".
No, it is my fault, it is marked 546.

Cross-examination by PAVLIDES, Q.C.:

Q. At point 1 there is a kiosk I believe? A. Yes.
Q. Belonging to one Haritonides? A. I do not know. 10
Q. And there is a pavement on that side of the
road at point 1? A. Yes.
Q. Have you measured the width of that pavement?
A. No, I did not. Q. Is the plan to scale so
that you can measure it now? If it is to scale I
would be grateful if you could measure it. A. It
is 5 feet as it is here on the plan. Q. And you
say that the plan is correct? A. It must be
correct. 20
CHIEF JUSTICE: Are you quite sure about that?
A. It is an up-to-date plan, my Lord, and I think
it is. Of course if the pavement was widened
very recently or shortened ...

Re-examination: Nil.

No. 4.

Hussein Mehmet
Djenkiz.

24th October,
1955.

Examination.

No. 4.

EVIDENCE OF HUSSEIN MEHMET DJENKIZ.

2. HUSSEIN MEHMET DJENKIZ. Sworn on the Koran,
states in Turkish:

Examined by DENKTASH: Q. What is your full name? 30
A. Hussein Mehmet Djenkiz. Q. What is your pro-
fession? A. I am a driver by profession.
Q. And where do you live? A. I live in Nicosia,
in the International Hotel.
Q. On Sunday, 28th August 1955, where were you at
about noon? A. I was in Ledra Street standing
by Bedevi Confectionery.
Q. There are two confectioneries and two Bedevis,
which do you mean? A. I mean Djahit Bedevi.

Q. In relation to the Alhambra Hall, where is this confectionery? A. Whilst coming down Ledra Street it is on the left hand side.

CHIEF JUSTICE: This confectionery when you are going down Ledra Street is before you come to point 1? Point 1 is the entrance to the Women's Market and this confectionery is just before you come to the entrance to the Women's Market? Where is it in relation to the Women's Market? A. Opposite the entrance to the Women's Bazaar, a bit further down.

10

Examination Contd. Q. Now, what were you doing there on that day? A. I was off duty there because I work during night time.

CHIEF JUSTICE: Q. What time was it? A. When I reached Bedevi's confectionery it was about 10.45 in the morning.

Cross-examination Contd. Q. Was there anything going on anywhere that morning? A. At that time nothing was taking place there.

20

Q. Do you know the Alhambra Hall? A. Yes.

Q. Was there anything at the Alhambra Hall?

A. There was a meeting of the Left Wing party at the Alhambra Hall.

Q. Did you stay there until the meeting ended or did you leave before?

A. I was there until the meeting ended.

Q. Did you know P.C.Poullis? A. I knew Poullis very well.

Q. Did you see him there that morning? A. Yes, I saw him.

30

Q. I want you to tell the Court, according to your estimation, at what time was the meeting dispersing? A. Towards 11.30.

Q. While the crowd was dispersing did you happen to see P.C.Poullis anywhere? A. He was going about there.

Q. When you say 'there' where do you mean exactly? A. I mean on the pavement.

Q. On your side or the opposite side? A. On the opposite side, on the pavement.

40

CHIEF JUSTICE: Q. Was he in uniform? A. No, he was in mufti.

Cross-examination Contd. Q. And can you tell us, with some more detail, what happened? A. At 11.30 people from the meeting started dispersing and I got some ice cream from Bedevi's shop and I was standing by that shop. Most of the people had dispersed and only 25 to 30 people remained there. At about 12.20 or 12.25 I saw P.C.Poullis standing beside me.

50

CHIEF JUSTICE: Q. This was an hour after the meeting broke up? A. Yes.

In the
Assize Court
of Nicosia.

Prosecution
Evidence.

No. 4.

Hussein Mehmet
Djenkiz.

24th October,
1955.

Examination -
continued.

In the
Assize Court
of Nicosia.

Prosecution
Evidence.

No. 4.

Hussein Mehmet
Djenkiz.

24th October,
1955.

Examination -
continued.

Examination Contd. Q. When you say opposite you, will you describe the particular place or point where he was standing? A. He was near the kiosk

which is near the first entrance to the Women's Bazaar, and he was half turned looking towards Ledra Street. Then three people came, one by one, and surrounded Poullis, one in front of him and the other two on his two sides.

Q. Now, when you say one by one, was there a long time between each arrival? A. At the same time, they were following each other by two or three paces.

Q. Now, the first to arrive, at what particular place did he stand in relation to Poullis? A. He stood in front of Poullis and was facing the street.

Q. In other words his back was towards Poullis? A. Yes.

Q. And his hands, where were they? A. His hands were hanging down.

Q. And what sort of a person was he? A. He was tall, straight hair, and his hair parting was on the left side, and he had a thin moustache.

Q. Did you know that person? A. I knew the first one.

Q. By name or by sight? A. I knew him by sight.

Q. Now, the second one who arrived? A. I did not know the second one.

Q. Well, which place did he take? A. He stood at the right hand side of Poullis and his hands were crossed under his arm-pits.

Q. Will you show? (Witness demonstrates: Arms crossed on chest).

Q. What was he wearing? Was he wearing a jacket? A. No, he was not wearing a jacket.

Q. Who was that person? A. It was the accused.

Q. And the third one who arrived? A. I do not know the third person either.

Q. Can you give us a description of him? A. He was rather a stout fellow, and shorter.

Q. And his hands? A. His hands were hanging down as well.

Q. Now, what happened after they took those positions? A. As I had suspected nothing from that position I was looking to another side.

Hardly a minute had passed when I heard a shot and I turned and looked towards Poullis.

When I looked at Poullis I saw the person standing on his right, the accused, holding something black and shining in his hand.

Q. Where was it? A. He was holding it in his right hand which was under his right arm pit.

Q. Did you hear any other sounds? A. After the first shot Poullis was about to put his hand in his trousers pocket, he sort of turned round, and at that very moment I heard the second and third shots.

10

20

30

40

50

Q. At that time where were the other two you have mentioned? A. Right after the first shot was heard, the first and third persons, who were in front and on the left of Poullis, started running away. Q. They ran in what direction? A. Down Ledra Street, not towards Metaxas Square.

Q. What did the accused do? A. Then Poullis fell down and the accused started running away.

10 Q. In which direction? A. He also ran towards the same direction. Down Ledra Street, and he was trying to put something which he was holding in his right hand into his bosom. Then he picked up a bicycle just opposite the pavement of KEO showroom and started running with that bicycle, not mounting the bicycle but holding it in his hand and he started running. Q. How many paces did you see him running that way? A. I followed him with my eyes for about a distance of ten metres.

20 Q. And he was in that position, running with the bicycle? A. Yes. Q. Then what did you do?

A. Then I ran towards Poullis who was on the pavement, on the ground, I knelt near Poullis and I saw that blood was coming out of his mouth.

Q. Did anybody arrive there and move you off?

A. Then the Inspector of Police, Mr. Darnides, came there and started shouting out and I left the place.

Q. As accused was running down did you see anybody else running? A. Many persons were following accused as he was running down.

30 Q. Now, was there anything which is different today on the accused than on that day?

CHIEF JUSTICE: Are you referring to his clothes, or what?

DENKTASH: To his face.

WITNESS: Now he looks a little fatter.

Q. On the 4th September were you called to the Police Station in Nicosia? A. Yes.

Q. And Sgt. Major Loukis Kyriakou took you to an identification parade, did he? A. Yes.

40 Q. How many persons were there in that parade?

A. About 9 persons were in the parade.

Q. Did you pick out any person in that parade?

A. Yes. I picked out the accused. Q. As whom?

A. As the man who had shot P.C. Poullis.

The Court rose at 11.20 for a short break.

11.35 a.m. Court resumes hearing.

Appearances as before.

In the
Assize Court
of Nicosia.

Prosecution
Evidence.

No. 4.

Hussein Mehmet
Djenkis.

24th October,
1955.

Examination -
continued.

In the
Assize Court
of Nicosia.

Prosecution
Evidence.

No. 4.

Hussein Mehmet
Djenkis.

24th October,
1955.

Cross-
Examination.

Cross-examination of Witness 2, by PAVLIDES Q.C.:

Q. Now, Djenkis, you said that you are a driver by profession? A. Yes.

Q. Are you the owner of a taxi yourself? A. No. Q. You were employed by taxi agencies, is that what you mean?

A. Yes. Q. Where is your present employment? A. At present I am not employed. Q. For how long have you been unemployed? A. For about two months.

CHIEF JUSTICE: Q. On the 28th August were you unemployed? A. I was off duty at that time, but at that time I was working at night time.

10

Cross-examination Contd. Q. Where? A. At the Parthenon Taxi Office. Q. When did you leave that employment? A. My master dismissed me three or four days after that incident.

Q. Do you suggest that he dismissed you on account of that incident? A. I do not know. Q. And you do not want to suggest it because if you do suggest it I will tell you the reason why he dismissed you? A. I know the reason why they dismissed me. Q. I will not go into details, but he suspected you of something in connection with your work in your office?

CHIEF JUSTICE: I do not know why you are so nervous, Mr. Pavlides. Either you attack a man or you do not attack him, it is no use suggesting. You are cross-examining and you can ask leading questions. If you allege that he has done something wrong why not ask him instead of trying to worm it out of him?

20

CHIEF JUSTICE: I do not know why you are so nervous, Mr. Pavlides. Either you attack a man or you do not attack him, it is no use suggesting. You are cross-examining and you can ask leading questions. If you allege that he has done something wrong why not ask him instead of trying to worm it out of him?

PAVLIDES, Q.C. I am not nervous, my Lord. I would not have put any questions to him except that he said that he did not know if he were dismissed on account of the incident, which indicated to me that he was dismissed on account of the incident, that is why I wanted to dispel any doubt.

30

CHIEF JUSTICE: All right. We will ask him. CHIEF JUSTICE: Q. Was your dismissal concerned with the fact that you were a witness in this case? A. When they dismissed me they did not know that I was going to bear witness in this case.

PAVLIDES: Very well. That is enough. Cross-examination Contd. Q. Now, you said that at that office you were working on night duty? A. From 7 p.m. to 7 a.m. Q. And in fact you stayed in the office during the night? A. Yes. Q. To answer possible telephone calls? A. There was a clerk to do that job. Q. Well, at night

40

what were you doing, sleeping in the office?
 A. I was working. Q. What kind of work?
 A. As a taxi driver. Q. I see, you were working
 out, on night duty, taking taxis out? A. Yes.
 Q. And did you sleep in the office? A. Some-
 times in the mornings I used to sleep there.
 Q. At night, did you have your bag there and when
 actually not working at night you would lie down
 in the office? A. I had only a bag with me, I
 10 had no blanket or quilt or anything on which I
 might sleep.

CHIEF JUSTICE: What do you mean by bag?
 A. Containing wearing apparel.

Cross-examination Contd. Q. Now, on Saturday
 evening you worked up to what time? Until 7 o'clock
 in the morning? That is the Saturday before the
 Sunday of the 28th August. A. Yes, up to 7 a.m.
 on Saturday I had work. Q. I mean Saturday
 towards Sunday? A. Yes, I had work.

20 Q. Had you been busy in that space of time before
 7 o'clock in the morning? During your night duty?
 A. A fair amount of business. Q. At 7 o'clock
 in the morning did somebody else take your place?
 A. No. Q. You left the office? A. My
 master, the owner of the car, was in the office
 and he was to drive on that day. Q. And did you
 leave the office? A. I left the office at about
 8.30 or 9. Q. So that between 7 o'clock when
 you finished your duty until 8.30 or 9 you remained
 30 in the office? A. Yes. Q. Did you lie down
 to rest? A. For some time, yes.
 Q. Between what time and what time? A. I lay down
 towards 7 o'clock and I got up towards 8.30.

Q. Have you got another house in which you live?
 A. I live in an hotel. Q. Then did you live
 at the hotel? A. I was again in an hotel but in
 a different hotel. Q. Which hotel were you liv-
 ing in then? A. At an hotel opposite the Olym-
 pus Hotel, called the Pantheon Hotel, for two nights.

40 Q. Is there a hotel Pantheon? A. Yes, there is
 a Pantheon Hotel. Q. Where is it? A. It
 is opposite the Pantheon Hotel, opposite the Bank
 of Athens. Q. Now, you mean to tell me that
 although you were working on night duty and there-
 fore you were staying out the whole night you also
 kept a room at an hotel? A. It was necessary
 for me to keep a room in an hotel. I was only hav-
 ing a bed, not a room by myself. Q. Was it a
 room which you were sharing with other people?

50 A. Yes, it was a room containing four beds.

In the
 Assize Court
 of Nicosia.

Prosecution
 Evidence.

No. 4.

Hussein Mehmet
 Djenkis.

24th October,
 1955.

Cross-
 examination -
 continued.

In the
Assize Court
of Nicosia.

Prosecution
Evidence.

No. 4.

Hussein Mehmet
Djenkis.

24th October,
1955.

Cross-
examination -
continued.

Q. Did you keep any clothing there? A. No.
Q. So all the clothing that you had you had it at
the Parthenon Taxi Office? A. No.
Q. Where did you have your other clothing?
A. In my brother's house. Q. Why didn't you
sleep or have your residence in your brother's
house where you had your clothes?

CHIEF JUSTICE: Well, I take it that the object
of this cross-examination is to find out whether
he had or had not much sleep on that day. Well, 10
I do not consider it necessary to pry too much
into a man's private life because he happens to be
a witness, unless it is going to show how much
sleep he had that night. Can't he be asked a
perfectly straight question?

PAVLIDES: It is going to show also that he did
not leave the office at the time he suggests that
he left it that morning. I shall make suggestions
to him from which I shall pin him down to facts
from his own point of view. 20

CHIEF JUSTICE: All right. Unless I can clearly
understand the relevancy of it I do not think a
man should be asked about his private life.

PAVLIDES: It is not his private life. I am ask-
ing him why since he was on duty at the Parthenon
office did he keep a bed in the hotel and also keep
his other goods at his brother's house. I just
wanted him to explain.

CHIEF JUSTICE: What is the relevancy of that?

PAVLIDES: Of course if on every question I am 30
putting I am asked what is the relevancy I
hope your Lordships will trust I am not putting
irrelevant questions.

CHIEF JUSTICE: This was not one question but a
whole series of questions.

PAVLIDES: The relevancy is this. That he was
not where he says he was. He was never there at
all, and I am trying to trace his movements
throughout that morning.

CHIEF JUSTICE: I do not like to stop Counsel in 40
cross-examination. I hope that you will not em-
barrass a witness by too close a scrutiny about his
private life.

PAVLIDES: It is just to test his credibility and
to show the improbability perhaps of his story,
that he went out from 8.30 from the Parthenon Taxi
Office where he did the night work.

CHIEF JUSTICE: I hope that is all but so far I thought you were trying to show that this witness was following a rather shiftless existence, he is dismissed from his employment, has his clothes in one place, sleeps in another. However, we will go on.

PAVLIDES: That is not my intention really.

CHIEF JUSTICE: That is the impression you are leaving on the Court.

10 PAVLIDES: I am sorry.

Cross-examination Contd. Q. Anyhow. Why are you not sleeping at your brother's? A. It is difficult to live in my brother's house. He is a married man with three children.

Q. Now you say that you left the Parthenon Taxi Office at about 9? A. Yes. Q. And where did you go? A. I went to Metaxas Square. I had my shoes polished there. I had a coffee at the King George Bar and after that I walked down Ledra Street.

20 Q. And is that the time you arrived and you were standing between the shop of Djahit Bedevi and the restaurant? A. No.

Q. What did you do next before you actually stopped at about 10.45? A. I entered the Alhambra Hall. There was a meeting of the Left Wing Party there.

Q. You attended the meeting then? A. I did not actually enter into the hall. There were people inside and outside the Hall. Q. What did you do?

30 A. I stayed there for some time, then I came out of that place, I came near Bedevi, I had an ice cream at Bedevi's and I was eating my ice cream while I was standing outside Bedevi's confectionery. Q. And that brought you up to 10.45?

A. At 10.45 I had entered the Alhambra Hall.

Q. How long did you stay in the Hall? A. About 5 minutes - I did not stay long, about 5 minutes.

Q. On coming out of the Alhambra Hall where did you go? A. Straight to Bedevi's again.

Q. Were you alone all this time? A. Yes, I was.

40 Q. You never met a friend to talk to? A. No, I did not. Q. There were several policemen about the Alhambra Hall and in Ledra Street?

A. Yes, there were. Q. Was Poullis the only Police Constable that you knew? A. Yes.

Q. Now, I want you to tell me exactly. You said that when the people started dispersing from the meeting that about only 20 to 25 remained, that you saw Poullis standing near a kiosk at the entrance to the Women's Bazaar? A. Yes.

In the
Assize Court
of Nicosia.

Prosecution
Evidence.

No. 4.

Hussein Mehmet
Djenkis.

24th October,
1955.

Cross-
examination -
continued.

In the
Assize Court
of Nicosia.

Prosecution
Evidence.

No. 4.

Hussein Mehmet
Djenkis.

24th October,
1955.

Cross-
examination -
continued.

Q. Was he very near the kiosk? A. Not very, he was about the centre of the entrance to the bazaar.
Q. On the pavement? A. Yes. Q. Which part of the pavement, nearer towards the entrance, nearer towards the street, or in the middle of the pavement? A. About the middle of the pavement.
Q. So that you were near Bedevi's and the restaurant and Poullis was just on the other side, on the pavement, standing about the middle of the pavement? A. Yes. Q. Do you remember whether there was a big lorry standing outside Lefkaritis shop just next to the restaurant? A. Yes, there was. 10
Q. At that time when you spoke of Poullis in that position had you finished your ice cream or were you still eating it? A. I had finished my ice cream long ago. Q. And why did you still remain outside Bedevi's having finished your ice cream? A. Because there was an attempt on Poullis' life at his house previously which I knew and I stood there to see whether any such thing would re-occur. 20
Q. So that seeing Poullis whom you knew before and knowing that an attempt had been made on his life before you thought: Well, let us see if anything else happens to Poullis to-day? A. I was curious to see, when I saw him there I thought maybe another thing may happen to-day.
Q. When did you first see Poullis that day? A. While having my ice cream I saw him roaming about.
Q. And from that time onwards connecting Poullis with the previous attempt you sort of kept an eye on him? A. Yes. Q. And for how long was this? You started sort of watching and following the movements of Poullis before you actually saw the three persons coming and surrounding him in the way in which you have described? A. Hardly two minutes had passed when he was surrounded by the two persons. Q. My question was, for how long had you been following Poullis with your eyes before anything actually happened? A. I did not follow him continuously, I was looking up and down. 40
Q. Yes, but whenever you saw Poullis you were thinking that something might happen to him? A. I was not always having Poullis in my mind.
Q. Not always Poullis, but whenever you happened to see Poullis that morning you connected him with the previous attempt on his life? A. Yes.
Q. And then suddenly you saw three persons coming and taking positions round him? A. Yes.
Q. One in front and two on either of his sides? A. Yes. Q. Did you then think: Now the time 50

has come for another attempt against Poullis? Did you suspect that? A. No, I did not suspect.

Q. But you saw three men coming one after the other in quick succession? Taking rather extraordinary positions round about Poullis? Your object for staying there, for delaying at that part of the street was to see whether any other attempt would be made against the life of Poullis. Well, wasn't this coming of three persons and the taking of positions a sufficient indication of something these people might have meant to do to Poullis, what you thought might be done? A. No, I did not.

Q. Did you, that morning, speak at all with Poullis? A. No, I did not. Q. You did not greet him or say 'How do you do'? A. No.

Q. Now, I would be grateful if you would give me the exact position of the three persons who came, in relation to Poullis. There is Poullis standing in the middle of the pavement near the entrance of the Women's Bazaar? A. Yes. Q. One comes and stands in front of Poullis with his back to Poullis? A. Yes. Q. How far from Poullis was he? A. 25 or 30 inches. Q. And was this person on the pavement or did he get down into the street? A. On the pavement. Q. And you could see his hands right down? A. Yes. Q. You could see that he was not holding anything? A. Yes, I saw that he was holding nothing.

Q. How was he dressed? A. Shirt and trousers. Q. Then next comes a person who stands on his right or left? A. On his right hand side. Q. At what distance from him? A. At a very close distance. Q. Almost touching him? Can you say? A. Not so much. Q. Well, what distance about? A. About one foot. Q. And this person coming, did he have his hands crossed in the way you have described or did he cross them on arriving? A. While coming he had his hands under his armpits. Q. And all along he kept that position? A. Yes.

Q. How far away were you from this second person when you first saw him coming in that way? A. About 13 paces was the distance between us. Q. So the first time you actually noticed him you were 13 paces away from him? A. Yes. Q. And he was proceeding in this way (with his arms crossed) until he took up his position next to Poullis. Could you see anything protruding from his right hand? A. I did not notice anything in his hands while he was coming. Q. But you do still say that he did not change the position of

Q. And you could see that he was not holding anything? A. Yes, I saw that he was holding nothing.

Q. How far away were you from this second person when you first saw him coming in that way?

A. About 13 paces was the distance between us.

Q. So the first time you actually noticed him you were 13 paces away from him? A. Yes.

Q. And he was proceeding in this way (with his arms crossed) until he took up his position next to Poullis. Could you see anything protruding from his right hand? A. I did not notice anything in his hands while he was coming. Q. But you do still say that he did not change the position of

In the
Assize Court
of Nicosia.

Prosecution
Evidence.

No. 4.

Hussein Mehmet
Djenkis.

24th October,
1955.

Cross-
Examination -
continued.

In the
Assize Court
of Nicosia.

Prosecution
Evidence.

No. 4.

Hussein Mehmet
Djenkis.

24th October,
1955.

Cross-
Examination -
continued.

his hands all along? A. Yes, he was coming in that position. Q. And stopped in that position?

A. Yes. Q. And then the third one came standing on the left side of Poullis. How far from Poullis? A. It was again the same distance as there was between Poullis and the second comer. The same distance as the second one.

Q. So we have these three persons round Poullis. Did Poullis look at any of these people who came and stood round him? A. I did not notice because

10

meanwhile I turned and looked at another place. Q. So that no sooner these people took up positions you turned to something else? And how long after this was it that you heard the first shot?

A. Hardly a minute passed after the third one arrived that I heard the first shot.

Q. So you hardly had time to adjust your attention to anything else except Poullis when you heard the first shot? A. I turned my eyes and looked to the left and after a matter of a few seconds I heard

20

the first shot. Q. And then you turned again towards Poullis? A. Yes. Q. Did you then see Poullis after the first shot do anything?

A. Yes, I did. Q. What did you

CHIEF JUSTICE: We had all this in direct examination. He saw Poullis half turn and put his hand in his pocket.

PAVLIDES: After the first shot?

CHIEF JUSTICE: Yes.

PAVLIDES: That is so, but I just want him to illustrate to me how he turned.

30

WITNESS: After half circling, the second and third shots hit him.

Q. And then when was it that for the first time you noticed the shining thing in the hands of the accused? A. After the first shot was fired.

Q. And after the second and third shots were fired did Poullis try to do anything? Did you see him?

A. Poullis fell down after the second and third shots. Q. Tell me. Did you see where the first one ran away, which direction he took? Did you follow him as to where he actually turned.

40

A. I followed him with my eyes and saw him where he turned. I did not go after him but followed him with my eyes. Q. Where did he turn?

A. The first one turned to the left near the Singer Machine shop. Q. And the second one turned where? Did you see where he turned? A. The second turned

at Liberti Street. Q. So you could see him

running from where Poullis was right down to the turn of Liberti Street? A. Yes.

Q. Now, you were following the movements of these two persons who were running away and yet you could see at the same time what the accused was doing to Poullis for the second and third shots, is that your story? You could take all that in at once, in one picture? A. Because all three shots followed each other in a matter of a few seconds - not much time elapsed between each shot.

10

Q. But were you not looking at Poullis? Were you looking at the men running away? It is some distance from where Poullis was shot to Liberti Street corner - wasn't your attention turned to Poullis?

A. I was following the people who fled with my eyes.

Q. And then you also saw the accused take a bicycle?

A. Yes. Q. There is a high pavement there where the bicycle was? A. Yes. Q. Did he take the

20

bicycle like that (with both hands) and push it down the pavement. A. Yes. The bicycle was by the corner of the pavement. Q. On the street?

A. Yes. The wheels touching the pavement. The bicycle was in the street leaning against the pavement. Q. The position is this. You sus-

pected that something might happen to Poullis, you at least heard the first shot, why didn't you run at once, cross over to him, and catch the people who were running away? A. Because fear struck me at that very moment and I could not move from the

30

place where I was. Q. I see, you were afraid, but then you decided to chase the attacker, did you? A. Yes.

Q. Can I suggest to you that practically every person that day was wearing a shirt without a coat, and trousers. Of various colours? A. Yes, including myself. Q. Now, what was the colour of the accused's shirt, if you noticed? A. As I can

recollect, it was light blue. Q. His trousers? A. Light coloured woollen cloth.

40

Q. Now, Djenkis, I must suggest to you that your story of the events of that morning is a pure invention? A. No. Q. I suggest to you that that morning, after finishing your night duty you also went on two trips, taking car 8775? A. At what time? Q. It was at 10.40. You took certain ladies from Samos Street to the Church of Ayis Antonis?

PAVLIDES: My Lords, I was wrong in the number of the car, it is 4285.

50

WITNESS: No. Q. There is such a car, 4285, which

In the
Assize Court
of Nicosia.

Prosecution
Evidence.

No. 4.

Hussein Mehmet
Djenkis.

24th October,
1955.

Cross-
Examination -
continued.

In the
Assize Court
of Nicosia.

Prosecution
Evidence.

No. 4.

Hussein Mehmet
Djenkis.

24th October,
1955.

Cross-
Examination -
continued.

is controlled by this agency? A. Yes, but it is a private car, not a taxi. Q. Who is the owner?

A. It belongs to a certain Eleftheris, an auxiliary military policeman. I think his name is Eleftheris.

Q. It plies for hire in that agency? A. I think so. He plies it for hire and also uses it as a taxi as well, himself. Q. Have you ever driven it? A. Many times.

Q. And also I suggest to you that you went on a second trip between 12.20 and 12.35 taking an Englishman from your office to Severis Avenue, Pension Rio, and to the Marines House? You know the Marines House? A. No.

CHIEF JUSTICE: Is it the name of a man.

PAVLIDES: I have the impression that it is a place where Marines live - some kind of army people. It must be not far from Severis Avenue area.

WITNESS: No, sir.

Q. Do you know where Pension Rio is? A. I cannot remember, I must say I do not know. I cannot remember which one it is. Q. But you have heard the name Pension Rio before? A. I think so, yes.

Q. And did you ever take anybody there?

A. I cannot remember. Q. Do you know if it is in Severis Avenue? A. I know where Severis Avenue is. Q. Is this Pension Rio there? A. I do not think so.

Q. Well, where do you think this Pension Rio is, about which you seem to know something? A. I do not know, I cannot remember.

Q. If I ask you now to drive me to Pension Rio would you not be able to do it? A. No.

Q. And I suggest to you that you never left the office that day, that morning. A. I left the office at about 8.30 or 9 a.m. that morning.

CHIEF JUSTICE: Q. Where did you go after leaving the office? A. To Metaxas Square to have my shoes shined there. And then I had a coffee at the King George.

Q. And then you went to the Women's market? A. Yes.

Cross-examination Contd. Q. And I must suggest to you that the news reached the office about the killing of Poullis at about 1 or so and at that time you were in the office? A. I went to the office after the shooting of Poullis.

Q. What time? A. It was about ten past one.

Q. Who was there? A. When I reached the office at the time I mentioned, 1.10, the clerk told me:

"Take car 4468 and go to Strovolos to fetch our master. Q. What is the name of the clerk?

A..... Q. I will help you, Costas Georghiou?

10

20

30

40

A. I cannot remember because I did not work very long in this office, I worked there for about 25 days. Q. Did he appear to know anything about the killing of Poullis? A. No, he said nothing in that respect and I said nothing.

Q. He asked you to fetch which master? A. The responsible man for the office. Q. Who was he? What is his name? A. A certain Lefkis.

10 Q. Did you go and fetch him? A. Yes, I went to the house at Strovolos, they were having their lunch. Q. And you brought him to the office? A. No, I did not. Q. What happened? A. He was having his meal together with his family at his house, he asked me to join them and with difficulty I sat down there and I was eating also. He asked me if there was any sort of trouble down in the town and I said no.

20 CHIEF JUSTICE: Why did you say that? A. I was afraid to tell them because they would ask me whether I had seen him.

PIERIDES PDC: Q. Why afraid? A. They too might belong to the same group of terrorists.

Cross-examination Contd. Q. Is that why you did not tell the clerk also? A. Because I was afraid.

Q. Afraid of what, of the clerk? A. Because I was afraid lest they might be people who had the same associations as those who killed Poullis.

30 Q. And after that meal with your master what did you do? A. Then my master Lefkis told me: "You go yourself and I will remain at home. I will not come to the office". Q. So you took the car back to the office? A. Yes, I took it there and I left the office. Q. Where did you go? A. I had an appointment somewhere and I attended that appointment.

40 Q. Until what time? A. By two o'clock. It was nearing two o'clock. Q. When you started the appointment or ended the appointment? A. When I left my master's house after having a meal with him my master told me: "You go yourself, I will not come. I will come to the office at 4 o'clock". I took the car to the office and left the car at the office. Q. And you did not go back to the office again? A. I went back to the office at seven o'clock.

Q. Now, did you make a statement to the police about this case? A. Not on that day. Q. Did you sign a statement on the 4th September? A. Yes.

Q. Now, on the 4th September you also attended this identification parade, was it before you made

In the
Assize Court
of Nicosia.

Prosecution
Evidence.

No. 4.

Hussein Mehmet
Djenkis.

24th October,
1955.

Cross-
Examination -
continued.

In the
Assize Court
of Nicosia.

Prosecution
Evidence.

No. 4.

Hussein Mehmet
Djenkis.

24th October,
1955.

Cross-
Examination -
continued.

your statement or after? A. I gave my statement after the parade.

Q. What time was the parade? A. About 5 o'clock.

Q. And what time about was it when you made your statement? A. Sergeant Zia was not at the office - one hour after five o'clock I think because Sgt. Zia was not at his office and they went and fetched him from his house so that I could give him my statement. Q. You attended the parade you said at about 5 o'clock? A. Yes.

Q. How long before that were you at the police station? A. I was asked by Mr. Birch to be at the police station by five o'clock and I arrived there at a quarter to five. Q. You knew that your attendance was required in connection with the identification of the accused? A. Yes.

CHIEF JUSTICE: It is rather an ambiguous sort of question, I think it would be better to ask him what was the purpose of his visit.

PAVLIDES: Yes, put it that way.

WITNESS: To identify the murderer.

CHIEF JUSTICE: Q. To identify the man who had killed Poullis? A. Yes.

Cross-examination Contd. Q. How was he dressed on parade? A. Shirt and trousers.

Q. The accused had only his shirt and trousers on, not a jacket? A. No jacket.

Q. What about the others? A. All were dressed in the same manner. Q. What colour shirt was the accused wearing at the parade? A. A light blue shirt.

Q. Did all the others wear light blue shirts? A. No. Q. What colour were they wearing, white? A. Various colours. Q. But none of the others had light blue? A. I cannot remember that. Q. Did you know any of the other persons in the parade? A. No.

Q. You told us that the accused was a person that you did not know before? A. Yes.

Q. So whatever your impression is of the accused it was the impression which you got that day during the short period that you have described?

A. I followed this man very well on the day he shot Poullis. Q. Yes; as you have described, I mean your impression of the accused as the man who fired at and shot Poullis was the impression which you got during those very few minutes? A. Yes.

Q. Did you not see him at the police station before you actually attended the identification parade? A. No, I did not. Q. But was he not detained in

10

20

30

40

a room and you passed outside it? A. I do not know.

Q. Did you see anybody before you actually attended the identification parade, whether it was the accused or not, wearing a light blue shirt at the police station? A. No, I did not.

Q. Do you think that it was the same colour shirt that he was wearing at the identification parade as the shirt he was wearing on that Sunday, the 28th? A. It looked to be like the same colour.

10 Q. You know that at the police they had photographs of the accused? A. No. Q. Were you not shown the photograph of the accused before the identification parade? A. No. Q. Did you see a photograph of the accused since, after the identification parade?

CHIEF JUSTICE: What is the significance of that?

PAVLIDES: I just want to test whether he admits seeing one. But let us see first whether he says yes.

20 CHIEF JUSTICE: I personally rule it is irrelevant.

Re-examination by DENKTASH:

Q. On the day you attended the identification parade will you remember how many statements you made?

A. About 8 sheets of paper. Q. No. How many times were you called to make a statement?

A. I remember once only. Q. Will you refresh your memory? Is this your signature?

DENKTASH: May the witness refresh his memory?

30 PAVLIDES: He said he made a statement after the identification parade.

CHIEF JUSTICE: If you are going to put the statement in to contradict him he should see it.

DENKTASH: The witness was asked when he made his statement whether it was before or after the parade, and he should refresh his memory whether he made it before or after. It does not matter one way or the other.

40 CHIEF JUSTICE: I think so. If the Crown believes that he made it at a different time it should be shown to him, so that we may ascertain the truth.

PAVLIDES: We shall have to see the statement as well.

DENKTASH: I am not putting in the statement.

PAVLIDES: Did he mark the time himself, to refresh his memory from it?

DENKTASH: No, it is the police. May I ask him, My Lords? He did not mark down the time himself

In the
Assize Court
of Nicosia.

Prosecution
Evidence.

No. 4.

Hussein Mehmet
Djenkis:

24th October,
1955.

Cross-
Examination -
continued.

Re-
Examination,

In the
Assize Court
of Nicosia.

Prosecution
Evidence.

No. 4.

Hussein Mehmet
Djenkis.

24th October,
1955.

Re-
Examination -
continued.

but the police will come and say when he made a statement.

CHIEF JUSTICE: No, I do not think so. He did not mark it himself, I do not see how he can refresh his memory about something that somebody else did.

DENKTASH: As your Lordships please.

Re-examination Contd. Q. Before you made a statement, did you make a statement about the facts you have related to the police? A. Previously, on the 1st September, I was called in by Mr. Birch. We were outside Nicosia. I told him these happenings orally.

10

Q. No statement was taken from you? A. It was night-time and I could not give a statement on the road.

Q. And then you were called in again by Mr. Birch on the 4th? A. Yes.

Q. When you made a statement? A. Yes.

Q. You have told the Court that you have been unemployed for two months? A. Yes.

Q. Have you been in Cyprus all that time? A. No.

Q. Where were you? A. I was in Ankara.

20

Q. For how long did you stay there? A. For 26 or 27 days.

Q. And from the time you made a statement to the police until to-day you were sort of under protection, were you? A.....

CHIEF JUSTICE: Q. Why did you go to Ankara, on your own accord or at the instigation of some other person? A. I went there to see my family.

Re-examination Contd. Q. You said that you know why you were dismissed. Will you tell the Court why? Shortly. A. I forgot to make an entry on a certain night, to make an entry of a trip for 3/-. I also told them that I had three shillings over in my pocket and for that reason they accused me of stealing that 3/- and they dismissed me.

30

Q. Did you show the places you have mentioned in your evidence to the L.R.O. clerk? A. Yes, I did.

Q. And at that identification parade did you identify the accused by his shirt? By what did you identify him? A. He has a broad forehead, black hair combed upwards, thin face ...

40

Q. I do not ask you for his characteristics. You identified him by his characteristics? A. Yes.

DENKTASH: May this witness be asked, through the Court if the accused on that day had a moustache or not, on the day he saw him and also at the parade. Again it is something to which I do not personally attach importance.

CHIEF JUSTICE: Yes, I would be prepared to put

that to him. He told the Crown in direct examination that there was no change in the accused's appearance since the day this crime was committed.

COURT: Q. At the time the crime was committed and at the parade did he have a moustache? A. Yes, he did. Q. Why didn't you say so in answer to the Crown's question? A. Because I did not pay attention to his face. When asked now I did not pay attention to his face.

10 PIERIDES PDC: Q. You pointed to him two or three times to-day? A. I did not look at him with any particular attention to notice his moustache.

PAVLIDES: With Your Lordships' permission, is it his story that he has only noticed this moment that he has no moustache?

CHIEF JUSTICE: Yes, I think it is.

PAVLIDES: With Your Lordships' permission, whether he noticed at the time, at the preliminary enquiry, if he had a moustache?

20 CHIEF JUSTICE: Yes.

WITNESS: He had a moustache at the preliminary enquiry.

PAVLIDES: Your Lordships will bear in mind that the suggestion is that he never had a moustache at the preliminary enquiry, that his appearance was then the same as it is now.

CHIEF JUSTICE: No, it is not.

PAVLIDES: We will put it to him that at the preliminary enquiry the accused had no moustache.

30 CHIEF JUSTICE: Counsel for the Defence is suggesting to him that the accused shaved off his moustache before the preliminary enquiry. That he had no moustache at the preliminary enquiry before the Magistrate.

WITNESS: I was not asked the previous time but I think he had.

CHIEF JUSTICE: The defence are saying that at the preliminary enquiry the accused had no moustache and we want to know whether he agrees with that statement?

40

WITNESS: I cannot well remember. Two months have passed.

The Court rose at 1 p.m. and adjourned to 2.30 the same afternoon.

2.35 p.m. Court resumes Hearing.

Appearances as before.

In the
Assize Court
of Nicosia.

Prosecution
Evidence.

No. 4.

Hussein Mehmet
Djenkis.

24th October,
1955.

Re-
Examination -
continued.

In the
Assize Court
of Nicosia.

No. 5.

EVIDENCE OF FEYZI DEREKOGLU

Prosecution
Evidence.

3. FEYZI DEREKOGLU, Sworn on the Koran, states in English.

No. 5.

Feyzi Derekoglou.

24th October,
1955.

Examination.

Examined by DENKTASHI: Q. What is your full name?

A. Feyzi Hussein Derekoglou. Q. You are a Government official? A. Yes, working in the Commissioner's office and I am a special constable.

Q. Clerk in the Commissioner's office, 1st Grade, 2nd Grade? A. Temporary clerical assistant.

Q. On Sunday the 28th August, 1955, in the morning where were you? A. I was walking upwards Ledra Street. Q. About what time? A. About 12.20.

Q. What happened? A. As I was walking up Ledra Street I came near Boxalian's shop and I heard three shots. Q. Did you show that place to the L.R.O. clerk? A. Yes. Q. Can you point it out on this map, Ex.1? (Witness shows on the map).

Q. When you were walking along Ledra Street were you going against the one way? A. Against the one way, I was pushing my bicycle.

CHIEF JUSTICE: Q. Boxalian's shop is it on the right hand side or the left hand side? A. The left hand side.

Examination Contd. Q. Can you tell the Court the point on this plan? A. Point 6.

Q. And you heard what, when you came there? A. Three shots coming from the Alhambra Hall.

Q. What did you do? A. I immediately stopped and after a few seconds I saw someone running with a bicycle. Q. From which direction? A. From the Alhambra Hall direction, coming towards me.

Q. Anybody behind him? A. Yes, there were some people. Q. Walking, doing what? A. Running after him. Q. Did that man ride a bicycle?

A. I saw him the first time and then he rode the bicycle and came up to the Bank of Athens.

Q. That is at the corner? A. Yes, at the corner.

Q. To the right or the left looking towards the Alhambra? A. On the right hand side.

Q. So in order to come to that corner he had to pass you? A. Yes, he passed very close to me.

Q. What happened at that corner? A. There was a collision there. Q. A collision of what?

A. Another bicycle. The man running away collided with another bicycle there. Q. And what did he do? A. He left the bicycle there.

10

20

30

40

CHIEF JUSTICE: Q. That is at the corner of Ledra Street and Kykkos Avenue? A. Yes.

Examination Contd. Q. He left the bicycle?

A. He left the bicycle and started running towards Kykkos Avenue. Q. To the left or right?

A. To the right hand side. Q. And the persons chasing him did they run in that direction? A. Yes.

Q. And then what did you do? A. I rode my bicycle and started following them.

10 Q. How was that man dressed, will you tell the Court? A. He had a white shirt, it looked to be white, and he was about 5'8". I described his age as 25 years of age. Q. Did you recognise that man later? Do you know who he is now? A. Yes, I know. Q. Who is that person? A. He is the accused there. Q. And you followed him you say, what was he doing, walking or running? A. Running.

20 CHIEF JUSTICE: Q. I do not understand, was he riding his bicycle or pushing his bicycle? A. No, he had left his bicycle at the corner.

Q. I see, this was after the collision? A. Yes. I passed the chasers at Phaneromeni St.

Examination Contd. Q. You overtook and passed them? A. Yes. Q. And did the accused continue running down Kykkos Avenue? A. He continued running in Kykkos Avenue. Q. Did you approach him at any place? A. Yes, I approached him at about 20 yards at point 9. Q. What happened at point 9? A. He pulled a pistol out of his shirt and he pointed it at me. Q. Did you see his face? A. Yes, I saw his face. I saw it once from Near Phaneromeni Street. Q. How did you happen to see him then? A. He looked back again. Q. When he pulled out the pistol what did you do? A. I immediately stopped, there was a doorway there and I hid myself there. Q. And what did that man do? A. He started again running and he turned to the left. Q. And what did you do? A. I turned from the first corner.

30

Q. When he pulled out the pistol what did you do? A. I immediately stopped, there was a doorway there and I hid myself there. Q. And what did that man do? A. He started again running and he turned to the left. Q. And what did you do? A. I turned from the first corner.

40 CHIEF JUSTICE: Point 9 is near the KEO offices? A. Yes, about 20 yards before you get to the KEO offices, somewhere there.

Examination Contd. Q. You turned, what did you do? A. I turned again from the other way, Hermes Street, from the first opening. Q. Before the street there through which he went? A. Yes, that is right. Q. There is a narrow opening there? A. Yes, there is a narrow opening. Q. And did you see him, did you find him? A. No, I followed Hermes Street and then I lost sight of him.

50

In the
Assize Court
of Nicosia.

Prosecution
Evidence.

No. 5.

Feyzi Derekoglou.
24th October,
1955.

Examination -
continued.

In the
Assize Court
of Nicosia.

Prosecution
Evidence.

No. 5.

Feyzi Derekoglou.
24th October,
1955.

Examination -
continued.

Q. And then what did you do? A. I went back, I went to the police station and gave my evidence.

CHIEF JUSTICE: Which police station?

A. Divisional Police Headquarters.

Examination Contd. Q. Did you know the accused?

Had you seen the accused before? A. Yes.

Q. Where? A. I saw him at the Secretariat where I used to work before.

Q. On the 4th September were you called to the Police Station? A. Yes,

I was called to the Police Station. Q. Was there an identification parade? A. There was an identification parade.

10

CHIEF JUSTICE: Q. Which Police Station?

A. Again the Divisional Headquarters.

Examination Contd. Q. How many people were there in the identification parade? A. Nine.

Q. Did you pick out anybody? A. Yes, I picked out one.

Q. Who was it? A. The accused.

Q. As who? A. As the one I saw on the 28th August

Q. You saw doing what? A. Running away and pointing the pistol at me.

20

Cross-
Examination.

Cross-examination by PAVLIDES, Q.C. Q. You say that you are a special constable. Were you there on duty that morning? A. No, I just took a walk there.

Q. Then you said that you heard three shots, were they loud reports or what kind of reports? How did they strike you? A. I thought it was a pistol shot.

Q. Three pistol shots?

A. Yes. Q. Loud reports? A. They were not so loud, but I could understand that they were pistol shots.

Q. And the person who was running away passed you as you were standing at Boxalian's shop? A. Yes.

Q. On seeing him coming towards you did you stop at Boxalian's? A. As soon as I heard the shots I stopped there.

Q. And the person passed by you and was he at the time pushing his bicycle? A. Well, he pushed it for a while.

Q. At the time he passed you was he pushing it?

A. He had already ridden it. Q. How far before he reached you did he ride his bicycle which up to a certain point he was pushing? A. I could not say exactly, because I first looked down to see whether there was any policeman there, so I could not exactly say where he mounted his bicycle.

30

40

Q. So you saw him not riding his bicycle. How was he pushing it, was he pushing it from behind or carrying it by the handle bars, how was he holding it when running?

CHIEF JUSTICE: Q. Did you see him before mounting his bicycle? A. Yes, I saw him for a second.

Cross-examination Contd. Q. How was he holding his bicycle before mounting it? A. He was holding it with both hands.

CHIEF JUSTICE: Q. Did he have a hand on each of the handle bars? A. Yes. Q. Or was he holding it merely with one hand? A. No, with both hands.

10 Cross-examination Contd. Q. Then you saw him actually mounting it? A. Yes. Q. But he did not go very far and then he collided with another bicycle? A. Yes. Q. Now at what point then

did you move from the spot where you were at Boxalian's shop, after the collision or before the collision? Trying to follow the person pursued? A. After the collision. Q. Until the collision

20 you did not move from your place in Boxalian's shop? A. I did not move because I wanted to have a good picture of him. Q. So you did not think that it would be better to run and catch him up? A. No, I thought that afterwards. Q. You thought that first of all you would get a good picture of him and then try and catch him up later, that is your answer? A. Yes. Q. Tell me, why are you wearing glasses? Anything wrong with your sight? A. Yes. Q. What is wrong with your sight? A. Not very much, but I am short sighted.

30 Q. Do you wear your glasses for reading? A. No, not for reading. Q. It is only when you want to look at things from a distance that you wear glasses? A. Yes. Q. Are you very short sighted? A. My short sight is 1.25 degrees.

Q. How far can you see without your glasses? A. I can see very well with my glasses.

CHIEF JUSTICE: Did you have them on that morning? A. Yes, I had them on.

Cross-examination Contd. Q. But when you do not have your glasses on how far can you see? A. I can recognise a man from 50 yards distance.

40 CHIEF JUSTICE: Without your glasses? A. Yes. Cross-examination Contd. Q. And in everyday life you walk about with your glasses? A. Yes, every day. Q. Taking them off when you read? A. No, I do not take them off actually.

Q. You keep them on all the time reading and from a distance? A. Yes, sometimes I do take them off when I read. Q. Now, when you were at Boxalian first of all thinking that it was useful to take a careful look at the person who was being chased, he

In the
Assize Court
of Nicosia.

Prosecution
Evidence.

No. 5.

Feyzi Derekoglou.
24th October,
1955.

Cross-
Examination -
continued.

In the
Assize Court
of Nicosia.

Prosecution
Evidence.

No. 5.

Feyzi
Derekoglou.

24th October,
1955.

Cross-
Examination -
continued.

passed by you running and you just had a fleeting impression of him, but then immediately it was his back that you were seeing when he passed by you going to the street of the Bank of Athens? A. No.

CHIEF JUSTICE: Q. Once he passed you until the time of the collision was his back towards you?

A. He passed me and then his back was towards me.

Cross-examination Contd. Q. So the first glimpse you had of him was just as he was passing by you?

A. No, I saw him when he was coming and then I saw him when he passed by me when he turned towards Kykko Avenue after the collision and he looked towards me and I saw him very well then.

Q. But this is only for the fraction of a second, did he turn to you and look at you intently?

A. No, he looked up. Q. He was trying to run away? A. I think he looked for a while.

Q. You think he fixed his stare at you for a while? A. Not at me, but he looked towards me.

Q. And I suggest that even if he did that it was a very fleeting moment, it was a matter of a second when you had that glimpse of him at that time?

A. When he turned and looked towards me I saw him very well, I saw him on five occasions on that day, and I looked at him very well, so that I could recognise him again. Q. Really your only concern from the very first moment when you thought that this man was being chased was that you may recognise him in order to be able to identify him.

That is what was paramount in your mind from the first moment that you heard the shots?

CHIEF JUSTICE: What was your purpose in pursuing this man? A. I wanted to catch him because he wanted to point the pistol at me, and on the other occasion when he had his bicycle, I saw the pistol then and he tried to put the pistol into his shirt, that is why I chased him and I wanted to catch him.

Q. At what point do you say that you saw him putting the pistol in his shirt? When was it, before he mounted his bicycle or after the collision?

A. It was before the collision that he tried to put the pistol in his bosom. Q. And whilst he mounted his bicycle? A. No before that.

Q. So that you saw him pushing the bicycle? A. With one hand first and then he put it there and then he took it with both hands.

Q. And you saw him distinctly putting it in his shirt? A. Yes, I saw him. I did not see the pistol quite well but I saw him putting something in his shirt and it gave me the impression that it

10

20

30

40

was a pistol. Q. And you think it was a pistol?
 A. Yes, definitely. Q. You say definitely because you saw it was a pistol? A. Yes.
 Q. Now, Mr. Derekoglou, am I right in suggesting that it is the first time that you have mentioned that the accused or the person running away put a pistol in his shirt just as he was running? A. No.
 Q. Did you mention this in the Court below?
 A. No, I did not. But I have it in my evidence.
 10 Q. Did I understand you to say in this Court that you started chasing him because he threatened you with a pistol? A. No.

PAVLIDES: Am I wrong, my Lords?

CHIEF JUSTICE: The general gist of the thing is perfectly clear, that the pistol was not pointed at him until he got to point 9.

Cross-examination Contd. Q. Now, on the point of chasing him, were you the first one to be after him, immediately after him, or were there other persons in between you?
 20

CHIEF JUSTICE: I think he said that he overtook the other people at a certain stage.

Cross-examination Contd. Q. At what point did you overtake the others? A. At Phaneromeni Street I overtook some more chasers. Q. I see, until that point there were other pursuers between yourself and the escaping man? A. Yes, there were about 5 and 6. Q. And then from Phaneromeni Street onwards were you ahead of all the pursuers, is that your story? A. Of course, they were at my back. Q. And you kept your position being ahead all the time until you lost sight of the accused? A. Yes. Q. When he took out the pistol where did he take it from his shirt I assume, and pointed it out? A. Yes. Q. Did you at any time say that he had taken it out of his pocket? And not from his shirt? A. No.

Q. You remember giving evidence at the Preliminary Enquiry? A. Yes, I remember. Q. It was read out to you, it was taken down by the Judge, read out to you, you said it was correct and you signed it? A. Yes. Q. And you are an educated man. I will read something to you which occurs in your deposition in the Court below: "I saw the person whom I chased take out a pistol out of his pocket". That is what you said. Do you say that now?
 40 A. Maybe I said it, but I am not quite sure, because as soon as I saw the pistol I was afraid and

In the
 Assize Court
 of Nicosia.

Prosecution
 Evidence.

No. 5.

Feyzi Derekoglou.
 24th October,
 1955.

Cross-
 Examination -
 continued.

In the
Assize Court
of Nicosia.

Prosecution
Evidence.

No. 5.

Feyzi Derekoglou.
24th October,
1955.

Cross-
Examination -
continued.

immediately jumped off my bicycle.

Q. You may have said "pocket" but the explanation is now that you may have made a mistake. I suggest to you that you may be making many other mistakes in connection with this case? A. No, I am pretty certain that I did not make any other mistakes.

Q. Now then, at that point you said you stopped and hid behind a doorway in order to protect yourself? A. Yes.

Q. When you say you stopped you mean you alighted from the bicycle?

A. No, I put the brakes first and then I jumped off.

Q. Did you pursue him still, on foot, or did you turn away? A. No, after he turned into Hermes Street I turned at the first corner and tried to find him.

Q. Which corner did you turn?

CHIEF JUSTICE: Q. You showed this thing to the LRO clerk? A. Yes, my Lord.

Cross-examination Contd. Q. Point 9 is the point

you say you showed to him and then you went a little further, do you mean that you followed the red dotted line thereafter, is that what you mean?

A. Yes. Q. Did you go up to the end of the red dotted line in chasing him? A. Well, I cannot say very well, maybe, but he turned from the first corner and I turned from the second corner and I lost sight of him.

Q. On this last excursion of yours were you mounting your bicycle?

A. First I had to take my bicycle, because there was some steps between the two roads and I took my bicycle to Hermes Street and then I rode it.

Q. So did you ride your bicycle immediately after the danger was over? You hid yourself in the doorway and then when you started again you came out from your hiding place, did you ride your bicycle at once? A. No, I pushed it for a while, then I pushed it to Hermes Street and then I rode it.

Q. After you hid yourself and lost sight of him did you see him again? A. I saw him take the first corner from Hermes to the left.

Q. Did you see him from the place you were hiding? A. Yes.

Q. What is the place where you were hiding, is it point 9? I see, at point 9 it was the accused pointing the pistol? A. Yes.

Q. You were hiding at some place before that? A. Yes.

Q. How far from point 9 were you hiding in the direction of Phaneromeni Street? A. It was about 15 to 20 yards behind point 9.

Q. When you first saw him turning to the left from the first corner where the red dotted line is?

A. Yes.

Q. You were hiding at some place before that? A. Yes.

Q. How far from point 9 were you hiding in the direction of Phaneromeni Street? A. It was about 15 to 20 yards behind point 9.

Q. When you first saw him turning to the left from the first corner where the red dotted line is?

A. Yes.

10

20

30

40

50

Q. There is what appears to me rather an extraordinary way in which you come to fix on the accused as the person whom you chased that day. What you said to-day in Examination in Chief is that you did not at that time recognise the person but later you recognised that the man was the accused.

PAVLIDES: I believe I am correct my Lord in saying that that is how he put it.

10 CHIEF JUSTICE: The only sort of delay was apparently in connecting the man he was looking at with the man he had known at the Secretariat.

PAVLIDES: What did he actually say my Lords? I think rather that he put it in this way: Then I did not connect the person I was pursuing with the accused. I do not know what he means.

20 WITNESS: My first impression on that day was that I had seen him somewhere, but I could not make up my mind where it was but at the identification parade I understood that I had seen him at the Secretariat. Q. I see, so it was only at the identification parade on the 4th September for the first time that you thought that the person whom you were chasing was the person whom you had met before at the Secretariat. Am I putting it correctly? A. Not quite correct. The first thing I saw at the Police Station was the same person I saw on the 28th and the same person I saw at the Secretariat. Q. Yes, but for the first time you connected the person you had seen on that day?

30 CHIEF JUSTICE: It is very muddling, but what he said is that: "When I saw this man immediately after the shooting his face seemed familiar, I had seen him before". And then he said that "At the parade I realised the place I had seen him before was at the Secretariat". You must take it from me that that is his evidence. I have listened very carefully to his evidence and that is his evidence.

40 PAVLIDES: I am the last person who wants to waste the time of the Court. But what I am asking him is: Am I correct in assuming that the first time you connected the person you were chasing with the person you had met at the Secretariat was at the Identification Parade. I said: Am I correct? He said: Not quite correct.

CHIEF JUSTICE: Are we in any doubt as to what he says?

In the
Assize Court
of Nicosia.

Prosecution
Evidence.

No. 5.

Feyzi Derekoglou.
24th October,
1955.

Cross -
Examination -
continued.

In the
Assize Court
of Nicosia.

Prosecution
Evidence.

No. 5.

Feyzi Derekoglou.
24th October,
1955.

Cross-
Examination -
continued.

Cross-examination Contd. Q. The first time you connected the man you saw at the Secretariat was at the Identification Parade? A. Yes.

Q. Now, how long did you work at the Secretariat?

A. For a year. Q. As what? A. Again the same appointment as I have now, clerical assistant.

Q. But in what office? A. In the Colonial Secretary's office. Q. When you met the accused at the Secretariat did you know his name? A. No, I did not.

Q. How long before this occurrence? A. No, I did not.

Q. How long before this occurrence? A. 1952 or 1953.

Q. You had not seen him before and you had not seen him since until the date of this occurrence?

A. No, I saw him again one day at my office, he came to the window of my office and talked to one of my friends. Q. In 1952? A. No, that was in 1955.

Q. Where? A. At the Commissioner's Office. Q. So how long before the 28th August was it that you saw him at the Commissioner's Office? A. It was about 20 days before that - about.

Q. And why then in connecting the person whom you were chasing and the accused you did not think of saying that: It occurred to me that it was the person whom I had seen not very long ago in my office. Why did you connect him back to the Secretariat, 3 years ago and not to the last time you saw him 20 days previously?

CHIEF JUSTICE: This is all psychology, because if it is psychology I can tell you the reason. In one place he was working in the same building as the man, the other was a fleeting visit of a person - he would not have remembered it if he had not known him already at the Secretariat - all this is inference and psychological.

PAVLIDES: I think psychologists can give different reasons for the same event.

CHIEF JUSTICE: The witness is called to give facts, not to be introspective and analyse the psychology of his own mind on different occasions. I think this is getting over subtle.

PAVLIDES: We are cross-examining as to credibility, that he said one thing and not the other thing, and if the Court finds a reason for everything he says it is no use cross-examining.

CHIEF JUSTICE: I am not finding reasons, I am merely occasionally trying to keep the cross-examination within bounds. I did not for example stop you this morning on many occasions, but what you were doing was nothing more than repeating word

10

20

30

40

for word what he gave in examination, and I bore with you.

PAVLIDES: I have had long experience in Court and it is the first time I heard that my cross-examination is irrelevant. But I must learn as I grow old.

CHIEF JUSTICE: I did not say it was irrelevant, but I said it was repetitive.

10 PAVLIDES: I must ask this witness - if Your Lordships rule my question out I will of course abide by it - but I do ask the witness why instead of linking the accused with the person that had visited him 20 days before this occurrence he linked him up with the Secretariat two or three years ago. That is my question.

CHIEF JUSTICE: Well, I rule it out. I consider it an over subtle question of human psychology which the witness should not be required to answer unless he is an expert.

20 Cross-examination Contd. Q. Now, do you know where the accused was working, in what office in 1952 or 1953 when you happened to see him at the Secretariat? Where? A. In the Income Tax Office. Q. Now the Income Tax Office is in an entirely different block to the office of the Colonial Secretary? A. Yes, but I used to go there and visit a friend of mine often. Q. Did you say that you saw him also in the Income Tax Office when you visited a friend there? A. Yes.

30 Q. So you knew that the person you were chasing - later on it came to your mind that it was the person of the Income Tax Office? A. Well, I understood at the Identification parade.

Q. You understood that it was the person of the Income Tax Office whom you saw in his own office? A. No, at the Secretariat. Q. Why didn't you think this was the Income Tax man whom you visited in his office? A. Well, I cannot say all the secretariat men who are working there.

40 Q. But you said that you knew that he was working in the Income Tax Office and you visited him there? A. Yes.

CHIEF JUSTICE: Is the Income Tax Office in the Secretariat?

PAVLIDES: Same compound but a different block of buildings altogether. It is in the middle of the yard of the Secretariat and far away from the office of the Colonial Secretary. It is just facing

In the
Assize Court
of Nicosia.

Prosecution
Evidence.

No. 5.

Feyzi Derekoglou.

24th October,
1955.

Cross-
examination -
continued.

In the
Assize Court
of Nicosia.

Prosecution
Evidence.

No. 5.

Feyzi Derekoglou.
24th October,
1955.

Cross-
Examination -
continued.

the office of the Attorney-General if Your Lordships remember that.

CHIEF JUSTICE: It is in the quadrangle of the Secretariat?

PAVLIDES: Yes.

CHIEF JUSTICE: And if you were going up to that place you would say: I am going to the Secretariat, meaning the quadrangle of the Secretariat, and in the middle of that quadrangle are some offices which are the Inland Revenue.

10

PAVLIDES: That is the position.

Cross-examination Contd. Q. Who is the friend in the Income Tax Office whom you were visiting when you saw the accused? A. The Assistant Assessor, Andreas Tryfon. Q. And on many occasions did you visit your friend Andreas in the Income Tax Office and you also saw the accused there?

A. Every few days, two or three days passed, or sometimes after a week. Q. But anyhow at least

20

once a week you would go to Andreas and there you would always see the prisoner? A. Not always.

Q. On how many occasions would you see the prisoner at Andreas's office? A. I cannot say.

Q. Just think. A. I cannot say. Q. Why can't you say how many times you saw him at the Secretariat at your office? When you said that you met him at the Secretariat you do not mean that

you met him at the Income Tax Office, it is a different office? A. No, the Secretariat means the whole compound. Q. I see, when you said the

30

Secretariat you also meant to say the Income Tax Office? A. Yes. Q. How many times? A. I cannot say. Q. Do you remember better how many times you mentioned in the Court below? A. Only once.

CHIEF JUSTICE: Q. Did you tell the Magistrate how many times you met him in the Secretariat in the Preliminary inquiry? A. I did not tell him.

Q. You do not recollect how many times you told him? A.No.

40

Cross-examination Contd. Q. If you said once or twice would that be correct? A. I think I said a few times. Q. How many times does a few times imply? A. It is indefinite. Q. Many occasions? A. Yes. Q. I put it to you that you did say once or twice.

CHIEF JUSTICE: Yes he did, Mr. Pavlides.

Re-examination: Nil.

No.6.

EVIDENCE OF P.C.999 MEHMET ISMAILIn the
Assize Court
of Nicosia.

4. P.C. 999, MEHMET ISMAIL: Sworn on the Koran,
states in English.

Prosecution
Evidence.

Examined by DENKTASH: Q. What is your full name?

A. Mehmet Ismail. Q. And you are P.C.999?

A. Yes. Stationed at Nicosia. Q. On the 28th
August, 1955, were you on duty? A. I was detailed
on duty in mufti with P.C.Poullis. Q. And where

No. 6.

P.C.999
Mehmet Ismail.

24th October
1955.

Examination.

10

were you on duty that morning? A. We were on duty
at the Alhambra Hall. Q. There was a meeting
there, was there? A. Yes. Q. By whom.

A. By the leftists organisations. Q. What time
did it start do you know? A. We were there at
10 o'clock. Q. And did you stay there until

the end of the meeting? A. We stayed there until
the end. Q. And when did the meeting finish?

A. The meeting finished at about 12 o'clock.

20

Q. And the crowd started dispersing? A. Yes.

Q. Was it a big crowd? A. It was a big crowd.

Q. What number, could you say? A. I cannot guess
because I was outside. Q. As you were outside

and the crowd started dispersing what happened?
A. At about 12.25 I was standing with P.C. Poullis
outside Lefkaritis motor car office. Q. That is

next to Bodevi confectionery? A. Yes.

Q. On the opposite side of Alhambra Hall? A. Yes.

Q. What happened? A. Suddenly Poullis left me,
crossed the road and stood at the entrance to the
Alhambra. I was looking towards Metaxa's Square.

30

Q. Was there still a crowd about? A. The people
were still dispersing but in small numbers. Sudden-
ly I heard one shot. I looked at Poullis. I saw

three persons standing round him. The one was
the accused standing there. He was behind Poullis.

The other two were standing one on the left and the
other on the right. Two more shots followed.

Q. Was there any space of time between the 1st, 2nd
and 3rd? A. It was just one after another. Then

40

the two persons standing on the right and left of
Poullis jumped down from the pavement followed by
the accused. Q. In which direction did they

run? A. They ran towards Ouzounian Shop, down
Ledra Street. The accused was holding a revolver

in his hand. Q. At what time did you see that?
A. Soon after the third shot. He placed it in his

shirt while running, went up to KEO offices ap-
proximately where he took a bicycle and rode it

In the
Assize Court
of Nicosia.

Prosecution
Evidence.

No. 6.

P.C. 999
Mehmet Ismail.
24th October,
1955.

Examination -
continued.

down Ledra Street. I followed him. At the corner of Kykko Avenue a certain Christodoulos whom I knew well... Q. Is it Christodoulos or Christoforos? A. I am not sure of his name - threw a bicycle in front of the accused. I cannot say whether the accused fell down or jumped down, I saw him running towards Kykko Street.

Q. Is this the man? A. Yes.

(Witness identifies Christodoulos Michail as the man who threw a bicycle in front of accused)

10

A. Christodoulos Michael was shouting: "Hold him, hold him" and the accused was shouting. I ran after him and I saw Derekoglou following the accused. He was on a bicycle. I saw two or three other persons running after him but I did not know them. Q. Derekoglou was on a bicycle you say, were you on a bicycle? A. I was on foot.

Q. How far did you run on foot? A. Up to the cross roads, Phaneromeni-Kykko cross-roads where I saw a boy and I borrowed his bicycle. I started to chase the accused on a bicycle. Q. In which street was the accused? A. While in Kykko Avenue near KEO offices I lost sight of him. Kykko Street leads to Hermes Street, and I lost sight of him, of course I did not see where he turned.

20

Q. You looked for him round about? A. Yes, I looked for him but I could not find him.

Q. On the 4th September, 1955 were you called to the identification parade? A. Yes. Q. At the Police Station Nicosia? A. Yes. Q. How many people were there at the parade? A. I do not remember, but there were about ten persons and I picked out the accused as the person whom I saw shoot Poullis and whom I chased on a bicycle.

30

Cross-
Examination.

Cross-examined by CERYSSAFINIS: Q. Did you know the accused before the 28th August last?

A. I did not know him. Q. You were there on duty on that day? A. Yes. Q. And you were almost always on the alert? A. Yes.

40

Q. So as soon as you heard the first shot you turned towards the place from which the report came? A. Yes. Q. And when your attention was directed in that direction you saw Poullis still standing? Was he standing? A. Yes.

Q. And three persons round him? A. Yes.

Q. And the persons were not moving at that time, they were just keeping quiet? A. Yes.

Q. And you are quite certain that the accused was standing behind Poullis? A. Yes, that's right.

50

Q. And the two other persons, each one was standing on one of his sides? A. Yes. Q. Tell me, was Poullis quite close to the kiosk of Haritonides? Do you know that there is a kiosk there? A. Yes, on the right side. Q. Just quite close to the opening of the New Women's Bazaar? A. Yes.

Q. And you know who runs that kiosk? A. I do not know. Q. You have never seen him? A. Never.

10 Q. On that morning did you see anyone in that kiosk? A. I did not. Q. Though Poullis was very close to it? A. He was not very close to the kiosk, he was about four yards away.

Q. Now as soon as you turned your eyes on them in quick succession you heard two further reports, one after the other? A. Yes. Q. And up to the time you heard the reports all three persons stood there, they did not move at all? A. Yes.

20 Q. And after the report did all persons run away together? A. Between the second and the third shots the two people standing on the left and right of Poullis ran away. Q. What was the space of time that elapsed between shots two and three?

A. Two or three minutes. Q. Strike your hand in order to indicate the distance between the shots.

(Witness demonstrates by knocking three times).

Q. That is about two seconds between the first and second shots? A. Yes, I mean seconds.

30 Q. In what spot of the pavement was Poullis standing when you first saw him, in the middle? A. It was rather near the left, not exactly in the middle but closer to the left side as you face the Alhambra Hall.

40 CHIEF JUSTICE: I think he means as you face the entrance to the Women's Bazaar he was more to the left than to the right. I do want Counsel to know that I am not trying to interfere with the evidence, but for quite as long as Mr. Pavlides - I have been for 33 years at the Bar - I have been trying to get the gist of the evidence of witnesses who are not very fully acquainted with Court work, and we are all trying to get what they are trying to say. We are all interested in trying to find out what the wretched fellow is trying to say.

CHRYSSAFINIS: The trouble is that there are so many ways of

CHIEF JUSTICE: After such a long time one gets an idea

50 CHRYSSAFINIS: I must plead guilty.

In the
Assize Court
of Nicosia.

Prosecution
Evidence.

No. 6.

P.C. 999
Mehmet Ismail.

24th October,
1955.

Cross-
Examination -
continued.

In the
Assize Court
of Nicosia.

Prosecution
Evidence.

No. 6.

P.C. 999
Mehmet Ismail.

24th October,
1955.

Cross-
Examination -
continued.

CHIEF JUSTICE: I have acquired a little skill over the years.

Cross-examination Contd. Q. So he was standing in the middle of the pavement? A. No, at the time I saw him he was not. Q. Was he standing

nearer to the road or nearer to the entrance? A. Nearer to the entrance. Q. Was the man

standing on his right almost touching the wall? A. No. Q. How many feet wide is the pavement

there do you think? A. About 6 feet. 10

Q. Let us say five. How many feet was Poullis away from the extreme edge of that pavement towards the street? A. He was not exactly standing near the wall he was standing in the entrance.

Q. How many feet was he away from the edge of the street? A. Between four and five feet.

Q. And how far away from Poullis was the man who was standing on his left? A. About three to four feet. Q. And how many feet away was the other

man who was standing on his right side? A. Approximately the same distance - three to four feet. Q. So they were at least, they were

roughly 6 to 8 feet away from the first man on the left to the man on the right? A. Yes, but they were not standing in a straight line. 20

Q. When you first saw Poullis and the men round him did it strike you as rather odd? Without hearing the report of the gun, would not that fact of three people standing round him strike you as rather odd? A. Of course, a suspicion was aroused in me. Q. At once? A. Yes. 30

CHIEF JUSTICE: Q. I am not quite clear when the accused fired at Poullis, was the accused standing between the Women's Market and Poullis or was Poullis nearer to the Women's market than the accused? There was a man to the right of Poullis and one to the left. Where was the accused? A. Behind Poullis. Q. When you say "behind" what do you mean? nearer to the market or to the road?

A. Nearer to the market. Q. So the accused would be facing towards the road when he was shooting? A. Yes, my Lord. 40

Cross-examination Contd. Q. So he had his back turned in a way to the Women's market? A. No, not exactly. Q. If he was facing Ledra Street?

A. His face was facing Ledra Street but his body was not facing Ledra Street, he was inclined to the right. Q. When you turned towards Poullis

after you heard the first shot, did you see anyone

standing in front of him? Did you see a fourth man standing in front of Poullis? A. Soon after the first shot? Q. After you heard the first shot. A. Of course Poullis was not standing motionless. Q. When you first saw him you heard the report of a gun, you turned round, you saw Poullis and three people round him; at that time, at that very moment, did you see anybody standing in front of him? A. No, not exactly front, when I say right and left I do not mean straight on the right and left. Q. What do you mean, something different? A. No, I do not mean that they were standing in a line.

CHRYSSAFINIS: He wants your Lordships to infer that somebody whom he described as either on the right or left was also in front of Poullis.

Q. Was any man standing in front of Poullis when you first saw him after you heard the first shot?

A. Standing in front of him there was nobody.

Q. And now, when the first shot was fired did you stay where you were or did you rush at once towards the spot where Poullis was? A. I did not go at once. Q. What did you do? A. As you know, it

was the first time that terrorists had begun to murder people in broad daylight and I was taken by surprise. Q. Do you mind not delivering a lecture? I am asking you what you did. My Lords only want facts. I am asking if when you heard the

first shot you rushed to the spot where Poullis

was? A. No, I did not. Q. And you stood there motionless? A. Yes. Q. Did you realise when you heard the first shots that they were shots coming from a pistol? A. Yes, of course.

Q. Did you realise that somebody tried to kill somebody else? A. Well, I heard the first shot, I just wondered what was going on. Q. When you heard the second shot did you have any doubt?

A. The second shot followed the third one.

Q. No, the third one followed the second and then they stopped. Q. Thank you, we know that. Did you at any time think that these shots were fired for fun? A. After the second shot I realised ...

Q. That the shots meant business? A. Yes.

Q. What did you do then? A. Well, I was there looking. Q. Were you on duty there, special

duty? A. Yes. Q. Did you have on you a pistol? A. Yes. Q. Fully loaded? A. Yes.

Q. Very easy to use? A. I had it in my shirt and my buttons were buttoned, because I did not expect

In the
Assize Court
of Nicosia.

Prosecution
Evidence.

No. 6.

P.C. 999
Mehmet Ismail.

24th October,
1955.

Cross-
Examination -
continued.

In the
Assize Court
of Nicosia.

Prosecution
Evidence.

No. 6.

P.C. 999
Mehmet Ismail.
24th October,
1955.

Cross-
Examination -
continued.

... Q. You had a pistol and you had it in such a place that it was almost impossible for you to use it? A. That is not so. I must explain fully. Until some minutes before this thing happened we were prepared to face any danger.

CHIEF JUSTICE: He says his buttons were fastened up and he could not pull it out.

Cross-examination Contd. Q. When did you start proceeding towards the place from where the shots came? A. After the accused jumped from the pavement. Q. Before the accused jumped from there,

10

how far away were the other two men who started running, as you said, before the accused? A. I was following the accused, my attention was concentrated on the accused because I was sure that he was the murderer. I saw the pistol in his hand, I saw him firing and that is why.

Q. So you lost all interest in the other two persons who were close to the deceased? And were running. You did not care about them at all?

20

Did you see them running? A. I saw them running but I did not follow them, I was following the accused. Q. When the accused started running away did you follow him with your eyes? A. I followed him on foot, trying in the meantime to draw out my pistol.

Q. I did not ask you about your pistol. As soon as the accused jumped you started running after him? A. Yes.

Q. At the same time? A. Yes. Q. And you were facing that part of Ledra Street which leads towards the Courts Square? A. Yes.

30

Q. When you were running after him did you see at all the other two persons whom you saw close to Poullis running away towards the same direction or you did not see them at all? A. At the time they started to run I did but later I did not pay any attention to them, I do not know where they went. Q. How far were you away from the accused when he started running? A. At the start I was about 10 yards away.

40

Q. Were there any other persons between you and the accused when you started chasing him? A. Sometimes there were.

Q. At the time you started running were you the first? A. For about 15 yards there was nobody.

Q. And the people who were chasing the accused were chasing him on foot or riding bicycles at that time? A. Up to the corner leading to Kykko Avenue there was no one chasing the accused, only myself. There were people in the meantime in the street.

Q. So you were the only one chasing the accused up

50

to the corner of Kykko Avenue? That is to say where the Bank of Athens premises are? A. Yes.

Q. Were there many people at that time between the Bank of Athens and the Alhambra Hall? A. About 15 to 20.

Q. How many policemen were there when the three shots were fired? A. There were three or four policemen I suppose in the Women's Bazaar. About 20 yards away from there.

Q. How many were there in all? A. Also Chief Inspector Dafnides.

Q. Give numbers. A. About five or six.

Q. On duty? A. Yes.

Q. Were the reports loud which the three shots made? A. No, they were below normal.

Q. You know that Mr. Dafnides was near the telephone at the time? A. Yes.

Q. How far actually from you was he when he was ringing up the police? A. I saw him while he was going to the telephone I did not see him actually telephone at the time I started I do not know where he was. The telephone is about 40 to 50 yards from the place where I was standing - in my opinion, of course.

Q. Now, where you were standing there is a bus office? A. Yes.

Q. Was there a bus actually standing empty at the time? A. Yes, facing Serai Square.

Q. And it was between you and the Alhambra Hall? A. No, because we were at Bedevi's confectionery shop, and I was behind the car.

Q. Now, when the person you were chasing turned to the right and started following Kykko Avenue, after a few yards you borrowed a bicycle? A. Not quite a few yards. The Phaneromeni-Kykko cross-roads - it is about 100 yards.

Q. At the time you took the bicycle could you still see the person running away? A. Yes.

Q. And when you rode that bicycle how many yards ahead of you was that person whom you were chasing? A. At the time there were about 40 yards between us.

Q. And you lost sight of him after he roughly covered another 300 yards? A. No, 150 yards.

Q. And during all that time he was running on foot and you were chasing him on a bicycle? A. Until I mounted the bicycle I lost about 10 to 15 yards.

Q. For how long did you ride the bicycle? A. I rode it for about 100 to 150 yards.

Q. For how many years have you ridden a bicycle? A. I started riding a bicycle when I was 8 years old.

Q. I am sorry, I shall be rather indiscreet. How old are you? A. 27 years old.

Q. So for the last 19 years you have been riding a bicycle? A. Yes, that is right.

Q. Did that distance you have mentioned

In the
Assize Court
of Nicosia.

Prosecution
Evidence.

No. 6.

P.C. 999
Mehmet Ismail.

24th October,
1955.

Cross-
Examination -
continued.

In the
Assize Court
of Nicosia.

Prosecution
Evidence.

No. 6.

P.C. 999
Mehmet Ismail.

24th October,
1955.

Cross-
Examination -
continued.

as being the distance between the person running away and yourself diminish from the moment you started chasing him on a bicycle? A. No. I asked a boy for his bicycle and he at first refused to give it to me, therefore I lost time there. By the time I mounted the bicycle there were about 50 or 60 yards in between us. The road is not very straight, and when I tried to cover the distance between me and the accused the accused was running fast. The distance was further reduced by about 20 yards.

10

CHIEF JUSTICE: Q. You overtook him to the extent of 30 yards? A. 25 yards. Q. And when you lost sight of him how far was he from you? A. About 35 yards.

Cross-examination Contd. Q. At the time you lost sight of him was there anybody else between you and the person running away? A. The last time I noticed Derekoglou and a few other persons.

Q. So there were a number of people between the accused and yourself? A. Yes, that is so.

20

Q. Do you remember what the person you saw running on that day was wearing? A. He was wearing a light blue shirt and long dark trousers. Brown, dark colour.

Q. Was he wearing the same colour shirt during the identification parade or a different one? A. The same. Q. Just the same?

A. Yes. Q. What were the other persons wearing? A. I did not notice them, I cannot remember.

Q. So you cannot tell their Lordships to-day what colour shirt any of the other persons at the identification parade were wearing on that day?

30

A. They were wearing different colours.

Q. Was the accused during the identification parade shaved or unshaved? Do you remember? A. He was shaved and he had a thin moustache.

Q. During the Preliminary Enquiry did he have a moustache or not? A. He had a thin moustache as far as I remember. Q. You are certain of that?

A. Yes. Q. Did you actually see how the 2nd and 3rd shots were fired against the late Poullis?

40

A. Yes. Q. How? Demonstrate. A. The accused was standing in this way: (Witness demonstrates, holding his arms crossed). The accused was turned half right, his body was turned half right and he was facing the street at Poullis back. From the place where I was standing I could not see the pistol but I saw the smoke of the gun coming out from under his armpit. Q. So you did not see

the pistol actually being fired? A. While firing I did not see the pistol, I saw the smoke. He was in such a position I could not see the pistol.

Q. What were the other two persons doing when that person was firing his pistol? A. They were standing. Q. Doing nothing? A. I did not see them.

I was looking straight at the accused because the smoke was coming from his armpit and he was firing his pistol. Q. So you do not know what the

10 other persons were doing there? A. As far as I remember they were standing there, I do not know whether they were doing something or not, but 100 per cent they were not holding any revolvers in their hands at the time. Q. Who mentioned the word revolver to you? What were they doing?.

Re-examination by DENKTASH:

Q. At the time of the identification you said accused had a thin moustache, did he have a thin moustache on the day he was running, or not?

20 A. He had a thin moustache.

CHRYSSAFINIS: Is it possible for one advocate's clerk to be allowed to come to Court? Will Your Lordships give directions? We are six advocates and it is difficult for us.

CHIEF JUSTICE: Most certainly, we will see the Security Officer.

The Court rose at 4.15 and adjourned to 9.30 on the following day.

In the
Assize Court
of Nicosia.

Prosecution
Evidence.

No. 6.

P.C. 999
Mehmet Ismail.

24th October,
1955.

Cross-
Examination -
continued.

Re-
examination.

No. 7.

No. 7.

30

EVIDENCE OF CHRISTODOULOS MICHAEL

Christodoulos
Michael.

5. CHRISTODOULOS MICHAEL, Sworn on the bible states in Greek.

25th October,
1955.

Q. What is your full name? A. Christodoulos Michael. Q. You live in Nicosia? A. Yes.

Q. What is your work? A. Mechanic.

Examination.

Q. Are you a member of the Old Trade Unions?

A. Yes. Q. On the 28th August, 1955 did you attend a meeting at the Alhambra Hall? A. Yes.

Q. Can you tell the Court what was the purpose of that meeting? A. Yes, it was on the occasion of

In the
Assize Court
of Nicosia.

Prosecution
Evidence.

No. 7.

Christodoulos
Michael.

25th October,
1955.

Examination -
continued.

a general strike protesting against the Cyprus question being struck off the agenda of the United Nations. Q. At about what time did that meeting start? A. At about 9 or 9.30 a.m.

Q. And at what time did it finish? A. 11.45 a.m.

Q. And when the meeting finished what did you do? A. I took my bicycle with a view to going home.

Q. Which direction did you follow, did you go up Ledra Street or did you go down? A. Down Ledra Street. Q. Will you tell us what happened? 10

A. While coming down Ledra Street I turned where the Bank of Athens is on the left hand side of the road and as soon as I turned to the left I heard shots. Q. How many? A. Three.

Q. What did you do? A. As soon as I heard the shots I came down from my bicycle, turned back and came towards Ledra Street again. Q. What did you see? A. I saw someone taking a bicycle from the pavement near Lefkaritis Motor Car Office.

COURT: Lefkaritis office as you are looking up the street is on the right? A. Yes. 20

Examination Contd. Q. Did he take the bicycle from the same side as Lefkaritis Office? A. Yes.

Q. Did you actually see him taking the bicycle or after he took the bicycle? A. I saw him as soon as he took his bicycle and he was about to ride it. Q. As soon as he took the bicycle what did he do with it? A. I saw him putting something in his shirt but I did not see what it was.

Q. And when you saw him was that the first moment that you saw him? A. Yes. 30

Q. Where was he in relation to the pavement you mentioned? Was he in the middle of the road, near the pavement or where? A. Near the pavement. Q. You know the KEO show rooms at the corner on the left hand side. A. Yes.

Q. In relation to that shop where about was this man? A. A little bit upwards, towards Metaxas Square. Q. As he was putting this thing in his shirt was he stationary or moving? A. He was moving. 40

He took his bicycle and started moving.

COURT: Did he mount or not? A. He did mount it.

Examination Contd. Q. As he was putting it or after he put it in his shirt? A. After he put that thing into his bosom he rode his bicycle.

Q. Which direction did he take? A. Towards me.

Q. What happened then? A. I realized at the moment that that fellow must have been the man who fired the shots. Q. And what did you do?

A. I obstructed him with my bicycle.

In the
Assize Court
of Nicosia.

Prosecution
Evidence.

No. 7.

Christodoulos
Michael.

25th October,
1955.

Examination -
continued.

Q. How? A. I placed my bicycle in front of his bicycle and he collided with my bicycle and both bicycles fell down. Q. What did he do?
A. That man turned to the right and started running.
Q. That is the second road which opens into Ledra Street after Alhambra? A. Yes. Q. What did you do? A. Both bicycles were left where they fell and I went after him. Q. Was anybody else running after him? A. Yes. Q. What happened then?
10 A. After I ran for about a donum after him and chasing him he suddenly stopped and pointed a pistol at me. Q. Then? A. Then I took cover in a corner which was protected by the projection of a wall. Q. Then? A. Then the man I was chasing continued his flight and I continued running after him again. Q. For a short distance or long distance? A. Having passed the cross roads we almost came near the KEO main offices.
Q. Were there any other people running after him?
20 A. Yes, a few. Q. And then you came back?
A. Yes, that man I was chasing turned into a side street and I turned back. Q. On the left hand side or on the right hand side? A. Left hand side.
Q. How far away from him were you at the time?
A. About 30 to 40 feet. Q. How long is this room? A. (Witness indicates the last bench of the Court where the public sits and says:) "From where I stand up to there".
Q. And you came back? A. Yes.
30 Q. Did you find your bicycle at the place where you left it? A. No. Q. Was the second bicycle there? A. No. Q. And later that date did you pick your bicycle from the police? A. Yes I did. I took it from the police station. From the Divisional Police Headquarters.
Q. Could you recognise that man who was running?
A. No. Q. But you gave a description to the police? A. I gave a description in my statement approximately because I was not present.
40 Q. Will you please give the same description to the Court now? A. Yes. He was a man of about my height ... Q. What is your height? A. 5'7½".
I did not pay attention to the trousers that he was wearing, he was wearing a shirt of light colour rather whitish. Q. Was he running well?
A. Yes. I described his age as 25.
Q. Later you pointed out to the L.R.O. the place where you collided? A. Yes.
Q. And also the place where he turned and pointed
50 the pistol at you? A. Yes.

In the
Assize Court
of Nicosia.

Prosecution
Evidence.

No. 7.

Christodoulos
Michael.

25th October,
1955.

Examination -
continued.

COURT: Can you read a map? A. No.

(Mr. Denktash explains to him several points on the map)

Q. Kykko Avenue goes towards the KEO principal offices? A. Yes.

Point 7 was the point of collision.

Q. And where did the man turn? A. Between point 7 and point 8.

Q. The place where the man pointed the pistol at you was it nearer the junction of Ledra Street or the junction of Phaneromeni?

A. Nearer to the Ledra Street.

Mr. DENKTASH: Only a question through Your Lordships. At the time he heard the shots did he think that any Trade Union member was killed?

COURT: No. But I would not mind asking him if he had any particular reason in trying to stop this man?

Witness: The only special reason is that I thought that he must have shot somebody at the meeting.

Cross-
Examination.

Cross-examination by Mr. CLERIDES:

Q. When the three shots were fired you were just off Ledra Street and immediately you came back?

A. Yes. Q. How far was the person you saw picking up his bicycle from you? What was the distance between you and the person picking up the bicycle?

A. About a donum and a half. The distance was about 120 feet.

COURT: How many feet are there in a donum?

A. If I am not mistaken 120 feet.

Q. Could you show us from here and point out a place out of the Court in order to show us the distance? A. From the place where I stand to the Post Office building.

Q. You stood there still with the intention of intercepting him by placing something to stop him?

A. Yes. Q. And therefore you were watching him carefully all along coming dead straight towards you? A. Yes.

Q. Now take a good look at the accused? A. Yes. Q. Is that the man who was coming at you on that day? A. No, he is not the one.

COURT: You are quite sure that he is not?

A. I am not sure but I do not know, I cannot say if accused is the man I saw.

Q. You also saw him again clearly when he pointed

10

20

30

40

the revolver at you? A. Yes, but I was upset at the time and cannot say that I saw clearly his face. Q. Were you upset before he pointed out the revolver to you? A. Yes, of course on account of the collision. Q. When he collided with you both of you fell down on the ground? A. Neither of us fell on the ground. Q. So he collided with you and he was still on the bicycle? How long did he stop there when you collided approximately? A. Hardly a second. Q. Do you remember the identification parade? Were you take at the identification parade that was held at the police station? A. Yes. Q. Was this person in the parade? A. I do not remember if he was. Q. You could not pick out anybody in that parade? A. No. Q. How many people were in the parade? A. I think 9. Q. And you looked at each one closely? A. Yes. Q. You cannot say that you saw the man in the dock on that occasion? A. No.

10

20

COURT: How many times can you see a person before you recognise him again? A. I cannot recognise a person on seeing him once. I must get into contact with him for some time. Q. For how long? A. Even for an hour but I must be in his company and speak to him.

Re-examination: Nil.

COURT: Have you got your bicycle? A. Yes. It is outside.

30

COURT: The point is that this man has given a very extraordinary account of his inability to recognise the man that he was chasing and we want to ascertain at least one fact, that is, that he was riding his bicycle on that day and he collided with that man and that the police picked up his bicycle.

MR. DENKTASH: Of course there has been no challenge

40

COURT: A man who takes an hour before he can recognise anybody is giving evidence which he cannot be believed. Whether he is blinded by political prejudice or whether it is really extraordinary lack of observation I do not know.

(N.B. Bicycle brought in Court)

Q. Is that your bicycle which collided on that day?

In the Assize Court of Nicosia.

Prosecution Evidence.

No. 7.

Christodoulos Michael.

25th October, 1955.

Cross-Examination - continued.

Re-examination.

In the
Assize Court
of Nicosia.

Prosecution
Evidence.

No. 7.
Christodoulos
Michael.
25th October,
1955.

Cross-
Examination -
continued.

A. Yes.
Q. And which you took later from the police sta-
tion? A. Yes.
Q. You produce it to the Court? A. Yes.

(Put in and marked Exhibit No.2 (C.M.)

Q. Has it sustained any damage from the collision?
A. No..
Q. Nothing at all? A. No.
Q. The dynamo was not broken? A. No.

No. 8.

Mehmed Nazim.
25th October,
1955.
Examination.

No. 8.

10

EVIDENCE OF MEHMED NAZIM

6. MEHMED NAZIM, Sworn on the Koran states in Tur-
kish:

Q. What is your full name? A. Mehmed Nazim, P.C.
27. Q. You are stationed at Larnaca Road
Police Station? A. Yes.
Q. On the 28th August, 1955, were you on duty at
Alhambra Hall? A. Yes.
Q. What happened as you were leaving the meeting
that morning? A. I was just coming out of the
hall of Alhambra which leads into Ledra Street and
I heard three reports. Q. What reports were
they? A. They looked like pistol shots. Immedi-
ately I came out and as soon as I came out I saw
late P.C. Poullis walk two or three paces on the
pavement, stagger and then fall down on the pave-
ment. Q. Then? A. I noticed that blood was
coming out of his mouth and nose. I realized that
he was shot and I noticed that the attention of
the crowd was directed down Ledra Street. I blew
my whistle and started walking towards the same
direction. Q. Did you see anybody near the
C.T.C. First of all the C.T.C. is next to the Bank
of Athens? A. Yes. There is no other shop in be-
tween them. They are adjoining each other. There
at the cross road I saw two cyclists almost side
by side and then I saw about 10 or 12 people going

20

30

there. The clash of bicycles took place near the Bank of Athens. Q. Then? A. Both bicycles fell one on top of the other and these people started running. They were running towards Kykko Avenue. I went up to the bicycles and I took one and went to that direction.

Q. Which direction? A. Towards Kykko Avenue on the right hand side. I saw 5 - 6 people walking and among those P.C.999 running with a pistol in his hand. Q. What did you do? A. I picked up

10

one of these bicycles, rode it and started running after them. Then I heard somebody saying "I am also a policeman" and he picked up the other bicycle. He was in mufti. Then I mounted the bicycle and started following P.C.999. I went up to the cross road but could not see P.C.999.

Q. The cross road you mention is that at Phaneromeni Avenue? A. Yes. Q. And you came back?

20

A. Yes, I returned to the same spot where the bicycles clashed before. There I noticed some pieces of broken glass. I noticed that the glass of the dynamo of the bicycle which I mounted was broken.

Q. And later you went to the Police Station?

A. Yes. Q. The bicycle which you brought to the Police Station on that day is now in Court?

A. Yes. Q. Will you identify it to the Court?

A. Yes. Q. You took the number of that bicycle?

A. Yes. Q. Will you also have a look at the dynamo? A. Yes, it is broken.

30

(Put in and marked Exhibit No.3 (M.N.))

Q. What is the registration No.? A. B.O.46965.

Cross-examination by Mr. CHRYSAPINIS:

Q. You have seen clearly P.C.999 holding his pistol and chasing as you say the persons who were running in Kykko Avenue? A. Yes.

Q. And you also saw clearly that the two cyclists who collided with each other were both riding a bicycle at the time of the collision? A. Yes.

40

Q. And they collided because the bicycle of the one who was going down Ledra Street touched the bicycle of the one who was near the cross-road?

A. Yes. Q. Both of them were riding in the same direction? A. Yes.

Q. And they collided because the second cyclist who was following the first approached him

A. When I first saw the cyclists they were near the C.T.C. office and the cyclists were 5 - 6 paces away from there.

In the
Assize Court
of Nicosia.

Prosecution
Evidence.

No. 8.

Mehmed Nazim.

25th October,
1955.

Examination -
continued.

Cross-
Examination.

In the
Assize Court
of Nicosia.

Prosecution
Evidence.

No. 8.

Mehmed Nazim.
25th October,
1955,

Cross-
Examination -
continued.

COURT: The cyclists that collided were one proceeding after the other?

A. I noticed the clash near the Bank of Athens and it is possible that the clash could have been with another bicycle that was also going down.

Q. But you have actually seen the clash?

A. The clash took place exactly near the Bank of Athens.

Q. You have actually seen the clash?

A. Yes, and both of them fell down.

Re-examination: Nil.

10

No. 9.

No. 9.

Inspector
Theocharis
Dafnides.

25th October,
1955.

Examination.

EVIDENCE OF INSPECTOR THEOCHARIS DAFNIDES

7. INSPECTOR THEOCHARIS DAFNIDES, Sworn on the bible states in English:

Q. You are stationed at Nicosia? A. Yes.

Q. On the 28th August, 1955, you were on duty at Alhambra Hall? A. Yes.

Q. When the crowd started to disperse where were you? A. I was outside Alhambra and went to the street telephone to give a message to the police station about the dispersing of the people.

Q. What time was it? A. 12.10.

Q. How far is this police telephone from the entrance of the Alhambra Hall? A. 50 - 60 yards.

Q. Further up towards the Metaxas Square? A. Yes.

Q. You were telephoning what happened?

A. While I was conversing on the telephone I heard three noises. Q. What sort of noise?

A. I suspected that they were the noises made by the exhaust of a motor cycle.

Q. And you continued your talk? A. Yes.

Q. For how many minutes? A. Two minutes.

Q. Then what did you do? A. I saw people running towards Alhambra and I suspected that something wrong did take place and I went also there. When I arrived there just outside Loizides shop I saw Poullis lying on the pavement outside the shop of Loizides. Q. Loizides shop is next to Alhambra Hall? A. Yes.

Q. Perhaps you will find this on the map?

20

30

A. It is point 2.
His face was downwards and I saw blood on his face.

COURT: Did you say Loizides' shop? A. Yes.

Q. Point 1 is actually the entrance to the Women's market? A. Yes. Q. And the shop as you face that entrance on the left, immediately on the left, is Michaelides' shop? A. Yes, My Lord. It is Michaelides' shop. I am sorry I made a mistake. The face of the deceased was downwards. I spoke to him but I got no reply.

10 Q. Was he dead? A. Yes, he was dead. I saw that his revolver was on the right side of his pocket. Half outside his pocket and I took it.

Q. You had him sent to the hospital? A. Yes.

Q. At the time you arrived there was there a crowd?

A. Yes.

Q. Did you send that crowd away?

A. Yes.

In the
Assize Court
of Nicosia.

Prosecution
Evidence.

No. 9.

Inspector
Theocharis
Dafnides.

25th October,
1955.

Examination -
continued.

Cross-examination by MR. PAVLIDES:

Q. This telephone is near Kaneklides' shop? A. Yes.

20 Q. Is it in a box or a telephone in the street. Did you go to a box with a closed door? A. It is a small box on the wall. It is only a box holding the instrument. A. You said that you saw Poullis there in a prone position and you took his revolver?

A. Yes. Q. Is this photograph which was published in the issue of the newspaper ETENOS on the 30th August yourself just depicting the scene?

A. Yes. Q. It is just on the point after you had taken the revolver and there is there a boy whom you appear to be pushing and he is standing in this position? A. I was pushing the crowd back. There were many people there not only the boy.

30 Q. But this particular photograph

A. I do not know whether he is a boy or man.

Q. Will you produce that? A. Yes.

(Put in and marked Exhibit No.4 (Th.D.)

Q. Did the police try to find out who that person was? Did you find out the name of the boy?

A. No, I did not. I made inquiries myself but not specially for this boy. Q. You know that at the entrance of the women's bazaar just a few steps away from the place where Poullis was found prone is a kiosk of somebody selling newspapers? A. Yes.

40 Q. You know the name of that man? He is a certain Haritonides? A. Yes.

Q. Did you see him in the kiosk on that day? A. I do not remember.

Cross-
Examination.

In the
Assize Court
of Nicosia.

Q. Do you know whether the Police have tried to question him whether he was there and whether he saw anything? A. I do not know.

Prosecution
Evidence.

Re-Examination: Nil.

No. 9.
Inspector
Theocharis
Dafnides.
25th October,
1955.

COURT: Who is in charge of the police inquiries into this case? A. Inspector Kaminarides of the C.I.D.

Cross-
Examination -
continued.

No.10.

No.10.

P.C.1117
Panayiotis
Papagregoriou.

EVIDENCE OF P.C.1117 PANAYIOTIS PAPAGREGORIOU

25th October,
1955.

8. P.C.1117 PANAYIOTIS PAPAGREGORIOU, Sworn on the bible states in English: 10

Examination.

Q. What is your full name? A. Panayiotis Papagregoriou.

Q. And you are stationed at Ayios Dhometios? A. Yes.

Q. On the 28th August, 1955 were you on duty near the Alhambra Hall? A. Yes.

Q. And after the shooting of P.C. Poullis on the instructions of Inspector Dafnides did you remove him to the hospital? A. Yes.

Q. Was he alive or did he die on the way? 20

A. He was already dead. Q. And did Dr.Liassides examine him in your presence? A. Yes.

Q. And did Dr. Liassides give you anything?

A. Yes, he delivered to me a bullet.

Q. To whom did you deliver that bullet?

A. Inspector Kaminarides of the C.I.D.

Q. Was it similar to that? A. Yes.

(Bullet put in and marked B for identification)

Cross-examination: Nil.

No. 11.

EVIDENCE OF DR. HARALAMBOS LIASSIDES.

9. DR. HARALAMBOS LIASSIDES, Sworn on the bible states in English:

Q. What is your full name? A. Haralambos Efthyvoulou Liassides. Q. You are a medical officer stationed at Nicosia General Hospital? A. Yes.
 Q. On the 28th August 1955 did the previous witness bring to you a dead body? A. Yes.
 10 Q. Identified to you by whom? A. He was identified to me as P.C. Poullis. Q. He was dead? A. Yes. I pulled up the shirt of the deceased and a loose bullet fell in my hand.
 Q. And you delivered that bullet to the previous witness? A. I sealed it in an envelope and delivered it to the previous witness.
 Q. Is it similar to this one? A. Yes.
 Q. You saw the wounds on the dead policeman but you did not examine him? A. No.

20 (Bullet put in and marked EXHIBIT No.5).

Cross-examination: Nil.

In the
Assize Court
of Nicosia.

Prosecution
Evidence.

No. 11.

Dr. Haralambos
Liassides.

25th October,
1955.

Examination.

No. 12.

EVIDENCE OF KYRIACOS PILAKOUTA

10. KYRIACOS PILAKOUTA, Sworn on the bible states in Greek:

Q. What is your name? A. Kyriacos Pilakoutas.
 Q. Of Nicosia? A. Yes. Q. You are a partner of the firm Ouzounian & Co. Ltd. Nicosia? A. Yes.
 Q. Do you import bicycles? A. Yes.
 30 Q. What make? A. Raleigh and Humber.
 Q. Regarding bicycle No. Bo43965 will you check your register and tell the Court to whom that bicycle was sold? A. According to the books of the firm this bicycle was sold to a certain Michalakis Savva on the 10th February, 1953.
 Q. And is described as what? A. Student of the English School. Q. And did any one enter as guarantor for him? A. Yes, a certain Damianos Kamenos.
 40 Q. And it was on a hire purchase agreement? A. Yes. Q. When it was finally

No. 12.

Kyriacos
Pilakouta.

25th October,
1955.

Examination.

In the
Assize Court
of Nicosia.

Prosecution
Evidence.

No.12.

Kyriacos
Pilakouta.

25th October,
1955.

Examination -
continued.

settled? A. On the 23rd December of the same
year, 1953. Q. You cannot identify this Mich-
alakis Savva or his guarantor? A. No.
Q. It is a Raleigh bicycle? A. Yes.
Q. Is the colour mentioned? A. Yes, black.
Q. Will you have a look at the bicycle there?
A. Yes. It is the same number (Witness looks at
Exhibit 3).
Q. And it is a Raleigh bicycle? A. Yes.
Q. And two Raleigh bicycles cannot have the same
number? A. I cannot say that. We import thou-
sands of bicycles. We have been importing bicycles
for many years. Q. Have you got the height
of the bicycle registered? A. Yes, it is 22"
bicycle. Q. For how many years have you been
in this business? A. Since 1940.
Q. Have you come across two identical numbers in
respect of the same make of bicycles? A. I do
not pay attention to the numbers and I did not find.

Cross-Examination: Nil.

10

20

No.13.

Theofanis
G. Ionides.

25th October,
1955.

Examination.

No.13.

EVIDENCE OF THEOFANIS G. IONIDES

11. THEOFANIS G. IONIDES, Sworn on the bible
states in English:

Q. What is your full name? A. Theofanis George
Ionides. Q. You are the Assistant Controller
of Inland Revenue? A. Yes.
Q. You are stationed in Nicosia? A. Yes.
Q. Your offices are in the area compound? A. Yes.
Q. Do you know accused? A. I do.
Q. Was he a member of your staff? A. He was.
Q. You have his personal papers with you?
A. Yes, I have. Q. When was he first appointed?
A. On the 17th July, 1953 as Clerical Assistant
Class 6. Q. And until when did he work with
you? A. Until he was arrested.
Q. When was the last day that he was on duty?
A. 27th August, 1955. Q. That is Saturday?
A. Yes. Q. On the 29th August did he come to
the office? A. No. Q. Did he obtain leave for
that day? A. It does not appear in his leave
paper.

30

40

Q. Did he make his appearance at all after that day? A. No. Q. When was his summer leave taken? A. On the 18th July, 1955 to the 16th August, 1955. Q. Where does he come from? Is it shown in his papers? A. From Palekhori Orinis. Q. Was he a good clerk? A. Yes, he was a very good officer.

Cross-examination: Nil.

In the
Assize Court
of Nicosia.

Prosecution
Evidence.

No.13.

Theofanis
G. Ionides,
25th October,
1955.

Examination -
continued.

No.14.

No.14.

10

EVIDENCE OF DR. PETER ALFONSO CLEARKIN

12. DR. PETER ALFONSO CLEARKIN, Sworn states in English:

Q. You are a Government Pathologist? A. Yes.
Q. On the 29th August, 1955 in the morning did you carry out a post mortem examination on a body?
A. Yes, at 8.30 on the 29th August, 1955.
Q. Was that body identified to you by any person?
A. Yes, it was identified to me by P.C. 193 C. Decatris. Q. And he identified it as the body of P.C.195? A. Yes, Herodotos Poullis.
20 Q. And this was in the mortuary of the General Hospital? A. Yes. Q. What did you find on the body? A. There were six wounds on the body.
Q. Six wounds, three entry and three exit wounds?
A. Yes. Q. Resembling? A. Wounds made by a bullet of .38 calibre. Q. Will you describe the wounds? A. Yes. There was an entry wound on the tip of the right shoulder which made an exit on the right side of the chest. Q. What does this imply? A. That the bullet may have changed its
30 course after striking the bone.
There was an entry wound on the outer side of the right arm and had an exit wound on the inner side of the right upper arm. There was an entry wound on the right side of the chest just above the exit wound already described. The passage of that bullet was through the heart and lung and passed out on the left side of the chest just above the left nipple.

Dr. Peter
Alfonso
Clearkin.

25th October,
1955.

Examination.

In the
Assize Court
of Nicosia.

Prosecution
Evidence.

No.14.
Dr. Peter
Alfonso
Clearkin.
25th October,
1955.

Examination -
continued.

Cross-
Examination.

Q. Did you find anything in the body? A. A fragment of cupro-nickle casing of a bullet in the triceps muscle on the right arm impacted on the bone. Q. You gave it to whom? A. I gave the fragment of the bullet to P.S. Agapios.

Q. Is that the fragment? A. Yes, this appears to be the fragment. Q. Will you produce it?

A. Yes. (Put in and marked EXHIBIT 6 (CC)).

Q. What was the cause of death? A. Shock and haemorrhage resulting from the wounds described. 10

Q. One which passed from the body was fatal?

A. The wound which seemed to be almost immediately fatal was the one that traversed the body through the heart.

Cross-Examination by Mr. CLERIDES:

Q. You examined the wounds and they were clear bullet wounds? A. Yes, they were clean bullet wounds. They were not recochet.

Q. No scorching? A. He was wearing clothing and there was no scorching. Q. If a man wears a 20

thin shirt and there is no blackening on the shirt or clothes and then there must be blackening on the skin? A. Well it depends on the distance.

First of all the distance and secondly the nature of the explosive. Q. Was there any blackening?

A. No, not on the body. Q. You saw the shirt of the accused? A. No, it was not submitted to me as an exhibit. Q. Can you from this wound 30

infer as to the distance they were fired from? A. No. Q. Did you examine whether there was any gun powder on the deceased? A. No. I did not see any appearance of burning or scorching on the wounds.

Q. Assuming that the deceased was shot within a close range would you expect to find scorching or tattooing? A. Will you please define the close range. Q. Six feet? A. No,

if smokeless powder was used. However, that is a matter for another expert, I am a doctor.

(The shirt of the deceased is handed to the witness)

Q. Is this the shirt. Will you please have a look at it to see if there is tattooing or scorching? 40

A. From a superficial examination My Lords there looks to be a little blackening but it is so obscure by blood that it requires clinical test to say this or not. Your opinion is as good as mine.

(Shirt marked 'B' for identification)

(Another spot on the shirt shown to the witness)

Witness: My Lords there is a clear zone of blackening around the whole on the top of the shoulder which has not been obscured by blood.

(Witness shown a photograph by Defence Counsel)

Q. Do you agree with the way I have marked the entrance and exit of wound No.1? A. Yes.

10 Q. Will you actually do it on the Court's photograph? A. Yes.

(Photograph marked 'C' for identification)

Q. Did you actually trace internally the direction of this wound? A. Yes.

Q. And you found that there was no indication that the bullet had struck any solid object? A. Yes, it had struck the bone on the shoulder. It may have been fired when the deceased was bending or the bullet might have been deflected by the bone.

Re-examination: Nil.

In the
Assize Court
of Nicosia.

Prosecution
Evidence.

No.14.

Dr. Peter
Alfonso
Clearkin.

25th October,
1955.

Cross-
Examination -
continued.

20

No.15.

No.15.

EVIDENCE OF DAMIANOS MICHAEL KAMENOS.

15. DAMIANOS MICHAEL KAMENOS, Sworn on the bible states in Greek:

Q. What is your full name? A. Damianos Michael Kamenos. Q. Where do you live? A. Nicosia.

Q. What road? A. No. 6 Kathmos Street.

Q. Do you know the accused? A. Yes.

Q. Are you related to him in any way? A. Yes, I am his uncle. Q. In other words? A. He

30

is the son of my sister.

Q. Did the accused attend the English School?

A. Yes. Q. And from that time did he stay with you? A. Yes. Q. And after he finished the

school where did he go to stay? A. Strovolos.

Q. What is your work? A. Grocer.

Q. At the address you gave? A. Yes.

Q. Was that address of your house changed later?

A. Yes, the number of the house changed.

Q. Before it was what? A. It was number 4.

Damianos Michael
Kamenos.

25th October,
1955.

Examination.

In the
Assize Court
of Nicosia.

Prosecution
Evidence.

No.15.

Damianos Michael
Kamenos.

25th October,
1955.

Examination -
continued.

Cross-
Examination.

Q. Did the accused buy any bicycle from Ouzounian to your knowledge. A. Yes.

Q. And did you enter as guarantor for him? A. Yes.

Q. What colour of bicycle was it? A. Black.

Q. And can you identify that bicycle? A. No.

Q. You have been seeing the accused? A. Yes.

Q. How often? A. Two or three times a week, even more than that.

Q. He used to come to your house? A. Yes. Q. On his bicycle?

A. Sometimes yes and sometimes on the bicycle of his sister. 10

Cross-examination by CLERIDES:

Q. You remember the 28th day of August it was a Sunday and there was a strike in protest on the Cyprus question? A. Yes, there was a protest meeting of the old Trade Unions.

Q. Where were you on that day? A. At home.

Q. Alone? A. With my family.

Q. Did you on that day see the accused at all?

A. Yes. Q. At what time did you see him? 20

A. At 10.45 when he came to my house in the morning.

Q. Did you notice whether he came on foot?

A. I did not notice. Q. Did he stay in your house for any particular time? A. Yes.

Q. Up to what time? A. Till 1.30 p.m.

Q. Did you stay in the house or did you go out for a walk or what you were doing that morning?

A. I was at home. Q. What were you doing when accused came? A. When the accused came we all sat at the wireless and listening to the music. 30

Q. Till what time did you listen to the radio?

A. Till 11.50. Q. Why did you stop listening to the radio that particular time? A. At the moment it was stated that "the time is 11.50 and we continue the programme with ..." and the current failed and the radio stopped.

Q. What did you do then? A. We went out into the yard under the shade.

Q. Is your house an isolated house or is it near a garden? A. There are other houses and gardens around. It is not an isolated house. 40

Q. Did you notice while sitting in the garden any other people in the nearby gardens?

A. Yes, in my own yard.

Q. Who were they? A. A certain Christofis Cherkezos.

Q. And there were others as well?

A. Yes. Q. Who are the others? A. Haralambos Cherkezos and my two daughters.

Q. What are the names of your daughters?

A. Lenia and Maro. Q. This Christo Cherkezos and Haralambos Cherkezos are neighbours of yours?

A. They have rented premises in my own yard.

Q. Is the house that Cherkezos - Charalambos and Christofis - live one with your own house or a separate house? A. It is a separate house.

10 COURT: And adjoins your house? A. Yes.

Q. Did you let it out to them? A. Yes.

Q. The two daughters live with you? A. Yes.

Q. Did any one else come and see you while you were in your garden? A. Yes. Q. Who was he?

A. Phedias Christodoulou. Q. Did a certain Arghyros Palis come to see you that morning?

A. He lives in my house. Q. Is he an employee of yours? A. Yes.

Q. Did he come there that morning? A. Yes. Q. Do you know if he came

20 to town that morning? A. Yes.

Q. And did he say something about the murder which took place in Nicosia? A. Yes, as soon as he came in. Q. Where was the accused when he told

you? A. He was with us. Q. Did the accused from the time he came to the house leave the house at all? A. No. Q. When did Phedias Christo-

doulou come in? A. It must have been about one o'clock. Q. Did he come before Arghyros or

30 after? A. Almost simultaneously. Arghyros entered first followed by Phedias. I am sorry Arghyros must have come 10 minutes before Phedias.

Q. What did Phedias want? A. As soon as he came he took the accused aside and wanted him for something. Q. He called the accused aside and had

a conversation with him? A. Yes. Q. Did you hear what he said? A. No, I did not.

Q. What did the accused do after this conversation?

A. He came up to us and said to us, "Do not wait for me for lunch I am going out as I have some

40 business". Q. At the time you were in the garden when this happened? A. Yes.

Q. Did you see accused leaving on foot or by bicycle? A. I saw him leaving pushing the bicycle which he took from the yard.

Q. Was it his own bicycle that bicycle you see in Court (Exhibit 3) A. No.

Q. What kind of a bicycle was it? A. A Lady's bicycle.

In the
Assize Court
of Nicosia.

Prosecution
Evidence.

No.15.

Damianos Michael
Kamenos.

25th October,
1955.

Cross-
Examination -
continued.

In the
Assize Court
of Nicosia.

Prosecution
Evidence.

No.15.

Damianos Michael
Kamenos..

25th October,
1955.

Re-
Examination.

Re-Examination:

Q. Whose bicycle was that? A. His sister's bicycle. Q. Where was his sister? A. She was not in Nicosia. She was away.

Q. When did you hear about the murder of Poullis? A. About 12.45 or 1 p.m. Q. On that day? A. Yes. Q. From Arghyros? A. Yes.

Q. Will you tell the Court what Arghyros exactly told you? A. As soon as he came in he said "Did you hear the news. They have shot a policeman at Alhambra." Q. Anything else? A. Nothing else.

Q. Did he tell you that it was Poullis that was shot? A. No. Q. Did he tell you that he was there and saw the shooting? A. No. He said that he was down there but he neither saw nor hear who the policeman was who had been shot.

Q. Did he tell you anything else about the incident? A. No. Q. Did you ask him anything else? Nobody asked him anything else? A. I did not pay attention. Q. What time was it? A. It must have been 12.45. Q. Did he come on bicycle or on foot? A. I did not notice.

Q. Has he got a bicycle? A. Yes.

Q. How far is your house from Alhambra Hall? A. About $\frac{3}{4}$ of a mile. Q. Where is Kathomos Street? A. Near the Acropole Hotel.

Q. How was it that accused came to your house? A. He comes often to our house.

Q. You say that he came at 10.45? A. Yes.

Q. Was he wearing a jacket or shirt? A. Shirt.

Q. What colour? A. Light colour, open white shirt.

Q. Short sleeves or long sleeves? A. I do not remember. Q. What sort of trousers if you remember? A. I do not remember.

Q. At the time he came were you sitting in the room or in the yard? A. In the room.

Q. What room? A. The dining room, where the wireless is. Q. Who were with you? A. My family, my wife and three children.

Q. Anybody else? A. No. Q. And how long after he came the current stopped? A. About an hour later. Q. And until that time anybody else arrived? A. No. Q. Then you went into the yard? A. Yes. Q. Did these two Cherkezos come and join you there? A. Yes, actually we sat outside their house. Q. You went up to them? A. Yes, because up to the place where we went there was shade. Q. Your wife and two children? A. Yes. Q. And who was cooking the food at home? A. It was a Sunday and usually we send it to the

10

20

30

40

50

oven at the Bakery. On that day we sent it to the bakery. Q. Can you tell the Court what you were doing until one o'clock when the other one arrived?

A. We were following the accused playing with Cherkezos son, Charalambos Cherkezos.

Q. What were they playing? A. Dama.

Q. And you were not speaking? A. No, we were watching.

Q. When Arghyros came did he come and stay with you? A. As soon as he came in he told us what happened.

Q. Did he sit with you or went away? A. I do not remember he must have gone with my other employees. I have a separate room where my employees live.

Q. And this Arghyros is one of your employees?

A. Yes. Q. You do not remember whether he stayed with you or whether he went away? Was Pheđias Christodoulou there when Arghyros told you this?

A. No. Q. Who is Pheđias? A. He is married to the accused's sister.

Q. When Pheđias had a talk with accused you said that you did not listen? A. No.

Q. Did the demeanour of the accused change, did he look excited or worried? A. He looked rather excited.

Q. Did you ask him what was the matter with him? A. No I did not. Q. He left? A. Yes.

Q. And you did not see him afterwards? A. No.

Q. When did you hear that the police connected him with this murder? A. On the following day.

Q. From whom did you hear that? A. Inspector Kaminarides accompanied by Loukis Kyriacou and another policeman came to my house and told me about this.

Q. That was on the 29th? A. Yes.

Q. At what time? A. In the afternoon.

Q. About what time in the afternoon? A. Late in the afternoon at about 5.

Q. And made inquiries about the accused? A. Yes.

Q. What did you tell them? A. They asked me whether he had been to my house the previous day and told them that he had been to our house and asked me about the time and I told them.

Q. What did you tell them? A. That he came at 11 and stayed till 1.30 p.m. and then left and went away. Q. Did you know at what time the murder was committed? A. Yes.

Q. What was the time? A. It must have been 12.45 when my employee came.

Q. Did Arghyros tell you the time when the murder took place? A. No, he did not.

Q. Did you understand that it was shortly before he came? A. I did not ask him at all.

Q. Did you come to know when the accused was arrested? A. I heard about it on Monday following the

In the
Assize Court
of Nicosia.

Prosecution
Evidence.

No.15.

Damianos Michael
Kamenos.

25th October,
1955.

Re-Examination
- continued.

In the
Assize Court
of Nicosia.

Prosecution
Evidence.

No.15.

Damianos Michael
Kamenos.

25th October,
1955.

Re-Examination
- continued.

arrest. Q. He was arrested on the 3rd September and Monday was the 5th. Did you understand that he was arrested for the murder? A. Yes, so it was rumoured. Q. And did you at all go on your own to the Police Station and make a statement about his being at your house? A. No. Q. In fact you were called to the police on the 8th September. A. Yes. Q. And you made a statement.

MR.PAVLIDES: May I suggest that it is really no re-examination. 10

COURT: I knew that this was bound to arise. I will hear you on the question as to whether he should be treated as hostile.

MR. DENKTASH: I cannot treat him as hostile witness at this stage. My submission on this is as follows: He is the uncle of the accused and he is interested in him and a person who should have rushed to the police and prove that the accused was with him at the time of the murder. He said nothing to the police at all; the police asked him and my submission is that he denied to the police and that was called to the police on the 8th September. My Lords the defence has brought from this witness certain facts of which the prosecution knew nothing about and my humble submission is that in re-examination I am entitled to find out from him at what stage he publicized these facts. I am trying to find out at what particular moment he came out with these facts. 20

COURT: When he made the statement to the police. Will you please ask him that? 30

Witness: I made a statement to the police at the beginning of September.

Q. I will show him the statement. Is that your signature? A. Yes.

MR.CLERIDES: At this stage my learned friend has suggested that this witness has given facts of which the prosecution were not aware. The evidence is that he was visited by the Inspector Kaminarides and the Sgt. Major and a statement was taken or rather they asked him about the movements of the accused on that day and that he gave them a complete list of the movements that he was at the house etc. etc. 40

He said to them that he came at about 11 and left at 1.30 p.m. and during all the material time he

was in the house. I do not see how this witness should be treated as hostile.

COURT: At the moment he is not a hostile.

MR.DENKTASH: May the witness refresh his memory and say whether he has mentioned anything to the Police on that day. I will put this question through the Court.

10 COURT: I think it is always relevant to enquire whether an alibi has been made on the first available opportunity and I think apart from this question of the time that the accused was in his house I think it would be relevant to ask whether the witness mentioned to the Police that the two Cherkezos and Phedias and Arghyros were witnesses to this alibi.

20 MR.PAVLIDES: I do not think that this is the point which my learned friend wants to elicit. The effect of the evidence of the witness in cross-examination is that in fact on the 20th August when those policemen visited him and asked him whether he knew anything about the movements of the accused on the previous day he said Yes he was in my house between such and such hour and if the Police wanted to pursue that it is quite possible that

COURT: I think the Court should allow this question to be put to the witness. At what stage if at all did you disclose to the Police that the two Cherkezos, Phedias and Arghyros were witnesses to this alibi?

30 Witness: I did not disclose to the Police anything about this.

Q. Or as to the conversation between Phedias and accused? A. No.

40 MR.RAOUF DENKTASH: My submission is now that I may be allowed to treat him as hostile witness in this case in the sense that he has told your Lordships that when the police approached him and talked to him he immediately stated that the accused was there at the material time and I submit that he is a hostile witness in the sense of coming forward with a false story.

COURT: The question we really have to decide is whether he was really asked by the Police to give

In the
Assize Court
of Nicosia.

Prosecution
Evidence.

No.15.

Damianos Michael
Kamenos.

25th October,
1955.

Re-Examination
- continued.

In the
Assize Court
of Nicosia.

Prosecution
Evidence.

No.15.

Damianos Michael
Kamenos.

25th October,
1955.

Re-Examination
- continued.

the details of the accused's visit to his house and that he appears to have failed to do so in the light of his evidence to-day.

MR. DENKTASH: My submission is that the Police asked him if he had seen the accused on that particular Sunday and he said No, and I want to contradict him.

COURT: That is a different thing altogether. If he is making a statement here to-day contrary to a different statement he made on another occasion then I think

10

MR. DENKTASH: That is my submission My Lords. Here is a prosecution witness called for a different subject and the defence brings all these things out from him.

COURT: You want to produce evidence to show that he made a totally different statement.

MR. CLERIDES: In connection with this I think it would be my duty to point out the following. To begin with the learned Acting Solicitor General said that he could not make this witness a hostile witness because he had no contradictory statement.

20

MR. DENKTASH: At that stage No.

MR. CLERIDES: The second point is this: My learned friend said that he did not know that he had given this information to the Police. How can he be now in a position to say that he did not say to the Police that the accused had been at the house on Sunday. How can my learned friend be so positive now to produce evidence to contradict the witness.

30

COURT: It is not uncommon where a witness makes a statement in cross-examination and the prosecution have information that it is contrary to a previous statement that he has made that that previous statement is put to him and if he admits it and is contradicted then he is a hostile or if he does not admit it then evidence is led to show that he did so and the Court decides that he has given evidence to-day contrary to his statement and he is then considered as hostile and I therefore think the best thing is to ask him whether he made a contradictory statement and if he denies it let evidence be called and be adjudged. Will you ask the question whether he made a previous statement which is contradictory to the one he made to-day.

40

MR.DENKTASH: The oral statement you made to Insp. Kaminarides and Sgt. Major Loukis was to the effect that you had not seen the accused on that Sunday.
A. No, both I and my wife told them what I have narrated to-day.

Q. And on the 8th September when you made that statement to the Police you did not again mention that on that Sunday accused was with you at all.

10 MR.PAVLIDES: This is not a different statement. This may be an omission to say something.

COURT: As I understand the question now is he has been asked did you refrain in your statement of saying that the accused was with you on Sunday the 28th August. That would be such an omission as to be significant. That clearly is a fair question.

20 Q. On the 8th September in your statement to the Police did you say that accused had been with you on Sunday morning the 28th August? A. Yes I did but he did not write it down. As soon as I mentioned this Sgt. Major Loukis who was taking down that statement got up and went out of the room where we were and came back three or four minutes later and said that it was not necessary to include it. Q. Why did you sign the statement then which was not complete as far as you were concerned? A. Because he said to me that that was all that they wanted from me.

30 MR.CLERIDES: At this stage we would like that statement to be produced because it relates solely to his being the guarantor to the purchase of the bicycle.

COURT: You better read that particular passage.

40 (Statement read) "When Michalakis finished the English School and started work at the Education Office he stayed with me at my house and in 1954 when the sister of Michalakis built a house at Strovolos both Michalakis and his sister left our house and went and lived there. Even after the accused left my house he was in the habit of calling once or even more times a week. He used to come on a bicycle and I do not know the number of the bicycle, etc. etc."

Q. Did you say all this? A. Yes.

Q. And you were being asked how many times he came etc.? A. Yes.

In the
Assize Court
of Nicosia.

Prosecution
Evidence.

No.15.

Damianos Michael
Kamenos.

25th October,
1955.

Re-Examination
- continued.

In the
Assize Court
of Nicosia.

Prosecution
Evidence.

No.15.

Damianos Michael
Kamenos.

25th October,
1955.

Re-Examination
- continued.

Q. And you never mentioned that he was with you on
Sunday? A. Yes I did.

(Statement produced and marked EXHIBIT No. 7)
(D.M.K.)

COURT: I would like the witness to stand down and
let us hear any police evidence as to what the wit-
ness stated on the 29th of August when they visited
his house.

No.16.

Inspector
Sofocles
Kaminarides.

25th October,
1955.

Examination.

No.16.

EVIDENCE OF INSPECTOR SOFOCLES KAMINARIDES

10

INSPECTOR SOFOCLES KAMINARIDES, Sworn on the bible
states in English.

Q. On the 29th August did you visit the previous
witness with Sgt. Major Loukis? A. Yes.

Q. At what time? A. In the afternoon. At 3 or
4 o'clock in the afternoon. Q. Did you ask him

anything? A. Well my purpose for visiting his
house was to search the room occupied by the brother
of the accused and explosives etc. etc.

Q. Did you find anything? A. No.

20

Q. The brother of the accused was staying in Kame-
nos's house? A. Yes. Q. What was his name?

A. Andreas Savva. Q. And nothing was found?

A. Yes. Q. How old is he? A. About 24 years
old. He is elder than the accused.

Q. Did you ask Kamenos anything? A. I said to him
I first asked him where accused was and whether he
was a relative of his and he said "Yes". Then I
said to him, "But he is away now, where is he". He
said, "I do not know, I saw him yesterday he came
to my house at 9 o'clock and then left at 11.30.

30

Q. Anything else? A. Nothing else.

Q. Is it true that he told you that he came at 11.30
and left at 1.30? A. No.

Cross-
Examination.

Cross-examination by MR. PAVLIDES:

Q. Was the brother of the accused Andreas there?

A. Yes. Q. Did you take a statement from him?

A. No. Q. Did you take a statement from anyone

in the house, a written statement? A. No.

Q. Did you make a record regarding the search?

A. Yes. Q. A written note in your notebook?

A. I was with Sgt. Major Loukis and he put down the search in his notebook.

Q. You did not but Loukis did? A. Yes.

Q. You knew that the time after 9.30 was an important hour regarding the killing of Poullis; you appreciate that? A. Yes, but the purpose of my

10 visit was to search that particular room and there I put that question to Damianos just to find out the whereabouts of the accused. My intention was not to make enquiries whether he visited his house or whether he was there at any particular time. I put it to him whether he had seen the accused on that day or previous day so as to locate his whereabouts that is why I did not make any entry or record of any sort. Q. You made no entry re-

20 regarding this reply of Damianos? A. No.

Q. I suggest to you that from a Police point of view this was a very important point and that it is incredible to me that if you had really got that answer from Damianos that you should not have made a written statement and put it down?

A. I explained why I did not.

Q. Were you in Court or outside the Court whilst Damianos was being questioned about this. Were you standing near the door? A. No, far away from the door. Q. Now you agree that it would be a very

30 important statement from Damianos if you had got it down in writing. Now thinking the matter over you realize that it would have been much better if you did take it down in writing.

COURT: It is a matter of opinion and it is for the Court.

Q. On the 8th September you called - when I say you I mean the Police - Damianos to the Police Station to make a statement? A. Yes. Q. And in fact a statement was taken by Loukis? A. Yes.

40 Q. And that statement was made in answer to questions as you wanted to find out some information and he was answering your questions? A. I do not know anything about his statement. I know that a statement was obtained from him afterwards I saw it.

Q. You know that it was on the 8th Sept. A. Yes.

Q. But you do not know anything about the particulars of this statement? A. If it was taken the same day or not I do not know. What I know is that I read it on the following day.

In the
Assize Court
of Nicosia.

Prosecution
Evidence.

No.16.

Inspector
Sofocles
Kaminarides.

25th October,
1955.

Cross-
Examination -
continued.

In the
Assize Court
of Nicosia.

No.17.

EVIDENCE OF SGT. MAJOR LOUKIS KYRIACOU.

Prosecution
Evidence.

SGT. MAJOR LOUKIS KYRIACOU, Sworn on the bible
states in English:

No.17.

Sgt. Major
Loukis Kyriacou.

25th October,
1955.

Examination.

Q. What is your name? A. Loukis Kyriacou.
Q. You are a Sgt. Major stationed at Nicosia?
A. Yes. Q. Did you take a statement from Damia-
nos? A. Yes. Q. I want merely to know whether
Damianos told us in the course of making that
statement whether he mentioned that the accused
had visited his house on the 28th August and stayed
with him till 1.30. 10

Witness: Damianos said that the accused had been
in his house on the day of the commission of this
crime sometime prior to 11.30 and that

COURT: Of course we mean of the day on which you
took a statement down from him on the 8th September?

Witness: Yes, My Lord.

Witness Contd. Damianos said that the accused
had visited him sometime prior to 11.30 and also
that whilst his wireless was on it stopped and at
that time the accused was there. 20

Q. Did you record that in the statement? A. No.
After consulting my superiors we decided to con-
fine the statement on the question of the bicycles.

COURT: In view of this evidence we cannot treat
this witness as hostile.

MR.DENKTASH: I apologise for my statement my Lords.

No.18.

No.18.

Damianos Michael
Kamenos. (Recalled)

EVIDENCE OF DAMIANOS MICHAEL KAMENOS (Continued)

25th October,
1955.

Witness No.13 DAMIANOS MICHAEL KAMENOS recalled:

Re-examination
(continued)

MR.DENKTASH: No other questions My Lords.

No. 19.

EVIDENCE OF P.S.333 TALAT MOUSTAFA.In the
Assize Court
of Nicosia.14. P.S.333 TALAT MOUSTAFA, Sworn states in
English:Prosecution
Evidence.

No.19.

P.S.333. Talat
Moustafa.25th October,
1955.

Examination.

Q. What is your name? A. Talat Moustafa.

Q. You are a Police Sgt. stationed at Chatos?

A. Yes. Q. Is Chatos on your way to Famagusta
via Lefkoniko? A. Yes. Q. And what is the
distance from Nicosia? A. 16 miles.10 Q. On the 3rd September 1955 what was there a road
block outside the Police Station? A. Yes.

Q. Who was on duty? A. P.C.662 Assim.

Q. With others? A. Yes. Q. Where were you?

A. I was in the station on duty.

Q. Did you receive any information from your men?

A. Yes, from P.C.662. Q. At what time?

A. At 10.45 a.m. Q. What did you do? A. I got
outside the station and saw a man walking in the
fields going towards Chatos Village.20 Q. How far away from the station? A. About 20
donums. I whistled and called that man in Greek,
also in Turkish to stop and come near me and I went
to see him and he looked at me saw me but he did
not and continued his way.Q. Upon this what did you do? A. Upon this I sent
P.C.662 with an auxiliary policeman to bring him
to the station. In a short while they brought
him to the station. Q. Who was he? A. It was
the accused. Q. In what condition was he?30 A. He was not shaved, he had a beard 2 - 3 days old
and also he was trembling in the station. I asked
his name and said that his name was Michael Mich-
aelides I said that it is doubtful that his name
should be Michael Michaelides and he gave me his
name as Michael Savva Michaelides.Q. His address? A. Of Nicosia, Ayios Pavlou quar-
ter, Calvou St. No.4. Q. Did he give his pro-
fession to you? A. Yes. Q. What did he say?40 A. He said he was working as an employee in the
grocery shop of his uncle namely Damianos Christo-
fides of Nicosia. He also told me that he lives
in the same house. Q. Did you ask him where he
was going? A. Yes, I asked him and he said that
he was going to Lefkoniko and visit one of his
relatives. I asked him who his relatives were at
Lefkoniko and he said that he does not know their
names. Q. I see that you are now looking at
your notebook to refresh your memory? A. Yes.

In the
Assize Court
of Nicosia.

Prosecution
Evidence.

No.19.

P.S.333. Talat
Moustafa.

25th October,
1955.

Examination -
continued.

COURT: When did you take this note?

A. Immediately after at the Police Station.
Immediately after I placed him in the lock up.

Examination Contd. Did he tell you how it hap-
pened to be there? A. He said that he met one of
his friends, namely, Achilleas who owns a car and
who was going to Lefkonico and asked him to give
him a lift in the car which he did and when they
came about quarter of a mile near this Police
Station of Chatos he asked the driver to stop as
he wanted to get out of the car to ease himself.
The driver did so and when he got out of the car
he asked the driver to go as he should be late
easing himself there.

Q. Was he searched? A. Yes, in my presence he
was searched by P.C.662 who found a small piece of
letter in his breast pocket of his jacket and de-
livered it to me. It was in Greek written in ink.

Q. Is this the letter? A. Yes.

Q. Will you read it out? A. Yes.

(Put in and marked Exhibit No.8.).

(Read out in Greek) "Zodro, I am sending you the
bearer of this note and take good care of him. He
is a good boy and a patriot to the point of self-
sacrifice, you can trust him. Nobody should know
his identity. AVEROFF".

I seized the letter and immediately cautioned him
and he said that this letter has been given to him
by one of his friends at Nicosia in order to give
it to his relative.

Q. To whose relative?
A. To the relatives of the person who gave him the
letter.

Q. Did he give you the name of the per-
son who gave him the letter? A. No he said he
does not know.

Q. I understand also a wallet
was found? A. Yes, in the rear pocket of his
trouser.

Q. With several photographs in it?

A. Yes. Q. How many photographs? A. 34.

COURT: Are they of any significance?

MR. DENKTASH: No, My Lords.

Q. While the accused was there at the Police Sta-
tion did you receive any other information?

A. Yes. Q. Again from the same policeman?

A. Yes. Q. And what did he tell you in the pre-
sence of the accused? A. The driver in the pre-
sence of the accused said to me that he was going
from Nicosia to Lefkonico he met him at Beykouy.

Q. Was the driver brought in? A. Yes.

Q. And in the presence of the accused the P.C.told

10

20

30

40

you what? A. That he was the driver who passed through there immediately before seeing the accused going into the fields. The person that was brought in at the station was the last person to pass from the road block.

Q. What did the driver say? A. The driver said that he was coming with his car from Nicosia and going to Lefkonico and on his way at Beykeuy Village he met the accused.

10 Q. And he gave him a lift? A. Yes, and before arriving at the station of Chatos Village accused asked him to stop so that he might ease himself and accused got out of the car and continued his way to Lefkonico. Q. Did you take the particulars of the driver? A. Yes, I asked his driving licence and obtained the same from him. He is Andreas Chr. Christofides of Pallouriotissa now Nicosia. Q. You did not seize his licence there? A. No. Q. Did he tell you where he works?

20 A. Yes, he said that he was working as a clerk in the Archbishopric office. Q. What was the registration No. of the car? A. No.448. It is a Triumph car. Q. Then what did he do? A. He asked that he should go out and get the switch of the car and come back and we allowed him to do so but instead of coming back he entered his car and left. Q. The car was found abandoned about a mile from the police station? A. Yes.

30 Q. And you had it brought to the police station? A. Yes. Q. Where it was kept? A. At the station under guard. Q. And as far as you know has this driver been found up to now? A. No he is at large. Q. And then you sent the accused to Famagusta police station under escort? A. Yes. Q. Did you arrest him or you just asked the Police Constable to take him? A. No I arrested him and placed him in the lock up. Q. For any particular crime? A. No, under suspicion.

40 COURT: We will adjourn now for 2.30 p.m.

Court rose at 1 p.m.

2.30 p.m. Resumed.
Appearances as before.

WITNESS NO.14 Reminded of his oath:

Q. You told us in the morning that the car was there at the Police Station and guarded and the next day P.C.975 Czech arrived in Chatos. A. Yes.

In the
Assize Court
of Nicosia.

Prosecution
Evidence.

No.19.

P.S.333. Talat
Moustafa.

25th October,
1955.

Examination -
continued.

In the
Assize Court
of Nicosia.

Prosecution
Evidence.

No.19.

P.S.333. Talat
Moustafa.

25th October,
1955.

Examination -
continued.

Q. What was the date? A. 4th September, 1955.

Q. And took various pictures? A. Yes.

Q. In the car several articles were found and you produced them in the Court below but I do not want to produce them unless the defence wants to produce them.

From the time the car arrived at the Police Station until the time accused left the Police Station did he have the opportunity of touching the car at all?
A. No.

10

COURT: Photos were taken of what? A. I do not know My Lord.

MR.DENKTASH: P.S. Ozesh took the finger prints My Lord.

Cross-Examination: Nil.

No.20.

P.C.662 Assim
Arif.

25th October,
1955.

Examination.

No.20.

EVIDENCE OF P.C.662 ASSIM ARIF.

15. P.C.662 ASSIM ARIF, Sworn states in Turkish:

Q. You are P.C.662 stationed at Chatos? A. Yes.

Q. On the 3rd September, 1955 you were on duty outside the Police Station? A. Yes.

Q. Checking cars? A. Yes. Q. While there what happened? A. I saw somebody proceeding in the fields. Q. You informed the Sgt.? A. Yes.

Q. Did the Sgt. come out? A. Yes. We called out to that person but he did not stop he was going on.

Q. Then did you go and catch him? A. Yes.

Q. How did you meet him? A. Together with Auxiliary Policeman No.25 we went out towards him. I called him to stop and he did so.

Q. How near him did you approach? A. 5-6 paces.

Q. Did you ask him anything? A. I said to him, "Where are you coming from and where are you going."

Q. What did he say? A. He said that he was coming from Nicosia and that he was going to Lofkonico. I asked him why he should proceed in the fields and he told me that he had come up to that point with a car and asked the driver to stop because he wanted to pass water and after that the car left. I asked him why he chose the fields and he told me that he took a short cut.

20

30

40

In the
Assize Court
of Nicosia.

Prosecution
Evidence.

No.20.
P.C. 662
Assim Arif.
25th October,
1955.
Examination -
continued.

Q. Who was that man? A. The accused.
Q. You took him to the station? A. Yes.
Q. And we know that there he was questioned by the
Sgt. A. Yes. Q. And that you found that note-
paper on him? A. Yes. (Exhibit 8)
Q. And you gave it to the Sgt.? A. Yes.
Q. Just before you had seen the accused in the
fields what was the last car that was checked?
A.F.448. Q. And only one man in it? A. Yes,
10 the driver. Q. Going in which direction?
A. Towards Lefkonico. Q. Did you see that car
on that day after bringing the accused into the
station? A. Yes. Q. How long afterwards did
you see it? A. About half an hour or $\frac{5}{2}$ of an
hour later. Q. Coming from Lefkonico? A. Yes.
Q. And he gave you an information and you brought
the car to the Sgt.? A. Yes.
Q. On the same day did you escort the accused to
Famagusta? A. Yes. Q. And you handed him over
20 to Inspector Theodoros? A. Yes.

Cross-examination: Nil.

No.21.

EVIDENCE OF INSPECTOR THEODOROS THEOCHARIDES

16. INSPECTOR THEODOROS THEOCHARIDES, Sworn states
in English.

Inspector
Theodoros
Theocharides.

25th October,
1955.

Examination.

Q. You are an Inspector of the Police stationed at
Famagusta? A. Yes. Q. On the 3rd September
was the accused brought to the Police Station?
A. Yes, by the previous witness.
30 Q. What did you do? A. I arrested the accused,
cautioned him and asked him to tell me his name.
Accused said, "I have nothing to say. I know nothing.
You the police must find out. You arrest
everybody without any reason". Then I took delivery
of his property
Q. Did you tell him anything? A. Yes. I said to
him, "For your own benefit you should tell me your
name and if there is nothing against you you will
be left free". He went on saying, "I have nothing
40 to say". On the following day I escorted the ac-
cused to Nicosia and delivered him to Inspector
Kaminarides. Q. At what time did you bring him?
A. At 9 a.m.

Cross-examination: Nil.

In the
Assize Court
of Nicosia.

No.22.

EVIDENCE OF STYLLIS PHILIPPOU.

Prosecution
Evidence.

No.22.

Styllis
Philippou.

25th October,
1955.

Examination.

17. STYLLIS PHILIPPOU, Sworn states in Greek.

Q. What is your name? A. Styllis Philippou.

Q. And where do you live? A. Strovolos.

Q. In whose house? A. In my house.

Q. Have you got a son-in-law Alexandros Cadhi?

A. Yes. Q. The house in which you live belongs to him or to you? A. It belongs to him.

Q. Do you know the accused? A. Yes. 10

Q. Does he live in your house? A. He lives in a separate room. Q. The same house but separate

room? A. Yes. There is a corridor which separates the room in which he lives from the house I live. Q. Anybody else in that room with him?

A. His sisters Niki and Maroulla live.

Q. Are you related to him? A. No.

Q. Do you remember the Sunday the 18th of August?

A. Yes. Cadhis is married to my daughter.

The name of my daughter is Maroulla. All the sisters of Karaolis are spinsters. 20

Q. How many rooms the girls and the accused occupy in the house? A. All three of them are living in the same room. Q. The two sisters and brother

live in the same room? A. Yes.

Q. You gave a statement to the Police? A. Yes.

Q. About some incident? A. I did not give a statement to the Police but the Police summoned me. When they came and searched the room where the

accused was living the police had removed all his property from there. I was taken in the same lorry to the Police Station and I made a statement to

Sgt. Major Loukis. Q. You remember the date the police searched the house? A. Yes. 30

Q. And they took all the articles and photographs?

A. Yes. Q. When it was that? A. On the 29th

August. I do not remember what day it was I know it was the 29th August. Q. And they asked you

certain facts relating to the Sunday previous?

A. Yes. Q. At what time did you get up on Sunday the 28th? A. At 5 a.m. I always get up at

sunrise. Q. Did you get up at sunrise on that day? A. Yes, always. Q. Did you go to Church? 40

A. Yes, every Sunday I go.

Q. Did you go on that Sunday? A. Yes.

Q. At what time did you go to Church?

A. At about 7. Q. Before you left the house to go to Church did you see the accused anywhere in

the house? A. No. On the 17th of the month I placed the key on the window for him to collect it. 50

COURT: The key of what? A. Of the entrance door and it was left where it was.

Examination Contd. Q. The entrance to the accused's room? A. No. The key was the key of the door of the house.

Q. Now, I am not asking you about the key of the house or of the incident of the 17th. Before you went to Church did you see the accused anywhere in the house? A. No I did not see him on that day though I looked for him

10 having opened his bedroom, his bicycle was also not there. Q. Do you know his bicycle?

A. Yes, it is there (Exhibit 3).

Q. When did you see that bicycle in your house before making that statement to the Police?

A. 3 - 4 days before the 28th.

Q. On any occasion when you got up to go to Church did you see the accused sleep in bed?

A. I never went into his room before going to Church. I used to see him after coming back from Church.

20 Q. On Saturday that is the 27th August did you see the accused anywhere? A. Not even on Saturday.

Q. You said that you left the key to the accused on the 17th, did you see the accused after the 17th?

A. No, I did not see him after the 17th.

Q. From the 17th until the Police searched the room?

A. Yes, he was missing. Q. Do you remember what you said about that Sunday to the Police?

A. Yes, I remember. Q. Will you tell the Court the same things? A. Yes.

30 Q. You made a statement to Sgt. Major Loukis. And what you said was true? A. Yes, I said that both the accused and his bicycle disappeared from the house and I can identify his bicycle.

Q. Did you tell Loukis at what time accused and the bicycle disappeared from the house? A. I got up at 5 o'clock in the morning of the 18th looked for the accused and his bicycle and they were no longer to be found. I saw the key lying on the window.

40 Q. The 18th is the day before the Police came to your house?

MR. CHRYSSAFINIS: I do not like to intervene but the witness does not seem to be alright.

COURT: You think he is not clear in his head.

MR. CHRYSSAFINIS: Yes, and I do not think that anything can depend on his evidence. He is trying his very best but he is confused.

COURT: I do not think he can distinguish the 18th

In the
Assize Court
of Nicosia.

Prosecution
Evidence.

No.22.

Styllis
Philippou.

25th October,
1955.

Examination -
continued.

In the
Assize Court
of Nicosia.

Prosecution
Evidence.

No.22.

Styllis
Philippou.

25th October,
1955.

Examination -
continued.

from the 28th. I do not think really Mr.Denktash that he should continue.

COURT: Do you accept the evidence that the accused is living in this man's House?

A. Yes, My Lord.

Kamenos as a matter of fact gave me the impression that the accused is still living with his sister, his married sister.

MR.CHRYSSEAFINIS: After he left the house of Kamenos, shortly after he went and lived in the house of this witness. As a matter of fact he has a sister who is married at Strovolos and who has built a house but they only lived in her house for a short time and afterwards they went and lived in the house of this witness.

10

No.23.

Agapios Papa-
constantinou.

25th October,
1955.

Examination.

No.23.

EVIDENCE OF AGAPIOS PAPACONSTANTINOU.

18. AGAPIOS PAPACONSTANTINOU, Sworn states in English:

Q. Your full name? A. Agapios Papaconstantinou.

Q. You are attached to the C.I.D. Nicosia? A.Yes.

Q. As a Sgt. A. Yes. Q. On the 29th August, 1955 did you identify the body of P.C.Poullis to Dr.Clearkin? A. Yes.

Q. At the hospital? A. Yes. Q. And was P.S.Decatris there the photographer? A. Yes.

Q. You were present during the post mortem examination? A. Yes.

Q. Did the Government Pathologist extract anything from the body and give it to you? A. Yes.

(Exhibit No.6).

Q. Did you also take delivery of the clothes of the deceased? A. Yes. Q. Will you produce the shirt? A. Yes.

Q. Is that the shirt you took? A. Yes.

Q. Will you produce it? A. Yes.

(B for identification becomes EXHIBIT No.9 (A.P.))

Q. On the 8th September 1955 did you show anything to Mr.Nash of the R.A.O.C.? A. Yes, I showed him a fragment of the bullet and the bullet.

Q. Which was the bullet? A. It had been delivered to me by Inspector Kaminarides (Exhibits 5 and 6).

Q. Did you show exhibits 5 and 6 to Mr. Nash?

A. Yes.

30

40

No.24.

EVIDENCE OF SGT. MAJOR LOUKIS KYRIACOU (recalled)In the
Assize Court
of Nicosia.

19. SGT. MAJOR LOUKIS KYRIACOU, Sworn on the bible states in English:

Prosecution
Evidence.

No.24.

Sgt. Major
Loukis Kyriacou
(recalled)

25th October,
1955.

Examination.

10

Q. What is your full name? A. Loukis Kyriacou.

Q. You are a District Sgt. Major stationed at Nicosia? A. Yes, attached to the C.I.D.

Q. On the 4th September did you carry out any identification parade in the Nicosia Police Station?

A. Yes. Q. For the benefit of whom?

A. Witness Tzenkis, Mr. Direkoklu and P.C.999, and Christodoulos Michael. They are witnesses 2, 3, 4 and 5. Q. How many people were there in the

parade? A. 10 including the accused.

Q. Was the accused shaved? A. Yes.

Q. Did he have a moustache at the parade?

A. A very thin moustache. Q. And the other

persons in the parade were the same? A. We tried as much as possible to have the same age and ap-

20

pearance as the accused. Q. Did all of them have a moustache? A. Yes all of them.

Q. And were they dressed in jacket or in shirt?

A. In shirts all of them. Q. Whom did you call in first? A. First, was Feyzi Direkoglou.

Q. And did he identify anybody? A. Yes, he identified the accused as being the person whom he had seen on the 28th August, 1955 running away from the scene of the crime. Q. Did accused say anything

when identified? A. No, he kept silent

30

Q. Then? A. Tzenkis was called.

Q. Did accused change place? A. I told him that he could change place and he changed place.

Q. Did Djenkiz identify him? A. Yes.

Q. Did the accused say anything? A. No.

I again informed him that he could change place but he stayed in the same place.

Q. Then? A. Then Christodoulos Michael came and he failed to identify anybody.

Q. Did accused change his place? A. No.

40

Q. Then whom did you call? A. P.C.999 who also identified the accused. Q. Did accused say anything? A. No, nothing. Q. On your list I see

another name Panayiotis Iacovou Hallis? A. Yes, he was also called but he failed to identify anybody. Q. Before the parade did any of these

witnesses have the chance of seeing the accused at the Police Station? A. No.

Q. Or in the interval did they have any chance of communicating with each other? A. No.

In the
Assize Court
of Nicosia.

Prosecution
Evidence.

No.24.

Sgt. Major
Loukis Kyriacou
(recalled)

25th October,
1955.

Cross-
Examination.

Cross-examination by MR.CHRYSSEAFINIS:

Q. Did Hallis give a statement to the effect that he was also chasing the person who was running away after shooting Poullis? A. Yes. And he said that he had seen the person.

MR.DENKTASH: I do not want to interrupt but what a witness said who has not appeared before the Court cannot be admissible. That witness will have to be called.

COURT: I do not think you are allowed to say ... 10

MR.CHRYSSEAFINIS: May it please Your Lordship.

Cross-examination Contd. Christodoulos Michael failed to identify him did he say that the person who collided with him on that morning is not here? A. He looked at everybody paraded and he said "He is not amongst these".

DENKTASH: Again that should have been put to the witness when he was in the box.

MR.CHRYSSEAFINIS: It was put but not in the same form because he said I could not identify anyone.. 20

COURT: But you never put to him that at the parade did you say that the person whom you chased was not among those ...

MR.CLERIDES: He said that the accused was not in the parade.

COURT: It is one thing to say that I cannot identify anybody and another thing to say that none of the people here was the person that I saw on that day. Two totally different statements.

MR.CHRYSSEAFINIS: Anyway My Lord this witness says that he made that remark. 30

(Notes of the Stenographer referred to)

Cross-examination Contd. You have given evidence during this preliminary inquiry? A. Yes.

Q. Did you notice if the accused had any moustache at that time, at the preliminary inquiry?

A. I think he did not have but I am not quite sure.

Q. Do you remember what colour of shirt the accused was wearing at the identification parade?

A. It was a light blue shirt. 40

Q. And if I am not mistaken he was the only person who was wearing? A. They were wearing shirts of various colours.

Q. Was the accused the only person that was wearing that colour?

A. I cannot say.

Re-Examination: Nil.

No. 25.

EVIDENCE OF P.S. 975 MEHMED OZESH.

In the
Assize Court
of Nicosia.

20. P.S.975 MEHMED OZESH, Sworn on the Koran states
in English:

Prosecution
Evidence.

Q. Your name? A. Mehmed Ozesh.

Q. Attached to the Finger Print and Photographic
Section of the C.I.D. Headquarters? A. Yes.

No.25.

Q. On the 4th September 1955 did you go to Chatos
Village? A. Yes. Q. And at the Police Station
did you examine Motor Car No.F.448? A. Yes.

P.S.975 Mehmed
Ozesh.

10

Q. Did you find any finger prints on the photo-
graph? A. Yes, on the outside part of the glass
of the left door. I photographed the impressions
on the spot and showed the photograph to Inspector
Decatris on the following day. On the 5th Septem-
ber 1955 at the Divisional Police Headquarters, Ni-
cosia I took the palm finger print impressions of
the accused with the authority of Inspector Kamin-
arides. The accused signed the usual paper on
which his finger prints were taken.

25th October,
1955.

Examination.

20

On the 21st September I mounted the photographs
side by side and gave the mounts to Inspector
Decatris. Q. Will you produce the photograph
with the finger prints on the car? A. Yes.
(Put in and marked EXHIBIT 10A (Small photo -
original)

Finger prints of the accused produced. Marked
EXHIBIT 10B.

30

EXHIBIT 10C enlargement and mounted photograph of
10A and 10B.

Cross-Examination: Nil.

COURT: What finger? A. The left middle finger.

No.26.

EVIDENCE OF INSPECTOR CHRISTOS DECATRIS.

No.26.

21. INSPECTOR CHRISTOS DECATRIS, Sworn states in
English:

Inspector
Christos
Decatris.

Q. You are an inspector attached to the C.I.D. Ni-
cosia? A. Yes. Q. You were I understand
trained in the identification and classification

25th October,
1955.

Examination.

In the
Assize Court
of Nicosia.

Prosecution
Evidence.

No.26.

Inspector
Christos
Decatris.

25th October,
1955.

Examination -
continued.

of finger prints at the Scotland Yard? A. Yes, I was trained at the identification and classification of finger prints at the Finger Print Bureau, New Scotland Yard of London.

Q. When? A. In 1950. Q. And since then have you been classifying and identifying finger prints as part of your duties? A. Yes.

Q. You have examined many hundreds and thousands of finger prints up to now have you ever been able to find two impressions taken of different persons which agree in their ridge characteristics? A.No.

10

Q. Will you have a look at Exhibit No.10? A. Yes.

Q. Did you receive these from P.S. Ozesh? A. Yes. (Exhibits 10A and 10B).

Q. And then gave your Exhibit 10C? A. Yes.

Q. Did you examine these two? A. Yes.

Q. And the impressions of 10C? A. Yes.

I examined them and I have marked 16 ridge characteristics which appear in coincident sequence

Q. What does that mean? A. In the same order.

20

Q. And is that sufficient proof for you?

A. I have no doubt that both these impressions were made by one and the same person.

COURT: How many coincident sequence you consider save to form a conclusion? A. 16 characteristics is a safe number as considered by the New Scotland Yard. That is beyond any doubt.

Examination Contd. Other countries do it on 12 I understand? A. Yes.

Q. On the 28th August, did you photograph the scene of the crime outside the Alhambra Hall? A. Yes.

30

Q. How many photographs did you take?

A. Eight photographs. I took five first and three on the following day.

Q. Will you produce them? A. Yes.

(Only three photographs of the scene of the crime produced)

Put in and marked EXHIBIT 11 (a, b and c).

Exhibit 11(a) is the entrance of the Alhambra. It shows the nearest shop, Mr.Michaelides' shop, outside of which there was a pool of blood. Exhibit 11(b) is a close up of the pool of blood. Exhibit 11(c) is again the scene of the crime from closer up facing upwards.

40

Q. And on the following day you photographed the deceased's body from three positions? A. Yes.

Exhibits 12(a), (b) and (c). (EXHIBIT 12(a) was 'C' for ident.)

Cross-Examination: Nil.

No. 26A.
PROCEEDINGS.

In the
Assize Court
of Nicosia.

No.26A.
Proceedings.
25th October,
1955.

10 MR.DENKTASH: At this stage I will start with the evidence about which objection was made as to the evidence connecting the accused with EOKA and this may be a convenient moment to stop for this afternoon. In order to help the objection I have prepared for my witnesses to come from Famagusta and produce certain exhibits to-morrow morning. I never thought we would finish this afternoon and it is no use arguing the point without having the exhibits available.

COURT: I think we could do the arguing now.

MR.DENKTASH: Yes, I suppose so.

COURT: You said in your opening that you were going to lead evidence to show that the name ZODROS that appears in Exhibit 3 was found among the papers of a man called Afxentiou.

MR.DENKTASH:

20 COURT: And you will associate that man with the terrorist activity?

MR.DENKTASH: Yes.

COURT: And show that he was associated with EOKA?

MR.DENKTASH: Yes.

COURT: And you will show that EOKA is a terrorist organization which has in its pamphlet called the Police Traitors and ...

30 MR.DENKTASH: Yes, and also after the murder was committed they said in their leaflets that the murders were properly executed. I propose to call Petros Peraskeva to produce the leaflet which will say that now it is time to act ...

COURT: The first thing is to connect ZODRO.

MR.DENKTASH: Yes.

COURT: And what evidence do you propose calling about that. You will have first of all this car that was stopped at Akhoa? A. Yes on the 1st of April at 4 a.m. which was full of bombs.

COURT: And that car belonged to whom?

40 MR.DENKTASH: To another person from Lyssi and the owner will give evidence that he had given it to Afxentiou.

In the
Assize Court
of Nicosia.

No. 26A.

Proceedings.

25th October,
1955 -
continued.

COURT: And you also have the people who searched the house of Afxentiou and found the word ZODRO.

MR.DENKTASH: Yes.

COURT: So far is there any objection Mr.Pavlidis?

MR.PAVLIDES: Yes, My Lord. We shall take objection as to the admissibility of this evidence. There are matters which have been found in the possession of third parties and although such evidence might have been relevant and admissible on a charge of conspiracy where having established a prima facie conspiracy the acts of a conspirator and each one of them is evidence against the other but I must confess that I have failed to find authority for admitting evidence of this kind on the single charge of murder merely to prove motive.

10

COURT: But motive is relevant.

MR.PAVLIDES: Is not necessarily a relevant element. I do not suggest that it is irrelevant but being an unnecessary element it would be wrong in our submission

20

COURT: The first subject to take in the argument is, is it unnecessary. It is always open to the Crown to negate the absence of motive or even to prove motive. It serves two purposes. One positive evidence making it more in the circumstances that it is accused who committed the crime and secondly it does negate all possible offence that there was complete absence of motive. It is always relevant and admissible.

MR.PAVLIDES: Your Lordship has put the matter very accurately. I have no doubt but the point is this. It is not essential that motive should be proved in order to establish a charge of murder.

30

COURT: It is not essential but at the same time is relevant.

MR.PAVLIDES: There are cases in which it is admissible and relevant but in our humble submission in this particular case

Let us deal with the facts of the present case. The case for the Crown as far as identity of the prisoner is concerned primarily depends on the evidence of the so-called eye-witnesses. Supposing the evidence of the eye witnesses is accepted it is not a question of suggesting that it was an accident or that he did not intend the natural consequences of his act in firing the shot. On the other hand supposing that

40

that evidence is disregarded and it is considered that it is unsafe to act upon it surely the proof of motive in the words of Wills on Circumstantial Evidence, to eke out a weak case by motive is not a proper proceeding. Had the charge been one of conspiracy, this having been prima facie established everything found in connection with that conspiracy in the hands of anybody or statement made by any conspirator would be admissible

In the
Assize Court
of Nicosia.

Prosecution
Evidence.

No. 26A.

Proceedings.

25th October,
1955 -

continued.

10 COURT: Not merely to prove conspiracy but trying to show that the meaning and significance which the note (Exhibit 3) which is directed to a person called Zodro and found in the possession of the accused and the Crown have opened that they are prepared to lead evidence to show that Zodro is the name of a local commandant of a terrorist organization known as Eoka and thereby leading evidence to show that the accused's motive in committing this crime was an accomplice or tool of Eoka.

20 It is not a question of showing that a conspiracy exists against the Crown. The point is to illustrate and explain the reference to Zodro in the letter found on the accused in which apparently the bearer is being recommended to Zodro as a good patriot and a person to be taken care of.

30 You start a train of evidence showing that Zodro is a certain person connected with Eoka but you have to bring the trail back to the crime and to the accused in order that it should be of any value as motive. You have to show that Zodro and Eoka have threatened and carried out attacks on the Police and therefore it is likely that it is an inference that the Court could draw that the accused who is one of their men killed Poullis in carrying out their orders.

40 MR. PAVLIDES: I do see the point and certainly do not suggest that motive is inadmissible in evidence but in my humble submission it is a wrong way. It is rather stretching the law of evidence regarding motive a bit too far to bring up evidence of matters found in the possession of other people just on the single charge of murder in which, I stress, that there are eye witnesses on whose evidence the identity of the prisoner must stand or fall.

COURT: But even when one has very good evidence of identity it is always open to the defence at the end to say that there is no scintilla of

In the
Assize Court
of Nicosia.

No. 26A.
Proceedings.
25th October,
1955 -
continued.

evidence and there is no reason why the accused should kill the deceased and it is of some help to a Court to be able to reply, well there is evidence as to why he should do this.

COURT: The Court's ruling is that this evidence can go in and is relevant.

Prosecution
Evidence.

No.27.

No.27.

EVIDENCE OF KENNETH NASH.

Kenneth Nash.
25th October,
1955.
Examination.

22. KENNETH NASH, Sworn on the bible states in English:

10

Q. You are a Warrant Officer Class I in the R.A.O.C. Ammunitions Wing? A. Yes.

Q. On the 8th September, 1955, Sgt. Agapios showed you a fragment of a bullet (Exhibit 6)? A. Yes.

Q. What calibre is it? A. It was 0.38 calibre.

Q. You saw also Exhibit No.5? A. Yes. The bullet is definitely 0.38, and the fragment is part of the bullet.

Q. Can you say whether it came out from the revolver? A. I can only say that it has been fired. (Exh.5).

20

Q. Am I right in saying that had it been an automatic pistol the empty cases would have been found? A. Yes.

COURT: We have no evidence that any search was made of empty cases.

MR. DENKTASH: The Investigating Officer will come later.

Q. Later were you shown by Inspector Kaminarides another bullet. A. Yes.

Q. Is this a 0.38 one? A. Yes.

COURT: It can only be put in for identification. There is no connection between this and the crime in any way? A. No.

30

(Put in and marked 'D' for identification)

Cross-Examination by MR.CLERIDES:

In the
Assize Court
of Nicosia.

Q. I think you will agree with me that 0.38 is commonly used? A. It is normally used in the service. Q. In what arms? A. 0.38 revolvers. Q. Have you had any experience with explosive charges.....? A. What do you mean experience? Taking them to pieces? Q. Have you carried out any experiments whether a normal revolver would give any smoke when it is fired? A. No.

Prosecution
Evidence.

No.27.

Kenneth Nash.
25th October,
1955.

Cross-
Examination.

Re-Examination: Nil.

No.28.

No.28.

EVIDENCE OF NEOPHYTOS PETROU.

Neophytos
Petrou.

23. NEOPHYTOS PETROU, Sworn on the Gospel, states in Greek:

26th October,
1955.

CHIEF JUSTICE: He is not on the depositions?

Examination.

DENKTASH: No, he is not.

Examination by DENKTASH: Q. Your full name?

A. Neophytos Petrou. Q. Where do you come from?

A. From Lyssi. Q. Do you own a car? A. Yes.

Q. What number? A. TA041.

Q. Do you know one Gregoris Afxentiou? A. Yes.

Q. Of Lyssi? A. Yes.

Q. Did you ever lend him your car? A. Yes, I did.

Q. When was it? A. On the 31st March.

Q. At about what time? A. About 8 or 8.30 in the evening. Q. Did he take it and go away?

A. Yes. Q. And when did you next see your car?

A. About a month later at the Police Station at Famagusta. Q. At the time you gave him your car did you have anything in your car or in the boot of the car apart from motor car accessories?

A. No. Q. And from that day onwards did you see Afxentiou in your village? A. No.

A. No. Q. And from that day onwards did you see Afxentiou in your village? A. No.

Cross-examination: Nil.

In the
Assize Court
of Nicosia.

PAVLIDES, Q.C: Our objection yesterday and your ruling covers all this part of the evidence I take it?

Prosecution
Evidence.

CHIEF JUSTICE: Well, my ruling is that I consider it admissible for the Crown to prove the facts which they opened; I did not rule as to the method by which they prove these facts. I mean it is always open to you to take objection as to the method, but the objection was as to whether these facts were really admissible or not and I ruled they were, but as to the method of proving I have made no ruling as to that.

Neophytos Petrou.
26th October,
1955 -
continued.

10

PAVLIDES: As Your Lordship pleases. Of course our objection concerns the admissibility of the evidence. Now, as regards the method of proving it if we have a particular objection we shall raise it.

CHIEF JUSTICE: Yes, I should raise it, I think that is so.

No.29.

No.29.

20

Agathangelos
Petrou.

EVIDENCE OF AGATHANGELOS PETROU, P.C.229.

26th October,
1955.

24. AGATHANGELOS PETROU, P.C.229, Sworn on the Gospel states in English:

Examination.

CHIEF JUSTICE: I think, in future, before you call any witness you should tell us who the witness is and what he is brought to prove.

DENKTASH: Very well, my Lord. He is the person who found the order.

Examination by DENKTASH: Q. What is your name?

A. Agathangelos Petrou, P.C.229. Stationed at Ahna.

Q. In the early hours of the 1st April, 1955 were you ordered to stop cars passing through Ahna and check them? A. Yes.

Q. And at about 4 a.m. did you stop a car at Ahna? A. Yes, I stopped motor car TA041.

Q. And who was driving that car? A. It was driven by Christofis Pandeli of Liopetri.

Q. What was found in that car?

A. I found in the body of the car 15 pamphlets, 12 hand grenades ... Q. Eoka pamphlets? A. Eoka

30

pamphlets. 2 anti tank mines, two pieces of fuse with detonator. Q. And other explosives? A. Yes. Q. And that man was taken into custody? A. Yes. Q. And later he was tried by the Fama-gusta Assizes? A. Yes.

DENKTASH: Subject to your ruling my Lords, I want to point out to him the pamphlets.

CHIEF JUSTICE: Yes.

10 Examination Contd. Q. That is one of the pamph- lets? A. Yes. Q. You produce it? A. Yes.

(Exhibit 13 (AP) Pamphlet produced and marked EX- HIBIT 13 (AP).)

CHIEF JUSTICE: May I see it? Do the Defence wish to see it?

PAVLIDES: Yes, my Lord.

CHIEF JUSTICE: Show the original to Counsel for the Defence.

DENKTASH: There is a Court translation, my Lords.

Cross-examination: Nil.

20 DENKTASH: I am calling Sgt. Mehmet Jemal. He is the man who searched the house of Afxentis and found the documents my Lords.

No.30.

EVIDENCE OF SGT. MEHMET JEMAL.

25. SGT. MEHMET JEMAL, Sworn on the Koran, states in Turkish:

Examination by DENKTASH: Q. What is your full name? A. Mehmet Jemal. P.S.774.

30 Q. You are in charge of the Police Station at Vatili? A. Yes. Q. You knew one Gregoris Afxentiou of Lyssi? A. Yes. Q. Did you search his house upon instructions? A. Yes, I did.

Q. When? A. On the 1st April, 1955.

Q. At about what time? A. At about 6.15 in the morning. Q. Was he in himself? A. No, he was not.

Q. In whose presence did you search his house? A. In the presence of his father, Pieri

In the Assize Court of Nicosia.

Prosecution Evidence.

No.29.

Agathangelos Petrou.

26th October, 1955.

Examination - continued.

No.30.

Sgt. Mehmet Jemal.

26th October, 1955.

Examination.

In the
Assize Court
of Nicosia.

Prosecution
Evidence.

No.30.

Sgt. Mehmet
Jemal.

26th October,
1955.

Examination -
continued.

Afxentiou. Q. Was his bed disturbed? A. No, it was undisturbed. Q. And what did you find? A. I found in a jacket, in the left pocket of a military jacket I found a piece of fuse and a detonator.

CHIEF JUSTICE: What room was this? A. In Gregoris Afxentiou's room. In the left pocket of his trousers I found these two leaflets.

DENKTASH: There are translations.

Examination Contd. Q. Will you produce them? 10
A. I produce them.

(Exhibits 14(a) and (b). 2 leaflets produced and marked EXHIBITS 14(a) and (b) (MJ))

CHIEF JUSTICE: Has the Defence got this document?

PAVLIDES: No, my Lord.

CHIEF JUSTICE: Well, you must give it to them.

(Leaflets handed to Defence Counsel).

CHIEF JUSTICE: Ex.14(a) is headed "Order" and 14(b) is headed "General Order".
In the original, at the top, is it Zidro No.1? 20

PAVLIDES: Yes, there is the word "Zidro". It may be "number first".

DENKTASH: I read it as "ace" No.1.

CHIEF JUSTICE: What is it in Greek?

PAVLIDES: It is 'Arith' and then 'proton' 'protos' - I mean it is not clear. The beginning of the word 'proto' is clear but then there is something after the 'o' which is not clear.

CHIEF JUSTICE: And on the left on top is the word "Eoka"? 30

PAVLIDES: Yes, then the one after that says "order" and the other one "General Order" and the same words appear in both, the word "Zidro" and then again 'proton' it is clear in this General Order.

CHIEF JUSTICE: Yes, one is dated the 27th February and the other 28th March?

PAVLIDES: Yes, the Order is dated 28th March.

Examination Contd. Q. When you found these documents were these words 'Zidro' or 'Zodro' and the number on them? A. Yes, they were.

Q. And they were signed as you see at the bottom? A. Yes.

PAVLIDES: I wonder, my Lords, if it would be possible for one to read it in Greek for us to check the translation?

CHIEF JUSTICE: Yes, certainly.

10 (Registrar of the Court reads out in Greek first Ex. 14(a) and then Ex. 14(b)).

PAVLIDES: The translation is satisfactory.

Examination Contd. Q. Look at Exhibit 8 (Letter EX. 8 shown to witness). Do you see the same name there? Zidro? A. Yes.

DENKTASH: My Lords, I understand it is Zidro on both, I have been interpreting it as Zodro, but it appears as Zidro on both. The learned President may help you in this.

20 CHIEF JUSTICE: 'Zidro, not Zodro?

DENKTASH: Yes.

CHIEF JUSTICE: It has been suggested that this word at the top of Ex.14(a) and (b) means: File No.14 and File No.15, or serial number. "Arith. protokolou 14 and 15".

PAVLIDES: I see, so that the figures were marked on. I thought they were marked now. Because the ink is different.

DENKTASH: The numbers are in pencil.

30 PAVLIDES: No, it is not the same ink, or the date.

CHIEF JUSTICE: I do not think anything turns on it.

PAVLIDES: No, I was not really looking at the figure.

CHIEF JUSTICE: Yes, the Crown suggested that it was something showing the importance of Zidro, but I do not think anything can be inferred from that.

Cross-examination by PAVLIDES: Q. Only one question. Q. You said that you searched the house of Grigoris Afrentiou. Is it a house in which he lived by himself or has he got a family? A. He lives with

In the Assize Court of Nicosia.

Prosecution Evidence.

No.30.

Sgt. Mehmet Jemal.

26th October, 1955.

Examination continued.

Cross-Examination.

In the
Assize Court
of Nicosia.

Prosecution
Evidence.

No.30.

Sgt. Mehmet
Jemal.

26th October,
1955.

Cross-
Examination -
continued.

Re-examination.

his father and mother. He is engaged, but he lives with his parents. He lives in a separate room in his parents' house.

CHIEF JUSTICE: He is not married?

DENKTASH: Not married.

Re-examination by DENKTASH: Q. The clothes in which you found these documents, whose clothes are they? A. Grigoris Afxentiou's own clothes.

Q. Did you see him in those clothes? A. Yes.

DENKTASH: And subject to Your Lordships' ruling I forgot to ask him: Does he know whether Afxentiou a Greek Officer or not? An Officer in the Greek army or not? 10

CHIEF JUSTICE: No, I do not think anything turns on that.

DENKTASH: As Your Lordships please.

DENKTASH: Witness 26 will be Kaminarides, his own testimony. Will you please stay out Mr. Kaminarides?

He did not come to give all the evidence that he was going to give in the Court below, it was stopped because there was an objection. He will produce Eoka documents about threats to the police found on duty, and also he investigated into the murders of certain policemen and attempted murders and he will give the particulars of those too. 20

PAVLIDES: My Lords, at this stage may I make one submission to Your Lordships. The document which was found in the possession of the prisoner when he was arrested at Ahna was addressed to "Zodro". Now the documents which have been produced in order to prove the connection of the bearer of the note to the Eoka organisation bears the name of Zidro. Zidro appears on Exhibit 8. 30

CHIEF JUSTICE: The document found on the accused?

PAVLIDES: Yes, Zidro.

CHIEF JUSTICE: I think it is a mistake, that is what I understand.

(Exhibit 8 shown to Counsel for Defence).

PAVLIDES: It is not Zidro because it bears the accent "perispomeni", and it is spelled with an omega, not an iota.

DENKTASH: I called him Zojro or Zidro, but the correct reading is Zidro, I have checked this morning.

(Counsel for the Defence compare Ex.8 with Ex.14(a) and (b).)

10 PAVLIDES: My Lords, we do desire to make this point at this stage.

CHIEF JUSTICE: May I just see them? Now this is Ex.8. It is not omega, it is certainly not omega. You cannot make that out on Ex.8. You could not possibly make omega.

In the Assize Court of Nicosia.

Prosecution Evidence.

No.30.

Sgt. Mehmet Jemal.

26th October, 1955

continued.

No.31.

EVIDENCE OF INSPECTOR SOPHOCLES KAMINARIDES (recalled)

No.31.

Inspector Sophocles Kaminarides (recalled)

26. INSPECTOR SOPHOCLES KAMINARIDES, Sworn on the Gospel, states in English:

20 Examination by DENKTASH: Q. What is your name?

A. Sophocles Kaminarides.

Q. You are an Inspector of Police? A. Yes.

Q. Stationed at C.I.D. Nicosia Divisional Headquarters? A. Yes.

Q. On the 28th August, 1955 did P.C.1117 give you anything? A. Yes. He gave me a bullet, a revolver bullet. (Ex. 5).

Q. Will you have a look at it, Ex.5, and say if it is the one? A. Yes, that is the one.

30 Q. And the next day did P.S.289 give you anything? A. Yes, a fragment of a bullet, Ex.6.

CHIEF JUSTICE: Q. What is his name? A. Agapios Papaconstantinou. (Witness 18).

Examination Contd. Q. And later you had this examined by Mr. Nash, Witness 22? A. Yes.

Q. You visited the scene of the crime on the day, 28th August? A. Yes.

Q. And you investigated into this case? A. Yes.

40 Q. Will you tell the Court for how long P.C.Poullis had been in the Police Force? A. He had 16 years service. And for the last four years he was serving with the Special Branch Nicosia H.Q.

26th October, 1955.

Examination.

In the
Assize Court
of Nicosia.

CHIEF JUSTICE: What are the duties of the Special Branch? A. The duties of the Special Branch are to collect information with regard to political matters, etc. and to submit them to Government.

Prosecution
Evidence.

Examination Contd. Q. And they go about in mufti?
A. Yes. Not uniform.

No.31.

Inspector
Sophocles
Kaminarides
(recalled)

Q. Was Poullis married? A. Yes, he had children.
Q. On the 4th September was accused brought to you by Witness 16, Inspector Theodoros of Famagusta?
A. Yes. Q. In the morning or afternoon?
A. In the morning. Q. What did you do to him?
A. We arrested him in connection with this case and he answered: "I do not admit".

10

26th October,
1955.

CHIEF JUSTICE: After caution? A. I cautioned him after his reply and he gave no reply.

Examination -
continued.

Examination Contd. Q. Now, first of all, will you tell the Court when did Eoka come to light, as far as the Police knows? A. Eoka came to light since the 1st April, 1955. Q. That is on the night of the 31st March? A. Yes.

20

Q. In conjunction with what? A. In conjunction with various attacks on the Government in Cyprus and Government buildings. Q. Attacks with what?
A. Explosives. Q. And is it then that Eoka pamphlets were distributed? A. Yes.

Q. On the 6th April, 1955 did Eoka distribute any pamphlets in Nicosia? A. Yes. On the 30th June.

Q. What about the April ones? the 6th April?
A. No. Q. What other dates have you? A. 30th June.

30

Yes, I am sorry, the first one was on the 5th April. Q. It is addressed to whom?

A. It is addressed to the Cyprus Police.

Q. Will you take the pamphlets there ...

CHIEF JUSTICE: Where were these found?

A. These were found at Nicosia.

Examination Contd. Q. In the streets, on the walls? Where? A. It was thrown somewhere in Ayios Antonis Quarter, in the street.

CHIEF JUSTICE: No, I think that evidence is too vague, I mean one must have here somebody who picked up these pamphlets.

40

DENKTASH: As your Lordship pleases. We know who picked up this pamphlet and this witness can say so.

CHIEF JUSTICE: I think so, we must know in what circumstances it was found.

Examination Contd. Q. Now, who picked that up?
A. P.C. 705.

PAVLIDES: It is hearsay.

DENKTASH: It was handed to him.

CHIEF JUSTICE: Yes, on the 5th April, this Eoka pamphlet was handed to you by?

Witness: P.C.705.

("E" Eoka Pamphlet marked "E" for identification.)

DENKTASH: I have some translations here.

10 CHIEF JUSTICE: I do not want to look at it at present until it can go in.

Examination Contd. Q. Then, what was the next one handed to you? A. Again another pamphlet addressed to the Cyprus Police.

Q. On what day was it handed to you? A. It was handed to me on the 1st July, 1955.

Q. By ...? A. By Inspector Christos Sophocleous.

Q. Is he in Nicosia? A. Yes.

Q. Will you hand it to the Court? A. Yes.

20 ("F" Eoka pamphlet put in and marked "F" for identification.)

Q. And another one? A. A third one was found by P.C.158. Q. Handed to you? A. Yes. By Beramez. It was found in Nicosia.

CHIEF JUSTICE: When was it handed to you?

A. On the 5th September, 1955.

("G" Eoka pamphlet put in and marked "G" for identification.)

(Pamphlets looked at by Defence Counsel).

30 DENKTASH: I do not know, my Lords, if you wish this witness to stand down for me to call the other witnesses, because he is going to state about the events that followed. I suppose we can connect them again later.

CHIEF JUSTICE: I think we had better go on and if you cannot connect up the actual acts of violence with the pamphlets well, we will have to dismiss it from our minds.

DENKTASH: Yes, thank you, my Lords.

40 CHIEF JUSTICE: I do not think any undue prejudice arises because all of us are aware that acts of violence of one kind or another have occurred.

In the
Assize Court
of Nicosia.

Prosecution
Evidence.

No.31.

Inspector
Sophocles
Kaminarides
(recalled)

26th October,
1955.

Examination -
continued.

In the
Assize Court
of Nicosia.

Prosecution
Evidence.

No.31.

Inspector
Sophocles
Kaminarides
(recalled)

26th October,
1955.

Examination -
continued.

Examination Contd. Q. On the 1st July, 1955 did
you investigate into any case? A. Yes.

Q. What case? A. It was an attempted murder
against P.C.832, John Aspros.

Q. A special branch man? A. Yes.

Q. And no one was detected? A. No.

Q. On the 13th July did you investigate another
case? A. Yes. Q. What case was that?

A. That was an attempt to murder the victim of the
present case. Q. P.C. Poullis? A. Yes. 10

Q. Did you go to the scene as soon as you received
a report? You were there how long after the
commission? A. Five minutes. Q. And did the
late deceased complain to you? A. Yes.

Q. And as a result of that complaint did you search
the verandah of his house? A. Yes. He himself

delivered to me a revolver bullet and he lodged
a complaint with me. Q. Did you find any mark

on the verandah anywhere? A. Yes on the wall.

Q. What mark? A. It was a mark which was fresh, 20

and it was apparent that the bullet struck on the
wall. Q. And fell down? A. Yes.

Q. You have that bullet with you? A. Yes.

Q. Will you produce it? A. Yes.

CHIEF JUSTICE: I do not think we want it.

DENKTASH: It is the same calibre, that is why.

CHIEF JUSTICE: I see.

Examination Contd. Q. That is the bullet? A. Yes.

(Exhibit 15. Bullet produced and marked EXHIBIT 15
(SK)) 30

Q. On the 10th August, 1955 did you investigate
into another case? A. Yes. Q. What case was
that? A. It was a murder in which the deceased

was Mikis Zavros. A mail officer of Nicosia and
a special constable. Q. Has he got any brothers

in the Police Force? A. Yes, he has three bro-
thers, one in the Special Branch, one in the C.I.D.
and one at the Traffic.

CHIEF JUSTICE: Q. How was he killed?

A. With a revolver. 40

Examination Contd. Q. And where? A. Shot at
the back. Q. In what part of the town?

A. He was shot in Germanou Patron Street, some-
where near Antonakis Bar at 7.30 in the evening.

Q. Now, about the calibre of the revolver used in
that case? A. Yes, it was .38.

Q. On the 5th September, 1955, at the Nicosia Police Station did you formally charge the accused?
 A. Yes. Q. You cautioned him? A. Yes.
 Q. And he made a statement to you? A. Yes.
 Q. Which you put down in writing? A. Yes.
 Q. Read it over to him? A. Yes.
 Q. And he signed it as correct? A. Yes.
 Q. Will you produce that formal charge? A. Yes.

In the
 Assize Court
 of Nicosia.

Prosecution
 Evidence.

No.31.

Inspector
 Sophocles
 Kaminarides
 (recalled)

26th October,
 1955,

Examination -
 continued.

Cross-
 Examination.

10 (Exhibit 16. Statement of the accused put in and marked EXHIBIT 16 (SK).)

Cross-Examination by PAVLIDES, Q.C.

Q. Regarding the attempted murder against John Aspros on the 1st July, 1955, was there any firing?
 A. No. Q. I believe that the whole matter was that he suspected that somebody was outside his house? A. No, he was in his house, he heard a voice and he got up and he saw a pistol penetrating the window of his house. Q. But the pistol was not fired? A. No, he heard the striking but the pistol did not go off for some unknown reason.
 20 Q. I believe that the late P.C.Poullis was a big stout fellow? A. According to the record his height was 5'9 $\frac{1}{2}$ ". Q. I understand that you were in charge of the investigations into the case into which we are enquiring now? A. Yes.
 Q. You know that the shots and the killing took place, as we know, at the entrance of the Women's Bazaar and on one side there is a kiosk belonging to Haritonides? A. Yes. Q. Do you know whether
 30 Haritonides was there that day? A. He was.
 Q. It is a kiosk in which newspapers are being sold? A. Yes. Q. It has two windows I think, one looking into Lejra Street and the other one looking into the Women's Bazaar? A. Yes.
 Q. Facing Michaelides shop? A. Yes.
 Q. Did you question him to find out whether he knew anything about it? A. I questioned him, yes, as soon as I went there. He said that he heard two or three shots.

40 DEUKTASH: What he said is it admissible?

Cross-examination Contd. Q. Well, did you take a statement from him? A. No.

CHIEF JUSTICE: Q. But though you say you did not

In the
Assize Court
of Nicosia.

Prosecution
Evidence.

No.31.

Inspector
Sophocles
Kaminarides
(recalled)

26th October,
1955.

Cross-
Examination -
continued.

take a statement from him you asked him, he did say something to you? A. He did say something to me.

Q. Was it in answer to a question by you? A. Yes.

Q. What did you ask him? A. I asked him whether he had seen anybody killing the deceased.

Q. And he made a reply? A. Yes.

Cross-examination Contd. Q. But you did not take it down in writing? A. No.

Q. Did you take down any statements regarding the actual scene of the shooting and the escape of the person who fired other than the statements of witnesses whom we have seen in this Court? A. No.

10

CHIEF JUSTICE: Any other witnesses to the res gestae?

PAVLIDES: Yes, to the res gestae including the actual firing and the escape of the persons who fired, and the persons who chased the person who fired.

Cross-examination Contd. Q. You said no. A. Yes.

I got a statement from another person who chased the man. Q. And it was just this one person who

20

chased? A. Who chased. Q. One other person who chased the person who fired? A. Yes, and other persons who saw the other man chasing the person. They saw a person being chased, they saw persons chasing, that is all, they described the man, and something like that.

Q. From how many persons did you take statements?

A. About 5 or 6. Q. Did any of these other persons attend the identification parade? A. One.

30

Q. One of them attended the identification parade? A. Yes. Q. He was a person who said that he

saw the person running away and that he also had chased him? A. Yes. Q. Was he taken to the

identification parade on the same day as all the other witnesses who were taken there? A. Yes.

Q. Was his name Panayiotis Halis? A. Yes.

Q. The result of his being taken to identify was that the person who was running whom he was chasing was not among the persons who were presented

40

to him? A. No, he did not say that, he said that he was not able to identify the person whom he saw running on that day.

Q. I see, he said that when he was shown the nine persons present at the identification parade? A. Yes.

Q. And among those 9 or 10 persons was the present prisoner? A. Yes. Q. Now tell me, do you

know that on that day Bedevi the confectioner whose

shop is next to a restaurant there, almost opposite the Alhambra Hall, was shut because he was afraid on account of the movements about? A. Yes.
 Q. Only one other question. You said that the late Poullis was giving information, making reports, on political matters. I don't suppose he was the only person charged with these duties?
 A. I was asked what his work was.
 Q. No, I mean, there were several other policemen doing this work? A. Yes.

10

Re-examination by DENKTASH: .

Q. Do you know what time Bedevi closed that day or whether he opened at all that morning? A. No, I do not know.
 Q. What you know is that at the time you went there it was shut? A. Yes.

CHIEF JUSTICE: Q. When did you go there?
 A. I arrived there at 12.45.

20

DENKTASH: (through the Court) Q. If this Zidro or Zodro is a Greek name or not. A. Zidro is not a name but it could be a nickname.
 Q. It is not a name? A. No.

CHIEF JUSTICE: It is not a Greek name known to you? A. No.

DENKTASH: I am calling P.C.158. He is a witness who will identify the documents handed to this witness.

No.32.

EVIDENCE OF P.C.158 FIKRET FERAMEZ

30

27. P.C.158 FIKRET FERAMEZ, Sworn on the Koran states in English:

Examination by DENKTASH: Q. What is your name?
 A. Fikret Feramez. Q. You are P.C.158? A. Yes.
 Q. Stationed at Nicosia? A. Yes. Q. Will you have a look at this document marked "G"? Do you remember picking it up any place and giving it to Inspector Kaminarides? A. Yes.

In the Assize Court of Nicosia.

Prosecution Evidence.

No.31.

Inspector Sophocles Kaminarides (recalled)
 26th October, 1955.

Cross-Examination - continued.
 Re-examination.

No.32.

Fikret Feramez.

26th October, 1955.

Examination.

In the
Assize Court
of Nicosia.

Prosecution
Evidence.

No.32.

Fikret Feramez.

26th October,
1955.

Examination -
continued.

Q. Where did you pick it up? A. At Ayios Antonios
quarter. Q. Whereabouts is that? A. I do not
know, I only know that it was in Ayis Antonios
Quarter. Q. When did you hand this?
A. On the 5th September.

CHIEF JUSTICE: Q. Did you find it in the street
or where? A. In Ayios Antonios, I cannot remem-
ber the name of the place.
Q. In the street, in a yard or back yard or where?
A. Yes, it was in the street.

10

Examination Contd. Q. And is it your duty to
collect these documents and bring them to the
Police Station if you see them? A. Yes.
Q. Will you produce it please? A. Yes.

(Exhibit 17. Pamphlet produced and marked "G" for
identification becomes EXHIBIT 17 (FF))

DENKTASH: I have a translation, I do not know
how correct the translation is.

CHIEF JUSTICE: I think it would be quickest for
two Counsel together - one could read the Greek
and the other the English - rather than spend our
time. I mean while the proceedings are going on.
I think that six Counsel between you you might be
able to check it.

20

PAVLIDES: No remarks on Ex. 17, my Lords.

Cross-examination: Nil.

No.33.

No.33.

P.C. 705
Kyriakos
Patsios.

EVIDENCE OF P.C.705 KYRIAKOS PATSIOS

28. P.C.705, KYRIAKOS PATSIOS, Sworn on the Gospel,
states in English:

30

26th October,
1955.

Examination.

Examination by DENKTASH: Q. What is your name?
A. Kyriakos Patsios, P.C.705.
Q. Will you have a look at Exhibit "E"?

CHIEF JUSTICE: Did you see this before? A. Yes.
Examination Contd. Q. Where? A. In Ayios Anto-
nios Church. Q. Did you pick it up and give it
to Inspector Kaminarides? A. Yes. Q. When?
A. On the 5th April, 1955. Q. You produce it?
A. Yes.

(Exhibit 18. Pamphlet produced and "E" for identi-
fication becomes EXHIBIT 18 (KP))

40

(Court and Counsel compare translation of Ex.18).

Cross-examination: Nil.

No. 34.

EVIDENCE OF INSPECTOR CHRISTOS SOPHOCLEOUS

In the
Assize Court
of Nicosia.

29. INSPECTOR CHRISTOS SOPHOCLEOUS, Sworn on the
Gospel states in English:

Prosecution
Evidence.

Examination by DEMETASH: Q. What is your name?

A. Christos Sophocleous. Q. Will you have a look
at "F" for identification? A. Yes.

Q. Did you see that before? A. Yes, I did.

Q. Where did you see it or pick it up?

10 A. I picked up two or three copies of this from
Lycavitos Quarter. Q. Where is this quarter?

A. It is outside Nicosia, on the side of Ayios
Antonios.

No.34.

Inspector
Christos
Sophocleous.

26th October,
1955.

CHIEF JUSTICE: Outside the walls? A. Yes.

Examination.

Examination Contd. Q. And you handed it over to
Inspector Kaminarides? A. Yes.

Q. Do you remember the date you picked it up?

A. The 1st July. Q. In the morning or the even-
ing? A. At night time. Q. You produce it?

20 A. Yes.

(Exhibit 19. Pamphlet produced and "F" for identi-
fication becomes EXHIBIT 19 (CS))

(Court and Counsel compare translation of Exhibit
19 (CS)).

Cross-examination: Nil.

No.55.

No.35.

EVIDENCE OF SUB-INSPECTOR PETROS PARASKEVAS.

Sub-Inspector
Petros
Paraskevas.

30. SUB-INSPECTOR PETROS PARASKEVAS, Sworn on the
Gospel states in English:

26th October,
1955.

30 Examination by DEMETASH: Q. What is your full name
please? A. Petros Paraskevas. Q. You are

Sub-Inspector of Police at Limassol? A. Yes.

Q. On the 29th August was a certain Stavros Achil-
leas Papouis brought to the Police Station? A. Yes.

Examination.

CHIEF JUSTICE: Q. What Police Station?

A. Limassol.

In the
Assize Court
of Nicosia.

Prosecution
Evidence.

No.35.

Sub-Inspector
Petros
Paraskevas.

26th October,
1955.

Examination -
continued.

Examination Contd. Q. In connection with what?

A. He was found writing seditious slogans on the walls of the Turkish Family Court at Limassol.

Q. What did he do when he came in?

A. He refused to be searched and he put something in his mouth. A police constable took it from his mouth. It was a folded piece of paper.

Q. You were there? A. Yes, I was there.

CHIEF JUSTICE: One piece or more than one piece?

A. One piece but it was folded. When I opened it it was three pieces and I found that they were seditious documents. 10

Examination Contd. Q. All right, the Court will find that. Have you got the papers now?

A. Yes, these are the three papers.

Q. Have you copied them on another piece of paper because they were not legible? A. Yes.

DENKTASH: There is no translation at all. They are from the case. Maybe we can have them translated. 20

CHIEF JUSTICE: Yes, go along, let us translate it.

Examination Contd. Q. You produce them? A. Yes.

DENKTASH: I think they are dated.

CHIEF JUSTICE: Let us have them in in chronological order.

DENKTASH: Two are dated 25th August and one appears without date.

(Exhibit 20. Three documents put in and marked EXHIBIT (a) (b) (c)) 30

(Translated by the Registrar of the Court.)

Exhibit 20(a) (undated)

"EOKA. I swear in the name of the Holy Trinity that: 1. I shall work with all my powers for the liberation of Cyprus from English yoke, sacrificing to that effect even my own life. I shall execute without objection all the orders of the organisation which may be assigned to me and I shall not raise any objection however difficult and dangerous they may be. 40

I shall not abandon the struggle unless I receive instructions from the leader of the organisation and until the fulfilment of our aim.

I shall never disclose to anybody the secrets of the organisation, nor my ... nor those of

"the other members of the organisation even if orders which may be assigned

If I fail in my oaths I shall deserve every punishment as a traitor; and let eternal contempt befall me."

Exhibit 20(b)

"25th August, 1955.

EOKA. (Order)

10

In view of the Tripartite Conference on the Cyprus question which will take place on the 29th August, 1955, Government perhaps will impose a curfew. So that the activities of the Youth Groups may not be interrupted and so that we show them that we are not daunted by those measures I command that all group leaders arrange so that raids shall be made when necessary during the noon hours. By doing so we shall prove that we are really inflexible and that we are not daunted by any danger".

Exhibit 20(c)

20

"EOKA General Order.
25th August, 1955.

In the course of the Tripartite conference military and police measures will be intensified, searches will be carried out in houses and on passers by. No one of our members should carry on him anything incriminating. They should not also hide anything in their houses. If I am informed that even one of them failed in this Order I shall be ruthless.

30

Signature Illegible."

Examination Contd. Q. That boy was convicted at the last Assizes for this offence? A. Yes.

Cross-Examination: Nil.

DENKTESH: Styllis Iacovou is a new witness, he will depose as to his investigations in the murder of Costopoulos at Famagusta, and he is mentioned in Ex. 17. The innocents. It says: "was the executed policeman in Famagusta Costopoulos innocent".

In the
Assize Court
of Nicosia.

Prosecution
Evidence.

No.35.

Sub-Inspector
Petros
Paraskevas.

26th October,
1955.

Examination -
continued.

In the
Assize Court
of Nicosia.

No. 36.

EVIDENCE OF STYLLIS IACOVOU

Prosecution
Evidence.

31. STYLLIS IACOVOU, Sworn on the Gospel, states
in Greek:

No.36.
Styllis Iacovou.
26th October,
1955.

Examination by DENKTASH: Q. What is your full
name? A. Styllis Iacovou.

Q. You are an Inspector of Police stationed at
Famagusta? A. Yes. Q. Did you know P.C. Cos-
topoulos? A. He was a Police Sergeant.

Q. Was he in the C.I.D. or the Special Branch? 10

A. No, he was in charge of the Special Branch in
Famagusta.

Examination -
continued.

(Witness will now state in English).

Q. What happened to this Police Sergeant?

A. He was shot dead on the 11th August, 1955.

Q. At what time and under what circumstances?

Where? A. It was 11.55 p.m. on the 11th August,
1955 at Yennadiou Street, Famagusta.

Q. As he was walking, cycling? A. As he was get-
ting ready to start on his motor cycle. 20

Q. And what was the calibre of the shots, do you
know? A. .38. Q. Was there any other calibre
of shot found there on the ground?

A. Two cartridges .32 and one alive.

Cross-Examination: Nil.

DENKTASH: My Lords. The next witness is In-
spector Apostolos. He is not mentioned in the
document about the innocents but he is the officer
at the C.I.D. Larnaca shot at by a person he iden-
tified. He will tell you that he had no personal
grudge against him and that he knew he was an Eoka
man. He has since disappeared. I am sorry. I
see now he is mentioned. He is Inspector Papacon-
stantinou, mentioned there as the Inspector. 30

No. 37.

EVIDENCE OF CHIEF INSPECTOR APOSTOLOS
PAPACONSTANTINOU.

In the
Assize Court
of Nicosia.

Prosecution
Evidence.

32. CHIEF INSPECTOR APOSTOLOS PAPACONSTANTINOU,
Sworn on the Gospel, states in English:

No.37.

Chief Inspector
Apostolos Papa-
constantinou.

26th October,
1955.

Examination.

Examination by DENKTASH: Q. What is your full name? A. Apostolos Papaconstantinou.
 Q. You are a Chief Inspector of Police? A. Yes.
 Q. In charge of the C.I.D. Larnaca? A. Yes.
 10 Q. On the 16th August, 1955, was anything done to you? A. Yes. Kikis Antonis Filiassides from Larnaca, fired at me once with a pistol.
 Q. Only one round? A. Yes. Q. You drew out a pistol and he ran away, did he? A. Yes.
 Q. And he has since disappeared? A. Yes.
 Q. The ammunition used, what was it?
 A. It was a .38 automatic. Q. You found the bullet later? A. Yes.
 20 Q. Now this Filiassides, was there any personal grudge between you and him? A. No, no personal grudge. Q. And was he known to the Police for any activities? A. Yes, he was arrested in connection with outrageous offences.
 Q. And released because of insufficient evidence I suppose? A. Yes.

CHIEF JUSTICE: You had investigated into the case of some men who were convicted in Larnaca of explosions? A. That is so, my Lord, which occurred on the night of the 1st April.

30 Q. You were in charge of this investigation?
 A. That is so, my Lord.
 Q. On the 1st April? A. Yes, my Lord.
 Q. Certain persons were charged? A. That is so, my Lords. Q. Were they convicted? A. Yes.
 Q. When? A. On the 23rd June, my Lord.

Cross-examination: Nil.

In the
Assize Court
of Nicosia.

No. 38.

EVIDENCE OF INSPECTOR SOFOCLES KAMINARIDES
(recalled)

Prosecution
Evidence.

INSPECTOR SOFOCLES KAMINARIDES (Witness No.26) Re-
called by the Prosecution.

No.38.

Inspector
Sofocles
Kaminarides
(recalled)

Examination by MR.DENKTASH: The first point will
be subject to Your Lordships approval. Yesterday
this witness gave evidence that he questioned George
Haritonides, the person in charge of the kiosk,
and that he did not take a statement from him and I
suspect that Haritonides may be called as a witness
and it is only fair to ask him why he did not take
a statement from Haritonides on that day.

10

27th October,
1955.

COURT: Yes.

Examination.

Q. Why did you not take a statement from Hariton-
ides? A. His verbal statement to me was a nega-
tive one and I thought it unnecessary to reduce
that in writing.

Q. The next question My Lords is the EOKA leaflets
which he identified to Your Lordships yesterday
Exhibits 17, 18 and 19. Are they all identical in
your opinion with all other Eoka leaflets circula-
ted before?

20

COURT: In what way? A. They are genuine Eoka...

Q. What are the genuine marks of Eoka leaflets?

A. From the way they were cyclostyled.

Q. Is he an expert on Eoka leaflets?

A. From the beginning to the end he has seen all
the Eoka leaflets. It is subject to Your Lord-
ships' approval of course.

Q. I would be prepared to allow you to ask him
what are the characteristics of Eoka leaflets?

30

COURT: Have they been printed on the same type-
writer and duplicator? A. Yes.

Q. Can you say whether Exhibits 17, 18 and 19 have
been duplicated on the same machine?

A. From what I can say they are all similar.

Q. What is the similarity?

A. The letters are almost the same.

Q. What are the marks in idiosyngrasis which you
perceive in these documents?

A. There are typewriters with small letters or big
letters. They are the same size.

40

Q. If a witness wishes to say that two documents
were made on the same machine the witness must
draw the attention of the Court to certain faults

and idiosyncrasies of the machine that appear on both. Can you do that? A. No, my Lord.

Q. As far as you can ascertain they are all similar to previous circulars published by Eoka?

A. Yes.

MR. DENKTASH: Now about the witness No. 5.

A statement was taken from him on the 28th?

A. Yes.

Q. And when did you deliver the bicycle?

10 A. On the same day.

Cross-Examination: Nil.

No. 39.

EVIDENCE OF DAMIANOS MICHAEL KAMENOS (Recalled)

DAMIANOS MICHAEL KAMENOS, Witness No.13 recalled by the Prosecution.

Q. You told us in your evidence the other day that you entered as guarantor and he paid the bicycle from Ouzounian? A. Yes.

20 Q. Michael Savva and Michalakis Savva Karaolides are they one and the same person? A. Yes.

Cross-Examination: Nil.

MR. DENKTASH: About this witness another point arises which Your Lordships may like me to put to him. You remember his evidence what he said to Inspector Kaminarides that accused was with him whereas Inspector Kaminarides says that he said to them that he was there from 9.30 to 11.30. May we ask him whether he said that or

30 COURT: I do not know whether this would be in the nature of cross-examination and I would not allow him to be cross-examined.

MR. DENKTASH: No but there are two prosecution witnesses the one saying one thing and the other another and we would

In the Assize Court of Nicosia.

Prosecution Evidence.

No.38.

Inspector Sofocles Kaminarides (recalled)

27th October, 1955.

Examination - continued.

No.39.

Damianos Michael Kamenos (Recalled)

27th October, 1955.

Examination.

In the
Assize Court
of Nicosia.

Prosecution
Evidence.

No.39.

Damianos Michael
Kamenos
(Recalled)

27th October,
1955 -

continued.

MR. PAVLIDES: Yes, but we have the other policeman who says that the witness stated to him that the prisoner was at his house after 11.30. In fact he was there at the interruption of the current on that morning

MR. DENKTASH: That was on the statement of the 8th September. We want to refer to the verbal statement he made on the 29th August.

MR. PAVLIDES: One prosecution witness may give one version and another may give another version... 10

COURT: When two prosecution witnesses differ it is not customary to recall one and say have you considered what the other one said etc. I think we should leave it alone.

COURT: Before the defence opens its case I would like to say this. To meet the desires of the defence I did adjourn yesterday but I do hope that at the completion of the defence Counsel will be able to address the Court straight away. We do not want any further adjournment. 20

MR. PAVLIDES: We never had the intention to do so. We are very grateful to Your Lordship indeed for having adjourned for to-day it was a great help to us.

COURT: You do realize that this trial places everyone under a nervous strain and the sooner it is over the better and if it can be over before the end of the week-end it can be better for all parties.

MR. PAVLIDES: There is one point to which I would like to direct Your Lordships' attention as well as of the Acting Solicitor General. We have a witness who will say that on the 28th August, she had a car from the Parthenos Taxi Office where witness Djenkis was employed and she gave us the description of the driver which to us appears to be the description of witness Djenkis so we shall pray the Court in due course that this witness should be here when the witness is giving evidence to say whether in fact he is the driver. Perhaps he may be available to us before she actually gives evidence because if she cannot identify him possibly her evidence will be of no value. 40

COURT: You will have this witness available.

MR. DENKTASH: Yes, My Lord.

No. 40.

EVIDENCE OF MICHALAKIS SAVVA KARAOLIDES

Accused informed of his rights elects
to give evidence on oath.

In the
Assize Court
of Nicosia.

Defence
Evidence.

MICHALAKIS SAVVA KARAOLIDES, Accused, Sworn on the
bible states in Greek:

No.40.

Examination by MR. CHRYSOFINIS:

Michalakis
Savva
Karaolides.

27th October,
1955.

Examination.

10

Q. What is your job? A. Government Clerk.

Q. In what department were you working?

A. Inland Revenue.

COURT: In what capacity? A. Clerk, 2nd Grade.

Q. Where did you sleep on the night of Saturday,
the 27th August 1955 one day before this occurrence?

A. In my house at Strovolos.

Q. Is there an address? A. Yes, Amathus Street,
No.10. Q. I understand that this is a house

which is not occupied by you but you just hire a
room? A. Yes. Q. And as a rule you live in

the same room with two of your sisters? A. Yes.

20

Q. Were your sisters in that house on Saturday the
27th August? A. No, they were not.

Q. Where were they? A. They were at our village
Palekchori. Q. You come yourself from Palekchori?

A. Yes. Q. Any of your sisters has a bicycle?

A. Yes. Q. Was the bicycle on Saturday the 27th
and Sunday the 28th August in that house in that

room? A. Yes. Q. Is it a lady's bicycle?

A. Yes. Q. You had there also at that time your
own bicycle which you can see in Court? A. Yes,

30

it is Exhibit No.3. Q. What time did you get up
from bed on Sunday the 28th August? A. At about

8 a.m. Q. When you got up what did you do?

A. I shaved, washed myself and dressed up and then
had my breakfast. Q. What did you do next?

A. I started going out pushing my bicycle.

Q. What happened next? A. As soon as I came into
the road I met Pheidas Christodoulou who is my

brother-in-law. Q. He is married to your third
sister? A. Yes. Q. And they live at Palekchori?

40

A. Yes. Q. And you had some conversation?

A. Yes. We greeted each other and asked him when
did he come from Palekchori and he told me that he
came on Saturday morning.

Q. You had some further conversation and what did
you do next. Did you stay there or did you proceed?

In the
Assize Court
of Nicosia.

Defence
Evidence.

No.40.

Michalakis
Savva
Karaolides.

27th October,
1955.

Examination -
continued.

A. Later I invited him to go to the coffee shop because there was nobody at home.

Q. At what coffee shop? A. Votsi's coffee shop.

Q. Where is this coffee shop? A. At Strovolos.

Q. How far away from the room where you live?

A. Two hundred metres.

Q. Did Phedias accept to do what you told him?

A. Yes. Q. Did you start proceeding and going to that coffee shop? A. Yes.

Q. Were you carrying anything with you whilst proceeding there. A. I was pushing my bicycle. 10

Q. Did Phedias have anything? A. No.

Q. Did you reach the coffee shop of Votsis?

A. Yes. Q. What did you do? A. We sat there and had coffees. Q. Who served you the coffees?

A. The coffee shop keeper is a certain Costas.

Q. Were there any other people in that coffee shop at that time? A. Yes 6 or 7 other people.

Q. Did you stay there for long? A. About an hour.

Q. Up to what time roughly? A. Up to about 9.45 - 10 a.m. Q. What happened next? A. Phedias 20

asked me to go together with him to the Alhambra Hall where there was going to be a meeting in protest to the tripartite conference.

Q. To what party does Phedias belong?

A. The old trade unions. Q. What did you reply?

A. I said to him "I do not like attending political meetings and I do not like to go with you. Instead I will go to see my uncle".

Q. What is the name of your uncle? 30

A. Damianos Michael Kamenos.

Q. What happened next? A. Phedias then asked me where I could spare my bicycle so that he could go himself. I, knowing that my sister's bicycle was at home, offered him my bicycle intending to take my sister's bicycle.

Q. Did he get your bicycle? A. Yes.

Q. And did he leave you? A. Yes.

Q. And what did you do yourself after he left you?

A. I stayed at the coffee shop for sometime and then I went home on foot. 40

Q. When you went home what did you do?

A. As soon as I went home I took my sister's bicycle and went towards my uncle's house.

Q. Did you reach your uncle's house? A. I did.

Q. At what time roughly? A. It must have been round 11 or 10.45 a.m. Q. When you reached your

uncle's house did you find your uncle there or anybody else? A. Yes. Having placed my bicycle outside I went in and found my uncle Damianos, my 50

In the
Assize Court
of Nicosia.

Defence
Evidence.

No.40.

Michalakis
Savva
Karaolides.

27th October,
1955.

Examination -
continued.

aunt Chrystalla and her three children sitting in the dining room conversing and listening to the wireless. Q. When you say 'left my bicycle' which bicycle you refer? A. My sister's bicycle. Q. What did you do yourself? A. I joined them there. Q. And up to what time did you stay with them in that room? A. We all sat there until about noon when the current was interrupted. Q. When the radio stopped did you remain in that room or if not what did you do? A. We went out in the yard. Q. All of you? A. Yes. Q. When you went out in the yard where did you stay or what did you do? A. When we went into the yard we sat in the shade where we met Christofis Cherkezos, the father, and his son Haralambos Cherkezos. Q. What were you doing there did you do anything at all with any one of these people you met in the yard? A. Haralambos Cherkezos, the son, asked me to join him in a game. Q. What was the game? A. We call it Dama. Q. Did you accept this invitation to play with him? A. Yes. Q. For how long were playing with him? A. For about an hour. Q. At that time did anybody come there? A. An employee of my uncle called Arghyros came there at that moment. Q. What time was it roughly when he came? A. It must have been about 1 o'clock. Q. When he came there what happened did he say anything? A. As soon as he came he said to us that in Nicosia they shot a policeman. Q. Did he mention the name of the policeman? A. No he did not. Q. When he gave you this news did he stay there or what happened? A. After telling us the news he went into the room he was living. Q. What happened next? A. We continued our game. Q. For how long after that? A. For about a quarter of an hour. Q. What happened then? A. Then my brother-in-law came to the house and asked me aside in order to talk to me. Q. Did he do so? A. Yes. Q. What did he tell you? A. He took me aside for 10 yards and told me that at Alhambra Hall a policeman was shot and that whilst he was about to go away from Alhambra and whilst he was about to reach the bicycle which he had placed on the pavement those persons who committed the crime took it and went away. He told me that he followed them with his eyes and at the end of the road they came into collision and that the Police who were pursuing them seized the bicycle. I was upset immediately

In the
Assize Court
of Nicosia.

Defence
Evidence.

No.40.

Michalakis
Savva
Karaolides.

27th October,
1955.

Examination -
continued.

and said to him, "What have you done to me Pheidas. I entrusted you my bicycle so that you could go down, and you went there and mixed my bicycle up in such a case. What can I do now?" He started apologising and said that he was afraid and could not go and ask for the bicycle. I was upset at that moment and went up to my uncle and told them that I would be going down town and that they should not wait for me for lunch.

Q. What made you upset? A. At that moment I could hardly think of anything. I thought that my bicycle was mixed up in a dangerous case and that because some days previously there had been an explosion at my office the Police would connect me

..... Q. What kind of explosion?

A. Bomb explosion. Q. Do you remember the date? A. It was about the middle of July.

Q. What did you do next? A. Later on I took my bicycle and went out. Q. Which bicycle?

A. My sister's bicycle. Q. Did you go alone or anybody else came with you? A. Pheidas went out also on foot. Q. Where did you go?

A. I went somewhere which I am not going to disclose to the Court because in such a case I would be giving away the name of a friend of mine who hid me. Q. Why did you go there? What was your purpose for going there? A. I went to his house in order to meet him and tell him what happened and seek his advice as to what I should do.

Q. Did you find him at home? A. Yes I did. Q. And what happened next? A. I told him what happened and explained to him generally all my fears regarding the mixing up of my bicycle on that morning and also the bomb explosion in the office and he said to me, "You stay in my house and we will see what happens next".

Q. For how long did you stay in his house?

A. I stayed for the whole of that day until Saturday of the same week. Q. Up to what time of the following Saturday did you stay there?

A. Until 9 a.m.

COURT: What date? A. Saturday, 3rd September.

Q. What happened on Saturday morning?

A. On Saturday morning he told me that somebody would be coming to take me somewhere.

Q. Did he tell you where? A. No.

Q. Did anybody come on Saturday morning? A. Yes. A certain Andreas Christoudes.

Q. How did he come? A. In a car.

Q. Which car? A. F.448.

10

20

30

40

50

In the
Assize Court
of Nicosia.

Defence
Evidence.

No.40.

Michalakis
Savva
Karaolides.

27th October,
1955.

Examination -
continued.

- Q. What happened next? A. Immediately he asked me to go into the car and that we should be going somewhere. Q. Did you enter the Car? A. Yes.
- Q. What happened then? A. We both entered the car and he drove off. Q. Where did he drive? A. He was driving towards Famagusta on the Famagusta Road. Q. Whilst you were driven by him did he give you anything and what? A. Before we got into the car he threw something into my pocket and he said to me keep this and I will tell you later what it is. Q. Did you see at the time what it was? A. It was a piece of folded paper. Q. Did you read it? A. No I did not read it. Q. What happened to the driver? A. We went as far as Chatos Village. Q. Up to the time you reached Chatos did any of you say anything about the piece of paper which he put in your pocket? A. No, he said only "I will take you somewhere and then pull up for you to come down. There you will be met by somebody wearing a blue shirt. He will greet you in the following words: "Hallo koumbare; are you a Nicosia man". And after he tells you these words you will answer him 'Yes'. Then he will ask you have you anything for me. Do you know a certain Averoff? Then to that question I should have answered 'Yes' and would hand him that piece of paper and that I should have followed him.
- Q. We are now at the point where Christoudes and you reached Chatos? A. Yes. At Chatos Christoudes noticed that there was a road block and he told me to get off the car. Q. Did you do so? A. Yes, I did. Q. And what happened to Christoude? A. He proceeded towards the road block. Q. Did you see if he cleared that road block? A. Yes. Q. What happened to you? A. I proceeded through the field on the left hand side. Q. And you heard the evidence of Police Sergeant Moustafa? A. Yes.
- Q. And P.C.662 Assim Arif? A. Yes.
- Q. What they have said to their Lordships is the true version of the facts? A. Not exactly because there was a discrepancy in the pronunciation of the name of Christoudes. He said that his name was Christofides whereas the name is Andreas Christoudes. Q. And you gave the answers that those witnesses have stated to Court? A. Yes.
- Q. And from there you were taken to Famagusta? A. Yes. Q. You heard the Inspector Theodoros Theocharides giving evidence to Their Lordships?

In the
Assize Court
of Nicosia.

Defence
Evidence.

No.40.

Michalakis
Savva
Karaolides.
27th October,
1955.
Examination -
continued.

A. I did. Q. Did he give to their Lordships the true version of the facts as they have occurred?

A. Yes. Q. And from there you were brought to Nicosia? A. Yes, on the following day.

Q. Tell me how you were dressed on Sunday the 28th August? A. I was wearing a beige trouser and white shirt.

Q. When you were detained at Chatos what were you wearing? A. The same trousers and a light blue shirt.

Q. You did attend an identification parade on Sunday the 4th September, 1955? A. Yes. 10

Q. What were you wearing at that parade?

A. The clothes I was wearing on the day of my arrest. Q. There were other nine persons with you at that parade? A. Yes.

Q. Was any of the nine persons wearing the same colour of shirt as you were yourself wearing on that day? A. No.

COURT: That shirt had not been produced?

A. It was returned to his family. 20

COURT: It would be no harm if we saw it because the question is how much different it is from a white shirt.

Q. When you were arrested at Chatos were you wearing a moustache then? A. I was not wearing a moustache at the time but I was unshaved for about 2 or 3 days before that date.

Q. At the identification parade which took place on the 4th September were you wearing a moustache?

A. They did not shave the moustache. 30

Q. During the preliminary inquiry of this case were you wearing a moustache? A. No.

COURT: Have you a moustache now or not? A. No.

Q. It seems to me that you have.

A. It is because I did not have a shave this morning. I had a shave yesterday morning.

Q. On the 28th August 1955 and on the previous day were you wearing a moustache? A. No.

Q. Did you or did you not kill P.C.Poullis?

A. No, I did not kill him.

Q. Were you a party in his murder? A. No. 40

Q. Were you or are you not a member of EOKA? A. No.

Cross-
Examination.

Cross-Examination by MR. DENKTASH:

Q. You have said that you never had a moustache? Before the 28th August? A. I had a moustache but

long time before the 28th August.

Q. What would you call a long time?

A. So far as I remember I must have a moustache until about the middle of August.

Q. You were fond of moustache and you were in the habit of having a moustache then you would shave it and again you would grow a moustache?

A. No, the moustache that I shaved off about the middle of August I was wearing it for about two months prior to that date. I was never of the habit of shaving it on one day and leaving it on the other.

Q. When was it that you left that moustache to grow? A. No, that was not the only time; I was wearing a moustache before but it could not have been in 1955. Q. Was it a thin moustache that you had and shaved 15 days before?

A. No, I have a photograph. It was a thick moustache. Q. It was a thin and narrow on your lips not a short thick moustache? Is this the photograph you said? A. Yes.

Q. Will you produce it to the Court? A. Yes.

(Put in and marked Exhibit No.21).

Q. When you had that photograph taken? A. It was after the explosion at the office where I was working. Q. And the explosion occurred on the 10th July? A. I do not remember exactly but soon after the explosion we were given these security passes.

Q. Are you a very nervous type of man? A. No.

Q. Would you describe yourself as a healthy young man as a sportsman at the English School? One of the best? A. I cannot say one of the best but I did my exercises regularly.

Q. And you took part even in sports outside when you became a Government Official? A. Yes.

Q. And you are well educated young man?

A. I describe myself as a man with the education one has on finishing a secondary school.

Q. On that day when your brother-in-law Phedias gave you the news what made you panic?

A. He told me that my bicycle which I gave him to go down the town it was taken by those criminals and then the person who was riding it collided with another and was eventually taken by the police.

Q. And you thought that that would implicate you in this murder? A. Not only that but I connected that incident with the explosion that had taken place in the Inland Revenue Office and I thought at the moment that the police would be unable to accept my explanation and that the least I would

In the
Assize Court
of Nicosia.

Defence
Evidence.

No.40.

Michalakis
Savva
Karaolides.

27th October,
1955.

Cross-
Examination -
continued.

10

20

30

40

In the
Assize Court
of Nicosia.

Defence
Evidence.

No.40.

Michalakis
Savva
Karaolides.
27th October,
1955.
Cross-
Examination -
continued.

suffer would be to be detained in the Castle under Section 18B.

Q. And your fear was not that you would be mixed up in this murder. You knew perfectly well that you had an alibi?

A. I was afraid about this case as well and connected this case moreover with the explosion.

Q. My question is this. Did you run away because you thought they would catch you for this murder or because the police would not accept your explanation?

10

COURT: It is one of those rather complicated questions. It is one of what I call psychological questions which I do not care very much. They do not really test the credibility of this witness, they merely

MR. DENKTASH: Very well My Lord I drop this question.

Q. You told your uncle of the ills that have befallen you and you only told them I am sorry I am going away? A. No, I did not tell him anything.

20

Q. What was your object of leaving them and going away without even waiting for lunch?

A. I was very excited at that moment that I did not know where I was going.

Q. And do you agree with me that a man of your standing and with that alibi would have gone to the Police Station with Phedias straight away?

A. Yes, as a matter of logic I would have done that but under that state of excitement I thought I would better go to that friend of mine to whom I had complete confidence and get his advice.

30

Q. Was that friend elder than you? A. Yes.

Q. And now that your life is at stake you do not want to mention his name and he does not come forward to help you? A. No, I will not disclose his name.

Q. Is he a married man? A. No.

Q. Does he live in a room or a complete house?

A. No, in a house of his own with his family.

Q. He kept you for six days? A. Yes.

40

Q. Was there any reason why you should not have shaved for the last three days before you were arrested? A. In the house of this man I shaved on two occasions but during the last three days because he was very busy and I did not want to trouble him every now and then asking him for razor blades and so on I did not shave. After all there was no special reason for me to shave having decided to confine myself in there. There was no reason for me to shave.

Q. You waited there for three days. Did you discuss with this man what you were going to do?

A. Yes, and he was advising me. In the course of the first day or so he advised me that if Police did not connect me in any way with the crime that I should go back to ordinary life. We were reading the newspapers and we were collecting as much information as we could in order to make up our minds as to what to do.

In the
Assize Court
of Nicosia.

Defence
Evidence.

No.40.

Michalakis
Sayva
Karaolides.

27th October,
1955.

Cross-
Examination -
continued.

10 Q. And it is on the advice of that close friend of yours that you hid yourself? A. Yes.

Q. Did you make up your mind to stay hiding or leave this country? A. I was just waiting for the evolution of things. I did not make any decision.

Q. But in the meantime you were wanted by the Police for questioning? A. Yes.

Q. Did you really think that the sooner you came forward with your answers the better would be for you? Did you ever think of that? Didn't you

20 think that the longer you stay in hiding the worse for you? A. No. Q. When Phedias gave you the information did you ask him what sort of a man was

this man running away with your bicycle? A. No.

Q. He might have been a fat man or a man with golden hair and who was not resembling you therefore you had no fear in coming forward? A. It did not occur to me at the time. I hardly had time to think as to what I was going to do at that moment.

Q. Did you contact Phedias during that time?

30 A. No, with nobody. Q. And it did not occur to you and your friend and you did not ask what that man running away with your bicycle looked like?

MR. CRESSAFINIS: How could the witness know what is in the mind of somebody else.

Q. When did you change into a blue shirt?

A. About the middle of that week.

Q. And who brought you the shirt and from whom?

A. My friend but I do not know through whose assistance he managed to get it.

40 Q. It was your shirt from your home? A. Yes.

Q. Does it not occur to you as very peculiar that he brought you the same colour of shirt that the man running away on that Sunday was wearing?

COURT: That is a matter for the Court.

COURT: We may adjourn for a few minutes.

In the
Assize Court
of Nicosia.

Defence
Evidence.

No.40.
Michalakis
Savva
Karaolides.
27th October,
1955.
Cross-
Examination -
continued.

RESUMED.

Cross-examination Contd. Q. Is this the shirt
that you were wearing on that day? A. Yes.

Q. Have a look at the sleeves. They are cut?

A. Yes, but they were not cut on that day.

(Put in and marked EXHIBIT No.22.)

Q. You did not ask your trusted friend who had
given him the shirt? A. No. Q. Did you stay

in the house of your friend for the whole period?

A. I did not come out of the house of my friend
until the day I was driven off in that car. 10

Q. But on the 28th August your sisters were away in
the village? A. Yes. Q. Did you tell him how

to get hold of your shirt? A. No.

Q. Did you ask him if your sister had come in the
meantime? Did Damianos have access to your room?

A. If he wanted, yes.

Q. You did not keep it under lock and key? A.No.

Q. Did he know where you kept your clothes?

A. I do not know. Q. Did he bring you anything
else or only the shirt? A. Yes, socks, handker- 20

chiefs and a jacket. Q. When did you change in
these? A. About the middle of that week.

Q. What happened to the clothes you had taken off?

A. I left them in the house of that friend of mine.

Q. You did not take them with you on Sunday? A.No.

Q. On Saturday when this car came with Christoudes
and you entered into it did you know at least that
you were running away and not going to give your-
self up at all? A. Yes. Q. Did you know where 30

you were going to be taken? A. No.

Q. Did you care to ask? A. No, they told me
that they would help me to escape and I had to obey
and trust them. Q. You trusted Christoudes as

well? A. I did not see Christoudes before. My
contact was with that friend of mine.

Q. Did you care to ask whether you will be hidden
in Cyprus for the rest of your life or taken away

from the Island? A. I did not ask. That was a
matter of detail for them to arrange. 40

Q. But you were an interested party?

A. They told me that they were going to put me in
hiding and I trusted them. After all they were
hiding me for the whole week. They might have
hidden me in another house.

Q. Did you make your mind then to remain in hid-
ing for the rest of your life or that you would
have gone out of the Island? A. It did not occur

to me at the time. The only thing I could think of at the time was to stay in hiding.

Q. When Christouides came in the car and gave you a note (Exhibit 8) and told you what to say and what to do did it not occur to you that you were being connected with EOKA? A. Yes, I suspected it.

Q. And did you read the note at all until you were caught by the Police? A. Not even a single letter of it. Q. Did you understand that it was a

10 recommendation to EOKA? A. No.

Q. What do you think it was? A. That it was just a letter which I should hand over to that man who was going to take charge of me.

COURT: On receiving the note did you understand that you were under the protection of EOKA.

Witness: I suspected something like that even before that when they came and drove me away. It passed my mind.

20 Q. You were sure in your mind that you were under the protection of EOKA? A. Soon after I was taken into that car with Christouides and I was told that some men were going to take me away and hide me my suspicions became stronger that I was under the protection of EOKA and that the men who were going to take me away were the men who had something to do with EOKA.

COURT: Q. Did you have at that time any suspicion that the murder of Poullis might have been done by EOKA? A. Rather.

30 Q. Did it not occur to you that if you came under the protection of the suspected murderers of Poullis that your case was rendered almost hopeless?

A. It did not occur to me even at this moment it does not occur to me that Christouides has anything to do with the murder of Poullis.

40 Q. Surely you should have realized that by accepting the protection of EOKA you would have placed yourself into a much deeper danger? A. I did not think at the time that by accepting the help they were giving me that I would become an accomplice in EOKA's activities. Q. You say that even now

you do not believe that Christouides is connected with the murder of Poullis? A. Yes.

Q. Did you at any time tell either your trusted friend or Christouides that you were a patriot up to self-sacrifice? A. No.

Q. This letter says that you have been sent to this Zodro to be taken care of and that you are a good boy and patriot to self-sacrifice?

In the
Assize Court
of Nicosia.

Defence
Evidence.

No.40.

Michalakis
Savva
Karaolides.

27th October,
1955.

Cross-
Examination -
continued.

In the
Assize Court
of Nicosia.

Defence
Evidence.

No.40.
Michalakis
Savva
Karaolides.
27th October,
1955.
Cross-
Examination -
continued.

COURT: What do you think it is meant by this expression a patriot up to self-sacrifice?

A. I have no idea who the author of this letter is and I do not know what prompted him to write that letter in these words.

Q. You would not describe yourself as a patriot up to a point of self-sacrifice? A. No.

Cross-examination Contd.

Q. At Chatos Village when the car stopped and you got down from the car did you make any arrangement to meet Christoudes after the road block, beyond the road block? 10

A. Yes. He suggested that I should alight from the car and take the short cut and meet him further down. Q. But you said that the evidence of the Sgt. and P.C. 662 is correct? A. Yes.

Q. And it does show that you told them a number of lies? A. Yes. Q. What was your purpose in telling these lies. Was it so that you may not be detected?

COURT: That his identity should not be disclosed. 20

Q. And once they detained you in the police station didn't you think it was high time that you should put forward your alibi and your movements?

A. Which Police Station?

Q. At Chatos. When this note was found on you did you not think that it was high time to make a clean breast of it? A. I do not know anything about the contents of the note. I now know but I did not know then. It occurred to me that at the time I was detained in Chatos Police Station that they would left me free. Q. Did you expect to be released soon if you did not account first of your movements? A. It was not at all difficult for me to pass through Chatos because I did not guess the contents of that note. I did not know that it was incriminating me. Q. But the note was open and shown to you and the Police searched you, found it and read it? A. No. He read it himself; he did not read it to me. 30

Q. You were then sent to Famagusta? A. Yes.

Q. At Famagusta you were repeatedly asked to disclose your name and movements? A. Yes.

Q. Did you hope that you had any chance of getting away? A. No. In spite of that it was still my intention not to give a statement as to where I was going or where I came from. Even up to now I do not say anything to that effect to anybody. 40

Q. Did you hope that you had any chance of getting away? A. No. In spite of that it was still my intention not to give a statement as to where I was going or where I came from. Even up to now I do not say anything to that effect to anybody.

Q. I appreciate that but what about the movements of the 28th August. Did you not think that it was high time to disclose your alibi and the rest of it? A. No, I was asked to make a statement but I refused to make a statement because it was my intention not to incriminate either my friend or his friends.

In the
Assize Court
of Nicosia.

Defence
Evidence.

No.40.

Michalakis
Savva
Karaolides.

27th October,
1955.

Cross-
Examination -
continued.

10

Q. I do not mean your hiding place or the persons who were hiding you but don't you think it was high time that you should disclose your movements of that day and also your alibi? A. I was not asked to make a statement to that effect but in any case I did not want to make such a statement because I was bound to connect my statement about my movements with what eventually happened about my hiding etc., something which I wanted to avoid.

Q. Then you were brought to the Police Station at Nicosia? A. Yes. Q. And you were arrested for the murder of P.C.Poullis? A. Yes.

20

Q. Did you realize then that there was no hope of escape? A. I realized that long before I was brought to Nicosia but in spite of that I was not prepared to disclose the name of my friend.

COURT: You are not asked about disclosing your friend but at the material time were you in your uncle's house at Cadmos Street? A. The Police did not ask me for the particular hour on that particular Sunday but a complete account of my movements and for that reason I refused to make a statement.

30

Cross-examination Contd. When you were arrested with this murder would it not be

COURT: I do not think you can pursue the matter further.

Cross-examination Contd. Are you a religious man?

A. I am a Christian Orthodox.

Q. If you swear on the Holy Trinity to do something will you go back on it? A. No.

Q. Whatever it may be you will do it to the end?

40

A. I would say that the object would be carried to the end if I took an oath in the name of the Holy Trinity.

COURT: If part of the oath was to implicitly obey somebody else's orders would you carry out whatever these orders were? A. Before I should have given that oath I should have tried to find out how that

In the
Assize Court
of Nicosia.

Defence
Evidence.

No.40.

Michalakis
Savva
Karaolides.

27th October,
1955.

Cross-
Examination -
continued.

oath would operate on me and what my obligations would be on me in taking the oath.

COURT: Assuming for a moment that you took the order to obey implicitly the orders of another would you carry out these orders no matter what they were? A. I do not think I would ever find myself in such a position because if I were to take an oath I should have known in the first instance what was expected from me and what I should do. Q. So you would not carry an oath to carry out blindly another person's order? A. No.

10

Cross-examination Contd. Did you come to know of the existence of EOKA? A. Yes.

Q. And its objects? A. Not its objects.

Q. What do you think its objects were?

A. I knew that these men were carrying out sabotage and that they were wanting the Union of Cyprus with Greece. Q. Did you know that EOKA was calling traitors all servants of the Crown who were doing their duties? A. No.

20

Q. Did you know P.C.Poullis? A. No.

Q. Not even by sight? A. No.

Q. Coming back to the 28th of August that morning first of all you said that you lived in Stylli's house? A. Yes. Q. That morning did you see Styllis? A. No. Q. On Saturday did you see him? A. Yes. Q. Phedias Christodoulou is your brother-in-law? Does he reside at Strovolos?

A. No, he lives at Palekchori.

Q. Were you expecting him on Sunday morning? A.No. 30

Q. What is his work? A. He is a mason.

Q. And is he a politician or is just a member of the old Trade Unions? A. Just a member of the old Trade Unions. Q. You got up that morning at about 8. What time did you come out of the house? A. About three quarters of an hour.

Q. And you met him by chance in the street?

A. I did not meet him by chance. He just came to my house. Q. Did he knock on the door of the house? A. No, he did not because in the meantime I came out of the house. 40

Q. How many paces away from the door of the house? A. He was on his way to the door about 10 paces away. Q. And did he tell you why he had come to Nicosia? A. No, not immediately. He told me in the course of the conversation that he came on the day before. Q. For how long did you stay at the coffee shop with him? A. About an hour.

Q. That makes it about 10 o'clock? A. Yes.

In the
Assize Court
of Nicosia.

Defence
Evidence.

No.40.

Michalakis
Savva
Karaolides.

27th October,
1955.

Cross-
Examination -
continued.

Q. And after Phedias left for how long did you stay in the coffee shop yourself? A. For about 15 minutes. 15 - 20 minutes. Q. Did you speak to anybody? A. Only to the coffee shop keeper.

Q. The same man who served you? A. Yes.

Q. What did you tell him? A. I paid him for the coffees. Q. That was all? A. Yes.

Q. Then you went home and took your sister's bicycle and went to your uncle? A. Yes.

10 Q. At your uncle's house you said that you came out of the room and all of you sat under the shade?

A. Yes. At the back of the house.

Q. And when you came out were the two Cherkezos already in the yard? A. They were outside.

Q. Were they sitting or doing something?

A. The father was sitting but I do not think so about the son. Q. And you said that you played dama with his son? A. Yes. Q. How old is he?

A. About 17 or 18 years old. We were close friends.

20 Q. When Arghyris came and mentioned this murder did anybody take any interest? A. I think my aunt asked him where the murder occurred and Arghyris said that he did not know. Q. You did not take any interest yourself? A. No, because it was improbable that a man would be shot in broad daylight. I did not believe him. Q. Did you not ask him where did he hear those nonsense or words to that effect? A. No I did not. He said that he heard about it and a lot of rumours are going about which eventually prove untrue. Q. When Phedias came and mentioned the murder you of course realized that it was true? A. Yes.

30 Q. And yet you did not ask any particulars from him either? A. He volunteered the particulars himself. Q. What particulars?

COURT: He has given them already.

Q. Did he tell you that he has seen the murder or heard the murder? A. He told me that when he was coming out of the hall he heard shots and also that he saw the murderers take the bicycle and go away.

40 Q. How many murderers did he tell you? A. No, he told me that there were persons running and one of them took the bicycle.

Re-Examination: Nil.

In the
Assize Court
of Nicosia.

No. 41.

EVIDENCE OF DJAHID BEDEVI.

Defence
Evidence.

No.41.
Djahid Bedevi.
27th October,
1955.
Examination.

D.I. DJAHID BEDEVI, Sworn on the Koran states in Turkish:

Examination by MR. INDIANOS: Q. What is your full name? A. Hussein Djahid Bedevi.

Q. What are you doing? A. Confectioner.

Q. Where is your shop? A. No. 50 Ledra Street.

Q. Where is the restaurant of a certain Orphanides?

In relation to your shop? A. On the left hand side of my confectionery. He has got a yard behind my confectionery. 10

Q. Is it down Ledra Street from your shop? A. Yes.

Q. Next door to his? A. Yes. Lefkaritis Taxi Office is above my shop.

Q. How many doors above? A. Adjoining.

Q. What is the situation of your door in relation to the Women's Bazaar? Is Lefkariti's shop opposite the Women's Bazaar entrance? A. More or less it is. One part of Lefkariti's shop because Lefkariti's shop consists of three doors. There is also another confectionery. 20

Q. Whose confectionery? A. Of a certain Demetri.

Q. Did you open your premises on the 28th August, 1955. A. No. I only went to my shop at about 12 o'clock in order to close the window which is at the back part of my shop in order to avoid the sun coming on the chocolates. Q. How many minutes did you stop? A. 3 - 4 minutes the maximum.

Q. Did you serve anybody? A. No.

Q. Do you know a certain Djenkiz? A. He is not a man with whom I speak but I know him. 30

Q. Did you see that man outside your shop at the time when you went there to open it for three minutes? A. No, I did not see the witness because I alighted my car got into my shop and then came out and closed it and left. Q. Did he buy an ice cream from you? A. I said that I did not sell anything.

Cross-
Examination.

Cross-Examination by MR. DENKITASH:

Q. Have you got ice creams in the box. Did you have that morning? A. I always do. 40

Q. You seriously remember if you sold one or two and you do not remember? Is it possible that you sold and you do not remember? A. I do not remember having sold.

COURT: How long after the 28th August were you

asked about this matter? A. They did not ask me about this matter. Q. When you were first asked? A. Yes. When it appeared on the papers my neighbours came to my shop and asked me whether I was open on that day and later Mr. Indianos came and saw me. Q. And you know Djenkiz slightly? A. Yes. Q. Is it also possible that you may have served him and you do not remember? A. I do not think I sold him.

10 Q. When you entered into the car was there a crowd outside your shop? A. The crowd was near Alhambra. Q. Did you see P.C.Poullis outside your shop? A. I do not remember. I did not notice anything extraordinary taking place.

Re-Examination: Before 12 o'clock did you happen to open your shop? A. No.

In the
Assize Court
of Nicosia.

Defence
Evidence.

No.41.

Djahid Bedevi.
27th October,
1955.

Cross-
Examination -
continued.

Re-examination.

No.42.

EVIDENCE OF GEORGHIOS HARITONIDES.

20 D.2. GEORGHIOS HARITONIDES, Sworn on the bible states in Greek.

Examination by MR. INDIANOS: What is your business in Nicosia? A. I own a kiosk.

Q. In Nicosia? A. At the entrance of the Women's Bazaar, Ledra Street. Q. What is the length of your kiosk? A. About a yard and a half.

Q. Has your kiosk any windows? A. Yes, there are two windows. Q. One looks on which street?

A. Ledra Street. Q. And the other? A. In the entrance to the Women's Bazaar.

30 Q. What is the relation between the two windows? How far the one window from the other?

A. They form an angle.

Q. Do you remember the 28th August, 1955? A. Yes.

Q. Was your kiosk open on that day and you were working? A. Yes. Q. Do you remember what was going on at the Alhambra hall on that day?

A. Yes, I do. Q. What was it? A. The leftists had a meeting there.

Q. Did you know P.C.Poullis? A. Yes.

10 Q. Did you see him on that day in the vicinity of your kiosk? A. Yes. Q. When was it last that

No.42.

Georghios
Haritonides.

27th October,
1955.

Examination.

In the
Assize Court
of Nicosia.

Defence
Evidence.

No.42.

Georghios
Haritonides.

27th October,
1955.

Examination -
continued.

you saw P.C.Poullis? A. At about 12.20 on that day.

Q. Where about? A. At the corner of my kiosk. He was leaning against the corner of my kiosk nearer to the window opening in the entrance of the Women's Bazaar. Q. Was he with his back to your kiosk or how was he? A. Yes, he was.

Q. Did you have the occasion to talk to him at that time? A. Yes. Q. What happened at that time when you talked to him and while he was close to your kiosk at 12.20? A. Among many persons passing by on that day I saw very well three other persons passing from there.

Q. Where were they coming from? A. From the Women's Bazaar. Q. When you saw those three persons coming out of the Women's Bazaar what happened? A. The first two passed very close to me and the third one almost touched the window.

Q. When he touched the window what position did he occupy? A. I could see only his profile.

Q. And what happened next? A. I then heard the gun shots. Q. Then? A. I then saw the first two run away and saw the third one running away too. Q. The first two run before the third one? A. Yes. Q. How would you describe the man who stood by the window? A. It was somebody wearing a blue shirt, rather fatty and of white complexion. Q. He came and stayed there by your window. In what position was he in relation to the P.C.Poullis? A. On his right side.

Q. When they came out what

COURT: Who is they?
Q. The three persons whom you saw coming out of the Women's Bazaar did you have the opportunity of looking at them? A. Yes, naturally they passed by me and I saw them. Q. Just look at the accused in the box? A. Yes.

Q. Could you tell their Lordships whether any of those three persons whom you saw at the particular morning was the accused? A. No, the accused was not one of those three persons.

Q. Did you know the accused before? A. No.
Q. How did you come to know for the first time that the accused was arrested in connection with this offence? A. I read it in the papers in the course of the preliminary inquiry so the photo of the accused was published. Q. When you saw the photograph what did you do? A. I said that this is not the man. Q. Did you have the opportunity of speaking about this to anybody whom you can name?

Q. When they came out what

COURT: Who is they?

Q. The three persons whom you saw coming out of the Women's Bazaar did you have the opportunity of looking at them? A. Yes, naturally they passed by me and I saw them. Q. Just look at the accused in the box? A. Yes.

Q. Could you tell their Lordships whether any of those three persons whom you saw at the particular morning was the accused? A. No, the accused was not one of those three persons.

Q. Did you know the accused before? A. No.

Q. How did you come to know for the first time that the accused was arrested in connection with this offence? A. I read it in the papers in the course of the preliminary inquiry so the photo of the accused was published. Q. When you saw the photograph what did you do? A. I said that this is not the man. Q. Did you have the opportunity of speaking about this to anybody whom you can name?

Q. Did you have the opportunity of speaking about this to anybody whom you can name?

A. I saw Mr. Stelios Pavlides who bought his papers and told him that the photograph was not the photograph of the man I saw.

In the
Assize Court
of Nicosia.

COURT: Have you got the photograph. I would like to see it. Q. When you heard the three shots what happened to Poullis? A. Poullis staggered for two or three paces and he seemed as if he was about to chase them and then fell down.

Defence
Evidence.

No.42.

Georghios
Haritonides.

27th October,
1955.

Examination -
continued.

10

Q. Did you get of your kiosk after you saw Poullis fell down. A. Yes.

Q. What did you do? A. I thought I could help him somehow and I went up to him.

Q. When you got out where did you find him?

A. At the door of Michaelide's shop.

Cross-examination by MR. DENKTASH:

Q. Soon after this incident you have described Inspector Kaminarides arrived on the scene? A. Yes.

Cross-
Examination.

Q. Did you see him soon after the murder?

20

A. Yes, he came to the window of my kiosk opening in Ledra Street. Q. Did he ask you what you had seen and what you had recognised? A. Yes. He asked me whether I knew them. Q. Whom?

A. Those three persons whom as we said one of them fired and the other two were in front and ran away. Q. You told him the whole story and he asked you is you could recognise them?

COURT: Could you tell us the conversation between you and Mr. Kaminarides? A. He asked me "Do you know these gentlemen" and I answered "No".

30

Q. What gentlemen do you mean? A. Those three persons. Q. But you had not even given him the story? A. No, he only asked me whether I knew them and I said No. Q. So he must have heard that three men had done that and came and asked you whether you could recognise them? Did you give him the description of those people as you say it in Court now? A. I told him No and he went away.

40

Q. Did you tell him that you had heard the shots and seen the murder committed? A. He did not ask me anything and

Q. And you did not volunteer and tell him that the one was a stout fellow and so on?

A. No, I was not asked and I did not say anything.

Q. Did you not think that it was your duty to help the officer? A. Since the officer did not ask me.

Q. But you had seen the murder and the murderers too? A. I was not asked.

In the
Assize Court
of Nicosia.

Defence
Evidence.

No.42.

Georghios
Haritonides.

27th October,
1955.

Cross-
Examination -
continued.

Q. You said that people were coming out of the Alhambra Hall? A. Yes.

Q. At the time this murder was committed? A. Yes.

Q. How many men did you see coming out?

A. Quite a number of them. At the entrance to the Women's Bazaar there were small groups but in the street there were quite a lot of people.

Q. At the time these three men arrived you saw many people there? A. Very few. The people used to

come out from the exit of the Alhambra Hall into the street. There was no reason for them to pass through the Women's Bazaar entrance.

Q. And is your story that these three men came out and one of them fired and went away?

A. The whole show took place very quickly.

Q. Did they fire and not stopped at all?

A. One or two seconds. Q. You mean to say that they stopped one or two seconds? A. One of them

because two went ahead and turned the corner and I did not see them. Q. You did not see them actually running away when the shots were fired?

A. They were going one after the other all three of them went away.

COURT: Did you see a gun? A. No I did not.

Q. Did you see the face of any of these three people after the shots were fired?

A. Only their back. Q. You did not see their faces? A. I saw their faces when they were first coming.

COURT: And for the brief moment that you saw their faces you had no particular reason to observe them? A. I saw them in the same way which I see you and other faces very close.

Q. Did he have any particular reason to observe them? A. No particular reason.

Q. You do not merely say I cannot say whether the accused was one of these people or not but definitely say that the accused is not one of these three men? A. I am sure he was not.

Q. Can you describe the other two? A. They were fatter and shorter in figure and all of them were white. They were not of dark colour.

Q. No moustache? A. No. Q. Did you know their age? A. Approximately 22, 25 and 28.

Q. How high is the surrounding wall of your kiosk? A. About the stand of the bible.

Q. Had Mr.Pavlidis not come to you to buy the papers would you have again gone to the police and state what you have stated? A. No, because I was

10

20

30

40

not asked by the Police when they first called at me. Q. I suppose that if Mr. Pavlides did not come by chance to buy papers from you you would never have come to Court? A. I would have told him because it would be unjust for someone to be convicted for somebody else.

Q. In which paper did you see that photograph?
A. Either Eleftheria or Ethnos.

10 MR.PAVLIDES: The position is that the preliminary inquiry started and it was adjourned and we should like to get the photograph from the beginning of the preliminary inquiry because practically very often photographs of the accused were published during the course of the preliminary inquiry. I think that Mr. Indianos has them in his office. Other witness will produce them.

Q. Do you remember whether it was the first day that you were reading about the trial in the papers that you saw this picture?

20 A. When they published that photograph I saw it.

Q. It was the first day that a photograph was published? A. Yes, at the preliminary inquiry.

Q. And was relating to the first day?

A. Yes, I think it was the first day of the preliminary inquiry.

30 Q. I put it to you that to Inspector Kaminarides you stated that you heard the shots and you could not or recognise or identify anybody? That you only heard the shots and that you did not see any of the assailants? A. No.

Re-Examination: Nil.

No. 43.

EVIDENCE OF YANGOS MYRIANTHOPOULLOS.

D.3. YANGOS MYRIANTHOPOULLOS, Sworn on the bible states in Greek:

Q. What is your profession? A. I am a School Master at Terra Santa School. Q. Teaching what?
A. Greek and History, also I used to teach Latin as well.

40 Q. Do you remember the 28th August, 1955? A.Yes.

In the
Assize Court
of Nicosia.

Defence
Evidence.

No.42.

Georghios
Haritonides.

27th October,
1955.

Cross-
Examination -
continued.

No.43.

Yangos
Myrianthopoulos.

27th October,
1955.

Examination.

In the
Assize Court
of Nicosia.

Defence
Evidence.

No.43.

Yangos
Myrianthopoulos.

27th October,
1955.

Examination -
continued.

Q. Was there anything in particular taking place at the Alhambra Hall on that day? A. Yes.

Q. Where were you on that morning of the 28th August, 1955? A. I was at various places in Ledra Street but about 11.30 I went to the confectionery of Demetris Stefanides.

Q. Where is that confectionery?

A. This confectionery has two doors opening into Ledra Street and facing the entrance to the Women's Bazaar. Q. How many doors are there?

A. Two doors in Ledra Street.

Q. Where were you sitting in that confectionery in relation to the Women's Bazaar? A. I was sitting at the northern wall about two yards away from the entrance nearer the street leading to Metaxas Square. Q. At what time did you stay there?

A. I stayed there five minutes after the murder of Poullis. Q. Before P.C. Poullis was murdered did you see or hear anything?

A. Yes, I heard three bangs.

Q. And when you heard this noise what did you?

A. As soon as I heard these three bangs I turned immediately my attention to where the shots were coming and I saw three persons walking hurriedly and going away from the entrance of the Women's Bazaar. Q. Before you saw them going on hurriedly did you see any other people running out of the same entrance? A. No. Even 5 - 6 seconds after the shots were fired I did not see anybody moving in that entrance apart from these three persons.

Q. Which direction did these three persons take? A. Down Ledra Street.

Q. Did you see these three people sideways from the front or profile? A. Not exactly face to face. I could see the 3/4 of their faces.

Q. In which position were the people running?

A. The one after the other; the two were nearer each other and the third one a little bit behind.

Q. How much behind was he? A. I cannot fix it. That is my impression.

Q. Could you describe those three persons? A. The first person had fair hair and white shirt. The second person had a blue shirt and the third person was wearing a shirt which was not white.

Q. Would you describe it? A. I cannot exactly describe but I exclude the white colour. I also do not recollect any characteristics so far as their hair was concerned.

Q. How tall were they? A. Normal height.

Q. Would you say to their Lordships whether any

10

20

30

40

50

one of these three persons resembled to the accused?
A. I may tell the Court that no one of these three persons resembles the accused as I see him to-day and as he looked in the photograph which appeared in the press in the course of the preliminary inquiry. Q. Is it the first day that you see the accused to-day in person? A. Yes.

Q. Did you see his photo published anywhere before?
A. Twice, rather three times. Q. When was that?

10 A. In the "Eleftheria" newspaper during the preliminary inquiry, if I am not mistaken. It must have been on the 22nd September. I have this paper.

(Put in and marked EXHIBIT 23.)

I buy newspapers daily and regularly and the issue of the 13th must have come to my notice.

(Put in and marked EXHIBIT 24.)

The third time I saw the picture of the accused was yesterday.

COURT: We will make an adjournment until 2.30 p.m.

20 Court rose at 1.05 p.m.

RESUMED.

Appearances as before.

Cross-Examination by MR. DENKASH:

Q. You were sitting inside this confectionery?

A. Yes. Q. And it is only the shots that made you turn in that direction is that right?

A. Yes, at that particular moment because even before I used to look through.

30 Q. And the moment you looked in that direction you saw three men running away? A. Walking hurriedly.

Q. In order to lose sight of them how many paces did they walk and you lost sight of them?

A. I think that they must have made about 3 - 4 paces. Q. You agree with me that you must have seen them in fractions of a second?

A. No. I estimate that I was seeing them for more than two seconds. Q. And that during that interval you noticed that the first one was fair haired and white shirt? A. Yes.

40 Q. You noticed the trousers? A. I do not remember. Q. The second one you said had blue shirt?

A. Yes, and he was rather shorter than the first.

Q. Would you say in feet what was his height?

Taller or shorter than the accused?

A. Much shorter. Q. Was he a thin man or a stout one? A. The second one was the fattest of them

In the Assize Court of Nicosia.

Defence Evidence.

No.43.

Yangos Myrianthopoulos.

27th October, 1955.

Examination - continued.

Cross-Examination.

In the
Assize Court
of Nicosia.

Defence
Evidence.

No.43.

Yangos
Myrianthopoulos.

27th October,
1955.

Cross -
Examination -
continued.

all. Relatively he was fatter than the others.

Q. Did you notice anything about his trousers?

A. No. Q. And the third one? You said that he had a coloured shirt. Was he shorter or?

A. I did not say the colour but it was not white. He was about the same height as the first one.

Q. Was he fair haired or dark? A. He was not fair haired. Q. What was the colour of his hair?

A. He must have had black hair. I noticed the first one having regard especially to the characteristic of the hair colour. In any case they could not have either white or grey hair because they were all young persons.

Q. You noticed absolutely nothing about the third one? A. Only his general appearance and his physiognomy. Q. Thin or fat? A. He was not

thin but a bit thinner than the first one. He was neither thin in his face or figure.

Q. Tall or short? A. He was about the height of the first. Q. How high was the first?

A. He was about the same height as I am but about 5 - 6 centimetres shorter. Q. How tall are you?

A. One metre and 75 cm. but exactly I do not know.

Q. Having regard to the accused were they shorter or taller? The first and the third?

A. They were shorter than the accused and the second one was even much shorter than

COURT: Did you notice anything in the third man's hand? A. No.

Q. When you heard the shots did you understand that they shot anybody? A. I am not 100% sure whether at that moment I realized that they had shot somebody. I noticed P.C.Poullis stagger as if about to pursue them and then falling down.

Q. Did you after all realize that this was an EOKA murder? A. Yes. Q. Were you there when the police arrived? A. Yes, but I want to explain by what it is mean when you say "when the police arrived"

COURT: You mean that the police was already there.

Q. What I mean is when they actually went near the murdered P.C. A. Yes, I estimated that 10 - 12 seconds after the shot the police arrived at the place where Poullis fell.

Q. Do you think you could identify the three persons you saw running away. Did you think at that moment that you could identify them?

A. I think that even to-day I can recognise them.

10

20

30

40

Q. Did you feel it your duty to go up to the Police and say that I have seen this and this and I can identify them if I see them again?

A. No, I did not do it. Q. Did you know that the Police would be interested to find out the persons who could identify the murders? A. Yes.

Q. Why did you not go to the Police and give all this information which you say so freely now?

A. First of all I did not know those persons.

10 Secondly I did not have either the Roman or English courage to risk very probably my own life in doing so. Even persons who had an immediate duty to do it they did not do it.

Q. Any other reason? A. No other reason.

COURT: Even if you knew the persons you would not have talked? A. I did not have the courage to say that at that time but now the position is different.

20 Cross-Examination Contd. Q. I will tell you what the difference is. You would not come on the side of justice and disclose the murderers but having made sure that you are wanted by the defence you have to give us this false story? A. No, this is not the reason.

Q. What is the reason then?

COURT: It requires more courage to stand up for the law than for the defence?

A. Yes, in this particular case, but to-day things are different.

30 Q. What is the difference? A. Because to-day I would be fully prepared to come forward as a witness fully knowing and believing that the accused was not one of those persons I saw on that day and in spite of that he is left to risk his life while the murderers are free.

Q. Do not you think that it is your duty to inform the Police so that they should not arrest the wrong man, an educated School Master

40 COURT: I do not think you should pursue the matter.

Q. You were before coming to this school you were a School Teacher at the Gymnasium? A. Yes.

In the
Assize Court
of Nicosia.

Defence
Evidence.

No.43.

Yingos
Myrianthopoulos.

27th October,
1955.

Cross-
Examination -
continued.

In the
Assize Court
of Nicosia.

Defence
Evidence.

No.43.

Yángos
Myrianthopoulos.

27th October,
1955.

Cross-
Examination -
continued.

Q. And you are the son of a certain Myrianthopoulos?
A. Yes.

Q. Who is known amongst the community as an ardent nationalist?
A. My father is a very conservative type, extremely conservative.

Q. Ardent in the cause of Enosis?

A. He aspires for Union as much as I do.

Q. And would you come as a witness to any EOKA outrage and give evidence honestly?

A. No. This part of my answer does not constitute the truth. I do not want to appear in your eyes as a hero at all risks.

10

COURT: There is no danger to that.

Re-Examination: Nil.

No.44.

Panayiotis
Hallis.

27th October,
1955.

Examination.

No.44.

EVIDENCE OF PANAYIOTIS HALLIS.

D.4. PANAYIOTIS HALLIS, Sworn on the bible states in Greek:

Q. What is your name? A. Panayiotis Hallis.

Q. How old are you? A. About 23.

Q. What is your work? A. Mosaic tiles in Nicosia.

Q. Are you a member of the old Trade Unions?

A. Yes. Q. On Sunday the 28th August last did you attend any mass meeting and if Yes what was it?

A. At the Alhambra Hall.

Q. When the meeting was over what did you do?

A. I together with another four co-villagers of mine walked down Ledra Street towards the bus stop to go back to our village. Q. What bus stop?

A. It is near the Municipal Market. It is a khan.

Q. In Hermes Street? A. Yes.

Q. With whom were you? A. Jordanis Petrou Chamberlis, Andreas Kythreotis, Evangelos Koumenis and Georghios Artemi all of Athieno.

Q. Whilst you were proceeding in Ledra Street did you stop anywhere? A. At Kykko Avenue we saw a poster there and we stopped.

Q. At the point you stopped how far away was it from the premises of the bank of Athens if you

20

30

noted? A. About thirty paces.

Q. Whilst you were staying there did anything happen which drew your attention? A. Yes, I noticed two bicycles the one falling on the top of the other on the steps of the Bank of Athens premises.

Q. How far away were you? A. 30 paces.

Q. You were in Ledra Street or Kykko Avenue?

A. Kykko Avenue. Q. What happened next?

10 A. I saw three or four persons pursuing somebody who was coming towards us and shouting "Catch him".

Q. The person who was running and who was being chased did pass close from where you were standing?

A. Whilst they were shouting he was still coming on us. Q. Was he proceeding in the same direction you were standing? A. Yes.

Q. And ultimately he passed close to you and he proceeded on with his flight? A. No, before he overtook us somebody shouted "he has thrown a bomb" and started chasing him myself.

20 Q. How many people roughly were chasing him at that time? A. I think three or four persons.

Q. Were you one of those who were closer to him or farther? A. When I started chasing him I was after the first person that was chasing him but then I overtook the first pursuer and I was behind the person who was being chased. Q. What happened then?

30 A. We crossed Phaneromeni cross road and he went again along Kykko Avenue. He found a small turning opening into Hermes Street and he turned into that turning and entered Hermes Street and proceeded towards Famagusta gate. Q. And then you lost sight of him?

A. No, we proceeded as far as the TITAN's sewing machines shop is and there was another turning to the left, a narrow one where the chicken and poultry is sold and he went into that turning. That opens into the Goldsmiths road. I followed him and I lost sight of him in the Goldsmiths Road.

Q. And then you gave up the chase? A. Yes.

40 Q. At the point where you abandoned the chase were you alone or another person was with you chasing him also? A. There was another young boy with a bicycle and both proceeded as far as the mosque of St. Sophia is and then Police came there and took me.

Q. Could you describe to their Lordships how the person whom you were chasing was like? What was he wearing first? A. He was wearing a dark coloured pair of trousers of a rather bluish colour and a yellowish shirt.

Q. Was he wearing any jacket? A. No.

50 Q. Was he tall or short? A. Medium height.

In the
Assize Court
of Nicosia.

Defence
Evidence.

No.44.

Panayiotis
Hallis.

27th October,
1955.

Examination -
continued.

In the
Assize Court
of Nicosia.

Defence
Evidence.

No.44.

Panayiotis
Hallis.

27th October,
1955.

Examination -
continued.

Q. And then you have mentioned to their Lordships that the Police took you, did they do anything?

A. No, I was taken to the Police to give a statement. Q. Straight away? A. Yes.

Q. Did you give a statement to the Police? A. Yes.

Q. And you stated to the Police exactly what you said to the Court this afternoon? A. Yes.

Q. Did you know the person whom you were chasing?

A. No. Q. On the following Sunday were you asked by the Police to go anywhere? A. Yes.

Q. Where? A. I was at home and somebody came to

my house and asked me to report to Inspector Kaminarides at 5 p.m. Q. Did you do so? A. Yes.

Q. Where did you go? A. I went to the Divisional Police Headquarters, Nicosia, and found him in his office.

Q. What were you asked to do?

A. He said to me we have arrested somebody and we are sure that that was the man. However, we would like your opinion as to whether that was the man whom you were chasing on that day.

10

20

COURT: Was this put to Kaminarides at all in his Cross-examination? A. Yes, my Lord.

Q. What happened next? A. They put us in a room and locked the door for these nine persons to pass and then they asked us one by one to go to the identification parade. Q. Did you go? A. Yes.

Q. Did you have a good look on all those at the parade? A. I did. Q. What was the result?

A. I carefully looked at all those persons and told them that the person whom I was chasing that day was not in the parade.

30

Cross-
Examination.

Cross-Examination by MR. DENKTASH:

Q. You are a member of the old Trade Unions?

A. Yes. Q. When you heard on that day that "he has thrown a bomb catch him" did you think that somebody had thrown bombs at your leaders? A. Yes.

Q. And in fact that is why you have run after him?

A. Yes. Q. When you came to the Police Station were you told that that man had killed a policeman?

A. No, not until 6 p.m. when I left the police station. Q. And you mean to say that you made the statement and you did not know that a policeman was killed? A. No, I did not know.

Q. Were you chasing that man on a bicycle that day?

A. No, on foot. Q. And is it your evidence that there were no other persons running after him on bicycles? A. No. Q. You were the next after

40

In the
Assize Court
of Nicosia.

Defence
Evidence.

No.44.

Panayiotis
Hallis.

27th October,
1955.

Cross-
Examination -
continued.

- him? A. Yes. Q. Did you see him at any time
turn back and point the revolver at you? A. No.
Q. What about your friends were they running with
you? A. No. Q. Did you ever turn at all?
A. No. Q. The fugitive? A. Yes.
Q. How many times? A. I do not remember well but
he must have turned back two or three times.
Q. Did you see him holding anything in his hands?
A. No. Q. In his shirt? A. I did not notice
10 if he had anything in his shirt but I noticed him
placing his hand in the trouser pocket.
Q. Was he a tall man? Taller than you? A. Yes.
Q. Was he a thin man? A. Yes.
Q. Was he a fat man or? A. Medium figure.
Q. Could you call yourself medium? A. He was fat-
ter than I. Q. Did he have a moustache? A.No.
Q. And by any chance the shirt was not blue? A.No.
Q. How old about was he? A. About 25.
Q. Is that what you told the police as well?
20 A. I think Yes. Q. If you were taken to the
Police did you wait anywhere before a statement
was taken from you? A. I must have waited for
about 2½ hours. Q. And you say seriously that
during those 2½ hours that you did not hear that
it was a P.C. who was shot? A. No, nothing.
Q. Because I suggest it to you that when you real-
ized that it was a Policeman that was shot you
changed your mind and gave a fresh story?
A. I did not hear that a Policeman was shot.
30 Q. Do you know if EOKA killed Poullis?
A. I do not know. Q. Did you suspect it?
A. I cannot maintain this sort of idea because I
have not mixed up myself with these things.
Q. But before Poullis other Policemen were attacked
and killed? A. Yes. Q. And people say that
they were done by EOKA? A. Yes. Q. When you
heard that Poullis was shot did you not suspect
that it was an EOKA murder? A. That is what every-
body believes. Q. I am asking you?
40 A. I cannot interpret the mind of others.
Q. I am asking your mind? A. Whatever the others
say I hear. Q. So you did not think at all of
this murder? A. No. Q. And up to this moment
you did not make up your own theory about it?
A. No.

Re-Examination: Nil.

In the
Assize Court
of Nicosia.

No. 45.

EVIDENCE OF DESPINA NEARCHOU.

Defence
Evidence.

D.5. DESPINA NEARCHOU, Sworn on the bible states
in Greek:

No.45.
Despina
Nearchou.
27th October,
1955.
Examination.

Q. Your full name? A. Despina Nearchou.
 Q. Where do you live? A. At 12 Samo Street, Ay
 Omoloyites. Q. Do you live alone? A. No, I
 live with my uncle and aunt.
 Q. Do you remember the 28th August? A. Yes.
 Q. Why do you remember that date? A. Because we
 went to a wedding ceremony. Q. Which wedding? 10
 A. Of a certain George Souglides.
 Q. Where was that wedding? A. At Ayios Antonios
 Quarter. Q. How did you go to this wedding?
 A. In a taxi at 10.50. Q. Where did you get
 the taxi from? A. From Parthenon Tel. No.3241.
 Q. Did you go there and hire a taxi or did you
 telephone? A. No. I telephoned.
 Q. From where? A. From ELSI Hotel.
 Q. Did the taxi arrive at all? A. Yes. 20
 Q. Did the taxi take you to the Church? A. Yes.
 Q. What time roughly did you arrive at the Church?
 A. At about 11. Q. Do you know the taxi driver?
 A. Yes. Q. Do you know his name? A. No.
 Q. Would you describe the taxi driver?
 A. Yes, tall, slim, curly hair, small eyes with a
 rather wrinkled face. Q. Where did you sit in
 the taxi? A. I sat next to him.
 Q. Did you speak to him at all? A. Yes.
 Q. What did you say to him? A. We told him to 30
 take us to Ayios Antonios Church.
 Q. Did he wait to bring you back from the wedding?
 A. No.

MR.CLERIDES: At this stage I went to bring the
driver.

COURT: You spoke in Greek? A. Yes.
 Q. Was he Greek? A. I do not know I did not ask
 him but he replied in Greek. Q. Did he appear
 to be a Greek speaking person? A. He spoke Greek
 well. Q. You had no reason to think that he was 40
 other than Greek? A. No. Q. Apart from giving
 him instructions to take you to the church did you
 have any other conversation with him? A. No.
 Q. And what did he answer to your instructions?
 A. He said en taxi. Alright.

(Witness No.2, DJENKIZ, brought before the Court.)

COURT: Is this the man who drove you? A. Yes.

Cross-Examination by MR. DENKTASH:

Q. Is this taxi Parthenon the usual place you get taxis? A. No, but I saw the telephone number of that taxi office at the hotel and I dialled that one. I did not have any particular number in my mind. Q. When was the last occasion when you asked for a taxi? A. I do not remember.

COURT: Is the ELSI hotel at Ayii Omoloyites?
10 A. Yes.

Q. About how long before did you ask for a taxi?

A. About three weeks before roughly.

Q. From whom did you get the taxi that time?

A. From Parthenon. Q. Before that? A. Again from Parthenon. Q. I mean before that? A. I did not ask before.

Q. You only asked from Parthenon twice? A. Yes.

Q. Where did you go on the first occasion?

A. To Trypiotis Church. Q. Who took you there?

20 A. The same driver. Q. So you had seen him before? A. Yes. Q. Why did you not tell us that? A. I did not know his name. I saw from

the proceedings published in the press that the name of Parthenon was mentioned and that a driver drove a family on that day from Samos Street and I thought that that family was us because he did not take any other family from Samos Street.

Q. In which paper did you see this?

30 A. "Eleftheria". Q. Of what issue? A. I do not remember but one or two days ago.

Q. It was upon that that you went to the taxi office and you told them? A. Yes.

Q. What did you say there? A. As a result of this we went to the Parthenon taxi office and told him that it was us whom they took to the Church.

Q. And you asked the office to inform the advocates? A. Yes. Q. You said that you sat near the driver on the 28th August? A. Yes.

Q. So you were not looking at him all the time?

40 A. No. Q. And his little eyes and wrinkled face you must have seen them while entering the car? A. Yes. Q. And on the first occasion did you again sit near him? A. Yes.

Q. And again the conversation was the direction where to and nothing more? A. Yes.

Q. And if you hear from me that that man worked in that office for only three weeks? A. I do not know for how long he worked there.

Re-Examination: Nil.

In the
Assize Court
of Nicosia.

Defence
Evidence.

No.45.

Despina
Nearchou.

27th October,
1955.

Cross-
Examination.

In the
Assize Court
of Nicosia.

No. 46.

EVIDENCE OF COSTAS MESHITIS

Defence
Evidence.

D.6. COSTAS MESHITIS, Sworn on the bible states
in Greek:

No.46.
Costas Meshitis.
27th October,
1955.

Examination.

Q. What is your full name? A. Costas Meshitis.
Q. Where do you live? A. Strovolos.
Q. And what is your shop? A. Coffee-shop.
Q. Where is your coffee-shop? A. On the right
hand side to Lakatamia.
Q. And how is your coffee-shop known? 10
A. Coffee-shop of Votsis.
Q. Do you remember the 28th August when the commu-
nists held a meeting at the Alhambra Hall? A. Yes.
Q. Did you see the accused on that day? A. Yes.
Q. You know the accused? A. Yes.
Q. Where did you see him? A. In the morning of
that Sunday I opened the coffee-shop at 8.15 in
the morning. About a quarter of an hour accused
came to the coffee-shop accompanied by Phedias.
Q. Do you know this Phedias? A. I know him very 20
well. Q. Was the accused carrying anything with
him? A. He was pushing a bicycle and accom-
panied by Phedias who was on foot.
Q. What did the accused and Phedias do at the
coffee shop? A. They sat at the table and ord-
ered coffees. Q. How long did they stay there?
A. They stayed for about an hour and then Phedias
told the accused that he was going to leave.
Q. Did you see him leaving? A. Phedias asked the 30
accused whether he had any bicycle to give him and
accused told him that he could take his own bicycle
and Phedias took accused's bicycle and left.
Q. What did accused do then? A. He stayed there
for about half an hour and then went away.

Cross-
Examination.

Cross-examination by MR. DENKPASH:

Q. You said that you happened to see them arrive
and accused was pushing the bicycle? A. It was
soon after I opened the shop there were no cus-
tomers in my shop and I was carrying water from
the fountain and I saw them from afar. 40
Q. Did you approach them as Phedias was about to
leave? A. I took them the coffees and I went
again back in order to get paid.
Q. When did they pay you as Phedias was leaving or
as the accused was leaving? A. At that time when
Phedias was about to go away and I was called by

the accused. Q. And that is why you heard the bicycle being asked? A. Yes.
 Q. Did you hear Phedias say anything else?
 A. I heard Phedias asking the accused to go to the Alhambra Hall. Q. And what did the accused say?
 A. Accused said No, I will go to my uncle.
 Q. When was it that your mind went back to the 28th August? How do you remember this incident? Who asked you to remember? A. At about noon when the buses used to come from the town they told us that there was a murder committed and a certain Poullis was shot and there and then it occurred to me the conversation which took place in the morning when Phedias asked us to go to Alhambra and I said to myself it is a good thing we did not go.
 Q. Has he asked you as well? A. Yes.
 Q. And what did you say? A. I said I could not possibly leave my shop. I never attend meetings.
 Q. When did you hear that accused was connected with this murder? A. About 2 or 3 days later.
 Q. Did you see Phedias at the time you heard about it before or after that? A. He came in the afternoon as well. Q. Did he tell you anything when he came? A. Everybody was talking about that murder. Q. Do you know the bicycle of the accused? A. No. Q. Did you hear that he was connected with his bicycle in this murder?
 A. Yes, I heard that two or three days later when I heard that he disappeared and was wanted for the murder. Q. Phedias did not tell you anything about the bicycle? A. No, he said nothing to me.
 Q. Up to this day he did not tell you anything?
 A. No.

Re-Examination: Nil.

In the
 Assize Court
 of Nicosia.

Defence
 Evidence.

No.46.

Costas Meshitis.

27th October,
 1955.

Cross-
 Examination -
 continued.

No.47.

No.47.

EVIDENCE OF CHRISTOFIS CHERKEZOS.

D.7. CHRISTOFIS CHERKEZOS, Sworn states in Greek:

Q. What is your name? A. Christofis Cherkezos.
 Q. Where do you come from? A. Palekhoris.
 Q. Where do you live? A. In Nicosia. I have rented a house in Kameno's premises.
 Q. Do you know the accused? A. Yes, I do.
 Q. Have you got a son? A. Yes.

Christofis
 Cherkezos.

27th October,
 1955.

Examination.

In the
Assize Court
of Nicosia.

Defence
Evidence.

No.47.

Christofis
Cherkezos.

27th October,
1955.

Examination -
continued.

Q. What is his name? A. Haralambos.
 Q. Do you remember the 28th August? A. Yes.
 Q. What day was it? A. It was a Sunday.
 Q. During that Sunday in the morning did you go
 out of the house? A. No I did not.
 Q. What time did you get up? A. At about 7.30
 to 8. Q. Did you sit out of your house on that
 day? A. Yes. Q. About what time was it?
 A. There is a mulberry tree outside my house, and
 we are in the habit to get out and sit under that 10
 tree, because there is shade. Q. Did you sit
 on that Sunday under that tree? A. Yes.
 Q. Did you see any of your neighbours? A. Yes, I
 saw the accused. At about 11.45 he came out to-
 gether with his uncle. It must have been 11.45
 or 12. Before they were sitting in their room
 and listening to their radio.
 Q. Did they come near you? A. Yes.
 Q. What did they do? A. They sat under a mulberry
 tree. Q. When you say they sat whom do you 20
 mean? A. Damianos Kamenos, his wife, their daugh-
 ters and the accused. Q. Where was your son at
 the time? A. He was sitting there too.
 Q. What happened then? A. My son asked the ac-
 cused to have a game of dama.
 Q. Did they play? A. Yes. Q. For how long did
 they play roughly? A. About three quarters of an
 hour but I cannot fix the time.
 Q. Did anyone come while they were playing?
 A. A small boy who is employed by Kamenos. 30
 Q. Do you know his name? A. Yes, Arghyros Pallis.
 When he came he told us that a policeman was shot
 and he went to his home. Q. Did you ask him
 whether he had actually seen the scene? Did any-
 body ask him? A. No, he only told us that a Po-
 liceman was shot. Q. Did anybody else come?
 A. After a quarter of an later Phedias came.
 Q. What Phedias do? A. When Phedias came the ac-
 cused and my son were still enjoying the game and
 Phedias asked accused aside and had a talk with him. 40
 Q. After that what happened? A. After the con-
 versation accused had with Phedias he (the accused)
 came back and said, "I am sorry I will go because
 I have some work to do" and he asked his uncle not
 to wait for lunch because he had to attend to some
 business. Q. Did he leave? A. Yes.
 Q. How did he leave? A. On a bicycle.
 Q. What sort of a bicycle? A. A Lady's bicycle.
 Q. Where was the bicycle? A. It was leaning
 against the wall. Q. Did Phedias stay? 50
 A. No, they both went together.

Cross-Examination by DEHTASH:

In the
Assize Court
of Nicosia.

Defence
Evidence.

No.47.

Christofis
Cherkezos.

27th October,
1955.

Cross-
Examination.

- Q. When this young man came, Arghyros, he told you about the murder but no one took an interest including yourself? A. I thought it was a joke. I did not believe in what he said.
- Q. Did anyone say that it must have been a joke? A. No, I did not hear anything of the sort. That is what I thought. Q. You said that 15 minutes later Phedias came? A. Yes. Q. On bicycle? 10 A. No, on foot. Q. How long does it take you to walk from Alhambra Hall to your house? A. I do not know exactly where Alhambra is. I come from Palekhoris. Q. How long will it take you from your house to the KEM office? A. About 10 - 15 minutes the maximum. Q. When Phedias came you said that he looked excited? A. He was tired and had a peculiar colour. Q. What sort of colour was he having? A. He looked rather sad.
- Q. Did you ask him why he looked sad? A. He did not come up to me. He did not even approach me. He called aside accused and had a talk with him. 20 Q. When did you hear that the Police wanted the accused? A. About three days later. Q. During these three days did you hear from anybody that he was away from his house? A. No. Q. When you heard that you realized that the Police was looking for him for this murder? A. I do not know anything about it. I used to go early to my work and come back late in the evening.
- 30 Q. When the Police was looking for him what made you think that the Police wanted him for? A. I did not think of anything as a matter of fact I realized what it was all about later on when I read it in the newspapers. Q. That he was caught and charged for the murder? A. Yes. Q. When you read about the fact that the Police was looking for him in the newspapers did you not ask Kamenos "why are they looking for Karaolis"? A. How could I ask him. I used to come very late in the evening and in the morning I used to go very early and the people were sleeping. The time I came in the evening was dusk and was feeling very tired and also had to cook my food and I had no intention of going about and asking about other people's business. Q. And nobody came to ask you "Do not forget that on the 28th August we were here sitting and talking etc.?" A. No.
- 40 Q. Until to-day? A. When I was informed by the defending Counsel I went and made a statement.
- 50 Q. How many days ago? A. Last Saturday, the 22nd

In the
Assize Court
of Nicosia.

Defence
Evidence.

No.47.

Christofis
Cherkezos.

27th October,
1955.

Cross-
Examination -
continued.

of this month. Q. Until then you had no dis-
cussion about this case with Kamenos or any rela-
tive of Karaolis? A. No. Q. Did you realize
when you read in the newspapers that this man was
charged with murder? Did you realize that your
evidence might prove to be very important to the
Police? A. No. Q. Do you think that your
evidence might help the Police if they knew that
he was with you it might have been of great help
to them or to Karaolis? A. Yes.
Q. Why did you not go up to the Police

10

COURT: Still more extraordinary why not to Kam-
enos and say I will be able to support you in
clearing your nephew? A. I work from morning to
night and come home very tired. I work in a bak-
ery and I cannot possibly leave my work.

Q. Is that the same reason why you did not go to
the Police? A. I could not go.
Q. I put it to you Mr.Cherkezos that accused was
not there with you on that day at least after 10
or 11? A. He was there. Q. You said that you
saw all of them listening to the radio? A. Yes.
Q. How did you see them did you go up to the room?
A. I went to collect water from the tap and the tap
is opposite the door which was open and I saw them
sitting near the radio. Q. Was there any men's
bicycle there? A. There were tricycles.

20

Re-Examination: Nil.

No.48.

Haralambos
Cherkezos.

27th October,
1955.

Examination.

No.48.

EVIDENCE OF HARALAMBOS CHERKEZOS

30

D.8. HARALAMBOS CHERKEZOS, Sworn on the bible
states in Greek:

Examination:

Q. What is your name? A. Haralambos Cherkezos.
Q. How old are you? A. 17.
Q. Where do you live? A. Ayios Pavlos quarter.
Q. Living with the last witness? A. Yes.
Q. Do you remember the 28th August on Sunday?
A. Yes. Q. At what time did you get up that
night? A. At about 8.30 to 9 a.m.

40

In the
Assize Court
of Nicosia.

Defence
Evidence.

No.48.

Haralambos
Cherkezos.

27th October,
1955.

Examination -
continued.

- Q. What did you do next? A. Having had my breakfast on that Sunday morning at about 10.45 to 11 I went out in the yard with my father under the shade of a tree. Q. Did anybody else join you there? A. About an hour later Kamenos and his family accompanied by Karaolis came there. Q. When did you go out? A. At about 11 o'clock. Q. When Kamenos, his family and Karaolis joined you what did you do? A. We all sat down there and started talking to each other and after a while I challenged the accused for a game of dama as it was usual. Q. Did he accept your challenge? A. Yes with pleasure, and I went to my room and took the dama and came out and we started our game. Q. Whilst you were playing dama did anybody else join you? A. After an hour about a certain Pallis came there. Q. Who is he? A. He is an employee of Kamenos. Q. Did he say anything? A. He told us that they shot a Policeman outside Alhambra. Q. Then? A. Mrs. Kamenos asked him whether he witnessed that incident or whether he heard it. Q. And what did Pallis say? A. No, Pallis said that he had heard it. Then he went and left. Q. Did you continue your game with the accused? A. Yes. We did not take the matter seriously and continued our game. Q. Did anybody else come? A. A quarter of an hour or half an hour later Phedias came. Q. And what did he do? A. He came on foot and wanted to talk to the accused urgently. Q. What happened? A. When Phedias asked accused we stopped our game and they talked together. Q. After the conversation was over what happened? A. Michalakis came back and told his uncle not to wait for him for lunch because he was going away and he would be late in coming. Q. How did the accused look at that time? A. He looked rather upset and nervous. Q. When he said to his uncle that he was leaving what did he do? A. He went together with Phedias taking with him a bicycle. Q. Both left? A. Yes.

Cross-Examination by MR. DENKTASH:

- Q. And that bicycle was a lady's bicycle? A. Yes.
Q. Had you seen it before accused took it?
A. I did not notice it at that moment.
Q. From where did he take it? A. He took it from the yard of the house. Q. What part of the yard?
A. A bit further away from where we were having our game. It was leaning against the wall.

Cross-
Examination.

In the
Assize Court
of Nicosia.

Defence
Evidence.

No.48.

Haralambos
Cherkezos.

27th October,
1955.

Cross-
Examination -
continued.

Q. Were there other bicycles there? A. Yes, tri-
cycles. Q. You come from the same village as
the accused and your family? A. Yes.

Q. Are you related to the accused? A. No.

Q. But you are close friends I suppose? A. Yes.

Q. What school you attend? A. The Nicosia College.

Q. When do you go home? A. At about 1.30 at
present. Q. In August there was no school?

A. No. Q. You started late in September?

A. Yes, on the 1st of October.

Q. How many times a week did accused used to visit
his uncle? A. Not very often. I did not see him
very often because he was living at Strovolos and
he used to come occasionally.

10

COURT: What day did you have the game of dama?

A. On Sunday. Q. What date of the month?

A. 23rd (After some thought) No I am sorry it was
the 28th.

Q. When Phedias came and called the accused for how
long did they talk? A. For a few minutes.

20

COURT: Q. Did you see much of the accused in July
last? A. I do not remember.

Q. During August? A. Not even in August. I do
not remember. Q. Do you remember playing dama
with him during August? A. No, because I am play-
ing football very often and on some occasions I
might have been playing football.

Q. But you told us in the beginning that you played
dama with the accused very often? A. But that was
before. During August I used to play football.

30

Q. When was it before? A. Before he went to Stro-
volos. Q. When did he go to Strovolos?

A. I do not remember well. Q. How many years
ago? 3 years? A. No. Q. 2 years? A. No.

Q. How long have you been living in Kamenos's house?
A. About three years.

Cross-Examination Contd. Q. For how long did the
accused live in Kamenos house? A. About two years.

Q. So it is about a year since he left and went to
Strovolos? A. Yes, and even more.

40

Q. And since the accused left and went to Strovo-
los he never played dama with you?

A. Very rarely. Q. When Phedias came and talked
to accused for a short time and accused came back
looking excited and upset? A. Yes.

Q. Did anyone ask him why he was upset? A. No.

In the
Assize Court
of Nicosia.

Defence
Evidence.

No.48.

Haralambos
Cherkezos.

27th October,
1955.

Cross-
Examination -
continued.

Q. Can you tell us why? A. I could not possibly ask him anything because he was upset because he was very nervous. All the more so that we were friends. Q. And did you know why the Police were wanting him? A. No. Q. Did you enquire from Kamenos? A. No. Q. Were you not interested to find out? A. I did not ask.

10 Q. Do you know now? A. Yes, I heard when he was arrested. Q. And you knew that they wanted him for this murder? A. Yes. Q. Did you then talk to his uncle? A. No. Q. Do you or did you ever realize that your evidence is of vital importance to him? A. Yes. Q. Did you go to the Police and make a statement? A. No.

20 Q. Were you present when the Police came to the house of Kamenos and made a search? A. No. Q. Did you hear that the Police had come? A. Yes. Q. From whom? A. From Kamenos' family.

30 Q. And yet you did not make up your mind to go to the Police and say it is a mistake this boy was with us at that time the murder was committed? A. No, I did not go because I thought that Kamenos would have gone and stated that. Q. Did you ask Kamenos whether he had said that? A. No, but I thought he did. Q. When did you come to know that your evidence would be required for the first time? A. When I was approached by the Defence Counsel. Q. When? A. On the 22nd October. Q. Until that day you told no one about this story of playing dama? A. No.

Q. You know the accused well. How would you describe him as an ardent nationalist

MR.PAVLIDES: No, My Lords

MR.DENKTASH: I do not press the point.

Re-Examination: Nil.

No.49.

No.49.

EVIDENCE OF ELEFTHERIOS CHARALAMBOUS.

Eleftherios
Charalambous.

D.9. ELEFTHERIOS CHARALAMBOUS, Sworn on the Gospel, states in Greek:

28th October,
1955.

40 Examination by EMILIANIDES: Q. What is your profession? A. Motor car driver.
Q. Have you got a car of your own? A. Yes.

Examination.

In the
Assize Court
of Nicosia.

Defence
Evidence.

No.49.

Eleftherios
Charalambous.

28th October,
1955.

Examination -
continued.

Q. What number? A. 4285. Q. Do you work alone
or with somebody else? A. I work with others.
Q. Where? A. At the Parthenon Taxi Office.
Q. Do you know a certain Hussein Mehmet Djenkiz?
A. I do. Q. How do you know him? A. He was
working as a driver with us.
Q. On the 28th August 1955 was he employed by you?
A. He was. Q. Do you remember that date?
A. I do. Q. What time did you go to your office
on that day in the morning? A. At about 8 in the 10
morning. Q. Did you see Djenkiz there?
A. I did. Q. Was he on duty on that morning?
A. He was on night duty but he was lying down there
in the office. Q. Did you stay or not that
morning in the office yourself? A. I did, with
occasional taxi trips. Q. What about Djenkiz?
A. Djenkiz was at the office but he absented him-
self once or twice when I sent him on trips.
Q. Do you remember any trips on which you sent 20
him? A. I do. Q. Will you tell the Court
which are the trips? A. Yes. The first trip was
made by him as a result of a telephone call I re-
ceived from a woman at about 10.30 or 10.45, to
send a taxi to No.12 Samos Street in order to take
the party to Ayios Antonios Church.
Q. And you sent Djenkiz to that trip? A. Yes.
Q. In which car? A. My own car, 4285.
Q. Did he come back? A. He did about 10 to 15
minutes later. Q. Did he stay there or did he
leave? A. He stayed there. Q. Did he have any 30
other trip that morning? A. Yes, he did.
Q. Do you remember what it was? A. Yes, he drove
an American from the taxi office to Pension Rio
and from there to the Marines House.
Q. Do you remember the time of this trip?
A. It must have been between 12.25 and 1.
Q. Did he come back from this trip? A. He did.
Q. What happened then? A. He stayed in the of-
fice but meantime I got another telephone call
from a certain Andreas Ashiotis to drive him down 40
from his house. Q. Did you go to this trip
yourself? A. I did, in my own car. On my way
down Ledra Street at about the point where Ghala-
nos' pharmacy is Q. Is that the road just
before reaching the Alhambra Hall? A. Yes, there
is a turning to the right there.
Q. What did you find there, you said? A. A road
block. I saw a road block there and a crowd and I
asked what it was about and they told me about the
murder. Q. What did you do then? A. I turned 50

to the left, went to Ashiotis' house and brought him down to the Ritz Pension. Q. And you went back to your office? A. Yes. Q. What did you do there, what did you see? A. There I saw the driver Antonis, Neoptolemos our partner, and Djenkiz lying on a sofa. Q. Did you have any conversation about what had occurred?

DENKTASH: I object to the talk they had.

In the
Assize Court
of Nicosia.

Defence
Evidence.

No. 49.

Eleftherios
Charalambous.

28th October,
1955.

Examination -
continued.

Cross-
Examination.

10 Examination Contd. Q. You had a talk referring to the murder? A. Yes, I did. Q. What did Djenkiz do? A. As soon as Djenkiz heard that he got up and said: "What happened?" and I repeated what I had said and I told them that Poullis had been shot dead.

20 Cross-Examination by DENKTASH: Q. You are one of the partners of this office? A. Yes, I am. Q. And you are in fact four partners each owning a car? I mean in August? A. Yes. Q. And in addition you employ a driver for night duty and a driver for day duty, is that right? A. We were employing two men for night duty, who were helping in the day duty. Q. When a driver goes on night duty he is on duty for 12 hours, from seven to seven? Is that right? Will you answer first and then explain? A. Yes. Q. And at 7 o'clock the driver normally usually leaves? A. Yes. But he, Djenkiz, did not leave, because he was sleeping in the office. Q. He was sleeping all day in the office? A. On most occasions he did. Q. And naturally he slept because he had not slept the previous night? A. Usually. Q. And did you wake him up and send him to duty? A. Not if he was asleep, on that day he was not asleep. Q. And would you pay him extra for doing day duty as well, in addition to night duty? A. No, they are working on a voluntary basis. Q. Now, that morning you came at 8 o'clock and you found Djenkiz lying in the office? Was he asleep when you came? A. No. Q. And was the driver for the day duty there? A. Yes, he was. Q. And also the four cars with their drivers, were they all there? A. No. Q. How many cars were there? A. Three cars. Q. And how many drivers? A. Two drivers. Q. And you? A. Yes. Q. And what about the owners of the other two cars, were they there or not? A. No. Q. So there

30

40

In the
Assize Court
of Nicosia.

Defence
Evidence.

No.49.

Eleftherios
Charalambous.

28th October,
1955.

Cross-
Examination -
continued.

were three drivers and three cars in other words?

A. Yes. Q. Was there a clerk in addition in that office? A. No, we only had an attendant there to attend to the telephone.

Q. Was he there too? A. Yes, he was.

Q. And you went out on several trips that morning you said? A. I had only one trip in the morning before the second one at about one.

Q. I am only interested before one? A. Only one.

Q. So it is not correct that you stayed there and made occasional trips as you said to the Court, you made only one trip? A. Yes.

Q. Do you remember where you went? A. Yes.

Q. Where? A. I took a customer from the taxi office to Strovolo. Q. What time was it about?

A. It must have been 8.30 to 8.45.

Q. Now, when you got the telephone call from this lady at Samos Street was there any reason why you should not go for that trip? A. No, there was no particular reason but Djenkiz was there and I requested him to make the trip because I was there waiting for somebody to come. Q. Who was that person, could we know? A. I cannot name that person, I know that person but I do not want to name them. Q. What is the secrecy about it?

A. It was a lady. Q. You were waiting for her early in the morning? A. Yes.

Q. Are you a married man? A. Yes. Q. Have you got any children? A. Yes. Q. And this lady,

was she a married woman or not? A. Am I going to disclose my personal affairs? 30

Q. Did that person come? A. No.

Q. Was that the reason you sent Djenkiz away?

A. Yes, I wanted to stay in the office by myself.

Q. Was the other day driver there? A. Yes.

Q. Why didn't you send him away? A. He was out on a trip. Q. But I asked you whether he was there and you said he was? A. He was there when I first went to the office but then continuously he was out on trips. Q. So at the time you sent Djenkiz away was there only you in the office? 40

A. Only me and Djenkiz. Q. What happened to the man who was at the telephone? A. He was there too. Q. You did not want to send him away?

A. No, because he is not a driver. Q. You did not object to his company while you waited for this friend? A. She was not going to stay in the office, she was to go by there and I would have taken her in my car. Q. Now, this day driver, where was he at the time Djenkiz was away? A. He was 50

out on a trip. Q. What trip? A. I do not remember. Q. Now, what time did he come back, how long after Djenkiz left did he come back? A. Within a few minutes. Q. And did you send him away again? A. Yes, I think so.

CHIEF JUSTICE: Q. Do you keep a written record of these trips? A. No, because we do not keep proper books, we take down notes and in the evenings we make accounts. Q. How do you recollect the trips that Djenkiz made and not the trips the other driver made? A. Because I sent Djenkiz in my own car. Q. And the other driver? A. The other driver went in the car of my partner, I cannot account for the trips he made on that day because I was only interested in my car.

Cross-Examination Contd. Q. But as a partner you are also interested in the trips of the other cars?

A. We are not actually partners sharing equally the profits of the day, we are four friends helping each other, and that is all. Q. Did you know

when you sent Djenkiz on that trip that the other driver would come back in a few minutes? A. No. Q. Did you ask, did you look at the notes to see where he had gone? A. No, you cannot even know where one driver goes. Q. And so you know of this trip because you received a telephone call?

A. Yes, I personally answered that call.

Q. And after the 28th August when was the first time that you were asked to remember the 28th August? A. It was about 12 days after the 28th when I saw in the papers that Djenkiz had given evidence.

Q. And then you not only remembered the time you sent Djenkiz away but the address to which you sent him, is that right? A. Yes, certainly.

Q. Had you sent Djenkiz to that address before?

A. I do not remember, but I think he had made that trip once more. Q. With Djenkiz again? A. I do not remember, I think so, perhaps.

Q. Why do you think so, what makes you think so?

A. I think so, that he had made that trip.

Q. Now, after that trip, did you make other trips with the same girl? A. No. Q. Did you see that girl after the 28th August at all? A. No.

Q. Didn't she come to the office and tell you: "I am the woman who had gone with Djenkiz, will you inform the advocates?" A. Yes, she did, she came on either Monday, Tuesday or Wednesday to the office, saw one of the other partners and told him

In the
Assize Court
of Nicosia.

Defence
Evidence.

No.49.

Eleftherios
Charalambous.

28th October,
1955.

Cross-
Examination -
continued.

In the
Assize Court
of Nicosia.

Defence
Evidence.

No.49.

Eleftherios
Charalambous.

28th October,
1955.

Cross-
Examination -
continued.

she was the woman who had taken that trip on that day. Q. Before she arrived on the scene you had not made enquiries to find out about this trip of Djenkiz on the 28th August to show that his evidence was not correct? A. No. Q. And had she not come and said: I am the person who had gone, would you have taken action in this matter? A. Yes, as regards my own evidence.

Re-Examination: Nil.

COURT: (Denktash, through the Court) Q. Do you know whether Despina is related to any of the partners? A. I do not know. 10

No.50.

Arghyros
Nicola Pallis.

28th October,
1955.

Examination.

No.50.

EVIDENCE OF ARGHYROS NICOLA PALLIS

10. ARGHYROS NICOLA PALLIS, Sworn on the Gospel, states in Greek:

Examination by G1. CLERIDES:

Q. What is your full name? A. Arghyros Nicola Pallis. Q. How old are you? A. Eighteen. Q. And where do you work? A. At the grocery shop of Damianos Kamenos. Q. Do you remember the 28th August, that is the day when there was a meeting at the Alhambra? A. Yes. Q. Do you remember the day when they killed Poullis? A. Yes. Q. What day was it? A. Sunday. Q. Where do you live actually? A. In Kamenos's house. Q. On that day what time did you get up in the morning? A. At about 8. Q. Did you have any work to do on that day? A. We regularly take ice to our customers in the morning. Q. Did you take any on that day? A. Yes, I did. Q. What time did you get back? A. At about 10. Q. What did you do? A. I dressed and got ready. Q. Where did you go? A. I came down to Nicosia for a stroll. Q. And where did you go in Nicosia? A. To the Stadium. Q. How long did you 20 30

stay there? A. About one hour. Q. What were you doing? A. I was watching a game of volley ball. Q. From there where did you go? A. I took my bicycle and went towards the children's garden. Q. How long did you stay there? A. About half an hour. Q. And from there where did you go? A. I took my bicycle and went to Ledra Street. Q. Where did you go in Ledra Street? A. I went to Halepi confectionery. 10 Q. How long did you stay there? A. About 20 to 30 minutes. Q. What happened while you were there? A. While I was about to leave the Halepi somebody came there and said that a policeman had been shot. Q. Did you know this person? A. No. Q. Do you know to whom he said these words? A. He told the man in the confectionery. Q. What did you do then? A. Out of curiosity I took my bicycle and proceeded towards the Alhambra. Q. Did you go as far as the Alhambra? A. No. 20 Q. Why? A. Because there was a road block and I came back. Q. Where was the road block? A. By Ghalanos pharmacy. Q. After that what did you do? A. I turned back and went along Ledra Street against the traffic, pushing my bicycle as far as Metaxas' Square and then to my house. Q. Did you see anybody at your house? A. Yes, as soon as I went to the house I saw in the yard, outside Cherkezos house, Kamenos with his wife and his children and the accused. Q. Did you speak 30 to them? Did you say anything to them? A. When I went there I said to them: "Have you heard the news?" Q. What happened then? A. Kamenos' wife asked me whether I witnessed the scene or heard about it and I said I had heard about it. Q. What did you do after that? A. I retired to my room. Q. Apart from the accused and your employer's family, was there anybody else in the garden? A. Cherkezos, Kamenos, his family and the accused. I saw nobody else. Also Cherkezos 40 son was there.

Cross-examination by DENKTASH: Q. Did you see any bicycle there when you went to the house, apart from the tricycles? A. I think there was, because there are many bicycles there. There was. Q. How many bicycles were there? A. Three or four, I did not count them. Q. Apart from the tricycles, let us make it clear? A. No, I meant including those. Q. How many bicycles for carrying a load have you got in the yard? A. Two.

In the
Assize Court
of Nicosia.

Defence
Evidence.

No.50.

Arghyros
Nicola Pallis.

28th October,
1955.

Examination -
continued.

Cross-
Examination.

In the
Assize Court
of Nicosia.

Defence
Evidence.

No.50.

Arghyros
Niqola Pallis.

28th October,
1955.

Cross-
Examination -
continued.

Q. And in addition to those how many other bicycles did you see there? A. Two or three.

Q. Gentlemen's bicycles? A. No, there were no gentlemen's bicycles. Q. They were all ladies' were they? A. Yes. Q. And where were they?

A. Leaning against the wall, in the shade.

Q. And to whom did they belong, do you know?

A. To my master's daughters, and there were other bicycles as well, I do not know whose bicycles they were. Q. Well, how many bicycles have your

master's daughters? A. Two. Q. And you saw in addition to those, how many? A. One or two, I did not count them. Q. And you do not know to

whom they belonged? A. No.

Q. Now, when you told them the news and Mrs. Damianos asked you if you had seen or heard about it you said that you told her that you had heard about it. Did you tell them that you had seen

the road block, the police there, the people there and you turned back? A. No, I simply told them what I heard, that a policeman was shot dead.

Q. And they did not take any interest in that?

A. No, because they took it as a joke rather.

Q. And when they took it as a joke did you not think it proper to tell them: No, it is not a joke, I saw the road block and the crowd there?

A. I told them the news and proceeded to my room. They did not tell me anything else.

Q. What was the accused doing when you arrived there? A. He was playing draughts with Cherkezos son. Q. Is that the first time you saw him

playing draughts with Cherkezos' son? A. No, I saw him on other occasions. Q. On how many oc-

casions did you see him playing draughts with Cherkezos' son? A. I used to see them regularly, when they had nothing to do.

CHIEF JUSTICE: Q. When was the last occasion when you saw them playing draughts? A. On the Sunday previous to that.

Cross-Examination Contd.

Q. And again were the families of Damianos and Cherkezos outside with him? A. Yes. Q. And again, did you arrive at one o'clock and saw them there? A. I arrived when they were playing draughts, I do not remember what time it was.

CHIEF JUSTICE: Q. And who was there? A. I do not remember, there were others there.

10

20

30

40

Cross-Examination Contd.

- Q. Others apart from whom? A. Apart from Kamenos and Cherkezos' son.
 Q. Was Mrs. Damianos there? A. I do not remember.
 Q. Were the two daughters there? A. One of the two.
 Q. And was your master there? A. No, he was not on that occasion.
 Q. And before that Sunday when was the other occasion when you saw them playing draughts? A. Yes.
 Q. When? A. I do not remember.
 Q. Was Karaolides visiting that house regularly? A. Yes.
 Q. How many times per week or per month, let us say? A. Usually when he was not working in the afternoon he used to come. Anyway, I do not know how many times.
 Q. When did you hear that the Police were looking for Karaolides? A. About a week, five or six days after the 28th August.
 Q. Did anyone tell you: Don't you remember he was with us that Sunday? A. No, nobody asked me because
 Q. Because what? A. Because I was not in the habit of making friends unknown to me, I was all the time attending to my work.
 Q. Of those persons in the house, did anybody bring your mind to it and make you recollect that Sunday? A. No.
 Q. Now, when did you realize that your evidence would be needed for this case? A. Nobody told me anything. I told my master and I was waiting for my master to tell me.
 Q. What did you tell your master? A. I told him about the shooting of the Policeman on that day when I returned to the house.
 Q. And did you tell him that you would wait for him to call you as a witness? A. No, I did not. I was waiting lest I should be wanted.
 Q. Did anybody tell you that you might be wanted? A. No.
 Q. When did you get notice that you were wanted? A. On the 22nd.
 Q. Of this month? A. Yes.
 Q. And from the 28th August to the 22nd of this month you had not discussed this affair with anybody in the house? A. No.
 Q. And is it possible that you are relating to us what happened on the Sunday before the 28th August and not what happened on the 28th? Is it possible you are making a mistake now? A.

CHIEF JUSTICE: I do not think you need worry. It is really a matter for the Court to decide.

CHIEF JUSTICE: Q. Does Phidias visit your house often? A. I do not know Phidias.
 Q. He is married to the accused's sister?

In the
 Assize Court
 of Nicosia.

Defence
 Evidence.

No.50.

Arghyros
 Nicola Pallis.

28th October,
 1955.

Cross-
 Examination -
 continued.

In the
Assize Court
of Nicosia.

Defence
Evidence.

No.50.

Arghyros
Nicola Pallis.

28th October,
1955.

Cross-
Examination -
continued.

A. I think so. I have never seen Phidias. That is what I heard. Q. Up to this moment you have not seen Phidias? A. No, I have not.

Q. When you went to your room after announcing the killing of Poullis, what did you do? A. I stayed there for some time and then I was called by Mrs. Kamenos to have my lunch. Q. And when you came out to lunch was the accused still there? A. No, I did not see him after that.

Q. How far is your room from the mulberry tree under which they were sitting? A. About 15 yards.

10

Q. And I suppose you could hear people talking underneath the tree from your room? A. No.

Q. Why not? A. The room is at the back. I did not hear.

Re-Examination: Nil.

No.51.

Phidias
Christodoulou.

28th October,
1955.

Examination.

No.51.

EVIDENCE OF PHIDIAS CHRISTODOULOU.

11. PHIDIAS CHRISTODOULOU, Sworn on the Gospel, states in Greek:

20

Examination by G1. CLERIDES:

Q. Your full name please? A. Phidias Christodoulou.

Q. What work do you do? A. Mason.

Q. You are married to the sister of the accused?

A. Yes, I am. Q. And where do you live?

A. At Palechori. Q. Did you come to Nicosia on the 28th August? A. I did. I came on the 27th to Nicosia to do some shopping for my family in Nicosia and I stayed the night in the room I have at Strovolos.

30

CHIEF JUSTICE: Q. You rent a room in Strovolos?

A. No, the room belongs to one of my relatives called Spyros Pissis.

Examination Contd. Q. Are you a member of any trades union? A. Yes, I am. Q. Which trade union? A. The old trades union. Q. Did you see the accused on the 28th August? A. I did, I saw him on the Sunday morning at his house.

Q. Where did you meet him? A. I met him outside, pushing a bicycle. Q. Did you go anywhere with him? A. Yes, we went to the coffee shop.

Q. Which coffee shop? A. Votsis'.

Q. What time did you go there? A. At about 8.30.

Q. How long did you stay at the coffee shop? A. About one hour. Q. Did you have anything there? A. Yes, we had a coffee.

10 Q. Did you leave the coffee shop together? A. No. Q. Who left first? A. I did. Q. Did you leave on foot? A. No, on a bicycle. Q. Was it your bicycle? A. No, Karaolides's. Q. Why did you use his bicycle? A. I had no bicycle of my own and I asked him to lend it to me.

Q. Now, were you going anywhere when you left? A. Yes, to the Alhambra Hall. Q. Were you going alone or did you want anybody to accompany you? A. I asked Karaolides to accompany me, and whilst I was leaving the coffee shop I asked the coffee

20 shop keeper to come with me. Q. Did they come with you? A. No. Q. Did you go to the Alhambra? A. I did. Q. What did you do with the bicycle you borrowed when you arrived at the Alhambra? A. I left it near the pavement. Q. Where? A. On the road, but with its pedal touching the pavement. Q. Do you know the owner of the shop outside which you left it? A. Yes, I left it near Michaelides' shop. Q. Before you left the coffee

30 shop did the accused say anything to you about where he was going that morning? A. Yes. To his uncle Damianos. Q. Now, did you go inside the Alhambra Hall? A. I did. Q. How long did you stay in? A. Until the meeting was over.

Q. Did anything happen while you came out of the Alhambra? A. I was one of the last to come out of the hall and there people round me, unknown to me, talking about the Tripartite conference.

Q. Did you see anything when you came out? A. We heard three shots and we came out.

40 Q. When you came out what did you see? A. I saw people running going towards the man who was shot at. Q. Did you see anything else? A. Yes, I saw a man lying on the pavement. Q. Did you see your bicycle? A. My bicycle was there.

Q. What happened to it? A. I then saw three persons running, one of whom took my bicycle, and whilst running with it he mounted it and went away.

Q. Did you see how far he got with your bicycle? A. Yes, he went as far as the Bank of Athens.

50 Q. What happened there? A. He collided with

In the
Assize Court
of Nicosia.

Defence
Evidence.

No. 51.

Phidias
Christodoulou.

28th October,
1955.

Examination -
continued.

In the
Assize Court
of Nicosia.

Defence
Evidence.

No. 51.

Phidias
Christodoulou.

28th October,
1955.

Examination -
continued.

another cyclist. Q. And then? A. Then they
dismounted and I saw the one who had taken my bi-
cycle running. Q. Did you see your bicycle again?

A. I saw a gentleman picking it up.

Q. What did you do then? A. Then I thought it
better to tell the accused about it.

Q. Did you see Karaolides that day? A. Yes, at
his uncle's house. Q. What was he doing?

A. He was playing draughts with Cherkezos' son.

Q. Where? A. Out in the yard.

Q. Any other persons there? A. Yes, Kamenos'
family. Q. What did you do? A. I called the

accused aside and spoke to him. Q. What did you
tell him? A. I told him what had happened at the
Alhambra and then I told him that I had seen some-
one pick up his bicycle and run away.

Q. And what did the accused do then? A. The ac-
cused then said: "Oh my! What have you done to me
Phidias?" Q. What did you do then? A. Then he

turned back and said to his uncle: "Uncle, don't
wait for me, have your lunch, I will go somewhere".

Q. Did Karaolides stay there? A. No.

Q. Did you stay there? A. No.

Q. How did you leave? A. The accused and myself
left together, the accused taking a bicycle from
there. Q. Did you go together for a long dis-
tance? A. No. Q. Did you see Karaolides on

that day again? A. No.

CHIEF JUSTICE: Q. Where did you part? A. When
we came out of the yard into the street Karaolides
mounted his bicycle and we parted.

Examination Contd. Q. Which road? A. He took the
road leading to Nicosia. Q. How far from the

house of Kamenos was it that you parted?

A. About 10 to 15 yards from Kamenos' house.

Cross-
Examination.

Cross-Examination by DENKTASH: Q. At the time you
heard the shots were you inside the Alhambra Hall?

A. No, I was in the yard. Q. How many paces from
the entrance to the Alhambra? I mean the entrance
into Ledra Street? A. Four to five yards.

Q. And were you standing anywhere near the kiosk
of Haritonides? A. No. Q. How far away from
that kiosk? A. Four to five paces. Q. Further
in? Nearer to the Alhambra? A. Yes.

Q. And would you agree with me that this kiosk of
Haritonides is about 6 paces in length along the
entrance? A. Yes, about. Q. So you were about

10 to 11 paces from the entrance, from the pavement?
 A. Yes. Q. And you were talking? A. Yes.
 Q. With people unknown to you? A. Yes.
 Q. And as soon as you heard the shots what did you do? A. We came out. Q. Walking? A. Yes.
 Q. And when you walked out, round the victim were there many people gathered already? A. Yes, there were people. Q. How many people were gathered there? A. I think about 50 to 60 persons.
 10 Q. And did you sort of walk through them and approach the front or did you stay behind?
 A. I stayed behind. Q. And your bicycle in relation to that man, was it just near the victim?
 A. No, it was lower down. Q. How many paces from the body? A. Five to six feet. Q. It was not in any case near the corner of Keo offices?
 A. No, near the pavement. Q. For how long did you stop there watching before seeing these three men running away? A. About 10 minutes.
 20 Q. Have you got a watch? A. No.
 Q. For how long do you think you have been giving your evidence? A. About 15 to 20 minutes.
 Q. You have a reasonable idea of time. In other words you did not see the man running away as soon as you arrived there some time passed? A. Yes.
 Q. Had you been talking in the meantime? A. No.
 Q. You were watching? A. Yes. Q. Now, you were right at the back of the crowd, how did it happen for you to notice these three men running away?
 30 A. I went near the man who was lying down.
 Q. That is what I asked you. Did you go through the crowd and approach the dead body? A. No.
 Q. Well, how did you get near him then? Did you go round? A. I went round, yes, I was at the back of the crowd. Q. I asked you whether you were at the back of the crowd and you said yes, now you say that you were near the dead body. Where were you, at the back of the crowd or near the dead body?
 40 A. I was around and approached the dead body. Q. At the back? A. Yes. Q. So how did it happen for you to see the three men running away, what drew your attention to the three men?
 A. I went to take up my bicycle and I saw them running and taking my bicycle with them.
 Q. I see, you had stayed there for some time, you decided to leave and went to take your bicycle?
 A. Yes. Q. How near to your bicycle did you approach when your bicycle was snatched away?
 A. I was within about two feet. Q. And how
 50 paces would you say you had walked from the place

In the
 Assize Court
 of Nicosia.

Defence
 Evidence.

No. 51.

Phidias
 Christodoulou.

28th October,
 1955.

Cross-
 Examination -
 continued.

In the
Assize Court
of Nicosia.

Defence
Evidence.

No.51.

Phidias
Christodoulou.

28th October,
1955.

Cross-
Examination -
continued.

where the dead body was to the place where your bicycle was? A. Three to four feet.

Q. Now did you see from which direction these three men ran? Away from the crowd which was round Poullis; or from another direction? A. I did not notice.

Q. What was that man wearing who took your bicycle? A. A white shirt. Q. What about trousers? A. I did not notice the colour of his trousers.

Q. Could not the shirt be light blue? A. No, it was white. Q. Was any of the three

men running away wearing a light blue shirt? 10

A. I did not notice. Q. You were interested about your bicycle I suppose? A. Yes.

Q. Did you shout after the man: "Stop, I want my bicycle"? A. No, I could not stop him because he ran away.

CHIEF JUSTICE: Q. But you were within two feet of him? A. I did not have time. Q. Did you try? A. No. Q. Did you shout after him? A.No.

Cross-Examination Contd. Q. Did you understand that he was the murderer? A. No. Q. Then you saw the collision? A. Yes. Q. Before the collision did you see anybody running after him?

A. I did not notice. Q. Did you hear anybody shout: "Catch him, catch him"? A. No.

Q. You merely saw the collision? A. Yes.

Q. And he turned right or left? A. Right.

Q. Anybody after him? A. I did not notice.

Q. You said you saw a gentleman who took possession of the bicycle? A. Yes. Q. Was he in police 30

uniform? A. I did not notice. Q. Were you still standing at the place where you were? A. No, I moved on and went away. Q. At the time you saw

the collision were you at the place where you were about to take your bicycle? A. Yes.

Q. You had not moved forward at all? A. No.

Q. When you saw that man take up your bicycle why didn't you run up to him and say: "This bicycle is mine"? A. I was afraid. Q. Scared of what?

A. I was afraid to ask for my bicycle because I thought he might think I was one of them. 40

CHIEF JUSTICE: Q. But you have already told us that you did not think that the man who took the bicycle was the man who fired the shots? A. Yes.

Cross-Examination Contd. Q. What were you afraid of then? A. Lest I should be arrested as the culprit.

Q. Now, have you got a bicycle? A. Yes.
 Q. And when you come to Nicosia for work you bring it down with you? A. Sometimes yes, sometimes no.
 Q. And if you were coming to Nicosia for the weekend you would have naturally brought your bicycle?
 A. No. Q. When you leave your bicycle in a crowded place at a meeting don't you usually lock it up? A. I did not lock it up, the bicycle was not mine, I did not know. Q. Your own bicycle, if you leave it anywhere in a public place, wouldn't you lock it up? A. I do not usually lock it up.
 10 Q. This bicycle has got a lock, has it not?
 A. I did not notice.

(Exhibit 3 in Court examined and find to have a lock).

Q. At the time the bicycle was snatched from you, was there anybody near you? A. No.
 Q. How many paces away were the other people?
 20 A. They were very near. Q. Didn't you say to anybody: "They have taken my bicycle away"?
 A. No, I was afraid, I did not shout out to anybody.
 Q. Did you have a number of friends at that meeting? A. No, I did not see any of my friends.
 Q. You walked back to the house of Damianos?
 A. Yes. Q. How long did it take you to walk there? A. About 15 to 20 minutes. Q. Had you been to that house before? A. Yes. Q. On many occasions? A. Yes. Q. What was the last time you went there? A. About a month before that day.
 30 Q. You went and you called the accused. Was there any reason why you should not inform the accused in the presence of his uncle of what happened?
 A. I told Karaolides personally.

CHIEF JUSTICE: Q. Why take him aside? A. I did not want anybody else to hear. Q. Why not?
 A. After all the bicycle was his.
 Q. And this is the only reason? A. Yes.

Cross-Examination Contd. Q. And you did not tell the others about the shooting, about what you had seen? A. No, I did not say anything to anybody.
 40 Q. And you walked away? A. I walked away with Karaolides. Q. And you were not even invited by the others to stay with them, were you? A.No.
 Q. When did you hear that Karaolides was wanted?
 A. About 2 or 3 days later. Q. Did you connect the two incidents in your mind, Karaolides bicycle left there by somebody wanted for murder and somebody running away? A. Yes, I knew it.

In the
 Assize Court
 of Nicosia.

Defence
 Evidence.

No.51.

Phidias
 Christodoulou.

28th October,
 1955.

Cross-
 Examination -
 continued.

In the
Assize Court
of Nicosia.

Defence
Evidence.

No. 51.

Phidias
Christodoulou.

28th October,
1955.

Cross-
Examination -
continued.

Q. So you knew that the bicycle you had had connected him with that murder? A. Yes.
Q. What did you do about it? A. I said nothing to anybody because it was known to Karaolides himself. Q. Did you come to know in the meantime that Karaolides had disappeared? A. Yes.
Q. When did you hear that? A. Two or three days later. Q. Did you go and speak to Damianos about it? Tell him, "Look here, this is the position", to his uncle? A. No.
Q. Has he got a father and mother? A. Yes.
Q. Did you speak to them? A. No.
Q. They are at your village? A. No.
Q. Are they at Palechori? A. Yes.
Q. Don't you reside at Palechori? A. Yes.
Q. And you saw them during these troubled days? A. Yes. Q. Didn't you tell them: "Don't be afraid, I am the man who lost that bicycle"? A. No.

10

CHIEF JUSTICE: Q. You did not tell anybody at all? A. No. Q. Except the accused? A. Yes.

20

Re-Examination: Nil.

Case for the Defence closed.

DENKTASH: Subject to Your Lordships' ruling, I want to recall a witness, Bedevi, and to show him one or two witnesses and ask him whether he has served one of them with ice cream on that day. Subject to Your Lordships' ruling. I do not want to call rebutting evidence, I should have done this in cross-examination, but I did not know of this until he gave his evidence.

30

CHIEF JUSTICE: I do not think we consider it proper.

DENKTASH: As Your Lordships please.

The Court rose at 11.5 and adjourned for a few minutes.

11.20 a.m.
Court resumes hearing.
Appearances as before.

MR. PAVLIDES, Q.C., addresses the Court.

40

MR. DENKTASH, Acting Solicitor-General, addresses the Court.

In the Assize Court of Nicosia.

CHIEF JUSTICE: We shall retire and consider our verdict and hope to be able to deliver judgment at 3 o'clock, but if as the result of our deliberations we do not feel disposed to do so we will inform Counsel at three o'clock. But as at present advised we hope to be able to deliver judgment at 3 o'clock.

Defence Evidence.

No.51.

Phidias Christodoulou.

28th October, 1955.

continued.

10 The Court rose at 12.30 p.m. and adjourned to 3 o'clock on the same afternoon.

No. 52.

No.52.

JUDGMENT.

Judgment.

CHIEF JUSTICE: The accused stands charged with the murder of Police Constable Poullis on the 28th August. There was a meeting of the old Trade Unions in the Alhambra Hall on the morning of Sunday the 28th August. Among other Police on duty there that morning was the deceased Poullis. At about 12.20 or 12.25 that morning he was surrounded by three assailants and one of them shot him three times with a revolver. The ammunition was .38. The obviously fatal wound went through the right side of the chest, through the heart and the left lung and came out somewhere in the neighbourhood of the left nipple. Poullis staggered a few paces as if to attack his assailants and he collapsed outside in the street. At the moment when he was attacked he was at the entrance to the Women's Market off Ledra Street which leads to the Alhambra Hall, and he collapsed outside Michaelides' shop which, as you face the entrance to the Market, is on the left. The shirt of the deceased shows that the shots were fired at close range so as to discolour the cloth with powder.

28th October, 1955.

20

30

40

It is common ground for all the witnesses of the prosecution and the defence who bore testimony on this point that one of the assailants with a gun got on to a bicycle and went down Ledra Street towards its junction with Kykko Avenue. There, one

In the
Assize Court
of Nicosia.

No. 52.

Judgment.

28th October,
1955 -
continued.

of the Crown witnesses, Christodoulos Michael, (Witness 5) who had attended the meeting at the Alhambra Hall and had got down on his bicycle as far as Kykko Avenue, turned back on hearing the shots. He deliberately collided with the assassin who was coming down on his bicycle with his gun at the corner of Ledra Street and Kykko Avenue, outside the Bank of Athens. The bicycle ridden by the assassin was picked up by P.C. Nazim (Witness 6) and is Exhibit 3 in this Court. It was proved by a partner in the firm of Ouzounian that that bicycle has the registered number of a bicycle sold to the accused when he was a student at the English School. It was a sale on credit and his uncle who was a witness at this trial, Damianos Kamenos (Witness 13) was the guarantor. 10

So far it has been established that Poullis was murdered and that his assailant rode off on a bicycle which is the bicycle of the accused.

The accused had been employed as a clerk in the Income Tax Office which is situated in the quadrangle of the Secretariat. He had been at work on Saturday the 27th but he was absent from work on Monday the 29th and has never returned to work. On Saturday the 3rd September there was a road block on the road from Nicosia to Lefkoniko, at Chattos. A car with registered number F448 passed the road block and soon afterwards a man was seen walking in the fields not far from the Police Station. He failed to come when the Police called him, they went after him, and brought him into the Station. In answer to their questions he gave a false name, a false address, wrong employment and a false name of the driver in whose car he had been driving. That person was the accused. In his clothing when searched was found the note Exhibit 8. It was in Greek, addressed to one Zidro and ran as follows: "I am sending you the bearer of this note and take good care of him. He is a good boy and a patriot to the point of self sacrifice, you can trust him. Nobody should know his identity", and the note is signed "Averoff". The accused said that this note had been given to him to convey to a friend. Not long after, the car F448 returned to the road block and the driver turned out to be Christoudis, who was a clerk in the Archbishopric. The finger print evidence given by Inspector Dekatris and P.C. Ozesh who took 20 30 40

the photographs clearly establishes that the accused was in that car. The driver asked permission to go out and get the car key, he went out, started up the car and has never been seen since. The accused was brought into Famagusta and took the attitude that the Police should find out who he was; and when brought up to Nicosia he maintained the same silence. There was no attempt to establish the alibi which he has sought to establish at this trial.

In the
Assize Court
of Nicosia.

—————
No.52.

Judgment.

28th October,
1955 -
continued.

The prosecution have led evidence to establish that this note found in the possession of the accused was to one of the leaders of the terrorist organisation known as Eoka. On the night of the 31st March last a certain Neofytos Petrou, of Lysi, lent his car to a man called Afxentiou. There is evidence that this car was afterwards found that night containing explosives and also that in a number of places throughout the Island explosions occurred which were due to the activities of Eoka. Indeed, a pamphlet found in the car purported to be issued by Eoka and declared its objects were the liberation of Cyprus from the English yoke, and declaring the intention of the organisation and its members to either kill or be killed. The house of Afxentiou was searched at Lyssi, and in his clothing were found one document headed "Order" and another document headed "General Order" issued by Dighenis, the leader of Eoka, and directed to one Zidro. The Prosecution have thus established that the note which the accused was carrying was directed to one of the leaders of Eoka. They have also produced some pamphlets picked up by the Police purporting to be distributed by Eoka, and these are put in evidence in order to show that it was one of the objects of Eoka to punish police officers who resist their activities. One, on the 5th April, which was directed to the Cyprus Police said that sanctions will apply to those who resist Eoka, and another picked up on the 1st April, also directed to the Police, states that whoever offers resistance against the Cypriot patriots will be executed. Evidence was then led that these were not idle threats but were followed by deadly attacks on the Police. There was an attempt on the life of a Policeman called Aspros on the 1st July. Another attempt to murder the victim in the present case, Poullis, on the 13th July. Again a .38 bullet was used. On the 10th August special constable

10

20

30

40

In the
Assize Court
of Nicosia.

No.52.

Judgment.

28th October,
1955 -
continued.

Zavros was murdered. He had three brothers in the Police, one of them in the Special Branch; and on the 11th August Police Sergeant Costopoulos was murdered. All these attacks were made on members of the Special Branch. The Crown have also put in a pamphlet, picked up in the Ayios Antonios quarter of Nicosia on the 5th September. This purports to be issued by Eoka and to state that those Policemen who have been murdered were justly murdered as traitors. In our view the evidence that it was an object of Eoka to threaten and to execute these threats against members of the Special Branch is established by the first two pamphlets that I have mentioned which were picked up by the Police, and the attacks on the Policemen and their killing. To establish the fact that Eoka openly admits after these crimes, having done them, would, in our view, require stronger evidence than the production of this pamphlet found at Ayios Antonios quarter on the 5th September. We therefore disregard Exhibit 17 for the purposes of this case. 10 20

So far as I have gone there has been no appreciable conflict between the case for the prosecution and the case for the defence. Poullis is murdered, the assailant runs off on the accused's bicycle, and the events that occurred at Chatts are not seriously in issue. The conflict of evidence is limited to whether on the one hand the eye witnesses produced by the Crown are to be believed, or that we are to accept the evidence of the accused explaining how the bicycle got out of his possession into the hands of the assailant and the evidence that he has given us as to his alibi. 30

The Crown produced three eye witnesses, one man named Hussein Mehmet Djenkiz, a motor car driver, the other a clerk named Feizi Hussein Derekoglou and lastly a Police Constable, Mehmet Ismail. The Defence produced several witnesses to discredit Djenkiz, but even without that evidence on his demeanour in the box, this Court had come to the conclusion that we were not able to rely on his evidence. 40

The evidence of Derekoglou and of Ismail is a very different matter. Derekoglou was going for a walk in Ledra Street at about 12.20 and he had got to somewhere near the shop of Boxalian, which is further down Ledra Street from the entrance to

the Women's Market on the same side, opposite the Bank of Athens. He saw a man take a bicycle from the pavement near the Koo Offices at the corner of Ledra Street and Liberti Street, he had a revolver in his hand and was putting it into his shirt. The man got on the bicycle, this, I must say, was after the witness heard the shots being fired; he saw the collision between the two bicycles which was at the corner of the street where he happened to be, and he was himself, I may say, a special constable as well as a clerk, and he chased the man with the gun who had been knocked off the bicycle by Kykko Avenue in the direction of Phaneromeni Street. He, the witness, who was on his bicycle, passed other pursuers round Phaneromeni Street and up Kykko Avenue, the fugitive looked back and he saw his face again somewhere round Phaneromeni Street, and again at point 9 on the plan (which is put in), the witness again turned and threatened the witness with a revolver. Finally the fugitive turned down a side street to the left into Hermes Street, and he lost sight of him.

Police Constable Ismail was on duty outside the Alhambra Hall at the time of the shooting; and immediately after the shots he actually saw the assailant. He did not see the gun but he saw the smoke coming out from under his armpit; and then he saw the assailant take a bicycle from near Keo offices and proceed down Ledra Street. He saw the collision and he chased the fugitive up to Phaneromeni Street where he, the witness got on a bicycle and continued until again, like the Clerk Derekoglou, he lost sight of him.

We have considered slight discrepancies in the evidence between these two witnesses and such slight discrepancies between Derekoglou's statement as to the accused taking a pistol out of his pocket or out of his shirt, discrepancies between the depositions and the evidence here, but we do not consider that their evidence has been shaken in the cross-examination. Their evidence is to some extent corroborated by the evidence of Christodoulos Michail, the man who threw his bicycle in the way of the assailant. The two witnesses, Derekoglou and Ismail, have no doubt that the man they saw and the man they chased is the accused. Christodoulos Michail certainly showed courage in throwing his bicycle in the way, but it is extraordinary

In the
Assize Court
of Nicosia.

No.52.

Judgment.

28th October,
1955 -
continued.

/sic7

In the
Assize Court
of Nicosia.

No.52.

Judgment.

28th October,
1955 -
continued.

that although he must have seen the assailant of Poullis who was on that bicycle when they collided, and although he chased him up Kykko Avenue and the man turned round and he saw his face again, he says that he is unable to identify that man as the accused. He had said to the Police and said here that the man was about the same height as himself, 5'7 $\frac{1}{2}$ " , that he was slim, that he had a light coloured shirt, and that he was about 25. One could understand Christodoulos coming here and saying that the accused is not the man who was on the bicycle, but it is difficult to believe him when he says he does not know whether the accused is the man he saw or not. However, his description does tally with the description of the accused.

10

The defence have called three witnesses who purport to be eye witnesses and who say that the man in the dock is not the man who shot Poullis and who was pursued down Ledra Street and up Kykko Avenue. The first was Haritonides, who is the owner of the kiosk at the entrance to the Women's Market. This man saw three people come out of the Alhambra Hall, and he also saw the deceased Poullis close by the witness's kiosk. Then he heard the shots and he saw the three people going away with their backs to him. Now, when he saw them coming out of the Alhambra Hall there does not seem to be any reason why he should have particularly noted their appearance no more than the many hundred people who had come out of there also, and after the shots were fired he never saw their faces again. It is difficult to see how this man can come into Court and swear positively that none of these three men is the accused in the dock.

20

30

The next witness was a school teacher called Myrianthopoulos, who said he was sitting at the material time in a cafe opposite the entrance to the Women's Market. He heard the shots but did not realise that anybody had been shot. And he said he saw the three people walking away hurriedly for more than two seconds. He did not see anything in any of their hands. He never gave any description of these people to the Police, but on seeing a photograph of the accused in the paper he declared that none of the three people that he had seen were the accused. He did not relate what he did after the shooting; for all we know he continued to sip his coffee. We got the impression that

40

10 this school teacher is not without bias against the Crown, he told us that he and his father were ardent nationalists, and that even if he were in a position to give evidence for the Crown on an offence by terrorists he would not do so. We were left in some doubt as to whether this was through fear or through bias or through both. But at this critical stage when forces of the Crown are trying to restore law and order it seems a pity that this sort of man should be directing youth.

20 The third witness called by the defence on this part of the case was Hallis. He is a young fellow of 18 and if a man can be judged by appearance and demeanour we would put him in a low category. The type that belongs to the riff-raff of a big town. He said that he was attending the meeting at the Alhambra as an old trade-unionist, and he was about 30 paces from the Bank of Athens in Kykko Avenue. He saw the collision of the two bicycles and he heard the shots. He understood that somebody had thrown a bomb. He gave chase to the man who had got off the bicycle and was running up Kykko Avenue, and although he had no bicycle he alleges that he was out in front of everybody. He said that the fugitive had no pistol and that he was wearing a yellowish shirt, which certainly does not correspond with the other evidence. It would appear that after being some hours in the Police Station waiting for his statement to be taken, and possibly having heard that the murdered man was not an old trade unionist but a Policeman, he seems to have lost his ability to identify the assailant.

30

At any rate, after the arrest of the accused on the 4th September there was an identification parade held in Nicosia and the accused was identified by witness Derekoglou and witness Ismail; but Hallis, who was also at the parade, was unable to identify him.

40 We now come to the accused's own story. He said that he was living at that time in a room in Strovolos with his two sisters, but on Sunday the 28th August his two sisters were up at their village, Palechori. He got up on that morning and on going out met his brother-in-law, a man called Phidias, and they both went off to a coffee shop in Strovolos called "Votsis" run by a man called

In the
Assize Court
of Nicosia.

No.52.

Judgment.

28th October,
1955 -
continued.

In the
Assize Court
of Nicosia.

No. 52.

Judgment.

28th October,
1955 -
continued.

Costas. About 11 o'clock, or perhaps a little earlier, Phidias had gone off to this meeting of the old trade unions at the Alhambra Hall and in doing so he had borrowed the accused's bicycle. The accused then went off on his sister's bicycle to the house of his uncle Damianos who lives at Cadmus Street somewhere near the Acropole Hotel. There he had joined Damianos, his wife and two daughters in a room where they were listening to the radio up to about noon. When the current of the radio failed they moved out into an adjoining yard under the shade of a mulberry tree, and there they joined two neighbours called Cherkezos, father and son. The elder Cherkezos had rented a house from Damianos. The accused played a game of draughts with the young Cherkezos, and somewhere about one o'clock Damianos' assistant, a grocer boy called Arghyros, arrived from town, and he told them that he had heard that a Policeman had been murdered. About a quarter of an hour later the accused's brother-in-law Phidias arrived. He took the accused aside and told him that on coming out of the Alhambra Hall a Policeman had been shot, and one of the assailants had stolen the accused's bicycle which Phidias had left outside in the street. The accused said he was very disturbed at this news and went and told Damianos that he would not stay to lunch and went off. He told the Court that he feared the Police would associate him in this crime not only because of his bicycle but also because of the fact that there had been an explosion probably due to Eoka in the Income Tax Office last July. He then went back to his house at Strovolos where he left his sister's bicycle and then proceeded to the house of a friend whose identity he refuses to disclose. There he remained concealed until on the 3rd September he got into the car which took him down to Chattos, where he was picked up by the Police. He told the Court that this note directed to Zidro had been given to him by this friend, and his instructions were that when he met a man in a blue shirt after an exchange of certain passwords he was to deliver this note.

10

20

30

40

Now, his evidence falls into two parts, one, his explanation of why his bicycle was being ridden by Poullis' assailant and the second an alibi. But both parts of his defence are closely bound up

10 together. For, if we are unable to accept the story of the bicycle it will be fatal of course to the alibi. Now, he called as witnesses for the alibi his uncle Damianos, the two Cherkezos and the boy Arghyros. Damianos appears to have told the Police on the 29th that the accused had been in his house the previous morning, and when he was called to the Police Station on the 8th September he also made a statement to the Police about the accused coming to his house, listening to the radio and being there at the material time when Poullis was murdered. The Police had on the 8th September called Damianos evidently to take a statement concerning the bicycle for which Damianos had been guarantor, but they did not record the statement he made as to the accused's movements on the morning of the 28th August. This, in the view of the Court should have been recorded, and for whatever reason a witness is called to make a statement, if he makes a statement voluntarily which amounts to an alibi for an accused person, it should be recorded.

The two Cherkezos and also the boy Arghyros, have come and corroborated the story of the accused and of Damianos.

30 It is very difficult to test the veracity of an alibi of this kind, but it is very often on a small matter that the weakness of an alibi might be revealed. The young Cherkezos said that he usually played draughts with the accused, but that, before Sunday 28th August he had not played draughts with the accused for a long time; he had only played once or twice since the accused had gone to Strovolos a year ago. Yet Arghyros told us that the accused and young Cherkezos had had a game of draughts on the Sunday previous to the 28th August. The cafe-keeper Costas was called also to corroborate the giving of the bicycle from the accused to Phidias, and finally Phidias himself was called
40 to testify what had happened to the bicycle. His story to the Court is frankly incredible. He said that he attended the meeting at the Alhambra and left the bicycle on the pavement a little further down the street from the entrance to the Women's Market on the same side, and he heard the shots and saw people crowding round the victim. He saw three people running and one took his bicycle and rode off with it. Now, he said that he was on the

In the
Assize Court
of Nicosia.

—————
No.52.

Judgment.

28th October,
1955 -

continued.

In the
Assize Court
of Nicosia.

No. 52.

Judgment.

28th October,
1955 -

continued.

edge of the crowd that was round the victim, and that about 10 minutes after watching the crowd he saw the man run off with his bicycle. Well now, even if he has a very poor idea of time and we reduce the ten minutes to one it still does not make sense with the rest of the evidence. He says that although he was a few feet from the man who was running away with his bicycle he made no effort to stop him nor did he invite any of the numerous people round him to assist him. Nor can we understand why when he got back to Damianos' house he should take the accused aside and tell him in secret what had occurred; he was among friends and relatives and the sooner that they heard the true explanation of how he lost the bicycle the better.

10

So that we have to consider who is telling the truth: the eye witnesses for the Crown, Derekoglou and P.C. Ismail on the one hand who positively identified the accused, or to believe the story that he was not there at all, that some other person stole the bicycle from Phidias while the accused was in the house of Damianos. We have to consider on the one hand the manner in which these two eye witnesses have given their evidence and their demeanour, and on the other hand the incredible evidence given by Phidias.

20

We have the incontrovertible evidence that the man who shot Poullis was the man on the bicycle of the accused. We have it that the accused disappeared immediately after the crime, we have it that everything points to this crime having been planned and ordered by the terrorist organisation known as Eoka, and we have it that the accused when he disappears after some days of hiding goes off in a motor car with a note to one of the leaders of Eoka.

30

It has been put forward by his Counsel that Eoka would manage things better than to let him ride on such a fateful undertaking on his own bicycle, but we must remember that but for a failure of nerve on behalf of the accused when he got to Chattos he would have escaped. Only for his own failure of nerve the organisation would have saved him. He was unfortunate to have found so resolute an eye witness as Derekoglou and Ismail, but nevertheless he got away.

40

Having regard to the evidence against him,

which is not seriously challenged by the defence, and the evidence of the eye witnesses Derekoglou and Ismail, which we accept, we must reject his evidence and his alibi.

In the Assize Court of Nicosia.

No.52.

Judgment.

28th October, 1955 -

continued.

10

He has been very ably defended by Counsel, who have behaved with great decorum and zeal throughout the trial. But, in our view, the Crown with great ability have presented a case that leaves no reasonable doubt in our minds that he is guilty of the offence with which he is charged. We find him guilty of murder.

ALLOCUTUS: Yes. I am innocent.

CHIEF JUSTICE: The Court will now proceed to sentence. Will these present stand.

SENTENCE:

Michalakis Savva Karaolides: you have been found guilty of murder. The sentence of the Court upon you is that you be hanged by the neck until you are dead; and may the Lord have mercy on your soul.

20

(Sgd.) E. HALLINAN,
Chief Justice
President, Assize Court.

28th October, 1955.

No.53.

NOTICE OF APPEAL ON QUESTIONS OF LAW.

(CAP. 14, Section 135)

To the Chief Registrar of the Supreme Court.

In the Supreme Court of Cyprus.

No.53.

30

I, MICHALAKIS SAVVA KARAOLIDES of Palechori, having been convicted of the offence of murder and being now a prisoner in the Central Prison at Nicosia, do hereby give you Notice of Appeal against my conviction (particulars of which hereinafter appear) to the Supreme Court on questions of law, that is to say: The evidence of Prosecution Witnesses Neophytos Petrou (23) Agathangelos Petrou (24) Mehmed Jemal (25) Sofocles Kaminarides (26) Fikret Feramez (27) Kyriakos Patsios (28) Christos

Notice of Appeal on questions of law.

4th November, 1955.

In the
Supreme Court
of Cyprus.

No.53.

Notice of
Appeal on
questions of law.

4th November,
1955 -

continued.

Sofocleous (29) Petros Paraskeva (30) Styllis Jacovou (31) and Apostolos Papaconstantinou (32), in so far as it relates to acts and/or occurrences by third parties in the absence of the Appellant and/or not traced and/or not connected with the Appellant, was wrongly admitted.

2. Wrongfully excluded relevant questions by the defence to prosecution witness Derekoglou (3) tending to discredit and/or throw doubts on the evidence of this witness on whose evidence relied in finding the Appellant guilty. 10

(Sj.) St. Pavlides
(Sd.) G.N. Chryssafinis.
(Sd.) A. Indianos
(Sd.) G. Clerides
(Sd.) E. Emilianides
(Sd.) F.Markides for T.Phanos.

DATED this 4th day of November, 1955.

1. Date of conviction: 28th October, 1955.
2. In what Court tried: Assize Court, Nicosia. 20
3. Sentence: Death.
4. Whether above questions of law were raised at trial? Yes.
5. Address for service: Office of Pavlides and Triantafyllides Brothers, Nicosia.
6. Do you desire to be present on the hearing of your appeal? Yes.

No.54.

No.54.

Application
for Leave
to Appeal.

4th November,
1955.

APPLICATION FOR LEAVE TO APPEAL.

TO THE CHIEF REGISTRAR OF THE SUPREME COURT. 30
Criminal Case No. 12290/55.
Name of Applicant: Michalakis Savva Karaolides.
Convicted by the Assize Court of Nicosia.
Offence: Murder
Sentence and when commencing: Death.

Date of conviction: 28th October, 1955.

Date of sentence: 28th October, 1955.

In the
Supreme Court
of Cyprus.

Grounds in full on which the application is founded:

1. The conviction is, having regard to the evidence as a whole, unreasonable and in particular the Court :-

No.54.

Application
for Leave
to Appeal.

4th November,
1955 -

continued.

10 (a) Failed to give due weight or any weight at all to the important fact that the evidence of prosecution witnesses Hussein Mehmed Djenkiz (2) was fabricated, a fact which implies and indicates that influences were at work to the prejudice of the Appellant.

20 (b) Failed to give due weight to the failure and/or refusal of the Police to take the statement of prosecution witness Damianos Michael Kamenos (13) when he began to tell them that the Appellant was at his (Damianos) house on the morning of the 28th August, 1955, which is a further indication that influences were at work to the prejudice of the Appellant.

(c) Wrongly treated prosecution witness Damianos (13) as a defence witness and wrongly assessed his evidence on that account.

30 (d) Were wrong and misdirected themselves in concluding that, because they were not prepared to believe Fidiias Christodoulou (D.W.11) as to what had happened to the bicycle which the Appellant had lent to him in the morning of the 28th August, 1955, the defence as to the alibi of the Appellant necessarily failed and should be discarded.

(e) In rejecting the evidence as to the alibi of the Appellant gave undue weight to some discrepancy between the evidence of Defence witness H. Tzerkezos (8) and Argyros Pallis (10) on a very minor matter, i.e. as to previous occasions on which the Appellant and H. Tzerkezos had played a game known as draughts or Dama.

40 (f) Failed to give due weight to serious discrepancies between the evidence of Prosecution witness Feizi Derekoglou (3) and Mehmed Ismael (4) particularly as to the description of the person whom they said they had chased.

In the
Supreme Court
of Cyprus.

No.54.

Application
for Leave
to Appeal.

4th November,
1955 -

continued.

(g) Misunderstood and gave an inaccurate account of the evidence of D.W. Georghios Haritonides (2) with the result that they failed to give due weight or appreciation of that evidence and therefore they questioned his ability to see the faces of the assailants of P.C. Poullis on wrong premises.

2. The Court wrongfully excluded and ruled out relevant questions by the defence to prosecution witness Derekoglou (3) tending to discredit and/or throw doubts on the evidence of this witness on whom the Court relied in finding the Appellant guilty. 10

3. The case against the Appellant was not proved with that certainty which is required to justify a verdict of guilty on a grave charge because inter alia -

(a) the prosecution witnesses Feizi Derekoglou (3) and Mehmed Ismael (4) could not in fact have had but a fleeting view or impression of the person running away and a mistake in their identification of the Prisoner as being that person, cannot and should not be excluded beyond reasonable doubt. 20

(b) the identification parade was not conducted in a satisfactory manner.

(c) the evidence of the eye-witnesses was generally unsatisfactory.

(d) there is no proof that the Appellant was a member of EOKA organization (which the prosecution claimed that it had planned the murder) at any material time and particularly on the 28th August, 1955. 30

4. There was a substantial miscarriage of justice in that, in addition to the foregoing, all throughout the investigation into the case there prevailed an atmosphere of suspicion and prejudice against the Appellant by reason of the fact that his bicycle was found at the scene, a fact which influenced and led the eye-witnesses and the investigators to fix the crime on him. 40

(Sgd.) S. Pavlides
G.N.Chryssafinis.
A. Indianos
G. Clerides.

(Sgd.) E.Emilianides
F. Markides
for
Const.Fanos.

Address for Service: Office of Pavlides & Triantafyllides Bros.. Nicosia.

In the Supreme Court of Cyprus.

State whether applicant wishes to be present at the hearing of the Appeal, if leave to appeal is granted: Yes.

No.54.

Application for Leave to Appeal.

4th November, 1955 - continued.

10

I, the above named Applicant, hereby apply for leave to Appeal to the Supreme Court from the conviction and/or sentence of the Assize Court of Nicosia aforesaid on the grounds hereinbefore set out.

DATED the 4th day of November, 1955.

(Sgd.) S. Pavlides
G.N. Chryssafinis.
A. Indianos.
G. Clerides.
E. Emilianides.
F. Markides for C. Fanos.

No.55.

No.55.

ORDER GRANTING LEAVE TO APPEAL.

Order Granting Leave to Appeal.

20 Order of Supreme Court: Leave to Appeal granted on the grounds set out in the application for leave.

5th November, 1955.

(Sgd.) M. Zekia.
J.

Date: 5th November, 1955.

JUDGMENT

Criminal Appeal No.2016.

In the
Supreme Court
of Cyprus.

No.56.

Judgment.

12th November,
1955.

In the Supreme Court of Cyprus.

Coram: ZEKIA, J. and ZANNETIDES, J.

Michalakis Savva Karaolides, Appellant

V.

The Queen

... Respondent

For Appellant: Stelios Pavlides, Q.C., George N. Chryssafinis, Q.C., Mr.G.Clerides, Mr.E.Emilianides, Mr.T.Phanos and Mr.G.Stravrinakis for Mr.A.Indianos.

10

For the Crown: Mr.R.R.Denktash, Acting Solicitor-General.

Judgment:

This is an appeal against the verdict of the Special Assize Court of Nicosia by which the Appellant was convicted of the murder of Police Constable Herodotos Michael Poullis on the 28th August last in Nicosia. The old Trade Unions were holding a meeting in the Alhambra Hall, which had its entrance on Ledra Street, Nicosia, on the morning of the 28th August. Deceased Poullis with some other Policemen were on duty at this meeting. Next to the Hall is the Women's Bazaar, the market. The entrances of the Hall and of the market are close to each other and people may walk in or out of the Hall and market through either entrances. Towards noon the meeting came to an end and people started to disperse. After the greater part of the people attending the meeting had left the Hall and went away, sometime between 12.20 and 12.30 p.m. three persons surrounded Poullis who at the time was standing in the entrance of the Women's Bazaar. One of the three shot him, the deceased, with a revolver from close quarters three times. The victim made a few paces towards the street and collapsed. His death was caused by a bullet .38 which penetrated his heart and lung. The three persons encircling the victim ran away from the scene of the crime down Ledra Street. One of the

20

30

40

assailants with a revolver got on a bicycle which he took from the pavement opposite the KEO offices from a point 55 feet away from the scene of the crime, and rode down in the same street towards its junction with Kykko Avenue. A certain Christodoulos Michael, a Crown witness, with a view to stop the fugitive threw his bicycle across the road in front of him. The fugitive on his bicycle collided with the bicycle on the ground and as a result he came down off his bicycle and abandoned it there at a point near the corner of Ledra Street and Kykko Avenue, 205 feet away from the scene. The assailant was then seen running away all along the Kykko Avenue for a distance over 150 yards chased by a number of people including the eye-witnesses who gave testimony as to the identity of this fugitive who eventually succeeded to escape after taking another street, namely Hermes Street.

10

20

The bicycle which was abandoned at the place of the collision was later picked up by Police Constable Nazim and it was established that it belonged to the Appellant who was making use of it for the last two or three years.

30

40

There appears to be a common ground and at any rate established beyond any doubt that the person who rode off from the scene of the crime down Ledra Street and was forced to abandon his bicycle at a point we have just described and continued the flight all along Kykko Avenue was the principal felon who committed the murder. The identity of this person formed therefore the only crucial point in this case. The trial Court in ascertaining the identity of the murderers had before them both direct and circumstantial evidence. They had two eye-witnesses who recognised and identified the Appellant as the person escaping from the scene of the crime on the bicycle soon after the murder. One of them P.C. Mehmed Ismael witnessed the actual commission of the offence. The trial Court accepted the evidence of both these witnesses. In addition the Court had the bicycle which the assassin rode off from the scene of the crime in order to escape immediately after the murder. It belonged to the Appellant. This was not disputed. The trial Court had also the peculiar conduct of the Appellant after the crime which was taken into account. The Appellant disappeared immediately after the crime. Although a clerk employed in the

In the
Supreme Court
of Cyprus.

No.56.

Judgment.

12th November,
1955. -
continued.

In the
Supreme Court
of Cyprus.

No.56.

Judgment.

12th November,
1955 -

continued.

Income Tax Office he did not turn up for duty on Monday following the day of the offence. He did not return to his office since. He concealed himself as he alleged in the house of a friend whose identity he did not wish to disclose until the 3rd September when in a friend's car that day endeavoured to reach Lefkonico for asylum. On their way to Lefkonico near the village of Chattos from a distance they noticed a road-block which they had to clear. Appellant, afraid of the detection of his identity at the road-block by the policemen who checked the vehicles and passengers, alighted from the car. His friend, the driver, proceeded on to Lefkonico. Appellant walked into the fields with a view to avoid the road block examination and to overtake the car which would have waited for him beyond the said road-block. He was seen walking into the field by the Policeman and he was brought to the Police Station at Chattos. There in answer to questions put to him he gave false name and address and lied about his employment and the name of the driver of the car in which he was travelling. When he was searched in his breast pocket of his jacket a letter of introduction couched in the following terms was found: "Zodro, I am sending you the bearer of this note and take good care of him. He is a good boy and a patriot to the point of self-sacrifice, you can trust him. Nobody should know his identity. Averoff". He was then brought to Famagusta where he declined to disclose his identity. Before trial he did not attempt to make any statement as to his defence or alibi which he put forward at his trial by giving evidence and calling witnesses.

10

20

30

With a view to establish motive the prosecution led evidence to show that the Appellant was associated with a terrorist organization in the Island called EOKA, the avowed object of which being by acts of violence, including acts of sabotage and murder of the members of the Police Force, those in the Special Branch in particular, to overthrow the Government and bring about Union with Greece. The trial Court on the evidence led found that this crime was planned and executed by the said terrorist organization. We quote from the judgment at page 139. "We have the incontrovertible evidence that the man who shot Poullis was the man on the bicycle of the accused. We had it that the accused disappeared immediately after

40

(Record P.168)

the crime, we have it that everything points to this crime having been planned and ordered by the terrorist organization known as EOKA and we have it that the accused when he disappears after some days of hiding goes off in a motor car with a note to one of the leaders of EOKA."

In the
Supreme Court
of Cyprus.

No.56.

Judgment.

12th November,
1955 -

continued.

10 So far we have endeavoured to give a brief account of the evidence adduced before the trial Court which was accepted and acted upon. We pass now to the consideration of the grounds of appeal. We propose to deal first with the appeal on questions of law. It has been contended that the whole or part of the evidence of certain prosecution witnesses was received at the trial though inadmissible because it relates to acts and/or occurrences by third parties which took place in the absence of the Appellant and with which the latter is not connected.

20 The evidence which was impugned on the ground of inadmissibility was adduced in order to establish motive in this crime. Although motive is not an ingredient in a felony or murder it is relevant and of importance to receive evidence tending to show or suggest motive on the part of an accused person. In the words of Lord Chief Justice Campbell in his charge to the jury in Reg. v. Palmer states, "with the respect to the alleged motive, it is of great importance to see whether there was a motive for committing such a crime, or whether there was not, or whether there is an improbability of its having been committed so strong as not to be overpowered by positive evidence. But if there be any motive which can be assigned, I am bound to tell you that the adequacy of that motive is of little importance".

30

40 Prosecution started with the introductory note found on the Appellant when he was searched at Chattos. The note was addressed to someone called Zedro. This name was traced back to the 1st April when Island-wide outrages by EOKA had started in the night preceding. In the clothing of a certain Afxentiou from Lyssi two documents headed "Order" and "General Order" respectively were found addressed to Zedro signed at the end by, the leader, Digenis. These orders Exhibit 14(A) and (B) bear the letters EOKA on the top and the contents clearly indicate that Zedro was one of the leaders of EOKA. It was established that Afxentiou very

In the
Supreme Court
of Cyprus.

—
No. 56.

Judgment.

12th November,
1955 -
continued.

probably the one called Zedro lent the car he se-
cured from a certain Neofytos Petrou to one Chris-
tofis Panteli of Liopetri who was caught in the
early hours of the 1st April at Akhna transporting
in this car EOKA pamphlets, hand-grenades, anti-
tank mines and other explosives. The said Pantelis
was convicted and sentenced by Famagusta Assizes.
On the same night all over the Island acts of sab-
otage took place. Military, Police and Public
buildings were the main targets. The pamphlets
picked up in Nicosia at Ayios Antonios Church on
the 5th April and on the 1st July were addressed
to Police Force by EOKA and it contained threats
against those who resisted their activities. The
Appellant sought protection from a leader of EOKA
called Zedro through an intermediary, another EOKA
man of some influence apparently, called Averof,
a few days after the killing of the Police Con-
stable. This fact indicates some association be-
tween him and the unlawful organization EOKA. The
fact that in the open introductory letter he was
carrying to the District leader of EOKA, he was
described as a patriot to the point of self-sacri-
fice suggests strongly that he was not a victim of
unfortunate circumstances which compelled him to
seek refuge at EOKA quarters. So far the evidence
adduced was enough to suggest a motive and defin-
itely adequate to negative absence of motive on
the part of the Appellant. Obviously EOKA armed
to disrupt peace and order in the country and as
such naturally was hostile to the police force
which was to maintain law and order. But the
prosecution proceeded further and introduced evi-
dence relating to the murder of a Police Sergeant
Costopoullos and special Constable Zavros and to
an attempt to kill the victim in this case and a
certain Policeman called Aspros which attempts and
murders were committed between the 1st July and
11th August last.

10

20

30

Leaflets picked up in the streets and purpor-
ting to be issued by EOKA were considered in con-
junction with those felonies and like the crime
under consideration were all found to be attribu-
table to EOKA.

40

Was all this effort directed to prove a mo-
tive? Whether the murder of Poullis is an EOKA
murder or not is not in issue save so far as to
suggest or prove motive on the part of the Appell-
ant. It seems to us the prosecution had gone a

bit too far in this direction to let in such evidence even with a view to prove motive. It is out of proportion to the purpose for which it has been received. We think that such evidence in fairness to the accused ought to have been excluded. Accounts of such crimes ought not to have been introduced in the trial of the Appellant. He is not connected with them. To trace such crimes to EOKA without trial and while their perpetrators remain undetected is very difficult indeed and the utmost one could get at is that EOKA is strongly suspected for the commission of these felonies. Moreover even if this kind of evidence is strictly admissible in order to ascertain motive its prejudicial effect to the defence might well outweigh the necessity of calling such evidence. We think we may relevantly quote a passage from the judgment of Lord Du Parc in Noor Mohammed v. The King (1949) 1, A.E.R., page 370.

In the
Supreme Court
of Cyprus.

No.56.

Judgment.

12th November,
1955 -

continued.

20 "It is right to add, however, that in all such cases the judge ought to consider whether the evidence which it is proposed to adduce is sufficiently substantial having regard to the purpose to which it is professedly directed, to make it desirable in the interest of justice that it should be admitted. If, so far as that purpose is concerned, it can in the circumstances of the case have only trifling weight, the judge will be right to exclude it.

30 To say this is not to confuse weight with admissibility. The distinction is plain, but cases must occur in which it would be unjust to admit evidence of a character gravely prejudicial to the accused even though there may be some tenuous ground for holding it technically admissible. The decision must then be left to the discretion and the sense of fairness of the judge."

40 As to the effect of misreception of such evidence in cases where the trial Court relied mainly on circumstantial evidence the conviction very likely would have been quashed. In the present case, however, apart from circumstantial evidence we have the evidence of the eye witnesses on whose testimony the trial Court chiefly relied for a conviction. We read from Archbold under the sub-head 'wrongful admission of evidence' (page 343 last edition):

In the
Supreme Court
of Cyprus.

No.56.

Judgment.

12th November,
1955 -
continued.

"Where it is established that evidence has been wrongfully admitted, the court will quash the conviction unless it holds that the evidence so admitted cannot reasonably be said to have affected the minds of the jury in arriving at their verdict, and that they would or must inevitably have arrived at the same verdict if the evidence had not been admitted. In considering this question, the nature of the evidence so admitted and the direction with regard to it in the summing-up are the most material matters."

10

The trial Court in assessing the evidence of the eye-witnesses in nowhere in the proceedings appear to have been influenced by the evidence tending to show motive. They considered at length the credibility of the eye-witnesses but throughout they treated this aspect of the case distinct from the evidence going to motive. In our view it cannot reasonably be argued that the trial Court in receiving the evidence commented upon has been influenced in some way or other in accepting the evidence of the two eye-witnesses or in rejecting the evidence of alibi and the witnesses who stated that Appellant was not in the group of three men who surrounded the victim immediately before he was shot or that he was not the person who ran away from the scene of the crime on a bicycle. We are of the opinion therefore that without the evidence thus wrongly admitted the trial Court would have come to the same conclusion and on the evidence accepted must inevitably have arrived at the same verdict.

20

30

The second point of law is that the Court excluded questions properly put to the eye-witness Derekoglou. Defence was not allowed to put the following question:

"And why then in connecting the person whom you were chasing and the accused you did not think of saying that; it occurred to me that it was the person whom I had seen not very long ago in my office. Why did you connect him back to the Secretariat three years ago and not to the last time you saw him 20 days previously". This question is repeated by the Counsel a little later in the following terms: "I must ask this witness if Your Lordship rule my question out I will of course

40

abide by it but I do ask the witness why instead of linking the accused with the person that had visited him 20 days before this occurrence he linked him with the Secretariat 2 - 3 years ago that is my question". The President of the Assize Court ruled it out and considered it a subtle question of human psychology which the witness was not entitled to answer unless he is an expert. The witness previously to a similar question had answered (at page 22), "My first impression on that day was that I had seen him somewhere but I could not make up my mind where it was. At the identification parade I understood that I had seen him at the Secretariat." "Q. I see, so it was only at the identification parade, on the 4th September, for the first time that you thought that the person whom you were chasing was the person whom you had met before at the Secretariat. Am I putting it correctly?" A. "Not quite correct. The first thing I saw at the Police Station was the same person I saw on the 28th and the same person I saw at the Secretariat".

We are of the opinion that the President of the Assize Court was not unjustified in excluding this question the answer to which evidently leads to nowhere. On the other hand the witness had given an answer to a similar question. Going through the shorthand notes of the evidence of this witness we do not think that any latitude in cross-examining him was unreasonably denied to the defence.

We pass now to the grounds of appeal for which leave to appeal has been granted. The first ground is that the conviction having regard to the evidence as a whole was unreasonable.

The evidence accepted by the trial Court was most critically examined by the learned Counsel appearing for the Appellant:

(a) It has been urged that the Court did not attach significance to the fact that prosecution brought an alleged eye-witness, called Djinkiz, whose evidence was fabricated and that from this fact the Court failed to infer that influences were at work to the prejudice of the Appellant. The evidence of this witness was rejected by the trial Court as being unreliable but there is no

In the
Supreme Court
of Cyprus.

No. 56.

Judgment.

12th November,
1955 -

continued.

(Record P.29)

In the
Supreme Court
of Cyprus.

No.56.

Judgment.

12th November,
1955 -
continued.

finding that this witness had fabricated his evidence. We do not think therefore that the Court failed to take into account a reasonable implication which would have otherwise arisen if they had found that the prosecution presented to the Court fabricated evidence.

(b) The conduct and behaviour of the Police in failing to take down part of the statement from witness Damianos, uncle of the Appellant, regarding the presence of the Appellant in his house at the material time of the commission of the offence, which might have been of assistance to the defence of alibi put forward by the Appellant in his trial, was vehemently attacked and it has been described as contemptible and disgraceful conduct. The fact remains, however, that the trial Court believed that on the 29th August and 8th September the uncle had mentioned to the Police about this alibi and this considerably reduced the possible adverse effect this omission might have in the assessment of the evidence of the uncle as to the alibi. 10

(c) It is correct that Damianos has been misquoted as a defence witness in the judgment but there is nothing to suggest that his evidence was wrongly assessed on that account. 20

(Record P.166)

(d) The defence was rather emphatic in submitting that the trial Court was obviously wrong in holding that if they were unable to accept the story of the bicycle, this as a matter of course would have been fatal to the alibi. The Court stated (at p.138 of the notes): "Now his evidence falls into two parts, one, his explanation of why his bicycle was being ridden by Poullis' assailant and the second an alibi. But both parts of his defence are closely bound up together. For, if we are unable to accept the story of the bicycle it will be fatal of course to the alibi." We find ourselves to some extent in agreement with the defence in saying that if the trial Court was unable to accept the story of the bicycle, that fact alone would not necessarily render fatal the defence of alibi. But the Court did not act under this reasoning in rejecting the defence of alibi. They considered the defence of alibi at length elsewhere in the judgment and it would not be fair to say that their mind operated within the narrow limits of this reasoning in rejecting the alibi. It is 30 40

not infrequent that an unguarded statement might escape a judge in his judgment, which, if taken in isolation and given full weight, might render the findings of such Court unreasonable. But the correct course is to review the judgment as a whole and ascertain the view taken by the Court in arriving at certain conclusions. We do not think therefore that this was a fatal mistake, as it has been put by the defence.

In the
Supreme Court
of Cyprus.

No. 56.

Judgment.

12th November,
1955 -

continued.

10. It was seriously contended that the Court was wrong in assessing and estimating the value of the evidence of some of the witnesses of the prosecution on the one hand, and in attaching little or no weight to some witnesses of the prosecution and witnesses for the defence on the other hand. It is hardly necessary for us to state again that the trial judge has advantage over us in assessing the evidence of the witnesses whom they hear and their demeanour they watch. For a trial judge in commenting on the reliability or unreliability of a witness it is not unusual to give some reason or pass a remark but speaking from experience on the bench, a judge rarely gives his reasons exhaustively in believing or disbelieving a witness. Therefore, it appears to us unjustified to question the finding of a trial court as to the credibility of a particular witness or the untruthfulness of another by merely catching a remark which a judge might make in his judgment. The assessment of the value of the evidence of a witness is a matter eminently within the province of the trial judge and cannot easily be questioned by a superior Court.
- 20
- 30

- 40 The evidence of the eye-witnesses Direkoglou and P.C. Mehmed Ismael which was accepted by the trial Court was carefully examined by them and we feel that they were justified in accepting their evidence; both these witnesses had time and opportunity to see and recognise the fugitive and the most searching cross-examination does not appear to have shaken their evidence. The possibility of their making a mistake or having inadequate time for observation in order to be able to recognize the fugitive was all brought to the attention of the trial Court by the able Counsel of the defence and it was, no doubt, fully considered before a verdict of guilty was reached. In this case there was indeed, as it has been mentioned earlier in our judgment when the evidence was summarized,

In the
Supreme Court
of Cyprus.

No.56.

Judgment.

12th November,
1955 -
continued.

circumstantial evidence of a rather strong nature which goes a long way to implicate the Appellant in this crime. The explanation given by the defence for the inculpatory conduct of the Appellant after the commission of the offence was also July considered by the trial Court and rejected. We do not think that they were unjustified in doing so.

There is no evidence to support the contention that the trial was conducted in an atmosphere of suspicion and prejudice. The gravity of the offence with which the Appellant was charged would naturally cause some strain during the proceedings at the trial but we are satisfied that this did not prevent in any way the Appellant from having a fair trial. 10

Under the last ground of appeal headed 'substantial miscarriage of justice' it has been submitted that after the bicycle of the Appellant was seized by the Police near the scene of the crime where it was abandoned by the fugitive, the prosecution jumped to the conclusion and fixed the crime on the Appellant or at any rate they started investigations under a grave suspicion against the accused and from this web of suspicion the defence suffered at the trial. The finding of the bicycle of the Appellant in the circumstances described naturally gives rise to a certain amount of suspicion connecting him with the crime but ample opportunity was given to him to explain out and dispel such suspicion if it had unjustly arisen. The explanation given was carefully examined and rejected by the trial Court. 20 30

For these reasons we think that the appeal should be dismissed.

(Sgd.) M. ZEKIA,
J.

(Sgd.) C. ZANNETIDES,
J.

12th November, 1955.

ORDER IN COUNCIL GRANTING SPECIAL LEAVE TO APPEAL.

L.S.

AT THE COURT AT BUCKINGHAM PALACE

The 22nd day of December, 1955

PRESENT:

THE QUEEN'S MOST EXCELLENT MAJESTY

Order in
Council
granting
Special Leave
to Appeal.

22nd December,
1955.

	LORD PRESIDENT	SIR WALTER MONCKTON
	LORD PRIVY SEAL	MR. BUCHAN-HEPBURN
10	CHANCELLOR OF THE DUCHY OF LANCASTER	MR. MACLEOD
	MR. SECRETARY LLOYD	MR. WATKINSON
	MR. SECRETARY BIRCH	MR. AUBREY JONES
	MR. CHANCELLOR OF THE EXCHEQUER.	MR. HARE
		MR. HEATH.

WHEREAS there was this day read at the Board a Report from the Judicial Committee of the Privy Council dated the 15th day of December 1955 in the words following, viz :-

20 "Whereas by virtue of His late Majesty King Edward the Seventh's Order in Council of the 18th day of October 1909 there was referred unto this Committee a humble Petition of Michalakis Savva Karaolides in the matter of an Appeal from the Supreme Court of Cyprus between the Petitioner and Your Majesty Respondent setting forth that on the 28th October 1955 the Petitioner was convicted by the Assize Court of Nicosia of the murder of Police Constable Michael Poullis on the 28th August 1955 and sentenced to death: that the Petitioner appealed to the Supreme Court which Court on the 12th November 1955 dismissed the Appeal: and humbly praying Your Majesty in Council to grant the Petitioner special leave to appeal from the Judgment of the Supreme Court of Cyprus dated the 12th day of November 1955 and for further or other relief:

40 "The Lords of the Committee in obedience to His late Majesty's said Order in Council have taken the humble Petition into consideration and having heard Counsel in support thereof and in opposition thereto Their Lordships do this day agree humbly to report to

In the
Privy Council.

No.57.

Order in
Council
granting
Special Leave
to Appeal.

22nd December,
1955 -

continued.

Your Majesty as their opinion that leave ought to be granted to the Petitioner to enter and prosecute his Appeal against the Judgment of the Supreme Court of Cyprus dated the 12th day of November 1955:

"And Their Lordships do further report to Your Majesty that the authenticated copy under seal of the Record produced by the Respondent ought to be accepted (subject to any objection that may be taken thereto by the Petitioner) as the Record proper to be laid before Your Majesty on the hearing of the Appeal." 10

HER MAJESTY having taken the said Report into consideration was pleased by and with the advice of Her Privy Council to approve thereof and to order as it is hereby ordered that the same be punctually observed obeyed and carried into execution.

Whereof the Governor or Officer administering the Government of the Colony of Cyprus for the time being and all other persons whom it may concern are to take notice and govern themselves accordingly. 20

W. G. AGNEW.

E X H I B I T SExhibitsNo.7. (D.K.) STATEMENT OF DAMIANOS KAMENOS.

No.7. (D.K.)

Statement of
Damianos
Kamenos.

Undated.

I am married to Chrystalla Kamenou and have 3 children. I have been residing in Nicosia for the last 16 years and reside in my house at No.6 Kadmou Street. Michalakis Savva Karaolis is my nephew, i.e. he is the son of my sister Panayota. I think that my nephew Michalakis stayed in my house when he came to school for the first year in 1947 until he finished the English School in 1953. Michalakis' brother Andreas also lives in my house; he is older than Michalakis and is my employee. Whilst Michalakis was attending the English School he bought a Raleigh bicycle from Ouzounian. I do not remember the date but it might be a year before he finished school. When he agreed to buy it they rung me up from Ouzounian and enquired whether I could stand as guarantor for Michalakis. I replied "Yes". On the same or the following day the employee of Ouzounian's firm called on me at my house and I signed the agreement; I do not remember the amount of the agreement but I remember it was by instalments.

When Michalakis finished the English School and took up employment in the Education Department he was still living with us.

In 1954 Michalakis' sister erected a house at Strovolos and Michalakis and his sister left my house and lived in Strovolos.

After Michalakis left my house he was in the habit of coming to my house once or more times a week. He used to come on a bicycle. I do not know the bicycle's number. It was black. I cannot pick it up if I see it. I do not know whether Michalakis still has the bicycle he bought from Ouzounian and for which I stood as guarantor.

(Sgd.) DAMIANOS KAMENOS.

Exhibits.No.8. (T.M.) LETTER FOUND ON THE ACCUSED

No.8. (T.M.)

2.9.55.

Letter found on
the Accused.

Zedro,

2nd September,
1955.

I am sending you the bearer of these presents and look after him well. He is a good boy and a patriot to the point of self sacrifice, you can trust him.

No one should know about his identity.

AVEROPT.

No.13. (A.P.)

No.13. (A.P.) E.O.K.A. PAMPHLET.

10

E.O.K.A.
Pamphlet
"Proclamation"

EOKA

PROCLAMATION

Undated.

With God's help, with faith in our honest struggle, with the backing of the whole of Hellenism and with the help of the Cypriots, WE UNDERTAKE THE STRUGGLE FOR THE SHAKING AWAY OF ENGLISH YOKE, with that slogan which has been left behind to us by our ancestors as a sacred lodgment: EITHER BRING THIS BACK OR BE BROUGHT BACK UPON IT.

BROTHER CYPRIOTS.

From the dawn of history all those who brightened Greek history in order to preserve their freedom stare steadfastly at us, those who fought at Marathon, Salamis, the 300 of Leonidas and the contemporaries of the Albanian epopee. The fighters of 21 stare steadfastly at us, they who taught us that the liberation from an oppressor's yoke is always achieved with BLOOD. The whole of Hellenism, also, stare steadfastly at us which watch us with agony as well as with national pride.

20

Let us answer with deeds that we shall become far better than them.

30

It is time we showed the world that if international diplomacy is UNJUST and in most cases DASTARD, Cypriot soul is brave; if our oppressors

do not want to give us our freedom we can claim it with our own HANDS and with our BLOOD.

Let us show the world once again that the neck of the present day Greek cannot stand the yoke. The struggle will be hard. The oppressor possesses the means and the numbers.

We possess the SOUL. We have the right on our side. For this reason we shall be VICTORIOUS.

INTERNATIONAL DIPLOMATS.

10 Stare steadfastly at your work. It is a shame in the 20th century that the people should shed their blood to attain their freedom, this divine gift for which even we fought on the side of your people and for which you, at least, assert that you fought against nazism and fascism.

GREEKS,

Where ever you are listen to our voice.

ONWARD. ALL TOGETHER FOR THE FREEDOM OF OUR CYPRUS.

20

E.O.K.A.
THE LEADER
Dighenis.

No.14(A) (M.J.) E.O.K.A. ORDER.

E.O.K.A.

Zedro
File No. 15.

O R D E R

All men of the crack groups should be in a position to prepare charges for sabotage by pe-
tards, mines etc., as well bottles of petrol.

30

This measure is taken so that there should be no interruption of activities by the groups due to ignorance in the preparation of charges, in as much as the present instructor cannot any longer be oc-
cupied with the said work.

If any group meets with any difficulty in re-
gard to the above subject, it should be reported now so that the necessary information be given to her and if necessary to send to her the instructor.

28/3/55.

The Leader,
Dighenis.

Exhibits

No.13. (A.P.)

E.O.K.A.
Pamphlet
"Proclamation"

Undated.

continued.

No.14(A) (M.J.)

E.O.K.A. Order.

28th March 1955.

Exhibits.

No.14(B) (M.J.) E.O.K.A. GENERAL ORDER.

No.14(B) (M.J.)

E.O.K.A.

E.O.K.A.

Zedro
File No.14.

General Order.

GENERAL ORDER

27th February,
1955.

It is an imperative necessity to stress upon all the members of our organisation that our activities should be kept secret. Neither the existence nor the objects of our organisation should be disclosed, and it is expedient, at present, to keep them secret.

10

It appears from a document which has fallen into our hands that the Police is making an utmost effort to discover a secret organisation in Cyprus the existence of which she suspects.

You should, therefore, recommend to our members to display complete ignorance of such an organisation before the others.

Also, the Police will do its utmost for the discovery of explosives and arms because it thinks that by their discovery it would be possible to dislocate our organisation.

20

The above should be seriously taken into consideration and each one in his own circle should contribute to the frustration of the objects of the Police.

27/2/55.

The Leader,
Dighenis.

No.16. (S.K.)

No.16. (S.K.) ACCUSED'S REPLY TO FORMAL CHARGE.

Accused's Reply
to formal
charge.

I do not admit; what I have to say I shall
tell the Court.

30

5th September,
1955.

(Sgd.) M.S. KARAOLIDES.

No.17. (F.F.) E.O.K.A. LEAFLETExhibits.

E.O.K.A.

THE "INNOCENT"

No.17. (F.F.)

The Acting Colonial Secretary more talkative than "Gauleiter" Armitage spoke a few days ago about "Innocent victims" of "Criminal Terrorism"..

E.O.K.A.

Leaflet "The Innocent".

Undated.

10

And he calls "innocent victims", dirty and venal creatures who have betrayed the struggle of the people of CYPRUS. Are the three Zavros brothers, the traitors, of whom one only has yet paid for his treachery, innocent? or was the executed Poullis, as a result of whose activities tens of innocent people or fighters are rotting in gaol, innocent? or was the executed policeman in Famagusta, haughty Kostopoullos, innocent? is impudent and coward Papaconstantinou, who in Court smacked a patriot when tried there, innocent? is Elia, as a result of whose treachery half a score of innocent patriots were driven to prison and who squealed to the Police a store of ammunition of the organization in Larnaca, innocent?

20

These are the "innocent victims" of the Colonial Secretary.

30

But the Colonial Secretary, making demagogy of necessity is at the same time lying; because it is a lie that eleven year old Andreas Nicolaou was killed by one of our bombs. It is known to all that we are using bombs of our own make while the boy was killed by an English bomb of those which the English soldiers scattered about during the war or even are scattering nowadays, in order to get rid of their burden not caring about the victims of their action.

We declare that for the "innocent victims" of the Colonial Secretary WE SHALL ASK TO BE TRIED BY GREEK COURTS when Cyprus becomes free and we shall bow to their judgment whatever it may be.

Mr. Colonial Secretary Will they talk about you as "the innocent" if your head falls tomorrow?

40

And what about the illeberal laws; what about the imprisonment without trial of innocent people; and the abominable terrorism of the army and of the Police; when similar things were being done by

Exhibits.
No.17. (F.F.)
E.O.K.A.
Leaflet "The
Innocent" -
Updated.
continued.

the "Gauleiters" of Hitler during the war your present masters were shouting out to them "You will be tried before a special Court of criminals"; and they were tried.

Since there are no special Courts what can we do?

WE SHALL CUT OFF YOUR HEADS.

And we shall do this

E.O.K.A.
THE LEADER
Dighenis.

10

No.18. (K.P.)
E.O.K.A.
Leaflet
addressed
to Police.
Undated.

No.18. (K.P.) E.O.K.A. LEAFLET ADDRESSED TO POLICE
NATIONAL ORGANIZATION OF FIGHTERS
(E.O.K.A.)

TO
THE CYPRUS POLICE.

The Ruler of Cyprus disregarded the will of the Cyprus people and its ardent desire, duly expressed by a plebiscite to unite with Mother Greece. He did not even accept a discussion offered to him by the Greek Government as to the way in which the Cyprus people will exercise its right for self-determination.

20

This behaviour on behalf of the Ruler compelled us, the representatives of the prime of youth and the vigour of Cyprus, to engage in an all out struggle. We put up FORCE against the contempt of our rights, the oppressions and vandalism as the only means of defence in such circumstances for people who wish to live free.

30

The Cyprus Police which is maintained at the expense of the sweat of the Cyprus people must not, and has no right to ignore its will and support the will of the Ruler, as in this way they commit TREASON.

ONLY ONE PUNISHMENT SERVES TRAITORS RIGHT

We warned you in the first instance by dynamite activities within the Police Stations. It is because WE DID NOT WISH IT that you had no victims.

We had the courage and the strength to enter the Military and Police Stations. And we have the power to enter **WHENEVER WE LIKE IT NO MATTER HOW MANY BARBED WIRE OR MINES** your panic-stricken leaders wish to protect you with. We warn you for the last time. **SANCTIONS** will be applied against those with whom we shall fail to find understanding. All Hellenism watch with disgust the deeds of certain Cypriot Policemen and well reward them as it serves them right in due course. **AS WILL THOSE WHO HELP OUR STRUGGLE WILL BE REWARDED** when Cyprus will be free **AND WILL SOON BE FREE**. **THE DAUNTLESS ARMY WHO TOOK THE OATH TO DIE FOR THE FREEDOM OF OUR ISLAND** is promising you that.

E.O.K.A.
The Leader
Dighenis.

Exhibits.

No.18. (K.P.)

E.O.K.A.

Leaflet
addressed
to Police -

Undated.

continued.

10

20

No.19. (Ch.S.) E.O.K.A. LEAFLET ADDRESSED
TO POLICE.

E.O.K.A.

TO THE POLICE

I have warned you. You took my warning as a mere threat, and my tolerance as weakness. What I have declared I shall **EXECUTE TO THE LETTER**. Much more difficult and dark days are awaiting the tyrants of Cyprus and much heavier punishment the traitors. Nothing daunt us. He who is ready to die faces death coolly but also does great deeds.

30

No one can block our way because it is divinely traced and we follow it with faith, courage and determination, and with the right of our struggle as a companion.

Do not find yourselves face to face with us, because you will paint the way with blood without being able to block it.

Do not serve the abominable ruler, the mean exploiter of the sweat of the poor people of Cyprus because you become traitors.

No.19. (Ch.S.)

E.O.K.A.

Leaflet
addressed
to Police.

Undated.

Exhibits.

I have ordered that:

No.19. (Ch.S.)
E.O.K.A.
Leaflet
addressed
to Police -
Undated.
continued.

Whoever offers resistance to the Cypriot Patriots will be EXECUTED.

Whoever searches or arrests Cypriot Patriots will be shot at.

NO ONE WILL SUFFER ANYTHING SO LONG AS HE DOES NOT OBSTRUCT OUR WORK.

E.O.K.A.
The Leader,
Dighenis.

10

No.20(A) (P.P.)
E.O.K.A.
Leaflet.
Undated.

No.20(A) (P.P.) E.O.K.A. LEAFLET.

EOKA.

I swear in the name of the Holy Trinity that:
1. I shall work with all my powers for the liberation of Cyprus from English Yoke, sacrificing to that effect even my own life. I shall execute without objection all the orders of the organisation which may be assigned to me and I shall not raise any objection however difficult and dangerous they may be.

20

I shall not abandon the struggle unless I receive instructions from the leader of the organisation and until the fulfilment of our aim.

I shall never disclose to anybody the secrets of the organisation, nor my nor those of the other members of the organisation even if orders which may be assigned

If I fail in my oaths I shall deserve every punishment as a traitor; and let eternal contempt befall me.

30

195.

No.20(B) (P.P.) E.O.K.A. ORDER.

Exhibits.

"25th August, 1955.

No.20(B) (P.P.)

EOKA. (Order)

E.O.K.A.

Order.

25th August,
1955.

10 In view of the Tripartite Conference on the Cyprus question which will take place on the 29th August, 1955, Government perhaps will impose a curfew. So that the activities of the Youth Groups may not be interrupted and so that we show them that we are not daunted by these measures, I command that all Group Leaders arrange so that raids shall be made when necessary during the noon hours. By doing so we shall prove that we are really inflexible and that we are not daunted by any danger."

No.20(C) (P.P.) E.O.K.A. GENERAL ORDER.

No.20(C) (P.P.)

"EOKA. General Order.

E.O.K.A.

General Order.

25th August 1955.

25th August,
1955.

20 In the course of the Tripartite conference military and police measures will be intensified, searches will be carried out in houses and on passers by. No one of our members should carry on him anything incriminating. They should not also hide anything in their houses. If I am informed that even one of them failed in this Order I shall be ruthless.

Signature Illegible."

IN THE PRIVY COUNCIL

No. 49 of 1955

ON APPEAL

FROM THE SUPREME COURT OF CYPRUS

B E T W E E N:

MICHALAKIS SAVVA KARAOLIDES Appellant

- and -

THE QUEEN ... Respondent

RECORD OF PROCEEDINGS

BISCHOFF & CO.,
4, Great Winchester Street,
London, E.C.2.

Solicitors for the Appellant.

CHARLES RUSSELL & CO.,
37, Norfolk Street,
Strand,
London, W.C.2.

Solicitors for the Respondent.