

# A Statistician's Prosecution For Slander



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For the past nine years, Andreas Georgiou, the former president of Greece's statistical agency, has been facing a series of prosecutions in the Greek courts. An economist by training, Mr. Georgiou was recruited from the international Monetary Fund in 2010, soon after Greece's debt crisis erupted and an EU/IMF bailout was agreed, to head the newly independent national statistics agency, ELSTAT. His main task was to bring the country's official statistics in line with EU rules.

It was not smooth sailing. His detractors attempted to shift the blame for the crisis to a technocrat: Andreas Georgiou. When Mr Georgiou revised the 2009 fiscal deficit from 13.6% to 15.4% of GDP, the "old guard" in the statistical agency and Greek politicians accused him of deliberately "inflating" the deficit to trap Greece into successive bailouts and harsh conditionality. He was ultimately acquitted of the criminal offense of "inflating" the deficit, but he still faces prosecution

under “satellite” cases that have been intertwined with the prosecution about the deficit figures. He has been convicted on a “breach of duty” charge for not putting up the deficit and debt figures for approval by the ELSTAT board. He was given a suspended jail sentence of two years, even though EU rules specify that head statisticians “have the sole responsibility for deciding on statistical methods, standards and procedures, and on the content and timing of statistical releases.”. He has also been found liable of “simple slander” by a civil court for publicly defending the Eurostat-validated statistics he compiled. In essence, the court argued that Mr. Georgiou made statements that were true but that hurt the plaintiff’s reputation (this is punishable by law in Greece!). His appeal against this verdict is slated for be heard today.

The background to this case is remarkable. In July 2014, the Council of the Appeals Court rejected the Prosecutor’s recommendation to drop all charges against Mr. Georgiou for “inflating” the deficit. The Appeal’s Court decision specified that the former head of the National Statistical Service Manolis Kontopyrakis and the former Director of the National Accounts Division Nikos Stroblos should be called as expert witnesses in the case against Mr. Georgiou. Mr. Georgiou immediately issued a press release expressing his dismay at being prosecuted for producing statistics that had repeatedly been fully validated as accurate by Eurostat, while no investigation had been undertaken of the faulty “Greek statistics” produced before he took office. He expressed surprise at the Court’s decision to call as expert witnesses those who had been in positions of responsibility for the production of the statistics that Eurostat had refused to validate. In response, Mr. Stroblos brought an action for slander against Mr. Georgiou in the criminal court, and also sued him in civil court for €73,000 in damages and a public apology. In support of this case he used the prosecution of Mr. Georgiou for the alleged artificial inflation of the 2009 deficit, and the statement of a parliamentary Committee

convened by Mr. Pavlopoulos, a former senior minister in the 2004-09 Karamanlis government that preceded the crisis who is currently the President of Greece. The Committee had denounced Mr. Georgiou's press release and called for his resignation as head of ELSTAT in view of the criminal charges pressed against him.

The criminal case against Mr. Georgiou went to trial in June 2016. Mr. Georgiou argued that in his July 2014 press release he had defended the fully validated European statistics produced on his watch against a barrage of slanderous attacks, including by Mr. Stroblos, as required by the European Statistics Code of Practice. The Prosecutor proposed his acquittal of all charges, but the court found Mr. Georgiou guilty of the crime (only in Greece!) of defaming Mr. Stroblos by making true statements, i.e. of 'simple' slander rather than 'criminal' slander, which involves defaming someone by making false statements. He was convicted to 12 months in jail, in a sentence that was suspended for three years if there are no other convictions.

Mr. Georgiou's detractors were overjoyed: Yiannis Michelakis, former Minister of Interior in the 2012-14 New Democracy government, published an article entitled 'First conviction of A. Georgiou for the "inflated" deficit of 2009'<sup>1</sup> which stated: 'The story of the inflated deficit of 2009 that was reported by George Papandreou and led our country to the Memoranda is beginning to be revealed through court proceedings, effectively vindicating the government of Kostas Karamanlis.'

Mr. Georgiou appealed his conviction for 'simple slander' but his appeal was rejected.

Subsequently, however, the Supreme Court agreed to annul his conviction for "simple slander" due to errors in the decision to convict him. The Court ordered a retrial of Mr. Georgiou but the date of the trial was set after the statute of

limitations had expired. As a result, no further trial took place and the charges were dismissed.

However, the civil case moved ahead. In August 2017, the First Instance Civil Court found Mr. Georgiou liable to indemnify Mr. Stoblos for 'simple' slander by paying €10,000 in damages and €500 towards his legal expenses. The court also ordered Mr. Georgiou to publish the court decision at his own expense in the Greek newspaper Kathimerini, along with the passage from his 2014 press release that the court considered to amount to simple slander. After all appeals are finalized, a fine of €200 would be payable for each day the newspaper publication is delayed. Mr. Georgiou appealed the conviction, and the appeal is slated to be heard by the Appeals Civil Court today.

If Mr. Georgiou is found liable for "simple slander" by the Civil Court of Appeals, the person who restored the credibility of Greek statistics would have to publicly apologize and pay damages to the person who led the production of "Greek statistics" previously. Such an outcome would be a sad reflection on the Greek judicial system and political class that have tolerated, and in some cases encouraged, the scapegoating of a civil servant who did his job.