

OPINION

The Kafkaesque adventure of former ELSTAT president Andreas Georgiou



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After a 14-year ordeal in the Greek courts, it seems that the Kafkaesque adventure of the former president of the statistics agency ELSTAT, Andreas Georgiou, is coming to an end. After being accused of allegedly “inflating” the 2009 deficit, which New Democracy circles thought had pushed the country deeper into austerity, the Appeals Council acquitted him for the third (!) time in 2019, after repeated prosecutions in previous years aiming at a conviction. But the court serial did not end there: In the parallel case for alleged “breach of duty,”

Georgiou was sentenced to two years in prison with a three-year suspension for not seeking the approval of the ELSTAT board before notifying Eurostat of the revised fiscal data for the period 2006-09 in November 2010. His acquittal by the first instance court in 2016 was subsequently revoked, and he was tried again for the same offense – double jeopardy, something very rare – by the Court of Appeals, which convicted him in 2017. The case was finalized with the confirmation of his conviction by the Supreme Court in 2018.

His conviction goes against the Code of Practice for European Statistics (CoP, Principle 1.4), which explicitly states that the head of the statistical office has “sole responsibility” for the compilation and publication of statistical data, which are obviously not subject to a vote by a board. This rule safeguards the reliability of EU statistics and their protection from political interference – blatant in the case of “Greek statistics,” which had become synonymous with fraud in the period before the crisis. When the crisis erupted in late 2009, the European creditors demanded accurate statistics.

Georgiou, an IMF statistics expert, was appointed president of the newly independent statistics agency (ELSTAT) in August 2010. Instead of the Greek political system thanking him for putting an end to the stigma of “Greek statistics,” by compiling data that the European institutions and Greek governments fully validated, it subjected Georgiou to a Kafkaesque ordeal in the Greek courts at great personal and financial cost to him.

He then appealed to the European Court of Human Rights (ECHR), which unanimously vindicated him in March 2023 and condemned Greece for violating his right to a fair trial. This conviction reflects badly on the Greek justice system because it chose to ignore exculpatory evidence, such as the testimonies of European officials, and implicitly refused to refer a question to the Court of Justice of the European Union for a preliminary ruling as to the correct interpretation of the CoP.

After being vindicated by the ECHR, Georgiou applied for a retrial, which was accepted by the Supreme Court. On 19 September the rapporteur deputy prosecutor of the Supreme Court admitted that the court that convicted him misinterpreted the Code of Practice for European Statistics, thus seeing no grounds for a new trial. He therefore proposed that the appeal be upheld, that his conviction be annulled and further prosecution terminated. Hopefully the proposal of the deputy prosecutor will be accepted by the plenary session of the Supreme Court and the 14-year ordeal of Georgiou in the Greek courts will finally end.

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The ultimate goal of the successive prosecutions and the annulment of acquittals of lower courts in the period 2012-18 was to reach a conviction which would prove that the

“memoranda” with official creditors were imposed not because of poor policy choices that rendered the country insolvent, but because there was a secret collusion with the lenders to impose austerity on Greece for their own benefit. The former president of ELSTAT was the scapegoat for those who sought to avoid responsibility for the country’s bankruptcy.

At the same time, however, he united the center-right New Democracy and the radical-left SYRIZA, the two parties that governed the country during that time, in a common narrative based on the erroneous belief that the memoranda brought about the crisis, not the other way around. Remember the Zappeion speeches of Samaras and Tsipras’ pre-election speech in December 2014, in which he wondered “why did ELSTAT really inflate the fiscal deficit, bringing the country to the eye of the storm?” The conviction of a technocrat fitted Tsipras’ convenient narrative demanding debt cancellation and abolition of the memoranda “with one law and one article,” thus shifting the responsibility for a return to normality to the lenders and overlooking the efforts that Greece had to make to balance the budget in perpetuity. The Greek justice system participated in the targeting of Georgiou with repeated prosecutions based on unsubstantiated, politically motivated accusations.

This case has done enormous damage to Greece’s reputation as a country governed by the rule of law, with an independent judicial system. The EU, IMF and other organizations have

repeatedly called on Greek governments to publicly support Georgiou. All of them have hidden behind the excuse that they don't comment on ongoing court cases, citing the separation of powers. By contrast, they had the opportunity – and the obligation – to publicly express their opinion, acknowledging that Georgiou restored the credibility of Greek statistics based on a methodology that continues to be used today. The Greek state owes a big apology to Georgiou for all the years he has wasted in the courts for doing his duty.

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