



**EUROPEAN UNION  
RULE OF LAW MISSION  
TO GEORGIA**

***EUJUST THEMIS***

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**Facts on EUJUST THEMIS**

**Background**

The European Union is committed to helping Georgia move closer to international and European standards. To this end, the EU has stated its willingness to assist Georgia through the full range of its instruments and policies, and in particular to step up its engagement in the field of rule of law.

In this context, the EU has been invited by the Georgian government to launch an EU Rule of Law mission to Georgia in the context of the European Security and Defence Policy (ESDP): EUJUST THEMIS. The Mission will support the authorities in addressing urgent challenges in the criminal justice system, assisting the Georgian government in developing a co-ordinated overall approach to the reform process, in a way that fully complements current EU assistance and other international community activities and bilateral Member State initiatives in the Rule of Law area.

The EU Rule of Law mission to Georgia in the context of ESDP is a clear expression of the EU's commitment at a crucial stage of the Georgian reform process, and an effective

contribution to current efforts for the benefit of Rule of Law in Georgia. This should be seen also in the context of the EU's invitation to Georgia to participate in the European Neighbourhood Policy which is a significant step forward in the Union's engagement with Georgia.

### **The launch of the mission**

On 3 June 2004, the Prime Minister of Georgia, Mr Zhvania, in a letter to the SG/HR, invited the EU to deploy an EU Rule of Law Mission in the context of ESDP in Georgia

On 28 June 2004, the Council adopted Joint Action 2004/523/CFSP on the European Union Rule of Law Mission in Georgia, EUJUST THEMIS. On 16 July, the Council approved the Operational Plan for EUJUST THEMIS, thus launching the mission.

On 10 July, the Government of Georgia adopted a decree on co-operation between EUJUST THEMIS and all the major stakeholders in Georgia: Ministry of Justice, Ministry of Interior, Ministry of Foreign Affairs, as well as the State Minister of European Integration, the Prosecutor General, the Secretary of the National Security Council and the Chairman of the Supreme Court of Georgia.

On 30 June, Ms Sylvie Pantz (France) was appointed Head of EUJUST THEMIS. Ms Pantz is a magistrate with international experience from ICTY, Kosovo and Bosnia-Herzegovina. The Head of Mission reports to SG/HR Javier Solana through the EU Special Representative for the Southern Caucasus, Heikki Talvitie. The Political and Security Committee of the European Union will exercise, under the responsibility of the Council, the political control and strategic direction of the mission.

On 16 July, to mark the launch of EUJUST THEMIS, the Head of Mission Ms Pantz held a press briefing in Brussels. This was followed by a press conference in Tbilisi on 22 July as well as a reception in the premises of the Mission.

### **The objectives**

EUJUST THEMIS mission is to be carried out notably by:

- Assisting the Government of Georgia, following the principle of local ownership, in developing a horizontal strategy that includes all stakeholders guiding the reform process in the criminal justice sector towards international

and European human rights standards by providing high level advice and also through monitoring and mentoring activities;

- Supporting an appropriate mechanism for co-ordination and priority setting among the authorities responsible for the top-level planning and management of a functioning criminal justice system;
- Supporting the planning for new legislation as necessary, e.g. Criminal Procedure Code which will direct the future tasks and competences of all actors in the criminal justice chain;
- Supporting the development of international as well as regional co-operation in the area of criminal justice.

An important result of EUJUST THEMIS, in partnership with the Georgian authorities, will be a comprehensive strategy for the reform of the criminal justice system under local ownership. In order to do so, on 19 October, President Saakashvili has signed a decree establishing a High Level Working Group, to be presided by the Minister of Justice, Mr Papuashvili.

EUJUST THEMIS is carried out in full coordination with, and in complementarity to, EC programmes, as well as other donors' programmes, including the OSCE and the Council of Europe.

Senior and highly experienced personnel have been seconded by the Member States of the EU to support, mentor and advise key decision makers.

### **Timing and Structure of the Mission**

EUJUST THEMIS was launched on 16 July 2004. It is foreseen to last 12 months.

EUJUST THEMIS has got:

- a mission Head Quarters in Tbilisi (Georgia), co-located with the EC Delegation;
- Experts co-located, at key positions within the Georgian authorities, including the Ministry of Justice, the Ministry of Interior, the General Prosecutor's Office, the Supreme Court of Georgia, the High Council of Justice and the Public Defender's Office, as well as the Court of Appeal Tbilisi, the City Prosecutor's Office Tbilisi.

## **Further background**

### **The EU and Georgia**

- The European Security Strategy adopted by EU Heads of State and government in December 2003 identifies the promotion of a ring of well governed countries to the East of the European Union and on the borders of the Mediterranean, with whom the EU can enjoy close and cooperative relations, as a strategic objective. It underlines that the EU should now take a stronger and more active interest in the problems of the South Caucasus, which will in due course also be a neighbouring region.
- The rule of law and the criminal justice system have been a focus of European Community (EC) assistance since 2000 under the "Tacis" programme. In the revised Country Strategy for Georgia 2003-2006, they have been identified as one of the core priorities for EC assistance, building on lessons learned from assistance in the past and using the present momentum of reform in the judiciary.
- Based on the EU-Georgia Partnership and Cooperation Agreement (PCA) entered into force on 1 July 1999, the EU's cooperation objectives are to build a relationship with Georgia in which respect for democratic principles, the rule of law and human rights, as well as the consolidation of a market economy are fostered and supported. The PCA provides for trade liberalisation and cooperation in a wide range of areas. The "Tacis" programme is the main financial instrument supporting the implementation of the PCA and providing grant assistance for projects in priority areas.
- Overall, since Georgia's independence in 1991, the European Union has been one of the biggest donors to the country. The European Community alone has already given more than EUR 380 million since 1992, and EU Member States have given a comparable amount on top of this.
- The appointment in July 2003 of a European Union Special Representative for the South Caucasus (Ambassador Heikki Talvitie) was a further step in the deepening of relations with Georgia and the other two countries of the region (Armenia and

Azerbaijan).

- On 14 June, the Council of the EU decided to include Georgia in the European Neighbourhood Policy (ENP). The objective of the ENP is to share the benefits of an enlarged EU with neighbouring countries in order to contribute to increased stability, security and prosperity of the EU and its neighbours.

### **A Rule of Law Mission in the context of the European Security and Defence Policy**

- The Feira European Council (2000) identified "strengthening the rule of law" as one of four priority areas<sup>6</sup> in which the European Union decided to establish specific capabilities for use in EU-led autonomous missions or in operations conducted by lead agencies, such as the UN or the OSCE.
- Member States committed personnel for Rule of Law missions at a high-level conference in May 2002. This personnel included judges, prosecutors, penitentiary experts and other officials.
- EUJUST THEMIS is the first Rule of Law mission launched under ESDP and as such is a significant step forward in the development of civilian ESDP.

### **Web resources**

- A direct link to the Council Secretariat website of EUJUST THEMIS is provided at [www.eujust-themis.org](http://www.eujust-themis.org)
- Further information on the Common Foreign and Security Policy (CFSP) and the European Security and Defence Policy (ESDP), can be found on the website of the Council of the European Union: <http://ue.eu.int/showPage.ASP?lang=en>
- Further information on the activities of the EU in Georgia can be found at the website of the EC Delegation in Georgia: <http://www.delgeo.cec.eu.int/>

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<sup>6</sup> The four priority areas are: policing, strengthening the rule of law, strengthening civilian administration and civil protection