



Sakdrisi-Kachaghiani - the Law is Being Violated Again

On December 12, 2014, based on the decisions made by the Ministry of Culture and Monument Protection of Georgia and the National Agency for Cultural Heritage Preservation of Georgia, the company [REDACTED] Gold A has renewed the wide-scale works at the oldest gold mine of Sakdrisi-Kachaghiani, under the name of deconstruction of an archaeological object. Renewal of those works represents a crime, because the Tbilisi City Court has suspended the right of the [REDACTED] Gold A to conduct broad-scale works.

The Georgian Young Lawyers' Association (GYLA) [periodically informing](#) the public of the issues surrounding Sakdrisi-Kachaghiani ; currently, we would like to inform the public of the following:

1. On January 6 of the ongoing year, the Ministry of Environment and Natural Resources Protection of Georgia has publicized official information, in which it noted that the license of the company [REDACTED] Gold A on mining at the Sakdrisi-Kachaghiani territory is prolonged for five (5) more years.

- The decision-making by the relevant administrative bodies on the prolongation of the license for the "RMG Gold" that was conducted in the short period of time in the expeditious manner, contradicts the spirit of the "Aarhus Convention". According to the Convention, the state is directly obliged to ensure effective engagement and participation of the stakeholders in the decision-making process.
- The prolongation of the mining license for the "RMG Gold" for five years does not automatically grant the company a right to conduct the wide-scale works, because, according to the decision of the Tbilisi City Court (dated May 30, 2014),

the right of a company to conduct wide-scale works at Sakdrisi-Kachaghiani has been suspended.

2.It is further important to note, that on December 23, 2014, the National Environmental Agency has declined the prolongation of the [] Gold A license, due to the absence of the proper legal mechanisms to once again postpone the entry into the force of another issued license. In turn, on December 29, the company once again submitted the statement and requested the prolongation of the license. As a result, as already mentioned, according to the official information publicized by the Ministry of Environment and Natural Resources Protection of Georgia on January 6, 2015, the license of the [] Gold A covering Sakdrisi-Kachaghiani was prolonged for five more years.

- The mentioned case indicates that there is a high probability that within the period from December 29, 2014 to January 6, 2015, the legal regulations were changed in such a way to make it possible to satisfy the requests of the “RMG Gold”. GYLA considers that changing the legal regulations for satisfying the interests of a concrete company clearly deserves negative evaluation.

3.The Ministry of Culture and Monument Protection of Georgia made a decision on December 31, 2014, under which it refused to consider the administrative complaint of the citizens K.K. and G.G. Under the submitted complaint, the citizens were requesting the Ministry to invalidate the decisions, according to which the National Agency for Cultural Heritage Preservation of Georgia has first stripped the Sakdrisi-Kachaghiani of its [] heritage site A status, while further issued consent for the “RMG Gold” to de-construct an archaeological object.

- Despite the fact that the Court, in a number of cases on Sakdrisi-Kachaghiani, has confirmed the illegality of the above position of the Ministry of Culture and Monument Protection of Georgia, unfortunately, the Ministry keeps stating that the citizens of Georgia do not have a right to submit complaints in relation to the cultural heritage, and by doing so, the Ministry neglects the position of the Court.

4.Following the lengthy court dispute, GYLA obtained the information that the Chief Prosecutor [] Office of Georgia has initiated the investigation on February 14, 2014 relating to Sakdrisi-Kachaghiani under the Article 332 of the Criminal Code of Georgia, which relates to the abuse of the authority.

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- Up to now, it is unclear why the investigation on the damage to Sakdrisi-Kachaghiani, as of an archaeological object, is being conducted by the Prosecutor's Office under the Article 332 that covers the abuse of the authority, while a number of evidences submitted to the Prosecutor's Office clearly prove the facts of damage to Sakdrisi-Kachaghiani as to an archaeological object (Criminal Code of Georgia, Article 2591).

Regarding Sakdrisi-Kachaghiani, we would like to further mention that in order to protect the lawful interests of K.K. and G.G., in the ongoing week, GYLA will appeal the illegal decisions of the Ministry of Culture and Monument Protection of Georgia and the National Agency for Cultural Heritage Preservation of Georgia at the Tbilisi City Court. Apart from that, GYLA will continue to actively inform the citizens of Georgia and the international community of the illegal actions undertaken against Sakdrisi-Kachaghiani. At the same time, in the nearest future, GYLA will publicize the new research, which relates to the developments evolving in the past few months around the oldest gold mine in the world - Sakdrisi-Kachaghiani.