



## GYLA held presentation of the research about Sakhdrisi-Khachaghiani

On June 6, 2014 Georgian Young Lawyers' Association held presentation of the research "Sakhdrisi-Khachaghiani: from the cultural heritage to modern gold mining" for Ambassadors accredited in Georgia and diplomatic missions.

The research concerns two important issues. The first is connected to developments around Sakhdrisi-Khachaghiani, as to the monument of cultural heritage, while the second relates to the issued (prolonged) state license, that was less known to public until now, thought it is of a decisive importance for creation of complete impression on Sakhdrisi-Khachaghiani. In addition, the research suggests information about the companies which have been actively involved in precious' metals mining process for the past years.

The research reveals that:

- In the process of procuring the license RMG Gold had no particular economic expectation about Sakhdrisi-Khachaghiani site, since in 2009 when the license was transferred in the hands of the company, Sakhdrisi-Khachaghiani was already considered as a monument of cultural heritage of the national significance. In view of this, the chance to implement wide scale activities was excluded;
- Free extension of the license to RMG Gold and conduct of state agencies in the processes raises doubts about corruptive or other illegal acts from the side of concrete individuals in this process;
- All mining companies studied by GYLA in the research are ultimately linked to each

other and Pamtilon Holdings Limited registered in Cyprus is standing behind them, though it is unknown who the owner of the company is;

- At this point, in the companies established by Pamtilon Holding Limited and their affiliates (both in management and in the Board) there are individuals who for years worked in the state agencies that were directly in charge of issuing mining licenses .
- Creation of the Commission by the Ministry of Culture and Monuments Protection on May 28, 2013 with a view to study issues related to Sakdrisi Khachaghiani as to the monument of cultural heritage, comes in conflict with the Law of Georgia on “Cultural Heritage.” Furthermore, the Commission exceeded its authorities and discussed the issues that were beyond its competence;
- Conclusion of the commission, that served as the ground for invalidation of the monument status to Sakhdrisi-Khachaghiani by the Ministry of Culture and Monument’s Protection, was not a binding document. Therefore, the Ministry was free to check, within its competence, fidelity of justifications submitted by the commission with the help of the Council for Protection of Cultural Heritage, as well as before members of the Georgian-German Archeological expedition. Though conclusion of the commission has not been verified;
- While preparing favorable conclusion to RMG Gold by the Ministry for carrying out wide-scale activities on Sakhdrisi-Khachaghiani archeological site, the rule of administrative proceeding envisaged by Georgian legislation has been grossly violated;
- The Ministry conferred RMG Gold the right to carry out wide scale activities in Sakhdrisi-Khachiani without considering and assessing conclusion of the archeological section kept in the system of the Ministry;
- Law enforcement representatives failed to implement meaningful and effective measures for initiation of investigation on the fact of damaging Sakhdrisi-Khachaghiani archeological site and for bringing concrete individuals to justice.

# საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



Analysis of the issues reviewed in the research enables us to make some important recommendations, namely:

- Legislative and executive authorities should undertake effective measures for making public information about founders of the mining companies and their real owners;
- Law enforcement agencies should express immediate interest about existence of possible corruptive transactions or any other violations while making decision about the process of extending the license to RMG Gold. Furthermore, RMG Gold should declare openly what were the grounds for prolongation of license to RMG Gold until January 1, 2015.
- We consider important in the context of cultural heritage, for the state authorities, to ensure involvement of high quality experts of international importance in Sakdrisi-Khachiani issue and preparation of impartial conclusions;
- In is necessary to launch timely and effective investigation by the prosecutor's office on the fact of damaging Sakhdrisi-Khachaghiani archeological object;
- In the process of reviewing the issue of cultural heritage and in decision making process government should ensure conduct of wide-scale discussions, as well as transparency of the process;

In the nearest future GYLA will arrange public presentation of the research.