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MINAHASA RAYA

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## Press Release

### **PTNMR Disappointed in Decision Objects to President Director Unfairly Facing Trial**

Manado, 20 September 2005 - Rick Ness and PT Newmont Minahasa Raya are deeply disappointed and will appeal the rulings by the Manado District Court which denied their requests to dismiss or clarify the indictment. The company and Mr. Ness, PTNMR's President Director, had presented exceptions to the indictment because of legal deficiencies in the criminal investigative process and in the indictment itself.

The decision prolongs the unfair treatment of President Director Ness who the company argued should not have been included in the indictment because he had committed no crime and there is no provision under Indonesian Law which allows for inclusion because of his position as President Director. The judges ruling did not clarify this point. Based on today's ruling, The President Director of every company in Indonesia should be concerned by the decision.

"This is devastating to me and my family," said Ness. "It has yet to be explained to me why I am being accused or what laws I have broken. It is particular frustrating when I know the mine complied with regulations, caused no pollution and was never notified by the government that it had caused pollution."

"As a company which puts it employees first, we simply cannot accept one of our people who has done nothing wrong being charged and tried in a criminal court," said Robert Gallagher, Vice President for Newmont Mining Corporation in Indonesia. "We are confident that when all the facts and evidence are presented in the trial it will be clear there was no basis for Rick Ness or PTNMR to be charged. We will prove in court there were no pollution and therefore no crime committed."

"It is a tragedy for the Indonesian Legal system that this trial is going forward when had proper procedure been followed there would likely be no indictment and neither the company or its President Director would be in court today," said Luhut Pangaribuan, attorney for PTNMR.

Mr. Ness added: "I'd be remiss if I didn't say I am thankful for the strong and tangible support of the local communities, both in Manado and Minahasa who have encouraged me and long recognized the truth of Buyat Bay."

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