



**PT. NEWMONT MINAHASA RAYA**  
MENARA RAJAWALI 26<sup>TH</sup> FLOOR  
JL. MEGA KUNINGAN LOT # 5.1, KAWASAN MEGA KUNINGAN  
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**PRESS RELEASE**

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**TO APPEAL IS AGAINST THE LAW**

***PT Newmont Minahasa Raya and President Director, Richard B. Ness are Acquitted of All Charges***

**JAKARTA, Indonesia, May 8, 2007** – An Indonesian court ruled on 24 April 2007 that PT Newmont Minahasa Raya (PTNMR), a subsidiary of Newmont Mining Corporation, and its President Director Richard Ness are acquitted of all criminal charges of pollution and regulatory violations.

Ruling on evidence presented during the 21-month trial, one of the longest criminal proceedings in Indonesian history, the court held that Buyat Bay is not polluted. It further found, as PTNMR contended, that the company was in compliance with all regulations and permits during its eight years of operations from 1996 to 2004. However, the prosecutions filed an appeal in Manado Court yesterday (7 May 2007).

Luhut MP. Pangaribuan, PTNMR legal team: “Considering that the Defendants have been acquitted of all Public Prosecutors’ indictments, then according to Article 67 and Article 244 from the Law on Criminal Procedure, an appeal is not permissible if there is a complete acquittal. Therefore, I hope that this appeal will be immediately rejected as not in accordance with the law”.

The exact wordings in the Law on Criminal Procedure are as follows:

Article 67: A defendant or public prosecutor shall have the right to appeal against a decision of a court of first instance **except against a decision of acquittal**, a dismissal of all charges related to a matter of inappropriate application of law and a court decision under express proceeding.

Article 244: The defendant or the public prosecutor may file a request for an examination of an appeal to the Supreme Court against a decision on a criminal case rendered at the final instance by a court other than the Supreme Court, **except with regard to an acquittal**.

“It seems that the Government wants to take us back to court one more time, even though the court ruled that the bay is not polluted and the case should have not have been in criminal court to start with. To my understanding, to appeal on a full acquittal is not only against the law; it sends the signal that the Government does not believe their own courts decision. To say I am disappointed with the Government’s decision is an understatement”, said Richard Ness.

The other reason that the appeal is not necessary is that the Government of Indonesia and PTNMR have established the independent scientific panel under the Goodwill Agreement that will monitor and report on Buyat Bay for almost another decade. Newmont Vice President of Asia Operations, Robert Gallagher, “We are confident that it will confirm that there is no pollution in Buyat Bay. If anyone has any residual concern in regard to the condition of Buyat Bay, let that concern be addressed by pure science”.

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For further information, please visit our website [www.newmont.co.id](http://www.newmont.co.id) or [www.BuyatBayFacts.com](http://www.BuyatBayFacts.com)  
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More information about the case can be found at [www.BuyatBayFacts.com](http://www.BuyatBayFacts.com) along with a chronology of events at [http://www.buyatbayfacts.com/what\\_happened/timeline.aspx](http://www.buyatbayfacts.com/what_happened/timeline.aspx).

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