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Backgrounder 8

Buyat Bay Case Timeline and Summary of Legal Actions

- 1996 to 2004 Over an eight year period, nongovernmental organizations (NGOs) persistently allege diseases of humans and fish caused by PT NMR's operations in Buyat Bay. Various accusations are investigated by appropriate authorities and are found to be baseless.
- July 2004 A public campaign begins against PT NMR with accusations that the company caused the death of Baby Andini because its mine tailings caused Minamata disease. Unproven allegations claim that other villagers had symptoms of Minamata or had died from it.
- July 20, 2004 Dr. Jane Pangemanan and several Buyat Pante villagers file a police complaint against PT NMR for negligence causing death under sections 351 and 261 of Criminal Code. Police investigation is conducted on the basis of Dr. Pangemanan's filing with the police.
- July 26, 2004 Three villagers from Buyat Pante file a civil claim that they have health problems resulting from mine tailings. They seek US \$543 million in damages.
- Aug 2004 UN World Health Organization and Minamata Institute of Japan study mercury levels in fish and heavy metals levels in humans. They conclude there is no mercury poisoning and that mercury levels in people and fish are normal.
- Australia's Commonwealth Scientific and Industrial Research Organization (CSIRO) tests water and fish. CSIRO finds levels of heavy metals below international and Indonesian limits.
- Indonesian Minister of Environment convenes an Integrated Team to study the existing data on Buyat Bay, collect additional data where needed, and issue a report concerning the allegations of pollution.
- Peer Review Team, nominated by the Chairperson of the Integrated Team, concludes that data from nongovernmental organizations and other studies



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are sufficient to prove pollution.

In August and September, the Technical Team (part of the Integrated Team) conducts field sampling and analyses of various environmental parameters.

- Aug 31, 2004 PT NMR's ore processing plant ceases operation due to exhaustion of ore reserves.
- Aug-Sept 2004 Police launch an investigation into PT NMR because of July 20 complaint by Dr. Jane Pangemanan. Police name six PT NMR employees as suspects as well as PT NMR as the corporate suspect.
- Sept-Oct 2004 Five PT NMR employees are detained by police in late September, ultimately spending 32 days in jail during investigation.
- Oct 2004 Indonesian Minister of Environment issues a report, based upon Technical Team data, which declares that Buyat Bay is not polluted.
- Oct 24, 2004 The five PT NMR employees are released from jail but subjected to a travel ban along with a sixth employee.
- Nov 2004 A sub-group of the Integrated Team issues a "Technical Team Report" which uses the same data as the Minister of Environment's October report, but concludes from an interpretation of the data that Buyat Bay is polluted due to arsenic and mercury levels in sediment and that villagers should not eat the fish. Dissenting members of the Integrated Team issue letters claiming that Technical Team conclusions are political and not scientific.
A Verification Team established by the Ministry of Research and Technology issues a report which concludes that Integrated Team methodology and data are correct. Verification Team does not comment on the interpretations and conclusions made from the data.
Police submit case file to prosecutor and it is returned due to incompleteness and prosecutor concerns with the investigation.
- Nov 30, 2004 After receiving no response to a request for apology, PT NMR files defamation charge against Iskandar Sitorus concerning public statements



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- made by him claiming that PT NMR's operations caused Minamata disease and death of Buyat Bay villagers.
- After request for an apology, PT NMR files defamation charge against Rignolda Djamaludin concerning public statements made by him claiming that PT NMR's operations caused Minamata disease and death of Buyat Bay villagers.
- Dec 22, 2004 Lawsuit by Buyat Pante villagers is settled through agreement adopted by a court decision. PT NMR pays no monetary compensation.
- Dec 23, 2004 As a result of the six PT NMR employees named as suspects filing a writ of Habeas Corpus, South Jakarta District Court rules that police investigation was illegal and that PT NMR employees were illegally detained.
- Dec 28, 2004 After multiple requests for apology, PT NMR files defamation charge against Dr. Jane Pangemanan for claiming that PT NMR caused Minamata Disease and death of Buyat Bay villagers.
- Jan 6, 2005 Iskandar Sitorus retracts his statements and defamation case is withdrawn.
- Feb 14, 2005 Dr. Pangemanan publicly acknowledges there has never been any valid evidence to support her allegations. Complaint to police dated July 20, 2004, is withdrawn.
- The case is settled by the signing of a settlement agreement between Dr. Pangemanan and PT NMR, which is adopted by a court decision.
- March 9, 2005 The Minister of Environment files US \$133 million lawsuit against PT NMR and its President Director for alleged pollution of Buyat Bay.
- Follow up:* PT NMR and Richard Ness contest the jurisdiction of the District Court and reserve their rights under or in connection with PTNMR's Contract of Work. Court delays proceeding to allow parties time to engage in informal discussions.
- Mar 23, 2005 After appeal by the police, the Supreme Court overturns the Habeas Corpus verdict issued by the South Jakarta District Court.



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- Mar 29, 2005 After Supreme Court rules in favor of police on Habeas Corpus, police submit case dossiers to North Sulawesi Prosecutor's office. PT NMR's six employees are placed under authority of the Manado Prosecutor's Office. Bail is posted for the six employees as security, but employees still required to report to prosecutor's office in Manado each week.
- May 6, 2005 Health Audit Team Statement is made by a number of health experts from Indonesian leading universities at the direction of the Indonesian Ministry of Health. One of the conclusions of the team was: "There was no sufficient evidence to conclude that the prevalence of several diseases (neuropathy, lipoma and dermatitis) in the study area was caused by the heavy metals of Hg (mercury), As (arsenic) and Sb (antimony)."
- May 10, 2005 An International Seminar entitled "Mining, Environment, and Sustainable Development: A Lesson from the Gold Mining Controversy in Buyat Bay, North Sulawesi, Indonesia" concluded there is no scientific basis for claims of environmental pollution in Buyat Bay.
- June 27, 2005 After Rignolda's lawyers boycott the legal proceedings, PT NMR finishes presenting evidence on defamation case.