

## **American Newmont executive blasts Indonesian pollution charges as silly**

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MANADO, Indonesia (AP) - An American who heads the Indonesian branch of the world's largest gold producer blasted pollution charges against the company as "silly" on Friday, and said he was looking forward to taking the stand to clear his name.

Richard Ness, president director of Newmont Mining Corp.'s Indonesian subsidiary, told The Associated Press that during 9 1/2 years of operations his Sulawesi island mine discharged just 3 grams (0.11 ounces) of mercury into the sea per day.

"That would fit in a 1-liter (2-pint) bottle," he said in an interview, adding that such a small amount of the heavy liquid would neither endanger humans nor harm the marine ecosystem.

Ness faces 10 years in prison and his Denver-based company a US\$68,000 (euro53,000) fine for violating environmental laws by allegedly pumping millions of tons of arsenic and mercury-laced mine waste into Buyat Bay, sickening villagers.

The trial is being closely watched by foreign investors anxious about legal uncertainties in the country, as well as environmentalists who want to see if the cash-strapped government will punish a multinational mining firm for the first time in recent history.

The trial, which started just over a year ago in the North Sulawesi capital of Manado, has been complicated by conflicting test results on the water in the bay.

Ness, who says arsenic in the bay also was well beneath internationally accepted norms, was scheduled to take the stand Friday afternoon, but the lengthy appearance of two prosecution witnesses earlier in the day meant he has to wait until next week's hearing.

He is expected to spend hours on the stand next Friday, with judges, the defense and the prosecution all given a chance to grill him.

"I think it's going to be good to get our story out," Ness, 56, said in an interview in his hotel in the seaside town of Manado.

He said he was shocked when he first learned that his company was accused of sickening Indonesian villagers.

"We were not prepared to react to something that silly," he said.

But police investigated the allegations, and five of his colleagues were held in a Jakarta prison for a month while they were being questioned. Ness remained free only because he has heart problems.

Now he describes himself as a "full time defendant," flying every week between Sulawesi and his home in Indonesia's capital, Jakarta. His Indonesian wife was in the courtroom Friday, as well as supporters from Newmont.

One of the witnesses who appeared to challenge Newmont's claims that the water was unpolluted was Yayat Dahiyat, a marine biologist, who told the court he reviewed several reports about possible damage to Buyat Bay's marine ecosystem in 2004.

He said he determined that micro-organisms living on the seabed may have been affected and that it was "also possible fish either died or migrated to other areas," but acknowledged he had not been to the area himself.

The witness also said he had no recollection about the details of the researchers' sample analysis or methodology.

Ness, who listened intently and occasionally consulted with legal advisers in the open-air courtroom, later told the panel of five judges that he rejected Dahiyat's testimony and evidence as "flawed," calling it "an embarrassment to the government and the scientific community."

More than 50 people attended the trial, some watching it on a television screen from the hallway.

Newmont began operations in Sulawesi in 1996, but stopped mining in 2004 after extracting all the gold and ore it could.

A police report showed that mercury and arsenic levels in the nearby bay were well beyond national standards, but tests by the World Health Organization, government agencies and several independent groups found that pollutants in the water were within normal limits.

In February, Newmont reached a US\$30 million (euro23.4 million) out-of-court settlement with Indonesia's government to defuse a separate, civil suit over alleged toxic pollution at Buyat Bay, some 1,300 miles (2,100 kilometers) northeast of Jakarta.

A verdict in the Ness trial is expected later this year.

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