

Newmont official determined to see company, self exonerated

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DENVER (AP) - Awaiting an Indonesian court's ruling that could send him to prison for three years, Newmont Mining Corp. official Richard Ness said he is determined to see himself and his company exonerated of charges Newmont polluted a bay with mercury and arsenic.

Ness, who heads the Denver-based company's Indonesian subsidiary, Minahasa Raya, was in Denver last week during a break in his 18-month criminal trial. He said a ruling against him and Newmont would contradict several scientific studies that found no evidence of pollution in Buyat Bay.

"I spent 30 months of my life fighting this. I am not about to back down," Ness said. "At the end of the day, one's got to hope that truth will prevail at some point."

Prosecutors in November asked judges to sentence Ness to three years in prison if he's found guilty and to fine Ness and Newmont more than \$165,000.

Some villagers claim they became sick because of pollution, but prosecutors have not presented anyone with serious skin disorders or other illnesses.

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

Newmont stopped mining at its Minahasa Raya mine in August 2004 and is spending \$5.6 million on reclamation.

In December 2004, Buyat Bay villagers dropped a \$543 million civil lawsuit against Newmont, but the Indonesian government later filed a \$133 million lawsuit. Newmont settled that case by agreeing to spend \$30 million over 10 years on environmental monitoring.

The criminal charges against Ness and Newmont were filed in July 2005.

"There is no pollution, and I'm determined that my company and I are exonerated," Ness said.