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**PRESS RELEASE**

**FOR IMMEDIATE DISTRIBUTION**

**P.T. NEWMONT MINAHASA RAYA'S SECOND RESPONSE TO CHARGES  
(PLEDOI) SUBMITTED**

***Prosecution Has No Case; Charges Against PTNMR's President Director Unfounded and  
Should Be Exonerated***

(Manado, 11 January 2007) In the third consecutive days of the reading of the 'pledoi' - the response to the prosecution's charges of environmental crimes against P.T Newmont Minahasa Raya (defendant I) and President Director Richard B. Ness (defendant II), the company's legal defense team concluded the reading of the second pledoi. The legal document, submitted on behalf of the second defendant, was then read before the panel of judges for their consideration. Similar to the first pledoi document, the second pledoi is another comprehensive legal document, consisting of thousands of pages of legal arguments and analysis, scientific data, and written evidence that clearly demonstrate that Rick Ness is innocent and should be exonerated.

The second pledoi highlighted the fact that Ness, as PTNMR's president director, has been charged with environmental crimes based merely on the fact that he held the position of President Director and not because of any actions taken by him personally. There is no evidence of any action taken by Ness that could be considered a criminal act. "This is a blatant misapplication of Indonesian laws. In the first year of law school, we are all taught that criminal charges can only be based on personal conduct," said Hafsan Taher, legal counsel for defendant II.

Taher furthermore pointed out, "The prosecution has clearly failed to make their case and has not been able to provide a single legal fact that proves that environmental pollution or degradation happened. Not one!" On the other hand, the defense, despite the fact that the burden of proof is on the prosecution, presented overwhelming evidence to prove that the area around its mine, including Buyat Bay, is clean. First, it was proven by expert witnesses and through government studies that tailings are not toxic nor is classified as hazardous waste (B-3). Second, the seawater quality in Buyat Bay has never exceeded the water quality standard. This was proven through the studies conducted by the government, and various independent national and international research organizations including the World Health Organization and CSIRO. Highly respected Indonesian university research centers, for example the joint study of ITB (Bandung Institute of Technology) and UGM (University of Gadjah Mada in Yogyakarta) demonstrated that Buyat River is not polluted with arsenic or mercury.

The pledoi also underscored the fact that, contrary to the prosecution's charges, this case has no merit as PTNMR has consistently ensured compliance with Indonesia's environmental laws and regulations. PTNMR obtained all permits for its mining activities from Ministry of Mines and Energy and has been monitored for compliance based on these permits.

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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Throughout the life of the mine, PTNMR submitted annual work plans and environmental management and monitoring plans (RKL/RPL) on a quarterly basis. The RKL/RPL was submitted to the Ministry of Energy and Mineral Resources (ESDM) and the State Ministry for the Environment (KLH). Throughout the life of the mine, PTNMR's activities have never once received any complaints from the related ministries, again, underscoring the company's compliance to all applicable regulations. Frequent inspections/site visits were conducted by both ESDM and KLH.

Newmont's pledoi also tore apart the prosecutions' only piece of 'evidence', the results of the National Police Central Forensic Laboratory (PUSLABFOR) showing the waters of Buyat Bay as polluted. For one thing, PUSLABFOR is not accredited as required by the BAPEDAL (Indonesia's Environmental Monitoring Agency) decree regarding the General Guidelines for Environmental Laboratories. The laboratory did not follow the sampling protocols of an accredited laboratory and conducted sampling with the involvement of non-independent parties like Dr. Rignolda Jamaluddin, who is publicly known to be biased against PTNMR and defendant II and who was found guilty of defaming PTNMR by making unsupportable and outlandish allegations.

What is more baffling is the fact that there is a discrepancy of 10 samples between the number of samples actually taken (24 samples) and the number of samples reported in the Indictment (34 samples). The unexplainable appearance of 10 samples completely renders the PUSLABFOR results invalid. Further, the results of the PUSLABFOR show that not only Buyat Bay exceeds the water quality standards but Totok Bay, Totok River and Buyat River are also polluted with arsenic and mercury. This is simply impossible because PTNMR's tailings were never placed in Totok Bay. Buyat and Totok Bays are separate bodies of water and does not influence each others water quality!

Commenting on today's court session, Ness said, "I was disappointed that the main players that were primary in the indictment, prosecution and charges were absent during the reading of the pledoi. I can only assume from the absence of the lead prosecutor and representatives from the Ministry of Environment, that they have limited interest in the true facts of this case."

The third and final pledoi will be read out Tuesday, January 23<sup>rd</sup>, 2007.

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