



PT NEWMONT
MINAHASA RAYA

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MENARA RAJAWALI 26TH FLOOR
JL. MEGA KUNINGAN LOT # 5.1, KAWASAN MEGA KUNINGAN
JAKARTA 12950 - INDONESIA
Phone No. (62-21) 576-1444 Fax No. (62-21) 576-1464

BACKGROUND

The criminal proceeding against PT Newmont Minahasa Raya (PTNMR) and its President Director, Richard B. Ness, now in the crucial 'pledoi' stage, resumed in Manado, North Sulawesi District Court today with the reading of the third and final pledoi - the response to the prosecution's charges of environmental crimes against the company and its President Director, Richard B. Ness. Whereas the first and second pledoi were submitted on behalf of the company (as first defendant) and its President Director (as second defendant), the last pledoi is the personal defense document written by Ness against the prosecution's unfounded allegations. Entitled "**Ve Ri Tas: The Pursuit of Truth and Justice in Buyat Bay**", the 306 page legal document, supported by a 510-page attachment, is an evisceration of the prosecution's charges and evidences in their entirety and convincingly shows the proof that Buyat Bay is not polluted and that neither Ness nor PTNMR committed any crimes.

PRESS RELEASE

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RICHARD NESS BEGINS HIS PERSONAL RESPONSE TO CHARGES (PLEDOI)

Ness: "The people of Indonesia and Buyat deserve to know the facts - It is time for truth and justice to prevail"

(Manado, 23 January 2007) The third pledoi highlights the numerous legal flaws throughout the investigation and prosecution of this case. The defense document presented a list of ten key illegal actions taken by those involved in the investigation, amongst them: wrongful allegation based on allegations that have been retracted, wrongful detention of employees, wrongful investigative process, breach of subsidiary principles, denial of request that the police conduct a fair investigation by questioning witnesses who might provide evidence favorable to the suspect, and an imposition of an illegal travel ban. The court was also reminded of how on December 27, 2004, the South Jakarta District Court ruled that the police investigation into PTNMR as illegal / writ of habeas corpus. "If the police and prosecution had followed the laws of investigation and prosecution, we would not have to sit in this court room today," said Richard Ness.

A fundamental point in Rick Ness's defense argument is the fact that he is defending himself against a crime that neither he nor PTNMR committed. Without any pollution, there is no crime. Facts and evidence presented throughout the lengthy trial process clearly prove, without a doubt, Buyat Bay, is not polluted, that the mine's output was not hazardous and that PTNMR has acquired the proper permits and licenses as mandated by Indonesian laws. As the company's President Director, Ness has complied with all of Indonesia's applicable mining and environmental laws. PTNMR obtained all permits for its mining activities from

For further information, please visit our website www.newmont.co.id or www.BuyatBayFacts.com
Or kindly contact Rubi W. Purnomo, Public Relations Manager Newmont
Telp: 0815 183 7203 or rubi.purnomo@newmont.com



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Ministry of Mines and Energy and has been monitored for compliance based on these permits. 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.

Another questionable action by the prosecution is its refusal to comply with a direct court order. The panel of judges had ordered a re-sampling of Buyat seawater during the 14 July 2006 court session. The re-sampling was ordered by the court to explain the discrepancy of reports in water quality. However the prosecutor refused to carry out the court's order for re-sampling which is a clear violation of prevailing Indonesian laws. The prosecutor's refusal to seek the truth from re-sampling of seawater reinforces suspicion on the real motives behind the criminal proceeding against PTNMR.

One of the highlights from today's hearing was that, perhaps for the first time in Indonesia's court history, a multimedia slide and video presentation were presented before the panel of judges and everyone in attendance. Video clips of past testimonies were shown to show the strength of Rick Ness's arguments and at the same time highlights the numerous inconsistencies of the prosecutions arguments as well as their witness testimonies.

"I would like to simply say, just one more time, that if there is no pollution and/or environmental damage, then there is no crime. This 'silly season' should end now. It is time for truth and justice to prevail" said Ness.

Luhut MP Pangaribuan, the lead lawyer for Newmont's defense, said of today's session, "Our defense has throughout the entire trial demonstrated how this case against Rick Ness and PTNMR is without merit and has no legal basis. This third pledoi is a culmination of our long and arduous journey for justice and the truth. We are confident that the panel of judges will carefully review this final document and will come to the same conclusion."

The reading of the pledoi is expected to be completed by Thursday, January 25 and the documents will then be submitted to the panel of judges.

All three pledoi documents, along with other information pertinent to the case, can be downloaded at the following websites: www.newmont.co.id or www.BuyatBayFacts.com.

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