

## COMPLAINTS PANEL MINUTES OF MEETING

for Website

Date: 31 May 2023 @ 5.00pm - 7.20pm (Meeting No.05/2023)

Meeting location: *via Zoom Link*

<p><b>List of Complaints Panel Members</b></p>	<table border="1"> <tr> <td data-bbox="376 483 906 748"> <ol style="list-style-type: none"> <li>1. Henry Barlow (Chair - CCP)</li> <li>2. Lim Sian Choo ( Co Chair)</li> <li>3. Michelle Desilets</li> <li>4. Marieke Leegwater</li> <li>5. Lanash Thanda</li> <li>6. Robert Kruger</li> </ol> </td> <td data-bbox="912 483 1439 748"> <ol style="list-style-type: none"> <li>7. Nunik Maharani</li> <li>8. Florentine van den Eerenbeemt</li> <li>9. Laszlo Mathe</li> <li>10. Priya Gopalan</li> <li>11. Carl Dagenhart</li> <li>12. Kartika Dewi</li> </ol> </td> </tr> </table>	<ol style="list-style-type: none"> <li>1. Henry Barlow (Chair - CCP)</li> <li>2. Lim Sian Choo ( Co Chair)</li> <li>3. Michelle Desilets</li> <li>4. Marieke Leegwater</li> <li>5. Lanash Thanda</li> <li>6. Robert Kruger</li> </ol>	<ol style="list-style-type: none"> <li>7. Nunik Maharani</li> <li>8. Florentine van den Eerenbeemt</li> <li>9. Laszlo Mathe</li> <li>10. Priya Gopalan</li> <li>11. Carl Dagenhart</li> <li>12. Kartika Dewi</li> </ol>
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<p><b>Agenda</b></p>	<p style="text-align: center;"><b><u>General Agenda:- 5.00pm - 6.05pm</u></b></p> <ol style="list-style-type: none"> <li>1. Opening Remarks by Chairperson</li> <li>2. RSPO Antitrust Guidelines</li> <li>3. Declaration of Conflict of Interest</li> <li>4. To confirm and adopt the minutes of <b>26 April 2023</b> during the CP Meeting</li> <li>5. New Allegations</li> <li>6. Complaints Case Statistics</li> <li>7. Complaints Panel meeting Dates             <ol style="list-style-type: none"> <li>7.1 Dates for CP monthly Meetings - 2023</li> <li>7.2 Dates for CP Physical Meetings</li> <li>7.3 Expansion of the Complaints Panel</li> </ol> </li> <li>8. Post Complaints Monitoring</li> <li>9. Dispute Settlement Facility (DSF)</li> <li>10. Commitment of Financial Institutions.</li> <li>11. 1st Internal Voluntary Review of the Complaints and Appeals Procedures</li> <li>12. Any Other Matters</li> <li>13. Complaints for deliberation:-</li> </ol>		

**Group 1:- 6.05pm - 6.25pm**

1. PT. Mitra Austral Sejahtera (PT. MAS) - subsidiary of Sime Darby vs Transformasi untuk Keadilan (TuK-NGO)
2. Golden Veroleum Liberia (GVL) vs. Green Advocate for the Butaw Community & Forest Peoples Programme & SDI & SESDev & A-Bloteh
3. Pacific Inter-Link (Papuan Concessions) vs Environmental Investigation Agency (EIA) & Greenpeace
4. PT Wahana Prima Sejati (subsidiary of First Resources) vs *requested for confidentiality*
5. PT. Mitra Karya Sentosa (a subsidiary of First Resources Limited) vs *requested for confidentiality*
6. Papaso Estate & PT Damai Nusa Sekawan - Sosa & Bukit Udang Estate (a subsidiary of Permata Hijau Group) vs *requested for confidentiality*
7. PT. Nabatindo Karya Utama (subsidiary of Bumitama Agri Limited) vs *requested for confidentiality*
8. PT. Eagle High Plantations vs vs *requested for confidentiality*
9. Reforestadora de Palmas del Peten S.A. (a subsidiary of SEAHOLM CORP) vs *requested for confidentiality*

**Group 2:- 6.25pm - 6.40pm**

1. Golden Agri Resources (GAR) vs Forest Peoples Programme & TuK - Indonesia
2. PT. Perkebunan Nusantara IV (PERSERO) vs Koalisi Organisasi Serikat Pekerja dan Lembaga Swadaya Masyarakat Kabupaten Labuhan Batu, FSMI. TIPAN-RI
3. PT. Perkebunan Nusantara IV (PERSERO) vs *requested for confidentiality*
4. PT. Perkebunan Nusantara IV (PERSERO) vs Federasi Serikat Pekerja Metal Indonesia (FSPMI)
5. PT Agrowiratama (a subsidiary of Musim Mas Holdings Pte. Ltd.) vs Tim Advokasi Dewan Pengurus Pusat Komite Nasional Pemuda Indonesia (DPP KNPI) on behalf of 4 Datuak (Batuah, Bonsu, Sati, and Malenggang) of customary community in Muara Kiawai, Pasaman Barat.
6. PT. Ramajaya Pramukti (subsidiary of Golden Agri Resources Ltd) vs Lembaga Adat Kenegerian Petapahan (Ninik Mamak Kenegerian Petapahan), Bahtera Alam & Sawit Watch
7. Mados's Holdings Sdn Bhd vs Mighty Earth Inc
8. PT. Perkebunan Nusantara V (PERSERO) vs *requested for confidentiality*

**Group 3:- 6.40pm to 7.20pm**

1. PT. Kartika Prima Cipta (PT. KPC) - subsidiary of Golden Agri Resources (GAR) vs Forest Peoples Programme & TuK Indonesia
2. Golden Agri Resources (GAR) vs Forest Peoples Programme & Elk Hills Foundation
3. Aceites Y Derivados Sociedad Anonima (ACEYDESA) vs *requested for confidentiality*
4. IOI Plantation Mekassar Estate (subsidiary of IOI Corporation Berhad) vs *requested for confidentiality*
5. First Resources Limited vs *requested for confidentiality*
6. PT Inecda (a subsidiary of S&G Biofuel Pte. Ltd) vs *requested for confidentiality*
7. PT. Bumi Pratama Khatulistiwa (subsidiary of Wilmar International Limited) vs Teraju Foundation
8. Grasas Y Derivados S.A. Gradesa S.A vs *requested for confidentiality*
9. Energy & Palma S.A. (a subsidiary of HOLDING LA FABRIL S.A) vs *requested for confidentiality*
10. PT. Bumi Pratama Khatulistiwa ( subsidiary of Wilmar International Limited) vs *requested for confidentiality*

**DETAILS OF THE AGENDA:**

No.	Agenda
1.	Opening Remarks from Chairperson  Opening speech by CCP.
2.	RSPO Antitrust Guidelines  RSPO Antitrust Guidelines were read to the Complaints Panel.
3.	Declaration of “No Conflict of Interest”  New CP members have declared their conflict of interest.
4.	To confirm and adopt the minutes of <b>26 April 2023</b> during the Complaints Panel Meeting.  Minutes of 26 April 2023 adopted unanimously.

**5. New allegation submitted**

<b>5.1</b>	<b>RSPO/2023/04/RH</b>	<b>PT. Bumitama Gunajaya Agro (subsidiary of Bumitama Agri Ltd)</b>
	Complainant	Requested for confidentiality
	Complaint received	10 April 2023
	Location	Kalimantan Barat, Indonesia
	Allegations	<ul style="list-style-type: none"> <li>The Respondent is alleged to have conducted land clearing outside of the boundaries of their <i>Hak Guna Usaha</i> (HGU) land into the affected individuals' land for the purpose of the development of a palm oil plantation.</li> <li>The Respondent is alleged to have filed a police report against the affected individuals which led to them obtaining the status as suspects by the police force, as a result of the individuals protesting against the Respondent's alleged land clearing activities.</li> </ul>
	<p><b>Discussion from 31 May 2023 (CP Meeting):-</b></p> <p><b>1. Complaint formally accepted.</b></p>	

<b>5.2</b>	<b>RSPO/2023/08/HN</b>	<b>PT Barumun Agro Sentosa</b>
	Complainant	Federasi Logam Mesin Industri Elektrik dan Elektronik (F LOMENIK)
	Complaint received	19 May 2023
	Location	Padang Lawas Utara District, North Sumatera, Indonesia
	Allegations	<ul style="list-style-type: none"> <li>The Complainant alleges that the Respondent intimidated its workers into resigning from the Union and prevented the Union from conducting its activity.</li> </ul>
	<p><b>Discussion from 31 May 2023 (CP Meeting):</b></p> <p><b>1. Initial Diagnosis in progress.</b></p>	

<b>5.3</b>	<b>RSPO/2023/09/MAM</b>	<b>Energy &amp; Palma S.A. ( Subsidiary of La Fabril Group)</b>
	Complainant	Requested for confidentiality
	Complaint received	16 May 2023
	Location	Ecuador
	Allegations	<ul style="list-style-type: none"> <li>● Decrease of the number of workers in a union due to actions of the Respondent.</li> <li>● Preventing the Union from conducting its activity.</li> <li>● Wrongful dismissal or termination of employment.</li> <li>● Bad working conditions.</li> <li>● No supply of work equipment ( such as tools).</li> </ul>
	<p><b>Discussion from 31 May 2023 (CP Meeting):-</b></p> <p><b>1. Initial Diagnosis in progress.</b></p>	
<b>5.4</b>	<b>RSPO/2023/10/LSL</b>	<b>Milne Bay Estate - New Britain Palm Oil Limited (a subsidiary of Sime Darby)</b>
	Complainant	Requested for confidentiality
	Complaint received	23 May 2023
	Location	Papua New Guinea
	Allegations	<ul style="list-style-type: none"> <li>● Wrongful dismissal or termination of employment.</li> </ul>
	<p><b>Discussion from 31 May 2023 (CP Meeting):-</b></p> <p><b>1. Initial Diagnosis in progress.</b></p>	

**6. Complaints Cases Statistics**

**Total cases in 2023**

	Jan-2023	Feb-2023	Mar-2023	Apr-2023
<b>Complaints received</b>	2	1	0	4
<b>Status</b>	Open (1) Rejected (1)	Open (0) Rejected (1)	-	Open (1) Rejected (3)
<b>Country</b>	Ecuador Indonesia	Indonesia	-	Indonesia Malaysia Singapore
<b>Case Category</b>	-Degradation & deforestation	- FPIC	-	- Conduct of audit /Certification assessments during MCO -Business operations and transactions were not conducted ethically.

	May-2023	Jun-2023	Jul-2023	Aug-2023
<b>Complaints received</b>	3	-	-	-
<b>Status</b>	Open (3)	-	-	-
<b>Country</b>	Indonesia Ecuador Papua New Guinea	-	-	-
<b>Case Category</b>	-intimidation of workers -Wrongful dismissal of employment.	-	-	-

**Total Active Cases by Country and Year (as of 26.05.2023)**

Country	Active Cases	Year	Active Cases
Indonesia	22	2012	1
Malaysia	2	2014	1
Colombia	1	2017	1
Liberia	1	2018	2
Honduras	1	2019	3
Guatemala	1	2020	4
Ecuador	2	2021	7
Papua New Guinea	1	2022	7
		2023	5
<b>TOTAL</b>	<b>31</b>	<b>TOTAL</b>	<b>31</b>

**7. Complaints Panel Meeting Dates**

**7.1 Dates for Complaints Panel monthly meetings**

Discussion from 31 May 2023 (CP Meeting):-

1. CP meeting dates for the rest of 2023 have been fixed.

**7.2 Dates for Complaints Panel Physical Meetings**

Discussion from 31 May 2023 (CP Meeting):-

1. CP physical meeting dates have been fixed for 10.08.2023 and 20.11.2023 respectively.

**7.3 Expansion of Complaints Panel**

Discussion from 31 May 2023 (CP Meeting):-

1. Two new CP members have been appointed and participated in the CP meeting in May 2023.

	<p>2. The Secretariat/CP welcomes interested candidates from the ENGO and downstream sectors to apply to be CP members.</p>
<p><b>8. Post Complaints Monitoring</b></p>	
8.1	<p><b>FELDA Global Venture - (Article by The Wall Street Journal)</b></p> <p>Discussion from 31 May 2023 (CP Meeting):-</p> <ol style="list-style-type: none"> <li>1. Pending receipt of a further document from the Respondent.</li> </ol>
8.2	<p><b>Poligrow Colombia SAS</b></p> <p>Discussion from 31 May 2023 (CP Meeting):-</p> <ol style="list-style-type: none"> <li>1. The Secretariat has received full endorsement from CP members to close the Post-Complaints Monitoring of this matter.</li> </ol>
8.3	<p><b>Extractora de la Gloria SAS</b></p> <p>Discussion from 31 May 2023 (CP Meeting):-</p> <ol style="list-style-type: none"> <li>1. The Respondent has presented to the Secretariat a chart setting out the status of each requirement of the CP’s decision and a list of the possible evidence.</li> <li>2. The Secretariat is currently reviewing the information furnished.</li> </ol>
<p><b>9. Dispute Settlement Facility (DSF)</b></p>	
	<p>Discussion from 31 May 2023 (CP Meeting):-</p> <ol style="list-style-type: none"> <li>1. The next DSF Group of Advisers online meeting is scheduled on 12.07.2023.</li> </ol>
<p><b>10. Commitments of Financial Institution(s)</b></p>	
	<p>Discussion from 31 May 2023 (CP Meeting):-</p> <ol style="list-style-type: none"> <li>1. The CP members were briefed on the progress of the efforts undertaken by the Secretariat’s Stakeholder and Engagement Department together with the FIGG.</li> </ol>

<b>11. 1st Internal Voluntary Review of the Complaints and Appeals Procedures</b>	
	<p><b>Discussion from 31 May 2023 (CP Meeting):-</b></p> <ol style="list-style-type: none"> <li>1. Pending receipt of comments from all Steering Group members on the revised draft report from the Consultant.</li> </ol>
<b>12. Any Other Matters</b>	
	<p><b>ASC-CP MEETING</b></p> <p><b>Discussion from 31 May 2023 (CP Meeting):-</b></p> <ol style="list-style-type: none"> <li>1. The ASC-CP joint meeting has been scheduled on 10.08.2023 from 5pm to 7pm MYT.</li> </ol>

**COMPLAINTS FOR DELIBERATION:**

**GROUP 1**

<b>Complaint 1.1 PT. Mitra Austral Sejahtera (Sime Darby) vs NGO TuK</b>	
<b>Case Reference</b>	PreCAP/2012/06/PR
<b>Date Filed</b>	31 October 2012 (Under DSF) 9 June 2017 (Transferred to the CP)
<b>Respondent</b>	PT Mitra Austral Sejahtera (Sime Darby subsidiary)
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Indonesia
<b>Complainant</b>	Transformasi untuk Keadilan (TuK)
<b>Complaint description</b>	<ul style="list-style-type: none"> <li>• The communities of Sanggau have alleged that the company PT Mitra Austral Sejahtera is operating without :             <ol style="list-style-type: none"> <li>1. Lack of Transparency on land status and partnership agreements;</li> <li>2. Lack of compliance to our customary land rights;</li> <li>3. The absence of (documented) compensation;</li> <li>4. Lack of compliance to local regulations;</li> </ol> </li> <li>• In acting so they are alleged to have breached RSPO Principles and Criteria</li> </ul>

	<p>specifically on:</p> <ol style="list-style-type: none"> <li>1. Principle 1 on Transparency,</li> <li>2. Principle 2 on Compliance with applicable laws and Principle 6 Responsible consideration of employees and individuals and communities affected by growers and mills.</li> </ol>
<b>Status</b>	(D) Investigation / deliberation
<b>Decision / Justification</b>	<b>1. Pending completion of review of the draft decision letter.</b>

Complaint 1.2 Golden Veroleum Liberia (GVL) vs. Green Advocate for the Butaw Community; FPP; SDI; SESDev; A-Bloteh	
<b>Case Reference</b>	PreCAP/2012/09/PR
<b>Date Filed</b>	3 October 2012
<b>Respondent</b>	Golden Veroleum Liberia (GVL)
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Liberia
<b>Complainant</b>	Green Advocate for the Butaw Community; FPP; SDI; SESDev; A-Bloteh
<b>Complaint description</b>	<p>Golden Veroleum Liberia:</p> <ul style="list-style-type: none"> <li>● Has not provided public notification for a 30 day period consistent with the New Planting Procedures;</li> <li>● commencing land preparation new planting and infrastructure development prior to the expiry of the minimum 30-day period;</li> <li>● By not conducting a comprehensive and participatory independent social and environmental impact assessment(s) of the area concerned and incorporate the results into relevant action plans (see RSPO criteria 5.1, 6.1, 7.1 &amp; 7.4) including the identification of: (a) all primary forest, (b) any area required to maintain or enhance one or more High Conservation Values (HCVs), and (d) local peoples' land;</li> <li>● Clearing land without the free, prior and informed consent of the customary</li> </ul>

	land owners as represented through representative organizations of their choice (P&C 2.2, 2.3, 7.5 and 7.6).
<b>Status</b>	(D) Investigation / deliberation
<b>Decision / Justification</b>	<p><b>1. The Secretariat has sent an email to the CP members with the draft email that is to be issued to parties on 3 issues as follows:</b></p> <ul style="list-style-type: none"> <li>(i) the Tarjuwon area and how to move forward with the same;</li> <li>(ii) the proposed engagement of an independent facilitator for the other areas; and</li> <li>(iii) the status of the Complaint to be transferred to closed for Post Complaint’s Monitoring.</li> </ul> <p><b>2. The CP is to review the email and respond accordingly.</b></p>

<b>Complaint 1.3 Pacific Inter-Link (Papuan Concessions) vs Environmental Investigation Agency (EIA) &amp; Greenpeace</b>	
<b>Case Reference</b>	RSPO/2018/19/RB
<b>Date Filed</b>	15 October 2018
<b>Respondent</b>	Pacific Inter-Link (Papuan Concessions)
<b>Membership Category</b>	Processors and / or Traders
<b>Country</b>	Indonesia
<b>Complainant</b>	Environmental Investigation Agency (EIA) & Greenpeace
<b>Complaint description</b>	<ul style="list-style-type: none"> <li>● Violation of the RSPO Code of Conduct because of their alleged involvement in the control/ownership and operational development of four palm oil plantation companies in Papua.</li> </ul>

<b>Status</b>	(D) Investigation / deliberation
<b>Decision / Justification</b>	<b>1. Undergoing the procurement process for the appointment of the Independent Consultant for investigation.</b>

<b>Complaint 1.4 PT Wahana Prima Sejati (subsidiary of First Resources Limited) vs requested for confidentiality</b>	
<b>Case Reference</b>	RSPO/2020/12/EN
<b>Date Filed</b>	14 July 2020
<b>Respondent</b>	PT Wahana Prima Sejati (subsidiary of First Resources Limited)
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Indonesia
<b>Complainant</b>	Requested for confidentiality
<b>Complaint description</b>	<ul style="list-style-type: none"> <li>• Deforestation and land clearing including in the High Conservation Value Forest within the Respondent’s concession for construction;</li> <li>• Development of road cutting across one of the major wildlife corridors connecting two river systems – Berenga and Tempadung Rivers; and</li> <li>• Development of a jetty, which includes reclamation of the sea floor as long as 590 meters</li> </ul>
<b>Status</b>	(K) Complaint closed
<b>Decision / Justification</b>	<ol style="list-style-type: none"> <li><b>1. The appeals submission period has expired without the submission of any appeals.</b></li> <li><b>2. The Complaint is formally closed.</b></li> </ol>

<b>Complaint 1.5 PT Mitra Karya Sentosa ( subsidiary of First Resources Limited) vs requested for confidentiality</b>	
<b>Case Reference</b>	RSPO/2021/07/SW
<b>Date Filed</b>	19 March 2021
<b>Respondent</b>	PT. Mitra Karya Sentosa (a subsidiary of First Resources Limited)
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Indonesia
<b>Complainant</b>	Requested for confidentiality
<b>Complaint description</b>	<ul style="list-style-type: none"> <li>• The Respondent did not pay the full land compensation to the six (6) individuals;</li> <li>• The Respondent unilaterally marking up the cost of plasma development and did not refer to the relevant regulations in deciding the cost of plasma development;</li> <li>• The Respondent did not pay the land compensation for the land identified as HCV and HCS area; and</li> <li>• The Respondent did not provide the complete map along with its coordinates for the land that has been handed over by the six (6) individuals.</li> </ul>
<b>Status</b>	(D) Investigation / deliberation
<b>Decision / Justification</b>	<b>1. The Secretariat is in the midst of preparing the Briefing Note for the CP's consideration.</b>

<b>Complaint 1.6 Papaso Estate &amp; PT Damai Nusa Sekawan - Soso &amp; Bukit Udang Estate (a subsidiary of Permata Hijau Group) vs requested for confidentiality</b>	
<b>Case Reference</b>	RSPO/2021/05/SW
<b>Date Filed</b>	19 March 2021
<b>Respondent</b>	Papaso Estate & PT Damai Nusa Sekawan - Sosa & Bukit Udang Estate (a subsidiary of Permata Hijau Group)
<b>Membership</b>	Oil Palm Grower

<b>Category</b>	
<b>Country</b>	Indonesia
<b>Complainant</b>	Requested for confidentiality
<b>Complaint description</b>	<ul style="list-style-type: none"> <li>Complainant alleged that the Respondent prohibits the workers to conduct union activities (protest with regards to the Omnibus Law);</li> <li>Complainant alleged that the Respondent has conducted a unilateral termination of employment for the 2 (two) PT Permata Hijau Sawit workers; and</li> <li>Complainant alleged that the Respondent did not socialize the Company Regulations (<i>Peraturan Perusahaan</i>) to the workers in PT Damai Nusa Sekawan.</li> </ul>
<b>Status</b>	(D) Investigation / deliberation
<b>Decision / Justification</b>	<p><b>1. The Secretariat is in the midst of preparing the Briefing Note for the CP's consideration.</b></p>

<b>Complaint 1.7 PT. Nabatindo Karya Utama (subsidiary of Bumitama Agri Limited) vs requested for confidentiality</b>	
<b>Case Reference</b>	RSPO/2021/10/LSL
<b>Date Filed</b>	1 July 2021
<b>Respondent</b>	PT. Nabatindo Karya Utama (subsidiary of Bumitama Agri Limited)
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Indonesia
<b>Complainant</b>	Requested for confidentiality
<b>Complaint description</b>	<ul style="list-style-type: none"> <li>It is alleged that the Respondent and Koperasi Koling Hapakat did not use the plasma area in accordance with the permission allocated.</li> <li>It is alleged that there is a transfer of ownership of community-owned SHM ("Sertifikat Hak Milik") by Koperasi Koling Hapakat to the Respondent.</li> </ul>
<b>Status</b>	(D) Investigation / deliberation

<b>Decision / Justification</b>	<b>1. Briefing Note has been furnished to the CP on 30.05.2023. The CP is in the midst of deliberations.</b>
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<b>Complaint 1.8 PT. Eagle High Plantations vs requested for confidentiality</b>	
<b>Case Reference</b>	RSPO/2022/15/RR
<b>Date Filed</b>	08 November 2022
<b>Respondent</b>	PT. Eagle High Plantations
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Indonesia
<b>Complainant</b>	Requested for confidentiality
<b>Complaint description</b>	<ul style="list-style-type: none"> <li>Allegations made against the Respondent are pertaining to rights of workers, working conditions, and safety concerns.</li> </ul>
<b>Status</b>	(D) Investigation / deliberation - (Bilateral Engagement)
<b>Decision / Justification</b>	<ol style="list-style-type: none"> <li><b>Bilateral Engagement (BE) in progress. Next BE Meeting is scheduled on 09.06.2023.</b></li> <li><b>Bilateral Engagement ends on 19.06.2023.</b></li> </ol>

<b>Complaint 1.9 Reforestadora de Palmas del Peten S.A. (a subsidiary of SEAHOLM CORP) vs requested for confidentiality</b>	
<b>Case Reference</b>	RSPO/2022/13/MAM
<b>Date Filed</b>	21 October 2022
<b>Respondent</b>	Reforestadora de Palmas del Peten S.A. (a subsidiary of SEAHOLM CORP)

<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Guatemala
<b>Complainant</b>	Requested for confidentiality
<b>Complaint description</b>	<ul style="list-style-type: none"> <li>• The Complainant alleged that the Respondent violates the fundamental and labour rights of employees, because there are bad work conditions, unjustified dismissals, mistreatment, and false and unfounded suspicions;</li> <li>• The Respondent uses retaliation against farm workers and human rights defenders;</li> <li>• The Respondent uses the figure of the blacklist to designate employees who will not be rehired;</li> <li>• The Respondent uses organic fertilizer that generates pestilent odour and flies affecting communities.</li> </ul>
<b>Status</b>	(D) Investigation / deliberation
<b>Decision / Justification</b>	<ol style="list-style-type: none"> <li>1. Pending endorsement of a directive from the CP to proceed to send the recent audit report to the parties for factual verification.</li> </ol>

## GROUP 2

<b>Complaint 2.1 Golden Agri Resources vs Forest Peoples Programme (FPP) &amp; TuK</b>	
<b>Case Reference</b>	RSPO/2018/14/IR
<b>Date Filed</b>	22 August 2018
<b>Respondent</b>	Golden Agri Resources
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Indonesia
<b>Complainant</b>	Forest Peoples Programme (FPP) and Tuk- Indonesia
<b>Complaint description</b>	<ul style="list-style-type: none"> <li>• GAR's shadow companies are actively clearing lands.</li> </ul>
<b>Status</b>	(G) Decision delivered with period to appeal (60 WD)
<b>Decision / Justification</b>	<ol style="list-style-type: none"> <li>1. Decision delivered. Pending expiry of the appeals period.</li> </ol>

<b>Complaint 2.2 PT Perkebunan Nusantara IV (PERSERO) vs Koalisi Organisasi Serikat Pekerja dan Lembaga Swadaya Masyarakat Kabupaten Labuhan Batu, FSMI. TIPAN-RIPT</b>	
<b>Case Reference</b>	RSPO/2019/07/IR
<b>Date Filed</b>	10 April 2019
<b>Respondent</b>	PT Perkebunan Nusantara IV (PERSERO)
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	North Sumatera, Indonesia
<b>Complainant</b>	Koalisi Organisasi Serikat Pekerja dan Lembaga Swadaya Masyarakat Kabupaten Labuhan Batu, FSMI. TIPAN-RI
<b>Complaint description</b>	<ul style="list-style-type: none"> <li>● Lack of adequate health and safety equipment;</li> <li>● Worker died due to lack of safety equipment; and</li> <li>● No festive holidays for temporary workers.</li> </ul>
<b>Status</b>	(D) Investigation/Deliberation
<b>Decision / Justification</b>	<ol style="list-style-type: none"> <li>1. The Secretariat has received the summary of findings from the audit reports (from 2019 until the most recent audit) on 02.05.2023.</li> <li>2. A meeting with the Certification Body together with colleagues from the Certification Unit was held on 19.05.2023 to seek clarification on the said summary.</li> <li>3. The Certification Body will respond with a revised summary on or before 02.06.2023.</li> </ol>

<b>Complaint 2.3 PT Perkebunan Nusantara IV (PERSERO) vs requested for confidentiality</b>	
<b>Case Reference</b>	RSPO/2019/11/IR
<b>Date Filed</b>	23 April 2019
<b>Respondent</b>	PT Perkebunan Nusantara IV (PERSERO)
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	North Sumatera, Indonesia
<b>Complainant</b>	<i>requested for confidentiality</i>
<b>Complaint</b>	<ul style="list-style-type: none"> <li>● Temporary workers contract and wages issues;</li> </ul>

<b>description</b>	<ul style="list-style-type: none"> <li>Intimidation of workers</li> </ul>
<b>Status</b>	(D) Investigation/Deliberation
<b>Decision / Justification</b>	<ol style="list-style-type: none"> <li>The Secretariat has received the summary of findings from the audit reports (from 2019 until the most recent audit) on 02.05.2023.</li> <li>A meeting with the Certification Body together with colleagues from the Certification Unit was held on 19.05.2023 to seek clarification on the said summary.</li> <li>The Certification Body will respond with a revised summary on or before 02.06.2023.</li> </ol>

<b>Complaint 2.4 PT Perkebunan Nusantara IV (PERSERO) vs Federasi Serikat Pekerja Metal Indonesia (FSPMI)</b>	
<b>Case Reference</b>	RSPO/2019/12/IR
<b>Date Filed</b>	6 May 2019
<b>Respondent</b>	PT Perkebunan Nusantara IV (PERSERO)
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	North Sumatra, Indonesia
<b>Complainant</b>	Federasi Serikat Pekerja Metal Indonesia (FSPMI)
<b>Complaint description</b>	<ul style="list-style-type: none"> <li>Alleged fraud of wages for 7 workers,</li> <li>No festive holidays and bonus for temporary workers</li> </ul>
<b>Status</b>	(D) Investigation/Deliberation
<b>Decision / Justification</b>	<ol style="list-style-type: none"> <li>The Secretariat has received the summary of findings from the audit reports (from 2019 until the most recent audit) on 02.05.2023.</li> <li>A meeting with the Certification Body together with colleagues from the Certification Unit was held on 19.05.2023 to seek clarification on the said summary.</li> <li>The Certification Body will respond with a revised summary on or before 02.06.2023.</li> </ol>

<b>Complaint 2.5 PT Agrowiratama ( a subsidiary of Musim Mas Holdings Pte. Ltd) vs Tim Advokasi DPPKNPI</b>	
<b>Case Reference</b>	RSPO/2021/02/SW
<b>Date Filed</b>	27 January 2021
<b>Respondent</b>	PT Agrowiratama (a subsidiary of Musim Mas Holdings Pte. Ltd.)
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Indonesia
<b>Complainant</b>	Tim Advokasi Dewan Pengurus Pusat Komite Nasional Pemuda Indonesia (DPP KNPI) on behalf of 4 Datuak (Batuah, Bonsu, Sati, and Malenggang) of customary community in Muara Kiawai, Pasaman Barat.
<b>Complaint Description</b>	<ul style="list-style-type: none"> <li>• Operating in the protected forest area without having a license from the Ministry of Forestry;</li> <li>• Operating without having a HGU; and</li> <li>• Did not develop plasma plantations for the community as agreed</li> </ul>
<b>Status</b>	(D) Investigation/Deliberation
<b>Decision / Justification</b>	<ol style="list-style-type: none"> <li>1. <b>The Secretariat has furnished the Briefing Note to the CP on 30.05.2023 for the CP's consideration.</b></li> <li>2. <b>The CP has directed the Secretariat to re-examine the provided case documents and facts pertaining to the Complaint along with the applicable Indonesian laws and regulations.</b></li> </ol>

<b>Complaint 2.6 PT Ramajaya Pramukti (subsidiary of Golden Agri Resources Ltd) vs Lembaga Adat Kenegerian Petapahan (Ninik Mamak Kenegerian Petapahan), Bahtera Alam &amp; Sawit Watch</b>	
<b>Case Reference</b>	RSPO/2021/12/CRP
<b>Date Filed</b>	08 November 2021
<b>Respondent</b>	PT. Ramajaya Pramukti (subsidiary of Golden Agri Resources Ltd)
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Indonesia
<b>Complainant</b>	Lembaga Adat Kenegerian Petapahan (Ninik Mamak Kenegerian Petapahan),

	Bahtera Alam & Sawit Watch
<b>Complaint Description</b>	<ul style="list-style-type: none"> <li>● that the Respondent conducted land expansion to about 167 hectares into the Imbo Putui Customary Forest;</li> <li>● that the Respondent's used their operational truck passing through the Customary Forest and disturbing the community with the noise and dust pollution, disturbing the growth of trees along the road, cutting off animal paths (bear, deer, pangolin, snake, monitor lizard, monkey), and cutting off water paths;</li> <li>● that the Respondent's action of planting oil palm up to the riverbank, even in the middle of the river (the company changed the waterway, then planted oil palm on the former river that was stockpiled);</li> <li>● that the Respondent is not taking the responsibility for the social, economic, and ecological damage that occurred in the Imbo Putui Customary Forest and Petapahan Village;</li> <li>● that the Respondent changed the natural shape of the rivers and made them straight;</li> <li>● that the Respondent is destroying the downstream river ecosystem in the Imbo Putui customary forest with fertilizers and pesticides; and</li> <li>● that the Respondent claimed the Imbo Putui Customary Forest as their conservation area (HCV).</li> </ul>
<b>Status</b>	(D) Investigation/Deliberation
<b>Decision / Justification</b>	<ol style="list-style-type: none"> <li>1. <b>The Secretariat held the case management meeting and facilitated a dialogue between the Complainant and the Respondent in Riau from 15-16 May 2023.</b></li> <li>2. <b>The Secretariat will proceed with drafting the Briefing Note for the CP's deliberations.</b></li> </ol>

<b>Complaint 2.7 Mados's Holdings Sdn Bhd vs Mighty Earth Inc - Malaysia</b>	
<b>Case Reference</b>	RSPO/2022/05/HN
<b>Date Filed</b>	09 May 2022
<b>Respondent</b>	Mados's Holdings Sdn Bhd
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Johor, Malaysia
<b>Complainant</b>	Mighty Earth Inc
<b>Complaint Description</b>	<ul style="list-style-type: none"> <li>● Mados's Holdings Sdn Bhd has not disclosed all potential non-compliant land development within the Company's own concessions and Related Entities'</li> </ul>

	<p>concessions (controlled and influenced by Mados’s Holdings Sdn Bhd).</p> <ul style="list-style-type: none"> <li>• The potential RaCP liabilities associated with Mados’s Holdings Sdn Bhd’s RSPO membership (i.e. the 1 Management Unit referenced in the RaCP Tracker) does not currently extend to all non-compliant land clearing of HCVs/HCS within the company’s own concessions and Related Entities’ concessions: - <ul style="list-style-type: none"> <li>○ Mados’ Holdings Sdn Bhd</li> <li>○ Ibzi Holdings Sdn Bhd and its subsidiary, AA Sawit Sdn Bhd</li> <li>○ Nadi Mesra Sdn Bhd</li> </ul> </li> </ul>
<b>Status</b>	(G) Decision delivered with period to appeal (60 WD)
<b>Decision / Justification</b>	<b>1. Decision delivered. Pending expiry of the appeals period.</b>

### Complaint 2.8 PT. Perkebunan Nusantara V (PERSERO) vs requested for confidentiality

<b>Case Reference</b>	RSPO/2022/03/CRP
<b>Date Filed</b>	04 March 2022
<b>Respondent</b>	PT. Perkebunan Nusantara V (PERSERO)
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Riau Province, Indonesia
<b>Complainant</b>	Requested for confidentiality
<b>Complaint Description</b>	<ul style="list-style-type: none"> <li>• The Respondent is alleged of illegally controlling some of the KKPA (Primary Member Cooperative Credit) objects, as well as violating the KKPA agreement.</li> <li>• The Respondent is alleged of embezzling funds and fraud in the development of oil palm plantations.</li> <li>• The Respondent is alleged of violating the agreement related to the sale of the farmers’ fruits which should have been disbursed to the Complainant to be distributed to its members and illegal bailout funds.</li> </ul>
<b>Status</b>	(D) Investigation/Deliberation
<b>Decision / Justification</b>	<ol style="list-style-type: none"> <li><b>1. The Secretariat has received feedback on the factual verification from the Respondent.</b></li> <li><b>2. The Complainant has not responded with its factual verification.</b></li> <li><b>3. Pending receipt of the final report from the Certification Body.</b></li> </ol>

**GROUP 3**

<b>Complaint 3.1 PT. Kartika Prima Cipta (GAR) vs Forest Peoples Programme &amp; TuK</b>	
<b>Case Reference</b>	PreCAP/2014/03/IR
<b>Date Filed</b>	13 October 2014
<b>Respondent</b>	PT. Kartika Prima Cipta (PT.KPC) - Golden Agri Resources (GAR)
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Indonesia – Kapuas Hulu, West Kalimantan
<b>Complainant</b>	Forest Peoples Programme (FPP) and (Transformasi untuk Keadilan) TuK Indonesia
<b>Complaint description</b>	<p><b><u>Points raised:-</u></b></p> <ul style="list-style-type: none"> <li>● PT KPC is in persistent violation of the RSPO P&amp;C pertaining HCV assessment, the recognition of customary land rights and free, prior, and informed consent (FPIC). Lack of FPIC of the local Dayak and Malay people in the process of land take over.</li> <li>● Land takeover was done without land tenure study and participatory mapping.</li> <li>● Late HCV assessment which was done by IPB, final consultation was in May 2014.</li> <li>● Dissatisfaction by smallholders and resentment because of reduced post facto set aside for HCV rather than getting plasma scheme (20%).</li> <li>● Set aside land as HCS area that made no provision for customary land uses and tenure and local people livelihood.</li> <li>● GAR as the parent company of all 18 subsidiaries listed in acting in violation of the New Planting Procedure (NPP) by submitting information which is known as false. No HGU in 16 of 18 NPP.</li> <li>● The assessors which have endorsed GAR’s HCV assessment, ESIA’s and social engagement actions, are in violation of their responsibility to provide impartial assessment of company compliance with RSPO P&amp;C.</li> </ul>
<b>Status</b>	(D) Investigation / deliberation
<b>Decision / Justification</b>	<b>1. The Secretariat is still in the midst of preparing the Briefing Notes for phases 3, 4 &amp; 5.</b>

<b>Complaint 3.2 Golden Agri Resources (GAR) vs Forest Peoples Programme &amp; Elk Hills Foundation</b>	
<b>Case Reference</b>	RSPO/2020/04/IR
<b>Date Filed</b>	2 March 2020
<b>Respondent</b>	Golden Agri Resource (GAR)
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Indonesia
<b>Complainant</b>	Forest Peoples Programme & Elk Hills Foundation
<b>Complaint description</b>	<ul style="list-style-type: none"> <li>• The Respondent, through its subsidiaries located in Central Kalimantan, operate its plantations with permits which never had the force of law;</li> <li>• The Respondent, through its employees have been involved in the payment of bribes to provincial officials in Central Kalimantan.</li> </ul>
<b>Status</b>	(D) Investigation / deliberation
<b>Decision / Justification</b>	<ol style="list-style-type: none"> <li>1. <b>Procurement process for the independent investigation is ongoing.</b></li> <li>2. <b>The Expression of Interest along with the ToR has been published on the RSPO website.</b></li> </ol>

<b>Complaint 3.3 Aceites Y Derivados Sociedad Anonima (ACEYDESA) vs requested for confidentiality</b>	
<b>Case Reference</b>	RSPO/2020/07/LSL
<b>Date Filed</b>	6 April 2020
<b>Respondent</b>	Aceites Y Derivados Sociedad Anonima (ACEYDESA)
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Honduras
<b>Complainant</b>	Requested for confidentiality
<b>Complaint description</b>	<ul style="list-style-type: none"> <li>• Modification of property deeds to remove areas identified by the government as environmental protection zone;</li> </ul>

	<ul style="list-style-type: none"> <li>● Employees not paid minimum wage; not provided with equipment; and not given workers' benefits;</li> <li>● Non-compliance with labour laws;</li> <li>● Threatening of workers to suppress information from auditors;</li> <li>● Bribing workers and government agencies;</li> <li>● Manipulation of scale systems; Falsification of data;</li> <li>● Operating without an environmental license.</li> </ul>
<b>Status</b>	(D) Investigation / deliberation
<b>Decision / Justification</b>	<ol style="list-style-type: none"> <li>1. Pending receipt of an update from the Accreditation Body on the status of the Certification Body's non-conformities following the compliance audit.</li> </ol>

<b>Complaint 3.4 IOI Plantation Mekassar Estate (subsidiary of IOI Corporation Berhad) vs requested for confidentiality</b>	
<b>Case Reference</b>	RSPO/2020/19/IR
<b>Date Filed</b>	5 October 2020
<b>Respondent</b>	IOI Plantation Mekassar Estate (subsidiary of IOI Corporation Berhad)
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Malaysia
<b>Complainant</b>	Requested for confidentiality
<b>Complaint description</b>	<ul style="list-style-type: none"> <li>● Unilateral pay cut by the Respondent</li> <li>● Poor living conditions for the labourers</li> <li>● Intimidation of workers</li> <li>● Forced labour</li> <li>● Lack of transparent grievance system</li> </ul>
<b>Status</b>	(D) Investigation / deliberation
<b>Decision / Justification</b>	<ol style="list-style-type: none"> <li>1. The Complaints Panel has endorsed the draft decision letter.</li> <li>2. The Secretariat is to finalise the decision letter and furnish the same to both Parties to the Complaint.</li> </ol>

<b>Complaint 3.5 First Resources Limited vs Requested for confidentiality</b>	
<b>Case Reference</b>	RSPO/2021/04/EN
<b>Date Filed</b>	8 March 2021
<b>Respondent</b>	First Resources Limited
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Indonesia
<b>Complainant</b>	Requested for confidentiality
<b>Complaint description</b>	<ul style="list-style-type: none"> <li>• The Respondent allegedly has ownership, control and influence over a company called Fangiono Agro Plantation (FAP) Agri, a non-RSPO member who was not declared in the Respondent’s RSPO Group Membership.</li> <li>• The Respondent also allegedly has ownership, control and influence of an Indonesian company, Ciliandry Anky Abadi (CAA) who is a subsidiary of a British Virgin Islands registered company by the name of Sima Capital. This company too was not declared to be a part of the Respondent’s RSPO Group Membership.</li> <li>• The Respondent, via FAP or by FAP’s 11 subsidiaries have violated the RSPO Principles and Criteria by deforestation, peatland degradation, using lands for plantation without FPIC, river pollution, and unilateral layoffs of workers.</li> <li>• The Respondent, via CAA, have violated the RSPO Principles and Criteria by deforestation, peatland degradation, using lands for plantation without FPIC, and river pollution.</li> <li>• The Respondent is violating its NDPE Commitments, the RSPO Principle and Criteria, the RSPO Code of Conduct, and RSPO membership rules.</li> </ul>
<b>Status</b>	(D) Investigation / deliberation
<b>Decision / Justification</b>	<b>1. The CP has reached a consensus to finalise the ToR for the Independent Investigation.</b>

<b>Complaint 3.6 PT Inecda ( a subsidiary of S&amp;G Biofuel Pte. Ltd) vs requested for confidentiality</b>	
<b>Case Reference</b>	RSPO/2021/06/SW
<b>Date Filed</b>	19 March 2021
<b>Respondent</b>	PT Inecda (a subsidiary of S&G Biofuel Pte. Ltd)
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Indonesia
<b>Complainant</b>	Requested for confidentiality
<b>Complaint description</b>	<ul style="list-style-type: none"> <li>Respondent is operating in the area own by the Luak Talang Parit Community without obtaining prior consent from the community;</li> <li>Respondent did not develop the plasma plantations for the community; and</li> <li>Respondent did not have an internal grievance mechanism that the stakeholders can access</li> </ul>
<b>Status</b>	(D) Investigation / deliberation
<b>Decision / Justification</b>	<ol style="list-style-type: none"> <li>The CP has granted an extension of time until 30.06.2023 as requested by the Respondent for the factual verification exercise of the draft investigation report. The said extension is also applicable to the Complainant.</li> </ol>

<b>Complaint 3.7 PT Bumi Pratama Khatulistiwa (subsidiary of Wilmar International Limited vs Teraju Foundation</b>	
<b>Case Reference</b>	RSPO/2022/02/HN
<b>Date Filed</b>	4 March 2022
<b>Respondent</b>	PT. Bumi Pratama Khatulistiwa (subsidiary of Wilmar International Limited)
<b>Membership Category</b>	Processors and / or Traders
<b>Country</b>	Kalimantan Barat, Indonesia
<b>Complainant</b>	Teraju Foundation
<b>Complaint description</b>	<ul style="list-style-type: none"> <li>The Respondent forced a community to give up the rights to their land in order to develop the land into an oil palm plantation.</li> <li>The company then refused to return the land to the community by involving</li> </ul>

	the police.
<b>Status</b>	(G) Decision delivered with period to appeal (60 WD)
<b>Decision / Justification</b>	<b>1. Decision delivered. Pending expiry of the appeals period.</b>

<b>Complaint 3.8 Grasas Y Derivados S.A. Gradesa S.A. vs requested for confidentiality</b>	
<b>Case Reference</b>	RSPO/2022/14/MAM
<b>Date Filed</b>	03 November 2022
<b>Respondent</b>	Grasas Y Derivados S.A. Gradesa S.A.
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Colombia
<b>Complainant</b>	Requested for confidentiality
<b>Complaint description</b>	<ul style="list-style-type: none"> <li>● Prosecution of union workers in order to lay off them and weaken the union.</li> <li>● Infringement of constitutional rights, because the company is affecting the right of union association.</li> <li>● Dismissals of labour contracts without a fair cause.</li> </ul>
<b>Status</b>	(D) Investigation / Deliberation - (Adjourned)
<b>Decision / Justification</b>	<ol style="list-style-type: none"> <li><b>1. The Secretariat has furnished the Respondent with the formal response and evidence from the Complainant for comments.</b></li> <li><b>2. The Respondent has furnished its response.</b></li> <li><b>3. There are currently two (2) active processes before the Ministry of Labour and in the midst of its investigations.</b></li> </ol>

### Complaint 3.9 Energy & Palma S.A. ( as subsidiary of HOLDING LA FABRIL S.A) vs requested for confidentiality

<b>Case Reference</b>	RSPO/2023/01/MAM
<b>Date Filed</b>	05 January 2023
<b>Respondent</b>	Energy & Palma S.A. (a subsidiary of HOLDING LA FABRIL S.A)
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Ecuador
<b>Complainant</b>	Requested for confidentiality
<b>Complaint description</b>	<ul style="list-style-type: none"> <li>• Allegations made against the Respondent are in relation to the modification of property deeds to remove areas identified by the government as community lands and environmental protection zones.</li> <li>• Lawsuit against community owners to intimidate the local people.</li> <li>• Company's activities have a negative impact on the natural environment and lead to degradation and deforestation.</li> </ul>
<b>Status</b>	(D) Investigation / Deliberation
<b>Decision / Justification</b>	<ol style="list-style-type: none"> <li>1. <b>The Secretariat has furnished the Complainant with the formal response and evidence from the Respondent for comments.</b></li> <li>2. <b>The Complainant furnished their response on 23.05.2023 and the same is being reviewed by the Secretariat.</b></li> </ol>

### Complaint 3.10 PT. Bumi Pratama Khatulistiwa ( subsidiary of Wilmar International Limited) vs requested for confidentiality

<b>Case Reference</b>	RSPO/2022/17/LSL
<b>Date Filed</b>	26 December 2022
<b>Respondent</b>	PT. Bumi Pratama Khatulistiwa ( subsidiary of Wilmar International Limited)
<b>Membership Category</b>	Oil Palm Grower

<b>Country</b>	Kalimantan Barat, Indonesia
<b>Complainant</b>	Requested for confidentiality
<b>Complaint description</b>	<ul style="list-style-type: none"> <li>● Pertaining to labour related issues such as wages, no optimal health services and safety, (BPJS) is not registered, unilateral termination, the rights of the workers are not honoured, intimidation and expanded job scopes of workers (harvesters)</li> <li>● It is further alleged that the workers who have been working for a period of more than 5 years are not converted to permanent workers, instead their working days were reduced,</li> <li>● The Respondent is allegedly not transparent in determining Lembaga Kerjasama (LKS) bipartite and the amount of FFB delivered to the factory/mill.</li> </ul>
<b>Status</b>	(D) Investigation / Deliberation
<b>Decision / Justification</b>	<ol style="list-style-type: none"> <li><b>1. The Respondent is to furnish a formal response to the allegations raised in this Complaint on or before 02.06.2023.</b></li> </ol>