

## COMPLAINTS PANEL MINUTES OF MEETING

for Website

Date: 26 July 2023 @ 5.00pm - 6.50pm (Meeting No.07/2023)

Meeting location: *via Zoom Link*

<p><b>List of Complaints Panel Members</b></p>	<table border="1"> <tr> <td data-bbox="379 483 906 748"> <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="914 483 1436 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 to 5.55pm</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>28 June 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</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:- 5.55pm -6.15pm**

1. PT. Mitra Austral Sejahtera (PT. MAS) - subsidiary of Sime Darby vs Transformasi untuk Keadilan (TuK-NGO)
2. Pacific Inter-Link (Papuan Concessions) vs Environmental Investigation Agency (EIA) & Greenpeace
3. PT. Mitra Karya Sentosa (a subsidiary of First Resources Limited) vs *requested for confidentiality*
4. Papaso Estate & PT Damai Nusa Sekawan - Sosa & Bukit Udang Estate (a subsidiary of Permata Hijau Group) vs *requested for confidentiality*
5. PT. Nabatindo Karya Utama (subsidiary of Bumitama Agri Limited) vs *requested for confidentiality*
6. PT. Eagle High Plantations vs vs *requested for confidentiality*
7. Reforestadora de Palmas del Peten S.A. (a subsidiary of SEAHOLM CORP) vs *requested for confidentiality*
8. PT Barumon Agro Sentosa vs Federasi Logam Mesin Industri Elektrik dan Elektronik -(F LOMENIK)

**Group 2:- 6.15pm to 6.25pm**

1. PT. Perkebunan Nusantara IV (PERSERO) vs Koalisi Organisasi Serikat Pekerja dan Lembaga Swadaya Masyarakat Kabupaten Labuhan Batu, FSMI. TIPAN-RI
2. PT. Perkebunan Nusantara IV (PERSERO) vs *requested for confidentiality*
3. PT. Perkebunan Nusantara IV (PERSERO) vs Federasi Serikat Pekerja Metal Indonesia (FSPMI)
4. 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.
5. PT. Ramajaya Pramukti (subsidiary of Golden Agri Resources Ltd) vs Lembaga Adat Kenegerian Petapahan (Ninik Mamak Kenegerian Petapahan), Bahtera Alam & Sawit Watch
6. Mados's Holdings Sdn Bhd vs Mighty Earth Inc
7. PT. Perkebunan Nusantara V (PERSERO) vs *requested for confidentiality*
8. PT. Bumitama Gunajaya Agro (subsidiary of Bumitama Agri Ltd) vs *requested for confidentiality*

**Group 3:- 6.25pm to 6.50pm**

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. Grasas Y Derivados S.A. Gradesa S.A vs *requested for confidentiality*
8. Energy & Palma S.A. (a subsidiary of HOLDING LA FABRIL S.A) vs *requested for confidentiality*
9. PT. Bumi Pratama Khatulistiwa ( subsidiary of Wilmar International Limited) vs *requested for confidentiality*
10. Energy & Palma S.A. ( subsidiary of La Fabril Group) 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>28 June 2023</b> during the Complaints Panel Meeting.  Minutes of <b>28 June 2023</b> adopted unanimously.

**5. New allegation submitted**

1. No new allegations.

**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>	4	0	0	-
<b>Status</b>	Open (2) Rejected (2)	-	-	-
<b>Country</b>	Indonesia Ecuador Papua New Guinea Malaysia	-	-	-
<b>Case Category</b>	-intimidation of workers	-	-	-

	-Wrongful dismissal of employment.		
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**Total Active Cases by Country and Year (as of 21.07.2023)**

Country	Active Cases	Year	Active Cases
Indonesia	19	2014	1
Malaysia	2	2017	1
Colombia	1	2018	1
Honduras	1	2019	3
Guatemala	1	2020	3
Ecuador	2	2021	7
		2022	6
		2023	4
<b>TOTAL</b>	<b>26</b>	<b>TOTAL</b>	<b>26</b>

<b>7. Complaints Panel</b>	
<b>7.1</b>	<b>Dates for Complaints Panel monthly meetings</b>
	<p><b>Discussion from 26 July 2023 (CP Meeting):-</b></p> <ol style="list-style-type: none"> <li>CP meeting dates for the rest of 2023 have been fixed.</li> <li>Dates for the first half of 2024 have been proposed.</li> </ol>
<b>7.2</b>	<b>Dates for Complaints Panel Physical Meetings</b>
	<p><b>Discussion from 26 July 2023 (CP Meeting):-</b></p> <ol style="list-style-type: none"> <li>CP physical meeting dates have been fixed for 10.08.2023 and 20.11.2023 respectively.</li> </ol>

<b>7.3</b>	<b>Expansion of Complaints Panel</b>
	<p><b>Discussion from 26 July 2023 (CP Meeting):-</b></p> <ol style="list-style-type: none"> <li><b>1. The Secretariat/CP welcomes interested candidates from the ENGO and downstream sectors to apply to be CP members.</b></li> </ol>
<b>8. Post Complaint's Monitoring</b>	
<b>8.1</b>	<p><b>FELDA Global Venture - (Article by The Wall Street Journal)</b></p> <p><b>Discussion from 26 July 2023 (CP Meeting):-</b></p> <ol style="list-style-type: none"> <li><b>1. Pending receipt of a further document from the Respondent.</b></li> </ol>
<b>8.2</b>	<p><b>Extractora de la Gloria SAS</b></p> <p><b>Discussion from 26 July 2023 (CP Meeting):-</b></p> <ol style="list-style-type: none"> <li><b>1. The Secretariat has received the response from the Respondent based on the Secretariat's request.</b></li> <li><b>2. The secretariat is in the midst of reviewing the documents.</b></li> </ol>
<b>8.3</b>	<p><b>Golden Veroleum Liberia (GVL)</b></p> <p><b>Discussion from 26 July 2023 (CP Meeting):-</b></p> <ol style="list-style-type: none"> <li><b>1. The Secretariat is to collate the responses received from both parties and to submit the same to the CP for the a directive on the next course of action for the post complaint's monitoring.</b></li> </ol>
<b>9. Dispute Settlement Facility (DSF)</b>	
	<p><b>Discussion from 26 July 2023 (CP Meeting):-</b></p> <ol style="list-style-type: none"> <li><b>1. Due to unforeseen circumstances, the DSF GoA Online Meeting has been rescheduled to 22.08.2023 from 6.00 p.m. to 7.30 p.m.</b></li> </ol>





<b>10.</b>	<b>Commitments of Financial Institution(s)</b>
	<p><b>Discussion from 26 July 2023 (CP Meeting):-</b></p> <ol style="list-style-type: none"> <li>Members of the Secretariat’s Stakeholder Engagement Unit briefed the CP on the work undertaken by the FIGG. CP members also shared their views to assist with the recruitment of more FI members.</li> </ol>
<b>11.</b>	<b>1st Internal Voluntary Review of the Complaints and Appeals Procedures</b>
	<p><b>Discussion from 26 July 2023 (CP Meeting):-</b></p> <ol style="list-style-type: none"> <li>The Secretariat is in the midst of attending to the necessary to extend the engagement of the Consultant for the purposes of undertaking the additional tasks as proposed by the SG. An email blast to the membership on the progress of the review is scheduled for 2.08.2023.</li> </ol>
<b>12.</b>	<b>Any Other Matters</b>
	<p><b>ASC-CP MEETING</b></p> <p><b>Discussion from 26 July 2023 (CP Meeting):-</b></p> <ol style="list-style-type: none"> <li>The ASC-CP joint meeting has been scheduled for 10.08.2023 from 5.00pm to 7.00pm 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 specifically on:               <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> </li> </ul>
<b>Status</b>	(D) Investigation / deliberation
<b>Decision / Justification</b>	<b>1. The CP members have endorsed the draft decision letter.</b>

<b>Complaint 1.2 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>	<p><b>A. <u>Independent Investigation</u></b></p> <ol style="list-style-type: none"> <li>1. The Secretariat has received the draft Investigation Report from the Independent Consultant. The same is being reviewed by the Secretariat.</li> <li>2. The Secretariat is to obtain directives from the CP pertaining to the sharing of the draft report with parties to the Complaint.</li> </ol> <p><b>B. <u>Article published by Greenpeace</u></b></p> <ol style="list-style-type: none"> <li>1. The Secretariat received endorsement from the CP to furnish the correspondence between the Secretariat and one of the Complainants to the Respondent for their perusal.</li> <li>2. The Secretariat has since received a response from the Respondent. The same is being reviewed by the Secretariat before a directive can be obtained from the CP.</li> </ol>

<b>Complaint 1.3 PT Mitra Karya Sentosa (a 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>	<ol style="list-style-type: none"> <li>1. <b>The CP members directed the Secretariat to consult with the Secretariat's legal advisor on how to move forward with the matters arising in the Complaint relating to the local authorities.</b></li> </ol>

<b>Complaint 1.4 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 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>● 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>	<ol style="list-style-type: none"> <li>1. <b>The CP members acknowledged that the draft Briefing Note is undergoing peer review by the Secretariat and they expect to receive the Briefing Note after the completion of the peer review.</b></li> </ol>

<b>Complaint 1.5 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>	(G) Decision delivered with period to appeal (60 WD)
<b>Decision / Justification</b>	<b>1. Pending expiry of appeals period 15.09.2028.</b>

<b>Complaint 1.6 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>1. The Secretariat is in the midst of finalising the Briefing Note for the perusal of the Complaints Panel.</li> <li>2. The Secretariat requested for clarification from parties pertaining to one of the issues in the Complaint, for the purposes of Post Complaint’s Monitoring.</li> </ol>
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<b>Complaint 1.7 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. Briefing Note in progress for the CP’s deliberations.</li> </ol>

<b>Complaint 1.8 PT. Barumun Agro Sentosa vs Federasi Logam Mesin Industri Elektrik dan Elektronik -(F LOMENIK)</b>	
<b>Case Reference</b>	RSPO/2023/08/HH
<b>Date Filed</b>	19 May 2023
<b>Respondent</b>	PT Barumun Agro Sentosa
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Indonesia
<b>Complainant</b>	Federasi Logam Mesin Industri Elektrik dan Elektronik (F LOMENIK)
<b>Complaint description</b>	<ul style="list-style-type: none"> <li>• The Respondent did not respond to the Union’s requests for a hearing and bipartite meeting on the matter pertaining to the freedom of association;</li> <li>• The Respondent interrogated the members of F LOMENIK (hereinafter referred to as “the Union”) and intimidated its workers into resigning from the Union;</li> <li>• 1.3. The Respondent restricted the Union from conducting its activity by issuing a letter prohibiting the Union from distributing groceries to its members (in conjunction of May Day); and</li> <li>• The Respondent transferred the Union’s Chairman and Secretary to a different company. The Complainant alleges that the transfers were not in accordance with the applicable laws and regulations and asserted that it is a deliberate act from the Respondent to obstruct the Union’s activity.</li> </ul>
<b>Status</b>	(D) Investigation / deliberation
<b>Decision / Justification</b>	<ol style="list-style-type: none"> <li>1. <b>The Respondent furnished its formal response to the allegations on 06.07.2023 and the same was furnished to the Complainant.</b></li> <li>2. <b>The Respondent has indicated that they would like to resolve this dispute by way of Bilateral Engagement. The Respondent updated the Secretariat that a meeting with the Complainant was carried out on 13.07.2023 and the minutes of the meeting were furnished to the Secretariat.</b></li> <li>3. <b>The Secretariat sought for a meeting with the Complainant should they require further clarity on the available mechanisms to resolve the dispute. Pending a response and confirmation from the Complainant on the available dates for the meeting.</b></li> </ol>



**GROUP 2**

<b>Complaint 2.1 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>	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. <b>The Secretariat is in the midst of summarising the findings from the Certification Body before the same is furnished to the CP for the CP's perusal and deliberation.</b></li> </ol>

<b>Complaint 2.2 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>	Indonesia
<b>Complainant</b>	Requested for confidentiality
<b>Complaint description</b>	<ul style="list-style-type: none"> <li>• Temporary workers contract and wages issues;</li> <li>• Intimidation of workers</li> </ul>
<b>Status</b>	(D) Investigation/Deliberation

<b>Decision / Justification</b>	<p>1. The Secretariat is in the midst of summarising the findings from the Certification Body before the same is furnished to the CP for the CP's perusal and deliberation.</p>
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<b>Complaint 2.3 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>	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>	<p>1. The Secretariat is in the midst of summarising the findings from the Certification Body before the same is furnished to the CP for the CP's perusal and deliberation.</p>

<b>Complaint 2.4 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 CP members have endorsed the Secretariat’s Briefing Note and have come to a decision.</b></li> <li>2. <b>The Secretariat will prepare a draft decision letter and furnish the same to the CP for their consideration.</b></li> </ol>

**Complaint 2.5 PT Ramajaya Pramukti (subsidiary of Golden Agri Resources Ltd) vs Lembaga Adat Kenegerian Petapahan (Ninik Mamak Kenegerian Petapahan), Bahtera Alam & Sawit Watch**

<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> </ul>

	<ul style="list-style-type: none"> <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 Briefing Note is in the midst of a peer review.</b></li> <li>2. <b>Pending clarification from the Respondent on some points raised.</b></li> </ol>

<b>Complaint 2.6 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>	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’ concessions (controlled and influenced by Mados’s Holdings Sdn Bhd).</li> <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>	(H) Appeals Submitted
<b>Decision / Justification</b>	<ol style="list-style-type: none"> <li>1. <b>The 1st Appeals Panel meeting has been scheduled for 03.08.2023.</b></li> </ol>

### Complaint 2.7 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>	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>	<b>1. Briefing Note in progress.</b>

### Complaint 2.8 PT. Bumitama Gunajaya Agro (subsidiary of Bumitama Agri Ltd) vs requested for confidentiality

<b>Case Reference</b>	RSPO/2023/04/RH
<b>Date Filed</b>	10 April 2023
<b>Respondent</b>	PT. Bumitama Gunajaya Agro (subsidiary of Bumitama Agri 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>• 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</li> </ul>

	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.
<b>Status</b>	(D) Investigation / deliberation
<b>Decision / Justification</b>	<ol style="list-style-type: none"> <li>1. <b>The first Bilateral Engagement meeting was held on 24.07.2023 by the parties in Pontianak, Indonesia, and the Secretariat attended virtually as an observer.</b></li> <li>2. <b>The Bilateral Engagement process will carry on until 04.10.2023.</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>Points raised:-</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</li> </ul>

	engagement actions, are in violation of their responsibility to provide impartial assessment of company compliance with RSPO P&C.
<b>Status</b>	(D) Investigation / deliberation
<b>Decision / Justification</b>	<ol style="list-style-type: none"> <li>1. The CP directed the Secretariat to proceed with the Briefing Notes of Phase 3 and Phase 5</li> <li>2. The Secretariat will discuss the issues pertaining to Phase 4 with the Technical Director and the necessary units within the Secretariat before updating the CP members accordingly.</li> </ol>

<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. Pending CP’s endorsement of an independent investigator from the list of candidates submitted.</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> <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>	<p><b>1. The Secretariat has obtained updates from the Accreditation Body and is in the midst of reviewing the same.</b></p>

<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>	(G) Decision delivered with period to appeal (60 WD)
<b>Decision / Justification</b>	<b>1. Pending expiry of the appeals period on 25 August 2023.</b>

<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> </ul>

	<ul style="list-style-type: none"> <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>	<ol style="list-style-type: none"> <li>The table of Consultants for an independent investigation is being prepared and will be shared with the CP in due course for selection of an independent investigator.</li> </ol>

<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 Secretariat has furnished to the independent investigator the parties' factual verification of the investigator's draft preliminary report.</li> <li>The independent investigator and the CP members will proceed with a virtual meeting on 02.08.2023 to discuss the investigator's findings and recommendations in the preliminary report.</li> </ol>

<b>Complaint 3.7 Grasas Y Derivados S.A. Gradesa S.A. vs requested for confidentiality - Adjourned</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>1. <b>This Complaint is adjourned pending the outcome of the processes before the Ministry of Labour.</b></li> </ol>

<b>Complaint 3.8 Energy &amp; Palma S.A. ( subsidiary of HOLDING LA FABRIL S.A) vs requested for confidentiality</b>	
<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 final response and the evidence from the Respondents for their records.</b></li> <li>2. <b>The Secretariat is in the midst of reviewing all documents.</b></li> </ol>

<b>Complaint 3.9 PT. Bumi Pratama Khatulistiwa ( subsidiary of Wilmar International Limited) vs requested for confidentiality</b>	
<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>	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</li> </ul>

	<p>more than 5 years are not converted to permanent workers, instead their working days were reduced,</p> <ul style="list-style-type: none"> <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>1. The Secretariat through the Certification Unit has requested the Certification (CB) to verify if the allegations raised in this Complaint were caught in the recent surveillance audit.</li> <li>2. The CB responded that the recent audit was conducted from 03 - 07 July 2023. In that regard, the audit report is still in progress and the CB requested for an extension of time to respond to the Secretariat's request.</li> <li>3. The CB is to respond with an indicated timeline as to when the audit report will be finalised so as to enable the Secretariat to determine the next course of action.</li> </ol>

<b>Complaint 3.10 Energy &amp; Palma S.A. ( subsidiary of La Fabril Group) vs requested for confidentiality</b>	
<b>Case Reference</b>	RSPO/2023/09/MAM
<b>Date Filed</b>	16 May 2023
<b>Respondent</b>	Energy & Palma S.A. ( subsidiary of La Fabril Group)
<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>• 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>
<b>Status</b>	(D) Investigation / Deliberation
<b>Decision / Justification</b>	<ol style="list-style-type: none"> <li>1. Parties have been updated on the formal acceptance of the Complaint.</li> <li>2. Pending receipt of a formal response from the Respondent.</li> </ol>