

COMPLAINTS PANEL

MINUTES OF MEETING

For Website

28 October 2020 | 6.00pm - 8.15pm | Meeting No. 10/2020

Meeting location: *Jakarta Conference Room, RSPO Kuala Lumpur - Malaysia & via Zoom Link*

<p>List of Complaints Panel Member</p>	<table border="1"> <tr> <td data-bbox="373 640 906 987"> <ol style="list-style-type: none"> 1. Henry Barlow (Chair - CCP) 2. Lim Sian Choo (LSC - Co Chair) 3. Michelle Desilets (MD) 4. Matthias Diemer (MDM) 5. Marieke Leegwater (ML) 6. Lanash Thanda (LT) 7. Suzanne Hall (SH) </td> <td data-bbox="906 640 1436 987"> <ol style="list-style-type: none"> 8. Peter van der Werf (PVDW) 9. José den Toom (JDT) 10. Robert Kruger (RK) 11. Ian Hay (IH) 12. Priya Gopalan (PG) 13. Fakri Karim (FK) </td> </tr> </table>	<ol style="list-style-type: none"> 1. Henry Barlow (Chair - CCP) 2. Lim Sian Choo (LSC - Co Chair) 3. Michelle Desilets (MD) 4. Matthias Diemer (MDM) 5. Marieke Leegwater (ML) 6. Lanash Thanda (LT) 7. Suzanne Hall (SH) 	<ol style="list-style-type: none"> 8. Peter van der Werf (PVDW) 9. José den Toom (JDT) 10. Robert Kruger (RK) 11. Ian Hay (IH) 12. Priya Gopalan (PG) 13. Fakri Karim (FK)
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<p>Agenda</p>	<p><u>General Agenda:- 6.00pm to 7.00pm</u></p> <ol style="list-style-type: none"> 1. Opening Remarks by Chairperson 2. Declaration of Conflict of Interest 3. To confirm and adopt the minutes of 23 September 2020 during the CP Meeting 4. New Allegations:- <ol style="list-style-type: none"> 4.1 RSPO/2020/10/SW - PT Victorindo Alam Lestari (Permata Hijau Group) 4.2 RSPO/2020/16/LSL - Palmas y Trabajo S.A.S; Progreso Palmero S.A.S and Oleaginosas de Yuma S.A.S (Daabon Group) 4.3 RSPO/2020/17/SW - PT Nabire Baru and PT Sariwana Adi Perkasa (Goodhope Asia Holdings Ltd) 4.4 RSPO/2020/18/LSL - C.I. BIOCOSTA S.A., which includes the PALMAGRO S.A. extraction plant 4.5 RSPO/2020/19/IR - IOI Plantation Mekassar Estate (IOI Corporation Berhad) 5. Complaints Case Statistics. 6. Complaints Panel meeting Dates <ol style="list-style-type: none"> 6.1 Dates for CP monthly meetings in 2020 6.2 Dates for CP Physical Meetings 6.3 Expansion of the Complaints Panel 		

	<ul style="list-style-type: none"> 7. Collaboration with the Investigation & Monitoring Unit (IMU) <ul style="list-style-type: none"> 7.1 FELDA Global Venture - (Article by The Wall Street Journal) 7.2 PT Temila Agro Abadi - subsidiary of FGV - (Article by Chain Reaction Research) 7.3 Poligrow Colombia SAS 7.4 PT Permata Hijau Sawit Kebun Papaso (subsidiary of Permata Hijau Group) 8. Dispute Settlement Facility (DSF) 9. Research Report, "Palming Off Responsibility: Labour rights violations in the Indonesian palm oil sector by SOMO and CNV International (Pt Aneka Inti Persada - Sime Darby; and PT Murini Sam Sam – Wilmar). 10. Commitment of Financial Institutions. 11. GA Resolution - GA15-6d: Discouraging RSPO members subject to complaints from avoiding their obligations by divesting or withdrawing their membership. 12. Any Other Matters
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13. Complaints for deliberation:-

Group 1:- 7.00pm to 7.20pm

1. FELDA vs Orang Dusun Lahad Datu (Desa Begahak/Robin Balud)
2. Agropalma S.A vs José Maria Tabaranã da Costa and Aida Raimunda Maia da Costa
3. Hap Seng Plantations Holdings Bhd vs Sia Yi Chin
4. PT. Mitra Austral Sejahtera (PT. MAS) - subsidiary of Sime Darby vs Transformasi untuk Keadilan (TuK-NGO)
5. Golden Veroleum Liberia (GVL) vs. Green Advocate for the Butaw Community & Forest Peoples Programme & SDI & SESDev & A-Bloteh
6. HSA Group (Pacific Inter Link, Pacific Oils & Fats Industries Sdn Bhd, PT Pacific Indopalm Industries, PT. Pacific Medan Industri, PT. Pacific Palmindo Industri) vs Environmental Investigation Agency (EIA) & Greenpeace
7. Pacific Inter-Link (Papuan Concessions) vs Environmental Investigation Agency (EIA) & Greenpeace
8. PT. Berkat Sawit Sejati (subsidiary of Musim Mas) vs Hutan Kita Institute (HaKI)
9. Nacional Agro Industrial, S. A. (subsidiary of KH Regional Group Inc.) vs *requested for confidentiality*
10. PT Buana Wira Lestari vs *requested for confidentiality*
11. PT Wahana Prima Sejati (subsidiary of First Resources) vs *requested for confidentiality*

Group 2:- 7.20pm to 7.40pm

1. Extractora La Gloria S.A.S. vs ASOCOL & ASOCADAR
2. PT. Hati Prima Agro (PT. HPA) - subsidiary of Bumitama vs Sawit Watch
3. Golden Agri Resources (GAR) vs Forest Peoples Programme & TuK - Indonesia
4. Presco PLC Nigeria (SIAT SA) vs *requested for confidentiality*
5. PT. Perkebunan Nusantara IV (PERSERO) vs Koalisi Organisasi Serikat Pekerja dan Lembaga Swadaya Masyarakat Kabupaten Labuhan Batu, FSMI. TIPAN-RI
6. PT. Perkebunan Nusantara IV (PERSERO) vs *requested for confidentiality*
7. PT. Perkebunan Nusantara IV (PERSERO) vs Federasi Serikat Pekerja Metal Indonesia (FSPMI)
8. PT Musim Mas Holding Pte Ltd vs *requested for confidentiality*
9. Palmaceite S.A. vs *requested for confidentiality*
10. Agroaceite S.A. vs *requested for confidentiality*
11. PT Pangkatan Indonesia - subsidiary of MP.Evans Group vs KOSP-LSM FSPMI & TIPAN
12. Pabrik Kelapa Sawit Batang Kulim POM & Pabrik Kelapa Sawit Pangkalan Lesung POM (subsidiary of PT Musim Mas) vs KC FSPMI

Group 3:-7.40pm to 8.15pm

1. PT. Kartika Prima Cipta (PT. KPC) - subsidiary of Golden Agri Resources (GAR) vs Forest Peoples Programme & TuK Indonesia
2. Goodhope Asia Holdings Ltd vs RSPO Secretariat
3. IOI Pelita - subsidiary of IOI Group vs Community of Long Teran Kanan
4. Primatama Mulia Jaya vs Masyarakat Adat Luhak Saparampek Simpang Tigo
5. PT. Agro Lestari Mandiri (PT. ALM) - subsidiary of Sinarmas vs Serikat Buruh Sejahtera Indonesia Kabupaten Ketapang
6. PT. SMART Tbk - subsidiary of Golden Agri Resources (GAR) vs Masyarakat Dusun I/II/III Belongkut
7. Oleaginosas Del Peru S.A. (OLPESA) vs *requested for confidentiality*
8. PT. PHP/AMP Plantation (subsidiary of Wilmar) vs Represented by Lawyer on behalf local community
9. Golden Agri Resources (GAR) vs Forest Peoples Programme & Elk Hills Foundation
10. PT Gersindo Minang Plantation (subsidiary of Wilmar Group) vs Buyung
11. Aceites Y Derivados Sociedad Anonima (ACEYDESA) vs *requested for confidentiality*
12. Benso Oil Palm Plantation (subsidiary of Wilmar International Limited) vs Mrs. Joseph Yankey & Mr Solomon Asante-Sefa



DETAILS OF THE AGENDA:

No.	Agenda
1.	Opening Remarks from Chairperson Opening speech by CCP.
2.	Declaration of “No Conflict of Interest” No further conflict of interest declared at this time of the meeting.
3.	To confirm and adopt the minutes of 23 September 2020 during the Complaints Panel Meeting. Minutes of 23 September 2020 adopted unanimously.

4. New allegation submitted

4.1

RSPO/2020/10/SW	PT Victorindo Alam Lestari (Permata Hijau Group)
Complainant	KC FSPMI
Complaint received	17 June 2020
Location	Indonesia
Allegations	<ul style="list-style-type: none"> ● Daily casual workers are not registered to the BPJS Kesehatan (BPJS Healthcare) or BPJS Ketenagakerjaan (BPJS Employment Security); ● The Respondent does not provide a decent and good health care facilities for workers in the Company area; ● The Respondent does not ensure worker’s rights to associate as union management or members; ● Workers working in the core work are employed under a definite time employment agreement (PKWT) scheme instead of indefinite time employment agreement (PKWTT) or furnished with appointment letters without prior written indefinite time employment agreement (PKWTT); ● Daily casual workers are not provided with a written employment agreement; ● The Respondent does not fully pay overtime wages; ● Company Regulations owned by the company have not yet been approved by the local manpower office; ● The Respondent has employed some of the workers as daily casual workers for more than 3 (three) years; ● The Respondent does not ensure legal certainty for workers in the event of expiration or termination of employment relationship due to death, redundancy, pension and resignation.

Discussion from 28 October 2020 (CP Meeting):-

- 1. The Initial Diagnosis has been completed and submitted to the CP for endorsement.**

4.2

RSPO/2020/16/LSL	Palmas y Trabajo S.A.S; Progreso Palmero S.A.S and Oleaginosas de Yuma S.A.S (subsidiary of Daabon Group)
Complainant	Puerto Wilches Section Sintrainagro Deputy Director's Office
Complaint received	10.9.2020
Location	Colombia
Allegations	<ul style="list-style-type: none"> • Non-compliance with labour rights/laws; • Anti-union practices; and • Employees not provided sufficient protection equipment.

Discussion from 28 October 2020 (CP Meeting):-

1. The Complainant has requested for a one month extension of time to furnish a letter of mandate as they are in the midst of seeking a direct dialogue with the Respondent to resolve the issues raised.
2. The CP has directed the Secretariat to inform the Complainant to consider lodging the Complaint once the Complainant is ready to furnish all supporting documents and if the dialogue fails to reach an amicable resolution.

4.3

RSPO/2020/17/SW	PT Nabire Baru and PT Sariwana Adi Perkasa (subsidiary of Goodhope Asia Holdings Ltd)
Complainant	Awasmiffee, Greenpeace & FPP
Complaint received	18 September 2020
Location	Indonesia
Allegations	<ul style="list-style-type: none"> • Transparency during the process of addressing the NPP comments.

Discussion from 28 October 2020 (CP Meeting):-

1. Initial Diagnosis is in progress.

4.4

RSPO/2020/18/LSL	C.I. BIOCOSTA S.A., which includes the PALMAGRO S.A. extraction plant
Complainant	Sintraproaceites Nacional
Complaint received	5 October 2020
Location	Colombia
Allegations	<ul style="list-style-type: none"> ● Anti unionisation of workers

Discussion from 28 October 2020 (CP Meeting):-

1. The CP members have endorsed the rejection of this Complaint.
2. The Secretariat will proceed with the drafting of the Notice of Rejection.

4.5

RSPO/2020/19/IR	IOI Plantation Mekassar Estate (subsidiary of IOI Corporation Berhad)
Complainant	<i>requested for confidentiality</i>
Complaint received	5 October 2020
Location	Pahang, Malaysia
Allegations	<ul style="list-style-type: none"> ● Unilateral pay cut by the Respondent ● Poor living conditions for the labourers ● Intimidation of workers ● Forced labour ● Lack of transparent grievance system

Discussion from 28 October 2020 (CP Meeting):-

1. Initial Diagnosis is in progress.

5. Complaints Cases Statistics

Year	Total case open	Total case closed
Jan - Dec 2018	8	14

Total Cases in 2019:

	Jan-2019	Feb-2019	Mar-2019	Apr-2019
Complaints received	2	1	3	4
Status	Open (0) Closed (2)	Rejected (1)	Open (1) Rejected (1) Closed (1)	Open (2) Rejected (1) Closed (1)
Certified	-	-	-	-
Country	Indonesia (2)	Malaysia(1)	Indonesia (1) Peru (2)	Indonesia (3) Nigeria (1)
Case Category	-Occupational Hazard (1) -FPIC (1)	- FPIC (1)	-Deforestation (3) - FPIC (2)	-Occupational Hazard (1) -No Festive Holidays (3) - Infringement of copyright (1)

	May 2019	Jun 2019	July 2019	Aug 2019
Complaints received	2	3	1	1
Status	Open (1) Closed (1)	Open (2) Closed (1)	Open (0) Closed (1)	Open (0) Closed (1)
Certified	-		-	
Country	Indonesia (1) Malaysia (1)	Indonesia (1) Guatemala (1) Nigeria (1)	Indonesia (1)	Malaysia(1)

Case Category	- Wages (1) -No Festive Holidays (1) -conservation area for water (1)	-Workers unjustifiably dismissed (1) - Social Benefits (1) -Customary rights (1)	-Customary rights (1)	Terminated based on mental health discrimination (1)
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	Sept-2019	Oct-2019	Nov-2019	Dec-2019
Complaints received	0	3	0	1
Status	-	Open (1) Closed (2)	-	Rejected (1)
Certified	-	-	-	-
Country	-	Indonesia (1) Ghana (1) Nigeria (1)	-	Sierra Leone (1)
Case Category	-	Breach of Code of Conduct (1) Compensation (1) Pollution (1)	-	Others - Employment

Total Cases in 2020

	Jan-2020	Feb-2020	Mar-2020	Apr-2020
Complaints received	2	1	3	1
Status	Open (0) Rejected (1) Closed (1)	Open (1)	Open (3)	Open (1)
Certified	-	-	-	-
Country	Malaysia (1) Indonesia (1)	Indonesia (1)	Indonesia (2) Colombia (1)	Honduras (1)
Case Category	-Invasion of main access road (1) -Wage, safety (1)	- Land fires - River Pollution - Planting on Peat	- Illegal permit (1) - convicted for Bribery (1) - Water Pollution(2) - Breached CoC (1)	

	May 2020	Jun 2020	Jul 2020	Aug 2020
Complaints received	0	3	2	2
Status	-	Open (2) Rejected (1)	Open (2)	Open (2) Rejected (1)
Certified			-	-
Country	-	Indonesia (3)	Guatemala (1) Indonesia (1)	Indonesia (2)
Case Category	-	-Workers unjustifiably dismissed (1) -Social Benefits(2) -Infringement of copyright (1) - no adequate health,housing facilities (1)	- River Pollution (2) - Deforestation(1) -endangered wildlife (1) -Breach of P&C (1)	-Unfair dismissal /termination - no adequate health,housing facilities - illegal control and use of land

	Sept-2020	Oct-2020	Nov-2020	Dec-2020
Complaints received	2	2	-	-
Status	Open (2)	Open (2)	-	-
Certified	-	-	-	-
Country	Colombia (1) Indonesia (1)	Colombia (1) Malaysia (1)	-	-
Case Category	-Occupational hazard (1) - NPP (1)	-Breach of CoC -Human Rights violation -Fake pay slip	-	-

Total Active Cases by Country and Year (as of 23.10.2020)

Country	Active Cases	Year	Active Cases
Indonesia	23		
Malaysia	4	2009	0
Colombia	4	2010	1
Nigeria	1	2011	0
Singapore	0	2012	1
Peru	1	2013	0
Brazil	1	2014	1
Liberia	1	2015	4
Guatemala	2	2016	0
Ghana	0	2017	3
Sierra Leone	0	2018	8
Cayman Island	1	2019	7
Honduras	1	2020	15
TOTAL	40	TOTAL	40

6.	Complaints Panel Meeting Dates
6.1	Dates for Complaints Panel monthly meetings
	<p>Discussion from 28 October 2020 (CP Meeting):-</p> <ol style="list-style-type: none"> 1. The November 2020 CP meeting and the monthly CP meetings for the year 2021 will start at 5.00pm (MYT) until further notice.
6.2	Dates for Complaints Panel Physical Meetings in 2020
	<p>Discussion from 28 October 2020 (CP Meeting):-</p> <ol style="list-style-type: none"> 1. The CP Quarterly Meeting has been scheduled for 5.11.2020 at 3.00pm to 8.00pm (MYT).
6.3	Expansion of Complaints Panel
	<p>Discussion from 28 October 2020 (CP Meeting):-</p> <ol style="list-style-type: none"> 1. A new CP member will be joining the Panel on 25.11.2020. 2. The CP member's induction will be held on 24.11.2020.
7.	Collaboration with the Investigation & Monitoring Unit (IMU)
7.1	FELDA Global Venture - (Article by The Wall Street Journal)
	<p>Discussion from 28 October 2020 (CP Meeting):-</p> <ol style="list-style-type: none"> 1. The IMU is to revert to the Complaints Desk with the proposed audit on the final verification of FGV's unit.

<p>7.2</p>	<p>PT Temila Agro Abadi - subsidiary of FGV - (Article by Chain Reaction Research)</p> <p>Discussion from 28 October 2020 (CP Meeting):-</p> <ol style="list-style-type: none"> 1. Status quo. FGV is still conducting the soil survey which will be submitted to the Secretariat by January 2021.
<p>7.3</p>	<p>Poligrow Colombia SAS:</p> <p>Discussion from 28 October 2020 (CP Meeting):-</p> <ol style="list-style-type: none"> 1. Status quo. 2. IMU is still waiting for the initial audit report which is supposed to be due by the end of 2020.
<p>7.4</p>	<p>PT Permata Hijau Sawit Kebun Papaso (subsidiary of Permata Hijau Group)</p> <p>Discussion from 28 October 2020 (CP Meeting):-</p> <ol style="list-style-type: none"> 1. The Respondent has completed the implementation of approximately 50% of the terms of the Bilateral Agreement.
<p>8. Dispute Settlement Facility (DSF)</p>	
	<p>Discussion from 28 October 2020 (CP Meeting):-</p> <ol style="list-style-type: none"> 1. Two mediators from Indonesia have been selected as DSF mediators and the Secretariat is in the process of preparing the Service Agreement(s) for engagement.

9. Research Report, “Palming Off Responsibility: Labour rights violations in the Indonesian Palm Oil Sector, by SOMO and CNV International (PT Aneka Inti Persada - Sime Darby; and PT Murini Sam Sam - Wilmar)

13 June 2017 – SOMO/CNV International published their report on labour violations at PT Murini Sam Sam and PT Aneka Inti Persada. The report was also forwarded to RSPO.

The following violations were noted in the report:

1. PT Murini Sam Sam
 - Temporary workers and contract issues
 - Wages and overwork
 - Child labour
 - Health and safety
 - Gender equality – mainly hired as plantation maintenance workers and as such employed on a seasonal basis. Day workers are denied their 3 months of paid maternity leave.
 - Freedom of association
2. PT Aneka Inti Persada:
 - Temporary workers and contract issues
 - Wages and workload
 - Child labour
 - Health and safety
 - Gender equality
 - Freedom of association

Discussion from 28 October 2020 (CP Meeting):-

1. The Secretariat has received sufficient endorsement and has finalised the letter to be delivered to the CEO Designate for further consideration on the next course of action.
2. This matter will be removed from the agenda moving forward.

10. Commitments of Financial Institution(s)

Discussion from 28 October 2020 (CP Meeting):-

1. No further updates.

11. GA Resolution - GA15-6d - Discouraging RSPO members subject to complaints from avoiding their obligations by divesting or withdrawing their membership

Discussion from 28 October 2020 (CP Meeting):-

1. This matter is now scheduled for discussion before the BOG in Q1 2021. The Secretariat will continue to keep the CP updated and informed.

12. Any Other Matters

a) **ASC-CP MEETING**

Discussion from 28 October 2020 (CP Meeting):-

1. There will be a joint discussion by the Co-Chairs of the ASC and the Co-Chairs of the CP before the BOG during the meeting on 12.11.2020 with respect to improving the Assurance System. The joint discussion will also be facilitated by an independent lead.

COMPLAINTS FOR DELIBERATION:

GROUP 1

Complaint 1.1 FELDA vs Orang Dusun Lahad Datu (Desa Begahak/Robin Balud)	
Case Reference	PreCAP/2015/05/PR
Date Filed	16 February 2015
Respondent	FELDA (Federal Land Development Authority) (Felda Ventures Bhd)
Membership Category	Oil Palm Grower
Country	Malaysia
Complainant	Orang Dusun Lahad Datu (Desa Begahak/Robin Balud)
Nature of Complaint	<ul style="list-style-type: none"> ● According to the Enquiry National Hak Tanah Malaysia document, the state government had given 1260 acres of land to the Dusun Begahak community in 1981. At the same time, the same land was alienated to FELDA for development. ● The complainant raised the issue that FELDA has no right to develop their land and should return it to the community because the land originally belonged to the community. The complainant also stated that the cemetery area is being developed by FELDA. ● FELDA enclaved 916 acres of the said land and gave it back to the community. The community planted fruits and other crops on the land. ● A police report has been made by the community and that is the source of the complaint.
Status	(D) Investigation / deliberation
Decision / Justification	<ol style="list-style-type: none"> 1. Status quo. Pending outcome of the appeal before the Sabah Lands and Surveys Department (SLSD). 2. The Sabah Lands and Surveys Department offices are closed temporarily due to the Conditional Movement Control Order (CMCO) by the Malaysian government.

Complaint 1.2 Agropalma S.A. vs José Maria Tabaranã da Costa and Aida Raimunda Maia da Costa

Case Reference	PreCAP/2015/23/PR
Date Filed	13 August 2015
Respondent	Agropalma SA
Membership Category	Oil Palm Grower
Country	Brazil
Complainant	José Maria Tabaranã da Costa and Aida Raimunda Maia da Costa.
Complaint description	<ul style="list-style-type: none"> • Agropalma has acquired land and planted oil palm in violation of the RSPO Principles and Criteria.
Status	(D) Investigation / deliberation
Decision / Justification	<ol style="list-style-type: none"> 1. The Respondent has furnished the documents as requested by the Secretariat. 2. The Secretariat will review the documents and proceed with the Briefing Note.

Complaint 1.3 Hap Seng Plantations Holdings Bhd vs Sia Yi Chin

Case Reference	PreCAP/2015/36/PR
Date Filed	24 November 2015
Respondent	Hap Seng Plantations Holdings Bhd
Membership Category	Oil Palm Grower
Country	Malaysia
Complainant	Sia Yi Chin of Lahad Datu, Sabah
Complaint description	<ul style="list-style-type: none"> • The complainant is claiming that Hap Seng Plantations Bhd is illegally occupying his property (River Estates) of 6,454 acres in Lahad Datu, Sabah. • He says that he is the beneficial owner of the said land and the land office in Kota Kinabalu has confirmed that the said land is still in his name as beneficial owner. • He has filed a civil suit against Hap Seng; originating summons: BKI-24-127/5 of 2012 filed on 30.07.2015.
Status	(D) Investigation / deliberation
Decision / Justification	<ol style="list-style-type: none"> 1. Case adjourned. Pending outcome of the Court process. 2. The next hearing dates are scheduled for the 27th and 28th of October 2020.

Complaint 1.4 PT. Mitra Austral Sejahtera (Sime Darby) vs NGO TuK	
Case Reference	PreCAP/2012/06/PR
Date Filed	31 October 2012 (Under DSF) 9 June 2017 (Transferred to the CP)
Respondent	PT Mitra Austral Sejahtera (Sime Darby subsidiary)
Membership Category	Oil Palm Grower
Country	Indonesia
Complainant	Transformasi untuk Keadilan (TuK)
Complaint description	<ul style="list-style-type: none"> ● The communities of Sanggau have alleged that the company PT Mitra Austral Sejahtera is operating without : <ol style="list-style-type: none"> 1. Lack of Transparency on land status and partnership agreements; 2. Lack of compliance to our customary land rights; 3. The absence of (documented) compensation; 4. Lack of compliance to local regulations; ● In acting so they are alleged to have breached RSPO Principles and Criteria specifically on: <ol style="list-style-type: none"> 1. Principle 1 on Transparency, 2. Principle 2 on Compliance with applicable laws and Principle 6 Responsible consideration of employees and individuals and communities affected by growers and mills.
Status	(D) Investigation / deliberation
Decision / Justification	1. The draft letter of response to the Complainant is still being finalised.

Complaint 1.5 Golden Veroleum Liberia (GVL) vs. Green Advocate for the Butaw Community; FPP; SDI; SESDev; A-Bloteh	
Case Reference	PreCAP/2012/09/PR
Date Filed	3 October 2012
Respondent	Golden Veroleum Liberia (GVL)
Membership Category	Oil Palm Grower
Country	Liberia
Complainant	Green Advocate for the Butaw Community; FPP; SDI; SESDev; A-Bloteh
Complaint description	<p>Golden Veroleum Liberia:</p> <ul style="list-style-type: none"> • has not provided public notification for a 30 day period consistent with the New Planting Procedures; • commencing land preparation new planting and infrastructure development prior to the expiry of the minimum 30-day period; • 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 & 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; • Clearing land without the free, prior and informed consent of the customary land owners as represented through representative organizations of their choice (P&C 2.2, 2.3, 7.5 and 7.6).
Status	(D) Investigation / deliberation
Decision / Justification	<p><u>Tarjuowon Area:-</u></p> <ol style="list-style-type: none"> 1. The CP's directive has been conveyed to the independent facilitator for the Tarjuowon area. The independent facilitator will reconvene the meeting with the parties to proceed with the directives of clan mapping. The independent facilitator has also conveyed the CP's directive to the traditional Chiefs. <p><u>Other areas</u></p> <ol style="list-style-type: none"> 1. The Secretariat has received the expressions of interest from one candidate as independent facilitator and is awaiting a response from another who is keen. 2. Upon receiving both the expression of interest, the Secretariat will be submitting the same to the parties for their mutual selection.

Complaint 1.6 HSA Group (Pacific Inter-Link, Pacific Oils & Fats Industries Sdn Bhd, PT. Pacific Indopalm Industries, PT. Pacific Medan Industri, PT. Pacific Palmindo Industri) vs Environmental Investigation Agency (EIA) & Greenpeace	
Case Reference	RSPO/2018/18/RB
Date Filed	15 October 2018
Respondent	HSA Group (Pacific Inter-Link, Pacific Oils & Fats Industries Sdn Bhd, PT. Pacific Indopalm Industries, PT. Pacific Medan Industri, PT. Pacific Palmindo Industri)
Membership Category	Oil Palm Grower
Country	Cayman Island
Complainant	Environmental Investigation Agency (EIA) & Greenpeace
Complaint description	<ul style="list-style-type: none"> Breach of Code of Conduct - violation of the RSPO Group Membership rules. All the companies (stated above) are alleged to be part of the Hayel Saeed Anam (HSA) Group, but still registered as separate RSPO members.
Status	(F) Decision Delivered
Decision / Justification	<ol style="list-style-type: none"> Decision has been delivered. Pending expiry of the appeal period.

Complaint 1.7 Pacific Inter-Link (Papuan Concessions) vs Environmental Investigation Agency (EIA) & Greenpeace

Case Reference	RSPO/2018/19/RB
Date Filed	15 October 2018
Respondent	Pacific Inter-Link (Papuan Concessions)
Membership Category	Oil Palm Grower
Country	Indonesia
Complainant	Environmental Investigation Agency (EIA) & Greenpeace
Complaint description	<ul style="list-style-type: none"> • 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.
Status	(D) Investigation / deliberation
Decision / Justification	<ol style="list-style-type: none"> 1. Pending a response from the Respondent on the letter of undertaking for confidentiality furnished by the Complainant(s).

Complaint 1.8 PT Berkat Sawit Sejati (subsidiary of Musim Mas) vs Hutan Kita Institute (HaKI)	
Case Reference	RSPO/2019/04/IR
Date Filed	12 March 2019
Respondent	PT Berkat Sawit Sejati (subsidiary of Musim Mas)
Membership Category	Oil Palm Grower
Country	Indonesia
Complainant	Hutan Kita Institute (HaKI)(Indonesia)
Complaint description	<ul style="list-style-type: none"> indicated using the area of Dangku Wildlife Reserve (SM) approximately 2,600 Ha and production forest area (HP) of approximately 3,200 Ha.
Status	(F) Decision Delivered
Decision / Justification	<ol style="list-style-type: none"> Decision has been delivered. Pending the expiry of the appeal period.

Complaint 1.9 Nacional Agro Industrial, S.A. (subsidiary of KH Regional Group Inc.) vs requested for confidentiality

Case Reference	RSPO/2019/14/PR
Date Filed	8 June 2019
Respondent	Nacional Agro Industrial, S. A. (subsidiary of KH Regional Group Inc.)
Membership Category	Oil Palm Grower
Country	Guatemala
Complainant	<i>requested for confidentiality</i>
Complaint description	<ul style="list-style-type: none"> • Unjustifiably dismissed 50 workers. • Naisa violates the code of ethical conduct through their contractor companies, 1) Hidrogen y oxigeno,SA. (2) Labores y Servicios, SA, (3) Servicios Agrícolas del Peten, SA.
Status	(H) Appeals Submitted
Decision / Justification	<ol style="list-style-type: none"> 1. The Appeals Panel has been officially constituted. 2. The Appeals Panel will have its 1st meeting on 02.11.2020.

Complaint 1.10 PT Buana Wira Lestari vs <i>requested for confidentiality</i>	
Case Reference	RSPO/2019/21/SW
Date Filed	29 October 2019
Respondent	PT Buana Wira Lestari
Membership Category	Oil Palm Grower
Country	Indonesia
Complainant	<i>requested for confidentiality</i>
Complaint description	<ul style="list-style-type: none"> ● The Respondent planted oil palm trees outside the HGU and planted oil palm trees at the edge of the river which resulted in damage to the watershed. ● The Respondent is polluting the river water and also the surrounding community settlement caused by the liquid waste from the palm oil mills. ● The Respondent never watered the road traversed by its FFB and CPO transport trucks which affected the health of the community of two villages due to dust pollution. ● The Respondent mill's chimney emits black smoke and causes air pollution. ● The Respondent did not provide proper social assistance to the local community.
Status	(D) Investigation / deliberation
Decision / Justification	1. The Briefing Note is still being finalised.

Complaint 1.11 PT Wahana Prima Sejati (subsidiary of First Resources Limited) vs requested for confidentiality	
Case Reference	RSPO/2020/12/DPM
Date Filed	14 July 2020
Respondent	PT Wahana Prima Sejati (subsidiary of First Resources Limited)
Membership Category	Oil Palm Grower
Country	Indonesia
Complainant	<i>requested for confidentiality</i>
Complaint description	<ul style="list-style-type: none"> • Deforestation and land clearing including in the High Conservation Value Forest within the Respondent’s concession for construction; • Development of road cutting across one of the major wildlife corridors connecting two river systems – Berenga and Tempadung Rivers; and • Development of a jetty, which includes reclamation of the sea floor as long as 590 meters
Status	(D) Investigation / deliberation
Decision / Justification	<ol style="list-style-type: none"> 1. The Complainant and the Respondent have expressed their interest to enter mediation through DSF.

GROUP 2

Complaint 2.1 Extractora de La Gloria SAS vs ASOCOL, ASOCADAR	
Case Reference	PreCAP/2015/35/PR
Date Filed	19 November 2015
Respondent	Extractora de la Gloria SAS
Membership Category	Oil Palm Grower
Country	Colombia
Complainant	Fredy Antonio Corrales, representative of the Colombian Association for Displaced Peoples’ Prospects (ASOCOL), Adelfo Segundo Rodríguez, representative of the Association of Returning Displaced Farmers (ASOCADAR), Senator Iván Cepeda, Senator Alberto Castilla, and Representative Alirio Uribe
Complaint description	<p>Extractora La Gloria SAS, in planting palm oil in the former Hacienda Bellacruz-today Hacienda La Gloria- occupies 9,000 hectares in the municipalities of La Gloria, Pelaya and Tamalameque, in southern Cesar Department without following RSPO rules. It does not comply with the following RSPO principles:</p> <ul style="list-style-type: none"> ● Principle 1.1. Given that it does not provide clear and sufficient information regarding the Business Group. ● Principle 2.1. The Business Group has not declared itself to Colombian authorities and the crops were planted without an Environmental Management Plan for the Forest Reserve, which goes against national business and environmental regulations. ● Principle 2.2. Property ownership claims in the areas where Extractora La Gloria grows the majority of its crops have been called into question at national and international judicial bodies. Farming communities have demanded the formalization of their customary land rights, which were violently denied by paramilitary groups. ● Principle 2.3. Business operations have not recognized the rights of farmers who are also displacement victims, in contravention of businesses’ duty to guarantee free, prior and informed consent regarding land use. ● Principle 4.4. While installing and processing palm crops, Extractora La Gloria affected the Caño Alonso Forest Reserve Buffer Zone and the Singararé, El Carmen and Simaña streams. ● Principle 5.2. The company has not avoided damaging the Caño Alonso Forest Reserve Buffer Zone, a specially protected habitat such as installing palm crops over the Reserve’s environmental buffer zone. ● Principle 6.4. The company has neglected the claimants, despite the fact that they have been the most affected by its business activities. The company has also refused to create negotiation platforms. ● Principle 6.13. The company has benefited from grave human rights violations of vulnerable farmers, who were also forcefully displaced by illegal armed actors. The company has not publicly rejected the threats and intimidations against the claimants. It even requested that the

	Constitutional Court lift the cautionary measures protecting the victims.
Status	(D) Investigation / deliberation
Decision / Justification	1. The Briefing Note is in progress.

Complaint 2.2 PT. Hati Prima Agro (PT.HPA - Bumitama) vs Sawit Watch	
Case Reference	RSPO/2017/06/SW
Date Filed	13 October 2017
Respondent	PT Hati Prima Agro (subsidiary of Bumitama)
Membership Category	Oil Palm Grower
Country	Indonesia
Complainant	Sawit Watch
Complaint description	<ul style="list-style-type: none"> • A complaint was initially lodged in 2012 on allegations related to land matters. It was dismissed in April 2015 when Bumitama said that they were planning to divest the property and no longer had management control. However, in this request for reopening of the complaint, the complainant (Sawit Watch, EIA, and Greenpeace) has made allegations that although Bumitama claimed to have divested the property they continued to have management control. Further, in July 2016 Bumitama had repurchased the concession unit. • Thus, the request for reopening is on the basis that Bumitama allegedly made deceptive claims before the Complaints Panel. The Complainants further claim that Bumitama had not submitted NPP despite the land clearance.
Status	(D) Investigation / deliberation
Decision / Justification	1. The Chronology of the Complaint is being finalised.



Complaint 2.3 Golden Agri Resources vs Forest Peoples Programme (FPP) & TuK	
Case Reference	RSPO/2018/14/IR
Date Filed	22 August 2018
Respondent	Golden Agri Resources
Membership Category	Oil Palm Grower
Country	Indonesia
Complainant	Forest Peoples Programme (FPP) and Tuk- Indonesia
Complaint description	<ul style="list-style-type: none"> • GAR’s shadow companies are actively clearing lands.
Status	(D) Investigation / deliberation
Decision / Justification	<ol style="list-style-type: none"> 1. The Secretariat is still engaging with the consultants.

Complaint 2.4 Presco PLC Nigeria (SIAT SA) vs *requested for confidentiality*

Case Reference	RSPO/2018/17/PR
Date Filed	17 September 2018
Respondent	Presco PLC Nigeria (SIAT SA)
Membership Category	Oil Palm Grower
Country	Nigeria
Complainant	<i>requested for confidentiality</i>
Complaint description	<ul style="list-style-type: none"> For the past five years, PRESCO, in conjunction with the Edo State Government, through its Ministry of Agriculture and Natural Resources; the Police in Benin City, Edo State; and the Nigeria Army's 4th Brigade (also located in Benin City, Edo State), has been forcefully encroaching into ancestral and customarily owned indigenous farm lands, including Oruarivie-Abraka ancestral farm lands, situated in Delta State (a neighbouring State to Edo State, where PRESCO's Head Office is located), and forcefully evicting local farmers from these ancestral and customarily owned indigenous farm lands measuring approximately three thousand hectares (well beyond the Edo State boundaries), and forcefully and illegally grabbing same for its palm oil plantation expansionist activities.
Status	(D) Investigation / deliberation
Decision / Justification	<ol style="list-style-type: none"> The Secretariat received an update from the Respondent stating that all information has been furnished to the mediator for harmonization and preparation of the final agreement. Pending further updates from the Respondent.

Complaint 2.5 PT Perkebunan Nusantara IV (PERSERO) vs Koalisi Organisasi Serikat Pekerja dan Lembaga Swadaya Masyarakat Kabupaten Labuhan Batu, FSMI. TIPAN-RIPT

Case Reference	RSPO/2019/07/IR
Date Filed	10 April 2019
Respondent	PT Perkebunan Nusantara IV (PERSERO)
Membership Category	Oil Palm Grower
Country	North Sumatera, Indonesia
Complainant	Koalisi Organisasi Serikat Pekerja dan Lembaga Swadaya Masyarakat Kabupaten Labuhan Batu, FSMI. TIPAN-RI
Complaint description	<ul style="list-style-type: none"> ● Lack of adequate health and safety equipment; ● Worker died due to lack of safety equipment; and ● No festive holidays for temporary workers.
Status	(D) Investigation/Deliberation
Decision / Justification	<ol style="list-style-type: none"> 1. The Briefing Note has been endorsed. 2. The Secretariat is to proceed with a consolidated investigation of the allegations raised.

Complaint 2.6 PT Perkebunan Nusantara IV (PERSERO) vs requested for confidentiality	
Case Reference	RSPO/2019/11/IR
Date Filed	23 April 2019
Respondent	PT Perkebunan Nusantara IV (PERSERO)
Membership Category	Oil Palm Grower
Country	North Sumatera, Indonesia
Complainant	<i>requested for confidentiality</i>
Complaint description	<ul style="list-style-type: none"> • Temporary workers contract and wages issues; • Intimidation of workers
Status	(D) Investigation/Deliberation
Decision / Justification	<ol style="list-style-type: none"> 1. The Briefing Note has been endorsed. 2. The Secretariat is to proceed with a consolidated investigation of the allegations raised.

Complaint 2.7 PT Perkebunan Nusantara IV (PERSERO) vs Federasi Serikat Pekerja Metal Indonesia (FSPMI)	
Case Reference	RSPO/2019/12/IR
Date Filed	6 May 2019
Respondent	PT Perkebunan Nusantara IV (PERSERO)
Membership Category	Oil Palm Grower
Country	North Sumatra, Indonesia
Complainant	Federasi Serikat Pekerja Metal Indonesia (FSPMI)
Complaint description	<ul style="list-style-type: none"> • Alleged fraud of wages for 7 workers, • No festive holidays and bonus for temporary workers
Status	(D) Investigation/Deliberation
Decision / Justification	<ol style="list-style-type: none"> 1. The Briefing Note has been endorsed. 2. The Secretariat is to proceed with a consolidated investigation of the allegations raised.

Complaint 2.8 PT Musim Mas Holdings Pte Ltd vs requested for confidentiality	
Case Reference	RSPO/2020/03/DPM
Date Filed	11 February 2020
Respondent	PT Musim Mas Holding Pte Ltd
Membership Category	Oil Palm Grower
Country	Indonesia
Complainant	<i>requested for confidentiality</i>
Complaint description	<ul style="list-style-type: none"> • Land fires occurred in the conservation area within the PT MusimMas HGU covering an area of 12 hectares; • Damaging the river by damming the river flow; • Community owned plantation and public cemetery are not enclaved; • Planting on peatland and in protected areas of river banks.
Status	(D) Investigation / deliberation
Decision / Justification	<ol style="list-style-type: none"> 1. Pending the completion of the CB's audit as the Respondent's concession is currently closed for external visitors until further notice due to the ongoing pandemic.

Complaint 2.9 Palmaceite S.A vs requested for confidentiality	
Case Reference	RSPO/2020/05/HN
Date Filed	24 March 2020
Respondent	Palmaceite S.A.
Membership Category	Oil Palm Grower
Country	Colombia
Complainant	<i>requested for confidentiality</i>
Complaint description	<ul style="list-style-type: none"> The Respondent has allegedly failed to fulfill the agreement with the Complainant to implement and monitor the operations of the Complainant's plantation which led to the collapse of the production within the plantation.
Status	(D) Investigation / deliberation
Decision / Justification	<ol style="list-style-type: none"> The CB has submitted the special audit report to the Secretariat and the same has been furnished to both parties of the Complaint. Both parties have provided their comments on the special audit findings and the same have been furnished to the CB. Pending response from the CB to the comments made by parties.

2.10 Agroceite S.A. vs requested for confidentiality	
Case Reference	RSPO/2020/11/HN
Date Filed	6 July 2020
Respondent	Agroceite, S.A.
Membership Category	Oil Palm Grower
Country	Guatemala
Complainant	<i>requested for confidentiality</i>
Complaint Description	<ul style="list-style-type: none"> • The Complainant alleges that the Respondent has destroyed the biodiversity of the Manchón Guamuchal nature reserve, a coastal-marine wetland, located along the Pacific coast of Guatemala in the San Marcos and Retalhuleu department; • The Respondent allegedly discharged immense quantities of toxic chemicals and hazardous waste which affected the local marine species, the mangrove's ecosystem and the local community.
Status	(D) Investigation/Deliberation
Decision / Justification	<ol style="list-style-type: none"> 1. The Respondent has submitted their response to the allegations and the same has been furnished to the Complainant. 2. The CB has submitted the special audit report to the Secretariat and the same has been furnished to both parties to the Complaint. 3. The Complainant has furnished comments on the special audit report and the same has been forwarded to the CB. Pending response from the CB.

2.11 PT Pangkatan Indonesia subsidiary of MP. Evans Group vs KOSP-LSM FSPMI dan TIPAN	
Case Reference	RSPO/2020/08/DPM
Date Filed	4 June 2020
Respondent	PT Pangkatan Indonesia - subsidiary of MP. Evans Group
Membership Category	Oil Palm Grower
Country	Indonesia
Complainant	KOSP-LSM FSPMI dan TIPAN
Complaint Description	<ul style="list-style-type: none"> ● Termination of employment without severance and other related compensation; ● No written employment agreement for daily casual workers; ● No National Healthcare Insurance (BPJS Kesehatan) and Employee Social Security (BPJS Ketenagakerjaan) for daily casual workers; ● No bonus and extra benefits/rice allowance as stipulated in the CBA for daily casual workers; ● No payslip for daily casual workers; ● Insufficient Religious Festive Allowance for daily casual workers; ● No PPE provided.
Status	(D) Investigation/Deliberation
Decision / Justification	<ol style="list-style-type: none"> 1. A warning letter has been sent to the Complainant on 27.10.2020 for failure to respond to the Secretariat's numerous reminders for further information. 2. The Respondent has been informed of the events which have transpired.

2.12 Pabrik Kelapa Sawit Batang Kulim POM & Pabrik Kelapa Sawit Pangkalan Lesung POM (subsidiary of PT Musim Mas) vs KC FSPMI - Indonesia

Case Reference	RSPO/2020/13/DPM
Date Filed	5 August 2020
Respondent	Pabrik Kelapa Sawit Batang Kulim POM & Pabrik Kelapa Sawit Pangkalan Lesung POM (subsidiary of PT. Musim Mas)
Membership Category	Oil Palm Grower
Country	Indonesia
Complainant	KC FSPMI
Complaint Description	<ul style="list-style-type: none"> ● Unauthorised Company Regulations; ● Flat rate overtime premium; ● Copy of the Collective Bargaining Agreement is not furnished to the workers; ● Workers working night shift is not provided with extra food; ● Inadequate and unsanitary worker’s housing; ● Daily casual workers are not provided with a written employment agreement; ● Daily casual workers are not provided with Employment security (BPJS Ketenagakerjaan) cards; ● Complicated healthcare insurance (BPJS Kesehatan) and paid sick day processes; ● Unfair dismissal/termination for unjustified reason such as participating in union activities; ● Limitation of worker’s right to organize outside the established independent/non-affiliated trade union.
Status	(D) Investigation/Deliberation
Decision / Justification	<p>1. The Secretariat has received a formal response from the parties with some supporting documents and the same has been shared with both parties for their comments.</p>

GROUP 3

Complaint 3.1 PT. Kartika Prima Cipta (GAR) vs Forest Peoples Programme & TuK	
Case Reference	PreCAP/2014/03/IR
Date Filed	13 October 2014
Respondent	PT. Kartika Prima Cipta (PT.KPC) - Golden Agri Resources (GAR)
Membership Category	Oil Palm Grower
Country	Indonesia – Kapuas Hulu, West Kalimantan
Complainant	Forest Peoples Programme (FPP) and (Transformasi untuk Keadilan) TuK Indonesia
Complaint description	<p><u>Points raised:-</u></p> <ul style="list-style-type: none"> ● PT KPC is in persistent violation of the RSPO P&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. ● Land takeover was done without land tenure study and participatory mapping. ● Late HCV assessment which was done by IPB, final consultation was in May 2014. ● Dissatisfaction by smallholders and resentment because of reduced post facto set aside for HCV rather than getting plasma scheme (20%). ● Set aside land as HCS area that made no provision for customary land uses and tenure and local people livelihood. ● 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. ● 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&C.
Status	(D) Investigation / deliberation
Decision / Justification	<p>1. The Secretariat is preparing the Briefing Note for phase 1 and also preparing the details and the data that are required for discussions in phase 2.</p>

Complaint 3.2 Goodhope Asia Holdings vs RSPO Secretariat	
Case Reference	PreCAP/2017/06/SW
Date Filed	19 April 2017
Respondent	Goodhope Asia Holdings
Membership Category	Oil Palm Grower
Country	Indonesia
Complainant	RSPO Secretariat (Following Joint Comment by FPP, Greenpeace, EIA and PUSAKA on the NPP Posting of PT Nabire Baru / Goodhope)
Complaint description	<ul style="list-style-type: none"> Note: FPP and the other NGOs also sent a complaint to the BoG on the fact that Goodhope had insisted that their NPP be posted for public consultation despite the Secretariat’s finding that the HCV Assessment was not satisfactory. They had also questioned the role of the Secretariat in acting in accordance to GA 12 Resolution 6(H).
Status	(D) Investigation / deliberation
Decision / Justification	<ol style="list-style-type: none"> The Respondent submitted a revised clarification and supporting documents adjusting the calculations to align with the results of final LUCA reports.

Complaint 3.3 IOI Pelita (IOI Group) vs Community of Long Teran Kanan	
Case Reference	PreCAP/2010/01/PR
Date Filed	15 March 2010 Transferred back from DSF to Complaints Panel on 17 January 2017
Respondent	IOI Pelita (IOI Group)
Membership Category	Oil Palm Grower
Country	Sarawak, Malaysia
Complainant	Community of Long Teran Kanan
Complaint description	<ul style="list-style-type: none"> • Infringement of P&C No.2.2 – the right to land use disputed.
Status	(D) Investigation / deliberation
Decision / Justification	1. Phase 2 of Resolution Plan ongoing.

Complaint 3.4 PT. Primatama Mulia Jaya v Masyarakat Adat Luhak	
Case Reference	RSPO/2018/12/SW
Date Filed	12 July 2018
Respondent	PT Primatama Mulia Jaya (subsidiary of Wilmar International)
Membership Category	Oil Palm Grower
Country	Indonesia
Complainant	Masyarakat Adat Luhak Saparampek Simpang Tigo
Complaint description	<ul style="list-style-type: none"> The issuance of Right of Utilization of the Respondent issued without prior information to the Complainant
Status	(D) Investigation / deliberation
Decision / Justification	<ol style="list-style-type: none"> The Briefing Note is still being finalised.

Complaint 3.5 PT. Agro Lestari Mandiri (Sinar Mas) vs Serikat Buruh Sejahtera Indonesia Kabupaten Ketapang

Case Reference	RSPO/2018/15/SW
Date Filed	30 August 2018
Respondent	PT Agro Lestari Mandiri (a subsidiary of Golden Agri-Resources Ltd)
Membership Category	Oil Palm Grower
Country	Indonesia
Complainant	Serikat Buruh Sejahtera Indonesia Kabupaten Ketapang
Complaint description	<ul style="list-style-type: none"> Respondent allegedly terminated workers in violation of the Indonesian Employment Law.
Status	(F) Decision Delivered
Decision / Justification	<ol style="list-style-type: none"> Decision has been delivered. Pending expiry of the appeal period.

Complaint 3.6 PT Smart Tbk - subsidiary of Golden Agri Resources (GAR) vs Masyarakat Dusun I/II/III Belongkut	
Case Reference	RSPO/2018/22/SW
Date Filed	18 October 2018
Respondent	PT Smart Tbk - subsidiary of Golden Agri Resources
Membership Category	Oil Palm Grower
Country	Indonesia
Complainant	Masyarakat Dusun I/II/III Belongkut
Complaint description	<ul style="list-style-type: none"> • The termination of employment by PT Smart Tbk Kebun Adi Pati without severance payment. • PT Smart Tbk Kebun Adi Pati never conducted Corporate Social Responsibility (CSR) on the matter(s) regarding the environment.
Status	(F) Decision Delivered
Decision / Justification	<ol style="list-style-type: none"> 1. Decision has been delivered. 2. Pending expiry of appeal period.

Complaint 3.7 Oleaginosas Del Peru S.A (OLPESA) vs requested for confidentiality	
Case Reference	RSPO/2019/05/PR
Date Filed	22 March 2019
Respondent	Oleaginosas Del Peru S.A. (OLPESA)
Membership Category	Oil Palm Grower
Country	Peru
Complainant	<i>requested for confidentiality</i>
Complaint description	<ul style="list-style-type: none"> ● Sourcing FFB from unsustainable origin. ● Failure to conduct SIA.
Status	(D) Investigation / deliberation
Decision / Justification	1. The Secretariat will be proceeding with the Briefing Note.

Complaint 3.8 PT. PHP/AMP Plantation (subsidiary of Wilmar) vs Represented by Lawyer on behalf of Local Community	
Case Reference	RSPO/2018/07/SW
Date Filed	20 August 2018
Respondent	PT. PHP/AMP Plantation (subsidiary of Wilmar)
Membership Category	Oil Palm Grower
Country	Indonesia
Complainant	Represented by Lawyer on behalf of local community
Complaint description	<ul style="list-style-type: none"> • Dispute regarding plasma cooperation with local community
Status	(F) Decision Delivered
Decision / Justification	<ol style="list-style-type: none"> 1. Decision has been delivered. 2. Pending expiry of the appeal period.

Complaint 3.9 Golden Agri Resources (GAR) vs Forest Peoples Programme & Elk Hills Foundation	
Case Reference	RSPO/2020/04/IR
Date Filed	2 March 2020
Respondent	Golden Agri Resource (GAR)
Membership Category	Oil Palm Grower
Country	Indonesia
Complainant	Forest Peoples Programme & Elk Hills Foundation
Complaint description	<ul style="list-style-type: none"> • The Respondent, through its subsidiaries located in Central Kalimantan, operate its plantations with permits which never had the force of law; • The Respondent, through its employees have been involved in the payment of bribes to provincial officials in Central Kalimantan.
Status	(D) Investigation / deliberation
Decision / Justification	<ol style="list-style-type: none"> 1. The Secretariat is waiting for a response from the Respondent on the issues pertaining land clearing and the final remark from the GIS team.

Complaint 3.10 PT Gersindo Minang Plantation (subsidiary of Wilmar Group) vs Buyung

Case Reference	RSPO/2020/06/DPM
Date Filed	30 March 2020
Respondent	PT Gersindo Minang Plantation subsidiary of Wilmar Group
Membership Category	Oil Palm Grower
Country	Indonesia
Complainant	Buyung
Complaint description	<ul style="list-style-type: none"> • Untreated liquid waste or palm oil mill effluent (POME) is directly discharged to a river stream.
Status	(F) Decision Delivered
Decision / Justification	<ol style="list-style-type: none"> 1. Decision has been delivered. 2. Pending the expiry of the appeal period.

Complaint 3.11 Aceites Y Derivados Sociedad Anonima (ACEYDESA) vs requested for confidentiality	
Case Reference	RSPO/2020/07/LSL
Date Filed	6 April 2020
Respondent	Aceites Y Derivados Sociedad Anonima (ACEYDESA)
Membership Category	Oil Palm Grower
Country	Honduras
Complainant	<i>requested for confidentiality</i>
Complaint description	<ul style="list-style-type: none"> ● Modification of property deeds to remove areas identified by the government as environmental protection zone; ● Employees not paid minimum wage; not provided with equipment; and not given workers' benefits; ● Non-compliance with labour laws; ● Threatening of workers to suppress information from auditors; ● Bribing workers and government agencies; ● Manipulation of scale systems; Falsification of data; ● Operating without an environmental license.
Status	(D) Investigation / deliberation
Decision / Justification	<ol style="list-style-type: none"> 1. The CP has made a directive that the comments submitted by the Complainant with regard to formal response by the Respondent will not be furnished to the Respondent as it risks exposing the identity of the Complainant. 2. The comments however, will be furnished to the CB so that the special audit could be conducted accordingly, provided that the identity of the Complainant be held with the highest degree of confidentiality.

Complaint 3.12 Benso Oil Palm Plantations (subsidiary of Wilmar International Limited) vs Mrs Joseph Yankey & Mr Solomon Asante-Sefa

Case Reference	RSPO/2020/15/LSL
Date Filed	25 August 2020
Respondent	Benso Oil Palm Plantation (subsidiary of Wilmar International Limited)
Membership Category	Oil Palm Grower
Country	Ghana
Complainant	Mrs. Joseph Yankey & Mr Solomon Asante-Sefa
Complaint description	<ul style="list-style-type: none"> ● The Respondent has acquired land to develop oil palm in Ghana; ● The Respondent has destroyed farmers’ rubber plantation; ● The Respondent is not willing to pay for the damages caused to the rubber farmers; ● The Respondent is still cutting down rubber farms to plant oil palm; ● The remaining uncultivated lands have been taken over for the Respondent’s project; ● The Respondent has shown no interest in resolving these issues despite several Complaints made to the Respondent by the Complainants.
Status	(D) Investigation / deliberation
Decision / Justification	<ol style="list-style-type: none"> 1. The CP members have endorsed the formal acceptance of this Complaint and both parties have been informed of the same. Pending a formal response from the Respondent. 2. The Complainants have expressed their wish to activate DSF Mediation. The same has been conveyed to the Respondent for their consideration. Pending a response from the Respondent.