

COMPLAINTS PANEL MINUTES OF MEETING

for Website

Date: 25 October 2023 @ 5.00pm - 8.00pm (Meeting No.10/2023)

Meeting location: [via Zoom Link](#)

<p>List of Complaints Panel Members</p>	<table border="1"> <tr> <td data-bbox="376 483 906 748"> <ol style="list-style-type: none"> 1. Henry Barlow (Chair - CCP) 2. Lim Sian Choo (Co Chair) 3. Michelle Desilets 4. Marieke Leegwater 5. Lanash Thanda 6. Robert Kruger </td> <td data-bbox="912 483 1441 748"> <ol style="list-style-type: none"> 7. Nunik Maharani 8. Florentine van den Eerenbeemt 9. Laszlo Mathe 10. Priya Gopalan 11. Carl Dagenhart 12. Kartika Dewi </td> </tr> </table>	<ol style="list-style-type: none"> 1. Henry Barlow (Chair - CCP) 2. Lim Sian Choo (Co Chair) 3. Michelle Desilets 4. Marieke Leegwater 5. Lanash Thanda 6. Robert Kruger 	<ol style="list-style-type: none"> 7. Nunik Maharani 8. Florentine van den Eerenbeemt 9. Laszlo Mathe 10. Priya Gopalan 11. Carl Dagenhart 12. Kartika Dewi
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<p>Agenda</p>	<p style="text-align: center;"><u>General Agenda:- 5.00pm to 6.25pm</u></p> <ol style="list-style-type: none"> 1. Opening Remarks by Chairperson 2. RSPO Antitrust Guidelines 3. Declaration of Conflict of Interest 4. To confirm and adopt the minutes of 26 September 2023 during the CP Meeting 5. New Allegations 6. Complaints Case Statistics 7. Complaints Panel meeting Dates <ol style="list-style-type: none"> 7.1 Dates for CP monthly Meetings 7.2 Dates for CP Physical Meetings 7.3 Expansion of the Complaints Panel 8. Post Complaints Monitoring 9. Dispute Settlement Facility (DSF) 10. Commitment of Financial Institutions. 11. 1st Internal Voluntary Review of the Complaints and Appeals Procedures 12. ASC-CP Meeting 13. Complaints for deliberation:- 		

Group 1:- 6.25pm to 7.10pm

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. Reforestadora de Palmas del Peten S.A. (a subsidiary of SEAHOLM CORP) vs *requested for confidentiality*
6. PT Barumon Agro Sentosa vs Federasi Logam Mesin Industri Elektrik dan Elektronik -(F LOMENIK)
7. PT. Sari Dumai Sejati (a subsidiary of AAA Oils and Fats Pte Ltd (APICAL Group) vs Mr. Hidayat Rasyid

Group 2:- 7.10pm to 7.20pm

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. PT. Perkebunan Nusantara V (PERSERO) vs *requested for confidentiality*
7. PT. Bumitama Gunajaya Agro (subsidiary of Bumitama Agri Ltd) vs *requested for confidentiality*

Group 3:- 7.20pm to 8.00pm

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. First Resources Limited vs *requested for confidentiality*
5. PT Inecda (a subsidiary of S&G Biofuel Pte. Ltd) vs *requested for confidentiality*
6. Grasas Y Derivados S.A. Gradesa S.A vs *requested for confidentiality*
7. Energy & Palma S.A. (a subsidiary of HOLDING LA FABRIL S.A) vs *requested for confidentiality*
8. PT. Bumi Pratama Khatulistiwa (subsidiary of Wilmar International Limited) vs *requested for confidentiality*
9. 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 Co-Chair.
2.	RSPO Antitrust Guidelines RSPO Antitrust Guidelines were read to the Complaints Panel.
3.	Declaration of “No Conflict of Interest” No further Conflict of Interest declared at this time of the meeting.
4.	To confirm and adopt the minutes of 26 September 2023 during the Complaints Panel Meeting. Minutes of 26 September 2023 adopted unanimously.

5. New allegation submitted

5.1

RSPO/2023/13/MAM	E.A.C. NAPOLEÓN RIVERA (a subsidiary of HONDUPALMA)
Complainant	Requested for confidentiality
Complaint received	13 September 2023
Location	Honduras
Allegations	<ul style="list-style-type: none"> • The Complainant considers that he was a victim of verbal and psychological abuse from the Company. • The Complainant alleges that he was forced to quit in order to receive less compensation for the termination of the contract. • The Complainant lodged a complaint before the senior management, but he never received an answer. • His manager did not allow him to get knee surgery. • The Company has acquired new plantation without following the RSPO procedures, and there isn't any environmental or social assessment.

Discussion from 26 September 2023 (CP Meeting):-

- 1. Deliberations on Initial Diagnosis ongoing.**

6. Complaints Cases Statistics

Total cases in 2023

	Jan-2023	Feb-2023	Mar-2023	Apr-2023
Complaints received	2	1	0	4
Status	Open (1) Rejected (1)	Open (0) Rejected (1)	-	Open (1) Rejected (3)
Country	Ecuador Indonesia	Indonesia	-	Indonesia Malaysia Singapore
Case Category	-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
Complaints received	4	0	0	1
Status	Open (2) Rejected (2)	-	-	Open (1)
Country	Indonesia Ecuador Papua New Guinea Malaysia	-	-	Indonesia
Case Category	-intimidation of workers -Wrongful dismissal of employment.	-	-	-causing severe air and noise pollution, disrupting and affecting the daily lives of the community

	Sep-2023	Oct-2023	Nov-2023	Dec-2023
Complaints received	1	0	0	0
Status	Open (1)	-	-	-
Country	Honduras	-	-	-
Case Category	-verbal and psychological abuse	-	-	-

Total Active Cases by Country and Year (as of 23.10.2023)

Country	Active Cases
Indonesia	18
Malaysia	0
Colombia	1
Honduras	2
Guatemala	1
Ecuador	2
TOTAL	24

Year	Active Cases
2012	1
2014	1
2018	1
2019	3
2020	2
2021	6
2022	4
2023	6
TOTAL	24

7. Complaints Panel	
7.1	Dates for Complaints Panel monthly meetings
	<p>Discussion from 25 October 2023 (CP Meeting):-</p> <ol style="list-style-type: none"> 1. Complaints Panel meeting dates until the middle of 2024 have been fixed.
7.2	Dates for Complaints Panel Physical Meetings
	<p>Discussion from 25 October 2023 (CP Meeting):-</p> <ol style="list-style-type: none"> 1. CP Physical meeting to proceed as scheduled on 20.11.2023.
7.3	Expansion of Complaints Panel
	<p>Discussion from 25 October 2023 (CP Meeting):-</p> <ol style="list-style-type: none"> 1. The Secretariat to schedule a selection interview for the new candidates.
8. Post Complaint's Monitoring	
8.1	FELDA Global Venture - (Article by The Wall Street Journal)
	<p>Discussion from 25 October 2023 (CP Meeting):-</p> <ol style="list-style-type: none"> 1. Pending receipt of a further document from FGV.
8.2	Extractora de la Gloria SAS
	<p>Discussion from 25 October 2023 (CP Meeting):-</p> <ol style="list-style-type: none"> 1. The Secretariat furnished an email with the summary of the judicial matters and the administrative process for the review of the CP.
8.3	Golden Veroleum Liberia (GVL)
	<p>Discussion from 25 October 2023 (CP Meeting):-</p> <ol style="list-style-type: none"> 1. Briefing Note submitted to the CP. Pending outcome of deliberations.

8.4	<p>PT. Eagle High Plantations</p> <p>Discussion from 25 October 2023 (CP Meeting):-</p> <ol style="list-style-type: none"> 1. The Respondent has provided the progress update on the Bilateral Engagement for the month of October 2023. The same has been uploaded on Case Tracker.
9. Dispute Settlement Facility (DSF)	
	<p>Discussion from 25 October 2023 (CP Meeting):-</p> <ol style="list-style-type: none"> 1. The next DSF GoA Physical meeting will proceed on 19.11.2023. 2. The Secretariat received applications from interested mediators to be listed on the panel of RSPO DSF Mediators. Interviews with the interested mediators have been scheduled accordingly.
10. Commitments of Financial Institution(s)	
	<p>Discussion from 25 October 2023 (CP Meeting):-</p> <ol style="list-style-type: none"> 1. No further updates at this meeting.
11. 1st Internal Voluntary Review of the Complaints and Appeals Procedures	
	<p>Discussion from 25 October 2023 (CP Meeting):-</p> <ol style="list-style-type: none"> 1. Explanatory notes from Independent Consultant with respect to comments raised by Steering Group members on the Version 3 draft report furnished to Steering Group.
12. ASC-CP MEETING	
	<p>Discussion from 25 October 2023 (CP Meeting):-</p> <ol style="list-style-type: none"> 1. ASC-CP meetings to be held bi-annually. 2. Next ASC-CP meeting to be tentatively scheduled sometime after February 2024.

COMPLAINTS FOR DELIBERATION:

GROUP 1

Complaint 1.1 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	(H) Appeals Submitted
Decision / Justification	1. An appeal has been lodged. Appeals process is ongoing.

Complaint 1.2 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	Processors and / or Traders
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	(G) Decision delivered with period to appeal (60 WD)
Decision / Justification	1. Decision delivered. Pending expiry of appeals period.

Complaint 1.3 PT Mitra Karya Sentosa (a subsidiary of First Resources Limited) vs requested for confidentiality	
Case Reference	RSPO/2021/07/SW
Date Filed	19 March 2021
Respondent	PT. Mitra Karya Sentosa (a subsidiary of First Resources Limited)
Membership Category	Oil Palm Grower
Country	Indonesia
Complainant	Requested for confidentiality
Complaint description	<ul style="list-style-type: none"> • The Respondent did not pay the full land compensation to the six (6) individuals; • 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; • The Respondent did not pay the land compensation for the land identified as HCV and HCS area; and

	<ul style="list-style-type: none"> 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.
Status	(D) Investigation / deliberation
Decision / Justification	1. Briefing Note being finalised.

Complaint 1.4 Papaso Estate & PT Damai Nusa Sekawan - Soso & Bukit Udang Estate (a subsidiary of Permata Hijau Group) vs requested for confidentiality	
Case Reference	RSPO/2021/05/SW
Date Filed	19 March 2021
Respondent	Papaso Estate & PT Damai Nusa Sekawan - Sosa & Bukit Udang Estate (a subsidiary of Permata Hijau Group)
Membership Category	Oil Palm Grower
Country	Indonesia
Complainant	Requested for confidentiality
Complaint description	<ul style="list-style-type: none"> Complainant alleged that the Respondent prohibits the workers to conduct union activities (protest with regards to the Omnibus Law); Complainant alleged that the Respondent has conducted a unilateral termination of employment for the 2 (two) PT Permata Hijau Sawit workers; and Complainant alleged that the Respondent did not socialize the Company Regulations (<i>Peraturan Perusahaan</i>) to the workers in PT Damai Nusa Sekawan.
Status	(D) Investigation / deliberation
Decision / Justification	1. Deliberations concluded. Secretariat to draft a decision letter.

Complaint 1.5 Reforestadora de Palmas del Peten S.A. (a subsidiary of SEAHOLM CORP) vs requested for confidentiality	
Case Reference	RSPO/2022/13/MAM
Date Filed	21 October 2022
Respondent	Reforestadora de Palmas del Peten S.A. (a subsidiary of SEAHOLM CORP)
Membership Category	Oil Palm Grower
Country	Guatemala
Complainant	Requested for confidentiality
Complaint description	<ul style="list-style-type: none"> • 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; • The Respondent uses retaliation against farm workers and human rights defenders; • The Respondent uses the figure of the blacklist to designate employees who will not be rehired; • The Respondent uses organic fertilizer that generates pestilent odour and flies affecting communities.
Status	(D) Investigation / deliberation
Decision / Justification	1. Decision letter being drafted for the perusal of the CP members.

Complaint 1.6 PT. Barumun Agro Sentosa vs Federasi Logam Mesin Industri Elektrik dan Elektronik -(F LOMENIK)	
Case Reference	RSPO/2023/08/HN
Date Filed	19 May 2023
Respondent	PT Barumun Agro Sentosa
Membership Category	Oil Palm Grower
Country	Indonesia

Complainant	Federasi Logam Mesin Industri Elektrik dan Elektronik (F LOMENIK)
Complaint description	<ul style="list-style-type: none"> • 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; • The Respondent interrogated the members of F LOMENIK (hereinafter referred to as “the Union”) and intimidated its workers into resigning from the Union; • 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 • 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.
Status	(D) Investigation / Deliberation (Bilateral Engagement process)
Decision / Justification	<ol style="list-style-type: none"> 1. Bilateral Engagement process ongoing. 2. Pending receipt of the finalised ASA report from the CB.

Complaint 1.7 PT. Sari Dumai Sejati (a subsidiary of AAA Oil and Fats Pte Ltd (APICAL Group) vs Mr. Hidayat Rasyid	
Case Reference	RSPO/2023/12/RR
Date Filed	03 August 2023
Respondent	PT. Sari Dumai Sejati (a subsidiary of AAA Oils and Fats Pte Ltd (APICAL Group)
Membership Category	Oil Palm Grower
Country	Indonesia
Complainant	Mr. Hidayat Rasyid
Complaint description	<ul style="list-style-type: none"> • The Complainant is a representative of a community, and the Respondent is a Crude Palm Oil producer. • Allegations are with regards to unsustainable operations at the Respondent’s plant, causing severe air and noise pollution, disrupting and affecting the daily lives of the community.
Status	(D) Investigation / Deliberation
Decision / Justification	<ol style="list-style-type: none"> 1. The Respondent furnished its formal response on 24.10.2023. 2. The Secretariat is in the midst of reviewing the same.

GROUP 2

Complaint 2.1 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	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. Briefing Note submitted and CP’s deliberations have concluded. 2. The Secretariat is to draft a decision letter for the CP’s perusal and comments.

Complaint 2.2 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	Indonesia

Complainant	Requested for confidentiality
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. Briefing Note submitted and CP’s deliberations have concluded. 2. The Secretariat is to draft a decision letter for the CP’s perusal and comments.

Complaint 2.3 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	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. Briefing Note submitted and CP’s deliberations have concluded. 2. The Secretariat is to draft a decision letter for the CP’s perusal and comments.

Complaint 2.4 PT Agrowiratama (a subsidiary of Musim Mas Holdings Pte. Ltd) vs Tim Advokasi DPPKNPI	
Case Reference	RSPO/2021/02/SW
Date Filed	27 January 2021
Respondent	PT Agrowiratama (a subsidiary of Musim Mas Holdings Pte. Ltd.)
Membership Category	Oil Palm Grower
Country	Indonesia
Complainant	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.
Complaint Description	<ul style="list-style-type: none"> • Operating in the protected forest area without having a license from the Ministry of Forestry; • Operating without having a HGU; and • Did not develop plasma plantations for the community as agreed
Status	(G) Decision delivered with period to appeal (60 WD)
Decision / Justification	1. Decision delivered. Pending expiry of appeals period.

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	
Case Reference	RSPO/2021/12/CRP
Date Filed	08 November 2021
Respondent	PT. Ramajaya Pramukti (subsidiary of Golden Agri Resources Ltd)
Membership Category	Oil Palm Grower

Country	Indonesia
Complainant	Lembaga Adat Kenegerian Petapahan (Ninik Mamak Kenegerian Petapahan), Bahtera Alam & Sawit Watch
Complaint Description	<ul style="list-style-type: none"> ● that the Respondent conducted land expansion to about 167 hectares into the Imbo Putui Customary Forest; ● 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; ● 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); ● 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; ● that the Respondent changed the natural shape of the rivers and made them straight; ● that the Respondent is destroying the downstream river ecosystem in the Imbo Putui customary forest with fertilizers and pesticides; and ● that the Respondent claimed the Imbo Putui Customary Forest as their conservation area (HCV).
Status	(D) Investigation/Deliberation
Decision / Justification	1. Briefing Note submitted to the CP for deliberations.

Complaint 2.6 PT. Perkebunan Nusantara V (PERSERO) vs requested for confidentiality

Case Reference	RSPO/2022/03/CRP
Date Filed	04 March 2022
Respondent	PT. Perkebunan Nusantara V (PERSERO)
Membership Category	Oil Palm Grower
Country	Indonesia

Complainant	Requested for confidentiality
Complaint Description	<ul style="list-style-type: none"> • The Respondent is alleged of illegally controlling some of the KKPA (Primary Member Cooperative Credit) objects, as well as violating the KKPA agreement. • The Respondent is alleged of embezzling funds and fraud in the development of oil palm plantations. • 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.
Status	(D) Investigation/Deliberation
Decision / Justification	<p>1. The Briefing Note is still in the midst of the peer review process and will be furnished to the CP members in due course</p>

Complaint 2.7 PT. Bumitama Gunajaya Agro (subsidiary of Bumitama Agri Ltd) vs requested for confidentiality	
Case Reference	RSPO/2023/04/RH
Date Filed	10 April 2023
Respondent	PT. Bumitama Gunajaya Agro (subsidiary of Bumitama Agri Ltd)
Membership Category	Oil Palm Grower

Country	Indonesia
Complainant	Requested for confidentiality
Complaint description	<ul style="list-style-type: none"> • 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. • The Respondent is alleged to have filed a police report against the affected individuals which led to them obtaining the status as suspects by the police force, as a result of the individuals protesting against the Respondent's alleged land clearing activities.
Status	(D) Investigation / Deliberation (Bilateral Engagement process)
Decision / Justification	<p>1. The CP has agreed to extend the Bilateral Engagement period until 09.02.2024 as mutually requested by parties. Bilateral Engagement process ongoing.</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%).

	<ul style="list-style-type: none"> ● 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	<ol style="list-style-type: none"> 1. The Secretariat is finalising the Phase 3 and 5 Briefing Notes following review and to be furnished to the CP in due course. 2. With respect to Phase 4, the Secretariat has received the report from the Technical Director for further discussions.

Complaint 3.2 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 Independent Investigator has commenced investigations.

Complaint 3.3 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	Requested for confidentiality
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. Briefing Note submitted to the CP for deliberations. 2. The Secretarial to schedule an ad-hoc meeting for further deliberations.

Complaint 3.4 First Resources Limited vs Requested for confidentiality	
Case Reference	RSPO/2021/04/EN
Date Filed	8 March 2021
Respondent	First Resources Limited
Membership Category	Oil Palm Grower
Country	Indonesia
Complainant	Requested for confidentiality

<p>Complaint description</p>	<ul style="list-style-type: none"> • 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. • 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. • 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. • The Respondent, via CAA, have violated the RSPO Principles and Criteria by deforestation, peatland degradation, using lands for plantation without FPIC, and river pollution. • The Respondent is violating its NDPE Commitments, the RSPO Principle and Criteria, the RSPO Code of Conduct, and RSPO membership rules.
<p>Status</p>	<p>(D) Investigation / deliberation</p>
<p>Decision / Justification</p>	<p>1. The Secretariat is in the midst of preparing an analysis of the detailed grounds of objection from parties of the Complaint to be furnished to the CP for deliberations.</p>

<p>Complaint 3.5 PT Inecda (a subsidiary of S&G Biofuel Pte. Ltd) vs requested for confidentiality</p>	
<p>Case Reference</p>	<p>RSPO/2021/06/SW</p>
<p>Date Filed</p>	<p>19 March 2021</p>
<p>Respondent</p>	<p>PT Inecda (a subsidiary of S&G Biofuel Pte. Ltd)</p>
<p>Membership Category</p>	<p>Oil Palm Grower</p>
<p>Country</p>	<p>Indonesia</p>
<p>Complainant</p>	<p>Requested for confidentiality</p>

Complaint description	<ul style="list-style-type: none"> Respondent is operating in the area own by the Luak Talang Parit Community without obtaining prior consent from the community; Respondent did not develop the plasma plantations for the community; and Respondent did not have an internal grievance mechanism that the stakeholders can access
Status	(D) Investigation / deliberation
Decision / Justification	1. CP deliberations ongoing.

Complaint 3.6 Grasas Y Derivados S.A. Gradesa S.A. vs requested for confidentiality - Adjourned	
Case Reference	RSPO/2022/14/MAM
Date Filed	03 November 2022
Respondent	Grasas Y Derivados S.A. Gradesa S.A.
Membership Category	Oil Palm Grower
Country	Colombia
Complainant	Requested for confidentiality
Complaint description	<ul style="list-style-type: none"> Prosecution of union workers in order to lay off them and weaken the union. Infringement of constitutional rights, because the company is affecting the right of union association. Dismissals of labour contracts without a fair cause.
Status	(D) Investigation / Deliberation - (Adjourned)
Decision / Justification	1. This Complaint is adjourned pending the outcome of the proceedings before the Ministry of Labour.

Complaint 3.7 Energy & Palma S.A. (subsidiary of HOLDING LA FABRIL S.A) vs requested for confidentiality	
Case Reference	RSPO/2023/01/MAM
Date Filed	05 January 2023
Respondent	Energy & Palma S.A. (a subsidiary of HOLDING LA FABRIL S.A)
Membership Category	Oil Palm Grower
Country	Ecuador
Complainant	Requested for confidentiality
Complaint description	<ul style="list-style-type: none"> • 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. • Lawsuit against community owners to intimidate the local people. • Company's activities have a negative impact on the natural environment and lead to degradation and deforestation.
Status	(D) Investigation / Deliberation
Decision / Justification	<ol style="list-style-type: none"> 1. Draft Terms of Reference for an independent investigation endorsed by CP for further action.

Complaint 3.8 PT. Bumi Pratama Khatulistiwa (subsidiary of Wilmar International Limited) vs requested for confidentiality	
Case Reference	RSPO/2022/17/LSL
Date Filed	26 December 2022
Respondent	PT. Bumi Pratama Khatulistiwa (subsidiary of Wilmar International Limited)
Membership Category	Oil Palm Grower
Country	Indonesia
Complainant	Requested for confidentiality

Complaint description	<ul style="list-style-type: none"> ● 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) ● It is further alleged that the workers who have been working for a period of more than 5 years are not converted to permanent workers, instead their working days were reduced, ● The Respondent is allegedly not transparent in determining Lembaga Kerjasama (LKS) bipartite and the amount of FFB delivered to the factory/mill.
Status	(D) Investigation / Deliberation
Decision / Justification	1. Pending receipt of audit report with findings from the Certification Body.

Complaint 3.9 Energy & Palma S.A. (subsidiary of La Fabril Group) vs requested for confidentiality	
Case Reference	RSPO/2023/09/MAM
Date Filed	16 May 2023
Respondent	Energy & Palma S.A. (subsidiary of La Fabril Group)
Membership Category	Oil Palm Grower
Country	Ecuador
Complainant	Requested for confidentiality
Complaint description	<ul style="list-style-type: none"> ● Decrease of the number of workers in a union due to actions of the Respondent. ● Preventing the Union from conducting its activity. ● Wrongful dismissal or termination of employment. ● Bad working conditions. ● No supply of work equipment (such as tools).
Status	(D) Investigation / Deliberation
Decision / Justification	<ol style="list-style-type: none"> 1. The Secretariat has requested the Respondent to provide clarification on the evidence submitted to the Secretariat. 2. Pending receipt of clarification from the Respondent.