

COMPLAINTS PANEL MINUTES OF MEETING

for Website

Date: 30 August 2023 @ 5.00pm - 7.30pm (Meeting No.08/2023)

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 1439 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 6.15pm</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 July 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:- 6.15pm 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. PT. Nabatindo Karya Utama (subsidiary of Bumitama Agri Limited) vs *requested for confidentiality*
6. Reforestadora de Palmas del Peten S.A. (a subsidiary of SEAHOLM CORP) vs *requested for confidentiality*
7. PT Barumun Agro Sentosa vs Federasi Logam Mesin Industri Elektrik dan Elektronik -(F LOMENIK)

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. 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:- 7.20pm to 7.30pm

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 CCP.
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 July 2023 during the Complaints Panel Meeting. Minutes of 26 July 2023 adopted unanimously.

5. New allegation submitted

5.1		
	RSPO/2023/12/RR	PT. Sari Dumai Sejati a subsidiary of AAA Oils and Fats Pte Ltd (APICAL Group)
	Complainant	Mr. Hidayat Rasyid
	Complaint received	03 August 2023
	Location	Indonesia
	Allegations	<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.
	<p>Discussion from 30 August 2023 (CP Meeting):-</p> <p>1. Initial Diagnosis is in progress.</p>	

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

Total Active Cases by Country and Year (as of 28.08.2023)

Country	Active Cases	Year	Active Cases
Indonesia	19	2012	1
Malaysia	1	2014	1
Colombia	1	2018	1
Honduras	1	2019	3
Guatemala	1	2020	2
Ecuador	2	2021	7
		2022	5
		2023	5
TOTAL	25	TOTAL	25

7. Complaints Panel

7.1 Dates for Complaints Panel monthly meetings

Discussion from 30 August 2023 (CP Meeting):-

1. CP meeting dates for the first half of 2024 have been proposed.

7.2 Dates for Complaints Panel Physical Meetings

Discussion from 30 August 2023 (CP Meeting):-

1. The next CP Physical meeting has been scheduled on 20.11.2023 from 9 am to 4 pm JKT during the RT week.

7.3 Expansion of Complaints Panel

Discussion from 30 August 2023 (CP Meeting):-

	<ol style="list-style-type: none"> The Secretariat has received applications from candidates from the Latin American region.
8. Post Complaint's Monitoring	
8.1	<p>FELDA Global Venture - (Article by The Wall Street Journal)</p> <p>Discussion from 30 August 2023 (CP Meeting):-</p> <ol style="list-style-type: none"> Pending receipt of a further document from the Respondent.
8.2	<p>Extractora de la Gloria SAS</p> <p>Discussion from 30 August 2023 (CP Meeting):-</p> <ol style="list-style-type: none"> The Secretariat has received the monthly update for July 2023 and pending receipt of monthly update for August 2023. Related to the LUCA process, the Integrity Unit has requested for more information regarding the HCV assessment. The Grievance Unit will be holding an internal meeting before proceeding with the drafting of a Briefing Note on the next course of action.
8.3	<p>Golden Veroleum Liberia (GVL)</p> <p>Discussion from 30 August 2023 (CP Meeting):-</p> <ol style="list-style-type: none"> The Secretariat has received the Interim Report for phase II from the independent facilitator. The Secretariat is in the process of incorporating the findings in the Briefing Note and will furnish the same to the CP members in due course.
8.4	<p>PT. Eagle High Plantations</p> <p>Discussion from 30 August 2023 (CP Meeting):-</p> <ol style="list-style-type: none"> This Complaint is now closed and placed under Post-Complaints Monitoring (PCM) The Respondent is to provide a written update (endorsed by the Complainant) on a monthly basis from August 2023 - December 2023 on the progress of the implementation of the Bilateral Engagement Agreement reached between parties.

9. Dispute Settlement Facility (DSF)

Discussion from 30 August 2023 (CP Meeting):-

1. The DSF GoA online meeting proceeded on 22.08.2023.
2. The next DSF GoA Physical meeting is confirmed on 19.11.2023 in Jakarta.

10. Commitments of Financial Institution(s)

Discussion from 30 August 2023 (CP Meeting):-

1. No further updates at this meeting.

11. 1st Internal Voluntary Review of the Complaints and Appeals Procedures

Discussion from 30 August 2023 (CP Meeting):-

1. The Secretariat has received Version 3 of the draft Report on Findings and is in the midst of reviewing the same.

12. ASC-CP MEETING

Discussion from 30 August 2023 (CP Meeting):-

1. Pending receipt of the minutes of the meeting of 10.08.2023 and the scheduling of the next joint ASC-CP meeting.

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	(G) Decision delivered with period to appeal (60 WD)
Decision / Justification	1. Decision delivered. Pending expiry of appeals period.

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	(D) Investigation / deliberation
Decision / Justification	<ol style="list-style-type: none"> 1. The draft report from the independent investigation, together with the Secretariat’s Briefing Note was furnished to the CP on 29.08.2023. 2. The CP is in deliberations.

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;

	<ul style="list-style-type: none"> • The Respondent did not pay the land compensation for the land identified as HCV and HCS area; and • 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	<p>1. The Secretariat will update the Briefing Note to incorporate the recent events which have transpired concerning the Complainant before the same is submitted to the CP.</p>

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. Briefing Note has been submitted and the CP has commenced deliberations.
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Complaint 1.5 PT. Nabatindo Karya Utama (subsidiary of Bumitama Agri Limited) vs requested for confidentiality	
Case Reference	RSPO/2021/10/LSL
Date Filed	1 July 2021
Respondent	PT. Nabatindo Karya Utama (subsidiary of Bumitama Agri Limited)
Membership Category	Oil Palm Grower
Country	Indonesia
Complainant	Requested for confidentiality
Complaint description	<ul style="list-style-type: none"> • It is alleged that the Respondent and Koperasi Koling Hapakat did not use the plasma area in accordance with the permission allocated. • It is alleged that there is a transfer of ownership of community-owned SHM (“Sertifikat Hak Milik”) by Koperasi Koling Hapakat to the Respondent.
Status	(G) Decision delivered with period to appeal (60 WD)
Decision / Justification	1. Decision delivered. Pending expiry of appeals period.

Complaint 1.6 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	<p>1. Briefing Note has been submitted to the CP. The CP is in the midst of deliberations.</p>

Complaint 1.7 PT. Barumun Agro Sentosa vs Federasi Logam Mesin Industri Elektrik dan Elektronik -(F LOMENIK)	
Case Reference	RSPO/2023/08/HH
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 with a deadline of until 14.11.2023. 2. The Secretariat through the Certification Unit has referred the Complaint to the Certification Body (CB) for verification. Pending receipt of audit report from the CB.

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	<p>1. Findings from the Certification Body (CB) have been summarised and submitted for peer review before the same is furnished to the Complaints Panel for deliberations.</p>

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	<p>1. Findings from the Certification Body (CB) have been summarised and submitted for peer review before the same is furnished to the Complaints Panel for deliberations.</p>
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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	<p>1. Findings from the Certification Body (CB) have been summarised and submitted for peer review before the same is furnished to the Complaints Panel for deliberations.</p>

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

<p>Complaint Description</p>	<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).
<p>Status</p>	<p>(D) Investigation/Deliberation</p>
<p>Decision / Justification</p>	<ol style="list-style-type: none"> 1. The Briefing Note is in the midst of a peer review. 2. Pending verification from the GIS Unit and clarification from the Certification Body (CB).

<p>Complaint 2.6 Mados's Holdings Sdn Bhd vs Mighty Earth Inc - Malaysia</p>	
<p>Case Reference</p>	<p>RSPO/2022/05/HN</p>
<p>Date Filed</p>	<p>09 May 2022</p>
<p>Respondent</p>	<p>Mados's Holdings Sdn Bhd</p>
<p>Membership Category</p>	<p>Oil Palm Grower</p>
<p>Country</p>	<p>Malaysia</p>
<p>Complainant</p>	<p>Mighty Earth Inc</p>
<p>Complaint Description</p>	<ul style="list-style-type: none"> ● Mados's Holdings Sdn Bhd has not disclosed all potential non-compliant land development within the Company's own concessions and Related Entities'

	<p>concessions (controlled and influenced by Mados’s Holdings Sdn Bhd).</p> <ul style="list-style-type: none"> ● 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"> ○ Mados’ Holdings Sdn Bhd ○ Ibzi Holdings Sdn Bhd and its subsidiary, AA Sawit Sdn Bhd ○ Nadi Mesra Sdn Bhd
Status	(I) Appeals deliberation
Decision / Justification	<ol style="list-style-type: none"> 1. A decision has been reached by the Appeals Panel. 2. The Secretariat is in the midst of drafting the decision letter for the perusal of the Appeals Panel.

Complaint 2.7 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	1. The Secretariat is in the midst of preparing the Briefing Note.

Complaint 2.8 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	<ol style="list-style-type: none"> 1. The parties have agreed to appoint a third party consultant to conduct a land tenure study on the affected land during the remaining Bilateral Engagement (BE) period in order to have a clearer basis for attempting to reach a settlement. 2. The parties will furnish the Secretariat with the minutes of the most recent Bilateral Engagement (BE) meeting.

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	<ol style="list-style-type: none"> 1. The Briefing Note for Phases 3 and 5 is in the midst of a peer review. 2. The Briefing Note for Phase 4 (HCV) is pending receipt of technical input.

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 appointment of an independent investigator has been endorsed by the CP and the Secretariat is to proceed with the procurement process.

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. The Secretariat is in the midst of preparing the Briefing Note on the next course of action.

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
Complaint description	<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.
Status	(D) Investigation / deliberation
Decision / Justification	1. An independent investigator has been unanimously endorsed by the CP to be appointed to conduct an independent investigation.

Complaint 3.5 PT Inecda (a subsidiary of S&G Biofuel Pte. Ltd) vs requested for confidentiality	
Case Reference	RSPO/2021/06/SW
Date Filed	19 March 2021
Respondent	PT Inecda (a subsidiary of S&G Biofuel Pte. Ltd)
Membership Category	Oil Palm Grower
Country	Indonesia
Complainant	Requested for confidentiality
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	<ol style="list-style-type: none"> The independent investigator will furnish the final report to the Secretariat on or before 01.09.2023.

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.

	<ul style="list-style-type: none"> Dismissals of labour contracts without a fair cause.
Status	(D) Investigation / Deliberation - (Adjourned)
Decision / Justification	<ol style="list-style-type: none"> This Complaint is adjourned pending the outcome of the processes 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"> The CP has directed the Secretariat to engage an independent investigator/expert to conduct an independent investigation.

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	<ol style="list-style-type: none"> 1. The Certification Body (CB) updated the Secretariat that the audit report will be finalised in October 2023. 2. Pending receipt of the audit report.

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. Both parties have expressed interest in accessing the DSF mechanism. 2. Pending receipt of confirmation from the Respondent.