

COMPLAINTS PANEL MINUTES OF MEETING

for Website

Date: 28 June 2023 @ 5.00pm - 6.15pm (Meeting No.06/2023)

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 - 5.30pm</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 31 May 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 - 2023 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. Any Other Matters 13. Complaints for deliberation:- 		

Group 1:- 5.30pm - 5.50pm

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

Group 2:- 5.50pm - 6.00pm

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

Group 3:- 6.00pm to 6.15pm

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

DETAILS OF THE AGENDA:

No.	Agenda
1.	Opening Remarks from Chairperson Opening speech by CCP.
2.	RSPO Antitrust Guidelines RSPO Antitrust Guidelines were read to the Complaints Panel.
3.	Declaration of “No Conflict of Interest” New CP members have declared their conflict of interest.
4.	To confirm and adopt the minutes of 31 May 2023 during the Complaints Panel Meeting. Minutes of 31 May 2023 adopted unanimously.

5. New allegation submitted

5.1

RSPO/2023/09/MAM	Energy & Palma S.A. (Subsidiary of La Fabril Group)
Complainant	Requested for confidentiality
Complaint received	16 May 2023
Location	Ecuador
Allegations	<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).

Discussion from 28 June 2023 (CP Meeting):-

- 1. Initial Diagnosis in progress.**

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.
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	May-2023	Jun-2023	Jul-2023	Aug-2023
Complaints received	4	0	-	-
Status	Open (2) Rejected (2)	-	-	-
Country	Indonesia Ecuador Papua New Guinea Malaysia	-	-	-
Case Category	-intimidation of workers -Wrongful dismissal of employment.	-	-	-

Total Active Cases by Country and Year (as of 23.06.2023)

Country	Active Cases
Indonesia	21
Malaysia	2
Colombia	1
Honduras	1
Guatemala	1
Ecuador	2
TOTAL	28

Year	Active Cases
2014	1
2017	1
2018	2
2019	3
2020	3
2021	7
2022	7
2023	4
TOTAL	28

7. Complaints Panel	
7.1	Dates for Complaints Panel monthly meetings
	<p>Discussion from 28 June 2023 (CP Meeting):-</p> <ol style="list-style-type: none"> CP meeting dates for the rest of 2023 have been fixed.
7.2	Dates for Complaints Panel Physical Meetings
	<p>Discussion from 28 June 2023 (CP Meeting):-</p> <ol style="list-style-type: none"> CP physical meeting dates have been fixed for 10.08.2023 and 20.11.2023 respectively.
7.3	Expansion of Complaints Panel
	<p>Discussion from 28 June 2023 (CP Meeting):-</p> <ol style="list-style-type: none"> The Secretariat/CP welcomes interested candidates from the ENGO and downstream sectors to apply to be CP members.
8. Post Complaint's Monitoring	
8.1	FELDA Global Venture - (Article by The Wall Street Journal)
	<p>Discussion from 28 June 2023 (CP Meeting):-</p> <ol style="list-style-type: none"> Pending receipt of a further document from the Respondent.
8.2	Extractora de la Gloria SAS
	<p>Discussion from 28 June 2023 (CP Meeting):-</p> <ol style="list-style-type: none"> The Secretariat is waiting for the response from the Respondent with respect to the queries posed by the Secretariat.

8.3 Golden Veroleum Liberia (GVL)	<p>Discussion from 28 June 2023 (CP Meeting):-</p> <ol style="list-style-type: none"> 1. This matter is now under the Post Complaint’s Monitoring stage and parties have been informed on 06.06.2023. Parties have been updated on the directive by the CP for a brief to be prepared by the Respondent with respect to the progress of the other areas besides the Tarjuowon area. 2. The Secretariat has received the written brief. The Secretariat has also received an email from the Respondent indicating they have in principle agreed to engage the independent facilitator to facilitate the implementation of the recommendations from the report on the Tarjuowon area.
9. Dispute Settlement Facility (DSF)	<p>Discussion from 28 June 2023 (CP Meeting):-</p> <ol style="list-style-type: none"> 1. The next DSF Group of Advisers online meeting is scheduled on 12.07.2023.
10. Commitments of Financial Institution(s)	<p>Discussion from 28 June 2023 (CP Meeting):-</p> <ol style="list-style-type: none"> 1. No further updates at this juncture.
11. 1st Internal Voluntary Review of the Complaints and Appeals Procedures	<p>Discussion from 28 June 2023 (CP Meeting):-</p> <ol style="list-style-type: none"> 1. Comments on the draft report from all the Steering Group members have been obtained and furnished to the Consultant for review.
12. Any Other Matters	<p>ASC-CP MEETING</p> <p>Discussion from 28 June 2023 (CP Meeting):-</p> <ol style="list-style-type: none"> 1. The ASC-CP joint meeting has been scheduled for 10.08.2023 from 5pm to 7pm MYT.

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	(D) Investigation / deliberation
Decision / Justification	1. Review of the draft decision letter has been completed and the draft will be furnished to the CP in due course following finalisation.

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	<p>1. The independent investigation has commenced, and the draft report is under review by the Secretariat.</p>

Complaint 1.3 PT Karya Sentosa (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 • 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	<ol style="list-style-type: none"> 1. The Secretariat updated the CP that the Secretariat received information from a relative of the Complainant that the Complainant was arrested and is being detained by the local Indonesian police due to a police report. 2. The Secretariat wishes to seek a directive from the CP to request clarification on such a matter. The Secretariat is to furnish the details by way of email to the CP for a directive to be obtained.
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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	<ol style="list-style-type: none"> 1. The Secretariat is in the midst of preparing the Briefing Note.

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 PT. Eagle High Plantations vs requested for confidentiality	
Case Reference	RSPO/2022/15/RR
Date Filed	08 November 2022
Respondent	PT. Eagle High Plantations
Membership Category	Oil Palm Grower
Country	Indonesia
Complainant	Requested for confidentiality
Complaint description	<ul style="list-style-type: none"> Allegations made against the Respondent are pertaining to rights of workers, working conditions, and safety concerns.
Status	(D) Investigation / deliberation - (Bilateral Engagement)

Decision / Justification	<ol style="list-style-type: none"> The Bilateral Engagement was completed on 09.06.2023, with both parties coming to an agreement on the issues raised in the Complaint. The Secretariat is in the midst of preparing a Briefing Note for the perusal of the Complaints Panel with regard to placing the matter under Post-Complaint’s Monitoring.
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Complaint 1.7 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	<ol style="list-style-type: none"> The Secretariat is in the midst of reviewing the response of the Complainant.

Complaint 1.8 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
Decision / Justification	<ol style="list-style-type: none"> 1. The Complaint has been formally accepted and the same was communicated to both Parties on 22.06.2023. 2. The Secretariat has furnished all relevant documents and the details of the allegations to the Respondent. Pending receipt of a formal response from the Respondent.

GROUP 2

Complaint 2.1 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	(G) Decision delivered with period to appeal (60 WD)
Decision / Justification	1. Decision delivered. Pending expiry of the appeals period.

Complaint 2.2 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. The Secretariat has received the summary of findings from the Certification Body and is in the midst of reviewing the same.</p>

Complaint 2.3 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	<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	<p>1. The Secretariat has received the summary of findings from the Certification Body and is in the midst of reviewing the same.</p>

Complaint 2.4 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. The Secretariat has received the summary of findings from the Certification Body and is in the midst of reviewing the same.

Complaint 2.5 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	(D) Investigation/Deliberation
Decision / Justification	<ol style="list-style-type: none"> 1. The Secretariat held meetings with the Respondent to clarify factual matters pertaining to the Respondent’s land status. The Respondent provided the Secretariat with additional documents in that regard. 2. The Secretariat is in the midst of reviewing the Respondent’s additional documents and will prepare a new Briefing Note and submit the same to

the CP for deliberations.

Complaint 2.6 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. The Secretariat is in the midst of preparing the Briefing Note.

Complaint 2.7 Mados's Holdings Sdn Bhd vs Mighty Earth Inc - Malaysia	
Case Reference	RSPO/2022/05/HN
Date Filed	09 May 2022
Respondent	Mados's Holdings Sdn Bhd
Membership Category	Oil Palm Grower
Country	Malaysia
Complainant	Mighty Earth Inc
Complaint Description	<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' concessions (controlled and influenced by Mados's Holdings Sdn Bhd). ● 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	(H) Appeals Submitted
Decision / Justification	<ol style="list-style-type: none"> 1. The Complainant filed an appeal on 02.06.2023. 2. The Secretariat is in the midst of constituting the Appeals Panel and to commence the Appeal process.

Complaint 2.8 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 2.9 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
Decision / Justification	<ol style="list-style-type: none"> 1. The Secretariat informed the parties that the Complainant's allegations have been formally accepted by the CP. The Complainant then confirmed its willingness to attempt to resolve this Complaint through the Bilateral Engagement process. 2. The Secretariat furnished the Complainant's Complaint Form and supporting documents to the Respondent. 3. The Respondent has until 05.07.2023 to confirm to the Secretariat on whether it wishes to utilise Bilateral Engagement or DSF Mediation to

	<p>resolve this Complaint, and to provide its formal response to the Complainant’s allegations.</p>
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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 still in the midst of preparing the Briefing Notes for Phases 3, 4 & 5.</p>

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. Selection process for the independent investigator ongoing.

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

	<p>given workers' benefits;</p> <ul style="list-style-type: none"> ● 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	1. Pending receipt of an update from the Accreditation Body on the status of non-conformities following the compliance audit.

Complaint 3.4 IOI Plantation Mekassar Estate (subsidiary of IOI Corporation Berhad) vs requested for confidentiality	
Case Reference	RSPO/2020/19/IR
Date Filed	5 October 2020
Respondent	IOI Plantation Mekassar Estate (subsidiary of IOI Corporation Berhad)
Membership Category	Oil Palm Grower
Country	Malaysia
Complainant	Requested for confidentiality
Complaint description	<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
Status	(G) Decision delivered with period to appeal (60 WD)
Decision / Justification	1. Decision delivered. Pending expiry of the appeals period.

Complaint 3.5 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	<p>1. The call for an Expression of Interest (Eoi) for an independent investigation was advertised on the RSPO's website on 13.06.2023 with a deadline until 03.07.2023.</p>

Complaint 3.6 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 parties' deadline for factual verification of the investigator's preliminary report has been extended to 30.06.2023. The parties have been informed that the factual verification shall only be towards the facts in the preliminary report and no comments shall be made for the investigator's analysis or conclusions and recommendations in order to respect the investigator's independence. The comments from the parties will be furnished to the investigator to take into consideration and to make any necessary adjustments to the report and finalise the same before it's furnished to the CP again.

Complaint 3.7 PT Bumi Pratama Khatulistiwa (subsidiary of Wilmar International Limited vs Teraju Foundation	
Case Reference	RSPO/2022/02/HN
Date Filed	4 March 2022
Respondent	PT. Bumi Pratama Khatulistiwa (subsidiary of Wilmar International Limited)
Membership Category	Processors and / or Traders
Country	Kalimantan Barat, Indonesia

Complainant	Teraju Foundation
Complaint description	<ul style="list-style-type: none"> • The Respondent forced a community to give up the rights to their land in order to develop the land into an oil palm plantation. • The company then refused to return the land to the community by involving the police.
Status	(G) Decision delivered with period to appeal (60 WD)
Decision / Justification	1. Decision delivered. Pending expiry of the appeals period.

Complaint 3.8 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 processes before the Ministry of Labour.

Complaint 3.9 Energy & Palma S.A. (as 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. The Secretariat has furnished the Respondent with the formal response and evidence from the Complainant for comments. 2. The Complainant furnished their response on 13.06.2023 and the same is being reviewed by the Secretariat.

Complaint 3.10 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 Secretariat received a formal response from the Respondent on 02.06.2023. 2. Thereafter, the Complainant provided a response on 14.06.2023. 3. The Complainant's response was furnished to the Respondent for a final response. The Respondent provided a final response on 23.06.2023. 4. Pursuant to section 5.9 of the CAP 2017, the CP directed the Complaint be referred to the Certification Body.