



## COMPLAINTS PANEL MINUTES OF MEETING for Website

Date: 29 May 2024 @ 5.00pm - 6.10pm

Meeting : via Zoom

MEMBERS OF THE COMPLAINTS PANEL	
	<ol style="list-style-type: none"><li>1. Henry Barlow (Chair - CCP)</li><li>2. Lim Sian Choo ( Co Chair)</li><li>3. Michelle Desilets</li><li>4. Marieke Leegwater</li><li>5. Lanash Thanda</li><li>6. Robert Kruger</li><li>7. Florentine van den Eerenbeemt</li><li>8. Priya Gopalan</li><li>9. Carl Dagenhart</li><li>10. Kartika Dewi</li><li>11. Irene Aycinena Abascal</li><li>12. Miguel Tejada Iraizoz</li><li>13. Henky Satrio Wibowo</li><li>14. Juliarta Bramansa Ottay</li></ol>
GENERAL AGENDA	
	<ol style="list-style-type: none"><li>1. Opening Remarks by Chairperson</li><li>2. RSPO Antitrust Guidelines</li><li>3. Declaration of Conflict of Interest</li><li>4. To confirm and adopt the minutes of <b>24 April 2024</b> CP Meeting</li><li>5. New Allegations</li><li>6. Complaints Case Statistics</li><li>7. Complaints Panel Meeting Dates<ol style="list-style-type: none"><li>7.1 Dates for CP Monthly Meetings</li><li>7.2 Dates for CP Physical Meetings</li><li>7.3 Expansion of the Complaints Panel</li></ol></li><li>8. Post Complaints Monitoring</li></ol>



	<ol style="list-style-type: none"> <li>9. Dispute Settlement Facility (DSF)</li> <li>10. Commitment of Financial Institutions.</li> <li>11. 1st Internal Voluntary Review of the Complaints and Appeals Procedures</li> <li>12. ASC-CP Joint Meeting</li> <li>13. Complaints for deliberation</li> </ol>
<b>Group 1 - COMPLAINTS FOR DELIBERATION</b>	
	<ol style="list-style-type: none"> <li>1. PT. Mitra Karya Sentosa (a subsidiary of First Resources Limited) vs Requested for Confidentiality</li> <li>2. PT. Sari Dumai Sejati (a subsidiary of AAA Oils and Fats Pte Ltd (APICAL Group) vs Mr. Hidayat Rasyid</li> <li>3. PT. Cipta Davia Mandiri (a subsidiary of R.E.A. Holdings Plc) vs Requested for Confidentiality</li> <li>4. PT Grahadura Leidong Prima (a subsidiary of PT. Bakrie Sumatera Plantations TBK) vs Requested for Confidentiality</li> <li>5. PT. Cipta Davia Mandiri (a subsidiary of R.E.A. Holdings Plc) vs Requested for Confidentiality</li> <li>6. Poligrow Colombia S.A.S. vs Inversiones Chirajara S.A.S.</li> </ol>
<b>Group 2 - COMPLAINTS FOR DELIBERATION</b>	
	<ol style="list-style-type: none"> <li>1. PT. Perkebunan Nusantara V (PERSERO) vs Requested for Confidentiality</li> <li>2. PT. Tunggul Mitra Plantation (a subsidiary of Sime Darby Plantation Berhad) vs Requested for Confidentiality</li> <li>3. PT Citra Sawit Cemerlang (a subsidiary of Genting Plantations Berhad) Requested for Confidentiality</li> <li>4. PT Swadaya Mukti Prakarsa (a subsidiary of First Resources Limited) vs Requested for Confidentiality</li> </ol>
<b>Group 3 - COMPLAINTS FOR DELIBERATION</b>	
	<ol style="list-style-type: none"> <li>1. PT. Kartika Prima Cipta (PT. KPC) - subsidiary of Golden Agri Resources (GAR) vs Forest Peoples Programme &amp; TuK Indonesia</li> <li>2. Golden Agri Resources (GAR) vs Forest Peoples Programme &amp; Elk Hills Foundation</li> </ol>



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|  | <ol style="list-style-type: none"><li>3. Aceites Y Derivados Sociedad Anonima (ACEYDESA) vs Requested for Confidentiality</li><li>4. First Resources Limited vs Requested for Confidentiality</li><li>5. PT Inecda (a subsidiary of S&amp;G Biofuel Pte. Ltd) vs Requested for Confidentiality</li><li>6. Grasas Y Derivados S.A. Gradesa S.A vs Requested for Confidentiality</li><li>7. Energy &amp; Palma S.A. (a subsidiary of HOLDING LA FABRIL S.A) vs Requested for Confidentiality</li><li>8. PT. Bumi Pratama Khatulistiwa ( subsidiary of Wilmar International Limited) vs Requested for Confidentiality</li><li>9. Energy &amp; Palma S.A. ( subsidiary of La Fabril Group) vs Requested for Confidentiality</li></ol> |
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## DETAILS OF THE AGENDA:

No.	Agenda										
1.	<b>Opening Remarks from Chairperson</b> Opening speech by CCP.										
2.	<b>RSPO Antitrust Guidelines</b> RSPO Antitrust Guidelines were read to the CP.										
3.	<b>Declaration of “No Conflict of Interest”</b> No further Conflict of Interest declared at this time of the meeting.										
4.	<b>To confirm and adopt the minutes of 24 April 2024 during the Complaints Panel Meeting</b> Minutes of 24 April 2024 adopted unanimously.										
5.	<b>New allegation submitted</b>										
5.1	<table border="1"> <tr> <td data-bbox="231 1205 539 1283">RSPO/2024/06/MAM</td> <td data-bbox="539 1205 1423 1283">NATURACEITES S. A.</td> </tr> <tr> <td data-bbox="231 1283 539 1361">Complainant</td> <td data-bbox="539 1283 1423 1361">Requested for confidentiality</td> </tr> <tr> <td data-bbox="231 1361 539 1440">Complaint received</td> <td data-bbox="539 1361 1423 1440">24 April 2024</td> </tr> <tr> <td data-bbox="231 1440 539 1518">Location</td> <td data-bbox="539 1440 1423 1518">Guatemala</td> </tr> <tr> <td data-bbox="231 1518 539 2020">Allegations</td> <td data-bbox="539 1518 1423 2020"> <ul style="list-style-type: none"> <li>• The Complainant alleges that the Respondent is affecting the compliance of the act on corporate due diligence obligations for the prevention of human right violations in the supply chain.</li> <li>• The Respondent has abused the human rights of the indigenous population since the Company has carried out an unlawful seizure of land and water.</li> <li>• The Respondent has not complied with labour law, because the Company has unjustifiably withheld the appropriate wage.</li> <li>• Occupational health and safety regulations are not respected by the Respondent.</li> <li>• The Complainant alleges that the improper disposal of waste made by the Respondent is affecting the environment of the area where the community lives.</li> </ul> </td> </tr> </table>	RSPO/2024/06/MAM	NATURACEITES S. A.	Complainant	Requested for confidentiality	Complaint received	24 April 2024	Location	Guatemala	Allegations	<ul style="list-style-type: none"> <li>• The Complainant alleges that the Respondent is affecting the compliance of the act on corporate due diligence obligations for the prevention of human right violations in the supply chain.</li> <li>• The Respondent has abused the human rights of the indigenous population since the Company has carried out an unlawful seizure of land and water.</li> <li>• The Respondent has not complied with labour law, because the Company has unjustifiably withheld the appropriate wage.</li> <li>• Occupational health and safety regulations are not respected by the Respondent.</li> <li>• The Complainant alleges that the improper disposal of waste made by the Respondent is affecting the environment of the area where the community lives.</li> </ul>
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Complainant	Requested for confidentiality										
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**Discussion on 29 May 2024:-**

- 1. Initial Diagnosis is in progress.**

**5.2**

<b>RSPO/2024/07/HN</b>	<b>REFORESTADORA DE PALMAS DE EL PETEN, S.A. (a subsidiary of Seaholm Corp)</b>
Complainant	Requested for confidentiality
Complaint received	24 April 2024
Location	Guatemala
Allegations	<ul style="list-style-type: none"> <li>• The Complainant alleges that the Respondent is affecting the compliance of the act on corporate due diligence obligations for the prevention of human right violations in the supply chain.</li> <li>• The Respondent has abused the human rights of the indigenous population since the Company has carried out an unlawful seizure of land and water.</li> <li>• The Respondent has not complied with labour law, because the Company has unjustifiably withheld the appropriate wage.</li> <li>• Occupational health and safety regulations are not respected by the Respondent.</li> <li>• The Complainant alleges that the improper disposal of waste made by the Respondent is affecting the environment of the area where the community lives.</li> </ul>

**Discussion on 29 May 2024:-**

- 1. Initial Diagnosis is in progress.**

**5.3**

<b>RSPO/2024/08/LSL</b>	<b>PALMAS DEL IXCAN LIMITADA (A subsidiary of Braden Group S.A.)</b>
Complainant	Requested for confidentiality
Complaint received	24 April 2024
Location	Guatemala



Allegations	<ul style="list-style-type: none"> <li>• The Complainant alleges that the Respondent is affecting the compliance of the act on corporate due diligence obligations for the prevention of human right violations in the supply chain.</li> <li>• The Respondent has abused the human rights of the indigenous population since the Company has carried out an unlawful seizure of land and water.</li> <li>• The Respondent has not complied with labour law, because the Company has unjustifiably withheld the appropriate wage.</li> <li>• Occupational health and safety regulations are not respected by the Respondent.</li> <li>• The Complainant alleges that the improper disposal of waste made by the Respondent is affecting the environment of the area where the community lives.</li> </ul>
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**Discussion on 29 May 2024:-**

- 1. Initial Diagnosis is in progress.**

**6. Complaints Cases Statistics**

**Total cases in 2024**

Month	Complaints received	Country	Open	Closed	Rejected	Withdrawn
January	1	Indonesia	1	0	0	0
February	1	Indonesia	1	0	0	0
March	3	Indonesia (2) Colombia	3	0	0	0
April	3	Guatemala	3	0	0	0

**Total Active Cases by Country and Year (as of 27.05.2024)**

Country	Active Cases	Year	Active Cases
Indonesia	14	2014	1
Colombia	2	2020	2



	<table border="1"> <tbody> <tr> <td>Honduras</td> <td>1</td> </tr> <tr> <td>Ecuador</td> <td>2</td> </tr> <tr> <td>Guatemala</td> <td>3</td> </tr> <tr> <td></td> <td></td> </tr> <tr> <td><b>TOTAL</b></td> <td><b>22</b></td> </tr> </tbody> </table>	Honduras	1	Ecuador	2	Guatemala	3			<b>TOTAL</b>	<b>22</b>	<table border="1"> <tbody> <tr> <td>2021</td> <td>3</td> </tr> <tr> <td>2022</td> <td>3</td> </tr> <tr> <td>2023</td> <td>5</td> </tr> <tr> <td>2024</td> <td>8</td> </tr> <tr> <td><b>TOTAL</b></td> <td><b>22</b></td> </tr> </tbody> </table>	2021	3	2022	3	2023	5	2024	8	<b>TOTAL</b>	<b>22</b>
Honduras	1																					
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<b>TOTAL</b>	<b>22</b>																					
<b>7.</b>	<b>Complaints Panel</b>																					
<b>7.1</b>	<b>Dates for Complaints Panel monthly meetings</b>																					
	<p>Discussion on 29 May 2024:-</p> <ol style="list-style-type: none"> <li>CP meetings dates until the end of 2024 have been scheduled.</li> </ol>																					
<b>7.2</b>	<b>Dates for Complaints Panel Physical Meetings</b>																					
	<p>Discussion on 29 May 2024:-</p> <ol style="list-style-type: none"> <li>Next CP quarterly meeting is to be scheduled.</li> <li>The Secretariat is to issue a doodle poll to the CP members to identify a suitable date.</li> </ol>																					
<b>7.3</b>	<b>Expansion of Complaints Panel</b>																					
	<p>Discussion on 29 May 2024:-</p> <ol style="list-style-type: none"> <li>Two (2) new CP members have started serving on the panel.</li> </ol>																					
<b>8.</b>	<b>Post Complaint's Monitoring</b>																					
<b>8.1</b>	<b>FELDA Global Venture - (Article by The Wall Street Journal)</b>																					
	<p>Discussion on 29 May 2024:-</p> <ol style="list-style-type: none"> <li>Pending receipt of a further document from the Respondent.</li> </ol>																					



<b>8.2</b>	<b>Extractor de la Gloria SAS</b>
	<p>Discussion on 29 May 2024:-</p> <ol style="list-style-type: none"><li>1. Pending outcome of the local judicial and administrative processes.</li></ol>
<b>8.3</b>	<b>Golden Veroleum Liberia (GVL)</b>
	<p>Discussion on 29 May 2024:-</p> <ol style="list-style-type: none"><li>1. The directive for the report on Sinoe County was released to the independent facilitator.</li><li>2. The Secretariat has received the report on Sinoe County from the independent facilitator and is in the midst of reviewing the same.</li><li>3. Pending release of other directives.</li></ol>
<b>8.4</b>	<b>PT. Bumitama Gunajaya Agro (subsidiary of Bumitama Agri Ltd)</b>
	<p>Discussion on 29 May 2024:-</p> <ol style="list-style-type: none"><li>1. The parties have furnished their progress update for the month of May 2024 on 24.05.2024 to the Secretariat, which is available on the case tracker.</li></ol>
<b>9.</b>	<b>Dispute Settlement Facility (DSF)</b>
	<p>Discussion on 29 May 2024:-</p> <ol style="list-style-type: none"><li>1. The Secretariat is currently in the midst of arranging introductory meetings with the shortlisted mediators.</li></ol>
<b>10.</b>	<b>Commitments of Financial Institution(s)</b>
	<p>Discussion on 29 May 2024:-</p> <ol style="list-style-type: none"><li>1. No further updates.</li></ol>
<b>11.</b>	<b>1st Internal Voluntary Review of the Complaints and Appeals Procedures</b>





**Discussion on 29 May 2024:-**

1. Revised draft Report on Recommendations under review by the Secretariat.

**12. ASC - CP JOINT MEETING**

**Discussion on 29 May 2024:-**

1. Joint ASC-CP meeting (between Co-Chairs of both the ASC & CP) scheduled to proceed on 31.05. 2024.



**COMPLAINTS FOR DELIBERATION:-**

**GROUP 1**

<b>Complaint 1.1 PT Mitra Karya Sentosa (a subsidiary of First Resources Limited) vs Requested for confidentiality</b>	
<b>Case Reference</b>	RSPO/2021/07/SW
<b>Date Filed</b>	19 March 2021
<b>Respondent</b>	PT. Mitra Karya Sentosa (a subsidiary of First Resources Limited)
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Indonesia
<b>Complainant</b>	Requested for confidentiality
<b>Complaint Description</b>	<ul style="list-style-type: none"> <li>• The Respondent did not pay the full land compensation to the six (6) individuals;</li> <li>• The Respondent unilaterally marking up the cost of plasma development and did not refer to the relevant regulations in deciding the cost of plasma development;</li> <li>• The Respondent did not pay the land compensation for the land identified as HCV and HCS area; and</li> <li>• The Respondent did not provide the complete map along with its coordinates for the land that has been handed over by the six (6) individuals.</li> </ul>
<b>Status</b>	Decision delivered with period to appeal (60 WD)
<b>Decision / Justification</b>	<b>1. Pending expiry of appeals period.</b>

<b>Complaint 1.2 PT. Sari Dumai Sejati ( a subsidiary of AAA Oil and Fats Pte Ltd (APICAL Group) vs Mr. Hidayat Rasyid</b>	
<b>Case Reference</b>	RSPO/2023/12/RR
<b>Date Filed</b>	03 August 2023
<b>Respondent</b>	PT. Sari Dumai Sejati (a subsidiary of AAA Oils and Fats Pte Ltd (APICAL Group)



<b>Membership Category</b>	Processors and / or Traders
<b>Country</b>	Indonesia
<b>Complainant</b>	Mr. Hidayat Rasyid
<b>Complaint Description</b>	<ul style="list-style-type: none"> <li>• The Complainant is a representative of a community, and the Respondent is a Crude Palm Oil producer.</li> <li>• 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.</li> </ul>
<b>Status</b>	Investigation / Deliberation
<b>Decision / Justification</b>	<ol style="list-style-type: none"> <li>1. <b>Interim Briefing Note furnished to the CP for their perusal and deliberations on 13.05.2024.</b></li> <li>2. <b>The CP has requested for further clarification from the Respondent based on the Interim Briefing Note.</b></li> </ol>

<b>Complaint 1.3 PT Cipta Davia Mandiri (a subsidiary of R.E.A. Holdings Plc) vs Requested for confidentiality</b>	
<b>Case Reference</b>	RSPO/2023/14/HN
<b>Date Filed</b>	14 November 2023
<b>Respondent</b>	PT Cipta Davia Mandiri (a subsidiary of R.E.A. Holdings Plc)
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Indonesia
<b>Complainant</b>	Requested for confidentiality
<b>Complaint Description</b>	<ul style="list-style-type: none"> <li>• The Complainant alleges that the Respondent's plasma allocation and development is not in accordance with the MoU or agreement between the Respondent and the community of Kelinjau Ulu Village.</li> </ul>
<b>Status</b>	Decision delivered with period to appeal (60 WD)
<b>Decision / Justification</b>	<ol style="list-style-type: none"> <li>1. <b>Pending expiry of the appeals period.</b></li> </ol>



**Complaint 1.4 PT Grahadura Leidong Prima (a subsidiary of PT Bakrie Sumatera Plantations TBK) vs Requested for confidentiality**

<b>Case Reference</b>	RSPO/2023/15/HN
<b>Date Filed</b>	23 November 2023
<b>Respondent</b>	PT Grahadura Leidong Prima (a subsidiary of PT Bakrie Sumatera Plantations TBK)
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Indonesia
<b>Complainant</b>	Requested for confidentiality
<b>Complaint Description</b>	<ul style="list-style-type: none"> <li>The Complainant alleges that the Respondent has yet to fulfil the commitment to allocate plasma land to the community.</li> </ul>
<b>Status</b>	Investigation / Deliberation
<b>Decision / Justification</b>	<ol style="list-style-type: none"> <li>Following the meeting between the parties and the Mediators, no mutual agreement was reached between the parties on the option of Bilateral Engagement or DSF mediation.</li> <li>In light of the above, the Secretariat proceeded with the investigation process in accordance with the CP's initial directive.</li> <li>Pending preparation of the draft ToR for the Independent Investigation.</li> </ol>

**Complaint 1.5 PT Cipta Davia Mandiri (a subsidiary of R.E.A.Holdings Plc) vs Requested for confidentiality**

<b>Case Reference</b>	RSPO/2024/01/LSL
<b>Date Filed</b>	8 January 2024
<b>Respondent</b>	PT Cipta Davia Mandiri (a subsidiary of R.E.A. Holdings Plc)
<b>Membership Category</b>	Oil Palm Grower



<b>Country</b>	Indonesia
<b>Complainant</b>	Requested for confidentiality
<b>Complaint Description</b>	<ul style="list-style-type: none"> <li>• The allegation is pertaining to the plasma allocation with the ratio of 80:20 based on the plasma agreement.</li> <li>• The affected parties have not received the 20% share of the revenue generated from the plasma land since 2010 till date.</li> </ul>
<b>Status</b>	Investigation / Deliberation - Bilateral Engagement process
<b>Decision / Justification</b>	<ol style="list-style-type: none"> <li>1. <b>The BE process is in progress.</b></li> <li>2. <b>The 2nd BE meeting is scheduled on 30.05.2024.</b></li> </ol>

<b>Complaint 1.6 Poligrow Colombia S.A.S. vs Inversiones Chirajara S.A.S.</b>	
<b>Case Reference</b>	RSPO/2024/04/MAM
<b>Date Filed</b>	18 March 2024
<b>Respondent</b>	Poligrow Colombia S.A.S.
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Colombia
<b>Complainant</b>	Inversiones Chirajara S.A.S.
<b>Complaint Description</b>	<ul style="list-style-type: none"> <li>• The Respondent infringed a private property to do a firebreak.</li> <li>• The Respondent destroyed part of the forest of the plot of land and affected the place where the Complainant's cattle were located.</li> <li>• The Respondent did not comply with a conciliation agreement signed between the parties.</li> </ul>
<b>Status</b>	Investigation / Deliberation
<b>Decision / Justification</b>	<ol style="list-style-type: none"> <li>1. <b>The Secretariat notified the Respondent that a Complaint was lodged against it. Pending receipt of a formal response from the Respondent and on whether they wish to proceed with either BE or DSF.</b></li> </ol>



## GROUP 2

Complaint 2.1 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"> <li>• The Respondent is alleged of illegally controlling some of the KKPA (Primary Member Cooperative Credit) objects, as well as violating the KKPA agreement.</li> <li>• The Respondent is alleged of embezzling funds and fraud in the development of oil palm plantations.</li> <li>• The Respondent is alleged of violating the agreement related to the sale of the farmers' fruits which should have been disbursed to the Complainant to be distributed to its members and illegal bailout funds.</li> </ul>
Status	Investigation/Deliberation
Decision / Justification	<ol style="list-style-type: none"> <li>1. <a href="#">Draft decision letter under review by the CP.</a></li> </ol>

Complaint 2.2 PT Tunggal Mitra Plantation (a subsidiary of Sime Darby Plantation Berhad) vs Requested for confidentiality	
Case Reference	RSPO/2024/02/RR
Date Filed	23 February 2024
Respondent	PT. Tunggal Mitra Plantation (a subsidiary of Sime Darby Plantation Berhad)
Membership Category	Oil Palm Grower
Country	Riau, Indonesia
Complainant	Requested for confidentiality
Complaint Description	<ul style="list-style-type: none"> <li>• Alleged failure by the Respondent Company to carry out its corporate social responsibility with regard to community empowerment and building a sustainable partnership with the community.</li> </ul>



<b>Status</b>	Investigation/Deliberation
<b>Decision / Justification</b>	<ol style="list-style-type: none"> <li>1. Pending receipt of formal response from the Respondent.</li> <li>2. Pending receipt of a response from the Respondent on the use of Bilateral Engagement / DSF Mediation as alternative dispute resolution methods.</li> </ol>

Complaint 2.3 PT Citra Sawit Cemerlang (a subsidiary of Genting Plantations Berhad) vs Requested for confidentiality	
<b>Case Reference</b>	RSPO/2024/03/LSL
<b>Date Filed</b>	04 March 2024
<b>Respondent</b>	PT Citra Sawit Cemerlang (a subsidiary of Genting Plantations Berhad)
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Kalimantan Barat, Indonesia
<b>Complainant</b>	Requested for confidentiality
<b>Complaint Description</b>	<ul style="list-style-type: none"> <li>● Allegations revolve around land issues where the Complainant(s) were evicted by the Respondent from their agricultural land.</li> <li>● There are elements of intimidation by the Respondent and local authorities in the process of resolving the disagreements on the aforementioned land dispute.</li> <li>● The Respondent destroyed the irrigation built by the government.</li> </ul>
<b>Status</b>	Investigation/Deliberation
<b>Decision / Justification</b>	<ol style="list-style-type: none"> <li>1. The Secretariat received the formal response from the Respondent on 24.05.2024.</li> <li>2. The Respondent has decided to pursue DSF Mediation.</li> <li>3. Pending a response from the Complainant on their decision for BE/ DSF Mediation.</li> </ol>



Complaint 2.4 PT Swadaya Mukti Prakarsa (a subsidiary of First Resources Limited) vs Requested for confidentiality	
Case Reference	RSPO/2024/05/RR
Date Filed	20 March 2024
Respondent	PT Swadaya Mukti Prakarsa (a subsidiary of First Resources Limited)
Membership Category	Oil Palm Grower
Country	Kalimantan Barat, Indonesia
Complainant	Requested for confidentiality
Complaint Description	<ul style="list-style-type: none"> <li>Allegations raised against the Respondent are pertaining to a variety of workers rights violations, such as poor working conditions, non-provisions of subsidy, non-payment of social security (BPJS), poor safety conditions, workers health, unreasonable working hours, amongst others.</li> <li>The Complainant also alleged that several of its workers had been arrested by the police, for protesting against the Respondent company pertaining to their rights.</li> </ul>
Status	Investigation/Deliberation
Decision / Justification	<ol style="list-style-type: none"> <li><b>Pending receipt of the Complainant's response on the confidentiality status of the Complainant's submitted documents/information.</b></li> </ol>





## 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><b>Points raised:-</b></p> <ul style="list-style-type: none"> <li>● PT KPC is in persistent violation of the RSPO P&amp;C pertaining HCV assessment, the recognition of customary land rights and free, prior, and informed consent (FPIC). Lack of FPIC of the local Dayak and Malay people in the process of land take over.</li> <li>● Land takeover was done without land tenure study and participatory mapping.</li> <li>● Late HCV assessment which was done by IPB, final consultation was in May 2014.</li> <li>● Dissatisfaction by smallholders and resentment because of reduced post facto set aside for HCV rather than getting plasma scheme (20%).</li> <li>● Set aside land as HCS area that made no provision for customary land uses and tenure and local people livelihood.</li> <li>● GAR as the parent company of all 18 subsidiaries listed in acting in violation of the New Planting Procedure (NPP) by submitting information which is known as false. No HGU in 16 of 18 NPP.</li> <li>● The assessors which have endorsed GAR's HCV assessment, ESIA's and social engagement actions, are in violation of their responsibility to provide impartial assessment of company compliance with RSPO P&amp;C.</li> </ul>
Status	Investigation / Deliberation
Decision / Justification	<ol style="list-style-type: none"> <li>1. Following a directive by the CP, the Respondent has submitted additional documents to the Secretariat, which have been furnished to the CP for their perusal.</li> <li>2. The Secretariat will proceed to draft the decision letter upon receiving confirmation from the CP members.</li> </ol>



<b>Complaint 3.2 Golden Agri Resources (GAR) vs Forest Peoples Programme &amp; Elk Hills Foundation</b>	
<b>Case Reference</b>	RSPO/2020/04/IR
<b>Date Filed</b>	2 March 2020
<b>Respondent</b>	Golden Agri Resource (GAR)
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Indonesia
<b>Complainant</b>	Forest Peoples Programme & Elk Hills Foundation
<b>Complaint Description</b>	<ul style="list-style-type: none"> <li>• The Respondent, through its subsidiaries located in Central Kalimantan, operate its plantations with permits which never had the force of law;</li> <li>• The Respondent, through its employees have been involved in the payment of bribes to provincial officials in Central Kalimantan.</li> </ul>
<b>Status</b>	Investigation / Deliberation
<b>Decision / Justification</b>	<b>1. Briefing Note under peer review.</b>

<b>Complaint 3.3 Aceites Y Derivados Sociedad Anonima (ACEYDESA) vs Requested for confidentiality</b>	
<b>Case Reference</b>	RSPO/2020/07/LSL
<b>Date Filed</b>	6 April 2020
<b>Respondent</b>	Aceites Y Derivados Sociedad Anonima (ACEYDESA)
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Honduras
<b>Complainant</b>	Requested for confidentiality
<b>Complaint Description</b>	<ul style="list-style-type: none"> <li>• Modification of property deeds to remove areas identified by the government as environmental protection zone;</li> <li>• Employees not paid minimum wage; not provided with equipment; and not</li> </ul>



	<p>given workers' benefits;</p> <ul style="list-style-type: none"> <li>● Non-compliance with labour laws;</li> <li>● Threatening of workers to suppress information from auditors;</li> <li>● Bribing workers and government agencies;</li> <li>● Manipulation of scale systems; Falsification of data;</li> <li>● Operating without an environmental license.</li> </ul>
<b>Status</b>	Investigation / Deliberation
<b>Decision / Justification</b>	<ol style="list-style-type: none"> <li>1. The decision letter was furnished to parties on 29.04.2024.</li> <li>2. The Respondent responded on 19.05.2024 enclosing the action plan to remedy the breaches identified in the decision letter.</li> <li>3. The Secretariat is in the midst of reviewing the submitted action plan.</li> <li>4. Pending expiry of the appeals period on 23.07.2024.</li> </ol>

<b>Complaint 3.4 First Resources Limited vs Requested for confidentiality</b>	
<b>Case Reference</b>	RSPO/2021/04/EN
<b>Date Filed</b>	8 March 2021
<b>Respondent</b>	First Resources Limited
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Indonesia
<b>Complainant</b>	Requested for confidentiality
<b>Complaint Description</b>	<ul style="list-style-type: none"> <li>● The Respondent allegedly has ownership, control and influence over a company called Fangiono Agro Plantation (FAP) Agri, a non-RSPO member who was not declared in the Respondent's RSPO Group Membership.</li> <li>● The Respondent also allegedly has ownership, control and influence of an Indonesian company, Ciliandry Anky Abadi (CAA) who is a subsidiary of a British Virgin Islands registered company by the name of Sima Capital. This company too was not declared to be a part of the Respondent's RSPO Group Membership.</li> <li>● The Respondent, via FAP or by FAP's 11 subsidiaries have violated the RSPO Principles and Criteria by deforestation, peatland degradation, using lands for plantation without FPIC, river pollution, and unilateral layoffs of workers.</li> <li>● The Respondent, via CAA, have violated the RSPO Principles and Criteria by deforestation, peatland degradation, using lands for plantation without FPIC, and river pollution.</li> </ul>



	<ul style="list-style-type: none"> <li>• The Respondent is violating its NDPE Commitments, the RSPO Principle and Criteria, the RSPO Code of Conduct, and RSPO membership rules.</li> <li>• The Complainants alleged that the Respondent has control and influence over a group of companies known as New Borneo Agri (“the Sulaidy companies”), a non-RSPO member who was not declared in Respondent’s RSPO Group Membership.</li> </ul>
<b>Status</b>	Investigation / Deliberation
<b>Decision / Justification</b>	<ol style="list-style-type: none"> <li>1. <b>The Secretariat conducted an introductory meeting with the independent Consultant on 8.05.2024.</b></li> <li>2. <b>The Secretariat facilitated an introductory meeting between the independent Consultant and the Complainant on 15.05.2024 followed by an introductory meeting between the Consultant and the Respondent on 16.05.2024.</b></li> <li>3. <b>Independent Investigations in progress.</b></li> </ol>

<b>Complaint 3.5 PT Inecda (a subsidiary of S&amp;G Biofuel Pte. Ltd) vs Requested for confidentiality</b>	
<b>Case Reference</b>	RSPO/2021/06/SW
<b>Date Filed</b>	19 March 2021
<b>Respondent</b>	PT Inecda (a subsidiary of S&G Biofuel Pte. Ltd)
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Indonesia
<b>Complainant</b>	Requested for confidentiality
<b>Complaint Description</b>	<ul style="list-style-type: none"> <li>• Respondent is operating in the area own by the Luak Talang Parit Community without obtaining prior consent from the community;</li> <li>• Respondent did not develop the plasma plantations for the community; and</li> <li>• Respondent did not have an internal grievance mechanism that the stakeholders can access</li> </ul>
<b>Status</b>	Investigation / Deliberation
<b>Decision / Justification</b>	<ol style="list-style-type: none"> <li>1. <b>Briefing Note under peer review.</b></li> </ol>



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

<b>Complaint 3.7 Energy &amp; Palma S.A. ( subsidiary of HOLDING LA FABRIL S.A) vs Requested for confidentiality</b>	
<b>Case Reference</b>	RSPO/2023/01/MAM
<b>Date Filed</b>	05 January 2023
<b>Respondent</b>	Energy & Palma S.A. (a subsidiary of HOLDING LA FABRIL S.A)
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Ecuador
<b>Complainant</b>	Requested for confidentiality



<b>Complaint Description</b>	<ul style="list-style-type: none"> <li>● Allegations made against the Respondent are in relation to the modification of property deeds to remove areas identified by the government as community lands and environmental protection zones.</li> <li>● Lawsuit against community owners to intimidate the local people.</li> <li>● Company's activities have a negative impact on the natural environment and lead to degradation and deforestation.</li> </ul>
<b>Status</b>	Investigation / Deliberation
<b>Decision / Justification</b>	<b>1. Pending selection of an Independent Investigator.</b>

<b>Complaint 3.8 PT. Bumi Pratama Khatulistiwa ( subsidiary of Wilmar International Limited) vs Requested for confidentiality</b>	
<b>Case Reference</b>	RSPO/2022/17/LSL
<b>Date Filed</b>	26 December 2022
<b>Respondent</b>	PT. Bumi Pratama Khatulistiwa ( subsidiary of Wilmar International Limited)
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Indonesia
<b>Complainant</b>	Requested for confidentiality
<b>Complaint Description</b>	<ul style="list-style-type: none"> <li>● Pertaining to labour related issues such as wages, no optimal health services and safety, (BPJS) is not registered, unilateral termination, the rights of the workers are not honoured, intimidation and expanded job scopes of workers (harvesters)</li> <li>● It is further alleged that the workers who have been working for a period of more than 5 years are not converted to permanent workers, instead their working days were reduced,</li> <li>● The Respondent is allegedly not transparent in determining Lembaga Kerjasama (LKS) bipartite and the amount of FFB delivered to the factory/mill.</li> </ul>
<b>Status</b>	Investigation / Deliberation
<b>Decision / Justification</b>	<b>1. Pending performance of the special audit by the newly appointed CB.</b>



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