

## COMPLAINTS PANEL MINUTES OF MEETING

for Website

Date: 28 April 2021@ 3.00pm - 5.40pm (Meeting No. 04/2021)

Meeting location: *via Zoom Link*

<p><b>List of Complaints Panel Member</b></p>	<table border="1"> <tr> <td data-bbox="375 533 906 799"> <ol style="list-style-type: none"> <li>1. Henry Barlow (Chair - CCP)</li> <li>2. Lim Sian Choo ( LSC - Co Chair)</li> <li>3. Michelle Desilets (MD)</li> <li>4. Matthias Diemer (MDM)</li> <li>5. Marieke Leegwater (ML)</li> </ol> </td> <td data-bbox="914 533 1437 799"> <ol style="list-style-type: none"> <li>6. Lanash Thanda (LT)</li> <li>7. Peter van der Werf (PVDW)</li> <li>8. José den Toom (JDT)</li> <li>9. Robert Kruger (RK)</li> <li>10. Priya Gopalan (PG)</li> </ol> </td> </tr> </table>	<ol style="list-style-type: none"> <li>1. Henry Barlow (Chair - CCP)</li> <li>2. Lim Sian Choo ( LSC - Co Chair)</li> <li>3. Michelle Desilets (MD)</li> <li>4. Matthias Diemer (MDM)</li> <li>5. Marieke Leegwater (ML)</li> </ol>	<ol style="list-style-type: none"> <li>6. Lanash Thanda (LT)</li> <li>7. Peter van der Werf (PVDW)</li> <li>8. José den Toom (JDT)</li> <li>9. Robert Kruger (RK)</li> <li>10. Priya Gopalan (PG)</li> </ol>
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<p><b>Agenda</b></p>	<p><b><u>General Agenda:- 3.00pm to 4.00pm</u></b></p> <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 March 2021</b> during the CP Meeting</li> <li>5. New Allegations:-             <ol style="list-style-type: none"> <li>5.1 RSPO/2021/05/SW - Papaso Estate &amp; PT Damai Nusa Sekawan - Sosa &amp; Bukit Udang Estate (a subsidiary of Permata Hijau Group)</li> <li>5.2 RSPO/2021/06/SW - PT Inecda (a subsidiary of S&amp;G Biofuel Pte. Ltd)</li> <li>5.3 RSPO/2021/07/SW - PT. Mitra Karya Sentosa (a subsidiary of First Resources Limited)</li> <li>5.4 RSPO/2021/08/IR - Jiba Estate (a subsidiary of Keresa Plantations Sdn Bhd)</li> </ol> </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 in 2021</li> <li>7.2 Dates for CP Physical Meetings</li> <li>7.3 Expansion of the Complaints Panel</li> </ol> </li> </ol>		

	<p>8. Collaboration with the Investigation &amp; Monitoring Unit (IMU)</p> <p style="padding-left: 40px;">8.1 FELDA Global Venture - (Article by The Wall Street Journal)</p> <p style="padding-left: 40px;">8.2 PT Temila Agro Abadi - subsidiary of FGV - ( Article by Chain Reaction Research)</p> <p style="padding-left: 40px;">8.3 Poligrow Colombia SAS</p> <p style="padding-left: 40px;">8.4 PT Permata Hijau Sawit Kebun Papaso (subsidiary of Permata Hijau Group)</p> <p>9. Dispute Settlement Facility (DSF)</p> <p>10. Commitment of Financial Institutions.</p> <p>11. GA Resolution - GA15-6d: Discouraging RSPO members subject to complaints from avoiding their obligations by divesting or withdrawing their membership.</p> <p>12. Any Other Matters</p>
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13. Complaints for deliberation:-

**Group 1:- 4.00pm to 4.35pm**

1. FELDA vs Orang Dusun Lahad Datu (Desa Begahak/Robin Balud)
2. Hap Seng Plantations Holdings Bhd vs Sia Yi Chin
3. PT. Mitra Austral Sejahtera (PT. MAS) - subsidiary of Sime Darby vs Transformasi untuk Keadilan (TuK-NGO)
4. Golden Veroleum Liberia (GVL) vs. Green Advocate for the Butaw Community & Forest Peoples Programme & SDI & SESDev & A-Bloteh
5. HSA Group (Pacific Inter Link, Pacific Oils & Fats Industries Sdn Bhd, PT Pacific Indopalm Industries, PT. Pacific Medan Industri, PT. Pacific Palmindo Industri) vs Environmental Investigation Agency (EIA) & Greenpeace
6. Pacific Inter-Link (Papuan Concessions) vs Environmental Investigation Agency (EIA) & Greenpeace
7. PT Wahana Prima Sejati (subsidiary of First Resources) vs *requested for confidentiality*
8. PT Nabire Baru and PT Sariwana Adi Perkasa (subsidiary Goodhope Asia Holdings Ltd) vs Awasmiffee, Greenpeace & FPP

**Group 2:- 4.35pm to 5.10pm**

1. Extractora La Gloria S.A.S. vs ASOCOL & ASOCADAR
2. PT. Hati Prima Agro (PT. HPA) - subsidiary of Bumitama vs Sawit Watch
3. Golden Agri Resources (GAR) vs Forest Peoples Programme & TuK - Indonesia
4. Presco PLC Nigeria (SIAT SA) vs *requested for confidentiality*
5. PT. Perkebunan Nusantara IV (PERSERO) vs Koalisi Organisasi Serikat Pekerja dan Lembaga Swadaya Masyarakat Kabupaten Labuhan Batu, FSMI. TIPAN-RI
6. PT. Perkebunan Nusantara IV (PERSERO) vs *requested for confidentiality*
7. PT. Perkebunan Nusantara IV (PERSERO) vs Federasi Serikat Pekerja Metal Indonesia (FSPMI)
8. PT Musim Mas Holding Pte Ltd vs *requested for confidentiality*
9. Palmaceite S.A. vs *requested for confidentiality*
10. Agroaceite S.A. vs *requested for confidentiality*
11. Pabrik Kelapa Sawit Batang Kulim POM & Pabrik Kelapa Sawit Pangkalan Lesung POM (subsidiary of PT Musim Mas) vs KC FSPMI
12. PT Agro Kati Lama - subsidiary of SIPEF group vs *requested for confidentiality*
13. 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.

**Group 3:- 5.10pm to 5.40pm**

1. PT. Kartika Prima Cipta (PT. KPC) - subsidiary of Golden Agri Resources (GAR) vs Forest Peoples Programme & TuK Indonesia
2. Goodhope Asia Holdings Ltd vs RSPO Secretariat
3. IOI Pelita - subsidiary of IOI Group vs Community of Long Teran Kanan
4. Primatama Mulia Jaya vs Masyarakat Adat Luhak Saparampek Simpang Tigo
5. Oleaginosas Del Peru S.A. (OLPESA) vs *requested for confidentiality*
6. Golden Agri Resources (GAR) vs Forest Peoples Programme & Elk Hills Foundation
7. Aceites Y Derivados Sociedad Anonima (ACEYDESA) vs *requested for confidentiality*
8. Benso Oil Palm Plantation (subsidiary of Wilmar International Limited) vs Mrs. Joseph Yankey & Mr Solomon Asante-Sefa
9. IOI Plantation Mekassar Estate (subsidiary of IOI Corporation Berhad) vs *requested for confidentiality*
10. PT Nubika Jaya (subsidiary of Permata Hijau Group) vs LSM-Baris Labuhanbatu Selatan
11. Palmas y Trabajo S.A.S; Progreso Palmero S.A.S and Oleaginosas de Yuma S.A.S (Daabon Group) vs Puerto Wilches Section Sintrainagro Deputy Director's Office
12. First Resources Limited vs *requested for confidentiality*

**DETAILS OF THE AGENDA:**

No.	Agenda
1.	Opening Remarks from Chairperson  <b>Opening speech by CCP.</b>
2.	RSPO Antitrust Guidelines  <b>The CP and the Director of Assurance had discussions on the application of the RSPO Antitrust Guidelines.</b>
3.	Declaration of “No Conflict of Interest”  <b>No further conflict of interest declared at this time of the meeting.</b>
4.	To confirm and adopt the minutes of <b>24 March 2021</b> during the Complaints Panel Meeting.  <b>Minutes of 24 March 2021 adopted.</b>

<b>5. New allegation submitted</b>											
<b>5.1</b>	<table border="1"> <tr> <td><b>RSPO/2021/05/SW</b></td> <td><b>Papaso Estate &amp; PT Damai Nusa Sekawan - Sosa &amp; Bukit Udang Estate (a subsidiary of Permata Hijau Group)</b></td> </tr> <tr> <td>Complainant</td> <td><i>requested for confidentiality</i></td> </tr> <tr> <td>Complaint received</td> <td>19 March 2021</td> </tr> <tr> <td>Location</td> <td>Indonesia</td> </tr> <tr> <td>Allegations</td> <td> <ul style="list-style-type: none"> <li>● The Respondent prohibits the workers to conduct union activities;</li> <li>● The Respondent deducts the workers' payment due to their activities in the union;</li> <li>● The Respondent has employed some of the workers as daily casual workers for more than 3 (three) years; and</li> <li>● The Respondent did not socialise Company Regulations (Peraturan Perusahaan) to the workers.</li> </ul> </td> </tr> </table> <p><b>Discussion from 28 April 2021 (CP Meeting):-</b></p> <p><b>1. The Initial Diagnosis is being finalised and under the peer review process.</b></p>	<b>RSPO/2021/05/SW</b>	<b>Papaso Estate &amp; PT Damai Nusa Sekawan - Sosa &amp; Bukit Udang Estate (a subsidiary of Permata Hijau Group)</b>	Complainant	<i>requested for confidentiality</i>	Complaint received	19 March 2021	Location	Indonesia	Allegations	<ul style="list-style-type: none"> <li>● The Respondent prohibits the workers to conduct union activities;</li> <li>● The Respondent deducts the workers' payment due to their activities in the union;</li> <li>● The Respondent has employed some of the workers as daily casual workers for more than 3 (three) years; and</li> <li>● The Respondent did not socialise Company Regulations (Peraturan Perusahaan) to the workers.</li> </ul>
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6. Complaints Cases Statistics				
<b>Total Cases in 2020</b>				
	Jan-2020	Feb-2020	Mar-2020	Apr-2020
<b>Complaints received</b>	<b>2</b>	<b>1</b>	<b>3</b>	<b>1</b>
<b>Status</b>	Open (0) Rejected (1) Closed (1)	Open (1)	Open (2) Closed (1)	Open (1)
<b>Country</b>	Malaysia (1) Indonesia (1)	Indonesia (1)	Indonesia (2) Colombia (1)	Honduras (1)
<b>Case Category</b>	-Invasion of main access road -Wage, safety	- Land fires - River Pollution - Planting on Peat	- Illegal permit - convicted for Bribery - Water Pollution - Breached CoC	
	May 2020	Jun 2020	Jul 2020	Aug 2020
<b>Complaints received</b>	<b>0</b>	<b>3</b>	<b>2</b>	<b>2</b>
<b>Status</b>	-	Open (0) Rejected (2) Closed (1)	Open (2)	Open (2) Rejected (1)
<b>Country</b>	-	Indonesia (3)	Guatemala (1) Indonesia (1)	Indonesia (2)
<b>Case Category</b>	-	-Workers unjustifiably dismissed -Social Benefits) -Infringement of copyright - no adequate health,housing facilities	- River Pollution - Deforestation -endangered wildlife -Breach of P&C	-Unfair dismissal /termination - no adequate health,housing facilities - illegal control and use of land

	Sept-2020	Oct-2020	Nov-2020	Dec-2020
<b>Complaints received</b>	2	2	1	-
<b>Status</b>	Open (2)	Open (1) Rejected (1)	Open (1)	-
<b>Country</b>	Colombia (1) Indonesia (1)	Colombia (1) Malaysia (1)	Indonesia (1)	-
<b>Case Category</b>	-Occupational hazard - NPP	-Breach of CoC -Human Rights violation -Fake pay slip	-Water pollution -Processing FFB from non-RSPO certified plantations.	-

**Total Cases in 2021**

	Jan-2021	Feb-2021	Mar-2021	Apr-2021
<b>Complaints received</b>	2	1	5	-
<b>Status</b>	Open (2)	Open (0) Closed (1)	Open (5)	-
<b>Country</b>	Indonesia (2)	Switzerland (1)	Indonesia (4) Malaysia (1)	-
<b>Case Category</b>	-Operating without having a HGU -Labour Issues	-“no palm oil” claim	-prohibits the workers to conduct union activities -FPIC -HCV and HCS area -Labour abuse	-

**Total Active Cases by Country and Year (as of 21.04.2021)**

Country	Active Cases	Year	Active Cases
Indonesia	22		
Malaysia	5	2010	1
Colombia	3	2012	1
Nigeria	1	2014	1
Peru	1	2015	3
Liberia	1	2017	3
Guatemala	1	2018	5
Ghana	1	2019	4
Cayman Island	1	2020	12
Honduras	1	2021	7
<b>TOTAL</b>	<b>37</b>	<b>TOTAL</b>	<b>37</b>

**7. Complaints Panel Meeting Dates**

**7.1 Dates for Complaints Panel monthly meetings**

Discussion from 28 April 2021 (CP Meeting):-

1. The Complaints Desk will write to all the CP members on the new proposed date, day and time of the CP meetings from July 2021 to December 2021.

**2.2 Dates for Complaints Panel Physical Meetings in 2020**

Discussion from 28 April 2021 (CP Meeting):-

1. Minutes of the CP Quarterly meeting have been furnished to the CP.

**7.3 Expansion of Complaints Panel**

Discussion from 28 April 2021 (CP Meeting):-

	<p>1. There will be an announcement on the RSPO’s website and in the RSPO newsletter for invitation to RSPO members to apply as the CP member.</p>
<b>8.</b>	<b>Collaboration with the Investigation &amp; Monitoring Unit (IMU)</b>
<b>8.1</b>	<p><b>FELDA Global Venture - (Article by The Wall Street Journal)</b></p> <p>Discussion from 28 April 2021 (CP Meeting):-</p> <p>1. The audit has already been concluded as of late March 2021 and early April 2021. The auditors are in the process of finalising their report and the Complaints Desk will be receiving the report within the next two weeks before the festive holidays (Ramadan festival).</p>
<b>8.2</b>	<p><b>PT Temila Agro Abadi - subsidiary of FGV - ( Article by Chain Reaction Research)</b></p> <p>Discussion from 28 April 2021 (CP Meeting):-</p> <p>1. The Complaints Desk will be conducting the FGV identification of where the remediation plan lacks. FGV to send back the updated remediation plan before it goes to GHG and the climate change group to see if the remediation plan complies with the RSPO standards.</p>
<b>8.3</b>	<p><b>Poligrow Colombia SAS</b></p> <p>Discussion from 28 April 2021 (CP Meeting):-</p> <p>1. The CB has acknowledged the receipt of the directive and will closely monitor the implementation of the action plans and management plans until the next surveillance audit. The monitoring of the implementation progress will be recorded in the surveillance audit report.</p>
<b>8.4</b>	<p><b>PT Permata Hijau Sawit Kebun Papaso (subsidiary of Permata Hijau Group)</b></p> <p>Discussion from 28 April 2021 (CP Meeting):-</p> <p>1. The Complaints Desk has received the complete document verification from the Respondent and has been reviewed.</p>

	<p>2. The Complaints Desk is finalizing the briefing note, the briefing note is currently under peer review, and it will be furnished to the CP in due course.</p>
<p><b>9. Dispute Settlement Facility (DSF)</b></p>	
	<p>Discussion from 28 April 2021 (CP Meeting):-</p> <p>1. The next webinar has been scheduled on 03.05.2021 and the invitation has been sent out to the CP members.</p>
<p><b>10. Commitments of Financial Institution(s)</b></p>	
	<p>Discussion from 28 April 2021 (CP Meeting):-</p> <p>1. This matter is status quo.</p>
<p><b>11. GA Resolution - GA15-6d - Discouraging RSPO members subject to complaints from avoiding their obligations by divesting or withdrawing their membership</b></p>	
	<p>Discussion from 28 April 2021 (CP Meeting):-</p> <p>1. This matter is status quo.</p>
<p><b>13. Any Other Matters</b></p>	
	<p><b>ASC-CP MEETING</b></p> <p>Discussion from 28 April 2021 (CP Meeting):-</p> <p>1. The CP has raised some queries with regards to the agenda of the next ASC-CP Meeting and requested the Complaints Desk to incorporate some key information to be added to the slide presentation.</p>

**COMPLAINTS FOR DELIBERATION:**

**GROUP 1**

<b>Complaint 1.1 FELDA vs Orang Dusun Lahad Datu (Desa Begahak/Robin Balud)</b>	
<b>Case Reference</b>	PreCAP/2015/05/PR
<b>Date Filed</b>	16 February 2015
<b>Respondent</b>	FELDA (Federal Land Development Authority) (Felda Ventures Bhd)
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Malaysia
<b>Complainant</b>	Orang Dusun Lahad Datu (Desa Begahak/Robin Balud)
<b>Nature of Complaint</b>	<ul style="list-style-type: none"> <li>● According to the Enquiry National Hak Tanah Malaysia document, the state government had given 1260 acres of land to the Dusun Begahak community in 1981. At the same time, the same land was alienated to FELDA for development.</li> <li>● The complainant raised the issue that FELDA has no right to develop their land and should return it to the community because the land originally belonged to the community. The complainant also stated that the cemetery area is being developed by FELDA.</li> <li>● FELDA enclaved 916 acres of the said land and gave it back to the community. The community planted fruits and other crops on the land.</li> <li>● A police report has been made by the community and that is the source of the complaint.</li> </ul>
<b>Status</b>	(D) Investigation / deliberation
<b>Decision / Justification</b>	<ol style="list-style-type: none"> <li>1. <b>The Secretariat has furnished the CP’s letter to both parties to the Complaint.</b></li> <li>2. <b>The Secretariat has included the following information in the letter:-</b> <ol style="list-style-type: none"> <li>a. <b>The efforts made by the Secretariat to seek for updates from the SLSD;</b></li> <li>b. <b>The directive for the Respondent to take the responsibility to gain the update and timely resolution of the appeal before the SLSD.</b></li> </ol> </li> <li>3. <b>The same letter has been uploaded onto the case tracker.</b></li> </ol>



<b>Complaint 1.2 Hap Seng Plantations Holdings Bhd vs Sia Yi Chin</b>	
<b>Case Reference</b>	PreCAP/2015/36/PR
<b>Date Filed</b>	24 November 2015
<b>Respondent</b>	Hap Seng Plantations Holdings Bhd
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Malaysia
<b>Complainant</b>	Sia Yi Chin of Lahad Datu, Sabah
<b>Complaint description</b>	<ul style="list-style-type: none"> <li>• The complainant is claiming that Hap Seng Plantations Bhd is illegally occupying his property (River Estates) of 6,454 acres in Lahad Datu, Sabah.</li> <li>• He says that he is the beneficial owner of the said land and the land office in Kota Kinabalu has confirmed that the said land is still in his name as beneficial owner.</li> <li>• He has filed a civil suit against Hap Seng; originating summons: BKI-24-127/5 of 2012 filed on 30.07.2015.</li> </ul>
<b>Status</b>	(G) Decision delivered with period to appeal (60 WD)
<b>Decision / Justification</b>	<ol style="list-style-type: none"> <li>1. The CP's decision letter has been furnished to both parties to the Complaint on 22.04.2021.</li> <li>2. The same letter has been uploaded onto the case tracker.</li> <li>3. The deadline for the submission of appeal will be on 15.07.2021.</li> </ol>

<b>Complaint 1.3 PT. Mitra Austral Sejahtera (Sime Darby) vs NGO TuK</b>	
<b>Case Reference</b>	PreCAP/2012/06/PR
<b>Date Filed</b>	31 October 2012 (Under DSF) 9 June 2017 (Transferred to the CP)
<b>Respondent</b>	PT Mitra Austral Sejahtera (Sime Darby subsidiary)
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Indonesia
<b>Complainant</b>	Transformasi untuk Keadilan (TuK)
<b>Complaint description</b>	<ul style="list-style-type: none"> <li>● The communities of Sanggau have alleged that the company PT Mitra Austral Sejahtera is operating without :               <ol style="list-style-type: none"> <li>1. Lack of Transparency on land status and partnership agreements;</li> <li>2. Lack of compliance to our customary land rights;</li> <li>3. The absence of (documented) compensation;</li> <li>4. Lack of compliance to local regulations;</li> </ol> </li> <li>● In acting so they are alleged to have breached RSPO Principles and Criteria specifically on:               <ol style="list-style-type: none"> <li>1. Principle 1 on Transparency,</li> <li>2. Principle 2 on Compliance with applicable laws and Principle 6 Responsible consideration of employees and individuals and communities affected by growers and mills.</li> </ol> </li> </ul>
<b>Status</b>	(D) Investigation / deliberation
<b>Decision / Justification</b>	<b>1. The final draft of the Briefing Note in process.</b>

Complaint 1.4 Golden Veroleum Liberia (GVL) vs. Green Advocate for the Butaw Community; FPP; SDI; SESDev; A-Bloteh	
Case Reference	PreCAP/2012/09/PR
Date Filed	3 October 2012
Respondent	Golden Veroleum Liberia (GVL)
Membership Category	Oil Palm Grower
Country	Liberia
Complainant	Green Advocate for the Butaw Community; FPP; SDI; SESDev; A-Bloteh
Complaint description	<p>Golden Veroleum Liberia:</p> <ul style="list-style-type: none"> <li>• has not provided public notification for a 30 day period consistent with the New Planting Procedures;</li> <li>• commencing land preparation new planting and infrastructure development prior to the expiry of the minimum 30-day period;</li> <li>• By not conducting a comprehensive and participatory independent social and environmental impact assessment(s) of the area concerned and incorporate the results into relevant action plans (see RSPO criteria 5.1, 6.1, 7.1 &amp; 7.4) including the identification of: (a) all primary forest, (b) any area required to maintain or enhance one or more High Conservation Values (HCVs), and (d) local peoples' land;</li> <li>• Clearing land without the free, prior and informed consent of the customary land owners as represented through representative organizations of their choice (P&amp;C 2.2, 2.3, 7.5 and 7.6).</li> </ul>
Status	(D) Investigation / deliberation
Decision / Justification	<p><b>1. The Complaints Desk received the updates and timelines of those discussions and in the midst of reviewing the document.</b></p>

<b>Complaint 1.5 HSA Group (Pacific Inter-Link, Pacific Oils &amp; Fats Industries Sdn Bhd, PT. Pacific Indopalm Industries, PT. Pacific Medan Industri, PT. Pacific Palmindo Industri) vs Environmental Investigation Agency (EIA) &amp; Greenpeace</b>	
<b>Case Reference</b>	RSPO/2018/18/RB
<b>Date Filed</b>	15 October 2018
<b>Respondent</b>	HSA Group (Pacific Inter-Link, Pacific Oils & Fats Industries Sdn Bhd, PT. Pacific Indopalm Industries, PT. Pacific Medan Industri, PT. Pacific Palmindo Industri)
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Cayman Island
<b>Complainant</b>	Environmental Investigation Agency (EIA) & Greenpeace
<b>Complaint description</b>	<ul style="list-style-type: none"> <li>Breach of Code of Conduct - violation of the RSPO Group Membership rules. All the companies (stated above) are alleged to be part of the Hayel Saeed Anam (HSA) Group, but still registered as separate RSPO members.</li> </ul>
<b>Status</b>	(J) Appeal decision
<b>Decision / Justification</b>	<ol style="list-style-type: none"> <li>The decision letter by the Appeals Panel has been furnished to the CP.</li> </ol>

<b>Complaint 1.6 Pacific Inter-Link (Papuan Concessions) vs Environmental Investigation Agency (EIA) &amp; Greenpeace</b>	
<b>Case Reference</b>	RSPO/2018/19/RB
<b>Date Filed</b>	15 October 2018
<b>Respondent</b>	Pacific Inter-Link (Papuan Concessions)
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Indonesia
<b>Complainant</b>	Environmental Investigation Agency (EIA) & Greenpeace
<b>Complaint description</b>	<ul style="list-style-type: none"> <li>• 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.</li> </ul>
<b>Status</b>	(D) Investigation / deliberation
<b>Decision / Justification</b>	<ol style="list-style-type: none"> <li>1. <b>The Complaints Desk has received a brief report from the membership unit and midst of reviewing the report.</b></li> </ol>

<b>Complaint 1.7 PT Wahana Prima Sejati (subsidiary of First Resources Limited) vs requested for confidentiality</b>	
<b>Case Reference</b>	RSPO/2020/12/EN
<b>Date Filed</b>	14 July 2020
<b>Respondent</b>	PT Wahana Prima Sejati (subsidiary of First Resources Limited)
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Indonesia
<b>Complainant</b>	<i>requested for confidentiality</i>
<b>Complaint description</b>	<ul style="list-style-type: none"> <li>• Deforestation and land clearing including in the High Conservation Value Forest within the Respondent’s concession for construction;</li> <li>• Development of road cutting across one of the major wildlife corridors connecting two river systems – Berenga and Tempadung Rivers; and</li> <li>• Development of a jetty, which includes reclamation of the sea floor as long as 590 meters</li> </ul>
<b>Status</b>	(D) Investigation / deliberation
<b>Decision / Justification</b>	<ol style="list-style-type: none"> <li>1. <b>Formal response from the Respondent on Interim measures has been furnished to the Complaints Panel.</b></li> <li>2. <b>The ToR for AMDAL review has been furnished to the CP and the Complaint Desk noted the inputs from the Complaints Panel and will integrate the inputs into the ToR.</b></li> </ol>

<b>Complaint 1.8 PT Nabire Baru and PT Adi Perkasa (subsidiary of Goodhope Asia Holdings Ltd) vs Awasmifee, Greenpeace and Forest Peoples Programme</b>	
<b>Case Reference</b>	RSPO/2020/17/SW
<b>Date Filed</b>	18 September 2020
<b>Respondent</b>	PT Nabire Baru and PT Sariwana Adi Perkasa (subsidiary of Goodhope Asia Holdings Ltd)
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Indonesia
<b>Complainant</b>	Awasmifee, Greenpeace & FPP
<b>Complaint description</b>	<ul style="list-style-type: none"> <li>The Complaint was lodged as a result of the comments that have been given by the Complainant during the Respondent's NPP consultation period have not been resolved. The allegations as below: "that the Respondent withheld two important documents which should have been made available to stakeholders under the RSPO principle on transparency. The documents are the original draft of the 2011 HCV assessment and the Respondent's legal review commissioned by the RSPO Secretariat."</li> </ul>
<b>Status</b>	(D) Investigation / deliberation
<b>Decision / Justification</b>	<ol style="list-style-type: none"> <li><b>The CP is of the opinion that this complaint involves a parallel complaint and thinks it's wise to wait for the completion of the said parallel complaint before they deliberate on this case.</b></li> </ol>

**GROUP 2**

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



	intimidations against the claimants. It even requested that the Constitutional Court lift the cautionary measures protecting the victims.
<b>Status</b>	(D) Investigation / deliberation
<b>Decision / Justification</b>	<b>1. The draft decision letter is now under peer review process within the Complaints Desk.</b>

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

<b>Complaint 2.3 Golden Agri Resources vs Forest Peoples Programme (FPP) &amp; TuK</b>	
<b>Case Reference</b>	RSPO/2018/14/IR
<b>Date Filed</b>	22 August 2018
<b>Respondent</b>	Golden Agri Resources
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Indonesia
<b>Complainant</b>	Forest Peoples Programme (FPP) and Tuk- Indonesia
<b>Complaint description</b>	<ul style="list-style-type: none"> <li>• GAR's shadow companies are actively clearing lands.</li> </ul>
<b>Status</b>	(D) Investigation / deliberation
<b>Decision / Justification</b>	<b>1. Pending investigation and CP's response to the Respondent</b>

<b>Complaint 2.4 Presco PLC Nigeria (SIAT SA) vs requested for confidentiality</b>	
<b>Case Reference</b>	RSPO/2018/17/PR
<b>Date Filed</b>	17 September 2018
<b>Respondent</b>	Presco PLC Nigeria (SIAT SA)
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Nigeria
<b>Complainant</b>	<i>requested for confidentiality</i>
<b>Complaint description</b>	<ul style="list-style-type: none"> <li>• For the past five years, PRESCO, in conjunction with the Edo State Government, through its Ministry of Agriculture and Natural Resources; the Police in Benin City, Edo State; and the Nigeria Army's 4th Brigade (also located in Benin City, Edo State), has been forcefully encroaching into ancestral and customarily owned indigenous farm lands, including Ouarivie-Abraka ancestral farm lands, situated in Delta State (a neighbouring State to Edo State, where PRESCO's Head Office is located), and forcefully evicting local farmers from these ancestral and customarily owned</li> </ul>

	indigenous farm lands measuring approximately three thousand hectares (well beyond the Edo State boundaries), and forcefully and illegally grabbing same for its palm oil plantation expansionist activities.
<b>Status</b>	(D) Investigation / deliberation
<b>Decision / Justification</b>	<b>1. The directive from the CP has been conveyed to the Respondent. Pending response from the Respondent.</b>

<b>Complaint 2.5 PT Perkebunan Nusantara IV (PERSERO) vs Koalisi Organisasi Serikat Pekerja dan Lembaga Swadaya Masyarakat Kabupaten Labuhan Batu, FSMI. TIPAN-RIPT</b>	
<b>Case Reference</b>	RSPO/2019/07/IR
<b>Date Filed</b>	10 April 2019
<b>Respondent</b>	PT Perkebunan Nusantara IV (PERSERO)
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	North Sumatera, Indonesia
<b>Complainant</b>	Koalisi Organisasi Serikat Pekerja dan Lembaga Swadaya Masyarakat Kabupaten Labuhan Batu, FSMI. TIPAN-RI
<b>Complaint description</b>	<ul style="list-style-type: none"> <li>● Lack of adequate health and safety equipment;</li> <li>● Worker died due to lack of safety equipment; and</li> <li>● No festive holidays for temporary workers.</li> </ul>
<b>Status</b>	(D) Investigation/Deliberation
<b>Decision / Justification</b>	<b>1. Pending further discussions with the Certification Unit.</b>

<b>Complaint 2.6 PT Perkebunan Nusantara IV (PERSERO) vs requested for confidentiality</b>	
Case Reference	RSPO/2019/11/IR
Date Filed	23 April 2019
Respondent	PT Perkebunan Nusantara IV (PERSERO)
Membership Category	Oil Palm Grower
Country	North Sumatera, Indonesia
Complainant	<i>requested for confidentiality</i>
Complaint description	<ul style="list-style-type: none"> <li>• Temporary workers contract and wages issues;</li> <li>• Intimidation of workers</li> </ul>
Status	(D) Investigation/Deliberation
Decision / Justification	<b>1. Pending further discussions with the Certification Unit.</b>

<b>Complaint 2.7 PT Perkebunan Nusantara IV (PERSERO) vs Federasi Serikat Pekerja Metal Indonesia (FSPMI)</b>	
Case Reference	RSPO/2019/12/IR
Date Filed	6 May 2019
Respondent	PT Perkebunan Nusantara IV (PERSERO)
Membership Category	Oil Palm Grower
Country	North Sumatra, Indonesia
Complainant	Federasi Serikat Pekerja Metal Indonesia (FSPMI)
Complaint description	<ul style="list-style-type: none"> <li>• Alleged fraud of wages for 7 workers,</li> <li>• No festive holidays and bonus for temporary workers</li> </ul>
Status	(D) Investigation/Deliberation
Decision / Justification	<b>1. Pending further discussions with the Certification Unit.</b>

<b>Complaint 2.8 PT Musim Mas Holdings Pte Ltd vs requested for confidentiality</b>	
<b>Case Reference</b>	RSPO/2020/03/EN
<b>Date Filed</b>	11 February 2020
<b>Respondent</b>	PT Musim Mas Holding Pte Ltd
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Indonesia
<b>Complainant</b>	<i>requested for confidentiality</i>
<b>Complaint description</b>	<ul style="list-style-type: none"> <li>• Land fires occurred in the conservation area within the PT MusimMas HGU covering an area of 12 hectares;</li> <li>• Damaging the river by damming the river flow;</li> <li>• Community owned plantation and public cemetery are not enclaved;</li> <li>• Planting on peatland and in protected areas of river banks.</li> </ul>
<b>Status</b>	(D) Investigation / deliberation
<b>Decision / Justification</b>	<ol style="list-style-type: none"> <li>1. <b>The Complaints Desk has received the revised special audit report from the CB and has furnished the report to both parties of the Complaint and has received the responses from parties.</b></li> <li>2. <b>The Complaints Desk is currently preparing documents, integrating responses from both parties and briefs of findings from the CBs to be furnished to the CP.</b></li> </ol>

<b>Complaint 2.9 Palmaceite S.A vs requested for confidentiality</b>	
<b>Case Reference</b>	RSPO/2020/05/HN
<b>Date Filed</b>	24 March 2020
<b>Respondent</b>	Palmaceite S.A.
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Colombia
<b>Complainant</b>	<i>requested for confidentiality</i>
<b>Complaint description</b>	<ul style="list-style-type: none"> <li>The Respondent has allegedly failed to fulfill the agreement with the Complainant to implement and monitor the operations of the Complainant's plantation which led to the collapse of the production within the plantation.</li> </ul>
<b>Status</b>	(D) Investigation / deliberation
<b>Decision / Justification</b>	<ol style="list-style-type: none"> <li><b>The Complaints Desk has received the special audit report from the CB and the same has been furnished to both parties.</b></li> <li><b>The Complaints Desk is currently in the midst of preparing the Briefing Note for the CP's deliberation.</b></li> </ol>

<b>Complaint 2.10 Agroaceite S.A. vs requested for confidentiality</b>	
<b>Case Reference</b>	RSPO/2020/11/HN
<b>Date Filed</b>	6 July 2020
<b>Respondent</b>	Agroaceite, S.A.
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Guatemala
<b>Complainant</b>	<i>requested for confidentiality</i>
<b>Complaint Description</b>	<ul style="list-style-type: none"> <li>• The Complainant alleges that the Respondent has destroyed the biodiversity of the Manchón Guamuchal nature reserve, a coastal-marine wetland, located along the Pacific coast of Guatemala in the San Marcos and Retalhuleu department;</li> <li>• The Respondent allegedly discharged immense quantities of toxic chemicals and hazardous waste which affected the local marine species, the mangrove's ecosystem and the local community.</li> </ul>
<b>Status</b>	(D) Investigation/Deliberation
<b>Decision / Justification</b>	<ol style="list-style-type: none"> <li>1. <b>The Complaints Desk has received the special audit report from the CB on 10.04.2021 and the same has been furnished to both parties.</b></li> <li>2. <b>The Complaints Desk is to request further clarification from the CB pertaining to the special audit report. Pending response from the CB.</b></li> </ol>

Complaint 2.11 Pabrik Kelapa Sawit Batang Kulim POM & Pabrik Kelapa Sawit Pangkalan Lesung POM (subsidiary of PT Musim Mas) vs KC FSPMI	
Case Reference	RSPO/2020/13/EN
Date Filed	5 August 2020
Respondent	Pabrik Kelapa Sawit Batang Kulim POM & Pabrik Kelapa Sawit Pangkalan Lesung POM (subsidiary of PT. Musim Mas)
Membership Category	Oil Palm Grower
Country	Indonesia
Complainant	KC FSPMI
Complaint Description	<ul style="list-style-type: none"> <li>● Unauthorised Company Regulations;</li> <li>● Flat rate overtime premium;</li> <li>● Copy of the Collective Bargaining Agreement is not furnished to the workers;</li> <li>● Workers working night shift is not provided with extra food;</li> <li>● Inadequate and unsanitary worker’s housing;</li> <li>● Daily casual workers are not provided with a written employment agreement;</li> <li>● Daily casual workers are not provided with Employment security (BPJS Ketenagakerjaan) cards;</li> <li>● Complicated healthcare insurance (BPJS Kesehatan) and paid sick day processes;</li> <li>● Unfair dismissal/termination for unjustified reason such as participating in union activities;</li> <li>● Limitation of worker’s right to organize outside the established independent/non-affiliated trade union.</li> </ul>
Status	(D) Investigation/Deliberation
Decision / Justification	<p><b>1. The Complaints Desk has received the response from the Complainant on the revised special audit and will be integrating the responses from both parties and the brief of findings from the CB before furnishing to the CP.</b></p>



<b>Complaint 2.12 PT Agro Kati Lama (subsidiary of SIPEF group) vs requested for confidentiality</b>	
<b>Case Reference</b>	RSPO/2021/01/EN
<b>Date Filed</b>	22 January 2021
<b>Respondent</b>	PT Agro Kati Lama (subsidiary of SIPEF group)
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Indonesia
<b>Complainant</b>	<i>requested for confidentiality</i>
<b>Complaint Description</b>	<ul style="list-style-type: none"> <li>• The daily casual workers are paid below the minimum wage set out by the Musi Rawas District Government;</li> <li>• The daily casual workers are not protected and no remedy available for work accidents;</li> <li>• The daily casual workers are not equipped with personal protection equipment [PPE] and are not equipped with working tools;</li> <li>• The daily casual workers did not receive festive allowance in accordance with the regulation;</li> <li>• The daily casual workers, who are hired through the third party, do not get a pay slip. The amount written in the payment receipt is without formal stamp and without the name of the party who rendered the payment.</li> </ul>
<b>Status</b>	(D) Investigation/Deliberation
<b>Decision / Justification</b>	<ol style="list-style-type: none"> <li>1. <b>Both parties have agreed to choose mediation as an avenue to resolve the Complaint. The introduction to the 3 DSF mediators has been completed and currently in the process of selecting mutual mediators. Mediator has been mutually selected by parties, and the Complaint Desk will coordinate with the select mediator on the matter.</b></li> </ol>

<b>Complaint 2.13 PT Agrowiratama ( a subsidiary of Musim Mas Holdings Pte. Ltd) vs Tim Advokasi DPPKNPI</b>	
<b>Case Reference</b>	RSPO/2021/02/SW
<b>Date Filed</b>	27 January 2021
<b>Respondent</b>	PT Agrowiratama (a subsidiary of Musim Mas Holdings Pte. Ltd.)
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Indonesia
<b>Complainant</b>	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.
<b>Complaint Description</b>	<ul style="list-style-type: none"> <li>• Operating in the protected forest area without having a license from the Ministry of Forestry;</li> <li>• Operating without having a HGU; and</li> <li>• Did not develop plasma plantations for the community as agreed</li> </ul>
<b>Status</b>	(D) Investigation/Deliberation
<b>Decision / Justification</b>	<ol style="list-style-type: none"> <li>1. The Respondent has sent an email to the Complaints Desk enclosing their formal letter stating their wish for the CP to consider adjourning the deliberation of the Complaint. This is due to the Respondent is of the opinion that the allegations in the complaint are part of the ongoing lawsuit.</li> <li>2. The CP has agreed to adjourn the Complaint pending the Court's decision.</li> </ol>

**GROUP 3**

<b>Complaint 3.1 PT. Kartika Prima Cipta (GAR) vs Forest Peoples Programme &amp; TuK</b>	
<b>Case Reference</b>	PreCAP/2014/03/IR
<b>Date Filed</b>	13 October 2014
<b>Respondent</b>	PT. Kartika Prima Cipta (PT.KPC) - Golden Agri Resources (GAR)
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Indonesia – Kapuas Hulu, West Kalimantan
<b>Complainant</b>	Forest Peoples Programme (FPP) and (Transformasi untuk Keadilan) TuK Indonesia
<b>Complaint description</b>	<p><b><u>Points raised:-</u></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>
<b>Status</b>	(D) Investigation / deliberation
<b>Decision / Justification</b>	<b>1. The Briefing Note for Phase 2 and 3 is in progress.</b>

<b>Complaint 3.2 Goodhope Asia Holdings vs RSPO Secretariat</b>	
<b>Case Reference</b>	PreCAP/2017/06/SW
<b>Date Filed</b>	19 April 2017
<b>Respondent</b>	Goodhope Asia Holdings
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Indonesia
<b>Complainant</b>	RSPO Secretariat (Following Joint Comment by FPP, Greenpeace, EIA and PUSAKA on the NPP Posting of PT Nabire Baru / Goodhope)
<b>Complaint description</b>	<ul style="list-style-type: none"> <li>Note: FPP and the other NGOs also sent a complaint to the BoG on the fact that Goodhope had insisted that their NPP be posted for public consultation despite the Secretariat's finding that the HCV Assessment was not satisfactory. They had also questioned the role of the Secretariat in acting in accordance to GA 12 Resolution 6(H).</li> </ul>
<b>Status</b>	(D) Investigation / deliberation
<b>Decision / Justification</b>	<ol style="list-style-type: none"> <li>The CP will send a formal letter as an interim letter informing the Respondent of the CP preference with regards to the FCL findings provided by the Compensation Panel.</li> </ol>

<b>Complaint 3.3 IOI Pelita (IOI Group) vs Community of Long Teran Kanan</b>	
<b>Case Reference</b>	PreCAP/2010/01/PR
<b>Date Filed</b>	15 March 2010 Transferred back from DSF to Complaints Panel on 17 January 2017
<b>Respondent</b>	IOI Pelita (IOI Group)
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Sarawak, Malaysia
<b>Complainant</b>	Community of Long Teran Kanan
<b>Complaint description</b>	<ul style="list-style-type: none"> <li>● Infringement of P&amp;C No.2.2 – the right to land use disputed.</li> </ul>
<b>Status</b>	(D) Investigation / deliberation
<b>Decision / Justification</b>	<ol style="list-style-type: none"> <li>1. The Complaints Desk had received the recording together with the supporting documents from IOI during this negotiation process and the Complaints Desk will be preparing an internal report and will be forwarded for the CP’s perusal.</li> </ol>

<b>Complaint 3.4 PT. Primatama Mulia Jaya v Masyarakat Adat Luhak</b>	
<b>Case Reference</b>	RSPO/2018/12/SW
<b>Date Filed</b>	12 July 2018
<b>Respondent</b>	PT Primatama Mulia Jaya (subsidiary of Wilmar International)
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Indonesia
<b>Complainant</b>	Masyarakat Adat Luhak Saparampek Simpang Tigo
<b>Complaint description</b>	<ul style="list-style-type: none"> <li>The issuance of Right of Utilization of the Respondent issued without prior information to the Complainant</li> </ul>
<b>Status</b>	(G) Decision delivered with period to appeal (60 WD)
<b>Decision / Justification</b>	<ol style="list-style-type: none"> <li><b>Pending expiry of the appeals period on 4 June 2021.</b></li> </ol>

<b>Complaint 3.5 Oleaginosas Del Peru S.A (OLPESA) vs requested for confidentiality</b>	
<b>Case Reference</b>	RSPO/2019/05/PR
<b>Date Filed</b>	22 March 2019
<b>Respondent</b>	Oleaginosas Del Peru S.A. (OLPESA)
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Peru
<b>Complainant</b>	<i>requested for confidentiality</i>
<b>Complaint description</b>	<ul style="list-style-type: none"> <li>• Sourcing FFB from unsustainable origin.</li> <li>• Failure to conduct SIA.</li> </ul>
<b>Status</b>	(G) Decision delivered with period to appeal (60 WD)
<b>Decision / Justification</b>	<b>1. Pending expiry of the appeals period on 28.05.2021.</b>

<b>Complaint 3.6 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>	(D) Investigation / deliberation
<b>Decision / Justification</b>	<ol style="list-style-type: none"> <li>1. Pending CP’s response to Respondent and review of the most recent audit report.</li> </ol>



<b>Complaint 3.7 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>	<i>requested for confidentiality</i>
<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 given workers' benefits;</li> <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>	(D) Investigation / deliberation
<b>Decision / Justification</b>	<b>1. Pending receipt of the special audit report from the CB.</b>

<b>Complaint 3.8 Benso Oil Palm Plantations (subsidiary of Wilmar International Limited) vs Mrs Joseph Yankey &amp; Mr Solomon Asante-Sefa</b>	
<b>Case Reference</b>	RSPO/2020/15/LSL
<b>Date Filed</b>	25 August 2020
<b>Respondent</b>	Benso Oil Palm Plantation (subsidiary of Wilmar International Limited)
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Ghana
<b>Complainant</b>	Mrs. Joseph Yankey & Mr Solomon Asante-Sefa
<b>Complaint description</b>	<ul style="list-style-type: none"> <li>● The Respondent has acquired land to develop oil palm in Ghana;</li> <li>● The Respondent has destroyed farmers’ rubber plantation;</li> <li>● The Respondent is not willing to pay for the damages caused to the rubber farmers;</li> <li>● The Respondent is still cutting down rubber farms to plant oil palm;</li> <li>● The remaining uncultivated lands have been taken over for the Respondent’s project;</li> <li>● The Respondent has shown no interest in resolving these issues despite several Complaints made to the Respondent by the Complainants.</li> </ul>
<b>Status</b>	(D) Investigation / deliberation
<b>Decision / Justification</b>	<ol style="list-style-type: none"> <li>1. <b>The CP has agreed to grant the mutual request by parties for a 30 working days extension until 19.05.2021 to continue the Bilateral Engagement process.</b></li> </ol>

<b>Complaint 3.9 IOI Plantation Mekassar Estate (subsidiary of IOI Corporation Berhad) vs requested for confidentiality</b>	
<b>Case Reference</b>	RSPO/2020/19/IR
<b>Date Filed</b>	5 October 2020
<b>Respondent</b>	IOI Plantation Mekassar Estate (subsidiary of IOI Corporation Berhad)
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Malaysia
<b>Complainant</b>	<i>requested for confidentiality</i>
<b>Complaint description</b>	<ul style="list-style-type: none"> <li>● Unilateral pay cut by the Respondent</li> <li>● Poor living conditions for the labourers</li> <li>● Intimidation of workers</li> <li>● Forced labour</li> <li>● Lack of transparent grievance system</li> </ul>
<b>Status</b>	(D) Investigation / deliberation
<b>Decision / Justification</b>	<ol style="list-style-type: none"> <li>1. <b>The Complaints Desk has reached the quorum for not to involve the CBs for a special audit in this case.</b></li> <li>2. <b>The Complaints Desk will be preparing a Briefing Note for the CP's deliberations and for the decision.</b></li> </ol>

<b>Complaint 3.10 PT Nubika Jaya (subsidiary of Permata Hijau Group) vs LSM-Baris Labuhanbatu Selatan</b>	
<b>Case Reference</b>	RSPO/2020/20/SW
<b>Date Filed</b>	12 November 2020
<b>Respondent</b>	PT Nubika Jaya (subsidiary of Permata Hijau Group)
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Indonesia
<b>Complainant</b>	LSM-Baris Labuhanbatu Selatan
<b>Complaint description</b>	<ul style="list-style-type: none"> <li>● No Domestic Wastewater Treatment Plant;</li> <li>● The Oleochemical equalization pool was not built with concrete;</li> <li>● Sludge from the Oleochemical Wastewater Treatment Plant has never been transported to a designated waste processing agency.</li> <li>● Dispose of liquid waste without permit;</li> <li>● Inconsistency on the volume of Hazardous Waste transported to a designated waste processing agency;</li> <li>● A sparring equipment has yet installed at the Wastewater Treatment Plant;</li> <li>● No certified Wastewater Treatment Operational Responsible and Water Pollution Control Officer onsite;</li> <li>● Processing fresh fruit bunches from non-RSPO certified plantations.</li> </ul>
<b>Status</b>	(D) Investigation / deliberation
<b>Decision / Justification</b>	<ol style="list-style-type: none"> <li>1. <b>The CP has approved the request for an extension of 30 working days for the Bilateral Engagement process.</b></li> </ol>

<b>Complaint 3.11 Palmas y Trabajo S.A.S; Progreso Palmero S.A.S and Oleaginosas de Yuma S.A.S (Subsidiary of Daabon Group) - (Adjourned)</b>	
<b>Case Reference</b>	RSPO/2020/16/LSL
<b>Date Filed</b>	10 September 2020
<b>Respondent</b>	Palmas y Trabajo S.A.S; Progreso Palmero S.A.S and Oleaginosas de Yuma S.A.S (subsidiary of Daabon Group)
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Colombia
<b>Complainant</b>	Puerto Wilches Section Sintrainagro Deputy Director's Office
<b>Complaint description</b>	<ul style="list-style-type: none"> <li>● Non-compliance with labour rights/laws;</li> <li>● Anti-union practices; and</li> <li>● Employees were not provided with sufficient protection equipment.</li> </ul>
<b>Status</b>	(D) Investigation / deliberation
<b>Decision / Justification</b>	<ol style="list-style-type: none"> <li>1. <b>This Complaint is adjourned pending the outcome of the proceedings before the Ministry of Labour.</b></li> </ol>

<b>Complaint 3.12 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>	<i>requested for confidentiality</i>
<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> <li>• The Respondent is violating its NDPE Commitments, the RSPO Principle and Criteria, the RSPO Code of Conduct, and RSPO membership rules.</li> </ul>
<b>Status</b>	(D) Investigation / deliberation
<b>Decision / Justification</b>	<ol style="list-style-type: none"> <li>1. <b>The complaint has been accepted by the CP. The notification of formal acceptance has been furnished to both parties.</b></li> <li>2. <b>The Respondent chooses not to participate in the Bilateral Engagement or mediations process and chooses to continue with the investigation process. Pending response from the Complainant.</b></li> </ol>