

To: GAR  
[gotz.martin@sinarmas-agri.com](mailto:gotz.martin@sinarmas-agri.com), [apurnomo@goldenagri.com.sg](mailto:apurnomo@goldenagri.com.sg), [hendi.hidayat@sinarmas-agri.com](mailto:hendi.hidayat@sinarmas-agri.com)

CC: GVL, Government of Liberia

Date: 3 May 2021

**Subject: Aggrieved former employees of GVL vs GVL**

Dear Mr. Gotz,

As we wrote to you on 26 April 2021, SDI and Milieudefensie, have over the past one year, been monitoring a complaint of constructive dismissal and unfair labour practices filed by several members of Butaw Community against Golden Veroleum Liberia (GVL). Please find the letter here for your reference: [https://milieudefensie.nl/actueel/letter-to-gar-on-gvl-obstruction-of-fair-trial\\_march-2021\\_final.pdf](https://milieudefensie.nl/actueel/letter-to-gar-on-gvl-obstruction-of-fair-trial_march-2021_final.pdf)

You have responded by email stating that you have included the information in your grievance procedure. We checked the status on your online grievance portal and found the 31 April 2021 response from GVL. We want to inform you that this response is false and misleading. For the following reasons, amongst others:

1. GVL writes: *“In 2015, there was a riot in Butaw district where properties, including those of GVL, were vandalised and looted. The perpetrators were arrested by the police. After police investigations, they were charged and brought to court to face several criminal charges including armed robbery, rioting, kidnapping, aggravated assault and criminal mischief.”*

GVL cannot call those arrested as perpetrators, under Liberian Law, unless those accused of committing a crime are proven guilty by their accuser, they are presumed to be innocent. In the instance case, the victims were arrested and imprisoned without formal investigation. They remained committed in prison for about a year without trial. The case was dropped with no single evidence adduced to prove that their accusers were right. They are therefore, wrongly referred to as perpetrator.

2. GVL writes: *“16 employees were among those arrested and were duly suspended from their employment as per SOPs because of their involvement. Upon being released and cleared, they engaged a lawyer to take GVL to court for this. GVL through its lawyers, proposed an out of court settlement, but discussions were interrupted and put on hold during the Covid-19 pandemic.”*

We have seen no proof that GVL suspended employees who its Management accused of being part of the protest as alleged in its response above. Further, Complainants alleged that from the time of their release from prison up to the time of the filing of their complaint, they have made good faith

efforts to resolve the matter through dialogue with GVL, to avoid unnecessary exposure. When GVL did not agree to that, they requested their lawyer, Heritage Partners and Associates, Inc., (HPA) to invite GVL for a conference to amicably resolve the dispute. Accordingly, HPA, by letter dated 14<sup>th</sup> January 2020, invited GVL to a conference on January 29, 2020 for a discussion with the aggrieved employees. According to HPA, the conference was held on February 4, 2020, where GVL Lawyers ask for time to speak to their Management and revert within a week. This effort was frustrated by GVL, as GVL through their lawyers were not honest to revert to the Victim's Counsels as promised;

We also observed that GVL has never proposed an out of Court settlement. Neither during the conference with the victim's lawyer on February 4, 2020 nor at any of the hearings with the Labor Ministry.

3. GVL writes: *"The matter was then taken to the Labour Court in Greenville where GVL raised concerns about the hearing officer and asked for his recusal because of the way he was handling the case. The case is now pending with the Labour Court in Greenville. GVL states that its actions were not designed to delay the legal process, as claimed by the complainants."*

We observed that GVL only requested the Hearing Officer's recusal after failing to honor several notices of assignment as you can read in our 26 March 2021 letter. We see its failure to honor assignments in the case for a sustained period was meant to frustrate the case.

We further observed during the week of April 26 to 30, 2021 when the case was severely assigned for continuation of hearing, GVL continued its tactics of delaying and baffling the case. For instance, on the 26<sup>th</sup> of April, GVL filed a written Motion to dismiss the case. Rather than committing to the hearing of said motion, GVL's lawyer made an application for the hearing officer not to further hear the case because he was since retired in February 2020. Their application was heard and denied and the motion to dismiss further assigned to be heard on the next day, April 27, 2021. When the case was called for hearing, GVL again proceeded with their same motion for the hearing officer not to further preside over the case. GVL's lawyer was even shouting and insulting the Hearing Officer. Both the Motions to recuse and to dismiss were denied and the case ordered proceeded with. GVL Lawyers failed to take their stand and argue their Motion to dismiss when they were instructed to do so. Complainants' lawyer, however argued his side. When the hearing officer was ruling, at the moment he pronounced that the Motion to dismiss was denied, GVL's lawyers left the room. Their action was not only frustrating to the Complainants/victims, it was also frustrating to the Hearing Officer, who wrote a self-explanatory letter, refusing to further preside over the case. Furthermore, on the next hearing on 29<sup>th</sup> April the GVL lawyers did not show up and the new Hearing Officer, now the Labour Commissioner himself who took over the case in an attempt to move it forward, decided he will send a new notice of assignment.

These are dilatory tactics being employed by your investee GVL to frustrate the ends of justice and to deny members of the local community their right to be heard as well as a fair and fast trial. Also the actions of your investee have caused disproportionate costs and resources for the complainants and their lawyers, including those for travelling to Greenville.

Given that you have significant management and other control over GVL, including the obligation for GVL to adhere to your social and environmental policy. And given that you are signed up to various international standards, such as HCSA and RSPO where companies are bound to behave ethically and responsibly and in line with OECD guidelines. We request your timely intervention to promote, protect, and ensure the rights of indigenous/customary communities and GVL workers.

We also want to express that the Butaw victims represented by HPA lawyers remain open to an out of court settlement where justice can be achieved. GVL claims in their 31<sup>st</sup> April 2021 response to GAR, that they are also inclined to that form of redress. We are open to receive further invitations from GVL in that respect.

Best Regards,



Milieudefensie, Danielle van Oijen



Sustainable Development Institute, James G. Otto