

## **STATEMENT OF CASE TO RENEW THE DESIGNATION OF ISLAMIC STATE-LANAO AS A TERRORIST ENTITY**

### **PURPOSE**

1. This paper sets out the case demonstrating Islamic State–Lanao (IS-Lanao) meets the statutory criteria for the renewal of its designation as a terrorist entity within New Zealand pursuant to the Terrorism Suppression Act 2002 (TSA). IS-Lanao was formerly designated under the description Maute Group and is also known as Islamic State in Lanao, Islamic State of Lanao, Islamic State Lanao, IS-Ranao, Lions of IS Ranao, Daulah Islamiyah Fi Ranao, Daulah Islamiyah MG, Dawla Islamiya Ranao, Daulah Islamiyah, Islamic State in the Southern Philippines, Islamic State East Asia, Maute ISIS, Grupong ISIS, Grupo ISIS, and previously known as Khilafah Islamiyah Mindanao (KIM).

### **STRUCTURE OF THIS PAPER**

2. This paper sets out updated information about IS-Lanao’s continued involvement in terrorist activity and covers any relevant changes or developments to the organisation since its original designation in 2018,<sup>1</sup> and subsequent renewal in 2021, including SP’s objectives, structure, weapons and tactics and includes recent attacks which meet the definition of a terrorist act under the TSA.
3. This updated information, together with the information contained in the original designation paper and previous renewal paper, provide the basis for the conclusion that IS-Lanao meets the legal criteria for renewal of its designation as a terrorist entity under the TSA.

### **STATUTORY CRITERIA FOR DESIGNATION RENEWAL UNDER THE TSA**

4. Section 29(B)(1) of the TSA provides that a designation of a terrorist entity expires three years after the date of designation unless it is earlier renewed by the Prime Minister. The original designation is made pursuant to s 22 of the TSA, which provides that the Prime Minister may designate an entity as a terrorist entity if the Prime Minister believes on reasonable grounds that the entity has knowingly carried out, or has knowingly participated in the carrying out of, one or more terrorist acts. Carrying out a terrorist act includes the planning, preparation or credible threat to carry out the act.
5. The Prime Minister may renew that designation for a further three years under s 29(B) if satisfied that there are still reasonable grounds as set out in s 22 for the entity to be designated under that section.
6. Before the expiry of an order made under s 22, the Prime Minister may make another order under s 29(B)(3) renewing the designation concerned for a further three years. The Prime Minister may make any number of orders under s 29(B)(5) in respect of the same designation.

### **DESCRIPTION CHANGE UNDER SECTION 29A OF THE TSA**

7. Section 29A of the TSA allows for changes of description of designated terrorist entities. The Prime Minister may state, by signing a written notice, a new description for a designated entity if the Prime Minister is satisfied that an entity designated under s 22 of the TSA should

have a description other than that under which the entity was designated (or than the description stated in the most recent notice under s 29A relating to the entity).

8. In March 2024 the Prime Minister signed a written notice authorising the description of designated entity Maute Group to be changed to Islamic State–Lanao (IS-Lanao).
9. This change reflects IS-Lanao’s commitment to the Islamic State (IS). Since 2019, IS-Lanao has suffered losses to their leadership and overall fighting members, which has left the group’s capability reduced.<sup>2</sup> Pro-IS networks in the southern Philippines are factional and geographically dispersed, with IS-Lanao being a remnant of the Pro-IS coalition behind the Marawi City attacks in 2017 which included Indonesia Pro-IS fighters.<sup>3</sup> Pro-IS groups in Indonesia continue to fracture while retaining basic attack capability.<sup>4</sup> IS-Lanao was considered the most active group in Southern Philippines in 2022, however the lack of sustained leadership affects the group’s ability to act in a specialised manner.<sup>5</sup>

## **CREDIBILITY OF SOURCES**

10. This paper has been prepared using open or unclassified sources which have a reputation for careful and unbiased reporting. These include BBC News, Al Jazeera, and ABS-CBN News.
11. Other sources utilised include U.S. Department of State.

## **EVIDENCE TO SUPPORT DESIGNATION RENEWAL UNDER THE TSA**

### **Continued involvement in terrorist activity**

12. In June 2021, two North Cotabato buses were bombed which killed 4 persons. Authorities arrested an individual identified as a bomb maker for IS-Lanao in connection with the event.<sup>6</sup>
13. On 3 December 2023, a bomb explosion during a Catholic Mass in the gymnasium at the Mindanao State University in Marawi killed four persons<sup>7</sup> and injured up to 50 individuals. AFP News agency claimed IS-Lanao were involved,<sup>8</sup> which was later confirmed by the Philippine National Police (PNP) who reported the two suspects were members of IS-Lanao.<sup>9</sup>
  - a. CCTV footage captured the two suspects arrive at the MSU Gymnasium and entered the building around 7:03am. The PNP authorities believed that a cell phone was used as a command remote control to detonate the bomb.<sup>10</sup>
  - b. According to the PNP, two explosives were used in the bombing: a 6-mm mortar and a rocket propelled grenade. A motive was still being explored; however, claims were being circulated that the explosion may have been in response to government-led operations against Islamist militant groups.<sup>11</sup>

### **Ideology and objectives**

14. At the time of its original designation, under the leadership of Omar and Abdullah Maute, IS-Lanao’s primary objective was the establishment of an IS-supported Caliphate in Mindanao. This objective continued under subsequent leaders,<sup>12</sup> but it is unknown if IS-Lanao has changed its ideological direction under the current leadership.
15. IS-aligned groups in the Philippines, including IS-Lanao retain anti-Western ideologies, however, do not prioritise targeting of Westerners or Western interests.<sup>13</sup> IS -Lanao instead prioritise representatives of the Philippine state and security forces in most instances.<sup>14</sup>

## **Organisation and structure**

16. In 2022, Abu Zacharia succeeded Owaida Marohombsar (Abu Dar) as leader of IS-Lanao following his death in 2019.<sup>15</sup>
17. On 31 May 2022, Abu Zacharia took refuge in a house in Marawi on the Southern island of Mindanao following a clash between IS-Lanao members and Philippines forces, which left four members dead.<sup>16</sup>
18. On 14 June 2023 Abu Zacharia, head of the IS-Lanao, and Abu Morsid, the group's logistics mastermind, was reportedly killed during an exchange of fire during a Philippine army and Police raid in Marawi.<sup>17</sup>
19. There were a number of surrenders to Philippines authorities in 2020 and 2021 that reduced the overall number of fighters within IS-Lanao.<sup>18</sup> It is unknown who currently leads the group following the death of Abu Zacharia.

## **Weapons, tactics and capability**

20. IS-Lanao utilises basic to intermediate capability in their attacks and their priority target remains local security forces.<sup>19</sup> The group utilise bombs and light weapons such as the M224 mortar and rocket powered grenades in their attacks, as evidenced by the attack conducted in December 2023 during a Catholic Mass in Marawi.<sup>20</sup>
21. Since approximately 2014, ISIL core has provided parts of the Southeast Asian network with money, advice and a small number of foreign personnel. Much of this support initially came via Southeast Asian nationals embedded with ISIL core in Syria, and for a time through direct engagement with senior ISIL core members. In 2017, ISIL core designated its Southeast Asian network as the East Asia province, though this designation was largely symbolic. As ISIL core lost territory in Iraq and Syria, the flow of financial support to its Southeast Asian affiliates likely substantially reduced.<sup>21</sup>

## **LAW OF ARMED CONFLICT (LOAC)**

22. The current activity conducted by IS-Lanao has not reached a level of intensity and continuity which would bring the situation within the meaning of "armed conflict". Furthermore, the deliberate targeting of civilians is unlawful under LOAC. Consequently, the acts do not meet the exemption in section 5(4) of the TSA.

## **CONCLUSION**

23. On the evidence set out above, this paper concludes that there are still reasonable grounds as set out in s 22 of the TSA for IS-Lanao to be designated.
24. Since its designation in March 2018, IS-Lanao, although further depleted in strength and numbers, has continued to carry out activities which meet the definition of terrorist acts in s 5 and 25 of the TSA (paragraphs 12-15) in particular by continuing to plan and conduct attacks. Accordingly, given there are still reasonable grounds to believe IS-Lanao has knowingly carried out terrorist acts as set out in s 22 of the TSA, IS-Lanao meets the legal criteria for renewal of its designation as a terrorist entity under s 35.
25. The designation must be renewed by 21 March 2024 to be effective.

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<sup>1</sup> The statement of case, dated 14 March 2018 can be accessed at: <https://www.police.govt.nz/sites/default/files/publications/statement-of-case-maute-group-21-march-2018.pdf>.

<sup>2</sup> ISIL in South East Asia - Threat Insight (22 -131-TI), Combined Threat Assessment Centre, 15/11/2022.

<sup>3</sup> Ibid.

<sup>4</sup> Ibid.

<sup>5</sup> Ibid.

<sup>6</sup> Country Reports on Terrorism 2021, U.S department of State. Retrieved from <https://www.state.gov/reports/country-reports-on-terrorism-2021/philippines>

<sup>7</sup> Mindanao: Four killed in explosion at Catholic Mass in Philippines, BBC News, 3/12/2023. Retrieved from <https://www.bbc.com/news/world-asia-67604592>

<sup>8</sup> Ibid

<sup>9</sup> PNP: Two suspects in MSU blast are members of Maute group, ABS-CBN News, 6/12/2023. Retrieved from <https://news.abs-cbn.com/news/12/06/23/pnp-two-suspects-in-msu-blast-are-maute-members>

<sup>10</sup> Ibid

<sup>11</sup> Ibid

<sup>12</sup> (23/01/2018) Tom Allard, "Exclusive: Looted cash, gold help Islamic State recruit in Philippines", *Reuters*, accessed via <https://www.reuters.com/article/us-philippines-militants-islamicstate-ex-idUSKBN1FC0E2> on 20/01/2021.

<sup>13</sup> ISIL in South East Asia - Threat Insight (22 -131-TI), Combined Threat Assessment Centre, 15/11/2022.

<sup>14</sup> Ibid.

<sup>15</sup> Top regional ISIL leader killed in Philippines' ruined Marawi, Al Jazeera, 15/06/2023. Retrieved from <https://www.aljazeera.com/news/2023/6/15/top-regional-isil-leader-killed-in-philippines-ruined-marawi>

<sup>16</sup> Ibid

<sup>17</sup> Ibid

<sup>18</sup> ISIL in South East Asia - Threat Insight (22 -131-TI), Combined Threat Assessment Centre, 15/11/2022.

<sup>19</sup> Ibid.

<sup>20</sup> PNP: Two suspects in MSU blast are members of Maute group, ABS-CBN News, 6/12/2023. Retrieved from <https://news.abs-cbn.com/news/12/06/23/pnp-two-suspects-in-msu-blast-are-maute-members>

<sup>21</sup> ISIL in South East Asia - Threat Insight (22 -131-TI), Combined Threat Assessment Centre, 15/11/2022.