

## **STATEMENT OF CASE TO RENEW THE DESIGNATION OF MAUTE GROUP AS A TERRORIST ENTITY**

### **PURPOSE**

1. This paper sets out the case demonstrating Maute Group (MG, also known as Islamic State in Lanao, Islamic State of Lanao, Islamic State Lanao, IS-Ranao, Lions of IS Ranao, Daulah Islamiyah Fi Ranao, Dawla Islamiya Ranao, Islamic State in the Southern Philippines, Islamic State East Asia, Maute ISIS, Grupong ISIS, Grupo ISIS, and previously known as Khilafah Islamiyah Mindanao (KIM)) 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).

### **STRUCTURE OF THIS PAPER**

2. This paper sets out updated information about MG'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> including MG'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 provide the basis for the conclusion that MG 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 35(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, whether it is actually carried out or not (s 25(1)(a) and (b)) and also includes an attempt to carry out the act (s 25(1)(c)).
5. The Prime Minister may renew that designation for a further three years under s 35(2) 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 35(2), the Prime Minister may make another order under s 35(3) renewing the designation concerned for a further three years. The Prime Minister may make any number of orders under s 35(3) in respect of the same designation (s 35(5)).

### **CREDIBILITY OF SOURCES**

7. This paper has been prepared using open or unclassified sources which have a reputation for careful and unbiased reporting. These include Al Jazeera, Reuters, Eurasia Review, The Straits Times, and The Guardian.
8. A range of think tanks were referred to including Institute for Autonomy and Governance.
9. A range of regional news sources were also referred to including ABS/CBN News, Business Mirror, The Philippine Star, Benar News, Philippine Daily Inquirer, and Manila Bulletin.

## EVIDENCE TO SUPPORT DESIGNATION RENEWAL UNDER THE TSA

### Continued involvement in terrorist activity

10. Since the defeat of MG and its key ally Abu Sayyaf in Marawi, MG has lost significant capacity. However, since 2017, they have continued small scale opposition to the Philippines government while experiencing ongoing military action to suppress the remnants of the group.
11. Before his death in April 2019 the then leader of MG Abu Dar (likely real name Owayda Benito Marohombsar, also known as Humam Abdul Najib, also thought to also have called himself Emir of Dawlah Islamiyah Ranao<sup>2</sup>), led the remnants of the group in fighting against the Philippines government. Abu Dar and the fighters remained on the run from the Filipino military by moving between towns near Marawi where he had a number of relatives.<sup>3</sup>
12. During the period between Abu Dar's escape from Marawi in 2017 and his death in April 2019, MG continued to attempt to recruit members using money and valuables looted from Marawi.<sup>4</sup> In 2018 and early 2019 MG attempted to rebuild by recruiting for extremist students in Islamic schools,<sup>5</sup> among Moro (Muslim Filipino) orphans, ISIL sympathizers, and relatives of fighters killed or captured in Marawi.<sup>6</sup> This effort was ultimately unsuccessful, with the group dropping to as few as 50 members by July 2018.
13. Filipino authorities continue to uncover attempted terrorist plots, arrest militants, and accept surrenders, which indicates that MG remains under pressure, but is still active:
  - 13.1. In May 2018 relatives of a village leader notified the Armed Forces of the Philippines (AFP) about Abu Dar's presence in the Tubaran area after he killed the leader for resisting MG's plans to expand into the town.<sup>7</sup>
  - 13.2. In April 2019 an alleged plot to "launch bombings, kidnappings and extortion during the [Lanao del Sur province] election period" was uncovered by the AFP. This plot was uncovered via documents seized by the AFP and some surrendered members of the Maute Group.<sup>8</sup>
  - 13.3. In 2019, Waqar Ahmad, a Pakistani national and member of Dawlah Islamiya with links to MG<sup>9</sup> was arrested on suspicion of being a prospective suicide bomber and marked for deportation.
14. All indications are that the remaining group under the (assumed) leadership of Zacaria Romato are intending to continue to fight the Philippines government, but are constrained by their heavy depletion and unpopularity in province of Lanao del Sur.

### Ideology and objectives

15. At the time of its original designation, under the leadership of Omar and Abdullah Maute, MG's primary objective was the establishment of an ISIL-supported Caliphate in Mindanao. This objective continued under Abu Dar,<sup>10</sup> but it is unknown if MG has changed its ideological direction since his death.

### Organisation and structure

16. The AFP considers MG to be one of 6 pro-ISIL groups falling under an umbrella organisation called Dawla Islamiya or Islamic State Philippines.<sup>11</sup>

17. At the height of its power, the Maute Clan represented a significant force in Mindanao. The siege of Marawi inflicted immense reputational damage on MG, with the group reported to have permanently lost its popular support.<sup>12</sup>
18. During the siege of Marawi in which the leadership of MG was killed, Abu Dar escaped from the city with an estimated 300 Maute gunmen and as many as 500 million pesos looted from local banks, shops, and abandoned homes.<sup>13</sup> Abu Dar was killed in military operations in early 2019,<sup>14</sup> and his death is considered to have lowered the organisational threat posed by MG.<sup>15</sup>
19. The current leader of MG is thought to be an uncle of the Maute brothers called Zacaria Romato, also called Ker Mimbantas and Commander Zacaria.<sup>16</sup> Ongoing attrition caused by military action, the intense unpopularity of MG in Mindanao,<sup>17</sup> and loss of funds have resulted in a small group of perhaps 40 fighters remaining.<sup>18</sup>

### **Weapons, tactics and capability**

20. Since the retreat from Marawi, MG appear to have lost significant capability. Finds of MG weapons typically include small arms and improvised explosive devices,<sup>19</sup> although the surrender of former members occasionally shows access to slightly heavier arms.<sup>20</sup> Some reports suggest that fighters are receiving support from relatives,<sup>21</sup> although it is unlikely to be significant.

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

21. The current activity conducted by MG has not reached a level of intensity and continuity which would bring the situation within the meaning of “armed conflict”. Consequently, the acts do not meet the exemption in section 5(4) of the TSA.

### **CONCLUSION**

22. 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 MG to be designated.
23. Since its designation in March 2018, MG, 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 attacks. Accordingly, given there are still reasonable grounds to believe MG has knowingly carried out terrorist acts as set out in s 22 of the TSA, MG meets the legal criteria for renewal of its designation as a terrorist entity under s 35.
24. The designation must be renewed by 21 March 2024 to be effective.

<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> Rommel C. Banlaoi, “The Lamitan Bombing and Terrorist Threat in the Philippines”, *Counter Terrorist Trends and Analyses*, v.10(9), September 2018.

<sup>3</sup> (20/08/2018) “Philippines: Thousands flee as army hits ISIL-linked Maute group”, *Al Jazeera*, accessed via <https://www.aljazeera.com/news/2018/6/20/philippines-thousands-flee-as-army-hits-isil-linked-maute-group> on 18/01/2021

<sup>4</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.

i. (Jun 2018) “ISIS 'emir' is the target of Lanao Sur air strike: military”, *ABS/CBN News*, accessed via <https://news.abs-cbn.com/news/06/18/18/isis-emir-is-the-target-of-lanao-sur-air-strike-military> on 19/01/2021

<sup>5</sup> (21/07/2018) Rene Acosta, “Despite defeat in Marawi, IS-Maute threat persists”, *Business Mirror*, accessed via <https://businessmirror.com.ph/despitedefeatinmarawiismautethreatpersists/> on 24/07/2018.

<sup>6</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>7</sup> (20/08/2018) “Philippines: Thousands flee as army hits ISIL-linked Maute group”, *Al Jazeera*, accessed via <https://www.aljazeera.com/news/2018/6/20/philippines-thousands-flee-as-army-hits-isil-linked-maute-group> on 18/01/2021

<sup>8</sup> (1/4/2019) Roel Pareno, “Army uncovers Maute terror plot”, *The Philippine Star*, accessed via <https://www.philstar.com/nation/2019/04/01/1906172/army-uncovers-maute-terror-plot> on 19/01/2021.

<sup>9</sup> (19/06/2019) “Philippines to Deport Suspected Pakistani Militant”, *Benar News*, accessed via <https://www.benarnews.org/english/news/philippine/suspect-caught-06192019142223.html> on 19/01/2021.

<sup>10</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>11</sup> (10/08/2020) Rommel Banlaoi, “Philippines: Threats Of Violent Extremism And Terrorism Amidst COVID-19 Pandemic – Analysis”, *Eurasia Review*, accessed via <https://www.eurasiareview.com/10082020-philippines-threats-of-violent-extremism-and-terrorism-amidst-covid-19-pandemic-analysis/> on 19/01/2021.

<sup>12</sup> (7/7/2017) Rene Acosta, “Crushing the Maute-IS ‘ideology’”, *The Business Mirror*, accessed via <https://businessmirror.com.ph/2017/07/07/crushing-the-maute-is-ideology/> on 19/01/2021

<sup>13</sup> (24/05/2018) Allan Nawal “Abu Dar emerges as new Maute group leader–AFP”, *Philippine Daily Inquirer*, accessed via <https://newsinfo.inquirer.net/993820/abu-dar-emerges-as-new-maute-group-leader-afp> on 19/01/2021.

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ii. (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>14</sup> (14 April 2019) Carmela Fonbuena, “Leader of Isis in Philippines killed, DNA tests confirm”, *The Guardian*, accessed via <https://www.theguardian.com/world/2019/apr/14/leader-of-isis-in-philippines-killed-dna-tests-confirm> on 6/05/2019

<sup>15</sup> (14 April 2019) Carmela Fonbuena, “Leader of Isis in Philippines killed, DNA tests confirm”, *The Guardian*, accessed via <https://www.theguardian.com/world/2019/apr/14/leader-of-isis-in-philippines-killed-dna-tests-confirm> on 6/05/2019

<sup>16</sup> (27/06/2019) *The Philippines: Militancy and the New Bangsamoro*, International Crisis Group, Report 301, pp.15-16

<sup>17</sup> (13/12/2019) Gethin Chamberlain, “I hate Isis: uprooted survivors of Marawi siege long to return home”, *The Guardian*, accessed via <https://www.theguardian.com/global-development/2019/dec/13/i-hate-isis-uprooted-survivors-of-marawi-siege-long-to-return-home> on 18/01/2021.

<sup>18</sup> (22 May 2020) Rommel Banlaoi, “Three Years After Marawi Siege: Terrorism In The Philippines Persists Amidst COVID-19 Pandemic” *Institute for Autonomy and Governance*, accessed via <https://iag.org.ph/think/1888-three-years-after-marawi-siege-terrorism-in-the-philippines-persists-amidst-covid-19-pandemic> on 19/01/2021

<sup>19</sup> (6/09/2018) Bonita Ermac, “Six killed in Lanao del Sur encounter between soldiers, Maute group remnants”, *Manila Bulletin*, accessed via <https://mb.com.ph/2018/09/06/six-killed-in-lanao-del-sur-encounter-between-soldiers-maute-group-remnants/> on 6/09/2018.

<sup>20</sup> (2/12/2020) Nonoy Lacson, “4 Daulah Islamiyah members surrender in Lanao”, *Manila Bulletin*, accessed via <https://mb.com.ph/2020/12/02/4-daulah-islamiyah-members-surrender-in-lanao/> on 19/01/2021.

<sup>21</sup> (1/4/2019) Roel Pareno, “Army uncovers Maute terror plot”, *The Philippine Star*, accessed via <https://www.philstar.com/nation/2019/04/01/1906172/army-uncovers-maute-terror-plot> on 19/01/2021.