

STATEMENT OF CASE TO DESIGNATE MAUTE GROUP AS A TERRORIST ENTITY

PURPOSE

1. This paper sets out the case demonstrating that the 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 designation as a terrorist entity within New Zealand pursuant to the Terrorism Suppression Act 2002 (TSA).

STRUCTURE OF THIS PAPER

2. This paper details various aspects of MG, including its background and history; ideology and objectives; links to other groups; organisation and structure; and weapons, tactics and capabilities, before detailing case studies of attacks which meet the definition of a terrorist act under the TSA.
3. The discussion preceding the case studies provides background about the situation in the Philippines and about MG which helps inform the analysis of three case studies below. The events detailed in the case studies represent attacks attributed to MG and have been analysed as meeting the definition of “terrorist acts” under s 5 of the TSA. They provide the basis for the paper’s conclusion that MG meets the legal criteria for designation as a terrorist entity under the TSA.

STATUTORY CRITERIA FOR THIS DESIGNATION UNDER THE TSA

4. The Prime Minister has the power under the TSA to designate individuals or groups as terrorist entities. Section 22 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.
5. A terrorist act is defined in s 5 of the TSA. A number of different acts fall within this definition. The s 5 criteria relevant to this paper are those which deem an act to be a terrorist act if that act:
 - 5.1 Is intended to cause the death of, or serious bodily injury to, one or more persons; and
 - 5.2 Is carried out for the purpose of advancing an ideological, political, or religious cause; and
 - 5.3 Is intended to either:
 - 5.3.1 induce terror in a civilian population; or
 - 5.3.2 unduly compel or force a government or an international organisation to do or abstain from doing any act; and

- 5.4 Is not an act that occurs in a situation of armed conflict and which is, at the time and in the place that it occurs, in accordance with rules of international law applicable to the conflict.

Credibility of sources

6. This paper has been prepared using open or unclassified sources that have a reputation for careful and unbiased reporting. These include TIME Magazine, BBC News, BBC Monitoring, CNN Philippines, Reuters, Al Jazeera English, Wall Street Journal, Jane's World Insurgency and Terrorism, Jane's Country Risk Daily Report, Associated Press and International Business Times.
7. A range of think tanks were referred to including Combating Terrorism Center at West Point, Council on Foreign Relations, Terrorism Research and Analysis Consortium, The Christian Science Monitor, Stratfor, Australian Strategic Policy Institute, Cal Alumni Association, Southeast Asian Affairs and Institute for Policy Analysis of Conflict.
8. A range of regional news sources were also referred to including Philippine News Agency, Asian Correspondent, Pilipinas Online Updates, Manila Bulletin, InterAksyon, The Daily Tribune, Inquirer, Rappler, The Philippine Star, Business Mirror, Newsweek, The Manila Times, Vice, GMA News, ABS-CBN News, Channel NewsAsia, Manila Standard, MindaNews, SunStar, Tempo, The Jakarta Post and Malaya Business Insight.
9. Other sources utilised include The Australian, Voice of America News, Daily Mail Australia, The Seattle Times, Anadolu Agency and publications by the US House of Representatives Foreign Affairs Committee, and Islamic State of Iraq and the Levant (ISIL).

Background

10. The indigenous Moro population form the largest non-Catholic group in the Philippines at just over five percent, the majority of whom follow Islam and reside in Mindanao, Southern Philippines.¹ This region has a tradition of clan feuds, Marxist guerrillas and bandit gangs, and a centuries-long history of armed struggle for self-determination against central government dating back to the eras of Spanish and American colonialism.² The past four decades have seen the Philippines endure communist and ethno-nationalist insurgencies in the Southern Philippines that have claimed between 120,000 and 150,000 lives, and are often met with Philippine government reprisals that aggravate the situation further.³ Ethno-nationalist agitation, in conjunction with the Southern Philippines' history of clan warfare, criminality, weak state institutions and relative lawlessness, has provided favourable conditions for Islamic militancy in the area.⁴
11. In 1972, ongoing complaints of economic, political and cultural marginalisation led to the creation of a nationalist movement in the form of separatist group Moro National Liberation Front (MNLF), and its offshoot Moro Islamic Liberation Front (MILF), to fight for greater autonomy or independence from the Philippines' central government.⁵ Since the establishment of MNLF and MILF, numerous offshoot militant groups have formed to fight for Muslim regional identity and control of land and resources.⁶ These groups are not part of any ongoing peace process and some have now pledged allegiance to ISIL and its leader Abu Bakar al-Baghdadi.⁷ ISIL announced it had established a

caliphate in ISIL-controlled territory in Iraq and Syria in June 2014, and called on Muslims worldwide to pledge allegiance.⁸

12. On 4 January 2016, extremist web forum Shumukh al-Islam released a video about the unification of four Philippines-based pro-ISIL groups under the leadership of Abu Sayyaf Group (ASG) leader Sheikh Abu Abdullah Ustadz Isnilon Hapilon (commonly known as Isnilon Hapilon, also known as Abu Abdullah al-Filipini). The four groups were identified as ASG (under ASG's original name Al-Harakat al-Islamiyah Battalion), Ansarul Khilafah Philippines (AKP), the Ansar al-Shariah Battalion, and a small delegation from the Ma'rakah al-Ansar Battalion.⁹ Other sources dated October 2016 and July 2017 identified ASG, Bangsamoro Islamic Freedom Fighters (BIFF), AKP and MG as having pledged allegiance to ISIL and al-Baghdadi.¹⁰
13. Although the Philippines government has been fighting al-Qaida-influenced extremism for over 20 years, they have largely assessed ISIL influence as unlikely to raise the threat posed by Islamist militants in the Philippines. Authorities have claimed the use of ISIL's profile by Islamist groups is most likely an attempt to forge a violent reputation or garner credibility, and they remain too splintered to gain control of sufficient territory in Mindanao to set up a caliphate.¹¹ However, the siege in Marawi city that began on 23 May 2017 has illustrated the government's underestimation of these groups' strength and genuine belief in ISIL ideology. The unity developed out of this pro-ISIL stance has resulted in enhanced cooperation across clans, broadened recruitment opportunities, and enabled extremist groups to join forces to conduct operations.¹² On 26 November 2016, President of the Philippines Rodrigo Duterte publically confirmed ISIL had connected with MG, and assessed the greatest extremist threat in the Philippines came from ASG and MG.¹³

Establishment of MG

14. MG is newer and less well understood than other extremist groups operating in the Philippines, and reporting on its origins varies extensively. MG was relatively unknown until it occupied the town of Butig, Lanao del Sur in February 2016.¹⁴ Prior to this, MG operated as an organised criminal and extortion gang led by brothers Omarkhayam Romato Maute (Omar) and Abdullah Maute (also known as Abu Hasan).¹⁵ MG is named after its leaders, with Maute being the name of their clan.¹⁶ MG likely existed as an entity from approximately 2011-2012, and was known as one of several Muslim gangs in the southern region of Mindanao.¹⁷
15. Exactly when MG transitioned from a criminal gang to pursuing Islamist extremist ideologies and objectives is unclear.¹⁸ A summary of reporting on MG's origins, some of which are conflicting, is as follows:
 - 15.1 Formed in 2011 as the training unit of Kumpulan Mujahidin Malaysia, set up by Malaysian bomb maker Zulkifli bin Hir¹⁹ (also known as Marwan; Zulkifli Abdhir). At the time, the training unit was called al-Ghuraba and was also briefly known as Jamaah wal Jihad.²⁰ Al-Ghuraba has also been reported as MG's "precursor", pledging allegiance to ISIL and al-Baghdadi in August 2014.²¹
 - 15.2 Formed in 2012 by Abdullah and Omar Maute when the brothers switched from petty criminal affairs to militant activity via the creation of Khalifa Islamiah Mindanao (KIM, also known as Khilafah Islamiyah Mindanao).²² Al-Ghuraba

was reportedly the intelligence unit of KIM - both were reportedly established in 2006 in Cagayan de Oro, Mindanao.²³ KIM was initially reported to be led by al-Qaida-linked Islamic cleric Humam Abdul Najid (also known as Wai), though the Maute family likely had organisational involvement at this time.²⁴ The name KIM purportedly precedes the 21 November 2012 death of Ibnu Ghalib Ibghol al-Jitli (better known as Ustadz Sanusi, also known as Ishak), a member of Southeast Asian extremist group Jemaah Islamiyah (JI), though the name KIM was also reportedly still in use in November 2013. Sanusi was reportedly a mentor and ally of the Maute brothers.²⁵ MG has also been described as “part” of KIM.²⁶

- 15.3 KIM has been reported as first surfacing in July 2013, deemed responsible for a nightclub bombing in Cagayan de Oro which killed six people. KIM has had an increasing profile ever since this incident under the name MG.²⁷ MG began referring to themselves as “IS Lanao” following ISIL’s recognition of Hapilon as emir in January 2016, and recruited over 100 disgruntled and disowned MILF members.²⁸ According to MILF’s Northeast Mindanao Front commander Jannati Mimbantas, the Mautes were initially MILF members but became disillusioned by the failure of the Philippine Congress to approve the Bangsamoro Basic Law (BBL)²⁹, sparking the creation of MG.³⁰
- 15.4 The Armed Forces of the Philippines (AFP) began monitoring MG after Sanusi was killed in 2012 in a safehouse in Marawi owned by Maute family patriarch Cayamora Maute.³¹ According to a military intelligence report, Sanusi was the leader of JI Mindanao, and Abdullah and Omar Maute took over leadership following Sanusi’s death.³²
- 15.5 The Maute family pledged allegiance to al-Baghdadi in September 2014, and their followers began to call the group Daulah Islamiyah Fi Lanao (DIFR).³³ Abdullah Maute was identified in video footage posted on social media on 20 March 2016 introducing their group as ‘Dawla Islamiyah’ and pledging allegiance to ISIL under al-Baghdadi’s leadership.³⁴ MG also reportedly posted a video on 20 April 2016 swearing allegiance to al-Baghdadi.³⁵ The MG and ASG now operate in an alliance under the name Dawlah Islamiyah Philippines (DIP), and the allied AKP and DIP are known as the Southern Mindanao cells of ISIL.³⁶
- 15.6 Separate reporting suggests ASG and MG operate under an umbrella organisation known as Daulah Islamiyah Wilayatul Mashriq (DIWM), the so-called Islamic State Province in East Asia.³⁷ DIWM exists as a nominal umbrella group for all armed groups in the Philippines that have pledged allegiance to ISIL, with Hapilon as leader. DIWM members are called ‘Soldiers of the Caliphate in East Asia’ by ISIL, and former MG leader Abdullah Maute served as the vice chairman for military operations.³⁸ Previous leaders of DIWM who are now deceased were Abdullah, Omar and Madie Maute, Hapilon³⁹; current leaders include Isnadie Ibrahim⁴⁰, Humam Abdul Najid, Malaysian national Dr Mahmud Ahmad⁴¹, and the little known Abu Yaman al-Yamani, Abu Hafis⁴² and his twin brother Abu Akmad⁴³. Most were seen in a video together with another two unidentified individuals planning the 23 May 2017 siege in Marawi city (refer paragraph 66).⁴⁴

Ideology and Objectives

16. The MG has pledged allegiance to, and subscribes to the ideology of, ISIL.⁴⁵ Central to ISIL ideology is the concept of takfiri, the belief that Muslims who do not share their radical views are the same as ‘kafir’ (disbelievers) and are therefore liable to be killed.⁴⁶
17. A key objective of MG is to establish an Islamic State in Mindanao as part of ISIL’s caliphate, with ASG’s Hapilon as regional emir.⁴⁷ Omar and Abdullah Maute espoused hatred toward non-Muslims and MG seeks to establish a strict Islamic community governed by Shari’a law.⁴⁸
18. MG seeks to achieve its goals by targeting the government, and those considered to be infidels or kafir, including Muslims who do not adhere to MG’s violent ideology.⁴⁹ MG has demonstrated the capability and intent to use tactics that cause terror, kill civilians and destroy property to achieve their goals.⁵⁰

Links to Other Groups

19. The full extent of MG’s links to other extremist groups is not clear. MG and other militant groups operating in the Philippines are known to cross-pollinate and are typically bound by family or clan relations, blurring the lines between groups and individual affiliations.⁵¹

MILF

20. At least some MG members are former MILF members, and family ties exist between the Mautes and some MILF leaders.⁵² The Maute brothers were, for example, first cousins of Azisa Romato, the spouse of late MILF Vice Chairman for Military Affairs, Alim Abdul Aziz Mimbantas, and were related by marriage to another MILF member associated with the Mimbantas clan.⁵³ Alim Mimbantas’ daughter also married now-deceased JI member Sanusi, who reportedly trained Omar and Abdullah Maute.⁵⁴ These connections have until recently boosted MG’s resilience via access to MILF resources and training areas.⁵⁵
21. MG has been expelled from MILF areas in the past and reportedly receives little cooperation today, likely due to ongoing talks between MILF and the Philippine government in respect of a peace deal reached in 2014.⁵⁶ In November 2013 for example, MG family members reportedly requested MILF assistance in providing a location in Balindong to conduct training. The MG request was initially accepted but later denied when the head of MILF’s 102nd Base Command, Abdullah Makapaar (also known as Commander Bravo), became aware of Omar and Abdullah Maute’s links to terrorism.⁵⁷ In February 2016, Commander Bravo denied any involvement with MG.⁵⁸ The commander of MILF’s Northeast Mindanao Front, Jannati Mimbantas, has also assisted the government in operations against the Mautes, and in March 2016 claimed Omar and Abdullah Maute were once part of MILF.⁵⁹

ASG

22. In May 2017, a political scientist at De La Salle University stated it was unclear whether MG and ASG co-mingled personnel, or could be considered the same group with two branches.⁶⁰ Also in May 2017, AFP sources and local officials stated MG and ASG had

fused ranks earlier in 2017.⁶¹ Other police and military reports suggest the MG-ASG alliance is purely tactical, focusing on subsistence through criminal acts and creating diversions when one group is under pressure from military operations.⁶² The link between ASG and MG has strengthened over time, particularly following ASG leader Hapilon's recognition as emir of the pro-ISIL alliance in the Philippines.⁶³

23. In approximately late 2016 or early 2017, Hapilon moved from Basilan to Lanao del Sur, Mindanao and organised an alliance of hard-line Philippines-based militant groups who rejected peace talks with the government and advocated for Shari'a law.⁶⁴ MG is one such group, considered to be the most potent, with Hapilon taking advantage of MG's base in Lanao del Sur.⁶⁵ Hapilon was reportedly accompanied by Dr Mahmud Ahmad, and had followed direction from ISIL leadership in Syria that Lanao del Sur was more conducive to ISIL expansion than Basilan.⁶⁶ Despite Hapilon's status as emir, MG is considered to have contributed more to the coalition through their experience fighting the military.⁶⁷

AKP

24. AKP pledged allegiance to ISIL and al-Baghdadi in August 2014.⁶⁸ AKP was led by Mohammad Mohammad Jaafar Maguid (aka Tokboy; Abu Sharifa; Abu Shareefa) until his death in January 2017.⁶⁹ AKP comprises a MILF splinter group, a jihadist network, and a local gang based in Mindanao. AKP and MG's shared ideological commitment has enabled an operational alliance, with AKP reportedly having worked alongside MG to conduct the Davao market bombing on 2 September 2016 (refer paragraph 56).⁷⁰

BIFF

25. Mindanao-based BIFF, a splinter group of MILF, is divided into a pro-ISIL faction led by Esmael Abubakar (aka Commander Bungos) and a mainstream faction led by Imam Minimbang (aka Commander Karialan).⁷¹ Prior to the establishment of MG, Omar and Abdullah reportedly had links with now-deceased BIFF founder Ustadz Ameril Umbra Kato. Kato was a radical cleric and MILF Commander before being dismissed in 2010 for insubordination.⁷²
26. BIFF uses the ISIL brand to increase its stature among other private, non-sectarian militias operated by Mindanao politicians as "private armies", and ASG, BIFF and MG all fly the black ISIL flag.⁷³ A tactical alliance between MG and BIFF is possible as BIFF has previously assisted other local militant forces.⁷⁴

Other Groups in Southeast Asia

27. MG connections are well-established internationally, particularly with Indonesia.⁷⁵ In May 2017, President Duterte stated that MG had extensive links to foreign terrorist organisations such as JI and Mujahidin Indonesia Timur.⁷⁶ MG family members were found to be aiding the transfer of JI funds from Indonesia to JI member Sanusi through their accounts, providing sanctuary and protection, and establishing connections with ranking JI leaders in Indonesia.⁷⁷
28. Syria-based Indonesian extremist Bachrumsyah Mennor Usman, a loyal follower of pro-ISIL Indonesian group Jamaah Anshrout Daulah leader Aman Abdurrahman, is the leader of ISIL's Southeast Asian fighting wing Katibah Nusantara (KN). Bachrumsyah's

network has deep, longstanding connections into Mindanao and close ties with Dr Mahmud Ahmad.⁷⁸ This network has played an important role in recruiting fighters for the Philippines; in early 2017 KN members encouraged Indonesian fighters intending to travel to Syria to travel to Mindanao instead. Some of these fighters received basic training before being incorporated into MG.⁷⁹ Bachrumsyah's network also provides Philippines-based groups with a channel to ISIL; the AFP claim ISIL contributed \$600,000, channelled through Dr Mahmud Ahmad, for the Marawi siege.⁸⁰

29. In addition to Sanusi, the Maute brothers were also associated with Malaysian bomb maker Marwan prior to his death in 2015,⁸¹ and reportedly received bomb making training from Marwan.⁸²

Organisation and Structure

30. The Maute family is an aristocratic clan able to command hundreds of followers. MG consists of individuals from the Maute, Romato, Mimbantas and Macadatu clans, hardened MILF fighters and young, radicalised ethnic Maranao.⁸³ As at May 2017, MG had reportedly gathered a force from these clans and other militant groups in Mindanao seeking to fight in the name of religion.⁸⁴ Aside from its pro-ISIL undertakings, MG also has links to Mindanao drug syndicates.⁸⁵
31. Military officials have been unable to estimate MG membership; reports range from 100 through to 1000.⁸⁶ MG has shown an ability to absorb major losses in clashes with police and military, and President Duterte has described MG fighters as fully armed and prepared to wage combat to advance their aims.⁸⁷
32. Until late 2017, MG was led by Abdullah and Omar Maute, with other siblings and family members playing a role in their activities.⁸⁸ The exact structure of the MG beyond family involvement was unclear at this time. MG reportedly established two armed groups to advance their activities in Lanao called Khilafah sa Jabal Uhod (Soldiers of the Caliphate in Mouth Uhod) and Khilafah sa Ranao (Soldiers of the Caliphate in Lanao).⁸⁹ MG has a presence in the municipalities of Butig, Lumbatan, Lambuyanague, Marogong and Masiu in Lanao del Sur, and Marawi city.⁹⁰
33. The leadership structure of MG remains unclear after the deaths of Abdullah, Omar, and the other Maute brothers during the battle of Marawi.⁹¹ However, reports from early December 2017 confirm that AFP is still hunting for a senior MG leader, known only as Abu Dar, who AFP believe is likely to have assumed leadership of MG.⁹²

Abdullah & Omar Maute

34. Omar and Abdullah Maute grew up in Marawi, though exactly when they developed their Islamist extremist ideology is unknown.⁹³ One Philippines military intelligence report suggests it could have been as early as the 1990s when Omar and Abdullah were trained by JI when then MILF leader Hashim Salamat hosted training of Southeast Asian militant extremists in Camp Abubakar, Maguindanao.⁹⁴
35. Omar and Abdullah were fluent in Arabic (unlike ASG's Hapilon) and were well-versed in Salafi and jihadist ideology.⁹⁵ In the early 2000s, Omar and Abdullah studied Islam in Egypt and Jordan respectively.⁹⁶ Reports also suggest Omar and Abdullah were former contract workers in the Middle East, studying Islamic theology in between working in

secular schools in Syria and the United Arab Emirates.⁹⁷ Abdullah graduated from Mutah University in Mutahal, Karak, Jordan.⁹⁸ Little is known about Abdullah's life after he went to Jordan, and it is not clear when he returned to Lanao del Sur.⁹⁹ Abdullah was alleged to have links to Arab extremists and ISIL supporters in the Middle East.¹⁰⁰

36. Omar studied at Al-Azhar University in Cairo, Egypt, where he met Indonesian Minhati Midrais, the daughter of conservative Islamic cleric Madrais Hajar.¹⁰¹ Omar married Midrais, an alleged associate of Sanusi's brother.¹⁰² Omar returned to Indonesia and began teaching English and the Koran at Hajar's Islamic boarding school on the outskirts of Jakarta.¹⁰³ In 2009, Omar attempted to impose strict Wahabist practices on students, resulting in protests by teachers and parents.¹⁰⁴ Omar also lectured against socialising with non-Muslims.¹⁰⁵ In 2011 Omar returned to Mindanao.¹⁰⁶
37. At an unknown time after Omar's return to the Philippines, Omar and Abdullah took control of the family's "local militia".¹⁰⁷ In May 2017, President Duterte claimed Omar and Abdullah were former police officers in Manila who had become involved in illegal drugs and established one of the biggest factories of shabu¹⁰⁸ in Lanao del Sur.¹⁰⁹ Shabu proceeds were then reportedly used to fund their activities, recruit followers and obtain weapons.¹¹⁰
38. Under the pro-ISIL coalition of militant groups in the Philippines (DIWM), Omar reportedly served as the vice chairman for political affairs, and Abdullah as the vice chairman for military operations.¹¹¹ Omar also reportedly ran a Facebook page on which he described himself as a "walking time-bomb".¹¹²
39. On 4 September 2017 AFP confirmed the death of Abdullah. AFP advised that chatter on the social media platform Telegram indicated that Abdullah was killed in an airstrike sometime in August 2017.¹¹³ On 16 October 2017 the Philippine Military confirmed the death of Omar during a military assault in Marawi that same day. ASG leader Isnilon Hapilon was also killed during the same assault.¹¹⁴

Maute Parents

40. The Maute clan has a matriarchal tradition, with Omar and Abdullah's mother Ominta Maute (also known as Farhana Maute) being an influential figure in the Maute family.¹¹⁵ Ominta's involvement in MG reportedly includes a central role in financing, recruitment and radicalisation of youths.¹¹⁶ On 10 June 2017, Ominta was arrested in Masiu, Lanao del Sur. Ominta was seen purchasing vehicles and firearms in the days before her arrest. The vehicle Ominta was stopped in contained an M-14 rifle, grenades, two improvised explosive devices (IEDs) and an unknown amount of cash.¹¹⁷
41. Omar and Abdullah's father, Cayamora Maute, also played a facilitating role in MG, and was reportedly in charge of finance and logistics alongside Ominta.¹¹⁸ On 6 June 2017 Cayamora Maute, his second wife Congan Alfonso Balauag (also known as Kongan Alfonso-Maute), his daughter Norhana Maute (also known as Norjanna Balawag Maute), Benzarali Tingao (Norhana's husband) and their driver were apprehended at a Davao city security checkpoint after officers became suspicious of Cayamora obscuring his face.¹¹⁹ Cash and numerous identity cards were retrieved from the group, who were then transferred to Manila in the event MG members sought to rescue them.¹²⁰ Cayamora died in custody on 27 August 2017 from natural causes.¹²¹

Maute Siblings

42. Including Omar and Abdullah, there were reportedly seven brothers and one half-brother involved in MG.¹²² Other brothers have been identified as Mohammad Khayam Maute (also known as Otto), Daman Maute, Matty Maute (Mahater), Madie Maute and Ibn Qayam Maute. One or more of these brothers is likely also known as Hashim (also known as Hisham), Hamsa and/or Abdulrahman.¹²³ Maute sisters have been identified as Norhana, Hamelda, Asmah, Hafidah and an infant.¹²⁴ The extent and nature of the Maute siblings' roles has not been confirmed; limited reporting suggested other Maute brothers were considered "key leaders" with Mohammad Khayam Maute heading operations and intelligence.¹²⁵ On 6 December 2017, AFP announced that all seven Maute brothers were confirmed killed by government troops during the battle of Marawi.¹²⁶

Other

43. Former Marawi City mayor Fajad Salic reportedly provided MG with financial support in its formative years. Salic was arrested on 7 June 2017 for rebellion in connection with MG's siege in Marawi. An AFP commander stated Salic was an active supporter of MG. One of Salic's wives is reportedly a niece of Ominta Romato.¹²⁷
44. On 8 June 2017, Nasser Dilangalen was detained at a local police facility after he was arrested for being a key recruiter for MG, ASG and AKP.¹²⁸ On 15 June 2017 a cousin of the Maute brothers, Mohammad Noaim Maute (also known as Abu Jadid), was arrested by police. Abu Jadid is a suspected bomber for MG.¹²⁹

Weapons, Tactics and Capability

45. The Institute for Policy Analysis and Conflict (IPAC) claims MG has "the smartest, best-educated and most sophisticated members of all...pro-ISI[L] groups in the Philippines", and as at October 2016 IPAC assessed MG as one of the most dangerous groups operating in the Philippines.¹³⁰ MG has been described by Reuters as tactically smart, social media savvy and having solid international connections.¹³¹ In May 2017 Philippines National Police (PNP) Chief Ronald Dela Rosa stated MG was the "strongest" among local terrorist groups seeking ISIL's attention.¹³² Sporadic skirmishes with MG have been described by President Duterte as demonstrating their capability to "sow terror", with MG's activities during the Marawi siege reflecting its resourcefulness, strength and virulence.¹³³
46. According to President Duterte, MG primarily obtains funds through the illegal drugs trade and foreign-based terrorist groups, however his claims were not substantiated further.¹³⁴ Locals have accused MG leadership of receiving proceeds from large-scale drug trafficking and clandestine propagation of marijuana plants.¹³⁵ MG is also known to take hostages to generate income and boost their notoriety, and have executed captives and distributed video footage of the killings online.¹³⁶
47. On 28 October 2017 Rasdi Hamid Malawani (also known as Rasdy Macabangkit or Rasdy Makabangkit) was arrested for running legitimate businesses whose profits were used to fund the Maute Groups siege of Marawi. Malawani took over managing the Salaam Bazaar from Ominta Maute after her arrest, and was accused of funnelling money to MG through his sister-in-law and widow of a MG fighter, Lily Azea

Macabangkit-Matue. Philippine authorities advised that the arrest of Malawani would have a significant impact on financing capabilities of MG.¹³⁷

48. MG has no official spokesperson and does not generally issue formal statements, but is sophisticated in its use of social media platforms such as Telegram and YouTube to recruit new members and express their views.¹³⁸ MG has reportedly recruited from a pool of disaffected MILF combatants, and attracted students and teachers from Mindanao State University in Marawi.¹³⁹ While the majority of MG fighters are in their 20s, several reports suggest MG has successfully recruited minors and teenagers, including orphans.¹⁴⁰ During the Marawi siege, civilian reports suggest militants as young as 12 or 13 were in possession of guns and wearing black suits with ISIL insignia.¹⁴¹
49. Since the Marawi siege, ISIL has profiled Philippines-based militants in its propaganda magazine Rumiya.¹⁴² In one such profile, Hapilon claimed ISIL-linked groups in East Asia, particularly the Philippines, “continue to increase in numbers and weapons”.¹⁴³ Issue 11 of Rumiya referred to attacks conducted by MG as being performed by “soldiers of the Khilafah” and dedicated a page to the siege.¹⁴⁴ MG members have also been sighted carrying black flags bearing ISIL insignia.¹⁴⁵
50. Various reports confirm the existence of MG training camps throughout Mindanao with training facilities for combatants, bombers, community organisers and religious preachers.¹⁴⁶ In April 2017, for example, a MG camp in Piagapo, Lanao del Sur containing over 48 bunkers was seized by the military. Items recovered included passports of foreign militants, ISIL flags, grenades and bomb-making materials.¹⁴⁷ MG recruiter and trainer, Imam Abelino Bantayao, was reportedly killed during this seizure.¹⁴⁸
51. MG have proven to be proficient in the use of IEDs, ambush techniques and snipers, and members are regularly armed with AK-47 Kalashnikovs, M-14 assault rifles and an extensive stock of IEDs.¹⁴⁹ MG members have also reportedly been in possession of pistols and B-40 rocket launchers.¹⁵⁰ The source of MG’s weapons is unclear, though the Maute family has sufficient funds from legal business and illegal drugs to fund arms procurement.¹⁵¹ President Duterte claimed in June 2017 that MG acquired its huge stockpile of weapons from MILF and MNLF, and an AFP spokesperson speculated that weapons may be obtained from relatives who are members of these groups. There has always been a large circulation of firearms in Mindanao, and MG may also obtain arms from foreign sources or encounters with the military and police.¹⁵² In July 2017 an arms trafficking syndicate admitted some firearms recovered from MG had been supplied by them.¹⁵³

History of MG Operations

52. On 15 January 2016, two civilians in Buadipuso Buntong, Lanao del Sur, were fired upon and killed while verifying the reported presence of a group of armed men. Relatives of the deceased civilians returned fire, killing one militant while his accomplices retreated. The deceased militant was reportedly wearing a headband with ISIL insignia. The Commander of Marawi city’s 103rd Infantry Brigade of the Philippine Army stated the civilians were killed by “armed men under a certain ‘Maute Group’”. Later that day, the remaining militants encountered members of the 65th Infantry Battalion in Maguing town. The groups clashed, killing one and wounding another

armed militant. The Commander believed military vehicles had been the intended target of the second attack, though the group claimed the operation was to punish alleged drug syndicates in the province. The group responsible was described by open source outlets as “ISIL inspired”, and The Manila Times identified those responsible as combined members of KIM, Ghuraba and former MILF members (consistent with what is now considered to be MG). MG hailed their fallen members “after having done their part on jihad as martyrs”, and also claimed responsibility for the separate killing of two soldiers in Marawi city in December 2015 who they considered spies of the government.¹⁵⁴

53. On 20 February 2016 MG, led by four Maute brothers, established three strongholds in Butig, Lanao del Sur and engaged in ten days of clashes with government forces before the military regained control.¹⁵⁵ A national television broadcast showed MG militants opening fire on Philippine soldiers while local policemen with clan ties to the Mautes watched, implying the policemen were a source of MG support.¹⁵⁶ The clashes reportedly displaced 30,000 people, killed two and injured six soldiers, and between six and twenty four MG militants were also reportedly killed.¹⁵⁷ One of the soldiers killed had been beheaded.¹⁵⁸ Unconfirmed reports suggested two Maute brothers were killed in the clashes.¹⁵⁹ The Commander of AFP’s Western Mindanao Command stated the series of bombings and sabotage on power pylons, assassinations, illegal drug dealing and an attack on the military detachment during the clashes was possibly part of MG’s plan to gain recognition from ISIL.¹⁶⁰ After the town was recaptured, the military recovered ISIL propaganda allegedly disseminated by MG.¹⁶¹
54. On 4 April 2016, MG members abducted six sawmill operators at gunpoint from a village in Butig, Lanao del Sur, allegedly for their links to the military and purported spying on MG activities in Butig.¹⁶² On 10 April, two abductees were beheaded in what appeared to be an ISIL-inspired execution captured on video and circulated on Facebook.¹⁶³ The remaining hostages were later released.¹⁶⁴ MG had reportedly demanded a ransom from the families of the two beheaded captives, who were unable to pay.¹⁶⁵
55. On 26 May 2016, intense fighting between Philippine troops and MG members in Butig, Lanao del Sur erupted following the launch of a military operation against MG in the area.¹⁶⁶ The clashes resulted in the death of 54 MG fighters and two soldiers. Another nine soldiers were wounded. At least 1,200 people were forced to evacuate during the fighting.¹⁶⁷
56. On 2 July 2016, one soldier was killed and three others wounded after suspected MG members attacked a military camp in Marawi. M203 grenade launchers targeted the compound, and part of the camp’s wall collapsed after it was struck by an IED.¹⁶⁸ ISIL’s Amaq news agency website claimed the attack killed at least two soldiers and destroyed an armoured vehicle. MG shared the Amaq report online.¹⁶⁹
57. On 27 July 2016, suspected MG men fired a grenade, and an IED which failed to detonate, at troops near AFP’s 103rd Infantry Brigade headquarters in Marawi. The IED was located at the rear of the camp, which faces a private school, and was made out of trinitrotoluene packed with nails. As troops inspected the IED they were fired upon by armed men in a vehicle but were not injured.¹⁷⁰ The Brigade’s spokesperson stated MG were suspected as responsible due to their earlier claims of responsibility for attacks in Butig.¹⁷¹

58. On 22 August 2016, police arrested and imprisoned eight MG members, including Hashim Maute, in Lumbayanague, Lanao del Sur, for carrying “guns and bombs”. Five days later between 20 and 50 armed MG members led by Abdullah Maute raided the prison, freeing all eight as well as a further 15-20 inmates.¹⁷² The group took with them firearms, vehicles and mobile phones owned by the prison guards on duty.¹⁷³
59. On 2 September 2016 a bomb detonated at Roxas Night Market, Davao City, killing 15 people and wounding 70.¹⁷⁴ A 60 mm and 81 mm mortar round piece were attached to a cellphone concealed in an unattended backpack left at the scene.¹⁷⁵ On 4 October three MG Cotabato cell members arrested in relation to the attack advised police the attack had been ordered by Hapilon as emir of ISIL, with MG assigned to carry it out.¹⁷⁶ The attack likely involved cooperation between MG, ASG and AKP, with perpetrators receiving bomb training at MG’s training camp in Butig.¹⁷⁷ ASG’s claim of responsibility was dismissed by authorities, who stated they had information MG members were the primary perpetrators.¹⁷⁸ On 8 October 2016, a further three suspected MG members were arrested for their involvement in the attack while attempting to avoid an army checkpoint, and a raid on a MG safe house uncovered several high-powered firearms, explosives and ammunition.¹⁷⁹ Subsequent operations and arrests in Cotabato disrupted further attack plans and uncovered IEDs fashioned out of a 60 mm mortar and 105 mm howitzer round.¹⁸⁰ The group may have been planning to carry out further bombings in Metro Manila, including against department stores and shopping malls.¹⁸¹
60. On 26 November 2016, approximately 200 MG fighters seized control of a town hall, school and mosque in Butig, Lanao del Sur, prompting four days of clashes with security forces.¹⁸² MG flew an ISIL flag over the town hall, prompting a military response that temporarily displaced almost all of the town’s population.¹⁸³ Following the military’s retake of the town, residents were reluctant to return, fearing MG had rigged the area with booby traps and IEDs, and the military had to conduct clearing operations for homemade bombs planted by MG members.¹⁸⁴ Reports on the total death toll and wounded vary, with estimates of between 19 and 62 militants killed and 5 to 12 wounded, and up to 37 soldiers wounded.¹⁸⁵
61. On 28 November 2016, PNP bomb disposal experts safely detonated an IED on Roxas Boulevard, Manila, near the US embassy. The IED was discovered in a rubbish bin. PNP chief Ronald dela Rosa blamed MG for the attack attempt because the IED’s design was identical to the device used in MG’s 2 September 2016 Davao night market attack.¹⁸⁶ Two MG members confessed to planting the IED and stated they and three others had attempted the attack to ease military pressure MG was experiencing in Butig, and gain ISIL recognition and funding.¹⁸⁷
62. On 29 November 2016, seven members of the Presidential Security Group (PSG) and two soldiers were injured after a roadside IED detonated, hitting their passing convoy in Marawi. The group was part of an advance team preparing for President Duterte’s visit to Lanao the following day. Davao City Vice Mayor Paolo Duterte stated the attack had targeted his father President Duterte and his administration, and intended to terrorise the government and Filipino people.¹⁸⁸ The 103rd Brigade blamed MG for the attack because they had been targeting military convoys in an attempt to divert attention away from fighting in Butig.¹⁸⁹
63. On 6 December 2016, a search warrant on the house of MG matriarch Ominta Maute was executed by PNP Special Action Force (PNP-SAP). During the search, a PNP-SAP

- member was injured when an IED set as a booby trap inside the house detonated.¹⁹⁰ Another IED with an 81 mm mortar as a main charge was also discovered but safely neutralised.¹⁹¹
64. On 28 December 2016, two bombs exploded at a town plaza in Hilongos, Leyte province.¹⁹² Approximately 500 people were at the plaza to watch an amateur boxing match, and the attack coincided with the town's annual fiesta celebration.¹⁹³ Pieces of 60 mm and 81 mm mortar projectile placed in two separate locations detonated by mobile phones were recovered from the blast scenes.¹⁹⁴ 35 people were injured in the attack, and CCTV recorded three unidentified men discreetly leaving the blast sites.¹⁹⁵ No group claimed responsibility for the attack; however, on 10 January 2017 PNP in Eastern Visayas stated MG were responsible because the IEDs were similar to those used by MG in Davao on 2 September, and in MG's planned attacks in Cotabato and Metro Manila.¹⁹⁶ Reasons for the attack were reported as retaliation for the arrest of Raidah Ampaso Sarip on 22 October 2016 for illegal drugs and production of fake money; as a way for MG to demonstrate their strength and gain recognition from ISIL for affiliation and funding purposes; and to create "diversionary tactics" to ease the pressure on MG.¹⁹⁷
 65. On 28 February 2017 during a speech at the 23rd anniversary of the PNP College in Silang, Cavite province, PNP chief director General Ronal dela Rosa revealed he had been the intended target of an MG assassination plot. An IED intended for dela Rosa had been recovered during his recent visit to Mindanao State University, and an arrested suspect had admitted to the plot to kill dela Rosa. Dela Rosa stated if he had to be killed for doing his job, then so be it.¹⁹⁸
 66. On 23 May 2017 during an operation to arrest ASG leader Hapilon in Marawi, AFP and PNP were repelled by MG fighters. MG and ASG fighters then went on to wage a deadly siege in what has been described as the largest successful display of jihadist force by pro-ISIL fighters in the region to date.¹⁹⁹ MG and ASG were already planning to lay siege to Marawi to capture the attention of ISIL and establish an Islamic State wilayat (province) in the area.²⁰⁰ Details of the siege are outlined in Case Study Three below.
 67. On 20 August 2017, MNLF militants reportedly joined MG militants in an early morning "retaliatory attack" on the detachment of the AFP's Citizen Armed Force Geographical Unit (CAFGU) in Lumbatan, Lanao del Sur. The clash lasted approximately two hours with no casualties reported, though the base was "riddled with bullets". AFP Colonel Romeo Brawner stated that despite MG losses in the Marawi siege, MG was trying to expand into other areas and recruit more fighters.²⁰¹
 68. On 22 August 2017, 20 alleged MG supporters attacked a military detachment in Marantao, Lanao del Sur. One of the attackers was killed while four soldiers were wounded during the one hour firefight. The attack was described by Colonel Brawner as a "diversionary tactic to divert military attention from the main battle area [in Marawi]", and the attackers were possibly aiming to disrupt classes at the Mindanao State University. During clearing operations, troops recovered the body of a deceased MG supporter, a rocket propelled grenade, Molotov cocktails, assorted ammunition and P30,000 in cash.²⁰²

Case Study One: 4-10 April 2016 sawmill worker abduction and execution

Facts

69. On 4 April 2016, MG members abducted six Christian sawmill operators at gunpoint from a village in Butig, Lanao del Sur and brought them to the Maute brothers' camp in a remote part of Puktan.²⁰³ MG had earlier claimed the men were kidnapped for having links with the military, and accused them of spying on MG activities in Butig.²⁰⁴ On 10 April, abductees Salvador Janubas and Jaymark Janubas were beheaded while made to wear orange gowns²⁰⁵, in what appeared to be an ISIL-inspired execution.²⁰⁶ Video footage of the executions was immediately circulated on Facebook by local self-proclaimed jihadists.²⁰⁷ The remaining four hostages were released following MG negotiations with local officials and the sawmill employer.²⁰⁸
70. MG had reportedly demanded a P20 million ransom from the families of the two beheaded captives, who could not afford to pay.²⁰⁹ Additional reporting indicates MG may have beheaded the pair after the government failed to release a comrade captured during the February 2016 Butig clashes.²¹⁰ A preliminary Department of Justice investigation into the kidnapping and murders began on 14 August 2017, with MG members in attendance.²¹¹

The act meets the TSA criteria for designation

71. The kidnapping and beheading of civilians is consistent with the definition of a terrorist act under s 5 of the TSA.
72. The brutal ISIL-inspired execution of two civilians clearly shows an intention to cause the death of, or serious bodily injury to, those kidnapped (s5(3)(a) TSA).
73. Kidnappings and beheading civilians, and publishing footage of the killings, are all acts calculated to induce terror in the civilian population (s 5(2)(a) TSA). These terrorising acts demonstrate MG's preparedness to use deadly force against those who do not follow their extreme ideology or meet their demands. The acts were therefore carried out to advance MG's 'takfiri' ideology and with the ultimate purpose of establishing a community governed by Shari'a law (s 5(2) TSA).

Case Study Two: 28 November 2016 failed IED attack near US embassy, Metro Manila

Facts

74. On 28 November 2016, PNP bomb disposal experts safely detonated an IED on Roxas Boulevard, Manila, near the US embassy. The IED, consisting of an 81 mm mortar rigged to a mobile phone detonator with a potential 100 metre impact radius, was discovered by a street sweeper in a rubbish bin. PNP chief Ronald dela Rosa blamed MG for the attack attempt because the IED's design was identical to the device used in MG's 2 September 2016 Davao night market attack.²¹² Two MG members, Jiaher Guinar and Rayson Kilala, were arrested and confessed to planting the IED. The pair stated they and three others had been sent to Metro Manila to conduct the attack in an

attempt to ease military pressure MG was experiencing in Butig, and to gain ISIL recognition and funding.²¹³

75. The three associates of Guinar and Kilala had initially brought the IED from Mindanao in a van and had concealed it with pillows. Guinar then planted the IED near the US embassy after Kilala failed to detonate the bomb at the urban Rizal Park in Manila (a major tourist attraction) using a handheld radio triggering device.²¹⁴ The pair then transferred the IED to the rubbish bin near the US embassy but again the IED failed to detonate via cellphone trigger. Guinar had also attempted to call the cellphone while watching live television coverage of the IED being disabled by explosives and ordinance personnel. The cellphone used was recovered from Guinar.²¹⁵
76. Guinar was also found in possession of a .45 calibre pistol and a hand grenade upon arrest.²¹⁶ A third and fourth suspect were later arrested, one of whom confessed about a second IED being kept in Bulacan. This IED, an artillery round with a 75-80 m blast radius assessed as having the potential to kill up to 300 people, was located by authorities and safely detonated.²¹⁷

The act meets the TSA criteria for designation

77. The failed IED attack at various public locations in Manila is consistent with the definition of a terrorist act under s 5 of the TSA.
78. MG's plan specifically targeted areas likely to have a public presence, and the size of both IEDs shows the attacks were intended to cause extensive casualties. The nature and location of the planned attack demonstrates an intention to cause the death of, or serious bodily injury to, those in the vicinity of Rizal Park and the US embassy, as does the attempt to detonate the device as it was being disabled (s 5(3)(a) TSA). All the circumstances of the planned attack demonstrate an intention to induce terror in the civilian population (s 5(2)(a) TSA).
79. MG's stated intention behind the attack was to ease military pressure on the group and gain recognition from ISIL. This is consistent with the group's purpose of advancing its ideological and religious cause (s 5(2) TSA). It also demonstrates an intention to unduly compel the Philippine government to ease off its operation against MG in Butig (s 5(2)(b) TSA).

Case Study Three: 23 May 2017 Marawi siege

Facts

80. On 23 May 2017, Philippine military and police launched an operation to arrest ASG leader Hapilon, who was being protected by MG and ASG militants in Marawi.²¹⁸ The military were, however, repelled by a MG force that was stronger than anticipated, and MG went on to wage a deadly siege in Marawi in what has been described as the largest successful display of jihadist force by pro-ISIL fighters in the region to date.²¹⁹ MG and ASG gunmen had been prepared to fight because they intended to lay siege to Marawi on the first day of Ramadan (26 May) to capture the attention of ISIL and establish an ISIL wilayat (province) in the area.²²⁰ The military operation likely led MG leadership

to bring their intended takeover forward several days.²²¹ Extensive reporting on the siege to date has detailed the following:

- 80.1 The takeover was well-planned, with Abdullah and Omar Maute reportedly in command because they, not Hapilon, knew the city and had previously prepared and led similar operations in Butig and Piagapo.²²² During a raid on the safehouse Hapilon was believed to be hiding in, a cellphone was seized containing video footage shot prior to the siege showing Abdullah, Omar, Hapilon and others coordinating and planning to capture the city, harm civilians and spread fear.²²³ The militants in the video spoke of taking hostages from a school, sealing off roads and capturing a highway “so the people will get scared”.²²⁴ The video had not yet been released as it was intended to be part of a compilation of videos following the occupation of Marawi.²²⁵
- 80.2 AFP chief of staff General Ano stated the alliance had the “...intention of not only rebellion, but...dismembering a portion of the Philippine territory by occupying...Marawi city and establishing their own Islamic state or government”.²²⁶ Ano also stated the video was intended as propaganda to show ISIL leadership they could succeed in establishing a wilayat in Marawi.²²⁷ This sentiment was shared by President Duterte when he declared martial law in Mindanao.²²⁸
- 80.3 On 23 May MG gunmen simultaneously stormed the Malabang District Jail and the Marawi City Jail at dusk. Prison guards were disarmed and over 100 prisoners were freed.²²⁹
- 80.4 On 24 May ISIL propaganda arm Amaq News Agency claimed a substantial part of Marawi had been captured, published images showing militants there, and on 25 May reported an unspecified number of Philippine troops were wounded during a “large-scale attack launched by caliphate soldiers”.²³⁰ The siege was referenced in issue 11 of ISIL’s Rumiya magazine, and reports suggest funding for the siege was obtained from ISIL and local sources.²³¹ Foreign fighters from Malaysia, Indonesia, Yemen, India, Chechnya and Saudi Arabia have reportedly been involved in the conflict, indicating collaboration with extremist groups outside of the Philippines.²³² In ISIL’s second *Inside the Khilafah* propaganda video released in August 2017, ISIL fighter Abu Adam al-Australi called upon mujahideen in Australia to “go aid your brothers in the fight against the crusader government of the Philippines”.²³³ On 12 June 2017, President Duterte claimed ISIL leader al-Baghdadi “specifically ordered the conduct of terroristic activities in the Philippines” and on 13 June an audio recording of an ISIL spokesperson was circulated singling out the Philippines for further attacks and praising the assault on Marawi.²³⁴
- 80.5 Also on 24 May, MG militants forced entry into a Christian church and took a priest, three employees and ten worshippers hostage.²³⁵ The MG then called another bishop in Marawi and threatened to kill the hostages if their demands of a ceasefire and safe passage out of Marawi weren’t met.²³⁶ An undated video of the priest posted online stated he was being held alongside 200 other captives, including a professor from Mindanao State University, church workers, teachers, carpenters, household helpers, children and Christian settlers.²³⁷ The video showed the priest pleading for his life and those of the other hostages,

and stated his captors were ready to die for their religion.²³⁸ In August, hostages who escaped by fleeing in the night claimed MG had made them serve as cooks, and the priest had been tasked with collecting explosive powder from firecrackers for IEDs that were to be used on hostages as suicide bombs.²³⁹

- 80.6 On 28 May eight dead civilians (four men, three women and a child) were found in a ravine outside Marawi with their hands tied and gunshot wounds to their heads. The victims were believed to be part of an evacuation convoy stopped by rebels and killed because they were unable to recite extracts from the Koran.²⁴⁰ A civilian who successfully escaped the area reported hunkering down at a rice mill with 100 others, with Christians being taught Islamic prayers by Muslim co-workers in an attempt to deceive the militants.²⁴¹
- 80.7 On 2 June, 7th Marine Battalion members recovered P52 million in cash, P27 million in cheques and firearms in a house where MG members had shown force early on in the conflict.²⁴² Occupants of the house were armed with M-60 machine guns and M203 rifles fitted with launchers for 40-millimeter grenade projectiles.²⁴³ After 10 days of fighting the AFP had seized 98 high-powered firearms from MG. The AFP did not know how MG had obtained the firearms.²⁴⁴
- 80.8 On 9 June a 14 year old praying with his family inside the Datu Saber Mosque in Marawi was killed when he was hit in the head by a sniper bullet. Based on the bullet's trajectory, it had been fired from a known MG stronghold and was aimed at a member of the Army's 103rd Brigade. However, the bullet fell short hitting the boy.²⁴⁵
- 80.9 On 13 June five police officers and five construction workers who had been hiding for 22 days ran 2km under fire to safety. The police officers claimed they could have escaped earlier because they were Muslim, but did not want to leave the Christian construction workers who would have likely been killed. One construction worker was wounded by cement splinters from sniper bullets as they escaped.²⁴⁶ Also on 13 June a presidential spokesman stated five civilians had been killed in a separate incident and eight taken hostage when militants ran after them, firing indiscriminately.²⁴⁷
- 80.10 On 25 June AFP cited accounts of seven Marawi residents previously held hostage who said hostages had been forced to loot homes, take up arms against government troops, serve as sex slaves, forced to convert to Islam, carry wounded fighters to mosques and marry militants of MG.²⁴⁸
- 80.11 On 15 July the body of Marawi city baker Aljohn was retrieved from a river. Aljohn's cousin, Jomar Valdehueza, claimed they had been abducted by MG on 10 June, with Valdehueza able to escape on 29 June. Aljohn's body reportedly had gunshot wounds.²⁴⁹
- 80.12 On 7 September, stray bullets killed a Civil Service Commission regional deputy director, and wounded the director, outside the compound of Mindanao State University.²⁵⁰ The stray bullets were believed to have come from MG.²⁵¹

81. The siege has reportedly displaced over 600,000 civilians, and the nearly 2000 civilians caught in the MG-military crossfire make it the largest jihadist hostage situation in modern history.²⁵² The reported number of allied militant fighters has ranged from 50 to 1000.²⁵³ To date, MG militants have killed civilians, taken hostages, targeted journalists in “safe zones”, freed prisoners from local jails, burned buildings, blocked infrastructure and hindered vital services, set up checkpoints, planted booby traps and IEDs and raised ISIL flags.²⁵⁴
82. Estimates of militant, government and civilian deaths and injuries has varied over time.²⁵⁵ As at 10 August 2017, the Australian Strategic Policy Institute quoted the death toll as 552 jihadists, 128 soldiers and police, 119 civilians, and over 1,500 wounded.²⁵⁶ This estimate differs to what was reported later on in the siege, with the AFP stating as at 16 October 2017 the death toll stood as 822 militants, 162 government forces and only 47 civilians.²⁵⁷ Some of the militant deaths include high ranking MG officials, with Abdullah, Omar and seven other Maute brothers being confirmed by AFP as deceased.²⁵⁸
83. Ending the siege in Marawi was difficult for AFP because MG militants were embedded in the population, able to readily move through homes, plant IEDs, fire snipers from strategic locations and hold hostages.²⁵⁹ Militants were reportedly hiding in an extensive network of protected underground shelters, tunnels and basements with stockpiles of food and weapons.²⁶⁰
84. On 4 August, an AFP spokesperson stated the “thousands” of IEDs planted throughout Marawi were preventing civilians from returning home and slowing military advances.²⁶¹ On 18 August, AFP reported two soldiers had lost their legs after stepping on landmines believed to have been planted by MG in a building being cleared by the soldiers.²⁶²
85. On the 17 October 2017, a day after Omar Maute was killed, President Duterte declared the liberation of Marawi from Islamic State inspired extremists. This declaration was followed up by the Department of National defence Secretary Delfin Lorenzana announcing on the 23 October 2017 that the siege of Marawi was over.²⁶³ On the 26 November 2017 AFP announced that there were no more MG militants remaining in Marawi, and that they hoped to completely clear the city of explosives and other material left behind by April 2018.²⁶⁴

The act meets the TSA criteria for designation

86. The Marawi siege and ongoing activity by MG throughout the siege are consistent with the definition of a terrorist act under s 5 of the TSA.
87. The siege specifically targeted an entire civilian city and the seized footage shows MG members and others planning the siege expressing the intention to harm civilians and spread fear. All the circumstances of the ongoing attack, as well as subsequent public statements made by ISIL, clearly show both an intention to cause the death of, or serious bodily injury to, the civilian population in Marawi (s 5(3)(a) TSA) and an intention to induce terror in the civilian population (s 5(2)(a) TSA).
88. The siege of Marawi is consistent with MG’s objective of establishing, first, a wilayat in the Mindanao region and ultimately a Southeast Asian caliphate governed by Shari’a

law. This siege was therefore carried out with the purpose of advancing MG's own ideological cause (s 5(2) TSA). The ongoing siege also demonstrates MG's intention to unduly force the Philippine government to relinquish control of Marawi and withdraw its forces (s 5(2)(b) TSA).

LAW OF ARMED CONFLICT

The law of armed conflict exception

89. Section 5(4) of the TSA provides that an act does not constitute a terrorist act for the purposes of the TSA if the act occurs in a situation of armed conflict, and the act, at a time and place that it occurs, is in accordance with the rules of international law applicable to the conflict. Both of these conditions must be met for the exception to apply.
90. In a situation of armed conflict (whether international or non-international), the laws of armed conflict (LOAC) regulate the conduct of hostilities. LOAC is intended to protect the victims of armed conflicts and strike a balance between considerations of military necessity and humanity. The exception at section 5(4) of the TSA recognises that an act carried out by a combatant in an armed conflict in accordance with LOAC is not a terrorist act.

Is there an armed conflict in the Philippines and are MG members combatants?

91. An armed conflict may be international (between two or more states) or non-international. Where armed groups or dissident forces within the state are intentionally engaged in protracted, sustained and organised military operations against government forces or against each other, a non-international armed conflict (NIAC) can be said to exist.²⁶⁵ LOAC also distinguishes between armed conflict and other internal disturbances or tensions such as riots and isolated and sporadic acts of violence.²⁶⁶
92. During much of 2017, when the acts described in the case studies took place, it may be arguable that the degree of intensity of the conflict and organisation of MG were together sufficient to characterise the conflict as a NIAC. If the situation in the Philippines did amount to a NIAC, the relevant international law would have been the LOAC applicable to a NIAC. However, this alone is not determinative for an exemption under the TSA and, as discussed below, the acts in questions would not have been consistent with the fundamental principles of LOAC.

Were the acts carried out in accordance with the applicable rules of LOAC?

93. Even if the activities described in the three case studies can be characterised as having taken place in a NIAC, it is clear that MG's activities would not have been conducted in accordance with the relevant LOAC. MG has reportedly directed attacks against police officers and civilians. This is a breach of the LOAC principle of distinction. That principle requires that parties to an armed conflict must always distinguish between the civilian population and combatants, and civilian objects and military objectives. Attacks should only be directed against military objectives. Case Study One in particular demonstrates a clear, deliberate attack against the civilian population. Attacks against members of the PNP would also likely be in breach of LOAC as Police are classed as

civilians for the purposes of LOAC, unless they are incorporated into the armed forces.²⁶⁷

94. Because the acts described in the three case studies would not have been carried out in accordance with LOAC, they do not fall within the exception at section 5(4) of the TSA and can be characterised as terrorist acts.

- ¹ (25/05/2017) “The battle for Marawi city”, TIME, accessed via <http://time.com/marawi-philippines-isis/> on 17/08/2017, and; (21/05/2017) “Maute rebel group: A rising threat to Philippines”, BBC News, accessed via <http://www.bbc.com/news/world-asia-40103602> on 18/08/2017, and; (20/10/2012) “Who are the Moro people?”, Inquirer.net, accessed via <http://opinion.inquirer.net/39098/who-are-the-moro-people> on 11/09/2017.
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- ³ (12/07/2017) “Black flags over Mindanao: terrorism in Southeast Asia”, Foreign Affairs Committee, accessed via ProQuest on 22/08/2017. Available on subscription, and; (25/05/2017) “The battle for Marawi city”, TIME, accessed via <http://time.com/marawi-philippines-isis/> on 17/08/2017, and; (25/05/2017) “Little-known Maute militants becoming formidable force in Philippines”, Reuters, accessed via <https://www.reuters.com/article/us-philippines-militants-maute-idUSKBN18K16W> on 17/08/2017, and; (24/06/2017) “New life defies hard labour of war in the Philippines’ Mindanao”, The Australian, accessed via <http://www.theaustralian.com.au/news/world/new-life-defies-hard-labour-of-war-in-the-philippines-mindanao/news-story/39efe08dcfe85052fa96c5b591a63e0> on 22/08/2017, and; (28/08/2016) “Muslim extremists stage mass jailbreak in Marawi City”, Inquirer.net, accessed via <http://newsinfo.inquirer.net/810455/muslim-extremists-stage-mass-jailbreak-in-marawi-city> on 03/08/2017, and; (28/08/2016) “Philippines: IS-linked Maute group inmates freed in ‘raid’”, BBC News, accessed via <http://www.bbc.com/news/world-asia-37207973> on 03/08/2016.
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- ⁴¹ Ahmad has been on Malaysia’s most wanted list since travelling to the Philippines in 2014. Mahmud reportedly channelled funds from ISIL (via the Southeast Asian fighting wing, Katibah Nusantara, linked to Jamaah Ansharut Daulah) to finance the militant siege in Marawi. Reportedly controls recruitment and financing, and is the contact person for any foreigner wanting to join the pro-ISIL coalition in the Philippines. Refer <http://www.themalaymailonline.com/malaysia/article/malaysian-is-linked-militant-mahmud-ahmad-believed-to-have-fled-marawi#skHz3H4QMS75eQRX.97>, <http://malaysiandigest.com/frontpage/29-4-file/690389-who-is-dr-mahmud-ahmad-former-universiti-malaya-lecturer-turned-is-financier.html>, http://file.understandingconflict.org/file/2017/07/IPAC_Report_38.pdf; <http://www.channelnewsasia.com/news/asiapacific/marawi-siege-to-have-long-term-impact-on-extremism-in-southeast-9051788>, and; <http://www.understandingconflict.org/en/conflict/read/61/Marawi-The-East-Asia-Wilayah-and-Indonesia>
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