

# **PROTECTING THE SULU-SULAWESI SEAS FROM ABU SAYYAF ATTACKS**

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## CONTENTS

I.	Introduction.....	1
II.	Background.....	1
	A. New Insights from Old Data.....	3
	B. How Indonesian Ships Became Targets.....	4
III.	The Concept of the Trilateral Patrols.....	7
	A. Initial Discussions.....	7
	B. Understanding the Source of the Problem.....	9
	C. The First Indomalphi Exercise, the Marawi Siege and a Lull in Kidnappings.....	10
IV.	A New Regional Security Architecture?.....	12
	A. The TNI's Push for a Role in Counter-Terrorism.....	12
	B. Ryamizard Makes His Move.....	13
	C. Impact of the May 2018 and Surabaya Bombings.....	14
V.	A New Round of Kidnapping.....	16
	A. Why Kidnapping Resumed.....	17
	B. The Sabah Connection.....	18
VI.	Conclusion: Beyond Military Solutions.....	18

## I. INTRODUCTION

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Enhanced cooperation among the militaries of Indonesia, Malaysia and the Philippines in the Sulu and Sulawesi Seas, while desirable for many reasons, is not likely to have a significant deterrent impact on the criminal activities of the Abu Sayyaf Group (ASG) or on reducing the risk of terrorism. One regional defence initiative, the Trilateral Maritime Patrol (TMP), claimed success based on a 20-month lull in kidnapping that ended in September 2018. There were other causal factors involved, however, and in any case, ASG abductions resumed. This report argues that the key to making headway against the Abu Sayyaf lies in non-military measures, notwithstanding the Philippine military's December 2018 announcement of a new infantry division to be stationed in Sulu or the efforts of the Indonesian military to use the TMP to bolster its counter-terrorism role.

In the short term, these non-military measures could include strengthened law enforcement, more information-sharing among police, improved capacity of national coastal patrols and more effort to capture and debrief ASG suspects rather than kill them. Analysis of those debriefings is critical to understanding ASG networks and identifying possible policy interventions. In the long term, deterring both kidnapping and terrorism involves addressing deeply entrenched political and economic issues in the Sulu archipelago.

The initial goal of the TMP was to respond collectively to a spate of maritime kidnappings by ASG gunmen in 2016 and strengthen protection of sailors and fishermen crossing Sulu and Sulawesi Seas. The majority of the victims were Indonesian, but some incidents took place in Malaysian waters and the perpetrators were all Filipinos, so the need for better cross-border cooperation was clear. While the basic agreement on TMP was signed in August 2016, it was the May 2017 takeover of the city of Marawi in the southern Philippines by pro-ISIS militants that spurred the three countries to launch the patrols as one means of countering the ISIS threat in the region. The pressure on officials to be seen to be taking action militated against any serious analysis of the threat, but it was always a mistake to blur the distinction between terrorism and kidnapping-for-ransom, just because ASG members were involved in both.

Even if the TMP contributed to the lull in kidnapping, it does not follow that coordinated patrols have been or would be effective in interdicting foreign fighters coming to join the jihad in Mindanao. At the height of the Marawi siege, many would-be combatants traveled by air to Mindanao or were stopped by vigilant police and immigration authorities before they could make contact with Philippine extremists.

This report explores the kidnappings that led to the creation of TMP and the regional response. It examines the complex role of the ASG in the southern Philippines and the need to better understand the local interests of clan-based factions. It looks at how the Indonesian defence establishment is using the TMP to boost its own institutional interests and looks at other more appropriate measures for addressing both terrorism and other maritime crimes in the Sulu and Sulawesi Seas. It is based on interviews in the Philippines and Indonesia as well as on documentary sources.

## II. BACKGROUND

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The Sulu-Sulawesi Seas are considered one of the most dangerous maritime regions in the world. Between 1995 and 2013, 41 per cent of world's piracy occurred in Southeast Asia, with the Sulu-Sulawesi Seas one of the major hotspots.<sup>1</sup> Various factions of the Abu Sayyaf Group were often

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<sup>1</sup> ReCAAP, *Piracy and Armed Robbery against Ships in Asia: Half-Yearly Report January-December 2012*, Information Sharing Centre, 2013.

the perpetrators of attacks, but there was very little understanding outside the Philippines of the clans making up the ASG or the economic and political role that kidnapping played. This lack of knowledge became a serious impediment to sound policy-making because many officials, especially in Indonesia, assumed the 2016 spike in kidnappings was linked somehow to the emergence of a pro-ISIS coalition in the Philippines led by the ASG commander on Basilan, Isnilon Hapilon. The kidnappers and the pro-ISIS jihadists, however, were for the most part from different groups, the result of a fragmentation that had become more pronounced after 2006.

In the early years of ASG, under the leadership of founder Abdulrajak Janjalani (1991-98) and his younger brother Khadaffy Janjalani (1998-2006), kidnapping and terrorism were integrated – but the kidnapping for the most part involved abductions on land, not at sea. The most spectacular early examples were the April 2000 raid on a dive resort in Sipadan, a Malaysian island off the coast of Borneo, in which 21 hostages were taken, followed by an attack in May 2001 on the Dos Palmas resort near Palawan in which 20 hostages, including three Americans, were seized. One of the demands after these and other ASG raids around the same time was for the release of al-Qaeda bomber Ramzi Yousef, underscoring the close links that had developed between ASG and al-Qaeda.<sup>2</sup> That relationship provided the rationale for the U.S. Special Forces’ “Operation Enduring Freedom” against the ASG in cooperation with the Philippine armed forces beginning in late 2001, although many Filipinos believed the real reason for the U.S. effort was to re-establish a military foothold following the closure of U.S. naval and air force bases in the Philippines in 1992.<sup>3</sup>

ASG also developed a close relationship with Jemaah Islamiyah, the regional terrorist organisation, beginning in 2001 and worked with JI’s territorial division in the Philippines until the arrest of its leader, Taufik Rifki, in 2003 and the division’s subsequent collapse.<sup>4</sup> After the 2002 Bali bombings, several Indonesian JI members fled to Mindanao, protected at first by the MILF but eventually asked to leave in late 2005 as the MILF’s peace negotiations with the government intensified. The fugitives, led by Umar Patek and Dulmatin, then joined forces with the ASG.<sup>5</sup> In late 2006, Philippine military operations on Jolo, supported by the U.S. Special Forces, resulted in the deaths of several top ASG leaders, including Khadaffy Janjalani, and it was then that many of the sub-commanders struck out on their own.

Throughout Khadaffy Janjalani’s tenure, ransom money from kidnappings, mostly of locals but occasionally of foreigners, was a way of raising funds to purchase weapons, provide economic sustenance to ASG clans, buy political protection and ensure local support through distribution of largesse, especially in the wake of military operations.<sup>6</sup> If not always centrally directed, there was at least a central chain of command. After Khadaffy’s death, ASG became more a network of territorially-based commanders with a nominal overall amir, Radullon Sahiron, who was not interested in the global jihad. The decline in central control was accompanied by the first sharp spike in kidnappings, in 2008-2009. These included the high-profile abductions of television anchorwoman Ces Drilon in June 2008, later shown to be an alliance between the ASG and

2 Ramzi Youssef had set up operations in the Philippines after his bombing of the World Trade Center in 1993. For a detailed analysis of al-Qaeda operations in the Philippines, see Quinton Temby, *Jihadists Assemble: The Rise of Militant Islamism in Southeast Asia*, PhD dissertation, Australian National University, 2017. For more on the ASG demands for Yousef’s release, see “Gunmen Take Foreigners Hostage in Malaysia”, *Washington Post*, 25 April 2000 and “US Demands Hostage Release”, BBC, 30 August 2000.

3 For a detailed but wholly uncritical assessment of Operation Enduring Freedom, see Linda Robinson, Patrick B. Johnston and Gillian S. Oak, *U.S. Special Operations Forces in the Philippines, 2001-2014*, RAND Corporation, 2016.

4 International Crisis Group, “Southern Philippines Backgrounder: Terrorism and the Peace Process”, Asia Report No.80, 13 July 2004.

5 They had first opened communication with the ASG in 2004. Another in the group was Marwan, a Malaysian national and member of Kumpulan Mujahidin Malaysia (KMM), a JI affiliate.

6 “Abus attempting a Robin Hood,” [www.philstar.com](http://www.philstar.com), 27 July 2001.

Isnaji Alvarez, the then mayor of Indanan, Sulu, who needed funds for his campaign. Alvarez, a former commander of the Moro National Liberation Front (MNLF) and former interim ARMM governor, was caught at his home counting PHP5 million (US\$946,844) in ransom money from the Drilon kidnapping. He had been a negotiator for her release.<sup>7</sup> The same period, 2008-2009 saw 24 separate incidents of kidnapping, including the abduction of staff from the International Committee of the Red Cross (ICRC) in 2009.<sup>8</sup>

#### A. *New Insights from Old Data*

From 2009 to 2016, ASG activities fell either into the category of insurgent attacks on the Philippine Armed Forces (AFP) or kidnapping for ransom to raise money. There was little that could be described as terrorism, in the sense of the bombings that it had undertaken earlier in collaboration with JI or the Raja Sulaiman Movement, the militant converts to Islam led by Ahmad Santos who had joined forces with the ASG in several major operations.

Two largely autonomous kidnapping rings emerged, one operating out of Basilan and Zamboanga and a second out of Jolo, but the Jolo groups were further divided by territorial base and family connections. In Basilan, the kidnapers reported to Furuji Indama and Nur Hassan Jamiri; this was the case, for example, in the July 2011 kidnapping of Basilan-born Gerfa Yeatts Lunsman, a naturalised American, and her son Kevin, and the December 2011 kidnapping of Australian Warren Rodwell from his home in Ipil, Zamboanga Sibugay. While these cases are old, many of the individuals involved are still active, and there are still lessons to be learned from them.

Gerfa was eventually released in October 2011 after her husband transferred US\$21,435 to an ASG account, but the ASG continued to hold Kevin, demanding more money. He eventually managed to escape in December 2011. Information from the trial dossier of Jamil Ajilul, one of the key suspects in the case, provides a wealth of information on the bewildering array of players involved in a single kidnapping operation. Furuji Indama, the big boss to whom the others reported, remains at large and is believed to have succeeded Isnilon Hapilon as leader of the ASG on Basilan; Nur Hassan Jamiri turned himself into government forces along with thirteen followers in March 2018.<sup>9</sup>

A thorough study of the Lunsman dossier, even though the information is now eight years old, can provide important insights into the Basilan ASG networks. There is frequent reference, for example, to Salahuddin Hassan of the Al-Khobar group, a terrorist-criminal splinter of the MILF. Salahuddin Hassan as of this writing is on the police most wanted list, an important ally of the pro-ISIS faction of the central Mindanao-based Bangsamoro Islamic Freedom Fighters (BIFF).<sup>10</sup>

On Jolo, separate clan or family-based ASG factions operated out of Indanan (led by the late Alhabsy Misaya), Talipao (led by Idang Susukan), Patikul (led by the Sawadjaan clan), Panamao (led by the Tawing group) and many others, often linked by marriage. Any one of these groups could initiate a kidnapping and “sell” the captives to another group.

<sup>7</sup> “Mayor kept most of ransom: police,” [www.arabnews.com](http://www.arabnews.com), 21 June 2008.

<sup>8</sup> “New faces lead Abu Sayyaf comeback,” *Philippine Daily Inquirer*, 23 February 2009.; “3 Red Cross Workers Abducted in Philippines,” *New York Times*, 15 January 2009.

<sup>9</sup> Nur Hassan Jamiri was erroneously reported by *The Star*, a Malaysian newspaper, to have been killed in a shootout with Malaysian security forces at a plantation in Tawau, Sabah in March 2018; both the Philippine and Malaysian militaries strenuously denied the reports. The Malaysians said that those killed were suspected to be linked to a regional terror network “that might be planning an attack on Sabah.” See “Abu Sayyaf leader shot dead in Sabah: Report,” *Straits Times*, 1 March 2008.

<sup>10</sup> Salahuddin Hassan, a former member of the MILF Special Forces, was also responsible for the 2007 escape from jail of Khair Mundos, the man who preceded Isnilon Hapilon as amir of the Basilan ASG. See IPAC, “Pro-ISIS Groups in Mindanao and Their Links to Indonesia and Malaysia,” Report No.33, 25 October 2016.

Many different groups benefited from ransom payments made to the ASG. Families of four Malaysian fishermen who were kidnapped on 1 April 2016 said they had pooled PHP150 million (roughly US\$2.9 million) to pay the kidnappers. The men were released on 8 June 2016. Twelve days later, however, the ASG complained that they only received PHP100 million, raising questions about who else might have received some of the proceeds.<sup>11</sup> MNLF founder Nur Misuari, whose stronghold is in Indanan, also occasionally appeared as a mediator in hostage releases from 2016 onwards, a role he may have hoped would help restore his seriously tarnished reputation – and also secure a cut of the payments.<sup>12</sup>

### B. *How Indonesian Ships Became Targets*

The abduction of fourteen Indonesian crew members on 26 March and 13 April 2016 marked a turning point that seems to have been as much opportunistic as calculated. It was the first time Indonesian citizens had become ASG targets and the first time that a foreign merchant ship had been attacked.<sup>13</sup>

There are several theories as to why the ASG turned to piracy on the high seas, but none are entirely satisfactory and it is likely that a combination of factors was involved. One theory is that since the sales of coal from Kalimantan to Philippine power plants increased the traffic of slow-moving barges across the Sulu Sea, the ASG came to realise that these could be easy targets. By 2010, 96 per cent of coal shipments to the southern Philippines were coming from Indonesia, but it was not as though the industry had just taken off.<sup>14</sup> Shipments of coal from Indonesia had been at the same level since 2014, so that does not explain why the piracy only began in 2016.<sup>15</sup>

The increase in military operations against the ASG on Jolo following the abduction of the three foreigners from a resort on Samal island, on 21 September 2015, may have been a factor as well, keeping potential abductors on the move and making it more difficult to seize potential victims on land.<sup>16</sup> The need for money and the lengthy negotiations, especially with foreign hostages – two were beheaded after the payment deadline lapsed – might also have pushed the ASG to seek a new kind of target.<sup>17</sup>

The ASG reportedly had never considered abducting Indonesians before. For one thing, they were fellow Muslims. For another, they were considered poor. The first ship seized then may have been by mistake, with the ASG thinking that it was Malaysian-owned (and likely not by Muslim Malaysians). Whatever the reason, the Indonesian response may have inadvertently triggered more kidnapping, because of competing negotiating teams and reportedly multiple payments, despite the government's denial that any ransom was paid.

11 “Malaysians freed for P130M ransom,” *Manila Times*, 19 June 2016.

12 Nur Misuari's faction of the MNLF had been involved in a disastrous occupation of Zamboanga city in 2013, which led to military operations in which 300 people were killed and over 120,000 displaced. Misuari fled to Malaysia as a fugitive, only to return to Jolo in January 2016. He was involved in the final stages of the release of the Indonesians captured in March and April 2016 and the Norwegian Kjartan Sekkingstad, captured in Samal in 2015 and released in September 2016.

13 The first ASG attack on a commercial vessel was the kidnapping of three Filipino fishermen off the coast of Zamboanga, on 19 March 2011.

14 See Indonesia government press release “Menlu RI Bagas Pembebasan Sandera dengan Menlu Filipina di Manila,” Kementerian Luar Negeri Republik Indonesia, 1 July 2016.

15 Indonesia coal exports to Philippines reached ten million tonnes by 2010, and gradually increased to fifteen million tonnes by 2014. See: “Ekspor Batu Bara Menurut Negara Tujuan Utama, 2002-2015,” Badan Pusat Statistik, 27 March 2017.; see also 2016 Coal Statistics released by Philippines Department of Energy, <https://www.doe.gov.ph/energy-resources/2016-coal-statistics>.

16 IPAC interview with Indonesia Navy Commander (Tarakan Navy Headquarter), First Admiral Judijanto, via phone, 11 December 2018.

17 One of two Canadian hostages kidnapped in September 2015 was beheaded in April 2016, and the second in June. The Canadian government failed to meet ASG's deadline for payment that was due in April. Norwegian hostage Kjartan Sekkingstad was released on 16 September 2016 after Norway paid PHP100 million to Abu Sayyaf on 25 August 2016. See “P50-M ransom paid to Abu Sayyaf for Norwegian hostage – Duterte,” [www.rappler.com](http://www.rappler.com), 25 August 2016.

The first boats to be seized were a tugboat, the *Brahma 12* and a barge, the *Anand 12* carrying 7,500 tonnes of coal bound for Batangas, Luzon.<sup>18</sup> It left Banjarmasin, South Kalimantan for the Philippines on the evening of 15 March. Somewhere in Tawi-tawi waters, the boats were seized and ten crew members abducted. Then on 15 April 2016, ASG gunmen using a speedboat approached a tugboat, the *Henry*, returning to Tarakan, North Kalimantan from Cebu, Philippines and seized four crew members. Five others were later rescued by Malaysian maritime police, including one man from the *Henry* who had been shot. The incident occurred near the Philippine-Malaysia maritime boundary between Sitangkai island in Tawi-tawi and Semporna, Sabah. In both cases, the men were seized by ASG subgroups and then taken to Sulu where they were reportedly turned over to Alhabsy Misaya.

The kidnapping spurred a rash of uncoordinated negotiation efforts with two different Indonesian teams and a few other individuals competing with each other to see who could get the crew released first, and no one wanting to share information.

Of the two teams, the first was from an NGO, Yayasan Sukma, founded by Surya Paloh, one of President Jokowi's political coalition partners. The team was coordinated by the late and widely respected academic Rizal Panggabean, a specialist in conflict negotiation from Gajah Mada University in Yogyakarta, and was the only one of the teams with knowledgeable contacts on the ground in Sulu (including a few of Rizal's former students). His team also included Ahmad Baidowi, of Yayasan Sukma and very briefly, Gen. Supiadin, an army officer who had served as regional commander in Aceh and was an elected representative in the national parliament from Surya Paloh's party, Nasdem. No one in the Indonesian foreign ministry, military or the company that owned the ships wanted to talk to them – they were operating on their own.<sup>19</sup> It was only after Rizal's team succeeded in obtaining the terms for the release of the hostages that the Indonesian government took over for the ceremonial steps of greeting the hostages, arranging transport back to Indonesia and claiming that all had been accomplished without any ransom. The Sukma team knew better.

The second team was hired by the shipping company, and at the urging of the then-Armed Forces Commander Gatot Nurmantyo, it was headed by former military intelligence chief Maj. Gen (Ret.) Kivlan Zein. Kivlan was a hero of hardline Islamists in Indonesia and strong backer of Laskar Jihad during the days of the Ambon conflict. As a TNI officer, Kivlan had been involved peripherally in the Indonesian effort to broker peace between the MNLF and the Philippines in 1995-96 and had come to know Nur Misuari. He claimed that this connection, and the fact that the chief kidnapper, Alhabsy Misaya, had once been Nur Misuari's driver, gave him the necessary contacts in Sulu. He said at his urging, Nur Misuari had contacted the vice-governor of Sulu, Sakur Tan, and this was what led to the releases. In fact, Misuari had little role except for a walk-on role at the end of the process. And Sakur Tan, one of Mindanao's most powerful warlords, did not need a call from Nur Misuari to get involved, as he and his men are widely believed to get a cut of the ransom payments that Abu Sayyaf groups receive.<sup>20</sup> As one analyst explains:

Foremost among [the] values that drive the power game in Sulu is money. Transactions that facilitate money to change hands are conducted mostly by politicians who use the Internal Revenue Allotment as though coming from their pockets or personal bank account. Money talk intensifies during election campaign periods to solidify the allegiance of members of a political alliance.

18 The coal belonged to PT Antang Gunung Meratus, a subsidiary of the Baramulti Suksessarana (BSSR) group. The boats were owned by PT Brahma and operated by PT Patria Maritime Lines.

19 "Berebut Panggung Pembebasan Sandera," *Tempo*, 15 May 2016.

20 "Kivlan Buka Rahasia, Alasan Moro Terlibat Negosiasi Sandera Abu Sayyaf," [www.tempo.co](http://www.tempo.co), 2 May 2016.

Money talk also becomes loud and clear when ransom to the tune of several millions of pesos is apportioned to all those who demand a percentage – including the top local politicians who “negotiated” (“maneuvered” is a more precise term) with the kidnap team for the release of the hostage.<sup>21</sup>

Kivlan’s claim that the releases were the result of cooperation between Indonesian and Philippine military intelligence had little basis in fact. There were also reports that his team had been duped by an Abu Sayyaf commander who claimed to be an intermediary for the sub-commander holding the hostages, only to take a payment and then disappear.

It only took about a month for all to be released, the first ten on 1 May and the other four on 11 May 2016. The subsequent kidnapping of four Malaysian crew members on 1 April and their release two months later after payment of a hefty ransom of PHP130 million confirmed that abducting crew members of commercial ships from Indonesia and Malaysia could be highly profitable. Alhabsy Misaya reportedly demanded PHP50 million for each batch of victims or PHP100 million for the fourteen Indonesians. While the Indonesian Ministry of Foreign Affairs denied that any ransom was paid, the then Coordinating Minister for Political, Legal and Security Luhut Panjaitan acknowledged that the shipping company PT Patria Maritime Lines agreed to pay US\$1 million for the release of their ten employees; it is not clear who paid for the others.<sup>22</sup> The successful team made a show of saying that the ASG had agreed to receive Qur’ans and scholarships instead of cash, but even one of the negotiators agreed that it was naive to assume no money had changed hands.<sup>23</sup>

The haste of the Indonesians to come up with the money, however cloaked in euphemisms and denials, aided by the confusion of the different negotiating teams which reportedly led to multiple payments, may have suddenly made Indonesians more attractive, because another incident quickly followed. On 22 June 2016, a tugboat and barge, the *Charles 001* and *Robby 152*, with thirteen crew members, were hijacked by two different ASG factions as they were returning to Samarinda, East Kalimantan after transporting coal to Mindanao in early June – against the advice of the port authorities in Samarinda who had warned the shipping company that the route it was taking was dangerous.<sup>24</sup> Seven men were taken hostage. A crew member who escaped told the press that the first group of kidnappers that took three sailors spoke English. Two hours later, a group of Malay-speaking gunmen arrived and abducted the other four.<sup>25</sup>

There was little effort in Indonesia to understand the correlation between quick ransom payments and more kidnappings, or to look for informants who might be alerting the ASG to when ships were leaving. Instead, the Indonesia Coal Miners Association decided to stop coal shipments to Mindanao from Tarakan and Banjarmasin, East Kalimantan while some companies diverted their shipments to Hong Kong.<sup>26</sup> The Indonesia National Shipowners Association (INSA) protested to the Indonesian Ministry of Foreign Affairs, warning that they would hire private security contractors if there were no better safety assurances from the Philippines and

21 “*The Mindanao-Sulu Power Game, An Ethnography of Emergent Players*”, unpublished monograph prepared in 2011 and made available to IPAC.

22 One of the appointed negotiators claimed that scholarship deals in Aceh, Al Quran, 40 kg coffee and assorted Javanese snacks were given to the kidnappers for the release of 10 Indonesians. See “Ahmad Baidowi: Saya Masuk Ke Kamp Abu Sayyaf Berbekal Alquran, Kopi, Keripik, Tempe, 7 Peyek,” [www.rmol.com](http://www.rmol.com), 10 May 2016; “Sandera Abu Sayyaf, Luhut: Perusahaan Siapkan Dana Rp 14 Miliar,” [www.tempo.co](http://www.tempo.co), 19 April 2016.

23 “Terlalu Naif Kalau Tanpa Uang Tebusan,” [www.tirto.id](http://www.tirto.id), 17 June 2016.

24 “Indonesian hostages of Abu Sayyaf located,” *The Jakarta Post*, 28 June 2016. The boats belonged to PT Rusianto Bersaudara company.

25 Ibid.

26 “Bajak Laut Merajalela di Perairan Selatan Filipina, Luhut Khawatirkan “Somalia Baru,” [www.tempo.co](http://www.tempo.co), 22 April 2016

Malaysia.<sup>27</sup>

The perception in the Philippines, however, was that Indonesians paid too much and too fast for the release of their nationals, so that they went from being accidental victims to chosen targets. The impact of the payments was very clear. Of 54 seafarers abducted in Sulu-Sulawesi Seas between March 2016 and March 2017, 24 were Indonesians.<sup>28</sup> The news outlet Rappler estimated that the ASG received a total of PHP120 million (US\$2.5 million) for the release of seventeen of them.<sup>29</sup> Combined with ransoms paid for other Southeast Asian hostages, Rappler estimated that ASG earned at least PHP324 million (\$6.7 million) in one year alone.

### III. THE CONCEPT OF THE TRILATERAL PATROLS

The sudden spate of ASG kidnappings in early 2016 alarmed Indonesia and Malaysia enough to take emergency measures. Malaysia decided to suspend barter trade between Sabah and Sulu archipelago on 6 April 2016 as the government blamed traders coming in from the Philippines to Sandakan for the rise in kidnapping.<sup>30</sup> During a parliamentary debate on the issue, one MP said:

When these merchant vessels cross into Sabah border [sic], they have technically committed an offence. When the ships sail back out laden with goods from Sabah, they can be considered as smugglers. In fact, the term barter trade is no longer applicable today as these ships normally arrive in Sandakan without any load but only cash to buy products to be brought back to the Philippines.<sup>31</sup>

Coordinating Minister Panjaitan warned in April that region could become the “second Somalia” if piracy was left unchecked.<sup>32</sup>

#### A. Initial Discussions

The first discussion on a joint patrol was hosted by Indonesia President Joko Widodo in Yogyakarta on 5 May 2016. The “2+2 meeting” (so called because each of the three countries sent both its Minister for Foreign Affairs and its military chief) produced a joint declaration that the three would conduct patrols “using existing mechanisms” to tackle piracy, hostage-taking and other cross-border crimes.<sup>33</sup> They would also step up coordination of emergency assistance to individuals and ships in danger; increase sharing of information and intelligence; and establish a hotline among the three to facilitate coordination in case of emergency or a security threat.<sup>34</sup> They agreed to meet as soon as possible to formulate standard operating procedures (SOP) for

<sup>27</sup> IPAC interview with Indonesian officials, Jakarta, 5 November 2018.

<sup>28</sup> The Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP) annual reports, link <http://www.recaap.org/reports>.

<sup>29</sup> “Millions of dollars paid to free Indonesian hostages,” [www.rappler.com](http://www.rappler.com), 21 September 2016.

<sup>30</sup> “Barter trade ban review,” [www.theborneopost.com](http://www.theborneopost.com), 19 April 2016.

<sup>31</sup> *Ibid.*

<sup>32</sup> “Bajak Laut Merajalela Di Perairan Selatan Filipina, Luhut Khawatirkan ‘Somalia Baru,’” [www.tempo.co](http://www.tempo.co), 22 April 2016.

<sup>33</sup> The meeting was participated by Indonesian Foreign Minister Retno Marsudi and Armed Forces Commander Gatot Nurmyanto; Philippine Foreign Minister Jose Rene D. Almendras and acting Armed Forces Commander Admiral Casear C. Taccad; and Malaysia Foreign Minister Dato’ Sri Anifah Aman and Armed Forces Commander Dato’ Sri Jend. Zulkifeli Mohd. Zin.

<sup>34</sup> These provisions were based on the ASEAN Agreement on Disaster Management and Emergency Response and seemed in some respects to duplicate existing mechanisms. For example, the hotline seemed to be a new name for the ASEAN Direct Communication Infrastructure (ADI) but with a specifically trilateral focus. See <http://setnas-asean.id/en/asean-defence-ministers-meeting-admm>

the patrols.<sup>35</sup>

On 20 June, the defence ministers of Indonesia, Malaysia and the Philippines issued a joint statement in which they expressed their intention of using the Malacca Strait Patrol (MSP) as a model for the Sulu-Sulawesi patrol, despite the obvious differences in geographical and political context. The MSP, established in 2004-5 by Indonesia, Malaysia and Singapore and later joined by Thailand, dramatically lowered the risk of piracy by putting in place a system that combined coordinated sea patrols with a joint air surveillance patrol called “Eyes-in-the-Sky”. It was supported by the MSP Intelligence Exchange Group that integrates and analyses the information gathered on a real-time basis.<sup>36</sup> But trying to put in place a similar system in the Sulu Sea was going to be a much tougher task. The Malacca Strait is both more manageable geographically and more strategic in terms of the world economy. The Sulu and Sulawesi Seas by contrast are far from national capitals and important port cities, with locals relying heavily on inter-island barter trade and smuggling. Parts of the southern Philippines in particular are widely perceived as a no man’s land, with warlords or insurgents filling in where the state is absent.

Preventing kidnappings remained the focus, very much dictated by events. On 26 June, the Indonesian and the Philippine defence ministries held an emergency meeting in Manila to discuss the release of the seven Indonesians who had been seized four days earlier, followed shortly thereafter by a meeting between Foreign Minister Retno Marsudi and her Philippine counterpart, Perfecto Rivas Yasay. Barely a week later, a new kidnapping took place, this time of three Indonesian fishermen off the coast of Lahad Datu, Sabah.<sup>37</sup> The sense of urgency, particularly in Indonesia, to produce results was palpable.

One of the biggest problems was the lack of a map that all three countries agreed on. Unlike the Malacca Strait, where the maritime boundaries were clear, the Sulu Sea was marked by disputes between Malaysia and the Philippines over Sabah and lack of clarity between Indonesia and the Philippines over the exact boundaries of the Sangihe-Talaud islands. The three parties nevertheless agreed to a “non-prejudicial clause” by which they would agree on a map only for the purposes of coordinated patrols; it would have no legal standing for any future negotiation over boundaries.<sup>38</sup>

Once the clause was worked out, it was left to the militaries to hammer out several issues.<sup>39</sup> These included the establishment of a “sea lane corridor” in which synchronised patrols would be conducted, each country patrolling in its own territorial waters within the corridor but at the same time as the others; naval arrangements for “hot pursuit” in Sulu-Sulawesi seas – the right to cross into neighbouring waters to chase down maritime criminals or provide immediate assistance to a ship in trouble; and the establishment of three Maritime Coordination Centres (MCC) in Bongao, Tawi-Tawi for the Philippines; Tawau, Sabah for Malaysia and Tarakan, North Kalimantan for Indonesia.<sup>40</sup>

The so-called Framework on Trilateral Cooperative Arrangement (FTCA) was signed in Jakarta on 14 July 2016, and the “Standard Operating Procedures (SOP) for Trilateral Maritime

35 Ministry of Foreign Affairs, Republic of Indonesia, “Joint Declaration on Immediate Measures to Address Security Issues in the Maritime Areas of Common Concern among Indonesia, Malaysia and the Philippines,” 5 May 2016.

36 Hadyu Ikrami, “Sulu-Sulawesi Seas Patrol: Lessons from the Malacca Straits Patrol and Other Similar Cooperative Frameworks”, *International Journal of Marine and Coastal Law*, No.33, 2018, 799-826.

37 In the same period, four Malaysian crew members were abducted on 1 April, and five more abducted on 18 July 2016.

38 IPAC interview with Dumas Amali Radityo, Directorate of Legal Affairs and International Treaties, Indonesian Ministry of Foreign Affairs, 23 October 2018.

39 “Indonesia, Malaysia dan Filipina Setuju Untuk Mengoperasionalkan Kerjasama Trilateral Untuk Meningkatkan Keamanan Maritime, www.tni.mil.id, 15 July 2016.

40 In fact, the right of hot pursuit was already in place given that the three countries are parties to the 1982 UN Convention on the Law of the Sea (UNCLOS Article 111) and is embedded within pre-existing bilateral security arrangements. Interview with First Admiral Judianto, Indonesian Armed Forces, Tarakan, 28 September 2018.

Joint Patrol (TMP)” at a Defence Ministers’ meeting in Bali just over two weeks later on 2 August. Implementation, however, was slow given all the technical and political issues involved.

An Indonesian official involved noted there were several challenges responsible for the delay. Formulating rules of engagement was not easy. The TCA only stipulates that if perpetrators are arrested within the sea lane corridor, they would be handed to the closest coastal state. It was not clear, however, whether the coastal state would be required to prosecute or how the possibility of multiple jurisdictions would be sorted out:

Let’s say that Indonesia navy prevented a kidnapping and arrested ASG members in Philippines ZEE (Economic Exclusive Zone). According to the TCA, this would be Philippines’ jurisdiction based on the locus of crime scene. However, the Indonesian navy made the arrest, and therefore it has the locus to prosecute as well. Thirdly, say the ship attacked by ASG members flew Malaysian flag. How do we proceed? How many jurisdictions are involved here?<sup>41</sup>

### *B. Understanding the Source of the Problem*

In fact, while the questions were valid, arrests at sea were extremely rare; the ASG kidnapers who were caught (and frequently killed) were usually targeted in land operations by the Philippines military, backed by U.S. Special Forces.<sup>42</sup> Malaysian security personnel were active patrolling their own waters off Lahad Datu and caught several would-be kidnapers trying to enter from Sitangkai island, Tawi-Tawi.<sup>43</sup> The idea of joint patrols was appealing but it was always going to be individual countries stepping up vigilance near their own borders – Indonesia from the Sangihe-Talaud islands, Philippines from throughout the Sulu archipelago and Malaysia off the Sabah coast – that would make the real difference.

Moreover, stepped-up marine patrols were not the only measure that would reduce kidnapping. All of the ASG’s kidnap-for-ransom groups relied on “spotters”, individuals who would alert the kidnapers to a ship leaving a particular area, usually in exchange for a cut of the proceeds. There were reports that former drug mules, deprived of income from Duterte’s drug war, had become available to act as spotters.<sup>44</sup> Catching these people and identifying their employers were matters of good intelligence, not sea patrols.

As negotiations continued, so did the kidnappings. Between the TCA signing in August 2016 and March 2017, six cases of kidnapping, involving 23 hostages, occurred in the Sulu-Sulawesi Seas, together with nine attempts that failed. The victims included ten Filipinos, eleven Vietnamese, three Indonesians and one Korean. Different gangs of ASG were responsible, depending on the area, but as before, the initial kidnapers would often “sell” their hostages to another group. The Mukhtadil brothers, for example, were particularly active in the waters between Sabah and Tawi-Tawi, until the last three of them were killed; their victims would often end up under the control of ASG groups on Jolo.<sup>45</sup> The Mukhtadils had no link to ISIS, nor did their main partners like Alhabsy, and there was little hard evidence that the ransom money was used for terrorism activities. Nevertheless, some Indonesian military sources assumed that

41 IPAC interview with Dumas Amali Radityo, 23 October 2018.

42 On 8 December 2016, undercover Malaysian maritime policemen thwarted seven ASG gunmen who tried to board a fishing boat *Star Nobita* off the coast of Gaya island, Semporna. Three gunmen, including Abraham Hamid, were killed, two were arrested and two others managed to flee.

43 “New kidnap-for-ransom group trying to sneak into Sabah detected,” [www.straitstimes.com](http://www.straitstimes.com), 5 December 2017.

44 “Drug rings shifting to kidnapping -Rody,” [www.philstar.com](http://www.philstar.com), 5 November 2016.

45 Mindas Manda Mukhtadil and Sampas Mukhtadil were killed in 2015. Mindas’s twin, Kadafy, was arrested on 20 November 2015. Nickson, Brown and Badong were all killed in September 2016. See also “Malaysia arrests one of five Mukhtadil brothers behind Sabah cross-border kidnapping,” [www.straitstimes.com](http://www.straitstimes.com), 6 December 2014.

kidnappers and pro-ISIS fighters were one and the same.<sup>46</sup>

Many of the nuances were lost because there was so little interest or expertise on the extremist groups in the Philippines among Indonesian officials. There was little understanding, for example, that:

- Isnilon Hapilon, the amir of pro-ISIS groups in the Philippines, was an ethnic Yakan from Basilan and as such had limited influence among Tausug groups based on Jolo. His pledge of allegiance to al-Baghdadi did not mean that all ASG groups followed suit or looked to him for leadership.
- From the time of that pledge in July 2014, almost all kidnappings from Basilan-based ASG groups ceased, perhaps because they were receiving funds directly from ISIS. The exceptions were the abduction of six Vietnamese on 11 November 2016 and two Filipinos on 23 March 2017, both on ships near Sibago island, off Basilan. These were likely not linked to Hapilon, however.
- Radullan Sahiron, the putative overall leader of the ASG based on Jolo, was not interested in ISIS and generally had poor relations with Hapilon. He also had little control over the operations of groups like the Mukdadils and sub-commanders who accepted his leadership.
- On Jolo, the kidnapping-for-ransom groups were deeply linked through family and clan ties to the political elite, and many of the alleged negotiators in ransom deals not only got a cut from the proceeds but looked to boost their political careers by being seen to broker release deals.
- To the extent that foreign fighters were trying to join forces with pro-ISIS groups in Mindanao, many came by air, not by sea, arriving in Manila and then getting domestic flights to Zamboanga or Cagayan. Sea patrols would not deter this travel.

There was already a low probability that a cumbersome new regime of synchronised patrols would have much impact on reducing kidnapping. The chance that it would have any impact on terrorism was even lower, particularly when there was still an unwillingness among the three countries to exchange basic information on terrorist suspects. That said, any exercise that would result in more and better communication among the militaries in the three countries was desirable, as long as those involved did not oversell the likely outcome to nervous publics.

### *C. The First Indomalphi Exercise, the Marawi Siege and a Lull in Kidnappings*

The first Indonesia-Malaysia-Philippines (Indomalphi) Joint Patrol was launched with great fanfare in Tarakan on 19 June 2017, attended by the military commanders and defence ministers of the three countries, with observers on hand from Singapore and Thailand. In addition to the synchronised patrols, it included a hot pursuit exercise to rescue a hijacked cargo ship, involving the Indonesian air force and navy as well as Philippine and Malaysian warships.

As a complicated logistical exercise, the first event was deemed a success. But the context had changed dramatically. The city of Marawi had been taken over by pro-ISIS insurgents on 23 May. Suddenly, it was the risk of a blowback to Malaysia and Indonesia from Marawi, as well as the possibility that foreign fighters from Indonesia, Malaysia and further afield would seek to join

<sup>46</sup> See a profile of Alhabsy from June 2016 that said he had joined Isnilon Hapilon and sworn allegiance to ISIS. There is no evidence to suggest this is true. "Ini Profil Al Habsyi Misaya, Penyandera WNI di Filipina", [www.okezone.com](http://www.okezone.com), 28 June 2016.

the self-styled “East Asia Wilayah”, that was engaging policy-makers. Thus, just as the trilateral patrols designed to stop kidnapping were getting underway, the counter-terrorism rationale suddenly took primacy of place.

From March 2017 until September 2018, there were no abductions at sea. Several factors were likely involved. One was the killing of leading ASG sub-commanders, but anyone watching the Philippines should have realised that if this were a factor, the lull would only be temporary, because their sons, brothers and nephews sooner or later would take their place as had happened repeatedly in the past, with vengeance as much a motive as profit.

In late September 2016, the AFP killed the remaining three Muktadil brothers.<sup>47</sup> On 8 December 2016, Malaysian police killed ASG spotter Abraham Hamid, along with two other ASG gunmen in waters between Lahad Datu and Semporna, off the coast of Sabah. According to Malaysian authorities, Hamid was involved in the abductions of the three foreigners from Samal. He was killed after trying to board a fishing boat which turned out to be manned by Malaysian undercover maritime police. Three other ASG gunmen managed to escape.

On 9 February 2017, the AFP claimed to have killed the leader of an ASG-linked gang called “Lucky Nine” in Bongao, Tawi-tawi.<sup>48</sup> On 12 April, the army killed sub-commander Muamar Askali alias Abu Rami and several of his men, foiling a daring raid during Easter holiday on the resort island of Bohol. Askali and his men were reportedly responsible for decapitating John Risdell and Robert Hall in 2016. The fact that they chose to try a raid in Bohol, far from their normal base, may have been an indication of their need for funds.

On 29 April 2017, Alhabsy Misaya, by then the most wanted of the ASG kidnapers, was killed in an army operation in the jungle between Indanan and Parang municipalities, Sulu. There did not seem to be any intention of ever taking these men alive and learning more from them about ASG operations. With the help of U.S. military intelligence and with bounties from the U.S. Department of Justice on their heads, they were basically targeted for execution. But killing the commanders of extremist organisations rarely makes the problem go away.

Another factor could have been Marawi itself, at least between mid-2017 and early 2018. Many of the Jolo-based ASG fighters may not have been ISIS supporters but they helped in the several diversionary attacks that may have temporarily focused local efforts away from kidnapping. It is also possible that some of the reportedly enormous sums looted from Marawi homes and banks by the pro-ISIS forces made its way back to Jolo, temporarily easing the pressure for ransom income.

One research paper has argued that at least on Basilan, the combination of civilian militias led by the governor, use of financial incentives to woo local officials away from ASG support and a reintegration program for ASG fighters helped reduce ASG extortion and lessen the violence on the island from mid-2016 to the mid-2018.<sup>49</sup> The focus of the paper was on land-based violence but the same arguments could explain a decline in sea-based attacks, at least those originating from Basilan. The problem is that at least the first half of the period covered coincided with the growth of ISIS on Basilan; the availability of other sources of funding, including from ISIS central; and the focus on preparations for Marawi. The causes for the decline in violence thus remain unclear – and in any case, there was a sharp wake-up call that terrorism had returned

47 “The Last of Muktadil Brothers Killed,” [www.thestar.com](http://www.thestar.com), 30 September 2016.

48 “Lucky 9 Gang” is a kidnap-for-ransom group affiliated with the ASG. One of its prominent members, Ninok Sapari, was responsible for five kidnappings of local residents in Patikul, Sulu. He was killed by the AFP on 9 February 2017 while surveying a resort in Bongao. Another member, Abu Asrie, was arrested in Kuala Lumpur for setting up a contact with Malaysian ISIS operative, Dr Mahmud Ahmad. See “Abu Sayyaf Militants Caught in KL,” [www.thestar.com](http://www.thestar.com), 3 September 2017.

49 Alex Douglas, “Island of Stability? The causes and uncertain future of Basilan’s recent security improvements,” Center for Humanitarian Dialogue, April 2018.

with the July 2018 bombing in Lamitan, Basilan that became the Philippines' first-ever suicide bombing.<sup>50</sup>

In short, there was no reason to suggest that the new trilateral patrol program had much to do with the lull in kidnapping – which in any case did not last.

#### IV. A NEW REGIONAL SECURITY ARCHITECTURE?

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The anxiety that Marawi generated was real. It was not the first time that rebels had taken over a city in Mindanao: Zamboanga had been brought to a standstill in 2013 by militants from the Moro National Liberation Front, but that had been a domestic problem for the Philippines. The Marawi takeover, in the name of Islamic State, threatened to bring international terrorism to the Southeast Asian heartland. At the same time, various officials moved quickly to try and gain bureaucratic advantage from the crisis by proposing new regional initiatives that they or their agencies would lead, often without consultation with others in their own government.

The most striking example of this was the manoeuvring of Indonesian Defence Minister Ryamizard Ryacudu. Ryamizard was an anomaly in President Jokowi's cabinet. For a president who was supposed to represent a fresh face in politics, Jokowi had chosen a defence minister who was very much a throwback to the authoritarian New Order, older and much more conservative than most of his fellow ministers. He was distrustful of democracy, deeply believed in military rule and was openly contemptuous of demands for human rights accountability. He was in the Cabinet at the behest of PDIP party leader Megawati Sukarnoputri, Jokowi's political boss, and he had his own agenda for the defence ministry for which he saw little need to consult with anyone else.

Ryamizard had seen an opportunity to take the policy lead from the moment that the Indonesian sailors had been seized in March. He had already been trying to shift the Defence Ministry's focus to threats such as terrorism and border security as well as to inculcating a stronger sense of patriotism in the public at large through his "Defend the Nation" (Bela Negara) program.<sup>51</sup> The kidnappings and the diplomacy that followed with the Trilateral Patrols gave him a higher profile. They also seem to increase his ambition to secure what his colleagues in the TNI had not thus far been able to achieve: a bigger role for the military in counter-terrorism.

##### A. *The TNI's Push for a Role in Counter-Terrorism*

From the rise of JI and especially after the 2002 Bali bombings, the Indonesian police, not the army, had been the lead agency in countering terrorism, and it was the police, especially Detachment 88, that had the deepest knowledge of terrorist networks and likely threats. The military had been resentful from the outset that the operational capacity developed by its own special operations unit, Detachment 81 of the army special forces (Kopassus) and counterparts in the air force and navy, was left unused while the police, formerly their junior partners in the armed forces, had developed Detachment 88 from scratch with the assistance of international donors.<sup>52</sup> By the time Marawi erupted, the military had been sidelined from counter-terrorism activities for more than fifteen years. Its knowledge of current extremist networks was poor and

50 The bombing, which killed eleven people, was carried out by a man of dual German and Moroccan nationality using the nom de guerre Abu Khatir Al-Maghribi, who apparently had come in to Basilan from Sulu. It remains unclear what the bomber's primary target was, as he detonated the bomb when unexpectedly stopped by a security patrol. A festival was going on in Lamitan at the time. Islamic State claimed responsibility for the attack via its Amaq media outlet.

51 For more on the Bela Negara program, see IPAC, "Update on the Indonesian Military's Influence," Report No.26, 11 March 2016.

52 International Crisis Group, "Indonesia: Rethinking Internal Security," Asia Report No.90, 20 December 2004, p.6.

it still looked to a 1981 operation to rescue hostages from a hijacked plane as the pinnacle of its anti-terrorism achievements.

TNI leaders nevertheless had been pushing for a greater role, using each new terrorist attack to make their case.<sup>53</sup> In 2010, shortly after the 2009 terrorist attacks on two luxury hotels in Jakarta, the TNI succeeded in convincing President Yudhoyono to ensure it a place within the newly formed National Anti-Terrorism Agency (Badan Nasional Penanggulangan Terorisme, BNPT). It also lobbied for a military counter-terrorism role to be written into a draft National Security Law, which never saw the light of day because of police-military disagreements over their division of labour, and into various drafts of a strengthened anti-terrorism law. The police were able to maintain the upper hand until President Jokowi took office in 2014.

Two developments strengthened the military's hand. The first was the police inability to capture Santoso, the head of a small pro-ISIS insurgency in Poso, Central Sulawesi, in part because they had no capacity for jungle warfare. Jokowi ordered the military to join the police in operations against him, and in July 2016, a patrol from the army's Strategic Reserve (Kostrad) tracked him down and killed him. The TNI saw this as vindication of their stance that they were needed in the fight against terrorism.

The second was Marawi. Here was a trans-border threat that could play to military strengths. Article 7 of Law 34/2004 on the TNI states:

The main role of the TNI is to uphold the sovereignty of the state, maintain the territorial integrity of the Unitary Republic of Indonesia based on Pancasila and the 1945 Constitution and protect the entire nation from threats and disturbances to the integrity of nation and state.

The accompanying explanatory text states that the meaning of “threats and disturbances” included “armed acts of terror undertaken by international terrorists or those working together with domestic terrorists.”<sup>54</sup>

The siege of Marawi, in which Indonesian fighters were involved and more were trying to leave to join, was the first incident since the law was passed where the military could make a strong case for patrols to defend Indonesia's borders. The question was whether anyone in the military understood enough about the ASG or the components of the pro-ISIS alliance in Marawi to make patrols effective.

### *B. Ryamizard Makes His Move*

In early June 2017 at the Shangri-la Dialogue in Singapore, as the shock of Marawi was sinking in, Ryamizard made a series of statements that startled other Indonesian officials. He suggested there were 200,000 sympathisers of ISIS in Southeast Asia and warned that Indonesia might have to close its borders to prevent infiltration.<sup>55</sup> He said Singaporean officials had provided him with information on terrorism suspects, as if Indonesia's own intelligence was insufficient, and said “his counter-terrorism agencies” would start investigations on them – clearly a police function in which the Defence Ministry should have no role.<sup>56</sup> He also raised the idea of a new military intelligence-sharing network for the region.<sup>57</sup>

53 See IPAC, “The Expanding Role of the Indonesian Military,” Report No.19, 25 May 2015.

54 “Peran TNI Atasi Terorisme Ada di UU 34/2004, Ini Isinya,” detik.com, 30 May 2017.

55 “Indonesia could close its borders to prevent militants from entering, says Defence Minister Ryamizard Ryacudu,” *Straits Times*, 4 June 2017.

56 *Ibid.*

57 The concept paper was later presented by Minister Ryamizard on 5 February 2018, during a meeting of ASEAN defence ministers in Singapore. IPAC interview with Dumas Amali Radityo, Jakarta, 23 October 2018.

Later in June, he said he was having conversations with his Philippine counterparts every two days and suggested that Indonesian military forces could help restrict ISIS operatives to Marawi so they did not spread out to other areas, suggesting an Indonesian armed presence on Philippine soil, a prospect which clearly was not going to fly.<sup>58</sup>

On 22 June 2017, as the Marawi siege was at its height, the foreign ministers of Indonesia, Malaysia and the Philippines, together with top military, police and intelligence officials, gathered in Manila and issued a strong statement of determination to work together address violent extremism. It highlighted all the right issues, with an emphasis on non-military measures and particular attention to information-sharing. It proved more difficult, however, to translate the good intentions into workable programs.<sup>59</sup>

There was progress, however, on the maritime patrols, with the establishment in October 2017 of two transit corridors, in the Sibutu Channel, separating Borneo from the Sulu archipelago, and the Basilan Strait between Basilan and Mindanao, with “an enhanced naval presence to protect civilian vessels” in both.<sup>60</sup> Strict reporting requirements for commercial shipping were introduced, with every vessel entering these corridors having to report its identity, speed, position and routing at regular intervals to Philippine authorities. The corridors were a step forward but they were not a fail-safe solution, when ASG kidnappers often arrived suddenly in small speedboats that made quick responses almost impossible.

Malaysia, Indonesia and the Philippines launched a Trilateral Air Patrol in October 2017, their next cooperative venture, and Ryamizard was on hand for the ceremony in Subang, Malaysia. He then attended a workshop with five ASEAN counterparts (Philippines, Malaysia, Singapore, Brunei and Thailand) to discuss setting up a new military intelligence network for strategic information exchange on terrorism, radicalism and violent extremism, and other non-traditional threats in the region.<sup>61</sup>

On 30 November 2017, Ryamizard convened a joint workshop to announce the “Our Eyes Initiative” (OEI), a new ASEAN-based network for intelligence-sharing. It was inspired by the “Five Eyes” network led by the U.S. together with Australia, the U.K., Canada and New Zealand and the “Eyes in the Sky” element of the Malacca Strait Patrol. Nothing remotely that sophisticated was likely for the Sulu Sea, however, given its much greater size and the mutual distrust among the trilaterals themselves.

The “Our Eyes” announcement took much of the rest of the government by surprise and there was a real question about whether it would add anything to existing capability. Countries with a history of cooperation already shared intelligence on a bilateral basis. If they did not, there was no reason to believe that a new body would induce them to do so. There was also little reason to believe the Indonesian military had much to share. No one seemed to have noticed that kidnappings had largely ceased, and that it was the Indonesian police and their Malaysian counterparts rather than the military that were detecting and disrupting plans of extremists to travel to Marawi.

### *C. Impact of the May 2018 and Surabaya Bombings*

A series of terrorist actions in May 2018 gave a new boost to military efforts to define its counter-

58 “Menhan Ryamizard: Kita Siap Bantu Filipina Lokalisir ISIS Marawi,” Detik.com, 22 June 2017.

59 See “Joint Statement, Trilateral Meeting on Security Among the Philippines, Indonesia, and Malaysia,” dfa.gov.ph, 22 June 2017.

60 Hadyu Ikrami, “Sulu-Sulawesi Seas Patrol,” op.cit., p.811.

61 “Menhan Ryamizard Hadiri Launching Trilateral Air Patrol Indonesia-Malaysia-Filipina,” www.tribunnews.com, 12 October 2017.

terrorism role, even as little progress was made in turning the joint patrols into an effective tool for interdicting either kidnapping or terrorism.

On 8 May, terrorist inmates staged a riot in an overcrowded detention centre at the headquarters of the police Mobile Brigade (Brimob). When it was over, five police officers and an inmate were dead, and inmates had managed to livestream a video that quickly appeared on ISIS media. Dozens of suspects were arrested trying to answer the inmates' call for reinforcements. Less than a week later, a family of six killed themselves at suicide bombings at three churches in Surabaya; another family tried to detonate themselves at a police station; and several others in a third family were killed when the bomb they were making went off prematurely.

The prison riot and the Surabaya bombings gave the final push to the passage of the new counter-terrorism law on 25 May (Law No.5/2018), giving the police enhanced powers but also guaranteeing a role for the military. Differences over exactly what that role should be nearly killed the bill again, but legislators agreed to buy time with a provision that merely said that the exact role of the military would be spelled out in a separate presidential instruction that would be issued within a year of the new law's coming into force. That means another year of debate and controversy but the military has made clear what it wants.<sup>62</sup>

After the new law was adopted, TNI leaders continued to propose new measures that would further solidify their counter-terrorism role. On 11 May 2018, in the wake of the prison riot, the president's chief of staff, former armed forces commander Moeldoko, also reportedly without prior consultation with anyone in Foreign Affairs or other parts of the government, proposed to revive a combined Special Operation Command (Komando Operasi Khusus Gabungan) that would bring the special forces of the army, navy and air force into a single counter-terrorism unit.

Moeldoko had tried to create this unit in 2015 when he was TNI commander but he failed to find legislative support. When he raised the idea again from the president's office, he met strong resistance from the human rights community, which saw the proposed unit as encroaching on police law enforcement functions – particularly if it was to have powers of arrest, detention and intelligence-gathering.<sup>63</sup> TNI chief Hadi Tjahjanto endorsed Moeldoko's plan and said that the new unit, once formally established, would be involved in terrorism prevention, anti-terrorism operations and rehabilitation, raising questions about how a division of labour with BNPT and the police would be worked out.<sup>64</sup>

In June, Ryamizard took the stage again at the 2018 Shangri-La Dialogue in Singapore. He devoted his entire speech to terrorism, prompting one analyst to question whether Indonesia was so consumed by the topic that its ministers were ignoring other pressing issues like the South China Sea.<sup>65</sup> This time he startled his audience even more than he had the previous year. He said that in two months, the Indomalphi Joint Patrol would be expanded to include joint land

62 On 8 January 2018, shortly after being installed as TNI chief, Air Marshal Hadi Tjahjanto sent an open letter to the national parliament, seeking greater TNI involvement in counter-terrorism and requesting that terrorism be defined as a crime against the state instead of a criminal offense. He suggested that the TNI be given explicit authority to take the lead role when there was a terrorist act a) aimed at the president, vice-president or their families or at heads of state visiting Indonesia; b) against Indonesian citizens or Indonesian embassies abroad or against foreign embassies in Indonesia; c) against ships, airplanes or vital strategic objects in Indonesia or at ships or planes of other countries in Indonesian territory; d) in Indonesia's Exclusive Economic Zones; and e) endangering the state ideology, state sovereignty, territorial integrity or the safety of the nation. "Surat Panglima ke DPR: Ganti Nama RUU Terorisme hingga soal Peran TNI", [www.news.detik.com](http://www.news.detik.com), 23 January 2018.

63 See "PBNU: UU Terorisme Lebih Penting dari Komando Pasukan Gabungan TNI," [www.tirto.id](http://www.tirto.id), 17 May 2018; "Imparsial: TNI Tangani Terorisme, UU Peradilan Militer Harus Direvisi," [www.liputan6.com](http://www.liputan6.com), 26 May 2018.

64 "Bagaimana Tugas dan Fungsi TNI dalam Mengatasi Aksi Terorisme," [www.kompas.com](http://www.kompas.com), 28 May 2018.

65 Jarryd de Haan, "Shangri-La Dialogue 2018: Is Indonesian Foreign Policy Blinded by Terrorism?," [www.futuredirections.org](http://www.futuredirections.org), 6 June 2018.

operations to contain ISIS in the southern Philippines and “stop it from spreading.”<sup>66</sup> This was news to Malaysia and the Philippines. He also suggested that the idea of joint patrols should be expanded to the Gulf of Thailand, especially given the Rohingya crisis.

Later in Jakarta, he suggested that the training would take place in Sabah and would involve troops at the company level and focus on “anti-guerrilla warfare, urban warfare and how to tackle snipers.”<sup>67</sup> In the end, a trilateral training in sniper shooting (officially called “SMEE On Sniper Trilateral Land Exercise Indomalphi 2018”) took place from 11 to 14 December 2018 on the grounds of the munitions division of Indonesia’s national arms industry, PT Pindad, in Turen, Malang, East Java. The idea for a combined special forces unit also stayed alive. On 6 September, TNI Chief Tjahjanto asked parliament for a Rp.1.5 trillion (around US\$100 million) increase in the TNI’s 2019 budget, to be used for infrastructure, training grounds and weaponry for the new unit.<sup>68</sup>

## V. A NEW ROUND OF KIDNAPPING

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The kidnapping of two Indonesian fishermen near Gaya island, off Sabah’s east coast, on 11 September 2018 marked the first kidnapping of foreign sailors in the Sulu-Sulawesi Seas after a 21-month hiatus. There were earlier indications that the kidnapers were back in business as land-based kidnappings also started up again. In this case, the fishermen were reportedly taken by Jamil Sawadjaan, nephew of Hatib Hajan Sawadjaan, now believed to be one of the most important leaders of the ASG. The Indonesians were first held in Panglima Sugala, Tawitawi before being moved to Jolo where they were moved around, from Caluang to Talipao to Panamao. One of the two, Usman Yusuf, eventually escaped in Bual, Luuk, Sulu on 6 December. In each place, there would be a sub-commander with some ten to fifteen gunmen under his control so there was likely a constant process of bargaining for a cut of the ransom proceeds.

On 5 December, an Indonesian tugboat crew foiled an attempted kidnapping near Pegasus Reef, Lahad Datu, Sabah by firing ten rounds of flare guns against toward the would-be abductors. That same evening, the Malaysian coastguard found an empty fishing boat after responding to the report of attempted kidnapping hours before. It was later revealed that the passengers, two Indonesians and one Malaysian, were believed to have been kidnapped by seven gunmen led by Al Mujid Yadah, a member of the Sawadjaan faction. That brought the total number of foreign captives believed to be in ASG custody as of late December to six: three Indonesians, one Malaysian, one Vietnamese and a Dutchman. Citing the new abductions, police in Sabah extended a dusk-to-dawn curfew along the east coast of Sabah that has been in place since July 2014 and covers areas up to three nautical miles off the towns of Tawau, Semporna, Kunak, Lahad Datu, Kinabatangan, Sandakan and Beluran.<sup>69</sup>

Just as these developments were taking place, the Philippine armed forces announced that it was creating a new infantry division to be based on Sulu. The 11<sup>th</sup> Infantry Division would have the “decisive defeat” of the ASG as its major objective and would involve the stationing of three brigades totalling some 4,500 troops in Sulu, in addition to the two Marine brigades already

66 Ryamizard’s speech is available at <https://www.iiss.org/events/shangri-la-dialogue/shangri-la-dialogue-2018>. See also “Indonesia, Malaysia, Philippines to Conduct Joint Training for Anti-IS Ground Patrols: Indonesian Minister,” *Jakarta Post*, 8 June 2018.

67 “Indonesia, Malaysia, Philippines to Conduct Joint Training for Anti-IS Ground Patrols: Indonesian Minister,” [www.benarnews.org](http://www.benarnews.org), 8 June 2018.

68 “TNI Ajukan Rp 1,5 Triliun,” *Kompas*, 5 September 2018.

69 Dusk-to-dawn curfew off Sabah’s east coast extended till Sept 28 to thwart Filipino kidnapers”, [www.thestar.com.my](http://www.thestar.com.my), 13 September 2018 and “Sabah’s east coast curfew extended over kidnapping and other threats”, [www.thestar.com.my](http://www.thestar.com.my), 26 December 2018.

there. A military spokesman said the division was expected to be fully operational in 2022.<sup>70</sup> Given that depredations by the security forces were cited as a factor in the pro-ISIS radicalisation that led to Marawi, the challenge to ensure good civil-military relations would be daunting.

### *A. Why Kidnapping Resumed*

The question is why suddenly kidnapping resumed and the most logical answer is a pressing need for money – to help local politicians, provide support to fugitives from Marawi, gain the upper hand in clan or family rivalries or simply as a way to survive. All of the above factors could be involved. The important elections coming up are the plebiscite on the Bangsamoro Organic Law on 21 January and 6 February 2019, which former governor Sakur Tan has tried to block in the Supreme Court, and an election for Sulu governor in May which could pit Sakur Tan against the son of Nur Misuari. But if Sakur Tan is the key figure, one would think he was rich and powerful enough to raise funds on his own without resorting to ransom proceeds. That said, when three Indonesians kidnapped in September 2016 were released on 15 September 2018 by their ASG captors, it was said to be through the “help” of Nur Misuari’s wife, and they were released into the hands of Sakur Tan.

The involvement of the Sawadjaans could be significant because this clan, more than any other, has links to both the pro-ISIS faction and the kidnapers. Amin Baco, a stateless fighter of Indonesian descent, born in Tawau, Malaysia, who was in Marawi for most of the siege, is the son-in-law of Hatib, the clan leader. There are conflicting reports as to whether or not Amin was killed in Marawi. But either way, the Sawadjaans became the host for dozens of fighters who did make their way out, including foreigners. No one has accurate numbers, and no sources are completely credible. Philippine military intelligence was quoted as claiming “about 100” foreign fighters had gone to Jolo but without any evidence – and after the misinformation and disinformation coming out of Marawi, it would be foolhardy to take any such statements at face value.<sup>71</sup> Another source suggested that 60 Marawi survivors, local and foreign, had managed to get to Sulu, including some of Isnilon Hapilon’s men as well as men from Tunisia, Yemen, Indonesia, Malaysia and Africa. Much smaller numbers have been suggested by the Philippine police. In August 2018, clan leader Hatib Hajan Sawadjaan appeared in an ISIS video leading prayer with a small group of men including some who were clearly not Filipino. The video, which appeared to be current, belied reports from family members that Hatib died of illness in December 2017. But it does raise the question of how the Sawadjaans support their “guests”.

The death of Isnilon Hapilon in Marawi; the weakness of Radullan Sahiron; and the reported death of another ASG leader and respected cleric Yasir Igasan suggest a generational change is underway, and ransom proceeds may be a way of helping some of the younger sub-commanders establish credibility. If military operations in the past temporarily succeeded in degrading the capabilities of the ASG, it was always only going to be a matter of time before their successors, with similar motives and networks, appeared on the scene. (This was the fundamental error in the RAND corporation’s 2016 assessment of the U.S. special forces’ “success” in the Philippines: the assumption that killing top commanders was the key to eradicating ASG networks.<sup>72</sup>)

### *B. The Sabah Connection*

Understanding the Sabah connection may be critical to breaking up the kidnapping networks as

70 “Military’s 2022 plan: new army division vs Abu Sayyaf in Sulu,” [www.rappler.com](http://www.rappler.com), 5 December 2018.

71 “Philippines: 100 Foreign Fighters Joined ISIS in Mindanao since the Marawi Battle,” [thedefensepost.com](http://thedefensepost.com), 5 November 2018.

72 Linda Robinson et. al., *U.S. Special Operations Forces in the Philippines, 2001-2014*, op. cit.

well as foiling extremist travel, since most of the Indonesians arrested for trying to reach Marawi were going through Sabah rather than using the North Sulawesi-to-General Santos City route.<sup>73</sup> Many of the ASG operatives also have accomplices in Sabah, in part because of family networks established through migration. Two cases illustrate these connections.

In March 2018, Marzan Ajilul, a leading member of the ASG-linked Urban Terrorist Group of Zamboanga, was arrested in Sabah. He was wanted in the Philippines for the 2012 kidnapping of two Chinese businessmen in Zamboanga Sibuyan and for two roadside IED explosions in Zamboanga in June 2016 as well for other crimes; he was also said to have had close ties to Dr Mahmud Ahmad, the Malaysian ISIS leader killed in Marawi, and to Furuji Indama, the ASG leader on Basilan. It turned out he had been working as a welder in Sandakan, where many of his relatives live, since August 2017 and was regularly travelling back and forth to Sabah without valid documents.<sup>74</sup>

Another example is Jamil Sawadjaan, a nephew of clan leader Hatib Sawadjaan, who is said to be involved with a group of mixed Tausug-Malaysians who act as spotters on the Sabah side and share the proceeds from kidnappings with operatives from Tawi-Tawi and Sulu. It was this group that was reportedly involved in the September kidnappings of the two Indonesians.<sup>75</sup>

The Malaysian police and the Eastern Sabah Security Command (ESSCOM) have stepped up surveillance and patrols but this is one area where more systematic information-sharing about terrorist networks between Philippine and Malaysian officials could potentially have a large pay-off. The political obstacles to such sharing, however, remain high.

## VI. CONCLUSION: BEYOND MILITARY SOLUTIONS

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The move toward improved security cooperation between Indonesia, Malaysia and the Philippines is useful to the extent that it can help overcome distrust and improve communication among militaries in the region. Joint port visits, establishment of sea lane corridors, periodic joint training among militaries and more frequent communication are all desirable.

But policy-makers in the region need to be realistic. None of these measures will stop terrorism or kidnapping in the Sulu-Sulawesi sea. They may marginally improve security for commercial shipping when combined with the national coastal patrols, but they are all trying to provide a military answer to a problem that is not fundamentally military in nature.

Kidnapping for ransom, whether on the high seas or on land, is not just an occasional crime in Basilan, Zamboanga and Sulu; it is a well-entrenched industry, with deep roots in local clan politics. Its eradication will depend on long-term political and economic reforms that include trying to simultaneously improve governance, provide alternative sources of income and try to make some dent in the woefully dysfunctional criminal justice system. This would be a tall order under the best of circumstances but the new Bangsamoro Organic Law, leading to a new MILF-led autonomous government in most of Muslim Mindanao, adds a new element of uncertainty – especially as many members of Sulu’s political elite, as noted above, have registered their opposition to it.

In the short-term, stepped up coastal patrols by national maritime police, where there is such a capacity, can be helpful as the Malaysian examples have shown, and strengthening police

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73 Out of 35 Indonesians who traveled or tried to travel to the Philippines to take part in jihad or purchase weapons between 2016 and 2018 or who were living in Mindanao and joined pro-ISIS groups, only three traveled via North Sulawesi. The others tried to fly directly to Manila from Jakarta or traveled to Malaysia to get the ferry from Sandakan to Zamboanga. IPAC data, 2018.

74 “Alleged Abu Sayyaf member’s case transferred to Sabah High Court”, *New Straits Times*, 25 June 2018.

75 Private communication to IPAC from Mindanao, December 2018.

capacity here would be useful. Any program to enhance maritime police capacity, however, is likely to run into turf problems with naval operations, especially when the trilateral patrol initiative has effectively declared maritime security to be an issue for the military, not law enforcement.

To address both kidnapping and terrorism, there is no substitute for good intelligence. The ins and outs of ASG networks, the people they employ as spotters, their links to migrant communities in Sabah – none of this is going to come out of trilateral patrols or the “Our Eyes Initiative”. It is much more likely to come out of patient and repeated debriefings of individuals arrested – making it all the more important that kidnappers be arrested alive rather than just shot, with any information about networks and syndicates carefully analysed by appropriate agencies and shared with counterparts in neighbouring countries. It remains important to chip away at the legal, political and bureaucratic barriers to this sharing.

The Cotabato mall bombing on 31 December 2018 could be a test case, though there is no link to maritime issues. There are almost as many theories about the perpetrators as there are media outlets. But if the bombers, whose photographs from CCTV cameras have been widely circulated, are caught, it will be important to watch when, how and by whom the information from their interrogation is digested and shared, first on an interagency basis within the Philippines, and then with Malaysian and Indonesian counterparts. It is a reminder of how important it is for all parties in the region to rise above their own domestic concerns to understand evolving patterns of post-Marawi terrorism.

## **INSTITUTE FOR POLICY ANALYSIS OF CONFLICT (IPAC)**

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