



Counter-Terrorism Policy Brief Series

Repatriation of ISIS Supporters: Challenges and Solutions



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About Counter-Terrorism Policy Brief Series

Countering Terrorism and Violent Extremism in Indonesia: Towards Inclusive and Data-Based Framework

Studies of Counter-Terrorism and Policy is a periodical study published by The Habibie Center as part of the *Countering Terrorism and Violent Extremism in Indonesia: Towards an Inclusive and Data-Based Framework* project. The Study is aimed to provide policy analyses and recommendations for countering terrorism and violent extremism in Indonesia.

Countering Terrorism and Violent Extremism in Indonesia: Towards Inclusive and Data-Based Framework is a series of activities implemented by The Habibie Center since 2017 to improve society resilience in preventing the threat of radicalism, violent extremism, and terrorism. This initiative was inspired by the urgency to develop a system of counter terrorism and violent extremism that is based on data, inclusive to all layers of society, and in line with the values of democracy and human rights. The objective of the program will be achieved through three key targets: (1) enhancing a data-based system of policy making and strategy design to counter terrorism or extremism; (2) increasing Indonesian civil society's capacity and involvement in dealing with terrorism and/or extremism in the country; and (3) improving the quality of legal instruments related to terrorism and/or extremism in Indonesia.

Aside from publishing thematic periodical policy paper every 4 months, this program also seeks to implement other activities, such as:

1. Providing a database that records incidents related to terrorism and extremism, as well as the efforts to counter or deal with such incidents. This database is available online for public access, and will be updated regularly;
2. Composing a monograph as an input for the revision of national terrorism law based on international norms and standards about universal human rights;
3. Conducting in-depth research on Indonesia's experience in dealing with issues related to terrorism and extremism;
4. Disseminating findings from the study through seminars, workshops, and online publications;
5. Conducting discussion and consultation with related government officials about the findings and analyses presented in the policy brief;
6. Organising training and capacity building programs for government officials and civil societies in four provinces;
7. Instigating *knowledge sharing meeting* to strengthen the network between civil society organisations;
8. Promoting a wider public discussion about issues related to counter-terrorism through social campaign by publishing info-graphics and other materials.

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Repatriation of ISIS Supporters: Challenges and Solutions

The Habibie Center Research Team

Introduction

Plan to return Indonesian citizens associated with conflict in Syria and Iraq ignites debates among public and policymakers alike. On the one hand, there is a concern that the plan to return Indonesians who in most cases are ISIS supporters will pose security threat.¹ Among them are combatants who might have the necessary capacity and training to conduct terror acts in Indonesia. They can also proselytize radical ideology held by ISIS. On the other hand, return of ISIS supporting Indonesians is necessary on humanitarian ground. A lot of them are women and children currently living in a distressing condition within refugee camps in Syria. Moreover, there is also a push for the government of Indonesia to facilitate the return of ISIS supporting Indonesians as manifestation of state duty to protect its citizens.

In the time of writing this policy paper, there are still around 639 Indonesians in Syria with alleged ties to ISI. This number includes combatants, people working as civil bureaucrat in ISIS administrative structure, family members, and people who want to stay within ISIS territory. Majority of the combatants from Indonesia, mostly male, are currently held in prison camps. Family members, women and children

are staying in refugee camps. There are around 200 women and children in Al-Hawl refugee camps in northern Syria.² Furthermore, although there is no accurate data there is the possibility of Indonesians ISIS supporters in Syria, combatants or non-combatants, who live outside the prison and refugee camps. It is likely that this group will seek for way to return to Indonesia outside the official returning mechanism provided by the government.

Concerns on the return of foreign terrorist fighters (FTFs) is not exclusive to Indonesia. One of the characteristics of conflict in Syria that is different from other terrorist related conflicts is the high number of foreigners coming to Syria to join with armed groups in the area. However, it should be noted that not all of them come to Syria to fight, but to fulfill a more general goal of living in a place that strictly implements Islamic law--a key ISIS propaganda. The return of such radical sympathizers to their origin countries or relocation to third countries is a global concern. Experience and policy options of such countries can be a source of comparison for policy making in Indonesia.

It is not easy for the government of Indonesia to determine whether ISIS supporting Indonesians in Syria should be accepted back home or refused entry. On top of potential security threats, the

¹ Although a majority, not all Indonesians departing for Syria and Iraq are ISIS supporters. Some supported or joined with other groups such as Jabhat al-Nusra.

² Hussein Abri Dongoran, "Nestapa di Negeri Syam", Tempo, 15 Juni 2019.

An estimate put between
30.000-42.000 people from
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government also has to take into account resource availability and legal infrastructure readiness to manage repatriation process. Moreover, the government also faces complex political landscape in Syria after the defeat of ISIS. There are multiple competing authorities and legitimacies amidst geopolitical competition between major powers. This policy paper aims to assist the government in answering these questions.

This policy paper consists of the following parts: after brief description of background of the issues, this policy paper provides an assessment of threat potentials posed by FTFs, returnees, and ISIS supporting deportants.³ Furthermore, this policy paper will discuss the existing and required institutional and legal infrastructures to manage the return of Indonesians ISIS supporters. There will also be discussion on issues regarding revocation of citizenship status and legal arguments that can allow or challenge this process, as well as the context of political contest in Syria that will hinder the return of Indonesians ISIS supporters. This policy paper will conclude with several conclusion and policy recommendations. Information and data for this policy paper comes from secondary data and interviews with stakeholders.

Background

Conflict in Syria evoked the interests of many foreigners to come to the country. Some joined the armed conflict between ISIS and its enemies. Others came to live in ISIS caliphate that purportedly implement strict Islamic law. An estimate put between 30.000-42.000 people from more than 110 countries have come to Syria to join ISIS, even before it declared the founding of a caliphate in 2014.⁴ Data from The Soufan Center shows that most FTFs come from the following regions: Russia and ex-Soviet countries (8.717), Middle East (7.054), Western Europe (5.778), and Arab Maghrib (5.356).⁵ The government of Indonesia's record shows that 1.580 Indonesians have joined or attempted to come to Syria and Iraq to join ISIS, with around 639 still stays in the area.⁶

Conflict in Syria does not only attract the attention of male supporters who wished to take part in ISIS armed campaign. A 2017 data shows that at least 113 female Indonesians were staying in Syria and Iraq.⁷ Indeed, a number of Indonesians departed to Syria alongside their family, including their children. Indonesian government's data shows that around one hundred Indonesian children have departed to Syria and Iraq.⁸

3 UN Security Council Resolution Number 2178 year 2014 defined foreign terrorist fighters as "individuals who travel to a State other than their States of residence or nationality for the purpose of the perpetration, planning, or preparation of, or participation in, terrorist acts or the providing or receiving of terrorist training, including in connection with armed conflict." While deportant and returnee are used more loosely. In the context of counter-terrorism in Indonesia, deportants usually refers to those who attempted to go to conflict zone before detained in transit country and deported to Indonesia, either by the authority of said country or by the government of Indonesia. Returnee usually refers to those who managed to enter conflict zone in Syria or Iraq and returned to Indonesia voluntarily.

4 "The Challenge of Returning and Relocating Foreign Terrorist Fighters: Research Perspectives," CTED Trends Report, 2018. See juga Richard Barrett, "Beyond the Caliphate: Foreign Fighters and the Threat of Returnees" (New York, 2017).

5 See Barrett, "Beyond the Caliphate: Foreign Fighters and the Threat of Returnees."

6 Didik Novi Rahmanto, "Indonesian Foreign Terrorist, Fighters: History, Progress, and Challenges," presentation on Seminar "Nasib INDONESIA Simpatian ISIS di Suriah dan Irak", 10 July 2019, Sekolah Kajian Strategik dan Global, Universitas Indonesia.

7 Tom Allard, "Southeast Asian States Vow Cooperation on 'Growing' Militant Threat," Reuters, 2017, <https://uk.reuters.com/article/uk-asia-security-idUKKBN1AE0EN>.

8 Francis Chan, "Thousands of ISIS Returnees, Including Their Children, Continue to Pose Terror Threat," The Strait Times, 2017, <https://www.straitstimes.com/asia/se-asia/thousands-of-isis-returnees-including-their-children-continue-to-pose-terror-threat?x-tor=CS3-18>.

Table I Indonesians affiliated with ISIS Syria and Iraq⁹

No	Indonesians affiliated with ISIS in Syria and Iraq	Men	Women	Total
1.	Still in Syria and Iraq	451	188	639
2.	Deceased in Syria and Iraq	107	4	111
3.	Returned to Indonesia	76	21	97
4.	Deported to Indonesia	315	238	555
5.	Was travelling to Syria and Iraq	116	62	178
	Total	1.067	513	1.580

Last March, the Syrian Democratic Forces (SDF), with the support of the United States, attacked ISIS last stronghold in Baghouz al-Fawqani village, around Dayr az-Zawr. This offensive managed to capture combatants and practically ends ISIS territorial control in Syria. It also created an exodus of refugee. Around 6.000 combatants are detained in Derik prison, Al-Malikiyah city, northeast Syria. Among them, there are around one thousand prisoners from 55 countries other than Syria and Iraq. Syrian Kurdish authority overseeing Derik prison has stated that the prisoners will be detained until the establishment of international tribunal on humanitarian crime. Meanwhile, the prisoners' family members are staying at Al-Hawl refugee camp, about 300 kilometres north of Baghouz. Other than Al-Hawl, there are two other camps with hundreds of women and children refugees.

There are now more than 73.000 family of ISIS supporters in Al-Hawl. Most of them--around 49.000 people--are children under 12 years old. Living conditions in Al-Hawl is very inadequate, especially for children. More than 300 children passed away in the first waves of refugees in early March 2019.¹⁰ There is a shortage of tents while refugees continue to come. They are forced to sleep on mattresses. Clean water, sanitation, and hygiene facilities are also lacking. Food aid is not always available while

health facility and medicines are in short supply, further deteriorating the health condition for refugees, particularly children. Many child refugees suffer from diarrhea and malnutrition. This situation is likely to get worse when winter comes. Al-Hawl camp also does not have mental health facility to provide rehabilitation for children who have been exposed to radical ideologies for a long period and personally experienced the horror of war.

A number of countries have begun repatriating their citizens who stayed in refugee camps in Syria. Last June, US government repatriated eight of its citizens--two women and six children.¹¹ In the same month, Kurdish authority returned five children to the government of Norway.¹² Their mother, a Norwegian departing for Syria in 2015, were missing while their father--a combatant from Africa--is believed to be killed in action. The government of Norway has stated that the children's return aims to save them from extremist ideologies and to provide adequate rehabilitation and reintegration program for them. Previously, Kurdish authority have returned 148 Uzbeks, consisting of 58 women and 90 children to their government.¹³ In the same month, the government of Kazakhstan repatriated 231 of its citizens from Syria, most of them are children.¹⁴

9 Rahmanto, "Indonesian Foreign Terrorist, Fighters: History, Progress, and Challenges."

10 Liz Sly, "New Suffering for the Children of the ISIS Caliphate as Hunger and Sickness Spread," The Washington Post, 2019, https://www.washingtonpost.com/world/new-suffering-for-the-children-of-the-isis-caliphate-as-hunger-and-sickness-spread/2019/06/18/3824fe6c-87a2-11e9-9d73-e2ba6bbf1b9b_story.html?utm_term=.b775936f6bcc.

11 Liz Sly, "Eight Americans, Including Six Children, Detained during ISIS Battles in Syria Are Sent Home," The Washington Post, 2019, https://www.washingtonpost.com/world/middle-east/eight-americans-including-six-children-detained-during-isis-battles-in-syria-are-sent-home/2019/06/05/19aaab0e-8783-11e9-a870-b9c411dc4312_story.html?utm_term=.1f8beaba3102.

12 "Norway to Repatriate 5 Orphan Children of ISIS Adherents from Syria," The Defense Post, 2019, <https://thedefensepost.com/2019/06/03/norway-repatriates-orphan-children-isis-woman-syria/>.

13 "Uzbekistan Repatriates 148 Women and Children Linked to ISIS from Syria," The Defense Post, 2019, <https://thedefensepost.com/2019/05/30/uzbekistan-repatriate-isis-women-children-syria/>.

14 "Kazakhstan Repatriates 156 Children of ISIS Fighters from Syria," The Defense Post, 2019, <https://thedefensepost.com/2019/05/10/kazakhstan-repatriates-156-isis-children/>.

Meanwhile, most countries, including Western European countries, tend to be reluctant in tacking care of its citizens if they are confirmed to be combatants. The government of German, for example, delayed their response on FTFs issues while pushing forward with repatriating women and children.¹⁵ German intelligence agencies continue to collect data and information on its citizens who are detained in Syria.¹⁶ This process aims to collect enough evidence to prosecute the FTFs in the case of their return.¹⁷

In Western European countries, repatriating ISIS supporters and combatants is not a politically popular policy. A survey with respondents from Europe and the Middle East shows that majority of the public (61%) considers the return of FTFs to their home countries as a major violent extremism threat.¹⁸ The potentials of security threat and social instability happening in those countries amidst rising nationalist political actors are making Europeans reluctant to accept the return of ISIS supporting people. In the context of such politics, ruling regime finds it difficult to seek for incentives to repatriate ISIS supporting citizens.

Meanwhile, situation in Syria is likely to worsen. In December 2018, President Donald Trump announced that US troops stationed in Syrian seas will be withdrawn. Without the support of US troops, there is little possibility that Kurdish authority and its armed wing will be able to control the situation and handle all ISIS related prisoners as well as refugees in the area. In February 2019, President Trump, through a Twitter post, urged the government of UK, France, Germany, and other European countries to repatriate around 800 ISIS combatants currently detained in Syria. Trump even went as far as saying that if no repatriation is happening, then the US and even SDF might have to release the prisoners due to logistic difficulties.

Threat Assessment

Security factor is the primary rationale for countries

that decline to repatriate their citizens from Syria. This is a valid reason. Since the declaration of ISIS caliphate in 2014 to 2017, ISIS supporters have launched at least 140 attacks in 29 countries with number of casualties reaching to 2.000.¹⁹ Data from *Deteksi Indonesia*, a database on terrorist attacks and counter-terrorism responses from The Habibie Center, shows that in the period of 2017-2019, Indonesia experienced at least ten terror attacks planned, managed, or inspired by ISIS. This number included attacks presumably conducted by groups like *Jemaah Ansharut Daulah* (JAD) and *Mujahidin Indonesia Timur* (MIT). It is commonly known that bomb attack in Kampung Melayu, Jakarta, in May 2017 and May 2018 attacks in three churches in Surabaya pushed the government and security institutions to increase monitoring on ISIS affiliated groups. The attacks also push the government alongside the parliament to accelerate the discussion on the revision of counter-terrorism law.

Since 2017, 652 Indonesians indicated as ISIS supporters have returned to Indonesia either as deportants or returnees. Those who are not proven to be guilty of committing crimes have started reintegrating back into communities. Nevertheless, a number of deportants and returnees managed to elude monitoring and were involved in planning a number of terror attacks. *Deteksi Indonesia* data shows that 210 arrests were made against terrorist suspects between January 2017-2019, a total of 554 people have been arrested. Among them are 59 from ISIS and 108 from ISIS affiliated terrorist group (JAD and MIT). There were three people deported to Indonesia while attempting to go to Syria to join ISIS in 2017 from this group. They are Anggi Indah Kusuma (convicted of planning to bomb the presidential palace), Young Farmer (convicted of planning to bomb the presidential palace), and Tomi Gunawan (convicted of planning terror attack).²⁰

It should be noted that this is not the first time Indonesia has to grapple with FTF issue. There were 192 cadres of Darul Islam who took part in military

15 "Germany's Conundrum: What to Do with Islamic State Returnees?," DER SPIEGEL, 2019, <https://www.spiegel.de/international/germany/germany-ponders-what-to-do-with-islamic-state-returnees-a-1254631.html>.

16 "Germany's Conundrum: What to Do with Islamic State Returnees?," DER SPIEGEL, 2019.

17 Ibid.

18 Eman Ragab, "Returning Foreign Terrorists: What Type of Security Challenges Are They Posing?," in IEMed Mediterranean Yearbook 2018 (Barcelona: European Institute of the Mediterranean, 2018), 87.

19 Tim Lister et al., "ISIS Goes Global: 143 Attacks in 29 Countries Have Killed 2,043," CNN, 2018, <https://edition.cnn.com/2015/12/17/world/mapping-isis-attacks-around-the-world/index.html>.

20 Arbi Sumandoyo, "Mengantisipasi Kebengisan Simpatisan ISIS Di Indonesia," tirto.id, 2018, <https://tirto.id/mengantisipasi-kebengisan-simpatisan-isis-di-indonesia-cLnQ>.

Table 2 Terrorist attacks in Indonesia 2017-2019

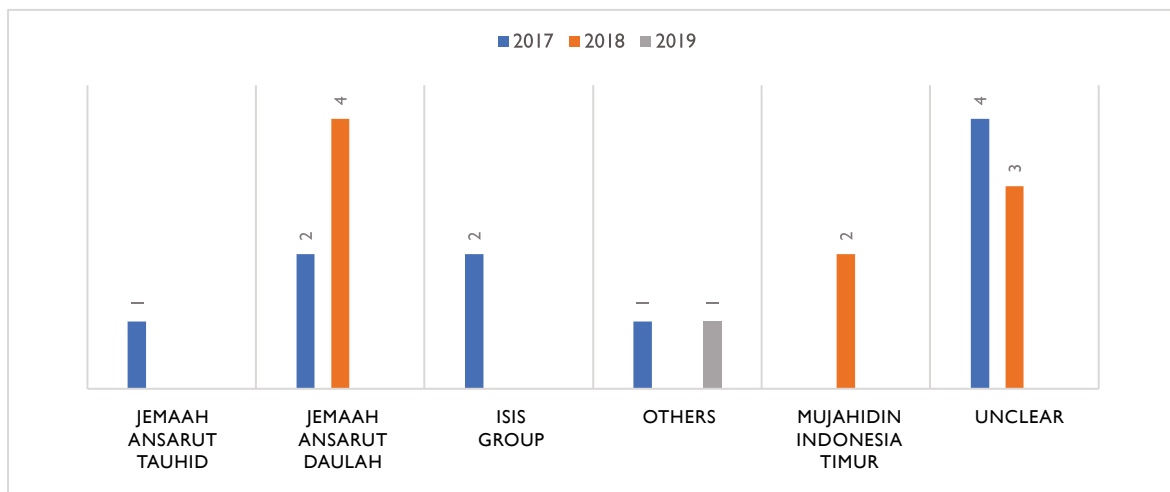
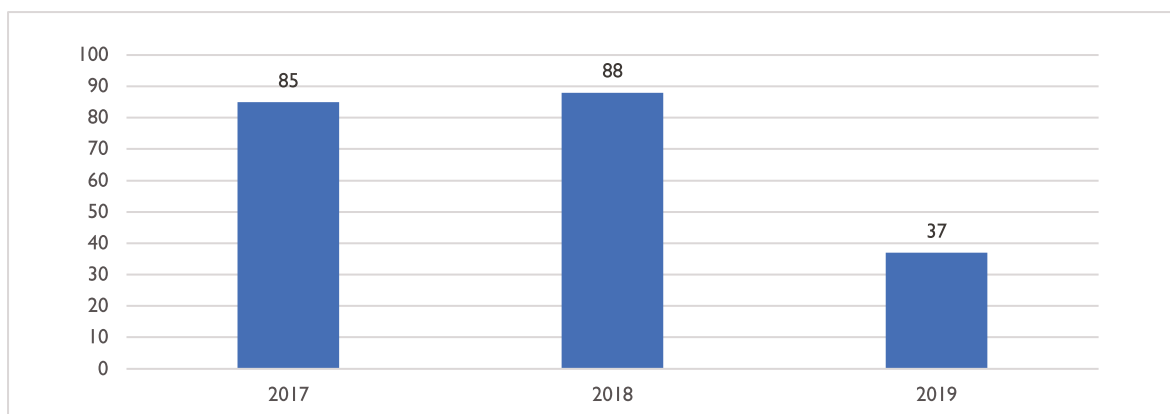


Table 3 Arrest of terrorist suspects in 2017 -2019



training in the border of Pakistan-Afghanistan between 1985-1992.²¹ Their aim was not to join the conflict against Afghanistan Mujahidin, but to gain military capability to fight the government of Indonesia.²² They also received radical teachings from international jihadist figures like Abdullah Azzam. The Afghanistan alumni would then play vital role in a number of terror attacks in Indonesia, including Bali Bomb I and II, attack at JW Marriot Hotel in 2003, and bomb attack in front of Australian Embassy in Jakarta 2004.

The second wave of Indonesian FTFs returns happened in late 1990. Between 1995-1999, around 144 people from Jema'ah Islamiyah took part in trainings at Hudaibiyah Camp in Mindanao, Southern

Philippines. Among them are well known figures who were involved in a number of terror attacks in Indonesia, such as Noordin M. Top, Dr. Azhari Hussein, and Ali Fauzi. The Mindanao graduates also took part in communal conflicts in Poso, Central Sulawesi in late 1990s to early 2000s. Some also took part in establishing military training camp in Jantho, Aceh Besar which were disbanded by the government in 2010.

After the lost of ISIS and the death of Abu Bakr al-Baghdadi, a number of ISIS supporters could simply turn their support towards Al-Qaeda or other groups.²³ This might occur if there is significant consolidation within Al-Qaeda when a charismatic leader emerges.²⁴ There is also a smaller chance of

²¹ Rahmanto, "Indonesian Foreign Terrorist, Fighters: History, Progress, and Challenges."

²² See Solahudin and Dave McRae, *The Roots of Terrorism in Indonesia: From Darul Islam to Jema'ah Islamiyah* (Sidney: The Lowy Institute for International Policy, 2013).

²³ Barrett, "Beyond the Caliphate: Foreign Fighters and the Threat of Returnees," 7.

²⁴ Barrett, "Beyond the Caliphate: Foreign Fighters and the Threat of Returnees."

these supporters to declare their loyalty toward a new leader from ISIS.²⁵ The most likely scenario is for most of them, both combatants or non-combatants, to try to go out of Syria and return to their home countries or a new country. They would be well trained with military knowledge, well versed with radical ideology, and well connected within jihadist network. They are a significant potential threat to national security.

Richard Barrett, in The Soufan Center research, separate returnees to five categories.²⁶ First, people who returned early and only stayed in Syria for a brief period. People in this category usually left Syria out of disappointment because what they encountered there were far from their expectations. Second, people disappointed in ISIS but lived relatively long in Syria. Third, people leaving after fulfilling their expectations. They usually joined ISIS because of a sense of adventure and interests toward heroic imagery propagated by ISIS. Fourth, people who were arrested and then deported. Fifth, people who were ordered to return or relocated by ISIS. Regardless of types and terms, there is an agreement that people involved with ISIS terror activities can threaten security by: (1) conducting terror attacks, (2) planning or directing terror attacks, (3) creating new terrorist group or strengthen existing ones, and (4) radicalizing and recruiting new terrorist network using their credentials and credibility.²⁷

It is important for the government of Indonesia to understand both the potentials and characteristics of FTFs threats. A research by Hegghammer and Nesser (2015) collected data on numbers and characteristics of ISIS related terror attack plans in Western Europe, North America, and Australia between 2011-2015.²⁸ The research finds that proportion between numbers of returning FTFs and numbers of terror attacks in the regions, successful or foiled (blowback rate), is relatively low. From 69 planned attacks, nine involved a total of eleven people who took part in Syria conflict. Statistically,

with 4.000 FTF coming from the regions, only one from 360 returning FTFs involved in terror attacks in their home countries. Although the blowback rate is low, impact of FTFs terror attacks is larger compared to people with no experience in Syria. There were only three attacks conducted by FTF or returnees from around 40 attacks in France, Belgium, Germany, and the UK in the past three years.²⁹ These attacks, however, were responsible for two thirds of all the victims of terror attacks.³⁰ In other words, although statistically there is only a small likelihood of FTFs or returnees initiated terror attack, they are likely to cause more casualties.

A number of research also shows that there is a lag time or delay between FTFs and returnees arrival with the time of attack, ranging between six months to one year.³¹ This suggests that attacks by FTFs or returnees have been planned since their time in Syria, or was instructed by ISIS leadership instead of independently planned.³²

Not all who left Syria wants to return back to their home countries. Some would attempt to relocate to a new country. There is currently scant data on relocation. However, researchers generally agree that a number of regions--Southeast Asia, Eastern and Northern Africa, South Asia, and Central Asia--are prime targets for relocation efforts.³³ A number of findings suggest that FTFs choose Southeast Asia as relocation target based on instruction from ISIS leaderships. Attempts to establish Southeast Asia as ISIS provincial region (*wilayat*) has been ongoing for some time. Another factor is the free visa arrangements that some countries in the region have adopted.

Institutional capacity (un)readiness

Other than security and humanitarian considerations, the government should also take into account domestic legal and institutional infrastructure readiness in accommodating or declining the return of Indonesians ISIS supporters. The process of

25 Ibid.

26 Ibid.

27 "The Challenge of Returning and Relocating Foreign Terrorist Fighters: Research Perspectives."

28 See Thomas Hegghammer and Petter Nesser, "Assessing the Islamic State's Commitment to Attacking the West," *Perspectives on Terrorism* 9, no. 4 (2015), <http://www.terrorismanalysts.com/pt/index.php/pot/article/view/440/html>.

29 Ali A. Wibisono, "Paparan Pada Seminar 'Nasib INDONESIA Simpatian ISIS Di Suriah Dan Irak', 10 July 2019, Sekolah Kajian Strategik Dan Global, Universitas Indonesia," 2019.

30 Ibid.

31 Ibid.

32 Ibid.

33 Lydia Khalil and Rodger Shanahan, "Foreign Fighters in Syria and Iraq: The Day After," Lowy Institute Analyses, 2016, <https://www.lowyinstitute.org/publications/foreign-fighters-syria-and-iraq-day-after/>; "The Challenge of Returning and Relocating Foreign Terrorist Fighters: Research Perspectives."

dealing with repatriating FTFs and those associated with FTFs will involve multiple institutions. In this context, inter-agency coordination is important.

Law Number 5 Year 2018 stipulates that National Counterterrorism Agency (*Badan Nasional Penanggulangan Terorisme*/BNPT) has the mandate to, among others, coordinate policies, strategies, and national counter-terrorism efforts. They are also responsible to be the center of analysis and crisis management that help the President in deciding policies and crisis management actions, including resources mobilization in countering terrorism. In this effort, BNPT prepares national readiness programs, counter radicalization, and deradicalization. In essence, they should be the focal point for returning ISIS supporting Indonesians. Indeed, to prepare for this, BNPT has established an FTF task force (*Satgas FTF*).

Other than the BNPT, some institutions also play a role in stages of returning Indonesians ISIS supporters. Special Detachment 88 (*Densus 88*), as the implementing body for counter terrorism efforts of National Police conducted investigation and inspection on FTFs, returnees, and deportants. *Densus 88* also ensure their security and assist them during the returning process, through the rehabilitation and repatriation.

Minister of Foreign Affairs also plays important role. Law Number 37/1999 states that when an Indonesian citizen is under a clear threat, the government has to provide protection, assistance, and gather them in a safe place, as well as to try to return them to Indonesia with government budget. The Explanation part of Law Number 12/2006 also mentions the principle of maximum protection, which decrees that the government should provide maximum protection to every Indonesians in any circumstances under any conditions inside or outside of the country, is a fundamental principle that shapes the law. Therefore, Indonesian diplomatic representatives in Syria and Turkey play major roles in the context of Indonesians protection.

Aside from early stage, BNPT role as coordinator and focal point will continue after the arrival of Indonesians ISIS supporters in Indonesia. Those who are convicted of breaking the law will follow deradicalization programs and serve time in

correctional institutions in cooperation with the Ministry of Law and Human Rights. Deradicalization and rehabilitation programs will also be provided to people who are not convicted of crime and will be reintegrated to society. Monitoring and assistance throughout reintegration are also part of BNPT policies. Strengthening the substance and institutions for these programs are highly necessary. These programs are also relevant for deportants and returnees who have returned to Indonesia before 2017 when BNPT started to actively manage FTFs issues.

Other institutions that play vital role are Ministry of Social Affairs (*Kementerian Sosial*/Kemensos) and Ministry of Women Empowerment and Protection of Children (*Kementerian Pemberdayaan Perempuan dan Perlindungan Anak*/KPPA) especially in the context of women and children associated with FTFs. Law Number 23/2004 on the Protection of Children, which has been revised through Law Number 35/2014, underline state's responsibility to protect children as well as outlines children's rights. Every child has a right, for example, has a right to be protected from being involved in armed conflict and war. Furthermore, armed conflict and refugee situation such as the one in Syria can be considered as an 'emergency situation' for children that the government and governmental institutions have the duty and are responsible to provide special protection.³⁴

Within the Ministry of Social Affairs scope of work, rehabilitation toward children associated with terrorism should be conducted in Social Rehabilitation Institution for Children who Requires Special Protection (*Balai Rehabilitasi Sosial Anak yang Memerlukan Perlindungan Khusus*/BRSAMPK). Moreover, the ministry also runs Protection House/ Trauma Center (*Rumah Perlindungan/Trauma Center/ RPTC*) focusing on rehabilitation for adult. These institutions conduct various assessment, including physical, health, identity, and psychological checks. Physical and health checks are conducted with assistance from Ministry of Health. Ministry of Social Affairs, through BRSAMPAK and RPTC also conduct rehabilitation class and evaluate the development of each beneficiaries every week. BRSAMPK also traces the family of FTFs, deportants, and returnees, and the reason for their return. Further investigations are

³⁴ Special protection includes fulfillment of basic needs consisting of food, clothing, housing, education, health, learning and recreation, security guarantee, and equality of treatment as well fulfillment of special needs for children who has disabilities or psychosocial impairment.

also possible when required.³⁵ In providing materials for the program, Ministry of Social Affairs receives the assistance from the Ministry of Religious Affairs.

Additionally, Ministry of Social Affairs--in particular the BRSAMPK--receives assistance from non-governmental organizations. These organizations help prepare materials and trainings for social workers who will provide counseling for the FTFs, deportants, and returnees. They also help draft standard operating procedures for rehabilitation and repatriation, tracing families that will become destination for repatriation, psychological check, and the overall rehabilitation process. Considering that there are many NGOs with various expertise, they have significant role in ensuring the success of rehabilitation and reintegration program.

Another ministry, KPPPA, handles the protection of children involved in this issue through preparing guidelines, especially on repatriating children. KPPPA conducts coordination with relevant stakeholders, such as BNPT, Densus 88, and BRSAMPKA which will assess returning children. If they fall under the 15 categories of children who require special protection as was mandated by Article 59.2 of Law Number 35/2014, then KPPPA will implement protection program.

Another group which requires special attention is Indonesian women who supported ISIS. A study finds that in a number of countries women tend to receive lighter sentence when convicted of financing terrorism compared to men. The assumption behind this is that when women is involved in terrorism because they are more easily deceived. This is different from men who is assumed to act consciously and more aggressively. This study also finds that since women is assumed to be less dangerous than men they tend to receive limited rehabilitation and reintegration program. In result, women can have more potential to be recidivist, radicalized again, or failed in reintegrating back into society.³⁶ This is apparent from the case of Anggi Indah Kusuma who tried to attack the presidential palace in 2017. It is therefore necessary to develop an approach that is not gender biased but can see women's role in violent extremism more nuanced, both as active perpetrator and passive recipient.

It is important to understand that the flow of the process described above is designed after the wave of Indonesians ISIS supporters' return on 2017 through the strengthening of neccessart institutional infrastructures. Meanwhile, those who returned between 2015 and 2016 relatively escape government monitoring. Some of them would proceed with rejoining terrorist groups and create new cells. Some would even plan terror attacks. This new wave of return can be used as a momentum to strengthen monitoring efforts toward those who have attempted reintegrating with society.

Indeed, looking at the currently existing Indonesian legal and institutional infrastructures, Indonesia is relatively more ready to face the wave of FTFs, returnees, and deportants returns when compared with previous experience in managing the return of FTFs from Afghanistan and Mindanao. The existence of Law Number 5/2018 has also significantly strengthened judicial process. The law gives more room for security apparatuses to take preventive actions in tackling terrorist threats. There are still some challenges regarding inter-institution coordination. However, the existence of BNPT as policy, strategy and national program coordinator has strengthened counter-terrorism efforts in Indonesia.

Possibility of Revoking Citizenship Status

In the context of returning Indonesians ISIS supporters from Syria, there is an emerging narrative to revoke their citizenship status. This option refers to regulations on revocation of passports for Indonesian citizens involved in armed trainings or war in another country. The narrative was especially prominent during the discussion to revise law on counter terrorism not too long ago.³⁷ This narrative came from those who are opposed to repatriating Indonesians ISIS supporters. This part will discuss legal argumentations surrounding both revocation and maintaining citizenship status of Indonesians ISIS supporters.

It should be noted that, regulation on revoking citizenship status for FTFs did not make it to the final version of Law Number 5/2018. Article 12B clause (4) of the law states that Indonesian citizens

35 "Interview with Neneng Heryani, Head of Balai Rehabilitasi Sosial Anak Yang Memerlukan Perlindungan Khusus (BRSAMPK), 30 July 2019," 2019.

36 Rebecca Turkington and Agathe Christien, "Women, Deradicalization, and Rehabilitation: Lessons from an Expert Workshop," Countering Violent Extremism (Washington, D.C., 2018).

37 Al Araf, "Pencabutan Kewarganegaraan," *imparsial*, 2016.

As a fundamental right, loss of citizenship would have significant impact for both the convict, the involved states, and international community.

involved in military or paramilitary training, as well as other trainings for terrorism purposes, can receive additional punishment on top of imprisonment in the form of revocation of the rights to bear passport or license to cross boundary for as long as five years.

Other regulations are also insufficient to use as a point of reference. Law Number 23/2006 on Indonesian Citizenship regulates situations where an Indonesian citizen might lost citizenship status. Articles like “entering into the service of a foreign military without prior permission from the President” and “voluntarily pledge or declare allegiance to be loyal to a foreign country or parts of said foreign country” might seem applicable. However, it is problematic to categorize ISIS as a ‘foreign military’ or ‘foreign country’. According to the 1933 Montevideo Convention a sovereign state should have (1) permanent population, (2) permanent territory, (3) government with an effective control; (4) ability to establish relations with other countries. In their height, ISIS might be able to fulfill the first three requirements. However, there are no states who recognized ISIS rules. And, now, when ISIS territories are almost entirely gone, it is difficult to build an argument that ISIS deserves a country status. Revoking citizenship of ISIS supporting citizens might instead become a double edged sword that legitimize ISIS status as a state.

Revoking citizenship status is also difficult to do under Indonesian law which guarantees the rights to have citizenship in its constitution. This position is in line with Article 15 of the Universal Declaration

of Human Rights, “everyone has the right to a nationality”, and Article 24 (3) of the International Covenant on Civil and Political Rights, “every child has the right to a nationality”.

As a fundamental right, loss of citizenship would have significant impact for both the convict, the involved states, and international community. Revocation of an Indonesian citizenship status will cause a person to be stateless which exclude them from political process and from having the right to stay in a country. A stateless person is also vulnerable from long term detainment. This can also lead to refugee influx and social instability.

Debates surrounding the revocation of citizenship status for ISIS supporting citizens also come to surface in other countries. In February 2019, the UK government revoked the citizenship of Shamima Begum who joined ISIS in 2015. They insisted that since Begum has a Bangladeshi ancestry from her mother side, revocation will not render her stateless. Meanwhile, the government of Bangladesh rejected that argument and stated that if Begum enter Bangladesh then she will face death penalty. Other than Begum, the UK government also revoked the citizenship of El Shafee Elsheikh and Alexandra Kotey, two members of “The Beatles”, a small group within ISIS known for their brutality toward prisoners.³⁸ Kotey and Elsheikh, who are currently under SDF prison, will likely to be transported to Guantanamo or civil correction institution in the US. In their case, revoking their citizenship practically rendered them stateless. The UK government insisted that this is a

38 Lizzie Dearden, “ISIS ‘Beatles’ Militants Captured in Syria Accuse Government of Breaking Law by Removing British Citizenship,” Independent, 2018, <https://www.independent.co.uk/news/uk/home-news/isis-beatles-captured-syria-interview-law-british-citizenship-kotey-elsheikh-hostages-a8282186.html>.

justifiable circumstances to protect public interest considering the atrocity of their crimes and to stop them from returning to UK.³⁹

Similar debates also happened in Germany. German law have very stringent requirements for revocation of citizenship, such as if a person is enlisting in another country's military.⁴⁰ However, in the start of this year, German government started discussing new law that will create a room to revoke the citizenship of people who has dual citizenship.⁴¹ This regulation, however, will not be retroactive.

Revocation of citizenship can only be justified if conducted in an extreme situation, considering significant consequences that the convict will have to bear.⁴² Looking at existing regulations and reflecting upon the experience of other countries, option to revoke citizenship of Indonesian citizens who became FTFs or is associated with FTFs is difficult to justify.

Geopolitical Complexity in Syria

Another challenge for the government of Indonesia in returning Indonesians ISIS supporters from Syria is the complex geopolitical landscape in Syria. What was once an internal conflict has now become a conflict with global dimension that involves external and transnational actors. Post-ISIS defeat, Syria is now practically divided into a number of areas with different de-facto ruling authorities. The biggest territorial share is under the official government of Syria with Bashar al-Assad as the leader. This territory comprises of major cities like Damascus, Homs, and Aleppo. Since the internal conflict started in 2011, al-Assad regime received supports from major powers such as Russia and Iran. Iran has special interest in maintaining their presence in Syria in their efforts to expand influence in the Middle East vis-à-vis Saudi Arabia. Meanwhile, Syria is an important ally for Russia in the Middle East where they have established a number of important military bases.

Furthermore, Idlib province in western Aleppo, near Turkish border, is under the rule of a number of anti-Assad forces including Hayat Tharir al Sham

(previously Jabhat al-Nusra). North of Idlib, in Afrin district, Turkish military holds the control after Operation Olive Branch in early 2018. Other than limiting refugee influx from Syria, Turkey wants to prevent Kurdish force in northern Syria from consolidating and strengthening their force. There is a concern that the strengthening of Kurdish authorities in Syria will provide momentum for Kurdish groups that have been in conflict with Ankara for the past three decades.

Meanwhile, most of the territories in east of Euphrat river up to north and east of Syria are under the authority of SDF. During conflict, SDF receives logistics and military support from the US. Other than leading coalition troops to attack ISIS, US involvement in Syria also aims to contain rising Iran and Hizbullah influence which can potentially threaten the security of its primary ally in the Middle East, Israel.⁴³ Camp al-Hawl and Malikiyah City where Derik prison is located are a part of the territory of Kurdish authority.

Aside from Assad who manages to retain his reign, Kurdish authorities in Syria reaps the most benefit from Syria conflict and the downfall of ISIS. De facto SDF rules in the eastern part of Euphrat river has strengthened their efforts in realizing a Kurdistan country. Their authority over ex-ISIS prisoners and refugees is a potential bargaining chip to bolster their legitimacy. Kurdish authority has stated that they are willing to return Indonesian women and children as long as the government of Indonesia open communication channel with Rojava. The last communication between the government of Indonesia and Kurdish authority happened in 2018 when 18 Indonesian citizens were returned from Syria. However, the future of combatants will have to wait the establishment of an international court. Kurdish authority in Syria argued that combatants have conducted war and humanitarian crimes while all the witnesses and evidences are still in Syria.

The government of Indonesia needs to be careful in communicating with relevant actors in Syria. Communication with Kurdish authority is necessary although Indonesia does not have official diplomatic

39 Lizzie Dearden, "Isis 'Beatles' Militants Captured in Syria Accuse Government of Breaking Law by Removing British Citizenship," Independent, 2018.

40 Guy Chazan, "Germany to Strip Dual-Nationals Who Fight for Isis of Citizenship," Financial Times, 2019, <https://www.ft.com/content/1c929f90-3e6b-11e9-9bee-efab61506f44>.

41 Guy Chazan, "Germany to Strip Dual-Nationals Who Fight for Isis of Citizenship," Financial Times, 2019.

42 Araf, "Pencabutan Kewarganegaraan."

43 "Syria Conflict: What Do the US, Russia, Turkey and Iran Want?," Deutsche Welle, 2019, <https://www.dw.com/en/syria-conflict-what-do-the-us-russia-turkey-and-iran-want/a-41211604>.

relations with them considering most of prisoner and refugee camps are located in their territories. At the same time, government of Indonesia needs to ensure that this line of communication does not endanger its relations with Ankara. After all, Turkey also plays important role in returning Indonesians ISIS supporters from Syria. The government of Indonesia can, for example, return its citizens gradually to Turkey before conducting interrogation and assessment.

The involvement of third countries, like what Germany did, is also an option. Germany realized the difficulty of massive deportation from Syria to the country. They also realized that interrogation conducted by intelligence agencies in prisoner camps provide scant evidence. This the basis of their decision to gradually move German citizens in prisoner camps to Iraq territory.⁴⁴ After arriving in German embassy in Erbil, German investigators can commence their investigation.⁴⁵ To implement this plan, German government has to establish intensive communication with Kurdish authority, SDF, US government, and Iraq. Similar operational pattern is an option for the government of Indonesia.

Conclusion and Recommendation

There are three policy scenarios that the government of Indonesia can choose in regard to this issue. First, the government can attempt to repatriate all recorded citizens in Syria, both combatants who are in prisoners as well as their family members. This will be the most challenging policy options in the short term. Domestically, the government still has to prepare infrastructures for assessment, returning, and temporary shelter. This infrastructure encompasses assessment tool, structured counseling program, social workers who are specially trained to work with radicalized people, guidance and training program especially for teenagers, and training for local state apparatuses to enhance their capacity to work with returnees and deportees.⁴⁶ Government also needs to ensure a just and timely legal process for those who might have gone against the law. It is therefore important to prepare judicial capacity. All of these necessities will translate into significant increase in budget. Furthermore, this option will also invite debates between the government and parliament.

However, although this option will be the most challenging in the short term and requires large investment, it will bring the most benefit in the long term. Current political and security situation in Syria at the moment suggests that the Kurdish authority will lose their control over prisoner and refugee camps sooner or later, when they lose support from the US. In the worst case scenario when the Kurdish authority collapses, refugees and prisoners will seek illegal ways to return to Indonesia. This will make it more difficult for the government of Indonesia to monitor them.

Second, the government of Indonesia can choose not to facilitate and refuse the return of ISIS supporting Indonesians. Compared with other options, this will prove to be the easiest and cheapest option. However, there are many disadvantages for this option in the long run. Deteriorating situation in refugee and prisoner camps push the government of Indonesia into a corner. They will receive massive pressure because of perceived lack of humanity and of reactionary response instead of preventive response in managing the return of ISIS supporting Indonesians. Moreover, in the worst case scenario where the prisoners are no longer under Kurdish authority, it will be difficult for the government to hold the return of the FTFs or people associated with the FTFs.

Third, the government of Indonesia can choose to prioritize repatriating women and children in refugee camps, while letting combatants from Indonesia in prisons for the time being. This is the likeliest option for the government of Indonesia. Repatriating women and children will allow the government of Indonesia to exercise their duty to protect Indonesian citizens while minimizing potential security risks. with the assumption that the risks embedded with those associated with FTFs can be mitigated with rehabilitation, deradicalization, reintegration, and monitoring programs.

Meanwhile, the government of Indonesia can continue to persuade Kurdish authority to return FTFs who are in the prison. And, as was mentioned previously, the government of Indonesia can gradually move them to diplomatic representatives in other country such as Turkey for assessment before returning them back home. Communication

44 "Germany's Conundrum: What to Do with Islamic State Returnees?," 2019.

45 Ibid.

46 "Managing Indonesia's Pro-ISIS Deportees," IPAC Report (Jakarta, 2018), 12.

with Kurdish authority, the US government, and other actors are important in order to collect evidence to move the legal process against the FTFs in a timely manner.

Finally, any policy options require the government of Indonesia to take position soon. Such decision should come from the highest political authority to provide assurance for general public, as well as create strong foundation for policy implementation by relevant institutions.

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Repatriation of ex ISIS Indonesians: Is it necessary?

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Background

The resolution of Syria conflict is still far on the horizon. The conflict has been raging on since 2011 and started from the Arab Spring in the Middle East and Northern Africa. It has caused thousands of victims, millions of civilians had to seek refuge across the world, and it has caused domestic and regional instability. Syria became the battleground for different groups and countries bearing various interests. The conflict is a paradise for jihadist from all over the world. They come as foreign terrorist fighters (FTFs) due to the existence of ISIS (Islamic State in Iraq and Syria) and jihadist groups in Syria. The presence of these groups increases the complexity of the conflict. They become the common enemies for groups/factions fighting in Syria.

In the context of conflict in Syria, as common enemy, ISIS makes it more challenging for groups/factions and other countries fighting in Syria to unite to destroy ISIS. All dominant actors--Free Syrian Army (FSA), Kurdish Authority (including SDF), and the government of Syria-- have different orientations. This protracted situation is one of the factors that strengthen ISIS existence. However, ISIS has a limit on how they can protect their territories. Slowly but surely, ISIS is losing their territories since their inception in 2013. In 2019, ISIS last stronghold in Baghouz, Syria fell due to attacks by the SDF with the support of the US government.

ISIS downfall does not necessarily diminish global threats that ISIS terrorism poses. Threats from ISIS alumni as well as ISIS supporters still very much exist. One of the problems that become common issue regarding this is the choice to accept or refuse repatriation of ex ISIS citizens, including Indonesians. This also stimulates discussions around humanitarian concerns, protection of citizens, as well as national security vis-a-vis global terrorism threat.

Dynamics and Anatomy of Conflict in Syria

The uprising of the people of Syria against President Bashar al Assad started in March 2011. Protests that began in Daraa city expanded to other cities in Syria, such as Homs, Hama, Tel, Latakia, Aleppo and Damascus.¹ The Syrian government repressive military actions in response to this protest has caused civilian casualties.

Syria conflict invited international responses. In the UN Security Council, the United States tried to push a resolution on Syria, which was vetoed, by Russia and China.² King Abdullah of Jordan called for Assad's resignation.³ Then Prime Minister of Turkey (now President) Recep Tayyip Erdogan called for stopping the use of repression against Syrian civilians.⁴

The domestic condition in Syria deteriorated further with various groups taking part in the ongoing conflict. Anatomy of the conflict in Syria

¹ Data accessed from <https://edition.cnn.com/2012/03/01/world/middleeast/syria-crisis-beginnings/index.html?no-st=9999999999> on 25 July 2019

² Data accessed from <https://www.theguardian.com/world/2012/feb/04/assad-obama-resign-un-resolution> on 25 July 2019

³ Data accessed from <https://www.bbc.com/news/world-middle-east-15723023> on 25 July 2019

⁴ Data accessed from <https://www.nytimes.com/2011/11/23/world/middleeast/turkish-leader-says-syrian-president-should-quit.html> on 25 July 2019

indeed shows a number of important actors based on each territorial control.

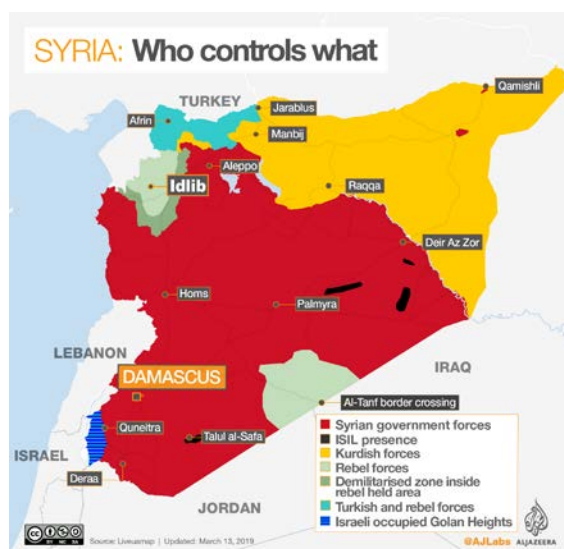


Image 1 Actors map in Syria conflict⁵

First, pro-Assad Syria military. This group controls the following cities: Damascus, Homs, Hama, Aleppo, Latakia, Tartus, Palmyra, and Albu Kamal in the southwest, central, and eastern Syria (see Image 1). The existence of this group, alongside intelligence support from Russia and Iran as Syria's allies in the Middle East strengthens the resilience of Assad government.⁶

Second, the FSA emerged as the antithesis of pro-Assad military. This group was formed in 2011 as a splinter of pro-Assad military. They tried to take control of Syrian intelligence bases and attacked Baath Party in Damascus, Syria.⁷ FSA claimed to have a troop of 65,000.⁸ They control northwest Syria, especially Afrin and Idlib Province, Syria.⁹

FSA is under the authority of Supreme Military Command led by Colonel Abdullah Al Bashir who replaced General Salim Idris.¹⁰ Its existence receives the full support of Turkey as its ally. Alliance between

Turkey and FSA manages to retain a number of strategic locations in northern Syria, especially along the Turkish border.¹¹ Turkey's support for FSA is apparent from the capture of strategic cities such as Afrin in northern Syria through Olive Branch (*Zeytin Dali*) military operation. This military operation commenced since 20 January 2018 to cleanse Kurdish militia YPG-PYD affiliated with the SDF (Syrian Defence Forces).¹²

Other than FSA and pro-Assad military, Kurdish Authority also played a role in Syria conflict with territories in parts of northern and eastern Syria. The Kurdish authority is a collection of various groups, including the Syrian Defence Forces (SDF). SDF is a group of Kurdish and Arab militia affiliated with PKK-YPG-PYD. These groups, for Turkey, is an existential threat that conduct terror acts alongside Turkey-Syria borders.

This condition clearly creates significant apprehension from Turkey in term of joint military operation or conflict resolution efforts.¹³ SDF itself receives full support from the United States. This support is clear from military supplies in ISIS related military operation and military strategy support from the US. SDF is territorially under the Kurd Autonomy territory that includes Raqqa, Qamishli, and Hasakah.¹⁴

ISIS exists as common enemy for those groups, including for the US international coalition troops. ISIS declared Islamic caliphate in Iraq under the command of Abu Bakar Al Baghdadi. They are the successor of Al Qaeda.¹⁵

ISIS was established in 9 April 2013. Its inception can be traced to Soviet Union invasion to Afghanistan in 1979. The figure who would become pivotal in the development of ISIS during Soviet Union invasion is an Al Qaeda loyalist, Abu Musab al Zarqawi. The situation in Afghanistan continued with the start of the Global War on Terror by the US, prompting

5 Data accessed from <https://www.aljazeera.com/indepth/interactive/2015/05/syria-country-divided-150529144229467.html> on 27 July 2019

6 Geraint Alan Hughes (2014) Syria and the Perils of Proxy Warfare, Small Wars & Insurgencies, 25:3 pp 522-538

7 Data accessed from <https://www.theguardian.com/world/2011/nov/20/syria-rebels-baath-offices-damascus> on 27 July 2019

8 Data accessed from <https://gulfnews.com/world/mena/free-syrian-army-from-neglect-to-resurrection-1.1385211> on 27 July 2019

9 Data accessed from <https://www.aljazeera.com/indepth/interactive/2015/05/syria-country-divided-150529144229467.html> on 27 July 2019

10 Data accessed from <https://www.bbc.com/news/world-middle-east-26224498> on 1 August 2019

11 Emel Parlar Dal (2016). Impact of the Transnationalization of the Syrian Civil War on Turkey: Conflict Spillover Cases of ISIS and PYD-YPG/PKK, Cambridge Review of International Affairs, 29:4, 1396-1420.

12 Data accessed from <http://www.hurriyetdailynews.com/turkey-launches-major-land-operation-into-ypg-militants-in-syrias-afrin-126031> on 3 August 2019

13 GA Hughes, Ibid.

14 Data accessed from <https://www.aljazeera.com/indepth/interactive/2015/05/syria-country-divided-150529144229467.html> on 27 July 2019

15 Fawaz A. Gerges, A History of ISIS, (Princeton University Press: 2016), p. 50-98

Al Qaeda figureheads to run to Iraq (Zarqawi) and Pakistan (Osama bin Laden).¹⁶

In Iraq, Zarqawi was consistent in his fight against western domination through terror attacks with US military as its target during US military operations in Iraq. The fall of Saddam Hussein created important momentum for Zarqawi who established Al Qaeda in Iraq (AQI), an embryo of the Islamic State in Iraq (ISI).¹⁷

The emergence of this group attracted jihadists from all over the world. A 2014 data from The Soufan Group (TSG) stated that at least there were 12,000 FTF from 81 countries. The data also states that 80% of the FTF joined ISIS on top of Jabhat al Nusra and FSA. The high numbers of FTF coming to Syria was also due to the belief that war of Armageddon or the end of time between good and evil is occurring in Syria.¹⁸ Moreover, ISIS propaganda regarding living under a caliphate also became a point of attraction for FTF and its supporters to join ISIS.¹⁹

In its development, ISIS strength and territorial control have significantly deteriorated. After the battle for Raqqa, ISIS territory shrinks even further to the surrounding of Abu Kamal. This area is located between pro-Assad military in the west and Kurdish military in the east.²⁰

To understand conflict in Syria it is important to understand the anatomy of actors influencing the dynamics of the conflict. This can be seen from the dominant role of pro-Assad military with the support of Russia and Iran, FSA with the support of Turkey and SDF with the support of US and ISIS in Syria. Of course, there are other actors in play. However, they do not occupy significant territory or command significant forces compared to Syrian military, FSA, SDF or even ISIS.

Looking at the anatomy of actors involved in the conflict, it is visible that there is no united front against Assad. Each anti-Assad opposition group has their own orientation. They have their own interests in defending their existence in the region, especially through gaining territories with the support of external actors.

The end of ISIS and ISIS alumni diaspora

The rise and fall of ISIS is an important note in the dynamics of Syria conflict. Since 2017, ISIS started to lose its territories. Signs of its downfall began to show when SDF with US support started intensive offenses against ISIS bases in Mosul, Iraq and Raqqa, Syria. ISIS received its ultimate blow when Baghouz in Syria fell to the SDF in 2019. SDF spokesperson Mustafa Bali stated that ISIS headquarter in Baghouz, which is a village in the bank of Euphrat river is 100% under their control.²¹

ISIS has direct impact to the existence of combatants or supporters in Syria. Around 3,000 combatants and thousands of ISIS families have surrendered to SDF. They are imprisoned by the SDF in al Hasakah prison and Al Houli refugee camp, Syria.

It should be noted that ISIS defeat does not make them obsolete. There is a concern that ISIS will transform into a new form or stay in their current form in different area. This means that there is a possibility that ISIS will transform into a collective of terrorist cells.

After the destruction of ISIS bases in Syria, this group no longer has a clear operating area. ISIS combatants become difficult to track. This condition increases the potentials of terrorist attacks in multiple places.

In this connection, Indonesia experience in the 2000s serves as a good lesson. Bali Bombing I in 2002 was the work of Jemaah Islamiyah (JI). The architecture of this JI attack was Afghanistan war alumni. It shows that the end of a war or conflict in a certain region does not necessarily stop the jihadists movement. There are new threat potentials that can emerge from the group involved in the war. Indeed, Vice Speaker of Commission I DPR Tb Hasanuddin said that former ISIS combatants could sneak back into Indonesia and form a new territorial grouping which consists of Indonesia, Southern Philippines, and Southern Thailand.

In Syria, especially in SDF occupied area where ISIS combatants and supporters are imprisoned, Head of Foreign Affairs of Rojava-Kurdi Government

¹⁶ Ibid.

¹⁷ Ibid.

¹⁸ Abdul Basit, "Foreign Fighters in Iraq and Syria – Why So Many?", Counter Terrorist Trends and Analyses, Vol. 6, No. 9 (October 2014), pp.4-8

¹⁹ Ibid.

²⁰ Data accessed from <https://www.theguardian.com/world/2019/mar/03/isis-nowhere-baghouz-last-stronghold-syrian-defence-forces> on 5 August 2019

²¹ Data accessed from <https://thedefensepost.com/2019/03/23/sdf-victory-isis-syria/> on 5 August 2019

Abdul Karim Omar stated that the numbers of ISIS family members who have surrendered to SDF continue to increase since February 2019. This condition encumbers Kurdish authority in managing ISIS supporters who mostly are foreigners. Kurdish authority requested their home countries to repatriate them, as they have become a burden for the authority.

Journalist Mutlu Civiroglu in a visit to Al-Houl camp mentioned that it is a time bomb. The camp is very densely populated and house more than the capacity of Kurdish police (known as Asayish) to manage the population. The existence of children in such a camp has the potential in creating the next generation of ISIS.²²

According to the UN, Al Houl camp is currently home for around 70,000 ISIS supporters, including women and children. This condition is confirmed by UNICEF that mentioned more than 90% Al Houl occupants are women and children. Furthermore, there are also other camps such as Ain Issa and Roj.²³

There is no definite data on the involvement of women and children jihadists and supporters in ISIS. A Syria Observatory for Human Rights (SOHR)

claimed that there are 8,500 ISIS jihadists operating in Baghouz, Syria as ISIS final stand.²⁴

ISIS supporters from Indonesia, according to the *International Centre for the Study of Radicalisation* (ICSR) in "From Daesh to 'Diaspora': Tracing the Women and Minors of Islamic State" report, records hundreds of Indonesian women and children who joined ISIS. The report also showed 700-800 ISIS supporting Indonesians in Syria, with around 113 women and 100 children. From this, there are around 183-300 people who have returned to Indonesia.²⁵

Head of BNPT Police General Commissioner Suhardi Alius said that at least 500 Indonesian citizens joined ISIS, and 69 are confirmed deceased. TSG estimates that there are 700 Indonesian citizens in ISIS embedded with *Satuan Tempur Nusantara-Katibah Nusantara* group consisting of Malaysian combatants (100 persons) and Philippine combatants (100 persons).²⁶

Countries celebrate the defeat of ISIS but acknowledge the upcoming threat potentials, especially by former ISIS members. Australia is one of the countries that accepted its citizens who were former ISIS members. They repatriated 8 children of

22 Data accessed from <https://thedefensepost.com/2019/08/03/isis-women-al-hol/> on 5 August 2019

23 Ibid

24 Data accessed from <http://www.syriahr.com/en/?p=112350> on 5 August 2019

25 ICSR, "Report on From Daesh to 'Diaspora': Tracing the Women and Minors of Islamic State", London, 2018.

26 Data accessed from <https://www.bnpt.go.id/kalah-di-irak-dan-syria-alumni-isis-sasar-indonesia.html> on 6 August 2019

two Australian citizens who joined ISIS in Syria. The children are now under the care of the Australian government. Prime Minister of Australia Scott Morrison had mentioned that this is the first time that Australia repatriate its citizens from conflict zone.²⁷

Other than Australia, a number of countries also implement repatriation program for ISIS alumni, such as Turkey and Kosovo. The government of Kosovo is an interesting example. On April 2019, they repatriated 110 Kosovars from Al Houli prison, Syria within SDF territory. This process was possible with the support of the US and SDF.²⁸ US embassy in Pristina, Kosovo, has stated that this repatriation process serves as an important example for the Global Coalition to Defeat ISIS and international community.

There are at least 400 Kosovars who have joined ISIS in the past five years, including women and children. Around 120 are confirmed to be deceased while around 100 are still in Syria.

The government of Kosovo started considering to repatriate its citizens who are former ISIS members since ISIS started losing its territories in 2017, the government of Kosovo began to prepare infrastructures for this process. The government of

Kosovo prepared health necessities, psychiatry and counselling service, housing, social welfare, special education, and reintegration.

Fotus Makolli, National Coordinator for Counter-Terrorism and Violent Extremism, which is under the office of the Prime minister of Kosovo, mentioned his wish for reintegration for ex-ISIS Kosovars to come back to society and for them to cease all violence.²⁹

Kosovo does not only involve the government but also other actors to prepare for repatriating former ISIS citizens. They approach Islamic communities as well as imam and women Islamic teachers to support deradicalization for former ISIS members.

How about Indonesia?

The urgency of repatriating ex-ISIS Indonesians

The state plays important role in countering terrorism, especially in the context of ISIS downfall. Basically, there three main strategies in countering terrorism: prevention, counter, and rehabilitation (deradicalization).

Historically, Indonesia already has experience in

²⁷ Data accessed from <https://tirto.id/pemerintah-australia-pulangkan-8-anak-dari-keluarga-isis-di-suriah-ec1h> on 26 July 2019

²⁸ Data accessed from <https://www.aljazeera.com/indepth/features/kosovo-reintegrate-isis-returnees-work-190608200858002.html> on 8 August 2019

²⁹ Data accessed from <https://ctc.usma.edu/returnee-foreign-fighters-syria-iraq-kosovan-experience/> on 8 August 2019

repatriating ex-ISIS Indonesians. According to Indonesian MOFA data, since 2015 there are already 430 Indonesians who are suspected to want to join ISIS have been returned from Turkey. MOFA highlighted that there are three main groups: first, Indonesians already in Syria; second, Indonesians planning to go to Syria via Turkey; third, Indonesians who were joining ISIS but was deported from Turkey.³⁰

Repatriating ex-ISIS Indonesians is not a simple matter. MOFA spokesperson Armanantha Nasir said that repatriation of ex-ISIS Indonesians is a relatively lengthy process. BNPT has declared that they are ready to lead a team to return the family of ex-ISIS members from Syria. Meanwhile, national police has stated that repatriating ISIS supporters would require strict assessment process. This process is important to determine how radicalized each persons is. Moreover, ex-ISIS Indonesians would have to participate in government's deradicalization process.

There are a number of factors that contribute to this difficulty. First, terror prevention act. The end of war in Afghanistan and US invasion of Iraq gives important examples of how a new type of problem can emerge. Furthermore, women and children can have significant role in proselytizing ISIS ideology after its decline in 2017. This means that counter-terrorism action is a means of anticipating future threats.

Second, protection of Indonesian citizens. The state guarantees that every Indonesians have the assurance of legal protection. This condition can not be separated from people who are combatants or supporters. This signal is indicated by statements from officials such as Special Staff of Deputy I on Prevention, Protection and Deradicalization of BNPT Suaib Tahir that all ISIS alumni will be accepted in accordance to legal process and rehabilitation.

Third, humanitarian concern. Al Houl camp in the territory of Kurdish authority only has capacity to hosts 10-20 thousand refugees and the camp has now surpassed its capacity. The camp is vulnerable toward various problems, both material and immaterial. Kurdish authority has stated multiple times that their existence is a burden that requires the help from international community to resolve,

³⁰ Data accessed from <https://nasional.kompas.com/read/2017/07/07/17273351/sejak.2015.430.wni.yang.diduga.simpatisan.isis.dideportasi.dari.turki>, on 6 August 2019



Repatriation through strict assessment in law enforcement and deradicalization efforts is important.

including in regard to repatriation.

This consideration also depends on Indonesian readiness in implementing deradicalization. Inter agency cooperation and coordination between Coordinating Ministry of Politics and Security, Ministry of Law and Human Rights, national police, BNPT, Special Detachment 88, Immigration, MOFA, and National Intelligence Agency is a prerequisite.

There is already signal by the government that shows they are willing to accept ex-ISIS citizens. Minister of Defense Ryamizard Ryacudu said that ISIS supporting Indonesians can go back to Indonesia if they declare their allegiance to Indonesia and swear loyalty for the Pancasila.

Repatriating ex ISIS Indonesians indeed possess threat potential. Kasandra Putranto, a psychologist, explained that there is a danger when the wife and children of ISIS combatants and supporters return to Indonesia. The potentials exist through the development of extreme attitudes as an impact of their social circle in Syria, although it should be noted that not all of them want to be a part of ISIS.³¹

Conclusion

Cautions toward repatriation of ex-ISIS Indonesians is important. However this does not eliminate the urgency of their return. Government needs to have effective system in every aspects of the process. Repatriation should be under government control, while in close cooperation with the US as the ally of SDF, considering Al Houli prison is in Kurdish

territory. The government of Indonesia should also work closely with Ankara.

In this condition, repatriating ex-ISIS Indonesians is necessary but it requires screening process as anticipative measure. Repatriation through strict assessment in law enforcement and deradicalization efforts is important. Although many countries closed the door for its ex-ISIS citizens, Indonesia needs to adopt a different humanist approach for global peace. To let ex-ISIS combatants or supporters stay in Syria as stateless persons will create larger threat potentials in the future. Cooperation and effective coordination between ministries and relevant institutions in repatriation is necessary. It is also important to inform the public regarding this process. Therefore, as preventive steps Indonesia needs to take concrete and strategic steps to repatriate ex ISIS Indonesians.

³¹ Data accessed from <https://tirto.id/menhan-beri-syarat-ke-wni-eks-isis-agar-bisa-pulang-ke-indonesia-edXS> on 7 August 2019



About The Habibie Center

The Habibie Center was founded by Bacharuddin Jusuf Habibie and family in 1999 as an independent, non-governmental, non-profit organisation. The vision of The Habibie Center is to create a structurally democratic society founded on the morality and integrity of cultural and religious values.

The missions of The Habibie Center are **first**, to establish a structurally and culturally democratic society that recognizes, respects, and promotes human rights by undertaking study and advocacy of issues related to democratization and human rights, and **second**, to increase the effectiveness of the management of human resources and the spread of technology.





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