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Returning Indonesian IS Women and Children: What's Next?

By Unaesah Rahmah

SYNOPSIS

Indonesian police has estimated that 104 Indonesian women and 99 children who left for Syria to join the Islamic State (IS) were still alive in 2017. With the loss of IS' territories in Syria, currently at least 88 Indonesians, most of whom are women and children, are being held in in northeastern Syria. What will be their fate if they return?

COMMENTARY

THERE ARE presently at least, respectively, 50 and 38 Indonesians, a majority of whom are women and children, residing in refugee camps of the Syrian Democratic Forces (SDF) in northeastern Syria, according to reports. The figure is almost 40 percent of the Indonesian police's 2017 estimate that 104 Indonesian women and 99 children who had joined IS were still alive in Syria.

There are probably more Indonesian women and children who are still alive and reside in other refugee camps in northeastern Syria. What are the possible charges confronting the IS Indonesian women and children – including those who are in the refugee camps – if they return?

Women and Children's Roles in IS

The Indonesian government intends to repatriate IS returnees who want to come home despite a parliamentary debate several years ago on revoking their citizenship. This is likely because the current anti-terrorism law, enacted on 25 May 2018, does not address the possible revocation of citizenship of those involved in overseas jihad operations.

In general, revocation is seen to be a move against current citizenship laws and the constitution in which the state is obliged to protect its citizens. The refugees have lost their passports either because they were taken by IS, or had them burnt voluntarily as seen in past IS videos.

Once back on Indonesian soil, the authorities could charge the returnees based on three clauses in the current anti-terrorism law. The first is that women and children – aged 12 to 18 – could be charged for being members of a terrorist organisation, in this instance, IS. They may also face the following two charges:

First, for participating in IS training – military or non-military. At least two IS official videos in 2015 and 2016 showed tens of seemingly Indonesian children being indoctrinated in an IS school supposedly in the land of the Caliphate ie Syria, participating in military training and pledging their loyalty to IS by burning their passports. We know of one child, Shamil Mohammed, currently held at an SDF refugee camp, who has received IS' indoctrination and weaponry training whilst in Syria with his family.

Not Mere Followers

As yet, there is no information on whether Indonesian women in IS have received any military training. However, they were housed in an IS camp for women upon reaching Syria. If indoctrination by IS in camps or schools is categorised as a form of training by the Indonesian authorities, these women and children may also be charged under the current anti-terrorism law.

Second, for creating or spreading terrorist propaganda, or recruiting people to join IS. Some Indonesian women who joined IS were not mere followers of their husbands, but had active roles as they created and disseminated IS propaganda for the Indonesian audience.

The most prolific was Umm Shabrina aka Siti Khadijah – the administrator of pro-IS Indonesian website, Khilafah Daulah Islamiyyah. Her postings on social media account were known to have inspired at least one man to join IS; in 2015, he was killed at Sinjar Mount, Iraq.

Challenges: Reality More Complicated

While on paper the current anti-terrorism law will allow the Indonesian authorities to charge the women and children returnees, the reality is more complicated. They may be charged with joining IS; children aged 12 to 18 shall be charged in a juvenile court. However, would the additional charges – participation in training; creating or spreading terrorist propaganda; recruiting people to join IS – be applied to them as well? There are legal and social challenges to this issue.

In terms of the legal challenge, the question is whether the Indonesian authorities will classify indoctrination in IS camps, which the women and children are likely to have undergone, as ideological training and, hence, grounds to be charged as having participated in IS training. If such indoctrination is not classified as training, then these returning women and children may escape being charged on the training clause.

As for the charge related to creating or spreading IS propaganda and recruitment, it may be difficult for the prosecutors to present evidence in court on this matter, especially if the returnees' social media accounts have been shut down.

The social challenge relates to whether the Indonesian authorities will exercise a gender and age-nuanced counter-terrorism approach in dealing with the returnees. Under the previous 2003 Anti-Terrorism Law, the August 2017 batch of IS women and children returnees was not prosecuted, unlike the male returnees.

This group of returnees was made up of 17 family members. Ostensibly, the women could have at least been charged on hiding information on their family members' plans to join IS or, in several cases, recruiting family members to join IS.

Breaking Cycle of Radicalisation

It is noteworthy that the current law provides for more severe punishment to anyone (men or women) who intentionally involve their children in terrorism. It remains to be seen if the prosecutors will exercise this law to charge women and children, where evidence shows that they have played a more active role in training, propaganda or recruitment.

If eventually they are prosecuted, another challenge is to provide a robust rehabilitation programme that specifically caters to women and children in prison. This should include an "aftercare" programme that caters to their well-being and motivations. Otherwise, they may seek assistance from a handful of charity entities run by the pro-IS community in the country.

In doing so, upon release, women returnees who remain radical may continue indoctrinating their children or marry other pro-IS men who can support them and their children financially. The cycle of radicalisation by kinship will then perpetuate.

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