



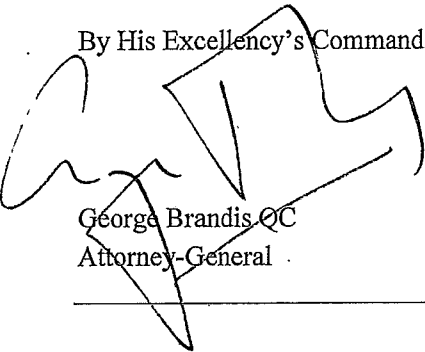
Criminal Code (Terrorist Organisation— Al-Qa'ida in the Indian Subcontinent) Regulation 2016

I, General the Honourable Sir Peter Cosgrove AK MC (Ret'd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulation.

Dated 24 NOV 2016

Peter Cosgrove
Peter Cosgrove
Governor-General

By His Excellency's Command


George Brandis QC
Attorney-General

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Section 1

1 Name

This is the *Criminal Code (Terrorist Organisation—Al-Qa'ida in the Indian Subcontinent) Regulation 2016*.

2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	The day after this instrument is registered.	

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under the *Criminal Code Act 1995*.

4 Terrorist organisation—Al-Qa'ida in the Indian Subcontinent

- (1) For the purposes of paragraph (b) of the definition of *terrorist organisation* in subsection 102.1(1) of the *Criminal Code*, the organisation known as Al-Qa'ida in the Indian Subcontinent is specified.
- (2) Al-Qa'ida in the Indian Subcontinent is also known by the name AQIS.

EXPLANATORY STATEMENT

Select Legislative Instrument 2016 No.

Issued by the authority of the Attorney-General

Criminal Code Act 1995

Criminal Code (Terrorist Organisation—Al-Qa'ida in the Indian Subcontinent) Regulation

2016

The purpose of the *Criminal Code (Terrorist Organisation—Al-Qa'ida in the Indian Subcontinent) Regulation 2016* (the Regulation) is to specify al-Qa'ida in the Indian Subcontinent for the purposes of paragraph (b) of the definition of 'terrorist organisation' in subsection 102.1(1) of the *Criminal Code*.¹ Al-Qa'ida in the Indian Subcontinent has not previously been specified for this purpose under the Criminal Code.

Section 5 of the *Criminal Code Act 1995* (the Act) provides that the Governor-General may make regulations prescribing matters required or permitted by the Act to be prescribed, or necessary or convenient to be prescribed for carrying out or giving effect to the Act. The Schedule to the Act sets out the *Criminal Code*.

Paragraph (b) of the definition of 'terrorist organisation' in subsection 102.1(1) of the *Criminal Code* provides that regulations can specify organisations for the purposes of the definition of 'terrorist organisation'.

Subsection 102.1(2) of the *Criminal Code* provides that before the Governor-General makes regulations specifying an organisation for the purposes of paragraph (b) of the definition of 'terrorist organisation' in subsection 102.1(1), the Minister must be satisfied on reasonable grounds that the organisation is directly or indirectly engaged in, preparing, planning, assisting in or fostering the doing of a terrorist act or advocates the doing of a terrorist act.

The Attorney-General is satisfied on reasonable grounds that al-Qa'ida in the Indian Subcontinent is engaged in, preparing, planning, assisting in or fostering the doing of a terrorist act, or advocates the doing of a terrorist act. In coming to this position, the Attorney-General has taken into consideration an unclassified Statement of Reasons provided by the Director-General of Security, as well as advice from the Australian Government Solicitor (AGS). The Statement of Reasons is at Attachment B.

¹ A 'terrorist organisation' is defined in subsection 102.1(1) of the *Criminal Code* as:

- (a) an organisation that is directly or indirectly engaged in, preparing, planning, assisting in or fostering the doing of a terrorist act; or
- (b) an organisation that is specified by the regulations for the purposes of this paragraph.

Effect of the instrument

Division 102 of the *Criminal Code* sets out the following offences relating to terrorist organisations

- directing the activities of a terrorist organisation
- being a member of a terrorist organisation
- recruiting persons to a terrorist organisation
- receiving training from, providing training to or participating in training with a terrorist organisation
- getting funds to, from or for a terrorist organisation
- providing support to a terrorist organisation, and
- associating with a terrorist organisation.

The Regulation ensures that the offences in Division 102 of the *Criminal Code* apply to conduct relating to al-Qa'ida in the Indian Subcontinent.

The Regulation is a legislative instrument for the purposes of the *Legislation Act 2003*.

The Regulation commences on the day after it is registered. Subsection 102.1(3) of the *Criminal Code* provides that regulations for the purposes of paragraph (b) of the definition of 'terrorist organisation' cease to have effect on the third anniversary of the day on which they take effect.

Consultation

The unclassified Statement of Reasons was prepared by the National Threat Assessment Centre in the Australian Security Intelligence Organisation, in consultation with the Department of Foreign Affairs and Trade and the Attorney-General's Department (AGD). AGD also consulted the Centre for Counter-Terrorism Coordination in the Department of the Prime Minister and Cabinet and sought the advice of the AGS to inform the decision of the Attorney-General.

Subsection 102.1(2A) of the *Criminal Code* provides that before the Governor-General makes a regulation specifying an organisation for the purposes of paragraph (b) of the definition of 'terrorist organisation' in subsection 102.1(1) of the *Criminal Code*, the Minister must arrange for the Leader of the Opposition in the House of Representatives to be briefed in relation to the proposed regulation. The Attorney General wrote to the Leader of the Opposition enclosing the information upon which he was satisfied that al-Qa'ida in the Indian Subcontinent met the legislative criteria for listing.

The *Intergovernmental Agreement on Counter-Terrorism Laws* (June 2004) (the IGA) requires that the Commonwealth Government consult with the governments of the states and territories prior to making regulations specifying an organisation for the purposes of the definition of 'terrorist organisation' in subsection 102.1(1) of the *Criminal Code*. The IGA provides that if a majority of the states and territories object to the making of such a regulation within a time frame nominated by the Commonwealth, and provide reasons for their objections, the Commonwealth will not make the regulation at that time.

The Attorney-General wrote, on behalf of the Prime Minister, to the Premiers and Chief Ministers of the states and territories. A majority of the states and territories did not object to the making of the Regulation within the time frame nominated by the Attorney-General.

Statement of Compatibility with Human Rights

Overview

The *Criminal Code (Terrorist Organisation—Al-Qa'ida in the Indian Subcontinent) Regulation 2016* (the Regulation) specifies al-Qa'ida in the Indian Subcontinent for the purposes of paragraph (b) of the definition of 'terrorist organisation' in subsection 102.1(1) of the *Criminal Code*.

The object of the Regulation is to identify al-Qa'ida in the Indian Subcontinent as a terrorist organisation under Australian law, and put the organisation and members of the public on notice of that fact. Notification is important to help people avoid engaging in activities which might constitute an offence under Division 102 of the *Criminal Code* in relation to al-Qa'ida in the Indian Subcontinent.

The Regulation, which is part of Australia's terrorist organisation listing regime, supports the application of the offences in Division 102 of the *Criminal Code*, the object of which is to protect national security, public safety and the rights and freedoms of persons within and outside of Australia. In particular, the Regulation provides that the offence of associating with a terrorist organisation in section 102.8 of the *Criminal Code* applies in relation to associating with al-Qa'ida in the Indian Subcontinent.

Terrorist organisations, including al-Qa'ida in the Indian Subcontinent, present a threat to the security of Australia and often seek to harm Australians and our democratic institutions. The statutory definition of a 'terrorist organisation' requires that these bodies directly or indirectly engage in, prepare, plan, assist in or foster the doing of a terrorist act which includes the causing of serious harm to persons or death and serious damage to property (refer to [Attachment B](#) for details).

Human rights implications

The Regulation promotes the following human rights contained in the International Covenant on Civil and Political Rights (ICCPR):

- the inherent right to life in Article 6.

The Regulation limits the following human rights contained in the ICCPR:

- the right to freedom of expression in Article 19, and
- the right to freedom of association in Article 22.

The inherent right to life in Article 6

Article 6 of the ICCPR provides that countries have a duty to take appropriate steps to protect the right to life and to investigate arbitrary or unlawful killings and punish offenders. The Regulation, and the terrorist organisation listing regime more broadly, ensures that the offence provisions in Division 102 of the *Criminal Code* apply to certain conduct in relation to listed terrorist organisations. These offence provisions operate to penalise conduct that presents a significant risk to life, both in Australia and overseas, and, in conjunction with the terrorist organisation listing regime, also act as a deterrent to that conduct. Deterring the conduct, and thereby preventing the risk to life, promotes the inherent right to life expressed in Article 6 of the ICCPR.

The right to freedom of expression in Article 19

Article 19(2) of the ICCPR provides that everyone shall have the right to freedom of expression. However, Article 19(3) provides that freedom of expression may be limited if it is necessary to achieve a legitimate purpose, including for the protection of national security. The Regulation, and the terrorist organisation listing regime more broadly, limits the right to freedom of expression to the extent that persons are prohibited from directing the activities of, recruiting for, providing support to or associating with terrorist organisations, including al-Qa'ida in the Indian Subcontinent. The restrictions on freedom of expression are justified on the basis that such conduct could jeopardise the security of Australia, the personal safety of its population and its national interests and the restrictions are reasonable, necessary and proportionate to the objective of protecting Australia's national security.

The right to freedom of association in Article 22

Article 22 of the ICCPR protects the right of all persons to group together voluntarily for a common goal and to form and join an organisation. Article 22(2) provides that this right may be limited for the purpose of national security. The Regulation, and the terrorist organisation listing regime more broadly, limits the right of freedom of association to prevent people engaging with and participating in terrorist organisations, in this instance al-Qa'ida in the Indian Subcontinent.

The offence of associating with a terrorist organisation in section 102.8 of the *Criminal Code* is limited in its application to an organisation that is a listed terrorist organisation under the definition of 'terrorist organisation' in paragraph 102.1(1)(b) of the *Criminal Code*. The offence does not apply if the association is with a close family member and relates to a matter of family or domestic concern, or takes place in the course of practicing a religion in a place used for public religious worship, or the association is only for the purpose of providing humanitarian aid or only for the purpose of providing legal advice or legal representation.

Due to the severity of the danger posed by terrorist organisations, it is reasonable, necessary and proportionate to limit the right of individuals who, by their association with a terrorist organisation, pose a threat to Australians.

General safeguards and accountability mechanisms

Whilst the Regulation may limit the right to freedom of expression and the right to freedom of association with al-Qa'ida in the Indian Subcontinent, the Regulation is subject to the safeguards outlined below. The limits on these rights are reasonable, necessary and proportionate, and are in the interests of public safety and national security, after taking into consideration the direct and indirect terrorist activities of the organisation, which threaten human life.

The *Criminal Code* provides safeguards and accountability mechanisms requiring prior consultation and enabling review of the Regulation, including the following:

- the Commonwealth must consult with the states and territories in accordance with the *Intergovernmental Agreement on Counter-Terrorism Laws* of 25 June 2004, and the Regulation may only be made if a majority of the states and territories do not object to the Regulation within a reasonable time specified by the Commonwealth
- under subsection 102.1(2A) of the *Criminal Code* the Minister must arrange for the Leader of the Opposition to be briefed in relation to the proposed Regulation
- under subsection 102.1(3) the *Criminal Code*, the Regulation will cease to have effect on the third anniversary of the day on which it takes effect
- subsection 102.1(4) of the *Criminal Code* provides that if the Minister ceases to be satisfied of the criteria necessary for listing an organisation under subsection 102.1(2) of the *Criminal Code*, the Minister must make a declaration to that effect by written notice published in the Gazette, with the effect of the Minister's declaration that the Regulation listing the organisation cease to have effect and the organisation is de-listed as a terrorist organisation under Division 102 of the *Criminal Code*
- subsection 102.1(17) of the *Criminal Code* provides that an individual or an organisation may make a de-listing application to the Minister
- the Regulation may be reviewed by the Parliamentary Joint Committee on Intelligence and Security under section 102.1A of the *Criminal Code*, and
- both Houses of Parliament may disallow the Regulation within the applicable disallowance period, which is 15 sitting days after the Regulation was laid before that House, as provided for in subsection 102.1A(4) of the *Criminal Code*.

Conclusion

The Regulation is compatible with human rights because it promotes the protection of human rights. To the extent that the terrorist organisation listing regime, of which the Regulation is part, may also limit human rights, those limitations achieve a legitimate purpose and are reasonable, necessary and proportionate.

ATTACHMENT A

Details of the Criminal Code (Terrorist Organisation—Al-Qa'ida in the Indian Subcontinent) Regulation 2016

Section 1 – Name

This section provides that the title of the Regulation is the *Criminal Code (Terrorist Organisation—Al-Qa'ida in the Indian Subcontinent) Regulation 2016*.

Section 2 – Commencement

This section provides for the commencement of the instrument, as set out in the table.

Subsection (1) provides that each provision in the instrument specified in column 1 of the table commences in accordance with column 2 of the table, and that any other statement in column 2 has effect according to its terms. Columns 1 and 2 provide that the instrument commences on the day after it is registered.

The note to subsection (1) clarifies that the table only relates to the provisions of this instrument as originally made, and that it will not be amended to deal with any later amendments to the instrument.

Subsection (2) provides that information in column 3 of the table is not part of the instrument. It is designed to assist readers, and may be updated or changed in any published version of this instrument. Column 3 is empty at the time of making the instrument.

Section 3 – Authority

This section provides that the Regulation is made under the *Criminal Code Act 1995*.

Section 4 – Terrorist organisation—Al-Qa'ida in the Indian Subcontinent

Subsection (1) provides that for paragraph (b) of the definition of 'terrorist organisation' in subsection 102.1(1) of the *Criminal Code*, the organisation known as al-Qa'ida in the Indian Subcontinent is specified.

Subsection (2) provides that al-Qa'ida in the Indian Subcontinent is also known by the name, AQIS.

ATTACHMENT B

STATEMENT OF REASONS FOR AL-QA'IDA IN THE INDIAN SUBCONTINENT	
Also known as: AQIS	
This statement is based on publicly available information about al-Qa'ida in the Indian Subcontinent (AQIS). To the Australian Government's knowledge, this information is accurate, reliable and has been corroborated by classified information.	
1.	<p>Basis for listing a terrorist organisation</p> <p>Division 102 of the <i>Criminal Code 1995</i> provides that for an organisation to be listed as a terrorist organisation, the Attorney-General must be satisfied on reasonable grounds that the organisation:</p> <ul style="list-style-type: none"> a) is directly or indirectly engaged in, preparing, planning, or assisting in or fostering the doing of a terrorist act; or b) advocates the doing of a terrorist act. <p>For the purposes of listing a terrorist organisation under the <i>Criminal Code</i>, the doing of a terrorist act includes the doing of a specific terrorist act, the doing of more than one terrorist act and the doing of a terrorist act, even if a terrorist act does not occur.</p>
2.	<p>Background to this listing</p> <p>The Australian Government has not previously proscribed AQIS as a terrorist organisation under the <i>Criminal Code</i>.</p>
3.	<p>Terrorist activity of the organisation</p> <p><u>Objectives</u></p> <p>AQIS is an al-Qa'ida-affiliated extremist group, established in 2014 with the purpose of advancing al-Qa'ida's ideology in South Asia. The objectives of AQIS are the same as those previously articulated by al-Qa'ida—to prepare Muslims for military jihad against their enemies, to liberate Muslim lands now ruled by non-Muslims, and to revive the Islamic caliphate. In his 2014 announcement of the establishment of AQIS, Ayman al-Zawahiri identified Burma (Myanmar), Bangladesh, and India's regions of Assam, Gujarat and Kashmir as regions where it would operate.</p> <p>On 6 March 2016, the AQIS media branch, al-Sahad in the Indian Subcontinent, provided a link to the video 'Al-Hadeed News Report'. The video outlined the objectives of AQIS as to conduct attacks on:</p> <ul style="list-style-type: none"> • the US: <ul style="list-style-type: none"> ○ AQIS has stated 'the United States is the leader of the infidel Crusader war against the Muslim ummah, and is the real enemy of Islam and Muslims on every front' • the Pakistani military intelligence and security agencies: <ul style="list-style-type: none"> ○ AQIS describe these groups as the 'protectors and guardians of the Crusader infidels and also their frontline allies. The oppressive agencies massacre Muslims, loot their property,

	<p>and violate their honor [sic]</p> <ul style="list-style-type: none"> the Government of Pakistan: <ul style="list-style-type: none"> AQIS describe the Pakistan Government as ‘the United States’ puppet’ enemies of Islam: <ul style="list-style-type: none"> AQIS identify the enemies of Islam as those who ‘extort Muslim businessmen and are involved in murdering Sunni religious scholars’, and blasphemers, atheists and disbelievers: <ul style="list-style-type: none"> AQIS identify ‘blasphemers, atheists, and disbelievers’ as the target of attack due to mockery of ‘Islam and the banner of Islam’. <p>The objectives were approved by the AQIS Central Shura following instructions from al-Zawahiri.</p> <p>AQIS has undertaken the following to advance its ideology and achieve its objectives:</p> <p><u>Directly or indirectly engaged in, preparing, planning, assisting in or fostering the doing of terrorist acts</u></p> <p>AQIS members have conducted attacks against Pakistani military and security personnel. The attacks have ranged between targeted assassination of senior military and intelligence officials to larger scale attacks using improvised explosive devices resulting in multiple deaths.</p> <p>Attacks claimed by or attributed to AQIS include:</p> <ul style="list-style-type: none"> 6 September 2014: two days after al-Zawahiri announced AQIS’s establishment—AQIS attempted an operation to take control of two Pakistani naval ships—<i>PNS Zulfiqar</i> and <i>PNS Aslat</i>—and planned to use the <i>PNS Zulfiqar</i>’s weapons to attack a US refuelling tanker and its escort while the US tanker was refuelling the <i>PNS Zulfiqar</i>. The AQIS operatives—including Pakistani naval officers—hid small arms and explosives on <i>PNS Zulfiqar</i> for use in the attack and facilitated additional militants to stowaway on board the vessel. The AQIS operation was thwarted by Pakistani Navy and security forces shortly after it commenced, resulting in the death of ten AQIS extremists. AQIS had planned to use the Pakistani naval ships to attack naval vessels from Australia and India; however, this plan was abandoned in favour of attacking an easier target. 6 September 2014: AQIS gunmen assassinated Pakistani Military Intelligence Brigadier Zahoor Fazal Qadri. 28 March 2015 : Pakistani Army Colonel Tariq Azim was killed by AQIS in a ‘targeted killing operation’. May 2015: twenty Pakistani Army soldiers were killed by an improvised explosive device placed by AQIS in the Hathala region of Dera Ismail Khan, Pakistan. <p>AQIS facilitates its members training in the use of weapons, tactics and explosives at camps in Pakistan and Afghanistan. The training is undertaken to prepare for and assist in the conduct of AQIS attacks.</p> <p>AQIS members have conducted attacks against individuals in Pakistan identified as ‘blasphemers’ and the ‘enemies of Islam’.</p>
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	<ul style="list-style-type: none"> • 2 May 2015: in a speech, AQIS leader Asim Umar said AQIS was responsible for the early 2015 killings in of Shakeel Auj and Aniq Naz <p>AQIS has actively encouraged the affiliated extremist group, Ansar al-Islam Bangladesh (AIB), to conduct similar attacks in Bangladesh. AIB aligned itself with AQIS after al-Qa'ida leader, Ayman al-Zawahiri, announced the establishment of AQIS in September 2014. AQIS has claimed responsibility for the killing, by AIB members, of secularists or critics of Islam in Bangladesh in eight attacks since November 2014.</p> <ul style="list-style-type: none"> • 16 November 2014: Shafi-ul Islam Lilon (atheist and blasphemer) • 26 February 2015: Avijit Roy (Secular blogger) • 30 March 2015: Washiqur Rahman Babu (Secular blogger) • 12 May 2015: Ananta Bijoy Das (Secular blogger) • 7 August 2015: Niladri Chattopadhyay Niloy (Secular blogger) • 31 October 2015: Faisal Arefin Dipan (Publisher of secular content) • 6 April 2016: Nazim Uddin Samad (online activist) • 25 April 2016: Xulhaz Mannan and Tonmoi Mahbub (LGBT advocate) <p><u>Advocating the doing of terrorist acts</u></p> <p>AQIS has publically advocated terrorist attacks in order to further its objectives. Public statements in which AQIS has advocated terrorist attacks include:</p> <ul style="list-style-type: none"> • 3 July 2016: AQIS leader Asim Umar issued a public statement encouraging Muslims in India to follow the example of lone actors in Europe and 'kill the senior officers of institutions and administrative departments that get [people to] start these riots. Target [Indian Administrative Service] and [Indian Police Service] officers. Cause them financial loss.' The encouragement of autonomous, small scale attacks is a departure from the approval and control demonstrated by AQIS over previous attacks.
4.	<p>Details of the organisation</p> <p>AQIS was established with the assistance of al-Qa'ida and shares the same anti-Western ideology. Al-Qa'ida leader, Ayman al-Zawahiri, officially announced the existence of AQIS on 3 September 2014, and identified Pakistan-based Asim Umar as its leader.</p> <p><u>Leadership</u></p> <p>AQIS leader Asim Umar is an Indian national from the northern region of Uttar Pradesh whose birth name was Sanaul Haq. He moved from India to Pakistan in the 1990s. Umar was a Tehrik-e-Taliban Pakistan (TTP) military commander and al-Qa'ida propagandist prior to being named as the leader of AQIS in September 2014. Umar's network of senior jihadists is extensive and this is likely to have been a reason for his appointment as AQIS leader. Umar is reported to have contacts within Harakat ul Jihad-e-Islami (HuJI), Jaish-e-Mohammad (JeM—also listed under the <i>Criminal Code</i>), the Afghan Taliban and the TTP.</p> <p>The close ties between AQIS leadership, the TTP and the Afghan Taliban allow the leadership to</p>

reside in the eastern and southern regions of Afghanistan, and North and South Waziristan, Pakistan.

Membership

AQIS membership was initially drawn from extremist groups in Pakistan, with most members being Pakistani nationals. Members are now being drawn from across South Asia, however, the exact size of AQIS is unknown.

Recruitment and funding

AQIS established a presence in India in 2015 with the intention of radicalising and recruiting Indian nationals. The leader of AQIS in India, Mohammad Asif, was arrested by Indian authorities in late 2015. Asif said that the recruits from India were transported to Afghanistan for training in weapons, tactics and religious studies. In June 2016, charges were filed against 17 alleged AQIS members in Delhi, India, for conspiracy, recruitment for a terrorist act, and membership of a terrorist organisation.

Links to other terrorist organisations

AQIS has close links with al-Qa'ida core (al-Qa'ida is listed as a terrorist organisation under the *Criminal Code*), the Afghan Taliban and TTP. These links allow AQIS to operate and train within the safe haven of eastern and southern Afghanistan, and North and South Waziristan in Pakistan. In October 2015, AQIS leader, Asim Umar, pledged allegiance to the then chief of the Afghan Taliban, Mullah Mansour. Umar is also associated with the terrorist groups, HuJI and JeM.

AQIS is associated with the extremist group AIB—AIB have conducted eight killings of secularists and bloggers in Bangladesh and AQIS has claimed responsibility for each of the eight attacks.

Links to Australia

There are no known links between AQIS and Australia.

Threats to Australian interests

Australian interests have not been targeted by AQIS—however, the anti-Western ideology of the group and AQIS's willingness to undertake large scale, indiscriminate attacks may result in attacks against Australian interests.

In addition, AQIS specifically mentioned an Australian Navy vessel during the planning of the AQIS operation to take control of a Pakistani Navy Ship in 2014. AQIS noted that the Australian Navy was participating in the patrols of sea routes. Targeting of the Australian Navy vessel was abandoned in favour of easier targets.

Listed by the United Nations or like-minded countries

AQIS is listed as a proscribed terrorist organisation by the government of the US and is included in the UK government's listing of al-Qa'ida. The United Nations and other like-minded countries have not listed AQIS at this time.

	<p><u>Engagement in peace or mediation processes</u></p> <p>AQIS is not engaged in any peace or mediation processes.</p>
5.	<p>Conclusion</p> <p>On the basis of the above information, ASIO assesses that AQIS continues to be directly or indirectly engaged in, preparing, planning, assisting in or fostering the doing of terrorist acts or advocates the doing of terrorist acts, involving threats to human life and serious damage to property.</p> <p>In the course of pursuing its objectives, AQIS is known to have committed or threatened actions that:</p> <ul style="list-style-type: none">• cause, or could cause, death, serious harm to persons, serious damage to property, endanger life (other than the life of the person taking the action), or create a serious risk to the health or safety of the public or a section of the public;• are intended to have those effects;• are done with the intention of advancing AQIS's political, religious or ideological causes;• are done with the intention of intimidating the government of one or more foreign countries; and• are done with the intention of intimidating the public or sections of the public.