

TOP SECRET

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REVIEW OF CSIS'S INVESTIGATION OF

(SIRC STUDY 2007-06)

**Security Intelligence Review Committee
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1 INTRODUCTION

Operational activity undertaken within Canada and abroad.

investigation has taken place both in

This review focuses on elements and targets of Investigation, just as previous SIRC reviews on this subject have focussed on particular areas - for instance SIRC Study 2006-08

2 OBJECTIVE AND SCOPE

The objective of this review was to examine the nature and extent of the activities of Service targets Investigation, including the effectiveness and appropriateness of the Service's investigation and an examination of how these targets constitute a threat to the security of Canada.

In fulfilling this objective, this study reviews the Investigation, as well as two aspects of the investigation: cooperation with Canadian agencies abroad and CSIS activities relating to academic institutions.

The review period was January 1, 2004 to December 31, 2006.

3 METHODS AND SOURCES

SIRC reviewed targets authorized under investigation - organizations and individuals. SIRC also reviewed the operations of human sources,

SIRC reviewed electronic documents, including as well as hardcopy documents. Further information was also obtained by asking questions of the Service through memos. Where appropriate, SIRC also reviewed academic literature.

4 OVERVIEW OF INVESTIGATION

The investigation is one of the Service's largest, consisting of targets in 2004.

As part of its reorganization in 2006, the Service created the International Terrorism Branch (ITB),

This section is an overview of various targeting-related aspects of Investigation and provides a broad understanding of the diverse issues within its ambient.

4.1 Threat Related Activities

There are differences in the tactics used by the organizations. Please see Appendix A for more details. because of a larger debate regarding the nature and extent of its threat-related activities. The following section provides an indepth look at

⁹ Director's Report, 2006-2007, p. 14-17.

SIRC found that the debate about [redacted] is a terrorist organization should have been brought to the attention of the Target Approval and Review Committee when it approved the group as a [redacted] target. Accordingly, SIRC recommends that this debate be included in future [redacted] targeting discussions. Though the debate, and any discussion it generates, may not influence the level at which the

group is targeted -

- the

targeting approval process would nonetheless be better informed.

4.2 The Terrorist Entity Listing Process

The *Anti-Terrorism Act* enables the government to create a list of entities identified as being associated with terrorism under section 83.05 of the *Criminal Code*. The Service's role in this process is to prepare Security Intelligence Reports (SIRs) which are considered by the Minister of Public Safety in his/her recommendation to the Governor-in-Council concerning whether or not an entity should be listed. The Service is also responsible for preparing SIRs for the Minister's biannual review of the listed entities.

4.3 Events

There has been a great deal of discussion in recent years about Canada increasing its foreign intelligence capabilities, either by creating a foreign intelligence service or having CSIS broaden its mandate to take on that role. One of the main arguments for moving in that direction is for CSIS to reduce their reliance on allied information.

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5 COOPERATION WITH CANADIAN AGENCIES ABROAD

CSIS has increased its activities abroad in recent years, a trend that is expected to continue, and which has led to an unprecedented level of cooperation with allied agencies. Yet CSIS is just one of many Canadian agencies working abroad, and operating effectively requires that CSIS not only maintain positive relations with foreign agencies, but also with other Canadian agencies which have an international presence.

In the course of this review, SIRC discovered some challenges of working abroad with multiple Canadian agencies: for instance, the potential for mandate overlap between CSIS employees working overseas and officials posted abroad by other Canadian departments. There is also the challenge of effective and timely communication between CSIS officials and representatives of other Canadian departments.

This section outlines the overseas interaction between CSIS and other Canadian government employees.

5.1 Potential for Mandate Overlap

5.2 Effective Communication

In recent years there have been a number of instances of Canadian citizens detained abroad for security-related reasons. The 1987 Memorandum of Understanding between CSIS and the Department of Foreign Affairs and International Trade (known at the time as the Department of External Affairs) does not specifically address this issue.²⁸ The MoU does however require the Security Liaison Officer to inform the Head of Mission of all security intelligence matters for which the SLO is responsible; this does not include raw security intelligence reports or information that could identify human sources.²⁹

²⁸ It is entirely understandable that the issue of Canadian citizens detained abroad was not addressed in the MoU given that it was a rare occurrence in 1987.

²⁹ Memorandum of Understanding between the Canadian Security Intelligence Service (CSIS) and the Department of External Affairs (DEA), October 8, 1987, p. 5 -6. Recently, in the context of the Inspector General's Review of Exchanges of Information, the Service affirmed that the Security Liaison Officer must keep the Head of Mission apprised of significant events such as a detained Canadian in the region. Office of the Inspector General of CSIS, "Review of Exchanges of Information (2005/2006)", November 15, 2006. pg. 7.

5.3 The Need for Enhanced Coordination

The scenarios described above are not meant to obscure the fact that different agencies often play a complimentary role in ensuring the security of Canadian interests.

As well, in November 2007, CSIS and DFAIT signed a protocol concerning cooperation in instances where Canadians are detained abroad as part of national security or terrorism-related cases.³⁵ It is important for CSIS and other Canadian agencies with an international presence and in a similar line of work to engage in an ongoing dialogue, including discussions on a division of labour.

³⁵ *Protocol Between the Department of Foreign Affairs and International Trade and the Canadian Security Intelligence Service Concerning Cooperation in Respect of Consular Cases Involving Canadians Detained Abroad as Part of a National Security or Terrorism-Related Case*, signed November 2, 2007.

6 CSIS INVESTIGATIONS AND ACADEMIC INSTITUTIONS

Academia political, religious, media and trade union fields - referred to as sensitive sector institutions. Owing to their special status as venues for public debate and advocacy on a vast range of issues, Ministerial Direction requires that a higher level of approval be obtained prior to undertaking certain investigative activities which impact, or appear to impact, these institutions.

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SUMMARY OF RECOMMENDATIONS

- SIRC recommends that the debate about _____ is a terrorist organization be included in future _____ targeting discussions.

LIST OF ACRONYMS

ADO Assistant Director of Operations

CT Counter Terrorism

DDO Deputy Director of Operations

DFAIT Department of Foreign Affairs and International Trade

ITB International Terrorism Branch

MoU Memorandum of Understanding

RTA Request for Targeting Authority

SIR Security Intelligence Report

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