

TOP SECRET

**File No.: 2800-163
(TD R514)**

**THE ROLE OF CSIS IN THE MATTER OF ABOUSFIAN ABDELRAZIK
(SIRC STUDY 2011-04)**

**Security Intelligence Review Committee
May 28, 2013**

ATIP version

dated: MAR 14 2019

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1 INTRODUCTION

Abousfian Abdelrazik, a dual Canadian-Sudanese citizen, was arrested by Sudanese authorities in September 2003; he remained in exile in Sudan for six years, unable to secure travel back to Canada.¹ In early 2009, Canadian media reported that his arrest and detention had come at the request of Canadian security intelligence officials, an accusation which CSIS has consistently denied. The allegation also prompted the CSIS Director to write publicly to the Chair of SIRC, asking SIRC to investigate and report on the performance of CSIS's duties and functions with respect to this case.²

In the spring of 2011, SIRC launched a review intended to examine CSIS's involvement in the matter of Abdelrazik from the months leading up to his departure from Canada for Sudan in March 2003, to his eventual return to Canada. SIRC paid particular attention to the first year of this case, which corresponded to CSIS's more active involvement. Our review looked at CSIS's investigation of, and interactions with, Abdelrazik both in Canada and abroad, including any role CSIS may have played in his arrest and detention by Sudanese authorities. It also examined the information that CSIS received from, or provided to, domestic and foreign partners in relation to him. More broadly, SIRC explored CSIS's role and advice in the "whole of government" approach that was ultimately used in Abdelrazik's case.

SIRC found that Abdelrazik has been a

In the course of its investigation, CSIS shared information relating to Abdelrazik with domestic and foreign partners

SIRC found no indication that CSIS requested Sudanese authorities to arrest or detain Abdelrazik.

Indeed, in the months leading up to Abdelrazik's departure and eventual arrest abroad, CSIS kept up to date on any fresh information gleaned from its investigation of him. When Abdelrazik left Canada, CSIS continued to

SIRC found that as this case unfolded, Sudanese authorities remained under the

¹ In June 2009, a Federal Court judge found that the Canadian government had violated Abdelrazik's constitutional right as a citizen to return to Canada and ordered it to facilitate his return. At the same time, Abdelrazik initiated a civil suit against the Canadian government. Federal Court, Docket T-727-08, *Abousfian Abdelrazik vs. The Minister of Foreign Affairs and the Attorney General of Canada* (June 4, 2009).

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impression that Canada, including CSIS, had supported the decision to arrest and detain Abdelrazik. SIRC found that this confusion could perhaps be explained by the fact that the genesis of this case put it front and centre as an intelligence issue, and it was certainly so (according to reporting) in the minds of the Sudanese. Further complicating matters was the fact that the two Canadian government agencies most heavily involved in this case – DFAIT and CSIS – carried out their respective consular and intelligence work concurrently, and sometimes at odds, with each other.

On a final note, SIRC wishes to stress that this case extends well beyond CSIS's involvement and hence, SIRC's mandate. Several other government departments – namely DFAIT, the RCMP, CBSA, Transport played a role in the case of Abdelrazik. SIRC is unable to ascertain the extent to which other departments may or may not have acted on CSIS's advice, or to what extent CSIS information factored into their decision-making. As such, SIRC's review does not constitute the definitive or complete picture on this subject, as other information may emerge from the broad range of documents or reports held outside of CSIS, as well as from ongoing legal processes.

2 METHODOLOGY

SIRC requested all relevant information held by CSIS relating to Abdelrazik that fell within the review period – specifically, operational reporting, internal correspondence, information relating to CSIS's exchanges with domestic and foreign partners, documentation, SIRC submitted questions seeking clarification on a number of issues, and asked to speak to certain key individuals who were directly involved in the investigation and management of this case.

As the review unfolded, CSIS apprised SIRC of legal concerns it had arising from the fact that SIRC's review was running concurrent with Abdelrazik's ongoing civil litigation against the Canadian government. As a result, SIRC's access to the relevant personnel was significantly delayed. Furthermore, CSIS originally provided answers to only some of SIRC's written questions, and in a number of these cases, those answers were not complete.

In time, SIRC did receive full answers from the Service. SIRC was also ultimately able to speak with several of the key personnel involved, although the passage of time since the original events meant that some of those individuals had retired or no longer worked for the Service.

In light of the delays we encountered, SIRC chose to narrow the primary focus of its review to the earlier phase of this case, which corresponded to CSIS's most intense involvement, specifically March 2003 to December 2004.

3 THE INVESTIGATION

Abousofian Abdelrazik arrived in Canada in November 1990, and became a Canadian citizen in 1995. He came to CSIS's attention the following year, in 1996, because of his contact with Islamist extremists in Montreal,

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This information was shared with domestic partners.

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These CSIS disclosures were

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Domestic partners
for example, in October 2001, Abdelrazik was

At the same time, CSIS turned to its foreign partners to help piece together relevant information by carrying out trace requests on individuals contacted by Abdelrazik, and to share information on

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SIRC found that by October 2002, CSIS knew of

4 DEPARTURE FROM CANADA

In late January 2003, CSIS learned from DFAIT that Abdelrazik would be retrieving his passport, which had been held by the Passport Office since November 2001. From this point on, Abdelrazik remained under close physical surveillance.

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SIRC inquired as to whether CSIS had requested that his name also be placed on a "lookout" of some sort, especially upon learning that he had retrieved his passport. While Abdelrazik was on the American FAA's 'no-fly' list CSIS responded that Canada "has no exit controls" and that the lookout system "records only entry into Canada."¹² CSIS also tried to interview Abdelrazik. In February 2003, when two CSIS investigators showed up at his residence to ask him questions concerning his upcoming travel, he called 911 to request police protection. When he came back out of his residence, regional investigators proceeded to ask him some questions in a one-hour interview described as "relativement confrontationnelle." Operational reporting also indicates that at the end of this interview, one of the investigators advised Abdelrazik not to leave Canada.¹³ Based on documentation reviewed, this interview would be CSIS's last interaction with Abdelrazik in Canada prior to his departure for Sudan.

In the aftermath of this encounter, CSIS's information continued to suggest that Abdelrazik's departure was imminent, leading an analyst to write that he was

¹⁴ Combined with the fact

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12 Abdelrazik's name was only placed on a "lookout" "upon confirming his departure as it would only serve of advising the Service of his re-entry into Canada." Memo from CSIS SIRC (August 25, 2011). He was placed on this inbound "lookout" roughly 3 weeks after he left Canada, on April 10, 2003. It is worth noting that Abdelrazik had already been on the American FAA 'no-fly' list since early 2002.

13 SIRC translation: "le soussigné demanda à Abdelrazik si ce dernier se souvenait de la dernière conversation au Canada qu'ils (Abdelrazik et le soussigné) avaient eu et ce que le soussigné lui avait mentionné à la fin de cette rencontre. Ce à quoi Abdelrazik répondit sans hésitation que le soussigné lui avait suggéré de ne pas quitter le Canada." CSIS interviewed Abdelrazik four times prior to him leaving Canada (April 2001, July 2001, September 2001 and February 2003). CSIS later wrote that although the exact purpose of his trip is still unknown "there is reason to believe that he was feeling harassed by Canadian authorities." Briefing Note from CSIS Director to National Security Advisor (signed May 16, 2008).

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that Abdelrazik was in possession of a valid passport, CSIS decided to advise of his possible travel.

¹⁵ CSIS added that it would advise immediately upon learning of his plans to leave the country.¹⁶ Furthermore, CSIS wished to keep abreast of Abdelrazik's travel plans

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There were also internal discussions on possible action to be taken in Canada, namely by Transport Canada, to prevent his departure. In February 2003, the at CSIS HQ wrote that "based on the information we currently have, I have no justification to tell Transport Canada to prevent his travel," adding that should CSIS obtain information suggesting he was about to carry out a terrorist attack or engage in threat-related activity, "naturally, we will then advise the concerned parties immediately." The response of the in Quebec Region was slightly more nuanced, stating that they believed that CSIS's role vis-à-vis Transport Canada "should simply be to inform them (if we don't want the target to leave) that a 'threat to the security of Canada' is about to board a plane As they have done in the past, it would then be up to Transport Canada to decide how to react to our information."¹⁸

In the end, SIRC found no indication that CSIS liaised with Transport Canada on this case in the weeks leading up to Abdelrazik's actual departure for Sudan, and CSIS maintained that as a Canadian citizen with a valid passport, Abdelrazik was free to leave the country if he chose to.

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¹⁸ Emails between and (February 28, 2003).

¹⁹ SIRC meeting with former Quebec Region management, July 20, 2012.

²⁹ All of these collaborative efforts soon produced results.

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5 ARREST BY SUDANESE AUTHORITIES

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That same day, September 10, _____ verbally apprised CSIS that Sudanese authorities had just arrested an individual whom they believed to be Abdelrazik for "infractions committed against Sudanese law," with no further details.

³¹ By early October 2003, CSIS informed DFAIT that

SIRC's review of documentation, most notably the exchanges between CSIS and _____ in late 2002 and early 2003 cited above, suggests that

"³²

SIRC found no indication that CSIS ever directly requested or recommended that Abdelrazik be detained should he leave Canada. However, CSIS had been keeping _____ informed of its investigation since the late 1990s, as seen through dozens of exchanges between the _____ agencies,

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the arrest, by Sudanese authorities, of an individual who appears to be identical to Abdelrazik."

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³² Chronology of Events from 2003 09 10 to 2008 08 29 in the case of Abousofian Abdelrazik (April 28, 2008).

A few days after Abdelrazik's arrest, CSIS provided with a list of questions to be put to Abdelrazik that focussed on his

thereafter,

³³ Shortly

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5.1 Exchanges with

In these early weeks,

Operational reporting indicates that CSIS did not share any information, nor have any direct operational contact, with Sudanese officials prior to Abdelrazik's arrest in September 2003.

³³ This same list of questions was submitted to after a CSIS liaison officer was advised by

a few weeks later

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Accordingly, a CSIS delegation undertook operational travel to Khartoum in late October and interviewed Abdelrazik twice, asking him questions

After the first interview, the CSIS delegation noted that provided us with a reason to ask if we could interview him a second time.” **Although SIRC found no indication that CSIS shared information on Abdelrazik with Sudanese officials prior to the October 2003 visit, did learn from CSIS of some of the intelligence the Service possessed on him during the Service’s interviews of Abdelrazik in Khartoum.**

In the course of these two interviews, CSIS also asked Abdelrazik questions in the presence of who took “copious” notes.³⁸

SIRC asked how CSIS mitigated the risk of exposing

CSIS

responded that

Yet, CSIS provided

with a written report of its interviews containing
³⁹ Accordingly, **SIRC found that in the context of its October 2003 interviews of Abdelrazik in Sudan, and in its subsequent report, CSIS disclosed personal and classified information**

³⁶ Memo from CSIS to SIRC (August 25, 2011).

³⁷ Letter from CSIS DG to DFAIT DG Security and Intelligence Bureau (December 31, 2003).

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³⁹ Memo from CSIS to SIRC (August 25, 2011) and

On the second day, the CSIS delegation briefed a DFAIT officer posted in Khartoum

CSIS indicated that it would be meeting with _____ and _____ intended to raise the issue of consular access at that time, using points prepared by DFAIT. The outcome, however, was not favorable; _____ response was clear in that it considered "[CSIS] access to Abdelrazik to be 'Canadian access.'" Because Abdelrazik was a Sudanese citizen detained under Sudanese law, and because he was _____ "the Sudanese government will not consider any further requests for Canadian consular access." It would take until December 2003 for DFAIT officials to be granted this access.

6 RELATIONSHIP AND EXCHANGES WITH DFAIT

In CSIS's early exchanges with DFAIT on the Abdelrazik matter, the Service did not inform DFAIT of

_____ SIRC inquired as to why CSIS did not share this information, given its apparent relevance to DFAIT's consular efforts in this case. CSIS reiterated to SIRC that

_____ "40 As noted above, however, no documents provided to CSIS from _____ suggest such an interpretation, and indeed suggest the opposite; in fact, one of the few exchanges between CSIS and DFAIT in the days following Abdelrazik's arrest noted that

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CSIS also told SIRC that "the CSIS Act does not require the Service to share information with other GoC departments, it allows for it."⁴² Nevertheless, given the depth of exchanges between CSIS and _____ and more importantly, CSIS's knowledge of _____ the Service could have passed much more useful, timely, and helpful information to DFAIT than it did.⁴³

SIRC believes that, following confirmation of Abdelrazik's departure from Canada for Sudan in 2003, CSIS could have informed DFAIT that

_____ Moreover, upon learning of Abdelrazik's detention in Sudan, CSIS should have been more forthcoming with DFAIT in regards to what it knew about _____ so as to ensure a more coordinated Canadian response to this case.

In the weeks following Abdelrazik's arrest, CSIS did keep DFAIT apprised of new developments in the case. DFAIT also included CSIS in a number of email exchanges, and provided significant amounts of internal departmental correspondence regarding the progress of its consular efforts. Cooperation with DFAIT was carried out both at the HQ level, as well as on the ground in Khartoum. This cooperation, however, could not conceal the fact that both organizations had very divergent goals with respect to this case – one to provide consular assistance to a detained Canadian, the other to try to lessen that same individual's ability to pose a threat to national security.

⁴⁰ Memo from CSIS to SIRC (August 25, 2011).

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⁴² CSIS Answers to SIRC Question Set #3 - Section 54: The Role of CSIS in the Matter of Abousfian Abdelrazik.

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and

6.1 Confusion

In December 2003, DFAIT received permission to undertake its first consular visit with Abdelrazik.⁴⁴ In the aftermath

prompted CSIS to write back that it wished "to clarify that at no time did Canadian authorities request the detention of Abdelrazik to the Sudanese authorities.

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The misconception harboured by Sudanese authorities – that CSIS had requested Abdelrazik's detention – persisted throughout this case. A briefing note prepared for the CSIS Executive in late 2003 noted that a DFAIT representative reported having been told by that "Abdelrazik was detained following the request of a Canadian agency," a claim CSIS vehemently denied stating that it had "made clear that no Canadian agency, and especially not CSIS, had

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asked that Abdelrazik be detained.”⁴⁶ On this issue, CSIS’s position is unwavering: “CSIS never suggested to the Sudanese that they arrest Abdelrazik or that they continue his detention.” CSIS’s officer _____ who was the point of contact in this case, wrote that throughout this case, he had kept in close contact with CSIS HQ and had kept the High Commissioner informed. “I made it very clear from the start [...] that the Service, including our visiting operational people and myself have made no demands of the Sudanese at any time in this case.”⁴⁷ **SIRC’s review of documentation found no indication that CSIS asked Sudanese authorities to arrest Abdelrazik.**

The confusion over CSIS’s involvement can perhaps be explained by the fact that this case began as an intelligence matter – and remained so, and certainly in the minds of the Sudanese. For this reason, even when DFAIT took the lead on the consular case,

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6.2 Intelligence vs. Consular

From the outset of this case, two Canadian government agencies played a lead role, but each with a specific mandate and desired outcome. While CSIS was investigating an individual suspected of being a threat to national security, DFAIT was trying to provide consular assistance to the same individual. This situation led to disagreement over the course of action to be taken, and may have further contributed to confusion within Sudan with respect to Canada’s ultimate position vis-à-vis Abdelrazik.

The tension was apparent in exchanges that occurred in late 2003–early 2004 when DFAIT advised CSIS that it would be sending a note to Sudanese authorities asking that Abdelrazik be charged or released. Although CSIS was “fully cognizant of the consular requirements” which DFAIT was seized with in this case, CSIS felt it was important to inform DFAIT of “Abdelrazik’s threat pedigree, as informed by CSIS’s investigation.” For its part, while noting CSIS’s security concerns, DFAIT indicated that it was “obliged to follow consular practices.”⁴⁹ In a subsequent exchange, a DFAIT official wrote “I believe

⁴⁶ SIRC translation: “Abdelrazik était détenu suite à une demande d’une agence canadienne” and “aucune agence canadienne, et certainement pas le Service, n’avait demandé qu’Abdelrazik soit arrêté.”

⁴⁷ Memo from CSIS to SIRC (August 25, 2011)

⁴⁸ Two years into Abdelrazik’s detention, the Sudanese were still telling DFAIT that he was arrested ‘ recommendation by CSIS,

⁴⁹ SIRC translation: “Le Service a également cité ses préoccupations d’ordre sécuritaire concernant Abdelrazik et Néanmoins, le MAECI a indiqué qu’ils avaient l’obligation de suivre leur pratique consulaire.

you will agree that it would be unreasonable to expect any country to continue to detain Abdelrazik [...] we would like to know what CSIS is proposing we should do? At the same time, we need further clarification as to what threat to Canadian interests would ensue if Abdelrazik is released.” A senior CSIS official responded:

“We simply want to make it crystal clear what Abdelrazik is -
The fact he holds Canadian citizenship does not diminish this reality.

SIRC found that on the issue of Abdelrazik’s release from Sudanese custody, CSIS’s advice to DFAIT was unequivocal and consistent: Abdelrazik and his release would

SIRC further noted that while this assessment flowed from CSIS’s ongoing investigation of Abdelrazik’s activities, CSIS rarely employed qualifiers such as or in its assessment of Abdelrazik and in its exchanges with DFAIT.⁵¹ In addition to the above referenced message, in June 2004, CSIS again wrote to DFAIT that

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Further blurring the line between intelligence and consular work in this case were CSIS’s ongoing efforts to On this point, a senior CSIS official reminded DFAIT that the Service was

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51 The 2001 Anti-Terrorism Act criminalized terrorism, which in turn created a new threshold for labelling someone a “terrorist”. In addition, both the subsequent Justice O’Connor and Justice Iacobucci Inquiries noted the harsh downstream effects that result from the creation of a distorted picture of the target.

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53 Email from to DFAIT (December 17, 2003).

By summer 2004, as Sudanese officials grew increasingly frustrated over what to do with Abdelrazik, CSIS appeared to be trying to extricate itself – to some degree – from the case. In June, CSIS informed DFAIT “that any issues pertaining to Abdelrazik’s detention, including his possible release, is considered by the Service to be strictly a consular affair and that Foreign Affairs Canada is therefore the lead agency on these matters.”⁵⁴

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Thus, as this case unfolded, parallel discussions taking place between security officials and foreign affairs officials (i.e. DFAIT and the Sudanese Ministry of Foreign Affairs). CSIS’s continued involvement,

SIRC found, therefore, that in the months following Abdelrazik’s 2003 arrest, intelligence work and consular efforts were carried out concurrently, and sometimes at odds, with each other.

⁵⁴ CSIS added that “to ensure that there is no confusion, the Service will be advising its foreign partners that any questions regarding Abdelrazik’s detention should be referred to the appropriate FAC representative(s).”

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7 2004 RELEASE FROM CUSTODY

As previously noted,

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As the weeks passed, however, the Sudanese found it increasingly difficult to justify Abdelrazik's continued detention. In the spring of 2004, rumors of Abdelrazik's possible release began to circulate. CSIS reacted by requesting DFAIT to advise it immediately should this happen and to provide a copy of his itinerary because

The senior CSIS official continued

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In June 2004, as DFAIT renewed its consular efforts, the Sudanese were still unsure as to whether Canada wanted him released or detained. A Sudanese Ministry of Foreign Affairs official told DFAIT that

The official further stated that

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By July 2004, after many twists and turns, the Sudanese authorities appeared ready to release Abdelrazik. In anticipation, CSIS liaised with several domestic partners, notably Transport Canada, to keep them informed of relevant developments. It also sent a dozen of its domestic partners (including the RCMP, the Department of Public Safety, CBSA, PCO, PMO, Department of National Defense, and Transport Canada) a comprehensive Threat Assessment of Abdelrazik. The assessment provided an overview of the information CSIS held, as well as their assessment of the

Included in that assessment were the following two statements:

first, that

and second,

that

Given Abdelrazik's

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SIRC asked what information CSIS possessed in support of these two claims. In the first case, CSIS confirmed that as of July 2004, it had no more "recent" information than the

Furthermore, CSIS confirmed that

60 SIRC found that information contained in the CSIS provided to domestic partners in the summer of 2004 exaggerated and inaccurately conveyed the nature and immediacy

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⁵⁸ This statement prompted SLO to reiterate that CSIS had never requested Abdelrazik's detention and to state that throughout this case, "I have kept the High Commissioner informed and I made it very clear from the start [...] that the Service, including our visiting operational people and myself have made no demands of the Sudanese at any time in this case."

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⁶⁰ Memo from CSIS to SIRC (August 25, 2011).

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"⁶³ For its part, CSIS informed Transport Canada of by Abdelrazik and of his possible flight itinerary,⁶⁴ information it also provided to ⁶⁵ and to partners ⁶⁶

Nonetheless, Sudanese authorities soon came to believe that they had reached the limits of their ability to hold Abdelrazik without charges. Consequently, he was released in late July 2004, but was unable to secure a flight out of the country

The situation irritated Sudanese authorities, who grew increasingly

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impatient and wanted Abdelrazik out of their hands. In late August 2004, a DFAIT official reported that while visiting his Sudanese foreign affairs counterparts, the question was asked whether a Canadian minister who would soon be visiting Sudan "could take Abdelrazik back to Canada." A few weeks later, in an effort to bring a quick resolution to the issue, the Sudanese proposed to DFAIT "to make an aircraft available to bring [Abdelrazik] back to Canada" and that this could be made

adding that
Sudanese pointed out that the

The

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By the end of 2004, the Abdelrazik matter had become a much larger Canadian government problem involving DFAIT, the RCMP, Passport Office, PCO, Transport Canada, Public Safety, DND and CSIS. Around this time, meetings between all these departments began to be held periodically to update each other on recent developments.

⁶⁹ At this point, CSIS's investigation and involvement began to recede; although Abdelrazik remained an active CSIS target, very little new information was added to the file with any regularity, and most communication with allies centered around ongoing rumours of his

⁶⁷ The request was denied on the grounds that Abdelrazik may have been inadmissible in the countries where the plane would land on the way to Canada.

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return to Canada or else the possibility of disclosing older CSIS information in possible court proceedings abroad.

Events did continue to evolve in Abdelrazik's case. In October, 2005, after requesting (but being denied) Canadian Embassy officials to accompany him to a meeting he was required to attend with the Sudanese police, Abdelrazik was re-arrested and held for another 11 months. He was released on July 20, 2006, accompanied by statements from the Sudanese government that they could no longer hold "an innocent man". Within days, it became known that Abdelrazik had been added to the United Nations 1267 "no-fly" list; this not only expanded his travel ban, but resulted in his personal assets being frozen, and made it illegal for anyone to raise funds on his behalf. Abdelrazik was also added to the UN National Security Council list of Al Qaeda members.

On April 29, 2008, Abdelrazik visited the Canadian embassy in Khartoum elected simply to remain there. Canadian officials allowed him to maintain a temporary safe haven; he would remain at the embassy for over a year, until his return to Canada.

Certain that the UN no-fly list had a specific exemption to allow even a banned individual to return to their home country, in May 2009, Abdelrazik's Canadian lawyers argued before the Federal Court, that Canada had an obligation to repatriate Abdelrazik. On June 4, 2009, the Federal Court of Canada ruled that the Government of Canada did indeed have an obligation to repatriate Abdelrazik. The Court set June 19 as the deadline for repatriation. Although that deadline was missed, Abdelrazik returned to Canada shortly thereafter on June 27, 2009.

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Over the course of its review, SIRC examined elements of CSIS's ongoing investigation of Abdelrazik in Canada while he remained incarcerated in the Sudan.

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9 OBSERVATIONS A DECADE ON

It has been a decade since Abdelrazik first left Canada for the Sudan, and since CSIS carried out most of the activities and liaison discussed in this study. Since that time, the global context in which counter-terrorism activities take place has shifted, a raft of new Service policies have come into force due to inquiries, court cases and SIRC recommendations, and CSIS has become a very different organization. This section is meant to provide an overview of those changes. As is discussed below, CSIS has already taken action on a number of the conditions which gave rise to SIRC's concerns about the activities of 2003-2004, and SIRC has already made a number of recommendations since that time which address those same concerns.

A primary difference between the CSIS of 2003 and the CSIS of 2013 is the expansion of its activities overseas. In the intervening decade, CSIS moved from viewing its overseas presence as largely one which facilitated liaison with international partners,

Signifying this

shift was the transformation from

The result of this expanded overseas stance has several implications for the difficulties encountered in this study.

First, CSIS is now expected to coordinate its efforts much more actively and regularly with DFAIT, and has signed a number of Memorandums of Understanding to that effect. In addition to a specific MOU involving Support to Overseas Missions, the MOU concerning *Intelligence Cooperation and Technical Assistance between the Department and the Service* outlines the parameters for the Service's

to be posted at foreign DFAIT missions, sets up the expected reporting relationships, and creates a Joint Management Team between the two organizations. Such MOUs dictate that the DFAIT Head of Mission be kept abreast of CSIS activity in the host country and, in a particular feature relevant to the Abdelrazik case, provide a mechanism whereby CSIS can stand in for DFAIT in circumstances where local governments or agencies refuse to work with anyone but another intelligence agency. SIRC has already reviewed this working partnership, and has made recommendations for its improvement.

For example,

Second, in the intervening years between Abdelrazik's departure and this review, the issue of information-sharing – whether with close allies or with more
has moved from a sporadic to a much more regular, and hence scrutinized, concern. Beginning with Justice O'Connor's Commission of Inquiry into the Actions of Canadian Officials in Relation to Maher Arar, information-sharing has been on the radar of the public, the Service, and SIRC. Given the role of the exchanges with
in the case cited above, SIRC's reviews and recommendations on this topic over the past few years have spoken directly to the inherent risks and required safeguards of such exchanges. Most recently, SIRC Study 2011-08 – CSIS's Relationship with – updated SIRC's review of the regime of caveats and assurances, which both the O'Connor Commission and the Government of Canada have endorsed as a necessary protection against the unwanted and un-nuanced spread of intelligence information to foreign agencies with suspected human rights abuses.

Responses from the Service concerning these recommendations will attest as to the Service's progress on the issue of assurances in particular.

Moreover, the attention – public and political – raised by measures such as Justice O'Connor's Commission and the subsequent discussion in the media and among Parliamentarians, has created a level of awareness within CSIS concerning the new level of expectation surrounding its work abroad. In SIRC Study 2008-05, which examined CSIS's Role in the Case of Omar Khadr, SIRC relayed those expectations by noting that it was incumbent upon CSIS "to implement measures to embed the values stemming from recent political, judicial and legal developments in its day-to-day work in order to maintain its own credibility." In addition, SIRC noted that given CSIS's expanding foreign collection, it was also important for the Service "to demonstrate that it has the professionalism, experience and know-how required to make the difficult decisions that arise when conducting operations abroad."

Thirdly, and in a note related to the point explored above, SIRC Study 2011-08 also examined

Fourthly, CSIS has, in recent years, significantly shored up its presence at major Canadian airports. As SIRC Study 2008-06 and the resulting follow-up by SIRC have suggested,

they are simply much more in tune with how that environment works. As a result, the massive gap in information concerning Abdelrazik's initial departure would, today, be much less likely to occur.

In summary, SIRC believes that if the provisions outlined by judicial bodies, government requirements, and SIRC recommendations over the past decade concerning collaboration with government partners, information sharing, and intelligence collection were all fully implemented, many of the difficulties arising in the Service's investigation of Abousfian Abdelrazik would likely not occur today. We strongly encourage CSIS to re-visit the list of recommendations SIRC has been provided in the intervening years concerning: the Service's work with DFAIT and other Canadian partners; its use of caveats and assurances, and; its expansion of activities overseas. In each case, the Service should approach this exercise with the aim of ensuring that the gaps and shortcomings highlighted in those recommendations have been fully addressed, and the associated changes have been integrated into standard CSIS policy and practice.

10 CONCLUSION

SIRC has found it challenging to put the findings of this review into the appropriate context. As noted above, it has been nearly a decade since Abdelrazik first left Canada for the Sudan, and in the time since the events of 2003 and 2004, much has changed. CSIS policy on relationships with domestic and foreign partners has been re-written, MOUs between agencies have been updated, and the Service's entire program of operations abroad barely resembles what it was in the years covered by this review. Moreover, Abdelrazik's case has become much broader and more complex than his identity as a CSIS target, as a raft of other agencies – and governments – wrestled over his fate.

For all of these reasons, SIRC elected not to present any recommendations to policy or practice as part of this review. At the end of the day, most of the relevant CSIS policies have already changed or been adapted since.

Nonetheless, we believe there are a number of valuable lessons to be drawn from SIRC's review of CSIS's role in the case of Abousfian Abdelrazik. That CSIS produced assessments based on incorrect and exaggerated information on the target should be of concern, as should the fact that despite existing policy and senior management direction, classified information was shared

There are also important concerns in regard to CSIS's relationship with its Government of Canada partners, especially, in this case, DFAIT. As SIRC has pointed out in a range of recent studies, CSIS is rapidly expanding abroad, and is becoming a much more frequent and integrated partner with other large government agencies. If it is going to pursue that role, however, CSIS will be facing the increased responsibilities and expectations which accompany them. For CSIS to tell SIRC in 2012 that existing legislation and MOUs "allow but do not require" CSIS to share information that would be of critical importance to the work of government partners is technically correct, but greatly minimizes – if not undermines – the entire intention of fostering closer and more integrated working relationships among government agencies. SIRC strongly encourages CSIS to view this report as a detailed retrospective, and an opportunity to re-evaluate its posture and approach to being party to a whole of government approach.

The above having been stated, SIRC's exploration of this issue rests on the findings presented above, all of which help illuminate and clarify major components of CSIS's involvement in this case.

SIRC FINDINGS

SIRC found that by October 2002, CSIS knew of

CSIS did not learn of Abdelrazik's departure from Canada in March 2003 until after he had left and, therefore, was unable to share his travel itinerary with any domestic or foreign partners.

SIRC found no indication that CSIS ever directly requested or recommended to that Abdelrazik be detained should he leave Canada. However, CSIS had been keeping informed of its investigation of him since the late 1990's, as seen through dozens of exchanges between agencies,

Operational reporting indicates that CSIS did not share any information, nor have any direct operational contact, with Sudanese officials prior to Abdelrazik's arrest in September 2003.

Although SIRC found no indication that CSIS shared information on Abdelrazik with Sudanese officials prior to the October 2003 visit, did learn from CSIS of some of the intelligence the Service possessed on him during the Service's interviews of Abdelrazik in Khartoum.

SIRC found that in the context of its October 2003 interviews of Abdelrazik in Sudan, and in its subsequent report, CSIS disclosed personal and classified information

SIRC believes that, following confirmation of Abdelrazik's departure from Canada for Sudan in 2003, CSIS could have informed DFAIT that
Moreover, upon learning of Abdelrazik's detention in Sudan, CSIS should have been more forthcoming with DFAIT in regards to what it knew about so as to ensure a more coordinated Canadian response to this case.

SIRC's review of documentation found no indication that CSIS asked Sudanese authorities to arrest Abdelrazik.

SIRC found that on the issue of Abdelrazik's release from Sudanese custody, CSIS's advice to DFAIT was unequivocal and consistent: Abdelrazik

SIRC found that in the months following Abdelrazik's 2003 arrest, intelligence work and consular efforts were carried out concurrently, and sometimes at odds, with each other.

SIRC found that information contained in the assessment CSIS provided to domestic partners in the summer of 2004 exaggerated and inaccurately conveyed