

SECURITY INTELLIGENCE REVIEW COMMITTEE

TOP SECRET – CEO

SIRC REVIEW 2015-09

CSIS'S INVESTIGATION OF CANADIAN

"FOREIGN FIGHTERS"

SUMMARY

This review examined the initiatives and challenges related to CSIS's overseas collection activities, with particular attention on how intelligence is obtained on foreign fighters entering conflict zones such as Syria and Iraq.

The study observed that multiple failings in policy, process and managerial direction occurred including the absence of timely consultation with Department of Justice, National Security Litigation and Advisory Group regarding

To address these findings, SIRC recommended that CSIS seek legal clarification on whether CSIS employees and CSIS human sources are afforded protection under the common law rule of Crown Immunity in regards to the terrorism-related offences of the Criminal Code of Canada.

SIRC also recommended that CSIS create country-specific strategies where considerable operational activity transpires, and related to this, that CSIS HQ take on a more decisive leading role in certain foreign activities when necessary. Lastly, SIRC recommended that CSIS create, on a priority basis, a risk analysis framework to operationalize the 2015 Ministerial Direction for Operations and Accountability, which requires CSIS to consider operational, political, foreign policy, and legal factors when assessing risk.

File No. 2800-204

ATIP version

FEB 20 2019

dated: _____

Table of Contents

1	INTRODUCTION	3
2	METHODOLOGY	4
3	THE EVOLVING FOREIGN FIGHTER PHENOMENON	5
3.1	CSIS Strategy	5
3.2	Operational Challenges	6
4	.....	8
4.1	.....	8
4.2	.....	10
4.3	.....	11
4.3.1	.....	11
4.3.2	.....	15
4.3.3	.....	17
4.3.4	.....	18
4.3.5	.....	20
5	MOVING FORWARD	21
5.1	Strategic Direction and Prioritization	21
6	CONCLUSION	24
	FINDINGS	25
	RECOMMENDATIONS	26
	APPENDIX A:	27

ATIP version

FEB 20 2019

dated: _____

1 INTRODUCTION

Last year, SIRC undertook its first focused review of CSIS's investigation of the foreign fighter threat by focusing on domestic investigative efforts. As the review could only provide a partial assessment of a broad investigation, SIRC committed to a follow-up study this year. This review set out to examine the initiatives and challenges related to CSIS's overseas collection activities on the foreign fighter threat,

The study observed that multiple failings in policy, process and managerial direction occurred

A key focus of this review was to examine the direction and parameters surrounding the handling of sources overseas. Ultimately, SIRC believes that CSIS needs to bring additional strategic clarity on what is expected of foreign operations, and furthermore, how employees are expected to navigate through operational complexities. SIRC noted that legal questions were raised by CSIS personnel at various key stages but that consultation with the Department of Justice, National Security Litigation and Advisory Group (NSLAG) did not occur in a timely manner.

To this end, SIRC recommended that CSIS seek legal clarification on whether CSIS employees and CSIS human sources are afforded protection under the common law rule of Crown Immunity in regards to the terrorism-related offences of the *Criminal Code* of Canada (*Criminal Code*). SIRC also recommended that CSIS create country-specific strategies where considerable operational activity transpires, and related to this, that CSIS HQ take on a more decisive leading role in certain foreign activities when necessary. Lastly, SIRC recommended that CSIS create, on a priority basis, a risk analysis framework to operationalize the 2015 Ministerial Direction for Operations and Accountability, which requires CSIS to consider operational, political, foreign policy, and legal factors when assessing risk.

ATIP version

dated: FEB 20 2019

2 METHODOLOGY

This review took an in-depth look at CSIS's foreign fighter strategy using a three-pronged approach. First, SIRC sought a broader perspective on CSIS's evolving foreign fighter strategy, including how resources –
– have been re-directed and/or redeployed to address what the CSIS Director has described as “an absolute top priority.” Second, the review looked at CSIS's
in response to the threat of foreign fighters and the attendant challenges associated with such activities. Finally, a detailed case study was devoted to the

Over the course of the review, SIRC accessed a wide range of CSIS documentation contained in corporate and operational databases,¹ as well as access to correspondence between CSIS HQ and CSIS foreign stations.² Numerous meetings with key CSIS representatives were also held to seek additional clarity on specific issues under review.³

The core review period was January 1, 2014 to October 31, 2015; however, information from outside this period was used to make a full assessment on specific aspects of CSIS's investigation into foreign fighters.

² retrievable correspondence was provided to SIRC's satisfaction. all

³ SIRC Meetings with:

ATIP version

FEB 20 2019

dated: _____

3 THE EVOLVING FOREIGN FIGHTER PHENOMENON

The history of CSIS's investigation of foreign fighters goes back to the collapse of the Soviet Union. The resulting instability in areas such as Chechnya, Bosnia, Lebanon and Pakistan led to various conflicts which drew some level of support from their respective ethnic and religious Diasporas, including those in Canada.

by 2012, CSIS was aware of several dozen Canadians who had travelled to these locations. At the same time, Syria became a magnet for radicalized individuals.

The emergence of the Islamic State of Iraq & Levant (ISIL) has demonstrated unprecedented prowess in recruiting radicalized Westerners. Moreover, when accounting for non-Western fighters, ISIL has attracted the largest number of foreign fighters in modern history. Of note, many foreign fighters in this conflict were not from communities directly, or historically, connected to Syria or Iraq.⁴

3.1 CSIS Strategy

⁴ Refer to SIRC Study 2014-05, p.2.

ATIP version

dated: FEB 20 2019

5

3.2 Operational Challenges

CSIS faces a number of challenges in addressing the threat of foreign fighters.⁶

Considerable media attention has focused on the number of foreign fighters as a measurable threat-indicator. What is known is that the number of travelers entering conflict zones from Canada is growing, from 145 in 2014, to 180 by late 2015. Likewise, CSIS's target numbers have increased,

FOREIGN FIGHTERS

STUDY 2015-09

TOP SECRET-CEO

ATIP version

dated: FEB 20 2019

7

4

4.1 Background

ATIP version

dated: FEB 20 2019

FOREIGN FIGHTERS

STUDY 2015-09

TOP SECRET-CEO

ATIP version

FEB 20 2019

dated: _____

9

4.2

10

ATIP version

FEB 20 2019

dated: _____

4.3

4.3.1

FOREIGN FIGHTERS

STUDY 2015-09

TOP SECRET-CEO

ATIP version

dated: FEB 20 2019

12

FOREIGN FIGHTERS

STUDY 2015-09

TOP SECRET-CEO

ATIP version

dated: FEB 20 2019

13

ATIP version

dated: FEB 20 2019

FOREIGN FIGHTERS

STUDY 2015-09

TOP SECRET-CEO

ATIP version

dated: FEB 20 2019

15

FOREIGN FIGHTERS

STUDY 2015-09

TOP SECRET-CEO

ATIP version

dated: FEB 20 2019

16

4.3.3

4.3.4

ATIP version
FEB 20 2019

dated: _____

FOREIGN FIGHTERS

STUDY 2015-09

TOP SECRET-CEO

ATIP version

dated: FEB 20 2019

FOREIGN FIGHTERS

STUDY 2015-09

TOP SECRET-CEO

ATIP version

FEB 20 2019

dated: _____

20

5 MOVING FORWARD

5.1 Strategic Direction and Prioritization

ATIP version

dated: FEB 20 2019

Today, CSIS increasingly operates and therefore, renewed efforts must be made so that operational planning is more reflective of this reality. Therefore, **SIRC recommends that CSIS create country-specific strategies where considerable operational activity transpires.** Included in these strategies should be an assessment of risks, irrespective of whether or not a particular operation is going to transpire.

SIRC recommends that a process be devised which prompts CSIS HQ to take on a more decisive leading role in certain foreign operations.

ATIP version

dated: FEB 20 2019

22

CSIS must have candid discussions in advance of an operation

Clearly, the particulars must be assessed on a case-by-case basis, yet at present, CSIS does not possess a framework to make such assessments. Accordingly, **SIRC recommends that CSIS create, on a priority basis, a risk analysis framework to operationalize the Ministerial Direction for Operations and Accountability (2015) requiring that CSIS consider operational, political, foreign policy, and legal factors when assessing risk.**

ATIP version

dated: FEB 20 2019

23

6 CONCLUSION

This review underscored the need for CSIS to address lingering challenges associated with requirements, CSIS must establish clear parameters and redlines and ensure that further attention is given to the strategic orientation of overseas activities, including a supplementary role by HQ in certain circumstances.

Although overseas operations have always been complex and dangerous undertakings, the risks associated with working against ISIL are particularly challenging. CSIS can expect these challenges to increase further as renewed efforts are made to address the Government's commitment to the western coalition for enhanced intelligence from within Iraq and Syria. Experience gleaned from CSIS's time within Afghanistan will be put to the test, as will requirements for novel approaches to problems particular to the Iraq/Syria area of operations.

Next year, SIRC will continue to examine specific aspects of the foreign fighter investigation

ATIP version

FEB 20 2019

dated: _____

24

FINDINGS

SIRC found that, in order to comply with the 2008 Ministerial Direction for Operations, the CSIS Director should have notified the Minister

SIRC found that CSIS failed to create a timely strategic plan, comprised of advice from NSLAG,

SIRC found that GAC authorities, who must rely on CSIS for advice on security and intelligence issues, were insufficiently briefed

ATIP version

dated: FEB 20 2019

RECOMMENDATIONS

SIRC recommends that CSIS seek legal clarification on whether CSIS employees and CSIS human sources are afforded protection under the common law rule of Crown Immunity in regards to the terrorism-related offences of the *Criminal Code*.

SIRC recommends that CSIS create country-specific strategies where considerable operational activity transpires.

SIRC recommends that a process be devised which prompts CSIS HQ to take on a more decisive leading role in certain foreign operations.

SIRC recommends that CSIS create, on a priority basis, a risk analysis framework to operationalize the Ministerial Direction for Operations and Accountability (2015) requiring that CSIS consider operational, political, foreign policy, and legal factors when assessing risk.

ATIP version

dated: FEB 20 2019

APPENDIX A: **Timeline**

- SIRC Members Question

June 2015

- CSIS Internal Review completed

Fall 2015 - March 2016

ATIP version

FEB 20 2019

dated: _____

FOREIGN FIGHTERS

STUDY 2015-09

TOP SECRET-CEO

SIRC's review

ATIP version

dated: FEB 20 2019