

**TOP SECRET**

**File No.: 2800-135  
(TD R470)**

**CSIS SUPPORT FOR CANADIAN OPERATIONS ABROAD:  
A CASE STUDY**

**(SIRC STUDY 2007-04)**

**Security Intelligence Review Committee  
May 26, 2008**

**ATIP version**

**NOV 05 2019**

**dated: \_\_\_\_\_**

## TABLE OF CONTENTS

1	INTRODUCTION .....	2
1.1	Objective .....	3
1.2	Scope and Methodology .....	3
2	THE KIDNAPPING AND RESCUE OF THE CHRISTIAN PEACEMAKERS .....	5
2.1	The Kidnapping .....	5
2.2	The Government of Canada's Response .....	5
2.2.1	CSIS's Contribution .....	6
2.3	The Rescue .....	8
3	DIRECTION AND GUIDANCE FOR EXPANDED FOREIGN INVESTIGATIVE ACTIVITY .....	10
3.1	Ministerial Direction .....	10
3.2	Policy Guidance .....	12
4	SIRC'S OBSERVATIONS CONCERNING CSIS' CHRISTIAN PEACEMAKERS OPERATION .....	15
4.1	.....	15
4.3	Organizational Culture .....	20
4.3.1	Internal Communication .....	20
4.4	Assessment of Risk in Relation to Human Source Operations .....	22
5	CSIS-DFAIT INTERACTION ABROAD .....	24
5.1	DFAIT's Global Security Reporting Program .....	24
6	CONCLUSION .....	26
	SUMMARY OF FINDINGS .....	27
	SUMMARY OF RECOMMENDATIONS .....	28
	LIST OF ACRONYMS .....	29

## 1 INTRODUCTION

As the Director of CSIS outlined in his speech at the 2006 Canadian Association for Security and Intelligence Studies conference, Canada's borders cannot protect the country from many of the current threats it faces. On the contrary, Canadian lives and property are at risk from the actions of individuals and groups residing in foreign countries, as are Canadians working or travelling abroad. In this respect, one of CSIS's top challenges is "to strengthen [its] capacity to operate effectively outside of Canada in support of [its] core national security mandate." A case study of this "new departure from past operations" is CSIS's contribution to efforts to rescue the Canadian hostages in Iraq, who were kidnapped in November 2005.

CSIS's role in Canada's efforts to rescue the Christian Peacemakers Team (CPT) included two important components. The first was to rescue the hostages; the second was

CSIS's participation in 'Team Canada,' the inter-departmental working group responsible for rescuing the CPT,

## 1.1 Objective

SIRC sought to develop a better understanding of CSIS's 'new departure from past operations' – its increasing capacity to operate effectively outside Canada. To do this, we examined as a case study CSIS's role in 'Team Canada' efforts to rescue the CPT.

The following questions guided SIRC's research.

- Is existing Ministerial Direction (MD) and policy guidance adequate in light of CSIS's expanding foreign investigative activity?
- Are there any specific "lessons learned" that CSIS can draw from the CPT rescue efforts for expanded foreign investigative activity; and if so, what are they?
- As CSIS expands its capacity to operate abroad, how is it interacting with federal departments and agencies who already have a significant international presence?
- Did CSIS comply with relevant legislation, MD, and memoranda of understanding in the CPT rescue efforts?
- Finally, are there specific challenges for review bodies in examining an operation like the inter-departmental 'Team Canada' effort to rescue the CPT?

## 1.2 Scope and Methodology

The review period was October 1, 2005 to October 31, 2006.

Within this time frame, SIRC examined the following documents pertaining to CSIS's role in the efforts to rescue of the Christian Peacemakers:

These documents were the basis for determining CSIS' compliance with legislation and MD. They also allowed us to develop a better understanding of CSIS's expanding foreign investigative activity in relation to the CPT operation.

**ATIP version**

dated: NOV 05 2019

## 2 THE KIDNAPPING AND RESCUE OF THE CHRISTIAN PEACEMAKERS

After the rescue of the CPT, the Foreign Affairs Minister confirmed that several Canadian agencies had been involved, including CSIS, DND, and the RCMP.<sup>7</sup> Except for a couple of references to the “instrumental role” played by JTF-2,<sup>8</sup> however, there was little media information about the actions of individual agencies. It is thus important to outline the CPT case before exploring broader questions related to CSIS’s focus on strengthening its capacity to operate effectively outside Canada.

### 2.1 The Kidnapping

In the morning of November 26, 2005, the CPT met with Shia representatives to discuss Sunni-Shia tensions in Iraq. In the afternoon they met with representatives of the Muslim Ulama Council (MUC) at a Sunni mosque regarding the same issue. It was reported that this meeting did not go particularly well, and upon leaving the mosque the kidnapers – a group of nine men – forced the CPT off the road and took them hostage.

### 2.2 The Government of Canada’s Response

Two days after the kidnapping, the Prime Minister committed the Government of Canada to actively participate in the multi-national effort to rescue the CPT. DFAIT

---

<sup>7</sup> CTV, “Elite Canadian soldiers helped free hostages” (March 24, 2006).

<sup>8</sup> CTV, “Elite Canadian soldiers helped free hostages” (March 24, 2006); CBC News, “Military operation frees 2 Canadian hostages in Iraq” (March 23, 2006); CBC News, “RCMP confirms its involvement in freeing three Western hostages” (March 23, 2006).

assumed the role of lead department, coordinating the initial response with its counterparts in Britain and the United States. DFAIT also chaired an inter-departmental working group,<sup>10</sup> which at the beginning of the crisis met on a daily basis.

At the first inter-departmental meeting, DND and the RCMP indicated that they were seeking authority to deploy eight officers, four from each organization, with experience in hostage negotiation, major crime investigation, and special operations. The RCMP contingent – a hostage negotiation team – arrived in Baghdad on December 1, 2005, joining DFAIT's Chargé d'Affaires. The DND contingent arrived shortly thereafter.

### 2.2.1 CSIS's Contribution

CSIS immediately designated the CPT kidnapping as a "special event." Based on this, the ADO issued an Executive Directive on December 3, 2005,

---

<sup>10</sup> Members of this inter-departmental working group included CSIS, DND, PCO, PS, and RCMP.

SIRC found that CSIS officers increased the effectiveness of 'Team Canada' in two ways. they provided direct access to information

Both in its liaison activities and in its handling of human sources, SIRC found that CSIS complied with the Act, MD, and applicable memoranda of understanding during its CPT operation.

### 2.3 The Rescue

**ATIP version**

NOV 0 5 2019

dated: \_\_\_\_\_

### 3 DIRECTION AND GUIDANCE FOR EXPANDED FOREIGN INVESTIGATIVE ACTIVITY

the CPT operation was to rescue the hostages,

Given this changing nature of CSIS operations, it is appropriate to examine the 2001 MD and current operational policies to assess whether they provide adequate guidance to officers.

#### 3.1 Ministerial Direction

The 2001 MD states,

the Government and the people of Canada expect a high level of performance by the Service in its discharge of responsibilities under the *CSIS Act*. The foundation of this expectation is the exercise of due regard for the rule of law and respect for the rights and freedoms of Canadians as guaranteed under the *Charter of Rights and Freedoms*.

The question of when, and how, to apply the *Charter* to CSIS operational activities in foreign countries will become more significant as CSIS goes beyond its traditional liaison function. In a legal opinion prepared for SIRC, Murray Rankin and Catherine Parker argue that "actions by Canadian officials outside of Canada will have *Charter* implications," although "the full extent of the ability of non-citizens to assert *Charter* rights...is uncertain."<sup>26</sup> This 'uncertainty' is potentially problematic, as it could have an impact on the collection activities of CSIS officers in foreign countries. Any direction

---

<sup>26</sup> Murray Rankin and Catherine Parker, "Legal Opinion Respecting the *Canadian Charter of Rights and Freedoms*" (August 3, 2004), page 1.

Rankin and Parker state more fully in the body of their opinion that "*Cook* was the first case in which the Court found a *Charter* breach occurring outside Canada. As a result of this decision, it is clear that there is no strict territorial limit on the applicability of the *Charter*. In addition, in *Cook* it was a non-resident who was held to be entitled to assert the *Charter* rights....At the present time, it appears that all actions of Canadian officials abroad, undertaken in their official capacity, may be subject to *Charter* scrutiny, as long as that does not interfere with the sovereignty of the host state. However, we think that there is a good possibility that in a future case, the Court will hold that *Charter* rights can only be asserted by those persons who have a significant enough connection to Canada that they should be held to possess rights granted by the Canadian constitution. This might be satisfied by Canadian citizenship or residency, or by being compelled to participate in the Canadian justice system..." (pages 10, 15).

provided to officers will therefore be important because it will clarify the parameters within which they will be expected to operate.

Looking more generally at the 2001 MD, it establishes five principles that "form the foundation of all CSIS operations." It is unclear, for example, how the first of these principles – observance of the rule of law<sup>27</sup> – applies in foreign settings. The original intention of this objective was primarily to provide direction for operations within Canada, as simply covertly collecting information abroad is illegal in many situations. It is necessary to ask whether CSIS officers will be expected to obey the laws of other countries at all times; and if not, what protection will be afforded to them should they break a law in the course of their official duties abroad?<sup>28</sup>

Any direction provided to CSIS officers abroad will be important because it will outline the latitude

---

<sup>27</sup> The other four principles are: proportionality between the investigative technique and the seriousness of the threat; a weighing of the need to use intrusive investigative techniques against possible damage to sensitive sector institutions; senior-level approval for more intrusive investigative techniques; and use of the least intrusive techniques first, except in emergency situations or when they would not be proportionate to the seriousness of the threat.

---

they will have and the protection that the Government of Canada will afford them

In addition, "the [overarching] principles that form the foundation of CSIS operations" do not include direction to consider their potential impact on Canadian foreign policy interests. Currently, the 2001 MD only directs CSIS to do this in specific situations, for example, when conducting joint operations and operations outside Canada. As foreign investigative activity expands, however, so too will the likelihood of CSIS operations potentially impinging on Canadian foreign policy interests. In this context, it will be important to consider expanding the statement of principles in the 2001 MD on CSIS operations vis-à-vis established foreign policy.

### **3.2 Policy Guidance**

**ATIP version**

**dated: NOV 05 2019**

SIRC will review these policies when they come into effect. We also encourage CSIS and the Ministry of Public Safety to consider our observations in updating the MD.

---

#### **4 SIRC'S OBSERVATIONS CONCERNING CSIS' CHRISTIAN PEACEMAKERS OPERATION**

Looking more specifically at CSIS's role in efforts to rescue the CPT,

Given this investment, it is important to ask whether there are specific observations or "lessons learned" that CSIS can draw from the CPT operation as it increases its capacity to operate effectively outside Canada. Based on our examination, SIRC would point to four challenges: particularly in crisis situations; training of CSIS employees; organizational culture; and assessment of risk.

##### **4.1**

CSIS HQ also was not prepared to answer administrative questions from officers such as which financial codes to use for processing claims,

Notes prepared for the Director of CSIS for a 2006 meeting at PCO state that "we should have some for these types of operations." When asked about the progress that has been made to-date, CSIS explained that "[International Region (IR)] is in the preliminary stages of establishing in the event of a crisis." This "infrastructure" will include "policy and procedural guidance, as well as Standard Operational Procedures (SOPs)

SIRC supports all of these initiatives.

## 4.2 Training

**ATIP version**

**dated: NOV 05 2019**

Although CSIS does seek to acquire foreign language capacity through the recruitment of skilled candidates, there may be a need to explore further options to develop and retain these skills during an officer's career. As CSIS stated, strategies enabling the meeting of foreign language requirements include various alternatives. Over the years, the Service has made training available to allow IO s to acquire and improve their abilities in foreign languages. As well, recruitment of IOs is undertaken with foreign language abilities being considered as one of the key criteria. The Service continues to invest resources in other learning venues to improve foreign language among the IO population. SIRC suggests that CSIS explore various options to ensure that the necessary skills are in place to fulfill its evolving role.

### **4.3 Organizational Culture**

Looking at the CPT example, CSIS's approach to operations will need to evolve as foreign investigative activity expands.

#### **4.3.1 Internal Communication**

The example of the CPT rescue effort also demonstrates that CSIS will need to adjust the way it communicates internally about foreign operations.

**ATIP version**

**NOV 05 2019**

**dated:** \_\_\_\_\_

When asked whether there have been any changes to address these issues, CSIS explained that,

[its] work was in response to an emergent situation. The International Region was formed 2006 05 and is charged with managing the Service's response to similar situations in future. As well, based upon lessons learned in various environments as well as an assessment of the current policy set, changes were recommended to existing policies.<sup>80</sup>

SIRC agrees that changes to the policies and procedures governing internal communications are necessary and worthwhile, as required.

#### **4.4 Assessment of Risk in Relation to Human Source Operations**

SIRC understands that an assessment of risk may change with time, and that human source operations may appear more or less risky in hindsight. the Service may need to rethink its risk assessment process,

**SIRC recommends that CSIS review the criteria it uses to conduct risk assessments, and that it define more precisely the high-risk situations for which it is necessary to consult with the Minister of Public Safety.**

**ATIP version**

NOV 0 5 2019

dated: \_\_\_\_\_

## **5 CSIS-DFAIT INTERACTION ABROAD**

In strengthening its capacity to operate effectively outside Canada, CSIS may increase its interaction with departments and agencies that already have a significant international presence. SIRC asked about CSIS's relationship with these organizations, and whether there were any potential obstacles that could affect its ability to operate effectively outside Canada in the longer term. In doing so, we noted a potential overlap between DFAIT's Global Security Reporting (GSR) Program and CSIS's existing mandate to collect security intelligence abroad.

### **5.1 DFAIT's Global Security Reporting Program**

In 2002, DFAIT received funding to establish the GSR Program. Its purpose is to collect security-related information for the foreign policy and intelligence communities in Canada; sources are not restricted to normal diplomatic channels.

There are GSR officers in 16 countries.

**ATIP version**

NOV 05 2019

dated: \_\_\_\_\_

## 6 CONCLUSION

Expanding foreign investigative activity poses important challenges for CSIS. Existing MD and operational policies may not provide appropriate guidance for collection activities abroad. In addition, CSIS will need to address a number of specific challenges, including

an organizational culture that is still focussed on operations in Canada, and risk assessments for human source operations in foreign countries.

SIRC also faces challenges in reviewing CSIS's expanding foreign investigative activity. The CPT case is instructive in this regard. Since this operation involved multiple departments and agencies, at times it was difficult for us to clearly delineate where CSIS's role ended and that of another department began.

As a result of SIRC's restricted mandate, we were unable to review comprehensively the actions of 'Team Canada' vis-à-vis the Christian Peacemakers organization. We believe that this will be a continuing challenge, given the nature of the threats that Canada faces and CSIS's changing response to them. We argued in our 1998-1999 Annual Report that "a key implication of the McDonald Commission's work was that it linked the effectiveness of security intelligence to public accountability," and that public confidence "can only be undermined if it becomes apparent that certain parts of the increasingly varied ensemble of activities called 'security intelligence' are arbitrarily subject to less stringent review – or no review at all – than others."<sup>94</sup> We continue to believe that this is the case.

---

<sup>94</sup> *SIRC Annual Report 1998-1999: An Operational Audit of the Canadian Security Intelligence Service*, page 2; also see, e.g., Murray Rankin, "Reforming the CSIS Act: A Draft Position Paper Presented by the Security Intelligence Review Committee for the Parliamentary Review" (April 1989), page 32.

### SUMMARY OF FINDINGS

- Both in its liaison activities and in its handling of human sources, SIRC found that CSIS complied with the Act, MD, and applicable memoranda of understanding during its CPT operation.

### SUMMARY OF RECOMMENDATIONS

- SIRC recommends that CSIS review the criteria it uses to conduct risk assessments, and that it define more precisely the high-risk situations for which it is necessary to consult with the Minister of Public Safety.

---

### LIST OF ACRONYMS

ADI	Assistant Director, Intelligence
ADO	Assistant Director, Operations
CPT	Christian Peacemakers Team
DFAIT	Department of Foreign Affairs and International Trade
DG	Director General
DND	Department of National Defence
GSR	Global Security Reporting Program
HQ	Headquarters
IM	Information Management
IR	International Region
JTF-2	Joint Task Force-2, DND
MUC	Muslim Ulama Council
PCO	Privy Council Office

PS (Department of) Public Safety  
RCMP Royal Canadian Mounted Police  
  
TDO Temporary Duty Officer

**ATIP version**

dated: NOV 05 2019