

# SECURITY INTELLIGENCE REVIEW COMMITTEE

**TOP SECRET//CANADIAN EYES ONLY**

**SIRC REVIEW 2014-05**

**CSIS'S INVESTIGATION OF CANADIAN FOREIGN FIGHTERS**

## SUMMARY

- The goal of this review was to examine CSIS's investigation of the foreign fighter threat by focusing on targeting, advice to government and information exchanges. The review also examined how CSIS's own strategies, definitions, management processes and governance feed into the whole-of-government approach to the issue.
- SIRC noted that CSIS has, and continues, to adjust to the threat posed by foreign fighters by creating strategic direction, shifting resources, re-prioritizing investigations and engaging domestic partners. SIRC found that CSIS conducts effective frequent deconfliction meetings with the RCMP on the CT investigation, and that CSIS was engaged in a broad range of intelligence production for its partners and GoC clients,
- The challenges going forward for CSIS are largely rooted in the evolving nature, and growing scope, of the threat. In the course of its review, SIRC heard that it would be reasonable to expect that as the operational shift towards the foreign fighters threat continues, it could result in a loss of capacity in CI and CP operations.
- In its review, SIRC flags the need to review, next year, the overseas component of the foreign fighter investigation, as well as the challenges which lie ahead, such as balancing the investigation of individuals who return from overseas with those who are denied the means to leave Canada. SIRC will also continue to examine how the Service manages the challenges associated to the foreign fighter threat, as well as the impact of pending legislation on CSIS's priority investigation.

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# 1 INTRODUCTION

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In Canada today, the threat represented by the foreign fighter phenomenon has risen to the top of the national security agenda. Over the course of the past two years, CSIS's work and resources have shifted to this top intelligence priority. At the same time, the threat has prompted a significant Government of Canada (GoC) response, most notably with the tabling of legislation proposing the most sweeping amendments to the *CSIS Act* since it came into force in 1984.

The goal of this review was to examine CSIS's investigation of the foreign fighter threat by focusing on targeting, advice to government and information exchanges. The review also examined how CSIS's own strategies, definitions, management processes and governance feed into the whole-of-government approach to the issue.

In 2011- 2012, SIRC undertook a review of domestic radicalization to examine CSIS's understanding, investigation and analysis of radicalisation to violence in Canada.

This review provides an assessment of the evolution of CSIS's investigation of this threat. SIRC noted that CSIS has, and continues, to adjust to the threat posed by foreign fighters by creating strategic direction, shifting resources, re-prioritizing investigations, and engaging domestic partners. The challenge going forward for CSIS is largely rooted in the evolving nature, and growing scope, of the threat. In its review, SIRC flags the need to review, next year, the overseas component of the foreign fighters investigation, as well as the challenges which lie ahead, such as balancing the investigation of individuals who return from overseas with those who are denied the means to leave Canada, and the possible downstream effects of shifting resources away from non-counter terrorism investigations.

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## 2 METHODOLOGY

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This study required an extensive review of documentation, including: operational reporting; CSIS internal policies and procedures; targeting matrices; warrants and associated documents; IAB materials; documents relating to CSIS's cooperation with close domestic partners (RCMP, CBSA, CSE); corporate and planning documents; discussion papers; large-scale strategic initiatives; security and threat assessments; CSIS Directional Statements and Gaps Messages; and, open source analyses on the issues of radicalization and foreign fighters.

SIRC met with a number of CSIS representatives to provide context to the issues under review, to explore specific aspects of the investigation and to view the investigation from both front-line and management perspectives. These discussions included several meetings with

visit to a meeting with and several meetings with law enforcement partners, including the RCMP, The investigation of the foreign fighter threat was also a focal point of discussion during SIRC's foreign station visit to

This review posed a unique methodological challenge. SIRC reviews CSIS's activities and operations post facto; examining the foreign fighter phenomenon proved more challenging given its volatility. As the review unfolded, several significant events occurred that altered the nature and scope of the phenomenon: the attacks in Ottawa and St-Jean-sur-Richelieu, the release of several videos featuring radicalized Canadians, the Charlie Hebdo attack of January 2015, the tabling in Parliament of two bills to modify CSIS's mandate, and a spike in awareness of this issue at both the national and international level.

As a result, this review presents a partial assessment of a very comprehensive threat; SIRC will need to revisit and review this phenomenon through several lenses to gain a fuller appreciation of CSIS's work on this file. While the core review period is July 1, 2012 to June 30, 2014, SIRC took note of ongoing national and global developments in its consideration of issues relating to the foreign fighter threat.

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### 3 BACKGROUND

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#### 3.1 Evolution of the Foreign Fighters Investigation

#### 3.2 A Pan-Government Issue

In response to the foreign fighter threat, the GoC adopted a whole-of-government strategy that was first outlined in the 2012 *Building Resilience Against Terrorism: Canada's Counter-terrorism Strategy*. The plan contains targeted community-based intervention strategies that involve more than 20 federal departments and agencies, including the Service.<sup>6</sup> Since then, the government has pushed forward a number of initiatives designed to strengthen close collaboration within Canada's national security community on this priority.

Arguably, however, the GoC's most public response to the threat has come in the form of legislative change. In 2013, Parliament enacted legislation that created four new offences to

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<sup>6</sup> 2014 Public Report on the Terrorist Threat to Canada. Public Safety Canada.

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limit the ability of Canadians to travel abroad for terrorist purposes.<sup>7</sup> Then, in October 2014, the government tabled *Bill C-44: The Protection of Canada from Terrorist Act*. According to CSIS, the bill is largely designed to address the threat of terrorist travel and failing states.<sup>8</sup> Among other things, C-44 proposes amending the *CSIS Act* to make explicit that s.12 and s.15 investigations can be done within or outside Canada.

More recently, the government has tabled legislation that aims to give Canada's national security community, most notably CSIS, increased powers. In early 2015, the GoC introduced new legislation, the genesis of which was publically stated as a reaction to the threat posed by ISIL and the domestic implications of the foreign fighter phenomenon.<sup>9</sup> More importantly, if it receives Royal Assent in its current form, *Bill C-51: An Anti-terrorism Act 2015* would arguably bolster CSIS's investigative capacity on the Foreign fighter threat: the Bill will give CSIS a range of new powers and tools, including the ability to take measures, at home and abroad, to disrupt threats when it has reasonable ground to believe that there is a threat to the security of Canada, and enable broader sharing of relevant national security information across federal departments.<sup>10</sup>

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<sup>7</sup> The Combating Terrorism Act, July 2013: An individual commits an offence by leaving or attempting to leave Canada for the purpose of: 1) knowingly participating in or contributing to any activity of a terrorist group for the purpose of enhancing the ability of any terrorist group to commit a terrorist activity. This includes providing training, receiving training, or recruiting a person to receive training; 2) knowingly facilitation a terrorist activity; 3) committing an indictable offence on behalf of, at the direction or in association with a terrorist group; 4) committing an indictable offence that constitutes a terrorist activity.

<sup>8</sup> Message from CSIS Director to all employees. The Source. October 27, 2014.

<sup>9</sup> As noted in the Methodology Section, this was one of the unique features of this review. Although an ongoing development, once the powers provided in the potential new legislation were public, it became impossible for either SIRC or CSIS to discuss the issue while ignoring the seismic shifts waiting for this investigation over the horizon.

<sup>10</sup> *Bill C-51. First reading, January 30, 2015. Minister of Public Safety and Emergency Preparedness.*

## 4 CSIS'S FOREIGN FIGHTER INVESTIGATION

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### 4.1 CSIS's Investigation: Collection

The key message that was conveyed by CSIS to SIRC on the investigation of Foreign fighters was that while the context has changed – greatly increased volume of potential targets, many more public and partner leads, an almost daily demand for information on the subject – in terms of the actual conduct of the investigation (methods, approach, tools) very little has been overhauled or has significantly deviated from the Service's past practices.

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## 4.2 CSIS Re-organization

## 4.3 Targets and Warrants

SIRC reviewed two dozen targets to better understand CSIS's investigation of foreign fighters, and indeed, found that the Service did not have to 'reinvent the wheel' in regards to its methods of collection and investigation.

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SIRC observed that the Service implemented targeting authorizations at various points in the radicalization processes; some individuals were targeted after CSIS obtained information indicating that they had traveled abroad with the purpose of committing a terrorist offence, while others were targeted after their return to Canada in order to assess their potential involvement in threat-related activities here.

Overall, **SIRC found that CSIS's targeting of foreign fighters complied with operational policies, Ministerial Directives and relevant legislation.** CSIS decisions were based on facts and appropriate analysis, and the individuals in the review sample were all targeted because the Service had reasonable grounds to suspect that they constituted a threat to the security of Canada.

To review CSIS's use of warrant powers, SIRC examined applications. **SIRC found that CSIS did not face any specific challenges in obtaining the warrant powers necessary to address the threat posed by these individuals.** Overall, **SIRC found that CSIS followed internal direction, policies and processes in applying for and executing warrants powers.** SIRC noted that CSIS had reasonable grounds to believe that the subjects of these warrants posed a threat to the security of Canadians, and that the intrusiveness of the investigative techniques used by CSIS was proportional to the gravity and imminence of the suspected threats.

#### 4.4 Relationship with the RCMP

On the investigation of foreign fighters, CSIS has worked especially closely with the RCMP since the two agencies can conduct parallel investigations on the same individuals, and can shift the investigative lead back and forth depending on which thresholds have been crossed.<sup>19</sup> While CSIS noted that the two agencies have "never been working better" as partners, SIRC noticed some elements of frustration emerging from the process of transferring the investigative lead on certain individuals back and forth between the Service and the RCMP.

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<sup>19</sup> The relationship between CSIS and the RCMP is governed by a Memorandum of Understanding (MOU) on information sharing. According to this MOU, CSIS and the RCMP agree to provide to each other, on a timely basis, information and intelligence in the possession of one agency relating to the assigned security-related responsibilities of the other agency. RCMP/CSIS MOU. Information Disclosure. 2006-09-12.

**SIRC found that CSIS  
conducts regular and frequent deconfliction meetings with the RCMP on foreign fighter  
investigations.**

#### **4.5 CSIS's Investigation: Dissemination**

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**SIRC found that CSIS was engaged in a broad range of intelligence production for its partners and GoC clients,**

#### **4.6 Activities Overseas**

Like most of its allies, CSIS must maintain awareness and active collection of targets that have left Canada to fight overseas. In part to pursue information on this aspect of the investigation, SIRC travelled to

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**Overall, SIRC found that the level of activity of overseas CSIS operations concerning the foreign fighter threat is significant enough to warrant further in-depth study. SIRC will be examining this aspect of the foreign fighter investigation in more detail next year.**

## 5 LOOKING FORWARD: THE CHALLENGES THAT LIE AHEAD

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### 5.1 Scaling Back on Other Investigations

The first and most obvious effect of the surge of CSIS resources re-tasked to handle the foreign fighter threat is the potential strain on other areas of intelligence collection.

In the course of its review, SIRC saw evidence of this redirection of resources at the regional and HQ levels.

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**SIRC heard from various CSIS managers that it would be reasonable to expect that as the operational shift prioritizing the foreign fighters threat continues, it could result in a loss of capacity in CI and CP operations.**

## **5.2 Fluidity and Intelligence Gaps**

Over the course of its review, SIRC was provided with some objective examples that are illustrative the ways in which the foreign fighter investigation is constantly in flux.

One area of debate among intelligence experts has been over which category of foreign fighters poses the greater security threat: individuals returning from active experiences in conflict zones, or individuals wishing to travel to conflict zones but are denied the means to do so.

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**SIRC found that going forward, CSIS may continue to face the challenge of shifting its investigative emphasis away from the threat posed by returnees towards the growing number of radicalized Canadians who seek to travel for the purposes of engaging in terrorist activity abroad, but are denied the ability to leave Canada.**

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## 6 CONCLUSION

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The foreign fighter phenomenon generally,  
about remarkable change in the intelligence world.

has brought

As explored above, the changing  
threat environment has translated into some operational challenges for CSIS, both now and  
going forward. **SIRC will continue to examine how the Service manages the challenges  
associated to the foreign fighter threat, as well as the impact of pending legislation on  
CSIS's priority investigation.**

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## ANNEX A – SUMMARY OF FINDINGS

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- SIRC found that CSIS's targeting of foreign fighters complied with operational policies, Ministerial Directives and relevant legislation.
- SIRC found that CSIS did not face any specific challenges in obtaining the warrant powers necessary to address the threat posed by these individuals.
- SIRC found that CSIS followed internal direction, policies and processes in applying for and executing warrants powers.
- SIRC found that CSIS conducts regular and frequent deconfliction meetings with the RCMP on the CT investigation.
- SIRC found that CSIS was engaged in a broad range of intelligence production for its partners and GoC clients,
- SIRC heard from various CSIS managers that it would be reasonable to expect that as the operational shift prioritizing the foreign fighters threat continues, it could result in a loss of capacity in CI and CP operations.
- SIRC found that going forward, CSIS may continue to face the challenge of shifting its investigative emphasis away from the threat posed by Returnees towards the growing number of radicalized Canadians who seek to travel for the purposes of engaging in terrorist activity abroad, but are denied the ability to leave Canada.
- SIRC will continue to examine how the Service manages the challenges associated to the foreign fighter threat, as well as the impact of pending legislation on CSIS's priority investigation.
- Overall, SIRC found that the level of activity of overseas CSIS operations concerning the foreign fighter threat is significant enough to warrant further in-depth study. SIRC will be examining this aspect of the investigation in more detail next year.

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