



SECURITY INTELLIGENCE
REVIEW COMMITTEE

SIRC Report 2000-2001

An Operational Audit of the
Canadian Security Intelligence Service

Canada





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SIRC Report 2000–2001

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Canadian Security Intelligence Service**

Security Intelligence Review Committee
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Collect calls are accepted, and the switchboard is open
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The Honourable Lawrence MacAulay, P.C., M.P.
Solicitor General of Canada
House of Commons
Ottawa, Ontario
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30 September 2001

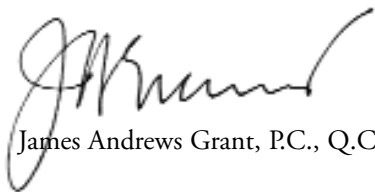
Dear Mr. MacAulay:

As required by section 53 of the *Canadian Security Intelligence Service Act*, we transmit to you the Report of the Security Intelligence Review Committee for the fiscal year 2000–2001, for your submission to Parliament.

Yours sincerely,



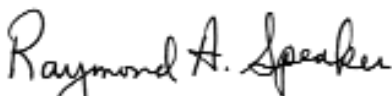
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Statement from the Committee

The events of September 11, 2001 in the United States will have put to rest any lingering doubts that the most serious threats to Canada's security and the safety of its citizens come in forms sharply different from those of an earlier generation. Some sixteen years ago when the country's security intelligence apparatus was last overhauled, the singular military politics of the Cold War were of preeminent concern. Today we all live in a world characterized by different and diverse forces, all in rapid flux.

People, capital, information, technologies and political ideologies are more mobile than ever before. The resulting influences are mostly welcome or at least benign, but others are decidedly not. And as a democratic country that encourages international contact and investment and welcomes visitors and immigrants, Canada opens itself to both the best and the worst of these influences.

This sea change in the nature of the threats is reflected wherever public policy touches on Canada's national interests and the safety and security of its citizens:

- At the level of Ministerial Direction to the nation's security intelligence community, politically motivated violence and terrorism are clearly identified as being the most serious threats to Canada and Canadians.
- The deployment of resources within the Canadian Security Intelligence Service, whether measured in person years or budget allocation, reflects the growing need to meet multiple terrorist threats.

- The Service's recent public annual reports are heavily weighted towards concerns about terrorism and an international security environment that makes it easier for terrorist activities to take place in Canada and abroad.
- Proposed and actual changes in legislation brought forward by the federal government (Bill C-16, an amendment to the *Income Tax Act*; and Bill C-11, an amendment to the *Immigration Act*) are both expressions of concern about politically motivated violence being directed or funded from within Canada.
- Parliament's most recent inquiry into security intelligence matters, the 1999 *Report of the Special Senate Committee on Security and Intelligence* (Kelly Report), was almost entirely taken up with the issues of terrorism and political violence and devoted little attention to espionage threats.

In short, CSIS has been transformed in a mere decade from a primarily anti-espionage organization working to block the intelligence-gathering activities of a fairly limited number of foreign governments into one in which terrorism and the politics accompanying it have become dominant.

This transformation is manifest in complex ways. Increasingly, the Service's "case load" involves the need to make nuanced judgements about politically motivated organizations and individuals—nuanced because the line between legitimate,

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political activity and illegitimate actions involving violence or threats of violence is frequently blurred. Because it is the Committee's task to review and assess the quality of the Service's judgements on these matters, as CSIS's priorities have shifted, so have our own.

Issues of legitimate versus illegitimate political activity and what constitutes "association" with a terrorist organization are taking on ever greater importance for the Committee in its review and complaints/tribunal functions. In both areas, the Committee's work has been fundamentally transformed from that of 15 or even 10 years ago and will evolve still further.

Terrorist threats, originating from new and divergent sources, put a premium on understanding developments across the globe as they unfold. As CSIS redirects its efforts, the Committee will continue to adjust its research focus and resources accordingly.

The complaints and tribunal side of the Committee's operations have seen considerable change as well. A rising proportion of complaints involve issues of immigration and security screening, most of which turn on Service assessments of politically motivated individuals and require lengthy inquiries into activities, intelligence sources and political cultures in other countries. Should Bills C-16 and C-11 come into force, the Committee expects the number of similar complaints to increase still further.

The Committee does not believe there is a magic policy or legislative remedy that will make these judgements any less fraught or the appropriate balance between national security and the protection of civil rights any easier to locate. Existing national policy instructs the Service to investigate those threats it believes the Government needs to know about, based on its professional assessment of the seriousness of the threat. SIRC's assessments are similarly grounded in professional experience and knowledge, rather than in policy manuals. Nor does the Committee believe that precise definitions of "terrorist" or "association" or "extremism" would be very helpful, especially in a global environment where the velocity of change seems to increase daily.

The Committee does not believe there is a magic policy that will make these judgements any less fraught

However, SIRC does bring a special perspective to the dilemmas of security intelligence—just as Parliament intended. CSIS represents a government's right and responsibility to protect the lives of citizens, and to preserve law and order. SIRC, *inter alia*, embodies a legal principle at the core of Canadian democracy, namely that citizens have rights to privacy, civil liberties and freedom from untrammelled government power—the "liberty of the subject."

The complexity and ambiguity that have come to dominate security intelligence work means that an ever larger part of the Service's powers of judgement—and, therefore, those of the Committee—are focussed on decisions vital to preserving both Canadians' liberty and their security. Terrorism is an affront to democracy; confronting it will require both greatly increased international cooperation and strength of purpose, and an ongoing commitment to Canada's core values.