

# Spy watchdog growls over "deeply concerning" mistakes by CSIS

By: Jim Bronskill, The Canadian Press

OTTAWA - The ministerial watchdog over the Canadian Security Intelligence Service has warned the government of "deeply concerning" inaccuracies in CSIS's work — errors that could have serious "negative consequences" for people the spy agency investigates.

In her latest top-secret report card on CSIS to the public safety minister, Eva Plunkett reveals a "notable increase" in errors spotted in the spy service's records and a "substantially larger number" of cases of policy breaches.

Plunkett uncovered dozens of instances of failure to adhere to CSIS policy and 43 errors in operational reporting.

"These instances of non-compliance and errors are not isolated to one program or one set of processes. They do appear in key core activities of the service," Plunkett said in the November report to then-public safety minister Peter Van Loan.

"I am unable to offer you an explanation for this continuing year-over-year increase, suffice to say the number of non-compliance issues and the number of errors identified continue to increase each year and are a very real concern that merits attention."

A declassified version of Plunkett's classified report to the public safety minister for 2008-09 was obtained by The Canadian Press under the Access to Information Act.

Vic Toews has since become public safety minister. As inspector general, Plunkett serves as Toews' "eyes and ears" on the spy agency.

Overall, Plunkett found CSIS did not act beyond its legal authority, nor did it contravene any ministerial directions or use its powers "unreasonably or unnecessarily."

The heavily censored document is stripped of specific cases and sensitive examples.

But Plunkett calls for "greater diligence" in following policy and "greater rigour in the writing, review and approval of operational reports."

She says the importance of accuracy "cannot be overstated" and that factual errors have the potential to negatively affect court cases, the service's decisions, and those by its foreign and domestic partners.

"Moreover, when errors of this nature come to light, they have a highly detrimental effect on the service's credibility both with Canadians, the judicial system and with other intelligence agencies."

Plunkett advised the minister of a "troubling" degree of errors in CSIS applications for eavesdropping and surveillance warrants.

"Considering the intrusive investigative authorities provided by warrants and the implications of these authorities on the civil liberties and privacy interests of individuals, the service's acquisition and execution of warrant powers is an area I will continue to monitor closely for you."

In written responses to questions, CSIS said Tuesday it agrees with Plunkett's finding that stronger efforts are needed to reduce and eliminate errors. "Employees are regularly reminded of the need for such diligence, and this is also stressed as part of entry training for new employees."

New procedures and increased "quality-control measures" for warrant applications have also been put in place, the spy agency added.

CSIS has experienced several setbacks in the last year.

The spy service's cases against two suspects held on security certificates faltered when it failed to disclose important evidence.

One of these cases — involving Hassan Almrei of Mississauga, Ont. — was thrown out by a judge last December. A third case, against Adil Charkaoui of Montreal, collapsed because CSIS withdrew material it did not want to become public.

Almrei and Charkaoui are suing for damages.

In July, the civilian review committee over CSIS told Parliament the agency may need major changes after finding it ignored concerns about human rights and Omar Khadr's young age in deciding to interview the Toronto-born teen at a U.S. military prison.

The Security Intelligence Review Committee called for "guidance and advice" from the public safety minister to help the spy service meet legal and public demands in the post-9-11 world.

At issue were CSIS's dealings with countries that do not always respect human rights, and whether the spy service's relationship with them puts jailed Canadians and others at risk of abuse.

Three Canadians who were tortured in overseas prisons are suing the government over the role security agencies played in passing information to foreign police and intelligence officials.

In addition, CSIS's role in the case of Montreal man Abousfian Abdelrazik, who was stranded for years in Sudan, is being scrutinized by the review committee. Abdelrazik is also suing.