

# INTRODUCTION

CSIS is Canada's principal intelligence – or spy - agency. This booklet contains basic information that can help inform your decisions about how to act if you or others you know are approached by CSIS.



People may come to the attention of CSIS for any number of reasons. It may be due to their involvement or connections to an organization, initiative, or event; their association with another person of interest to CSIS; or simply their membership in a community that CSIS has decided to watch.

**The People's Commission Network advocates total non-collaboration with CSIS.**

That means:

- **refusing to answer questions** if CSIS shows up at your door;
- **refusing to listen** to whatever CSIS may want to tell you;
- **breaking the silence** by speaking out if CSIS comes knocking.

# HISTORY

Prior to the creation of CSIS in 1984, the Royal Canadian Mounted Police (RCMP), Canada's federal police force, was the agency responsible for both law enforcement and intelligence gathering in Canada.

## **1970s RCMP caught red-handed**

Burning down a barn, stealing explosives, planting explosives, illegal break-ins, releasing a fraudulent "FLQ" manifesto inciting the population to violent action ...

## **1977 Federal Commission**

The government set up the MacDonald Commission to investigate these "illegal and improper activities".

## **1981 MacDonald Commission Report**

Report recommended the establishment of a new domestic intelligence and security agency and the separation of "intelligence activities" from "law enforcement activities" because it found that bestowing both powers on the same agency led to too many abuses of power.

## **1984 CSIS established**

The Canadian Security Intelligence Service (CSIS) opened shop, following the passage of the CSIS Act by federal parliament.



CSIS logo.  
Represents a palisade.

As CSIS describes its own inception, the CSIS Act, “not only gave birth to CSIS, it also clarified the differences between security intelligence activities and law enforcement work, bringing to an end the 120-year interlocking of Canada's security intelligence service with the federal police

force.” ([www.csis-scrs.gc.ca](http://www.csis-scrs.gc.ca)).

CSIS was thus created to “collect ... analyse and retain information and intelligence and to report to and advise the Government of Canada.” (CSIS Act, section 12).

While its official mandate includes protecting national security from foreign threats and from threats of violent insurgencies, CSIS plays a key role in controlling dissent and social movements within Canada.

It helps create a climate of fear and suspicion; by creating an ‘enemy’, it legitimizes the expansion of repressive government powers, the deportation and detention of immigrants, as well as occupation and repression abroad.

Much of what CSIS does is shielded from public scrutiny. This has allowed it to act with virtual impunity, despite repeated violations, and despite the existence of a review body, the Security Intelligence Review Committee (SIRC).

## **What is 'intelligence'?**

Being an intelligence (or spy) agency, the main activity of CSIS is to collect intelligence. Intelligence is just another word for information. CSIS collects information.

The information it collects is used to advise states on so-called threats to national security.

CSIS is often involved in gathering information about individuals, groups or communities before there is any indication that a crime may be committed.

# LEGAL FRAMEWORK

## **Broad intelligence-gathering, not law enforcement.**

When dealing with CSIS, it is important to keep in mind its role within the Canadian state.

CSIS was created as an intelligence agency, and was deliberately not given the same roles and responsibilities as a police force.

CSIS is not a police force and does not have all of the powers of a police force. For example, unlike police officers, CSIS agents (who are not ‘peace officers’) do not have the powers of arrest and detention. CSIS does not investigate crimes that have occurred or otherwise enforce Canadian law.

Rather, CSIS’s job is to collect, analyze and share information related to “threats to the security of Canada”.

CSIS is empowered to “collect, by investigation or otherwise, to the extent that it is strictly necessary, and analyze and retain information and intelligence respecting activities that may on reasonable grounds be suspected of constituting threats to the security of Canada and, in relation thereto, shall report to and advise the Government of Canada.” (CSIS Act, Section 12).

The term “threats to the security of Canada” is defined broadly in the Section 2 of the CSIS Act, as:

(a) espionage or sabotage that is against Canada or is detrimental to the interests of Canada or activities directed toward or in support of such espionage or sabotage,

(b) foreign influenced activities within or relating to Canada that are detrimental to the interests of Canada and are clandestine or deceptive or involve a threat to any person,

(c) activities within or relating to Canada directed toward or in support of the threat or use of acts of serious violence against persons or property for the purpose of achieving a political, religious or ideological objective within Canada or a foreign state, and

(d) activities directed toward undermining by covert unlawful acts, or directed toward or intended ultimately to lead to the destruction or overthrow by violence of, the constitutionally established system of government in Canada,

but does not include lawful advocacy, protest or dissent, unless carried on in conjunction with any of the activities referred to in paragraphs (a) to (d).

In particular, CSIS collects information thought to be useful for the execution and enforcement of the Citizenship Act and the Immigration and Refugee Protection Act. As described in more detail below, this means that CSIS can play a role in decisions made under citizenship and immigration laws.

CSIS is also supposed to provide “security assessments” of individuals on the request of the federal government or provincial governments. A “security assessment” is defined as “an appraisal of the loyalty to Canada and, so far as it relates thereto, the reliability of an individual.” (CSIS Act, Section 2).

### **CSIS cannot:**

- force you to talk—or listen—to them (except in the context of a formal request for an interview as part of immigration or citizenship proceedings);
- enter your home without your permission;
- arrest you.

### **CSIS can:**

- ask people for an interview as part of their immigration proceedings – these interviews are in effect mandatory for immigration purposes and you will compromise your immigration status if you refuse to attend;
- share information with foreign states;
- operate outside Canada;
- conduct searches and seizures and engage in wiretaps and other forms of covert electronic surveillance if they obtain a warrant from the Federal Court (in a secret hearing) permitting them to do so.

As these definitions make clear, CSIS is empowered to collect and share a broad range of information. The definitions are very open and allow CSIS to collect intelligence on matters that having nothing to do with ‘security’ in the sense of protection of the public from violence.

**For example:**

- The power to collect information on “foreign influenced activities within or relating to Canada that are detrimental to the interests of Canada and are clandestine or deceptive” would allow CSIS to investigate groups working in support of national liberation movements or any variety of groups advocating social change or environmental justice abroad.



- Similarly, groups working towards fundamental social and political change in Canada, particularly indigenous sovereignty movements, groups organizing on anarchist or anti-authoritarian grounds, or Quebec nationalist organizations,



could be described as conducting activities, “directed toward or intended ultimately to lead to the destruction ... of, the constitutionally established system of government in Canada.”

## **Our security**

Affordable, decent housing; clean, accessible water; healthy, affordable food; accessible education; safe streets; jobs with dignity; free childcare; accessible, reliable transportation; full involvement in decisions that affect us.

## **CSIS security**

Maintaining the status quo in Canada: repression of indigenous communities and the ongoing theft of indigenous land and resources; massive inequalities between rich and poor; neocolonial relations with the global south; occupation of foreign territories.

The law also allows CSIS to carry out any investigations that it believes necessary to fulfill its functions. This broad power underlies most of the work that CSIS does.

Contrary to popular belief, the work of CSIS is not limited to collecting information about threats of terrorist attacks or threats to public safety. Its net is cast much wider.

Moreover, under Canadian criminal law, police officers can receive immunity (not be held responsible) for committing crimes if those crimes are found to be necessary for law enforcement. The same rule applies to CSIS agents, even though they are not police officers. Thus, CSIS agents are allowed to break the law in order to carry out an investigation.



# HOW CSIS OPERATES

CSIS describes its activities in the following way:

“CSIS is at the forefront of Canada's national security establishment and as such, its programs are proactive and pre-emptive. The Service's role is to investigate threats, analyze information and produce intelligence; it then reports to, and advises, the Government of Canada, so as to protect the country and its citizens. Key threats include terrorism, the proliferation of weapons of mass destruction, espionage, foreign interference and cyber-tampering affecting critical infrastructure.

CSIS activities and services can be grouped in the following categories:

- Intelligence collection and analysis
- Sharing intelligence
- Security screening
- Sharing information with the public
- Reaching out to experts.”

In other words, CSIS uses a wide range of means to collect information and intelligence and shares that information with a variety of actors both within and outside of Canada.

## How does CSIS gather information?

### ‘Human Sources’

One of the most important elements of CSIS’s work is to get information from individuals, generally through interviews.



CSIS often targets individuals who may be vulnerable in one or more ways; individuals who may share information because they feel that they are not in a position to refuse.

CSIS routinely interviews immigrants and refugees who are waiting for their papers. CSIS is specifically mandated to do security screenings for the Minister of Immigration, so most people seeking permanent status in Canada are evaluated by CSIS at some point in the process. CSIS takes advantage of this situation to interview people who cannot refuse, as a refusal would likely block their applications. CSIS then uses the interview to ask many questions that may have little to do with the person's own file.

People facing criminal charges, or who are in Canada on temporary visas (students, foreign workers, visitors, etc.), are similarly vulnerable, and CSIS actively exploits those vulnerabilities

in its efforts to gather information. CSIS has also been known to interrogate children.

CSIS uses many tactics to create incentives or intimidate people into providing information. CSIS shows up at homes and work-places unannounced; offers money and favors for "information"; threatens people's immigration status; and threatens people with arrest, deportation and even torture. In the face of these tactics, people often feel they have to talk to CSIS, despite the fact that CSIS does not have the formal power to force them to do so.

## **Foreign sources**

CSIS also works with foreign governments and institutions

to collect and share information. As of May 2010, CSIS had intelligence-sharing agreements with 147 countries, according to *Le Devoir*.

CSIS officials have made it clear that they do not view it as their responsibility to know how the information they obtain from other spy agencies was produced. Their review body, SIRC, and the Federal Court have found that CSIS officials had no basis for claiming that the information CSIS obtained from foreign sources was not produced by torture or other unacceptable means.



Omar Khadr - interrogated by CSIS in Guantanamo

In fact, CSIS has provided lists of questions to be asked of people detained and subjected to torture abroad. CSIS agents have also directly interrogated people being detained abroad, knowing full well that those individuals were at risk of torture.

## Spying

For information-gathering activities such as wiretaps, putting listening and recording devices on private property, reading mail, searches on private property and the like, CSIS is legally required to get a warrant from the Federal Court. The warrants and the process of getting them are secret, so it is impossible to know whether CSIS always does get the court's permission before using such means.

## What does CSIS do with the information it gathers?

At the end of an investigation, CSIS usually writes a report, makes a recommendation to a government body, or shares the information it has gathered with another agency.

Although CSIS is not directly involved in law enforcement, the information it provides may lead to law enforcement action. The security certificate process provides a clear example of this in the immigration context. It is on the basis of information and recommendations from CSIS that the Minister of Immigration and the Minister of Public Safety issue security certificates against individuals, who can then be detained and deported as “national security threats”, even if there is a risk of torture or other cruel and unusual treatment.

Also in the immigration context, CSIS security screenings can block or delay applications for visas or permanent residence -

sometimes for years or - in cases like that of Suleyman Guven, a Kurdish man from Turkey - decades.

### **Sogi Bachan Singh**

CSIS claimed that Sogi, an asylum-seeker from India, was linked to a Sikh group on the Canadian terrorist list. Sogi was arrested and spent four years in prison without trial in Montreal. He was deported from Canada in July 2006. Handed over to Indian authorities, he was held incommunicado for days and beaten. Indian courts later released him for lack of evidence. In 2007, the UN Committee Against Torture ruled that Canada had violated international law by deporting Sogi.

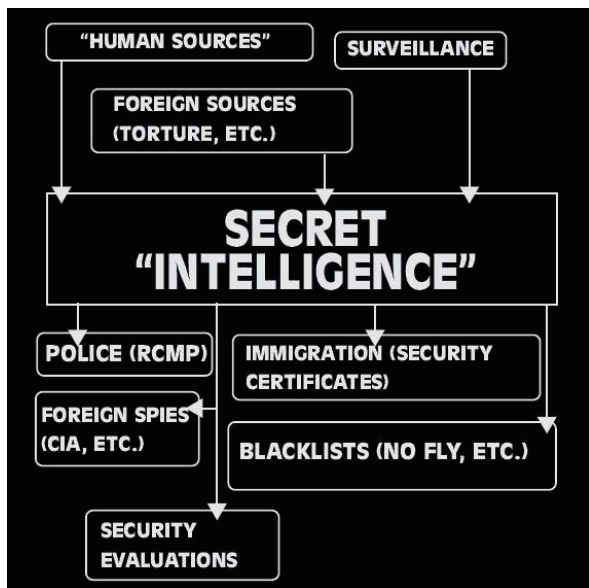
Similarly, CSIS is largely responsible for providing the information that leads to groups being placed on Canada's terrorist list and individuals on the no-fly or travel watch lists.

As noted above, CSIS is also sometimes asked by government departments or agencies to prepare a "security assessment" of particular individuals. A security assessment is an opinion of a person's "loyalty to Canada." In the context of employment with the federal government, these assessments can delay or block employment or promotion.

CSIS can also share information with the RCMP. This could lead to criminal investigations under anti-terrorism legislation.

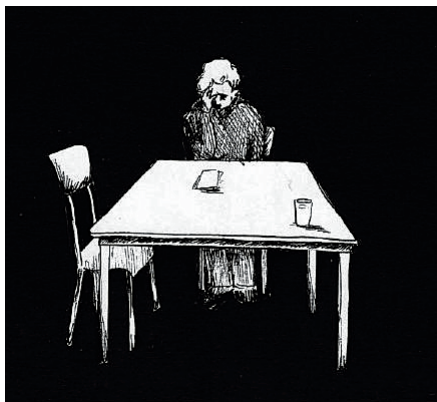


Finally, generally speaking, in order to receive information from foreign agencies, CSIS also has to give information. It thus shares information with secret services all over the world—most likely including the CIA, the Israeli Mossad, the mukhbarats of Egypt, Syria and Morocco, Turkish MIT, Indian RAW, Sri Lankan SIS, Colombian DAS and many others. This can lead to difficulties for individuals when they travel abroad and for their families overseas.



# UNANNOUNCED CSIS VISITS

The People's Commission has heard from a wide range of people who have received unannounced visits by CSIS. The following information is based on the experiences of our friends and allies as well as public information (reports by NGOs and lawyers, media articles and court transcripts).



## Purpose of visits

When CSIS comes to visit you, the purpose of its visit is most likely to gather information. But CSIS visits can also be attempts to develop psychological profiles, create mistrust and tension within groups and communities,

exploit divisions, plant misinformation, intimidate, discourage people from becoming active in social movements or from associating with certain individuals, establish a “source of information” within a group or community, or create panic or provoke discussion in a targeted group or community.

## **Being contacted by CSIS**

CSIS may contact you by phone or show up at your home or workplace unannounced. Sometimes, CSIS agents will try to start a conversation with you right away. Other times, they may try to schedule a meeting with you later. CSIS agents frequently discourage people from contacting a lawyer.

CSIS agents have also been known to misidentify themselves. Sometimes, they will contact your employer, your friends, or your neighbours, without ever getting in touch with you.

## **Interview experiences**

CSIS agents may try to ask you about people you know or organizations that you are affiliated with, your political and religious beliefs, and your travels.

CSIS agents may use a variety of methods to draw you into conversation, including appealing to your loyalties, offering money or favours, intimidating or threatening you, or exploiting tensions.

Often adopting a friendly, but persistent, manner, they may attempt to scare you into talking with them. For instance, they may call you by your first name and reveal a personal detail about you in conversation. Or they may mention the names of people you know. CSIS agents often allege that certain

information has already been provided by another individual, or that another individual has already spoken to CSIS about you and your activities.

If you prefer not to speak to them, they may try to frighten you by asking if you don't want to know why they are visiting you.

Don't be rattled. These are interrogation techniques aimed at unsettling you.

## **Why me?**

CSIS attention and surveillance is not necessarily an indication that they know anything about you, your activities or your contacts, nor that they suspect you of any wrong-doing.

They may be interested in you, or they may contact you for whom you know or whom they think you know, or whom you may have come into contact with.

They may not be interested in anything specific, but may have targeted you because of your profile, your acquaintances, your travels, your involvement in an organization or social movement, your beliefs, your background, political affiliations, the community they identify you with, or even the languages you speak.

It is impossible to know exactly why CSIS has decided to visit you. What is more important is not to let the visit disturb or intimidate you.



# RESPONDING TO UNANNOUNCED VISITS

If you have come to CSIS's attention, what should you do? The People's Commission advocates a three-fold response of total non-collaboration, breaking the isolation, and exposing abuse.

## **Non-collaboration**

Intelligence agents are trained in interrogation techniques and often have large amounts of intelligence available to them, based on surveillance, previous interrogations and collection of public information.

You, on the other hand, will have no control over information that you give to CSIS: your words can be misunderstood, taken out of context, misrepresented, passed on to other agencies overseas (such as the CIA, Mossad, and the mukhabarat of various countries), and used in unjust processes (such as "terrorist lists") as secret, unsourced evidence.

When it comes to dealing with CSIS, silence is the golden rule. Even what appear to be harmless bits of information can be used against you or someone else or used to target groups. In particular, do not talk about whom you know and your

involvement or someone else's involvement with a political or religious organization.

Ask for the names, telephone numbers and cards of the CSIS agents who want to talk to you. Insist they provide their names, and don't say anything else.

**"They can ask all the questions they want, but you have no obligation to reply."**

Unless you are in the process of applying for immigration status in Canada and have been called in to an interview with CSIS as part of the immigration security screening process, you are never under any obligation to speak to

CSIS. Under no other condition are you obliged to confirm your identity to CSIS agents or provide them with any information whatsoever. They can ask all the questions they want, but you have no obligation to reply.

If you are in a position where your immigration status is precarious, or you have other vulnerabilities that make it difficult for you to say no, simply tell them to contact a trusted lawyer **of your choice** to arrange a formal interview, and then refuse to say anything else. The People's Commission Network can put you in touch with lawyers willing to help.

You have the right to tell CSIS to leave your home or workplace or cease following you. You are normally under no

legal obligation to allow CSIS to enter your home. Tell CSIS clearly to leave, in whatever fashion you feel is appropriate. You can insist they leave, to the point of closing the door in their face.

In very rare circumstances CSIS agents may have a warrant. Always demand to see the search warrant. It must describe the place to be searched and things to be seized. It must be authorized by a judge and should bear a signature. Even if they have a valid warrant to enter your home, you still have no obligation to talk to them. Nor are you required to stay in one room. Rather, it is important to carefully observe the agents in your home. Call a neighbour or a friend to be present as an additional witness.

The best way to keep CSIS from continuing to bother you is simply let them know you have nothing to say to them. CSIS looks for “sources of information” on various communities; if you refuse to speak to them, they will normally have little interest in coming back.

If they persist in approaching you, ask them to contact a lawyer **of your choosing** to set up a formal meeting or ask a lawyer to contact them on your behalf.

## **Break the Isolation**

Talk to others about your encounters with CSIS. You are not alone. As noted above, CSIS casts a wide net and contacts a broad range of individuals.



CSIS agents often request that people keep quiet about their visits. You are under no obligation to do so. Openly telling others about CSIS activities can help reduce fear and paranoia. It is a means of self-defense for individuals as well as targeted groups and communities.

## Expose Abuse

You should consider any unannounced CSIS visit to be harassment.



After an encounter with CSIS, write down your experience so that you have the facts clearly noted.

### Some facts to note:

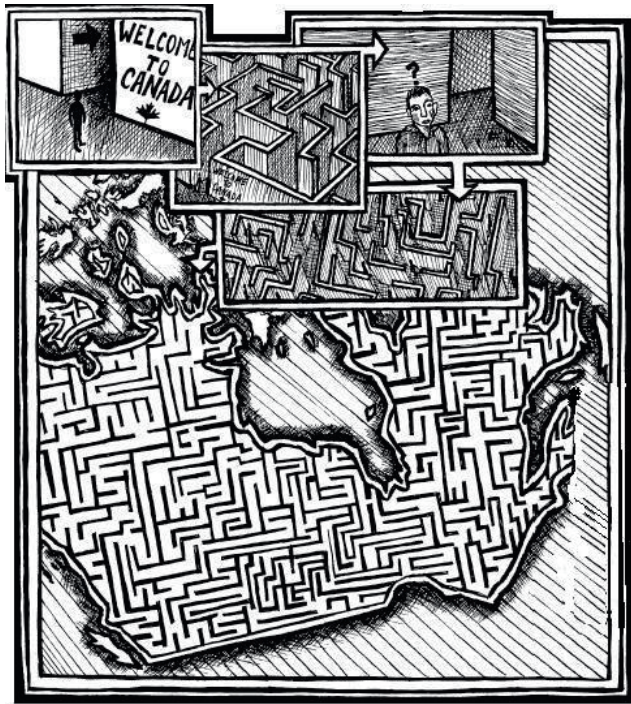
- date and time of day;
- location of visit (e.g. workplace, street, home);
- description, name and contacts of agents;
- any conversation exchanged, particularly any intimidating or inappropriate questioning.

## **Consider reporting your encounter with CSIS to the People's Commission Network:**

- The People's Commission CSIS Watch project keeps a databank of CSIS harassment to support potential collective legal or media action. Please consider sending us a report of your experience with CSIS to add to our databank.
- If you are considering legal action, CSIS Watch can put you in touch with lawyers who can provide advice on the options.
- If you think that your encounter with CSIS should be brought to broader public attention, CSIS Watch can discuss this further with you and provide you with support if you decide to go public.
- With permission, CSIS Watch also publishes some stories about encounters with CSIS on our webpage.

## IMMIGRATION PROCEEDINGS

If you don't have Canadian citizenship, you may receive a formal request to meet CSIS for an interview in the context of your immigration or citizenship proceedings.



These formal interviews are in effect mandatory for immigration purposes and you will compromise your immigration status if you refuse to attend.

However, you have the right to be accompanied by a lawyer, and you should never attend these interviews alone.

It is also important to prepare in advance for these interviews, ideally with a lawyer who has experience in dealing with CSIS. Again, CSIS has been known to use these interviews to gather broad information that has little or nothing to do with you or your immigration file.