



Public Inquiry Into  
Foreign Interference in  
Federal Electoral Processes  
and Democratic Institutions

The Honourable Marie-Josée Hogue,  
Commissioner

VOLUME 7

# The Commission's Process and Annexes



Public Inquiry Into Foreign Interference  
in Federal Electoral Processes and  
Democratic Institutions

**Final Report**  
28 January 2025

Public Inquiry Into Foreign Interference in Federal Electoral Processes  
and Democratic Institutions. Final Report.

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## ANNEX A

# The Commission’s Organization and Operations

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## A.1 Commissions Necessarily Have Complex Operations

Complexity is inherent to the very nature of commissions, even more so when a commission investigates matters of national security. Many factors contribute to the complexity, including:

- the public nature of commissions
- the sensitive issues they address
- their scrutiny of the management of government affairs
- their potential impact on the political landscape
- the interests of the public and the media.

A commission cannot ignore these complexities. It must adopt operating rules to increase its efficiency while also maintaining the confidence of everyone involved, including the public. Two extra challenges increased the complexity of this Commission. First, the Commission’s mandate was to carry out a public inquiry on matters of national security which, by their nature, often cannot be made public. Second, many of the events we investigated were live and evolving.

In this chapter, I provide an overview of how the Commission did its work, starting in September 2023 and ending in January 2025. I begin by discussing our initial challenges and the establishment of our team. After summarizing the rules of procedure that guided and ensured the quality of our work, I provide a description of how we structured our investigation, including its classified aspects. Finally, I address how we organized the hearings, how these hearings were conducted, how we organized roundtables in support of policy consultations and how all that work was brought together in the Commission’s initial and final reports.

On the following page, you will also find a visual tool providing an overview of the Commission’s work.

# Foreign Interference Commission Timeline



Commission Creation

7 Sept. 2023

Initial Report

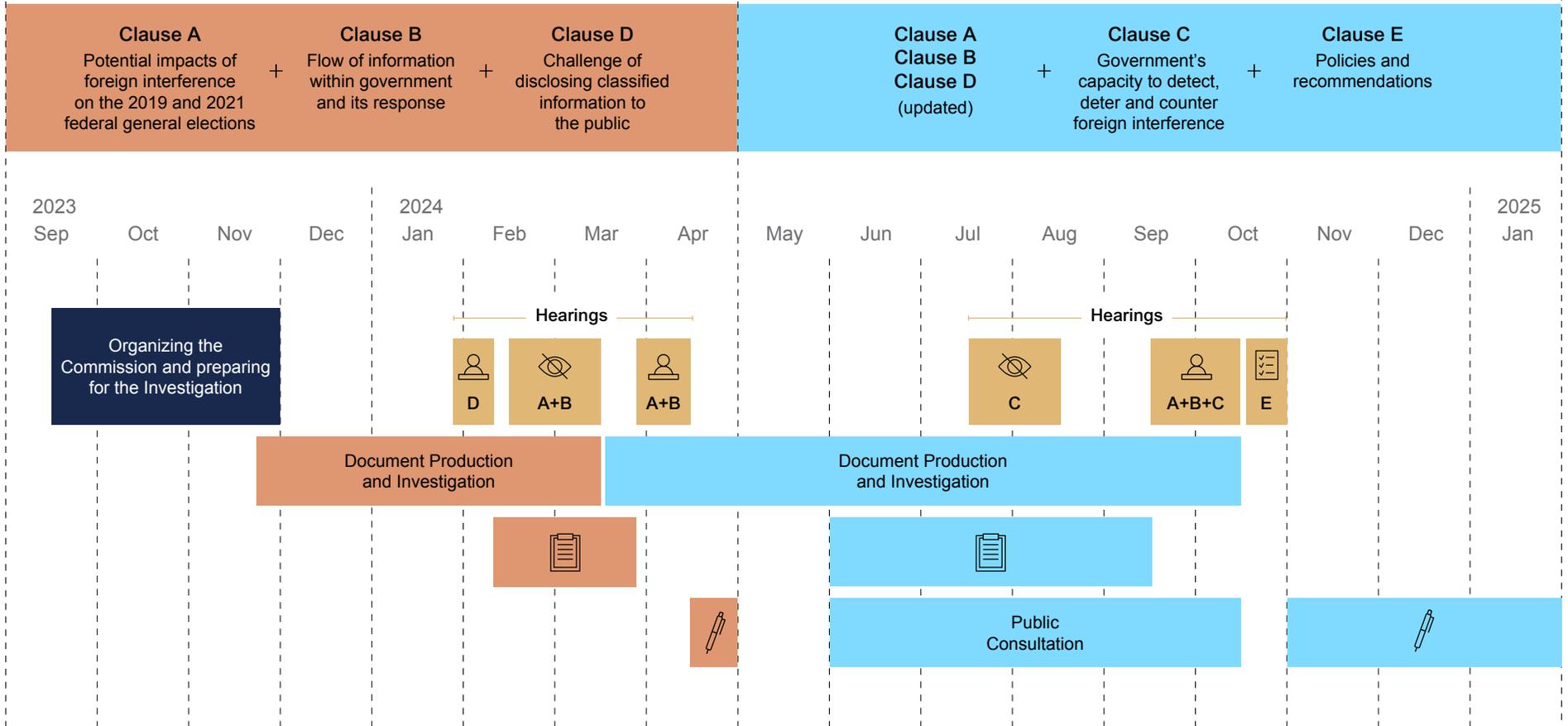
Report Release

3 May 2024

Final Report

Report Release

28 Jan. 2025



**Clause A**  
Potential impacts of foreign interference on the 2019 and 2021 federal general elections

**Clause B**  
Flow of information within government and its response

**Clause D**  
Challenge of disclosing classified information to the public

**Clause A**  
**Clause B**  
**Clause D**  
(updated)

**Clause C**  
Government's capacity to detect, deter and counter foreign interference

**Clause E**  
Policies and recommendations

2023 Sep Oct Nov Dec 2024 Jan Feb Mar Apr May Jun Jul Aug Sep Oct Nov Dec 2025 Jan

## Types of Hearings

- Public
- In Camera
- Policy

## Others

- Witness Interviews, National Security Confidentiality (NSC) Review, Hearing Preparation
- Report Drafting

## A.2 Establishing the Commission’s Team and Offices

I was appointed Commissioner on 7 September 2023.<sup>1</sup> I took up my post on September 18 after I was freed from my assignments at the Court of Appeal of Quebec.

Setting up the Commission required a lot of work in a very short timeframe. The Order in Council originally called for a preliminary report to be submitted by 29 February 2024.<sup>2</sup> I had only a few weeks to hire staff, assemble a legal team, set up a research program and make the necessary arrangements for the Commission to begin its work.

The Commission benefited from the logistical support of the Privy Council Office (“PCO”), which provided technological tools and workspace. However, it was critical that the Commission’s human resources be completely independent from the federal government. For this reason, my main task during the first few weeks of my mandate was to assemble a team that would enable me to begin my investigative work as soon as possible.

### An indispensable administrative team

A small team ensured the Commission’s administrative operations ran smoothly. I hired two people in leadership positions. These two co-executive directors managed a high volume of tasks amid national security constraints. They supported each other while maintaining distinct responsibilities corresponding to their respective expertise.

One co-director was responsible for the Commission’s finances and procurement. Her duties included negotiating and concluding most contracts, managing human resources and office space and organizing the hearings.

The other co-director ensured compliance with the Commission’s security requirements, oversight of communications and information and document management. He worked closely with our communications advisor on all media and public relations matters, including our website.

I hired administrative staff to support the two co-directors and me. The Commission’s administrative team was modest in size, given the workload they had to manage. Day in and day out, they demonstrated exceptional flexibility, commitment and dedication to helping the Commission successfully fulfill its mandate.

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<sup>1</sup> Order in Council P.C. 2023-0882.

<sup>2</sup> This deadline was extended to 3 May 2024 (Order in Council P.C. 2023-1316).

## The legal team at the core of my mandate

Although the Commission’s work was closely linked to national security issues, I believed its legal team should be made up of lawyers with diverse backgrounds and skills. As such, I hired lawyers with experience in civil, administrative and criminal litigation, in addition to national security. Some of them have practised in private firms and others in the public sector.

The need for legal staff and advisors with knowledge of national security matters was especially pressing as I had no experience in this field and needed to understand the applicable rules and principles. Legal expertise in national security is not widely available. However, by recruiting lawyers and advisors from across the country, I was fortunate to access all the expertise I needed.

To interact with Participants<sup>3</sup> and witnesses from across Canada, and to serve the entire population of the country, I wanted a legal team able to work and communicate in both official languages. Geographic diversity was another way to ensure the diverse perspectives of various regions were represented.

I benefited greatly by retaining several highly experienced advisors with field experience in various domains relevant to the Commission’s work. They were generally retired and did not work full-time for the Commission. Instead, they made their experience available when I needed it and provided invaluable advice.

## Security issues delayed staffing

Although I was able to identify the right people for my staff quickly, onboarding them took longer than expected. This difficulty stemmed from the nature of the Commission’s work, which involved examining and evaluating highly classified information.

Most of our staff needed to be granted Top Secret security clearance to access classified information as well as be given training on the protocols for handling it. Many also had to obtain additional authorizations, known as “indoctrinations,” to be able to access particularly sensitive information referred to as “compartmented” information.<sup>4</sup> While the government made every effort to expedite the security clearance process, this necessary step delayed the start of our work and lengthened the onboarding of personnel throughout our mandate.

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<sup>3</sup> Participants were entities or persons granted standing before the Commission. See [Section A.4](#) of this chapter.

<sup>4</sup> See Volume 2, Chapter 4.

## Getting the Commission’s offices up and running

While the matter of setting up the Commission’s physical offices might seem simple, it was far from it. My mandate stipulated that the Commission’s primary office had to be in the National Capital Region.<sup>5</sup> Therefore, I assumed (correctly) that the Commission’s work would be carried out mainly in Ottawa, where I would spend most of my time.

The Commission’s work involved handling highly classified information, which posed an additional challenge. Any office handling or storing Top Secret documents and information must have a secure area known as a sensitive compartmented information facility (“**SCIF**”) and follow strict security rules.

Since it would have been very expensive and time-consuming to relocate the entire legal team to Ottawa for almost a year and a half, the Commission created regional offices in Montreal and Toronto, each with access to a SCIF. We also set up other non-SCIF offices where staff could conduct regular non-sensitive work.

In Ottawa, the Commission was initially provided with access to a SCIF, where it could access classified documents, and temporary non-SCIF office space in a different location. However, counsel and staff working in the SCIF could not communicate with colleagues working at other locations. This created an extraordinarily challenging situation in late 2023 and early 2024, a crucial period that included document review, interviews, *in camera* hearings, as well as the planning and organization of public hearings.

The Commission occupied these temporary spaces in Ottawa until March 2024, shortly before its first set of public factual hearings, at which point the situation became unworkable. Regrettably, the Commission’s main office was still not ready, and we had to relocate to another temporary space in Ottawa where counsel and staff could access both classified and public information.

We were finally able to move into our dedicated office in early August 2024, nearly a year after the Commission was established.

### A.3 **Setting the Commission’s Rules of Practice and Procedure**

The Commission’s Terms of Reference granted me wide flexibility in setting the Commission’s own processes and the rules governing our practices and procedures. I adopted different sets of rules to govern different aspects of the Commission’s work. The rules were tailored to each set of hearings and designed to ensure efficiency and public confidence in the Commission.

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<sup>5</sup> Order in Council P.C. 2023-0882, clause (a)(iii)(D).

## Four sets of rules to manage a range of issues

The Commission’s rules governed how it conducted its mandate and hearings. To do so, we adopted rules to govern four main elements:

- the process to apply for standing and funding<sup>6</sup>
- the processes for the investigation and the factual hearings<sup>7</sup>
- the national security confidentiality (“**NSC**”) hearings that started at the end of January 2024<sup>8</sup>
- the policy hearings held in October 2024<sup>9</sup>

Regarding the general conduct of our mandate, our rules explained how anyone involved in the proceedings (e.g., Participants, Interveners, members of the public or the media) would interact with the Commission. The rules took into consideration our tight deadlines and ensured our process was efficient. For that reason, they emphasized the importance of collaboration. The rules also provided a framework to manage the sensitivity of the information the Commission would be handling.

It was important for me to develop the rules in consultation with Participants (the only exception was the *Rules of Standing and Funding*, which were developed before there were any Participants). For instance, for each set of hearings (NSC, factual and policy), the Commission shared drafts of the rules with all Participants with standing. It then modified the draft rules to address the feedback received.

The Commission also needed some measure of flexibility to adapt its rules to changing circumstances. If necessary, I could amend, supplement or dispense with specific rules to ensure the investigation was complete, fair and timely.

## A.4 The Commission’s Process for Selecting Parties and Determining Funding

### The criteria used to select Commission Participants

Persons or entities who met specific criteria could participate directly in the Commission’s work, a right known as “standing.” I granted standing to individuals and groups if they could make an appropriate and necessary contribution to the Inquiry and had a substantial and direct interest in the

<sup>6</sup> *Rules of Standing and Funding*, adopted 10 November 2023.

<sup>7</sup> *Rules of Practice and Procedure*, adopted 12 December 2023.

<sup>8</sup> *National Security Confidentiality Hearings – Rules of Practice and Procedure*, adopted 22 January 2024.

<sup>9</sup> *Policy Phase Rules of Practice and Procedure*, adopted 22 July 2024.

subject matter of the Inquiry.<sup>10</sup> Participants could have standing in one or both of the factual and policy phases of the Inquiry.

On the one hand, simply having a substantial and direct interest in the subject matter of the Inquiry was not sufficient for me to grant standing to an applicant. The applicant’s concern had to also have the real potential to impact the Commission’s findings or recommendations. On the other hand, I did not consider substantial and direct interest to be an all or nothing concept. There are different degrees of interest that individuals or groups may have in the subject matter of an inquiry. On this basis, I defined two categories of standing during the factual phase: “Parties” and “Interveners.”

“Parties” were persons or entities who had the most direct interest in the subject matter of the Inquiry. This could be a personal or reputational interest in the outcome of the Commission’s work. The interest could also stem from an entity’s formal role in the electoral process or in countering foreign interference. “Interveners” were individuals or entities with a general interest in foreign interference or the integrity of democratic institutions, including electoral processes.

All Participants in the policy phase shared the same form of standing.

### List of Participants with standing

The following table summarizes the Commission’s eight decisions respecting applications for standing.

Aspect	Status	Participant	Date of Decision
 <b>Factual</b>	Party	Government of Canada	4 December 2023
		Han Dong	
		Human Rights Coalition	
		Michael Chan	
		Office of the Commissioner of Canada Elections	
		Russian Canadian Democratic Alliance	
		Ukrainian Canadian Congress	
		Michael Chong	
Jenny Kwan	8 January 2024		
Sikh Coalition	12 February 2024		

<sup>10</sup> Order in Council P.C. 2023-0882, clause (a)(ii)(C); Foreign Interference Commission, *Decision on Standing*, 4 December 2023 at para. 6.

Aspect	Status	Participant	Date of Decision
	Party (National Security Confidentiality hearings only)	Centre for Free Expression	4 December 2023
		Media Coalition	
	Intervener	Chinese Canadian Concern Group on the Chinese Communist Party’s Human Rights Violations <sup>11</sup>	4 December 2023
		Churchill Society for the Advancement of Parliamentary Democracy	
		Conservative Party of Canada	
		Democracy Watch	
		Erin O’Toole	
		New Democratic Party of Canada	
		Pillar Society	
		Yuen Pau Woo	
	Bloc Québécois	12 February 2024	
	Iranian Canadian Congress	4 March 2024	

Aspect	Participant	Date of Decision
 <b>Policy</b>	Centre for International Governance Innovation	4 December 2023
	Chinese Canadian Concern Group on the Chinese Communist Party’s Human Rights Violations	
	Churchill Society for the Advancement of Parliamentary Democracy	
	Conservative Party of Canada	
	Democracy Watch	
	Erin O’Toole	
	Government of Canada	
	Human Rights Coalition	

<sup>11</sup> The Chinese Canadian Concern Group applied for Party status during the second part of the investigation; I granted the application: Foreign Interference Commission, *Decision on Intervener Participation in Stage 2 Hearings (Chinese Canadian Concern Group)*, 6 September 2024.

Aspect	Participant	Date of Decision
	International Civil Liberties Monitoring Group	
	Iranian Justice Collective	
	Justice for All Canada	
	New Democratic Party of Canada	
	Office of the Commissioner of Canada Elections	
	Pillar Society	
	Raoul Wallenberg Centre for Human Rights	
	Russian Canadian Democratic Alliance	
	Ukrainian Canadian Congress	
	Yuen Pau Woo	
	Michael Chong	14 December 2023
	Jenny Kwan	8 January 2024
	Bloc Québécois	12 February 2024
	Sikh Coalition	
Iranian Canadian Congress	4 March 2024	

### Two extra procedural rights for four Interveners

In light of information obtained during our investigation, I concluded it would be appropriate to allow four Interveners to exercise two procedural rights in addition to those available to other Interveners during the factual phase of the Inquiry: the right to cross-examine witnesses and the right to access documents in the Party database (see [Section A.7](#) of this chapter for more information on the database).

The four Interveners (the “**Four Interveners**”) were:

- the Bloc Québécois
- the Conservative Party of Canada
- Erin O’Toole
- the New Democratic Party of Canada

## Options to participate without standing

Individuals and entities who had not been granted standing had several options to learn about and participate in the Commission’s work. The Commission’s website published regular updates as well as a wide range of documents (e.g., evidentiary documents, procedures, Participants’ submissions and the Commissioner’s decisions). They could also take part in the Commission’s public consultation process (see Volume 6, Chapter 20).

## Funding allocated to Participants needing financial assistance

Participants could apply for funding if they needed financial assistance to take part in the Commission’s work. My mandate authorized me to make recommendations to the Clerk of the Privy Council in this matter. Funding was granted by the Privy Council Office (PCO), not by the Commission.<sup>12</sup>

PCO granted funding to the following Participants based on my recommendations, which it invariably accepted:

Participant	Date of Decision
Centre for Free Expression	5 January 2024
Chinese Canadian Concern Group on the Chinese Communist Party’s Human Rights Violations	
Democracy Watch	
Erin O’Toole	
Human Rights Coalition	
Michael Chong	
Russian Canadian Democratic Alliance	
Ukrainian Canadian Congress	
Jenny Kwan	18 January 2024
Churchill Society for the Advancement of Parliamentary Democracy	28 February 2024

<sup>12</sup> The Privy Council Office’s decision is based on government guidelines for remuneration, expenses, and assessment of accounts.

## A.5 The Commission’s Investigative Process

### Collecting and reviewing tens of thousands of documents

During the investigation, the Commission received nearly 50,000 documents from the government, and approximately 5,000 documents from other sources. All were reviewed by Commission counsel.

#### High volume of mostly unredacted government documents

The federal government was receptive to the Commission’s requests and fully cooperated with the investigation. Various departments and agencies provided the Commission with their documents. The documents were received without any redactions for national security reasons. This allowed the Commission to review an enormous amount of relevant, highly classified information from extremely sensitive sources, including confidential Cabinet documents.

Some documents contained redactions for solicitor-client privilege, Cabinet confidence, statutory privileges or because the information was deemed irrelevant to the Commission’s mandate. However, I am of the view that we were able to access the information needed to conduct our work and accomplish our mandate.

Commission counsel began requesting documents from government entities in October 2023 and continued to do so throughout the Commission’s existence. The Commission received the documents in waves as they were collected and processed by the government.

The initial requests focused on documents relevant to Clauses A and B of the Terms of Reference, i.e. potential foreign interference in the 2019 and 2021 general elections and the flow of information within the federal government. The Commission made additional requests as the investigation identified areas of interest. For instance, as the Commission’s work progressed, it asked for documents relating to countries not named in the Terms of Reference.

The Commission’s second round of production requests were in relation to Clause C of the Terms of Reference, i.e. the government’s capacity to detect, deter and counter foreign interference targeting democratic processes. The volume of documents received in response to these requests was considerably larger.

As part of its requests, the Commission received all documents that had been provided to the other bodies that had been tasked to study foreign interference, namely the Independent Special Rapporteur on Foreign Interference, the National Security and Intelligence Review Agency, the National Security and Intelligence Committee of Parliamentarians and a

number of parliamentary committees. However, given that the breadth and scope of the Commission’s mandate was much wider, the Commission received many additional documents. Indeed, the vast majority of the documents requested and received by the Commission had not been provided to those bodies.

### **National security issues and time constraints impacted our work**

I cannot overstate the challenge of conducting a public inquiry based on highly classified information. Yet, as I stated earlier in this report, being transparent is key to any commission. Transparency helps foster public confidence and participation. It also helps inform the public on a matter of grave public concern.

In preparation for each set of hearings, Commission counsel reviewed documents and selected the ones that could and should be disclosed to the public, in whole or in part, after going through a process known as national security confidentiality review (“**NSC Review**”). The government would review the selected documents and return them with proposed redactions.

In many instances, Commission counsel challenged the government’s redactions and proposed they be removed or that the information be summarized. In many cases, the government agreed, and we were able to release significantly more information than initially proposed. The Commission also requested that the government produce publicly disclosable summaries of information on certain topics, drawn from a number of classified documents. These came to be known as “Topical Summaries.”

Given our time constraints, we focused disclosure efforts on the information most important to our mandate. On the whole, I believe both the Commission and the government negotiated the disclosure of classified information in good faith. Had this not been the case, as discussed in Volume 2, Chapter 4, issues in dispute between the Commission and the Government would have to have been decided by the Federal Court. While the Commission had occasion to raise this possibility, it never had to be pursued, as the Commission and the Government were able to ultimately resolve disagreements.

Of course, the time constraints on the Commission meant that it had to “pick its battles” with respect to national security confidentiality. While I do not necessarily agree that every word that remains redacted would be injurious if disclosed, I am confident that the Commission was able to release the information necessary for the public to understand its work and the issues it examined. Indeed, I believe that the level of public disclosure the Commission was able to obtain is unprecedented.

While I have filed a classified supplement to this report, it is a relatively brief document containing only certain specifics and details that I was unable to

include in the report. It does not change the general picture described in this report nor any of my conclusions.

That said, most of the information and documents the Commission received must remain classified, as their disclosure would cause injury to national security. I have no choice but to accept this limit to the transparency of the Commission’s work.

### **Accessing Cabinet documents protected by confidentiality**

Cabinet confidentiality at the federal level is protected by convention, common law and section 39 of the *Canada Evidence Act*. Cabinet confidentiality is one of the strongest privileges in Canadian law. The courts have repeatedly recognized its purpose and importance.

The Government can agree to grant access to Cabinet confidences, but it cannot be forced to do so. Only five public inquiries in Canadian history, this one included, have been granted access to information subject to Cabinet confidence.

From the start, the Commission’s Terms of Reference granted access to four Cabinet documents that had previously been provided to the Independent Special Rapporteur on Foreign Interference. These documents were Memoranda to Cabinet (“**MCs**”) relevant to the Commission’s work. MCs are documents used by ministers for proposing and seeking a decision on policy. They are closely guarded secrets, as they contain ministerial recommendations and may reveal ministerial deliberations.

The Commission requested that it be permitted to release public summaries of these MCs, which to my knowledge has never been done before. After lengthy negotiations, the Government agreed to this. These summaries were entered into evidence. I am pleased that the Commission was able to do this.

As the Commission’s investigation progressed, I determined that I would require access to additional information subject to Cabinet confidentiality. After prolonged negotiations, Commission counsel successfully obtained access to further Cabinet confidences.

First, the Commission obtained operational documents prepared and used by national security officials to brief Cabinet or its committees, which I had identified as being relevant to my understanding of information flow within government.

Then, the Commission received access to further MCs and related documents, which I had identified as being relevant to the policy aspect of my mandate.<sup>13</sup> Unfortunately, the Commission was only granted this access at a late stage in its proceedings. It would have been preferable had it been provided sooner after it was requested. However, I was nonetheless able to

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<sup>13</sup> Order in Council P.C. 2023-0885; Order in Council P.C. 2024-0994.

consider this information in the context of my findings and recommendations, as I had intended.

On several occasions, the Commission requested that the Government review its redactions for Cabinet confidentiality to ensure that the redacted information was genuinely subject to the privilege. This resulted in a number of redactions being lifted.

I note that the Commission requested, but did not receive, certain other Cabinet documents, such as minutes and records of decisions relating to the MCs. Nevertheless, I recognize that the level of access granted to this Commission was exceptional and unprecedented, and I believe that I obtained the information necessary to fulfill my mandate.

### **Assessing the relevance and managing the confidentiality of non-governmental documents**

The Commission also received documents from non-governmental entities. Typically, these documents were not classified. Commission counsel reviewed them for relevance. When identified as relevant, the documents were redacted to remove confidential or personal information before being given to all Participants.

In some cases, however, we received highly confidential documents or information from non-governmental entities and from governmental but independent entities such as the Office of the Commissioner of Canada Elections.<sup>14</sup> Examples include documents relating to investigations into foreign interference whose content is protected by law. The Commission received unredacted versions of those documents. To respect the legal protections, the Commission produced redacted or summarized versions that could be publicly disclosed, using a process that parallels the one used for the government’s classified documents.

### **Timeline of the classified investigation**

I previously alluded to the fact the Commission faced very tight deadlines. I am proud of the efficient way in which we conducted our investigation, which not only included obtaining evidence from relevant federal government departments, agencies and offices but much more. The Commission also gathered evidence from politicians, representatives of political parties, the House of Commons, the Senate, community organizations, civil society groups and individuals. In addition to the documents we requested and received, Commission counsel identified and interviewed potential witnesses and met regularly to coordinate its investigative work.

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<sup>14</sup> Anyone could submit confidential information to the Commission using a secure email address or an encrypted messaging platform only accessible by authorized Commission counsel.

As is true for all commissions of inquiry, with more time the Commission could have reviewed even more documents, interviewed even more potential witnesses and explored issues in greater depth. However, the Commission had to make choices about where to focus its resources within the time that was given to it. I am satisfied that the Commission was able to identify the investigative leads that were most significant to fulfilling its mandate.

The first step in the Commission’s work was to prepare for, and conduct, the national security confidentiality (NSC) hearings that took place in late January and early February 2024. I describe these later in this chapter and discuss what I learned in Volume 2, Chapter 4.

The Commission did most of the investigative work on Clauses A and B of the Terms of Reference from January to March 2024. This included document reviews followed by weeks of interviews and six days of *in camera* hearings. The *in camera* hearings gave the Commission the ability to fully explore the issues in a way that would not have been possible in public given the nature of the information.

The Commission then held public hearings from 27 March to 12 April 2024.

This was an incredibly compressed timetable, especially considering the Commission needed to prepare summaries of interviews and *in camera* examinations ahead of the public hearings. All these summaries and all relevant documents had to go through NSC Review before we could file them into evidence at the hearings.

Once the public hearings were over, the Commission had about three weeks to produce its Initial Report. This was a very tight schedule. However, the Commission succeeded in publishing this report in both official languages on 3 May 2024.

Immediately after this, the Commission had to pursue the investigation relating to Clause C of the Terms of Reference. This was a huge task, made all the more so by the House of Commons’ request in June 2024 that the Commission investigate certain allegations raised in a special report issued by the National Security and Intelligence Committee of Parliamentarians (see Volume 4, Chapter 18).

From May to August 2024, Commission counsel reviewed tens of thousands of documents, conducted dozens of interviews with potential witnesses and held approximately three weeks of *in camera* hearings.

## Conducting witness interviews

Over the course of the investigation, Commission counsel interviewed approximately 150 people. These included government and non-government witnesses. Once again, the Commission had to make choices about whom to interview given the available time and resources.

Counsel started with exploratory witness interviews to understand what evidence was available, and which issues would require further investigation. The interviews were an iterative process, whereby some witnesses were interviewed multiple times during the investigation, depending on the substance of their evidence.

Some interviews were conducted with a single witness, and some with a panel of witnesses. The panel format was particularly useful and time efficient when different representatives from a large institution were needed to answer the Commission’s questions. The panel format allowed the Commission to obtain a broad view and more information than it otherwise would have.

When interviews addressed classified information, they took place in a classified setting.

## Producing summaries of interviews

Interviews were not recorded or transcribed. Commission counsel took detailed notes during each interview. These notes were used to produce a summary or a statement of anticipated evidence when it appeared to the Commission that it might wish to introduce the information it had obtained into evidence. The Commission sent draft summaries to the witnesses involved so they could review them for accuracy or request necessary corrections and clarifications. The same process applied to interviews conducted in classified settings, with the additional requirement of NSC Review.

After that, all the summaries had to be translated into both official languages. The Commission generally succeeded in getting everything translated in time for the public hearings. When translations were not available at the time of the hearings, I prioritized transparency and gave Parties and the Four Intervenors access to the summaries in their original language so they could have fair notice of a witness’s anticipated evidence. Translated summaries were then later filed into the record and posted on the Commission’s website.

Approved summaries were finalized and translated, then shared with the Parties and the Four Intervenors on a confidential basis. The contents of an interview summary were only attributed to the witness when that person officially adopted it, which then became evidence I could rely on. Witnesses could adopt their interview summary at the outset of their testimony in the public hearings or by way of affidavit (sworn statement) filed into evidence.

Commission counsel also prepared statements of anticipated evidence. Unlike interview summaries, however, they did not have to be reviewed or approved by the witness. As a result, those statements could not be attributed to the witness. Using a statement of anticipated evidence instead of a summary protected witnesses who might be facing civil or criminal

proceedings. Because the Commission did not compel anyone to be interviewed, witnesses did not get the self-incrimination protections provided by section 13 of the *Charter of Rights and Freedoms* or section 5 of the *Canada Evidence Act*. Therefore, agreeing to an interview summary that could be attributed to them could conflict with their legal interests. Statements of anticipated evidence were used to help Parties anticipate what a witness would say at the public hearings.

## A.6 The Commission’s Research Program

Research played a crucial role in both aspects of the Commission’s work, namely, to uncover certain facts and to formulate policies and recommendations. The Commission was tasked with shedding light on issues involving complex or little known facts and concepts. Research was essential for this work.

I felt the best way to structure and conduct comprehensive research in such a short timeframe would be to establish a research council. The council was made up of a research chair and three academics with complementary expertise in national security, political science and electoral processes.

The research chair, lead counsel and I met frequently to develop the research program and ensure the research council and investigative team were working in lockstep. Members of the research council provided insights necessary to fully understand the concepts at stake, enabling the legal team to identify and probe evidence relevant to the Commission’s mandate.

To propose realistic and effective solutions to the issues relating to my mandate, I needed to access relevant knowledge and experience as quickly and objectively as possible. The research council was very helpful to me in this respect. It allowed the Commission to draw on sound knowledge and studies to recommend appropriate ways to strengthen the protection of democratic institutions, including electoral processes, against foreign interference.

## A.7 The Commission’s Preparations for the Hearings

### Managing the documents used at the hearings

The Commission managed the documents it received on two systems. Classified and non-classified documents from the government were uploaded and managed on a secure document management system and secure network. Documents obtained from non-governmental Participants or other persons and entities were uploaded on a separate document management system, called Relativity, on a different network. Each document was given a unique ID number.

The Commission came to various agreements with the Government on the production of publicly disclosable versions of government documents. Once these agreements were reached, public versions of the documents were transferred to Relativity and uploaded to the “Party database,” which was a subset of Relativity that was accessible to all Parties and the Four Intervenors. Non-governmental documents were reviewed for personal and privileged information. Once reviewed, these documents were then also transferred to the Party database.

Generally, three days before each hearing date, Commission counsel informed the Parties and Four Intervenors of the documents they intended to use with a witness or panel of witnesses.

Parties and the Four Intervenors wishing to cross-examine witnesses notified the Commission and the other Parties of which documents they would be putting to witnesses, generally two days prior to the witness testifying. Examining counsel would ask the court operator to display the individual documents, which were shown on screens visible to witnesses, counsel, the audience (in-person and online) and me.

Occasionally, documents were held up by the NSC Review process and could not be produced in advance. In these cases, I permitted the Parties and Four Intervenors to ask the witness questions about the document, even if the document had not been listed ahead of time.

Other circumstances led to deadlines being missed or documents not being available ahead of the hearings. I nevertheless authorized Parties and the Four Intervenors to ask questions about these documents.

## Producing overview reports and institutional reports to complete the public record

The purpose of an inquiry is not limited to receiving evidence from witnesses and producing a report containing findings of fact and policy recommendations. The purpose is also to build a comprehensive public record on the issues the Commission was mandated to investigate.

Given the compressed timeframe, it was impossible to present all the evidence orally. To ensure the record contained all relevant information, the Commission supplemented the oral evidence with written reports. This is a practice followed by other commissions of inquiry as well.

Two kinds of reports were filed in the public record: overview reports and institutional reports.

### Overview reports

Overview reports summarize in a single document large amounts of evidence the Commission identified as uncontroversial. This allowed the Commission to focus hearing time on more contentious issues.

Overview reports were:

- drafted either by Commission counsel or the research council, depending on the nature of the topic
- written using neutral, descriptive wording in both English and French
- based on reliable sources of information that were referred to in footnotes
- distributed to Parties for their comments, which frequently resulted in changes before a report was finalized
- entered into evidence in final form.

In some cases, Commission counsel summarized overview reports during the oral presentations they gave at the start of hearings to provide the audience with an introduction to certain concepts relevant to the Commission’s mandate and the hearings that were to follow.

Overview reports were not considered to be the final word on any issue they addressed. Parties were free to challenge their contents or to make submissions on their relevance or the weight that should be assigned to them. Overview reports were not assigned more weight than other evidence just because they were produced by the Commission.

The Commission produced a total of 12 overview reports on 10 topics. The titles are as follows:

- Definitions of Key Terms Contained in the Commission’s Terms of Reference

- Examples of Media, Diaspora and Non-governmental Organization Concerns about Foreign Interference in Canada
- Federal Government Entities Involved in Foreign Interference Matters (an original and an updated version)
- Foreign Agent Registries
- Introduction to Intelligence Concepts
- Introduction to Social Media
- Other Reviews and Investigations of Foreign Interference (an original and an updated version)
- Parliament and the Legislative Process
- Political Parties’ Rules and Processes
- Summary of the *Countering Foreign Interference Act* (Bill C-70).

### **Institutional reports**

The Commission asked many entities to produce institutional reports. An institutional report would describe the organizational structure of the entity and summarize its actions and decisions in the matters relevant to the Commission’s investigation. To be part of the evidence I could rely on, these reports were adopted by a witness at the hearing or by way of affidavit (sworn statement).

Institutional reports were an effective and time-efficient way to receive a significant amount of background information on topics of interest, and to supplement the Commission’s document review and interview activities.

The following entities produced institutional reports:

- Bloc Québécois
- Canadian Heritage
- Canadian Security Intelligence Service
- Communications Security Establishment
- Conservative Party of Canada
- Department of Justice
- Elections Canada
- Global Affairs Canada
- Green Party of Canada
- House of Commons Administration
- Liberal Party of Canada
- New Democratic Party of Canada
- Office of the Commissioner of Canada Elections
- Prime Minister’s Office

- Privy Council Office
- Public Safety Canada
- Royal Canadian Mounted Police
- Senate of Canada.

## Selecting the hearing venue

Public hearings were held at the Library and Archives Canada building at 395 Wellington Street in Ottawa. It had previously been the location of the Public Order Emergency Commission hearings and was already equipped with everything needed to conduct public hearings, including:

- a large room for the public to attend the hearings
- simultaneous interpretation spaces
- workspace for Commission counsel from which they could access a secure network
- workspaces for Participants and media.

*In camera* hearings were conducted in a SCIF.

## Notices under the *Inquires Act*

While commissions of inquiry cannot make findings of criminal or civil liability, their reports may still be highly critical of individuals or institutions. They may make findings that people have engaged in misconduct, which can have significant reputational consequences for those who are named.

To ensure that people are treated fairly by commissions of inquiry, section 13 of the *Inquires Act* requires a commission to give fair notice to a person before a report is made against them. In particular, a commission must give a person notice of any charge of misconduct alleged against them and give them a full opportunity to be heard in order to respond to the allegations. In practice, such an opportunity to be heard would usually occur during an inquiry’s public hearings after providing the individual with sufficient disclosure so that they could know the case against them. If no notice is given under section 13, a commission cannot make a finding of misconduct against an individual in its report.

In the case of this inquiry, section 13 presented a challenge. Certainly, many forms of foreign interference would constitute “misconduct,” as that term is used in the *Inquires Act*. If I had named specific individuals as having engaged in foreign interference in Canada’s democratic institutions, the *Inquiries Act* would have required me to give them fair notice and an opportunity to respond.

However, the information that the Commission was in possession of—and would be required to disclose as part of a section 13 notice—was classified and could never be provided to any individual who might be named by the Commission. Indeed, the names of specific individuals associated with alleged foreign interference activities are themselves classified. Even providing a section 13 notice, without any associated disclosure, could violate the Commission’s duty to protect sensitive information.

As a result, section 13 notices played a limited role in the work of the Commission. For similar reasons, the Commission alerted Participants and potential witnesses ahead of its fall 2024 hearings that the Commission would not be seeking to name specific individuals in Canada who were alleged to have engaged in foreign interference activities. It would not be possible to treat any such individual fairly. Rather, the focus of the hearings was on Canada’s ability to detect, deter and counter foreign interference.

## A.8 The Commission’s Hearing Process

The Commission conducted its public hearings over 39 days in four sets, each corresponding to different clauses in the Commission’s Terms of Reference.

- The national security confidentiality (NSC) hearings took place from 29 January to 2 February 2024 and related to Clause D.
- The second set of hearings took place between 27 March and 12 April 2024 and related to Clauses A and B of the Terms of Reference.
- From 16 September to 16 October 2024, the Commission held a third set of hearings, which related to Clause C.
- Finally, the Commission held policy hearings or “roundtables” from 21 to 24 October 2024, which related to Clause E, namely, policy and recommendations (see [Section A.9](#) below).

During these hearings, the Commission heard from 96 witnesses and 67 consultation panel and policy roundtable experts. Several of these witnesses and panellists appeared multiple times. Witnesses testified under oath and were subject to cross-examination by Participants who had cross-examination rights (Parties and the Four Interveners). The panellists did not testify under oath and were not subject to cross-examination. In many cases, Participants were given opportunities to submit questions for panellists in writing through Commission counsel.

Approximately 2,325 exhibits were filed into evidence, not including exhibits entered during *in camera* hearings.

## Managing the hearings schedule

As the Commission had a limited number of hearing days available, it was important to focus our time on testimony and not on procedural issues. I am grateful for the cooperation of all involved, as most procedural issues were resolved without my intervention. When procedural issues required a decision on my part, written applications were submitted. As time was of the essence, I decided on procedural issues quickly and wrote short decisions, which were posted on the Commission’s website.

Commission counsel led the examinations of all witnesses. In the case of government witnesses testifying publicly about matters that involved classified information, public examinations were a challenging and delicate exercise. Commission counsel had to be extremely careful in their questions, and witnesses had to be the same in their answers to make sure not to divulge classified information.

Following the practice of many modern commissions of inquiry, the amount of time given collectively to Parties and the Four Intervenors to cross-examine witnesses was generally equal to the amount of time given to Commission counsel.

In their requests to cross-examine a witness, Parties were required to ask for a specific amount of time and to submit a list of topics on which they sought to examine the witness. I then allocated time based on these requests and my own assessment. My rule of thumb: the greater their interest, the more time they were given. Often, cross-examining counsel would request a little extra time to complete their cross-examinations. I usually allowed such extensions since the requests were reasonable.

Sometimes, Parties or the Four Intervenors cross-examining witnesses would inadvertently ask a question that might have induced a witness to disclose classified information. When this happened, I allowed Commission counsel, counsel for the Attorney General of Canada or the government witnesses themselves to raise this issue and refuse to answer. The question would then be written down, and if Commission counsel considered it was necessary to the work of the Commission to have an answer, I would obtain it in a secure setting or through secure means.

## Entering documents into evidence

Typically, documents were entered into evidence (i.e. made into exhibits) via a witness on the stand. When examining or cross-examining a witness, counsel could bring up a document on the screen to question the witness. If there were no objections, the document was then entered into evidence.

Because the time available for hearing witnesses was limited, we could not enter all relevant documents using this process. For greater flexibility, I also

entered documents into evidence through “bulk entries.” This involved circulating lists of documents to all Parties and the Four Interveners and informing them that the Commission wished to mark the listed documents as exhibits. In the absence of an objection, those documents became exhibits through written decisions that I released and, as such, were made accessible to the public.

## A.9 The Commission’s Policy Consultations

The Commission wore two hats, carrying out both a factual investigation and providing policy advice and recommendations. When it was investigating, the Commission focused on past events and initiatives, gathering facts and evidence to study the nature and scope of foreign interference, information flow within government and the government’s responses. When it was working on policy, it considered both the evidence already collected, as well as a range of opinions and viewpoints from experts and stakeholders.

This second part of the Commission’s work involved assembling ideas rather than facts. This is why I decided to rely on a wide array of insights from people with diverse academic expertise and field experience. I wanted them to share their ideas in a transparent format, conducive to open discussion and debate, within the short time available. A series of public roundtables seemed the best way to conduct policy consultations and achieve these goals.

### The nature of roundtables

A roundtable is a forum where people with different profiles and perspectives can debate a given issue. Holding roundtables gave me access to many viewpoints and generated enriching discussions in relatively short amounts of time. Having a diverse group of roundtable participants can produce distinct benefits. In the case of the Commission’s roundtables, panellists from both academic and practitioner perspectives were able to discuss the practicality of certain proposed solutions, bridging the gap between theory and practice. The knowledge and information shared during these exercises served to assist me in formulating my recommendations as to how to better protect Canadian democratic processes from foreign interference.

I also decided that the Commission’s roundtables should be held in public sessions. This enabled Canadians to better understand the challenges and issues at stake as well as the difficulty of finding solutions. This transparency and openness also allowed Canadians to see that reasonable people can have different opinions and still discuss them constructively. Ultimately, I

believe the public roundtables provided Canadians with opportunities to better understand the reasoning behind my recommendations.

## The topics and the panellists

I entrusted the Commission’s research council with the task of planning and organizing the roundtables. This involved identifying the topics to be discussed, selecting the panellists and preparing the discussions.

As soon as the Initial Report was submitted in May 2024, the research council began to work on a list of potentially relevant discussion topics, which it continued to refine considering what the Commission’s work continued to reveal. At the end of August, the research council consulted all Participants with standing in the policy phase seeking their views on a preparatory document that contained the preliminary list of topics, explanations of their relevance and a series of questions that could be discussed.

In parallel, the research council sent the same preparatory document to nearly 90 external experts—academics, former civil servants and other stakeholders—seeking their input. These people were chosen for their experience and interest in issues related to the Commission’s mandate. More than 30 of them gave feedback.

The research council revised the preparatory document in mid-September in light of the feedback it received. The resulting document became the foundation for the roundtable program. The topics and issues identified in the document continued to be refined as the public hearings continued in September and October. I note that, in large part, those hearings confirmed that the research council’s plans were already headed in the right direction.

In formulating my recommendations, I wanted to consider a wide range of ideas. Therefore, I asked the research council to make every effort to ensure that the roundtables would display an abundance of opinions from people with varied expertise, experiences and perspectives.

Throughout its consultations, the research council invited interested individuals to suggest who might be roundtable panellists. The Commission received many more suggestions than it could ever hope to squeeze into one week of policy hearings.

The final program included seven roundtables with a total of 38 panellists from a variety of backgrounds and holding diverse perspectives.

## Preparing the discussions

Each research council member was responsible for moderating two or three roundtables. In support of this task, they each held two preparatory meetings to enable them and the panellists to become better acquainted with each other’s perspectives and contributions.

When the program was finalized, and panellists were announced, Participants with standing in the policy phase were invited to submit questions in writing prior to the policy roundtables. These additional questions helped inform the roundtables and generate interesting discussions. Participants could also submit questions in writing during the roundtables themselves, which allowed for follow-ups based on comments made by panellists.

## The conduct of the roundtables

The roundtables took place during the public hearings of the Commission from 21 to 24 October 2024. Anyone who was interested could attend, in person or by webcast. Each roundtable lasted approximately three and a half hours.

Discussions started with each panellist giving a 10-to-15-minute presentation. This was followed by a 30-minute break, during which roundtable panellists, Commission counsel, the moderators and I examined questions that had been submitted by Participants with standing in the policy phase.

When the roundtable session resumed after the 30-minute break, selected questions were discussed in a format that enabled the panellists and me to have a conversation on the various issues relevant to the Commission’s mandate.

## The summary reports from panellists

Shortly after the end of the roundtable, each panellist was asked to submit a short report to the Commission, which reflected what they viewed as the main takeaways from the discussions. Some panellists made additional comments, suggested supporting readings and proposed recommendations to consider. These reports were useful for me to reflect on possible recommendations to better protect democratic processes from foreign interference.

To promote transparency, reports containing information that was not already included in panellists’ remarks during the public hearings were posted on the Commission’s website.

## Beyond the roundtables

The roundtables were extremely useful in helping me formulate recommendations, but they were not the only source of insight that I benefited from.

The Commission received a wide range of suggested recommendations from the 21 Participants to the Commission’s proceedings, contained in their closing written submissions. Several suggestions were also made by the many witnesses heard at the public hearings and by members of the public as part of the public consultation process (see Volume 6).

Moreover, I considered the experience of certain foreign jurisdictions that seemed relevant to the Canadian context, based on publicly available documents. I am grateful to the research council for their assistance in assembling this material.

Considering all the above, I am confident that I received a body of information that permitted me to make meaningful and productive recommendations.

## A.10 Drafting the Commission’s Two Reports

The Commission’s Terms of Reference required me to submit two reports: an Initial Report relating to issues set out in Clauses A and B, and a Final Report relating to issues set out in Clauses C to E.

### Initial Report

My Terms of Reference required me to submit the Initial Report on 29 February 2024. However, I requested an extension to 3 May 2024.<sup>15</sup> The original timeline was, in my view, unrealistic. In addition, the NSC hearings, held from 29 January to 2 February 2024, informed how the Commission could conduct its process to be able to introduce as much evidence as possible during the factual hearings. This required time. As I have already explained, this process was resource intensive and time consuming, and it inevitably delayed the hearings.

Even with that extension, the Initial Report had to be published only three weeks after the end of the hearings on 12 April 2024. In that short time, the report had to be written, internally reviewed, submitted for NSC Review, translated, typeset and printed. This was an enormous challenge.

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<sup>15</sup> Order in Council P.C. 2023-1316.

Drafting the Initial Report was also challenging because the Commission had to produce a report based on information relating to only part of its mandate. As a result, the report was based on an investigation that was still ongoing.

With all that in mind, the Commission based its Initial Report primarily on information that was already publicly disclosed during the public hearings. Consequently, NSC Review did not take as long as it would have otherwise.

Classified information that supplemented the contents of the Initial Report was put in a classified supplement.

## Final Report

Because the Initial Report was based on an ongoing investigation, and because it referred to a minimal amount of classified information, it was important that my Final Report be a comprehensive, stand-alone document.

This Final Report contains findings of fact on all aspects of my mandate and recommendations based on all the relevant information the Commission obtained, both classified and unclassified. To make reading easier, materials from my Initial Report have been reproduced and updated to include additional information.

That said, drafting the Final Report involved challenges similar to the Initial Report. The policy hearings concluded on 24 October 2024 and the Final Report was due on 31 December 2024. This left the Commission only nine weeks to produce a report that was not only much longer than the Initial Report, but also based on much more classified information, which inevitably led to a longer NSC Review. This is why, at my request, the deadline was extended by Order in Council to 31 January 2025.<sup>16</sup>

## Public education through plain language

As discussed at many points in this report, one of the best tools Canada has against foreign interference is public education. Thus, it was important for me that the Commission’s report be a significant contribution to public education and that its language be accessible to all Canadians.

To that end, the Commission retained the services of a lawyer specialized in plain language who played a major role in drafting, both in terms of substance and in coordinating our drafting efforts. A firm specialized in legal communication and design also reviewed key parts of the reports and worked with Commission counsel to ensure maximum readability.

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<sup>16</sup> Order in Council P.C. 2024-1210.

## Other key elements in drafting the reports

To overcome the challenges explained above, the Commission had to be creative and organized. Here are some key elements that enabled production of what I believe were accessible, quality reports within our compressed timeframe.

### **Facilitating information flow within the Commission**

Different branches of the Commission had to work together to produce the reports: administration, communication, investigation, research and drafting. We put different practices in place to make sure we worked coherently, optimized the quality of our work and avoided duplication.

These practices included identifying people to liaise between branches and with me. We also held regular and *ad hoc* meetings between branches. This was particularly helpful to discuss specific issues and for everyone to benefit from the other branches’ perspectives. Information flow will always be a huge challenge within a commission, but we tried to limit working in silos as much as possible.

### **Working with an iterative approach**

My reports are the main tools I have to communicate the results of all the work the Commission has done. Although they are published at the end of a long process, the Commission started thinking about their content and structure while still carrying out the investigation. Because the reports’ content and structure were developed as the investigation went on, the Commission’s process was necessarily iterative.

### **Starting to draft early**

I knew the Commission would have to wait until after the final set of hearings to start drafting the chapters that reported evidence heard, findings, conclusions and recommendations. But chapters not related to the evidence could be drafted early and updated later in the process – for example the chapters setting out the general context, my interpretation of my mandate or explaining what intelligence is.

### **Working with external firms: predictability and flexibility**

Commission of inquiry timelines are a moving target. Accordingly, coordinating with external firms that contribute to the production of reports (editing, translation, layout and design, printing) can be very complex. Not only does the schedule change constantly, but so do the nature of the commission’s needs and the volume of work. And any change can have a snowball effect on the production chain.

To ensure that we had timely access to the resources we needed, the Commission had to frame its requirements very precisely and keep the external firms regularly informed.

## A.11 Conclusion

Setting up the Commission and carrying out my mandate represented a huge challenge, which some thought insurmountable at first. Holding a public inquiry and maximizing the transparency of our work was difficult to reconcile with the fact that most of the relevant documents and testimony would contain classified information.

However, the creativity of Commission counsel, and the cooperation of the government with the approaches we proposed, allowed the Commission to disclose a great deal of information that would otherwise have been kept secret. In so doing, I believe the Commission has helped inform the public on various national security issues and furthered its understanding of foreign interference, the way the government responds to it and the ways in which this response should be improved.

In my opinion, extending the duration of the Commission’s work to dig deeper into the issues would have been inappropriate. The Commission examined an ongoing and apparently growing phenomenon, and recommended ways of countering it. It was thus essential to file a Final Report without delay, including recommendations to strengthen Canada’s ability to effectively counter foreign interference in its democratic institutions.

With everyone (the Commission, witnesses, lawyers, Participants and the government) willing to put in the hard work, I am certain we have dug deeply enough. We now have a better understanding of how certain foreign states try to interfere in our democratic processes, who they are and what their objectives are. Of course, the Commission had to make difficult choices about where to direct its efforts. With more time we might have been able to identify other examples of potential foreign interference or further explored certain government acts or decisions, but this would not likely have changed my conclusions or recommendations.

## ANNEX B

# Administrative documents

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B.1

# Orders in Council



**PC Number:** 2023-0882

**Date:** 2023-09-07

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Whereas, given concerns expressed surrounding foreign interference with respect to the 43rd and 44th general elections, the Government of Canada and the leaders of all recognized parties in the House of Commons recognize both the cardinal importance of preserving the integrity of Canada's electoral processes and democratic institutions and the need for transparency in order to enhance Canadians' trust and confidence in their democracy;

Whereas the National Security and Intelligence Committee of Parliamentarians and the National Security and Intelligence Review Agency are undertaking reviews with respect to foreign interference in federal electoral processes in accordance with their respective statutory mandates;

And whereas the leaders of all recognized parties in the House of Commons have supported the establishment of a public inquiry into foreign interference in federal electoral processes and democratic institutions with respect to the 43rd and 44th general elections;

Therefore, Her Excellency the Governor General in Council, on the recommendation of the Prime Minister,

(a) directs that a Commission do issue, for the period beginning on the day on which this Order is made and ending on February 11, 2025, under Part I of the *Inquiries Act* and under the Great Seal of Canada, appointing the Honourable Marie-Josée Hogue, puisne judge of the Court of Appeal of Quebec, as Commissioner (“the Commissioner”), to conduct an Inquiry under the name of the Public Inquiry into Foreign Interference in Federal Electoral Processes and Democratic Institutions (“Public Inquiry”), which Commission must

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(i) direct that the Commissioner

(A) examine and assess interference by China, Russia and other foreign states or non-state actors, including any potential impacts, in order to confirm the integrity of, and any impacts on, the 43rd and 44th general elections at the national and electoral district levels,

(B) in relation to the issues set out in clause (A), examine and assess the flow of information to senior decision-makers, including elected officials, and between the Security and Intelligence Threats to Elections Task Force and the Critical Election Incident Public Protocol panel during the

election periods that led up to the 43rd and 44th general elections, and in the weeks following those periods, and actions taken in response,

(C) examine and assess the capacity of relevant federal departments, agencies, institutional structures and governance processes to permit the Government of Canada to detect, deter and counter any form of foreign interference directly or indirectly targeting Canada's democratic processes, notably in relation to

(I) the creation, sharing, assessment and distribution of intelligence and the formulation of advice to senior decision-makers, including elected officials,

(II) the supports and protections in place for members of a diaspora who may be especially vulnerable and may be the first victims of foreign interference in Canada's democratic processes, and

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(III) the mechanisms that were in place to protect the integrity of the 43rd and 44th general elections from foreign interference as compared to those in place in previous recent federal elections that the Commissioner determines to be relevant,

(D) conduct public hearings at the outset of the Commissioner's mandate to identify the challenges, limitations and potential adverse impacts associated with the disclosure of classified national security information and intelligence to the public, for the purposes of fostering transparency and enhancing public awareness and understanding, during which hearings the Commissioner should seek to hear from a range of stakeholders, including senior federal public service officials from the legal and national security and intelligence community, academic and legal experts and other stakeholders, as deemed appropriate by the Commissioner,

(E) recommend any means for better protecting federal democratic processes from foreign interference that the Commissioner may consider appropriate, and

(F) in conducting the Public Inquiry and making the Commissioner's reports,

(I) maximize the degree of public transparency while taking all necessary steps to prevent the disclosure of information whose disclosure could be injurious to the critical interests of Canada or its allies, national defence or national security, in accordance with the procedures set out in clause (iii)(C),

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(II) consider the use of alternative measures, such as summaries, in accordance with the procedures set out in clause (iii)(C), to describe withheld information and, to the extent possible, explain decisions to withhold information in order to foster understanding of the limitations on and impacts of the disclosure of classified information and intelligence, and

(III) address any relevant classified content in a separate report, if required,

(G) submit to the Governor in Council, in both official languages and in an accessible format, a classified report containing any relevant classified content, if required, and a report suitable for disclosure to the public with findings and recommendations, so as to ensure that the Governor in Council may make available to the leaders of all recognized parties in the House of Commons who have the requisite security clearance, any classified reports as soon as feasible after their receipt, and make the public report available to the public as soon as feasible after its receipt,

(I) in relation to the issues set out in clauses (A) and (B), by no later than February 29, 2024, and

(II) in relation to the issues set out in clauses (C) to (E), by no later than December 31, 2024;

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(ii) authorize the Commissioner to

(A) adopt any procedures and methods that they may consider expedient for the proper and efficient conduct of the Public Inquiry, accept submissions in the manner they choose, including electronically, and sit at any times, in any manner and in any place in Canada that they may deem appropriate,

(B) receive and review any relevant classified or unclassified documents,

(C) at the Commissioner's discretion, grant any person who, in the Commissioner's assessment, would provide appropriate and necessary contributions to, and has a substantial and direct interest in, the subject matter of the Public Inquiry, an opportunity for appropriate participation in the public portions of the Public Inquiry,

(D) recommend to the Clerk of the Privy Council that funding be provided, in accordance with approved guidelines respecting remuneration and expenses and the assessment of accounts, to any person described in clause (C) if the person would not, in the Commissioner's view, otherwise be able to participate in the Public Inquiry, and

(E) engage the services of the experts and other persons referred to in section 11 of the *Inquiries Act*, and pay them remuneration and expenses as approved by the Treasury Board;

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(iii) direct that the Commissioner

(A) perform their duties without expressing any conclusion or recommendation regarding the civil or criminal liability of any person or organization,

(B) perform their duties in such a way as to ensure that the conduct of the Public Inquiry does not jeopardize any ongoing criminal investigation or proceeding, or any other

investigation, and provide appropriate notice to the government institution responsible of any potential impact,

(C) in conducting the Public Inquiry, maximize the degree of public transparency while taking all steps necessary to prevent the disclosure to persons or bodies other than the Government of Canada of information whose disclosure could, in the opinion of the Commissioner, be injurious to the critical interest of Canada or its allies, national defence or national security, and conduct proceedings in accordance with the following procedures:

(I) on the request of the Attorney General of Canada, the Commissioner must receive information *in camera* and in the absence of any party and their counsel if, in the opinion of the Commissioner, its disclosure could be injurious to the critical interests of Canada or its allies, national defence or national security,

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(II) the Commissioner may disclose a part or a summary of the information received *in camera* if, in the opinion of the Commissioner, its disclosure would not be injurious to the critical interests of Canada or its allies, national defence or national security, but must, prior to disclosure, provide the Attorney General of Canada with an opportunity to make submissions to the Commissioner regarding the critical interests of Canada or its allies, national defence or national security,

(III) if the Commissioner concludes that, contrary to the submissions of the Attorney General of Canada referred to in subclause (II), disclosure of a part or a summary of information received *in camera* would not be injurious to the critical interests of Canada or its allies, national defence or national security, the Commissioner must notify the Attorney General of Canada, which will constitute notice under section 38.01 of the *Canada Evidence Act*,

(IV) the Commissioner must provide the Attorney General of Canada with an opportunity to review any report suitable for disclosure to the public referred to in clause (i)(G) and to make, prior to their submission to the Governor in Council, submissions to the Commission regarding the critical interests of Canada or its allies, national defence or national security, and

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(V) if the Commissioner concludes that, contrary to the submissions of the Attorney General of Canada referred to in subclause (IV), the disclosure of information contained in the report intended for disclosure to the public would not be injurious to the critical interests of Canada or its allies, national defence or national security, the Commissioner must notify the Attorney General of Canada, which will constitute notice under section 38.01 of the *Canada Evidence Act*,

(D) have the Public Inquiry's primary office in the National Capital Region and use the accommodation provided by the Privy Council Office,

(E) follow established security procedures, including the requirements of the Government of Canada's security policies, directives, standards and guidelines, with respect to persons whose services are engaged under section 11 of the *Inquiries Act* and the handling of information at all stages of the Public Inquiry,

(F) use the information technology systems and devices and other electronic systems, including record management systems, and associated support, services and procedures specified by the Privy Council Office, including for records management and the creation and maintenance of websites,

(G) use the automated litigation support system specified by the Attorney General of Canada,

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(H) ensure that, with respect to any portion of the Public Inquiry conducted in public, members of the public can, simultaneously in both official languages, communicate with and obtain services from the Public Inquiry,

(I) file the records of the Public Inquiry with the Clerk of the Privy Council as soon as feasible after the conclusion of the Public Inquiry for transmittal to Library and Archives Canada, and

(J) provide the Government of Canada with an opportunity to fully participate in the Public Inquiry; and

(iv) provide that nothing in the commission is to be construed as limiting the application of the *Canada Evidence Act*, the *Privacy Act*, the *Canadian Security Intelligence Service Act* or any other Act of Parliament;

(b) authorizes the Honourable Marie-Josée Hogue, puisne judge of the Court of Appeal of Quebec, to act as Commissioner of the Public Inquiry into Foreign Interference in Federal Electoral Processes and Democratic Institutions under section 56 of the *Judges Act*; and

(c) directs that the Commissioner be given access, so that they may carry out their mandate, to those confidential cabinet documents that came into existence on or after November 4, 2015 and that were provided to the Independent Special Rapporteur on Foreign Interference in relation to the preparation of his First Report, dated May 23, 2023.

Attendu que le gouvernement du Canada et les chefs de tous les partis reconnus à la Chambre des communes, tenant compte des inquiétudes relativement à l'ingérence étrangère suscitées lors des 43<sup>e</sup> et 44<sup>e</sup> élections générales, reconnaissent, d'une part, l'importance capitale de la préservation de l'intégrité des processus électoraux et des institutions démocratiques du Canada, et d'autre part, le besoin de transparence, cela dans le but de renforcer la confiance des Canadiens à l'égard de leur démocratie;

Attendu que le Comité des parlementaires sur la sécurité nationale et le renseignement et l'Office de surveillance des activités en matière de sécurité nationale et de renseignement entreprennent

des examens à l'égard de l'ingérence étrangère dans les processus électoraux fédéraux, conformément à leur mandat législatif respectif;

Attendu que les chefs de tous les partis reconnus à la Chambre des communes ont appuyé l'ouverture d'une enquête publique sur l'ingérence étrangère dans les processus électoraux et les institutions démocratiques fédéraux dans le cadre des 43<sup>e</sup> et 44<sup>e</sup> élections générales,

À ces causes, sur recommandation du premier ministre,  
Son Excellence la Gouverneure générale en conseil :

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a) ordonne que soit mise sur pied, pour la période commençant à la date de prise du présent décret et se terminant le 11 février 2025, en vertu de la partie I de la *Loi sur les enquêtes*, une commission revêtue du grand sceau du Canada portant nomination de l'honorable Marie-Josée Hogue, juge puînée de la Cour d'appel du Québec, comme commissaire (« la commissaire ») chargée de mener

une enquête intitulée Enquête publique sur l'ingérence étrangère dans les processus électoraux et les institutions démocratiques fédéraux (« Enquête publique »), laquelle commission :

(i) ordonne à la commissaire :

(A) d'examiner et d'évaluer l'ingérence de la Chine, de la Russie et d'autres acteurs étatiques ou non étatiques étrangers, ainsi que toute répercussion potentielle de cette ingérence, afin de confirmer l'intégrité et les répercussions, le cas échéant, sur les 43<sup>e</sup> et 44<sup>e</sup> élections générales à l'échelle nationale et à celle des circonscriptions,

(B) à l'égard des questions énoncées à la division (A), d'examiner et d'évaluer la circulation d'information à destination de décisionnaires de haut rang, notamment d'élus, et entre le Groupe de travail sur les menaces en matière de sécurité et de renseignement visant les élections et le groupe du Protocole public en cas d'incident électoral critique pendant les périodes électorales ayant mené aux 43<sup>e</sup> et 44<sup>e</sup> élections générales et au cours des semaines qui ont suivi ces périodes électorales, ainsi que les mesures prises en réaction à cette information,

(C) d'examiner et d'évaluer la capacité des ministères, organismes, structures institutionnelles et processus de gouvernance fédéraux à permettre au gouvernement du Canada de détecter, de prévenir et de contrer toute forme d'ingérence étrangère visant directement ou indirectement les processus démocratiques du Canada, notamment en ce qui a trait à ce qui suit :

(I) la création, l'échange, l'évaluation et la diffusion du renseignement et la formulation de conseils à l'intention de décisionnaires de haut rang, notamment d'élus,

(II) les mesures de soutien et de protection en place pour les membres d'une diaspora qui peuvent être particulièrement vulnérables et devenir les premières victimes de cette ingérence, dans les processus démocratiques canadiens,

(III) les mécanismes qui étaient en place pour protéger l'intégrité des 43<sup>e</sup> et 44<sup>e</sup> élections générales contre l'ingérence étrangère, comparativement à ceux qui étaient en place pour protéger celle des élections fédérales antérieures récentes que la commissaire juge pertinentes,

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(D) de mener, au début de son mandat, des audiences publiques pour déterminer les défis, les limites et les effets préjudiciables potentiels associés à la divulgation au public d'information et de renseignement classifiés sur la sécurité nationale, dans le but de favoriser la transparence et d'accroître le degré de sensibilisation et de compréhension du public, audiences pendant lesquelles la commissaire devrait chercher à entendre divers intervenants, y compris des hauts fonctionnaires fédéraux des secteurs juridique et de la sécurité nationale et du renseignement, des experts des milieux universitaire et juridique et d'autres intervenants, selon ce que la commissaire juge approprié,

(E) de recommander des moyens de renforcer la protection des processus démocratiques fédéraux contre l'ingérence étrangère qui, selon la commissaire, sont appropriés,

(F) dans la conduite de l'enquête et la préparation de ses rapports :

(I) de maximiser le degré de transparence à l'égard du public, en prenant toutes les mesures nécessaires pour prévenir la divulgation d'informations qui pourrait être préjudiciable aux intérêts cruciaux du Canada ou de ses alliés, à la défense nationale ou à la sécurité nationale, conformément à la procédure énoncée à la clause (iii)(C),

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(II) d'envisager le recours à d'autres options, telles que la production de résumés, conformément à la procédure énoncée à la clause (iii)(C), pour décrire les informations non divulguées, et, dans la mesure du possible, pour expliquer les décisions de non-divulgation d'informations, cela afin de favoriser la compréhension des limites et des incidences de la divulgation d'informations et de renseignement classifiés,

(III) s'il y a lieu, de traiter de tout contenu classifié pertinent dans un rapport distinct;

(G) de présenter à la gouverneure en conseil, dans les deux langues officielles et dans un format accessible, un rapport classifié contenant tout contenu classifié pertinent, s'il y a lieu, et un rapport qui convient à la divulgation et qui contient ses conclusions et ses recommandations, afin de veiller à ce que la gouverneure en conseil puisse mettre à la disposition des chefs de tous les partis reconnus à la Chambre des communes tout rapport classifié, dès que possible après sa réception — pourvu que ceux-ci possèdent l'habilitation de sécurité requise — et puisse mettre à la disposition du public le rapport public dès que possible après sa réception :

(I) à l'égard des questions énoncées aux divisions (A) et (B), au plus tard le 29 février 2024,

(II) à l'égard des questions énoncées aux divisions (C) à (E), au plus tard le 31 décembre 2024;

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(ii) autorise la commissaire :

(A) à adopter les procédures et les méthodes qui lui paraissent indiquées pour la conduite efficace et adéquate de l'Enquête publique, à accepter les présentations de la manière qu'elle estime indiquée, notamment par voie électronique, et à siéger aux moments et aux lieux au Canada qu'elle juge opportuns et de la manière qu'elle juge à propos,

(B) à recevoir et à examiner tous les documents pertinents, classifiés ou non,

(C) à donner, à sa discrétion, à toute personne qui apporterait, selon son évaluation, une contribution nécessaire et qui a un intérêt direct et réel dans l'objet de l'Enquête publique, la possibilité de participer de façon appropriée aux parties publiques de celle-ci,

(D) à recommander au greffier du Conseil privé d'octroyer un financement à toute personne visée à la division (C) selon les lignes directrices approuvées concernant la rémunération et les indemnités ainsi que l'évaluation des comptes, si la commissaire est d'avis que la personne ne pourrait autrement participer à l'Enquête publique,

(E) à retenir les services d'experts et d'autres personnes mentionnées à l'article 11 de la *Loi sur les enquêtes* et à leur verser la rémunération et les indemnités approuvées par le Conseil du Trésor;

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(iii) ordonne à la commissaire :

(A) d'exercer ses fonctions en évitant de formuler des conclusions ou des recommandations à l'égard de la responsabilité civile ou criminelle de personnes ou d'organisations,

(B) d'exercer ses fonctions en veillant à ce que l'Enquête publique ne compromette aucune autre enquête ou poursuite en matière criminelle qui est en cours, ou toute autre enquête, et de donner un avis approprié à l'institution gouvernementale responsable de toute conséquence potentielle,

(C) dans la conduite de l'Enquête publique, de maximiser le degré de transparence à l'égard du public tout en prenant les mesures nécessaires pour empêcher la divulgation de toute information qui, si elle était divulguée à des personnes ou des organisations autres que le gouvernement du Canada, pourrait selon la commissaire porter préjudice aux intérêts cruciaux du

Canada ou de ses alliés, à la défense nationale ou à la sécurité nationale, et de tenir les audiences conformément à la procédure suivante :

(I) à la demande du procureur général du Canada, la commissaire reçoit, à huis clos et en l'absence des parties et de leurs avocats, de l'information qui, si elle était divulguée, pourrait selon la commissaire porter préjudice aux intérêts cruciaux du Canada ou de ses alliés, à la défense nationale ou à la sécurité nationale,

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(II) la commissaire peut divulguer toute partie de l'information reçue au cours du huis clos, ou un résumé de celle-ci, si elle estime que cette divulgation ne porterait pas préjudice aux intérêts cruciaux du Canada ou de ses alliés, à la défense nationale ou à la sécurité nationale, mais, avant la divulgation, elle en avise le procureur général du Canada et lui donne la possibilité de présenter des observations concernant les intérêts cruciaux du Canada ou de ses alliés, la défense nationale ou la sécurité nationale,

(III) si la commissaire conclut, à l'encontre des observations mentionnées à la sous-division (II), que la divulgation de toute partie de l'information reçue pendant le huis clos, ou d'un résumé de ceux-ci, ne porterait pas préjudice aux intérêts cruciaux du Canada ou de ses alliés, à la défense nationale ou à la sécurité nationale, elle en avise le procureur général du Canada, et cet avis constitue un avis aux termes de l'article 38.01 de la *Loi sur la preuve au Canada*,

(IV) la commissaire donne au procureur général du Canada la possibilité d'examiner les rapports qui conviennent à la divulgation publique visés à la division (i)(G) et de présenter des observations à la commissaire concernant les intérêts cruciaux du Canada ou de ses alliés, la sécurité nationale ou la défense nationale, et ce, avant la présentation de ces rapports à la gouverneure en conseil,

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(V) si la commissaire conclut, à l'encontre des observations mentionnées à la sous-division (IV), que la divulgation des informations fournies dans les rapports qu'elle a l'intention de rendre publics ne porterait pas préjudice aux intérêts cruciaux du Canada ou de ses alliés, la sécurité nationale ou à la défense, elle en avise le procureur général du Canada, et cet avis constitue un avis aux termes de l'article 38.01 de la *Loi sur la preuve au Canada*,

(D) d'occuper le bureau principal de l'Enquête publique dans la région de la capitale nationale et d'utiliser les locaux fournis par le Bureau du Conseil privé,

(E) de suivre les procédures établies en matière de sécurité, notamment les exigences prévues par les politiques, les directives, les normes et les lignes directrices du gouvernement du Canada en matière de sécurité à l'égard des personnes dont les services sont retenus en vertu de l'article 11 de la *Loi sur les enquêtes* et à l'égard du traitement de l'information à toutes les étapes de l'Enquête publique,

(F) d'utiliser les systèmes et les appareils de technologies de l'information et autres systèmes électroniques, notamment les systèmes de gestion des documents, ainsi que le soutien, les services et les procédures connexes précisés par le Bureau du Conseil privé, notamment pour la gestion des documents et la création et la tenue à jour de sites Web,

(G) d'utiliser le système automatisé de soutien au contentieux désigné par le procureur général du Canada,

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(H) de veiller à ce que le public puisse communiquer avec l'Enquête publique et obtenir ses services simultanément dans les deux langues officielles, à l'égard de toute partie de l'Enquête publique qui est tenue en public,

(I) de déposer ses documents auprès du greffier du Conseil privé dès que possible à l'issue de l'Enquête publique afin qu'ils soient transmis à Bibliothèque et Archives Canada,

(J) de donner au gouvernement du Canada, la possibilité de participer pleinement à l'Enquête publique;

(iv) prévoit qu'elle n'a pas pour effet de restreindre l'application de la *Loi sur la preuve au Canada*, de la *Loi sur la protection des renseignements personnels*, de la *Loi sur le Service canadien du renseignement de sécurité* ou de toute autre loi fédérale;

b) autorise, en vertu de l'article 56 de la *Loi sur les juges*, l'honorable Marie-Josée Hogue, juge puînée de la Cour d'appel du Québec, à faire fonction de commissaire à l'Enquête publique

sur l'ingérence étrangère dans les processus électoraux et les institutions démocratiques fédéraux;

c) ordonne que la commissaire se voit donner accès, afin qu'elle puisse exercer son mandat, aux documents confidentiels du Cabinet qui ont été produits le 4 novembre 2015 ou après cette date et qui ont été fournis au rapporteur spécial indépendant sur l'ingérence étrangère dans le cadre de la préparation de son premier rapport, daté du 23 mai 2023.

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**Date modified:** 2024-11-10



**PC Number:** 2023-0883

**Date:** 2023-09-07

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Her Excellency the Governor General in Council, on  
the recommendation of the Prime Minister,

(a) under paragraph (b) of the definition *department* in section 2 of the *Financial Administration Act*, designates the commission that is named the Public Inquiry into Foreign Interference in Federal Electoral Processes and Democratic Institutions as a department for the purposes of that Act; and

(b) under paragraph (b) of the definition *appropriate Minister* in section 2 of the *Financial Administration Act*, designates the Prime Minister as the appropriate Minister with respect to the commission named in paragraph (a).

Sur recommandation du premier ministre, Son Excellence  
la Gouverneure générale en conseil :

a) en vertu de l'alinéa b) de la définition de *ministère* à l'article 2 de la *Loi sur la gestion des finances publiques*, désigne la commission, appelée Enquête publique sur l'ingérence étrangère dans les

processus électoraux et les institutions démocratiques fédéraux, comme ministère pour l'application de cette loi;

b) en vertu de l'alinéa b) de la définition de *ministre compétent* à l'article 2 de la *Loi sur la gestion des finances publiques*, charge le premier ministre de l'administration de la commission visée à l'alinéa a).

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**Date modified:** 2024-11-10



**PC Number:** 2023-0884

**Date:** 2023-09-07

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Whereas the Governor in Council is of the opinion that the Public Inquiry into Foreign Interference in Federal Electoral Processes and Democratic Institutions has a mandate that is primarily related to security and intelligence matters;

Therefore, Her Excellency the Governor General in Council, on the recommendation of the Prime Minister, makes the annexed *Order Amending the Schedule to the Security of Information Act* under section 9 of the *Security of Information Act*.

Attendu que la gouverneure en conseil estime que les fonctions de l'Enquête publique sur l'ingérence étrangère dans les processus électoraux et les institutions démocratiques fédéraux sont principalement liées à des questions de sécurité et de renseignement,

À ces causes, sur recommandation du premier ministre et en vertu de l'article 9 de la *Loi sur la protection de l'information*, Son Excellence la Gouverneure générale en conseil prend le *Décret modifiant l'annexe de la Loi sur la protection de l'information*, ci-après.

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**PC Number:** 2023-0885

**Date:** 2023-09-07

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Her Excellency the Governor General in Council, on the recommendation of the Prime Minister, makes the annexed *Order Amending the Schedule to the Canada Evidence Act* under subsection 38.01(8) of the *Canada Evidence Act*.

Sur recommandation du premier ministre et en vertu du paragraphe 38.01(8) de la *Loi sur la preuve au Canada*, Son Excellence la Gouverneure générale en conseil prend le *Décret modifiant l'annexe de la Loi sur la preuve au Canada*, ci-après.

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**Date modified:** 2024-11-10



**PC Number:** 2023-1316

**Date:** 2023-12-21

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Whereas by Order in Council P.C. 2023-882 of September 7, 2023, Her Excellency the Governor General in Council directed that a commission do issue, for the period beginning on September 7, 2023 and ending on February 11, 2025, under Part I of the *Inquiries Act* and under the Great Seal of Canada, appointing a commissioner to conduct the Public Inquiry into Foreign Interference in Federal Electoral Processes and Democratic Institutions;

And whereas the Commissioner has requested an extension of the date for submitting her first report;

Therefore, Her Excellency the Governor General in Council, on the recommendation of the Prime Minister, directs that a commission do issue under Part I of the *Inquiries Act* and under the Great Seal of Canada amending subparagraph (g)(i) of the Commission of the Public Inquiry into Foreign Interference in Federal Electoral Processes and Democratic Institutions, issued under Order in Council P.C. 2023-882 of September 7, 2023, by replacing “February 29, 2024” with “May 3, 2024”.

Attendu que, par le décret C.P. 2023-882 du 7 septembre 2023, Son Excellence la Gouverneure générale en conseil a ordonné que soit mise sur pied, pour la période commençant le 7 septembre 2023 et se terminant le 11 février 2025, en vertu de la partie I de la *Loi sur les enquêtes*, une commission revêtue du grand sceau du Canada portant nomination d'une commissaire chargée de mener une enquête intitulée Enquête publique sur l'ingérence étrangère dans les processus électoraux et les institutions démocratiques fédéraux;

Attendu que la commissaire a demandé la prolongation du délai pour le dépôt de son premier rapport,

À ces causes, sur recommandation du premier ministre, Son Excellence la Gouverneure générale en conseil ordonne que soit mise sur pied, en vertu de la partie I de la *Loi sur les enquêtes*, une commission revêtue du grand sceau du Canada qui modifie la commission relative à l'Enquête publique sur l'ingérence étrangère dans les processus électoraux et les institutions démocratiques fédéraux, mise sur pied en vertu du décret C.P. 2023-882 du 7 septembre 2023, en remplaçant « 29 février 2024 » par « 3 mai 2024 » au sous-alinéa g)(i).

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**PC Number:** 2024-0481

**Date:** 2024-05-03

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The Committee of the Privy Council transmits to Your Excellency the first report of the Public Inquiry into Foreign Interference in Federal Electoral Processes and Democratic Institutions, established under Order in Council P.C. 2023-882 of September 7, 2023, which was amended by Order in Council P.C. 2023-1316 of December 21, 2023.

Le Comité du Conseil privé transmet à Votre Excellence le premier rapport de l'Enquête publique sur l'ingérence étrangère dans les processus électoraux et les institutions démocratiques fédéraux mise sur pied au titre du décret C.P. 2023-882 du 7 septembre 2023, lequel a été modifié par le décret C.P. 2023-1316 du 21 décembre 2023.

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**Date modified:** 2024-11-10



**PC Number:** 2024-0994

**Date:** 2024-08-30

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Her Excellency the Governor General in Council, on the recommendation of the Prime Minister, directs that a commission do issue under Part I of the *Inquiries Act* and under the Great Seal of Canada amending the Commission of the Public Inquiry into Foreign Interference in Federal Electoral Processes and Democratic Institutions, issued under Order in Council P.C. 2023-882 of September 7, 2023, as amended by Order in Council P.C. 2023-1316 of December 21, 2023, by replacing paragraph (c) of Order in Council P.C. 2023-882 with the following :

(c) directs that the Commissioner be given access, so that they may carry out their mandate,

(i) to those confidential Cabinet documents that came into existence on or after November 4, 2015 and that were provided to the Independent Special Rapporteur on Foreign Interference in relation to the preparation of his First Report, dated May 23, 2023, and

(ii) to those confidential Cabinet documents that came into existence on or after January 1, 2018 and that were prepared and used by officials from the Canadian Security and Intelligence

Service, or other officials involved in national security, to brief Cabinet or its committees on matters related to foreign interference that are strictly operational in nature.

Sur recommandation du premier ministre, Son Excellence la Gouverneure générale en conseil ordonne que soit mise sur pied, en vertu de la partie I de la *Loi sur les enquêtes*, une commission revêtue du grand sceau du Canada qui modifie la commission relative à l'Enquête publique sur l'ingérence étrangère dans les processus électoraux et les institutions démocratiques fédéraux, mise sur pied en vertu du décret C.P. 2023-882, du 7 septembre 2023, tel qu'il a été modifié par le décret C.P. 2023-1316, du 21 décembre 2023, en remplaçant, dans le décret C.P. 2023-882, l'alinéa c) par ce qui suit :

c) ordonne que la commissaire, afin qu'elle puisse exercer son mandat, se voit donner accès aux documents suivants :

(i) les documents confidentiels du Cabinet qui ont été produits le 4 novembre 2015 ou après cette date et qui ont été fournis au rapporteur spécial indépendant sur l'ingérence étrangère dans le cadre de la préparation de son premier rapport, daté du 23 mai 2023,

(ii) les documents confidentiels du Cabinet qui ont été produits le 1<sup>er</sup> janvier 2018 ou après cette date et qui ont été préparés et utilisés par des fonctionnaires du Service canadien du renseignement de sécurité, ou d'autres fonctionnaires

s'occupant de questions de sécurité nationale, en vue d'informer le Cabinet ou les comités du Cabinet des questions relatives à l'ingérence étrangère de nature strictement opérationnelle.

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**Date modified:** 2024-11-10



**PC Number:** 2024-1004

**Date:** 2024-09-16

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***Her Excellency the Governor General in Council, on the recommendation of the Prime Minister, directs that a commission do issue under Part I of the Inquiries Act and under the Great Seal of Canada amending the Commission of the Public Inquiry into Foreign Interference in Federal Electoral Processes and Democratic Institutions, issued under Order in Council P.C. 2023-882 of September 7, 2023, as amended by Orders in Council P.C. 2023-1316 of December 21, 2023 and P.C. 2024-994 of August 30, 2024, by striking out “and” at the end of subparagraph (c)(i) of Order in Council P.C. 2023-882, by adding “and” at the end of subparagraph (c)(ii) and by adding the following after that subparagraph:***

***(iii) to certain confidential Cabinet documents that came into existence on or after January 1, 2018 and that have been identified by the Commissioner as being critical to fulfilling their mandate.***

***Sur recommandation du premier ministre, Son Excellence la Gouverneure générale en conseil ordonne que soit mise sur pied, en vertu de la partie I de la Loi sur les enquêtes, une commission revêtue du grand sceau du Canada qui modifie la commission relative à l'Enquête***

***publique sur l'ingérence étrangère dans les processus électoraux et les institutions démocratiques fédéraux, mise sur pied conformément au décret C.P. 2023-882 du 7 septembre 2023, tel qu'il a été modifié par les décrets C.P. 2023-1316 du 21 décembre 2023 et C.P. 2024-994 du 30 août 2024, par adjonction, après le sous-alinéa c)(ii) du décret C.P. 2023-882, de ce qui suit :***

***(iii) certains documents confidentiels du Cabinet qui ont été produits le 1<sup>er</sup> janvier 2018 ou après cette date et qui ont été désignés par la commissaire comme étant essentiels pour l'accomplissement de son mandat.***

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**Date modified:** 2024-11-10



**PC Number:** 2024-1210

**Date:** 2024-11-12

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Whereas by Order in Council P.C. 2023-882 of September 7, 2023, Her Excellency the Governor General in Council directed that a commission do issue, for the period beginning on September 7, 2023 and ending on February 11, 2025, under Part I of the *Inquiries Act* and under the Great Seal of Canada, appointing a commissioner to conduct the Public Inquiry into Foreign Interference in Federal Electoral Processes and Democratic Institutions;

And whereas the Commissioner has requested an extension of the date for submitting their final report;

Therefore, Her Excellency the Governor General in Council, on the recommendation of the Prime Minister, directs that a commission do issue under Part I of the *Inquiries Act* and under the Great Seal of Canada amending the Commission of the Public Inquiry into Foreign Interference in Federal Electoral Processes and Democratic Institutions, issued under Order in Council P.C. 2023-882 of September 7, 2023, as amended by Orders in Council P.C. 2023-1316 of December 21, 2023, P.C. 2024-994 of August 30, 2024 and P.C. 2024-1004 of September 16, 2024, by replacing “December 31, 2024” in subclause (a)(i)(G)(II) with “January 31, 2025”.

Attendu que, par le décret C.P. 2023-882 du 7 septembre 2023, Son Excellence la Gouverneure générale en conseil a ordonné que soit mise sur pied, pour la période commençant le 7 septembre 2023 et se terminant le 11 février 2025, en vertu de la partie I de la *Loi sur les enquêtes*, une commission revêtue du grand sceau du Canada portant nomination d'une commissaire chargée de mener l'Enquête publique sur l'ingérence étrangère dans les processus électoraux et les institutions démocratiques fédéraux;

Attendu que la commissaire a demandé la prolongation du délai pour le dépôt de son rapport final,

À ces causes, sur recommandation du premier ministre, Son Excellence la Gouverneure générale en conseil ordonne que soit prise, en vertu de la partie I de la *Loi sur les enquêtes*, une commission revêtue du grand sceau du Canada qui modifie la commission relative à l'Enquête publique sur l'ingérence étrangère dans les processus électoraux et les institutions démocratiques fédéraux, mise sur pied conformément au décret C.P. 2023-882 du 7 septembre 2023, tel qu'il a été modifié par les décrets C.P. 2023-1316 du 21 décembre 2023, C.P. 2024-994 du 30 août 2024 et C.P. 2024-1004 du 16 septembre 2024, en remplaçant « 31 décembre 2024 » par « 31 janvier 2025 » à la subdivision a)(i)(G)(II).

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**Date modified:** 2024-11-28

B.2

# Rules



# Public Inquiry Into Foreign Interference in Federal Electoral Processes and Democratic Institutions

## Rules of Standing and Funding

(revised November 16, 2023 – minor revisions with respect to wording and format)

By Order in Council 2023-0882, adopted on September 7, 2023, the Government of Canada established this Commission of Inquiry (the “Commission” or the “Inquiry”) on September 7, 2023, to examine any interference by China, Russia and any foreign actors and assess any repercussions on the integrity of the 43rd and 44th general elections, both nationally and at the constituency level; the flow of information about such interference to and from senior decision-makers, including elected officials during the election periods leading up to these general elections; the supports in place for members of any diaspora who might be especially vulnerable; and the capacity of relevant federal departments, agencies, institutional structures and governance processes to detect, deter and counter foreign interference. The Commission is also tasked with conducting public hearings to identify the challenges, limitations and potential adverse impacts associated with the disclosure of classified national security information and intelligence to the public to foster public awareness and understanding; and with making recommendations for better protecting federal democratic processes from foreign interference.

One of the Commission’s most important initial tasks is to identify individuals and groups who may assist the Commission by participating in the various stages of its work. The extent of such participation can cover a wide spectrum – from a limited role involving a particular aspect of the Commission’s mandate to broader participation in most or all of the Commission’s overall work.

Applicants who are granted standing – that is, an opportunity to participate directly in the Commission’s proceedings – benefit from, at the Commissioner’s discretion, certain participatory rights. These may include, for example, the right to receive prior notice of documents which are to be introduced into evidence, advance notice of the expected testimony of an anticipated witness, the right to question witnesses on matters relevant to the basis upon which standing was granted, the opportunity to propose witnesses, or the ability to make submissions to the Commission. Different types of standing and rights of participation may be granted depending on the nature of an Applicant’s substantial and direct interest, all in the context of the Commission’s tight timeframe for completing its work as well as the constraints under which it must operate for reasons of national security.

The Rules outlined below provide a process for Applicants to seek standing. It is important to understand that not everyone who would like to participate in the Commission’s work will be a suitable candidate for a grant of standing. Standing or participatory rights are granted to Applicants with “a substantial and direct interest in the subject matter” of the Inquiry or to those with unique experience or expertise that is likely to provide the Commission with an advantage in completing its work that it could not otherwise obtain. Thus, although witnesses evidently play an important role in a Commission’s fact-finding work, being a witness does not itself constitute a “substantial and direct interest” in the subject-matter of the Inquiry. Similarly, individuals and groups who have a genuine concern about the subject matter of the Inquiry or have an expertise in an area that will be considered by the Commission may not have a substantial and direct interest. They

may play a role in the Inquiry in other ways, such as contributing to its research and policy work, or participating in its public input process.

The factors that may be considered in determining whether an Applicant meets the criteria set out in the Rules and, thus, should be granted standing include: 1) the mandate of the Commission; 2) the aspect of the Inquiry for which standing is sought; 3) the type of interest the Applicant has; 4) the connection of the particular Applicant to the Commission's mandate; 5) whether the Applicant has a continued interest and involvement in the subject matter of the Inquiry; 6) whether the Applicant may be significantly affected by the Commission's findings and recommendations; 7) whether the Applicant is uniquely situated to offer information that will assist the Commission with its work; 8) the extent to which the Applicant's participation may duplicate the contribution of others; 9) whether the Applicant is willing to share a single grant of standing with other Applicants with whom the Applicant has a common interest; and 10) the need to complete the Commission's work according to the prescribed deadlines.

It is important to note that it is not necessary to be granted standing in order to be involved in the Commission's public activities and information-gathering. Standing is not necessary for members of the public who wish to observe any public hearings or public activities of the Commission. Members of the public and interested individuals may also follow the Commission's website, which will contain updated information on the Commission's work. This may include the Commission's Rules of Practice and Procedure, its decisions and rulings, proceeding schedules, news releases, policy papers, and publicly disclosable evidence.

With respect to funding, the Commissioner may make recommendations to the Clerk of the Privy Council regarding funding for a Participant, where, in the view of the Commissioner, the person would not otherwise be able to meaningfully participate in the Commission. Funding recommendations will correlate with the Commissioner's determination of the appropriate degree of participation for each Applicant for funding.

Under the Order in Council, the Commissioner can only recommend funding for Participants. It is up to the Clerk of the Privy Council to approve or deny all funding in accordance with approved Treasury Board guidelines respecting the remuneration and reimbursements and the assessment of accounts. Funding is disbursed based on these guidelines and may not cover all costs of participation.

## **Rules**

### **General**

1. These Rules on standing and funding apply to the Public Inquiry into Foreign Interference (the "Commission" or "Inquiry"), established pursuant to the Government of Canada's Terms of Reference.
2. Subject to the *Inquiries Act*, RSC 1985, c I-11 (the "Act") and the Terms of Reference, these Rules are issued by The Honourable Marie-Josée Hogue (the "Commissioner"), in the exercise of her discretion, to facilitate the efficient disposition of the issues of

standing and funding.

3. The Commissioner may amend, vary or depart from any rule or may dispense with compliance with these Rules as deemed necessary to ensure the Inquiry is thorough, fair, timely, transparent and completed on time.
4. These Rules provide a framework for participation in the work of the Commission, including the process by which it establishes facts and develops policies within its mandate.
5. All interested persons and their counsel shall be expected to adhere to the Commission's Rules of Practice and Procedure, which will be published, and may raise any issue of non-compliance with the Commissioner.
6. The Commissioner may deal with a breach of these Rules as she deems appropriate.
7. In these Rules,
  - a. "Applicant(s)" refers to individuals, organizations, governments, agencies, institutions, associations or any other entity applying for an opportunity to participate in the Commission's process;
  - b. "electronic format" refers to pdf format.

### **Standing**

8. Commission Counsel will assist the Commissioner to ensure the orderly conduct of the Inquiry and have standing at the Inquiry. Commission Counsel have the primary responsibility of representing the public interest throughout the Inquiry, including the responsibility of ensuring that all matters that bear upon the public interest are brought to the Commissioner's attention. Commission Counsel do not represent any particular interest or point of view. Their role will be neither adversarial nor partisan.
9. Applicants may seek standing at the Inquiry by submitting an application for standing form with any supporting materials, in electronic format, with the Commission on or before November 22, 2023, or at the discretion of the Commission, on any other date.
10. Application forms can be found on the Commission's website at [www.ForeignInterferenceCommission.ca](http://www.ForeignInterferenceCommission.ca).
11. Completed application forms for standing must include the following information:
  - a. The Applicant's name, address, telephone number, and email address;
  - b. The name(s) of the legal representative(s), if any, representing the Applicant, together with the legal representative(s)'s address, telephone number, and email address;

- c. The substantial and direct nature of the Applicant’s interest in the subject matter of the Inquiry, the reasons for which the Applicant seeks standing, and how the Applicant’s participation would provide the necessary contributions to the Inquiry, having specific regard to the Terms of Reference and the factors discussed in Rule 14 and the preamble above; and
  - d. A discussion of whether the Applicant is seeking full standing or standing on one or more specific issues outlined in the Terms of Reference.
- 12. The Commissioner will make decisions about participation in the Commission’s proceedings based on the completed application forms and supporting documentation. Should oral submissions be required for any Applicant, which will be determined by the Commissioner, the Commissioner will communicate an appropriate time and format to hear them.
- 13. The documentation supporting the application for standing shall be limited to 10 pages.
- 14. The Commissioner will exercise her discretion in determining whether standing should be granted, considering section 11 of the *Act*, the Terms of Reference, and the need for a transparent, fair, impartial, thorough, proportional, and timely proceeding. The Commissioner will consider, among other things, the following criteria:
  - a. The existence of a substantial and direct interest on the part of the Applicant in the subject matter of the Inquiry;
  - b. The extent to which an Applicant’s participation would provide necessary contributions to the conduct of the Inquiry; and
  - c. The extent to which an Applicant’s participation would contribute to the openness and fairness of the Inquiry.
- 15. The Commissioner may determine the manner and scope of the participation of Applicants who are granted standing, as well as defining their rights and responsibilities.
- 16. The Commissioner may direct that a number of Applicants share their participation rights with those with whom they have a common interest and that they be required to exercise their participation rights jointly.
- 17. The Commissioner may, in her discretion, designate more than one category of standing with varying degrees of participatory rights.
- 18. From time to time, the Commissioner may, at her discretion, modify, rescind or grant standing.
- 19. Any material or information filed in support of an Applicant’s standing application may be made available to the public on the Commission’s website or cited in a publicly available document, including in a decision on standing, except where this raises

national security concerns or other legitimate confidentiality concerns, in which case certain material or information may not be made public.

20. Any updated information with respect to standing may be made available on the Commission's website at [www.ForeignInterferenceCommission.ca](http://www.ForeignInterferenceCommission.ca).

## **Funding**

21. Further to and in accordance with paragraph (a)(ii)(D), of the Government of Canada's Terms of Reference, the Commissioner may make recommendations to the Clerk of the Privy Council regarding funding for a Participant, where in the Commissioner's view, the Participant would not otherwise be able to participate in the Inquiry without such funding.
22. Applicants may seek funding by submitting an application form with any supporting materials, in electronic format, to the Commission on or before November 24, 2023, or at the discretion of the Commission, on any other date set by the Commissioner. Applicants will be expected to seek funding at the same time as they seek standing, and materials in support of funding may be combined with materials in support of standing. The Commissioner will make decisions about recommendations for funding based on the completed application form and the supporting documentation.
23. The documentation supporting an application for funding shall be limited to 5 pages (in addition to the information provided to the support the application for standing).
24. Application forms can be found on the Commission's website at [www.ForeignInterferenceCommission.ca](http://www.ForeignInterferenceCommission.ca).
25. Completed application forms for funding must include the following information:
  - a. The Applicant's name, address, telephone number, and email address;
  - b. The name(s) of the legal representative(s), if any, representing the person, together with the lawyer(s)'s address, telephone number, and email address;
  - c. The evidence that demonstrates that an Applicant does not have adequate financial resources to represent its interest in the Inquiry; and
  - d. How the Applicant intends to make use of the funds and how it will account for the funds.
26. Should oral submissions be required for any Applicant seeking funding, which will be determined by the Commissioner, the Commissioner will communicate an appropriate time and format.
27. Funding will be recommended at the Commissioner's discretion in accordance with the Government of Canada Terms of Reference at paragraph (a)(ii)(D). The Commissioner will also consider, among other things, the following factors in determining whether to

recommend funding:

- a. the question of the Applicant's demonstrated inability to be a Participant in the Inquiry if funding is not obtained;
  - b. The unique perspective or special experience or expertise that will not be presented to the Inquiry if the Applicant does not obtain funding;
  - c. the question of the Applicant's established record of concern for and demonstrated commitment to the interest the Applicant seeks to represent; and
  - d. The way in which the Applicant has proposed to use the funds and account for them.
28. Where the Commissioner's funding recommendation is accepted, funding shall be in accordance with Treasury Board guidelines respecting rates of remuneration and reimbursement and the assessment of accounts.
  29. Any material or information filed in support of an Applicant's application for funding may be available to the public on the Commission's website or be cited in a publicly available document, including in a decision on funding, except where this raises national security concerns, or other legitimate confidentiality concerns, in which case certain material or information may not be made public.
  30. Any updated information with respect to funding may be made available on the Commission's website at [www.ForeignInterferenceCommission.ca](http://www.ForeignInterferenceCommission.ca).



# Public Inquiry Into Foreign Interference in Federal Electoral Processes and Democratic Institutions

## NATIONAL SECURITY CONFIDENTIALITY HEARINGS RULES OF PRACTICE AND PROCEDURE

### Introduction

On September 10, 2023, the Government of Canada adopted Order in Council P.C. 2023-882, establishing Terms of Reference for the Public Inquiry into Foreign Interference in Federal Electoral Processes and Democratic Institutions (the “Commission” or the “Inquiry”).

Pursuant to clause (a)(i)(D) of its Terms of Reference, the Commission is directed to conduct public hearings at the start of its mandate to identify the challenges, limitations, and potential adverse impacts associated with the disclosure of classified national security information and intelligence to the public to foster transparency and enhance public awareness and understanding.

Subject to the Terms of Reference and the Inquiries Act, R.S.C., 1985, c. I-11 (the “Act”), the Commission has the power to control its own processes and make rules governing its practice and procedure as necessary to fulfill its mandate. The Terms of Reference authorize the Commissioner to adopt any procedures and methods she considers expedient for the proper and efficient conduct of the Inquiry.

These Rules of Practice and Procedure for the Commission's National Security Confidentiality Hearings (the "NSC Hearings Rules" or "Rules") apply to the conduct of the Inquiry referred to in clause (a)(i)(D) of the Commission's Terms of Reference and are designed to guide the Commission's public proceedings and the fulfilment of the Commission's mandate.

The NSC Hearings Rules will be interpreted, applied, or varied in a reasonable manner such that the Commission can complete its mandate in a timely manner, consistent with the deadlines in the Terms of Reference.

## NSC HEARINGS RULES

### General

1. These Rules apply to the hearings of the Commission related to national security confidentiality (the “NSC Hearings”) referred to in clause (a)(i)(D) of the Terms of Reference.
2. Except as modified by these Rules, the Commission’s *Rules of Practice and Procedure* apply to the NSC Hearings, with any modifications as the Commissioner deems appropriate and as the circumstances require.
3. The Commissioner may amend, add, supplement, or dispense with the application of these Rules as she deems necessary to ensure that the Inquiry is complete, fair and timely, and that the resources of the Commission and the Participants are allocated in a manner proportionate to the objectives of the Commission and the recognized interests of the Participants and the public.
4. The Commissioner may make such orders or give such directions as she considers proper to maintain order and to prevent the abuse of the Commission’s process.
5. In these Rules:

- “Participant” refers to a person who has been granted standing to participate in the factual phase of the Inquiry, including with respect to clause (a)(i)(D), pursuant to the Rules of Standing and Funding;
- “Party” refers to a Participant who has been granted party standing in the factual phase of the Inquiry, including with respect to clause (a)(i)(D).

## Location and Method of NSC Hearings

6. The NSC Hearings will be convened in Ottawa. At the Commissioner’s discretion, NSC Hearings may be exclusively in-person, exclusively virtual, or in hybrid forms.
7. The Commissioner may receive any evidence or information that she considers reliable, appropriate, and helpful in fulfilling her mandate under clause (a)(i)(D) of the Terms of Reference, regardless of whether such evidence or information would be admissible in a court of law. The strict rules of evidence will not apply to determine the admissibility of evidence at the Inquiry. The Commissioner may nevertheless decline to receive evidence or information if it is considered unreliable, outside the scope of clause (a)(i)(D) of the Terms of Reference, or otherwise inappropriate.

## Consultation Papers

8. Commission counsel may prepare Consultation Papers, which identify challenges in relation to the Commission’s mandate, and seek input and ideas from Participants respecting how the Commission can meet those challenges

throughout the course of the Inquiry.

9. Participants will be asked to provide their comments regarding any Consultation Paper(s) by the date specified in the Consultation Paper.

## Institutional Reports

10. At the request of Commission counsel, institutions or organizations may prepare Institutional Reports describing the institution or organization and providing information about their involvement in matters considered to be relevant to the issues under consideration by the Commission. Institutional Reports may be admitted into evidence if adopted by a representative witness as accurate or if admitted into evidence in accordance with the Commission's procedures for admitting documents.

## Consultations with Experts or Expert Panels

11. The Commissioner may consult experts or panels of experts during the NSC Hearings.
12. Participants will be given notice of the identity of experts, the topics that they will discuss, and will be provided with a general overview of the substance of their presentation reasonably in advance of the NSC Hearings.
13. Expert consultations may take any form that the Commissioner considers appropriate, including presentations, facilitated discussions, or question and answer sessions.

14. Commission counsel may ask questions of experts.
15. The Commissioner may also ask questions of experts.
16. Participants are entitled to suggest questions or topics to be explored by Commission Counsel before and during the NSC Hearings, by email to [aiD@pifi-epie.gc.ca](mailto:aiD@pifi-epie.gc.ca). Commission counsel shall give consideration to suggested questions or topics proposed by the Participants when questioning experts. Commission counsel will ultimately determine what questions are relevant and useful to ask and are not required to ask questions proposed by the Participants.

## Use of Documents

17. Commission counsel shall disclose to the Participants a witness's interview summary or statement of anticipated evidence reasonably in advance of the witness's testimony.
18. Commission counsel shall disclose to the Participants the documents anticipated to be introduced into evidence during the NSC Hearings reasonably in advance of their introduction.
19. Participants will be provided with relevant documents and interview summaries in accordance with Rules 29 to 32 of the *Rules of Practice and Procedure*.
20. At least three days before the commencement of a fact witness's testimony at the NSC Hearings, or within such other period as the Commissioner directs,

Parties who intend to cross-examine a witness shall provide the Commission and all Parties with a list of the documents that will be used in the cross-examination, together with copies of any such documents not already provided to the Commission and Parties.

21. The Commissioner may grant the legal representative for a Party or witness leave to introduce a document to a witness at any point during the NSC Hearings upon such terms as are just and fair.
22. Commission counsel may introduce any document to a witness at any point during the NSC Hearings without leave.

## Submissions

23. Participants are entitled to make submissions at the conclusion of the NSC hearings. The Commissioner may issue directions respecting the timing and method of making submissions.



# Public Inquiry Into Foreign Interference in Federal Electoral Processes and Democratic Institutions

## RULES OF PRACTICE AND PROCEDURE

### Introduction

On September 10, 2023, the Government of Canada adopted Order in Council P.C. 2023-882, establishing Terms of Reference for the Public Inquiry into Foreign Interference in Federal Electoral Processes and Democratic Institutions (the “Commission” or the “Inquiry”).

The Commission will examine any interference by China, Russia, and other foreign states or non-state actors, and assess any repercussions on the integrity of the 43rd and 44th general elections. The Commission will also consider how information regarding foreign interference was circulated and actioned, and examine the capacity of the various actors and components of the state to detect, prevent, and counter foreign interference.

At the end of its work, the Commission will make recommendations for better protecting federal democratic processes and institutions from foreign interference.

The Commission will also conduct public hearings at the start of its mandate to identify the challenges, limitations, and potential adverse impacts associated with the disclosure of classified national security information and intelligence to the public to foster transparency and enhance public awareness and understanding.

The Terms of Reference direct the Commissioner to submit, on specified dates, public and classified reports to the Governor in Council regarding the issues identified in the Terms of Reference.

Subject to the Terms of Reference and the *Inquiries Act*, R.S.C., 1985, c1-11 (the “Act”), the Commission has the power to control its own processes and make rules governing its practice and procedure as necessary to fulfill its mandate. The Terms of Reference authorize the Commissioner to adopt any procedures and methods she considers expedient for the proper and efficient conduct of the Inquiry. The Terms of Reference direct the Commissioner to prevent the disclosure of information that could be injurious to the critical interests of Canada or its allies, national defence, or national security.

The Commission intends to hold public hearings in Ottawa in the winter and fall of 2024 (the “Public Hearings”). To promote the transparency of the Commission’s work, the Commission will receive as much evidence in the Public Hearings as possible, while respecting legal obligations related to national and personal security that could require the presentation of evidence in a confidential forum.

These Rules of Practice and Procedure (the “Rules”) apply to the conduct of the Inquiry and are designed to guide the Commission’s public proceedings and the fulfilment of the Commission’s mandate. The Commissioner may adopt different or additional rules that apply only to specific hearings. The Commissioner will publish any such rules on the Commission website.

The Rules will be interpreted, applied, or varied in a reasonable manner such that the Commission can complete its mandate in a timely manner, consistent with the deadlines in the Terms of Reference.



# Public Inquiry Into Foreign Interference in Federal Electoral Processes and Democratic Institutions

## RULES OF PRACTICE AND PROCEDURE

### General

1. These Rules apply to the Commission, established under the Act and pursuant to the Terms of Reference.
2. Subject to the Terms of Reference and the Act, the conduct of and procedures to be followed at the Inquiry are under the control and at the discretion of the Honourable Marie-Josée Hogue (the “Commissioner”).
3. The Commissioner may amend, add, supplement, or dispense with the application of these Rules as she deems necessary to ensure that the Inquiry is complete, fair and timely, and that the resources of the Commission and the Participants are allocated in a manner proportionate to the objectives of the Commission and the recognized interests of the participants and the public.
4. The Commissioner may make such orders or give such directions as she considers proper to maintain order and to prevent the abuse of the Commission’s process.
5. In these Rules:
  - “holiday” refers to Saturday; Sunday; New Year’s Day; Good Friday; Easter Monday; Christmas Day; Victoria Day; Canada Day; the first Monday in

September, designated Labour Day; National Day for Truth and Reconciliation, which is observed on September 30; Remembrance Day; and any day appointed by proclamation to be observed as a day of general prayer or mourning or day of public rejoicing or thanksgiving;

- “persons” refers to individuals, organizations, governments, agencies, institutions, associations, or any other entity;
- “Participant” refers to a person who has been granted standing to participate in the Commission pursuant to the Rules of Standing and Funding;
- “Party” refers to a Participant who has been granted party standing;
- “Intervener” refers to a Participant who has been granted intervener standing; and
- “documents” is intended to have a broad meaning, and refers to records made or stored in physical or electronic form, including written records, electronic records, e-mail, text message, instant messaging (e.g. iMessage, BBM, WhatsApp, Signal), social media, voice mail, audio recordings, video recordings, film, digital reproduction, microfiche, photography, and includes correspondence, reports, analysis, opinions, memoranda, notes, data, minutes, submissions, briefing materials, training materials, books of account, or any other data and information recorded or shared by means of any device.

6. In the computation of time under these Rules, except where a contrary intention

appears,

- a. where there is a reference to a number of days between two events, they shall be counted by excluding the day on which the first event happens and including the day on which the second event happens, even if the words “at least” are used;
  - b. where a period of seven days or less is prescribed, holidays shall not be counted; and
  - c. where the time for doing an act expires on a holiday, the act may be done on the next day that is not a holiday.
7. The Commissioner has the discretion to determine what constitutes “reasonable notice” or “at the earliest opportunity” in all of the circumstances.
  8. All Participants and their legal representatives are bound by the Rules of Practice and Procedure. If issues of non-compliance cannot be resolved by consultation with Commission counsel, they may be raised with the Commissioner.
  9. Witnesses and attendees, including members of the media, are bound by the Rules of Practice and Procedure, to the extent applicable.
  10. The Commissioner shall deal with a breach of these Rules as she sees fit including, but not restricted to, imposing restrictions on further participation in or attendance at (including exclusion from) the hearings by any Participant, legal representative, individual, or member of the media, and revoking the standing of a Participant.

## Guiding Principles

11. The Commission conducts its work in accordance with five guiding principles (the “Guiding Principles”):

- **Transparency:** The Commission proceedings and processes must be as open and available to the public as is reasonably possible, consistent with the requirements of national and personal security and other applicable confidentiality and privileges;
- **Fairness:** The Commission will work to ensure fairness to the public and the participants throughout the process. The Commission will take into account and balance the interests of the public (including the right to be informed), the interests of individuals, and the interests of national security. The Commission will afford fair treatment to all those involved or implicated;
- **Thoroughness:** The Commission will examine the relevant issues with care so that there can be no doubt that the questions raised by the Commission’s mandate are explored and answered as thoroughly as possible within the timeframe allocated;
- **Expediency:** The Commission is operating under a tight schedule and must conduct its work accordingly; and
- **Proportionality:** The Commission will allocate the limited investigative and hearing time available in proportion to the importance and relevance of matters to the Commission’s mandate, and the relative contributions that the Commissioner determines each Participant is able to make to an issue, with

the objective of ensuring that the time available to the Commission is directed to properly fulfilling the Commission's mandate.

12. Participants and their legal representatives, as well as those otherwise taking part in the Public Hearings, shall conduct themselves and discharge their responsibilities under the Rules in accordance with the Guiding Principles.

## Participants

13. The Commission may designate several categories of Participants at the Inquiry. The degree of participatory rights for the categories of Participants shall be set out in decisions of the Commissioner. All references to the rights and obligations of Participants in these Rules are subject to the degree of participatory rights afforded to the categories of Participants by the Commissioner.

## Investigation

14. The Inquiry will start with a preliminary investigation by Commission counsel. The goal of the investigation is, in part, to identify the core or background facts that could form the basis of Overview Reports or Institutional Reports (as described below), to identify witnesses, and to ensure that hearing time is used efficiently.
15. The investigation will consist primarily of document review, engagement with interested persons and the public, and interviews by Commission counsel.
16. Subject to applicable privileges and immunities, all Participants and persons shall cooperate fully with the Commission and shall make available all documents and witnesses relevant to the mandate of the Commission.

## Document Production

17. Subject to Rules 18, 19 and 25, within the timeframe specified in a summons or request, any Participant or recipient of a summons or request issued by the Commission must produce to the Commission copies of all documents in their possession or under their control relevant to the subject-matter of the Inquiry, or that part of the Inquiry identified in the summons or request.
18. The Commission may, at its discretion, request from a Participant or require from a recipient of a summons or request only certain categories or types of documents.
19. The Commission may, at its discretion, require a Participant or recipient of a summons or request to first provide a list of categories or types of documents in that person's possession or control relevant to the subject-matter of the Inquiry before producing any documents. When the Commission makes such a request, the Participant or recipient of a summons or request shall produce the requested list within 5 days, unless otherwise indicated.
20. At the earliest opportunity, each Participant or recipient of a summons or request must certify in writing that it has complied with its document production obligations, as outlined in these Rules. If the Participant or recipient is an organization, the person with authority to certify on behalf of the organization must certify in writing that the organization has complied with its documentary production obligations, as outlined in these Rules.
21. Document production is an ongoing obligation. If additional documents are

discovered or obtained after initial production, any new documents must be disclosed as soon as possible after they are discovered or obtained.

22. The Commission may, at any time and at its discretion, seek further disclosure from any Participant or recipient of a summons or request. This request for further disclosure shall be complied with within the time indicated in the summons or request.
23. Except if otherwise agreed with Commission counsel, Participants and recipients of a summons or request shall provide relevant documents in the format and manner set out in the Document Delivery Protocol.
24. Production to the Commission will not be treated as a waiver of any claim to privilege or immunity.
25. Privileges and immunities under the *Canada Evidence Act* are subject to provisions addressed later in these Rules. In all other instances in which a Participant or recipient of a summons or request objects to the production of any document, or part thereof, or to disclosure to a Participant of any document, or part thereof, on the grounds of privilege, the following procedures will apply:
  - a. The Participant or recipient of a summons or request shall deliver to Commission counsel a list setting out pertinent details of the document(s), or part thereof, over which claims for privilege are asserted. This shall include the nature of the privilege, the date, author, recipient(s) and a brief description of the document(s), and may include additional material, such as an affidavit, to support the claims;

- b. Commission counsel shall review the list and determine whether they intend to seek access to the information over which privilege is claimed;
  - c. If Commission counsel are not prepared to recommend to the Commissioner that she accept the claim for privilege, the list and any further material filed by the Participant or recipient of a summons or request, including submissions, shall, if the Participant or recipient claiming privilege consents, be submitted forthwith, together with written submissions on behalf of Commission counsel, to the Commissioner or, at the Commissioner's option, to another adjudicator designated by the Commissioner, for determination. If the Commissioner or designated adjudicator is unable to decide based on the record before them, they may require a copy of the disputed document(s) for inspection;
  - d. If the claim for privilege is dismissed, the document(s) shall be produced to Commission counsel forthwith and, subject to relevance and any conditions imposed by the Commissioner or designated adjudicator, may be used in the Commissioner's discretion by the Commission and Participants in the Inquiry;  
and
  - e. If the Participant or recipient of a summons or request claiming privilege does not consent to the process described in subparagraphs (c) and (d), Commission counsel may pursue the matter by application to the appropriate court.
26. Except as agreed with Commission counsel, and subject to applicable immunities and privileges, documents shall be produced to the Commission in unredacted form. Persons producing documents will be given an opportunity to

redact irrelevant personal information or identifiers before the Commission shares those documents with Parties, Participants, or the public.

27. Where a person producing a document has redacted personal information pursuant to Rule 26 and Commission counsel disagree that the information is irrelevant personal information, the following procedures will apply:
  - a. Commission counsel shall identify for the producing person any redaction or categories of redactions that Commission counsel do not accept and request the producing person to produce a version of the document without that redaction or categories of redactions. Commission counsel may also explain the relevance of the redacted information;
  - b. Within two days, the person producing the document shall either comply with the request of Commission counsel by producing a new version of the document with the redactions identified by Commission counsel lifted or inform Commission counsel that they intend to challenge Commission counsel's request before the Commissioner;
  - c. A person seeking to challenge an assessment of Commission counsel shall, within three days of informing Commission counsel, bring an application to the Commissioner for an order under these Rules to redact irrelevant personal information in the document. The requirement under these Rules for Parties to be provided with copies of applications and to have the right to respond do not apply to an application under this rule;
  - d. The application shall include both a redacted and unredacted version of the

- document at issue and, where the producing person is aware of it, the contact information of the person whose personal information is implicated by the redactions, or their counsel;
- e. The Commissioner may notify a third-party of the application and permit them to file submissions;
  - f. The application shall be heard in writing unless the Commissioner directs otherwise;
  - g. With the agreement of the producing person, the application may be heard and determined by another adjudicator designated by the Commissioner;
28. Documents received from a Participant or any other organization or individual shall be treated as confidential by the Commission unless and until they are made part of the public record or the Commissioner otherwise declares. This does not preclude Commission counsel from referring to or using a document, redacted for applicable privileges and immunities, while interviewing a person as part of the investigation.
29. Legal representatives of the Parties and witnesses will be provided with relevant documents and information, including interview summaries and statements of anticipated evidence, only after signing the written Confidentiality Undertaking at Appendix "A" to these Rules. Production will be subject to redaction for applicable privileges and immunities and irrelevant information.
30. Before providing their clients with documents or information that has been obtained through the Commission, legal representatives must obtain from any

recipient of the documents or information and remit to the Commission the written Confidentiality Undertaking at Appendix “B” and ensure that the recipients understand their obligations under these Rules.

31. Unrepresented Parties and witnesses will be provided with documents and information, including interview summaries and statements of anticipated evidence, only after signing the written Confidentiality Undertaking at Appendix “C” to these Rules. Production will be subject to redaction for applicable privileges and immunities and irrelevant personal information.
32. Failure to abide by a Confidentiality Undertaking will be a serious breach of an order of the Commission and of these Rules, and may result in such sanctions and remedial orders as the Commissioner considers appropriate, including the revocation of standing or the striking of a witness’s evidence.
33. The confidentiality undertakings no longer apply to any document or information after the document or information has become an exhibit.

### Inadvertent Disclosure

34. Should the Commission or a Participant receive a document or information that appears to be subject to a privilege or immunity that has not been claimed by the person who produced the document or information, the recipient shall immediately inform the person who produced the document or information. Unless the person who produced the document or information advises that no privilege or immunity is claimed, the Commission and all Participants who received the document or information shall immediately return or destroy it and

any record derivative of it in all of their forms and no disclosure or use whatsoever shall be made of the document or information.

## Witness Interviews

35. Commission counsel may interview persons who have information or documents relevant to the subject-matter of the Inquiry. Persons who are interviewed are entitled, but not required, to have a legal representative present during the interview. Persons other than legal representatives of the person being interviewed may only attend interviews with the express advance permission of Commission counsel.
36. Persons being interviewed by the Commission, and all persons attending such interviews, including legal representatives, will be required to enter into the written Confidentiality Undertaking at Appendix “D” to these Rules before the interview commences.

## Public Hearings

37. Public Hearings will be convened in Ottawa or elsewhere as the Commissioner may determine. Hearings may be exclusively in-person, exclusively virtual, or in hybrid forms.
38. The Commissioner will set the dates, hours, and place of the Public Hearings.
39. The Commissioner may receive any evidence or information that she considers reliable, appropriate, and helpful in fulfilling her mandate regardless of whether such evidence or information would be admissible in a court of law. The strict

rules of evidence will not apply to determine the admissibility of evidence at the Inquiry. The Commissioner may nevertheless decline to receive evidence or information if it is considered unreliable or otherwise inappropriate.

40. The Commissioner may receive evidence from representative witnesses on behalf of institutions. A representative witness should be a senior official of an institution, and/or an expert in the subject area, designated to appear on behalf of the institution.
41. Participants may propose witnesses or experts to be called.

## Overview Reports

42. Commission counsel may prepare Overview Reports, which may contain summaries of core or background facts. Overview Reports may include summaries or reproductions of a wide range of documents, including relevant statutory or regulatory provisions and frameworks, existing policies, procedures and practices, organizational charts and descriptions, chronologies, and any other information or documents within the definition of these Rules.
43. Commission counsel will provide the Parties, in advance of the filing of Overview Reports as evidence, with an opportunity to comment within a specified timeframe on the accuracy of the Overview Reports. Commission counsel may modify the Overview Reports in response.
44. Final Overview Reports can be entered into evidence and filed on the record of the proceeding without the necessity of being introduced through the oral testimony of a witness. Once filed, Overview Reports and the source documents

referred to therein will constitute information and evidence available for the consideration of the Commission. Overview Reports may be used to assist in identifying the issues that are relevant to the Inquiry, to make findings of fact, and to enable recommendations to be made by the Commission.

## Witness Evidence

45. Witnesses who testify will give their evidence at a hearing under oath or upon affirmation, and may swear or affirm on an eagle feather.
46. Commission counsel may issue and serve a subpoena or summons upon a witness whose evidence is sought. Witnesses may be called to testify more than once.
47. Commission counsel and a witness or their legal representative may prepare an affidavit of the witness's evidence, which affidavit may include the witness's answers to written questions from Commission counsel. At the Commissioner's discretion, the affidavit may be admitted into evidence in place of part or all of the witness's oral testimony.
48. At the Commissioner's discretion, a summary of the witness's interview, or, if accepted by the witness as accurate, a statement of the witness's anticipated evidence, may be admitted into evidence in addition to or in lieu of that witness's oral evidence.
49. At the request of Commission counsel, institutions or organizations may prepare Institutional Reports describing the institution or organization and providing information about their involvement in matters considered to be relevant to the

issues under consideration by the Commission. Institutional Reports may be admitted into evidence if adopted by a representative witness as accurate or if admitted into evidence in accordance with the Commission's procedures for admitting documents.

50. Witnesses who are not represented by the legal representative of a Participant are entitled to have their own legal representative present while they testify. The legal representative for a witness will have standing for the purpose of that witness's testimony to make any objections considered appropriate and for other purposes set out in these Rules.
51. If special arrangements are sought by a witness to facilitate their testimony, including the need for an interpreter other than in one of Canada's official languages, a request for accommodation shall be made to the Commission sufficiently in advance of the witness's scheduled appearance to reasonably facilitate such requests. While the Commission will make reasonable efforts to accommodate such requests, the Commissioner retains the ultimate discretion as to whether, and to what extent, such requests will be accommodated.

## Rules of Examination

52. In the ordinary course, Commission counsel will call and question witnesses who testify at the Inquiry.
53. The order of examination in the ordinary course will be as follows:
  - a. Commission counsel will lead the evidence of the witness. Except as otherwise directed by the Commissioner, Commission counsel are entitled to

- ask both leading and non-leading questions;
- b. Parties will then have an opportunity to cross-examine the witness to the extent of their interest. The order of cross-examination and the time available to each Party for cross-examination will be determined by the Commissioner. Parties may propose variations on the Commissioner's directions regarding order and the allocation of the available time among the Parties;
  - c. After cross-examinations, the legal representative for a witness may then examine the witness. Except as otherwise directed by the Commissioner, the legal representative for the witness may only ask non-leading questions;
  - d. Commission counsel will have the right to re-examine; and
  - e. The Commissioner is permitted to ask questions of any witness at any time, including during the examination of any witness or after cross-examinations are complete, to clarify a witness's answers or otherwise ensure the thoroughness of the Inquiry. If the questions raise important new issues or information not otherwise known or reasonably anticipated, the Commissioner may, at her discretion, and taking into account the Guiding Principles, permit Commission counsel and some or all of the Parties to question the witness on the new information or issue brought out by the Commissioner's questioning.
54. After a witness has been sworn or affirmed at the commencement of giving evidence, no legal representative may speak to a witness about their evidence until the witness's evidence is complete, except with the permission of the Commissioner. However, Commission counsel may speak to a witness after

cross-examination and before any re-examination.

55. Subject to the Commissioner's discretion, Commission counsel may call witnesses, whether on factual or policy issues, in panels, if doing so would assist the Commissioner in making relevant findings of fact or policy recommendations in an expeditious manner.

### Use of Documents at Hearings

56. In advance of the testimony of a witness, Commission counsel shall, with reasonable notice, provide the Parties a list of the documents associated with the witness's anticipated evidence in chief.
57. At the earliest opportunity, Parties shall provide Commission counsel with any documents they intend to file as exhibits or otherwise refer to during the hearings, and in any event shall provide such documents to Commission counsel no later than two days before the document will be referred to or filed, other than those documents for which notice has previously been provided pursuant to Rule 56.
58. At least two days before the commencement of a witness's testimony, or within such other period as the Commissioner directs, Parties who intend to cross-examine a witness shall provide the Commission and all Parties with a list of the documents that will be used in the cross-examination, together with copies of any such documents not already provided to the Commission and Parties.
59. Neither Parties nor Commission counsel will be entitled to cross-examine a witness on any "will-say statement" (anticipated evidence statement or witness interview summary) that has been provided, except with leave of the

Commissioner.

60. The Commissioner may grant the legal representative for a Party or witness leave to introduce a document to a witness at any point during the hearing upon such terms as are just and fair.
61. Commission counsel may introduce any document to a witness at any point during the hearing without leave.

## Applications

62. A Party may apply to the Commissioner for an Order by:
  - a. Preparing an application in writing;
  - b. Attaching to the application any supporting materials; and
  - c. Delivering the application and supporting materials to the Commission by email at [Parties@pifi-epie.gc.ca](mailto:Parties@pifi-epie.gc.ca).
63. Unless the Commissioner otherwise directs, and subject to such privileges, immunities or confidentialities as might apply, the Commission shall deliver the application and supporting materials to all other Parties.
64. Parties are entitled to respond to an application if their grant of standing identifies them as having an interest in the subject matter of the application.
65. The Commissioner will determine the schedule for the filing of material and submissions on the application. Applications will be dealt with in writing unless

the Commissioner directs otherwise, in which case the procedure and timing for oral submissions will be established by the Commissioner.

66. All application materials shall be served by email. If a Participant has a legal representative, service on the Participant shall be by email to its legal representative. If a Participant does not have a legal representative, service on the Participant shall be by email to the Participant's designated contact person.
67. Interveners may apply for an Order from the Commissioner only with leave and by complying with the process set out in Rule 62. Applications should be delivered to [Inter@pifi-epie.gc.ca](mailto:Inter@pifi-epie.gc.ca).
68. Other persons may apply for an Order from the Commissioner only with leave and by complying with the process set out in Rule 62. Applications should be delivered to [info@pifi-epie.gc.ca](mailto:info@pifi-epie.gc.ca).

### Privileges and Immunities under the *Canada Evidence Act*

In this section, "Government" means the Government of Canada and "Attorney General" means the Attorney General of Canada.

### Cabinet Confidences

69. Where the Government asserts that information or documents (or portions thereof) constitute a confidence of the King's Privy Council for Canada, the information or documents (or portions thereof) need not be produced or may be produced with redactions. If the Commission or Commission counsel disputes a redaction or a claim of Cabinet confidence, Commission counsel shall advise the

Government of the disputed claim. If requested by Commission counsel, the Government shall, within 10 days, reassess the document(s) or portion(s) of the document(s) listed and either issue a Certificate under section 39 of the *Canada Evidence Act* in respect of the information or release the information. Following the issuance of a certificate, the process set out in section 39 of the *Canada Evidence Act* shall apply to the information so certified.

### National Security Confidentiality and Specified Public Interest Immunity

70. This section of the Rules addresses issues relating to the collection and disclosure by the Commission of information, the disclosure of which the Government alleges would be injurious to international relations, national defence, or national security within the meaning of section 38 of the *Canada Evidence Act* (“National Security Confidentiality” or “NSC”), or that the Government alleges should not be disclosed on grounds of a specified public interest under section 37 of the *Canada Evidence Act* (“Specified Public Interest Immunity” or “SPII”).

### Production of Documents Raising Issues of NSC or SPII

71. Without prejudice to claims of NSC or SPII, Government Parties or recipients of a summons or request for documents shall provide to the Commission a copy of all relevant documents without deletions or redactions, regardless of any NSC or SPII claims asserted, or to be asserted, by the Government.
72. In advance of the hearings, Commission counsel will identify within the material provided by the Government, the documents and information it anticipates entering into evidence or disclosing to the Parties.

73. With respect to the documents identified by Commission counsel pursuant to Rule 72, the Government shall identify the specific documents or portions of documents the Government believes are subject to NSC or SPII and shall provide an explanation for any such assertions.
74. The Commission expects the Government to take a considered, proportionate, and reasonable approach in making assertions of NSC and SPII, consistent with the public interest in a transparent and thorough review of the matters described in the Terms of Reference.
75. Commission counsel may provide the Government with proposed reconsideration requests in respect of the assertions of NSC or SPII to ensure that there is a sufficient body of publicly available evidence to permit meaningful public hearings in relation to the issues relevant to the Commission's mandate.
76. If a request for reconsideration of NSC or SPII redactions is made by Commission counsel, the Government will have 3 days to reassess its position and respond to the request.
77. The Commission and the Government may produce an agreed disclosable summary of the information in respect of which an NSC or SPII claim has been made. Commission counsel may prepare a disclosable summary for the consideration of the Government or request that the Government provide a disclosable summary of specified information. If Commission counsel provides the Government with a proposed disclosable summary for consideration, the Government shall, within 7 days, reply either by concurring in the summary or by identifying and proposing an alternative disclosable summary. If Commission

counsel requests that the Government prepare a disclosable summary of the information in question, the Government shall provide a proposal for the consideration of Commission counsel within 7 days.

78. The Commission will retain copies of the original, unredacted, version of the Government documents. Redacted versions and agreed summaries of the Government documents will be provided to the Parties and used at the public hearings.

### *In Camera/Ex Parte* Hearings

79. When the information or evidence to be presented to the Commission is asserted by the Government to be subject to NSC or SPII, the Commission shall receive the information or evidence in a hearing that is closed to the public and the Participants other than the Government.
80. The Commissioner will issue to the Participants and the public a summary of the matters considered in any *in camera*, *ex parte* proceedings, to the extent that this is practicable and can be done without disclosing information protected by valid claims of NSC and SPII.

### NSC and SPII Information in the Commissioner's Report

81. Before submitting to the Governor in Council a report intended to be disclosed to the public, the Commissioner will provide the Government an opportunity to review the report for the sole purpose of identifying information that may be subject to NSC and SPII. If agreement on a version of the report suitable for disclosure to the public is not reached, the Commissioner will provide the Governor in

Council with the report that she considers appropriate, with the disputed parts identified.

## Personal Security and Other Exceptional and Compelling Interests of Witnesses and Others

82. A witness or potential witness may apply in confidence to the Commissioner for a direction that some or all the witness's evidence be received other than in a manner fully accessible to the Participants and the public.
83. On consideration of an application pursuant to Rule 82, the Commissioner may, if satisfied that exceptional measures are appropriate:
  - a. Direct or permit the redaction of relevant personal information from otherwise public documents;
  - b. Direct that certain information be subject to a non-publication order, although otherwise contained in public documents;
  - c. Direct the extent to which such information should be referred to in testimony;
  - d. Direct that a witness not be identified in the public records and transcripts of the hearing except by non-identifying initials, and that the public transcripts and public documents be redacted to exclude any identifying details;
  - e. Permit a witness to swear an oath or affirm to tell the truth using non-identifying initials;
  - f. Use non-identifying initials and exclude any identifying details in her report;

- g. Make directions to receive the evidence of a witness in the absence of the public and any or all Participants, including the Government, and to disclose only so much of the evidence of or pertaining to the witness as the Commissioner determines to be appropriate;
  - h. Issue to the Participants and the public such summary of the evidence of the witness as is possible while respecting the considerations that resulted in the exceptional measures by which the Commission received the evidence; and
  - i. Make any other order or directions in her discretion.
84. If the Commissioner has issued directions to protect the identity of a witness, no photographic or other representation of the witness that might lead to his or her identification shall be made at any time and there shall be no publication of information that might lead to the identification of the witness.
85. All media representatives shall be bound by the rules respecting personal confidentiality as set out herein. A breach of these rules by a media representative shall be dealt with by the Commissioner as she sees fit.

## Access to Evidence

86. All evidence shall be categorized and marked P for public proceedings and C for *in camera* proceedings.
87. Unless the Commissioner orders otherwise, a copy of the P transcript of evidence, a list of P exhibits of the public proceedings, and a list of the C proceedings, subject to NSC, SPII and to any personal confidentiality orders, will be available

on the Commission website.

88. Only those persons authorized by the Commission, in writing, shall have access to C transcripts and exhibits.

## APPENDIX “A”

### Confidentiality Undertaking for Legal Representatives to Participants, Potential Witnesses and Experts in the Commission on Foreign Interference

For the purpose of this Undertaking, the term “document” is intended to have a broad meaning, and includes any and all documents and information in connection with the proceedings of the Commission on Foreign Interference (the “Commission”), including without limitation, any and all technical, corporate, financial, economic and legal information and documentation, financial projection and budgets, plans, reports, opinions, models, photographs, recordings, personal training materials, memoranda, notes, data, analysis, minutes, briefing materials, submissions, correspondence, records, sound recordings, videotapes, films, charts, graphs, maps, surveys, books of account, social media content, or any other notes or communications in writing, and data and information in electronic form, any data and information recorded or stored by means of any device and any other information pertaining to the Inquiry, irrespective of whether such information or documentation has been identified as confidential, and includes all other material prepared containing or based, in whole or in part, on any information included in the foregoing, including any anticipated evidence statements, witness interview summaries statements or Overview Reports prepared by Commission counsel.

I, \_\_\_\_\_, undertake to the Commission that any and all documents which are produced to me in connection with the Commission’s proceedings will not be used by me for any purpose other than those proceedings, with the exception

of any documents that are otherwise publicly available. I further undertake that I will not disclose any such documents to anyone for whom I do not act or who has not been retained as an expert for the purposes of the Inquiry. In respect of anyone for whom I act, or any witness, or any expert retained for the purposes of the Inquiry, I further undertake that I will only disclose such documents upon the individual to whom they are disclosed giving the written undertaking annexed as Appendix "B" to these Rules.

I understand that this undertaking ceases to apply to any document that becomes part of the Public Hearings of the Commission, or to the extent that the Commissioner has provided a written release to me from the undertaking with respect to any document. For greater certainty, a document is only part of the Public Hearings once the document is made a public exhibit at the Public Hearings. In addition, this undertaking and any requests for deletion are limited by any requirement to retain or disclose records and information as may be provided for by law.

With respect to those documents which remain subject to this undertaking at the end of the Public Hearing, I undertake to either destroy those documents, and provide a certificate of destruction to the Commission, or to return those documents to the Commission for destruction. I further undertake to collect for destruction such documents from anyone to whom I have disclosed any documents that were produced to me in connection with the Commission's proceedings.

I understand that a breach of any of the provisions of this Undertaking is a breach of an order made by the Commission, and of the Rules of Practice and Procedure.

\_\_\_\_\_ Signature      \_\_\_\_\_ Witness

\_\_\_\_\_ Date      \_\_\_\_\_ Date

## APPENDIX “B”

### Confidentiality Undertaking for Represented Participants, Potential Witnesses, and Experts in the Commission on Foreign Interference

For the purpose of this Undertaking, the term “document” is intended to have a broad meaning, and includes any and all documents and information in connection with the proceedings of the Commission on Foreign Interference (the “Commission”), including without limitation, any and all technical, corporate, financial, economic and legal information and documentation, financial projection and budgets, plans, reports, opinions, models, photographs, recordings, personal training materials, memoranda, notes, data, analysis, minutes, briefing materials, submissions, correspondence, records, sound recordings, videotapes, films, charts, graphs, maps, surveys, books of account, social media content, or any other notes or communications in writing, and data and information in electronic form, any data and information recorded or stored by means of any device and any other information pertaining to the Inquiry, irrespective of whether such information or documentation has been identified as confidential, and includes all other material prepared containing or based, in whole or in part, on any information included in the foregoing, including any anticipated evidence statements, witness interview summaries statements or Overview Reports prepared by Commission counsel.

I, \_\_\_\_\_, undertake to the Commission that any and all documents which are produced to me in connection with the Commission’s proceedings will not be used by me for any purpose other than those proceedings, with the exception

of any documents which are otherwise publicly available. I further undertake that I will not disclose any such documents to anyone.

I understand that this undertaking ceases to apply to any document that becomes part of the Public Hearings of the Commission, or to the extent that the Commissioner has provided a written release to me from the undertaking with respect to any document. For greater certainty, a document is only part of the Public Hearings once the document is made a public exhibit at the Public Hearings. In addition, this undertaking and any requests for deletion are limited by any requirement to retain or disclose records and information as may be provided for by law.

With respect to those documents that remain subject to this undertaking at the end of the Public Hearing, I further understand that such documents will be collected from me by the person who disclosed them to me: my legal representative, if applicable, or Commission counsel or a person designated by Commission counsel, as the case may be.

I understand that a breach of any of the provisions of this Undertaking is a breach of an order made by the Commission, and of the Rules of Practice and Procedure.

\_\_\_\_\_ Signature                      \_\_\_\_\_ Witness

\_\_\_\_\_ Date                                      \_\_\_\_\_ Date

## APPENDIX “C”

### Confidentiality Undertaking for Unrepresented Participants, Potential Witnesses, and Experts in the Commission on Foreign Interference

For the purpose of this Undertaking, the term “document” is intended to have a broad meaning, and includes any and all documents and information in connection with the proceedings of the Commission on Foreign Interference (the “Commission”), including without limitation, any and all technical, corporate, financial, economic and legal information and documentation, financial projection and budgets, plans, reports, opinions, models, photographs, recordings, personal training materials, memoranda, notes, data, analysis, minutes, briefing materials, submissions, correspondence, records, sound recordings, videotapes, films, charts, graphs, maps, surveys, books of account, social media content, or any other notes or communications in writing, and data and information in electronic form, any data and information recorded or stored by means of any device and any other information pertaining to the Inquiry, irrespective of whether such information or documentation has been identified as confidential, and includes all other material prepared containing or based, in whole or in part, on any information included in the foregoing, including any anticipated evidence statements, witness interview summaries statements or Overview Reports prepared by Commission counsel.

I, \_\_\_\_\_, undertake to the Commission that any and all documents which are produced to me in connection with the Commission’s proceedings will not be used by me for any purpose other than those proceedings, with the exception

of any documents which are otherwise publicly available. I further undertake that I will not disclose any such documents to anyone.

I understand that this undertaking ceases to apply to any document that becomes part of the Public Hearings of the Commission, or to the extent that the Commissioner has provided a written release to me from the undertaking with respect to any document. For greater certainty, a document is only part of the Public Hearings once the document is made a public exhibit at the Public Hearings. In addition, this undertaking and any requests for deletion are limited by any requirement to retain or disclose records and information as may be provided for by law.

With respect to those documents that remain subject to this undertaking at the end of the Public Hearing, I further understand that such documents will be collected from me by the person who disclosed them to me: Commission counsel or a person designated by Commission counsel, as the case may be.

I understand that a breach of any of the provisions of this Undertaking is a breach of an order made by the Commission and of the Rules of Practice and Procedure.

\_\_\_\_\_ Signature \_\_\_\_\_ Witness

\_\_\_\_\_ Date \_\_\_\_\_ Date

## APPENDIX “D”

### Confidentiality Undertaking for Persons Attending Interview by the Commission on Foreign Interference

For the purpose of this Undertaking, the term “document” is intended to have a broad meaning, and includes any and all documents and information in connection with the proceedings of the Commission on Foreign Interference (the “Commission”), including without limitation, any and all technical, corporate, financial, economic and legal information and documentation, financial projection and budgets, plans, reports, opinions, models, photographs, recordings, personal training materials, memoranda, notes, data, analysis, minutes, briefing materials, submissions, correspondence, records, sound recordings, videotapes, films, charts, graphs, maps, surveys, books of account, social media content, or any other notes or communications in writing, and data and information in electronic form, any data and information recorded or stored by means of any device and any other information pertaining to the Inquiry, irrespective of whether such information or documentation has been identified as confidential, and includes all other material prepared containing or based, in whole or in part, on any information included in the foregoing, including any anticipated evidence statements, witness interview summaries statements or Overview Reports prepared by Commission counsel.

I, \_\_\_\_\_, undertake to the Commission that, in addition to my obligations under any other undertaking I have entered, I will keep confidential the questions asked and answers given during any interviews with Commission counsel for

which I am present or to which I am otherwise privy, as well as the fact and timing of the interview, until the end of the Commission's mandate.

I further undertake that I will not record in any manner, including audio and video recording, the whole or any part of any interviews with Commission counsel for which I am present or to which I am otherwise privy. This undertaking does not prevent me from making handwritten or typewritten notes, provided that those notes are kept secure and confidential and are not disclosed to anyone.

An interviewee, attendee, or legal representative may share information about the interview, including handwritten or typewritten notes taken in compliance with this undertaking, only with legal representatives of the interviewee, provided that any legal representative who is made privy to that information also enters into this undertaking and provides a signed copy of it to Commission counsel before any information is shared with that person.

A legal representative may share information about the interview, including handwritten or typewritten notes taken in compliance with this undertaking, only with his/her client, provided that the legal representative obtains the undertaking of any client or representative who is made privy to that information to be bound by this undertaking.

I further undertake that any and all documents which are produced to me, or which I review or am advised of during any interviews with Commission counsel, will not be used by me or disclosed by me for any purpose other than those proceedings, with the exception of any documents which are otherwise publicly available. I further undertake that I will not disclose any such documents to anyone.

I understand that this undertaking ceases to apply to any document that becomes part of the Public Hearings of the Commission, or to the extent that the Commissioner has provided a written release to me from the undertaking with respect to any document. For greater certainty, a document is only part of the Public Hearings once the document is made a public exhibit at the Public Hearings. In addition, this undertaking and any requests for deletion are limited by any requirement to retain or disclose records and information as may be provided for by law.

I understand that a breach of any of the provisions of this Undertaking is a breach of an order made by the Commission and of the Rules of Practice and Procedure.

\_\_\_\_\_ Signature \_\_\_\_\_ Witness

\_\_\_\_\_ Date \_\_\_\_\_ Date



## Policy Phase Rules of Practice and Procedure

### Introduction

On September 10, 2023, the Government of Canada adopted Order in Council P.C. 2023-0882, establishing the Terms of Reference for the Public Inquiry into Foreign Interference in Federal Electoral Processes and Democratic Institutions (the “Commission” or the “Inquiry”).

Pursuant to clause (a)(i)(E) of its Terms of Reference, the Commission is directed to recommend any means for better protecting federal democratic processes from foreign interference that the Commissioner may consider appropriate. The Commission intends to hold a Policy Phase of the Inquiry in order to assist the Commissioner in discharging her mandate under this clause.

Subject to the Terms of Reference and the *Inquiries Act*, RSC 1985, c. I-11, the Commission has the power to control its own processes and make rules governing its practice and procedure as necessary to fulfill its mandate. The Terms of Reference authorize the Commissioner to adopt any procedures and methods she considers expedient for the proper and efficient conduct of the Inquiry.

These *Policy Phase Rules of Practice and Procedure* (the “Policy Phase Rules”) apply to the conduct of the Inquiry referred to in clause (a)(i)(E) of the Commission’s Terms of Reference and are designed to guide the Commission’s public proceedings and the fulfillment of the Commission’s mandate.



The Policy Phase Rules will be interpreted, applied or varied in a reasonable manner such that the Commission can complete its mandate in a timely manner, consistent with the deadlines in the Terms of Reference.



## General

1. These Policy Rules apply to the hearings of the Commission related to clause (a)(i)(E) of its Terms of Reference (the “Policy Phase”).
2. The Commissioner may amend, add, supplement, or dispense with the application of these Policy Rules as she deems necessary to ensure that the Inquiry is complete, fair and timely, and that the resources of the Commission and the Participants are allocated in a manner proportionate to the objectives of the Commission and the recognized interests of the Participants and the public.
3. In the event that a matter arises that is not addressed under these Policy Rules, the Commissioner may choose to make reference to the Commission’s *Rules of Practice and Procedure*, with any modifications as the circumstances require.
4. The Commissioner may make such orders or give such directions as she considers proper to maintain order and to prevent the abuse of the Commission’s process.
5. In these Rules:
  - a. “Participant” refers to a person who has been granted standing to participate in the policy phase of the Inquiry.
  - b. “Person” refers to any member of the public as well as to an organization.
  - c. “Participant Policy Paper” refers to a document submitted to the Commission pursuant to Rule 13.
  - d. “Research Council” refers to the Research Council of the Commission.



## Consultation Paper

6. The Research Council may prepare one or more Consultation Papers.
7. The purpose of a Consultation Paper is to present policy issues that the Commission may wish to address during the Policy Phase, including discussions of problems, issues, perspectives, proposed solutions, or other matters relevant to the Commissioner's authority to make recommendations.
8. A Consultation Paper does not necessarily reflect the views of the Commission or the Research Council.
9. If the Research Council releases a Consultation Paper, it will be published on the Commission's website.
10. Any Person may make a submission to the Commission in response to a Consultation Paper. Submissions will be considered by the Research Council for the purposes of planning the policy phase hearings. The Commissioner may issue directions respecting the timing and method of making such submissions.
11. Submissions provided by Participants may be posted on the Commission's website.
12. Submissions provided by other Persons will not be published. The Research Council may, however, prepare a report, memo or other document summarizing responses to the Consultation Paper, which may be published. Responses will not be attributed to individual Persons without their express consent.



### Participant Policy Papers

13. Participants may submit a Policy Paper in the form of a brief, report or other observation that may assist the Commissioner formulate recommendations related to policy matters.
14. A Participant Policy Paper is not evidence before the Commission and may not contain factual assertions that are not based on evidence already before the Commissioner during the factual phase of the Inquiry. Purely uncontentious facts or matters for which judicial notice could be taken may be referred to in a Participant Policy Paper.
15. The Commissioner may issue directions respecting the timing and method of submitting a Participant Policy Paper.
16. Participant Policy Papers may be posted on the Commission's website.

### Policy Hearings

17. The Commission will hold Policy Phase hearings in Ottawa, on dates and times to be announced by the Commission.
18. The Policy Phase hearings may take a variety of forms, at the discretion of the Commissioner, including but not limited to:
  - a. Expert testimony from one or more experts; and
  - b. Policy round tables.



## Expert Evidence

19. Where individual experts or panels of experts are called to provide testimony, their evidence shall be taken in accordance with the Commission's *Rules of Practice and Procedure*, with such modifications as the circumstances require.

## Round Tables

20. When the Commission holds policy round tables, Participants will be given reasonable notice of the identity of round table members and the topics that they will discuss.
21. Round tables may take any form that the Commissioner considers appropriate, including presentations, facilitated discussions, or question and answer sessions.
22. The questioning of round table participants will be conducted by one or more persons designated by the Commissioner, which may include Commission counsel, members of the Research Council, or another appropriate person ("Moderator").
23. The Commissioner may also ask questions of round table participants.
24. Participants are entitled to suggest questions or topics to be explored during the round tables either before or during a round table. Suggestions shall be provided by email to [participants@pifi-epie.gc.ca](mailto:participants@pifi-epie.gc.ca). The Moderator shall give consideration to suggested questions or topics proposed by the Participants. The Moderator will ultimately determine what questions are relevant and useful to ask and are not required to ask questions proposed by the Participants.



## Submissions

25. Participants are entitled to make submissions at the conclusion of the Policy Phase. The Commissioner may issue directions respecting the timing and method of making submissions.
26. The purpose of submissions is to permit Participants to comment on the proceedings during the policy hearings and to make final suggestions respecting recommendations that the Commissioner should make.
27. Submissions from Participants may be published on the Commission's website.

B.3

# Forms and Precedents



# Public Inquiry Into Foreign Interference in Federal Electoral Processes and Democratic Institutions

## Application to Participate and for a Funding Recommendation

All Applicants seeking standing or standing and funding must use this form and may file supporting materials related to the topics set out below. All applications, along with any supporting materials, must be sent via email to [standing-qualite@pifi-epie.gc.ca](mailto:standing-qualite@pifi-epie.gc.ca) no later than 5 PM EST on Wednesday, November 22, 2023, or on any other date with leave of the Commissioner.

The Rules governing applications for standing and funding for the Public Inquiry into Foreign Interference in Federal Electoral Processes and Democratic Institutions can be accessed [here](#).

*Please note, this form is available as a fillable .pdf on a desktop computer*

### 1. The Applicant

#### a. Individual (if applicable)

- i. Name:
- ii. Email address:
- iii. Mailing address:
- iv. Telephone number:

#### b. Organization, government, agency, institution, association or other entity (if applicable)

- i. Name:
- ii. Contact (name and position)
- iii. Email address:
- iv. Mailing address:
- v. Telephone number:

#### c. Legal representative (if applicable)

- i. Representative's name:
- ii. Firm:
- iii. Email address:
- iv. Mailing address:

v. Telephone number:

## 2. Standing to Participate

Participation in the Commission’s mandate may relate to its fact-finding function, its policy-related function, or both.

Participation in the Commission’s fact-finding function may include:

- Producing factual documents relevant to the Inquiry's mandate
- Creating or participating in the creation of factual summaries or reports to be introduced into evidence
- Identifying, tendering or representing witnesses who may testify on factual issues
- Examining or cross-examining witnesses
- Making submissions on factual issues and related evidentiary issues

Participation in the Commission’s policy-related function may include:

- Creating or producing policy papers to the Inquiry relevant to its policy-related function
- Participating in policy roundtables or discussions
- Making submissions on policy-related issues

### a. Does the Applicant seek standing in relation to: (check one box only)

- The fact-finding function of the Commission
- The policy-related function of the Commission
- Both

### b. Participation is based on the following criteria:

- i) A substantial and direct interest in the subject matter of the Inquiry;
- ii) The Applicant’s participation would provide necessary contributions or otherwise further the conduct of the Inquiry; and
- iii) The Applicant’s participation would contribute to the openness and fairness of the Inquiry.

In the space below, please explain how each of these criteria are met.

In particular, please specify the nature of the Applicant's “substantial and direct interest” in the subject matter of the Inquiry, with reference, where applicable, to paragraphs (a)(i) (A)-(E) of the Terms of Reference, and the Commission’s Notice dated November 10, 2023.

Please also identify those factual, legal or policy issues falling within the Inquiry's mandate that the Applicant wishes to address as a Participant.

A large, empty rectangular box with a thin black border, occupying most of the page below the text. It is intended for the applicant to provide details on factual, legal, or policy issues.

**c. Is the Applicant willing to share a single grant of standing with others with whom the Applicant shares a common interest? Check one box only.**

Yes     No

Please explain your answer in the box below and indicate whether the Applicant formed or have attempted to form a group or coalition with others of similar interests.

**d. Please indicate if the Applicant is seeking standing on one or more of the following issues:**

1. interference by China, Russia and other foreign states or non-state actors, in the 43rd and 44th general elections at the national and electoral district levels;
2. the flow of information within the federal government in relation to the above, and actions taken in response;
3. the capacity of the federal government to detect, deter and counter foreign interference directly or indirectly targeting Canada's democratic processes, in particular
  - (i) the creation, sharing, assessment and distribution of intelligence and the formulation of advice to senior decision-makers and elected officials;
  - (ii) the supports and protections in place for members of a diaspora vulnerable to foreign interference;
  - (iii) the mechanisms that were in place to protect the integrity of the 43rd and 44th general elections from foreign interference;

4. the challenges, limitations and potential adverse impacts associated with the disclosure of classified national security information and intelligence to the public;
5. recommendations for better protecting federal democratic processes from foreign interference;
6. other aspects of the Commission's [Terms of Reference](#) (please specify).

Please explain in the box below.

**e. If granted standing, how would the Applicant like to contribute to the Inquiry's work, in light of the scope and nature of the Applicant's interest? Please check all that apply:**

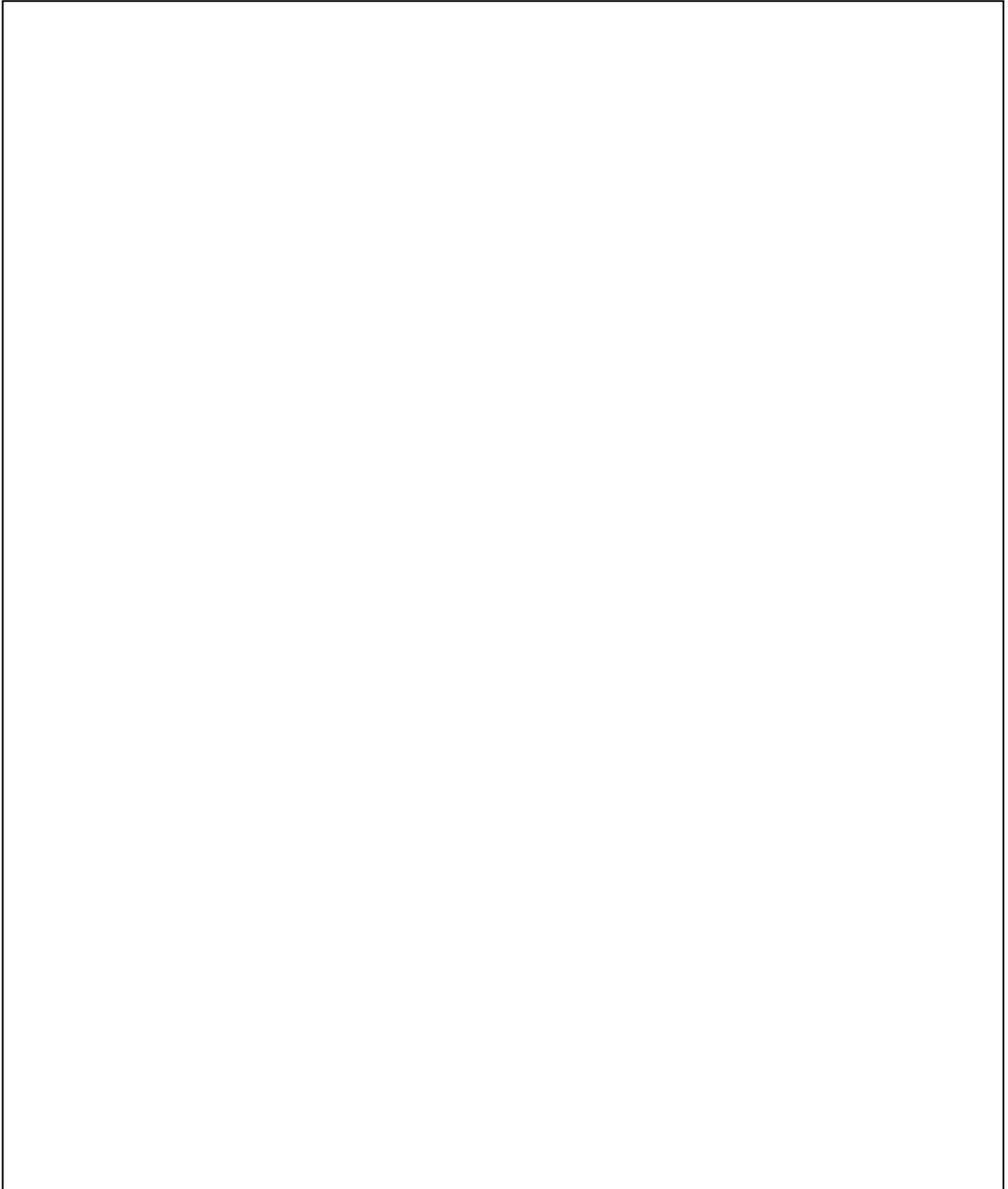
- By producing factual documents relevant to the Inquiry's mandate
  - By creating or participating in the creation of factual summaries to be introduced into evidence
  - By identifying, tendering or representing witnesses who may testify on factual issues
  - By examining or cross-examining witnesses
  - By making submissions on factual issues and related evidentiary issues
  - By creating or producing policy papers to the Inquiry relevant to its policy-related function
  - By participating in policy roundtables or discussions
  - By making submissions on policy-related issues
  - Other (Specify):
- 

**3. Funding**

**a. If given the right to participate, are you asking the Commissioner to recommend to the Clerk of the Privy Council that you be given funding? Check one box only.**

- Yes     No

**b. If “yes”, why would you not be able to participate in the Inquiry without funding?**



**c. How much funding is the Applicant seeking and for what purpose?**

**d. Please check all that apply:**

- The Applicant has an established record of concerns for and a demonstrated commitment to the interest the Applicant seeks to represent.
  
- The Applicant has special experience or expertise with respect to the Commission's mandate.

If applicable, explain how the statements above apply to the Applicant.

- e. **Please list and provide any documentation or other evidence you would like the Commissioner to consider below and attach copies of all supporting materials to the application. Please note there is a 10-page limit for supporting documents relating to standing and a 5-page limit for supporting documents relating to funding.**

I hereby certify and declare that the information set out by me in this document is true and correct to the best of my knowledge and belief.

Date: \_\_\_\_\_

Signature: \_\_\_\_\_



## SUMMONS TO PRODUCE DOCUMENTS

Pursuant to section 4(b), *Inquiries Act*, RSC 1985, c I-11

**TO:** [NAME OF PARTY OR WITNESS]

You are hereby required to produce all “documents”, which word is intended to have a broad meaning and includes all technical, corporate, financial, economic and legal information and documentation, financial projection and budgets, plans, reports, opinions, models, photographs, recordings, personal training materials, memoranda, notes, data, analysis, minutes, briefing materials, submissions, correspondence, records, sound recordings, videotapes, films, charts, graphs, maps, surveys, books of account, social media content, or any other notes or communications in writing, and data and information in electronic form, any data and information recorded or stored by means of any device, and specifically includes communications by text message or instant messaging services such as WhatsApp, BBM Enterprise and others for the time period commencing [DATE], and continuing through [DATE], in the possession, custody or control of [CUSTODIAN OR PARTY NAME] relevant to the subject-matter of the Foreign Interference Commission’s mandate as set out in its Terms of Reference, subject to its Rules of Practice and Procedure including all applicable Privileges.

The Commissioner reserves the right to request further productions from [NAME OF PARTY OR WITNESS] at a later date.

All documents and information are to be delivered to [RECIPIENT] either on an encrypted hard drive or by a secure FTP transfer through Titanfile to the following email address: [EMAIL].

This summons is enforceable in the same manner as a summons issued by a civil court of competent jurisdiction, including by contempt of court proceedings.

ISSUED at \_\_\_\_\_, this \_\_\_ day of \_\_\_\_\_ 202\_.

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The Honourable Marie-Josée Hogue  
Commissioner



## SUMMONS TO WITNESS

Pursuant to section 4(a), *Inquiries Act*, RSC 1985, c I-11

**TO:** [NAME OF PARTY OR WITNESS]

You are hereby summoned and required to attend before the Public Inquiry into Foreign Interference in Federal Electoral Processes and Democratic Institutions (the “**Commission**”) at [395 Wellington Street, Ottawa ON K1A 0N4 OR virtually<sup>1</sup>] on [DATE] at [TIME], and until the Commission’s inquiry is concluded or the Commission otherwise orders, to give evidence under oath on matters relevant to the Commission’s mandate as set out in its Terms of Reference<sup>2</sup>, subject to its Rules of Practice and Procedure.

This summons is enforceable in the same manner as a summons issued by a civil court of competent jurisdiction, including by contempt of court proceedings.

ISSUED at \_\_\_\_\_, this \_\_\_\_ day of \_\_\_\_\_ 202\_\_.

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The Honourable Marie-Josée Hogue  
Commissioner

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<sup>1</sup> A Zoom link will be provided at a date closer to your scheduled appearance.

<sup>2</sup> See Order in Council 2023-0882.

B.4

# Policy Phase



ROUNDTABLE SCHEDULE AND LIST OF PARTICIPANTS  
October 21 to 24, 2024 – Ottawa

	October 21	October 22	October 23	October 24
9:00 – 12:30	<p><u>1. Building Democratic Resilience Amid Value Conflicts</u></p> <p>Moderator: Nomi Claire Lazar</p> <p>Participants:</p> <ol style="list-style-type: none"> <li>1. Richard Moon</li> <li>2. Hoi Kong</li> <li>3. Stephen Maher</li> <li>4. Tanja Börzel</li> <li>5. Quassim Cassam</li> </ol>	<p><u>3. Disinformation, Digital Space and Democratic Processes</u></p> <p>Moderator: Lori Turnbull</p> <p>Participants:</p> <ol style="list-style-type: none"> <li>1. Marcus Kolga</li> <li>2. Shelly Ghai Bajaj</li> <li>3. Heidi Tworek</li> <li>4. Emily Laidlaw</li> <li>5. Chris Tenove</li> <li>6. Vivek Krishnamurthy</li> <li>7. Elizabeth Dubois</li> </ol>	<p><u>5. Canada's National Security Apparatus</u></p> <p>Moderator: Leah West</p> <p>Participants:</p> <ol style="list-style-type: none"> <li>1. Stephanie Carvin</li> <li>2. Daniel Jean</li> <li>3. Maria Robson-Morrow</li> <li>4. Lex Gill</li> <li>5. Alan Jones</li> <li>6. Richard Fadden</li> </ol>	<p><u>7. Electoral Integrity: Political Financing</u></p> <p>Moderator: Lori Turnbull</p> <p>Participants:</p> <ol style="list-style-type: none"> <li>1. Lisa Young</li> <li>2. Jessica Davis</li> <li>3. Michelle Gallant</li> <li>4. Andrea Lawlor</li> <li>5. Robin Sears</li> </ol>
1:30 – 5 :00	<p><u>2. Diplomatic Perspectives on the Foreign Interference 'Gray Zone'</u></p> <p>Moderator: Nomi Claire Lazar</p> <p>Participants:</p> <ol style="list-style-type: none"> <li>1. Michael Morgan</li> <li>2. Henri-Paul Normandin</li> <li>3. Daniel Jean</li> <li>4. Anne Leahy</li> <li>5. Alex Himelfarb</li> </ol>	<p><u>4. Electoral Integrity: Nomination Contests and Leadership Contests</u></p> <p>Moderator: Lori Turnbull and Matthew Ferguson</p> <p>Participants:</p> <ol style="list-style-type: none"> <li>1. Laura Stephenson</li> <li>2. André Blais</li> <li>3. Marc Mayrand</li> <li>4. Ken Carty</li> <li>5. Michael Pal</li> </ol>	<p><u>6. Enforcing, Deterring and Prosecuting Foreign Interference Activities</u></p> <p>Moderator: Leah West</p> <p>Participants:</p> <ol style="list-style-type: none"> <li>1. Bob Paulson</li> <li>2. Rob Currie</li> <li>3. Alex Wilner</li> <li>4. Mike Nesbitt</li> <li>5. Croft Michaelson</li> </ol>	



## Round Table Schedule, Panelists and Topics

October 21-24, 2024

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Monday October 21, 9:00am – Building Democratic Resilience Amid Value Conflict

Moderator: Nomi Claire Lazar, Research Council Member

Panelists:

- Richard Moon, Distinguished University Professor of Law, University of Windsor
- Hoi Kong, holder of the Rt. Hon. Beverley McLachlin Professorship in Constitutional Law, University of British Columbia
- Stephen Maher, journalist
- Tanja Börzel, Professor & Director of the Contestations of the Liberal Script Cluster of Excellence, Freie Universitaet, Berlin
- Quassim Cassam, Professor of Philosophy, University of Warwick, United Kingdom

For elections to serve their intended purpose, eligible participants – and only eligible participants – must choose a representative through a trusted process, which is free, fair, and well-informed. It is partly because foreign interference (FI) can impact freedom, fairness, the information environment of elections, and trust in that process that FI is a cause for concern. But FI is a complex problem, and we need strategies to build resilience across society. An effective strategy cannot be limited to legal tools to detect, deter, and punish FI attempts because:

- interference can be ambiguous, making a single legal definition challenging;
- Modes of foreign interference may shift shape to evade the boundaries of law;
- Information on foreign interference gathered in intelligence contexts is difficult to use in court, and FI can be difficult to prosecute when interferers act from abroad.

These factors may make democratic resilience critical for confronting FI. Typically whole of society approaches that aim to build resilience include: (1) raising public awareness of dangers FI poses to democratic processes; (2) educating the public regarding how to recognize foreign interference tactics and on available protective measures, building community capacity to support those targeted, as well as building civic capacity to detect and counter mis- and disinformation; (3) encouraging a robust Canada-based media to support a robust information environment, while inviting or requiring media platforms to take measures to control the flow of disinformation; and (4) reducing exposure of people deemed vulnerable to foreign interventions.

Yet many of these resilience-building mechanisms could themselves negatively impact democracy. For example, efforts to safeguard the information environment may risk limiting access to diverse perspectives that enrich that environment. Efforts to support reliable, Canada-based media may lead to claims that that media is biased. Efforts to call out instances of foreign interference may also raise suspicion in and toward Canada's diasporas. And raising civic awareness about the dangers of foreign interference may contribute to a loss of confidence in the very democratic institutions we hope to protect. In addition, limiting exposure of people deemed vulnerable to FI by virtue of their identity,



for example by removing them from certain positions in the foreign service or at home, may risk curtailing their freedom and opportunities on the grounds of identity.

Furthermore, the gray area around what counts as interference can make civic education challenging. The concept of interference is evidently unclear. But even the concept of 'foreign' can be ambiguous. For example, transnational political coalitions have historically played important roles in political movements. Interests, ideas, funds and strategies flow across borders for all kinds of political reasons. When those ideas and interests are shared and actively supported transnationally, how can we best differentiate *foreign* from *domestic* action? Given such transnational coalitions sometimes support anti-democratic interests, but work through persuasion, what is 'acceptable' and what is not and why?



Monday October 21, 1:30pm - Diplomatic Perspectives on the Foreign Intervention 'Gray Zone'

Moderator: Nomi Claire Lazar, Research Council Member

Panelists:

- Michael Morgan, Associate Professor of History, University of North Carolina at Chapel Hill
- Henri-Paul Normandin, former Ambassador, Fellow of the Institut d'études internationales de Montréal, Université du Québec à Montréal
- Daniel Jean, former National Security and Intelligence Adviser to the Prime Minister, former Deputy Minister, Global Affairs Canada
- Anne Leahy, former Ambassador
- Alex Himelfarb, former Clerk of the Privy Council and former Ambassador

In her Initial Report, Commissioner Hogue mentions common concerns about distinguishing foreign influence, understood as legitimate or acceptable behavior, from foreign interference, understood as problematic. Influence may 'become' interference, the report notes, when it is "clandestine, deceptive, or personally threatening." Yet, the report also notes that this distinction can be difficult to draw. Indeed, many reports and observers have described a substantial 'gray zone' of ambiguous behaviors that deeply concern members of some areas of government, while striking others as 'business as usual'.

This ambiguity may generate at least three potential difficulties. First, ambiguity makes it more difficult to confidently identify inappropriate political behavior, while also potentially chilling legitimate political or diplomatic efforts. Second, disagreements between different parts of government around what counts as concerning or illegal behavior may hamper a government's ability to take appropriate action in a timely manner. And third, ambiguity may contribute to public confusion, which may in turn make it less likely that citizens will recognize foreign interventions of potential concern which, in turn, may lead to a lack of confidence in our institutions.

A common proposal is to formulate a definition of foreign interference that eliminates ambiguity. Yet, any such definition would have to manage genuine, not just semantic ambiguities: for example, could any definition capture the contextual complexities of diplomacy? If it turns out definitions cannot be made specific enough to be workable while remaining abstract enough to capture real ambiguities, are there other ways to guide citizens and officials?

Questions may include:

1. Are there foreign activities that are legal both domestically and internationally, but nonetheless illegitimate? Are there borderline cases that could illustrate?



2. Are definitions the right approach to classifying foreign interference? What other approaches might be useful?
3. What levels or types of interactions between politicians and diplomats or foreign representatives in Canada are in compliance with the Vienna Convention? How can Parliamentarians, their staff, and members of the public be educated on where to draw the line?
4. Diplomacy changes over time. Are international law tools and guidelines around intervention, such as the Vienna Convention on Diplomatic Relations, adequate for the contemporary context? If not, what might be the benefits and drawbacks of seeking new tools and guidelines for the international community, for example through Canada spearheading a global initiative?
5. Might a (domestic) statement of principles and values that goes beyond definition, help guide Government evaluation of questionable foreign actions and appropriate responses?
6. Alternatively, might the existing ambiguity be in Canada's interest, overall?
7. What is the role of non-state actors in this conversation?
8. How do these considerations play into the role of the Panel of Five during elections?



Tuesday October 22, 9:00am – Disinformation, Digital Space and Democratic Processes

Moderator: Lori Turnbull, Research Council Member

Panelists:

- Marcus Kolga, Investigative Journalist, Senior Fellow, McDonald-Laurier Institute
- Shelly Ghai Bajaj, Postdoctoral Fellow, University of Waterloo
- Heidi Tworek, Canada Research Chair and Professor of international history and public policy, University of British Columbia
- Emily Laidlaw, Canada Research Chair in Cybersecurity Law, Associate Professor, University of Calgary
- Chris Tenove, Assistant Director, Centre for the Study of Democratic Institutions, University of British Columbia
- Vivek Krishnamurthy, Associate Professor, University of Colorado Law School
- Elizabeth Dubois, Associate Professor & University Research Chair in Politics, Communication and Technology, University of Ottawa

Disinformation and misinformation refer to verifiably false claims, in the latter case shared without intent to deceive, and in the former, with intent to deceive and mislead. A third category, malinformation, refers to information that stems from the truth but is exaggerated or used out of context in order to mislead and cause potential harm. The acronym MDM in this document is used to capture misinformation, disinformation and malinformation.

Regardless of intent, MDM is potentially harmful in many ways, including in reducing trust in institutions and the media, breaking down social cohesion and undermining the integrity of democratic processes. For this reason, some states may leverage MDM for the purpose of foreign interference.

MDM is not a new phenomenon: states disseminated lies and propaganda long before the rise of social media. However, social media platforms and the digital ecosystem in general have considerably increased the spread and impact of MDM. This explains why MDM, on the one hand, and social media, on the other, are often discussed and addressed simultaneously. More recently, advances in generative AI tools have added another layer to the discussion.

Finding appropriate ways to respond to foreign-based MDM in the current digital landscape raises significant challenges, which democratic states around the world are facing. One such challenge is to ensure that the means and tools that we develop to detect and counter MDM do not violate the very principles and values that we are trying to preserve. Among these are freedom of expression, access to reliable information and the protection of privacy. Another challenge is to design protection and prevention mechanisms that are flexible enough to keep pace with accelerating technological



change. Fundamental to all these challenges is the need for clarity around the substantive nature of the threat that MDM represents, and the extent to which it affects democratic processes and institutions.

This reality raises many questions, including:

1. What approach should Canada take in confronting the challenge posed by MDM to our democratic institutions: targeting the substance of the information, those who produce it, the mechanisms by which it is disseminated?
2. In the context of foreign interference, identifying the source of MDM for the purpose of attribution is often difficult. Are there appropriate and effective means to do so? What should be the threshold for attribution of MDM to a foreign actor? Should the thresholds for attribution be different when the actor is a state vs. non state actor?
3. Should the government publicly identify and attribute MDM to foreign actors and, if so, when and how?
4. What is the role of civil society in combatting MDM? Does government have a role to play in “correcting” MDM?
5. Is there a role for building citizen resilience to MDM? What is the role of public education in building that resilience? How might the federal and provincial governments cooperate to achieve this? Are there international models to follow?
6. What tools currently exist to counter MDM? Are these tools effective? Are they likely to be effective in the case of AI-generated information, such as deepfakes?
7. What should be the responsibility of social media platforms in dealing with MDM in democratic processes? Is self-regulation of these platforms compatible with democratic principles?
8. Research has shown that different diaspora communities are unevenly affected by MDM spread by social media and messaging applications. What strategies could respond effectively to the diversity of audiences likely to be affected by MDM?
9. Should there be a distinct strategy to detect, deter and counter offline MDM?



Tuesday, October 22, 1:30pm – Electoral Integrity: Nomination Contests and Leadership Contests

Moderator: Lori Turnbull, Research Council Member & Matthew Ferguson, Commission Counsel

Panelists:

- Laura Stephenson, Professor, University of Western Ontario
- André Blais, Professor Emeritus, Université de Montréal
- Marc Mayrand, former Chief Electoral Officer of Canada
- Ken Carty, Professor Emeritus, University of British Columbia
- Michael Pal, Associate Professor, Faculty of Law, University of Ottawa

Nomination contests are one process by which political parties may choose the candidates who will represent them in each riding in a general election. These processes can be thought of as the first step in an election. Each political party has its own rules to govern nominations processes and these rules are enforceable by the party rather than by Elections Canada; they are not enshrined in law. Elections Canada's role in nominations processes is to monitor the flow of money to nomination contestants through contributions, which are regulated by the Elections Act.

In her interim report, Commissioner Marie-Josée Hogue writes that “nomination contests can be gateways for foreign states who wish to interfere in our democratic process.”<sup>1</sup> Nomination contests may be vulnerable to foreign interference for various reasons. Potential factors might include rules around membership and voting, voting procedures, proof of citizenship and residency requirements, or consistency of rule enforcement.

Leadership contests may face the same vulnerabilities for similar (or perhaps different) reasons.

Given what appear to be vulnerabilities of nomination and leadership contests to foreign interference, what can be done to fortify these processes, and perhaps other political party processes, against foreign interference?

Questions might include:

1. What rules for nomination processes in the various political parties may make them vulnerable to foreign interference?
2. How might rules around nomination and leadership contests be reformed to make them less vulnerable to foreign interference?

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<sup>1</sup> Hogue, The Honourable Marie-Josée. May 3, 2024. “Public inquiry Into Foreign Interference in Federal Electoral Processes and Democratic Institutions: Initial Report,” p. 23.



3. What are the advantages and disadvantages of regulating/imposing rules on political party processes?
4. Who ought to be allowed to vote in nomination contests and leadership races?
5. What type of rules should be set by political parties and what type of rules should be legislated (if any)? Who should be responsible for supervising and enforcing them?
6. What other vulnerabilities may exist in political party processes, and how might these be addressed?



Wednesday October 23, 9:00am – Canada's National Security Apparatus

Moderator: Leah West, Research Council Member

Panelists:

- Stephanie Carvin, Associate Professor, Carleton University
- Daniel Jean, former National Security and Intelligence Adviser to the Prime Minister, former Deputy Minister, Global Affairs Canada
- Maria Robson-Morrow, Program Manager, Harvard Intelligence Project
- Lex Gill, Senior Fellow, Citizen Lab, University of Toronto
- Alan Jones, former Assistant Director, Canadian Security Intelligence Service
- Richard Fadden, former National Security Adviser and Deputy Clerk, former Canadian Security Intelligence Service Director

The Commission is mandated to examine and assess the capacity of the federal government, including its intelligence agencies, to detect, deter, and counter foreign interference in Canada's democratic processes.

The Commissioner's Initial Report noted difficulties in identifying, confirming, and attributing foreign interference – especially online activities- and the process of making intelligence-informed decisions in response to that threat. The Report also discussed the challenge of effective communication of foreign interference intelligence and information to stakeholders, the public, and to those likely most vulnerable to foreign interference.

This aspect of the Commission's mandate may raise several questions, including:

1. Do Canada's intelligence agencies have the legal authorities, technical capabilities and resources necessary to detect, collect and analyze information regarding foreign interference, especially in the online environment? Do they have the authorities and tools they need to effectively counter foreign interference? What more can be done to improve Canada's capacity to detect and counter the threat?
2. What measures can be taken to make the relationship between Canada's intelligence agencies and government decision makers effective and efficient?
3. What measures can be taken to improve the communication of intelligence and the understanding of the implications of foreign interference threats with external stakeholders such as political parties and candidates? Can amendments to section 19 of the Canadian Security Intelligence Service Act in Bill C-70 be expected to improve information sharing? What will they address and what will they not address?



4. How should the tension between providing information specific enough to be meaningful and protecting the operational and security imperatives that require limits on information-sharing best be resolved?
5. What is the current public perception of Canada's national security agencies? Does this perception differ between different Canadian communities? If a lack of public trust exists, either generally or within certain communities, how has this affected the agencies' capacity to deter, detect and counter foreign interference? What measures should be taken to rebuild that trust?
6. Should Canada's national security agencies better communicate with the public about the threat of foreign interference and how to protect themselves against it and, if so, how?



Wednesday October 23, 1:30pm – Enforcing, Deterring and Prosecuting Foreign Interference Activities

Moderator: Leah West, Research Council Member

Panelists:

- Bob Paulson, former Royal Canadian Mounted Police Commissioner
- Rob Currie, Professor, Dalhousie University
- Alex Wilner, Associate Professor, Carleton University
- Michael Nesbitt, Associate Professor, University of Calgary
- Croft Michaelson, former Senior Counsel, Public Prosecution Service of Canada

Several aspects of foreign interference can make investigating and prosecuting its perpetrators challenging. While there are laws that criminalize some types of foreign interference there are relatively few foreign interference prosecutions. The Commission heard evidence during its Stage 1 hearings in the spring about some of the actors responsible for investigating and prosecuting offences linked to foreign interference, and some of the challenges that they face. This evidence suggests that there are important questions to ask about whether Canadian laws, procedures, and enforcement agencies are designed and resourced to effectively investigate, deter and prosecute foreign interference activities.

Questions that could be considered within this theme include:

1. Is the criminal law an appropriate way of responding to foreign interference? Are there reasons why other approaches could be preferable?
2. Do Canada's laws prohibit the right things? Are there gaps in our legislation? Should the definition of existing offences be revised to better account for the reality of foreign interference or to enhance the prospect of successful prosecutions? How has this changed since the passage of Bill C-70?
3. Does law enforcement have the right powers to enforce the laws that exist? Can those powers be exercised in a way that makes them of practical value in foreign interference investigations?
4. There are multiple agencies that may play a role in detecting and investigating foreign interference. This includes traditional law enforcement like the RCMP or local police of jurisdiction; intelligence agencies like CSIS or the CSE; and specialized entities like the Commissioner of Canada elections. Is the current distribution of responsibility and authority between these bodies conducive to effective investigation of foreign interference? Are there aspects of their



relationships that create challenges for prosecutions and, if so, could they be reformed?

5. Prosecuting foreign interference crimes in a courtroom presents its own challenges, including – but not limited to – the “intelligence to evidence” problem. Are there ways that criminal procedures could be reformed to make foreign interference prosecutions more viable?
6. Could the common law disclosure regime be adapted to account for the challenges of investigating and prosecuting national security matters in an international context?
7. How does the Canadian Charter of Rights and Freedoms come into play in foreign interference prosecutions? Would reforms to our foreign interference laws be consistent with Charter rights and values?
8. Do the mechanisms contained in Bill C-70, such as a transparency registry and mechanisms to use sensitive information in administrative proceedings, provide a useful alternative to the criminal law?
9. Are other means, such as sanctions, effective means to deter states and non-state actors from engaging in foreign interference into Canada's democratic processes? What other costs can impose on those who engage in FI or tools can Canada employ to deter actors from targeting Canada? Is Canada effectively leveraging those means, and if not how might that be improved?
10. Are the mechanisms for deterring online FI activities different than deterring physical intimidation, threats and coercion?



Thursday October 24, 9:00am – Electoral Integrity: Political Financing

Moderator: Lori Turnbull, Research Council Member

Panelists:

- Lisa Young, Professor, University of Calgary
- Jessica Davis, President, Insight Threat Intelligence
- Michelle Gallant, Professor, University of Manitoba
- Andrea Lawlor, Associate Professor, McMaster University
- Robin Sears, Broadbent Institute Fellow, former communications, marketing, and public affairs adviser

The Canada Elections Act places limits on the size of annual contributions to political parties, candidates, leadership and nomination contestants, and riding associations. Further, there are limits on the amounts that political actors, including third parties, can spend before and during election campaigns. Third parties – people and organizations or groups that seek to participate in and influence the election debate but do not seek election themselves – are required by law to keep separate bank accounts for their election expenses so that election expenses and contributions can be more easily tracked and scrutinized. Political actors must submit reports to Elections Canada outlining their expenditures as well as the donations received. These rules, including the specific limits on contributions and spending, are all enshrined in law and enforceable by Commissioner of Canada Elections.

Political finance rules have evolved considerably over the years with the goal of increasing transparency and fairness in electoral competition. Only Canadian citizens and permanent residents are permitted to donate to political campaigns; contributions from corporations, trade unions, organizations, and foreign entities are prohibited by law. Financial contributions have been recognized as an important form of political expression in public debate and in jurisprudence on the regulation of third parties.<sup>2</sup>

The limits on financial contributions seek to ensure a level playing field between contestants so that competing political messages can be heard without having some campaigns effectively drowned out by others that have more financial support.

Though the law prohibits donations from foreign entities, it may prove difficult to “follow the money” with precision.

Questions related to the implications and effectiveness of the political finance regime, and its capacity to protect against foreign interference, include:

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<sup>2</sup> [Harper v. Canada \(Attorney General\), \[2004\] 1 SCR 827.](#)



1. Are existing rules and authorities adequate in ensuring transparency in political financing? Are there barriers to effectively identifying political donors?
2. Are there additional measures that would enhance the ability of the political finance regime to detect and counter foreign interference?
3. Who should be allowed to make contributions to political actors and who should not? Should the rules be the same for all types of contributions?



## Consultation Paper on the Policy Aspect of the Public Inquiry into Foreign Interference

In accordance with clause (a)(i)(E) of its mandate – which addresses the policy aspect of its work – the Commission is charged with recommending any means Commissioner Marie-Josée Hogue may deem appropriate to better protect federal democratic processes from foreign interference.

To help the Commissioner fulfill the policy aspect of her mandate, the Commission will organize a series of public consultations on general policy issues.

These consultations will take place from October 21 to 25, after the factual hearings. They will take the form of roundtables designed to stimulate discussion and exchange of ideas on how best to strengthen the protection of federal democratic processes against foreign interference. Organized by the Commission's Research Council, the roundtables will bring together experts from different backgrounds in a format that will enable them to discuss relevant issues in the context of the Commission's mandate.

The planning and organization of the round tables is twofold: identifying the topics to be discussed and drawing up a list of those most likely to make a useful contribution.

At this stage, the Commission has not reached any conclusions on any aspect of its work.

The Research Council seeks the views of Participants on each of the following questions:

1. What topics, themes or issues should the Commission address at these policy roundtables?
2. Do you have any suggestions as to whom the Commission should invite to participate in the roundtables?

The Research Council will also be seeking input from external experts with expertise or experience relevant to the issues related to the Commission's mandate. To support their reflections, the Council will send them a preparatory document, appended to the present consultation paper.

The Commission welcomes any other comments or suggestions from Participants that would optimize the benefits and outcomes of the policy phase of the Inquiry.



# Preparatory Document

## on the Policy Aspect

### of the Public Inquiry into Foreign Interference

Prepared by: Research Council

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# 1 Introductory remarks

## 1.1 Context and Objectives of the Preparatory Document

- [1] The mandate of the Public Inquiry into Foreign Interference in Federal Electoral Processes and Democratic Institutions (the Commission) has two aspects: a factual aspect and a policy aspect. Under the policy aspect, Commissioner Marie-Josée Hogue is tasked with recommending any appropriate means for better protecting federal democratic processes from foreign interference.
- [2] Part of the work on the factual aspect was addressed in the hearings held earlier this year, and in the initial report tabled on May 3. This fall, another set of hearings will enable the Commission to complete the factual component of its work. This will be followed by a series of consultations to address policy issues. As such, at this point the Commission has not reached any conclusion on any aspect of its work and has not yet identified the mechanisms that may need to be strengthened or put in place.
- [3] The short timeline for the Commission's work means that it must prepare for the policy consultations before the factual hearings are completed. This preparatory document has been drafted by the Commission's Research Council and is aimed at helping the Commission finalize the organization of the policy aspect of its work. Nothing in this preparatory document should be construed or interpreted as the Commission having come to any conclusion regarding any aspect of its work.

## 1.2 The Challenge of the Policy Phase

- [4] In principle, the Commission would wait for the factual hearings to be completed before turning its attention to the policy aspect of its work. Indeed, to identify measures likely to strengthen protection against foreign interference, it is first necessary to understand what needs strengthening. This involves considering the evidence heard and assessed by the Commissioner.
- [5] However, as mentioned above, the Commissioner is working to very tight deadlines to produce her final report. She has therefore asked the Research Council to carry out preparatory work. In response, the Research Council produced this document. In it, you will find hypotheses, themes and questions identified by the Council as potentially relevant to the policy aspect of the Commission's work.

**Please note!** This document is intended as a basis for discussion only. It should not be seen as anticipating future conclusions, nor as reflecting the position of the Commissioner or the Research Council. In producing this document, the Council drew on the Commission's initial report, various reports tabled in Canada on the issue of foreign interference, and the experiences of other states that have faced issues similar to those the Commission is charged with examining. The factual hearings may lead to the conclusion, for instance, that some hypotheses are incorrect, that some themes are of less significance than others, and that some experiences of other states are not relevant to Canadian reality. The factual hearings may of course also raise issues or questions not mentioned below.

### 1.3 Your Contribution to the Preparatory Work

[6] Given your expertise in relevant areas, the Commission invites your comments and suggestions on the following aspects:

1. On the proposed topics:

a. Do you find the hypotheses, themes and questions set out in this preparatory document relevant and useful?

b. Would it be desirable to add any themes or questions to this list?

2. As for the processes proposed to address these topics:

The Commission plans to hold thematic roundtables, bringing together academics and experts with relevant experience.

a. Do you consider the themes set out in the document to be relevant and useful for a roundtable program?

b. Given the different themes that could be selected, do you have suggestions regarding whom the Commission should invite to participate in the roundtables?

3. Any other comments or suggestions that you feel would maximize the benefits and outcomes of the policy aspect of the Commission's process.

### 1.4 How and when to send us your comments

[7] Comments should be sent by e-mail to the Research Council member who contacted you, **by September 11<sup>th</sup>, 2024.**

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## 2 Hypotheses, themes and questions for comments and suggestions

### 2.1 Democracies in Theory and Practice.

- [8] For elections to serve their intended purpose, it is critical that eligible participants – and only eligible participants – choose a representative through a process which is free, fair, and informed.
- [9] It is partly because foreign interference can impact the freedom, fairness, and information environment of elections that it is a cause for concern. Foreign interference is difficult to address in part because some mechanisms a state could use to prevent or limit its impact could themselves negatively impact democracy. For example, efforts to limit disinformation that might poison the information environment may risk limiting access to diverse perspectives that enrich that environment.
- [10] The purpose of this roundtable is to identify and consider approaches to managing tensions in democratic values, such as between freedom and safety in the information environment, or over- and under-inclusion regarding who is eligible to participate in democratic processes.
- [11] Questions might include:
1. In maintaining the conditions necessary for a healthy democracy, which democratic values may conflict?

2. Among Canada's democratic practices are certain models for balancing conflicting values, such as the "Oakes test".<sup>1</sup> What other models and practices do we have, and which might be suitable for addressing value conflicts in situations of foreign interference?
3. What salient institutional or cultural practices does Canada maintain between elections to ensure that, when an election is called, eligible voters have the best prospect to make a free and informed choice? Which useful practices does Canada lack which we could cultivate?
4. How effectively do current electoral laws provide oversight and redress for potentially concerning foreign interference? How could current electoral law be improved in this regard?
5. In Canada, are there models of effective prevention, oversight and redress concerning foreign interference from other, non-election oriented areas of government that could be usefully considered in the elections context?
6. Are there models of effective prevention, oversight and redress from other jurisdictions that might usefully be considered in Canada?

## 2.2 Foreign Intervention & Diplomatic Practice

[12] In her Initial Report, Commissioner Hogue mentions common concerns about distinguishing foreign influence, understood as legitimate or acceptable behavior, from foreign interference, understood as problematic. Influence may 'become' interference, the

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<sup>1</sup> Hogue, The Honorable Marie-Josée. May 3, 2024. "Public Inquiry into Foreign Interference in Federal Electoral Processes and Democratic Institutions: Initial Report," pp. 20ff and 85-86.

report notes, when it is “clandestine, deceptive, or personally threatening.” Yet, the report also notes that this distinction can be difficult to make. Indeed, many reports and observers have described a substantial ‘grey zone’ of ambiguous behaviors that look questionable to some, while striking others as ‘business as usual’.

[13] This ambiguity may create at least three potential difficulties. First, ambiguity may make it harder to confidently identify inappropriate political behavior, while also potentially chilling legitimate political or diplomatic efforts. Second, disagreements between governmental bodies around what counts as concerning or illegal behavior may hamper a government’s ability to take appropriate action in a timely manner. And third, ambiguity may contribute to public confusion, which may in turn make it less likely that citizens will recognize foreign interventions of potential concern.

[14] A common proposal is to formulate a definition of foreign interference that eliminates ambiguity. Yet, any such definition would have to manage genuine, not just semantic ambiguities: for example, could any definition capture the contextual complexities of diplomacy? If it turns out definitions cannot be made specific enough to be workable while remaining abstract enough to capture real ambiguities, are there other ways to guide citizens and officials?

[15] Additional questions include:

1. Are there foreign activities that are legal but nonetheless illegitimate? Can you think of borderline cases that could illustrate such cases?
2. Moving away, for the sake of the discussion, from a focus on definitions and legal constraints, what other means are available to guide evaluation of foreign actions

and responses? For example, might a statement of principles and values that goes beyond a definition assist?

- Alternatively, what about a guided decision document (such as a decision matrix), with questions to aid reasoning and deliberation?
3. What other tools beyond the law could be employed, and what other non-legal responses might be appropriate to address foreign intervention?
  4. Article 41 of the Vienna Convention forbids interference in internal affairs and guides appropriate mechanisms for diplomatic activity.<sup>2</sup> Why do some states fail to comply with this Article, and might anything effectively address these failures?
  5. What levels or types of interactions between politicians and diplomats or foreign representatives in Canada are in compliance with the Vienna Convention? How can Parliamentarians and their staff be educated on where to draw the line?

### 2.3 Electoral Integrity: Nomination Contests and Leadership Contests

[16] Nomination contests are one process by which political parties may choose the candidates who will represent them in each riding in a general election. These processes can be thought of as the first step in an election. Each political party has its own rules to govern nominations processes and these rules are enforceable by the party rather than by Elections Canada; they are not enshrined in law. Elections Canada's role in

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<sup>2</sup> Vienna Convention: "41(1)...it is the duty of all persons enjoying [diplomatic] privileges and immunities to respect the laws and regulations of the receiving State. They also have a duty not to interfere in the internal affairs of that State. (2) All official business with the receiving State entrusted to the mission by the sending State shall be conducted with or through the Ministry of Foreign Affairs of the receiving State or such other ministry as may be agreed."

nominations processes is to monitor the flow of money to nomination contestants through contributions, which are regulated by the Elections Act.

[17] In her interim report, Commissioner Marie-Josée Hogue writes that “nomination contests can be gateways for foreign states who wish to interfere in our democratic process.”<sup>3</sup>

Nomination contests may be vulnerable to foreign interference for various reasons. Potential factors might include rules around membership and voting, voting procedures, proof of citizenship and residency requirements, or consistency of rule enforcement.

[18] Leadership contests may face the same vulnerabilities for similar (or perhaps different) reasons.

[19] Given what appear to be vulnerabilities of nomination and leadership contests to foreign interference, what can be done to fortify these processes, and perhaps other political party processes, against foreign interference?

[20] Questions might include:

1. What rules for nomination processes in the various political parties may make them vulnerable to foreign interference?
2. How might rules around nomination and leadership contests be reformed to make them less vulnerable to foreign interference?
3. What are the advantages and disadvantages of regulating/imposing rules on political party processes?

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<sup>3</sup> Hogue, The Honourable Marie-Josée. May 3, 2024. “Public inquiry Into Foreign Interference in Federal Electoral Processes and Democratic Institutions: Initial Report,” p. 23.

4. Who ought to be allowed to vote in nomination contests and leadership races?
5. What type of rules should be set by political parties and what type of rules should be legislated (if any)? Who should be responsible for supervising and enforcing them?
6. What other vulnerabilities may exist in political party processes, and how might these be addressed?

## 2.4 Electoral Integrity: Political Financing

[21] The Canada Elections Act places limits on the size of annual contributions to political parties, candidates, leadership and nomination contestants, and riding associations. Further, there are limits on the amounts that political actors, including third parties, can spend before and during election campaigns. Third parties – people and organizations or groups that seek to participate in and influence the election debate but do not seek election themselves – are required by law to keep separate bank accounts for their election expenses so that election expenses and contributions can be more easily tracked and scrutinized. Political actors must submit reports to Elections Canada outlining their expenditures as well as the donations received. These rules, including the specific limits on contributions and spending, are all enshrined in law and enforceable by Commissioner of Canada Elections.

[22] Political finance rules have evolved considerably over the years with the goal of increasing transparency and fairness in electoral competition. Only Canadian citizens and permanent residents are permitted to donate to political campaigns; contributions from corporations, trade unions, organizations, and foreign entities are prohibited by law.

Financial contributions have been recognized as an important form of political expression in public debate and in jurisprudence on the regulation of third parties.<sup>4</sup>

[23] The limits on financial contributions seek to ensure a level playing field between contestants so that competing political messages can be heard without having some campaigns effectively drowned out by others that have more financial support.

[24] Though the law prohibits donations from foreign entities, it may prove difficult to “follow the money” with precision.

[25] Questions related to the implications and effectiveness of the political finance regime, and its capacity to protect against foreign interference, include:

1. Are existing rules and authorities adequate in ensuring transparency in political financing? Are there barriers to effectively identifying political donors?
2. Are there additional measures that would enhance the ability of the political finance regime to detect and counter foreign interference?
3. Who should be allowed to make contributions to political actors and who should not? Should the rules be the same for all types of contributions?

## 2.5 Disinformation, Digital Space and Democratic Processes

[26] Disinformation and misinformation refer to verifiably false claims, in the latter case shared without intent to deceive, and in the former, with intent to deceive and mislead. A third category, malinformation, refers to information that stems from the truth but is exaggerated or used out of context in order to mislead and cause potential harm. The

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<sup>4</sup> [Harper v. Canada \(Attorney General\), \[2004\] 1 SCR 827.](#)

acronym MDM in this document is used to capture misinformation, disinformation and malinformation.

[27] Regardless of intent, MDM is potentially harmful in many ways, including in reducing trust in institutions and the media, breaking down social cohesion and undermining the integrity of democratic processes. For this reason, some states may leverage MDM for the purpose of foreign interference.

[28] MDM is not a new phenomenon: states disseminated lies and propaganda long before the rise of social media. However, social media platforms and the digital ecosystem in general have considerably increased the spread and impact of MDM. This explains why MDM, on the one hand, and social media, on the other, are often discussed and addressed simultaneously. More recently, advances in generative AI tools have added another layer to the discussion.

[29] Finding appropriate ways to respond to foreign-based MDM in the current digital landscape raises significant challenges, which democratic states around the world are facing. One such challenge is to ensure that the means and tools that we develop to detect and counter MDM do not violate the very principles and values that we are trying to preserve. Among these are freedom of expression, access to reliable information and the protection of privacy. Another challenge is to design protection and prevention mechanisms that are flexible enough to keep pace with accelerating technological change. Fundamental to all these challenges is the need for clarity around the substantive nature of the threat that MDM represents, and the extent to which it affects democratic processes and institutions.

[30] This reality raises many questions, including:

1. What approach should Canada take in confronting the challenge posed by MDM to our democratic institutions: targeting the substance of the information, those who produce it, the mechanisms by which it is disseminated?
2. In the context of foreign interference, identifying the source of MDM for the purpose of attribution is often difficult. Are there appropriate and effective means to do so? What should be the threshold for attribution of MDM to a foreign actor?
3. Should the government publicly identify and attribute MDM to foreign actors and, if so, when and how?
4. What tools currently exist to counter MDM? Are these tools effective? Are they likely to be effective in the case of AI-generated information, such as deepfakes?
5. What should be the responsibility of social media platforms in dealing with MDM in democratic processes? Is self-regulation of these platforms compatible with democratic principles?
6. Research has shown that different diaspora communities are unevenly affected by MDM spread by social media and messaging applications. What strategies could respond effectively to the diversity of audiences likely to be affected by MDM?
7. Should there be a distinct strategy to detect, deter and counter offline MDM?

## 2.6 Canada's National Security Apparatus

[31] The Commission is mandated to examine and assess the capacity of the federal government, including its intelligence agencies, to detect, deter, and counter foreign interference in Canada's democratic processes.

[32] The Commissioner's Initial Report noted difficulties in identifying, confirming, and attributing foreign interference – especially online activities- and the process of making intelligence-informed decisions in response to that threat. The Report also discussed the challenge of effective communication of foreign interference intelligence and information to stakeholders, the public, and to those likely most vulnerable to foreign interference.

[33] This aspect of the Commission's mandate may raise several questions, including:

1. Do Canada's intelligence agencies have the legal authorities, technical capabilities and resources necessary to detect, collect and analyze information regarding foreign interference, especially in the online environment? Do they have the authorities and tools they need to effectively counter foreign interference? What more can be done to improve Canada's capacity to detect and counter the threat?
2. What measures can be taken to make the relationship between Canada's intelligence agencies and government decision makers more effective and efficient?
3. What measures can be taken to improve the communication of intelligence and the understanding of the implications of foreign interference threats with external stakeholders such as political parties and candidates? Can amendments to section 19 of the Canadian Security Intelligence Service Act in Bill C-70 be expected to

improve information sharing? What will they address and what will they not address?

4. How should the tension between providing information specific enough to be meaningful and protecting the operational and security imperatives that require limits on information-sharing best be resolved?
5. What is the current public perception of Canada's national security agencies? Does this perception differ between different Canadian communities? If a lack of public trust exists, either generally or within certain communities, how has this affected the agencies' capacity to deter, detect and counter foreign interference? What measures should be taken to rebuild that trust?
6. Should Canada's national security agencies better communicate with the public about the threat of foreign interference and how to protect themselves against it and, if so, how?

## 2.7 Whole-of-Society Approach, Public Engagement and Civic Education

[34] It has frequently been said that combatting foreign interference requires a “whole-of-government” approach, meaning that all components of the state, including all departments and agencies, must be engaged in the overall strategy to guard against foreign interference and carry responsibility for seeing it through.

[35] It is also frequently suggested that, while the state is an essential player in protecting against foreign interference, the success of any strategy in this area ultimately requires and depends on the participation and commitment of individuals and institutions directly or indirectly affected by such interference, i.e., a “whole-of-society” approach. Areas that

are frequently mentioned in this respect include: (1) raising public awareness of the importance and fragility of democratic processes, and of the dangers that foreign interference poses to these processes; (2) educating the public regarding foreign interference tactics and protective measures that may be taken, and (3) ensuring media and digital literacy.

1. Do you agree with these initiatives? How can Canada do this better to effectively combat foreign interference?
2. How can Canada build civic awareness about the danger of foreign interference without contributing to the loss of confidence in our democratic institutions?
3. How can citizens practice civic self-defense both during and between elections?
4. What other civic organizations or non-state-based institutions, may have a role to play in a whole-of-society approach? How can they best coordinate?
5. How might education regarding media and digital literacy be improved? How might the federal and provincial governments cooperate to achieve this?
6. What approaches are other countries using to achieve these goals? Do international examples exist that could serve as useful models?

## 2.8 Canada's "Plan to Protect Democracy"

[36] The Critical Election Incident Public Protocol (CEIPP) and the Security and Intelligence Threats to Elections (SITE) Task Force are two elements of the government response to foreign interference. These bodies are part of a strategy called Canada's Plan to Protect Democracy (the "Plan") developed in 2019.

[37] When developing the Plan and the Protocol, the Government made the threshold for a decision by the Panel of Five to notify the public about a foreign interference threat high. It was explained that this threshold is high in part because of the potential consequences of notification: the concern that has been expressed is that announcing a threat to free and fair elections may damage trust in our electoral process, or itself affect the election outcome. This can inadvertently further an interfering state's goal to sow discord, and discredit or harm democracy.

[38] Notably, the threat of foreign interference facing Canada has evolved since the implementation of the Plan raising the following questions:

1. Is the CEIPP, as originally envisioned and previously implemented, the optimal process for deciding when, why, how and by who information about foreign interference in democratic processes should be shared with the public during an election?
2. If not, what ought that process, or those processes to entail? Issues may include:
  - a. Is the current composition of the "Panel of Five" appropriate?
  - b. Is the threshold for making a public announcement sufficiently clear?
  - c. Is the threshold for making a public announcement too high? Too low?
  - d. Should the "Panel of Five" or another body be empowered to make public announcements or take other public action for "below threshold" events?
  - e. How should this process work in the context of by-elections, when the "caretaker convention" does not apply?

3. What process or processes should exist outside the writ period to monitor and report on foreign interference threats to democratic institutions?

## 2.9 Enforcing, Deterring and Prosecuting Foreign Interference Activities

[39] Several aspects of foreign interference can make investigating and prosecuting its perpetrators challenging. While there are laws that criminalize some types of foreign interference there are relatively few foreign interference prosecutions. The Commission heard evidence during its Stage 1 hearings in the spring about some of the actors responsible for investigating and prosecuting offences linked to foreign interference, and some of the challenges that they face. This evidence suggests that there are important questions to ask about whether Canadian laws, procedures, and enforcement agencies are designed and resourced to effectively investigate, deter and prosecute foreign interference activities.

[40] Questions that could be considered within this theme include:

1. Is the criminal law an appropriate way of responding to foreign interference? Are there reasons why other approaches could be preferable?
2. Do Canada's laws prohibit the right things? Are there gaps in our legislation? Should the definition of existing offences be revised to better account for the reality of foreign interference or to enhance the prospect of successful prosecutions? How has this changed since the passage of Bill C-70?
3. Does law enforcement have the right powers to enforce the laws that exist? Can those powers be exercised in a way that makes them of practical value in foreign interference investigations?

4. There are multiple agencies that may play a role in detecting and investigating foreign interference. This includes traditional law enforcement like the RCMP or local police of jurisdiction; intelligence agencies like CSIS or the CSE; and specialized entities like the Commissioner of Canada elections. Is the current distribution of responsibility and authority between these bodies conducive to effective investigation of foreign interference? Are there aspects of their relationships that create challenges for prosecutions and, if so, could they be reformed?
5. Prosecuting foreign interference crimes in a courtroom presents its own challenges, including – but not limited to – the “intelligence to evidence” problem. Are there ways that criminal procedures could be reformed to make foreign interference prosecutions more viable?
6. How does the Canadian Charter of Rights and Freedoms come into play in foreign interference prosecutions? Would reforms to our foreign interference laws be consistent with Charter rights and values?
7. Do the mechanisms contained in Bill C-70, such as a transparency registry and mechanisms to use sensitive information in administrative proceedings, provide a useful alternative to the criminal law?

B.5

# Lists



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Balpreet Singh

Ukrainian Canadian Congress    Jon Doody  
Don Bayne

Senator Yuen Pau Woo    Yuen Pau Woo



## List of Witnesses and Panelists

### National Security Confidentiality Hearings (29 January – 2 February 2024)

#### 30 January

1. Pierre Trudel
2. Michael Nesbitt
3. Leah West

#### 31 January

4. Richard Fadden
5. John Forster
6. Alan Jones

#### 1 February

7. David Vigneault
8. Alia Tayyeb
9. Dan Rogers

#### 2 February

10. The Hon. Dominic LeBlanc

### Stage 1 In Camera Hearings (28 February – 6 March 2024)

11. Alia Tayyeb



12. Dan Rogers
13. Bo Basler
14. CSIS Witness
15. Lyall King
16. Tara Denham
17. Eric Gordon
18. CSIS Witness
19. Gallit Dobner
20. Lyall King
21. CSIS Witness
22. David Vigneault
23. Michelle Tessier
24. Cherie Henderson
25. The Hon. Dominic LeBlanc
26. Janice Charette
27. Nathalie Drouin
28. David Morrison
29. Marta Morgan
30. Rob Stewart
31. François Daigle
32. Rob Stewart
33. Janice Charette
34. Greta Bossenmaier
35. Vincent Rigby
36. David Morrison
37. Mike MacDonald
38. Nathalie Drouin
39. Gina Wilson
40. Marta Morgan
41. Monik Beauregard
42. The Hon. Bill Blair
43. The Rt. Hon. Justin Trudeau



44. Katie Telford
45. Jeremy Broadhurst
46. Brian Clow
47. Patrick Travers
48. The Hon. Marco Mendicino

## Stage 1 Factual Hearings (27 March – 12 April 2024)

### 27 March

49. Dr. Hamed Esmailion
50. Yuriy Novodvorskiy
51. Mehmet Tohti
52. Grace Dai Wollensak
53. Jaskaran Sandhu
54. Winnie Ng

### 28 March

55. Stéphane Perrault
56. Yves Côté
57. Caroline Simard
58. Mylène Gigou

### 2 April

59. Walied Soliman
60. Anne McGrath
61. Azam Ishmael
62. Michael Chan
63. Ted Lojko
64. Han Dong



### 3 April

- 65. Erin O'Toole
- 66. Kenny Chiu
- 67. Jenny Kwan
- 68. Michael Chong

### 4 April

- 69. Cindy Termorshuizen
- 70. David Morrison
- 71. Michael Duheme
- 72. Mark Flynn
- 73. Dan Rogers
- 74. David Vigneault
- 75. Michelle Tessier
- 76. Cherie Henderson
- 77. Bo Basler

### 5 April

- 78. Allen Sutherland
- 79. Lyall King
- 80. Gallit Dobner
- 81. Tara Denham
- 82. Eric Gordon
- 83. CSIS Witness
- 84. Lyall King
- 85. Gallit Dobner
- 86. Lisa Ducharme
- 87. CSIS Witness



#### 8 April

88. Nathalie Drouin
89. Marta Morgan
90. Gina Wilson
91. Greta Bossenmaier
92. Monik Beauregard
93. Janice Charette
94. Nathalie Drouin
95. Rob Stewart
96. Marta Morgan
97. François Daigle
98. David Morrison
99. Greta Bossenmaier
100. Vincent Rigby
101. David Morrison

#### 9 April

102. Janice Charette
103. Nathalie Drouin
104. Rob Stewart
105. Dominic Rochon
106. Katie Telford
107. Jeremy Broadhurst
108. Brian Clow
109. Patrick Travers

#### 10 April

110. The Hon. Karina Gould
111. The Hon. Bill Blair
112. The Hon. Dominic LeBlanc



113. The Rt. Hon. Justin Trudeau

12 April

114. David Vigneault

### Stage 2 In Camera Hearings (July – August 2024)

115. René Ouellette

116. Allen Sutherland

117. Sébastien Aubertin-Giguère

118. Nicole Giles

119. Greg Koster

120. Mark Scrivens

121. Sarah Estabrooks

122. Caroline Xavier

123. Sami Khoury

124. Alia Tayyeb

125. David Vigneault

126. Vanessa Lloyd

127. Michelle Tessier

128. Bo Basler

129. Newton Shortliffe

130. Adam Fisher

131. David Vigneault

132. Vanessa Lloyd

133. Michelle Tessier

134. Bo Basler

135. Cherie Henderson

136. David Vigneault

137. Vanessa Lloyd



138. Michelle Tessier
139. Bo Basler
140. Cherie Henderson
141. Michael Duheme
142. Mark Flynn
143. Brigitte Gauvin
144. David Morrison
145. Ryan Macdonald
146. CSIS Witness 1
147. CSIS Witness 2
148. Robin Wettlaufer
149. Greg O'Hayon
150. Isabelle Mondou
151. Martin Green
152. Lisa Ducharme
153. David Morrison
154. Cindy Termorshuizen
155. Alexandre Lévêque
156. Weldon Epp
157. Philippe Lafortune
158. Tara Denham
159. Nabih Eldebs
160. Adelle Ferguson
161. Michael MacDonald
162. Marie-Hélène Chayer
163. Bridget Walshe
164. Shawn Tupper
165. Tricia Geddes
166. Sébastien Aubertin-Giguère
167. The Hon. Marco Mendicino
168. John Hannaford
169. Nathalie Drouin



170. John Hannaford
171. Nathalie Drouin
172. Janice Charette
173. Jody Thomas
174. Nathalie Drouin
175. Dan Rodgers
176. Rob Stewart
177. Dominic Rochon
178. Zita Astravas
179. The Hon. Bill Blair
180. The Hon. Dominic LeBlanc
181. Katie Telford
182. Brian Clow
183. Patrick Travers
184. The Rt. Hon. Justin Trudeau
185. CSIS Witness

## Stage 2 Factual Hearings (16 September – 16 October 2024)

### 17 September

186. Garnett Genuis
187. The Hon. John McKay
188. Caroline Simard
189. Carmen Boucher

### 18 September

190. Michael Chong
191. Jenny Kwan
192. Erin O'Toole



#### 19 September

- 193. Jon Irwin
- 194. Robin Marty
- 195. Mathieu Desquilbet
- 196. Lucy Watson

#### 20 September

- 197. Mike Crase
- 198. Azam Ishmael

#### 24 September

- 199. Julie Lacroix
- 200. David Vatcher
- 201. Benoît Dicaire
- 202. Patrick McDonell
- 203. Stéphane Perrault

#### 25 September

- 204. Aengus Bridgman
- 205. Peter Loewen
- 206. Taylor Owen

#### 26 September

- 207. Sami Khoury
- 208. Alia Tayyeb
- 209. Caroline Xavier
- 210. Allen Sutherland
- 211. Shalene Curtis-Micallef



212. Heather Watts

27 September

213. Bo Basler

214. Nicole Giles

215. Cherie Henderson

216. Vanessa Lloyd

217. Michelle Tessier

218. David Vigneault

1 October

219. Victor Ho

220. Gurpreet Singh

221. Ronald Leung

222. Scott Shortliffe

2 October

223. Paul Robinson

224. Teresa Woo-Paw

225. Wawa Li

226. Person A

227. Katpana Nagendra

228. Sieru Kebede

229. Svetlana Koshkareva

230. Farzaneh Fard

231. Alexandra Chyczij

232. Sherap Therchin

233. Ghezae Hagos Berhe

234. Pixing Zhang

235. Moninder Singh



- 236. Kayum Masimov
- 237. Katherine Leung
- 238. Amir-hassan Ghaseminejad-Tafreshi

#### 3 October

- 239. Michael Duheme
- 240. Mark Flynn
- 241. Brigitte Gauvin
- 242. Greg O'Hayon
- 243. Robin Wettlaufer
- 244. CSIS Witness 1
- 245. CSIS Witness 2

#### 4 October

- 246. Tara Denham
- 247. Weldon Epp
- 248. Philippe Lafortune
- 249. Alexandre Lévêque
- 250. David Morrison
- 251. Cindy Termorshuizen

#### 7 October

- 252. Marie-Hélène Chayer
- 253. Lisa Ducharme
- 254. Nabih Eldebs
- 255. Martin Green
- 256. Michael MacDonald
- 257. Bridget Walshe
- 258. Amy Awad
- 259. Owen Ripley



260. Isabelle Mondou

#### 8 October

261. Dominic Rochon

262. Rob Stewart

263. Sébastien Aubertin-Giguère

264. Tricia Geddes

265. Shawn Tupper

#### 9 October

266. Janice Charette

267. Nathalie Drouin

268. John Hannaford

269. Daniel Rogers

270. Jody Thomas

271. Zita Astravas

#### 10 October

272. The Hon. Marco Mendicino

273. The Hon. Mélanie Joly

#### 11 October

274. The Hon. Pascale St-Onge

275. The Hon. Bill Blair

#### 15 October

276. Brian Clow

277. Katie Telford

278. Patrick Travers



279. The Hon. Dominic LeBlanc

16 October

280. The Rt. Hon. Justin Trudeau

## Policy Phase Hearings (21-24 October 2024)

21 October

281. Richard Moon

282. Hoi Kong

283. Stephen Maher

284. Tanja Börzel

285. Quassim Cassam

286. Michael Morgan

287. Henri-Paul Normandin

288. Daniel Jean

289. Anne Leahy

290. Alex Himelfarb

22 October

291. Marcus Kolga

292. Shelly Ghai Bajaj

293. Heidi Tworek

294. Emily Laidlaw

295. Chris Tenove

296. Vivek Krishnamurthy

297. Elizabeth Dubois

298. Laura Stephenson

299. André Blais



- 300. Marc Mayrand
- 301. Ken Carty
- 302. Michael Pal

#### 23 October

- 303. Stephanie Carvin
- 304. Daniel Jean
- 305. Maria Robson-Morrow
- 306. Lex Gill
- 307. Alan Jones
- 308. Richard Fadden
- 309. Bob Paulson
- 310. Rob Currie
- 311. Alex Wilner
- 312. Michael Nesbitt
- 313. Croft Michaelson

#### 24 October

- 314. Lisa Young
- 315. Jessica Davis
- 316. Michelle Gallant
- 317. Andrea Lawlor
- 318. Robin Sears



## Written Decisions by the Commissioner

1. Decision on Standing, 4 December 2023 (as modified on 18 December 2023)
2. Second Decision on Standing, 14 December 2023
3. Decision on Application for Leave to Apply for Disclosure of Standing Applications, 20 December 2023
4. Third Decision on Standing, 22 December 2023
5. Decision on Funding, 5 January 2024
6. Fourth Decision on Standing, 8 January 2024
7. Second Decision on Funding, 18 January 2024
8. Decision on an Application for Reconsideration of Decision on Standing (Peter Merrifield and Paul McNamara), 8 February 2024
9. Decision on an Application to Disclose some Standing Applications (Bob Mackin), 8 February 2024
10. Fifth Decision on Standing, 12 February 2024
11. Decision on Application to Restrict Cross-Examination, 12 February 2024
12. Third Decision on Funding, 28 February 2024
13. Ruling on a Request to Receive *In Camera* Evidence, 4 March 2024
14. Sixth Decision on Standing, 4 March 2024
15. Decision on Intervener Participation in Stage 1 Hearings, 15 March 2024
16. Decision on an Application for Reconsideration of Decision on Standing (Joel Altman), 9 April 2024
17. Decision on Bulk Entry of Exhibits, 14 April 2024
18. Second Decision on Bulk Entry of Exhibits, 30 April 2024
19. Third Decision on Bulk Entry of Exhibits, 17 May 2024
20. Seventh Decision on Standing, 28 May 2024



21. Fourth Decision on Bulk Entry of Exhibits, 28 June 2024
22. Fifth Decision on Bulk Entry of Exhibits, 26 July 2024
23. Second Ruling on a Request to Receive *In Camera* Evidence, 29 August 2024
24. Eighth Decision on Standing, 30 August 2024
25. Decision on Intervener Participation in Stage 2 Hearings (Democracy Watch), 6 September 2024
26. Decision on Intervener Participation in Stage 2 Hearings (Political Parties and Erin O'Toole), 6 September 2024
27. Decision on Intervener Participation in Stage 2 Hearings (Chinese Canadian Concern Group), 6 September 2024
28. Decision on Intervener Participation in Stage 2 Hearings (Yuen Pau Woo), 13 September 2024
29. Decision on Application to Revisit Commission's Initial Report, Conduct Certain Investigative Steps and to Hold Certain Public Hearings, 18 September 2024
30. Decision on Anonymous Participation in a Consultation Panel, 4 October 2024
31. Decision on Closing Submissions, 25 October 2024
32. Decision on Application to Strike Comments from the Record, 29 October 2024
33. Sixth Decision on Bulk Entry of Exhibits, 13 November 2024
34. Decision on Application Under Rules 82 and 83, 13 November 2024
35. Seventh Decision on Bulk Entry of Exhibits, 6 December 2024



Public Inquiry Into  
Foreign Interference  
in Federal Electoral  
Processes and  
Democratic  
Institutions