

UNCLASSIFIED
February 9, 2024

PUBLIC INQUIRY INTO FOREIGN INTERFERENCE
INSTITUTIONAL REPORT – DEPARTMENT OF JUSTICE

Information requested by the Commission:

- (1) An overview of the department or agency's mandate;
- (2) A description of the programs, policies and procedures that were implemented by each department and agency to respond to both the general threat and the actual incidents of foreign interference associated with the 43rd and 44th general elections;
- (3) A listing of key executive positions whose responsibilities were related to the matters covered by the Commission's Terms of Reference (a)(i)(A) and (a)(i)(B) in relevant departments and agencies, and the names of their incumbents since September 2018, with descriptions of their duties;
- (4) All means/channels within relevant departments and agencies by which information prepared by intelligence agencies related to possible foreign interference is provided to the Deputy Minister, Minister's office, and Minister;
- (5) All means/channels by which information related to possible foreign interference is provided from relevant departments and agencies to PCO and PMO;
- (6) For each occasion on which there was an oral or written briefing relating to the matters covered by the Commission's Terms of Reference (a)(i)(A) and (a)(i)(B) to the SITE Task Force, the CEIPP panel, a Deputy Minister (or equivalent), the National Security Intelligence Advisor, the Clerk of the Privy Council, PMO or the Prime Minister since September 2018, a listing of the dates, briefing entity and person, including where possible the content of the briefing, and specific cases raised where applicable;
- (7) A listing of the dates and subjects covered for each occasion where a department provided advice and/or a recommendation to a Minister or a Minister's office in response to specific intelligence on foreign interference in democratic processes and institutions, including interference in parliamentary business, since September 2018;
- (8) A description of the national security and intelligence governance inter-departmental architecture, including Deputy Minister, Assistant Deputy Minister and Director General level committees (e.g. the Deputy Ministers Committee on National Security).
- (9) A listing of all intelligence products related to the threat or incidence of foreign interference in Canadian democratic processes and institutions developed since September 2018;
- (10) A listing of all the Threat Reduction Measures related to foreign interference in Canadian democratic processes and institutions that have been undertaken since September 2018.

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(1) *An overview of the department or agency's mandate;*

1. The Department of Justice (DOJ or Justice) supports the Minister of Justice (Minister) and Attorney General of Canada (AGC) in:
 - a. overseeing all matters relating to the administration of justice that fall within the federal domain - in this capacity, the DOJ strives to promote access to justice for all Canadians;
 - b. providing a broad range of advisory, litigation, and legislative services to government departments and agencies; and
 - c. advising Cabinet on all legal matters.

A. Dual Role of the Minister of Justice and Attorney General of Canada

2. The *Department of Justice Act*¹ created the Department of Justice, over which the Minister of Justice presides, and sets out the powers, duties, and functions of the Minister of Justice and Attorney General of Canada (AGC). It provides that the Minister is also His Majesty's Attorney General of Canada. The Minister of Justice is responsible for justice policy development, including the development of new programs and services for Canadians. The Attorney General of Canada provides legal services to the Government. The Attorney General also oversees federal prosecutions within the framework of the *Director of Public Prosecutions Act* and is supported by the Public Prosecution Service of Canada, which is independent from the DOJ. The DOJ supports the dual roles of the Minister of Justice and the Attorney General of Canada.
3. The AGC is the chief law officer of the Crown. In carrying out this role, the AGC represents the Crown and seeks to advance the interests of the whole of government. The AGC acts in the public interest, including upholding the Constitution of Canada, the rule of law and respect for the independence of the courts. The AGC conducts litigation on behalf of the Government and provides legal advice and legislative services, such as assistance with drafting and reviewing legislation, to government departments and agencies.
4. The Minister of Justice has both a policy role and a legal role. As a member of Cabinet, the Minister of Justice participates in the deliberative process that leads to decisions for which ministers are collectively responsible. The Minister is responsible to ensure that the administration of public affairs is in accordance with the law, to advise the Crown on legal matters, and to uphold the rule of law by providing professional, non-partisan legal advice.
5. The DOJ supports the dual roles of the Minister of Justice and the Attorney General of Canada.

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(2) A description of the programs, policies and procedures that were implemented by each department and agency to respond to both the general threat and the actual incidents of foreign interference associated with the 43rd and 44th general elections;

1. The DOJ had a very limited role in relation to Parts A and B of the Commission's Terms of Reference.¹
2. In particular, pursuant to the Cabinet Directive on the Critical Election Incident Public Protocol (CEIPP), the Deputy Minister and Deputy Attorney General (DM) was one of five senior civil servants who sat as a member of the Panel of Five (Panel) during the caretaker periods of the 43rd and the 44th general elections.²
3. In this capacity, and for the purpose of attending Panel meetings, the DM received briefings from Justice officials based on available information in advance of the Panel meetings.
4. As discussed in further detail in the separate Institutional Report for the Panel, the intelligence reports and briefing materials for the Panel was prepared by PCO and shared directly with Panel members.

(3) A listing of key executive positions whose responsibilities were related to the matters covered by the Commission's Terms of Reference (a)(i)(A) and (a)(i)(B) in relevant departments and agencies, and the names of their incumbents since September 2018, with descriptions of their duties;

1. The DOJ is led by the DM. The DM manages DOJ's work and operations and meets regularly with the Minister of Justice to discuss policy and emerging issues.
2. Since February 13, 2023, the DM has been Ms. Shalene Curtis-Micallef (acting from February 1-12, 2023). Mr. Francois Daigle occupied the position from August 23, 2021 until January 31, 2023, and Ms. Nathalie G. Drouin served as the DM from June 23, 2017 to August 23, 2021.

(4) All means/channels within relevant departments and agencies by which information prepared by intelligence agencies related to possible foreign interference is provided to the Deputy Minister, Minister's office, and Minister;

NIL for DOJ

¹ See: Order in Council 2023-0882.

² For a description of the Panel, including a detailed list of its mandate, organization structure and briefings, please refer to the Institutional Report on the Panel of Five.

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(5) *All means/channels by which information related to possible foreign interference is provided from relevant departments and agencies to PCO and PMO;*

NIL for DOJ

(6) *For each occasion on which there was an oral or written briefing relating to the matters covered by the Commission's Terms of Reference (a)(i)(A) and (a)(i)(B) to the SITE Task Force, the CEIPP panel, a Deputy Minister (or equivalent), the National Security Intelligence Advisor, the Clerk of the Privy Council, PMO or the Prime Minister since September 2018, a listing of the dates, briefing entity and person, including where possible the content of the briefing, and specific cases raised where applicable;*

NIL for DOJ

(7) *A listing of the dates and subjects covered for each occasion where a department provided advice and/or a recommendation to a Minister or a Minister's office in response to specific intelligence on foreign interference in democratic processes and institutions, including interference in parliamentary business, since September 2018:*

NIL for DOJ

(8) *A description of the national security and intelligence governance inter-departmental architecture, including Deputy Minister, Assistant Deputy Minister and Director General level committees (e.g. the Deputy Ministers Committee on National Security).*

1. DOJ participates on various Deputy Minister (DM) and Assistant Deputy Minister (ADM) committees relating to national security, both as a standing and as an ad-hoc member. A full description of the national security and intelligence governance architecture is found in the Institutional Report of the Privy Council Office.

(9) *A listing of all intelligence products related to the threat or incidence of foreign interference in Canadian democratic processes and institutions developed since September 2018;*

NIL for DOJ

(10) *A listing of all the Threat Reduction Measures related to foreign interference in Canadian democratic processes and institutions that have been undertaken since September 2018.*

NIL for DOJ