

COMMISSAIRE AUX ÉLECTIONS FÉDÉRALES



COMMISSIONER OF CANADA ELECTIONS

**MEMORANDUM****Protected B**

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**DATE:** August 19, 2024

**TO:** Caroline Simard, Commissioner of Canada Elections

**C.C.:** Carmen Boucher, Executive Director, Enforcement  
Mylène Gigou, Senior Director, Enforcement  
Louise Panneton, Director, Investigations and Operations  
Jean-Michel Kalubiaka, Director, Legal Services

**FROM:** [REDACTED], Strategic Advisor  
[REDACTED], Manager, Investigations

**REF:** Our File: 2022-0925

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**SUMMARY**

- This memorandum provides an overview of file 2022-0925 and forms the basis for a recommendation to conclude the review.

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## EXECUTIVE SUMMARY

1. This file was initiated as necessary due diligence in response to complaints made to the Office of the Commissioner of Canada Elections (OCCE) respecting matters of foreign interference (FI) arising from the 44th federal general election (44<sup>th</sup> GE). The *Canada Elections Act* (Act) does not define foreign interference (FI) but does contain prohibitions against “undue” foreign influence under certain circumstances.<sup>1</sup> Further, while there are a number of prohibitions in the Act that specifically apply to foreign individuals or entities, none of them refer specifically to foreign interference. As such, the broad public understanding of what may constitute FI may simply not be regulated under the Act.
2. The review did not identify sufficient evidence to reach the threshold to initiate an investigation under the Act, nor to demonstrate the elements constituting offences under the Act. As such, this report serves as the concluding report for this matter.
3. Immediately following the 44th GE, the Conservative Party of Canada (CPC) raised concerns with the Security and Intelligence Threats to Election Task Force (SITE). These concerns were never shared with the OCCE by either SITE or the CPC. As a result, prior to receiving a complaint from the Bloc Québécois on November 10, 2022, the OCCE had not received any complaint from the Kenny Chiu campaign (Richmond-Steveston East), or any political party regarding potential contraventions of the Act in relation to FI allegations concerning candidate Kenny Chiu (Chiu) or the Greater Vancouver Area (GVA).

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<sup>1</sup> *Canada Elections Act*, SC 2000, c 9, s 282.4(2) states:

**Meaning of unduly influencing**

**282.4 (2)** For the purposes of subsection (1), a person or entity unduly influences an elector to vote or refrain from voting, or to vote or refrain from voting for a particular candidate or registered party, at an election if

- (a) they knowingly incur any expense to directly promote or oppose a candidate in that election, a registered party that has endorsed a candidate in that election or the leader of such a registered party;
- (b) one of the things done by them to influence the elector is an offence under an Act of Parliament or a regulation made under any such Act, or under an Act of the legislature of a province or a regulation made under any such Act.

4. Following an assessment of the Bloc Québécois complaint, the Commissioner initiated a review to examine available information and conduct initial inquiries. The review focused on electoral districts (ED) within the GVA and the unsuccessful campaign of candidate Chiu, to determine whether there was sufficient evidence to conduct an investigation into possible contraventions of the Act. Although the information received during this review leads to suspect that attempts to influence the Chinese Canadian diaspora existed, at no time did investigators obtain sufficient evidence to support any of the elements of undue foreign influence or other contraventions as defined by the Act. In particular:
5. The review found no evidence to support the elements constituting the contravention of undue foreign influence **as defined at section 282.4 of the Act.**
6. The review found no evidence to support the elements constituting the contravention of intimidation or duress **as defined at section 282.8 of the Act.**
7. The review found insufficient evidence to support the elements constituting the contravention of an unregistered domestic third party **as defined at section 353 of the Act.**
8. The review found no evidence to support the elements constituting the contravention of use of foreign funds by a third party, or of spending by a foreign third party **as these are defined at sections 349.02 or 351.1 respectively of the Act.**
9. The review found no evidence to support the elements constituting the contravention of a false statement **as defined at section 91 of the Act.**
10. In drawing these conclusions, investigators met with Chinese Canadians residents of Richmond-Steveston East and surrounding ridings, as well as individuals in active contact with the Chinese Canadian community within the GVA. Through these interactions, investigators

were informed that within the GVA there is an extensive network of Chinese Canadian associations, Chinese language media organizations and businesses, available to provide the Chinese Canadian diaspora with a lifestyle which mirrors in many ways that of China. Further, this diaspora has continuing and extensive commercial, social and familial relations with China. Some interviewees reported that the above has created aspects of a parallel society involving many Chinese Canadians in the lower mainland area, which includes concerted support, direction and control by individuals from or involved with China's Vancouver consulate and the United Front Work Department (UFWD) in China.<sup>2</sup>

11. Investigators were also made aware of members of three Chinese Canadian associations, as well as others, who were alleged to have used their positions to influence the choice of Chinese Canadian electors during the 44th GE in a direction favourable to the interests of China. These efforts were motivated by elements of the CPC's election platform and by actions and statements made by Member of Parliament Kenny Chiu that were leveraged to bolster claims that both the platform and Chiu were anti-China and were encouraging anti-Chinese discrimination and racism. These messages were amplified through repetition in social media, chat groups, posts and in Chinese language online, print and radio media throughout the GVA.
12. These messages were reviewed and were found to not be in contravention of the Act. The Supreme Court of Canada has said in the electoral context that “[t]he concept of free and uninhibited speech permeates all truly democratic societies and institutions. The vital importance of the concept cannot be over-emphasized.”<sup>3</sup> The court went on to emphasize “[t]he Court favours a very broad interpretation of freedom of expression ... Unless the expression is communicated in a manner that excludes the protection, such as violence, the Court recognizes that any activity or communication that conveys...meaning is covered by the

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<sup>2</sup> See Appendix F for United Front Work Department.

<sup>3</sup> *Libman v Quebec (Attorney General)* [1997] 3 SCR 569 at para 28; see also *Harper v. Canada (A.G.)*, [2004] 1 SCR 33 at para 11: “Political speech, the type of speech here at issue, is the single most important and protected type of expression. It lies at the core of the guarantee of free expression”.

*guarantee of s. 2(b) of the Canadian Charter.*”<sup>4</sup> Comments containing strong partisan viewpoints, including those making use of exaggeration, mischaracterization, mis of false - statements,<sup>5</sup> denunciation and repetition in order to contradict, overwhelm or demean an opponent’s position and similar tactics are not prohibited by the Act.

13. The effectiveness of the anti-CPC, anti-Chiu campaigns were enhanced by circumstances unique to the Chinese diaspora and the assertive nature of Chinese government interests. The campaign was prefaced by statements from China’s Ambassador to Canada and the Vancouver Consul General as well as articles published or broadcast in China controlled, Chinese Canadian media entities, and from China itself. These spread through the Chinese Canadian diaspora via the network described above.
14. According to Chinese Canadian interview subjects, this invoked a widespread fear amongst electors, described as a fear of retributive measures from Chinese authorities should a CPC government be elected. This included the possibility that travel to and from China could be interfered with by Chinese authorities, as well as measures being taken against family members or business interests in China. Several Chinese Canadian interview subjects were of the view that Chinese authorities could exercise such retributive measures, and that this fear was most acute with Chinese Canadian electors from mainland China. One said “everybody understands” the need to only say nice things about China.
15. No interview subject was willing to name electors who were directly affected by the anti-CPC, anti-Chiu campaign, nor community leaders who claimed to speak on a voter’s behalf.
16. The review identified that individuals linked to key Chinese Canadian associations appear to have been involved in activities intended to influence the vote of Chinese Canadians, and, according to one interview subject, one association officer stated this in a private gathering

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<sup>4</sup> Libman, *Ibid* at para 31.

<sup>5</sup> Section 91 of the Act prohibits publishing a false statement but in narrow terms. See paragraph 162.

after the GE. A 2023 media report purports to directly quote a CSIS report stating that the then Vancouver Consul General claimed credit for the defeat of Chiu amongst others. While a number of Chinese Canadian interview subjects spoke of direction, no concrete evidence was obtained respecting these acts of alleged direction. A second 2023 media report assert that certain association leadership positions required a political review by the Vancouver Consulate and directly quoted the recorded words of an association official.

17. Investigators recommend that this review be concluded as not having sufficient evidence to reach the threshold (reason to suspect) required to initiate a formal investigation. A summary of the review results has been shared with the Canadian Security Intelligence Service (CSIS) and the Royal Canadian Mounted Police (RCMP). Both agencies indicated our findings were consistent with their own understanding of the situation.

## **I BACKGROUND**

18. This review was initiated in response to numerous calls in the media generally and eventually via complaints made to the OCCE for investigation respecting matters of FI arising from the 44th GE culminating on polling day, September 20, 2021. The review has focused on electoral districts within the Greater Vancouver Area (GVA) and the unsuccessful campaign of candidate Kenny Chiu (Steveston-Richmond East), and of the larger CPC campaign in the GVA to determine if sufficient evidence existed to warrant the initiation of a formal investigation(s) under the *Canada Elections Act* (Act). The GVA was chosen as much of the public attention and parliamentary committee testimony focused on events there and on Chiu.
19. During the 44th GE, the OCCE received complaints that, at the time of receipt, were treated as individual or singular files, yet in retrospect involved matters that might have involved aspects of FI. File 2021-0533 was a complaint that foreign agents affiliated with the Chinese Communist Party (CCP) may be interfering in the GE. File 2021-0817 was a complaint where

the complainant alleged having noted on Chinese language social media forums that foreign agents, on behalf of China, were trying to manipulate the election by offending the CPC, by stating that Chinese people will be killed if a CPC government is elected. File 2021-0825 was a complaint where the complainant submitted three (3) complaints to the OCCE, the first concerned a report by Chinese language media in Canada about the statement made by Cong Peiwu (Peiwu), then Ambassador to Canada for China, to the Hill Times, to not vote for the CPC. The first complaint alleged that Peiwu added threats of intimidation for those who supported the CPC. The second complaint alleged threats made by Peiwu as reported in a Global Times article. The third complaint concerned media reports in British Columbia relating that the campaign of Chiu was subject to foreign interference. Each of these files pertained to allegations of possible FI by China, which were concluded in early 2022 after detailed review as none offered sufficient evidence to support an offence under the Act. In retrospect, they contained elements similar to those identified below, although in an Ontario context.<sup>6</sup>

20. Only one of these files, 2021-0825, touched on the GVA and the defeat of CPC candidate Chiu, which was the focus of much of the post-election media attention. Subsequent inquiry with the complainant by the OCCE disclosed that the complainant had no evidence other than media reports and no personal knowledge or involvement in any campaign.

21. The Commissioner did not receive, during the election period, any complaint from a campaign, a political party, a government committee or any task force regarding potential contraventions to the Act in relation to FI allegations in this report or the Chiu experience, until the Bloc Québécois submitted a complaint on November 10, 2022, referencing testimony before the House of Commons Standing Committee on Procedure and House Affairs (PROC) given on November 7, 2022.<sup>7</sup>

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<sup>6</sup> For example, file 2021-0533, a complaint allegedly from Markham, Ontario, referred to several isolated digital postings critical of the CPC election platform and of MP Derek Sloan. Both the platform and Derek Sloan feature as elements in this review, as does some Open-Source Intelligence carried out regarding a Today Commercial News article, the contents of which are also referred to in this current report.

<sup>7</sup> On October 14, 2021, [REDACTED] [Named individual] of the RCMP contacted the OCCE regarding an upcoming SITE meeting noting that one question raised at SITE was “has anyone issued a formal complaint to the OCCE in this

22. In late 2022 and early 2023, there was a growing awareness that the 44th GE may have been subject to an element of FI, with a concentration on China, and particularly so in the GVA and the Greater Toronto Area (GTA). This awareness was propelled by repeated media stories alleging interference, relying on leaks of apparently classified information.
23. A Globe and Mail (Globe) article published on February 17, 2023, summarized an alleged CSIS account to the effect that Tong Xiaoling, the People's Republic of China (PRC) Vancouver Consul-General during the 2021 GE “*wanted the Liberal Party to win*” and discussed the election defeat of Chiu, a “*vocal distractor*.”<sup>8</sup> The article quoted Ms. Tong as saying this proved “*their strategy and tactics were good and contributed to achieving their goals while still adhering to the local political customs in a clever way*.”<sup>9</sup> The article also reported that the CSIS note identified that Beijing used Canadian organizations to advocate on their behalf “*while obfuscating links to the [PRC]*”.<sup>10</sup> The quotations are found in the Globe article indicating quotes from the CSIS document. The Globe article is information concerning alleged events and statements from a media source but is not evidence of its content.
24. The continuing news pertaining to alleged FI fuelled public interest and testimony before parliamentary committees by various individuals, departments and agencies. Amongst the media accounts was a disclosure that the CPC had approached SITE during the election period with a complaint of FI, and that CSIS had engaged with several election candidates as possible subjects of FI. The OCCE was not advised of these actions at the time of their occurrence and

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*realm? We know some CPC candidates have expressed concerns in the press and to PCO – have any formal complaints be (sic) lodged with the OCE? That would be helpful to know.*” On October 15, 2021, Mylène Gigou of the OCCE responded that the OCCE had received some complaints involving “*allegations of FI*” but that the Act contains confidentiality provisions governing what information she could disclose, and that in view of the high complaint volume during and immediately after the election period, it was too early to comment further. See above at paragraph 19 for the 44th GE complaints to the OCCE alleging FI, none of which came from a political party or candidate.

<sup>8</sup> Robert Fife & Steven Chase, “CSIS documents reveal Chinese strategy to influence Canada’s 2021 election”, *The Globe and Mail* (17 February 2023), online <<https://www.theglobeandmail.com/politics/article-china-influence-2021-federal-election-csis-documents/>>.

<sup>9</sup> Tong left Canada on July 28, 2022.

<sup>10</sup> *Supra* note 8.



only became aware of specific instances through media reporting or parliamentary committee testimony.<sup>11</sup>

## II OVERVIEW

25. Throughout this review, information was gathered from interviews of [REDACTED] [REDACTED] *[Interview subject(s) with connectivity to electoral campaign(s)]*, examination of extensive open-source intelligence (OSINT) research material and social media materials provided by interview subjects. For clarity, rather than inserting interview subjects by name throughout the remainder of this report, this information is contained in Appendix K which cross references the relevant interview subjects to individual paragraphs of this report. Certain interview subjects will be named in the narrative text when their position or knowledge adds to their unique perspective. A complete interview list is at Appendix D.
26. During the review, interview subjects explained that, within the lower mainland area of British-Columbia, there are entities which include an extensive network of Chinese Canadian associations, media and businesses, that are available to provide the Chinese Canadian diaspora with a lifestyle which is intended to mirror in many ways that of China. Further, this diaspora is described as having continuous extensive commercial, social and familial relations with China. As reported by some interviewees, this has created aspects of a parallel society supported by a concerted effort involving many in the lower mainland area, and which includes support and direction by individuals from or involved with China's Consulate in Vancouver and the UFWD in China.
27. As a result of the information gathered from interview subjects, digital materials and OSINT research, it emerges that key associations and individuals (as detailed below in paragraphs 125,

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<sup>11</sup> The OCCE is not, and was not, for the 44th GE, a member of the SITE but was represented on the Election Security Coordinating Committee.

136 and elsewhere) was leveraged in the GVA to influence the choice of Chinese Canadian electors during the 44th GE in a direction favourable to the interests of China. The reasons underlying this alleged effort were reported variously by interview subjects, including [REDACTED] *[Interview subject(s) with connectivity to electoral campaign(s)]*, to be based on the following:

- i. Chiu, the CPC candidate for Steveston-Richmond East during the 44th GE, attended municipal elections in Hong Kong as an international observer in 2019, shortly after winning his seat in the 43rd GE;
- ii. The CPC supported Motion M-62 in the House of Commons that identified China as conducting a genocide of its Uyghur population;
- iii. Chiu proposed Private Member's Bill C-282, for a Foreign Influence Registry for individuals acting on behalf of foreign countries, which many in the Chinese Canadian community came to believe as targeting China in particular;
- iv. The CPC's electoral platform in 2021 included a number (31) of passages critical of China with proposals to restrict trade and other relationships between Canada and China.<sup>12</sup>

28. Further, as reported by [REDACTED] *[Interview subject(s) with connectivity to electoral campaign(s)]* and interview subjects, many of whom were [REDACTED] *[Interview subject(s) with connectivity to electoral campaign(s)]*, and supported by materials provided to SITE by the CPC itself and digital materials provided to investigators, a multi-pronged coordinated approach was implemented by certain Chinese authorities and entities and their supporters to influence Chinese Canadian electors. According to [REDACTED] *[Interview subject(s) with connectivity to electoral*

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<sup>12</sup> Conservative Party of Canada, "Canada's Recovery Plan" (2021), online: <<https://cpcassets.conservative.ca/wp-content/uploads/2021/09/07090434/5ea53c19b2e3597.pdf>>.

*campaign(s)*] and several interview subjects, this approach commenced prior to the 44th GE period and included the following:

- i. An article published on June 1, 2020, in *China News Service* of an interview with Tong Xiaoling, then Consul General of China's Vancouver consulate. Tong's message to the Chinese Canadian community was that the Chinese will always be the targets of hate crimes in Canada and the U.S., and that anti-Chinese racial discrimination and hatred is on the rise;<sup>13</sup>
- ii. An interview of Cong Peiwu, Ambassador for China to Canada, published in the *Hill Times* on August 30, 2021, which, although avoiding mention of the CPC, included sharp criticism of aspects of the CPC's statements on Canada China relations;<sup>14</sup>
- iii. An article published by the *Global Times*<sup>15</sup>, an English language news media owned by the Central Committee of the Communist Party of China, on September 9, 2021, which specifically denounced the CPC, its policies and Erin O'Toole and predicted Chinese retaliation;<sup>16</sup>
- iv. An article and web post published on September 9, 2021, by *Today Commercial News*, a Chinese Canadian publication, which specifically denounced CPC policies and Chiu;<sup>17</sup>

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<sup>13</sup> China News Service, "Chinese Consul General in Vancouver: Racism on the rise, Chinese people need to be prepared for danger", (1 June 2020), online: <<https://mp.weixin.qq.com/s/hc8axKzV4FLj5oTUfgTXdQ>>.

<sup>14</sup> Neil Moss, Chinese ambassador says some politicians putting 'personal political interests' above Canada-China relationship", *The Hill Times* (26 August 2021), online: <<https://www.hilltimes.com/story/2021/08/26/chinese-ambassador-says-some-politicians-putting-personal-political-interests-above-canada-china-relationship/229570>>.

<sup>15</sup> *Global Times*, "Canadian Tories' 'hostile China blueprint' caters to toxic atmosphere against Beijing amid sour ties", *Global Times* (9 September 2021), online: <<https://www.globaltimes.cn/page/202109/1233869.shtml>>.

<sup>16</sup> Erin O'Toole was leader of the CPC between August 24, 2020 and February 2, 2022.

<sup>17</sup> *Today Commercial News*, "Spread the word! Conservative MP Chiu Kam Wing introduces bill to suppress the Chinese community", *Today Commercial News* (9 September 2021), online: <<https://www.todaycommercialnews.com/canada/49207>>.

- v. The initiation of a social media campaign via WeChat and WhatsApp critical of the CPC and MP Kenny Chiu as well as parallel criticism appearing in China owned Chinese language print, on-line and TV and Radio media in Canada, as reported by many Chinese Canadian interview subjects, and as evidenced in digital material provided to the OCCE by several of them, as noted above, and via OSINT;
- vi. Supportive messaging through activities held by Chinese Canadian associations and their known representatives, as reported by Chinese Canadian interview subjects, and evidenced in digital material provided to the OCCE by several of them, as noted above. An example of such is provided at paragraphs 123 and 124 below.

29. These activities are assessed to have been intended to instill and sustain a fear or disquiet of possible retributive measures should a CPC government be elected. The measures that almost all Chinese Canadian interview subjects stated as the fear or disquiet were the possibility that travel to and from China could be subjected to interference by Chinese authorities, as well as measures being applied against family members or business interests in China. Examples of such is also provided at paragraphs 70, 111, 112 and 168 to 170 inclusively.
30. This report provides insight into each of these areas based on information gleaned during the review as to each of these multi-pronged approaches.

### **III SETTING THE STAGE**

31. Of note, the 44th GE, which was anticipated but was, nonetheless, an early election in a fixed four-year election cycle, took place during the Covid pandemic, with Covid cases and deaths ongoing. As well, the Meng Wanzhou extradition matter was underway, and China was still holding Canadian citizens Michael Spavor and Michael Kovrig, who had been detained by

China in December 2018. The GE was called on August 15, 2021, with polling day on September 20, 2021.

### **The CPC 2021 Election Platform<sup>18</sup>**

32. At the outset of the 44th GE, the CPC released its electoral platform entitled “*Canada’s Recovery Plan*” with Erin O’Toole, at the time the newly elected leader of the CPC, prominently featured. The platform referenced China 31 times, almost always in what the investigators believe can be characterized in a negative fashion, namely as a country with which Canadian engagement should become more cautious and limited. For example, Canada must “*reduce our reliance on foreign countries like China,*” and must rebalance trade priorities “*away from countries like China,*” and insisting we must “*defend our partners in the Indo-Pacific to counterbalance... China’s growing authoritarianism, regional influence and military expansionism...*”. By comparison, the United States was only mentioned 17 times, with examples including as a “*friend*” and a “*partner*”.
33. This platform had been preceded by an August 29, 2020, CPC ad post “*Erin O’Toole: Holding the Chinese Regime Accountable!*” which introduced O’Toole as the new CPC leader and included 10 ad-like visuals all of which were critical of Canada’s existing relationship with China and promising to get “*tough*”.<sup>19</sup> This same link was presented in a collection of election period WhatsApp exchanges later provided to the OCCE by [REDACTED] [Interview subject(s) with connectivity to electoral campaign(s)].

### **The Response from China**

34. On August 30, 2021, The Hill Times published an interview held on August 25, 2021, with China’s Ambassador to Canada, Cong Peiwu, in which he is quoted as saying “*some people*

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<sup>18</sup> *Supra* note 12.

<sup>19</sup> Let’s Vote, “Erin O’Toole: Holding the Chinese regime accountable!”, (August 29, 2020), online: <<https://www.letsvote.ca/news/f/erin-o-holding-the-chinese-regime-accountable>>.

[*Sec. 37 CEA Privilege – CPC submission to SITE – Details*] as well as mainstream media articles indicating the CPC intention to “*stand up to China*” and instances of anti-Chinese behaviour.<sup>21</sup>

36. On September 9, 2021, the Global Times, the English language news media owned by the Central Committee of the Communist Party of China, which is available for reading online, contained an article about the CPC's "*hostile China blueprint*". The article quoted Chinese "*observers*" saying bluntly that if Canada put the "*hawkish words into action, it will invite counterstrikes from China, and Ottawa is the one to suffer.*"<sup>22</sup>

37. Also, on September 9, 2021, an online Chinese language newsletter in the Toronto area, called Today Commercial News (TCN), primarily known for reprinting China based articles, published an article in Chinese, no byline, titled “*Please Spread the word! Conservative MP Zhao Jinrong (Kenny Chiu) proposed the Foreign Influence Registration bill to suppress the Chinese community*”.<sup>23</sup> The article went on to describe the danger the bill posed, using

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*a* note 15.

<sup>23</sup> *Supra* note 17. Translation made using Google Translate.

language that eventually made its way into repeated WeChat and WhatsApp messaging. The article said that once the bill is law “*all individuals or groups with ties to China may be considered as spokespersons of the Chinese government and be required to register specifically*”. Further, that the bill targeted Chinese Canadians, because Chiu “*has always been anti-China*”, and if the bill were to become law, the article attributed a number of possible negative consequences to long existing and seemingly harmless relationships between Chinese Canadian and family or friends still in China, as well as relationships with various consular events, which would require registering under the proposed law. The article concluded with a list of other anti-China activity for which it claimed Chiu was responsible.<sup>24</sup>

38. Chiu and several other CPC incumbent Members of Parliament were defeated on election day, while three (3) other CPC candidates in the GVA claim to have experienced a loss of Chinese Canadian voter support.<sup>25</sup>

#### IV STEPS TAKEN

39. This review was undertaken in December 2022 to conduct a detailed examination of the available information to determine if there was sufficient evidence on which to base a suspicion that a contravention or contraventions under the Act may have occurred and, therefore, initiate an investigation. In addition, throughout this late 2022 and early 2023 period, the OCCE received 54 complaints from the public arising from the media accounts and parliamentary committee testimony related to FI.

<sup>24</sup> See Appendix A for a translated copy of the TCN article.

<sup>25</sup> At least Chiu (Steveston-Richmond East), Alice Wong (Richmond Centre) and Bob Saroya (Markham-Unionville) likely fall into the group of defeated CPC incumbent Members of Parliament. In the GVA, several CPC candidates

[Interview subject(s) with connectivity to the electoral campaign(s)] said they lost Chinese Canadian support.

## **CSIS briefings of Elections Canada**

40. In November 2022, the OCCE, in discussions with Elections Canada (EC) and CSIS, became aware that the OCCE had not been included in certain disclosure of CSIS material apparently provided to EC.<sup>26</sup> Following the OCCE's request, CSIS provided the OCCE the opportunity to review the relevant briefing documents in December 2022. Of note, none of the material reviewed touched on the circumstances of the review described in this report.

## **Contraventions**

41. There are a number of provisions in the Act relating to or touching on foreign interference. This review has primarily concentrated on the following potential contraventions:

- i. S. 282.4 Undue influence by foreigners during an election period;
- ii. S. 282.8 By intimidation or duress to compel or attempt to compel a person to vote or refrain from voting for a particular candidate or registered party, or by any pretence or contrivance ... influence or attempt to influence a person to vote or to refrain from voting for a particular candidate or registered party, at an election...;
- iii. S. 353 Registration requirement for third parties during an election period;
- iv. S. 349.02 Prohibition – use of foreign funds by third parties;
- v. S. 351.1 Prohibition – spending by foreign third parties in relation to an election period;

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<sup>26</sup> The matter was raised with EC and it became apparent in distinct discussions with EC and CSIS, that EC likely received a higher volume of intelligence products than the OCCE.



- vi. S. 91 Making a false statement concerning a candidate, prospective candidate, leader of a political party or a public figure associated with a political party to affect election results during an election.

It is important to note that, under the Act, many contraventions are deemed offences which can be prosecuted in a court of criminal law, while a designated number of contraventions are violations covered by the Administrative Monetary Penalty (AMP) regime. Investigative strategies and techniques as well as the burden of proof differ depending on whether an offence or a violation of the Act is being pursued. For offences under the Act, if the required threshold of evidence is met, criminal law tools can be used, such as obtaining judicial authorizations for search warrants, production orders or compelled testimony. If investigating a violation, subject to the AMP regime, criminal law investigative tools are not available, and investigators are limited to consenting interviews and information provided by either EC or by consenting witnesses. Under the AMP regime, there are no legal authorities to assist in gathering evidence. Compelled testimony is also available for a “contravention” of the Act, however compelled testimony requires obtaining a Superior Court order based on reasonable grounds to believe the Act has been contravened, or about to be contravened, and an individual is likely to have information. The last three (3) of the contraventions noted above are within the AMP regime, while the others are not.

### **The CPC submission to SITE**

42. OCCE’s review steps began with an analysis of media reports and extensive analytical OSINT research and reports. Media reports indicated that Walied Soliman (Soliman), 44th GE campaign chair for the CPC, had submitted a complaint on behalf of the CPC to SITE during the GE. Soliman was contacted in an endeavour to determine the content of his complaint. He declined to discuss the complaint further as he was no longer closely involved. The OCCE then contacted [REDACTED] [*Identifier of contact subject*].

Through counsel he declined to discuss the complaint, stating he was not current with the content. [REDACTED]

[REDACTED]

[REDACTED] *[Sec. 37 CEA Privilege - CPC submission to SITE – Details]*. In late March 2023, CSIS subsequently directed OCCE investigators to Mike MacDonald (McDonald), Assistant Secretary to the Cabinet in the Office of the National Security Advisor to the Prime Minister of the Privy Council Office (PCO), who was the original recipient of the CPC complaint. [REDACTED]

[REDACTED] *[Sec. 37 CEA Privilege - CPC submission to SITE – Details]*.

43. McDonald explained the Election Security Architecture in place leading up to the 43rd and 44th GEs. SITE fits within that architecture and feeds intelligence into it along with other groups and agencies, and that intelligence is passed on to the five (5) member panel as needed. We understand ‘panel’ to refer to the Critical Election Incident Public Protocol, which is a mechanism for senior public servants (the Panel) to communicate clearly, transparently, and impartially with Canadians during an election in the event of an incident or incidents that threaten the integrity of a federal election.<sup>27</sup>

44. As part of the election period procedure, political parties are invited to have party personnel temporarily security cleared to enable discussions on security issues. Soliman of the CPC was cleared, and MacDonald indicated that he regularly engaged with him to ensure an open channel was available.

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<sup>27</sup> See Government of Canada, “Critical Election Incident Public Protocol”, (modified 11 July 2024), online: <<https://www.canada.ca/en/democratic-institutions/news/2023/02/critical-election-incident-public-protocol.html>> for a summary statement of the panel’s purpose and Government of Canada, “Cabinet Directive on the Critical Election Incident Public Protocol”, (modified 11 July 2024), online: <<https://www.canada.ca/en/democratic-institutions/services/protecting-democracy/critical-election-incident-public-protocol/cabinet.html> for the 2021-08-12>.

45. MacDonald informed the OCCE that [REDACTED]

[REDACTED]

[REDACTED] *[Sec. 37 CEA Privilege - CPC submission to SITE – Details]*. Essentially, the process is recorded in documents provided to investigators by MacDonald. No SITE report or analysis or record was included in the materials provided to the OCCE.

46.

[REDACTED]

[REDACTED] *[Sec. 37 CEA Privilege - CPC submission to SITE – Details]*.

47.

[REDACTED]

[REDACTED] *[Sec. 37 CEA Privilege - CPC submission to SITE – Details]*.

48.

[REDACTED]

[REDACTED]

[REDACTED] [Sec. 37

*CEA Privilege - CPC submission to SITE – Details*].

49.

[REDACTED]

[REDACTED] [Sec. 37 CEA

*Privilege - CPC submission to SITE – Details*].

50.

[REDACTED]

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<sup>28</sup> Investigators were unable to confirm this as the CPC representatives contacted stated they were not familiar with the matter.

[REDACTED] [Sec. 37 CEA Privilege  
- CPC submission to SITE – Details].<sup>29</sup>

51.

[REDACTED]

[REDACTED] [Sec. 37 CEA Privilege - CPC submission to SITE – Details].

52.

[REDACTED]

[REDACTED] [Sec. 37 CEA Privilege - CPC submission to SITE – Details].

53. EC attributes the 44th GE nation-wide increase in mail-in ballot use to the Covid-19 pandemic.<sup>30</sup> Comparative EC figures for Steveston-Richmond East and Richmond Centre electoral districts for mail-in ballot use in the 43rd and 44th GEs were obtained by investigators. These figures show that, in each case, there was a significant increase in mail-in ballots requested between 2019 and 2021.

<sup>29</sup> See Appendix F for a description of the United Front Works Department.

<sup>30</sup> Office of the Chief Electoral Officer of Canada, “Report on the 44<sup>th</sup> General election of September 20, 2021”, (2020), online: <[https://www.elections.ca/res/rep/off/sta\\_ge44/stat\\_ge44\\_e.pdf](https://www.elections.ca/res/rep/off/sta_ge44/stat_ge44_e.pdf)>. The Election Canada report on the 44th GE reported at p. 7 receiving more than 700,000 special ballot requests nation-wide, up from 55,000 in the 43rd GE. At p. 24 the report shows that the vast majority of that increase was in electors voting by mail within their own electoral district, with the 43rd GE number at 4,980 and the 44th GE number at 507,722.

54.

[REDACTED]

[REDACTED] *[Sec. 37 CEA Privilege - CPC submission to SITE – Details]*.

### SITE Considerations

55.

[REDACTED]

[REDACTED] *[Sec. 37 CEA Privilege - CPC submission to SITE – Details]*.

56.

[REDACTED]

[REDACTED] *[Sec. 37 CEA Privilege - CPC submission to SITE – Details]*.

57.

[REDACTED]

[REDACTED] *[Sec. 37 CEA Privilege - CPC submission to SITE – Details]*. For both the 43rd and 44th GEs, the Communications Security

Establishment (CSE) was chair of SITE. [REDACTED]

[REDACTED]

[Sec.

*37 CEA Privilege - CPC submission to SITE – Details].*

### Initial RCMP Contact

58. In February and March 2023, investigators met with the RCMP Foreign Actor Intervention Team (FAIT) which was addressing the issue of FI from a broader, non-electoral context, and shortly after met with the Officer in Charge of the RCMP “E” Division Integrated National Security Investigations Unit (British Columbia). The RCMP indicated then and through later liaison that [REDACTED] [REDACTED] [stakeholder information] and that they were aware of the OCCE’s mandate regarding election issues.<sup>32</sup>

### Interviews

59. In February 2023, investigators [REDACTED] began identifying and contacting potential interview subjects with whom to speak. Amongst them were [REDACTED] [REDACTED] [REDACTED] [Interview subject(s) with connectivity to the electoral campaign(s)] Both initially agreed to an interview, but [REDACTED] [Interview subject(s) with connectivity to the electoral campaign(s)] cancelled the morning of the investigator’s departure from Ottawa.

<sup>31</sup> [REDACTED] [Sec. 37 CEA Privilege – CPC submission to SITE – Details]

<sup>32</sup> There is a Memorandum of Understanding (MOU) between the OCCE and the RCMP dated July 31, 2019, which includes at paragraph 3.1 that: “Where the RCMP receives a complaint alleging an Offence in respect of the Acts [Canada Elections Act and Referendum Act], it will send it to the Commissioner”. Paragraph 3.2 of the MOU states that: “Where the RCMP receives information in respect of the Acts which discloses alleged non-compliance or the commission of an Offence, it will send it to the Commissioner”. Further, paragraph 4.1 states that: “The Commissioner may request that the RCMP participate in a Joint Investigation together with the Commissioner’s staff and other persons designated by the Commissioner in relation to an alleged Offence under the Acts”.

Investigators attempted to reach [REDACTED] *[Interview subject(s) with connectivity to the electoral campaign(s)]* did not respond to our voice mail.

60. In early March 2023, four (4) interviews were conducted in Richmond, B.C., [REDACTED] *[Interview subject(s) with connectivity to the electoral campaign(s)]* were interviewed, as well as two additional interview subjects. Of note, [REDACTED] *[Interview subject(s) with connectivity to the electoral campaign(s)]* provided a statement and promised to assist us further by providing coordinates for certain campaign volunteers. OCCE repeatedly called [REDACTED] *[Interview subject(s) with connectivity to the electoral campaign(s)]* to follow up on information [REDACTED] *[pronoun]* had provided and to solicit contact information for certain campaign volunteers. [REDACTED] *[pronoun]* did not return the calls.

61. [REDACTED]  
[REDACTED]  
[REDACTED] *[References to interactions MP Chiu had with a stakeholder and provided digital copies of evidence of alleged misinformation]*. [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED] *[stakeholder information]*.

62. During the period of March 2023 to October 2023, investigators [REDACTED] conducted forty-three (43) interviews, with some individuals interviewed more than once. Thirty-six (36) individuals were interviewed, four (4) of whom provided digital or paper exhibit



materials, [REDACTED] [Sec. 37 CEA Privilege – CPC submission to SITE – Details]. The majority were [REDACTED] [Interview subject(s) with connectivity to the electoral campaign(s)] campaign volunteers and [REDACTED] [Interview subject(s) with connectivity to the electoral campaign(s)] candidates for the 44th GE [REDACTED] [REDACTED] [Interview subject(s) with connectivity to the electoral campaign(s)]. Each of these EDs has a significant although varying Chinese ethnic diaspora. Volunteers and candidates reported the following:

(1) Chinese Canadian community

63. Six (6) Chinese Canadian interviewees related to the investigators that within the Chinese Canadian immigrant community, Chinese Canadians themselves recognize different groupings, being primarily those from mainland China, from Hong Kong, from Taiwan and from Singapore. Many Chinese Canadian interview subjects, including those from mainland China, described immigrants from mainland China as more responsive to demands or expectations from China, while those from other areas may not be as responsive for various reasons.<sup>33</sup> With one exception, the Chinese Canadian interview subjects were originally from either Hong Kong or mainland China.<sup>34</sup>

(2) Response of interview subjects

64. Seven (7) Chinese Canadian campaign volunteers interviewed stated that they observed a significant change in the response by Chinese Canadian electors to campaign door knock and telephone calls, both between the 43rd and 44th GE campaigns, but also changing over the course of the 44th campaign, often describing the change as noticeably occurring after the first week or two (2) of the campaign. Many of the campaign interview subjects were door-to-door or telephone canvassers. They described their reception at the door as follows: as soon as the

<sup>33</sup> See Appendix K.

<sup>34</sup> Most spoke either Mandarin, Cantonese or both Chinese languages as well as English.

volunteer identified themselves as a representative for the CPC candidate, many Chinese Canadian residents immediately shut their door, refused to engage, or shooed them away. Telephone canvassers sometimes had a similar experience during phone calls. In some cases, the residents reportedly seemed afraid to be seen speaking to a Chiu supporter or to any Chinese Canadian CPC canvasser. As is common in political campaigns, the residents being canvassed included many who reportedly had previously been identified as known supporters of the CPC during earlier campaigns.

65. Canvassing known or former supporters is customary campaign procedure, and the results are entered into a handheld app and uploaded to a central party database daily and saved between elections. For the CPC the database is known as CIMS (Constituency Information Management System). [REDACTED] *[Interview subject(s) with connectivity to the electoral campaign(s)]* canvassers reported entering elector data during their 2021 canvass activities. On June 30, 2023, in order to identify a sample voter group for further inquiry, investigators wrote CPC counsel requesting a tally of reversal of potential elector support numbers for Stevenson-Richmond East canvassing, and to consider identifying 25 apparently Chinese elector names and addresses where reversal of support had been reported. Counsel never responded to either request.

66. Some interview subjects, including four (4) of the five (5) candidates interviewed, spoke of being taken aside or having otherwise met with former CPC Chinese Canadian supporters for a private confession during or immediately after the 44th GE in which the supporter(s) said they, or other Chinese Canadian electors, feared being seen supporting the CPC candidate and would not be voting for him or her.<sup>35</sup> In one case an interview subject reported being shunned by a supporter who had been a personal friend of the candidate. Another candidate described a longtime supporter crying during a private meeting when explaining they could no longer be seen as supporting the candidate. When asked to explain why this behaviour occurred,

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<sup>35</sup> Candidates were [REDACTED]  
[REDACTED].*[Names of candidates]*

volunteers and candidates responded that the on-going social media campaign and resultant community pressure had instilled a fear into their Chinese Canadian supporters.

67. Investigators asked these specific interview subjects, and others who claimed to have spoken to electors about why the elector would not vote for Chiu or the CPC, to identify the electors to whom they spoke. Only one interview subject (not any of the candidates) was willing to name a possible elector. Other interview subjects said that the electors would not vote for a CPC candidate due to the virulent anti-Chiu/anti-CPC campaigns, and in some cases would not vote at all. However, the interview subjects would not identify the electors to the OCCE out of a concern for singling them out for possible criticism within their community or from China.

68. A few volunteer canvassers said they did not notice fearful behaviour. These tended to be [redacted] *[Identifier of interview subjects]*. With one [redacted] *[Identifier of interview subjects]*, canvassing separately, the [redacted] *[Identifier of interview subject]* did not notice the behaviour while the [redacted] *[Identifier of interview subject]*, with extensive experience working in Asia, described the resident response as fear not verbalized beyond “no, no, no” and that the residents “*could not close their doors fast enough*”, especially older residents and, in his assessment, policy issues as adopted by the CPC or Chiu would not explain the response.

69. In most cases, the Chinese Canadian interview subjects attributed the electors’ behaviour to a “*fear*” of a consequence. When asked to explain this “*fear*”, interview subjects described it as a fear of some unnamed but significant retributive consequence from China in terms of impact on family travel to or from China, or from a consequence in regard to business interests in Canada or in China. Further, the fear was heightened by fear of a consequence due to an awareness obtained from the Group Chat messaging that Chiu had been “*sanctioned*” by China

for his alleged anti-Chinese actions.<sup>36</sup> One interview subject stated he was told by a [REDACTED] [named association] leader to be careful not to get too close to Chiu as that would affect any business he had with China, using the example of an unexplained tax audit as an example of a consequence. Another interview subject reported being warned that being seen as close to Chiu would affect his [REDACTED] [identified] future. The same interview subject referred to seeing fear in a person's facial expression and body language. *"When you avoid something, it is out of fear."*

70. One interview subject spoke of PRC harassing treatment of a former British Columbia legislative speaker, Richard Lee, who was held at the entry point to China for 8 hours, had his B.C. government phone examined and then was denied entry. This occurred in 2015, was widely reported on at the time and was not in an election context, but this was provided as proof of China's willingness to exact a consequence on ethnic Chinese who had displeased Beijing. Another spoke of an association leader having visited China, been imprisoned, and maltreated for a lengthy period before being released and allowed to return to Canada. The OCCE could not corroborate this alleged mistreatment.

71. Despite the lack of any explicit threat or overt intimidation in the anti-Chiu and anti-CPC campaign, a subject which we examined in some depth, interview subjects persisted in describing the reaction as that of *"fear"*. One interview subject from Mainland China, from their point of view, noted that mainland immigrants *"have to listen to the CCP because they were raised that way...they follow the Party"*. This impression was reflected by other Chinese Canadian subjects interviewed. As explained by interview subjects, the fear was enhanced by exaggerations as to the effect of Bill C-282, such as the statement in the TCN article of September 9, 2021, that *"all individuals or groups with ties to China may be considered as spokespersons of the Chinese government and be required to register specifically."*

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<sup>36</sup> As described by interview subjects, groups are established on WeChat and WhatsApp by a group administrator, are private, admission is by invitation and members can be expelled from a group. Group size as described by interview subjects can be small to groups as large as 500 members.

72. A senior volunteer in [REDACTED] [*an electoral campaign*] noted that in China if you do business “*you get rewarded,*” and as a result Chinese Canadians from China want to avoid any conflict with China to avoid any consequence to family or business interests. Other interview subjects also noted the inherent avoidance of conduct or speech that might irritate China. For example, some Chinese Canadian interview subjects who discounted or denied the possibility of foreign interference, still noted that caution was necessary around issues of interest to China (for example concerning Taiwan, Hong Kong and Uyghurs). An interview subject noted that “*Everybody understands*” the need to only say positive things about China on WeChat. He and several other interview subjects added that Chinese Canadians may think they are protected by our government (Canadian citizenship), but if they go to China or Hong Kong, they can be detained – there is only one citizenship in China – Chinese. A Chinese Canadian interview subject stated words to the effect that freedom of speech is limited in China – one can enjoy prosperity there so long as you watch what you say.

73. Another senior volunteer in [REDACTED] [*Interview subject(s) with connectivity to the electoral campaign(s)*] described electors as angry at Chiu and the CPC – because “*Chiu was Chinese and was doing something not good for China*”, and fearful because if Chiu were to be elected it would lead to trouble – “*can’t go back to China, family and friends not be allowed to immigrate.*” Even a number of Chinese Canadian interview subjects originally from Hong Kong, with long residence in Canada, spoke in this way.

74. Twelve (12) Chinese Canadian interview subjects explained that the messaging campaign in Chinese language media and social media created a situation in which China did not have to give explicit warnings of consequences, as many people simply expected such a reaction if they acted contrary to the messaging, and they governed their actions accordingly. One Chinese Canadian interview subject stated that the ability for some Chinese Canadian electors to vote for the candidate or political party of their choice may have been adversely affected.

75. A further effect of the anti-Chiu anti-CPC social media campaign was that, within a week or two of the 2021 campaign start, some CPC campaigns which had recruited Chinese Canadian volunteers who initially agreed to help, experienced a significant reduction in Chinese Canadian volunteer turnout. This loss of Chinese Canadian campaign volunteers was reported to the OCCE for the campaigns in [REDACTED] [REDACTED] [named electoral districts]. In fact, defeated CPC candidate Dave Hayer in Fleetwood –Port Kells and his successful LPC counterpart Ken Hardie together spoke of this in an article published on June 6, 2023, titled “*A former Conservative candidate has suspicions about why his Chinese Canadian volunteers quit. So does the Liberal who beat him.*”<sup>37</sup> The candidate interview subjects stated that the loss of Chinese Canadian volunteers was significant to some campaigns as the majority were bilingual (Mandarin/Cantonese and English) and were critical for their campaign outreach to new Chinese Canadian citizens who formed a significant part of the electorate in their respective ridings.

76. Finally, four (4) interview subjects explicitly described the reasons for Chinese Canadians allegedly not voting for a CPC candidate seemed in equal part the CPC campaign platform and Chiu’s allegedly anti-China stance. Two interview subjects, including a CPC candidate, questioned Erin O’Toole’s anti-China platform and consistently anti-China policy elements. One candidate said he complained directly to the CPC about it at the time or shortly after the GE. The [REDACTED] [Interview subject(s) with connectivity to the electoral campaign(s)] for a campaign noted even [REDACTED] [pronoun] own mother was upset with Erin O’Toole and “*disappointed*” with Chiu. A CPC BC provincial organizer stated having observed the anti-CPC messaging effect on potential Chinese Canadian electors and advised the party during the election.

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<sup>37</sup> Joanna Chiu, “A former Conservative candidate has suspicions about why his Chinese Canadian volunteers quit. So does the Liberal who beat him”, *Toronto Star* (3 June 2023), online: <[https://www.thestar.com/politics/federal/a-former-conservative-candidate-has-suspicions-about-why-his-chinese-canadian-volunteers-quit-so-does/article\\_814818d4-9415-55b4-b169-ce58147c9ee2.html](https://www.thestar.com/politics/federal/a-former-conservative-candidate-has-suspicions-about-why-his-chinese-canadian-volunteers-quit-so-does/article_814818d4-9415-55b4-b169-ce58147c9ee2.html)>.

77. These two (2) tracks for Chinese Canadian discontent – that is discontent with CPC policy positions and discontent with Chiu – were also clearly reflected in the social media and related digital material available to the OCCE.

### **The Electronic Record<sup>38</sup>**

78. Digital group chat messages were obtained via [REDACTED] *[Interview subject(s) with connectivity to the electoral campaign(s)]* USB Key and from [REDACTED] *[Interview subject(s) with connectivity to the electoral campaign(s)]*, the contents of which are discussed below. Although the Chinese language group chats are commonly referred to as WeChat, a China based social media platform, the majority of the group chat material provided to the OCCE appear to be on the WhatsApp platform, a social media platform popular with Chinese Canadians.

(1) [REDACTED] *[Interview subject(s) with connectivity to the electoral campaign(s)]* USB Key (Exhibit 1)

79. This USB Key was provided to investigators by [REDACTED] *[Interview subject(s) with connectivity to the electoral campaign(s)]* on March 3, 2023. As mentioned in paragraph 61 above, [REDACTED] *[Interview subject(s) with connectivity to the electoral campaign(s)]* explained that, [REDACTED]

[REDACTED]

*[Interview subject(s) with connectivity to the electoral campaign(s) and identifier information]* informed OCCE investigators that [REDACTED]

[REDACTED] *[Interview subject(s) with connectivity to the electoral campaign(s)]* said that, when he was contacted by OCCE investigators for an interview, [REDACTED]

[REDACTED]

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<sup>38</sup> A complete list of exhibits collected can be found at Appendix E.

[Interview subject(s) with connectivity to the electoral campaign(s) and identifier information)].<sup>39</sup>

The digital material consisted of both English and Chinese language material. Investigators had the Chinese language material machine translated.

80. This contained several groups of material, the first two being 47 pages of Chat Group screenshots and 16 pages of messages.<sup>40</sup> The Chat Group screenshots appear to be primarily WhatsApp messages concerning the upcoming GE as well as some commentary post GE, with some individuals posting more frequently than others, in one case far more than others. Partisan opinions and arguments are exchanged, and the conversation is not entirely one-sided. However, there is a very strong anti-CPC thread through it, and it is vehemently anti-Chiu. For example, calling the CPC the “Chinese Exclusion Party”, taking pride in China’s accomplishments, attacking the CPC policy for boycotting the 2022 Beijing Olympics and attacking CPC support for Hong Kong pro-democracy protesters, warnings about Chinese retaliation of anti-China policies.<sup>41</sup> The 16 pages characterized as messages are forms of digital commentary or media extracts to prove a point, for example anti-Erin O’Toole commentary, or quotes from O’Toole designed to show him as anti-China or anti-Chinese and, frequently, as “the new Trump”. One Chat Group message exchange includes a hyperlink to a 2020 webpost from Erin O’Toole on his winning the CPC leadership, titled “*Erin O’Toole Holding the Chinese Regime Accountable!*” In it, O’Toole introduces himself with a list of 10 public policy points a CPC government would implement to limit Canada’s relationship with China.

81. While the messaging we have available for review is clearly and often consistently partisan, there is nothing in it that exceeds strong partisan viewpoint, and much is in the nature of a riposte to the CPC platform positions. Nothing in the examples of messaging that were provided to the OCCE during this review, [REDACTED] [Sec.

<sup>39</sup> On February 27, 2023, an OCCE investigator asked [REDACTED] [stakeholder] for a copy of the material provided by [REDACTED] [stakeholder information].

<sup>40</sup> Here and elsewhere, original digital printed material provided to us is often a mixture of English and Chinese, with the Chinese machine translated for quick access. Translations were predominately made using Google Translate.

<sup>41</sup> The chat group material indicates originating phone numbers. Several are from Hong Kong but the majority by far are Canadian numbers, and, absent further data, nothing in the Act prohibits private digital exchanges of this nature.



*37 CEA Privilege – CPC submission to SITE – Details*], violates section 91 (false statement) or other sections of the Act.

82. Particularly at pages 18-47 of the Chat Group material (undated but appearing to be occurring mid-GE and immediately post GE) the negative commentary singles out Chiu for criticism. He is denounced for his support for Hong Kong pro-democracy protestors through his attendance as an international observer during the 2019 Hong Kong municipal elections, voting in favour of the Commons pro-Uyghur motion, being in favour of sanctioning Chinese and Hong Kong officials and most especially for his Private Member’s Bill C-282 Foreign Influence Registry bill. The commentary concludes that with his “*anti-China record*”, Chiu’s foreign influence registry proposal must be aimed at mainland Chinese groups in Canada. This commentary is very reminiscent of the Today Commercial News article of September 9, 2021, warning people about Chiu.<sup>42</sup>

83. Several of the posts review Chiu’s background and the deadening effect his bill would have on Chinese Canadians ability to remain connected with their homeland, with the commentary authors suggesting that registration under the proposed bill would be required if groups even attend at a Chinese Consulate hosted “*Mid-Autumn Festival tea party*”, or if Chinese Canadian were members of alumni groups and other similar examples, leading to the conclusion that “*If the Chinese vote for the anti-Chinese Party, the freedom of the Chinese will be excluded*”, and “*focus and stop Conservatives from taking power*”. Sometimes an anti-bill C-282 post would provide a link to the text of the proposed Registry bill for easy reference.<sup>43</sup> Accessing this link would not contradict the commentary as the bill, as written, is simply a bare skeleton waiting for enlargement and accompanying regulations.

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<sup>42</sup> *Supra* note 17.

<sup>43</sup> Bill C-282 died on dissolution of 43rd Parliament, having only passed first reading, so the true reach of its application is unknown and unknowable, as much of it depended upon future debate and on regulations which were never written.

84. As with the anti-CPC messaging, the messaging regarding Chiu relies on exaggeration and characterization of the positions he had taken as anti-China, anti-Chinese, and in consequence China had “sanctioned” him. [REDACTED]

[Interview subject(s) with connectivity to the electoral campaign(s) and identifier who relates that Chiu had committed 3 sins, namely, that he attended the municipal elections in Hong Kong, supported CPC Motion identifying China as committing a genocide of the Uyghurs and Chiu’s Private Member’s Bill C-282]. For example, one post, speaking of Chiu’s Bill C-282 reads:

*... but Zhao Jinrong’s (Kenny Chiu) proposal only requires registration of individuals and groups associated with certain “hostile countries”. Although the bill does not currently list which countries are “hostile countries,” given that China-Canada relations are currently at their lowest ebb in history, moreover based on the “anti-China” background of the sponsor of this bill, Zhao Jinrong, it is not difficult to guess that this proposal is a bill aimed at Chinese groups and individuals in mainland China...the so called prevention of foreign interference is actually a cover” ... Another post said “If the Chinese vote for the anti-Chinese party, the freedom of the Chinese will be excluded! Please focus on voting Liberals and stop Conservatives from taking power”.*

*Another post said, “If the Chinese vote for the anti-Chinese party, the freedom of the Chinese will be excluded! Please focus on voting Liberals and stop Conservatives from taking power”.*

*A final example is a post equating the World War II incarceration of Japanese Canadians with Chiu’s bill C-282.*

85. The posts appear to be primarily responses to the policy positions taken or supported by the CPC and Chiu. Nothing in the post above exceeds strong partisan viewpoint. This WhatsApp group excerpt is the subject of further discussion several sections below.

86. The second grouping, 16 pages denoted as “*Messages*”, is more diverse, and includes a promotion for the [REDACTED] [named association] variously described in literature, online materials and by interview subjects as simply a non-partisan voter education group or as a partisan grouping. As well, the “*Messages*” included a discussion of whether O’Toole really said he would ban WeChat and other Chinese technologies or not, whether his approach to Asian communities is sincere or not, and a lengthy attack on Chiu – “*Why Chinese are against Conservative MP (Chiu)*”. [REDACTED]

[REDACTED]

[REDACTED] [Sec. 37 CEA Privilege – CPC submission to SITE – Details].

87. We can find no instance of Erin O’Toole saying that he would ban WeChat. The CPC did say in their 2021 electoral platform that they would ban Huawei from Canada’s 5G infrastructure, but the decision to ban Huawei or not has been a live political and security issue amongst western countries for several years and would certainly be a valid subject of political speech. Misrepresentation of a political party’s platform is commonplace in political campaigning, however, and does not contravene the Act.

88. [REDACTED] [Interview subject(s) with connectivity to the electoral campaign(s)] material provided to investigators also included a file entitled Project “TLuong” and another entitled “Radio commentary samples” consisting of audio recordings and several transcripts. During the course of our interviews, investigators spoke with [REDACTED]

[REDACTED]

[REDACTED] [Interview subject(s) with connectivity to the electoral

*campaign(s)*] spoke specifically to radio commentary work on Chinese language radio stations AM 1320 and AM 1470 (which broadcast in the GVA).

89. The commentary material consists of transcribed material as well as non-transcribed Chinese language audio commentary, featuring “TLeung”. The transcripts refer to him as Thomas In Sing Leung. Thomas In Sing Leung, a prominent Chinese language commentator in the GVA

[REDACTED]

[REDACTED] *[not directly related to the 43<sup>rd</sup> or 44<sup>th</sup> GE]*. He later reappeared on radio station AM 1320 in time for the 44th GE, which is consistent with the [REDACTED] *[Interview subject(s) with connectivity to the electoral campaign(s)]* USB material including audio recordings of AM 1320 commentaries.

90. To date we have not sought to fully transcribe and translate all the additional material. The commentary from the 2021 election period and immediately afterwards came to us with a transcript and translated. The election and immediately post election period commentary can be described as attempting to appear balanced, in that it presents for consideration several sides to an issue, but in the end is consistently weighted on the anti-Chiu side, questioning his motives, and is critical of the CPC and Canadian government actions or positions in relation to China. By way of two (2) examples, in a commentary of September 9, 2021, in which Thomas In Sing Leung discusses Chiu’s Bill C-282, he in the end suggests that with C-282 the CPC is leading Canada down a path similar to that followed by the U.S. with McCarthyism. The other example is seen in a piece dated October 1, 2021, shortly after the 2021 election on the return of Meng Wanzhou to China and Michael Kovrig and Michael Spavor to Canada. Leung suggests Meng was really the hostage (to American economic interests) while the two Michaels were quite possibly spies as evidenced, according to Leung, by the fact that rather than flying home commercially, they travelled by military aircraft (unlike Meng who took a commercial flight), and Michael Kovrig and Michael Spavor supposedly returned the salute of a Canadian military

officer at the aircraft, thus were quite possibly Canadian agents, making his point via insinuation.

91. In a post election commentary dated September 22, 2021, two (2) days after the general election, Leung contemplates why electors abandoned Chiu. He points to Chiu's support for the protests in Hong Kong and asks who paid for Chiu's flight there. He notes that 19 elected representatives from the US, UK and Canada travelled to Hong Kong, saying "*They all supported the Hong Kong Liberty, promoting violence*". As well, he reports on an anti-Chinese comment that Chiu allegedly made in Hong Kong, and his refusal to say he represented Chinese Canadians, rather than simply Canadians. Leung rhetorically asks: "*If you talk about China out of total ignorance, foolishness and full of hatred, wouldn't Chinese be afraid?*". The investigators understanding is Leung's comments suggest that Chiu was not supportive of China or of Chinese people.

92. Only three (3) of a total of 16 commentaries have been transcribed and translated, but those three (3) are the only recordings from the election or immediate post-election period. They are critical of Chiu and his anti-China motives, which are presented in some cases through innuendo, but also as media commentary. Although potentially mischaracterizing Chiu's bona fides, and planting seeds of mistrust, this is not out of place in aggressive political discourse and does not contravene section 91 of the Act.<sup>44</sup>

93. The great majority of Chinese Canadians interviewed, [REDACTED] [Interview subject(s) with connectivity to the electoral campaign(s)] recalled the 2021 election period WeChat and WhatsApp messaging, which they all described in much the same fashion. They described the message campaign as pervasive, non-stop and almost

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<sup>44</sup> An interview subject who was a [REDACTED] [Interview subject(s) with connectivity to the electoral campaign(s)] spoke of Thomas Leung, referring to him as Liang Yancheng, using his Chinese name, saying he was a "professor" on AM 1320 who spoke about the election and every time was "mad about Kenny" and that this was picked up in his WhatsApp group. [REDACTED] [Interview subject(s) with connectivity to the electoral campaign(s)] also mentioned Thomas Leung as being pro-PRC. For his name see AM 1470 "Father with schizophrenia" (last visited 23 July 2024), online: <[https://www.am1470.com/hot\\_topics\\_detail.php?i=2194](https://www.am1470.com/hot_topics_detail.php?i=2194)> [radio station(s)].

entirely one-sided as anti-CPC and anti-Chiu. They also noted that some of those who messaged against this viewpoint being attacked online in response. The sense these interview subjects convey is of a much more oppressive and more encompassing environment than is conveyed by just reviewing [REDACTED] *[Interview subject(s) with connectivity to the electoral campaign(s)]* limited USB materials and [REDACTED] review *[Sec. 37 CEA Privilege – CPC submission to SITE – Details]*.

94. As well, interview subjects described a focus in the messaging (and in Chinese language radio commentary) as characterizing the CPC and Chiu as being anti-China and promoting anti-Chinese discrimination amounting to anti-Chinese racism. Further, that the attacks on Chiu focused on matters well known to attract vigorous condemnation from China, namely Chiu's support for the Uyghur motion in the Commons, his bringing forward a private member's Bill C-282 to establish a foreign influence registry, and his support of Hong Kong democracy to the point of acting as an election monitor, all of which are accurate. This corresponds with the material on the [REDACTED] *[Interview subject(s) with connectivity to the electoral campaign(s)]* USB key.

## (2) Digital Evidence (Exhibit 6)

95. This digital evidence was provided by a [REDACTED] *[Interview subject(s) with connectivity to the electoral campaign(s)]* who had retained it from the campaign, including a series of primarily WhatsApp images which appear in many cases to be duplicates of the images from the [REDACTED] *[Interview subject(s) with connectivity to the electoral campaign(s)]* Chat Group messages and in some cases of new messages. The chats are assessed to be from the same chat group as those received from [REDACTED] *[Interview subject(s) with connectivity to the electoral campaign(s)]*. As with the [REDACTED] material, the material is anti-CPC but more restrained than the [REDACTED] *[Interview subject(s) with connectivity to the electoral campaign(s)]* material and is less focused on Chiu himself.

## (3) Digital Evidence (Exhibit 3)

96. An interview subject provided material on a USB key in April 2023, stating that its content showed how China operates. His interview, however, [REDACTED] [REDACTED] *[Interview subject(s) with connectivity to the electoral campaign(s)]*, occurring on June 8, 2023. The USB content consisted of a combination of print and video material but does not contain any chat group material. The material is in Chinese which was translated (see paragraphs 79 and subsequently analysed by investigators. The interview subject, [REDACTED] [REDACTED] *[Interview subject(s) with connectivity to the electoral campaign(s)]*, explained that he collected the material through Web searches and searches of WeChat archives. He explained that, while WeChat social messaging is removed after a set time period and thus no longer available to him, materials digitally linked or attached to a WeChat post could be searched for using key words and dates, as they remain in the WeChat online archive. He also reported, as did other interview subjects, that, with WeChat, you can only post what the Chinese government allows you to post, so the recipient can only see what the government allows them to see, other material is censored, increasingly by use of artificial intelligence (AI). Attempts to post prohibited material (that is, prohibited by China) can be ignored by WeChat or can lead to a suspension of the persons attempting to post the material. Other interview subjects, who indicated being frequent WeChat users, made this point as well, one of whom said he had tested this with a controversial post which the intended recipient could never access. In the end, investigators were left with the clear understanding that Chinese Canadian WeChat users whom investigators interviewed expect the PRC to be monitoring their conduct and content on WeChat.

97. A Global Times Service article dated September 8, 2021, provided by the interview subject takes issue with the CPC platform's 31 mentions of China and quotes a former Canadian foreign minister's senior policy advisor<sup>45</sup> as saying that looking at the CPC "...you see a party that almost wants to break off diplomatic relations with China."<sup>46</sup> A second Global Times article,

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<sup>45</sup> Translated as Jocelyn Cullen but believed to be referring to Jocelyn Coulon, a former policy advisor to former minister Stephane Dion.

<sup>46</sup> The article provided by the interview subject did not have a link to the original publishing. However, the article appears to have been re-published by the China News Service. Admin5, "The Canadian opposition party's election

dated September 23, 2021, which he provided, seems to be a summary of the Canadian post-election results indicating little change except in Richmond and Markham “*where Chinese electors gather*” there was “*extreme change*” due to “*disastrous defeats*” by the CPC. The article asks – “*Is the party paying the price for its tough stance on China?*”<sup>47</sup> It spends time on the defeat of Chiu, noting his various anti-China positions, and quotes an anonymous tweet as saying, about Chiu, “*I have never seen a Chinese who hates himself more than him in my life.*” The article noted as well the Alice Wong defeat (Richmond Centre) but left the Markham candidate unnamed.

98. Other print material provided by the interview subject was from various Chinese Canadian community news sites such as an article published on September 10, 2021, “*Why do Chinese people oppose Conservative MP Zhao Jinrong*”, with references to Bill C-282, reducing registration down to people receiving alumni newsletters and attending National Day celebrations. This is similar to the Group Chat messaging and the Today Commercial News article of September 9, 2021, noted at paragraphs 37 and 71 above. One article compares O’Toole to Trump. Another, dated September 20, 2021, the same day as the 44th GE, referred to the Meng Wanzhou extradition matter saying, “*Once the Canadian side fires on China recklessly, China will definitively take severe measures to hit hard.*”

99. The interview subject also provided election period and post election material related to the [REDACTED] [named association] whose Vancouver building, post election, was identified in media stories as one of several Chinese police stations in Canada. Included were three (3) videos (two of which were duplicates). The primary video featured several speakers introducing Chinese language viewers to our parliamentary structure and voting in Canada. An RCMP officer fluent in Mandarin described the presentation to investigators as straightforward and non-partisan. The interview subject said he had a separate screenshot of association leaders

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manifesto mentions China 31 times. The former foreign minister’s policy adviser said that the content is almost to break off diplomatic relations with China”, *China News Service* (9 September 2021), online: <<https://chinanews.org/junshi/jianada/zixun/2021/0909/840.html>>

<sup>47</sup> Global Times New Media, “Canadian “anti-China” Chinese politicians abandoned by voters”, (24 September 2021), online: <<https://new.qq.com/rain/a/20210924A03B3300>>.



telling Chinese Canadians who to vote for. The screenshot was not provided. A number of other Chinese Canadian interview subjects also said that Chinese Canadian electors would look to association leadership for clues as to who to vote for, or not to vote for, that this was common in the community, especially with immigrants from the mainland, and the clues were usually available.

100. An example of this was located via OSINT research, being [REDACTED] [name of] an executive officer of the [REDACTED] [named association] which at least three (3) interview subjects identified [REDACTED] [named executive officer] as one of three or four (3 or 4) who is leading Chinese Canadian organizations in the GVA. The example is a photo in which [REDACTED] [named executive officer] posted images of a municipal ballot with the candidate he was advocating already circled, presumably so others would know for whom to vote.<sup>48</sup>

101. In addition, the interview subject provided 4 documents, all relating to the [REDACTED] [named association and name of its head] dated between 2021 and 2023. When asked about the post-election dates, the interview subject indicated he wanted to give them to us to show how the Chinese government operates in Canada.

102. In a document dated January 19, 2022, [REDACTED] [named head] is quoted as saying (in translation) “no matter how far we go, we can’t escape the care of our motherland. No matter where we are, we can feel the warmth of our motherland” and notes the launch of the Overseas Chinese in Zhejiang Province grouping, naming no less than eight (8) associations with [REDACTED] [name of a city in China] in the name string and two with [REDACTED] [name of a province in China] in the

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<sup>48</sup> One interview subject gave an account of a post 44th GE at which [REDACTED] [named executive officer of an Association] noted that “we” had been successful in defeating Chiu. The OCCE discovered a YouTube video dated [REDACTED] [date], of a [REDACTED] [named association] banquet showing [REDACTED] [named executive officer and a person] seated within feet of each other at the same table, showing ease of proximity. As explained by many interviewees, seating arrangements at banquets are evidence of standing within the community. [REDACTED] [named executive officer] was invited for an interview through the [REDACTED] [named association], but never responded.

name string.<sup>49</sup> Further in the document it refers to [redacted]  
[redacted] [named individuals and named association] This is believed to [redacted]  
[redacted] [named individual] a Vancouver area businessman well known in the media  
as a prominent, and controversial, political contributor and a director of [redacted] [named  
association], one of preeminent Chinese associations in the GVA.<sup>50</sup>

103. A 2023 document was provided by the interview subject as it included a photo of Yang Shu, Chinese Consul of Overseas Chinese in Vancouver and honorary chair of the [redacted]  
[redacted] [named association and an individual]. The latter appears a number of times in OSINT research related to the file, including at meetings with President Xi Jinping of China. During the 44th GE campaign period, [redacted] [named individual] appears in pictures of a small group of 15 to 20 individuals, known as the [redacted]  
[redacted] [named association], founded by [redacted] [named individual] well before the election, all wearing [redacted] [named association and identifier] with some holding [redacted] [named association] signs and some holding vote for Parm Bains signs, (Liberal candidate in Steveston-Richmond East) at Garry Park in Richmond. [redacted] [named individual] is standing beside [redacted] [named individual, association and identifier] is holding a Parm Bains (Bains) LPC sign. OSINT research determined there were four (4) Bains signs present, in addition to [redacted] [named association] signs. A video of Bains speaking to the small group with [redacted] [named individual] present also exists, speaking about the need to fight racism. OSINT research also determined that [redacted]  
[redacted] [named individuals] are friends and associates. [redacted] [named individual] is also a

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<sup>49</sup> Wenzhou is a significant city (9.5 million population) in the Chinese province of Zhejiang, which is just south of Shanghai, on the east coast of China. The [redacted] [named association], is but one of many Chinese Canadian examples of organizing the diaspora population in fraternal organizations based on geographical origin, business, academic or interest affiliations.

<sup>50</sup> [redacted] [named individual] held a 2016 fundraiser event in honour of Prime Minister Trudeau at his Vancouver residence, which media reports labelled as “cash for access”. Following press reports of cash for access events, the Act was amended to cover ‘Regulated Fundraising Events’ which received royal assent in 2018.

director of [REDACTED] [named association] and associated with the UFWD.<sup>51</sup> None of the principals of the [REDACTED] [named association] were present in any Garry Park photo.

104. The presence of Bains and his signs led to the possibility that [REDACTED] [named association] may have been acting as an unregistered third party and involved in partisan activities regulated by the Act and which would have required them to register as a third party. As noted later in this report however, evidence of [REDACTED] [named association] non-partisanship was also discovered via OSINT research. While seven (7) interview subjects stated that the [REDACTED] [named association] activities included partisan activities, they explicitly did so on the basis of who founded the [REDACTED] [named association] and did not provide any account of actual partisan activity except for the [REDACTED] [named association] incident described below. A part of the [REDACTED] [named association] program was the wide distribution of free [REDACTED] [named association and identifier] to any who applied for one, so the presence of [REDACTED] [named association] members wearing [REDACTED] [named association] T-shirts, on its own, in the absence of any known [REDACTED] [named association] principal being present, there is insufficient evidence to suggest that [REDACTED] [named association] itself was involved in partisan activity as defined at section 349, a requisite for the contraventions under sections 349.02, 351.1 or 353 of the Act.

105. The interview subject's material also included two versions<sup>52</sup> of a document dated December 1, 2021, which relates to a report of the Sixth Plenary Session of the 19th Central Committee of the Communist Party of China Central Committee. The article speaks about the recent 19th

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<sup>51</sup> [REDACTED] [named individual] is by all accounts a resident of the GVA and very influential in the Chinese Canadian community and associations, with reported ready access to the Consulate and with the PRC, and the People's Liberation Army (PLA) in China. [REDACTED] [named individual] is not on REVISE but does appear in the National Register of Electors (NROE) and is highlighted as "non-Canadian" based on 2019 IRCC data. A recently published book, *The Mosaic Effect*, by Ina Mitchell and Scott McGregor claims that Dianqi, a small restaurant owner in China, with relationships with the PLA, came to Canada in 1989 where he has since headed several UFWD organizations in Canada, with little in the way of apparent explanation for his source of funds. News reports indicate Dianqi claims to be a strong supporter of the PLA and claims to have donated 2 million Yuan (C\$400,000) to the PLA and has twice met with President Xi Jinping (along with many others), most recently on May 8, 2023, at the 10th Conference for Friendship Overseas Chinese Association. Found in Translation, "Vancouverite who donated C\$400,000 to China's military met with Xi Jinping in Beijing in 2019 and 2023", (10 May 2023) online:<<https://foundintran.substack.com/p/vancouverite-who-donated-c400-000>>.

<sup>52</sup> One with photographs and one without.

Plenary session and speaks of the United Front system<sup>53</sup> setting off an upsurge of learning and implementation resulting in “*heated discussions and testimonials*”. It encourages overseas Chinese to tell the story of China to the world and to contribute to the rejuvenation of the Chinese nation.

106. It quotes an endorsement of the CCP leadership by [REDACTED] [REDACTED] [named individual and association] a part of which included the statement by him that “*The overseas Chinese are determined to listen to the party, appreciate the party’s favor, and follow the party.*” Similar endorsements for the Chinese Communist Party and determination to follow it came from overseas Chinese representatives of other nations (France, Spain, Greece) as well in the [REDACTED] [Interview subject(s) with connectivity to the electoral campaign(s)] documentation.

107. This material from the interview subject does not speak directly to FI in the 2021 GE but it does provide a window on how the Chinese government interacts with Chinese Canadian organizations and an expectation that the organizations and their members, both organizationally and individually, will assist and follow China’s direction. Of note, several interview subjects with exposure to past or present association leadership figures indicated that, with key associations, leadership candidates are vetted or approved in some fashion by the PRC consulate before taking office, as noted elsewhere in this report at paragraphs 121 and 123.

108. A further example of direction through the Vancouver consulate was located by OSINT research concerning remarks made by Tong Xiaoling, the Consul General until 2022. In 2019 she attended an Overseas Chinese Association of Greater Vancouver symposium on the theme of reunification involving four (4) associations, three (3) of whom had “*peaceful reunification*” in their names. Tong Xiaoling noted, in material published on April 1, 2019, that overseas Chinese in Vancouver all supported the one-China ideal and that the unification groups would

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<sup>53</sup> See Appendix F for United Front Work Department.

“help” overseas Chinese to understand “*the correct direction of opposing independence and promoting reunification*”. Reunification in this context refers to the reunification of Taiwan with China.<sup>54</sup>

#### (4) WeChat and WhatsApp messaging campaigns

109. Most [redacted] [interview subject(s) with connectivity to electoral campaign(s)] interviewed reported being very aware of the social media campaigns against Chiu, Erin O’Toole and the CPC, some having personally received the messaging. They reported to the investigators that many Chinese Canadians originally from mainland China would believe that PRC authorities may know who electors had voted for. When asked how this could possibly occur, the interview subjects responded that they know it cannot be done, but that many Chinese Canadian electors still believed it to be so, based on their experience with elections when living in China.<sup>55</sup>

110. They reported that many Chinese Canadian electors did not want to be seen or known as supporting the CPC or its candidates at the risk of losing their ability to travel to China, or of their family being able to travel from China to Canada, or possibly impacting their personal interests in China such as business or family. This was repeated by many Chinese Canadian interview subjects as a general expectation amongst many Chinese Canadians, and particularly so for those originally from mainland China.

111. When Chinese Canadian interview subjects were asked about their personal situation, and queried whether they were fearful themselves, those with a Hong Kong background said they had either taken steps to cut ties with family still in China, even though many still have extended

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<sup>54</sup> Canada Association for the Promotion of Peaceful Reunification of China (Friendship), “Vancouver unified promotion group joint discussion to study Xi Jinping’s Taiwan-related speech”, *China Council for the Promotion of Peaceful National Reunification* (1 April 2019), online: [http://www.zhongguotongcuhui.org.cn/hnwtchdt/201904/t20190401\\_12152832.html](http://www.zhongguotongcuhui.org.cn/hnwtchdt/201904/t20190401_12152832.html).

<sup>55</sup> For example, if the anti-CPC/Chiu messaging failed and a CPC government were elected, or Chiu returned to Parliament, China could reasonably infer in EDs such as Chiu’s a significant number of electors there failed to follow China’s direction and ‘punish’ a representative number of them.

family connections in mainland China or Hong Kong, or that their families were all in Canada. Most, however, whether from Hong Kong or mainland China, accepted and expected that China would take some step to sanction in some fashion at least some of those who were seen as maintaining support for Chiu or reward those working against him.

112. Few Chinese Canadian interview subjects spoke of any retributive step taken against themselves or family for supporting or volunteering [REDACTED] *[interview subject(s) with connectivity to electoral campaign(s)]* no longer receives invitations to community events and festivals – and in fact this occurred sometime before the 44th GE. Another interview subject did note on a recent trip to Hong Kong that [REDACTED] *[interview subject(s) with connectivity to electoral campaign(s)]*, were treated differently – the authorities ignored and did not acknowledge [REDACTED] *[pronoun]* Canadian passport whereas [REDACTED] *[interview subject(s) with connectivity to electoral campaign(s)]* had no issue using [REDACTED] *[pronoun]*. At the entry point they asked for [REDACTED] *[interview subject(s) with connectivity to electoral campaign(s)]*, to process [REDACTED] *[pronoun]* entry, whereas they recognized and used [REDACTED] *[interview subject(s) with connectivity to electoral campaign(s)]* passport for [REDACTED] *[pronoun]* entry, with both [REDACTED] *[interview subject(s) with connectivity to electoral campaign(s)]*, going through the border process at the same time and with the same official. [REDACTED] *[pronoun]* has no idea if this different treatment was directed at [REDACTED] *[pronoun]* or to all former Hong Kong residents.

113. One (1) CPC candidate, [REDACTED] *[interview subject(s) with connectivity to electoral campaign(s)]*, reported to investigators having been informed by a prominent member of the Chinese Canadian community that, as a CPC candidate, he would not be supported by Chinese Canadian constituents. Another CPC candidate, [REDACTED] *[interview subject(s) with connectivity to electoral campaign(s)]*, reported that he lost his Chinese Canadian volunteers' mid-campaign, and after the campaign learned at a meeting with a small group of them that they feared being known as supporting a CPC candidate. Based on the investigators work experience in the OCCE, we are aware that campaign volunteers are essential to Canadian federal political

campaigns as campaigns are each restricted to a fixed campaign expense limit and mandatory financial reporting, consequently paid staff is very limited and volunteers are routinely relied upon, and particularly so for door to door and telephone canvassing. Volunteers who can speak a particular language are even more valuable if a significant diaspora group exists within the electoral district boundaries.

114. [REDACTED] *[interview subject(s) with connectivity to electoral campaign(s)]* also made the same claim in respect of a past supporter or supporters telling them privately and under a condition of anxiety or fearfulness of their inability to show their support in 2021. Unfortunately, as none of these four (4) candidates interview subjects ([REDACTED] [REDACTED]) *[interview subject(s) with connectivity to electoral campaign(s)]*, who each reported private conversation with Chinese Canadian supporters concerning the anti-CPC messaging, would identify their respective supporters to investigators for fear of compromising their safety and that of the Chinese Canadian community members, the candidate accounts cannot be verified.

115. Most Chinese Canadian interview subjects reported that partisan messages were conveyed via chat groups which can include up to 500 members. They reported that during the election period, a pro-China and anti-CPC message was promoted by WeChat group leaders. Participants who tried to counter this were themselves countered aggressively online and, in some cases, removed from the group.

116. One (1) interview subject identified two (2) individuals as prominent and repetitive publishers of anti-Chiu messaging on social media, which we are naming as influencers A and B for the purpose of this paragraph. Two (2) other interview subjects identified only influencer A. Both individuals, A and B were interviewed, both are Hong Kong born, and identified themselves as anti-Chiu. Both claimed Chiu was not acting as a proper representative of his constituency, and both said Chiu, as MP, should never have gone to monitor Hong Kong Elections or acted in support of Hong Kong demonstrators, both seeing this as Chiu misrepresenting his constituency. Influencer A said he also denounced Chiu as being an anti-

Chinese racist as at one point Chiu said that Vancouver maintaining the Chinatown concept was a racist concept.

117. One interview subject advanced an anecdote that the WeChat group leaders are identified through the associations and are compensated for their work, and joked about it, but could provide no further proof of this. As well, Influencer B referred to the possibility that a “50 center” might have been involved, meaning a person hired to post the same thing repeatedly at 50¢ (or some such amount) per repetition. This has not been substantiated.

### **China’s Ability to Exact Consequences on Those of Whom it Disapproves**

118. In media accounts and some academic reports, there are anecdotal references to consequences meted out on those who have upset China in some way. Several interview subjects interviewed also had anecdotal accounts of a consequence being exacted. Twelve Chinese Canadian interview subjects said there is an expectation amongst many Chinese Canadians that China can and sometimes does exact consequences, at least on economic interests or extended family well-being, and has a way of determining how a vote is cast (see paragraph 109 and footnote 55). These accounts cannot be verified, but the expectation is widespread amongst the Chinese Canadian the OCCE has interviewed. Several interview subjects have expressed caution about returning to China, themselves, or caution on the part of friends. One (1) used the example noted earlier concerning Richard Lee, the B.C. legislator, which is a confirmed account. One (1) other told a story about someone whose mother returned to China and never came back to Canada, an unconfirmed account.

119. Jenny Kwan, a MP (NDP), [REDACTED] [*concerning interview subject availability*] suggested they meet with her campaign manager. On August 10, 2023, following a meeting with the campaign manager, MP Kwan provided an email to OCCE investigators wherein she alleged that a lunch provided by a Canadian Chinese citizen during



the 44th GE election period was foreign interference.<sup>56</sup> Further, she also reported that in January 2023 she was attempting to repeat a longstanding practice in her riding to engage with seniors residing in buildings in her riding for celebrations of the Lunar New Year. This was something she has done for years, both as a member of the provincial legislature and as a Member of Parliament. In January 2023, a building's caretaker informed her staff that, due to specific instructions from the society's top leadership, he could not arrange a time for her to visit the residents in a social housing project managed by the Chinese Freemasons.<sup>57</sup> Prior to the Covid pandemic, MP Kwan had the opportunity to meet and greet the project's residents every year during the Lunar New Year celebrations. According to MP Kwan, the caretaker "*hinted*" that this change was due to her outspoken views on China-related issues.

### **The Place of Associations in the Chinese Diaspora**

120. Many interview subjects informed us that within the Chinese community there are a significant number of Chinese Canadian associations, often organized in fraternal, geographical, business and/or academic affiliations, sometimes with multiple names and each with ties to specific areas of China (such as the Shanghai Friendship Association etc.). We are also aware of a number of media articles focusing on the role of Chinese Canadian associations and certain of their principals, their number and reach, which is accessible via OSINT research.

121. The Globe and Mail in an article published on April 7, 2023, reported a recording of a 2020 conversation in its possession involving Wang Yan, then the CCSA executive president, saying "*If you want to be the chairperson, you must not be a person with a Red Notice, or a supporter of Falun Gong of Taiwan or Hong Kong independence*". She added "*if we want to reach the chairman level, we must go through a political review...We have to provide things to the*

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<sup>56</sup> An administrative monetary penalty was imposed by the Office of the Commissioner of Canada Elections for failure to report a non-monetary contribution, "Summary of Notice of Violation", (date modified 20 June 2024), online: <<https://www.ccf-cce.ca/content.asp?section=amp&dir=pub&document=mar0524-cr&lang=e>>.

<sup>57</sup> Under the Act, denying a candidate access to such a building during an election period (i.e., campaign) can be a contravention under the Act, but 2023 was outside an election period, Ms. Kwan was a sitting Member of Parliament, not a "candidate", and a campaign was not in progress.

*Chinese consulate – everything must go through this political review process.”*<sup>58</sup> In effect, it was reported to the investigators by an interviewee that, to reach a significant leadership position on one of the leading associations, one must be approved by the consulate.

122. A number of interview subjects reported that the leaders of these associations are respected in the community, seen as leadership figures, enjoy a close relationship with the Consul General and that at least some of the associations may be supported or sponsored in part by the UFWD, as indicated, according to several interview subjects, on the respective association’s webpage. This is reflected in OSINT research results.

123. Eight (8) interview subjects and the Globe and Mail article of April 7, 2023, referred to at paragraph 121 above, have also said the associations are used by the Consul General to transmit messages to the community either directly or indirectly. In recent years, the leadership of at least the major associations is vetted by the local consulate to ensure consistency of China’s messaging is adhered to, and the proximity between associations, their leaders and the Chinese consulate is plainly evident in OSINT research.

124. Several interview subjects, including [REDACTED] [*interview subject(s) with connectivity to electoral campaign(s)*] have spoken to investigators of the importance and broad reach of associations in the Chinese Canadian community. At the very least, the associations serve to encourage and maintain a link between Chinese Canadians and China and their native language. One interview subject recalled attending an event with his family where he described the message as “*come back & get to know to your Motherland*”, and that there was a clear message to invest in or to do “*good things*” for China. The event included “*more door prizes than attendees*”. Another interview subject reported that during the 44th GE some association events were named in such a way as to enhance Chinese culture, but the purpose was to stop what he called the “foreign

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<sup>58</sup> Nathan Vanderklippe, “Potential leaders of influential B.C. groups undergo Chinese ‘political review,’ recording reveals”, *The Globe and Mail* (7 April 2023), online: <<https://www.theglobeandmail.com/politics/article-potential-leaders-of-influential-bc-groups-undergo-chinese-political/>>.

registry act”. Interview subjects and OSINT also described or showed frequent banquets as commonplace. Many examples are easily accessible online, including the one featuring [REDACTED] [REDACTED] *[named association and its executive officer]* referred to in footnote 50 above.

125. Five (5) interview subjects identified [REDACTED] *[named associations]* as key associations with strong ties to the Consul General. One interview subject called these the Commanding Organizations. Two interview subjects said that, in at least some of the organizations, new directors have to commit a certain amount of money in return for their position “*a price for every position*” and so, in a sense, associations are self-financing. OSINT research identified that [REDACTED] *[named associations]* between them claim up to 390 associated member organizations. The leaders of the primary associations were reported by three (3) interview subjects and are seen in some digital evidence and OSINT research as attending conferences in China from time to time with a stated purpose of coordinating efforts of overseas Chinese associations with the motherland, and the Vancouver consulate has a vice-counsel for overseas Chinese whose role it is to liaise with entities within the GVA. Some association officers attend conferences in China also attended by President Xi Jinping. Such activity is both self-reported by associations online and is evident in the USB material identified above as exhibit 3, beginning at paragraph 96.

### **Role of the Chinese Language Media**

126. [REDACTED]  
[REDACTED]  
[REDACTED] *[named interviewee and identifiers]*. He explained to investigators that during the 44th GE period he observed a bias by the Chinese language newspapers against the CPC and Chiu. He also explained that Ming Tao and Today Commercial News are owned by pro-Beijing supporters, and their editorial material

and opinions are increasingly sourced from Hong Kong, which is now under strict PRC rule.<sup>59</sup> Sing Tao is owned in part by TorStar and was less one-sided in its coverage. [REDACTED] a [named interviewee and identifier] basic principle of the CCP was to intimidate “hostile voices” in the diaspora community by manipulating information and, recently, spreading “the anti-Asian hate campaign” and hiding their involvement from “mainstream society” by ensuring communications were in Chinese.<sup>60</sup>

127. Interview subject [REDACTED]  
[REDACTED]  
[named interviewee and identifier]. He further stated that, for the past few years [REDACTED]  
[REDACTED] [identifier of interviewee]. He explained that during the 2021 GE [REDACTED]  
[REDACTED]  
[REDACTED] [Chinese language radio station commentators in the GVA were endorsing LPC candidates]. If correct this does not constitute a contravention of the Act.

128. Finally, as discussed below, several interview subjects reported there has been a significant addition to and ownership of Chinese language online media with the ability to focus on specific issues of interest to the Chinese diaspora in the GVA, including political campaigns as they maintain control over the language in which it is communicated.

### Other

129. Several interview subjects, when asked about foreign interference or funding, said we would never find “a smoking gun” as the interference process would be layered through multiple entities, such as the various associations and individuals linked to the consulate. In almost all

<sup>59</sup> See Appendix H for more on Today Commercial News as an example of what appears to be PRC media control.

<sup>60</sup> [REDACTED] Identifier of interview subject

cases, any financial transaction, for example, would be in the form of favourable business considerations either in Canada or China, as compared to a traceable lump sum payment, and thus any reward would be both geographically and temporally distant from the deed.

130. During our review we also consulted the work of independent researchers who conducted significant OSINT research of their own and have come to understand some aspects of how the Chinese government seeks to influence the Chinese Canadian diaspora to act in accordance with China's interests. Of note, are [REDACTED]  
[REDACTED]  
[REDACTED] *[Named interview subjects and their functions]*. All share a common interest in and knowledge of the GVA Chinese Canadian community. They independently spoke of associations and individuals who are associated to associations, some of whom we had already encountered from other interview subjects or OSINT research. Their media and research interests are broader than ours, as our review is limited by the reach of our jurisdiction under the Act, but their information can be considered in context.

131. [REDACTED]  
*[named interview subject and identifier]* created a flowchart as a guide for our interview, which can be seen at Appendix G. [REDACTED] *[pronoun]* chart identifies, in [REDACTED] *[pronoun]* judgement, interconnected relationships and entities in respect of possible electoral interference. Some entities and individuals identified in [REDACTED] *[named interview subject]* chart had been identified to us by interview subjects and OSINT research, however [REDACTED] *[pronoun]* chart includes more entities, individuals and interconnectivities. [REDACTED] *[named interview subject]* does, however, extend involved individuals into their other interests and connections, yet unconnected to elections and not under consideration for FI.

132. [REDACTED] *[name of interview subject]* is not able to provide specific evidence of foreign interference in respect of the 2021 GE. But [REDACTED] *[pronoun]* does say that [REDACTED] *[pronoun]* thinks [REDACTED] *[pronoun]* flowchart reflects how this is happening through pervasive PRC endeavours in the GVA

community. For example, near the middle of [redacted] [pronoun] chart [redacted] [pronoun] places [redacted] [named association] referred to earlier in this report. The investigators received information indicating that the [redacted] [named association] might possibly have acted as an unregistered third party in the GVA while posing as a group simply encouraging new Chinese Canadians to vote. In fact, we are aware that [redacted] [named associations] all had similar ostensibly non-partisan voter outreach programs. Conflicting information concerning [redacted] [named association] was gleaned from interview subjects and OSINT research in respect to partisanship and potential costs. As noted in paragraphs 103 and 104 above, we found one instance of a potential partisan act by [redacted] [named association] but other acts identified were of a non-partisan nature. Following this review, there was insufficient information to reasonably suspect [redacted] [named association] was acting as an unregistered third party under the Act since there was no evidence or insufficient evidence of partisan activity, despite the views of some interview subjects. Interview subjects stated that [redacted] [named association] overall significance, however, is in its founding members as examples of how leaders in the Chinese Canadian community align with PRC interests and are involved in a multiplicity of efforts.

133. One area of connection between [redacted] [name of interview subject] chart and our review of the 2021 GE is the theme of anti-racism activity and the election period and those active in the period. Anti-Chinese racism is a recurring theme in Chinese Canadian election period commentary in the digital evidence provide to us separately by [redacted] [interview subject(s) with connectivity to electoral campaign(s)] and an interview subject, through OSINT and in the responses received from [redacted] [interview subject(s) with connectivity to electoral campaign(s)], according to a number of our Chinese Canadian interview subject. Chiu, for example is repeatedly denounced as an Anti-Chinese racist for criticizing China's actions concerning Hong Kong, Uyghurs and his Bill C-282, and the fact that China had "sanctioned" him. This message was repeatedly broadcast or published during the 44th GE. In effect, taking positions in opposition to those taken by China resulted in Chiu being denounced as an Anti-Chinese racist.

134. ■ [named interview subject] identified the Chinese language media article published on June 1, 2020, in China News Service's, which investigators later discovered through OSINT (see footnote #13 above). It is a report of an interview with Tong Xiaoling, then Consul General of China's Vancouver consulate, in which her message to the Chinese Canadian community was that local Chinese need to be prepared for danger as they will always be the targets of hate crimes in Canada and the United-States, and that anti-Chinese racial discrimination and hatred was on the rise. She said that this was especially so where the diaspora is concentrated, and "*the Chinese are often the first to be affected*". Consequently, the local Chinese community must always be on guard and "*dare to use legal means to defend themselves*." ■ [named interview subject] is of the belief that anti-Chinese racism was used, exaggerated and distorted in the lead up to, during and after the 2021 GE to create a fear in the diaspora that ethnic Chinese are prime targets for racism now and into the future.<sup>61</sup> It is an example, ■ [named interview subject] says, of a Chinese tactic to pick out a benign or even a very good cause and twist it to fit their purpose. ■ [named interview subject] stated that no one can oppose anti-racism initiatives, but these can be distorted in effect. ■ [named interview subject] notes that the underlying message is that only a strong motherland will give the diaspora protection. Further, the consulate can convey this message because over the past years they have created an information world in which they control virtually all GVA Chinese language media effectively creating a language firewall.

135. The anti-Chiu messaging, as reported earlier in this report, that he is anti-Chinese, is only one element of amplifying anti-Chinese racism. To pick just a few boxes in ■ [named interview subject] flowchart - at least two (2) of the people involved with the ■ [named association] founding – ■ [named individuals] – were also involved with the ■ [named association]. One (1) interview subject who acted as a WhatsApp and WeChat influencer, who was identified earlier in the reports as influencer A, attended ■ [named association]

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<sup>61</sup> ■ [named interview subject] did not relate this exclusively to the election's context, but rather in the context of isolating the diaspora generally.

demonstrations, saying he was concerned with rising anti-Asian hate, as an explanation for his motivation to oppose CPC policies and candidates. In May 2021 influencer A was also the digital videographer of one individual making racist statements to [redacted] [named association].

136. In [redacted] [named interview subject] chart, [redacted] [redacted] [named associations and an entity]. All have a link to matters raised in our review. [redacted] [named individuals], two (2) of the founders of [redacted] [named association] also did election period broadcasting through [redacted] [named entity] and are tied in with [redacted] [named association] as well as other entities as founders. [redacted] [named individuals] have now (2023) evolved into further activities that are described as anti-Asian racism awareness, reminding people of the victimization of Chinese Canadians in the past (Chinese Exclusion Act of 1923) and potentially future (via a potential foreign agent registry act). The [redacted] [named association], as demonstrated in the Digital Evidence Exhibit 3, beginning at paragraph 96 above, ran a voter outreach program for the 2021 GE while three (3) months later its president, [redacted] [named individual], represented Chinese Canadians at the “Sixth Plenary Session of the Nineteenth Central Committee of the Communist Party of China” and [redacted] [named individual] was quoted in an article provided to us by an interview subject as part of the material identified above as exhibit 3 “*The overseas Chinese are determined to listen to the party, appreciate the party’s favor, and follow the party.*” According to [redacted] [named interview subject], as well as OCCE OSINT queries, this linking only scratches the surface of the interconnections between some Chinese Canadian and elements of the government of China or the Chinese Communist Party.

137. [redacted] [named interview subjects and identifier] referred to in paragraph 130 above, make a case that over the past years the growth of Chinese Canadian media has the effect of excluding mainstream media to the outer edge of Chinese Canadian political events, effectively closing off what is said in Chinese from the English



language media. As an example, [redacted] *[named interview subject]* flowchart tracks this expansion showing Chinese control over [redacted] *[named entities]*, a PRC state owned enterprise. [redacted] *[named entity]* was used in the 2021 GE to broadcast election coverage, including [redacted] *[named association]* selected candidate interviews hosted by [redacted] *[named individual]*. As well, [redacted] *[named entities and an association]*. Foody World is owned in turn by Wei Chengyi, who was reported in a Global News report published on November 16, 2022, and subsequent stories, based on an alleged leak of classified information, as a conduit for Toronto Chinese Consulate funds potentially for use during in the 2019 GE.<sup>62</sup> Meanwhile, as reported by [redacted] *[named interview subject]*, the World Association of Chinese Mass Media (WACMM), controlled by the CCP, is associated with [redacted] *[named radio station, production and host]* and whose deputy director sits on the board of WACMM.

138. [redacted] *[named interview subject]* says that in some cases individuals will obstruct their view, even by opening umbrellas. In most cases local politicians present as invited guests tolerate this conduct.

139. [redacted] *[named interview subject]* notes that often what a Chinese business or organization puts on their website in Chinese is often different, sometimes significantly so, than what is included in the English content. [redacted] *[named interview subjects]* argue, in essence, that China is encouraging and facilitating the creation of a parallel society of ethnic Chinese in Canada, looking inwards rather than outwards, and that language is a primary component of bringing this about.

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<sup>62</sup> Global News, “Toronto businessman allegedly focus of Chinese interference probes: sources” (16 November 2022), online: <<https://globalnews.ca/news/9280974/china-interference-canada-election-investigation-toronto-businessman>>.

140. Neither [REDACTED] [named interview subjects] provided a concrete example of how a foreign individual or entity or someone working on their behalf directs Chinese Canadian electors. Like a number of Chinese Canadian interview subjects, they say that direction comes from the example of influential individuals such as association leaders, as well as the constant media and social media campaign evident in the accounts given above. None of the interviewees during the course of this review provided us with any direct evidence and no electors were identified who could provide such evidence.

141. In respect of the present review, neither the anti-CPC/Chiu social media and media campaigns nor an influential Chinese Canadian community individual supporting or opposing a particular candidate or party platform is evidence of “*undue influence*” as understood in the Act. In fact, this would turn the concept of a political campaign on its head, as by definition a campaign aims to influence electors, including by significant partisan endorsements. Further, undue influence by foreigners at s. 282.4 of the Act requires evidence that a foreign entity, or a person acting on their behalf, knowingly incurs an expense to directly promote or oppose a candidate, a registered party, or the leader of a party, or committed an offence under an Act of Parliament or of the legislature of a province or under a regulation made in respect of an Act of Parliament or of a legislature of a province. A number of interview subjects speculated that any election related expense could have been paid in China, not in Canada, and consequentially almost impossible to trace.

## V ANALYSIS

142. A timeline of significant events in relation to the issue of FI is provided as Appendix I. A summary analytical table relating offences considered, certain of their elements and information obtained is provided as Appendix J.

143. Of the 36 subjects of the 43 interviews conducted between March and October 2023, 21 were identified as Chinese Canadians. While most were responsive to questions, investigators

concluded some interview subjects limited their response to some questions. As a result of the interviews, the written and digital materials obtained and the result of OSINT research, the following matters are assessed as particularly relevant:

- i. The CPC electoral platform for the 44th GE was viewed by many in the Chinese diaspora as being anti-China and anti-Chinese and raised or increased the specter of racism directed at Chinese Canadians;
- ii. Candidate Kenny Chiu was viewed by some Chinese Canadian interview subjects as not being respondent to his community as an MP, and several questioned his support for his constituency when he attended municipal elections in Hong Kong as an international observer;
- iii. [REDACTED]  
[REDACTED]  
[REDACTED] *[Interview subject with connectivity to electoral campaign relating that Chiu had 3 strikes against him going into the 44<sup>th</sup> GE campaign; being an observer at the municipal elections in Hong Kong, supporting CPC Motion M-82 and his Private Member's Bill C-282].*
- iv. Although without evidence to offer in support, some interview subjects stated that they believe direction was given to influence Chinese Canadian electors by persons in authority in the Chinese Canadian community, variously described as leaders of associations, people associated with the Chinese Consulate in Vancouver, and people associated with the UFWD;
- v. In this regard, there is also the Globe and Mail article published on February 17, 2022, reporting it viewed classified information stating Tong Xiaoling, the PRC Vancouver Consul-General during the 2021 GE “*wanted the Liberal Party to win*” and discussed the election defeat of Kenny Chiu, a “*vocal distractor*”. The article quoted Tong as saying this proved “*their*

*strategy and tactics were good and contributed to achieving their goals while still adhering to the local political customs in a clever way”;*

- vi. The Globe article is information concerning alleged events and statements from a credible media source, but is not evidence of its content;
- vii. Some interview subjects did cite evidence of direction from China or Chinese entities in the nature of articles from the Global Times (a Chinese Communist Party publication), very critical of the CPC, its platform and its leader Erin O’Toole and of Kenny Chiu;
- viii. In his interview in the Hill Times published on August 30, 2021, Cong Peiwu, China’s ambassador to Canada, did not mention any political party or personality, however his comments were reported in media articles as a warning of China’s dislike of CPC proposed policies;
- ix. Many interview subjects, including [REDACTED] *[named interview subject and identifier]* experienced in the GVA Chinese media, noted that during the campaign period the Chinese language radio station commentaries were slanted against Kenny Chiu and the CPC. Further, that [REDACTED] *[named interview subjects]* reported that both print media and radio stations were primarily owned by China or Chinese entities;
- x. Many Chinese Canadian interview subjects acknowledged the pervasive social media campaign on WeChat and WhatsApp directed against the CPC and Kenny Chiu, and which primarily encouraged electors to cast their ballot for Liberal candidates;
- xi. Some Chinese Canadian interview subjects reported that signals could be or were given by leaders of key associations as to whom the community should support, or avoid, citing the example of one leader [REDACTED] *[named executive officer and association]* who showed a marked municipal ballot in a municipal election;

xii. Many Chinese Canadian interview subjects who were campaign volunteers and all four (4) of the CPC candidates interviewed reported that one or more of their Chinese Canadian electors personally expressed fear of being seen as CPC supporters when visited by campaign volunteers, as documented above in this report. Although the fear described has not been confirmed with electors themselves, and although the fear, on its face, does not rise to the level of intimidation or duress required at s. 282.8 of the Act, the reaction as described by a number of campaign volunteers seems to have been real;

xiii. Many Chinese Canadian and other interview subjects reported there are a high number of associations within the Chinese Canadian community, always linked to a companion association in China, and organized to link with one of three (3) large associations in the GVA, namely [REDACTED] *[named associations]*. Several interview subjects state that the directors of the large associations enjoy a close relationship with Chinese Consular officials, the Consul General, UFWD personnel and have in some cases travelled to China to participate in meetings at the presidential level in China. Some interview subjects have said that the leaders of the associations are leveraged as messengers for the Consul General;

xiv. One interview subject identified [REDACTED] *[named executive officer and association]* at a post-election Chinese Canadian banquet saying “we” defeated Kenny Chiu in the subject’s presence. Although this has not been corroborated, we do have video of the interview subject and the [REDACTED] *[named association]* officer sitting at the same table at a banquet on [REDACTED] *[date of banquet]*;

xv. The video confirms that the two (2) were seated together at a banquet but does not confirm the speech as described by the interview subject. However, if stated by [REDACTED], *[named executive officer]* the video appears to show that the interview subject would have been sufficiently close to have overheard same. This officer did not return a request through the association for an

interview and [REDACTED] [place of residence] was inaccessible when an attempt was made to contact him directly.

144. A consistent issue through this anti-CPC and anti-Chiu election period messaging was the need for the Chinese Canadian diaspora to be aware of and fight against Anti-Chinese racism and discrimination, initially raised in a 2020 interview given by Tong Xiaoling, Vancouver Consul General who said Chinese were always the first victims of racism. Some Chinese Canadian interview subjects and the digital record show the CPC and Chiu were accused of being Anti-Chinese and that bill C-282 was an example, in both the social media campaign and radio commentary.

145. Based on interview subject accounts and incorporation documentation, we noted that during the 2021 election period the involvement of newly formed associations, namely the [REDACTED] [named association] intended to promote voting amongst Chinese Canadians, and the [REDACTED] [named association] intended to support Anti-Asian discrimination issues, were founded by the same individuals. Some individuals wearing [REDACTED] [named association and identifier] and carrying [REDACTED] [named association] signage were present for what appears to be a small rally at which Parm Bains, the LPC candidate, in Steveston-Richmond East had been invited to attend and speak. One individual, [REDACTED] [named individual, association and identifier], appears in photos and video holding a Parm Bains LPC sign. Standing immediately beside [REDACTED] [named individuals, association and identifier] without a sign. [REDACTED] [named individual] is reported to be a United Front activist. Investigators are not aware of any association between [REDACTED] [named individuals and association] other than this incident. The LPC candidate Parm Bains made a short address on the topic of discrimination and racism, captured on video.

146. [REDACTED] [named interview subjects and identifier] both believe the use of anti-Chinese racism was deliberately amplified to rally the diaspora to

China as their only protector. A number of [REDACTED] [*interview subject(s) with connectivity to electoral campaign(s)*] also noted the issue of racism in the constant social media messaging during the campaign period. Further, that this theme has carried on and grown into 2023 through several activities including the 100<sup>th</sup> anniversary of the *Chinese Exclusion Act* (repealed on May 14, 1947) and a continuing effort for Canada to recognize the Nanjing massacre of Chinese by the Japanese army in 1937.

## VI FINDINGS AND CONCLUSION

147. We found:

- i. Evidence of strong partisan viewpoints during the campaign for the 44th GE in which the CPC platform and CPC speaking points took a position against Chinese influence in Canada and the world.
- ii. Evidence of extensive political commentary, including what investigators believe to be elements of strong partisan viewpoints as to the effect of CPC proposed policy and actions, and against Kenny Chiu personally, in social media chat groups, online media, Chinese language radio and television and from Chinese Canadian commentators, but nothing OCCE investigators have seen exceeds strong partisan viewpoints. It should be noted that section 282.4(3)(c) of the Act clarifies that the prohibition does not apply to media activities.
- iii. Of note, however, subsection. 282.4(3) of the Act clarifies that the prohibition on undue foreign influence does not apply to an activity of a foreign person or entity identified under subsection 282.4(1) that is intended to influence electors' choice if the only thing the foreign entity does is: (i) express an opinion as to the desired outcome of the election, (ii) seek to encourage electors to vote or not vote or to refrain from voting for a candidate or party, or (iii) transmit to the public, through broadcast, electronic or print media, variety of political commentary in an attempt to influence electors, regardless of incurred expenses, provided the message is not transmitted using a broadcasting station located outside Canada. This applies to all individuals and groups, including Canadian and foreign media outlets.

148. Information gathered indicates that impetus and direction was given by PRC officials for the anti-CPC campaign, examples being:



- i. Consul General’s interview (in Chinese) held on June 1, 2020, describing Anti-Asian racism as being especially aimed at Chinese and that Chinese are the first to be targeted;
- ii. The Chinese Ambassador’s interview for the Hill Time, published on August 30, 2021;
- iii. a Global Times article published on September 9, 2021; and
- iv. a Today Commercial News article published on September 9, 2021.

149. The overall campaign was carried out and amplified via a multi-pronged and layered approach using Chinese Canadian association individuals, Chinese Canadian business interests as well as the pervasive social media and printed, digital and broadcast media messaging.

150. The themes of the anti-CPC and anti-Chiu response was the need to combat anti-Chinese racism, that Chiu was an anti-Chinese racist as exhibited by his support for Uyghurs, pro-democracy Hong Kong demonstrators and bill C-282 (racism often being equated with being opposed to the PRC), and that the CPC election platform was anti-China.

151. Interview subjects spoke frequently of “*fear*” experienced by Chinese Canadian electors, but no evidence of intimidation as provided at paragraph 282.8(a) of the Act was found.<sup>63</sup> No victims were identified.

152. Many Chinese Canadian interview subjects described electors having an anticipatory “*fear*” for family or economic well-being based on how the Chinese Communist Party works in China, but they consistently refused to name electors as interview subjects to support this. Although no Chinese Canadian interview subject themselves expressed a fear to vote for their candidate

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<sup>63</sup> *Canada Elections Act*, SC 2000, c 9, s. 282.8(a): “no person shall by intimidation or duress, compel or attempt to compel a person to vote or refrain from voting, to vote or refrain from voting for a particular candidate or registered party, at an election.”

of choice, they recognized the need for caution around China and said they had themselves either taken steps to cut ties with family still in China, or that their families were all in Canada.<sup>64</sup>

153. All four (4) CPC candidates interviewed claim to have been taken aside by one or more former supporters to tell them why they could not support them, but each candidate refused to name these supporters as potential interview subjects.

154. Many interview subjects described aspects of how the Chinese Canadian community works in the GVA, one going so far as to create a flowchart that is consistent with what others say, and how the community's insular nature is exaggerated by language limitations, fear of anti-Chinese racism, near universal reliance on Chinese language media, and directed by a multitude of Chinese Canadian associations and Consulate officials to adopt pro-China positions and politicians.

155. During this period, investigators also consulted reports prepared by academia and public interest groups on the topic of alleged FI into the 2021 General Election.<sup>65</sup>

156. Foreign ownership or control of Canadian broadcasting media may be in contravention of applicable Canadian statutory and regulatory requirements. Consideration will be made for a recommendation to disclose to the CRTC as appropriate.

157. Although the information received during this review leads to a suspicion that attempts to influence the Chinese Canadian diaspora existed, at no time did investigators gather evidence

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<sup>64</sup> One interview subject, [REDACTED]

[REDACTED] [named interview subjects and identifier] said he cannot go back to China because of his political involvement in Canada.

<sup>65</sup> Although many reports were reviewed, we found the following particularly useful: (i) Digital Forensic Laboratories "China linked WeChat accounts spread disinformation in advance of the 2021 Canadian election", (ii) Alliance Canada Hong Kong – "In Plain Sight, Beijing's unrestricted network of foreign influence Canada"; Media Ecosystem Observatory – "Mis and Disinformation During the 2021 Canadian Federal Election".

to support any of the elements of undue foreign influence or other contraventions as defined by the Act. In particular:

158. The review found no evidence to support the elements constituting the contravention of undue foreign influence **as defined at section 282.4 of the Act**, that is, no foreign person or entity knowingly incurring any expense to directly promote or oppose a candidate in that election, a registered party or the leader of the registered party and / or one of the things done by the foreign person or entity to influence the elector was an offence under an Act of Parliament or under an Act of a legislature of a province. However, we are satisfied that foreign influence was exercised in the Chinese Canadian community in the GVA.

159. The review found no evidence to support the elements constituting the contravention of intimidation or duress **as defined at section 282.8 of the Act**, that is, by intimidation or duress compel or attempt to compel a person to vote or refrain from voting to voter or refrain from voting for a particular candidate or registered party at an election.

160. The review found insufficient evidence to support the elements constituting the contravention of an unregistered domestic third party **as defined at section 353 of the Act**, that is, by failing to register as a third party immediately after having incurred \$500 in aggregate expenses for any of partisan activity, election advertising or election surveys.

161. The review found no evidence to support the elements constituting the contravention of use of foreign funds by a third party, **as are defined at sections 349.02 and 351.1 of the Act**, that is, by, as a third party using foreign funds for partisan activity, election advertising or election surveys; or by doing so during an election period.

162. The review found no evidence to support the elements constituting the contravention of a false statement **as defined at section 91 of the Act**, that is, by making a false statement concerning a candidate, prospective candidate, leader of a political party or a public figure

associated with a political party to affect election results during an election period in respect of having committed, or been charged with or under investigation for an offence under an Act of Parliament or under an Act of a legislature of a province, or about their citizenship, place of birth, education, professional qualifications or membership in a group or association;

163. Kenny Chiu, a direct target of social media and Chinese language print, radio and television media criticism, was defeated in an ED with a majority ethnic Chinese voter population, as was Alice Wong in the neighbouring ED of Richmond Centre. However, the review found no evidence that the overall 44th GE was compromised by activities undertaken contrary to the Act.

## ADDENDUM

164. This report was completed on February 15, 2024, representing the findings of OCCE investigators to that date, but held open pending responses from CSIS and the RCMP for deconfliction and whether stakeholders had additional information. The last response was received on May 5, 2024. Both agencies ultimately indicated our findings were consistent with their own understanding of the situation.

165. On September 7, 2023, the Government of Canada established a Public Inquiry into Foreign Interference (PIFI) under Madam Justice Hogue, which, amongst other matters, is to *examine and assess interference by China, Russia and other foreign states or non-state actors*<sup>66</sup> respecting the 43rd and 44th GEs.

166. Between March 27 and April 12, 2024, PIFI held “*Factual Phase Hearings*”, receiving testimony from 61 witnesses. Witnesses included government officials involved in the election security architecture, including SITE participants (CSE, CSIS, RCMP and GAC) and the Panel. Witnesses<sup>66</sup> also included representatives of diaspora groups, political parties and a limited number of political actors allegedly touched by foreign interference. The political actors included former MPs Kenny Chiu and Erin O’Toole, and present MPs Jenny Kwan and Han Dong. The OCCE has existing files relating to each of these individuals, with this present review relating directly to Kenny Chiu and Erin O’Toole (in his capacity as leader of the CPC) in respect of Steveston-Richmond East and neighbouring ridings. From our review of the public documents and interviews, it appears there was no other first-hand direct evidence before PIFI of additional allegations of contraventions under the *Canada Elections Act*, although according to the transcript of Ms. Kwan testimony, she testified to her perception of being excluded from many Chinese diaspora activities in the GVA by what she describes as the hold the PRC

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<sup>66</sup> Public Inquiry into Foreign Interference into Federal Electoral Processes and Democratic Institutions “Public Hearings”, and “Documents” (last visited 23 July 2024), online: <<https://foreigninterferencecommission.ca>>.

consulate has over the community.<sup>67</sup> One example of apparent exclusion provided by Ms. Kwan was included in this report at paragraph 119. As well, diaspora witnesses testified to the nature, extent and consequences of actions taken against them or their relatives by foreign entities or their representatives.

167. Following the conclusion of the “*Factual Phase Hearings*”, OCCE investigators conducted a review of public testimony given and of documentary evidence made available to the public by PIFI.<sup>68</sup> This review was undertaken with a view to determine whether new investigative leads had been identified.

168. Mehmet Tohti, now a Uyghur Canadian, but formerly a Chinese citizen, testified as to how Chinese Canadians remain subject to repercussions by the PRC. He described a long-standing PRC campaign against Uyghurs in China and how that has included PRC harassing actions against Uyghur Canadians in Canada and elsewhere. This is significant as he provides examples of transnational repression (TNR)<sup>69</sup>, which, although carried out for non-electoral purposes respecting Mr. Tohti, are consistent with the beliefs expressed by interview subjects met by OCCE investigators when explaining the fear expressed by Chinese Canadian electors.

169. Mr. Tohti described his decades long experience, which he says has been about PRC threats and the hijacking of family members to compel behaviour in Canada. As an example, he cited a travel ban preventing or interfering with Uyghur Canadians wishing to travel internationally to China compliant countries in the Middle East or Central Asia, some even experiencing

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<sup>67</sup> This report excludes many references to the subject of FI in various CSIS notes, usually redacted so as to conceal both the identity of the subjects and the nature of any relevant evidence and which is not direct evidence.

<sup>68</sup> Investigators do not have access to “in camera” interviews or other documents provided to the Inquiry that have not been released to the public.

<sup>69</sup> The Honourable Marie-Josée Hogue, “Public Inquiry into Foreign Interference in Federal Electoral Processes and Democratic Institutions”, *Public Inquiry Into Foreign Interference in Federal Electoral Processes and Democratic Institutions* (3 May 2024), online:

<[https://foreigninterferencecommission.ca/fileadmin/user\\_upload/Foreign\\_Interference\\_Commission\\_-\\_Initial\\_Report\\_May\\_2024\\_-\\_Digital.pdf](https://foreigninterferencecommission.ca/fileadmin/user_upload/Foreign_Interference_Commission_-_Initial_Report_May_2024_-_Digital.pdf)>. In her initial report, Justice Hogue does not define TNR but at p. 71 says “(p)eople in Canada who are targets of repression by foreign regimes” are victims of transnational repression.

detention once there. It also includes the misuse of Interpol red notices<sup>70</sup>, different rules for travel to China for Uyghur Canadians than for other Canadians, Uyghur Canadian protesters demonstrating in Canada being harassed and assaulted by consular staff and a 20-year PRC refusal to allow a daughter in China to visit her father in Canada, despite Government of Canada attempts to arrange for a visit. Mr. Tohti described receiving a phone call in Canada from Chinese police in Hong Kong forcing a family member to speak, telling him of the death of his mother and two sisters just a week before a parliamentary motion on a Uyghur issue.<sup>71</sup> He described surveillance by (or of) Chinese in Canada. Mr. Tohti concludes that these examples all send a message to Mr. Tohti and others that there is a cost to his pro-Uyghur advocacy.

170. Mr. Tohti provided further examples. While he may be considered unique in that he is ethnically a Uyghur, an ethnicity undergoing a reported distinct repression inside China, nevertheless, the examples of actions he reports as taken against him in Canada by the PRC could easily be taken against other Chinese Canadians. Based on the information the OCCE received during interviews it conducted there is a general belief amongst the Chinese Canadian diaspora that such actions could be taken against them. The OCCE interview subjects did not provide first-hand or direct accounts of what would be TNR, as did Mr. Tohti, but they repeatedly said that many Chinese Canadian electors believed the PRC could and would take actions to interfere with or endanger travel and family reunification or interfere with Canada/China business issues if sufficiently irritated by a particular behaviour. OCCE interview subjects believed that some potential electors, especially recent immigrants from Mainland China, know this is always a possibility. Conversely, China could reward compliant behaviour. As reported above, OCCE interview subjects said they governed their own actions and comments in anticipation of possible PRC reactions and either did not act or only acted contrary to China's interests, such as supporting Kenny Chiu, because they had been decades in Canada and with close family all resident in Canada. In other words, as reported above, Chinese

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<sup>70</sup> An Interpol red notice is a worldwide Interpol notice to law enforcement to locate and provisionally arrest a person pending extradition.

<sup>71</sup> Mr. Tohti confirmed the death of his mother through a third party but has no details of her passing or of his sisters.

Canadian interview subjects met by the OCCE expressed an expectation that China could and, if motivated, would seek to influence members of the Chinese diaspora in Canada in a manner not far different from that personally experienced by Mr. Tohti.

171. As well, Walied Soliman, Erin O'Toole, Kenny Chiu, Jenny Kwan and Han Dong provided direct testimony and, with the exception of Walied Soliman and Han Dong, also provided documentation consistent with the account set out in this report.<sup>72</sup> Following testimony tendered at Phase 1 of the Public Inquiry, no new specific examples of possible electoral FI were identified by the Commission.

172. The Commission also collected over 900 documents. Some documents had portions redacted, such as those from the SITE members. Perhaps the most relevant set of documents in relation to the matter being reviewed in 2022-0925 is the G7 Rapid Response Mechanism (RRM) contribution, with RRM coming under GAC's place on SITE. RRM was established following the 2018 G7 Summit at Charlevoix, Quebec., and is led by Canada. RRM monitors the digital information environment for foreign state-sponsored disinformation, including during federal election periods, as well as monitoring the spread and amplification of online disinformation from state and affiliated media, influencers and proxies. During the 44th GE, RRM provided daily situation reports (SITREP) for SITE for inclusion in the overall SITE SITREP going to the Panel for consideration. These daily SITE and RRM SITREPs were not provided to the OCCE during the 44th GE as the design of SITE information flow did not include the OCCE but are now available as PIFI exhibits.<sup>73</sup> The extensive SITE Panel testimony before PIFI and the SITE related documentary evidence provides a detailed and day by day account of activity being reported to the SITE and Panel participants as the GE progressed. Such information would have been relevant to the OCCE's mandate at the time.

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<sup>72</sup> Han Dong's nomination process is the subject of a separate OCCE file.

<sup>73</sup> The RRM daily reports were not available to the OCCE during the 44th GE. This was due to an administrative oversight at the time, yet, as noted, the design of the SITE information flow does not include the OCCE.



173. Our OSINT inquiries located PRC owned media (Global Times) commenting on the election. As noted in this report, similar comments were also found in Canada based Chinese language media and on Chinese language social media, as early as the August 30, 2021, interview of PRC ambassador Cong Peiwu with The Hill Times. This increased from September 8, 2021, onwards, with PRC Global Times articles and the Today Commercial News (TCN) article concerning Kenny Chiu, published on September 8, 2021, and September 9, 2021.

174. A RRM briefing document dated October 8, 2021, submitted to PIFI noted scattered Chinese Canadian commentary beginning on September 2, 2021, but taking off in the same September 8, 2021, period, then scaling down after a week or so. They also reported on the initial Global Times articles. The TCN article which separately arose for the OCCE during the 44th GE (OCCE file 2021-0533); attacks on social media sites including York BBS (OCCE file 2021-0817) and WeChat; attacks on Chiu and the luncheon matter (OCCE file 2021-0439). As noted in paragraph 93 above, Chinese Canadians who were interviewed, many of whom were [REDACTED] [REDACTED] *[identifier of interview subject(s)]* recalled the 2021 election period WeChat and WhatsApp messaging, which they all reported as pervasive, non-stop and almost entirely one-sided as anti-CPC and anti-Chiu.

175. In the same vein as OCCE findings, RRM concluded there was insufficient evidence to attribute the anti-CPC/anti-Chiu campaign to state-sponsorship but noted that some of the media services involved were members of the China News Service, an instrument of the UFWD. The RRM report also noted that TCN has direct ties with the PRC, a conclusion that corresponds with the OCCE OSINT efforts on file 2021-0533, referenced in paragraph 19 above earlier in this report.

176. PIFI material includes an “in camera examination summary” of Panel evidence released to the public in which Panel member Ms. Marta Morgan notes that the SITE SITREP of September 9, 2021, was the first mention of Kenny Chiu coming to the Panel’s attention, which caused close attention to be paid to RRM reporting and an initial assumption this could be emanating

from FI. Key for the Panel was whether this was a coordinated, inauthentic campaign. Based on the RRM data, the Panel concluded it may have been coordinated, but as the information was of interest to both state-controlled Chinese media and also naturally of interest to Chinese Canadians, it remained ambiguous. That ambiguity led the Panel to determine the threshold for action had not been met, according to Ms. Morgan.

177. Ultimately it appears that both RRM online monitoring and later OCCE inquiries both turned up the same evidence of the Chinese language campaign. Parts of this campaign were also dealt with in separate 2021 OCCE files, while this review undertook a broader perspective. Neither RRM nor the OCCE review could positively link these communications to foreign state direction or control. RRM also associated the online and social media campaigns in the GVA with similar happenings in the GTA, which our review did not address other than the TCN call to arms. Reports about similar messaging taking place on York BBS was the subject of separate OCCE file, 2021-0533.

178. In a SITE document dated November 1, 2021, and released by PIFI, the “*Key Observations*” section on page 2 states that SITE observed that the PRC “*sought to clandestinely and deceptively influence*” the 44th GE, including by using “*online/media*” to discourage support for the CPC, across multiple online platforms focusing on a Chinese speaking market. The same document also notes that SITE did not have clear evidence this was a “*PRC-directed*” FI campaign, although they observed indicators of “*potential coordination*” amongst Canada based and PRC based news outlets. The SITE document goes on to note the “*grey area*” and the challenge of identifying FI with certainty in the digital environment.

179. [REDACTED]  
[REDACTED]  
[REDACTED] *[interview subject(s) with connectivity to electoral campaign(s) who provided digital material to the OCCE]*.

180. A review of the additional [REDACTED] *[interview subject(s) with connectivity to electoral campaign(s)]* digital material provided to PIFI indicates more messages, but most of these seem to relate to the same group of online activists, with more messages from influencers A and B as noted above at paragraphs 115 and 116, both of whom were interviewed by the OCCE. The messages touch on the same issues as reported above, namely perceived negative and proposed impacts on the Chinese diaspora if Bill C-282 was to be adopted, the anti-China nature of the CPC platform, the negative effect of Mr. Chiu being sanctioned by the PRC and the need to rally around LPC candidates to ensure the CPC did not win the election.

181. Also included in the new digital material was a call for volunteers to participate in Vote Promotion Events to occur throughout the GVA on September 18, 2021, sponsored by the [REDACTED] *[named associations]*. As noted above in paragraphs 115/116, 132, 145 above, investigators were aware that some interview subjects saw the [REDACTED] *[named association]* as partisan, primarily based on the individuals associated to it, [REDACTED] *[named individuals]*, rather than any action the interview subjects could identify. This raised the issue of a possible requirement to register with Elections Canada as a third party, but in the new social media material from [REDACTED] *[Interview subject(s) with connectivity to electoral campaign(s)]*, the text and proposed action of [REDACTED] *[named association]* was to encourage Chinese Canadian electors to simply come out and vote. This was assessed as not being partisan in nature.

182. Michael Chong testified that during postmortem meetings with defeated CPC candidates Bob Saroya, Alice Wong and Kenny Chiu, they identified that during the 44th GE period there had been a vast volume of disinformation in the GTA and the GVA about CPC policies. They also noted that radio broadcasters, including AM1320 (GVA) were allegedly receiving editorial direction to not name Kenny Chiu, and that the PRC has a strong presence within the diaspora communities.

183. According to our review of PIFI documents and testimony, PIFI heard no new evidence of FI in the GVA, nor did it hear evidence from the broader community of GVA electoral candidates identified above in this report.

184. After a review of the PIFI “*Factual Phase Hearings*” materials, our conclusion is that there is nothing in the PIFI material that was reviewed and available to us to suggest a different understanding of the evolving anti-CPC and anti-Chiu campaign as stated in this report. Much of the substantive RRM material confirms or strengthens the OCCE initial findings even though our review occurred two (2) years later and without the benefit of any of the SITE materials [REDACTED] [Sec 37 CEA Privilege – CPC submission to SITE - Details]. One significant addition, however, is the Mehmet Tohti evidence of PRC TNR tactics which corroborates what interview subjects stated, that Chinese Canadian, primarily those having ties with mainland China, feared repercussions from the PRC if seen as supporting Kenny Chiu or the CPC. The conclusions set out at paragraphs 147-155 of this report, however, remain unchanged with the additional PIFI evidence.

185. At paragraphs 151 and 152 above, the report conclusions recognized many Chinese Canadian electors having an “*anticipatory fear*” for family or economic well-being based on the how the Chinese Communist Party works in China, and that some interview subjects spoke of the need for caution around issues of special concern to China. But in the end no one, even interview subjects claiming to know affected potential electors, provided substantive direct evidence in the electoral context in the way Mr. Tohti did in respect of his advocacy for the Uyghur minority in China. Consequently, even with the additional PIFI evidence there is no direct evidence of undue foreign influence under section 282.4 of the Act or of intimidation or duress under section 282.8 of the Act, nor for the other offences set out at paragraphs 157 through 163 above.

186. Consequently, the review did not identify evidence to reach the threshold to initiate an investigation under the Act, nor to demonstrate the elements constituting the offences considered under the Act. As such, this report serves as the concluding report for this matter.

## DECISION

Your decision is sought to conclude the review into the allegations presented in this report.

☒  
☐

Review is to be concluded based on the conclusions outlined in this report.  
Further investigative steps are to be undertaken prior to a decision as to whether to conclude this review.

## CONSIDERATIONS SUPPORTING DECISION OR OTHER OBSERVATIONS



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de Simard, Caroline  
Date : 2024.09.09  
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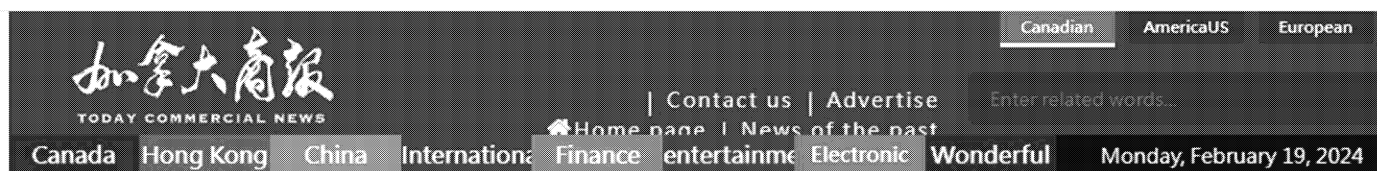
Caroline J. Simard  
Commissioner of Canada Elections

Date

## Appendices

Appendix A	Today Commercial News (TCN) article September 9, 2021
Appendix B	PCO -CPC submission
Appendix C	<span style="background-color: black; color: black;">[REDACTED]</span> <i>[Sec. 37 CEA Privilege – CPC Submission to SITE – Details]</i>
Appendix D	List of interviewees
Appendix E	List of exhibits
Appendix F	United Front Work Department
Appendix G	<span style="background-color: black; color: black;">[REDACTED]</span> <i>[Named interview subject]</i> chart
Appendix H	Today Commercial News (TCN)
Appendix I	Timeline table
Appendix J	Summary Table
Appendix K	Correlation

## APPENDIX A



**Please spread the word! Conservative MP Zhao Jinrong proposed the "foreign power registration" bill to suppress the Chinese community**

[2021-09-09] - 2905 people clicked

Kenny Chiu, a member of the Conservative Party of Canada (Conservative Party) in British Columbia, earlier introduced a private legislative proposal in Parliament, BILLC-282, which is the "Foreign Interference Registry" (Foreign Interference Registry). This bill has passed the first reading before the dissolution of Parliament. According to the legislative procedure of the third reading of Parliament, once Zhao Jinrong wins re-election in the general election, the "Foreign Powers Registration Act" may become Canadian law.

Why must Chinese Canadians pay attention to this bill?

The reason is simple, because once this bill becomes law, all individuals or groups with ties to China may be considered to be spokespersons of the Chinese government and required to register specifically.

What about registration? After registration, activities related to mainland Chinese associations

and normal Sino-Canadian economic, cultural, technological and other exchanges will have a chance to be suppressed. The freedom of speech of Chinese Americans will also have a high chance of being curbed, which will have a profound negative impact on the Chinese community. is something that is very likely to happen.

If you still don't understand, take a look at the following introduction to the bill, and it will become clear after reading it.

The "Foreign Powers Registration Act" proposed by Canadian Conservative MP Zhao Jinrong requires that, except for official representatives of foreign governments, any individual, company or organization that is controlled and influenced by a specific foreign government or political organization must register with the Canadian Department of Justice. These individuals and organizations must also register with the government if they want to communicate with members of Congress and public officials. The content of the registration requires the name of the individual or the foreign power represented, and any financial transactions with the foreign power. Failure to register or inaccurate information will result in a fine of up to RMB 200,000 and two years in prison. (Link to bill content <https://wwwparl.ca/DocumentViewer/en/42/bill/C-282/first-reading>)

The private bill proposed by Zhao Jinrong only requires individuals and groups with ties to certain "hostile countries" to conduct Registration, but the bill does not list which countries are "hostile", but Zhao Jinrong has always been "anti-China". Obviously, at a time when China-Canada relations are at a historical low, he proposed this bill, which is a bill targeting Canada. The bill for mainland Chinese groups and individuals in the country aims to curb any pro-China speech in Canada and control and monitor mainland groups and individuals.

The bill stipulates that any individual or group that is controlled or influenced by a foreign government agency is a foreign government principal.

According to this definition, individuals or groups who have the following behaviors will be considered to be influenced by the Chinese government and will be designated as the client of the Chinese government, including the establishment or activities of hometown associations; if the government of the place of origin has sent Letters of congratulations on the establishment or activities of the Alumni Association; groups and individuals who have attended the Chinese Consulate such as National Day receptions and Spring Festival celebrations; groups that have invited consulate officials to attend events, and groups or individuals who have contact with Chinese officials at any level; Even individuals who have worked in domestic institutions, including governments and state-owned enterprises; have received sponsorship groups from Chinese private enterprises, etc.

Speaking of Zhao Jinrong being anti-China, what is his background? He was born in Hong Kong and immigrated to Canada in the 1980s. He then joined the Conservative Party of Canada and was elected as a Member of Parliament in the riding of Steveston Richmond East in British Columbia in 2019.

After being elected, Zhao Jinrong was invited by the Hong Kong anti-extradition movement as a Canadian parliamentarian to go to Hong Kong to supervise the district council elections on behalf of the international community. Later, he repeatedly criticized China and the Hong Kong authorities in Congress, and served as the vice chairman of the International Human Rights

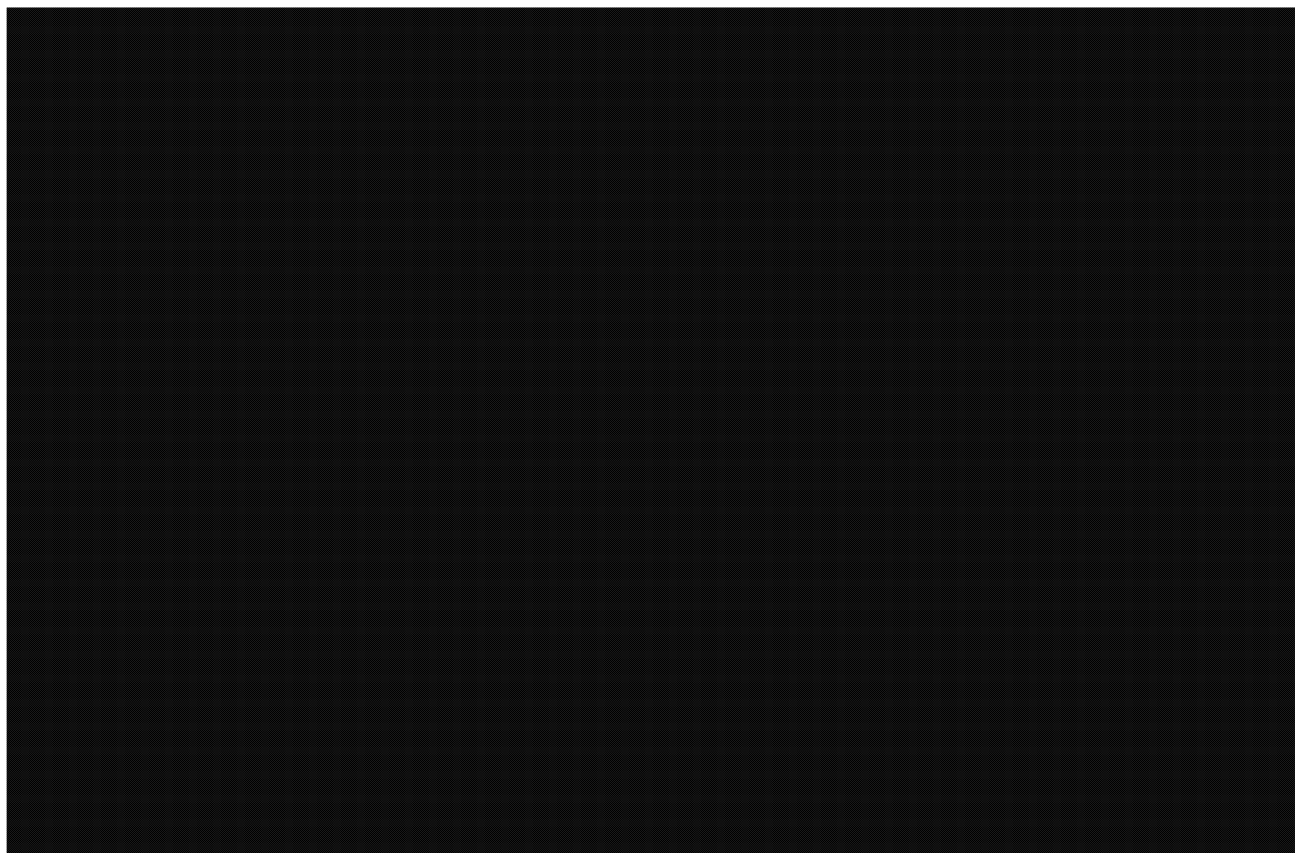


Subcommittee of the Congress. Voting He supported the Xinjiang Uyghur bill that condemned China and called for sanctions on Chinese and Hong Kong government officials. As a result, Zhao Jinrong was included in China's anti-sanctions list in 2021, banning him from entering Chinese territory.

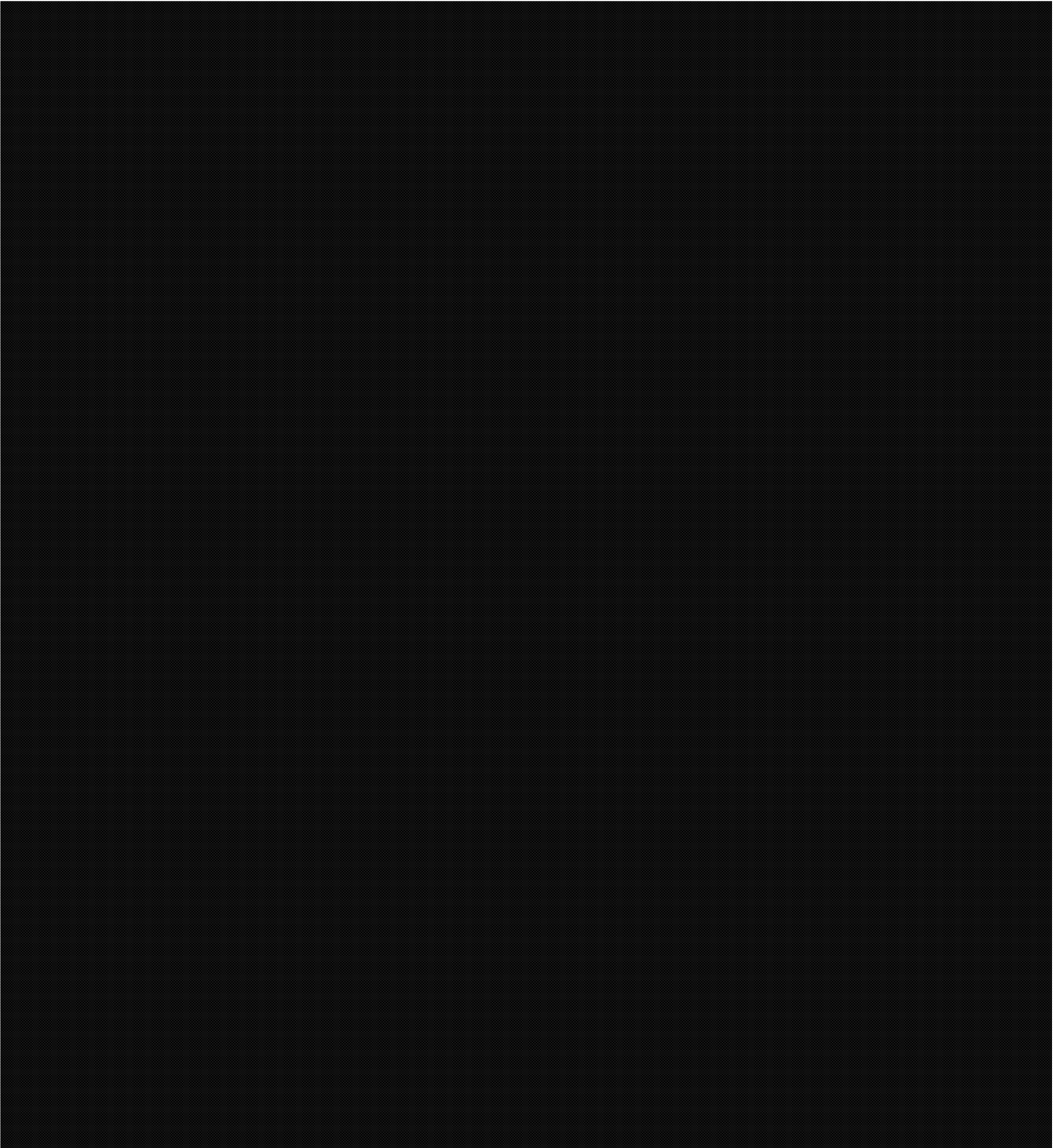
If you care about the well-being of the Chinese community, please spread this message widely so that more people know about this matter of personal relevance! ! !

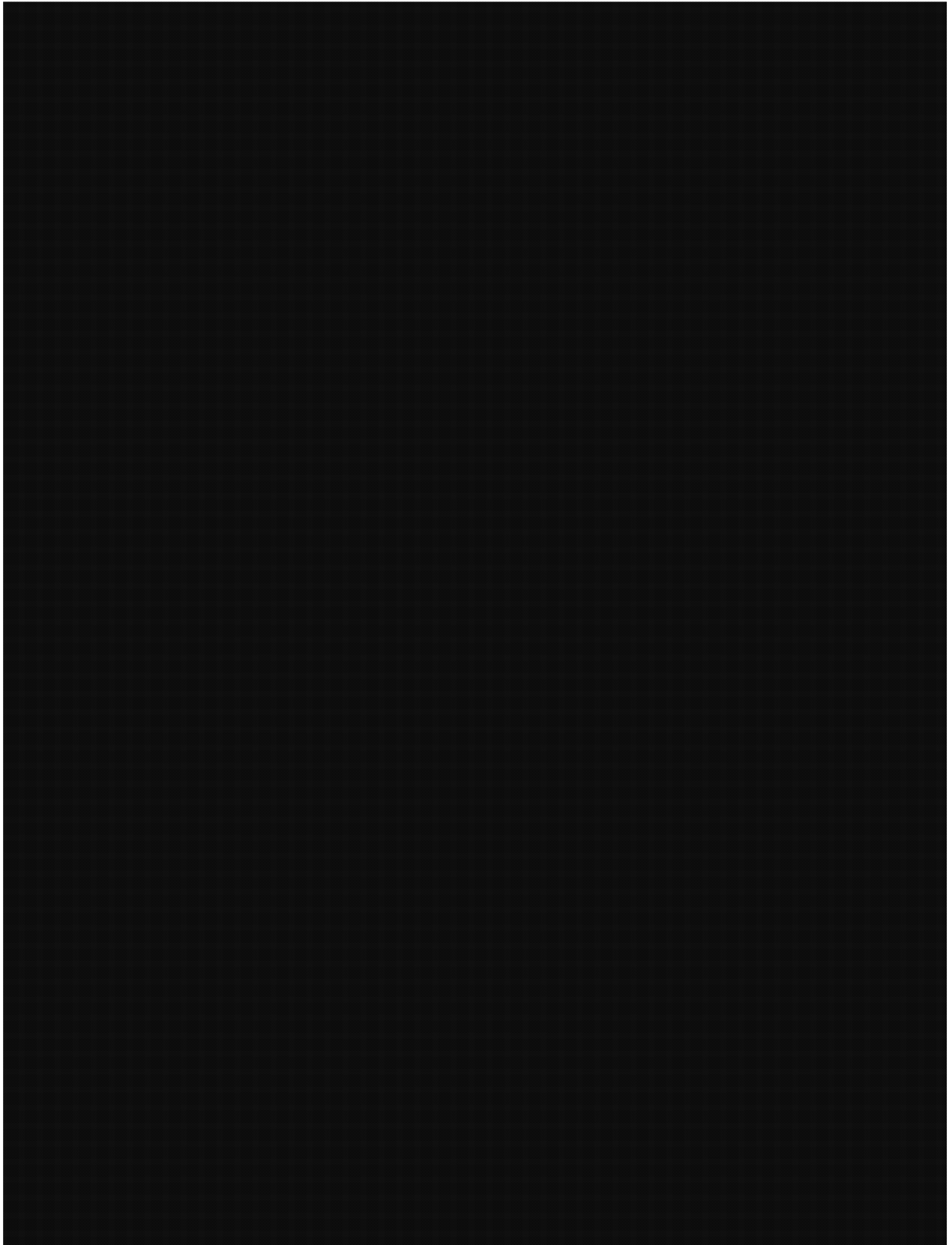
# APPENDIX B

[*Section. 37 CEA Privilege – CPC submission to SITE – Details*]



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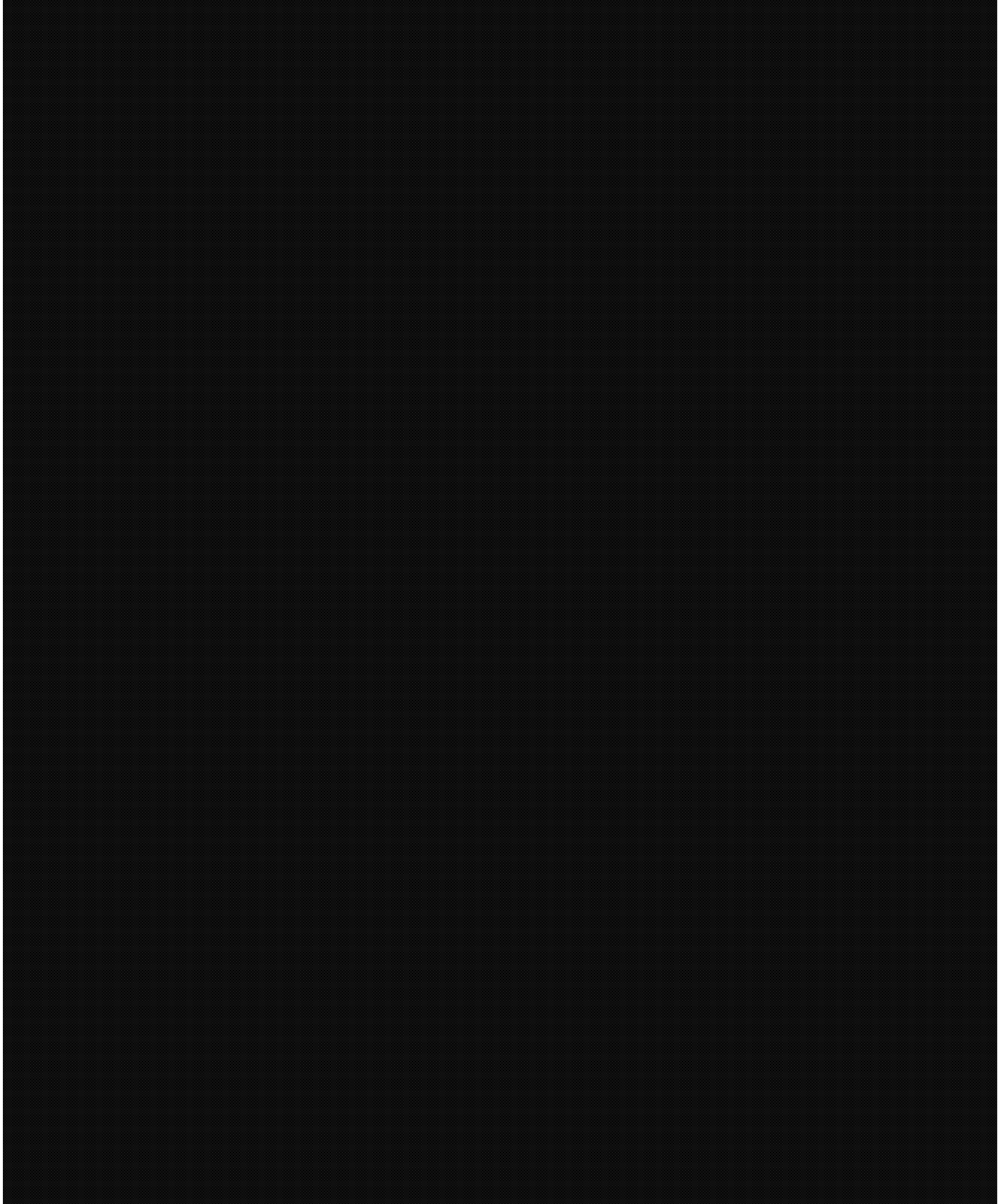


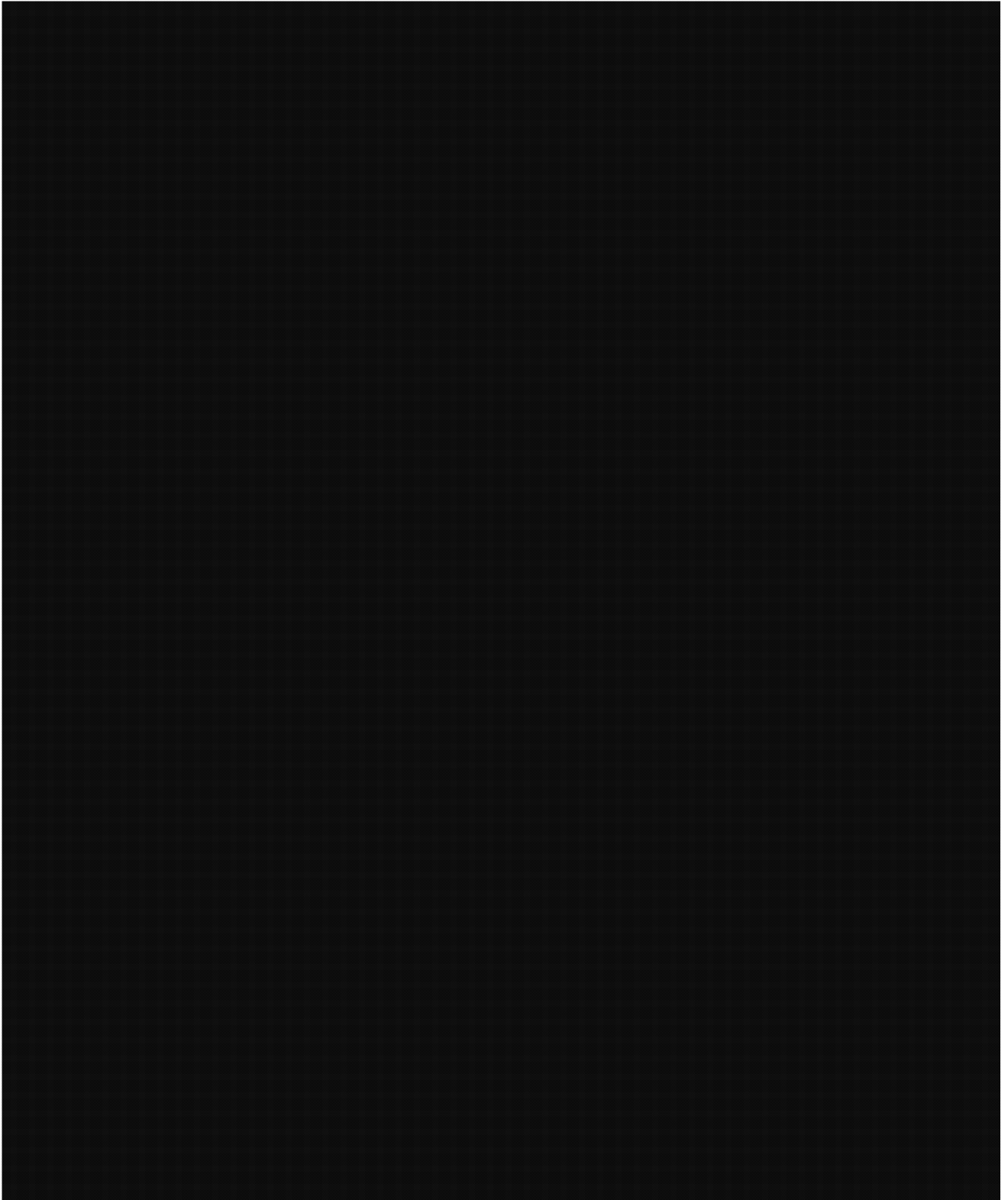
# APPENDIX C

[*Section. 37 CEA Privilege – CPC submission to SITE – Details*]

[REDACTED]

[REDACTED]









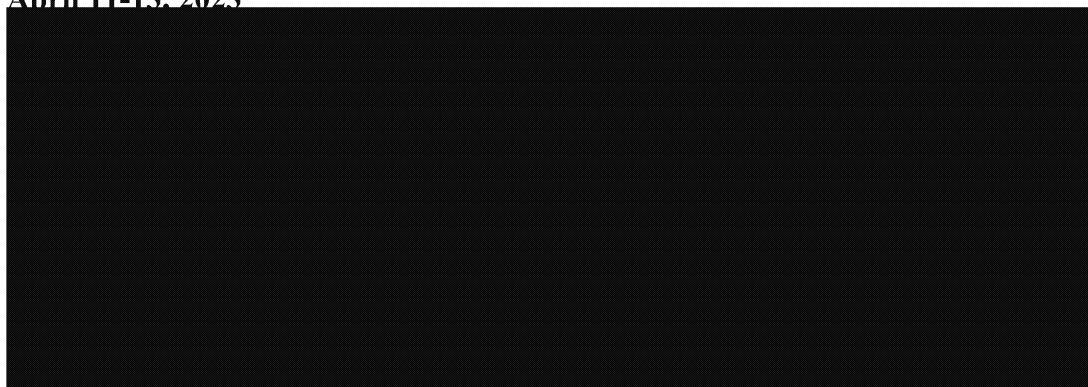
## APPENDIX D

### Interview List

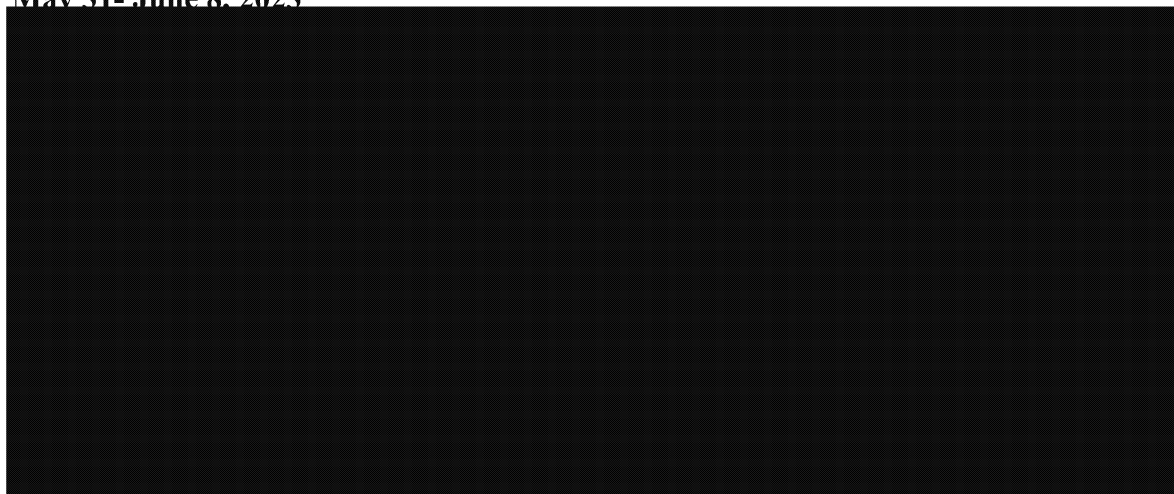
**March 2-3, 2023**



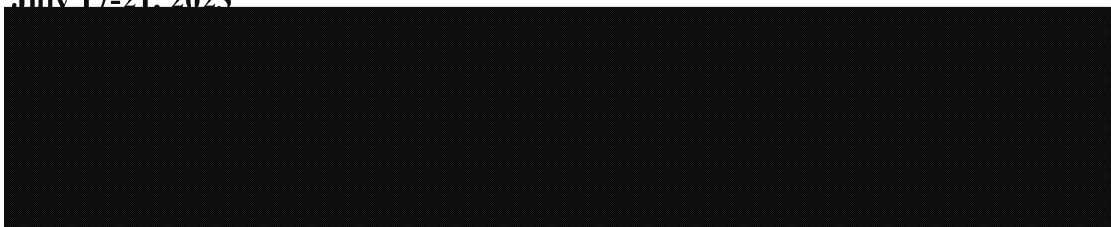
**April 11-13, 2023**



**May 31- June 8, 2023**



**July 17-21, 2023**



[REDACTED]

**Oct 17-19, 2023**

[REDACTED]

**Miscellaneous dates**

[REDACTED]

**Declined**

[REDACTED]

**No Response**

[REDACTED]

## APPENDIX E

### Exhibit List

Exhibit 1 March 3, 2023

1 USB Key from [REDACTED] containing 2 files #1 Chat Group Screenshots (47 pgs) and #2 Messages (16 pgs)

Exhibit 2 March 29, 2023

[REDACTED]  
[REDACTED] *[Section. 37 CEA Privilege – CPC submission to SITE – Details]*

Exhibit 3 April 12, 2023

1 USB Key from [REDACTED] containing 13 files, namely 10 Word documents and 3 Videos

Exhibit 4 April 11, 2023

1 sheet of paper from [REDACTED] with name written on it in Chinese characters

Exhibit 5 April 13, 2023

2 documents from [REDACTED] containing Chinese language print media articles

Exhibit 6 May 31, 2023

Digital documents containing 1 folder referencing Foreign Interference containing what appear to be 1 document listing http addresses to media articles, 4 jpeg documents, a zip folder of WhatsApp images (both primarily in Chinese characters, and [REDACTED])

Exhibit 7 June 8, 2023

1 WeChat screenshot from [REDACTED] referencing the Josh Vander Vies LPC campaign

Exhibit 8 July 21, 2023

1 sheet of paper from [REDACTED] on which he wrote the name of 1 elector

## APPENDIX F

### United Front Work Department

The National Security and Intelligence Committee of Parliamentarians – Special Report on Foreign Interference in Canada’s Democratic Processes and Institutions (March 2024) states at page 19:

*The United Front Work Department (UFWD), a department of the Central Committee of the Chinese Communist Party (CCP), is the organization primarily responsible for strengthening the PRC’s influence and interests abroad. The individual responsible for the United Front Work Department is the fourth highest ranking member of the PRC’s seven-person Politburo.*

*United front work refers to the PRC government’s strategy of influencing, through both overt and covert methods, overseas Chinese communities, foreign governments, and other actors to take actions and positions supportive of Beijing’s preferred global narrative. While the PRC employs a large network to carry out united front work, the UFWD is responsible for its conception, implementation and oversight.*

<https://www.nsicop-cpsnr.ca/reports/rp-2024-06-03/special-report-foreign-interference.pdf>

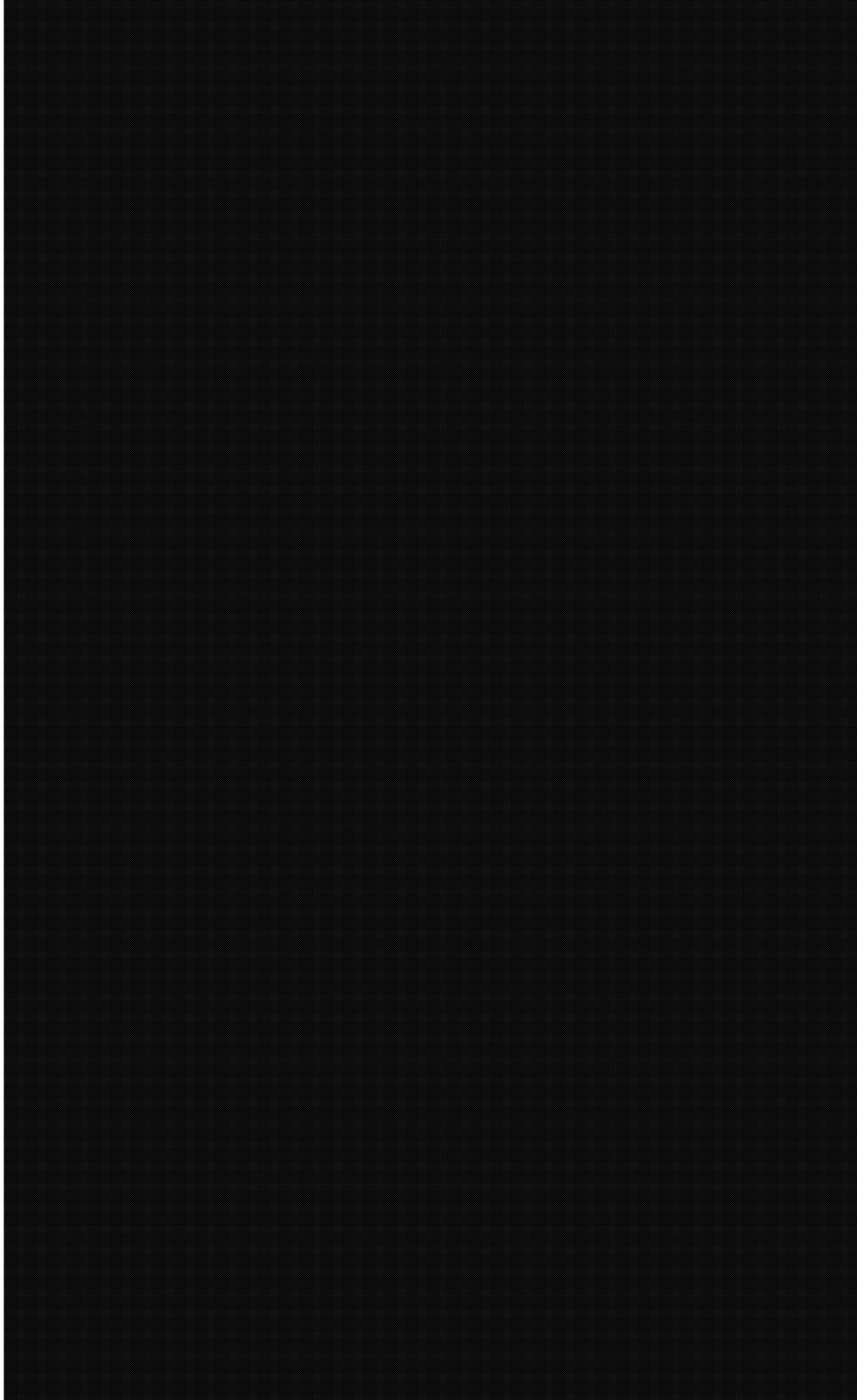
Public Safety Canada (PSC) on its publicly facing website, currently dated 2020-06-09, under the title “*Foreign Interference – China’s Use of the United Front Work Department*” notes that Australia in 2020 identified the UFAD as a primary FI tool used by China “to stifle criticism, infiltrate foreign political parties, diaspora communities, universities, and multinational corporations. The UFWD’s importance to the Chinese Communist Party has grown in recent years under President Xi, as 40,000 new staff have been added.” PSC also noted media reports that Canadian attendees are numerous at UWFD conferences and events.

<https://www.securitepublique.gc.ca/cnt/trnsprnc/brfng-mtrls/prlmntry-bndrs/20200930/015/index-en.aspx>

Several interview subjects have suggested the UFWD engages with many Chinese Canadian organizations and providing direction to ensure their work and messaging is consistent with China’s interest. The UFWD has appeared as a sponsoring logo for some Chinese Canadian

organization events and projects. The interaction of [REDACTED]  
[REDACTED] [*named association and its head*] with a role in the sixth Plenary Session of the 19th CPC (Communist Party of China) Central Committee Overseas, noted in the report, is an example.

## APPENDIX G



## APPENDIX H

### Today Commercial News

This appendix is based on extensive OSINT work completed for file 2021-0533 in late 2021 and early 2022, and thus unrelated to the current review matter. The OSINT material determined that during the 44th GE, Today Commercial News (TCN) was a Chinese Canadian news publication, operating from Markham, Ontario. During the election TCN encouraged its readers to not vote for the CPC and was critical of Kenny Chiu generally and specifically for his sponsorship of bill C-282, the Foreign Influence Registry, and encouraged readers to circulate the article widely. This began with a WeChat post of September 8, 2021, which was repeated in an online TCN article on September 9, 2021, whose content was repeated in subsequent Chinese language posts. The TCN article appears as one in the list of precursors events in this present report as providing impetus to the anti-CPC and anti-Chiu chat material and commentary that followed.

The 2021 OSINT report went on at some length listing open-source content of TCN and its publisher's links with China, the Chinese government and the Communist Party of China.

[Redacted] [Corporate information based on 2022 Open-Source Information exclusively]. The People's Daily identifies itself as being owned by the Central Committee of the Communist Party of China<sup>75</sup>. TCN regularly publishes stories from China and in turn has been featured in China based media.

<sup>75</sup> [https://en.wikipedia.org/wiki/People%27s\\_Daily](https://en.wikipedia.org/wiki/People%27s_Daily)



An interview subject very familiar with Moon and with decades of experience in both Chinese Canadian and Hong Kong print media, independently provided us with a copy of the Chinese language TCN article of 2021-09-09 as evidence, in his view, of Chinese electoral interference.

An interview subject referred to the TCN as being connected with the United Front activities and says he understands that Moon gets funding from Hong Kong media sources including Wen Wei Pao, an official newspaper for CCP in Hong Kong, with which TCN is in a joint venture. Our interview subject calls Wen Wei Pao a propaganda organ for the CCP. He also noted that the TCN article had been circulated widely during the GE.

# APPENDIX I

## Timeline table

Timeline	
June 1, 2020	Article, “ <u>Maple Blossom Warmth</u> ,” an interview with Tong Xiaoling, then Consul General of China’s Vancouver consulate is published in <i>China News Service</i> . Her message to the Chinese Canadian community was that the Chinese will always be the targets of hate crimes in Canada and the U.S., and that anti-Chinese racial discrimination and hatred is on the rise.
August 20, 2020	Erin O’Toole is elected leader of CPC.
August 29, 2020-	CPC ad released, “ <u>Erin O’Toole: Holding the Chinese Regime Accountable!</u> ” It introduced Mr. O’Toole as the new CPC leader and comprised 10 ad-like visuals all of which were very critical of Canada’s existing relationship with China and promising to get “tough”.
June 1, 2021	[redacted] [named association] appears. BC Incorporation is 2021-12-25.
July 1, 2021	[redacted] [named association] appears.
August 15, 2021	Writ dropped.
August 15, 2021	CPC releases their electoral platform.
August 30, 2021	Interview of Cong Peiwu, Ambassador for China to Canada, is published in the <i>Hill Times</i> . Although he avoids mention of the CPC, he includes criticism of aspects of their statements on Canada-China relations.
September 8, 2021	(Approx) Social media campaign against the CPC and Kenny Chiu begins.
September 8, 2021	<i>Global Times</i> article takes issue with the CPC platform’s 31 mentions of China. Quotes a former GAC senior policy advisor as saying that looking at the CPC “...you see a party that almost wants to break off diplomatic relations with China.”
September 9, 2021	<i>Global Times</i> article on the CPC’s “ <i>hostile China blueprint</i> .” The article quoted Chinese “observers” saying that if Canada put the “hawkish words into action, it will invite counterstrikes from China, and Ottawa is the one to suffer.”

<b>September 9, 2021</b>	<i>Today Commercial News</i> , of Markham, known for reprinting China-based articles, published an article in Chinese, no byline, entitled “ <i>Please Spread the word! Conservative MP Kenny Chiu proposed the Foreign Influence Registration bill to suppress the Chinese community.</i> ”
<b>September 20, 2021</b>	Election Day
<b>September 23, 2021</b>	<i>Global Times</i> article published a summary of the election results indicating little change except in Richmond and Markham “ <i>where Chinese voters gather</i> ” there was “ <i>extreme change</i> ” due to “ <i>disastrous defeats</i> ” by the CPC. The article asks – “ <i>Is the party paying the price for its tough stance on China?</i> ”
<b>[redacted] [date of banquet]</b>	<b>[redacted]</b> [ <i>named executive officer and association</i> ] tells an interview subject at a Chinese Canadian banquet that “we” were successful in defeating Kenny Chiu.”
<b>2021(exact date unknown)</b>	<i>Globe &amp; Mail</i> article published on February 17, 2023, summarizes a CSIS report which states that Tong Xiaoling, outgoing Consul General of Vancouver “ <i>wanted the Liberal Party to win</i> ” and discussed the election defeat of Kenny Chiu, a “ <i>vocal distractor.</i> ” The article quoted Ms. Tong as saying this proved “ <i>their strategy and tactics were good and contributed to achieving their goals while still adhering to the local political customs in a clever way.</i> ” The article also claimed that the CSIS note reported that Beijing used Canadian organizations to advocate on their behalf “while obfuscating links to the” PRC.

## APPENDIX J

## Summary Analytical Table

POTENTIAL CONTRAVENTION (VIOLATION OR OFFENCE)	ELEMENTS OF THE VIOLATION OR OFFENCE	WHAT NEEDS TO BE PROVEN	EVIDENCE GATHERED
Undue influence by foreigners section 282.4 (1) CEA	<p>(i) foreign person or entity</p> <p>(ii) during election period</p> <p>(iii) undue influence means</p> <ul style="list-style-type: none"> <li>They knowingly incur any expense to directly promote or oppose a candidate in that election, a registered party that has endorsed a candidate in that election or the leader of such a registered party.</li> <li>One of the things done by them to influence the elector is an offence under an Act of Parliament) or of a legislature, or under a Regulation under such Act,</li> </ul>	<ul style="list-style-type: none"> <li>The involvement of a foreign person or entity as identified in 282.4 (1) (a) to (e).</li> <li>Conduct during an election period (August 15-September 20, 2021)</li> <li>The knowingly incurring of an expense to directly promote or oppose a candidate in that election, a registered party that has endorsed a candidate in that election or the leader of such a registered party.</li> <li>That one the things done by them to influence the elector is an offence under an Act of Parliament (including the CEA) or of a legislature, or under a Regulation under such Act, took place to influence an elector.</li> </ul>	<ul style="list-style-type: none"> <li>The Hill Times published on August 30, 2021, an interview with Cong <u>Peiwu</u>, Ambassador for China to Canada, a foreign person. The comments associated to Cong <u>Peiwu</u> did not specifically mention the CPC (or any other political party), but did include sharp criticism of aspects of policy statements on Canada China relations. Media commentary linked <u>these commentary</u> to the CPC election platform.</li> <li>Some witnesses stated that efforts deployed to influence Chinese Canadian electors were likely done at the direction of the Consul General (CG) for China in Vancouver, with some saying it also involved the United Front Works Department (UFW) in China and operatives in Canada. No evidence was gathered to support this.</li> </ul> <p>Witnesses: [REDACTED]</p> <ul style="list-style-type: none"> <li>In a Chinese language article 2020-06-01 (outside the 44<sup>th</sup> general election period), Tong Xiaoling, then Consul General for China to Canada, encouraged the local diaspora to be on guard against anti-Chinese racism, and that Chinese are often the first to be affected (Anti-Chinese racism was a constant element of the anti-CPC, anti-Chiu 44<sup>th</sup> GE messaging).</li> </ul>
	<p>took place to influence an <u>elector</u></p> <p>(iv) Exceptions apply</p>	<p>Undue influence is subject to a number of exceptions at 282.4(3), which specifically <u>allow</u> foreign persons or entities identified under subsection 284.4(1) to influence or attempt to influence Canadian electors if the only thing done by the person or entity to influence the elector consists of:</p> <p>(i) express their opinion about the outcome or the desired outcome of the election,</p> <p>(ii) statement by them that encourages the elector to vote or refrain from voting for <u>any</u> candidate or registered party in the election, or</p> <p>(iii) transmit to the public through broadcast, electronic or print <u>media</u>, editorial, debate, speech, interview, column, letter, <u>commentary</u> or news, regardless of the expense</p>	<ul style="list-style-type: none"> <li>The Globe and Mail published an article on 2023-03-17, based on allegedly leaked CSIS information, that Tong Xiaoling, then CG for China in Vancouver, claimed she was successful in impacting the elections in favour of the LPC.</li> <li>A 2023-04-07 article, based on allegedly leaked CSIS information, quotes a CCSA executive president to the effect that local association leadership positions must go through political review and approval of the Vancouver consulate.</li> <li>Witness [REDACTED] stated that [REDACTED] stated in a post 44<sup>th</sup> GE public association setting that “we” had been successful in removing Kenny Chiu as an MP.</li> <li>Only the final bullet above is potentially admissible evidence going to 282.4. [REDACTED] phone is unlisted and a request to meet sent via the [REDACTED] met with silence. We tried to meet and interview [REDACTED] at [REDACTED] residence to no avail.</li> <li>No evidence of knowingly incurring an expense was discovered. Several witnesses suggested that any expense was in the nature of a quid pro quo – for example some future favourable business arrangement in China for efforts expended, or that their businesses in China were supported by the PRC, but no evidence of such was identified.</li> </ul> <p>Witnesses: [REDACTED]</p>

	(v) No person or entity shall act in collusion with a person or entity to whom subsection (1) applies	<p>incurred in doing so, if no contravention of subsection 330(1) or (2) is involved.</p> <ul style="list-style-type: none"> <li>A person or entity acting in collusion with a person or entity to whom <u>subsection (1)</u> applies – that is, acting in collusion with a foreign person or entity as defined at subsection (1)</li> </ul>	<ul style="list-style-type: none"> <li>No evidence of collusion was discovered, although in essence many witnesses and some media reports stated that China worked through association leaders and Chinese language Canadian based media to direct or encourage the diaspora to not vote for the CPC and Kenny Chiu. No direct evidence of such was discovered.</li> <li>Some witnesses explained that leaders of Canadian Chinese associations are proxies for representatives of the PRC and carried out duties intended to influence Canadian Chinese <u>electors</u>, and may receive benefits in the form of support for their business interests. No direct evidence of such was discovered.</li> </ul> <p>Witnesses: [REDACTED]</p> <ul style="list-style-type: none"> <li>Witness [REDACTED] stated that [REDACTED] stated in a post 44<sup>th</sup> GE public association setting that “we” had been successful in removing Kenny Chiu as an MP.</li> <li>Some witnesses identified specific individuals actively working to bring about the 44<sup>th</sup> GE result, for example Wang <u>Dianqi</u>, James Wu, Harry Niu.</li> <li>Witnesses: [REDACTED]</li> <li>As well, some witnesses, including [REDACTED] stated that Canadian based Chinese language media are in fact owned by China and also publish or broadcast messages</li> </ul>
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			<p>digitally, by radio or video intended to put the CPC and its candidates in as bad a light as possible.</p> <p>Witnesses: [REDACTED]</p> <p>Our review did not identify information or evidence to substantiate the information above provided by the witnesses.</p> <p>The comment of Cong <u>Peiwu</u>, Ambassador for China to Canada, would fall into the (j) exception.</p>
<b>Intimidation, etc section 282.8 CEA</b>	i) intimidation or duress ii) by a person	<ul style="list-style-type: none"> <li>The evidence must identify the intimidation or duress on an elector.</li> <li>The evidence must also identify the person(s) who knowingly did the intimidation or exerted duress, including the person(s) who was/were responsible for the intimidation or duress.</li> </ul>	<ul style="list-style-type: none"> <li>Many witnesses reported that electors whom they encountered felt a “fear” if seen or thought to be associating with or contemplating to vote for the CPC or Kenny Chiu. Every witness who spoke of this fear described it as a fear of some unnamed but significant retributive consequence from China in terms of impact on family travel to or from China, or from a consequence in regard to business interests in Canada or in China.</li> </ul> <p>Witnesses: [REDACTED]</p> <ul style="list-style-type: none"> <li>Some witnesses involved in 44<sup>th</sup> GE campaign work stated that Chinese Canadian electors they canvassed or encountered exhibited “fear” about being seen as considering a vote for the CPC or Kenny Chiu. The witnesses reported that many of these Chinese Canadian electors were identified as previous known CPC supporters. All but one (1) witness refused to name any elector expressing this fear, including four (4)</li> </ul>

			<p>witnesses who were candidates in the 44<sup>th</sup> GE who said they were specifically told of the fear in private or small group meetings.</p> <p>Candidate Witnesses: [REDACTED]</p> <p>Witness naming an elector: [REDACTED]</p> <p>Other witnesses: [REDACTED]</p> <ul style="list-style-type: none"> <li>Witness, [REDACTED] individualized this fear, saying [REDACTED] considers [REDACTED] at risk as [REDACTED] is associated to a political association (in the GVA). [REDACTED] said [REDACTED] was in Beijing attending to [REDACTED] mother when we spoke, but that [REDACTED] can not go back to China because of [REDACTED] political involvement in Canada. [REDACTED] sense of "risk" did not prevent [REDACTED] campaigning for the [REDACTED]</li> <li>Witness [REDACTED] stated having been told that it was not in [REDACTED] best political interest being seen with Kenny Chiu. Witness [REDACTED] noted that [REDACTED] warned [REDACTED] not to get too close to Chiu as that would affect any business interests [REDACTED] had in China. Neither example as described is an offence under the Act.</li> <li>Many witnesses reported that the source of the fear or worry affecting Canadian Chinese electors originated from social media, Chinese language broadcast and print media, messaging from specific members of the community and, for some, having experienced living in mainland China. In no case was there a direct link to a foreign entity or person.</li> </ul>
			<ul style="list-style-type: none"> <li>We have not found evidence to support this.</li> </ul> <p>Witnesses: [REDACTED]</p> <ul style="list-style-type: none"> <li>When Chinese Canadian witnesses were asked about their personal situation, and queried whether they were fearful themselves, those with a Hong Kong background said they had either taken steps to cut ties with family still in China, even though many still have extended family connections in mainland China or Hong Kong, or that their families were all in Canada. Almost all Chinese Canadian witnesses, however, whether from Hong Kong or mainland China, accepted and expected that China would take some step to sanction in some fashion at least some of those who were seen as maintaining support for Chiu or reward those working against him. No direct evidence of intimidation or threat in respect of the 44th general election was identified.</li> </ul> <p>Witnesses: [REDACTED]</p> <ul style="list-style-type: none"> <li>One witness, [REDACTED] reported direct evidence of what [REDACTED] called <u>intimidatory</u> acts (strange phone calls, vandalism to her car) but these [REDACTED] related to [REDACTED] ongoing support for Hong Kong democracy and not connected to the 44<sup>th</sup> general election. Another witness, [REDACTED] reported unusual mail from the Chinese Consulate to [REDACTED] private address which [REDACTED] interpreted as a 'we are watching you' message after [REDACTED] made favourable remarks about Taiwan. Witness [REDACTED] reported that on recent travel to Hong Kong [REDACTED] was treated differently</li> </ul>

			<p>than [REDACTED] spouse at passport control without explanation, and several witnesses related to story of [REDACTED] a Chinese Canadian and a [REDACTED] who in 2015, when attempting to enter China with [REDACTED] spouse was detained, had [REDACTED] government phone searched by Chinese officials and ordered to leave China after an eight (8) detention.</p> <ul style="list-style-type: none"> <li>• [REDACTED] two (2) individuals named as influential or prolific anti-CPC, anti-Chiu posters on social media, admitted their posts but denied doing so on behalf of China. An examination of their posts indicates strong partisan political <u>language</u> but which was not threatening or <u>intimidatory</u>, nor does it meet the threshold for s. 91 of the Act.</li> </ul>
Registration of third-party section 353 CEA	(349) person or entity (ii) having incurred an aggregate of \$500 or more in regulated activity expenses (iii) during an election period	<ul style="list-style-type: none"> <li>• the person or entity was a third-party during the election period (a person or entity other than a candidate, a registered party or an EDA of a registered party).</li> <li>• the third party incurred an aggregate of \$500 or more for partisan activity, election advertising and election survey expenses.</li> </ul>	<ul style="list-style-type: none"> <li>• The [REDACTED] were identified as entities who may have been a third-party during the election period as they participated in partisan activity, discovered via OSINT research and witnesses.</li> </ul> <p>Witnesses: [REDACTED]</p> <ul style="list-style-type: none"> <li>• [REDACTED] incorporated during the 44<sup>th</sup> GE period, was involved in encouraging Chinese Canadians to vote and distributed free logoed T-Shirts to that effect. Three (3) witnesses said they believed the [REDACTED] was actually partisan but for two of these this was only on the basis of the known politics of [REDACTED] and [REDACTED] OSINT research found many examples of [REDACTED] activity but non-partisan, or neutral in nature.</li> </ul> <p>Witnesses: [REDACTED]</p>
		<ul style="list-style-type: none"> <li>• the third party carried out the regulated activities in question (partisan activities, election advertising or election survey) during the election period (for the 44<sup>th</sup> GE, August 15, 2021 to September 20, 2021).</li> </ul>	<ul style="list-style-type: none"> <li>• The [REDACTED] a small pre-existing club was filmed at a small demo in favour of Parm Bains, LPC candidate in Steveston-Richmond East, all wearing [REDACTED] which was also attended by [REDACTED] reputedly a [REDACTED] standing beside [REDACTED] founder, who was holding a Bains campaign sign. In all about 4 to 5 Bains signs were present and Bains gave a short address. None of the [REDACTED] was present. The T-shirts are not evidence of expenditure by [REDACTED] as the T-Shirts were available free of charge.</li> </ul> <p>Witnesses: [REDACTED]</p> <ul style="list-style-type: none"> <li>• One witness, [REDACTED] reported that [REDACTED] was aware of Chinese Canadian association events named in such a way as to enhance Chinese culture although [REDACTED] believes the purpose of the events was to message <u>Chinese-Canadian</u> attendees to stop efforts towards a Foreign Registry Act.</li> <li>• Our review did not identify information or evidence to suggest that an expenditure of \$500 or more was incurred by either the [REDACTED] although we believe the interaction with Parm Bains was coordinated and not coincidental.</li> </ul>
No use of foreign funds by third party section 349.02 CEA	No third party shall use funds for a partisan activity, for advertising, for election advertising or for an election survey if the source of the funds is a foreign entity.	A (Canadian) third party can not use foreign funds for election advertising or for an election survey if the source of the funds is a foreign entity	<ul style="list-style-type: none"> <li>• We are aware from witnesses that there was political advertising in Canadian based Chinese language media, but no record of this was kept by witnesses and there were no complaints or allegations of Chinese language advertising that violated the Act during the 44<sup>th</sup> GE.</li> <li>• Further, collection of such by CCE OSINT would be extremely challenging. Based on the thorough review conducted to date on the totality of the allegations, it is unlikely that the OCCE would be able to identify, from</li> </ul>

			<u>open source</u> research, direction from Hong Kong or China, or from specific witnesses.
<b>Spending by foreign third party section 351.1 CEA</b>	A foreign third party shall not incur the following expenses: (a) partisan activity expenses... (b) election advertising expenses... (c) Election survey expenses ... that are conducted during an election period.	A foreign third party can not incur expenses for <ul style="list-style-type: none"> <li>partisan activity expenses...</li> <li>election advertising expenses...</li> <li>election survey expenses ...</li> </ul> that are conducted during an election period (for the 44th GE, August 15, <u>2021</u> to September 20, 2021).	<ul style="list-style-type: none"> <li>We are aware from witnesses that there was political advertising in Canadian based Chinese language media, but no record of this was kept by witnesses and there were no complaints or allegations that the advertising expense was incurred by a foreign third party during the 44<sup>th</sup> GE.</li> </ul>
<b>False statement section 91 CEA</b>	(i) with the intention of affecting an election (ii) during an election period (iii) make or publish a false statement that a candidate...the leader of a political party... has <u>....(a)</u> committed an offence ...or (b) a false statement about citizenship, place of birth, education, professional qualifications or membership in a group or association...	The evidence must establish a false statement was made during the election period (for the 44th GE, August 15, <u>2021</u> to September 20, 2021) with the intent to affect the election concerning a candidate... or a leader of a political party in respect of the specific items enumerated.	<ul style="list-style-type: none"> <li>The CPC electoral platform for the 44<sup>th</sup> GE was reported as viewed by many in the Chinese diaspora as anti-China and anti-Chinese and raised or increased the specter of racism directed at Chinese Canadians. Witnesses include [REDACTED]</li> <li>Witnesses: [REDACTED]</li> <li>Much of the digital media and social media commentary gathered through our review from witnesses or from OSINT research provides significant negative commentary against the CPC platform generally, positions taken by Erin O'Toole perceived as anti-China, and positions taken by Kenny Chiu.</li> <li>Using the example of Chiu's private member's bill C-282 Foreign Influence Registry Bill – much of the social media commentary was similar in <u>expressing the impact in vivid and exaggerated terms.</u></li> </ul>

			<p>Witnesses: [REDACTED]</p> <ul style="list-style-type: none"> <li>However, the nature of the social media commentary, although vivid and in exaggerated terms, is not unusual in partisan political speech. As well, it could not be contradicted as no enforcing regulations were ever written to express C-282's real intent, as the bill died with the dissolution of parliament.</li> <li>In social media group chats and digital materials, Erin O'Toole was characterized as anti-China and "<i>another Trump</i>", Kenny Chiu was excoriated for adopting <u>a number of</u> allegedly anti-China positions and the CPC generally was criticized.</li> <li>However, no evidence was discovered in any of the materials acquired which amounted to evidence concerning a s. 91 contravention.</li> </ul>
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## APPENDIX K


### Correlation of Paragraph, Topic and Interview Subjects

Paragraph No	Topic	Subjects of interview Relied Upon
27	GVA Network leveraged	
28	Multi-pronged approach	
28 v	Social media, print-online-broadcast media campaign critical of CPC and Kenny Chiu	
28vi	Messaging via Chinese Canadian association(s) organized events	
29	Fear – Disquiet - Reward	
60	Subjects interviewed	
63	Chinese Canadians from mainland more respondent to China	
64	Fear or upset as explained by door knockers and Telephone canvassers	
65	Use of the CIMS app – known previous supporters not engaging	

66a	Fear and non-support as explained by door knockers
66b	Candidate shunned by previous supporter
66c	Elector crying – no longer able to support CPC candidate
66d	Social media + community pressure instilling fear
67	Interviewee willing to identify an affected elector(s)
68a	Canvassers who did not notice a fear response
68b	Couple as canvassers
69a	Fear of consequence as explained by interview subjects
69b	Advice by [REDACTED] leader
69c	Warning of being seen as close to Kenny Chiu
70a	Related the Richard Lee incident in China
70b	Association leader imprisoned in China
71	Chinese Canadians need to listen to the PRC
72a	A senior volunteer

71b	Need to avoid irritating the PRC
72c	Need for caution with China
72d	China does not recognize other citizenships
73	Another Senior volunteer
74a	Effect of the social media campaign
74b	Freedom of choice of vote affected
75	Loss of Chinese Canadian campaign volunteers
76a	Effect of the CPC campaign platform
76b	Volunteers questioning O'Toole
76c	Candidates questioning O'Toole's anti-China platform
76d	Chinese Canadian campaign manager
78a	Naming SM messages WeChat
78b	Subjects of interview - members of WeChat groups
78c	What's App and WeChat allow for creation of groups

93	SM campaign-description (pervasive and non-stop)
94	SM campaign that Chiu is anti-China and anti-Chinese (racist)
95	Digital evidence
96a	Digital evidence
96b and c	WeChat users-censuring by China
99a	Interview subject
99b	Look to association leaders for clues as to who to vote for
101	Interview subject
103	Interview subject
104	██████████ was partisan
105	Interview subject
107a	Interview subject
107b	Vetting of association leaders
109a	Social media campaign against Chiu + CPC
109b	Knowledge of selection on ballot

110	Electors not wanting to be seen as supporting CPC
111a	How Volunteers addressed the fear
111b	Expectation of retribution for support to Chiu
112a	Known retribution for supporting Chiu or CPC
112b	 ment
115	Partisan messages via Chat groups
116	Identification of SM influencers
117a	WeChat influencers
117b	WeChat group leaders ID via associations
120	Presence of associations
122	Leaders of associations
123	Leaders of associations transmit messages for the Consul General
124a	Outreach by associations
124b	Interview subject
124c	Banquets are common by Chinese Canadian associations

125a	
125b	Leaders of key associations pay for their positions
125c	Leaders attending meetings in China
126	Interview subject
127	Interview subject
128	Additional Chinese language media in GVA
129	Smoking gun never to be found – reward in China

