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In Camera Examination Summary: Global Affairs Canada (David Morrison, Cindy Termorshuizen, Alexandre Lévêque, Weldon Epp, Philippe Lafortune and Tara Denham)

Commission Counsel examined senior officials from Global Affairs Canada (“**GAC**”) during *in camera* hearings held in July and August 2024. Counsel for the Attorney General of Canada appeared on behalf of the Government of Canada and had the opportunity to examine the witnesses. The hearing was held in the absence of the public and other Participants. This summary discloses the evidence that, in the opinion of the Commissioner, would not be injurious to critical interests of Canada or its allies, national defence or national security.

Notes to Readers:

- Commission Counsel have provided explanatory notes in square brackets to assist the reader.

1. Examination by Commission Counsel

- [1] David Morrison is the Deputy Minister of Foreign Affairs (“**USS**”). He was appointed to this position in October 2022. Before this, Mr. Morrison served as the Foreign and Defence Policy Advisor to the Prime Minister at the Privy Council Office (“**PCO**”) from 2019 to 2022 and as Deputy Minister for International Trade from January 2022 until October 2022. During this period, he also served as Acting National Security and Intelligence Advisor to the Prime Minister for two periods.
- [2] Cindy Termorshuizen is the Deputy Minister for the G7 Summit and the Personal Representative of the Prime Minister (Sherpa) for the G7 and G20 Summits. Until a few weeks prior to the interview, she served as Associate Deputy Minister of Foreign Affairs. She had been in that role since January 2022.

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- [3] Alexandre Lévêque is the Assistant Deputy Minister for Europe, Middle East, the Arctic and the Maghreb. He has been in this role since July 2023.
- [4] Weldon Epp has been the Assistant Deputy Minister for the Indo-Pacific since January 2023. Prior to that he was the Director General for Northeast Asia, including China.
- [5] Philippe Lafortune is the Director General, Intelligence and Chief of Intelligence of the Intelligence Bureau. He has held this position since September 2022.
- [6] Tara Denham is the Director General of the Office of Human Rights, Freedoms and Inclusion, which includes responsibility for the G7 Rapid Response Mechanism ("**G7 RRM**"). She has held this position since September 2022. From May 2016 until September 2019, she was the Director of the Centre for International Digital Policy, which leads on the RRM Canada team and serves as a secretariat for the G7 RRM.
- [7] On behalf of the witnesses, David Morrison confirmed the accuracy of the GAC stage 2 institutional report. Each of the five witnesses who had been present at the interview on June 15, 2024 (all except Cindy Termorshuizen), confirmed the accuracy of the classified version of the summary of the interview that Commission counsel conducted with them. They adopted these documents as their evidence before the Commission.

2. GAC's Mandate in Relation to Foreign Interference

- [8] Mr. Morrison explained that GAC's mandate is to take the lead within the Government of Canada ("**GoC**") on Canada's international engagement around the world. It is primarily an outward-facing mandate. GAC is responsible for the broad sweep of Canadian foreign policy. GAC has three Cabinet ministers: the Minister of Foreign Affairs ("**MINA**"), the Minister of International Trade and the Minister of International Development. These mandates are entirely externally-facing, although they have links to domestic groups and domestic concerns.
- [9] Mr. Morrison explained that GAC's mandate intersects in two ways with the subject of the Commission's inquiry, *i.e.*, foreign interference ("**FI**") in Canadian elections and democratic processes.

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- [10] First, the G7 RRM was created by Canada and its G7 partners at the 2018 G7 Summit held in Charlevoix, Quebec. It was created out of concern for human rights and democracy, initially focused on addressing online mis- and disinformation around the world, also referred to as foreign information manipulation and interference (“**FIMI**”). During the 2019 and 2021 General Elections, RRM Canada focused its activities inside Canada on monitoring the domestic landscape for online mis- and dis-information.
- [11] Second, Canada, like all countries, conducts its international relations in accordance with two international conventions, the *Vienna Convention on Diplomatic Relations* and the *Vienna Convention on Consular Relations* (“**VCCR**”). Mr. Morrison described these conventions as the “rules of the road” as to how states interact with each other, including when they set up embassies and consulates on each other’s territories. GAC’s Office of Protocol provides services to the diplomatic corps in Canada, including information on appropriate behavior of diplomats in Canada. Canadian diplomats abroad are accorded the same courtesies by Offices of Protocol in host countries. Mr. Morrison emphasized that GAC does not have the mandate to monitor the behaviour of foreign diplomats in Canada; this is done by domestic security agencies. GAC facilitates the entry and exit of diplomats to and from Canada, their visas, and assists with administrative issues related to their consular or diplomatic immunities. It is a well-understood role provided by the host country in all countries across the world.

3. The Nature of Diplomacy

- [12] The overall mandate of GAC and the reason for its extensive network of missions around the world is to ensure the long term security and prosperity of Canadians, both in Canada and abroad. One important way that GAC does this is by maintaining live, ongoing discussions with foreign states, even adversarial ones.
- [13] Mr. Morrison explained that countries have relationships, just like people do. Internationally, Canada has friends, allies linked to Canada by treaties, states with which Canada has very few interactions, states where our relationship is based on giving aid and key trade partners, but also adversaries. Even if Canada does not agree with the values or ideologies of all countries, it must nevertheless attempt to engage to advance

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its own national interests. Mr. Morrison described managing adversarial relationships as “the essence of diplomacy.”

- [14] Mr. Morrison used Canada’s relationship with China as an example. China is a communist country whose values are sometimes antithetical to Canada’s, but nevertheless the security and prosperity of Canadians depend on this relationship. China’s global significance is a fact, so Canada can either sit on the sidelines and watch, or engage and attempt to shape its behaviour to the benefit of our national interest.
- [15] Diplomacy may be contrasted with FI; which is clandestine, covert, or coercive. There are robust discussions within government with regard to the line between diplomacy and FI. The various departments and agencies have different mandates and perspectives on the subject. For example, in GAC’s view, a diplomat conducting research on law-makers for the purpose of imposing economic sanctions on them is standard diplomacy and a strategy that Canada employs regularly. Mr. Morrison noted that what a state does with the results of the research may or may not be FI.

4. Current State of Canada’s Bilateral Relations with Perpetrators of FI

4.1 PRC

- [16] Mr. Morrison explained that Canada’s relationship with China changed dramatically in December 2018 when they arbitrarily detained Michael Spavor and Michael Kovrig. In September 2021, the Michaels were released. The nature of the relationship since has been an attempt by both sides to come to terms with the realities of the new relationship and to build from there as appropriate.
- [17] Mr. Epp added that the relationship with China has been evolving, but that there is a very clear government-agreed approach. The recalibrated approach recognizes that the relationship was significantly damaged when the PRC used Canadian hostages to coerce Canada, but at the same time recognizes that it is necessary for our national interests to engage with the PRC on bilateral and global issues. While recognizing a divergence from the PRC in values, Canada seeks to focus relations on areas where progress is possible and that are important to Canada (climate change, health, fentanyl).

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- [18] Other countries are also recalibrating their relations with the PRC, seeing the PRC as a disruptive global power which is potentially both positive and negative. Mr. Epp pointed out that as a large and powerful country, the PRC has a very different approach to interpreting international law and believes that it should be able to set the agenda globally. He noted that the PRC's response to discussions of foreign interference is reflective of its longstanding insecurities about other countries' perspectives on its internal affairs. It pushes back very aggressively when other countries raise its international obligations in areas like human rights, calling such criticisms "foreign interference", blurring the concept of actual foreign interference as is being examined by the Commission.
- [19] Referring to his interview with the Commission, Mr. Morrison recalled that he had said that having a common definition of FI, agreed on by the United Nations or another global body, would not be possible, because Russia and the PRC would have to be involved, and they have a very different sense of foreign interference.

4.2 India

- [20] Mr. Morrison explained that the bilateral relationship with India is also important but has been challenging to manage for a long time, since the Air India tragedy. In the context of a broader Indo-Pacific Strategy and our relative interests within a shifting geopolitical environment, Canada attempted to build relations with India in advance of India hosting the 2023 G20 Summit, but these efforts were derailed following India's suspected sponsoring of the murder of Canadian citizen Hardeep Nijjar in June 2023, which has left behind an uncertain relationship.
- [21] Mr. Epp added that the very diverse relationship with India is critical. It needs to be well-managed but exists with the challenging backdrop of the complex history between the countries. There exists a long-standing challenge of working through fundamental differences of perspective. India is focussed on terrorism and security risks that it sees as being aided and abetted by foreign nationals or its own nationals abroad. In the Canadian context, this focus is inseparable from the Sikh Canadian community and related perceptions by India of the potential security risk tied to the Indian domestic issue around

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Khalistan. On the other hand, Canada focuses on protecting the rights of Canadians and others in Canada, including with respect to their freedom of expression and association.

4.3 Pakistan

- [22] Mr. Epp explained that Pakistan has had significant challenges in recent years with its economic and political stability. Canada engages in all aspects of bilateral relations with Pakistan but particularly in working with government and civil society to address lagging development indicators, not least for women and girls.¹ Additionally, Canada has helped Pakistan to address the massive outflow of Afghan refugees into the country by putting in place mechanisms to resettle some of these refugees in Canada.
- [23] Despite these efforts, there continue to be irritants in managing some aspects of Pakistan's diplomatic representation in Canada. There are issues arising from Canada's review of potential visitors, visa issuance, and visa security checks that are linked to managing the risk of foreign interference by Pakistan.

4.4 Russia

- [24] Mr. Lévesque explained that Canada's relationship with Russia is adversarial. Diplomatic relations between the two countries have been in a deep freeze since Russia's invasion of Crimea in 2014, when measures were taken to restrict the level of engagement with Russian diplomats. Under a controlled engagement policy, the number of issues on which Canada engaged Russian officials between 2014 and 2022 was very limited. One of the only subjects of continued collaboration is the Arctic.
- [25] With Russia's full-scale invasion of Ukraine in 2022, virtually all official contacts with Russia were suspended. Diplomatic relations are maintained so that exchanges can occur, but most have been used to express dissatisfaction with Russian behavior. Economic sanctions have been imposed on Russia under the *Special Economic Measures Act* and the Magnitsky legislation.

¹ Mr. Epp remarked that Pakistan ranks as the second worst country in the world in its treatment of women.

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4.5 Iran

- [26] Mr. Lévêque explained that Canada's relationship with Iran is probably Canada's most severely limited. Diplomatic relations with Iran were severed in 2012, when Canada closed its Embassy in Tehran and expelled Iranian diplomats from Canada. There is virtually no dialogue with Iran, and the only communication has been criticism. Canada has led a resolution at the United Nations Human Rights Commission for 22 years criticizing Iran's record on human rights.
- [27] Canada's dissatisfaction with Iran arises from two issues – first, Iran has an egregious human rights record, particularly with regard to women, minorities, democratic rights and freedom of expression. Second, Iran supports terrorist groups operating through the Gulf region and the Levant (Hamas, Hezbollah and Houthis), for which Canada has labelled it a state sponsor of terrorism. Canada also recently listed the Iranian Revolutionary Guard Corps as a terrorist entity.
- [28] To deliver very basic consular services to Canadians in Iran, Canada has an agreement with Italy, which maintains a diplomatic presence in Tehran. Similarly, Iran has an agreement with Switzerland, for its nationals in Canada.

5. Toolkit against FI

5.1 Monitoring, Analysis and Reporting

5.1.1 RRM Canada

- [29] Ms. Denham explained that the G7 RRM was announced at the 2018 G7 Summit held in Charlevoix, Quebec. The RRM was a Canadian initiative to address threats to democracy, with an initial focus on disinformation.
- [30] To ensure a sustained G7 focus on threats to democracy from disinformation, Canada leads the G7 RRM Secretariat on an ongoing basis. The G7 has very few permanent Secretariats, as most rotate. The fact that the G7 RRM is a permanent Secretariat demonstrates the importance that Canada, and its G7 partners, places on this issue. The Secretariat supports the coordination of sharing of information between G7 members,

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hosts meetings throughout the year, produces annual reports on current threats and coordinates working groups.

- [31] Each G7 RRM member has identified a focal point which enables information flow into the Secretariat and helps engagement across the G7. The focal point may be based within a foreign ministry or a domestic department depending on where the relevant expertise resides in each G7 member country's administration.
- [32] Furthermore, each G7 RRM member has its own distinct expertise. RRM Canada's expertise resides in its ability to identify tactics used related to disinformation. Germany, by way of example, specializes in dealing with subnational threats.
- [33] GAC's RRM division has 18 full-time employees. These include eight technical analysts for RRM Canada, with teams focussed on Russia and China as well as other regions such as the Middle East. There are seven policy analysts, two of whom manage the Secretariat; the remainder work on general policy issues such as defining terms, supporting engagement with multilateral organizations and advancing the Global Declaration on Information Integrity.
- [34] [In 2019, the GoC created the Plan to Protect Democracy, which included a mechanism for key security and intelligence agencies to share intelligence and information on threats to elections: the Security and Intelligence Threats to Elections Task Force ("**SITE TF**").] RRM Canada has participated in the SITE TF since its creation due to its technical capability of monitoring the online environment, which did not exist elsewhere in the GoC. During the 2019 and 2021 elections, RRM Canada supported the SITE TF with open source research and analytics on indicators of potential FI in the online environment in Canada, along with information shared by G7 partners on evolving threat tactics.
- [35] In 2023, the Prime Minister directed the activation of the SITE TF to monitor by-elections. The GAC representative on the SITE TF, along with the rest of the RRM Canada team, was required to devote a large portion of their limited resources to monitoring the domestic information environment. These resources would otherwise have been directed outward to monitor the international environment to identify and report on emerging FIMI threat tactics in accordance with RRM Canada's international mandate.

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- [36] Ms. Denham said that she raised her concern to senior levels as the role on SITE TF was not consistent with RRM Canada's international mandate or with GAC's role when considered long-term capacity within the Government of Canada. She believes that RRM Canada should remain a part of the SITE TF because there is value in bringing to SITE what RRM Canada and G7 partners are seeing internationally. However, it is not sustainable for RRM Canada, a division of GAC, to be responsible on an ongoing basis for monitoring the domestic information environment for disinformation.
- [37] Mr. Morrison added that to the extent that online disinformation represents a threat to Canada's security, Canada's domestic security agencies should develop the capacity to look at online disinformation, including from domestic sources. He suggested that there is also scope for working with international partners that have experience in protecting elections abroad.
- [38] Mr. Morrison noted that conversations were ongoing about building capacity for domestic monitoring within domestic departments (Public Safety or PCO) to learn from what RRM Canada has learned and take over this part of RRM Canada's current role.

5.2 Public Disclosures of FIMI

5.2.1 WeChat Disinformation Campaign Targeting MP Michael Chong

- [39] Ms. Denham explained that the proper term for the public identification of FIMI is "public disclosure" and not "attribution," which is used for cyber attacks. The process for determining the originator of a FIMI campaign is much different from the process of determining the originator of a cyber incident. It is not possible to arrive at the same level of certainty for FIMI campaigns as for cyber incidents.
- [40] Ms. Denham explained that during the summer of 2023, RRM Canada was monitoring Canada's online environment as part of SITE TF's work during the 2023 by-elections. As a result, RRM Canada detected a spike of inauthentic coordinated behaviour on WeChat between May 4 and May 13, 2023 targeting Michael Chong. Given RRM Canada's focus on monitoring the by-elections, and that Mr. Chong was not involved in those by-elections, RRM Canada did not have the resources to conduct the digital forensic analysis

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of what had been observed until June 28, 2023, after the SITE TF's work on the by-elections was over.

- [41] Several indicators led RRM Canada to have a high level of confidence that the FIMI campaign was linked to the PRC and to make a recommendation to the Deputy Minister Committee for Intelligence Response (“**DMCIR**”) for a public disclosure:
- One-third of the 72 involved accounts were accounts linked to the PRC, but whose linkages may be opaque;
 - Two-thirds of the accounts were anonymous accounts which had not previously published any comments on Canadian politics. Because of a sudden increase in their activities, RRM Canada assessed that this was likely a coordinated campaign;
 - The timing of the campaign coincided with Canada's declaration of Mr. Zhao Wei as *persona non grata* (“**PNG**”) [see below for more information].
- [42] Mr. Denham noted that the FIMI campaign targeting Mr. Chong was very different than the one reported by Kenny Chiu during the 2021 general election.
- [43] In Mr. Chiu's case, the disinformation originated from four legitimate Canadian websites that regularly report on Canada and have no known links to the PRC. RRM Canada was unable to determine whether or not this was a natural conversation occurring in a heated political environment, so the level of confidence for determining a likelihood of foreign information manipulation was low.
- [44] In Mr. Chong's case, RRM Canada was able to identify over 70 accounts amplifying the information. Many of these accounts had known links to the PRC and had not previously commented on Canadian politics, making the discussion appear inauthentic. For this reason, the level of confidence for determining a likelihood of foreign information manipulation was much stronger in Mr. Chong's case.
- [45] On July 6, 2023, RRM Canada recommended to DMCIR that a public statement be issued to disclose the existence of the FIMI campaign targeting Mr. Chong. The package to DMCIR included a recommended briefing package for Mr. Chong, a demarche to the PRC Ambassador and a public report that was also translated into Mandarin.

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[46] This recommendation was accepted and a public statement was issued on August 9, 2023. RRM Canada also followed up with Tencent [WeChat's parent company] the following month and shared the information. However, RRM Canada had no indication whether Tencent would act on this information and there has been no further engagement with Tencent.

5.2.2 Spamouflage Campaign

[47] Ms. Denham explained that "spamouflage" is best described as spam. Essentially, it is a large volume of information that automated accounts send to social media accounts in the hopes that there will be engagement with the content and, ideally for the perpetrators, wide circulation by other users. Ms. Denham noted that this is not a very effective mechanism for FIMI as most people are able to identify spam and do not interact with the content.

[48] Ms. Denham noted that the tactic of spamouflage is well-researched and has been linked to the PRC. Spamouflage has been primarily conducted in English and is PRC's attempt to move its efforts beyond WeChat and onto other social media platforms. In her view, spamouflage is China's to-date not very effective attempt at pumping narratives into different online space and in languages other than Mandarin.

[49] In September 2023, a country that is very familiar with the PRC spamouflage tactic, notified RRM Canada that its research revealed that a spamouflage campaign was targeting Canadian parliamentarians. Once this notification came in, RRM Canada's technical team was able to validate that information.

[50] The campaign included the use of video content generated by artificial intelligence ("AI") appearing to show a Chinese-Canadian critic of the PRC residing in Vancouver saying derogatory things about various MPs. While those whose accounts were sent this content included the Prime Minister, the Leader of the Opposition and a number of other MPs, it seems that the critic was the primary target of the campaign. RRM Canada assessed the likely impact of the spamouflage campaign on Canadian parliamentarians to be low. The likely impact on the critic, however, was assessed as very high.²

² CAN025903.

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- [51] Ms. Denham added this was one of the first campaigns where RRM Canada was able to identify, with a high degree of confidence, the use of AI-generated video content.
- [52] RRM Canada documented the incident and put together a package for DMCIR approval on the campaign that could be publicly disclosed. Ms. Denham explained that the intention was to notify MPs and the dissident of the campaign and to share details of the campaign with the public so that they would be aware of the spamouflage tactic. DMCIR approved the proposal and RRM Canada engaged with the targeted MPs, the dissident, and shared the package publicly. A circular was sent to all parliamentarians on this subject,³ to ensure that everyone involved had the same information.
- [53] Ms. Denham explained that Canada's response to this spamouflage campaign was an example of the G7 RRM working well. A partner country provided the information of FIMI and RRM Canada was able to validate and respond to it.

5.3 Cyber Attribution

5.3.1 Cyber Attribution Framework

- [54] Ms. Denham noted that cyber attribution is a very specific process, governed by international agreements which define acceptable behaviour in cyberspace. In 2015, the United Nations (“UN”) created a framework for responsible state behavior in cyberspace and in 2018 there was broad agreement that international law applies in cyberspace. As a result, there are norms and principles that are understood to apply in cyberspace. Canada and its allies advocate for adherence to these principles. As the international legal environment continues to evolve in this area, Canada is working to articulate its strategy for responding when it sees behaviours that do not respect the agreed upon norms and international law.
- [55] The GoC's Framework for Public Attribution of Responsibility for Malicious Cyber Activity⁴ was established in 2019 and contains a few key elements. Firstly, there is a technical assessment led by CSE to assess the likelihood that a cyber incident was caused by a state actor. Secondly, there is a domestic element which is led by Public Safety or the

³ CAN025955.

⁴ CAN044468.

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Department of Defence. This is an assessment of the impact of public attribution of the malicious cyber activity on domestic agency activities. Finally, there is a legal assessment, led by the GAC international law team, to assess if the activity in question violated international law and the UN norms of acceptable behaviour in cyberspace.

[56] Ms. Denham explained that the assessments of the various departments are shared with GAC, which is responsible for leading the attribution framework. GAC then conducts a foreign policy risk assessment given that public attribution is effectively “calling out” a state for their behaviour. GAC will then make a recommendation as to whether there should be a public disclosure or if there are other actions that should be taken. The decision rests with the Minister of Foreign Affairs.

[57] Ms. Denham added that GAC is considering removing the words “public attribution” from the title of the cyber framework to recognize that GAC’s toolkit to counter cyber attacks is not limited to public attribution. She noted that, since this tool was put in place in 2019, GAC has recognized that other diplomatic tools may be more appropriate in the context of the bilateral relations with the country involved. She gave the example of a démarche or a coordination with allied states to call out the behaviour as alternatives to public attribution by Canada.

5.3.2 Cyber Attacks on Canadian networks

[58] Commission counsel referred the witnesses to a memorandum to the Minister dated April 30, 2024 titled “Response to increased pattern of malicious cyber activity directed at Canada”. This memorandum discusses cyber attacks targeting Canadian networks. Ms. Denham indicated that there are times where the cyber attribution framework is launched, but the technical assessment ultimately does not allow the conclusive attribution of the activity to a foreign state.

[59] Ms. Denham explained that the national security community, including senior levels, discussed these cases and possible responses.

[60] The public statement was issued on June 3, 2024 by three ministers – the Minister of Foreign Affairs, the Minister of National Defence, and the Minister of Public Safety. Ms. Denham observed that the fact that the public statement was signed by three ministers

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illustrated the significance of this issue within the GoC. The statement intended to educate Canadians about the threat by focusing on the activities themselves, without changing international norms.

[61] Ms. Denham added that Canada's allies were also involved in this process, further to an agreement to call out unacceptable or illegal cyber activities. She noted that there was a growing concern in the international community to identify strategic ways of drawing attention to malicious cyber activity. This involves considering the appropriate signatories and sequencing of public statements. Ms. Denham also noted that issuing a statement that denounces, but does not attribute, malicious cyber activities does not preclude a later attribution (based, for example, on further technical assessment).

[62] Ms. Denham added that all countries have a similar process in place that take their own considerations into account. As part of GAC's foreign policy assessment, Canada take its own national considerations into account, but consultations with allies inform the analysis and recommendation.

[63] Returning to the specific issue discussed in the memorandum to the Minister, Ms. Termorshuizen pointed out that foreign interference is just one category of activity undertaken by hostile states. Hostile Activities by State Actors ("**HASA**") also include such things as espionage and malicious cyber activities. Mr. Morrison noted that a cyber attack that targets electoral structures or that occurs on election day might raise different considerations.

5.4 Cyber Attack on Inter-Parliamentary Alliance on China Members

[64] Mr. Lafortune explained that Canada, mostly through CSE, had closely tracked the attempted espionage activities of APT 31, a cyber actor, which had targeted parliamentarians.

[65] Mr. Morrison noted that, while espionage is not itself FI, a cyber actor could use compromising materials obtained through espionage to carry out nefarious activities, which could begin to enter into the foreign interference realm.

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6. Information Sharing

6.1 Producer of Intelligence

- [66] Mr. Lafortune explained that GAC's collection of intelligence is limited. He identified two main programs that collect intelligence.
- [67] First, intelligence liaison officers posted abroad attend briefings provided by the host countries. For instance, an intelligence organization from the host country might invite intelligence counterparts for a briefing. The Canadian attendee would then report back to GAC. Mr. Lafortune indicated that these briefings provide an important intelligence perspective on various issues on which GAC is engaged.
- [68] Second, GAC produces diplomatic reporting on a broad range of issues (economic issues, human rights), which can be used as a source of intelligence. Mr. Lafortune stated that there are approximately 30 diplomats abroad who focus on international security issues. He noted that the priorities for reporting on international security was informed by the Intelligence Priorities. Mr. Lafortune added that GAC receives diplomatic reporting from all of its missions around the globe, including the Global Security Reporting Program. This provides additional context to the information that GAC may receive from public sources, such as newspapers.
- [69] Mr. Lafortune noted that, while this diplomatic reporting is not highly classified, it is privileged information to which diplomats have access because of their local contacts. He gave the example of information given by a mayor to a GAC contact about a pending legislative change that may be of interest to Canadian businesses. Mr. Morrison added that this was an illustration of the value of the work of Canadian diplomats abroad. He and Mr. Lafortune also emphasized that Canadian diplomats carry out such activities in overt, not covert, fashion.
- [70] Mr. Lafortune explained that GAC shared this reporting within the Canadian intelligence community, with other partners, as well as with Five Eyes or other like-minded countries, where relevant and where GAC has an agreement in place that allows it to share information. Mr. Lafortune said that this provides an interesting diplomatic datapoint for the intelligence community in its assessment of intelligence.

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[71] Mr. Lafortune also indicated that GAC produces two types of intelligence assessments.

[72] First, GAC produces strategic assessments tailored to the foreign policy requirements of the department, based on the intelligence that it receives from domestic and Five Eyes partners. Mr. Lafortune explained that one of his key roles is to provide intelligence to the policy centres at GAC to inform the development of foreign policy.

[73] Second, in line with GAC's duty of care,⁵ GAC's Intelligence Bureau produces base threat assessments for our missions and staff working abroad. These assessments rely on the same sources of intelligence and provide indications about the level of threat (armed conflict, espionage, civil unrest, etc.) in a given location. They may enable the security branch of the department to make decisions on security measures to protect Canadians or GAC staff in that location.

[74] Mr. Lafortune stated that most of GAC's reporting and assessments are shared with the national security community through the Slingshot database. He added that the intelligence assessments that GAC produces are assessments of intelligence that are designed for the needs of a foreign affairs ministry to develop foreign policy. They provide a different perspective.

6.2 Consumer of Intelligence

[75] Mr. Lafortune explained that the main client of the Intelligence Bureau is GAC; including the three Cabinet ministers that are supported by GAC [the MINA, the Minister of International Trade and the Minister of International Development]. The Intelligence Bureau also shares intelligence with the four Deputy Ministers that support these ministers, as well as with the Assistant Deputy Ministers. He indicated that a key consideration in the dissemination of intelligence beyond the most senior officials, is to maximize the impact of intelligence on foreign policy development. The Intelligence Bureau also distributes intelligence to Directors General, Directors, and senior analysts. The objective is to ensure that all cleared positions within the department have access to relevant intelligence, while respecting the need-to-know principle.

⁵ [GAC owes a duty of care to its Canada-based employees deployed abroad, which requires GAC to take reasonable steps to protect their health and safety when they are deployed abroad.]

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- [76] Mr. Lafortune identified several ways in which the Intelligence Bureau disseminates intelligence. He noted that the time constraints of the recipient was a consideration in this process. For instance, when GAC distributes intelligence to ministers, it needs to be more concise than the intelligence provided to a policy analyst.
- [77] Mr. Lafortune added that GAC presents intelligence to ministerial offices in weekly intelligence binders, which collate and summarize the most relevant intelligence that GAC has received from Five Eyes partners and the Canadian intelligence community. GAC also provides these binders to the offices of its deputy ministers and assistant deputy ministers, as well as other officials, depending on their needs. Mr. Lafortune described the process for making these binders as turning an ocean of intelligence into a small lake.
- [78] The Intelligence Bureau provides weekly oral briefings to ministerial offices and Ministers' Chiefs of Staff. These verbal briefings will usually present reports included in the weekly binders, but may also focus on specific intelligence, depending on the requirements of the recipients (which may vary based on, e.g., upcoming travel schedule). GAC also provides intelligence to ministers on an *ad hoc* basis based on the requirements of the Minister.
- [79] Mr. Lafortune also stated that the Intelligence Bureau uses Client Relations Officers ("CROs") to deliver intelligence or documents to individuals during scheduled meetings. Mr. Lafortune identified this as a key channel to distribute intelligence because it permits the discussion of the intelligence and its relevance to principals.
- [80] Mr. Lafortune added that teams of analysts also meet on a regular basis with the two specific assistant deputy ministers who were witnesses at the hearing (ADM responsible for Indo-Pacific and ADM responsible for Europe and the Middle East) to allow them to read intelligence relevant to their geographic areas of responsibility. He noted that, when analysts meet with clients, the two-way dialogue is an important means for clients to identify what they need, which GAC can then use to inform producers of intelligence. Sometimes, a topic might become highly relevant, and the Intelligence Bureau might produce a focused package relevant to it. In these situations, the main challenge is triaging to ensure that GAC brings forward information that is relevant to both immediate and long-term interests. The Intelligence Priorities also provide guidance in this respect.

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6.3 CSIS TRM Approvals

- [81] Mr. Lafortune explained that another of the Intelligence Bureau's key roles is to ensure foreign policy coherence to Canada's intelligence activities. This involves coordinating with several organizations, including with respect to CSIS' Threat Reduction Measures ("TRMs") with a foreign nexus which require a foreign policy risk assessment from GAC. If the foreign policy risk is assessed as "High", the TRM requires approval by GAC in addition to CSIS and Public Safety senior leadership.
- [82] Mr. Lafortune indicated that, in 2015, Bill C-51 gave a new TRM authority to CSIS. After the Bill was passed, a process was put in place to assess a TRM's foreign policy implications. Under this process, CSIS provides GAC with the "need-to-know paragraph", which describes the action that it intends to take and its context, insofar as they have a foreign nexus. CSIS does not engage GAC if a TRM has no foreign policy implications.
- [83] Mr. Lafortune stated that GAC assesses the foreign policy risk based on the information provided. The assessed level of risk (low, medium, or high) triggers different governance processes. If the risk is low, the TRM's Foreign Policy Risk Assessment (FPRA) would have to be approved by his deputy. If the risk is medium, Mr. Lafortune must approve the FPRA. If the risk is high, the deputy minister must approve the FPRA. In such cases, the activity itself, not only the foreign policy risk assessment, must also be approved by the deputy minister or Minister of Foreign Affairs.
- [84] Mr. Lafortune echoed Mr. Morrison's comments and noted that different groups assess the other risks relevant to a TRM.
- [85] Mr. Lafortune explained that, any disagreement between CSIS and GAC with respect to the implementation of a TRM would result in a discussion to resolve it. Disagreements between GAC and CSIS with respect to high risk TRMs might lead to a conversation between the CSIS Director and the Deputy Minister. The governance with respect to such TRMs also involves other departments. This allows for discussions to determine whether CSIS should implement the TRM. Typically, any disagreement between departments regarding a TRM would be resolved during discussions earlier in the process, which would lead to mitigation measures that will address the concerns raised by the departments involved. In some rare cases, the measures might also be discussed

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between the relevant ministers. Mr. Lafortune noted that this had never been necessary throughout his tenure.

[86] Mr. Lafortune explained that CSIS and GAC may view the same intelligence differently, given their different mandates and expertise. CSIS's published intelligence products relate to its mandate regarding threats to the security of Canada. This informs the Service's perspective. GAC, working with its policy centres, attempts to determine whether behavior constitutes normal diplomatic practice or relates to a threat. In making this determination, GAC is mindful that CSIS has access to more security intelligence products than GAC. These different perspectives create a healthy conversation that is then leveraged by the governance in place to enable senior officials to discuss these issues and consider options to respond, with the objective of coming to a common solution. Mr. Morrison noted that the discussion might evolve over time: what GAC assesses to be a high-risk TRM at one moment may, a month later, present a lesser risk because of current events. He indicated that he views foreign policy as a broader concept than the threat mandate of the Service.

6.4 Proposed TRM of classified briefing

[87] Commission Counsel asked the panelists about the discussion at the November 30, 2023, DMCIR meeting concerning a proposed TRM involving a classified threat briefing. Mr. Lafortune explained that this occurred in the early stages of the implementation of the Ministerial Direction on Threats to the Security of Canada Directed at Parliament and Parliamentarians and that GAC was trying to identify the information that it needed to make a meaningful foreign policy risk assessment on the proposed TRM. These discussions were taking place while the GoC was developing a governance protocol to implement the ministerial direction.

[88] Neither Mr. Morrison nor Ms. Termorshuizen could remember the specifics of that DMCIR meeting. Mr. Morrison noted that it was likely that the proposed TRM would require ministerial approval. He also noted that the risk of an MP going public with the information communicated to them during a TRM was a relevant consideration in assessing the foreign policy risk as high.

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7. Specific Issues

7.1 Russian FI

- [89] Mr. L  v  que stressed the importance of distinguishing between Russia’s FI capacity and its intent. Russia has enormous capacity, which it has used throughout the globe, but it has shown less interest in Canada than it has in other countries. Russia has targeted Eastern European countries and the United Kingdom, but, even with respect to those countries, in an uneven manner and with shifting priorities.
- [90] Mr. L  v  que identified several possible causes for Russia’s lack of interest in spreading FIMI in Canada. First, he noted that low Russian activity levels in Canada might be an incidental effect of the sanctions that Canada has imposed on Russia and Russian entities, including banning Russian news outlets that are mouthpieces of the Russian government. He stated that, while Russia has other means to conduct FI activities (such as using its own diplomats or government officials), its activities usually have a limited impact. He identified the overall low support among Canadian citizens for Russia’s positions, and the support by a vast majority of Canadians for the Ukrainian position, as a possible cause for this. Indeed, he considered that Canada is not a fertile ground for Russian false narratives and propaganda campaigns to take hold, since the vast majority of Canadians detect the blatant lies and disinformation that Russia conveys.
- [91] Mr. L  v  que added that, when Russia, through its embassy, launches FIMI campaigns, GAC has mechanisms to react. While it cannot respond directly to Russia’s Tweets, because Russia has blocked the GAC corporate account, GAC can take a screenshot of the Tweet and use other channels to correct the erroneous or misleading information. He noted that GAC’s communications branch has a dedicated series of releases intended to correct false reports.
- [92] Mr. L  v  que explained that GAC is very familiar with Russia’s foreign interference tactics. Russia’s FIMI activities and targeting of democratic processes of other countries (e.g., during the U.S. elections and in Eastern Europe) is well documented. He indicated that GAC had not noticed similar activities in Canadian electoral events: the little FIMI that it has observed remained at community level, through few outlets of diaspora groups.

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Because of the limited support within the Russian diaspora for the Russian positions, these attempts have had limited results.

7.2 Declaring Zhao Wei *persona non grata*

7.2.1 Timeline of Events

- [93] Commission counsel asked the witnesses to explain the sequence of events that led to Zhao Wei, a PRC diplomat in Canada, being declared PNG in May 2023.
- [94] Mr. Morrison explained that the context surrounding the PNG of Zhao Wei did not start in early May 2023. Mr. Epp noted that the PNG was one part of a suite of measures intended to impose consequences on the Chinese government for a broad range of FI activities, including the police stations from the previous fall and the spy balloons. The goal of these various initiatives was to deter, and raise the cost for the Chinese government of continuing to conduct, FI activities in Canada.
- [95] Mr. Epp explained that GAC's obligation is to manage the range of diplomatic tools to address FI. The diplomatic tools have a range of functionalities and objectives. Quiet diplomacy includes private consequences, such as denying diplomatic positions and visas. Another type of diplomacy can include public activity, such as declaring an individual PNG. This public aspect of diplomacy can also involve publicizing the fact that a démarche was conducted and that a certain message was conveyed to the foreign government. The decision to pursue private or public measures depends both on the risks of unintended consequences and other considerations.
- [96] When the Globe and Mail published its article about Zhao Wei in May 2023, Canada had already implemented many of these incremental steps. For instance, GAC had increased the crescendo and the tempo of its messaging through quiet diplomacy at all levels. In response to the police stations, GAC denied a long-standing request by the PRC to create a diplomatic position in the PRC embassy. The consideration of a PNG declaration against Mr. Zhao in early 2023 fit within the broader, ongoing diplomatic response to the PRC.

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- [97] Commission Counsel referred Mr. Epp to a list of Canadian diplomatic engagements with the PRC.⁶ Mr. Epp noted a January 17, 2022 meeting between the then Foreign Affairs Deputy Minister, Ms. Marta Morgan, and her PRC counterpart. This was the first senior-level meeting where Canadian officials put PRC officials on notice by calling out FI activity. Mr. Epp said that this was the first meeting in which Canada was able to switch gears after several years of focusing primarily on the release of the two Michaels [Michael Spavor and Michael Kovrig]. After this meeting, Canadian officials at various levels continued to be bring up this topic in their interactions with PRC officials.
- [98] Mr. Morrison also explained that there were ongoing interdepartmental conversations with respect to an appropriate response to PRC FI.
- [99] Mr. Epp testified that following the Globe and Mail article in May 2023, Mr. Lafortune and his team worked with CSIS on an updated mutual understanding of PRC FI activities. During this exercise, CSIS provided GAC with a piece of intelligence that it had previously provided in 2021. The witnesses explained that this piece of intelligence was not itself significant, but underscored concerns about PRC FI activities.
- [100] Mr. Lafortune explained that this piece of intelligence was provided to GAC in 2021 but was only authorized to be distributed to two people at GAC – a CRO and a junior intelligence officer. The junior intelligence officer was not authorized to distribute it further, so they did not. Mr. Lafortune said that an initiative has been put forward by CSIS and PCO since then in order to facilitate and improve dissemination of intelligence across the intelligence community.
- [101] Commission Counsel referred to an updated intelligence assessment concerning Zhao Wei prepared by GAC's Intelligence Bureau in light of this additional intelligence product. A memorandum to the Minister of Foreign Affairs followed a few days after the updated intelligence assessment was completed with an explicit recommendation to proceed with declaring Zhao Wei PNG.
- [102] Mr. Morrison advised PRC officials that Zhao's position in Canada was not tenable. He proposed an approach that would required the PRC to take some steps and

⁶ Global Affairs Canada, *Institutional Report – Part C*, p. 6 et s.

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accountability. This approach could limit the risk of retaliation. Ultimately, Canada declared Zhao Wei PNG. The PRC reciprocated by expelling a similar level Canadian diplomat who was based in China. Mr. Morrison explained that the PRC, in not expelling more than one Canadian diplomat, did not escalate the situation.

7.2.2 Decision to PNG in 2023 vs in 2021

[103] Mr. Morrison explained that the threshold for declaring a diplomat PNG is not evidentiary. Under the VCCR, a country can declare someone PNG without providing a reason. A country may want to expel a diplomat for many different reasons, including to chastise a particular diplomat whose behaviour is problematic or to send a bigger message to the diplomat's country of origin. Mr. Morrison gave the example of the PNG of four Russian diplomats by Canada in solidarity with the United Kingdom, along with other allies, following the poisoning of Mr. Sergey Skripal. The PNG tool was used in that case to send a message to Russia that this kind of behaviour is unacceptable.

[104] Mr. Epp said that had senior GAC officials read the intelligence on Zhao Wei in 2021, the PNG of Zhao Wei would not necessarily have ensued. The context in 2023 was different from in 2021. Similarly, it is not the case that, without this additional piece of intelligence in 2023, Canada would not have declared Zhao Wei PNG in 2023. There was no threshold of evidence required to PNG this diplomat, rather it required only that there be diplomatic and strategic reasons to do so. The different context in 2023 meant that the PNG made diplomatic sense then, when it had not before.

[105] It allowed Canada to send a message not only to the PRC, but also to other foreign governments that might be considering FI. The message was also for the Canadian public in terms of trust, and that message came with a lower risk and at a lower cost because of the Globe and Mail story.

7.3 PRC Overseas Police Stations ("OPS")

[106] Mr. Epp explained that GAC learned of PRC OPS in a report published by Safeguard Defenders, a Spanish non-governmental organization ("**NGO**"). The report described these entities and their activities in Canada and other countries. RRM Canada immediately began working with Canada's allies and partners domestically and around

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the world to understand and validate the NGO report. Mr. Epp said that, for those familiar with China, it was immediately apparent that this fit into a broad palate of activities that the PRC uses to conduct transnational repression.

[107] According to Mr. Epp, the PRC, more than any other country, is very good at what is described as “grey zone” activity. It uses subnational government entities and other tools, for dual purposes – both legitimate and illegitimate activities.

[108] When the Safeguard Defenders report came out in 2022, GAC had a sense that the dual utility and the growth of these police stations was particularly relevant for the PRC during COVID, when a lot of Chinese citizens abroad could not travel home and needed to obtain services, such as renewing a license. There was always a plausible reason in the Chinese’s construct for these stations to exist and to be linked with provincial or subnational governments in China. Because China is a unitary party-state, it is capable of directing, at the subnational level, these kind of entities to be used for other purposes.

[109] Mr. Epp explained that from an international law perspective, the existence of the OPS contravened China’s obligations under the VCCR regardless of whether they were conducting transnational repression. The stations were undeclared and they had not been negotiated with GAC; they were providing government services (e.g., renewing licenses, etc.) on Canadian soil outside the legal parameters that govern China’s representation in Canada. Mr. Epp said that it became immediately clear that the Chinese government should be accountable for these illegitimate entities. That said, GAC also had reason to believe that the PRC OPS were involved in transnational repression activities.

[110] Mr. Epp described the diplomatic response following the discovery of the PRC OPS. GAC made formal representations to the Ambassador and the PRC to identify this issue to make clear that it needed to stop. GAC also held a series of meetings and sent diplomatic notes. Mr. Epp explained that the chronology of events show an ongoing process to get the Chinese government to admit to accountability for this situation, which included the denial of a PRC request for the creation of a new position at their Embassy, and denial of accreditation and a visa for the proposed assignment of a PRC diplomat.

[111] Mr. Epp said that GAC worked with partners around the world to raise awareness of the Canadian experience of the PRC OPS and the PRC response to Canada’s criticism of

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them. GAC also worked very closely with Public Safety to ensure that GAC was tracking the domestic response to the PRC OPS.

- [112] GAC undertook a number of diplomatic responses in response to the PRC OPS.
- [113] Commission counsel asked witnesses about the possibility that the OPS were directed from subnational entities within China. Mr. Epp explained that GAC understood the PRC OPS were directed by subnational entities not directly managed by national entities in China. Mr. Morrison said he was not sure whether the PRC ambassador even knew that the OPS existed until he received a démarche on the matter from GAC.
- [114] Commission Counsel referred the witnesses to the draft minutes of a DMCIR meeting that took place on October 12, 2023.⁷ Mr. Morrison noted that the minutes reflected free-flowing discussion about the OPS and FI. He indicated that the discussion centred on the OPS as an example of FI. However, in his view, the OPS are more nuanced, as they also provide legitimate services. He noted that it did not actually matter whether the OPS were FI, because the fact that they were providing unauthorized consular services made them illegal under the VCCR and they would be shut down on that basis. He contrasted OPS with the Indian government's funding of political candidates during the 2021 election, which he characterized as a "smoking gun".

7.4 Murder of Hardeep Nijjar

- [115] Mr. Morrison explained that, until recently, Canada had been trying to improve its bilateral relationship with India. India is an increasingly significant global player. Its large population, its growing economy and its proximity with the PRC place India in a position to challenge the PRC's hegemony in Asia. Against this backdrop, improving bilateral relationships with India is seen as a key element in Canada's geopolitical strategy.
- [116] Mr. Morrison explained that GAC had planned to take advantage of India's hosting of the 2023 G20 Summit to further the relationship. In preparation for the Summit, many Canadian delegations visited India and engaged with Indian counterparts on a variety of topics, including a possible free trade agreement.

⁷ CAN044228.

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- [117] Mr. Morrison explained that the murder of Hardeep Nijjar on June 18, 2023, and the subsequent intelligence assessment that India was likely involved, derailed the plan.
- [118] Mr. Morrison explained that since the 1985 Air India tragedy, India had been pressuring Canada to adopt a stronger stance against Indian diaspora dissidents in Canada who are promoting the independence of Khalistan. Some diaspora dissidents have been implicated in coordinating and funding terrorist activities in India from Canada. For this reason, India considers the dissidents a threat to its national security and has repeatedly pressured Canada to be more active, beyond the parameters of Canadian law, in countering their activities. India has had little success with this pressure. Mr. Morrison said the murder of Mr. Nijjar appeared to be the first time India has “taken the matter into its own hands” and conducted an extraterritorial killing in the West [as opposed to in South Asia].
- [119] Mr. Morrison explained Canada’s response to the murder. In August 2023, then-NSIA Jody Thomas travelled to India as part of a pre-planned visit to prepare for the G20 Summit. She informed Indian officials there that Canada had indications of India’s involvement in the murder. Indian officials denied any involvement.
- [120] Some days later, Mr. Morrison contacted his counterpart in the Indian government to inform him that Canada had serious concerns about the murder of Mr. Nijjar.
- [121] In September 2023, PM Trudeau met with Indian PM Modi on the margins of the G20 Summit. PM Trudeau explained that the information about India’s involvement in the murder of Mr. Nijjar was likely to become public soon. This was because of a risk of media leaks or the anticipated United States unsealing an indictment in a related case and the RCMP investigation of Mr. Nijjar’s murder. PM Modi denied any Indian involvement.
- [122] On September 18, 2023, the Globe and Mail published an article claiming that Canadian intelligence officials had information about potential Indian government involvement in the murder. Mr. Trudeau then publicly announced in the House of Commons that Canadian security agencies had been actively pursuing credible allegations of a potential link between agents of the government of India and the killing of Mr. Nijjar.

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[123] India's reaction was significant. It sponsored a FIMI campaign against Canada and PM Trudeau; suspended visa services for all Canadians; and demanded "parity" in diplomatic presence, threatening to remove diplomatic immunity. This effectively expelled 41 Canadian diplomats from India.

[124] Mr. Morrison explained that Canada's relationship with India since then has been difficult to manage. Canada still wishes to improve its bilateral relationship for reasons set out previously. However, Canada cannot tolerate the murder of one of its citizens. Mr. Morrison said that the future of Canada's bilateral relationship with India is uncertain.

8. Engagement with Diaspora Communities

[125] Mr. Morrison explained that GAC's engagement with diaspora communities in Canada is limited. Any engagements that do happen are to inform and advance Canada's foreign policy objectives. GAC does meet with organizations in Canada, including members of diaspora groups, to discuss human rights issues in other countries. This can help GAC, particularly when meeting with groups or individuals that can share information about countries with which GAC has little contact. As an example, Mr. Morrison said it can be difficult for GAC to learn about the human rights situation in Iran or the PRC from sources inside these countries. Meeting in Canada with experts, including those from diaspora communities from these countries, helps fill this gap. Mr. Morrison also noted that GAC sometimes helps connect diaspora communities with domestic security agencies such as the RCMP and CSIS in the event that community members need assistance.