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Addendum to *In Camera* Examination Summary: Mr. Rob Stewart

Mr. Rob Stewart was examined by Commission Counsel during in camera hearings held between February 28 and March 6 2024. The following addendum contains information provided by the witness that is relevant to stage 2 of the Commission's inquiry and that, in the opinion of the Commissioner, would not be injurious to the critical interests of Canada or its allies, national defence or national security.

Notes to Reader:

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

1. Examination by Commission Counsel

1.1 Flow of intelligence related to Michael Chong

- [1] During a discussion of the flow of intelligence, Mr. Stewart was asked about an IMU regarding a defensive briefing CSIS intended to give to Mr. Chong and Kenny Chiu on PRC foreign interference. Mr. Stewart testified that he did not recall seeing the document at the time. That said, he stated that he was fairly confident it would have been in one of the binders of intelligence he received on a regular basis because he could not see any reason it would not have been included.
- [2] Mr. Stewart explained that, when this IMU was circulated, the Public Safety Canada was aware of, and well sensitized to, CSIS' concerns about foreign interference. He explained that Public Safety had supported Minister Blair in drafting his December 2020 letter to Parliamentarians regarding foreign interference. He described this letter as resulting from the information and activities that CSIS had observed, and that warranted a very clear and public statement from the Minister on the issue of foreign interference.

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Mr. Stewart explained that he was periodically discussing FI with the CSIS Director, David Vigneault.

- [3] Given this background, Mr. Stewart explained that, if he had seen the IMU regarding Michael Chong in May of 2021, it would have been part of the broader conversation with CSIS about the Service wanting to deal with the threats they were observing. As a result, he would not have taken the information that CSIS intended to conduct defensive briefings with Mr. Chong as news.
- [4] Mr. Stewart further confirmed that he was not aware of threats against Mr. Chong.

1.2 A Warrant

- [5] Commission counsel referred Mr. Stewart to two letters from Mr. Vigneault regarding a warrant request and enclosing the warrant application materials. The first letter is addressed to Mr. Stewart and the second letter is addressed to the Honourable Bill Blair, Minister of Public Safety and Emergency Preparedness. Mr. Stewart confirmed that, generally speaking, these two letters would be sent together as part of the warrant package. Commission counsel also referred Mr. Stewart to a Memorandum to the Minister, from himself, recommending approval of the warrant application. Mr. Stewart confirmed that the second paragraph of that memo states, "CSIS is seeking your signature by [the same day that Mr. Stewart signed the memo]."
- [6] Mr. Stewart explained that, as part of the front end of the warrant process, the dates on the initial letters, and the requested due date, are purely bureaucratic and not reflective of any particular form of urgency. As a general rule, when CSIS submitted a warrant for the Minister's approval, they briefed the Minister. The Minister would ask questions and read the warrant. There was never an expectation that he would sign the warrant the same day it was received.
- [7] Mr. Stewart testified that, with regards to the dates the letters were signed and received, CSIS provides a draft but they are still very concerned about making sure that the warrant is proper and complete. Because of that, there is fine-tuning right up until the moment Mr. Stewart receives the warrant package. He testified that the fact that Mr.

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Vigneault signed a draft on one day, but it was only received by Mr. Stewart three or four days later, is not significant, but instead is reflective of CSIS finishing the job.

- [8] Mr. Stewart also noted that this warrant was dealt with during the COVID pandemic and that most people were out of the office. Every time he received a warrant, he would sign off as quickly as possible. Although the memo had been drafted based on the expectation that Mr. Stewart would receive the warrant application on a particular date, he received it four days later. Even though that meant that the due date was a little unfair, he would have waved it through because he knew the process and that the Minister would want to have a conversation about it in any event. As a result, he emphasized that there was nothing about the date of the letters, or the due date, that reflects that this particular warrant application had to be dealt with urgently.
- [9] In response to questions from the Attorney General of Canada, Mr. Stewart further confirmed that the memo for the Minister was drafted by the National Security Operations Directorate. To change the due date on the memo, Mr. Stewart would have needed to send the memo back to them. He confirmed that it was not necessary, as it would add to the responsibilities of the employees who were present in the office. He also clarified that, on numerous other occasions, he did not request that this type of information be modified for this reason.
- [10] Mr. Stewart testified that, with respect to the six weeks it took the Minister to sign off on the warrant application, this might involve a different explanation. He could not recall when conversations began with the Minister and whether that led to questions from the Minister, or whether the Minister's Chief of Staff had asked questions beforehand, but Mr. Stewart testified that there were questions and it would have taken CSIS some time to get the Minister and his staff comfortable with this particular warrant. Mr. Stewart surmised that questions would probably have been asked about certain processes related to the execution of the warrant.
- [11] Mr. Stewart testified that he was not involved in conversations with the Minister about the warrant application. He testified that the Minister's Chief of Staff would have almost certainly been involved, and, to a lesser extent, the staff of the National Security Policy

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Directorate within Public Safety, who processed these warrants and who would have been told, if there was going to be any change to the warrant.

- [12] Mr. Stewart testified that he did not know if questions about the warrant would be directed to the CSIS Director or others at CSIS. He noted that there is a unit in CSIS that prepares warrants.
- [13] Mr. Stewart testified that six weeks for the Minister to sign off on the warrant was longer than average. He noted that sometimes it took time for the Minister to be able to access the CSIS office in Toronto because of COVID, but never more than two or three weeks.