



Decision on Intervener Participation in Stage 2 Hearings (Chinese Canadian Concern Group)

Introduction

1. The Chinese Canadian Concern Group on the Chinese Communist Party's Human Rights Violations (“the Concern Group”) seeks an order granting it Party standing for the Commission’s Stage 2 factual hearings.
2. In this decision, I explain why I have decided to grant the application.

Background

3. The Concern Group currently has Intervener standing during the factual phase of the Inquiry and Standing in the Policy phase. I discussed the distinction between Party and Intervener standing in my *Decision on Standing*, dated December 4, 2023, and in my *Decision on Intervener Participation in Stage 2 Hearings (Democracy Watch)*, dated September 6, 2024.
4. In my *Decision on Standing*, I concluded that the Concern Group had substantial and direct interest in the work of the Commission arising from its particular link to the Chinese-Canadian diaspora community. I also concluded that it had a necessary contribution to make to the work of the Commission. However, I concluded that it did not require Party standing in order to make such a contribution to the Commission’s work.¹

¹ [Decision on Standing](#), December 4, 2023, paras. 179-180.



5. The Concern Group now seeks to modify its grant of standing during the Stage 2 hearings to become a full Party.

6. The Concern Group submits that this change is justified by its substantial and direct interest in the subject matter of Stage 2. It places particular emphasis on Clause (a)(i)(C)(II) of my Terms of Reference, which directs me to inquire into “the supports and protections in place for members of a diaspora who may be especially vulnerable and may be the first victims of foreign interference in Canada’s democratic processes”.

7. It also submits that it has a demonstrated commitment to monitoring and addressing foreign interference in Canada’s democratic system. It states that many of its members have been active in this area for decades.

Analysis

8. Arguably the Concern Group is seeking reconsideration of my decision granting them standing. This would require them to seek and obtain leave.² I do not need to express a definitive view on this point. If leave were required, I would grant it.

9. I am of the view that the Concern Group’s grant of standing should be changed to Party status for the Stage 2 hearings.

10. The fact that the Concern Group currently has Intervener status requires some explanation. As the Concern Group notes in its application, when it sought standing

² See, for example, [Decision on an Application for Reconsideration of Decision on Standing \(Peter Merrifield and Paul McNamara\)](#), February 8, 2024, paras. 1-2.



before the Commission, it was not represented by legal counsel. This may have impacted what rights the Concern Group sought at the time.

11. In its original application, the Concern Group only sought standing for the Commission's policy phase. At the same time, it sought certain rights that could only be exercised during the factual phase, such as "tendering or representing witnesses who may testify of factual issues" and "making submissions on factual issues and related evidentiary issues". As a result, I considered that some form of standing during the factual phase would be appropriate, notwithstanding the Concern Group's more limited request.

12. Importantly, however, the Concern Group did not request the right to examine or cross-examine witnesses. This was perhaps because they were not represented by counsel at the time.

13. In granting the Concern Group Intervener, and not Party standing, I took specific note of the fact that it had not requested the right to examine or cross-examine witnesses.³

14. The Concern Group subsequently retained counsel. Since that time, its participation in the work of the Commission has been active and constructive. It has cooperated with Commission counsel in identifying relevant witnesses and assisted in arranging for interviews. It has also produced a significant number of documents to the Commission, many of which have already become exhibits during the Stage 1 hearings.

³ [Decision on Standing](#), December 4, 2023, para. 180.



In this way, the Concern Group's participation in the work of the Commission has mirrored that of several of the Parties.

15. I also accept the Concern Group's submission that it has a substantial and direct interest that is particularly engaged by the subject matter of the Commission's Stage 2 hearings. I agree that its interest in these matters is similar to the interest of other diaspora groups that have Party standing.

16. As I noted in my *Decision on Intervener Participation in Stage 2 Hearings (Democracy Watch)*, "the interest of diaspora communities is arguably even stronger during the Commission's Stage 2 factual hearings."⁴ In my view, this statement applies to the Concern Group. Indeed, as I wrote in my *Decision on Standing*:

the Concern Group appears to have a particular link to a specific segment of the Chinese Canadian community in the Greater Vancouver area. I accept the Concern Group's submission that this may be a distinct population that is particularly vulnerable to foreign interference.⁵

17. Addressing protections for diaspora communities that have this type of vulnerability is expressly referenced in Clause (a)(i)(C)(II) of my Terms of Reference.

18. Finally, given the significant degree of work the Concern Group has already performed in producing relevant evidence for the Commission, I accept that their ability to participate as a Party during Stage 2 is both necessary and appropriate.

⁴ *Decision on Intervener Participation in Stage 2 Hearings (Democracy Watch)*, September 6, 2024, para. 27.

⁵ [Decision on Standing](#), December 4, 2023, para. 179.



19. While this application should likely have been brought earlier than it was, I still consider it to be in the interests of justice to grant it.

Conclusion

20. I grant the Concern Group Party standing during the Stage 2 hearings (September 16 – October 16, 2024).

Signed

Commissioner Marie-Josée Hogue

September 6, 2024