



Sixth Decision on Standing

Introduction

1. The Commission received a late-filed application for standing from the Iranian Canadian Congress. This decision explains why I would exercise my discretion to consider their application and grant them standing.

Background

2. On February 8, 2024, the Commission received a letter from the Iranian Canadian Congress (“ICC”) in which it expressed its desire to “attend the inquiry.” On February 9, 2024, the Commission received a second letter from the ICC, in which it made submissions respecting a particular non-state actor that it believed that the Commission should investigate.

3. The Commission responded and informed the ICC that, if it wished to be a Participant in the Inquiry, it would need to file an application for standing.

4. On February 14, 2024, the ICC filed a formal application for standing. It subsequently clarified aspects of its application by email to Commission counsel on February 23, 2024.

5. In its application, the ICC describes itself as a non-profit, non-partisan and non-religious organization established in 2007 to represent the interests of Iranian Canadians with core values of peace, solidarity, freedom, justice and transparency. It has an elected board representing members from across Canada. The ICC states that it

has a history of raising the issue of foreign interference by non-state actors in Canadian elections and policy matters.

6. The ICC acknowledges that its application for standing has been filed after the deadline has passed. It explains that it only recently found out about the process for participation in the Inquiry.

7. The ICC submits that it has a direct and substantial interest in the work of the Commission. It notes that, in a December 2023 survey of its members, over 80% responded that a high priority was for the organization to keep Canadian politicians accountable about the lobbies that those politicians associated with. It made submissions respecting the connection between foreign interference in Canada's democratic institutions with foreign lobbying efforts directed at parliamentarians.

8. The ICC submits that it would make a necessary contribution to the work of the Commission. In particular, it claims to be able to provide information about interference in the 43rd and 44th General Elections at the national level, as well as provide the perspective of the Iranian-Canadian diaspora.

9. The ICC acknowledges that another Iranian-Canadian diaspora organization – the Iranian Justice Collective (“IJC”) – has standing in the Inquiry. The ICC takes no issue with the participation of the IJC in the Inquiry but notes that the ICC has a longer history and that the IJC had only sought standing in the Commission's policy phase. The ICC submits that it would not be duplicative to grant it standing, as it is seeking to participate in the factual phase of the Inquiry. The ICC subsequently clarified that it was seeking Intervener standing in the factual phase of the Inquiry and standing in the policy phase of the Inquiry.

Decision

10. I would exercise my discretion to consider the ICC's application and to grant it Intervener standing in the factual phase of the Inquiry and standing in the policy phase of the Inquiry.

11. The ICC's application has come extremely late. I am not entirely satisfied with the ICC's explanation for not applying earlier. While it may not have been aware of the process for applying until February 2024, potential Participants are required to exercise due diligence in following the work of the Commission and to bring timely applications.

12. That said, I would still consider the ICC's application. The lateness of its application will not, in my view, cause prejudice to the Commission or other Participants. It may prejudice the ICC by limiting the degree to which it can meaningfully participate in the first phase of the factual inquiry. However, this is not a reason to not consider its application. It is simply the inevitable consequence of bringing an application so late in the process.

13. On the merits of its application, I accept that the ICC establishes a proper basis to have Intervener standing in the factual phase of the Inquiry and standing in the policy phase of the Inquiry. I described the necessary interest for this form of standing in my *Decision on Standing*. Based on the information provided to me, I accept that the ICC has a sufficient interest in the work of the Commission due to its connection with the Iranian diaspora and can make a necessary contribution to the work of the Commission.

14. I also accept that the presence of the IJC in the policy phase of the inquiry does not render the ICC's participation redundant. The ICC has sought standing in the factual phase of the inquiry and has indicated that it has relevant information to provide to the Commission on foreign interference in the 2019 and 2021 federal elections.

15. I therefore grant the ICC intervener standing in the factual phase of the Inquiry and standing in the policy phase of the Inquiry.

Signed

Commissioner Marie-Josée Hogue

February 4, 2024