

April 15, 2024

# Public Inquiry Into Foreign Interference in Federal Electoral Processes and Democratic Institutions

**WRITTEN SUBMISSIONS OF THE  
CONSERVATIVE PARTY OF CANADA  
RE: PHASE I**

## I. INTRODUCTION

1. For many years now, the Trudeau Government has known of the considerable and pervasive threat that foreign interference poses to Canadian elections and Canadian democratic institutions. Foreign interference is defined as “*malign activities undertaken by foreign states, or those acting on their behalf, to advance their own strategic objectives to the detriment of Canada’s national interests.*”<sup>1</sup>
2. Foreign interference poses a significant threat to democratic institutions in Canada and indeed to Canada’s sovereignty itself.<sup>2</sup> Because foreign interference threatens Canada’s democracy and Canada’s sovereignty, it must be regarded as wrong in and of itself, and it must be taken extremely seriously.
3. The Trudeau Government has known all too well about the dangers posed by foreign interference. This threat has repeatedly been conveyed to the Trudeau Government by the Canadian security establishment, through intelligence briefings to Canada’s highest ranking civil servants, multiple cabinet ministers, several members of the Prime Minister’s Office, and the Prime Minister himself on numerous occasions. Indeed, as will be seen, personal briefings to Prime Minister Justin Trudeau on this subject began no later than 2017 – seven years ago.

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<sup>1</sup> Foreign Interference and Canada (<https://www.canada.ca/en/public-safety-canada/news/2023/11/foreign-interference-and-canada.html>)

<sup>2</sup> Perrault Testimony, p. 15, l. 27 – p. 16, l. 4 ([TRN0000007](#))

## **II. THE TRUDEAU GOVERNMENT HAS FAILED IN ITS RESPONSE TO FOREIGN INTERFERENCE**

4. Prime Minister Trudeau, his Office and his Ministers were briefed on the threat of foreign interference since as far back as 2017, when he was told:
  - (a) PRC foreign influenced activities in Canada are “sophisticated, pervasive and persistent”; and
  - (b) PRC threat actors have “clandestinely and/or deceptively” attempted to: influence the outcomes of Canadian elections at federal, provincial and municipal levels of government; pressure and/or influence Canadian officials into taking specific stances on key issues; force Canadian residents and/or citizens to return to China against their will through the use of intimidating and threatening behaviour; and publish purposely misleading or fabricated material.<sup>3</sup>
  
5. In June 2017, Prime Minister Trudeau received an intelligence briefing from his then-National Security and Intelligence Advisor, Daniel Jean. The contents of the briefing were provided by the Canadian Security Intelligence Agency (CSIS) and the contents and the tone were unmistakably clear and stark [emphasis added].<sup>4</sup>

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<sup>3</sup> CAN019496 – National Security and Intelligence Advisor to the Prime Minister – “Memorandum for the Prime Minister” dated June 29, 2017.

<sup>4</sup> CAN019496 – National Security and Intelligence Advisor to the Prime Minister – “Memorandum for the Prime Minister” dated June 29, 2017.

- The Canadian Security Intelligence Service (CSIS) describes Chinese foreign influenced activities in Canada as sophisticated, pervasive, and persistent. Although there are other countries conducting foreign influenced activities in Canada, the PRC is the most active. These activities take many forms and are equally directed at federal, provincial, territorial and municipal officials.
- In an effort to circumvent scrutiny, the PRC leverages its government apparatus, [redacted] such as trusted contacts, groups and proxies.
- While some of these activities may fall into normal overt diplomatic engagement, this note highlights a number of covert activities that to interfere in democratic processes.
- China's efforts to cultivate political influence in Canada will likely not abate despite being aware of the additional scrutiny. Such efforts are consistent with President Xi Jinping's increasingly aggressive approach to ideological discipline and domestic social control. They are also consistent with Xi's desire to control and shape China's narrative both at home and abroad.
- These activities take many forms and are equally directed at federal, provincial, territorial and municipal officials. For example, [redacted] PRC threat actors have clandestinely and/or deceptively attempted to:
  - Influence the outcomes of Canadian elections at federal, provincial and municipal levels of government;
  - Pressure and/or influence Canadian officials into taking specific stances on key issues;
  - [redacted]
  - Utilize trusted contacts or community groups to influence policymakers at multiple levels of government on issues of importance or interest to the Chinese government;
  - Force Canadian residents and/or citizens to return to China against their will through the use of intimidating and threatening behaviour. This sometimes includes covert visits by law enforcement security officials;
  - Prevent or influence the publication of Canadian media content which portrays the Chinese government negatively or is perceived to contradict Chinese interests; and
  - Publish purposefully misleading or fabricated material via Canadian media outlets in order to influence the Canadian public.

6. More than five years later, the contents of CSIS briefing notes used by the CSIS Director to brief Prime Minister Trudeau remained largely the same. One briefing note dated October 26, 2022, for a briefing to the Prime Minister that was to take place the day following, stated, in part [emphasis added]:<sup>5</sup>

- This includes Members of Parliament, members of provincial legislatures, municipal officials, representatives of Indigenous governments, ministerial and political staff, and public servants. Both current and former officials are targeted.
- **China is – by far – the most significant threat due to the scope of its FI activities and the level of resources it expends.**
  - PRC activities are sophisticated, pervasive, persistent, and directed against all levels of government and civil society across the country.
  - The PRC leverages a vast range of tools in Canada, including the United Front Work Department, and non-government assets such as community groups and trusted contacts.
- **CSIS can investigate and advise on FI threats, and conduct threat reduction measures as appropriate, but the responsibility to counter these harmful activities must be shared across government, including provincial and municipal partners.**

7. Another briefing note, also dated October 26, 2022, was even more specific (even solely in terms of what has been publicly disclosed):<sup>6</sup>

- PRC officials in Canada often conduct election-related foreign interference through local networks
  - channeling donations and other assistance to preferred candidates will foster a bond of obligation to the PRC that will pay dividends for the promotion of CCP interest if elected.
- Current Situation**
- to acquiesce to PRC officials and the United Front Work Department, co-opted community leaders and associations provided assistance in fundraising and material support. This activity is often covert, likely illegal, and therefore constitutes foreign interference by the PRC.
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  - PRC officials could be emboldened in their electoral interference efforts by the 2021 defeat of former Richmond MP Kenny Chiu

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<sup>5</sup> CAN015842 - “Briefing to the Prime Minister on Foreign Interference Threats to Canada’s Democratic Institutions” – October 26, 2022

<sup>6</sup> CAN004079\_R01 – “TOP SECRET/.../LIMITED/CANADIAN EYES ONLY”. In his testimony on April 12, 2024, Mr. Vigneault made it clear that he communicated the information in this briefing note explicitly to the Prime Minister. With respect to the contents of CAN019496, Mr. Vigneault indicated that, while the contents of this briefing note may not have been explicitly communicated to the Prime Minister on October 27, 2022, they reflected information which had repeatedly been already communicated to the Prime Minister, directly or indirectly, by Canada’s security agencies in briefings over the prior five years. See Testimony of David Vigneault, Transcript Vol. 15, pp. 9–13, 14-15 and 36-37.

8. Clearly, the Canadian intelligence community had, and has been, repeatedly ringing the alarm about foreign interference, especially from the PRC, for many years between June 17, 2017 and October 22, 2022. In the intervening period, the Trudeau Government called two federal general elections, providing ample opportunity for the PRC to engage in foreign interference. Sure enough, that is precisely what happened, and the Trudeau Government failed to design and implement countermeasures which could respond in a timely manner.
9. Despite being aware of the corrosive threat posed by foreign interference, the evidence in the present Inquiry demonstrates that the Trudeau Government has failed in its response to foreign interference. To the extent that countermeasures have been adopted at all, they have proven to be inaccessible, cumbersome and ineffective.
10. The adoption and implementation of the Security and Intelligence Threats to Elections (SITE) Task Force and a panel of five public servants (the **Panel of 5**) resulted in a machinery that, in theory, was supposed to be a bulwark and ultimate backstop to deter and prevent foreign interference, but which, in design and in practice, did not play any real and useful role in preventing and combatting the foreign interference that undoubtedly did take place in the 2019 and 2021 General Elections.
11. In particular, the Panel of 5 adopted what has been universally acknowledged to be a “very high threshold” before it would take the step of making a public statement, indeed *any* statement, to warn Canadians that malign foreign state actors, or their proxies, were actively working to interfere in those elections – and the Commission has heard and seen copious evidence that, not only were such malignant efforts afoot, but that the SITE task force and the Panel of 5 were aware of them. To the detriment of Canadians and Canada’s

democratic institutions, the Panel of 5 did not issue any statement or other warning in either of the two elections, nor take any action at all.

12. In the face of the Panel of 5's impotence, the only hope that the candidates and potential candidates for the 2019 and 2021 General Elections had to address the foreign interference (other than being left to their own devices) would be to receive information and intelligence, *on a timely basis*, from Canadian security agencies. But the evidence at this Inquiry demonstrates that any such efforts were extremely lacking. In many instances, those who were the targets of the foreign interference in the 2019 and 2021 General Elections only received information about these efforts from Canada's security and intelligence apparatus in 2022 or 2023 – a classic closing of the proverbial stall door well after the horse had already bolted.
13. Canada's security agencies have confirmed the disturbing results of this Government inaction, stating that "*state actors are able to conduct [foreign interference] successfully in Canada because there are no consequences, either legal or political. [Foreign interference] is therefore a low-risk and high-reward endeavour.*"<sup>7</sup>
14. It must be stated, at the outset, that the refrain that was frequently repeated by the Trudeau Government and other witnesses at the Inquiry that, from a foreign interference perspective, the 2019 and 2021 General Elections were "fair" or had "integrity" are, in the present context, self-serving and largely meaningless. It is akin to saying that if a criminal fires a gun at a victim, just because he misses, there is no crime and we should not inquire

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<sup>7</sup> See eg. CAN004495, p. 5

into how and when he acquired the gun. It blindly focusses on *an* outcome without critically examining the underlying problem and how it manifested.

15. Those making such statements also do so on the basis that, they say, certain “decisive conclusions” cannot be drawn from what is “known” now or what was “known” at the time. The Commission should not be swayed by the sentiment that it cannot be decisively concluded that foreign interference influenced the outcome of the 2019 or 2021 General Elections. In his testimony before this Inquiry, Canada’s Chief Electoral Officer confirmed that on federal election day, Canada has 338 individual elections, which together comprise the whole general election. Although the results of both general elections were legitimate, the evidence tabled at this Inquiry demonstrates that, especially with respect to the 2021 general election, multiple riding election outcomes were negatively affected by foreign interference, whether or not the result would have changed in any one or more of them.<sup>8</sup>
16. As should be self-evident and as was confirmed by more than one witness, in a democracy, “every vote matters”.<sup>9</sup> That also means that *it matters* when, as a result of foreign interference, voters in Canada who might otherwise have participated in 2019 or 2021 General Elections did not or did so differently.

### **III. CEIPP – THE BAR WAS SET TOO HIGH AND WAS INEFFECTIVE IN ITS IMPLEMENTATION**

17. In an attempt to address the threat of foreign interference, the Trudeau Government implemented, by Cabinet Directive, the Critical Election Incident Public Protocol

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<sup>8</sup> Testimony of Erin O’Toole, Transcript Vol. 9, pp. 12 – 17; EOT0000001\_R

<sup>9</sup> Testimony of Nathalie Drouin (Deputy Clerk, Privy Council and Associate Secretary to the Cabinet, 2021-present; Deputy Minister of Justice and Deputy Attorney General of Canada, 2017-2021; Member of the 2019 Panel of 5; Deputy Clerk and National Security Intelligence Advisor, January 2024 – present), April 8, 2024, Vol. 12, p. 162; Testimony of Erin O’Toole, Transcript Vol. 9, pp. 36, 43



(CEIPP). The CEIPP was designed to have a circumscribed mandate. It tasked the Panel of 5 with informing Canadians of any threats to the 2019 federal election that were deemed to be severe enough to undermine the integrity of the election or to impair Canadians' ability to have a free and fair election. This role was to be operative only during the election itself (the writ period).

18. The CEIPP contemplated the following process:

During the writ period, the protocol for a public announcement would be:

1. The national security agencies will provide regular briefings to the Panel on emerging national security developments and potential threats to the integrity of the election.
2. If the head of a national security agency (i.e., the Communications Security Establishment, the Canadian Security Intelligence Service, the Royal Canadian Mounted Police or Global Affairs Canada) become aware of interference in the 2019 General Election, they will, in consultation with each other, consider all options to effectively address the interference. Barring any overriding national security/public security reasons, the agencies will inform the affected party (e.g., a candidate; a political party; Elections Canada) of the incident directly.
3. The Panel will evaluate incidents to determine if the threshold (as set out in Section 6 below) for informing the public has been met. The Panel will operate on a

19. The “threshold” identified at item #3, above, was as follows:

#### **6.0 Threshold for Informing the Public**

A public announcement during the writ period would only occur if the Panel determines that an incident or an accumulation of incidents has occurred that **threatens** Canada's ability to have a free and fair election.

Determining whether the threshold has been met will require considerable judgement. There are different considerations that could be included in making this judgement:

- the degree to which the incident(s) undermine(s) Canadians' ability to have a free and fair election;
- the potential of the incident(s) to undermine the credibility of the election; and
- the degree of confidence officials have in the intelligence or information.

20. There are at least two notable aspects of the CEIPP in the present context. First, although the prospect of the Panel of 5 making a “public announcement” and the question of whether the threshold for doing so had been met received prominent attention at the Inquiry, item

#2 of the CEIPP, as quoted at paragraph 18 above, also contemplated prior intermediate steps, i.e. a requirement that, if the head of a national security agency became aware of foreign interference during the writ period, “*barring any overriding national security/public security reasons, the agencies will inform the affected party (e.g. a candidate, a political party; Elections Canada) of the incident directly.*” There was scant evidence at the Inquiry about the extent to which, if any, this intermediate step was pursued.

21. Furthermore, insofar as the threshold for a public announcement was concerned, not only was it universally regarded as being “very high,” but it would seem that it was effectively treated as “impossible to meet.”
22. It is to be noted that the threshold consists of the occurrence of one or a series of incidents that “*threatens Canada’s ability to have a free and fair election.*” The test is not whether one or a series of events has actually impaired Canada’s ability to have a free and fair election but, rather, whether such events pose such a *threat*.
23. On cross-examination, however, Ms. Drouin, a member of the 2019 Panel of 5, suggested that the threshold was one of “actual impairment” when plainly, it is not. Ms. Drouin appears to have been relying upon the following statement that provides commentary about how the threshold is to be implemented (rather than the threshold itself): “*Ultimately, it is the impact of the incident on Canada’s ability to have a free and fair election that is at issue in the determination of whether the threshold has been met, and if a public announcement is required.*” [emphasis added]<sup>10</sup>

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<sup>10</sup> Testimony of Nathalie Drouin, Transcript Vol. 12, pp 160-162

24. It is submitted that, properly understood, “impact” in this context was *not* being used to suggest some degree of serious material actual impairment (as Ms. Drouin claims to have believed). It could not possibly have meant this, because to ascribe such meaning to “impact” would be to effectively undermine the term “threatens” in the threshold itself. Rather, all that “impact” means in this context is to consider the “nature” and the “extent” of the threat.
25. It is apparent that Ms. Drouin (and apparently the rest of the Panel of 5 with whom she worked on a consensus basis) was looking for evidence akin to actual impairment of the right to vote:<sup>11</sup>

**MR. NANDO de LUCA:** In retrospect, can you say, sitting here today, that there were not incidents of foreign interference that threatened Canada’s ability to have free and fair elections in| 2019?

**MS. NATHALIE DROUIN:** What we say, as I said previously, is that we have seen some foreign interference activities, but we have seen nothing that impacts the rights of Canadians to have a free and fair election.

26. Here we have a concession that foreign interference took place in the election, but that the Panel of 5 did not do anything about it because they did not have evidence that, on the whole, Canadians were prevented from having a “free and fair election.” That is not a reasonable interpretation nor a realistic implementation of the CEIPP or its threshold. It did not do anything to address the underlying problem.

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<sup>11</sup> Testimony of Nathalie Drouin, Transcript Vol. 12, pp 160-162

#### **IV. THE TRUDEAU GOVERNMENT IGNORED FOREIGN INTERFERENCE FOR ELECTORAL REASONS**

27. In addition to ignoring general briefings about the threat of the PRC to Canadian democracy, Prime Minister Trudeau and his government were particularly willing to turn a blind-eye to foreign interference in our democratic processes where it was of assistance to his electoral prospects.

28. The contrasting cases of Don Valley North and Steveston—Richmond East are illustrative of this concerning reality.

##### **A. Don Valley North / Han Dong**

29. Prime Minister Trudeau and his most senior advisors ignored warnings that the PRC had influenced the selection of Han Dong as the Liberal Candidate for Don Valley North in 2019. On September 30, 2019, Trudeau was told that intelligence services were reporting that a PRC proxy had arranged busses to bring international students to vote for Han Dong at his nomination meeting. While Prime Minister Trudeau dismissed these reports, the evidence at the Inquiry confirmed the veracity of the intelligence:

- (a) Mr. Dong testified that international students from the PRC were bussed to vote in support of him at his nomination meeting;
- (b) In a late-breaking witness statement, Mr. Dong suggested that the businesses were arranged and paid for by NOIC Academy (Formerly New Oriental International

College);<sup>12</sup> however, Azam Ishmael, a senior Liberal, testified that that claim was “peculiar”;<sup>13</sup>

(c) Ultimately, Mr. Dong testified that he actually didn’t know who arranged or paid for the bus(es);<sup>14</sup>

(d) Mr. Dong also indicated in his Statement of Anticipated Evidence that, “[22] *After voters began to arrive, Mr. Dong’s team also believed he might lose based on their tracking of who they had signed up and who was turning out for the vote. In the end, Mr. Dong won by a very close margin.*” In such a close contest, it is not surprising that a candidate might not want to ask too many questions about the qualifications of numerous recently conscripted “supporters”.

30. The flow of intelligence regarding the voting irregularities in the 2019 Liberal Don Valley North nomination contest went as follows: the Security and Intelligence Director at PCO and a CSIS official briefed Azam Ishmael, the Liberal Party’s National Director, on September 28-29, 2019; Mr. Ishmael then conveyed the information to Jeremy Broadhurst, Prime Minister Trudeau’s and the Liberal Party’s National Campaign Director for the 2019 General Election; Mr. Broadhurst then briefed the Prime Minister directly on September 30, 2019. As explicitly acknowledged by the PMO in its own Institutional Report, “*This was a briefing delivered to the Prime Minister in his capacity of the leader of the Liberal Party of Canada.*”<sup>15</sup>

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<sup>12</sup> HDD0000006 – Dong Supplementary Witness Statement; Dong Testimony, Transcript Vol 8, page 108.

<sup>13</sup> Ishmael Testimony, Transcript Vol 8, page 18.

<sup>14</sup> Dong Testimony, Transcript Vol 8, page 111.

<sup>15</sup> CAN.DOC.000013 – “PUBLIC INQUIRY INTO FOREIGN INTERFERENCE IN FEDERAL ELECTORAL PROCESSES AND DEMOCRATIC INSTITUTIONS – INSTITUTIONAL REPORT – PRIME MINISTER’S OFFICE”, p. 8

31. When Trudeau was briefed on this matter, he did not ask any follow-up questions or for further information. Someone from the Liberal Party could have further investigated the situation at the time, in light of the intelligence. Relevant inquiries at the time could have more readily ascertained who paid for the busses – a question none of Mr. Dong, Mr. Ishmael, Mr. Broadhurst, Mr. Lojko nor Prime Minister Trudeau have seemingly cared to determine in the five years since the 2019 nomination meeting. In Mr. Broadhurst’s testimony, he all but conceded that it either did not occur to him or the Prime Minister to check or, perhaps, they did not want to know the answer.
  
32. Similarly, the list of voters that were eligible to vote at the Liberal nomination contest existed at the time<sup>16</sup> and could have been consulted to identify the foreign private school students who had registered and attended that day to vote, and to inquire why they had decided to participate even though they had no permanent connection to Canada. Once again, this either did not occur to Broadhurst or Trudeau or they did not want it to.
  
33. Instead, Trudeau and Broadhurst simply dismissed the concerns. Why? The Prime Minister testified: “*Doing so would have direct electoral implications, as it would be unendorsing the candidate as a Liberal member*”.<sup>17</sup> Mr. Broadhurst was also forced to acknowledge the corollary, i.e. that, under the nomination rules in place at the time, removing Mr. Dong as the Liberal nominee at the end of September 2021, would have likely meant that the Liberals could not put another member of their party on the ballot for the general election.<sup>18</sup>

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<sup>16</sup> Testimony of Ted Lojko, Campaign Manager for Han Dong in 2019, Transcript Vo. 8, pp. 187-189

<sup>17</sup> Trudeau In-Camera Testimony, para. 31 (WIT0000067)

<sup>18</sup> Broadhurst Testimony, Transcript Vol 13 pp. 179-180; The deadline to replace a candidate being 2:00pm on the day Trudeau was briefed ([Canada Elections Act, S.C. 2000, c. 9, s. 69 and 70\(2\)](#))

34. The Commission ought to conclude that Trudeau was willing to turn a blind eye to the PRC's activities in Don Valley North, asking no follow-up questions and doing nothing with the information, because it would have cost him a seat in that election.
35. The PRC's foreign interference in Don Valley North has had a direct impact on Canadian democracy:
- (e) Dong is the sole Member of Parliament defending the PRC with respect to its ongoing, internationally recognized Uyghur genocide;<sup>19</sup> and
  - (f) Dong did not deny providing advice to PRC officials with respect to the Two Michaels, in particular that, if the PRC released the Two Michaels in early 2021, it would embolden hardline critics of the PRC.<sup>20</sup> With respect to Dong's conversation with the PRC, while the Prime Minister, Ministers and David Johnston each denied that Dong suggested "that the PRC extend [the Two Michaels] detention",<sup>21</sup> no one has ever denied that Mr. Dong advised the PRC that releasing the Two Michaels in early 2021 would embolden critics of the PRC.
36. Only once matters regarding Mr. Dong became public through media reports was there any response by the Trudeau government. Mr. Dong resigned from the Liberal caucus and now sits as an Independent, with the Trudeau Government simultaneously refusing to acknowledge his involvement in foreign interference and yet, refusing to allow him back into caucus. This status quo simply does not add up.<sup>22</sup>

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<sup>19</sup> Dong Testimony, Transcript Vol 8, page 153.

<sup>20</sup> Dong Testimony, Transcript Vol 8, page 130; CAN.SUM.000002.

<sup>21</sup> First Report The Right Honourable David Johnston Independent Special Rapporteur on Foreign Interference, p. 26, COM0000118.

**B. Steveston—Richmond East / Kenny Chiu**

37. Kenny Chiu, a Conservative, was also the subject of foreign interference at the hands of the PRC – but he met a drastically different fate.
38. Mr. Chiu was born in Hong Kong. In 1982, he immigrated to Canada.<sup>23</sup>
39. He has been actively involved in Canadian politics since the late-1990s. Throughout the 2000s, Mr. Chiu was also a frequent commentator on British Columbian Mandarin and Cantonese TV and radio. He provided a conservative perspective and was critical of PRC policies.<sup>24</sup>
40. Mr. Chiu was elected as a Member of Parliament in 2019 in the BC riding of Steveston-Richmond, a multi-ethnic riding in Richmond which has a large Chinese diaspora community.<sup>25</sup> After he was sworn in as a Member of Parliament, Mr. Chiu travelled to Hong Kong to observe the Hong Kong District Council elections. Upon his return, he began to notice some criticism in his riding. One of his key campaign organizers told him that one of his volunteers had asked why Mr. Chiu supported the “rioters” and that they would not volunteer for him anymore.<sup>26</sup>
41. After the 2019 election, as MP, Mr. Chiu took strident positions on matters involving Canada-China relations. He supported Conservative MP Michael Chong’s motion to protest the PRC’s treatment of its Uyghur minority and to call for the International Olympic Committee to move the 2022 Olympic Games out of Beijing if the Chinese government

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<sup>23</sup> Interview Summary of Kenny Chiu, February 26, 2024, paras. 1 and 3

<sup>24</sup> Interview Summary of Kenny Chiu, February 26, 2024, paras. 7 – 9

<sup>25</sup> Interview Summary of Kenny Chiu, February 26, 2024, paras. 13 and 18

<sup>26</sup> Interview Summary of Kenny Chiu, February 26, 2024, paras. 24 and 25



continued the Uyghur genocide. The motion also called on the Government to officially adopt this position. The motion passed on February 22, 2021.<sup>27</sup>

42. Also in February 2021, Erin O'Toole, the leader of the CPC, appointed Mr. Chiu as vice-chair of the Sub-committee on International Human Rights of the House of Commons Standing Committee on Foreign Affairs and International Development. On March 12, 2021, at Mr. Chiu's suggestion, the Sub-committee released a report on the human rights situation of Uyghurs in Xinjiang, China.<sup>28</sup>
43. On March 27, 2021, the PRC sanctioned the Sub-committee collectively and Michael Chong individually. Mr. Chiu interpreted this as meaning he – as a member of the Subcommittee – would be at risk of arrest or disappearance if he went to China, even though he had not been named by the PRC individually.<sup>29</sup>
44. On April 13, 2021, Mr. Chiu introduced a private member's bill, Bill C-282, *An Act to establish the Foreign Influence Registry* in the House of Commons. Mr. Chiu's goal with the registry was to ensure transparency about attempts at political lobbying in Canada by foreign states.<sup>30</sup>
45. After he introduced Bill C-282, he received messages saying he was a racist and anti-China. He also heard rumours about a narrative circulating on Chinese-language chat threads that he was anti-China and anti-Chinese.<sup>31</sup>

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<sup>27</sup> MP Dong abstained from voting on the motion.

<sup>28</sup> Interview Summary of Kenny Chiu, February 26, 2024, paras. 27-29

<sup>29</sup> Interview Summary of Kenny Chiu, February 26, 2024, para. 30

<sup>30</sup> Interview Summary of Kenny Chiu, February 26, 2024, paras. 35 and 38

<sup>31</sup> Interview Summary of Kenny Chiu, February 26, 2024, paras. 42-44

46. During the 2019 election campaign, Mr. Chiu came to learn, from his campaign staff, about a misinformation and disinformation campaign on social media and in the Chinese-language press. Mr. Chiu was accused of having introduced Bill C-282 to suppress the Chinese Canadian community.<sup>32</sup>
47. Mr. Chiu and his campaign tried to counter these narratives in the media. However, his messaging would not get picked up or circulated by Chinese-language media outlets.<sup>33</sup> Ultimately, his efforts failed, and Mr. Chiu lost his seat in the 44<sup>th</sup> General Election.
48. Mr. Chiu and his election campaign attempted to escalate their concerns about foreign interference to both the SITE task force and to CSIS. They never heard back from either organization at any time prior to election day.<sup>34</sup>
49. If this was not bad enough, Mr. Chiu has also expressed concerns about how the PRC's foreign interference campaign against him was actually amplified by Liberal MPs in the House of Commons.
50. During the 43<sup>rd</sup> Parliament, Conservative MPs, including Mr. Chiu, brought up concerns about China, including its refusal to supply personal protective equipment during the COVID-19 pandemic and the Winnipeg microbiology lab controversy. In response, Conservative MPs were accused of being racist when concerns about China were brought forward.<sup>35</sup> These accusations were and are not only patently false, but in fact they mirrored

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<sup>32</sup> Interview Summary of Kenny Chiu, February 26, 2024, paras. 42-44

<sup>33</sup> Interview Summary of Kenny Chiu, February 26, 2024, paras. 45-52

<sup>34</sup> Interview Summary of Kenny Chiu, February 26, 2024, paras. 59-61

<sup>35</sup> Interview Summary of Kenny Chiu, February 26, 2024, paras. 66-67; Testimony of Erin O'Toole, Transcript Vol. 9, p. 10; Testimony of Kenny Chiu, Transcript Vol. 9, pp. 94-95

a PRC silencing tactic used around the world in response to criticism of the regime, and which was used in Canada in the run up to the 44<sup>th</sup> General Election to smear Mr. Chiu.<sup>36</sup>

51. In the end, on account of his public advocacy for human rights in Hong Kong and his efforts to reduce the potential for malign foreign meddling in Canadian democratic institutions through a proposed foreign influence registry, the PRC and its proxies engaged in a foreign interference smear campaign, effectively gaslighting Mr. Chiu and accusing him of being a “race traitor”.<sup>37</sup>
52. Kenny Chiu lost his seat in the 2021 Federal Election – clearly under an avalanche of false and undue negative social media reporting emanating from the PRC and its proxies.
53. It was only well after the 2021 General Election that the Government of Canada came forward with any information to Mr. Chiu to corroborate that the PRC had, in fact, actively worked during the 2021 General Election to undermine Kenny Chiu’s political campaign. But clearly, this was way too little and way too late:

**MR. NANDO de LUCA:** So back to my question, would you -- am I correct in assuming that you would characterise the utility or usefulness of all of these organizations in relation to foreign election interference, especially for the 2021 election, as not being terribly useful?

**MR. KENNY CHIU:** As of this moment, I would have to agree with that.

**MR. NANDO de LUCA:** Okay.

**MR. KENNY CHIU:** After the election, in fact the CSIS briefing that you cited in 2023, September, was the very first one that any government agency had approached me and contacted me. I was hoping that Special Rapporteur Mr. Johnston would actually have been in touch with me, but he did not.

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<sup>36</sup> Interview Summary of Kenny Chiu, February 26, 2024, paras. 66-67

<sup>37</sup> Interview Summary of Kenny Chiu, February 26, 2024, para. 38

54. Mr. Chiu expressed the following understandable sentiment regarding how he had been affected by foreign interference in the 44<sup>th</sup> federal election in Canada:

**MR. NANDO de LUCA:** Mr. Chiu, towards the

end of your testimony this morning in reflecting upon your experiences of foreign interference in connection with the 2021 federal election, you expressed the sentiment that particularly as an immigrant Canadian, you felt betrayed. Do you recall that?

**MR. KENNY CHIU:** Yes.

**MR. NANDO de LUCA:** Betrayed by whom?

**MR. KENNY CHIU:** By those who are in power of this country representing the best interests of the country.

**MR. NANDO de LUCA:** Can you be more specific?

**MR. KENNY CHIU:** In my view, not wanting to be over partisan, it's the Prime Minister. The buck stops there. He let me down.

## V. CONCLUSIONS TO BE DRAWN

55. This Commission can and should conclude that gathering intelligence, including about foreign interference, is like a jig-saw puzzle that will always have one or more missing pieces.<sup>38</sup> In light of this reality, the Commission can and should also draw two further conclusions:

- (a) the standard applied by the government entities responsible for monitoring and responding to foreign interference during the 2019 and 2021 elections was flawed. If action is only taken where the Panel of 5 can decisively conclude, by consensus, that foreign interference is occurring, that standard will never be met in light of the reality of how intelligence is gathered; and

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<sup>38</sup> Greta Bossenmaier Testimony, Vol 12, p. 142; Vincent Rigby Testimony, Vol. 12, p. 260

(b) while it would not have changed the outcome of which party formed government, foreign interference impacted the 2019 and 2021 general elections.

56. Additionally, the Commission can and should conclude that the make-up of and process followed by the Panel of 5 is not suitable. Each of the 5 members of the Panel are OIC appointees that are appointed to their positions and serve at the pleasure of the Prime Minister.<sup>39</sup> The flaw in this approach is apparent when considering that one of the Panel of 5 members (the Clerk) took immediate action to countermand disinformation against the Prime Minister, and no action to countermand disinformation against a member of the opposition. If a government entity is going to be assigned with monitoring elections for the threat of foreign interference, it must be overseen by a group that does not work day-to-day and serve at the pleasure of the sitting government.

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<sup>39</sup> Testimony of Nathalie Drouin, Transcript Vol. 12, pp. 156 - 157