

**PUBLIC INQUIRY INTO FOREIGN INTERFERENCE  
IN FEDERAL ELECTORAL PROCESSES AND DEMOCRATIC INSTITUTIONS**

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**WRITTEN SUBMISSIONS OF THE UKRAINIAN CANADIAN CONGRESS  
WITH RESPECT TO THE STAGE 1 HEARINGS**  
(clause (a)(i)(A) and (a)(i)(B) of the Commission's Terms of Reference)

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## Overview

- 1) The Commission convened public hearings between March 27<sup>th</sup>, 2024, and April 10<sup>th</sup>, 2024, in relation to Stage 1 fact-finding phase of the Commission's mandate, which corresponds to paragraphs (a)(i)(A) and (a)(i)(B) of the Commission's Terms of

### Reference:

(A) examine and assess interference by China, Russia and other foreign states or non-state actors, including any potential impacts, in order to confirm the integrity of, and any impacts on, the 43rd and 44th general elections at the national and electoral district levels,

(B) in relation to the issues set out in clause (A), examine and assess the flow of information to senior decision-makers, including elected officials, and between the Security and Intelligence Threats to Elections Task Force and the Critical Election Incident Public Protocol panel during the election periods that led up to the 43rd and 44th general elections, and in the weeks following those periods, and actions taken in response

- 2) In addition to these public hearings, the Commission held a number of *in-camera* witness interviews, for which public summaries were filed as part of the public portion of the inquiry.
- 3) Following the public hearings, the participants were invited to provide written submissions to the Commission with respect to these portions of the Commission's mandate.
- 4) The Ukrainian Canadian Congress's ("UCC") primary concern relates to any foreign interference by Russia into Canada democratic institutions, including the 43<sup>rd</sup> and 44<sup>th</sup> general elections held in 2019 and 2021. These submissions will focus solely on this issue.

## **The Creation of the SITE TF and the Panel of 5**

- 5) The catalyst for the Plan to Protect Canada's Democracy was Russia's interference with democratic elections around the world, including the 2016 US Presidential election, the 2016 United Kingdom's Brexit vote, the 2017 French Presidential Election, and 2017 German parliamentary elections.<sup>1</sup> Minister Gould described the mandate she received from Prime Minister Justin Trudeau in February 2017 as:

very much trying to protect Canadian democracy and Canadian elections from those kind of high profile, very sophisticated cyber threats, which at the time were primarily coming from Russia.<sup>2</sup>

Ms. Gould, later in her testimony, stated:

No one, before the US presidential election thought that Russia was using Facebook and Twitter and posting as Americans through their bot farms at the Internet Research Agency in Saint Petersburg. All of that was learned after the fact. So, it was really important to have that understanding in order to develop a plan to protect ourselves as best we can.<sup>3</sup>

- 6) This concern with regard to Russian interference in the Canadian elections is what led to the creation of the creation of the Security and Intelligence Threats to Elections Task Force ("SITE TF") and the Panel of 5. Both these groups were active and in place during the writ-period leading up to the 2019 and 2021 Canadian general elections. The panel of 5 only had the authority to be active during the caretaker convention period;<sup>4</sup> while the SITE TF meet weekly in the lead-up to the writ period, and then were in contact daily during the writ-period.<sup>5</sup>

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<sup>1</sup> WIT0000062, para 4; TRN0000014, page 4-5.

<sup>2</sup> TRN0000014, page 5, lines 17-22.

<sup>3</sup> TRN0000014, page 30, lines 12-19

<sup>4</sup> TRN0000012, page 16, lines 1-9.

<sup>5</sup> WIT0000044, para 19; CAN008973, page 5.

- 7) Both the SITE TF, and the Panel of 5, received information from a number of sources. They received daily updates prepared by the Communication Security Establishment Canada (“CSE”) identified as SITE daily situation reports (“SITREP”). Mr. King, the chair of the SITE TF, reviewed and highlighted CSE intelligence, gathered itself and from Canada’s 5Eyes allies, in a succinct summary.<sup>6</sup> They also received intelligence from CSIS, through the CSIS representative on the SITE TF.<sup>7</sup>
- 8) As part of the plan to protect Canadian elections from foreign interference, Global Affairs Canada (“GAC”) created the Rapid Response Mechanism (“RRM”) whose mandate was “to focus and look for interference or indicators of potential foreign interference in the social media landscape for disinformation.”<sup>8</sup> This served as another form of intelligence that was reviewed by the SITE TF and by the Panel of 5.
- 9) Despite both these entities being created to assist in the larger goal of ensuring that Canadian elections are free from foreign interference, “there was no formal procedure for communications between the Panel of Five and SITE TF.”<sup>9</sup>

### **Conclusions Drawn by the SITE TF and the Panel of 5**

- 10) The *SITE TF After Action Report (2019 Federal Election)*<sup>10</sup> provides the findings of the SITE TF, which found that:

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<sup>6</sup> WIT0000044, paras 20-21.

<sup>7</sup> WIT0000044, pars 22-23.

<sup>8</sup> WIT0000044, para 11.

<sup>9</sup> WIT0000044, para 35.

<sup>10</sup> CAN008973

over the course of its operations from September 2018 to October 2019, SITE TF **saw no evidence** to indicate that foreign state actors were specifically targeting Elections Canada (EC) or Canadian electoral systems and networks. The Task Force **also saw no evidence** of a broad-based foreign state-directed interference campaign in the digital information ecosystem, but **notes that there were blind spots in SITE TF's ability to determine state attribution and distinguish between foreign and domestic disinformation campaigns.**<sup>11</sup>

The report contains a section on “Russia’s Foreign Interference in the 2019 Federal Election. While much of this section is redacted, what is visible states:

Given that Russia globally is a **significant foreign interference threat actor** with particular focus on attempting to undermine Western democratic institutions, it was assessed that Canada’s electoral processes would be targeted in 2019 if Russia saw disruption and interference as strategically beneficial.

[...]

However, **Russian activity against Canada’s 2019 election** and Canadian democratic institutions **was minimal.**

[...]

Canada’s election was **not a priority target for Russia** [redacted] No Russian cyber activity specifically targeting Canadian electoral infrastructure during the Federal election was observed.<sup>12</sup>

11) The *SITE TF After Action Report (2021 Federal Election)*<sup>13</sup> contains the conclusion of the 2021 SITE TF. The conclusions mirrored those in the 2019 report, and included:

Other state actors (**Russia**, [redacted], Iran, Pakistan, [redacted]) were **not observed** engaging in activities threatening Canada’s GE44. However, these states maintain a range of capabilities and engage in activities contrary to Canadian interests, requiring ongoing vigilance and monitoring.

Over the course of the write period, SITE TF **saw no evidence** to indicate that foreign state actors were specifically targeting Elections Canada (EC) or Canadian electoral systems and network.<sup>14</sup>

The report contains a section on “Detailed Observations on Foreign Threat Actors” which contained a section on Russia. While most of the conclusions are redacted, it states:

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<sup>11</sup> CAN008973, page 3 [Emphasis added].

<sup>12</sup> CAN008973, pages 29-30 [Emphasis added].

<sup>13</sup> CAN002359.

<sup>14</sup> CAN002359, page 2.

Russia has typically focused on FI activities on discrediting democratic institutions and processes, with an ultimate goal of destabilizing democratic states. **There are no indications that Russia prefers a particular Canadian political party or leader through which FI could be directed.** The Kremlin likely assesses that major Canadian federal parties did not differ significantly in their stance toward Russia. In addition, Russia was clearly pre-occupied with its own elections which took place from 17 to 19 September.<sup>15</sup>

12) Members of both the 2019 and 2021 SITE TF testified at the Inquiry on April 5<sup>th</sup>, 2024.

During their testimony, several comments were made with respect to Russia, which included:

- a. **Mr. Allen Sutherland:** “The system was designed with [Russian interference] in mind, but not only that in mind. And that is quickly – can quickly be seen by the deliberations of the Panel were broader than Russia.”<sup>16</sup>
- b. **Mr. Allen Sutherland**” “Canada’s a G7 country of significant size, and it is also a democratic country who has understood that Russia had a geopolitical desire to unsettle democracies. It was originally understood that Russia focused on the electoral event and would try to pick a winner. We’ve subsequently – or increasingly of the view that in fact they have – it’s more of destabilizing democracies, and less about a particular winner.”<sup>17</sup>
- c. **Mr. Allen Sutherland:** “There was nothing viewed by the panel that broke the threshold emanating from Russia.”<sup>18</sup>
- d. **Mr. Lyall King:** “When we first set out and established our group and then began to look at the overall threat landscape, we certainly had concerns over Russia, as

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<sup>15</sup> CAN002359, page 8 [Emphasis added].

<sup>16</sup> TRN0000011, page 29, lines 11-15.

<sup>17</sup> TRN0000011, page 29, line 22-28; page 30, lines 1-2.

<sup>18</sup> TRN0000011, page 30, lines 25-28; page 31, line 1.

you've noted, because of the US elections, and we've referenced others in Europe. But over time, like, we were looking for different elements of what they might bring to bear and that the intent is an important aspect of that. And ultimately we're looking at what we can see as well. But I recall, over a certain period of time, Russia was also engaged and interested in other issues at the time, if I may put it that way. So I think the lights, generally speaking, were shining less on an interest in Canada, in a broader perspective than it was in their own spaces.”<sup>19</sup>

- e. **CSIS Representative:** “I guess my answer to [whether the SITE TF observed any Russian long-term and non-distinct activities during the 2019 General Election] would be that CSIS has observed that for decades at this point, and I think some of what was raised by the panel - the CSIS panel yesterday. Those aren't observations. They're longstanding ones.”<sup>20</sup>
- f. **Mr. Lyall King:** “We're talking about looking at Russia as an actor on the global stage. We see it active in a lot of different spaces, a lot of different democracies, a lot of different processes. So generally speaking, that type of activity, that type of intent, is there. **We did not observe, from our perspective, that activity happening.** From our observations, mind you, as well, which, you know, no one agency or department has a 100 percent view of what's happening everywhere at all times. But certainly from our perspective, we did not see that happening.”<sup>21</sup>

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<sup>19</sup> TRN0000011, page 141, lines 16-28; page 142, lines 1-2.

<sup>20</sup> TRN0000011, page 143, lines 24-28.

<sup>21</sup> TRN0000011, page 150, lines 20-28.

- g. Mr. Lyall King:** “Was there a specific intent to meddle in the Canadian Federal Election in 2019 by the Russian Federation from our observances? And as we’ve stated, certainly you can see in the documentation, we did not observe that. So in terms of the intent, maybe I can nuance that also, is to say that it’s not that Canada is of zero interest, but it may not be the priority interest of the Russian Federation when it comes to that activity.”<sup>22</sup>
- h. Mr. Lyall King:** “So is it possible [Russia] was doing things [in the 2019 General Election]? Yes, it is possible, but I can’t tell you with anything definitive that certainly from my perspective I observed that we would have commented and documented and reported on that.”<sup>23</sup>
- i. Ms. Gallit Dobner:** “We didn’t spend time looking at Russian social media. [...] I don’t recall that we looked directly at Russian social media.”<sup>24</sup>

13) Following the 2019 General Election, James Judd carried out an independent review and produced the *Report on the Assessment of the Critical Election Incident Public Protocol*<sup>25</sup> (referred to as the *Judd Report*). In the report, Judd identified a number of challenges, including:

- a.** “The landscape of potential threats of interference brings to mind Donald Rumsfeld’s universe of knowledge: known knowns, known unknowns and unknown unknowns. That is to say that the information upon which the Panel makes its decision might not be perfect in terms of accuracy or completeness irrespective of whether it was coming from security agencies or social media analysis.”<sup>26</sup>

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<sup>22</sup> TRN0000011, page 151, lines 15-24.

<sup>23</sup> TRN0000011, page 153, lines 20-23.

<sup>24</sup> TRN0000011, page 240, lines 8-12.

<sup>25</sup> COM0000122

<sup>26</sup> COM0000122, page 16.

- b. “A particular problem, as was true of the experience in other jurisdictions, was with social media posts and the often difficult challenge of differentiating between purely domestic activity and foreign actions cloaked to present themselves as being of domestic origin.”<sup>27</sup>

The Report highlights that “[t]he Panel did not intervene during the 2019 election”<sup>28</sup>

which mirrors the Panel of 5’s testimony that “[t]he Panel did not make any announcements in 2019.”<sup>29</sup>

14) Following the 2021 General Election, Morris Rosenberg carried out an independent review and produced the *Report on the Assessment of the 2021 Critical Election Incident Public Protocol*.<sup>30</sup> In the report, Rosenberg identified a number of challenges, including:

- a. “It is often difficult to determine whether incidents were coordinated and involved inauthentic amplification through the use of proxies, or whether they are honestly held views of Canadians who may have legitimate interests in supporting good relations with a foreign state. We need to understand better how foreign state actors influence and interfere with the information provided to Canadians, particularly through social media. This is necessary to enable better judgments on state directed interference.”<sup>31</sup>
- b. “Members of diaspora communities may be vulnerable to being targeted by foreign state actors. There needs to be a better understanding of their relationships to their countries of origin. At the same time, there are risks that concerns about foreign interference from a particular country can result in resentment and backlash against members of these communities, whose loyalty to Canada is unjustly impugned. Strategies to counter foreign interference need to guard against marginalizing diaspora communities.”<sup>32</sup>

15) During the testimony of the 2021 Panel of 5, Mr. Robert Stewart testified that:

I think we are being very clear that we did not observe or were not notified of any evidence of a Russian concerted disinformation campaign during the campaign,

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<sup>27</sup> COM0000122, page 17.

<sup>28</sup> COM0000122, page 20.

<sup>29</sup> WIT000060, para 18.

<sup>30</sup> COM0000195.

<sup>31</sup> COM0000195, page 12.

<sup>32</sup> COM0000195, page 12.

which is **not to say that it does not happen in a more general context**. And indeed, since the war started in Ukraine, Russia's illegal war, we have had a constant surveillance and notification where we see Russian disinformation.<sup>33</sup>

The Panel was asked if they saw any activity from Russia that may not have risen to the threshold, but that was nonetheless a concern to the panel. Ms. Marta Morgan responded:

I believe there – in one of the RRM reports there was a note that some Russian media were covering the Canadian election campaign, which I think is what's referred to in this report here. But other than that, I don't recall during the election campaign being brought any information related to Russian activity in the Canadian information ecosystem.<sup>34</sup>

The Panel was asked whether they would agree that it was possible that Russia interfered in the 2021 General Election but that it was simply not noticed. Ms. Marta Morgan responded:

Well, you know following up on Madam Drouin's comments, our intelligence and our Rapid Mechanism work very closely with allies, and we – you know, we have access to information that they might have. The RRM, in particular, works closely with all of the G7 countries and works with social media outlets and works with civil society organizations that monitor elections. So it's always possible, but certainly we did not see it and neither did any of the organizations that we were working with outside of the government at that time.<sup>35</sup>

It is worth noting the reference in both answers to the Panel's reliance on the RRM.

- 16) The conclusion of both the SITE TF, and the Panel of 5, in both the 2019 and 2021 General Elections were that Russia did not interfere in Canada's democratic election.

### **The Rapid Response Mechanism ("RRM")**

- 17) The RRM was relied upon by both the SITE TF as the main source of intelligence regarding potential foreign interference on social media and in news stories. In Morris

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<sup>33</sup> TRN0000012, page 216, lines 19-26.

<sup>34</sup> TRN0000012, page 124, lines 7-18.

<sup>35</sup> TRN0000012, page 124, lines 19-28; page 125, lines 1-5.

Rosenberg's *Report on the Assessment of the 2021 Critical Election Incident Public Protocol*, he stated:

In the context of Canadian general elections, RRM Canada serves as a member of the SITE Task Force. It leverages its G7 network to share with other SITE agencies lessons learned from interference attempts in other countries' elections as well as strategies to combat them. It also serves as an early warning system by using open data analytics to monitor for foreign state-sponsored inauthentic or coordinated information manipulation activity in the online environments targeting Canada.<sup>36</sup>

18) On the Government of Canada's website on the *Rapid Response Mechanism Canada*:

*Global Affairs Canada*<sup>37</sup> it explains that:

RRM Canada also supports Canada's international engagement to counter foreign state-sponsored disinformation. It monitors the digital information environment for foreign state-sponsored disinformation. This includes acting as an early warning system for the Security and Intelligence Threats to Elections (SITE) Task Force during general election cycles. RRM Canada provides open source data analytics about threats to democracy.<sup>38</sup>

It further states: "RRM Canada also contracts research to support its work in partnership with academic and civil society."<sup>39</sup>

19) One of these partnerships was with a "private sector firm named Yonder" who "help[ed] [the SITE TF] look at the online ecosystem."<sup>40</sup> Yonder was also described as "a contracting firm that monitors social media."<sup>41</sup> Ms. Gallit Dobner explained in her testimony that:

Yonder again was a private sector firm who we contracted to help us look at the online environment, and they saw what we they believed to be Russian and

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<sup>36</sup> COM0000195, page 19.

<sup>37</sup> HRC0000030.

<sup>38</sup> HRC0000030, pages 3-4.

<sup>39</sup> HRC0000030, page 4.

<sup>40</sup> TRN0000011, page 171, lines 8-12.

<sup>41</sup> TRN0000011, page 246, lines 12-14.

Chinese accounts. However, a few things. First of all, these accounts were not labelled as state aligned on Twitter because Twitter at this point was – as a matter of policy was not labelling state-aligned accounts. Also, **they didn't share with us their methodology for determining that these were Russian and Chinese state-aligned accounts. It was proprietary information so we couldn't sort of re-create or understand why they were labelling these accounts as Russian or Chinese.** In the instance of Russian accounts, I recall in particular we saw them amplifying a few of the candidates from the People's Party of Canada, and they were doing it in a very *ad hoc* manner. And it seemed to be more happenstance where they agreed with the ideology of the candidate versus trying to amplify the candidate for the sake of the candidate themselves. And these accounts had extremely low followership, so had very little impact on the overall media ecosystem. Because they had so few followers, it's kind of like the proverbial tree that falls in the forest with no one around to hear it, right. So again, this was – this was the judgment of this private sector partner that we had contracted, but we weren't able to re-create those results and draw the same conclusions.<sup>42</sup>

20) When the 2021 Panel of 5 was asked about Yonder's use of "generally", "overall" and "often" used in their reporting, Ms. Marta Morgan responded: "That would be a question that would be better to put to either [Yonder] or to the experts at the RRM."<sup>43</sup>

Unfortunately, the Inquiry did not call anyone from either Yonder or from the RRM to give testimony at the hearing.

## **Submissions**

21) While it is clear that none of the Canadian agencies, departments, taskforces or panels detected Russian foreign interference into either the 2019 or the 2021 Canadian election, that does not mean that Russian interference did not occur. An absence of proof is not proof of an absence.

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<sup>42</sup> TRN0000011, page 247, lines 6-28; page 248, lines 1-6.

<sup>43</sup> TRN0000012, page 212, lines 17-21.

22) There are three possible reasons why no Russian interference was identified during either election. Either Russia, despite their historical intent on interference in democratic institutions and elections, decided for an unknown reason not to interfere with Canada's elections; Russia did attempt to interfere with one, or both, elections, but was not detected by the Canadian government; or Russia did attempt to interfere, but their interference did not rise to any threshold triggering classification as being interference.

23) It is important that the Commission not assume that the reason is not simply that Russia decided not to interfere. Many of the witnesses, including Prime Minister, Justin Trudeau conceded that it was possible Russia did attempt to interfere in the elections. This possibility will always exist, as stated in the Judd Report, it is simply an unknown unknown.

24) What the Commission should be asking with respect to Russian interference is whether the Canadian government had the capacity to detect Russian interference. One glaring issue that arose during the testimony of this Phase, was that much of the reliance for surveilling social media posts and media coverage was assigned to the RRM. The RRM, in turn, contracted the surveillance of Russian media to a third-party private company, Yonder. As such, RRM's, and subsequently the SITE TF and the Panel of 5's, understanding of any possible Russian interference through social media or news stories is only as good as that of Yonder's ability and understanding.

25) The Commission did not hear from anyone who worked at the RRM ever, let alone worked there during the 2019 or 2021 elections. Nor did the Commission hear from anyone from Yonder. This is despite the fact that the Canadian government had, and still has, no idea as to Yonder's methodology, resulting in the Canadian government "in not being able to re-create or understand why they were labelling these accounts as Russian."<sup>44</sup> Nor is it clear what exactly Yonder was monitoring in their review. What social media sources were they monitoring? What news sources? Were they monitoring cable and/or Internet TV stations, and their respective news channels?

26) How can the SITE TF, and the Panel of 5, confidently state that there were no signs of Russian foreign interference, when they simply have no idea what Yonder was doing, or how they were doing it. This is a glaring, and shocking, oversight; and is one that the UCC would urge the Commission to investigate.

27) The importance of this takes on even more importance in light of the fact that in March 2022, the Prime Minister announced additional funding for RRM Canada; and in August 2022, he announced the creation of a dedicated Eastern European unit at RRM Canada that will monitor and detect Russian interference.<sup>45</sup> The Canadian government continues to use RRM, and has increased its use for detection of Russian interference, who still presumably relies on Yonder for this information.

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<sup>44</sup> TRN0000011, page 247, lines 6-28; page 248, lines 1-6.

<sup>45</sup> HRC0000030, page 4.

28) The 2021 SITE TF was asked about this increase in the RRM's funding and mandate, and asked whether this was "based on a lesson learned from the 2021 general election" to which Ms. Gallit Dobner responded:

Yes, in part it was, yes. I think you also have to think about the context of when the announcement was made, and Russia's illegal invasion of Ukraine and the enormous uptick that we saw in disinformation to support its invasion.<sup>46</sup>

29) Prime Minister Justin Trudeau spoke about the importance of Canadians having confidence in Canada's democratic institutions and democratic system. He testified:

Whether it's a diaspora member worried about stepping up to running for elected office in this country because they're worried about the impact that might be real or perceived from a country they chose to leave many years ago for whatever reason. There are real concerns and feelings involved. And ultimately, democracy only works when people are confident in its ability to keep them safe, but also be the articulation of what they want for their community and their country.<sup>47</sup>

30) Confidence in Canada's democracy, and its democratic institutions, occurs when the Canadian public has faith that it is being told the truth. Confidence comes from being able to see the proof to support the claims of the Government. A public inquiry is meant to be a tool to bolster the confidence of Canadians by shining light on a concern, probing for information and proof, and providing the Canadian public with a report summarizing their findings. We already know that the reports of this Commission will have a public version and a confidential version. We already know that much of the information, intelligence, and proof will be absent from the public report due to reasons of national security. This fact makes the Commission's work that much more important because it

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<sup>46</sup> TRN0000011, page 261, lines 7-25.

<sup>47</sup> TRN0000014, page 198, lines 8-20.

will be asking the Canadian public to accept their findings, and to trust what they are being told while being denied the ability to see the evidence for themselves.

31) When asking the public to place that much confidence in this Commission – a Commission that is meant to be public – then the Commission has to do everything within its power to demonstrate that Canadian's confidence in them is not misplaced.

32) Russian interference is pervasive with historical roots in Canada that permeate to this day. Canada, as a democratic nation, is directly at odds with the political mindset of the Russian regime. This is even more so for Ukrainian Canadians, who have spent the last ten years watching Russia pursue an illegal war against Ukraine. If this Commission wants the 1.4 million Ukrainian Canadian to have confidence in its report and its findings, it must demonstrate to them that the Commission reasonably did all it could to fulsomely investigate whether the Government failed to act to counter Russian foreign interference in the 2019 and 2021 General Elections. That means doing more than simply taking the opinion of the Government agencies at face value, but rather, looking at the evidence themselves and determining whether those opinions are correct.

33) A good starting place for this would be for the Commission to, at the very least, interview members of the RRM Canada who were working during the 2019 and 2021 general election; as well as speaking to Yonder, to, again, at the very least, understand the methodology that was used by Yonder in their surveillance of Russian social media and media stories. Without these simple actions, how can the Commission ever expect

Ukrainian Canadians, or any Canadian for that matter, to have confidence in this Commission?