



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

Enquête publique sur l'ingérence étrangère dans les  
processus électoraux et les institutions démocratiques  
fédéraux

**Public Hearing**

**Audience publique**

**Commissioner / Commissaire  
The Honourable / L'honorable  
Marie-Josée Hogue**

**VOLUME 5**

**Held at :**

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## II Appearances / Comparutions

Commission Lead Counsel / Procureure en chef de la commission	Shantona Chaudhury
Commission Counsel / Avocat(e)s de la commission	Gordon Cameron Erin Dann Matthew Ferguson Hubert Forget Howard Krongold Hannah Lazare Jean-Philippe Mackay Kate McGrann Lynda Morgan Siobhan Morris Annie-Claude Poirier Gabriel Poliquin Natalia Rodriguez Guillaume Rondeau Nicolas Saint-Amour Daniel Sheppard Maia Tsurumi
Commission Research Council / Conseil de la recherche de la commission	Geneviève Cartier Nomi Claire Lazar Lori Turnbull Leah West
Commission Senior Policy Advisors / Conseillers principaux en politiques de la commission	Paul Cavalluzzo Danielle Côté
Commission Staff / Personnel de la commission	Annie Desgagné Casper Donovan Michael Tansey

### III

## Appearances / Comparutions

Ukrainian Canadian Congress	Donald Bayne Jon Doody
Government of Canada	Gregory Tzemenakis Barney Brucker
Office of the Commissioner of Canada Elections	Christina Maheux Luc Boucher
Human Rights Coalition	Hannah Taylor Sarah Teich
Russian Canadian Democratic Alliance	Mark Power Guillaume Sirois
Michael Chan	John Chapman Andy Chan
Han Dong	Mark Polley Emily Young Jeffrey Wang
Michael Chong	Gib van Ert Fraser Harland
Jenny Kwan	Sujit Choudhry Mani Kakkar
Media Coalition	Christian Leblanc Patricia Hénault
Centre for Free Expression	John Mather Michael Robson

## IV Appearances / Comparutions

Churchill Society	Malliha Wilson
The Pillar Society	Daniel Stanton
Democracy Watch	Wade Poziomka Nick Papageorge
Canada's NDP	No one appearing
Conservative Party of Canada	Michael Wilson Nando de Luca
Chinese Canadian Concern Group on The Chinese Communist Party's Human Rights Violations	Neil Chantler
Erin O'Toole	Thomas W. Jarmyn Preston Lim
Senator Yuen Pau Woo	Yuen Pau Woo

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Ottawa, Ontario

--- L'audience débute le vendredi 02 février 2024 à 9 h 59

The hearing begins Friday, February 2, 2024 at 9:59 a.m.

**THE REGISTRAR:** Order, please. À l'ordre, s'il vous plait.

This sitting of the Foreign Interference Commission is now in session. Commissioner Hogue is presiding.

Cette séance de la Commission sur l'ingérence étrangère est maintenant en cours. La commissaire Hogue préside.

Il est 9 h 59.

**COMMISSIONER HOGUE:** Bonjour. So good morning, everyone.

Avant de commencer, je voudrais simplement rappeler à tous que lorsque vous êtes au podium, et je vais en profiter pour rappeler la même chose aux témoins, il ne faut pas parler trop rapidement. On a d'excellents interprètes, mais on rend leur travail très difficile lorsqu'on parle trop vite, alors...

I would like just to remind everyone that it is important not to speak too fast. We are having excellent interpreters, but their job is much more difficult when someone speaks too fast, so I will make my best to remind you throughout the day to speak slowly.

Alors, Maitre Chaudhury.

**Me SHANTONA CHAUDHURY:** Bonjour. Le témoin a-t-il fait son affirmation?

1                   **COMMISSAIRE HOGUE:** Non, pas encore.

2                   **LE GREFFIER:** Veuillez indiquer votre nom et  
3 épeler votre nom de famille sur le dossier.

4                   **M. DOMINIC LeBLANC:** Dominic LeBlanc.

5                   **LE GREFFIER:** Veuillez lever la main droite,  
6 s'il vous plait.

7                   Jurez-vous de dire la vérité, toute la  
8 vérité, et rien que la vérité, avec l'aide de Dieu?

9                   **M. DOMINIC LeBLANC:** Je le jure.

10                  **--- MR. DOMINIC LeBLANC, Sous affirmation**  
11                  **solennelle/Affirmed:**

12                   **LE GREFFIER:** Merci beaucoup.

13                   Vous pouvez procéder.

14                   **Me SHANTONA CHAUDHURY:** Merci.

15                   Et bonjour, Monsieur le Ministre. Alors,  
16 asseyez-vous, s'il vous plait.

17                   Merci d'être avec nous ce matin. Bon, avant  
18 qu'on commence vraiment, je vais juste vous prévenir que je  
19 vais parfois poser mes questions en français, parfois en  
20 anglais, et je vous invite, bien sûr, à répondre dans la  
21 langue de votre choix.

22                   **M. DOMINIC LeBLANC:** Ça me fera plaisir.

23                   **Me SHANTONA CHAUDHURY:** Parfait.

24                  **--- EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN CHEF PAR Me**  
25                  **SHANTONA CHAUDHURY:**

26                   **Me SHANTONA CHAUDHURY:** On va commencer alors  
27 avec juste une question d'intendance pour déposer votre  
28 résumé d'entretien en preuve.



1                   Alors, je demanderais, s'il vous plait, au  
2 greffier de présenter le document WIT, plusieurs zéros, 2 au  
3 témoin.

4                   Il s'agit là, en attendant, Monsieur le  
5 Ministre, de la version française du résumé de votre  
6 entretien avec les avocats de la Commission.

7                   Le voilà. Parfait.

8                   Alors, Monsieur le Ministre, est-ce que vous  
9 vous rappelez avoir participé à un entretien avec les avocats  
10 de la Commission il y a quelques semaines, soit le 19 janvier  
11 2024?

12                   **--- EXHIBIT No./PIÈCE No. WIT 2:**

13                                   Résumé d'entretien : Dominic LeBlanc  
14                                   (ministre de la Sécurité publique,  
15                                   des Institutions démocratiques et des  
16                                   Affaires intergouvernementales

17                   **--- EXHIBIT No./PIÈCE No. WIT 1:**

18                                   Interview Summary: Dominic LeBlanc  
19                                   (Minister of Public Safety, Democratic  
20                                   Institutions and Intergovernmental  
21                                   Affairs

22                   **M. DOMINIC LeBLANC:** C'est sûr, on était à  
23 Montréal.

24                   **Me SHANTONA CHAUDHURY:** C'est ça, exactement.  
25 Et pouvez-vous nous confirmer que ce document est bel et bien  
26 le résumé de cette entrevue?

27                   **M. DOMINIC LeBLANC:** Absolument. Je l'ai lu  
28 puis c'est absolument le document.

1                   **Me SHANTONA CHAUDHURY:** OK. Parfait. Et que  
2 son contenu représente bien les teneurs de vos propos?

3                   **M. DOMINIC LeBLANC:** Absolument.

4                   **Me SHANTONA CHAUDHURY:** Parfait. Merci.

5                   Vous pouvez laisser le document là parce que  
6 je peux peut-être faire référence au document plus tard.

7                   Alors, juste pour commencer avec un peu de  
8 contexte, Monsieur le Ministre, est-ce que je vous  
9 demanderais de nous décrire votre portefeuille ministériel et  
10 les domaines auxquels il touche et, en ce faisant, dans vos  
11 réponses, je vous demanderais de préciser deux choses.  
12 Premièrement, juste depuis quand vous occupiez ces postes-là  
13 et, deuxièmement, si vous pouvez nous expliquer la manière  
14 dont chacun de ces portefeuilles est lié à la sécurité  
15 nationale ou non et à la confidentialité du renseignement et,  
16 en fait, aux enjeux dont nous discutons cette semaine.

17                   **M. DOMINIC LeBLANC:** Alors, je suis le  
18 ministre... j'ai trois fonctions : sécurité publique,  
19 institutions démocratiques et affaires intergouvernementales.

20                   Je suis ministre des Affaires  
21 intergouvernementales depuis 2018. Il y a une certaine  
22 période, j'ai été malade, monsieur Morneau et ensuite madame  
23 Freeland m'ont remplacé par intérim pendant cette période. Je  
24 suis redevenu ministre des Affaires intergouvernementales en  
25 2020.

26                   C'est la façon que notre gouvernement  
27 interagit avec nos partenaires dans la Fédération. Souvent,  
28 les premiers ministres, sauf au Québec, les premiers

1 ministres sont eux aussi ministres des Affaires  
2 intergouvernementales dans leur gouvernement. Alors, c'est  
3 une façon pour notre gouvernement d'avoir une relation avec  
4 les provinces et les territoires sur les enjeux de  
5 juridictions partagées.

6 À votre question est-ce qu'il y a beaucoup  
7 d'éléments de sécurité nationale, de protection des  
8 institutions démocratiques, pas énormément dans cette  
9 fonction-là. Cependant, je me rappelle par exemple quand il y  
10 avait la question des ballons qui ont survolé le Yukon l'été,  
11 il y a un an et demi, je crois, le premier ministre du Yukon  
12 m'a appelé, je n'étais pas ministre de la Sécurité publique,  
13 c'était parce c'était son point de contact au gouvernement  
14 fédéral.

15 Les deux autres fonctions touchent beaucoup  
16 au travail que vous faites dans la partie (d) de votre  
17 Commission. Évidemment, je suis ministre des Institutions  
18 démocratiques depuis 2019 et, avec cette fonction-là, je suis  
19 responsable par exemple du plan de protection de la  
20 démocratie que nous avons mis en place avant que j'assume ces  
21 fonctions-là. J'ai moi-même amélioré ou ajusté le plan avant  
22 les élections de 2021 dans cette fonction-là.

23 Je suis ministre responsable pour la loi  
24 électorale, la loi sur le redécoupage électoral suite au  
25 recensement, mais c'est une fonction au Conseil privé qui  
26 vise un peu la façon qu'on peut améliorer l'accès à la  
27 démocratie, qu'on peut encourager les Canadiens d'aller  
28 voter. C'est une fonction qui existe comme un portefeuille à

1 part avant que le premier ministre l'avait combinée dans mon  
2 cas.

3 Évidemment, le ministère de la Sécurité  
4 publique est une fonction qui existe depuis, je crois, 2001.  
5 C'est un ministère qui regroupe principalement cinq agences,  
6 qui interagit avec la Sécurité nationale, c'est sûr, la  
7 Commission de la libération conditionnelle, le Service  
8 correctionnel du Canada, l'Agence des services frontaliers,  
9 mais dans le domaine de votre travail, j'imagine, c'est  
10 beaucoup plus le Service de renseignement et de sécurité du  
11 Canada et la GRC. Alors, c'est ces cinq agences-là dans le  
12 portefeuille, mais avec un ministère qui s'occupe un peu de  
13 coordonner la politique entre ces cinq agences-là.

14 **Me SHANTONA CHAUDHURY:** Parfait. Merci.

15 Bon, allons maintenant plus dans la  
16 substance. Durant votre témoignage, Monsieur le Ministre, je  
17 vais vous présenter plusieurs enjeux qui ont été soulevés  
18 cette semaine, des fois aux échanges que la Commission a eus  
19 avec des experts ou bien avec des témoins de la fonction  
20 publique qui ont témoigné hier, et surtout la perspective et  
21 les commentaires très utiles que nous avons reçu des  
22 participants, soit ceux qui sont dans la salle, soit ceux qui  
23 participant à distance.

24 Alors, commençons avec des thèmes un peu plus  
25 généraux. Et, là je vais changer en anglais pour un bout.

26 So the first theme, I'll put it to you that  
27 way, that we're going to discuss is transparency in the  
28 context of foreign interference, and I would say that it's

1       been the overarching theme of the week. That the tension, if  
2       I could put it that way, between, on the one hand, the public  
3       interest in transparency in the disclosure of information  
4       about foreign interference, and on the other hand, the public  
5       interest in ensuring that national security agencies can keep  
6       doing what they do to try and keep Canadians safe, which may  
7       involve protection of sources, methodologies, investigations,  
8       and the like.

9                        So it's frequently been said, and certainly  
10       this week, that there's an inherent tension, there's a  
11       contradiction there. So I'll just start by asking you for  
12       your comments on that.

13                      **MR. DOMINIC LeBLANC:** I -- so I, I have  
14       obviously taken note of the hearings this week. This is a  
15       subject of discussion that I would have with the senior  
16       officials with whom I work.

17                      I wouldn't describe it as a tension, it's a  
18       balance. And it's not a binary choice. I think the  
19       government has to do both, has to maximise -- in the area of  
20       foreign interference and democratic processes, you want to  
21       have as much as possible an informed citizenry, a resilient  
22       electorate. People need to understand the nature of foreign  
23       interference, that the threat is real, the threat evolves.  
24       We have been talking about this publicly for six or seven  
25       years, so have the security agencies as well, and CSIS for  
26       example in their report.

27                      So on the one hand, we do absolutely accept  
28       the need to maximise public understanding of these issues.

1 That is one of the best ways to detect and disrupt attempts  
2 to interfere in electoral processes. But as you noted in the  
3 question, there is also an obligation by law, imposed by  
4 statute, on the national security agencies to protect certain  
5 classified documents, certain classified information because,  
6 A, they have an important responsibility to protect Canadians  
7 and democratic institutions, and to do that they need to have  
8 access to intelligence products that come often from allies.

9 I am struck -- and come with caveats around  
10 disclosure. The same way when we would share intelligence  
11 information with allies, we often put caveats around  
12 disclosure of the information to protect human sources,  
13 investigative methodologies. And I know the Director and  
14 others, who you heard from yesterday, can speak to the  
15 details of that more than I can. But I was struck when I  
16 became Minister of Public Safety the extent to which we're  
17 net importers of intelligence information, and some of this  
18 information is vital to protect the very security of our  
19 country in the case of anti-terrorism investigations.

20 So most modern democracies have intelligence  
21 services with legislated rules around protecting sources,  
22 protecting disclosure. That's essential for them to do the  
23 work that Parliament's asked them to do, but there exist,  
24 obviously in the case of getting that balance right, a number  
25 of oversight bodies that supervise the work of these  
26 agencies, a National Security and Intelligence Committee of  
27 Parliamentarians, the National Security Intelligence Review  
28 Agency, chaired by a former justice of the Supreme Court of

1 Canada. So we have also built in, as one would want to, the  
2 appropriate mechanisms to ensure that they're doing this work  
3 according to law.

4 **MS. SHANTONA CHAUDHURY:** Okay. So there's a  
5 lot in that answer so I'm going to unpack it a little bit  
6 with you now.

7 I think you referred to, first, it's not a  
8 binary. That's something that we heard from Mr. Vigneault  
9 yesterday. So probably a little in the morning for  
10 philosophy, but if you want ---

11 **MR. DOMINIC LeBLANC:** Maybe he borrowed a  
12 line of mine. I saw him say that, and I ---

13 **MS. SHANTONA CHAUDHURY:** You're never know.

14 **MR. DOMINIC LeBLANC:** Imitation is the  
15 greatest form of flattery.

16 **MS. SHANTONA CHAUDHURY:** You never know.

17 So would you agree with me, then, that  
18 transparency is something that's necessary to combat foreign  
19 interference? It's not a plus, it's not a bonus, it's  
20 fundamental to the enterprise?

21 **MR. DOMINIC LeBLANC:** Absolutely.

22 **MS. SHANTONA CHAUDHURY:** Okay. And I'll take  
23 you -- you know, I'll take you back to the net importer idea  
24 in a bit, but I did want to put to you something more  
25 specific right now, which is that I'm sure you're aware of --  
26 there's a letter from the Department of Justice to the  
27 Commission that was sent on December 15th, along with 13  
28 redacted documents that we'd asked the Department of Justice

1 to provide.

2 There's a lot in that letter. There's no  
3 need to pull it up, I'm not going to refer to anything super  
4 specific. But the letter says a lot of things, but one of  
5 the messages, definitely, is the government's position that  
6 full public disclosure of all of the information to which the  
7 Commission becomes privy is, if I can put it this way, an  
8 unlikely outcome, given the highly classified nature of that  
9 information.

10 So one -- at least one of the parties to the  
11 hearings this week has described that as an inauspicious  
12 start to the public Inquiry. So I'll ask you for your  
13 response to that.

14 **MR. DOMINIC LeBLANC:** The Inquiry was born  
15 out of a -- the terms of reference that were agreed to by all  
16 recognised parties in the House of Commons. Every line and  
17 every word in those terms of reference was agreed to by all  
18 recognised parties in the House of Commons. I personally  
19 negotiated for many weeks with my counterparts in opposition  
20 parties. And in those terms of reference, there are a number  
21 of, I think, appropriate mechanisms contemplated to deal with  
22 what we talked a moment ago, the appropriate balance in  
23 allowing the Commission to do the work that Canadians want  
24 the Commission to do.

25 The government, of course, is ready to work  
26 with the Commission, and I think officials said that  
27 yesterday, to ensure that any information that the Commission  
28 decides it wants to be made public can be done so in the



1 appropriate way, and the terms of reference contemplate, for  
2 example, summaries of particular information. There can be  
3 *in-camera* hearings with summaries produced. There are number  
4 of ways the government will help its right to a release of  
5 documents, and the independent special rapporteur had used  
6 that mechanism a lot where officials will work with your  
7 colleagues to ensure that documents and information can be  
8 written in a way that can be released.

9           And I won't repeat it, but for the reasons  
10 that I said earlier are important to protect the agencies'  
11 ability, it's not that these security agencies want to keep  
12 the information private out of a -- just because on their own  
13 they want to do that, it's because as the Director and I have  
14 just said there are very, I think, understandable and lawful  
15 reasons why that has to be done. But the terms of reference  
16 deliberately, and these Part D hearings are also very much  
17 part of that effort so that Canadians can understand the  
18 balance in this space.

19           The Commission, of course, has access itself  
20 to all of the most classified documents in this area. I  
21 think that's important too. I think it's important that  
22 Canadians understand that as the Commission releases its  
23 reports, the Commission will have access to, obviously,  
24 unredacted documents and access to all the witnesses it  
25 thinks are appropriate to provide the information. But the  
26 public release of that information, for the reasons that have  
27 been communicated, is necessarily balanced by the need for  
28 these agencies to do the work. And of course, there are

1 other mechanisms also inter-contemplated, in terms of if  
2 there isn't a satisfactory outcome, there are other appeal  
3 mechanisms that are obviously available at all moments.

4 **MS. SHANTONA CHAUDHURY:** Thank you.

5 Et là, je vais vous rapporter un peu aux  
6 propos que vous avez dit il y a quelques minutes. C'est... on  
7 a beaucoup parlé cette semaine des limites à la possibilité  
8 de divulguer des renseignements de nature classifiée. Et  
9 bien que je ne veux pas vraiment m'attarder sur le sujet, il  
10 y a une question que j'aimerais vous poser.

11 Et c'est vraiment... à votre titre de ministre,  
12 le qualificatif d'importateur net de renseignement, en  
13 matière de renseignement, que l'on donne parfois au Canada.  
14 Vous l'avez déjà mentionné. Et je ne sais pas si c'est  
15 seulement au cadre... à l'intérieur du cadre du partenariat des  
16 Five Eyes ou même au-delà de ça, mais en tout cas. On a  
17 entendu le point de vue des experts, on a entendu le point de  
18 vue des témoins de la fonction publique, mais pour vous, en  
19 tant que ministre, c'est quoi votre point de vue, j'imagine,  
20 global, sur la question?

21 **M. DOMINIC LeBLANC:** Encore là, moi ça fait  
22 cinq-six mois que je suis ministre à la Sécurité publique,  
23 alors j'apprends toutes les semaines des autres  
24 fonctionnaires responsables des agences, comme M. Vigneault  
25 qui était ici devant vous hier.

26 Mais souvent, dans mes conversations avec  
27 lui, ou quand j'autorise certains éléments, comme la loi, par  
28 exemple, pour les mandats, c'est clair que le ministre a un

1 rôle à jouer dans l'approbation des mandats pour le Service  
2 de renseignement.

3 Dans les briefings qui accompagnent ces  
4 décisions-là, je suis... je suis conscient de l'importance pour  
5 le Canada d'avoir des relations de confiance avec des  
6 partenaires, des agences de renseignement.

7 Évidemment, les cinq, en anglais, it's Five  
8 Eyes, je crois en français c'est les Cinq pays. En effet,  
9 c'est 10 yeux. Quand les ministres des cinq eyes se  
10 rencontrent, il y a certaines contradictions, mais cette  
11 alliance-là est essentielle.

12 Les pays, comme on connaît très bien,  
13 partagent -- et nous partageons, c'est sûr, nos  
14 renseignements avec eux -- mais la capacité globale des  
15 agences MI5, MI6, FBI, CIA, d'avoir accès en confiance à  
16 leurs renseignements est important, pas simplement dans le  
17 contexte de protéger nos institutions démocratiques, mais  
18 dans le cas des enquêtes anti-terroristes, comme on a vu le  
19 temps de Noël, par exemple, c'est important pour le Canada  
20 d'avoir des relations de confiance. Et souvent, ces  
21 renseignements viennent avec des restrictions à la  
22 divulgation. Et nous, on fait ça quand on partage.

23 Alors, moi je pense c'est important pour les  
24 Canadiens de comprendre que si on ne respecte pas ou si on  
25 divulgue d'une façon inappropriée certains renseignements, ça  
26 peut avoir des conséquences sur notre capacité à l'avenir de  
27 protéger les Canadiens.

28 Puis ça peut avoir une conséquence

1 extrêmement néfaste sur la vie des personnes qui travaillent  
2 avec, pas simplement le Service de renseignement du Canada,  
3 mais si vous avez des personnes qui donnent des  
4 renseignements à la CIA ou d'autres agences, puis nous, on  
5 divulgue quelque chose qui permet à un acteur hostile de... ils  
6 ont pas besoin d'aller à un processus judiciaire souvent pour  
7 avoir exactement la personne responsable. Si ils décident  
8 entre eux que ça doit être cette personne-là, on peut  
9 imaginer les conséquences néfastes à cette personne-là, et  
10 ensuite à la capacité pour le Canada et nos partenaires de  
11 protéger nos citoyens.

12 **Me SHANTONA CHAUDHURY:** C'était avec les  
13 limites, revenons à la transparence. Une question qui a été  
14 soulevée à plusieurs reprises cette semaine, et c'est  
15 vraiment... pour nous, c'est une question fondamentale, c'est  
16 un enjeu primordial. Et c'est l'importance de divulguer et  
17 de faire preuve de transparence en matière d'ingérence  
18 étrangère à l'endroit des membres des diasporas qui sont  
19 particulièrement vulnérables à... et qui sont les cibles,  
20 vraiment, de cette ingérence.

21 Alors, c'est... quel est votre point de vue à  
22 ce sujet-là? Comment est-ce que ça joue dans le monde ici et  
23 dans les travaux de l'enquête?

24 **M. DOMINIC LeBLANC:** Vous avez raison. Les  
25 diasporas sont très souvent les cibles eux-mêmes. Et c'est  
26 des citoyens canadiens souvent qui font partie de ces  
27 communautés-là qui sont sujets à cette ingérence étrangère  
28 dans le contexte démocratique.

1                   Alors, si on peut maximiser la transparence,  
2                   la résilience des citoyens, pour comprendre c'est quoi la  
3                   nature de la menace, c'est quoi... qu'est-ce que certains pays  
4                   essaient de faire pour déstabiliser les grandes démocraties à  
5                   travers le monde, ça va aider sûrement les gens à reconnaître  
6                   une ingérence étrangère inappropriée, sinon illégale. Et ça,  
7                   c'est une des meilleures façons d'avoir des électeurs qui  
8                   sont à l'abri ou qui sont capables de comprendre la menace et  
9                   les tactiques souvent de certains acteurs étrangers qui  
10                   essaient d'intervenir.

11                   C'est la même chose qu'en ce qui a trait à la  
12                   désinformation, qui représente aussi une menace importante  
13                   dans la gestion des démocraties, le droit des citoyens de  
14                   choisir librement leur gouvernement.

15                   Alors, c'est pourquoi nous avons mis sur  
16                   pied... vous avez entendu sûrement le plan pour la protection  
17                   de la démocratie, on a mis ça... on a été le premier  
18                   gouvernement à mettre un plan comme ça à plusieurs niveaux en  
19                   place avant l'élection de 2019. C'est ma collègue Mme Gould  
20                   qui l'avait fait à ce moment-là, la ministre responsable des  
21                   institutions démocratiques.

22                   On a révisé, suite aux élections de 2019 et  
23                   2021, le plan. On a entendu... il y avait des experts... ancien  
24                   sous-ministre Morris Rosenberg, par exemple, en 2022, qui a  
25                   fait une révision de différentes mesures qui étaient sur  
26                   pied.

27                   L'idée d'avoir les cinq hauts fonctionnaires  
28                   pendant la période électorale -- avec un mandat du conseil

1 des ministres, dans leur jugement non partisan d'experts,  
2 sous-ministre de la Justice, sous-ministre des Affaires  
3 étrangères, c'est un comité, comme vous savez, présidé par le  
4 greffier du conseil privé -- c'était délibérément dans le cas  
5 d'un incident qui rejoint à un certain niveau dans leur  
6 jugement non partisan et indépendant d'avertir les Canadiens,  
7 de divulguer publiquement cette ingérence-là.

8 Nous avons essayé, dans la mesure du  
9 possible, de mettre sur pied des mesures de transparence  
10 précisément pour bâtir la confiance des Canadiens face à nos  
11 institutions démocratiques, mais la résilience de la  
12 citoyenneté... des citoyens, pardon, pour contrer... reconnaître  
13 et contrer l'ingérence.

14 Mais on reconnaît qu'on peut toujours les  
15 améliorer, ces mesures-là. Parce que la menace évolue et,  
16 c'est pourquoi on a révisé nous-mêmes, à plusieurs reprises,  
17 et amélioré, ajusté, les mesures. Et le travail de votre  
18 commission, Madame la Commissaire, va être un élément, pour  
19 nous, essentiel, encore une fois, de renforcer, d'ajuster les  
20 mesures qui sont en place. Mais tout en reconnaissant que le  
21 rôle de la transparence, de la compréhension, est parmi les  
22 mesures les plus importantes.

23 **MS. SHANTONA CHAUDHURY:** I'm glad to hear you  
24 say that. That takes me to the next series of questions,  
25 which are specifically about the role of the public inquiry  
26 and transparency in the context that we've just been talking  
27 about.

28 So Mr. Clerk, if you could ask you to pull up

1 the English version of the interview summary, which is WIT, a  
2 bunch of zeros, one? And just scroll down to around page 4.

3 So Mr. LeBlanc, I'm going to being by  
4 essentially citing your own words to you here. The LeBlanc  
5 Charette report, I believe it's called, countering foreign  
6 interference, an evolving threat. So just for the record,  
7 the document number is MDC, bunch of zeros, two. It's in  
8 evidence, but we're just going to work from the witness  
9 summary there.

10 So around the middle of the page there you'll  
11 see it. It says, find further:

12 "...the Government including  
13 responsible ministers as well as  
14 national security and intelligence  
15 officials, will find further  
16 opportunities to keep Canadians  
17 informed of the extent of foreign  
18 interference affecting all aspects of  
19 society, including in their  
20 democracy. An engaged, informed, and  
21 resilient citizenry is one of our  
22 best defences against attempts to  
23 undermine our democracy and its  
24 institutions."

25 So stopping there, would you just agree with  
26 me, Mr. Minister, that this public inquiry is a golden  
27 opportunity to do exactly what you've said here?

28 **MR. DOMINIC LeBLANC:** Absolutely. And the

1 fact that you're beginning this week with part D of the  
2 mandate is very much in line with what we hope will be  
3 exactly what Madam Charette and I wrote in this report.

4 **MS. SHANTONA CHAUDHURY:** Okay. And in order  
5 then for the inquiry to succeed in that mandate, that's going  
6 to take the government really working with the Commission,  
7 with the aim of revealing and disclosing as much relevant  
8 information to the public as possible for all of the reasons  
9 that we've just talked about?

10 **MR. DOMINIC LeBLANC:** Absolutely. I agree  
11 with that.

12 **MS. SHANTONA CHAUDHURY:** Okay.

13 **MR. DOMINIC LeBLANC:** And I think that the  
14 officials, as I saw yesterday, reiterated the commitment that  
15 we've obviously made to the Commission in my conversations  
16 with them is this is a very important priority for the  
17 government and they need to be available and work with the  
18 Commission, of course, to fulfil the mandate and exactly in  
19 the space that you just described.

20 **MS. SHANTONA CHAUDHURY:** Okay. So that  
21 brings us to the issue of disclosures, really, and disclosure  
22 decisions. So Mr. Clerk, can I ask you to bring up the  
23 Department of Justice's -- or the Government of Canada's  
24 rather -- Institutional Report? It's CAN.DOC, bunch of  
25 zeros, three. And scroll down to around page 16, please?

26 So at page 16 of this document, Mr. Minister,  
27 as we'll scroll down eventually. Sorry, 16 of the actually -  
28 - yeah, en bas de page -- there. The page number at the



1 bottom of the -- there we go.

2 So what's described here, and we won't go  
3 through it in too much specificity, but is -- what we asked  
4 was the internal process when the government is responding to  
5 a disclosure request by the Commission.

6 So first it talks about the process for  
7 determining whether information should be redacted and then  
8 it talks about the process that will be undertaken when the  
9 Commission questions or challenges a redaction.

10 So what we see in the first part, the  
11 redaction process, is a lengthy, complex back and forth with  
12 various departments and agencies whose information is  
13 involved involving signoffs, subject matter experts, et  
14 cetera, et cetera -- sorry, Mr. Clerk. Can you just scroll  
15 down to the next page, please?

16 A little further, please.

17 The internal department agency process for  
18 determining whether -- sorry. Again, a little bit more.

19 There we go.

20 When the Commission questions or challenges a  
21 redaction, including positions of those responsible.

22 So what's described there, if you can keep  
23 scrolling down a little bit, is a process where the  
24 Commission challenges what the government has redacted, so  
25 information is protected, we object. And what it says there  
26 is it outlines a process where there will be a subject matter  
27 who considers the redaction, the injury, the requirement for  
28 the redaction and they can do several things at that point.

1 They may suggest another way of making the information  
2 public. There may be other consultations, further research,  
3 et cetera. And at that point, they will advise an Assistant  
4 Deputy Minister.

5 And the Assistant Deputy Minister will, at  
6 that point, maybe decide whether the reaction can be lifted  
7 or brief it up another level to the Deputy Minister.

8 Now, this has been described to us several  
9 times this week as a bespoke tailored process created for the  
10 Commission. And I appreciate that the details probably  
11 aren't your area of expertise, but are you able to speak at  
12 all to what makes that process different or special?

13 **MR. DOMINIC LeBLANC:** So I think it's  
14 important to note just at the outset that the decisions  
15 around classifying documents, what level of classification  
16 they have, what compartment they might be in are not made by  
17 elected people or political people at all. They're made by  
18 officials according to law. So I would not be involved at  
19 any point in -- nor should I be. It would be inappropriate  
20 to be involved in the decision of how to classify or  
21 unclassify or redact or release documents.

22 So I think that it's important people  
23 understand that there are people mandated by law with  
24 expertise and a much broader understanding of the  
25 ramifications of certain disclosures than I would have as  
26 somebody who doesn't have a long-time professional expertise  
27 in this area.

28 But I do know, as a Minister who was involved

1 in setting up this Commission, that we deliberately wanted,  
2 as I said earlier, in the Terms of Reference -- it's very  
3 clear -- to build in as much as possible mechanisms for the  
4 Commission in your judgment to disclose information that you  
5 think is important to be disclosed, but obviously in a way  
6 that doesn't impede or impact the ability of the security  
7 agencies to do their work for the reasons we spoke about  
8 earlier.

9 And of course, ultimately, there's a recourse  
10 to the Federal Court or other mechanisms, but that would not  
11 be, in our view, something that we would want because our  
12 instructions to officials contained in the Order in Council  
13 that created the Commission.

14 I think it's important for people to  
15 understand also the Commission is created by an Order in  
16 Council, a Cabinet order, which is the highest form of  
17 direction to officials across the Government of Canada. So  
18 I've been a Minister long enough to know an Order in Council  
19 feels different than a Minister in a briefing saying, "We  
20 should do this". It's a very deliberate and formal  
21 instruction of the Cabinet to the entire machinery of the  
22 Government of Canada.

23 So the Terms of Reference being an Order in  
24 Council under the *Inquiries Act*, as you would know better  
25 than I would, but tells all of these officials that the  
26 government at the various -- very highest level expects them  
27 to work with the Commission constructively, expeditiously and  
28 I think they've made that commitment publicly as well, but

1 also to set up a process in collaboration with you and your  
2 colleagues that deals with expeditiously what will be the  
3 obvious conversations around particular documents or  
4 particular pieces of information.

5 So we have confidence -- I have confidence in  
6 the officials that will work with the Commission and they  
7 understand that, at the highest level of the government, the  
8 entire Cabinet has given them an instruction to follow  
9 expeditiously the Terms of Reference to enable the Commission  
10 to do the work that Canadians very much want you to do and  
11 the report that will follow.

12 **MS. SHANTONA CHAUDHURY:** So if I could put it  
13 a certain way, then, the Terms of Reference really capture  
14 and encapsulate and sort of code the public interest in  
15 transparency in this instance, in this situation.

16 **MR. DOMINIC LeBLANC:** Absolutely. The  
17 balance of the public interest in transparency and improving  
18 Canadians' understanding of the nature of foreign  
19 interference, that is absolutely encapsulated in the Terms of  
20 Reference, but so, too, is the obligation to respect the law  
21 and practices that have existed for a very long time in terms  
22 of intelligence agencies' ability to collaborate and work  
23 with other partners.

24 And I'll say it again, every detail of those  
25 Terms of Reference was agreed to by all parties in the House  
26 of Commons, and that's what I think makes this exercise  
27 different, perhaps, than previous exercises, that the  
28 protection of democracy, the informing citizens of the nature

1 of the threat of foreign interference, how pervasive it can  
2 be in some diaspora communities and building up a citizen  
3 resilience is a non-partisan objective that all Canadians  
4 would share. And anybody who's lucky enough to be a  
5 candidate in an election would want to ensure that the  
6 democratic processes that might ultimately lead to your  
7 election are free and fair and that Canadian elections are  
8 decided by Canadians who freely go to vote.

9 So I was happy that there was that very real  
10 consensus for the Commission to do this work, to start with  
11 the hearings you've had this week and the government will,  
12 obviously, do everything that we need to be a responsible and  
13 efficient partner in the work that the government's asked you  
14 to do and that was endorsed by every party in the House of  
15 Commons.

16 **MS. SHANTONA CHAUDHURY:** So that -- and that,  
17 essentially, is reflected, you'd say, in this process whereby  
18 the Commission gets, if I can put it, as maybe not quite a  
19 direct line, but a more direct line than usual to the senior  
20 decisionmakers responsible.

21 **MR. DOMINIC LeBLANC:** Absolutely. And as I  
22 said, the Commission -- again, it's important the Commission  
23 will have access to all of the intelligence information and  
24 the officials in an unredacted way. I think that's important  
25 for the report.

26 Canadians will have confidence in the reports  
27 that will be issued that the Commission has, at all times,  
28 had access, as you said, to all of these relevant documents

1 and officials and persons in a way that is not redacted.

2 **MS. SHANTONA CHAUDHURY:** And if and when the  
3 inevitable disagreements happen about redactions and the  
4 level of redactions, can the Commission be assured that its  
5 challenges and requests will be taken with the utmost  
6 seriousness and with the public interest that is encapsulated  
7 in the Terms of Reference in mind?

8 **MR. DOMINIC LeBLANC:** Absolutely. And I'm  
9 happy to reiterate that, but I think the senior officials did  
10 so yesterday. But I'm happy to reiterate that myself on  
11 behalf of the government.

12 **MS. SHANTONA CHAUDHURY:** Okay. Well, I think  
13 -- I was going to ask you why that process stops abruptly at  
14 the Deputy Minister, but you may have already answered that.

15 So you have no involvement in these  
16 decisions, and it's the decision to disclose and otherwise  
17 classify information does not fall within your portfolio or  
18 your duties as a Minister.

19 **MR. DOMINIC LeBLANC:** No, I would not  
20 participate in the decisions around classification or  
21 disclosure of sensitive intelligence information.

22 One thing I have done since becoming Minister  
23 is encouraged, for example, the Director of CSIS, David  
24 Vigneault, Commissioner of the RCMP to return calls from  
25 journalists, to speak publicly when they can. I think it's  
26 important for Canadians to -- in the area of foreign  
27 interference, of course, but in other areas I think that it  
28 demystifies a bit the work that the thousands of women and

1 men who work in these agencies do very well for Canadians.

2 So I'm -- I've encouraged them to be open and  
3 available to speak publicly about the work they do, obviously  
4 in the appropriate way, because I think it will reassure  
5 Canadians and it demystifies some of the work of these  
6 agencies.

7 But with respect to the specific -- for  
8 example, the Assistant Deputy Minister, the Deputy Minister,  
9 the subject matter experts, that is handled by non-partisan  
10 public servants with the expertise. There's no political  
11 involvement in those decisions, nor would it be appropriate,  
12 in my view, to have a political role in those specific  
13 decisions.

14 **MS. SHANTONA CHAUDHURY:** Okay. So one thing  
15 that we've heard à maintes reprises several times this week  
16 is a suggestion that there tends to be a natural tendency  
17 amongst intelligence agencies to protect their information  
18 and maybe even to overclaim national security privilege.  
19 That has been put several times. So I'm not going to ask you  
20 whether you agree or disagree with that, but assuming for the  
21 purposes of this question that it's true, is there anything  
22 that you, as a minister, can do about that?

23 **MR. DOMINIC LeBLANC:** Again, can I direct  
24 them that document X should not be top secret but should be  
25 Protected B, or should we release this or that information on  
26 an investigation? No. That would be inappropriate, and it  
27 would lead to outcomes that would be less than ideal if an  
28 elected person without that expertise was in the granularity

1 of the classifications. But as I said earlier, they  
2 understand the government's desire -- no, it's more than a  
3 desire. It's an instruction of the government for them to  
4 work with the Commission to fulfil your mandate. It wouldn't  
5 be an Order in Council if that wasn't a clear instruction  
6 from the government. But in my interactions with them, as I  
7 said, I -- particularly in the area of foreign interference,  
8 where, as we said earlier, an informed resilient electorate  
9 is one of the most important ways to detect and counter and  
10 disrupt attempts to interfere, there seems to be a special  
11 responsibility for all of us, but particularly for the non-  
12 partisan experts who do this work for Canadians to speak  
13 about their work and why they're doing it and help citizens  
14 understand the nature of the threat of foreign interference.  
15 When it's done by a partisan minister, it feels different  
16 than when it's done by the Director of CSIS or the Deputy  
17 Minister of Foreign Affairs, the National Security and  
18 Intelligence Advisor to the Prime Minister. So we, as  
19 ministers, encourage these senior officials to be available  
20 and as open and transparent with Canadians as they possibly  
21 can be.

22 **MS. SHANTONA CHAUDHURY:** And what that  
23 hopefully looks like in the context of this inquiry is making  
24 as much information as reasonably possible available to the  
25 public.

26 **MR. DOMINIC LeBLANC:** Agreed. Absolutely.

27 **MS. SHANTONA CHAUDHURY:** Okay. Moving to a  
28 slightly different topic here, I'm wondering if you can tell



1 us about this morning, it's something that we -- that was  
2 spoken about in your interview, but how is top-secret  
3 information dealt with within Cabinet? And by that I mean  
4 there's really three sort of questions or aspects that we're  
5 interested in hearing about. One is, simply are cabinet  
6 ministers cleared to see top-secret information? Do they  
7 automatically get everything, or is there still a need-to-  
8 know principle applied? And do cabinet meetings routinely  
9 involve the discussion of top-secret information?

10 **MR. DOMINIC LeBLANC:** Again, I'm not an  
11 expert. The Privy Council Office can speak to cabinet  
12 documents being classified. Many of the cabinet documents  
13 that all ministers would see routinely are classified as  
14 secret and subject to cabinet confidence. In the case of  
15 intelligence information, national security information, as  
16 you would know, many of the documents are classified as top  
17 secret. My understanding is that before one becomes a  
18 minister, there's obviously a robust background check that  
19 takes place with RCMP, with CSIS, with other agencies,  
20 Revenue Canada. That background check gives every minister  
21 the ability to see top-secret information. But in the -- I  
22 think your question obviously is focussed on national  
23 security intelligence information with respect to foreign  
24 interference, but other national security investigations,  
25 anti-terrorism investigations, or as another example, there  
26 are different classifications within the top-secret ambit of  
27 information that, again, that is assigned by and determined  
28 by officials with the appropriate professional expertise.

1 There is in the national security context a need-to-know  
2 principle as well that's applied.

3 So you'll see in the case of the decision to  
4 invoke the *Emergencies Act*, the Prime Minister was convening  
5 cabinet committee known as the Incident Response Group, where  
6 the Prime Minister would bring together ministers with  
7 specific responsibilities that would be relevant to a  
8 decision that the government would be taking or might be  
9 taking. He created the National Security Council after the  
10 last election, a last cabinet shuffle in the summer. That  
11 group regularly meets. It's chaired by the Prime Minister,  
12 and it includes the most senior officials with responsibility  
13 for the different agencies involved in this space. That is  
14 now, since it was created last fall, from my experience, the  
15 place where many of these issues are discussed in cabinet.  
16 It's a group of ministers chosen by the Prime Minister, with  
17 the appropriate senior officials. Those meetings look at a  
18 whole series of national security elements, and it is in  
19 those meetings that typically the most sensitive intelligence  
20 information would be discussed. It is my experience that it  
21 would rarely be in a full cabinet context, although at  
22 various times ministers will provide updates at a high level  
23 to cabinet on some of these issues. But the discussion and  
24 the decision-making forum is often a committee of ministers  
25 that the Prime Minister would bring together. And it was  
26 more formalized, as I say, last fall with the creation of the  
27 National Security Council, of which I'm a member, and those  
28 meetings are held regularly on a whole range of issues.

1                   **MS. SHANTONA CHAUDHURY:** So it sounds like,  
2 from what you're saying, the need-to-know principle applies  
3 within cabinet, and subject to that, if cabinet meetings  
4 don't typically involve or don't routinely involve discussion  
5 of top-secret information, is it the case that by the time  
6 the information sort of winds its way up there, it may have  
7 been stripped of its more classified elements?

8                   **MR. DOMINIC LeBLANC:** I'm not trying to be  
9 unhelpful, but that I can't speak to because I wouldn't,  
10 again, know the exact process by which a cabinet document  
11 works its way through Privy Council Office and is shared with  
12 ministers in advance of a cabinet meeting. I would know in  
13 the memoranda to cabinet that I would be responsible for, I  
14 would work with officials in preparing those documents, but I  
15 can't speak to what is or isn't included in documents that  
16 are shared with the cabinet. The clerk of the Privy Council  
17 or others are much better able. The National Security  
18 Advisor, Intelligence -- National Security and Intelligence  
19 Advisor, I would assume, would be part of that process more  
20 than an individual minister.

21                   **MS. SHANTONA CHAUDHURY:** That's fair. Okay.  
22 So I'd like to get back to now sort of the role of the public  
23 inquiry and take you back to something you said about a  
24 number of other organizations, review bodies, committees that  
25 are examining similar issues. So we all like to think we're  
26 very special, but in the end, there are a number of review  
27 bodies and committees that are looking into broadly similar  
28 issues of electoral interference, foreign interference into

1 Canada's electoral processes. So you mentioned NSIRA,  
2 NSICOP, and there's also the House Committee on Procedural  
3 Affairs, PROC. And there's overlap. There's inevitable  
4 overlap with the mandate of the public inquiry, but I'll  
5 suggest to you that among the things that differentiate the  
6 Commission Inquiry from those reviews, all of which are  
7 important and all of which will no doubt make huge  
8 contributions to the effort, but the Commission is the public  
9 forum. So it's baked into the mandate that the Commission is  
10 not only here to try and get to the bottom of things, but to  
11 do so in a way that allows that information to be public.  
12 Would you agree with that?

13 **MR. DOMINIC LeBLANC:** Absolutely. And when I  
14 was thinking of the other agencies, perhaps with the  
15 exception of the parliamentary committee -- committees, but  
16 the other agencies, you're right, don't have this public  
17 forum. For example, your hearings this week, or my being  
18 here discussing these with you, this is a -- and, ultimately,  
19 I think the report -- the reports the Commission will prepare  
20 will benefit from the public-facing area of this work, and  
21 that was very much built into the Terms of Reference that  
22 everybody agreed to.

23 **MS. SHANTONA CHAUDHURY:** Of course, you're  
24 right. The parliamentary committee has an absolutely public  
25 mandate, but it's the combination here of the unfettered  
26 access to classified information ---

27 **MR. DOMINIC LeBLANC:** Exactly.

28 **MS. SHANTONA CHAUDHURY:** --- and the duty in

1 a sense to try and make that as public as possible.

2 **MR. DOMINIC LeBLANC:** Absolutely. And so the  
3 balance -- we believe that this is the forum where that  
4 balance can best be achieved, the work you're doing.

5 **MS. SHANTONA CHAUDHURY:** It's not an easy  
6 one, how to have a public inquiry about covert operations and  
7 state secrets.

8 **MR. DOMINIC LeBLANC:** And you're absolutely  
9 right. That's why we're having these part D hearings.  
10 That's why again, every party in the House of Commons and in  
11 the government agreed that this exercise of your hearings  
12 this week will help everybody understand that exact balance  
13 that we've spoke about earlier and that you just mentioned in  
14 your comment.

15 **MS. SHANTONA CHAUDHURY:** Okay. And getting  
16 back to that, sort of the -- I won't say the origins of the  
17 inquiry, but the intents of the inquiry, the timeline is also  
18 important in all of this. Because the timeline -- the  
19 inquiry has been given a very tight timeline to accomplish  
20 what can be only described as a gargantuan task.

21 And when this was discussed in your  
22 interview, you mentioned that the timeline was deliberately  
23 chosen by everyone who drafted and agreed to the terms of  
24 reference, so that hopefully Canadians will have a clearer  
25 picture of foreign interference in Canada's electoral  
26 processes before the next election.

27 So what I want to explore with you now is --  
28 or hear you on really, is what the drafters of the terms of

1 reference may have had in mind that the Commission was going  
2 to be able to accomplish in that time and how it was going to  
3 go about its work. And to give you a little bit of context  
4 for the question, one of the things that is mentioned in the  
5 December 15<sup>th</sup> letter from the Department of Justice to the  
6 Commission, and we've heard about it several times this week,  
7 is that it took 200 man-hours to redact 13 documents. That's  
8 about 15 hours a document. My mental math isn't great, but  
9 I'll go with that.

10 So the timeline that's been imposed on the  
11 Commission, in a sense, necessarily limits. If we keep these  
12 numbers in mind, you just do the math, and there's a  
13 necessary limit to the number perhaps, of documents that the  
14 Commission would realistically be able to release, because  
15 there's a limit to what the government will realistically be  
16 able to review through full national security review in that  
17 amount of time.

18 So what was the thinking there? Was it a  
19 trade off between getting something done in a time in which  
20 the work is relevant versus making it all public, or was it a  
21 thought that you don't need to make everything -- every  
22 document public in order to get the information across? Or -  
23 - I'd like to hear you on that.

24 **MR. DOMINC LeBLANC:** So with respect to the  
25 timelines, you're right. It is an enormous task that we've  
26 asked the Commission to accomplish, and the timelines are not  
27 extraordinarily loose, they are tight. But that was very  
28 much the conversation that I had with opposition house

1 leaders throughout the summer.

2 We all wanted -- we're in a minority  
3 parliament, 2025 will by law be an election year, if there's  
4 not one before 2025. But there will be one in 2025. So all  
5 political parties agreed that it would be beneficial for  
6 Canadians to have by the end of 2024, the final report of the  
7 Commission. These discussions were held in the summer of  
8 2023. And as you know, I announced the creation of the  
9 Commission in the first week of September of 2023.

10 But -- and the idea was that recommendations  
11 from the Commission can be incorporated and can be considered  
12 quickly, in terms of things that we may want to do  
13 differently or things that we may want to add as a government  
14 and as a parliament, in terms of making our democracy  
15 resilient to foreign interference and helping Canadians  
16 understand.

17 So there's a two prong, I think value in  
18 getting a report at the end of 2024. It allows the  
19 government to consider and to put into place recommendations  
20 that will make institutions more resilient before a 2025  
21 election. And it will ensure that with -- if 2025 is, as we  
22 hope, the election year, citizens will have benefitted from  
23 the work of the Commission, but also from the final report at  
24 the end of this year.

25 So that speaks to the timelines, but I don't  
26 disagree with the premise of the question. You use the  
27 example of the redactions, and I saw the 200 person-hours of  
28 work in terms of those 13 documents that you asked officials

1 to redact. Redactions are but one of the mechanisms  
2 contemplated in the terms of reference for information to be  
3 made public.

4 As I said earlier, there are summaries that  
5 can be produced by the Commission, the government will  
6 obviously work with your colleagues to write documents that  
7 can be properly released in a way that's not injurious to  
8 national security, or doesn't violate the statute around  
9 keeping this information protected. So and the Commission  
10 can have *in camera* hearings and the appropriate summaries can  
11 also be produced from *in camera* hearings that you can have.

12 So we wanted to as much as possible, build a  
13 series of options for the Commission to be able to achieve  
14 its mandate in the most efficient way possible. But we'll be  
15 governed by the choices, obviously, that the Commission makes  
16 in this space. And as I said, officials understand that they  
17 need to be available and expeditious to do this work in the  
18 most timely way possible.

19 **MS. SHANTONA CHAUDHURY:** Two questions before  
20 we leave you today, Mr. Minister. The first of which is you  
21 mentioned that you called the inquiry in September 2023. And  
22 I think everything we've heard from you today certainly, and  
23 much of what we've heard over the week is that it's a great  
24 idea, have a public inquiry.

25 We're here, we're going to do a very  
26 important job in making information public to Canadians about  
27 this issue of foreign electoral interference. So why didn't  
28 you call a public inquiry to being with?



1                   **MR. DOMINIC LeBLANC:** Because we recognized,  
2 as did the special rapporteur, that there is a complicated  
3 amount of work to be done, as you said in your question  
4 previously, around a public inquiry in an area where  
5 necessarily a great deal of the information is classified.  
6 We think the terms of reference have struck the right balance  
7 and the best way to do that.

8                   We also knew that the National Security and  
9 Intelligence Committee of parliamentarians was looking at  
10 Canada's response to foreign interference. There were  
11 parliamentary committees looking at this. We, as I said, had  
12 independent reviews that we made public of the different  
13 measures that our government put in place starting in 2018  
14 and that had evolved as the threat had evolved in subsequent  
15 elections.

16                   You saw in Parliament last spring the desire  
17 of opposition parties to have an independent public inquiry,  
18 which is exactly what we have now with the work you're doing.  
19 We also saw how Mr. Johnston and his work came under heavy  
20 criticism. That's why, and I said it when I announced the  
21 creation of the Commission in September, the best way to  
22 ensure that your work can be done free of partisan attack, is  
23 to ensure that every recognized political party agreed to and  
24 participated in the drafting of every word of your terms of  
25 reference, and of course in the choice of Justice Hogue to  
26 preside the Commission.

27                   So we think that that is a significant -- it  
28 wasn't easy. We spent a lot of time over the summer, all of

1 us working on this. But I'm very proud of the work that I  
2 did with the opposition house leaders. We had dinner this  
3 fall together to sort of celebrate how we had done what we  
4 think is something important for democracy and for  
5 Parliament, is come together and agree on the terms of  
6 reference that created the work that you're doing. So we're  
7 very happy as a government that this non-partisan, rigorous,  
8 and thoughtful work can be done.

9 But we also recognize that there were in  
10 place in the spring, a number of other review bodies looking  
11 at this work, but clearly the public believed that we would  
12 benefit from an inquiry. And we had said all along, the  
13 Prime Minister had said it, I had said it, my colleagues had  
14 said it. We weren't resisting or opposed to the idea of a  
15 public inquiry, but it had to be the right public inquiry  
16 with the right terms of reference. And it had to be free of  
17 partisan attack, which is corrosive in this very space,  
18 because people who seek to undermine our democratic values  
19 and institutions by interfering, foreign state and non-state  
20 actors that interfere, want to undermine Canadian's  
21 confidence in their democratic institutions.

22 So those of us that are lucky enough to be  
23 elected by our fellow citizens, I believe, have an obligation  
24 to be judicious in how we speak of these issues, not to in  
25 fact contribute to the very diminishment of public confidence  
26 that these foreign hostile state and non state actors are  
27 seeking to do.

28 So the right public Inquiry was also -- was

1 always for the government a very positive option, but we had  
2 to do the work from June until September 7th to get what we  
3 think is exactly the right kind of public Inquiry, and that's  
4 the one that I'm testifying before today.

5 **MS. SHANTONA CHAUDHURY:** Okay. Well, then  
6 having spent your summer putting it together, what do you  
7 hope it achieves?

8 **MR. DOMNIC LeBLANC:** I hope very much that  
9 it's a very significant step, as I said I think at the  
10 opening of my comments, to building up citizen understanding  
11 and resiliency. The nature and the threat of foreign  
12 interference in democratic processes, and not only federal  
13 ones, I've had conversations with provincial premiers about  
14 their concerns also around provincial elections as well, the  
15 best and most effective weapon to detect, encounter, and  
16 disrupt these efforts is often citizen understanding and the  
17 protection of diaspora -- diasporas that we discussed,  
18 diaspora communities that we discussed earlier.

19 So we think that the public will benefit  
20 enormously from the public-facing work that you'll do this  
21 year, but will also benefit from the reports that you'll  
22 publish. Because this is a rigorous process, established  
23 under the Inquiry's Act, but benefitting from multi-party  
24 support in the creation, so that should reassure Canadians in  
25 the findings and the observations that the Commission will  
26 release that this is some of the best advice to Canadians and  
27 to the government of what we can continue to do to evolve  
28 mechanisms that are in place to ensure that institutions are

1 resilient and protected from an evolving threat of foreign  
2 interference.

3 **MS. SHANTONA CHAUDHURY:** Thank you, Minister.  
4 Madame la Commissaire, ce sont mes questions.

5 **COMMISSAIRE HOGUE:** Merci beaucoup.

6 **M. DOMINIC LeBLANC:** Merci.

7 **COMMISSAIRE HOGUE:** Il y a des contre-  
8 interrogatoires de prévus. Normalement, la pause est à  
9 11 h 15; par ailleurs, le premier contre-interrogatoire a  
10 plus que 15 minutes, alors je pose la question, je pense que  
11 le premier, c'est Me Leblanc ce matin ou c'est plutôt John  
12 Mather?

13 Do you prefer to -- that we take the break  
14 right now and that you start after the break just to make  
15 sure that you are not interrupted, or you're ready to go on  
16 for 15 minutes and then we'll break?

17 **MR. JOHN MATHER:** To say a famous litigator  
18 phrase, I'm in your hands, Commissioner. I'm content to  
19 proceed. I don't expect I will be more than the 15 minutes  
20 that have been allotted.

21 **COMMISSIONER HOGUE:** Okay. So I invite you  
22 to come at the podium, please.

23 **MR. JOHN MATHER:** I should add, Commissioner,  
24 those are famous last words when I say I don't expect to be  
25 the 15 minutes, but I will certainly do my best.

26 **MR. DOMNIC LeBLANC:** As will I. I could --  
27 yeah, you could control some of the time, but if my answers  
28 are too long then I will run over the Commissioner's

1 15 minutes.

2 **MR. JOHN MATHER:** Ran into a bit of a speed  
3 bump about that yesterday, but I'm confident today we'll have  
4 a better go.

5 **--- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR**

6 **MR. JOHN MATHER:**

7 **MR. JOHN MATHER:** Good morning, Minister. My  
8 name is John Mather. I'm counsel for the Centre for Free  
9 Expression. The CFE, if you're not familiar, is a  
10 non-partisan advocacies and public education centre based out  
11 of Toronto Metropolitan University.

12 **MR. DOMNIC LeBLANC:** I am familiar, and good  
13 morning.

14 **MR. JOHN MATHER:** I want to pick up on the  
15 topic of maximum transparency that Commission counsel asked  
16 you about. And you spoke a lot this morning about the  
17 importance of transparency when it comes to building  
18 resilience and protecting Canadians, and in particular,  
19 diaspora communities. I don't think you would find many  
20 people in this room who would debate you on that importance.

21 There is also a public importance in  
22 transparency so that this process can instill confidence in  
23 public institutions and officials. You'd agree with that?

24 **MR. DOMNIC LeBLANC:** Yes.

25 **MR. JOHN MATHER:** Yeah. It's important for  
26 Canadians to know what happened when it comes to election  
27 interference, how their government responded, and what risks  
28 may still exist. You'd agree with that?

1                   **MR. DOMNIC LeBLANC:** I think it's important  
2 for Canadians to know how the government responded, and in  
3 subsequent hearings we'll talk about specific examples. But  
4 what happened -- again, Canadians need to understand the  
5 nature of the threat. But some of the information I'm  
6 assuming with respect to specific context may be protected by  
7 the obligation to keep the information protected for the  
8 reasons we talked about earlier.

9                   **MR. JOHN MATHER:** And understood, Minister,  
10 and we've heard why that needs to be protected, but I'll give  
11 you just one example: There is an allegation that has been  
12 out -- that was produced in the media that there was -- a  
13 foreign state was encouraging people to make political  
14 donations and then having parts of those donations refunded  
15 to that person. And my question to you is some of that  
16 information may be protected, but it's important for  
17 Canadians to understand whether that allegation is true and  
18 whether that actually happened.

19                   **MR. DOMNIC LeBLANC:** I want to be careful  
20 because I -- I'm not going to comment on specific elements in  
21 media stories. I think the Director explained yesterday as  
22 well, we're not going to publicly confirm the veracity of  
23 what appeared in some media articles. But I do agree with  
24 you that allegations of that nature would constitute  
25 unacceptable foreign interference in our elections, and  
26 Elections Canada and other agencies can investigate those  
27 particular allegations. As you know, there are robust laws  
28 around electoral financing, and the Commissioner of Elections

1 has a legislated mandate to investigate that kind of work.

2 **MR. JOHN MATHER:** And I'm not going to ask  
3 you to comment on it, I'm just talking about the balance  
4 we've talked about. And part of that balance is when there  
5 are concerns about the integrity of the -- of Canadian  
6 elections, it's important that Canadians get as much  
7 information as possible so they have a full picture and so  
8 they can understand, given the restraints we've talked about,  
9 or keeping those in mind, what happened. You'd agree with  
10 that?

11 **MR. DOMNIC LeBLANC:** I would agree with that.

12 **MR. JOHN MATHER:** And you spoke again with  
13 Commission counsel about the effort that was made by all  
14 parties to agree on the terms of reference for this Inquiry.  
15 And I take it from your comments this morning, and your  
16 witness statement, you see that as a bit of a distinguishing  
17 feature of this Inquiry, is that all political parties came  
18 together to agree on how this -- at least the terms of  
19 reference on how this would proceed?

20 **MR. DOMNIC LeBLANC:** The terms of reference,  
21 absolutely, and of course, the choice of Madame la Juge Hogue  
22 to preside the Inquiry.

23 **MR. JOHN MATHER:** Right, and there was an  
24 agreement on the Commissioner because she is non-partisan?

25 **MR. DOMNIC LeBLANC:** Yeah, a Court of Appeal  
26 justice would, by definition, be non-partisan. I would agree  
27 with that.

28 **MR. JOHN MATHER:** Sometimes lawyers ask dumb

1 questions, but it's important to confirm.

2 **MR. DOMNIC LeBLANC:** I couldn't see your face  
3 when you asked that question.

4 **MR. JOHN MATHER:** I was deliberately not ---

5 **MR. DOMNIC LeBLANC:** Okay. I didn't look  
6 quickly enough.

7 **MR. JOHN MATHER:** And you would agree with --  
8 and the Commissioner was appointed because she has the  
9 necessary expertise, skills, and qualifications to achieve  
10 that difficult balance that we've been talking about this  
11 morning?

12 **MR. DOMNIC LeBLANC:** In our view, that's  
13 absolutely the case.

14 **MR. JOHN MATHER:** And when the Commissioner  
15 undertakes this difficult task of achieving that balance,  
16 you're confident that the Commissioner will apply the law  
17 that -- apply the law appropriately in order to find a way to  
18 maximise transparency?

19 **MR. DOMNIC LeBLANC:** Yeah, I would be very  
20 confident about that, but obviously, apply the terms of  
21 reference that created the Inquiry itself as well.

22 **MR. JOHN MATHER:** And that would be part of -  
23 - to put it another way, the Commissioner is required to  
24 follow those terms of reference?

25 **MR. DOMNIC LeBLANC:** Yes. I'm not an expert  
26 on the nature of inquiry law, but the -- everything that I  
27 understand about a commission being created and a  
28 commissioner being appointed by an Order in Council



1       benefitting, as I said in this case, by multi -- all party  
2       support in the House of Commons, I think distinguishes the  
3       work of this Commission from other reviews.

4               **MR. JOHN MATHER:** And you also spoke this  
5       morning and in your interview with Commission counsel about  
6       how it's not appropriate for you in your capacity as a  
7       minister to make individual disclosure decisions when it  
8       comes to potentially classified information?

9               **MR. DOMNIC LeBLANC:** Yes.

10              **MR. JOHN MATHER:** And that is best left to  
11       the subject matter experts in the various government  
12       agencies?

13              **MR. DOMNIC LeBLANC:** And those that are  
14       empowered by statute to make those decisions, and there's a  
15       series of senior officials that have responsibility. But my  
16       understanding, for example of the *CSIS Act*, is the Director  
17       by law has the authority in much of the, if not all of the  
18       space.

19              **MR. JOHN MATHER:** And it's also important  
20       that those individuals within the appropriate structures are  
21       doing so -- are non-partisan in their - in making those  
22       decisions.

23              **MR. DOMINIC LeBLANC:** Absolutely, but you  
24       wouldn't have a Director of CSIS who was a partisan person or  
25       a National Security Advisory to the Prime Minister.

26              **MR. JOHN MATHER:** And that wasn't my -- that  
27       wasn't my suggestion. I was simply, I think, reinforcing a  
28       point that we agree on, which is having those officials makes

1 those decisions insulates those decisions from partisan  
2 attacks to a degree.

3 **MR. DOMINIC LeBLANC:** I would hope to a very  
4 considerable degree.

5 **MR. JOHN MATHER:** As would I.

6 We -- you also spoke with Commission counsel  
7 this morning about the fact that it remains a possibility  
8 that the Commission -- that the government could take the  
9 Commissioner's decision on whether to disclose something to  
10 the Federal Court but that you hope that that doesn't occur.

11 **MR. DOMINIC LeBLANC:** The government --  
12 again, I'm not an expert in how the Federal Court rules or  
13 the oversight of a Commission of Inquiry. I'm not trying to  
14 be difficult, but there are people who can better speak to  
15 legal appeals in this space than me.

16 But I was assured that, obviously, the  
17 Government of Canada and its officials will collaborate with  
18 the Commission and we would hope that the Commission can  
19 conclude its work without any of those sort of draconian  
20 circumstances to be required.

21 **MR. JOHN MATHER:** And to be clear, Minister,  
22 I'm not asking you to give any legal opinions or anything  
23 like that today, but I did -- what I heard you say this  
24 morning is you hope we don't find ourselves in the Federal  
25 Court or something along those ---

26 **MR. DOMINIC LeBLANC:** Absolutely.  
27 Absolutely.

28 **MR. JOHN MATHER:** And I -- again, we want to

1 avoid the draconian outcome, we want to avoid that process,  
2 but that remains a possibility. And I take it if there is a  
3 decision to be made about whether or not to challenge one of  
4 the Commissioner's disclosure decisions, should that occur,  
5 that that decision will also be made by the non-partisan  
6 senior officials?

7 **MR. DOMINIC LeBLANC:** You're very much into  
8 sort of a hypothetical context of how a particular document  
9 or interview or witness testimony, but at all times you don't  
10 have elected persons or political staff involved in the  
11 interaction between the Commission and the national security  
12 agencies. And as I say, the senior officials who have that  
13 responsibility under law know that the Cabinet has instructed  
14 them to collaborate effectively and efficiently,  
15 expeditiously with the Commission.

16 **MR. JOHN MATHER:** And in fairness,  
17 Commissioner, while this is an important week of the Inquiry,  
18 it also is a bit of a hypothetical week because we're talking  
19 about what might happen because no one in this room yet knows  
20 what will happen.

21 And so what I think I've heard you say is you  
22 can't speak specifically to an instance that you don't know  
23 it exists yet, but as a general principle, the decision about  
24 whether or not to challenge a decision of the Commissioner  
25 for disclosure in the Federal Court is one that, as a general  
26 matter, is best left to the non-partisan senior officials who  
27 are making the disclosure decisions along the way.

28 **MR. DOMINIC LeBLANC:** Again, I can't speak to

1 the appeal mechanisms that exist in the public inquiry  
2 context.

3 In my discussions with officials as we were  
4 finalizing the Terms of Reference to the Inquiry, as I said,  
5 the very deliberate attempt in the Terms of Reference was to  
6 give the Commission a series of tools and options to maximize  
7 disclosure while inevitably respecting both the law and  
8 national security practices that are essential to allow them  
9 to do their work and to protect Canadians, including in the  
10 area of foreign interference and obtaining intelligence  
11 information of hostile state and non-state actors that would  
12 be attempting to interfere.

13 **MR. JOHN MATHER:** Another topic that  
14 Commission counsel raised with you this morning was a notion  
15 we've heard about a tendency to overclaim national security  
16 privilege. And I'm not going to ask you whether you agree or  
17 disagree because I appreciate that's not your area of  
18 expertise per se. But would you agree that if the Commission  
19 finds that there's room to push back on the government's  
20 claims that the Commission should, in fact, push back?

21 **MR. DOMINIC LeBLANC:** Again, I don't speak  
22 for what the Commission ultimately will say publicly in  
23 hearings or in the reports, but the government very much  
24 wants to be collaborative and available to allow the  
25 Commission to do its work and any recommendations that flow  
26 from the Commission in the report or in other fora will be  
27 studied very seriously by the government, of course.

28 **MR. JOHN MATHER:** And maybe I'll put it to

1       you this way.

2                       If the Commission forms the view that, in a  
3 particular instance, there's been an overclaiming of national  
4 security confidentiality, would you want the Commission to  
5 share that view with the government?

6                       **MR. DOMINIC LeBLANC:** Yes, and I would want  
7 the government officials to look carefully at what we would  
8 do to respond to a recommendation, hypothetical, that you  
9 just offered.

10                      You're, I think, a bit ahead of yourself  
11 imagining what the Commission report will be, but I said at  
12 the beginning, we will be, obviously, anxious to study very  
13 carefully and quickly any recommendations that come from this  
14 Commission.

15                      **MR. JOHN MATHER:** And as I said earlier,  
16 Minister LeBlanc, I appreciate your qualifications about the  
17 hypotheticals and, typically, we wouldn't ask hypothetical  
18 questions, but this is a hypothetical week. And ---

19                      **MR. DOMINIC LeBLANC:** A hypothetical week. I  
20 wouldn't describe it as a hypothetical week.

21                      **MR. JOHN MATHER:** Sorry. And I'll take that  
22 back a bit.

23                      What I meant is this is a week where we're  
24 talking about this process and so we have to anticipate what  
25 may or may not happen. And so that's where these questions  
26 come from, and it will lead to my last question for you,  
27 Minister LeBlanc.

28                      As you pointed out, the senior officials who

1 testified yesterday and I would say also in your testimony  
2 this morning have made commitments to work with the  
3 Commission, to assist them to maximize transparency and to do  
4 what -- to do what they can within the confines to make this  
5 as public as possible.

6 And we've heard that and the parties have  
7 heard that and the public has heard that, but I take it you  
8 would also agree that, ultimately, the government will be  
9 judged in this Commission by their actions in living up to  
10 those commitments.

11 **MR. DOMINIC LeBLANC:** I've a long time ago  
12 lost the illusion that one can determine exactly how  
13 governments are judged. There's a whole series of factors  
14 that go into that kind of judgment.

15 Canadians expect our government that created  
16 the Commission with the support of opposition parties to  
17 respect the Terms of Reference and to assist the Commission  
18 in any way possible, and that's exactly what we are doing and  
19 will continue to do, so I have total confidence that the  
20 officials for whom I'm responsible, but my colleagues'  
21 officials as well, will do the work that the Cabinet has  
22 instructed them to do.

23 I'm not pessimistic at all in that space.

24 **MR. JOHN MATHER:** So Canadians can expect  
25 that the government will live up to the commitments it's made  
26 this week.

27 **MR. DOMINIC LeBLANC:** They should have every  
28 confidence that the government will live up to the

1 commitments contained in that Cabinet order which I announced  
2 in the first week of September.

3 **MR. JOHN MATHER:** Thank you, Minister.

4 **MR. DOMINIC LeBLANC:** Thank you.

5 **COMMISSIONER HOGUE:** Thank you, Mr. Mather.

6 So we'll take 20 minutes' break, so we'll  
7 come back at 11:35.

8 **THE REGISTRAR:** The Commission is now in  
9 recess. La Commission est maintenant en pause pour 20  
10 minutes.

11 --- Upon recessing at 11:16 a.m.

12 --- L'audience est suspendue à 11 h 16

13 --- Upon resuming at 11:37 a.m.

14 --- L'audience est reprise à 11 h 37

15 **THE REGISTRAR:** Order, please. À l'ordre,  
16 s'il vous plaît.

17 This sitting of the Foreign Interference  
18 Commission is back in session. Cette séance de la Commission  
19 sur l'ingérence étrangère a repris.

20 **--- MR. DOMINIC LeBLANC, Resumed/Sous la même affirmation :**

21 **COMMISSIONER HOGUE:** The next one is Maitre  
22 Leblanc. For 15 minutes, Maitre Leblanc.

23 **MR. CHRISTIAN LEBLANC:** Yes.

24 **MR. DOMINIC LeBLANC:** Leblanc, c'est bien,  
25 ça.

26 **MR. CHRISTIAN LEBLANC:** Although not with a  
27 capital B, but we try.

28 **M. DOMINIC LeBLANC:** Mais, c'est ça, les

1 Leblanc au Québec, c'est « b » minuscule..

2 **M. CHRISTIAN LEBLANC:** Oui.

3 **M. DOMINIC LeBLANC:** ...et majuscule en Acadie,  
4 ben oui.

5 **--- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR**

6 **M. CHRISTIAN LEBLANC :**

7 **M. CHRISTIAN LEBLANC:** Exactement, oui.

8 Bonjour, Monsieur le ministre LeBlanc.

9 **M. DOMINIC LeBLANC:** Bonjour.

10 **M. CHRISTIAN LEBLANC:** Bonjour.

11 Mon nom est Christian Leblanc, and I  
12 represent a media coalition comprised of a few medias; le  
13 journal *La Presse*, Médias Québecor, QMI, le Groupe TVA,  
14 CBC/Radio-Canada, Four Star, CTV, et Global.

15 Thank you for your testimony this morning,  
16 and I, for one, am happy that you reiterated that the terms  
17 of reference are that much stronger and gives a very clear  
18 message, amongst other things, about transparency.

19 That being said, very concretely and  
20 practically, there's a letter from the Government of Canada  
21 accompanying the famous 13 documents and the famous 200  
22 hours, that basically says that the government says that it's  
23 not sustainable to do this. And we can put it up if you  
24 want, not necessarily I can read it to you; it's CAN 1. It  
25 says, NSC review is not sustainable if replicated over a long  
26 term, and it also adds it will not be a productive way to do  
27 this.

28 What can you say to this Commission and the



1 Canadian public to reassure them that, nonetheless, the  
2 government will do the job and will look at documents and  
3 will redact them if it's possible?

4 **MR. DOMINIC LeBLANC:** I would start by saying  
5 that obviously the Commission will have access to all  
6 documents in an unredacted way. The Commission itself will  
7 have unfettered access to relevant witnesses and documents in  
8 a way that clearly will not be redacted. That's an important  
9 reassurance to Canadians.

10 The second reassurance is -- again, and I've,  
11 of course, read the letter from the senior counsel for the  
12 government, the December 15<sup>th</sup> letter. That was in response  
13 to a request from the Commission on 13 specific documents as  
14 an example of a redaction process. Those documents were  
15 written, obviously, for specific consumers of highly  
16 sensitive intelligence information; that's why those  
17 redactions *s'imposaient* or were required.

18 But the terms of reference, as I mentioned  
19 earlier, contemplate other mechanisms that the Commission can  
20 use to make public as much information as possible; summaries  
21 of documents, the government officials will work with the  
22 Commission to write reports precisely that can be made  
23 public; there could be *in-camera* hearings of the Commission  
24 and summaries can also be prepared. And, ultimately, the  
25 Commission's report will be made public, and that report  
26 will, as I say, benefit from the Commission having seen all  
27 of the documents, in an unredacted way, of course.

28 **MR. CHRISTIAN LEBLANC:** Oh, I understand

1 that, but again, precisely, did you have any conversations  
2 with the government to the effect that if you're asked by the  
3 Commission to do this job, to redact documents, to look at  
4 documents, you'll have to do it? I mean, my colleagues are  
5 sitting over there and I -- everybody are doing their job.  
6 I'm not -- with all due respect, but did you have any  
7 discussion to say, "I don't care about 200 hours. I want you  
8 to do the work if the Commission asks you to do this work,  
9 the redaction of documents, the looking at secret documents"?

10 **MR. DOMINIC LeBLANC:** So I want to be very  
11 precise, because it's an important question. I would not  
12 give direction, nor would it be appropriate, as I said  
13 earlier, around the specific redactions of a specific  
14 document. My ---

15 **MR. CHRISTIAN LEBLANC:** I'm not asking that,  
16 Minister.

17 **Mr. DOMINIC LeBLANC:** Right.

18 **MR. CHRISTIAN LEBLANC:** I'm asking, do the  
19 job.

20 **MR. DOMINIC LeBLANC:** Right. But you asked  
21 if I had discussions around redactions, not document-specific  
22 of course. I have consistently urged, as I mentioned  
23 earlier, officials with whom I work to be transparent and  
24 accessible and open to the media, to many of your clients,  
25 and to participate in public fora. I don't need to  
26 specifically instruct officials, although they know that it's  
27 very much my desire or my objective, because Cabinet itself  
28 passed an Order in Council, which is, as I said earlier, a

1 much more formal instruction to the entire machinery of the  
2 Government of Canada, the Public Service, to collaborate with  
3 the Commission according to the Terms of Reference, which are  
4 very precise in this space. But I have every confidence that  
5 they're doing that work and will continue to do that work,  
6 and in no way would we seek to use the amount of work  
7 necessary on our part to allow the Commission to do its work  
8 properly to be *un empêchement* or a source of delay or  
9 frustration.

10 **MR. CHRISTIAN LEBLANC:** Good.

11 **MR. DOMINIC LeBLANC:** So there will be a very  
12 robust, good-faith effort on the part of all of these  
13 officials.

14 **MR. CHRISTIAN LEBLANC:** Okay, I'm happy to  
15 hear that, and that everybody can hear that here; I think  
16 it's important.

17 For the other mechanisms, one of the other  
18 mechanisms suggested is summaries; in other words, summaries  
19 of testimonies that were held *in camera* because there may be  
20 some confidential, top-secret information or summaries of  
21 documents.

22 I don't know if you've heard everything  
23 yesterday, but I brought up the fact that that was a very big  
24 problem in the Arar Commission, where Justice O'Connor in his  
25 report says that unfortunately -- and I'm paraphrasing but  
26 the document is there, Mr. Minister.

27 Justice O'Connor says -- we're on page 301  
28 and 302 of his report -- that unfortunately the government

1 had maintained that information in documents were  
2 confidential for over a year to, right before the report was  
3 published, abandoning that, and in effect, making the fact  
4 that the Commission was not able to divulge summaries to the  
5 Canadian public during the Commission; actually, Justice  
6 O'Connor says he had to review and change the mechanism  
7 because he could never agree, or often he could never agree  
8 with the government on summaries.

9 Were you aware that that happened in the Arar  
10 Commission, by the way?

11 **MR. DOMINIC LeBLANC:** So I can't speak to  
12 what government officials did when I was a backbench MP, I  
13 think at the time, almost 20 years ago, of the O'Connor  
14 Commission. I was obviously aware, in discussions around the  
15 establishment of this Commission, of how to ensure that that  
16 precise circumstance is not the case in the work of this  
17 Commission, and I think 20 years, intelligence agencies have  
18 evolved, Federal Court cases have increased the obligation on  
19 intelligence agencies across the board, and mechanisms have  
20 involved [sic] for these senior officials to understand their  
21 obligation to disclose as much as is possible and prudent  
22 respecting their other obligations. So I think the context  
23 in which these intelligence agencies operate now is different  
24 than 20 years ago. But as I say, I have every confidence in  
25 the officials with whom I work, that they will be available  
26 and participatory in a very significant and robust way in  
27 assisting the Commission in completing the mandate that  
28 Cabinet has enacted.

1                   **MR. CHRISTIAN LEBLANC:** Thank you. And  
2 again, I'm happy that you're saying that this morning.

3                   But more precisely, if anything has been done  
4 by you, what did you do concretely to ensure that what  
5 happened 20 years ago in the Arar Commission will not happen  
6 here again. Did you have discussions with my colleague  
7 representing the government? Did you have discussions inside  
8 government to make sure that this doesn't happen again,  
9 precisely on that point?

10                  **MR. DOMINIC LeBLANC:** Again, I don't want to  
11 repeat myself, I'm not trying to not answer the question.  
12 But the best answer to your precise question, but the best  
13 answer to your precise question is contained in the terms of  
14 reference that have the force of an order in council, which  
15 binds every official and the entire machinery of the  
16 Government of Canada in a way that a conversation with a  
17 Minister cannot.

18                  So I will repeat, and have repeated to the  
19 officials with whom I work, that the government is -- expects  
20 them to collaborate with the Commission in this work. But I  
21 have no hesitation in saying I'm very confident they  
22 understand the clear direction from the Cabinet and are very  
23 much at work to do what's necessary to support the Commission  
24 in its work.

25                  **MR. CHRISTIAN LEBLANC:** And you just  
26 mentioned that you had discussions with government officials.  
27 Did you have discussions precisely on this matter? Make  
28 sure, and I want you to agree with the Commission and get the

1 summaries because it is important, it's one of the mechanisms  
2 that we believe would be important in this Commission?

3 **MR. DOMINIC LeBLANC:** As I said, I reviewed  
4 the terms of reference of the Commission with the officials  
5 with whom I work on a weekly basis. And in preparing for the  
6 appearance this week, I have every confidence that they have  
7 taken note of an order in council and the creation of this  
8 Commission, and they're very much engaged in doing that work  
9 and will continue to do so until the Commission concludes its  
10 work.

11 **MR. CHRISTIAN LEBLANC:** So and believe me,  
12 we're all familiar with the terms of reference, specifically  
13 with the ones that talks about transparency, and I'll move  
14 on. But for the record, I just want to make sure, so do I  
15 get it from your answer that you are trusting these terms of  
16 reference and the strength behind these terms of reference,  
17 but you didn't have any specific questions or discussion  
18 about -- with government officials or government lawyers  
19 about the need to arrive at a swiftly, timely agreement on,  
20 for example, summaries?

21 **MR. DOMINIC LeBLANC:** No, sorry. I want to  
22 be precise, because I wouldn't want to leave an erroneous  
23 impression.

24 Of course, with the director of CSIS and  
25 other senior officials, I have spoken about our expectation  
26 that they collaborate with the Commission in an expeditious  
27 and effective way. They understand the priority the  
28 government places on this Commission's work. But at the risk

1 of repeating myself, what's persuasive to these senior  
2 officials is an order in council enacted by the Cabinet which  
3 instructs them to do that work.

4 And I don't have any reason to think that  
5 they will be anything less than efficient and effective and  
6 collaborative in this work. But they know, because I've said  
7 it to them, that that is our expectation as well.

8 **MR. CHRISTIAN LEBLANC:** Thank you.

9 I just want to clarify another point. You  
10 talk about the importance of the report and the fact that the  
11 public will know that this Commission will have had access to  
12 all of the confidential, secret, and top-secret information.  
13 And I get that, but am I correct to say, and do you agree  
14 also, that over and above the report, the work of the  
15 Commission is also important for the Canadian public and it's  
16 also important for the Canadian public to follow the  
17 Commission, not just read a report? Am I correct to say  
18 that? Do you agree with that?

19 **MR. DOMINIC LeBLANC:** I do, and in fact, this  
20 week, I think, has been a very good beginning to that public  
21 facing work that the Commission will do.

22 **MR. CHRISTIAN LEBLANC:** And on the merits, so  
23 when the Commission will actually be looking at foreign  
24 interference with different witnesses, do you agree with me  
25 that it will be important for the Canadian public to be able  
26 to follow that work as much as possible?

27 **MR. DOMINIC LeBLANC:** As much as possible,  
28 yes. And again, I'm not -- I'm not repeating myself, but we

1 understand the limitations of certain witnesses that will  
2 appear in public hearings around the disclosure of protected  
3 information.

4 **MR. CHRISTIAN LEBLANC:** But just so that I'm  
5 clear, you agree that this is not just a commission, it's a  
6 public commission and therefore the work of the Commission is  
7 important to be followed by the Canadian public in order for  
8 them to understand what happened, what can be done to the  
9 extent of the foreign interference. So the work itself  
10 toward those goals are important for the Canadian public?

11 **MR. DOMINIC LeBLANC:** Yes. And the terms of  
12 reference, again, contemplate that, but also contemplate the  
13 balance that necessarily has to be struck that we discussed  
14 earlier this morning. The terms of reference agreed to by  
15 every political party in the House of Commons contemplate the  
16 public facing work and the importance of that for the reasons  
17 we discussed. But also, the fact that some of the work will  
18 need to be done *in camera*, and some of the information that  
19 will be available to the Commission obviously, in an  
20 unredacted form, will need to benefit from the protections  
21 that exist under law.

22 **MR. CHRISTIAN LEBLANC:** And I'm not disputing  
23 that. I just wanted to clear for the record, because -- this  
24 point, because you mentioned it a few times and it's  
25 certainly true, that the report will be important at the end.  
26 But I wanted to clarify that the work of the Commission is  
27 also important and very much important in this whole  
28 exercise.



1                   **MR. DOMINIC LeBLANC:** Well, I would agree  
2 with that.

3                   **COMMISSIONER HOGUE:** Maître Leblanc, il vous  
4 reste une minute.

5                   **MR. CHRISTIAN LEBLANC:** Okay. So in one  
6 minute I -- there's a national security transparency  
7 commitment document with principles. One of those principles  
8 says that -- and I'll quote it -- "Information is not to be  
9 protected to prevent embarrassment or to conceal  
10 inefficiency, errors, or problems". And I asked the same  
11 question yesterday, if you heard it, to the panel. I'm  
12 asking you the question today, do you agree with that?

13                   **MR. DOMINIC LeBLANC:** Yes.

14                   **MR. CHRISTIAN LEBLANC:** And do you agree that  
15 it also covered the reputations of elected officials,  
16 politicians?

17                   **MR. DOMINIC LeBLANC:** That would never be a  
18 reason that these non-partisan senior officials would apply  
19 their requirement at law around protecting information. That  
20 would not be what -- nor would it be appropriate for the  
21 senior officials who have this responsibility to apply that  
22 test.

23                   **MR. CHRISTIAN LEBLANC:** Mr. Minister, thank  
24 you very much. Commissioner.

25                   **MR. DOMINIC LeBLANC:** Merci.

26                   **COMMISSIONER HOGUE:** Merci, Maître Leblanc.

27                   I think the next one is Ms. Taylor for the  
28 Human Rights Coalition.

1 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR

2 MS. HANNAH TAYLOR

3 **MS. HANNAH TAYLOR:** Good afternoon,  
4 Commissioner and Minister LeBlanc.

5 **MR. DOMINIC LeBLANC:** Bonojur.

6 **MS. HANNAH TAYLOR:** My name is Hannah Taylor,  
7 counsel for the Human Rights Coalition. The Human Rights  
8 Coalition is comprised of community groups engaged in work  
9 for the rights of disparate communities, particularly  
10 vulnerable to transnational oppression and the effects of  
11 foreign interference.

12 So Minister, you mentioned being in  
13 discussion with senior officials from the agencies with whom  
14 you work regarding transparency in the context of foreign  
15 interference. But I understand that you have not given  
16 direction to officials regarding the decisions to release  
17 classified information and you're not involved in the process  
18 of how information is classified or in deciding whether  
19 information is disclosed to the public. Is that correct?

20 **MR. DOMINIC LeBLANC:** Yes, in my view it  
21 would be -- I do not give that direction, nor in my view  
22 would it be appropriate for me in the context of specific  
23 documents or specific information to give them a direction on  
24 either the classification that that information would be  
25 under, or the disclosure of that information.

26 **MS. HANNAH TAYLOR:** Have you been involved in  
27 policy making or the creation of guidelines having to do with  
28 the criteria involved in decisions regarding disclosure of

1 information gathered by intelligence agencies?

2 **MR. DOMINIC LeBLANC:** I have not personally  
3 been involved. I have been briefed that those criteria are  
4 to some extent established by statute. I'm familiar with the  
5 broad statutory applications, and as you would know, there  
6 have been a series of court cases over the years that impose  
7 obligations on the agencies, and I would expect that they're  
8 following their requirements in the case law as well.

9 **MS. HANNAH TAYLOR:** Okay. So you haven't  
10 personally been involved, but you're familiar generally with  
11 those topics. That's what you're saying? Or you're familiar  
12 with ---

13 **MR. DOMINIC LeBLANC:** Tell me exactly what  
14 topics you're -- I just want to make sure that I ---

15 **MS. HANNAH TAYLOR:** I'm just speaking about  
16 guidelines, criteria, or policy that agencies use in making  
17 decisions about disclosure.

18 **MR. DOMINIC LeBLANC:** Again, the guidelines  
19 and the policies are established by the agencies under law by  
20 virtue of an application of a statute in case law decisions.  
21 But as I said earlier, the people with whom I work, the  
22 senior officials know very much, because I say it to them  
23 often, the Commissioner of the RCMP, the Director of CSIS and  
24 others, our expectation and our desire for them to be  
25 accessible and available in public fora and with journalists  
26 and others precisely so Canadians can understand the work  
27 they're doing and it demystifies a bit the important work  
28 that thousands of women and men do every day in these

1 agencies.

2 **MS. HANNAH TAYLOR:** Okay. So it sounds like  
3 we're saying government should not be involved in the  
4 creation of such guidelines, policy or criteria. That would  
5 be up to agencies themselves when it comes to ---

6 **MR. DOMINIC LeBLANC:** No, your question was,  
7 was I personally involved in the ---

8 **MS. HANNAH TAYLOR:** Okay ---

9 **MR. DOMINIC LeBLANC:** --- details of those  
10 policies. It is appropriate for the government to set broad  
11 policies ---

12 **MS. HANNAH TAYLOR:** Okay.

13 **MR. DOMINIC LeBLANC:** --- and expectations of  
14 these agencies. Our expectations are that they should be  
15 transparent with Canadians, to the extent, obviously,  
16 permissible under law and with conscious of their important  
17 obligation that others spoke to yesterday in a way that -- in  
18 a precise way that I can't, the importance of them being able  
19 to preserve their ability to protect human sources,  
20 investigative techniques. If they're doing national security  
21 investigations, for example, it necessarily has a series of  
22 criteria around the handling and protection of information.  
23 So a policy or a directive from the government to be as  
24 transparent as one can be, obviously, doesn't obviate those  
25 responsibilities which we expect them to uphold as well.

26 **MS. HANNAH TAYLOR:** Okay. And so in those --  
27 in that policy or the directives coming from the government  
28 that you're familiar with, has the personal security of

1 targeted diaspora communities been included as criteria to be  
2 considered in disclosure decisions? Has that been treated as  
3 a priority in those directives or policies directed by  
4 government?

5 **MR. DOMINIC LeBLANC:** So my conversations,  
6 certainly with Director Vigneault, have included discussions  
7 about his engagement and the engagement of his senior  
8 colleagues as well with the diaspora communities, many of  
9 whom you represent, they are keenly aware that, as I said I  
10 think earlier this morning, many of these communities are  
11 themselves targets of this transnational repression. It's a  
12 circumstance that exists in other countries as well. It's  
13 been the subject of conversations of Five Eyes Ministers, my  
14 meeting with Secretary Mayorkas in the United States, the  
15 Homeland Security Secretary in Washington before Christmas.  
16 We spoke about the very real threat of transnational  
17 repression and its effect on communities. It's similar in  
18 other large democracies. So I have been clear with Director  
19 Vigneault and others that, to the extent that they can, their  
20 interaction with these communities and their ability to work  
21 with these communities is important. We have a cross-  
22 cultural round table at the Public Safety Department. I've  
23 participated in some of those meetings. That also brings  
24 together different representatives of civil society in some  
25 of the communities that you would represent. So to the  
26 extent that we can by law, I think it's very valuable and  
27 important for these communities to know that these agencies  
28 are doing everything they can to protect them, and for them

1 to understand, as I said earlier this morning, the nature and  
2 the threat of foreign interference in democratic processes  
3 and how the threat evolves and has evolved just in the few  
4 years with which I've been involved in this area and how the  
5 government also wants to evolve our measures to counter  
6 foreign interference to make sure that we're keeping up with  
7 the evolving threat as well. And as I say, many of the  
8 groups that are on the front line of this challenge are  
9 groups that you would represent based on your opening  
10 comment.

11 **MS. HANNAH TAYLOR:** And so you're saying in  
12 these discussions, in directives that you've given, personal  
13 security of targeted diaspora communities have been treated  
14 as a priority. And would that extend also to their ability  
15 to take precautions to protect themselves against foreign  
16 interference and transnational repression when it comes to  
17 disclosure? I'm not sure if that question was very clear.  
18 Does that ---

19 **MR. DOMINIC LeBLANC:** No, again, it's a  
20 precise question. You talked about disclosure, protect  
21 themselves. I thought, for example, of threat reduction  
22 measures, which is an instrument that CSIS has, but can you  
23 pose the question again? I want to make sure I understand  
24 precisely.

25 **MS. HANNAH TAYLOR:** Oh, yeah, certainly. So  
26 it sounds like in discussions you've had with senior  
27 officials in directives that you are familiar with from  
28 government having to do with disclosure decisions, the

1 personal security of targeted diaspora communities has been  
2 treated as a priority or has been mentioned as a  
3 consideration to keep in mind. Does that extend also to the  
4 ability to -- of diaspora communities to take precautions to  
5 protect themselves? So having enough information that they  
6 can do that?

7 **MR. DOMINIC LeBLANC:** Obviously, for your  
8 clients and for the diaspora communities that are targeted by  
9 some of this foreign interference, the more information that  
10 they can appropriately have, the better they'll be able to  
11 detect and deter or disrupt the foreign interference. And my  
12 direction to officials has been to engage as much as possible  
13 in a constructive and collaborative way with these  
14 communities that are understandably concerned, and the public  
15 discussion of these issues has heightened their concern.  
16 It's also heightened, I think, their awareness of the nature  
17 of the threat, and I hope that that builds up their  
18 resilience.

19 The only part with which I would want to be  
20 careful of your question is I wouldn't -- in those  
21 conversations, my encouragement, directive, pick the word you  
22 want, to the officials was to engage with the communities. I  
23 wouldn't have been prescriptive around the disclosure because  
24 it's for all the reasons that is accompanied by a series of  
25 legal obligations, but, again, there is an instrument in the  
26 *CSIS Act*, I believe, or certainly in their practice where  
27 they can meet with individuals. You talked about the  
28 personal security of members of the community. Those are

1 threat reduction briefings that the Director of CSIS and his  
2 officials conduct. And, again, they can speak to you more  
3 precisely about the criteria in which they would engage in  
4 that particular kind of work and what would be the disclosure  
5 requirements that they would have. They would be best  
6 positioned. I do know that they, from time to time, conduct  
7 these meetings and I encourage them to do so as much as is  
8 possible under law, but they can speak to the precise nature  
9 around the disclosure element in those conversations.

10 **MS. HANNAH TAYLOR:** Okay. And recognizing  
11 that you don't provide specific directions and that that is  
12 better suited to -- making specific decisions, of course,  
13 best suited to the senior officials in these intelligence  
14 agencies, you'd agree that the personal security of targeted  
15 diaspora and their ability to protect themselves against  
16 foreign interference should continue to be treated as a  
17 priority in these discussions and in the Commission's work?

18 **MR. DOMINIC LeBLANC:** Yeah, absolutely, but  
19 it's also a priority for the government of Canada and our  
20 security agencies as well, of course.

21 **MS. HANNAH TAYLOR:** Excellent. Thank you,  
22 Minister. Thank you.

23 **COMMISSIONER HOGUE:** Thank you.

24 Alors, Maitre Sirois, c'est votre tour, for  
25 the Russian Canadian Democratic Alliance.

26 **--- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR**

27 **MR. GUILLAUME SIROIS:**

28 **MR. GUILLAUME SIROIS:** Merci, Madame la



1 Commissaire.

2                   Merci, Ministre LeBlanc, d'être ici  
3 aujourd'hui avec nous.

4                   My name is Guillaume Sirois from Power Law,  
5 Juristes Power, and I represent the Russian Canadian  
6 Democratic Alliance, l'Alliance démocratique des Canadiens  
7 russe.

8                   The RCDA is a national non-profit  
9 organization supporting the development of the Russian and  
10 Canadian community around the ideals of democracy, human  
11 rights, civil liberties and the rule of law.

12                   Ma série de questions va faire un suivi, un  
13 bon suivi avec les questions qui viennent juste de vous être  
14 posées par ma consœur, Me Taylor. Je pense qu'elle a fait un  
15 bon travail de montrer à quel point les communautés de  
16 diaspora sont affectées peut-être de manière disproportionnée  
17 par rapport au reste de la population canadienne quand vient  
18 le temps de parler d'ingérence étrangère et de répression  
19 transnationale.

20                   Si on peut sortir le document CAN Document 2,  
21 s'il vous plait. Il s'agit de la lettre du gouvernement du  
22 15 décembre qui explique la raison derrière les rédac... les  
23 caviardages qui ont été effectués par le gouvernement pour  
24 les 13 documents.

25                   En quelque sorte, si je comprends bien, cette  
26 lettre-là, l'objectif, c'était d'expliquer au public dans le  
27 contexte de cette semaine d'audience de quoi aurait l'air le  
28 caviardage et quelles seraient les considérations du

1       gouvernement fédéral en faisant ce caviardage-là et en  
2       protégeant l'information.

3                   **COMMISSAIRE HOGUE:** Maitre Sirois, je vous  
4       interromps parce que je pense que le document n'est pas à  
5       l'écran.

6                   **MR. GUILLAUME SIROIS:** Yes, it's CAN Doc 2.

7                   **COMMISSAIRE HOGUE:** Voilà.

8                   **M. DOMINIC LeBLANC:** Oui, je le vois.

9                   **Me GUILLAUME SIROIS:** Donc... pardon, mon  
10       introduction est à peu près la bonne par rapport au document?  
11       Est la bonne, en fait?

12                   On s'entend?

13                   **M. DOMINIC LeBLANC:** Je suis familier,  
14       évidemment avec le document et je... d'après ce que j'ai  
15       compris, la Commission avait demandé aux hauts fonctionnaires  
16       de passer à travers les 13 documents, de faire les  
17       caviardages qui s'imposaient, comme exemple, de comment ce  
18       processus-là sera suivi, et les limitations qui s'imposent  
19       dans ce contexte-là, oui, je... si c'est ça l'introduction, je  
20       suis familier avec ça.

21                   Je sais aussi, puis je pense que c'est  
22       important de le réitérer, c'est que la Commission évidemment  
23       aura accès elle-même à tous les documents sans être  
24       caviardés, c'est sûr, c'est un exemple pour la divulgation  
25       potentielle publique, mais la Commission, à tout moment, aura  
26       accès aux documents non caviardés.

27                   **Me GUILLAUME SIROIS:** Et dans la décision de  
28       divulguer l'information au public, on se rappelle qu'on a

1       entendu cette semaine beaucoup qu'il y a une balance  
2       d'intérêts qui se produit : la balance entre l'intérêt à la  
3       sécurité nationale et la balance entre l'intérêt public à  
4       avoir accès à cette information-là. Vous êtes familier avec  
5       cet exercice?

6                   **M. DOMINIC LeBLANC:** Absolument.

7                   **Me GUILLAUME SIROIS:** Et aussi, j'ai compris  
8       plus tôt ce matin que vous n'êtes pas impliqué dans les  
9       questions plus précises d'un document, le caviardage d'un  
10      document plus précis, par exemple. C'est pas quelque chose  
11      que vous êtes impliqué, c'est pas approprié selon vous d'être  
12      impliqué dans le caviardage d'un document précis.

13                  **M. DOMINIC LeBLANC:** C'est ça, ça ne serait  
14      pas approprié, ni à la décision de comment classifier un tel  
15      document ou un tel renseignement. La classification comme  
16      telle est faite pas par des élus ou par des adjoints  
17      politiques, c'est sûr.

18                  **Me GUILLAUME SIROIS:** Je comprends. Disons  
19      qu'on prend un pas de recul et qu'on regarde la situation un  
20      peu plus d'un point de vue macro. Si on avait un indice comme  
21      quelque chose qui nous indiquerait que l'intérêt du public  
22      n'était pas suffisamment considéré dans ces décisions-là de  
23      divulgation de documents ou de caviardage, est-ce que c'est  
24      quelque chose qui vous interpellerait, vous, en tant que  
25      ministre responsable de Sécurité publique et des Institutions  
26      démocratiques?

27                  **M. DOMINIC LeBLANC:** Mais votre question est  
28      hypothétique. Dans quelles circonstances? Moi, ceux et celles

1 qui font ce travail-là comprennent l'importance de cet  
2 équilibre-là et comprennent le désir et les instructions du  
3 gouvernement de bien faire leur travail selon la loi, et  
4 comme j'ai dit, dans le domaine de l'ingérence étrangère, la  
5 capacité des citoyens de reconnaître, de comprendre qu'est-ce  
6 que c'est la menace de l'ingérence étrangère, surtout, par  
7 exemple, les diasporas que vous représentez et votre collègue  
8 avant vous.

9 Ce sera important dans la mesure du possible  
10 de fournir ces renseignements-là. Ça, ça fait partie d'une  
11 résilience essentielle pour protéger les institutions  
12 démocratiques au Canada.

13 **Me GUILLAUME SIROIS:** Peut-être que je peux  
14 rendre la question un peu moins hypothétique en justement  
15 adressant le document qui est le seul document que nous avons  
16 pour comprendre... que les participants ont pour comprendre la  
17 raison derrière les rédactions... les caviardages.

18 On peut descendre un petit peu le document  
19 juste pour centrer ce paragraphe précis. Oui, exactement.

20 On voit au point 4 du dernier paragraphe que  
21 la Commission a dit :

22 « Une annexe classifiée fournissant  
23 des informations supplémentaires sur  
24 le préjudice qui résulterait de la  
25 divulgation a été fournie à la  
26 Commission, mais pas au public. »

27 On parle du préjudice qui résulterait de la  
28 divulgation dans ce document, présumément, mais il n'y a rien

1 qui indique que ce document adresse l'intérêt public à la  
2 divulgation, n'est-ce pas? De la phrase, on comprend, on ne  
3 voit rien qui parle d'intérêt public ici.

4 **M. DOMINIC LeBLANC:** Bien, il faudra que j'aie  
5 devant moi le document secret que fait référence le point 4.  
6 Alors, vous comprenez...

7 **Me GUILLAUME SIROIS:** Je comprends.

8 **M. DOMINIC LeBLANC:** ...c'est difficile pour moi  
9 de commenter. Cependant, je pense le directeur du Service de  
10 renseignement et d'autres hauts fonctionnaires ont expliqué  
11 c'est quoi la nature du préjudice qui peut arriver dans un  
12 contexte de divulgation inapproprié. On a discuté tantôt ou  
13 plus tôt ce matin avec votre collègue de l'importance pour  
14 les agences de renseignement d'avoir accès...

15 **Me GUILLAUME SIROIS:** J'aimerais juste...  
16 j'aimerais juste... j'ai d'autres questions, on n'a pas  
17 beaucoup de temps. Je n'aime pas vous interrompre, mais  
18 j'aimerais juste continuer, si on peut, pour le reste de  
19 cette lettre, voir de qu'est-ce qu'elle parle notamment.

20 Si on peut descendre encore, s'il vous plait?

21 On parle ici... on va lire les titres :  
22 « Quelques définitions sur l'information dite classifiée,  
23 sensible ou préjudiciable ».

24 On peut descendre encore.

25 L'explication du préjudice, encore une fois  
26 on parle du préjudice, pas d'intérêt public.

27 On peut descendre. Encore. Encore.

28 Les renseignements provenant du SCRS, on

1 parle de, comme, c'est quoi un document qui provient du SCRS,  
2 c'est quoi les sources protégées.

3 On peut descendre encore.

4 L'ingérence étrangère, on parle généralement  
5 d'ingérence étrangère, l'effectivement mosaïque, par exemple,  
6 et cetera. On ne parle pas d'intérêt public à la divulgation.

7 On peut descendre encore.

8 Finalement, on parle des ressources, le  
9 fameux 200-heures que ma collègue, Maitre... ma consœur,  
10 Me Chaudhury a mentionné aujourd'hui, plus tôt ce matin.

11 On peut descendre encore.

12 Et on parle enfin, finalement, on parle des  
13 autres options parlées d'avant. La seule phrase qui pourrait  
14 peut-être indiquer une certaine considération d'intérêt  
15 public, c'est : « Le gouvernement du Canada reconnaît  
16 l'importance d'éduquer le public sur la menace de l'ingérence  
17 étrangère. »

18 Donc, vous l'avez dit vous-même, l'annexe qui  
19 parle du préjudice potentiel à la sécurité nationale, il  
20 faudrait la voir pour savoir s'il est question d'intérêt  
21 public à la divulgation dans cette annexe-là, parce que, pour  
22 l'instant, on ne peut même pas savoir ça, si ç'a été  
23 considéré d'intérêt public à la divulgation.

24 De la lettre qu'on voit ici là, qui a été  
25 transmise aux participants et au public, de là non plus on ne  
26 peut pas savoir si l'intérêt public à la divulgation a été  
27 considéré, encore moins si l'intérêt de la diaspora, qui est  
28 très importante dans ces questions-là, a été considéré.

1                   Donc, j'aimerais juste savoir comment...  
2           qu'est-ce qu'on est supposé dire, ma consœur, Me Taylor et  
3           moi, à nos clients quand on veut essayer de leur expliquer  
4           que le gouvernement du Canada considère l'intérêt public à la  
5           divulcation quand la seule information qu'on a pour cet  
6           exercice cette semaine ne parle pas du tout de l'intérêt  
7           public à la divulgation?

8                   **M. DOMINIC LeBLANC:** Moi, je suis tout à fait  
9           confiant que les agences de sécurité comprennent un principe  
10          fondamental, un principe de base dans leur fonctionnement.  
11          C'est qu'ils ont une obligation de respecter l'intérêt public  
12          et, comme j'ai dit, la loi prévoit plusieurs mécanismes pour  
13          s'assurer qu'ils font leur travail dans le respect de ces  
14          principes-là. Il y a des décisions de la Cour et beaucoup de  
15          recours en ce qui a trait, par exemple, à des mandats du  
16          Service de renseignement. Il y a dans la loi et dans les  
17          pratiques une surveillance importante dans le travail que  
18          font ces agences-là.

19                   Mais moi, je sais et je suis tout à fait  
20          confiant qu'ils comprennent l'importance de l'intérêt public  
21          dans le contexte de l'ingérence étrangère, dans le contexte  
22          de protéger les membres de la communauté que vous  
23          représentez, et votre collègue avant vous. Et encore là,  
24          parce que vous l'avez fait au début de notre échange et vous  
25          l'avez fait en introduisant la dernière question, je pense  
26          c'est important de rassurer tout le monde que la Commission a  
27          vu précisément l'annexe qui décrit en détail le préjugé  
28          potentiel de divulguer les documents.

1                   Alors, il ne faut pas laisser l'impression  
2 que Madame la Commissaire et ses avocats et les gens qui  
3 travaillent avec elle n'ont pas accès à tous ces  
4 renseignements-là, mais dans certain cas, ces renseignements-  
5 là seront ouverts par l'application de la loi pour les  
6 raisons que le directeur et d'autres ont bien énumérées  
7 devant vous hier.

8                   **Me GUILLAUME SIROIS:** Si je comprends bien...

9                   **COMMISSAIRE HOGUE:** Maitre Sirois, votre temps  
10 est écoulé, mais je vais vous laisser poser une dernière  
11 question pour conclure.

12                   **Me GUILLAUME SIROIS:** Merci. Merci, Madame la  
13 Commissaire.

14                   Donc, si je comprends bien votre réponse,  
15 grosso modo, vous faites confiance aux agences de sécurité,  
16 elles savent quoi faire, elles connaissent leur travail, vous  
17 faites confiance à la Commission, ils font leur travail  
18 aussi. Même si on ne donne aucune explication sur comment que  
19 la balance de l'intérêt public à la divulgation a été  
20 effectuée dans ce contexte, il faut faire confiance aux  
21 agences qui font bien leur travail.

22                   Mais j'aimerais quand même, Monsieur le  
23 Ministre, en tant que personne qui est la personne qui est  
24 responsable aux yeux du public de ces questions-là,  
25 j'aimerais quand même vous demander de vous engager pour la  
26 diaspora, pour les membres du public, à être plus transparent  
27 sur la question de la divulgation de l'intérêt... la  
28 considération de l'intérêt public dans les questions de



1 divulgation de renseignements dans le contexte de la présente  
2 Commission.

3 **M. DOMINIC LeBLANC:** Moi, je ne partage pas la  
4 façon que vous avez caractérisé votre question dans le sens  
5 il n'y a pas... il n'y a pas de discussions ou de preuve que  
6 les agences considèrent l'intérêt public dans leurs  
7 décisions, y compris de divulgation. Vous aurez la chance  
8 d'entendre d'autres témoins et peut-être vous allez rappeler  
9 les témoins que vous avez eus cette semaine, y compris les  
10 hauts fonctionnaires.

11 Alors, moi, je ne veux pas être désagréable,  
12 mais je ne suis pas d'accord avec votre caractérisation.  
13 C'est à vous de le faire, c'est pas moi qui vais accepter  
14 l'idée que ces agences-là ne sont pas tout à fait confiantes  
15 et tout à fait conscientes de leurs obligations en ce qui a  
16 trait à l'intérêt public.

17 Et comme je l'ai dit, c'est très clair de ma  
18 part et de leurs discussions avec moi dans leur travail  
19 hebdomadaire, ils comprennent l'importance d'être engagés  
20 avec les diasporas, précisément pour augmenter leur  
21 résilience et les rassurer que le gouvernement et les agences  
22 de sécurité nationale font tout le travail possible pour les  
23 protéger et en collaboration avec eux autres, c'est une des  
24 meilleures façons qu'on peut faire ce travail-là.

25 **Me GUILLAUME SIROIS:** Merci, Monsieur le  
26 Ministre.

27 Merci, Madame la Commissaire.

28 **COMMISSAIRE HOGUE:** Merci.

1 Mr. Choudhry for Jenny Kwan.

2 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR

3 MR. SUJIT CHOUDHRY:

4 MR. SUJIT CHOUDHRY: Good day, Minister. My  
5 name ---

6 MR. DOMINIC LeBLANC: Good morning.

7 MR. SUJIT CHOUDHRY: My name is Sujit  
8 Choudhry. I am counsel to Jenny Kwan, Member of Parliament  
9 for Vancouver, who I believe you know.

10 MR. DOMINIC LeBLANC: My colleague.

11 MR. SUJIT CHOUDHRY: Yes, of course.

12 And so I want to pick up on some of your  
13 testimony this morning about the Commission's access to  
14 confidential documents and how the government has facilitated  
15 that.

16 And so maybe I can just sort of back up and  
17 ask you that, in essence, isn't the -- wouldn't you agree  
18 that the reason why the government has given the Commission  
19 access to confidential documents is to enable the  
20 Commissioner to get to the bottom of the question of whether  
21 there was foreign interference in the 43rd and 44th general  
22 elections?

23 MR. DOMINIC LeBLANC: Yes, and to reassure  
24 Canadians that when the reports are released that the  
25 Commissioner and her staff will have had access to these  
26 documents in arriving at the conclusion that they will --  
27 they will make or they will arrive at.

28 MR. SUJIT CHOUDHRY: And you're aware that

1 the government has made it possible for the Commissioner and  
2 her team to access classified documents by granting them the  
3 highest level of security clearance.

4 **MR. DOMINIC LeBLANC:** Yes.

5 **MR. SUJIT CHOUDHRY:** Yes.

6 And that the Commissioner and her legal team  
7 have been -- are permanently bound by law under the *Security*  
8 *of Information Act* to secrecy for all this information.

9 **MR. DOMINIC LeBLANC:** My understanding is  
10 that's a statutory obligation that applies to all those who  
11 have that access, yes.

12 **MR. SUJIT CHOUDHRY:** So if -- Mr. Registrar,  
13 if you could just put up on the screen, please, Commission  
14 Document 3.

15 And Minister LeBlanc, these are the Terms of  
16 Reference which I am sure you've read more times than you  
17 care to.

18 **--- EXHIBIT No./PIÈCE No. COM 3:**

19 Orders in Council - Terms of  
20 Reference

21 **MR. DOMINIC LeBLANC:** Various drafts, too.

22 **MR. SUJIT CHOUDHRY:** Yeah, I'm sure. I'm  
23 sure.

24 And so if it won't give you PTSD, sir, I'd  
25 like to just ask you to look at ---

26 **MR. DOMINIC LeBLANC:** It was the summer. I  
27 was in New Brunswick on holidays doing this.

28 **MR. SUJIT CHOUDHRY:** So I'm just going to

1 focus on a bit of it.

2 So if we could go to the end of the English  
3 section, and I have it down as page 12 of the PDF, Mr.  
4 Registrar, so to (c) here.

5 Could you scroll up?

6 Let's stop there.

7 So I'm just going to read it, clause (c),  
8 into the record for the public who's watching, Minister. And  
9 this says that the Terms of Reference direct:

10 "...that the Commissioner be given  
11 access, so that they may carry out  
12 their mandate, to those confidential  
13 cabinet documents that came into  
14 existence on or after November 4,  
15 2015 and that were provided to the  
16 Independent Special Rapporteur on  
17 Foreign Interference [the Honourable  
18 David Johnston] in relation to the  
19 preparation of his First Report,  
20 dated May 23, 2023."

21 And you recognize that language, obviously.

22 **MR. DOMINIC LeBLANC:** I do.

23 **MR. SUJIT CHOUDHRY:** Yes.

24 And so the -- so Minister, so the  
25 Commission's informed the participants that these documents  
26 have been shared with the Commission in unredacted form, but  
27 the Commission has also indicated that the government has --  
28 that there are further Cabinet documents that aren't covered

1 by this clause but that have been provided to the Commission  
2 but in redacted form.

3 Are you aware of that?

4 **MR. DOMINIC LeBLANC:** So I'm aware as we  
5 prepared this particular Term of Reference that, as you know,  
6 the decision to share Cabinet documents that are subject to  
7 Cabinet confidence is properly in the hands of the Prime  
8 Minister based on the advice of the Clerk. The Prime  
9 Minister -- November 4th, 2015 is the date on which our  
10 government was first sworn in. That's why that date's there.  
11 So these would be Cabinet documents during the time our  
12 government was in office. And the Prime Minister authorized  
13 the sharing of the relevant documents around the protecting  
14 democracy plan and other elements around foreign interference  
15 with Mr. Johnston.

16 And in the Terms of Reference, we  
17 specifically wanted to ensure that those same documents were  
18 obviously shared with this Commission in an unredacted way.

19 **MR. SUJIT CHOUDHRY:** But there are also  
20 additional Cabinet documents -- the Commission's informed  
21 counsel that there are additional Cabinet documents that go  
22 beyond those referenced here in this clause that have been  
23 shared with the Commission -- Commissioner and her team, but  
24 with redactions.

25 **MR. DOMINIC LeBLANC:** So ---

26 **MR. SUJIT CHOUDHRY:** Are you aware of that?

27 **MR. DOMINIC LeBLANC:** I haven't seen those  
28 particular documents. I would have to look at the documents

1 to be able to comment specifically on those documents.

2 But I think what's important, and I think it  
3 perhaps bears repeating, the government wants to be  
4 collaborative with the Commission and if the Commission, in  
5 its judgment, determines that there are other documents that  
6 they believe are relevant and germane to their work, the  
7 government would obviously consider such a request very  
8 seriously.

9 **MR. SUJIT CHOUDHRY:** So then that leads to my  
10 question, is that ---

11 **MS. SHANTONA CHAUDHURY:** Commissioner, if I  
12 may, I hate to interrupt the exchange. I just want to make a  
13 clarification for the record, which is that the Commission  
14 didn't say there were other Cabinet documents. It said that  
15 other documents that the Commission has received contain  
16 redactions for Cabinet confidence.

17 **MR. SUJIT CHOUDHRY:** Fair enough. I stand  
18 corrected.

19 And so the question, then, I have, Minister  
20 LeBlanc, is this, that given that the Commissioner and the --  
21 and her counsel have been granted top secret security  
22 clearance and there really is no risk of them -- of these  
23 documents -- of those confidences being disclosed, wouldn't  
24 it be -- from a practical perspective, be better to give to  
25 the Commission these documents without those redactions?

26 The government doesn't need to assert  
27 privilege under section 39 of the *Canada Evidence Act*. It's  
28 its option to, but it's not its duty to.

1                   **MR. DOMINIC LeBLANC:** Again, the precise --  
2                   the assertion of Cabinet confidence is properly, I think, a  
3                   question that you could put to the Clerk of the Privy  
4                   Council. I'm not a technical expert in this, but there are a  
5                   lot of people in the Government of Canada that have top  
6                   secret Cabinet clearance that don't see every document  
7                   subject to Cabinet confidence.

8                   Our commitment is to ensure that the  
9                   Commission has in an unredacted way access to all of the  
10                  relevant documents for the Commission to do its work and, as  
11                  I said, the government would -- and I -- the lead Commission  
12                  counsel's clarification was important because I had  
13                  understood differently from your question.

14                  A Cabinet document is different than a  
15                  document subject to Cabinet confidence, but the Commission is  
16                  obviously free to make requests to the government that we  
17                  would endeavour expeditiously to look at with the utmost  
18                  seriousness.

19                  **MR. SUJIT CHOUDHRY:** Okay. Those are my  
20                  questions. Thank you, Minister.

21                  **MR. DOMINIC LeBLANC:** Thank you.

22                  **COMMISSIONER HOGUE:** Thank you.

23                  Me van Ert for Michael Chong.

24                  **MR. GIB van ERT:** Madam Commissioner, Mr.  
25                  Chong's counsel have no questions for this witness.

26                  **COMMISSIONER HOGUE:** Thank you.

27                  And then I turn to Me Tzemenakis for the  
28                  Government.

1                   **MR. GREGORY TZEMENAKIS:** Thank you, Madam  
2 Commissioner. Je n'ai pas de questions pour ce témoin.

3                   I have no questions for the Minister.

4                   **COMMISSIONER HOGUE:** Any questions in re-  
5 examination?

6                   **MS. SHANTONA CHAUDHURY:** No re-examination.

7                   **COMMISSIONER HOGUE:** Thank you.

8                   It means that we are done with Minister  
9 LeBlanc.

10                   Ça, ça ne semble pas bien.

11                                   (LAUGHTER/RIRES)

12                   **M. DOMINIC LeBLANC:** Vous allez m'excuser,  
13 vous allez me souhaiter une bonne fin de semaine..

14                   **COMMISSIONER HOGUE:** After that.

15                   **M. DOMINIC LeBLANC:** Je m'en vais au Nouveau-  
16 Brunswick. OK. OK.

17                   **COMMISSIONER HOGUE:** So we'll take till 1  
18 o'clock -- 2 o'clock for lunch, and merci beaucoup pour  
19 votre..

20                   **M. DOMINIC LeBLANC:** Merci à vous.

21                   **COMMISSAIRE HOGUE:** ...votre présence..

22                   **M. DOMINIC LeBLANC:** Merci à vous.

23                   **COMMISSAIRE HOGUE:** ...Monsieur le Ministre.  
24 Alors..

25                   **M. DOMINIC LeBLANC:** C'est un privilège d'être  
26 devant vous. Merci beaucoup.

27                   **COMMISSAIRE HOGUE:** Et on vous souhaite un bon  
28 weekend, on sait pas où.



1                   **M. DOMINIC LeBLANC:** Ah, mais je vais essayer..  
2 moi, j'ai acheté un Ski-doo, alors.. il y a de la neige au  
3 Nouveau-Brunswick, alors je vais essayer d'y aller.

4                   Merci beaucoup.

5                   **COMMISSAIRE HOGUE:** Soyez prudent.

6                   **THE REGISTRAR:** Order, please. À l'ordre,  
7 s'il vous plaît.

8                   This sitting of the Foreign Interference  
9 Commission is now in recess until 2 o'clock. Cette séance de  
10 la Commission sur l'ingérence étrangère va être reprise à 2  
11 heures.

12 --- Upon recessing at 12:26 p.m.

13 --- L'audience est suspendue à 12 h 26

14 --- Upon resuming at 2:00 p.m.

15 --- La séance est reprise à 14h00

16                   **THE REGISTRAR:** Order, please. À l'ordre,  
17 s'il vous plaît. This sitting of the Foreign Interference  
18 Commission is back in session.

19                   Cette séance de la Commission sur l'ingérence  
20 étrangère a repris.

21                   So we are the closing submissions, and I  
22 think I am right this time, the first one is Maitre Leblanc.  
23 So you're invited to the podium, Maitre Leblanc.

24 **--- CLOSING SUBMISSIONS BY/REPRÉSENTATIONS FINALES PAR**

25 **MR. CHRISTIAN LEBLANC:**

26                   **MR. CHRISTIAN LEBLANC:** Madam Commissioner,  
27 colleagues, thank you again for giving us the opportunity to  
28 participate in this week's hearing.

1           We certainly recognise that the Commission  
2 will have challenges and issues with respect to balancing the  
3 secrecy and the transparency during its work. However, we do  
4 believe that you will have to insist and constantly have in  
5 mind that you need to maximise transparency, and not only in  
6 the final report, but also as the hearings go along.

7           And why? Why? Because the work of the  
8 Commission, the hearings it will have, will give a fuller  
9 picture of the Canadian public as to what happened with  
10 foreign interference in our elections.

11           And the Supreme Court really said it well,  
12 and it's a bit long, I'll fit in my five minutes, but I want  
13 to read you extract from *Westray*. *Westray* is a Supreme Court  
14 decision, an accident in a mine, and there was a public  
15 inquiry, and the Supreme Court said this about the importance  
16 of a public commission:

17                   "One of the primary functions of  
18                   public inquiries is fact-finding.  
19                   They are often convened, in the wake  
20                   of public shock, horror,  
21                   disillusionment, or scepticism, in  
22                   order to uncover 'the truth'.

23           Later on:

24                   "In times of public questioning[s],  
25                   stress and concern they provide the  
26                   means for Canadians to be apprised of  
27                   the conditions pertaining to a  
28                   worrisome community problem and to be

1 a part of the recommendations that  
2 are aimed at resolving the problem.  
3 Both the status and high public  
4 respect for the commissioner and the  
5 open and public nature of the  
6 hearing[s] help to restore public  
7 confidence not only in the  
8 institution or situation investigated  
9 but also in the process of government  
10 as a whole. They are an excellent  
11 means of informing and educating  
12 concerned members of the public."

13 And then it cites Justice Grange, who was  
14 presiding an inquiry on the deaths of infants at the Toronto  
15 Hospital for Sick Children. In the extract, the Supreme  
16 Court reproduces the following. "I remember", this is  
17 Justice Grange:

18 "I remember once thinking  
19 egotistically that all the evidence,  
20 all the antics, had only one aim: to  
21 convince the commissioner who, after  
22 all, eventually wrote the report.  
23 But I soon discovered my error. They  
24 are not just inquiries; they are  
25 public inquiries.... I realized that  
26 there was another purpose to the  
27 inquiry just as important as one  
28 man's solution to the mystery and

1 that was to inform the public.  
2 Merely presenting the evidence in  
3 public, evidence which had hitherto  
4 been given only in private, served  
5 that purpose. The public has a  
6 special interest, a right to know and  
7 a right to form its opinion as it  
8 goes along."

9 And I believe that this is most appropriate  
10 for this Commission. Therefore, you will have to consist --  
11 constantly insist and challenge, I believe, in all due  
12 respect, any government reflexes to keep information  
13 confidential if this Commission believes there is no need for  
14 secrecy.

15 You've heard Mr. Fadden say that there was  
16 room to push. Panels, and in all fairness, Mr. Vigneault  
17 yesterday, nuanced this, but all the other panels said that  
18 there was a tendency of overclaiming and of protecting  
19 information. Even Director Vigneault admitted, and we all  
20 know this, that in a document sometimes it's only one  
21 sentence that is top secret but the whole document is  
22 qualified top secret. I believe that the exercise of  
23 redacting will be very important.

24 And I was really happy to hear the minister  
25 this morning say that they would do the work, notwithstanding  
26 the letter, and more than that, that time would not be an  
27 excuse, I'm paraphrasing, we all have what we he said, but  
28 time would not be an excuse not to do that work.

1           Summaries will be important too. We saw that  
2   20 years ago, in the Arar Inquiry, there was some  
3   difficulties with that. Again, all witnesses said that they  
4   were committed to that, that they would cooperate, and that  
5   they would do their utmost best to do those summaries. I  
6   think the Commission needs also to insist on that. In a  
7   nutshell, you need to hold them accountable.

8           The purpose of today, of not only today, but  
9   of this week, I should say, was to make sure that we lay the  
10  ground as to what the Commission can expect. And I think it  
11  was well done by the Commission and the panelists in the  
12  testimonies we've heard, and everybody said that they would  
13  strive and cooperate to do that. Now, in the coming weeks  
14  and months, it will be the time to deliver. And the  
15  Commission, I believe, has all the groundwork to insist and  
16  make sure they deliver.

17           We saw in the report, MC 2, Countering an  
18  Evolving Threat, that the best defence against foreign  
19  interference in our election, or foreign interference period  
20  is, and I quote, "equipping citizens with knowledge." Both  
21  Director Vigneault, Mr. Rogers, and even to a certain extent  
22  the minister this morning, said that this Commission was an  
23  excellent forum to achieve that. I urge the Commission and I  
24  stress the Commission not to miss that opportunity and inform  
25  the public about foreign interference because they have to be  
26  reassured and know what happens on a very important topic of  
27  democracy in their country.

28           I will close by saying that we are here to

1 help. If the Commission wishes and thinks that we can, we'll  
2 be close, and we'll be at the disposal of Commission counsel  
3 and of course, you, Madam Commissioner.

4 **COMMISSIONER HOGUE:** Thank you very much,  
5 M. Leblanc.

6 **MR. CHRISTIAN LEBLANC:** Thank you.

7 **COMMISSIONER HOGUE:** John Mather.

8 **--- CLOSING SUBMISSIONS BY/REPRÉSENTATIONS FINALES PAR**

9 **MR. JOHN MATHER:**

10 **MR. JOHN MATHER:** Thank you, Commissioner,  
11 and good afternoon.

12 I'd like to begin by saying that the Centre  
13 for Free Expression endorses everything my friend for the  
14 Media Coalition said, and as has probably become apparent, we  
15 have similar views on these topics.

16 And thank you again also for the opportunity  
17 to participate in this phase of the Inquiry.

18 I won't talk to you too much about maximising  
19 transparency because you've heard a lot about it, but I do  
20 want to make a point that transparency -- the importance of  
21 transparency is not just about resilience and protecting  
22 Canadians, which is important, but that's not the only  
23 reason.

24 The public has a fundamental right to know if  
25 and how their elections were compromised, and if they were  
26 not compromised, what information is available to show that  
27 those allegations are not true or incorrect. The public has  
28 a right to know if foreign states have engaged in donation

1 kickback schemes or if Members of Parliament have acted  
2 against the national interest.

3 Mr. Leblanc has done me the favour of reading  
4 for you from the *Westray Mine* case, and I think the  
5 principles he stated are very important and should be top of  
6 mind while you're considering these issues.

7 Commissioner O'Connor in the Arar case  
8 adopted that portion of the *Westray Mine* decision and noted  
9 that:

10 "As important as the Commissioner's  
11 report is the process of public  
12 exposure of the facts that allow the  
13 public to make its own evaluation  
14 over time."

15 And so the CFE encourages the Commission to  
16 make every effort it can to ensure that Canadians have the  
17 necessary information so they, in addition to you, can  
18 evaluate what happened.

19 Fulfilling the mandate of maximum  
20 transparency requires scrutiny. You've heard, again, enough  
21 about the culture of overprotection. You've heard about the  
22 Arar Commission. And scrutiny requires this Commission to  
23 challenge some of the notions that the government have put  
24 forward.

25 You may ultimately agree with the government  
26 on some of those positions, but they must be submitted to  
27 rigorous review. And three examples that immediately come to  
28 mind of arguments we've heard this week, arguments that could

1 be used to further enable a culture of over-redaction or the  
2 arguments about the mosaic effect, that how a single piece of  
3 information on its own may be innocuous but may cause a  
4 greater problem when put together. That is an argument that  
5 may be valid but is open to abuse.

6 Similarly, the notion that open-source  
7 intelligence can, in certain circumstances, be classified,  
8 I'm sure the Commission can appreciate why a member of the  
9 public may not fully understand that something -- why  
10 something posted on social media could not be disclosed or  
11 discussed in this Commission.

12 And the final example is this notion that the  
13 advent of artificial intelligence somehow leads to a result  
14 where we are getting less transparency from the government  
15 because of the capabilities of foreign states to aggregate  
16 and process information.

17 Again, you may ultimately agree with some or  
18 all of those submissions, but they need to be rigorously  
19 considered.

20 And to this point, I'd like to add that it's  
21 -- not only must this Commission push back, as Mr. Fadden  
22 would say, but it must also demonstrate to the public that it  
23 has pushed back or that it was satisfied there was no need to  
24 push back. It's important for this Commission, for the  
25 government and for the public that Canadians trust this  
26 process and that means knowing about this process. And as we  
27 said in our opening submissions, we acknowledge that this  
28 week was an important step in that.



1           Despite the Commission's efforts, the  
2 Commission may not succeed in having the government disclose  
3 all that the Commission believes ought to be disclosed. And  
4 when that occurs, the Commission should be loud and clear  
5 about that to the extent they can. But it may be the case  
6 they can't give all the details why the Commission's  
7 dissatisfied, but they certainly can express that  
8 dissatisfaction.

9           And similarly, the Commission should also  
10 explain when it agrees with the Government of Canada and it  
11 agrees why information should not be made available, and do  
12 so to the best it can in an intelligible way. And that is  
13 not a commentary on the Commission today. That is a  
14 commentary on generally issues of national security  
15 confidentiality when they are described to the public are  
16 often in vague and difficult-to-understand terms and the  
17 Commission should try as best it can to explain how it can  
18 why certain information isn't available.

19           We'll provide more detailed information in  
20 our written submissions about suggestions going forward, but  
21 the Centre for Free Expression would like to point out now  
22 that it would like the Commission to seriously consider  
23 appointing some form of openness advocate and both on the  
24 legal perspective and, as Mr. Fadden suggested, from the  
25 perspective of an expert, perhaps a retired official or  
26 someone who can challenge the factual underpinnings or the  
27 expertise if necessary.

28           I'll briefly say before making a concluding

1 remark, in making this submission, the CFE is not suggesting  
2 that your team isn't capable, doesn't have the expertise or  
3 is not independent to do that. They are all of those things.  
4 But having a separate voice in the room will add credibility  
5 to the process and if, ultimately, the Commissioner, you find  
6 yourself at a point of disagreement with the Government of  
7 Canada about what ought to be disclosed, having a second set  
8 of independent eyes may assist you if that occurs.

9 And I think no one in this room wants you to  
10 be in disagreement with the Government of Canada and, for  
11 now, we will accept that that is the intention of the  
12 Government of Canada, but you cannot discount the possibility  
13 that that will occur.

14 And very briefly, my final comment is for the  
15 Government of Canada, which is, the senior officials and the  
16 Minister who testified this week did say the right things in  
17 terms of their commitments to working through this process,  
18 but they will ultimately be judged by those actions and it is  
19 incumbent on the government in calling a public inquiry and a  
20 public process to do everything it can to make sure it is  
21 public less it risks undermining the very process it put in  
22 place.

23 Thank you.

24 **COMMISSIONER HOGUE:** Thank you.

25 Hannah Taylor.

26 **--- CLOSING SUBMISSIONS BY/REPRÉSENTATIONS FINALES PAR**

27 **MS. HANNAH TAYLOR:**

28 **MS. HANNAH TAYLOR:** Commissioner,

1 participants and fellow counsel, valued members of the media  
2 and the public, we've heard that the Commission wishes to  
3 maximize transparency by making representations to the  
4 government as to the public disclosure of classified  
5 information, keeping in mind legislative restrictions. And  
6 we've heard from a number of experts and officials this week  
7 who are knowledgeable as to the potential complexities of  
8 these restrictions, though we also heard that the  
9 restrictions that the Commission and the government are  
10 dealing with aren't absolute. In fact, there are important  
11 exceptions for the Commission to keep in mind when it comes  
12 to its representations to the government.

13 For example, the Communication Security  
14 Establishment may disclose information relating to a Canadian  
15 or a person in Canada to any appropriate person if its  
16 disclosure may help prevent death or serious bodily harm  
17 under section 46(2) of the *Communication Security*  
18 *Establishment Act*.

19 We heard from Ms. Tayyeb that, based on her  
20 experience, the risk of bodily harm is also considered in a  
21 decision to disclose information if the person at risk is  
22 located outside of the country, and although not explicitly  
23 mentioned in the Act, the risk of serious mental harm would  
24 also be a factor considered.

25 So despite statutory limitations, there's  
26 leeway for the Commission and the government to work with.  
27 Indeed, that's why we've been meeting to discuss these issues  
28 this week.

1           We've even heard that in some cases,  
2 disclosure can fortify national security, particularly when  
3 it comes to the experiences of targeted communities and cyber  
4 security risks. Ultimately, we heard that there's a balance  
5 to strike between national security concerns and the public  
6 interest in disclosure.

7           We were encouraged by Professor Michael  
8 Nesbitt to turn to the Commission's Terms of Reference to  
9 determine the principles that should underlie the  
10 Commission's understanding of the public interest. At  
11 Section A(i) (C) (II) of the Commission's Terms of Reference,  
12 the protection of members of diaspora especially vulnerable  
13 to foreign interference is clearly made a priority.

14           The assertion that this should be treated as  
15 a priority has been echoed throughout the hearings this week.

16           The Coalition submits that the personal  
17 security interests of diaspora communities targeted by  
18 foreign governments and entities as well as their ability to  
19 take precautions to protect themselves must be treated as an  
20 essential aspect to the public interest in disclosure and,  
21 therefore, an essential aspect of the required balance to be  
22 struck by the Commission and the government.

23           The effects of foreign interference and  
24 transnational repression on targeted members of diaspora  
25 communities are often severe. The methods used by foreign  
26 entities that target diaspora in Canada have been known to  
27 result in serious mental and physical harm up to and  
28 including death, not only to individual targets, but their

1 loved ones living in Canada and abroad as well. And unless  
2 members of targeted communities know the threats they face,  
3 they cannot take precautions to adequately protect themselves  
4 or the people they love, work with or whose identities and  
5 beliefs they share, whether in Canada or abroad.

6 Expert Leah West spoke to the role the  
7 Commission can play in making sure the public understands how  
8 foreign interference affects targeted communities in order to  
9 build resilience. We submit that the Commission has an  
10 opportunity to contribute to greater awareness, resilience  
11 and safety among diaspora communities targeted by foreign  
12 interference and transnational repression.

13 The Commission can do this by urging the  
14 government to make public information in its possession that  
15 helps targeted communities understand the foreign  
16 interference threats they face so they can properly protect  
17 themselves. By emphasizing this interest in its  
18 representations, the Commission would be effectively doing  
19 its part to find the proper balance between ensuring national  
20 security and protecting the public's interest in disclosure,  
21 including the personal security interests of affected  
22 diaspora as it works through its mandate.

23 We also note that foreign interference does  
24 not always take the same form. We ask the Commission to be  
25 alert to the variations in the forms of foreign interference  
26 that exist among communities and repressive foreign  
27 governments in its effort to prioritize the government --  
28 with the government disclosing information necessary to give

1 diaspora communities the ability to take precautions.

2 As Minister LeBlanc explained this morning,  
3 the more information diaspora communities have about foreign  
4 interference, the better these communities are able to  
5 understand, detect and deter the threats they face.

6 Classified information in the government's  
7 possession that speaks to patterns of threatening conduct by  
8 foreign entities against targeted communities, including  
9 pressure on their associations abroad to participate in this  
10 conduct, should be made public to the extent possible, are  
11 included to the extent possible in public summaries or in the  
12 Commissioner's interim or final reports. We submit that, to  
13 the extent possible, redactions should be lifted from  
14 information that would alert diaspora in Canada that their  
15 community is a target or alert them to the nature of the  
16 danger they face. This should be done to ensure that  
17 community members can take the precautions they feel they  
18 must, to respond to the very real threat of transnational  
19 repression in Canada.

20 Thank you, Commissioner.

21 **COMMISSIONER HOGUE:** Thank you.

22 And the next one is Jon Doody representing  
23 the Ukrainian Canadian Congress.

24 **--- CLOSING SUBMISSIONS BY/REPRÉSENTATIONS FINALES PAR**

25 **MR. JON DOODY:**

26 **MR. JON DOODY:** Good afternoon, Commissioner  
27 and colleagues. I'd like to start by thanking the Commission  
28 for allowing the Ukrainian Canadian Congress to take part in

1 this week's hearings.

2 After this week's hearings, the public is  
3 hopefully in a better position to understand the difficult  
4 challenges faced by this Commission. Throughout this week,  
5 we have heard much about the tension between transparency,  
6 especially when it relates to attacks on our democratic  
7 institutions, and the need for secrecy surrounding issues of  
8 national security. This tension is going to permeate this  
9 Commission's work. As we have heard, while there is no easy  
10 solution, we've heard repeatedly that the government of  
11 Canada is committed to working with the Commission to meet  
12 their mandate.

13 We've heard this week that despite any  
14 redactions that may be applied to the publicly released  
15 documents, the Commission has access to all the documents in  
16 unredacted form. While this is obviously reassuring to know,  
17 there is a big difference between the Commission having  
18 access to information and the public having access.

19 This is a public inquiry, designed to inform  
20 the public about these issues, which impact every Canadian in  
21 this country. The public nature of this inquiry must exist  
22 in more than just name. The public must be provided with as  
23 much information as possible. The UCC would urge this  
24 Commission to press the government to carry through with  
25 their commitments that we've heard throughout this week, to  
26 work with the Commission, and to push for disclosure as much  
27 information as possible.

28 The public must be satisfied that the

1 Commission took all efforts to ensure that the public is  
2 provided with as much of the information as is possible under  
3 the law, because as we heard, the best defence against  
4 foreign interference is an educated and informed public. The  
5 ability for the public in Canada to be informed and educated  
6 rests with this Commission, and that is a responsibility that  
7 I have no doubt this Commission will take seriously.

8 With respect to the in-camera hearings that  
9 will occur at some point during this inquiry, the UCC would  
10 urge the Commission to devise the means by which the  
11 participants can actively take part and participate. Whether  
12 that is by way of amicus, or some other solution, it is  
13 imperative that the participants have the ability to  
14 meaningfully take part in the entire process, including in-  
15 camera hearings. The Commission must strive to include the  
16 participants as much as possible in order to keep the public  
17 involved in this public inquiry.

18 I only would ask the Commission to consider  
19 the impact of foreign interference on all members of the  
20 public, while ensuring to pay attention to targeted  
21 communities as they are often the most impacted by foreign  
22 interference. The Ukrainian Canadian Congress looks forward  
23 to working with the Commission throughout this hearing.

24 Thank you, Commissioner.

25 **COMMISSIONER HOGUE:** Thank you.

26 Maitre Sirois.

27 **--- CROSS-EXAMINATION BY/REPRÉSENTATIONS FINALES PAR**

28 **MR. GUILLAUME SIROIS:**



1                   **MR. GUILLAUME SIROIS:** Commissaire Hogue,  
2                   merci de permettre au RCDA de participer aux audiences de  
3                   cette semaine.

4                   We gathered this week to discuss a matter of  
5                   utmost importance, what information should be disclosed to  
6                   the public in the context of this inquiry. These discussions  
7                   highlighted, one, the disproportionate impact of foreign  
8                   interference on diaspora communities; two, the pivotal role  
9                   of these communities' interests in the disclosure of  
10                  sensitive information; and, three, the critical importance of  
11                  these considerations to fulfil the Commission's mandate.

12                  The diaspora communities, while integral to  
13                  the rich tapestry of our nation, often find themselves in a -  
14                  - often find themselves uniquely vulnerable to foreign  
15                  interference. As acknowledged by CSIS Director David  
16                  Vigneault yesterday, this is not just a matter of external  
17                  influence, but a direct attack on their civil liberties and  
18                  freedom.

19                  It is clearly unfortunate that no members of  
20                  the diaspora were invited to speak on these issues this week.  
21                  Nevertheless, evidence presented this week has still revealed  
22                  that foreign powers disproportionately target members of the  
23                  diaspora communities through threats, manipulation and  
24                  coercion. These actions not only undermine the individual  
25                  freedoms of diaspora members, but also create an endless  
26                  fear, fear and mistrust within these communities. Such  
27                  interference is a blatant violation of Canadian human rights,  
28                  values, and principles. It infringes upon their rights to

1 free speech, security, liberty, and political participation.  
2 It also infringes upon the right to equality, which provides  
3 that members of the diaspora are equally deserving of  
4 concern, respect, and consideration as the rest of the  
5 Canadian society. These rights are the cornerstone of any  
6 democratic society.

7 While the state has a legitimate interest in  
8 safeguarding national security, this interest must be  
9 carefully balanced with the rights and interests to the  
10 public, and most importantly, the rights and interests of the  
11 diaspora. Sometimes the information is so important for the  
12 public interest that the balance will favour disclosure of  
13 the information, notwithstanding any impact on national  
14 security.

15 Regarding this week, which was supposed to be  
16 about fostering transparency and enhancing public awareness  
17 and understanding, not only no members of the diaspora were  
18 invited to provide evidence, but the government's explanation  
19 for redacting information does not even mention this  
20 balancing exercise or even the public interest in disclosing  
21 information. This is appalling. It may be true that  
22 sometimes secrecy allows agencies to protect national  
23 security more effectively, but as CSIS Director David  
24 Vigneault recognized yesterday, accountability and  
25 transparency also serve this exact same purpose.

26 Further, transparency empowers diaspora  
27 communities, enabling them to personally understand, weigh  
28 and respond to the threat posed by foreign interference and

1 engage in democratic processes more securely and  
2 informatively.

3 Our legal system has consistently emphasized  
4 the necessity of transparency and accountability in legal  
5 proceedings, especially when civil liberties are at stake.  
6 Past public inquiries have also stressed the importance of  
7 having a transparent and open process to educate the public  
8 about the events leading up to a shocking societal problem,  
9 and there are a few more shocking societal problems than the  
10 allegations at the heart of the present inquiry.

11 Members of the diaspora communities moved to  
12 Canada seeking sanctuary. If they had been given an  
13 opportunity to be heard this week, they could have told the  
14 Commission that free and fair elections are the bedrock of  
15 our democracy. They could have shared their firsthand  
16 experience with the fragility of this process and the public  
17 trust in this process. Could have explained that foreign  
18 interference in our democratic processes not only undermines  
19 the integrity of our elections, but also erodes their trust  
20 in the democratic process. The diaspora communities have  
21 intimate knowledge of how this loss of trust can lead to  
22 dramatic consequences.

23 You have heard from my colleagues that the  
24 general public has a significant interest in accessing  
25 information in the context of this inquiry. The interest of  
26 the diaspora in accessing this information is only that more  
27 important.

28 In conclusion, Commissioner Hogue, this

1 inquiry presents a crucial opportunity not only to reaffirm,  
2 but also solidify Canada's commitment to the principles of  
3 democracy, transparency, and the protection of civil  
4 liberties. The way to seize that opportunity is to ensure  
5 maximum transparency, which starts by seriously taking into  
6 consideration the interest of the segment of the population  
7 that is most affected by foreign interference, the diaspora  
8 communities. The integrity of our democratic processes and  
9 the trust of Canadians depend on it. Merci.

10 **COMMISSIONER HOGUE:** Thank you.

11 **MS. ERIN DANN:** Commissioner? This is Erin  
12 Dann speaking.

13 **COMMISSIONER HOGUE:** Sorry, I wasn't clear.

14 **MS. ERIN DANN:** Apologies. Just as the  
15 participants are presenting their closing submissions, a  
16 reminder from our interpreters to please attempt to speak  
17 slowly. As you're reading particularly prepared remarks,  
18 there can be a tendency to speed up the pace.

19 **COMMISSIONER HOGUE:** And if need be, I'll add  
20 one minute of the five minutes you asked, so don't speed up  
21 just for that. Thank you.

22 So the next one is Luc Boucher. Maitre  
23 Boucher pour le Commissaire aux élections fédérales.

24 **--- CLOSING SUBMISSIONS BY/REPRÉSENTATIONS FINALES PAR**

25 **M. LUC BOUCHER:**

26 **MR. LUC BOUCHER:** Bon après-midi, Madame la  
27 commissaire, chers collègues.

28 Je me présente, Me Luc Boucher, je représente

1 les intérêts du Bureau de la commissaire aux élections  
2 fédérales devant cette Commission.

3 D'entrée de jeu, le Bureau de la commissaire  
4 aux élections fédérales tient à vous remercier, Madame la  
5 Commissaire – et je vais ralentir parce que je me rends  
6 compte qu'en lisant, ça va trop vite –, ainsi que l'équipe  
7 des avocats de la Commission d'avoir pris le temps d'exposer  
8 d'importants enjeux liés à la divulgation dans la sphère  
9 publique d'informations confidentielles et des impacts  
10 potentiels liés à une divulgation impropre, inappropriée de  
11 ces informations.

12 Nous prenons note des suggestions d'outils  
13 disponibles au corps d'enquête, par exemple l'utilisation de  
14 résumés afin de pallier cet obstacle et ainsi optimiser  
15 l'accessibilité du public à l'information.

16 Nous saisissons l'opportunité que vous nous  
17 offrez aujourd'hui pour exposer ce qui suit.

18 Le Bureau de la commissaire aux élections  
19 fédérales est un organisme indépendant et impartial qui est  
20 créé et régi par la *Loi électorale du Canada*. La commissaire  
21 en poste, madame Caroline Simard, est chargée, entre autres  
22 choses, de veiller à l'observation et au contrôle de la Loi  
23 électorale du Canada.

24 Dans l'exercice de cette charge, la  
25 commissaire mène des enquêtes relativement à des  
26 contraventions possibles à la Loi et le fruit de ces enquêtes  
27 peut résulter en dépôt d'accusations pénales, de conclusions  
28 de transactions mieux connues sous « *compliance agreements* »,

1 des procès-verbaux prévoyant des sanctions administratives  
2 pécuniaires, ou encore un engagement de la personne qui est  
3 visée par l'enquête.

4 Mais qui dit enquête parle nécessairement de  
5 cueillette d'informations et dont les sources, les méthodes  
6 d'obtention, voire même l'information obtenue elle-même  
7 peuvent être confidentielles et pour différents facteurs  
8 justifiant cette confidentialité.

9 En sus des principes généraux de  
10 confidentialité des renseignements discutés cette semaine, la  
11 confidentialité des renseignements recueillis lors de  
12 l'enquête de la commissaire est régie aussi par la *Loi*  
13 *électorale du Canada*. Cette Loi contient des dispositions en  
14 matière de confidentialité qui interdisent la commissaire et  
15 son équipe de partager les détails liés au travail d'enquête  
16 mené par eux.

17 Cette interdiction de communication inclut  
18 spécifiquement des informations qui révèlent ou à partir  
19 desquelles on pourrait en déduire le nom du plaignant, des  
20 témoins, ainsi que de la personne dont la conduite fait  
21 l'objet de l'enquête. Ce devoir de confidentialité est  
22 justifié par divers facteurs, notamment la protection des  
23 sources, le devoir de ne pas nuire à une enquête en cours,  
24 mais il existe un facteur particulier justifiant ce devoir de  
25 confidentialité et particulièrement applicable aux enquêtes  
26 de la commissaire et qu'on ne peut ignorer dans l'instance :  
27 la partisanerie.

28 En effet, de permettre la divulgation dans la

1 sphère publique d'une simple allégation à la commissaire dont  
2 le fondement n'a pu être vérifié dument et minutieusement par  
3 une enquête complète non seulement peut mettre en péril une  
4 enquête en cours, mais elle a le potentiel d'entacher la  
5 réputation et la carrière de celle-ci. Agir ainsi  
6 transformerait le Bureau de la commissaire en un véhicule  
7 propice à être utilisé à des fins partisans, ce qui est  
8 contraire au mandat et objectif de la commissaire.

9 Conséquemment, ce devoir de confidentialité  
10 ne peut être levé que dans certaines circonstances limitées  
11 et identifiées à la *Loi électorale du Canada*, et c'est dans  
12 le cadre de ces principes généraux et de ceux discutés par la  
13 *Loi électorale du Canada* que le Bureau de la... dictés, c'est-  
14 à-dire, par la *Loi électorale du Canada* que le Bureau de la  
15 commissaire aux élections fédérales collabore et collaborera  
16 avec cette Commission afin de faciliter son déroulement avec  
17 toute la transparence possible.

18 **COMMISSAIRE HOGUE:** Merci, Maitre Boucher.

19 Mark Polley. Representing Mr. Dong.

20 **--- CLOSING SUBMISSIONS BY/REPRÉSENTATIONS FINALES PAR**

21 **MR. MARK POLLEY:**

22 **MR. MARK POLLEY:** Yes. Good afternoon,  
23 Commissioner. Thank you for this opportunity to address you  
24 on behalf of Mr. Dong at this early stage in the proceedings.

25 I want to start, and as you know, Mr. Dong is  
26 the Member of Parliament for Don Valley North. And I want to  
27 start with a theme that came up this week that is important  
28 from our point of view on behalf of Mr. Dong, and for all of

1 us in this part of this process, and that was the theme that  
2 I'll put it in the words of Professor Leah West, who said,  
3 "leaked information, just because it is leaked information,  
4 does not mean it is true information." And we've heard that  
5 theme repeated this week. We've heard it in lots of other  
6 places as well.

7           And leaked information and stories are the  
8 reason to some extent that we're here. They have triggered  
9 this Commission, and very personally for Mr. Dong, they  
10 explain why he is here represented individually. As you  
11 know, he was the subject of a story related to foreign  
12 interference that turns out to be wrong.

13           And it's -- I'll come back to that story, but  
14 it's a helpful context, of course, that we have heard this  
15 week in the balance between two things: on the one hand that  
16 need for secrecy, and on the other, that this Commission has  
17 and the importance for this Commission of transparency. And  
18 I can tell you, we join the chorus of all the other parties  
19 asking for transparency, urging you to push for it.

20           And the reason for that is, as I say, very  
21 personal for Mr. Dong. It is important, it's also, I'd go so  
22 far as to say urgent, and the reason is because, let me start  
23 with Mr. Dong himself, he has had a career that has been  
24 derailed by what has happened and he has a life that's  
25 derailed as well. And he is someone who has spent his life  
26 in public service, his adult life in public service here in  
27 Canada. He has worked for representative elect officials,  
28 elected officials. He, himself, has been an elected



1 official.

2 And he's here through us, participating in  
3 part focussed on repairing that damage, the damage done to  
4 that life and career, and to help and to be a part of helping  
5 you in your mission.

6 So there is Mr. Dong. There's the diaspora  
7 community, which for Mr. Dong, as you know, one of very few  
8 Members of Parliament who have -- are of Chinese descent and  
9 who immigrated to Canada. The stories surrounding him create  
10 a cloud of distrust and a question of loyalty around that  
11 community.

12 There are volunteers, as everyone here knows,  
13 who work on campaigns. There are people who worked very hard  
14 on the campaign for Mr. Dong and others. There are people  
15 who worked on his campaign who take pride in their work in  
16 making sure that those rules we heard from Mr. --  
17 Minister LeBlanc, making sure that those rules are followed,  
18 making sure that election finance rules are followed, that  
19 everything is checked and the campaign is run well and  
20 smoothly. And those people are, of course, affected by  
21 stories like the ones that affected Mr. Dong.

22 There is also Mr. Dong's family. He -- as  
23 you can imagine, stories like this don't just affect him.  
24 When he gets threats, that also affects his family, and they  
25 too are impacted by all of this.

26 And perhaps most importantly for the work of  
27 this Commission, there are his constituents, and the voters  
28 generally. And those people have had their choices, their

1 ballots called into question by this.

2           And so all of this really is why I say Mr.  
3 Dong stands entirely behind this push for transparency; to  
4 help cure this, to help repair the damage that has been done.  
5 And I say that knowing the challenges that has been raised,  
6 and one of those challenges of course is time. It surely is  
7 one of the most difficult things that you and Commission  
8 staff are facing, is how to do this, how to achieve  
9 transparency, how to achieve the depth of investigation  
10 necessary in the time allotted. So I recognize that, and  
11 still push to say that we still urge you, like other parties,  
12 to push forward, and that we, on behalf of Mr. Dong, of  
13 course, will participate and assist.

14           And the last point I wanted to touch on is an  
15 unusual circumstance in which this Commission's work arises,  
16 and that is Mr. David Johnston having done a report on this  
17 area. And that, as you know, like you, Commissioner, Mr.  
18 Johnston was able to look at documents, to review documents,  
19 unredacted documents; he was able to get clearance. And very  
20 importantly, what we saw from his review of the documents,  
21 two conclusions I will point out, one was there are no --  
22 there's no reason to question the results of the 2019 and  
23 2021 elections. And second, with respect to another  
24 allegation much more specific to Mr. Dong; he found it was  
25 simply false.

26           And so that I've -- in talking about Mr.  
27 Dong, that represents the sum of the damage that is done by  
28 the situation we're in which to some extent connects to this

1 issue of a lack of transparency. So there is a climate  
2 created of fear, of suspicion, and sometimes that leads to  
3 stories that are not true. And I say that without expressing  
4 any doubt on the importance of these issues. Mr. Dong, and  
5 we on his behalf, absolutely stand behind the importance of  
6 this Commission uncovering attempts to interfere with our  
7 democratic institutions, absolutely. But at the end of the  
8 day ---

9 **COMMISSIONER HOGUE:** You'll have to -- you'll  
10 have to conclude.

11 **MR. MARK POLLEY:** Thank you.

12 At the end of the day -- I will,  
13 Commissioner. At the end of the day, we agree, of course,  
14 that sunlight is the best disinfectant, and we urge you to  
15 reach definitive conclusions to the extent there cannot be  
16 that transparency. That's why, as you know Mr. Dong voted  
17 for a public inquiry in the House, and why, again, we will do  
18 everything we can to cooperate and help you achieve your  
19 mandate through transparency.

20 **COMMISSIONER HOGUE:** Thank you.

21 **MR. MARK POLLEY:** Thank you.

22 **COMMISSIONER HOGUE:** Your turn, Maître van  
23 Ert. I think for Michael Chong.

24 **--- CLOSING SUBMISSIONS BY/REPRÉSENTATIONS FINALES**

25 **MR. GIB van ERT :**

26 **MR. van ERT:** Madam Commissioner, at the very  
27 outset of this week's hearings on Monday, you said some  
28 Members of Parliament have publicly asserted that they

1 themselves have been the target of foreign interference, and  
2 that they were not notified about it in good time by Canadian  
3 authorities. My client was very heartened to hear you  
4 emphasize this aspect of your work from the start of this  
5 Commission.

6 Now, the hearings this week are, of course,  
7 directed at something else; the challenge of balancing the  
8 undoubted need for national security confidentiality, with  
9 our growing appreciation of a concurrent need, which is to  
10 increase our country's resilience to foreign interference  
11 through some measure of transparency and public awareness.

12 In their evidence, the experts and witnesses  
13 you've heard have made clear that the protection of Canada  
14 from interference by our adversaries requires constant  
15 vigilance, constant vigilance by our elected officials and  
16 our public servants. Mr. Chong came into these hearings with  
17 profound respect for the work our national security agencies  
18 do to keep this country safe, and to live up to the promises  
19 we have made to our allies. The evidence we've heard so far  
20 reaffirms Mr. Chong's confidence in our national security  
21 protections.

22 But something has clearly gone wrong.  
23 Despite the expertise and dedication of our national security  
24 community, Mr. Chong and his family have been exposed to  
25 threats of coercion by PRC officials and agents operating in  
26 this country. Other MPs have also been targets, and almost  
27 all of what we know of these events has come, not from  
28 awareness raising sessions, like the one we've had this week,

1 or from statements by Cabinet Ministers or from briefing of  
2 MPs by officials or from testimony at Parliamentary hearings,  
3 instead almost all of what we know so far comes from  
4 newspaper reports based on sources in the intelligence  
5 community.

6 So this Commission is an opportunity for the  
7 Canadian public to understand the true extent of foreign  
8 interference in this country; and I emphasize for the  
9 Canadian public to understand and learn. It won't be enough,  
10 Commissioner, for you and your counsel to learn what has gone  
11 wrong and to write it up in some confidential annex that most  
12 people will never see, because it is for the public; the  
13 public has the ultimate responsibility in our democracy to  
14 judge political decisions taken by the Ministry.

15 Mr. Chong fully appreciates that much of the  
16 work that you must do will necessarily take place behind  
17 closed doors; he appreciates that. But we ask that you  
18 always bear in mind the purpose of national security  
19 confidentiality, and you know it well, it's to protect  
20 national security sources, methods, and information from  
21 disclosure which could be harmful to Canada. But not to  
22 protect the Ministry or elected officials from scrutiny of  
23 their handling of the national security file.

24 Whether the government has failed to protect  
25 Mr. Chong and his family, or other MPs, or diaspora  
26 communities across this country, those are questions this  
27 Commission can explore here, in public, by calling witnesses  
28 and demanding documents and making findings.

1           The witnesses before you this week have  
2 warned against the practice of overclaiming that can creep  
3 into our national security culture. Mr. Fadden pointedly  
4 observed that this country is less transparent about national  
5 security matters than our American, British, and Australian  
6 allies. That should give you pause.

7           If I may put it a little broadly, Madame la  
8 Commissaire, « il ne faut pas être plus catholique que le  
9 pape ».

10           Throughout the coming hearings, Canada can be  
11 expected to resist disclosure, to resist discussion, to  
12 resist determinations. And sometimes they'll just be doing  
13 their job. As I've said, we acknowledge that this is  
14 difficult work, and there are confidences that have to be  
15 protected. But when you hear Canada make those submissions,  
16 we ask, Commissioner, that each time you be asking yourself,  
17 "Is this truly needed to protect national security, or am I  
18 being asked to protect something else?"

19           Thank you.

20           **COMMISSIONER HOGUE:** Thank you.

21           Mr. Choudhry, acting for Jenny Kwan.

22           **--- CLOSING SUBMISSIONS BY/REPRÉSENTATIONS FINALES**

23           **MR. SUJIT CHOUDHRY:**

24           **MR. SUJIT CHOUDHRY:** Commissioner, MP Kwan  
25 thanks you again for granting her standing. She thanks you  
26 for your public service in taking on this enormous, and I'm  
27 sure what at times will be a thankless task; and looks  
28 forward to assisting you in whatever way possible.

1           In addressing how to balance national  
2 security with public transparency, there are five issues we  
3 believe you should consider.

4           First, we are here because of explosive  
5 allegations that strike at the heart of the integrity of  
6 Canada's parliamentary democracy. These allegations are  
7 known to everyone in this room, and I will not repeat them.  
8 What I will say is that these allegations provide the  
9 necessary context within which the Commission must balance  
10 national security with public transparency. It is also known  
11 that MP Kwan, MP Chong, and former MP O'Toole were all  
12 targets of foreign interference, and they were unaware that  
13 they were targets until May of 2023.

14           These matters could not be more serious.  
15 Their importance transcends the outcome of the vote in any  
16 riding, or for that matter, the seat count in the House.  
17 They strike at three pillars of the Canadian constitutional  
18 order: political freedom, free from repression,  
19 parliamentary democracy, and competitive multi-party  
20 politics. Because of the subject matter of this inquiry,  
21 maximum public transparency is imperative.

22           Second, maximum public transparency is  
23 imperative because of the process that preceded this one.  
24 Commissioner, as you know, this inquiry was created in the  
25 wake of the controversy over the Independent Special  
26 Rapporteur's report. With the deepest and greatest respect  
27 for the Special Rapporteur, it must be acknowledged that that  
28 process was a failure. One reason that process failed is the

1 issue of transparency. That process by its very design was  
2 not transparent and the Special Rapporteur opposed the  
3 creation of a public inquiry that would have brought better  
4 transparency.

5 The House of Commons, the opposition parties,  
6 and Canada's diasporas took the view that transparency was  
7 essential, not optional. The Commission must learn from the  
8 experience of the Special Rapporteur and not make the same  
9 mistake, no matter how challenging that task will be.

10 Third, Canada's diasporas have insisted upon  
11 maximum transparency. There is a consensus that Canada's  
12 diasporas are disproportionately at risk from transnational  
13 repression. They have consistently called for a public  
14 inquiry because they fear that repression. Ms. Kwan is  
15 particularly aware of these fears in the Chinese diaspora.

16 The fear of transnational repression has  
17 undermined diaspora's trust in the integrity of Canada's  
18 constitutional democracy. They look to this Commission to  
19 provide a roadmap to parliament and the government for how to  
20 restore their trust, so that they can participate fully in  
21 Canadian political life without fear.

22 Constitutional democracy ultimately rests on  
23 public trust. Free and fair elections create a virtuous  
24 cycle that reinforces that trust. A lack of confidence in  
25 the integrity of electoral democracy can create a vicious  
26 cycle that undermines trust. Trust in democracy is fragile.  
27 As we can see across the world, once lost, public trust in  
28 democracy is very hard to restore. It should never be taken



1 for granted and is a very precious thing. Canada is not  
2 immune from this risk.

3 Fourth, history teaches us that governments  
4 overclaim national security. This week we have spoken  
5 frequently about the Justice O'Connor's report in the Arar  
6 Inquiry. The context was very different, but the tension  
7 between public transparency and national security  
8 confidentiality was the same. Justice O'Connor sharply  
9 criticized the government for overclaiming national security.  
10 Had the government taken a different course, the public  
11 hearings would have been more forthcoming.

12 While history does not repeat itself,  
13 Commissioner Hogue, it rhymes. The risk of overclaiming  
14 still exists. The Commission must be alert to this risk  
15 because precisely because of what happened in the Arar  
16 Inquiry.

17 Fifth and finally, a public inquiry can be  
18 much more creative procedurally than a court. The Arar  
19 Inquiry's use of an amicus curae was a pioneering Canadian  
20 procedural innovation. This was the first time an amicus was  
21 used in a national security context in an in-camera *ex parte*  
22 proceeding. It has since become a central part of Canadian  
23 public law practice.

24 This Commission should also be procedurally  
25 innovative and bold. Just as this Commission should be  
26 transparent as possible, it should broaden the scope for  
27 participation to the greatest extent possible. The  
28 assumption this week is that there are two options, full

1 public hearings or in parte ex camera [sic] hearings with  
2 Commission counsel and the government. We would urge you,  
3 Commissioner, to consider intermediate options. The nature  
4 of the direct and substantial interest of a party might be  
5 the basis for the Commissioner to give it some participatory  
6 rights in some of its hearings. Thank you.

7 **COMMISSIONER HOGUE:** Thank you.

8 I think we are now going on Zoom. Michael  
9 Wilson acting for the Conservative Party.

10 **--- CLOSING SUBMISSIONS BY/REPRÉSENTATIONS FINALES PAR**

11 **MR. MICHAEL WILSON:**

12 **MR. MICHAEL WILSON:** Good afternoon,  
13 Commissioner. My name is Michael Wilson.

14 **COMMISSIONER HOGUE:** Oh, you have to turn  
15 down your mic or we have to do it. I'm not sure. Is it  
16 controlled from here or ---

17 **MR. MICHAEL WILSON:** Good afternoon,  
18 Commissioner. Can you hear me now?

19 **COMMISSIONER HOGUE:** Oh, okay.

20 **MR. MICHAEL WILSON:** Excellent. My name is  
21 Michael Wilson, and I am legal counsel to the Conservative  
22 Party of Canada. I intend to be brief as you've already  
23 heard from many parties this morning advocating for the need  
24 for a transparent and open process, including the thoughtful  
25 submissions of Mr. Mather, the Centre for Free Expression.  
26 We agree with much of those submissions. And I do want to  
27 emphasize what former Commissioner -- or CSIS Director  
28 Richard Fadden said on Wednesday, and I quote, "In a

1 democracy, absent clear constitutional or legal direction to  
2 the contrary, openness and transparency is the default."

3 It is against that default that our courts  
4 have recognized that the government must be required to  
5 demonstrate any alleged injury to national security through  
6 the disclosure of information is not only possible, but  
7 probable. And it's that default and that standard that we  
8 submit the Commission should keep in mind and should employ  
9 in scrutinizing and testing claims of national security  
10 confidentiality made by the government in this process.

11 Thank you. Those are our submissions.

12 **COMMISSIONER HOGUE:** Thank you.

13 Next one is Thomas Jarmyn I think also on  
14 Zoom.

15 **--- CLOSING SUBMISSIONS BY/REPRÉSENTATIONS FINALES PAR**

16 **MR. THOMAS JARMYN:**

17 **MR. THOMAS JARMYN:** Thank you, Commissioner.

18 Mr. O'Toole would like to thank you for the  
19 opportunity to speak here in this process and to thank you  
20 for your -- and your staff for your ongoing work.

21 Foreign interference is an issue he's  
22 followed closely during his years in public life, and this  
23 process is an opportunity to improve our collective  
24 understanding of these activities and to build trust in our  
25 institutions and our parliamentary democracy.

26 It is clear from the documents already before  
27 the Commission and, in fact, before parliament in the past  
28 few years, there's been a long-term effort by a number of

1 countries to bend the trajectory of our democratic discourse.  
2 The question this week is, where do we strike the balance  
3 between transparency and national security, both of which are  
4 in the public interest. And in striking that balance, I  
5 think the Professor West concept of deep secrets and shallow  
6 secrets is a helpful one.

7           Details of operations and actions taken by  
8 security agencies and what they found out fall into this  
9 category of deep secrets. It's very possible this  
10 information can't be made publicly available without  
11 compromising methods, sources, or, in fact, given the recency  
12 of the events before the Commission, even ongoing operations.  
13 It's not the raw detail though that's important. It's the  
14 advice and conclusions that are generated as a result of  
15 those operations.

16           So we would suggest, with respect to the  
17 operations, the use of summaries, statements of conclusion,  
18 after the Commission's reviewed the entirety of the file to  
19 validate it, can be helpful in allowing Canadians to  
20 understand what was happening. But it's in the second --  
21 it's in the shallow secrets that we suggest the default  
22 should be to transparency and disclosure. And that is what  
23 do internal actors in government, and I mean government writ  
24 large, including the various infrastructure of elections, do  
25 with that information and how are they structured to respond  
26 to it. Questions like was the site task force or collecting  
27 intelligence with respect to these matters, was its mandate  
28 broad enough? Did it have the ability to meet the

1 intelligence to evidence challenge to allow it to pass  
2 information to Commissioner of Elections Canada. What about  
3 the Critical Election Incident Committee? What did it do if  
4 it received information that it found outside its very  
5 limited mandate of the five-week period or activities that  
6 weren't covered by another piece of legislation? Did the  
7 focus on the five-week writ period really limit the ability  
8 of either of those bodies to respond to the threats to our  
9 ongoing democratic process when this threat is one that has  
10 spanned years?

11                   There is evidence before Parliament that our  
12 -- in 2021, a request from CSIS for a warrant authorisation  
13 sat without action for months. Why did that happen, and what  
14 were the consequences of that? Questions like these are most  
15 shallow secrets, and they ensure -- to ensure public  
16 confidence the evidence around their answer deserves maximum  
17 transparency.

18                   So Mr. O'Toole submits that an approach to  
19 classification that relies upon summary, providing statements  
20 of conclusion with respect to raw intelligence in operations,  
21 while releasing, with minimal or no redaction, information,  
22 or documents regarding how government responded to that --  
23 the advice stemming from those operations, is the best  
24 service the Commission could do to both Canada and our  
25 democratic process.

26                   Thank you very much for the time to speak.

27                   **COMMISSIONER HOGUE:** Thank you, Mr. Jarmyn.

28                   Next one is Mrs. Wilson representing the

1 Churchill Society.

2 --- CLOSING SUBMISSIONS BY/REPRÉSENTATIONS FINALES PAR

3 MS. MALLIHA WILSON:

4 MS. MALLIHA WILSON: Thank you, Commissioner,  
5 for this opportunity. It's very much appreciated.

6 I act for the Churchill Society for the  
7 Advancement of Parliamentary Democracy, and as in the name,  
8 it's obvious that we are interested in the advancement of  
9 democratic principles.

10 I'm going to focus on two issues that have  
11 been raised this week. One is the balancing of public  
12 interest in the disclosure of information versus the  
13 protection of national security; and the second one is the  
14 techniques, such as redaction, summaries, *in-camera* hearings,  
15 that will be used by the Commission in order to achieve this  
16 balance.

17 And you know, there's one benefit in going  
18 towards the end was that what I want to say has been said,  
19 but I'm going to drill a bit deeper.

20 The Arar Commission, I think it was a good  
21 bird's eye view of the challenges that can exist in dealing  
22 with this kind of issue and all the attempts that were made  
23 to obtaining information from the government. And it would  
24 be naïve to think that much has changed in government, and a  
25 government that has been jealously guarding its information  
26 is all of a sudden going to be very cooperative in this  
27 front.

28 And this does not come from any, I think, ill

1 motive, it's just that it's an honestly held belief to do  
2 your -- that to do your job well, you have to guard this  
3 information. And the public interest, on the other hand, may  
4 have changed or tilted to make this -- in the public interest  
5 to release more information.

6 And in that regard, I urge the Commission to  
7 do what Justice O'Connor did and appoint an *amicus* because  
8 the role of Commission counsel is very different from the  
9 kind of role that Mr. Ron Atkey played as *amicus* for the  
10 O'Connor Inquiry. And it was much more of an adversarial  
11 push and pull kind of role, and I think it was necessary  
12 then, and this is a suggestion only, it may well be necessary  
13 now, and it's something to be kept in mind.

14 The Society also suggests that there be a  
15 transparency in its proceedings, as well as the methods it  
16 uses to get document production. Hence, one way is through  
17 the *amicus*.

18 But this becomes much more important when we  
19 think of the interest that various diaspora groups have in  
20 this hearing, and this is different from previous public  
21 inquiry hearings, and this is a new element that judicial  
22 proceedings are having to deal with in a changing Canada.  
23 And we urge the Commission to ensure to the greatest extent  
24 possible information related to credible threats be made  
25 available to affected individuals in diaspora groups, and at  
26 the same, we urge the Commission to ensure such disclosure of  
27 confidential information not put these individuals and groups  
28 in additional risk -- at additional risk.

1           Now, this is obviously a difficult task and  
2 requires a lot of expertise, but if you look at how again it  
3 was done in the Arar Inquiry in terms of the ascertaining  
4 what was information that should be disclosed and whether  
5 that was all of the information or not, a process of cross-  
6 examination was entered into to test the evidence and the  
7 parties.

8           The second part, though, I think where  
9 Justice O'Connor had some trouble, was that length of time it  
10 took to do all this. And a suggestion that the Society is  
11 putting forward is for dispute -- is it strips dispute  
12 resolution process, to have a summary dispute resolution  
13 process, such as the appointment of a Federal Court judge,  
14 just to deal with this Commission's disclosure issues on a  
15 summary basis so that you don't have to start a process at --  
16 from the beginning with all the timeframes and so on, but  
17 it's a shortened timeframe and so on. So it be a summary  
18 process. This has been used, I don't think in inquiries such  
19 as this, but in other proceedings as well, where there needed  
20 to be speed in legal proceedings.

21           The Society also has concerns about *in-camera*  
22 hearings. It's a legal tool to use and is used frequently,  
23 but it should be balanced against the type of hearing that  
24 this is supposed to be. You've heard from others that it  
25 should be an open hearing, and to resort to *in-camera*  
26 hearings in the way it is proposed is problematic.

27           We urge the Commission to really go by the  
28 spirit of the open court principle and -- because it builds



1 trust, the Supreme Court has spoken on this, and especially  
2 given that we're dealing with diaspora groups and new  
3 Canadians, and so on, it is very important. And the open  
4 court principle can be used in a way that protects  
5 confidentiality. There are many variations of the open court  
6 principle. It doesn't mean that everybody hears everything  
7 all the time, but without having to resort to sort of the  
8 criminal court type *in-camera* hearings.

9 Finally, we understand that foreign  
10 interference is an extremely complex area, and disinformation  
11 and all that that entails, truth-seeking, chaotic ambiguity,  
12 all these technological things are very hard. We appreciate  
13 the difficult job that the Commission has and that you have,  
14 Commissioner, but we are advocating for a speedy resolution  
15 of disclosure, an open court principle, and a full testing of  
16 the evidence provided by the security services, and we would  
17 be happy to help in any way we can.

18 Thank you very much.

19 **COMMISSIONER HOGUE:** Thank you, Mrs. Wilson.

20 Next one is Daniel Stanton. Is he in the  
21 room, I think? Yes. Representing the Pillar Society.

22 **--- CLOSING SUBMISSIONS BY/REPRÉSENTATIONS FINALES PAR**

23 **MR. DANIEL STANTON:**

24 **MR. DANIEL STANTON:** Good afternoon,  
25 Commissioner, esteemed colleagues.

26 The Pillar Society is impressed by the  
27 quality and openness of the expert panels we saw here this  
28 week, and their success in demystifying aspects of national

1 security work, particularly, the declassification challenge  
2 we are faced with.

3 Our colleague participants, expert panelists,  
4 and the Commission understand the need to find that comfort  
5 zone between unnecessarily jeopardising the sources and  
6 methods of collecting intelligence and the reflexive tendency  
7 of the government to keep the lion's share of reporting  
8 classified.

9 In an article published this week in Foreign  
10 Affairs Magazine, CIA Director William Burns talks at length  
11 about:

12 "Strategic declassification," the  
13 intentional public disclosure of  
14 certain secrets to undercut rivals  
15 [like Russia,] and rally allies [like  
16 Ukraine.]"

17 Let us look at our declassification exercise  
18 as more than simply transparency for Canadians, but as an  
19 effective tool to counter foreign interference from Canada's  
20 adversaries. We feel that strategic summaries of the  
21 redacted reporting are perhaps the most effective tool to  
22 strike that balance between maintaining national security and  
23 educating Canadians about this comprehensive and persistent  
24 national security threat. Raw reporting cannot and should  
25 not be declassified. It is intelligence. It is not  
26 evidence, and it is open to a wide range of  
27 misinterpretations.

28 While senates may question the integrity of

1 executive summaries, the Commission's mandate is not to win  
2 over the deep state aficionados. And considering the  
3 alternatives, as Winston Churchill once said, this may be as  
4 good as it gets.

5 We heard this week about third-party  
6 reporting and the Five Eyes, which we are told are following  
7 these proceedings with rapt attention. The Five Eyes  
8 alliance has withstood existential threats from Kim Philby to  
9 Edward Snowden. It is a most resilient alliance of 12  
10 intelligence agencies which we've worked very closely with  
11 for many decades. The Five Eyes are not like the Eye of  
12 Sauron, looking down at these proceedings with grave concern.  
13 Foreign interference investigations are not counterespionage  
14 operations, and for the most part, do not involve foreign  
15 intelligence service professionals. Knowing the nature of  
16 foreign interference investigations in Canada, we doubt there  
17 is much third-party information in the reporting. What is  
18 there may be corroborative, may be tangential to an  
19 investigation, but any third party that is foundational to  
20 case building can easily be reviewed *ex parte*, or perhaps  
21 excised from an executive summary. Thank you.

22 **COMMISSIONER HOGUE:** Thank you.

23 Next one is Mr. Pozumka -- Poziomka, sorry,  
24 for Democracy Watch. I think you're on Zoom.

25 **--- CLOSING SUBMISSIONS BY/REPRÉSENTATIONS FINALE PAR**

26 **MR. WADE POZIOMKA:**

27 **MR. WADE POZIOMKA:** I am. Good afternoon,  
28 Madam Commissioner, Commission counsel.

1                   **COMMISSIONER HOGUE:** Oh, it's all clear.

2                   Okay.

3                   **MR. WADE POZIOMKO:** Oh, can you hear me okay?

4                   **COMMISSIONER HOGUE:** Yes, it's okay now.

5                   **MR. WADE POZIOMKO:** Okay. Thank you. Good  
6                   afternoon, Madam Commissioner, Commission counsel and staff  
7                   and members of the public. My name is Wade Poziomko, and I'm  
8                   counsel for Democracy Watch. My submissions will be brief.

9                                 We've heard more than once now in this  
10                   Commission U.S. Supreme Court Justice Brandeis's statement  
11                   from his 1913 article in Harper's that said,

12   "Publicity is justly commended as a  
13   remedy for social and industrial  
14   diseases. Sunlight is said to be the  
15   best of disinfectants; electric light  
16   the most efficient policeman."

17                                 From what we've heard and seen in documents  
18                   disclosed this week, while the Commissioner and counsel have  
19                   been given the highest levels of security clearance and been  
20                   given unredacted versions of all CSIS and other national  
21                   security documents, some documents provided to the Commission  
22                   have redactions based on cabinet confidence. CSIS, the Privy  
23                   Council and cabinet have made it clear that the Commission  
24                   will face an ongoing challenge concerning what information it  
25                   will be allowed to even refer to, let alone make public  
26                   during its hearings and in its interim and final reports.

27                                 Democracy Watch is concerned that the  
28                   Commission might never acquire all of the information needed

1 to determine what information was provided to all government  
2 institutions, including cabinet and government officials,  
3 which includes the Prime Minister and cabinet ministers about  
4 foreign interference activities from 2015 on, nor to  
5 determine when each piece of information was provided to  
6 these institutions, nor what decisions and actions these  
7 institutions and officials took after receiving each piece of  
8 information.

9 As a result, given that the Commission has  
10 thus far been being denied access to complete versions of  
11 some documents on the basis of cabinet confidence and the  
12 risk that the Commission could possibly be denied the right  
13 to shine a light on key information, Democracy Watch's  
14 position is that the Commission may reluctantly have no  
15 choice but to consider in its report that it's unable to set  
16 out conclusions concerning the facts as to what happened  
17 since 2015, and instead make it clear that restrictions on  
18 the information disclosed to the Commission and restrictions  
19 on the information that the Commission can disclose to the  
20 public mean that the factual findings cannot be reached. We  
21 hope that doesn't happen.

22 In response to a question that Democracy  
23 Watch filed a couple of days ago, we received confirmation  
24 today from the Commission that the Cabinet and Privy Council  
25 Office have provided the Commission with the redacted  
26 versions of some documents that were not provided to the  
27 Special Rapporteur last spring. And we have heard Minister  
28 LeBlanc say that the Commission is free to request that the

1 Cabinet and PCO provide unredacted versions of these cabinet  
2 confidence redacted documents. We urge the Commission to  
3 request as soon as possible unredacted versions of these  
4 cabinet confidence redacted documents, and also to request  
5 that the Cabinet and PCO provide a written explanation to the  
6 Commission of why the documents were provided to the  
7 Commission with redactions, and also why unredacted versions  
8 of those documents were not made available to the Special  
9 Rapporteur.

10 We also urge the Commission to make public  
11 the Cabinet and PCO's response to those two questions as soon  
12 as that response is received. It's important that the public  
13 has an answer to those two questions, and the Commission  
14 must, at the very least, be able to see unredacted versions  
15 of all documents from all government institutions and  
16 officials in order for the Commission to be in a position in  
17 which it can fulfil its mandate.

18 Thank you very much for the opportunity to  
19 make brief submissions, Madam Commissioner.

20 **COMMISSIONER HOGUE:** Thank you.

21 Government of Canada, Mr. Brucker. Brucker?

22 **MR. GREGORY TZEMENAKIS:** My name?

23 **COMMISSIONER HOGUE:** Yes, Brucker?

24 **MR. GREGORY TZEMENAKIS:** No, Gregory  
25 Tzemenakis.

26 **COMMISSIONER HOGUE:** I'm sorry.

27 **MR. GREGORY TZEMENAKIS:** That's not a  
28 problem.

1 --- CLOSING SUBMISSIONS BY/REPRÉSENTATIONS FINALES PAR

2 MR. GREGORY TZEMENAKIS:

3 MR. GREGORY TZEMENAKIS: Good afternoon,  
4 Commissioner, colleagues.

5 COMMISSIONER HOGUE: I imagine that you get  
6 used to that. I should be okay next time.

7 MR. GREGORY TZEMENAKIS: It's a good Greek  
8 name, Commissioner.

9 Commissioner, the threat of foreign  
10 interference in federal electoral processes and democratic  
11 institutions is real, evolving, and is growing both in scope  
12 and in substance. Addressing the threat requires a whole  
13 society approach.

14 Les Canadiens doivent être sensibilisés à la  
15 menace dans le but d'accroître leur résilience. À cette fin,  
16 nous devons travailler ensemble pour renforcer nos  
17 institutions démocratiques.

18 The Government of Canada's commitment in  
19 strengthening Canada's democratic institutions and building  
20 resiliency is illustrated by the establishment of this public  
21 inquiry. The Terms of Reference direct the inquiry to  
22 maximize transparency, while taking all necessary steps to  
23 prevent the disclosure of information that would be injurious  
24 to the critical interests of Canada and its allies.

25 Comme le directeur du Service et le ministre  
26 l'ont noté, il est d'autant plus dans l'intérêt public  
27 d'assurer que nos agences de sécurité et de renseignement  
28 peuvent continuer à s'acquitter de leurs fonctions. Par

1       exemple, nous ne devons pas dévoiler les sources, les  
2       méthodes d'enquête et l'information reçue de nos partenaires  
3       étrangers.

4                       We must be mindful that we cannot directly or  
5       indirectly empower Canada's adversaries with the means to  
6       allow them to engage in further acts of foreign interference.  
7       There does not need to be a dichotomy between transparency  
8       and the protection of national security information. We must  
9       recognize the public has an interest in protecting some of  
10      that information as well, and that the public interest in  
11      this discussion also includes privacy rights, democratic  
12      rights, and the freedom of expression.

13                      This week we heard.. pardon.

14                      Cette semaine on a entendu que le  
15      gouvernement a été critiqué pour avoir surclassifié et trop  
16      caviardé de l'information.

17                      We'd just like to remind you that as both the  
18      Deputy National Security and Intelligence Advisor to the  
19      Prime Minister, Mr. Dan Rogers, and CSIS Director Vigneault  
20      noted yesterday, there has been an ongoing shift in the  
21      government towards openness of national security information.  
22      This is due in large part to increased national security  
23      prosecutions and other legal proceedings, Canada's oversight  
24      and review bodies, such as the National Security -- excuse  
25      me, National Security Intelligence Review Agency, who work  
26      with classified information and produce public reports, and  
27      Federal Court decisions on matters related to national  
28      security.



1           The question before you this week is, how do  
2 we balance that exercise, what opportunities are available.  
3 The Government of Canada's approach to this inquiry is not  
4 business as usual. Business as usual would mean to simply  
5 redact documents. The Government of Canada is interested in  
6 a more engaged process with the Commission in order to make  
7 use of the limited time available to ensure that as much  
8 information can be made public in a way that still protects  
9 national security. The Government thus proposes the  
10 following:

11                       Number 1, continuing to provide the  
12 Commission with all relevant information, classified and  
13 unclassified.

14                       Number 2, supporting writing to release,  
15 which means working with the Commission to ensure that the  
16 intelligence and information it deems appropriate to release  
17 to the public can be publicly shared.

18                       Number 3, choosing a proportionate and select  
19 group of documents to redact.

20                       Number 4, holding *in camera* hearings leading  
21 to a public summary. Where those *in camera* hearings are  
22 needed to fully canvass the issue, the government commits to  
23 working with the Commission to provide public summaries of  
24 those hearings similar to the way it did for the interviews  
25 in advance of this hearing.

26                       Number 5, canvassing questions from parties,  
27 participants and the public for use in the *in camera*  
28 hearings. Certain questions or lines of questions proposed

1 by participants should be put to government witnesses by  
2 Commission counsel.

3 The government agrees that when the public's  
4 access to information is limited, it needs to have confidence  
5 that there will be an independent and impartial process led  
6 by your counsel to test the evidence and challenge the claims  
7 of national security. The Commission is well equipped to  
8 fulfil this function.

9 In closing, let me repeat what the Honourable  
10 Minister LeBlanc confirmed today. Canadians can be assured  
11 that the questions and challenges the Commission will have  
12 with respect to national security confidentiality will be  
13 taken with the utmost seriousness by the Government of Canada  
14 and a commitment to work with the Commission going forward.

15 At the end of the day, the government is  
16 fundamentally committed to preserving the integrity of  
17 Canada's electoral processes and democratic institution and  
18 the need for transparency in order to enhance Canadians'  
19 trust and confidence in democracy.

20 Thank you.

21 **COMMISSIONER HOGUE:** Thank you.

22 Alors, avant de clore cette semaine, je veux  
23 remercier tous les participants et à tous les avocats de la  
24 Commission et autres employés de la Commission pour tout le  
25 travail qui a été fait cette semaine, mais ainsi que, et je  
26 tiens à le souligner, le ton des échanges qui a été  
27 extrêmement respectueux et cordial. Je pense c'est un très  
28 bon départ en termes de... en fonction de ce qui nous attend,

1 et je veux le souligner parce que ce n'est pas toujours le  
2 cas.

3 Alors, merci beaucoup à tous.

4 We are looking forward for receiving and  
5 reading your written submission and you are all encouraged to  
6 provide us with these submissions. And I think we will  
7 probably see all of you in the near future.

8 So have a good weekend, all.

9 **THE REGISTRAR:** Order, please. À l'ordre,  
10 s'il vous plait.

11 This sitting of the Foreign Interference  
12 Commission has adjourned. Cette séance de la Commission sur  
13 l'ingérence étrangère est levée.

14 --- Upon adjourning at 3:54 p.m.

15 --- L'audience est suspendue à 15 h 54

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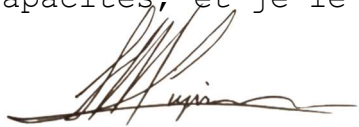
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C E R T I F I C A T I O N

I, Sandrine Marineau-Lupien, a certified court reporter, hereby certify the foregoing pages to be an accurate transcription of my notes/records to the best of my skill and ability, and I so swear.

Je, Sandrine Marineau-Lupien, une sténographe officiel, certifie que les pages ci-hauts sont une transcription conforme de mes notes/enregistrements au meilleur de mes capacités, et je le jure.



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Sandrine Marineau-Lupien