



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 10
ENGLISH INTERPRETATION**

Held at :

Library and Archives Canada
Bambrick Room
395 Wellington Street
Ottawa, Ontario
K1A 0N4

Thursday, April 4, 2024

Tenue à:

Bibliothèque et Archives Canada
Salle Bambrick
395, rue Wellington
Ottawa, Ontario
K1A 0N4

Le jeudi 4 avril 2024

INTERNATIONAL REPORTING INC.

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Ottawa, Ontario

--- Upon commencing on Thursday, April 4, 2024 at 9:32 a.m.

THE REGISTRAR: Order, please.

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

The time is 9:32 a.m.

COMMISSIONER HOGUE: Today it is counsel MacKay who is starting.

And good morning to you.

MR. JEAN-PHILIPPE MacKAY: Jean-Philippe MacKay for the Commission.

Commissioner, the witnesses before you this morning are Mr. David Morrison and Ms. Cindy Termorshuizen. And I would ask the witnesses be sworn or affirmed, please.

THE REGISTRAR: Mr. Morrison, would you prefer to be sworn or affirmed?

MR. DAVID MORRISON: Affirmed, please.

THE REGISTRAR: Could you please state your name and spell your last name for the record.

MR. DAVID MORRISON: Yeah. My name is David Morrison. My last name is spelled M-O-R-R-I-S-O-N.

--- MR. DAVID MORRISON, Affirmed:

THE REGISTRAR: And will you, Ms. -- I forget your last name, but ---

MS. CINDY TERMORSHUIZEN: Termorshuizen.

THE REGISTRAR: Thank you very much. Could you please state your full name and spell your last name for

1 the record.

2 **MS. CINDY TERMORSHUIZEN:** Yes. Cindy
3 Termorshuizen, and the spelling of the last name is
4 T-E-R-M-O-R-S-H-U-I-Z-E-N.

5 **THE REGISTRAR:** Okay. And will you be
6 affirming or swearing in?

7 **MS. CINDY TERMORSHUIZEN:** I will be
8 affirming.

9 **THE REGISTRAR:** Okay.

10 **--- MS. CINDY TERMORSHUIZEN, Affirmed:**

11 **--- EXAMINATION IN-CHIEF BY MR. JEAN-PHILIPPE MacKAY:**

12 **MR. JEAN-PHILIPPE MACKAY:** Mr. Court
13 Operator, can you pull up document WIT 37, please.

14 So Ms. Termorshuizen, do you recall being
15 interviewed by Commission Counsel in a classified setting on
16 February the 9th, 2024, with various individuals whose names
17 appear on this document?

18 **MS. CINDY TERMORSHUIZEN:** Yes, I do.

19 **MR. JEAN-PHILIPPE MACKAY:** Have you reviewed
20 this document before this morning?

21 **MS. CINDY TERMORSHUIZEN:** Yes, I do. Yes, I
22 have.

23 **MR. JEAN-PHILIPPE MACKAY:** And do you have
24 any corrections, additions, or deletions that you would like
25 to make to this document?

26 **MS. CINDY TERMORSHUIZEN:** I have no
27 corrections.

28 **MR. JEAN-PHILIPPE MACKAY:** Okay. And is it a

1 reflection of the information you have given to the
2 Commission?

3 **MS. CINDY TERMORSHUIZEN:** Yes, it's a
4 reflection of the information I gave.

5 **MR. JEAN-PHILIPPE MACKAY:** Okay.

6 Now, Mr. Court Operator, can you pull up
7 CAN.DOC 7, please.

8 Madam Commissioner, this is the institutional
9 report prepared by Global Affairs Canada, GAC.

10 Both of you, have you had the chance to
11 review the document before this morning?

12 **MR. DAVID MORRISON:** Yes.

13 **MS. CINDY TERMORSHUIZEN:** Yes.

14 **MR. JEAN-PHILIPPE MACKAY:** And can you
15 confirm that GAC prepared the report and that it represents
16 GAC's evidence before the Commission?

17 **MR. DAVID MORRISON:** Yes.

18 **MR. JEAN-PHILIPPE MACKAY:** So this document
19 will be filed along an annex identified as CAN.DOC 7.001.

20 If we can pull that up, please.

21 So the same is true for the annex, the
22 unclassified annex that we see here. This was prepared by
23 GAC, and you confirm that it represents GAC's evidence before
24 the Commission?

25 **MR. DAVID MORRISON:** Yes, I do.

26 **MR. JEAN-PHILIPPE MACKAY:** Okay. So
27 Madam Commissioner, we don't need to pull the French versions
28 of those documents up, but they will be filed as CAN.DOC 8.0

1 -- CAN.DOC 8 and CAN.DOC 8.001. So both the report and the
2 annex are filed before you in their French version.

3 **COMMISSIONER HOGUE:** Thank you.

4 **MR. JEAN-PHILIPPE MACKAY:** And before I
5 begin, Madam Commissioner, I'd like to say a word about the
6 scope of this examination.

7 The witnesses before you today will testify
8 concerning the distinction between foreign interference and
9 foreign influence. That is the scope of the examination.
10 Other areas of GAC's mandate and activities may be relevant
11 to other aspects of your mandate, but this evidence will not
12 be heard today through those witnesses.

13 Other GAC witnesses will be appearing before
14 you tomorrow and next week to discuss topics related to the
15 Panel of Five, the SITE Task Force, and the Rapid Response
16 Mechanism in relation to general elections in 2019, 2021.
17 And Mr. Morrison will be back with us on Monday to testify in
18 relation to his participation on the Panel of Five in 2021 in
19 his role as a former national security and intelligence
20 advisor to the Prime Minister.

21 **COMMISSIONER HOGUE:** Thank you.

22 **MR. GUILLAUME SIROIS:** [No interpretation]

23 **COMMISSIONER HOGUE:** Go ahead and I'll see if
24 it's relevant to discuss it now.

25 **MR. GUILLAUME SIROIS:** In the summary of
26 interview that was filed at 10:00 p.m. last night, it says
27 that it was filed in evidence in February-March 2024 during
28 Commission Inquiry. I haven't found any of those things in

1 the party database. I wonder when it will be submitted and
2 where.

3 **MR. JEAN-PHILIPPE MacKAY:** The reason is that
4 this issue, the GAC witnesses did not...

5 **MR. GUILLAUME SIROIS:** ...this summary of
6 interview can be submitted as evidence whereas it's evidence
7 on the testimony of Ms. Cindy Termorshuizen if she was not
8 present at that time.

9 **MR. JEAN-PHILIPPE MacKAY:** Madam
10 Commissioner, this document, WIT 37, is a summary of
11 interview, not a summary of *in camera* interrogation. It's
12 just there for information for my colleague, counsel Morgan,
13 Mme Denham, Dobner.

14 Those are witnesses that you will see during
15 these hearings and Mr. Lafortune, you will get an affidavit.
16 For this document, yes, it is as evidence for you for Ms.
17 Termorshuizen, but for other witnesses the same procedure
18 will apply with those witnesses and they will tell us if they
19 have anything to correct or add or retract from the document.

20 **COMMISSIONER HOGUE:** And the summaries of *in*
21 *camera* hearings on those witnesses will be filed in due time.

22 **MR. JEAN-PHILIPPE MacKAY:** Yes, absolutely.

23 I will begin my examination with a general
24 question concerning your current roles within GAC.

25 **MR. DAVID MORRISON:** I am currently the
26 Deputy Minister of Foreign Affairs at Global Affairs Canada.

27 **MS. CINDY TERMORSHUIZEN:** And I'm the
28 Associate Deputy Minister of Foreign Affairs and also the G7

1 Personal Representative of the Prime Minister.

2 **MR. JEAN-PHILIPPE MacKAY:** And when were you
3 appointed in those positions?

4 **MR. DAVID MORRISON:** I was appointed in
5 October 2022 to my current position.

6 **MS. CINDY TERMORSHUIZEN:** And I was appointed
7 in January 2022 as Associate Deputy Minister of Foreign
8 Affairs.

9 **MR. JEAN-PHILIPPE MacKAY:** And if we can pull
10 up CAN.DOC 7, please. It's the institutional report. And
11 I'll bring you to page 2 of that document.

12 I'll just give a moment to Mr. Court Operator
13 to pull it up.

14 So at the beginning of page 2. Thank you.

15 We see that the first topic addressed in the
16 institutional report is an overview of GAC's mandate. Could
17 you please -- you can refer to the document, but you can also
18 just explain what is the mandate and what are the activities,
19 broadly, that GAC is undertaking?

20 **MR. DAVID MORRISON:** Thank you.

21 GAC is, as the document says, responsible for
22 the conduct of Canada's international relations for advancing
23 Canada's international relations. Every country in the world
24 has a foreign ministry. In Canada it's called Global Affairs
25 Canada.

26 We are a little bit unique in that we have a
27 very broad mandate. We have three Ministers responsible for
28 three parts of our overall mandate to advance international

1 relations.

2 There's the Foreign Minister, who takes the
3 lead on foreign policy. There's the Trade Minister, who
4 takes the lead on international trade policy and the
5 promotion of Canadian exports abroad and the attraction of
6 investment into Canada. And there's the Minister of
7 International Development, who oversees Canada's spending
8 around the world.

9 All of this is to the greater objective of
10 promoting and protecting Canada's prosperity and security.

11 One final part of the -- two final parts of
12 the mandate. The first is consular affairs. We are
13 responsible -- through our network of missions around the
14 world represented in 112 countries with about 180 offices, we
15 are responsible for looking after Canadians in distress, so
16 that may be a new passport, it may be an evacuation such as
17 we're doing in Haiti as we speak.

18 The final part of the mandate has to do with
19 assistance and support for foreign embassies here in Canada,
20 so embassies, consulates, consulates general, high
21 commissions. Just for the record, an embassy or a high
22 commission is in a capital city. Consulates tend to be
23 across the country. So Global Affairs Canada has a liaison
24 function with diplomats posted here in Canada and foreign
25 ministries around the world perform that same function for
26 our diplomats posted abroad.

27 **MR. JEAN-PHILIPPE MacKAY:** I will take you to
28 document CAN008822. Can we pull it up, please?

1 **COURT OPERATOR:** Can you repeat that again,
2 please?

3 **MR. JEAN-PHILIPPE MacKAY:** 8822.

4 Do you recognize this document?

5 **MR. DAVID MORRISON:** Yes.

6 **MR. JEAN-PHILIPPE MacKAY:** Okay. So we see -
7 - we can scroll down a little bit, please.

8 Thank you.

9 We see here definitions, interference, malign
10 foreign influence and foreign influence. Could you please
11 describe those notions for us, please?

12 **MR. DAVID MORRISON:** Yes, I will. And I'll
13 begin with foreign influence because that is the business of
14 diplomacy.

15 Canada has diplomats all over the world. We
16 pay them to develop relationships, to build networks, to get
17 to know everyone they can in a -- in the country to which
18 they're posted, call it Guatemala, so that they can have
19 influence. So there's an old joke about diplomacy is letting
20 the other fellow have things your way. That's about
21 influence. So we have diplomats posted around the world so
22 that we can promote and protect Canada's interests with
23 proactively by encouraging governments and others,
24 influencers within society to take positions or defensively,
25 dissuading for -- from taking positions that would be
26 contrary to Canada's interest.

27 We do this in a general sense. We want
28 Canada to be well thought of around the world. I said we're

1 -- or I'll say we're a trading nation, so our reputation
2 abroad matters. It matters to whether students want to come
3 here, whether people want to trade with us, whether people
4 want to invest in Canada.

5 So there's broad foreign policy goals around
6 broad issues like climate change.

7 We also try to exercise influence against
8 very specific objectives that come up in all countries from
9 time to time. The first example I will give is at the United
10 Nations every fall, Canada leads on a resolution to condemn
11 Iran's human rights record. So we do that through building
12 relationships all year long that can then be deployed when
13 that issue comes to a vote.

14 Another example which I think is given in the
15 paper that is in front of us is when we do a trade agreement.
16 We negotiate the agreement, we sign the agreement with the
17 counterpart government, but very often then that agreement
18 has to pass through a legislative process. So we seek to
19 have influence with the people that will eventually be voting
20 for or against the trade agreement that the executive of the
21 government has signed.

22 So we target all kinds of influencers on that
23 decision, be they legislators, be they staff members of
24 legislators. In some cases, it may be a mayor or a farmers'
25 group, depending on exactly the issue before us in the trade
26 agreement.

27 I mentioned the evacuation that is going on
28 right now in Haiti as part of our consulate functions. We

1 have needed to exercise our influence with the government of
2 the Dominican Republic because up until very recently, we
3 were taking people out of the embassy in Port-au-Prince and
4 flying them into the territory of the Dominican Republic for
5 onward transport to Santo Domingo, so we need to use those --
6 that influence and those relationships with government
7 authorities in the neighbouring country to Haiti.

8 There's another example in the paper in front
9 of us about the White Helmets, which were a group of human
10 rights workers in Syria that we had to bring all of the
11 influence we had to bear in the course of a very constrained
12 two-day period when everything came together on a single
13 night to ensure that those human rights workers who had saved
14 lives could be let out of Syria, cross a third country and
15 into Jordan where they ended up. And we -- there's some of
16 the document redacted, but we pulled out all of the -- pulled
17 out all of the stops in terms of using our influence with
18 three governments in that case in order to effectuate that
19 evacuation.

20 So that's -- those are examples of how
21 diplomats use influence.

22 If I might, I would say that -- I would say
23 two final things. The influence doesn't happen by accident.
24 It is in the nature of any relationship, you need to have
25 laid the track, you need to have built up the relationship
26 over time in order to be able to deploy the influence.

27 And you know, there was a program some time
28 ago when we were trying to get out the word about Canada's

1 fossil fuel industry. We flew congressional staffers up from
2 Washington to the oil sands in Alberta so that they could see
3 that -- so that they could see that for themselves. We paid
4 their way up so that they could not be unduly influenced by
5 other forms of information. They could see things
6 themselves. So there's nothing untoward about paying, as
7 long as it is overt.

8 It's sometimes not very polite when I mention
9 trade agreements. We threaten retaliation when we're doing
10 trade agreements. We put up lists of products publicly that
11 we'll retaliate against if things don't go our way. It's a
12 contact sport sometimes and we go into the corners with our
13 elbows up when Canada's interests are at threat.

14 But Canadian diplomats -- it's not always in
15 the public domain. We do do things behind closed doors. But
16 we don't do things covertly. We don't do things
17 clandestinely. And we don't threaten people. We don't say,
18 "If you don't vote for this Canadian trade agreement, the
19 following will happen to your family."

20 **MR. JEAN-PHILIPPE MacKAY:** And I presume that
21 what you describe as being the conduct that Canada's adopting
22 in its diplomatic relations, those rules are -- derive from
23 certain sources, international sources, that also apply to
24 diplomats working in Canada? That's correct?

25 **MR. DAVID MORRISON:** Absolutely.

26 **MR. JEAN-PHILIPPE MacKAY:** Okay.

27 **COMMISSIONER HOGUE:** I have one question. Is
28 there any limitation as to what the diplomats can do in that

1 context? If it's an electoral context in the foreign country
2 where they are located?

3 **MR. DAVID MORRISON:** We will never get
4 involved in the election of a foreign country. And my
5 colleague Cindy can take us through the relevant parts of the
6 Vienna Convention, which is the covenant that governs
7 diplomatic behaviour that is in bounds and diplomatic
8 behaviour that is out of bounds and we would argue crosses
9 the line into foreign interference.

10 We can -- all diplomats cover elections.
11 Diplomats can go and report on electoral events. As we all
12 know, 2024 is a year that will have a huge number of
13 elections. Some of them very consequential for Canadian
14 interests. So I can guarantee you that our teams, for
15 example, across the United States, are covering the election
16 very closely.

17 Our Ambassador to the United States has, in
18 the past, attended the nominating conventions of the
19 political parties in the United States.

20 But no Canadian diplomat will ever suggest to
21 foreigners how they should vote. No Canadian diplomat will
22 ever get financially involved in another country's election.

23 **COMMISSIONER HOGUE:** But can they try to
24 influence the way people will vote?

25 **MR. DAVID MORRISON:** No.

26 **COMMISSIONER HOGUE:** No?

27 **MR. DAVID MORRISON:** No, they cannot. They
28 can speculate on who might win, which is kind of a water

1 cooler activity throughout the world. They can opine on
2 whether if Party A wins, as opposed to Party B, that would be
3 better or worse for their country's interests, but they must
4 refrain from making public statements and they must refrain
5 from getting directly involved.

6 And again, Cindy, will take us through what
7 we remind diplomats in Canada of before every General
8 Election, which is it's simply reminding them of the rules
9 that they're meant to abide by at all times.

10 **COMMISSIONER HOGUE:** Okay. So their role is
11 much more limited when there's an election going on abroad?

12 **MR. DAVID MORRISON:** Yes. They are meant to
13 be very, very cautious. We don't take kindly when diplomats
14 opine on our democratic processes at any time, but we
15 explicitly remind them not to get involved in our elections.

16 I distinguish that from policy positions.
17 Diplomats might like or not like what Canada is -- a law
18 Canada is going to pass or is thinking of passing. That's
19 advocacy, and if it's done openly. Advocacy and lobbying are
20 very close. That's the business of diplomats. But getting
21 involved in the outcome of an election is off bounds.

22 **MR. JEAN-PHILIPPE MacKAY:** If I may,
23 Commissioner, your question is a good segue for the next
24 document.

25 If we can pull up CAN5551? CAN5551.

26 And as Mr. Morrison mentioned, this question
27 is for you, Ms. Termorshuizen. It's a notice to Diplomatic
28 Corps in the context of the General Election in 2019.

1 If we can scroll down a little bit, please?

2 So just briefly, we had a preview from Mr.
3 Morrison briefly what is this document. And could you please
4 expand on this? My time is almost up. I have, like, seven
5 minutes left. So I'll invite you to answer that question
6 within the five to seven minutes.

7 **MS. CINDY TERMORSHUIZEN:** Okay. Great.
8 Thank you. So yes, indeed. In advance of both the 2019 and
9 2021 elections, a notice like this was sent out to the entire
10 diplomatic corps.

11 And as Mr. Morrison said earlier, one of the
12 responsibilities of Global Affairs Canada is to provide the
13 supports for the diplomatic and consular community here in
14 Canada.

15 There are about 8,000 diplomatic and consular
16 officials in Canada, so it's a large group of people. We
17 have a variety of responsibilities around them, but one of
18 the things we do is provide information to them about a range
19 of issues. And we have a tradition of sending out a message
20 in advance of an election to ensure that diplomats and
21 consular officials are reminded of the particular constraints
22 we expect them to abide by in an electoral period, given the
23 sensitivities that Mr. Morrison has just spoken about.

24 The basis upon which we do this is the *Vienna*
25 *Convention on Diplomatic Relations* and the *Vienna Convention*
26 *on Consular Relations*. These two conventions are enshrined
27 in Canadian law under the *Foreign Missions and International*
28 *Organizations Act*. And those conventions prohibit

1 interference in the internal affairs of the state in which
2 diplomats and consular officials are located.

3 And so with respect to electoral periods in
4 particular, the notice, for instance, and you'll see that in
5 the first paragraphs, makes clear that diplomatic and
6 consular representatives should not conduct activities which
7 could be perceived as inducing electors to vote for a
8 particular candidate, or prohibiting them from voting for a
9 candidate in any way during an election period.

10 And then we also note in the message that
11 they are prohibited from making financial contributions to a
12 candidate, political party, or political event.

13 So we're quite specific here because we want
14 to be clear on, in Canada, what we -- what our kind of
15 detailed understanding is of that requirement not to
16 interfere in the internal affairs of the state.

17 **COMMISSIONER HOGUE:** I'm just curious. Do
18 you know how many countries signed these two conventions?

19 **MS. CINDY TERMORSHUIZEN:** I don't.

20 **COMMISSIONER HOGUE:** Roughly. Roughly. Are
21 we talking about a large number of countries throughout the
22 world? Or ---

23 **MS. CINDY TERMORSHUIZEN:** I would suspect so,
24 but I don't the exact numbers.

25 **COMMISSIONER HOGUE:** You don't know.

26 **MR. DAVID MORRISON:** I think it would be safe
27 to say that almost every single country in the world is a
28 party, because these conventions, the larger conventions of

1 the -- that govern diplomatic relations and consular
2 relations, are the conventions that give effect to diplomatic
3 communities. So if you're not a party, you're not sending
4 people abroad.

5 **COMMISSIONER HOGUE:** I see.

6 **MR. DAVID MORRISON:** So I think we can safely
7 assume that every country or almost every country.

8 **COMMISSIONER HOGUE:** Thank you.

9 **MR. JEAN-PHILLIPE MacKAY:** And
10 notwithstanding the international law, diplomats and
11 officials working in Canada must respect the host state's
12 laws and ---

13 **MR. DAVID MORRISON:** Yes.

14 **MS. CINDY TERMORSHUIZEN:** Correct. And that
15 applies to Canadian diplomats and consular officials abroad
16 as well with respect to the laws of the countries to which
17 they are assigned.

18 **MR. JEAN-PHILIPPE MACKAY:** So unless my lead
19 counsel has a note for me... Yeah, we'll go back to the
20 discussion about foreign interference and foreign influence
21 and malign foreign influence.

22 Mr. Morrison, you provided explanations, but
23 could you go back, either of you, on the distinction between
24 those notions and how foreign influence can slide into malign
25 foreign influence and then into foreign interference?

26 **MR. DAVID MORRISON:** Sure. The difference,
27 and I hope it was implied in what I said in my original
28 remarks, is that foreign interference is covert, which you

1 could take that to mean deceptive, it is clandestine, which
2 you could take that to mean as entirely secret, or it
3 involves threats to an individual.

4 Now, clearly there -- an example of
5 clandestine foreign interference would be secretly funding a
6 political party for a candidate. Covert would be disguising
7 the fact that you are funding a candidate by having the
8 funding run through an entirely legitimate person or
9 organisation, like a proxy, in the -- is the term that we
10 use. And a threat would be "If you don't vote, or if you
11 vote one way or another on a certain bill, we will ensure
12 your relatives don't get a visa so they can't visit you or
13 your offspring are denied a place in university."

14 Your question had to do with also malign
15 foreign influence, or this middle ground, which makes it hard
16 sometimes to distinguish what is foreign interference and
17 what is not foreign interference. So an example I would give
18 is during an election campaign a diplomat posted in Canada
19 attends a community event. A diaspora community has an event
20 in a banquet hall and the diplomat attends that. There's
21 nothing wrong with that, even during a writ period. It's not
22 an explicitly political event, it's just an event.

23 If the person stands up and makes a speech
24 and says, "vote for this party and not that party", that's
25 foreign interference. If the person goes into a back room
26 and meets with candidates, we don't know unless, unless we
27 know exactly what was said. And in general diplomats should
28 not be meeting privately with candidates during an election

1 campaign.

2 So there is kind of a ambiguous area or a
3 grey zone where legitimate diplomatic activity can be -- can
4 transition into -- can transition into foreign interference.

5 I'll give you one more example, and that
6 would an academic who writes op-eds or articles or is
7 interviewed, and adopts -- and advocates policies very much
8 in line with a foreign government, and we know that that
9 diplomat has a relationship with the representatives of that
10 foreign government in Canada. That academic may simply share
11 the ideological view, maybe there is a free trip in it for
12 that person, but maybe that person has a reason for wanting
13 to visit the country anyhow.

14 So we need to be very cautious when assuming
15 that because somebody meets with a diplomat that is -- even a
16 diplomat from a country that doesn't share values with
17 Canada, that is necessarily nefarious. A person might attend
18 a community meeting at the bidding of a diplomat, or they may
19 be starting a business, and they may be handing out business
20 cards in support of that business, or it may be a combination
21 of the two.

22 So it's -- there is an area of ambiguity, I
23 would say, between clear-cut diplomacy, and the business of
24 influence, and clear-cut foreign interference, which is
25 against the relevant conventions and laws.

26 **MR. JEAN-PHILIPPE MACKAY:** Do you have
27 anything to add to that, Ms. Termorshuizen?

28 **MS. CINDY TERMORSHUIZEN:** No. Thank you.

1 **MR. JEAN-PHILIPPE MACKAY:** Those were my
2 questions, Madam Commissioner.

3 **COMMISSIONER HOGUE:** Thank you.

4 So first cross-examination will be conducted
5 by Human Rights Coalition.

6 **--- CROSS-EXAMINATION BY MS. HANNAH TAYLOR:**

7 **MS. HANNAH TAYLOR:** Good morning. Could I
8 ask the Court Operator to please call up CAN 008822.

9 My friend pulled it up this morning, and I
10 believe we confirmed you're familiar, but you can correct me,
11 of course.

12 If we could turn to page 3, please.

13 There is a header...

14 Right there.

15 ...Examples of Canada's Foreign Influence In
16 Other Countries, and then a number of examples, of course.
17 And then if we scroll to page 4, we see a section called
18 Lines That Canada Never Crosses. And the final line...

19 A little lower.

20 Then the final line there reads:

21 "Canada never engages into
22 transnational repression, i.e.
23 intimidating or threatening
24 individuals, or coercing them to take
25 particular action."

26 You would agree this is because transnational
27 repression is a form of foreign interference and/or malign
28 foreign influence?

1 **MR. DAVID MORRISON:** Yes.

2 **MS. HANNAH TAYLOR:** We heard earlier this
3 week from Mr. Mehmet Tohti, who's a Uyghur activist in
4 Canada, who told us that last year, right before he was meant
5 to appear in Parliament for the vote on M-62 -- on the M-62
6 motion for the resettlement Uyghur refugees in Canada, he
7 received a call from Chinese State Police. The police put a
8 relative of his on the phone, who told Mehmet that his mother
9 and two sisters were dead. Mr. Tohti explained that this
10 call was meant to send a message to him, implying that this
11 is the cost he would keep paying if he continued his
12 advocacy.

13 Is this foreign interference?

14 **MR. DAVID MORRISON:** Yes.

15 **MS. HANNAH TAYLOR:** I'll pose a hypothetical
16 to you. Say a campaign volunteer goes to a community member
17 and says, "You better not vote for a certain candidate."
18 They don't say explicitly "or else there will be
19 repercussions for your loved ones back home." Is this
20 foreign interference?

21 **MR. DAVID MORRISON:** The question of whether
22 someone directs voting or simply implies the way they would
23 like you to vote is -- is a tricky one to answer. The threat
24 or the -- an -- a threat, explicit or implied, in my books
25 would put that over the line into foreign interference.

26 **MS. HANNAH TAYLOR:** And one more
27 hypothetical. Say that person then goes to another community
28 member and talks about the experience, and that second

1 community member feels pressured to do the same, though no
2 one ever spoke to them directly about it. Is this foreign
3 interference?

4 **MR. DAVID MORRISON:** I don't think that's
5 direct foreign interference, but I think the essence of the
6 question gets to what, in my personal view, is an -- a aspect
7 of foreign interference and the ecosystem around foreign
8 interference, which is not well enough understood in Canada.
9 The chilling effect is how I would think of it.

10 It was meant to have been the second part of
11 the mandate of the independent special rapporteur that took -
12 - whose work took place a year ago, and I know it's a larger
13 area that this Commission will get into. It is not right
14 that certain people in Canada, Canadian citizens, or
15 permanent residents of Canada, should feel any fear, fear of
16 repression for exercising the rights that all Canadians
17 should enjoy.

18 **MS. HANNAH TAYLOR:** Thank you very much.
19 Thank you, Commissioner.

20 **COMMISSIONER HOGUE:** Thank you.

21 Next one is RCDA.

22 **MR. GUILLAUME SIROIS:** Good morning.

23 **COMMISSIONER HOGUE:** Good morning.

24 **--- CROSS-EXAMINATION BY MR. GUILLAUME SIROIS:**

25 **MR. GUILLAUME SIROIS:** I want to discuss
26 about -- I'm Guillaume Sirois, counsel for the RCDA.

27 I want to discuss about social media or
28 internet influence campaigns by foreign state actors.

1 Do you believe that the identification of
2 divisive events and trends in rival states to conduct
3 influence campaigns by Russia, for instance, would constitute
4 foreign interference?

5 **MR. DAVID MORRISON:** So your question is
6 about internet campaigns and promoting divisions within
7 societies, and you're clear that that internet campaign is
8 sponsored by Russia. I just want to make certain I've
9 understood your ---

10 **MR. GUILLAUME SIROIS:** Yes. Let's say
11 there's -- for now, let's assume there's a clear link between
12 Russia and this influence campaign. For instance, we see
13 that it's a URL that links to the Russian Federation, for
14 instance.

15 **MR. DAVID MORRISON:** Yes. State-sponsored
16 disinformation that is designed to sew cleavages within
17 societies, democratic societies like Canada, that is foreign
18 interference.

19 **MR. GUILLAUME SIROIS:** And let's say that --
20 trying to blur the lines a little bit. Let's say there was
21 no direct link with Russia because there was no, for
22 instance, URL that links to the Russian Federation. But
23 let's say it was a lot of social media accounts that seem
24 friendly to Russia but that are based in Canada that promote
25 these divisive events and trends on the social media at a
26 large scale. Would that possibly constitute foreign
27 interference as well?

28 **MR. DAVID MORRISON:** That could constitute

1 foreign interference if it was more likely than not that the
2 amplification of the information was being done
3 inauthentically, whether from abroad or here in Canada.

4 I think you said that the accounts were here
5 in Canada.

6 **MR. GUILLAUME SIROIS:** Okay. And how does --
7 how can we determine that this influence campaign is done
8 inauthentically rather than an authentic campaign?

9 **MR. DAVID MORRISON:** It's challenging. The
10 online space is challenging, including during electoral
11 campaigns. There are -- there is a body of scholarship
12 existing in Canada at places like McGill and the University
13 of Toronto that has devised methodologies to try to be able
14 to determine with some degree of certainty whether something
15 is -- simply goes viral, which I would call organic. It's a
16 topical issue and people are interested, especially in an
17 election campaign, in discussing things about the election.
18 Or whether it is being inauthentically amplified by people
19 that aren't even people, bots or, in other cases, people that
20 are, for example, working for a foreign government and
21 deliberately amping up information which is -- might be
22 misinformation which is simply erroneous information or it
23 might be disinformation, which is information that is
24 deliberately designed to -- well, it's fake, it's false.
25 It's deliberately designed to distort and create impressions
26 that are incorrect.

27 **MR. GUILLAUME SIROIS:** Okay. I want to show
28 you a document. It's CAN 000134, just to give you a concrete

1 example of what the Commission will be dealing with.

2 It's at page 2. And again, it's on the same
3 topic.

4 We see here that there's -- there has been
5 reports of Russia-friendly accounts on the internet
6 amplifying People's Party of Canada related content in the
7 final weeks leading up to the election, 2021.

8 I'm giving you the time to read the document.

9 **MR. DAVID MORRISON:** Okay.

10 **MR. GUILLAUME SIROIS:** Do you see any
11 indications that there may be foreign interference?

12 **MR. DAVID MORRISON:** I'm not certain that in
13 this short write-up there's enough information. It says
14 Russian-friendly accounts. There can be Canadian citizens
15 and permanent residents in Canada that are friendly to Russia
16 and they might simply agree with something and, therefore,
17 reTweet it or whatever the equivalent is on Yonder.

18 And again, just in terms of the lack of
19 certainty here, the end of the sentence says "RRM Canada
20 judges that, at the individual account level, analytic
21 confidence of attribution is low", so this can't necessarily
22 be tied directly back to Russia. And it says they hope that
23 confidence will grow in the future.

24 So the online space is, I would say,
25 devilishly difficult because you need to make a tie to a
26 foreign government and there's a -- Canadian citizens in an
27 electoral context are allowed to talk about the election and
28 they are allowed to have a full range of views on electoral

1 issues and they are allowed to debate and explain those views
2 online.

3 **COMMISSIONER HOGUE:** And actually, in Canada,
4 freedom of expression is protected.

5 **MR. DAVID MORRISON:** Absolutely.

6 **COMMISSIONER HOGUE:** So you have to take into
7 consideration, I guess?

8 **MR. DAVID MORRISON:** We absolutely have to
9 take that right of Canadians and permanent residents, people
10 living in Canada into account. So while some people might
11 think something is linked to a foreign government or being
12 inauthentically amplified, actually, acting without a certain
13 degree of confidence might deny Canadians their right to
14 freedom of expression. And that's a right that I would argue
15 is particularly important in the context of Canada's
16 democratic institutions and especially during an election
17 campaign.

18 **MR. GUILLAUME SIROIS:** And I'm almost done,
19 but I have like maybe one or two questions more.

20 The paragraph also says that there is more
21 engagement from accounts that generally amplify Russian state
22 forces and also, as you noted, analytic confidence should
23 increase with aggregate monitoring of many accounts.

24 I think you concur that this, in itself, does
25 not constitute foreign interference, but is it enough to
26 justify inquiring further into the situation maybe to try to
27 find a link or attribute this campaign to the Russian
28 government?

1 **MR. DAVID MORRISON:** So there's a group of
2 people that are going to appear before the Commission
3 tomorrow from the SITE Task Forces for the 2019 and the 2021
4 elections, and I think you would be better placed to pose
5 those questions to the real experts. RRM, which is one of
6 the entities that monitors the online space, is part of
7 Global Affairs, which is why I have gone ahead and answered
8 your questions, but whether there emerged a greater degree of
9 certainty on the Russia-friendly accounts that you're
10 inquiring about I think is a question better put to the SITE
11 Task Force tomorrow.

12 **MR. GUILLAUME SIROIS:** Okay. Then this will
13 be my last question.

14 On the very specific subject matter of your
15 testimony today, the difference between foreign influence and
16 foreign interference, can we say, at the very least, that
17 this is maybe on the fence both definitions? It's not
18 clearly foreign influence, it's not clearly legitimate, it's
19 not clearly ---

20 **MR. DAVID MORRISON:** I simply do not have
21 enough information to say. I didn't -- I've forgotten what's
22 at the top of whether this is a weekly report or a daily
23 report.

24 **MR. GUILLAUME SIROIS:** Weekly.

25 **MR. DAVID MORRISON:** Okay. It is not -- it
26 is not an issue that I believe emerged as a significant
27 issue. We have a summary -- or a summary was produced as
28 part of the papers produced for this Commission that does go

1 into some detail on a couple of incidents that did seem to be
2 at least potentially significant. This wasn't one of them.

3 **MR. SIROIS:** Thank you.

4 **COMMISSIONER HOGUE:** Thank you.

5 Counsel for Jenny Kwan.

6 **--- CROSS-EXAMINATION BY MR. SUJIT CHOUDHRY:**

7 **MR. SUJIT CHOUDHRY:** Good morning. For the
8 record, my name is Sujit Choudhry; I'm counsel for Jenny
9 Kwan.

10 So I'd like to take the panel to a document
11 that Commission counsel put up, which is the Note to the
12 Diplomatic Corps, if we may.

13 And so Mr. Registrar, that's CAN 5551. Thank
14 you.

15 And so just to kind of reiterate, so in the
16 first paragraph this Note to the Diplomatic Corps invokes and
17 reminds them of their obligations under Articles 41 of the
18 *Vienna Convention on Diplomatic Relations*, and Article 55 on
19 the *Vienna Convention on Consular Relations*; correct?

20 **MS. CINDY TERMORSHUIZEN:** Correct.

21 **MR. SUJIT CHOUDHRY:** And it's also your
22 evidence that those two -- the relevant portions of those two
23 conventions have been incorporated into domestic law by a
24 federal statute.

25 **MS. CINDY TERMORSHUIZEN:** Correct.

26 **MR. SUJIT CHOUDHRY:** Right, the *Foreign*
27 *Missions and International Organizations Act*.

28 **MS. CINDY TERMORSHUIZEN:** Correct.

1 **MR. SUJIT CHOUDHRY:** Good. So now can we
2 scroll down to the second paragraph that we didn't discuss
3 but I just want to draw your attention to it?

4 So if you look three lines from the bottom,
5 is it true that in this paragraph you also bring to the
6 attention of the Diplomatic Corps certain provisions of the
7 *Canada Elections Act*.

8 **MS. CINDY TERMORSHUIZEN:** That's correct.

9 **MR. SUJIT CHOUDHRY:** And could you please
10 explain what those provisions are, and why you brought them
11 to the attention of the Diplomatic Corps?

12 **MS. CINDY TERMORSHUIZEN:** I mean, what was
13 important for us is just to draw the attention of the
14 Diplomatic Corps to the various provisions in Canadian law
15 with respect to elections, and the prohibitions in those. So
16 in the *Canada Elections Act* there are specific provisions,
17 for instance, with respect to foreign financing of campaigns
18 and so on.

19 So we wanted to ensure that if diplomats were
20 not already familiar with that legislation, that they were
21 given an opportunity to familiarize themselves with it, given
22 that we were entering a writ period at the time that this
23 documentation was sent out to all missions.

24 **MR. SUJIT CHOUDHRY:** So if foreign diplomats,
25 then, violate Articles 41 or 55 of the two *Vienna*
26 *Conventions*, or if they violate these provisions of the
27 *Canada Elections Act*, they are breaking the law, is that
28 right?

1 **MS. CINDY TERMORSHUIZEN:** Yes.

2 **MR. SUJIT CHOUDHRY:** And they are not just
3 breaking international law, they're breaking Canadian law;
4 right?

5 **MS. CINDY TERMORSHUIZEN:** Correct.

6 **MR. SUJIT CHOUDHRY:** And so then the question
7 that I think we'd like to have some guidance on is, what are
8 the consequences for breaking Canadian law for a foreign
9 diplomat? If a foreign diplomat breaks Canadian law by
10 funding a campaign; paying for a campaign event; providing
11 funding to a political party; any one of a number of
12 activities either prohibited by international directly, or
13 specifically by prohibitions in the *Elections Act*, what flows
14 as a consequence? Are they charged; are they prosecuted; are
15 they expelled; are they cautioned? Could you please tell us?

16 **MS. CINDY TERMORSHUIZEN:** So a lot will
17 depend on the specific violation and that would -- in terms
18 of actual violations of law, if that becomes a criminal
19 offence, for instance, that would fall under the purview of
20 the RCMP or police of jurisdiction -- in this case probably
21 the RCMP -- to investigate. But -- so a lot would -- I guess
22 I would just say without having a specific example, a lot
23 would depend on the case, the evidence behind it, and then
24 the consequences would flow from that.

25 **MR. SUJIT CHOUDHRY:** And they might be
26 expelled, or asked to leave?

27 **MS. CINDY TERMORSHUIZEN:** Again, I don't want
28 to speculate on the particular situation but there certainly

1 is a provision that would enable a diplomat to be expelled if
2 the conditions warranted that.

3 **MR. SUJIT CHOUDHRY:** And then what...

4 **MR. MATTHEW FERGUSON:** Excuse me.

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

6 **MR. MATTHEW FERGUSON:** We're just getting a
7 message from the interpreters to -- if we could just slow
8 down the -- thank you.

9 **MR. SUJIT CHOUDHRY:** Yes, of course. Sorry.
10 And maybe just one last question. And so
11 would this type -- would foreign interference, as you've
12 describe it very helpfully, either as defined by Articles 41
13 and 55 of the two *Vienna Conventions*, or as specifically
14 prohibited by certain provisions of the *Canada Elections Act*,
15 would those fall within or outside the scope of diplomatic
16 immunity for criminal prosecution?

17 **MS. CINDY TERMORSHUIZEN:** Again, ---

18 **COMMISSIONER HOGUE:** If you know.

19 **MS. CINDY TERMORSHUIZEN:** Yeah.

20 **MR. SUJIT CHOUDHRY:** If you know.

21 **MS. CINDY TERMORSHUIZEN:** I think a lot would
22 depend on the particular situation at hand. So I wouldn't
23 want to speculate broadly, but I do think that there -- yeah,
24 a lot would depend on the particular situation.

25 **MR. SUJIT CHOUDHRY:** Okay, thank you for your
26 time.

27 **COMMISSIONER HOGUE:** Thank you.

28 AG?

1 **MS. HELENE ROBERTSON:** No questions for these
2 witnesses. Thank you.

3 **COMMISSIONER HOGUE:** Re-examination, Maître
4 MacKay?

5 **MR. JEAN-PHILIPPE MacKAY:** [No
6 interpretation]

7 **COMMISSIONER HOGUE:** Thank you.
8 So thank you to both of you, you're free to
9 go.

10 **MR. MATTHEW FERGUSON:** For now.

11 **COMMISSIONER HOGUE:** Do we have to break for
12 -- yes, five minutes for having the new witnesses with us?

13 **THE REGISTRAR:** Order, please.

14 This hearing is now in recess until 10:30.

15 --- Upon recessing at 10:25 a.m.

16 --- Upon resuming at 10:33 a.m.

17 **THE REGISTRAR:** Order please.

18 This sitting of the Foreign Interference
19 Commission is back in session.

20 **COMMISSIONER HOGUE:** Now Ms. Morgan?

21 **MS. LYNDIA MORGAN:** Good morning,
22 Commissioner. Yes, so it's Lynda Morgan, Commission counsel.
23 Commissioner, the witnesses before you are Commissioner
24 Duheme and Deputy Commissioner Flynn. Could both witnesses
25 please be sworn or affirmed?

26 **THE REGISTRAR:** Mr. Duheme, do you wish to be
27 sworn or affirmed?

28 **COMM MICHAEL DUHEME:** I can swear in.

1 **THE REGISTRAR:** Okay.

2 **COMM MICHAEL DUHEME:** Yeah.

3 **THE REGISTRAR:** Please state your name and
4 spell your last name for the record.

5 **COMM MICHAEL DUHEME:** My name is Michael
6 Robert Duheme. Last name is spelled D-U-H-E-M-E.

7 **--- COMM MICHAEL DUHEME, Sworn:**

8 **THE REGISTRAR:** Thank you.

9 And, Mr. Flynn, it's your turn.

10 **D/COMM MARK FLYNN:** I'll swear as well.

11 **THE REGISTRAR:** You'll be swearing? Please
12 state your name and spell your last name for the record.

13 **D/COMM MARK FLYNN:** It's Mark Andrew Flynn,
14 F-L-Y-N-N.

15 **THE REGISTRAR:** Thank you.

16 **--- D/COMM MARK FLYNN, Sworn:**

17 **THE REGISTRAR:** Thank you very much.

18 Counsel, you may proceed.

19 **MS. LYNDA MORGAN:** Thank you.

20 **--- EXAMINATION-IN-CHIEF BY MS. LYNDA MORGAN:**

21 **MS. LYNDA MORGAN:** Commissioner Duheme, you
22 have a lengthy history of service with the RCMP. For today's
23 purposes, I just want to focus on a brief snapshot of your
24 career. So I understand you were appointed Commissioner of
25 the RCMP in March of 2023?

26 **COMM MICHAEL DUHEME:** I have, but do you want
27 us to correct some of the records I have here?

28 **MS. LYNDA MORGAN:** I will. I ---

1 **COMM MICHAEL DUHEME:** Okay. Sorry. Sorry.

2 **MS. LYNDA MORGAN:** --- I will.

3 **COMM MICHAEL DUHEME:** Okay, yes, that's
4 correct.

5 **MS. LYNDA MORGAN:** Okay. Thank you. And you
6 were Deputy Commissioner of federal policing from June 2019
7 to March 2023?

8 **COMM MICHAEL DUHEME:** That's correct.

9 **MS. LYNDA MORGAN:** And Deputy Commissioner
10 Flynn, I understand that you were appointed Deputy
11 Commissioner for federal policing in March of 2023; is that
12 right?

13 **D/COMM MARK FLYNN:** That's correct.

14 **MS. LYNDA MORGAN:** And before that, you were
15 the Assistant Commissioner responsible for governance and
16 oversight of the RCMP federal policing national security and
17 protected policing programs; is that correct?

18 **D/COMM MARK FLYNN:** That's correct.

19 **MS. LYNDA MORGAN:** I'd ask that document WIT,
20 W-I-T 42 be pulled up, please?

21 **--- EXHIBIT No. WIT 42:**

22 Michael Duheme Public Summary of
23 Classified Interview

24 **MS. LYNDA MORGAN:** And, Commissioner Duheme,
25 you were interviewed by Commission counsel on February 5th,
26 2024 in a classified environment?

27 **COMM MICHAEL DUHEME:** That's correct.

28 **MS. LYNDA MORGAN:** And did you review a

1 classified version of a summary of your evidence after that
2 interview?

3 **COMM MICHAEL DUHEME:** I have.

4 **MS. LYNDA MORGAN:** And the document on the
5 screen in front of you is a publicly disclosable version of
6 the classified summary. Have you reviewed this document?

7 **COMM MICHAEL DUHEME:** I've reviewed it.

8 **MS. LYNDA MORGAN:** And do you agree that the
9 summary accurately reflects your evidence?

10 **COMM MICHAEL DUHEME:** There's actually one
11 minor change to bring at page 4. The paragraph just above
12 RCMP Investigation. It says,

13 "The RCMP is both a producer and a
14 consumer intelligence. While the RCMP
15 is a contributor SITE DF, it is more
16 often the consumer." (As read)

17 The next line, "The RCMP had no..." We
18 should have "foreign interference election related
19 investigation."

20 **MS. LYNDA MORGAN:** Okay. Thank you. So the
21 insertion of the word ---

22 **COMM MICHAEL DUHEME:** And the word.

23 **MS. LYNDA MORGAN:** --- a few words, foreign
24 interference.

25 **COMM MICHAEL DUHEME:** Yeah. The rest is
26 correct.

27 **MS. LYNDA MORGAN:** Okay. Thank you. And so
28 with that correction, do you adopt the summary as part of

1 your evidence before the Commission today?

2 **COMM MICHAEL DUHEME:** Yes.

3 **MS. LYNDA MORGAN:** Thank you.

4 I'll ask as well for CAN.DOC 19 to be pulled
5 up, please.

6 **--- EXHIBIT No. CAN.DOC 19:**

7 Institutional Report - RCMP

8 **MS. LYNDA MORGAN:** And this is a RCMP
9 institutional report. Commissioner Duheme, have you had a
10 chance to review that document?

11 **COMM MICHAEL DUHEME:** I have.

12 **MS. LYNDA MORGAN:** And I understand there's
13 one correction to be made to this document. If we could pull
14 up page 24, please? And I understand there's a date entry in
15 this table that states May 6, 2023?

16 **COMM MICHAEL DUHEME:** Yeah, if we can go up?
17 Exactly.

18 **MS. LYNDA MORGAN:** And stop there, please.

19 **COMM MICHAEL DUHEME:** That first line -- I
20 just want to make sure I have the right document. Yeah.
21 That first line should read "May 6, 2022" and not "2023".

22 **MS. LYNDA MORGAN:** 2022. Okay. And with
23 that correction being made, can you confirm that this
24 accurately reflects the RCMP's evidence?

25 **COMM MICHAEL DUHEME:** I confirm.

26 **MS. LYNDA MORGAN:** Thank you. One last
27 document I'll ask be pulled up is WIT, W-I-T 38, please.

28 **--- EXHIBIT No. WIT 38:**

1 Mark Flynn Public Summary of
2 Classified Interview

3 **MS. LYNDA MORGAN:** Thank you. And Deputy
4 Commissioner Flynn, you were interviewed by Commission
5 counsel on February 15th, 2024 in a classified space?

6 **D/COMM MARK FLYNN:** That's correct.

7 **MS. LYNDA MORGAN:** And this is a summary of
8 the publicly disclosable content from that interview. Have
9 you had an opportunity to review it?

10 **D/COMM MARK FLYNN:** Yes, I have.

11 **MS. LYNDA MORGAN:** And do you have any
12 addition, changes, or deletions to be made?

13 **D/COMM MARK FLYNN:** One minor change on page
14 5 in the section that is titled "Relationship With CSE". The
15 last sentence in that section says,

16 "While the RCMP can ask for
17 unsuppressed identities. "That request
18 renders" is the language in the report,
19 and it should read "That request
20 frequently renders".

21 **MS. LYNDA MORGAN:** Thank you.

22 **D/COMM MARK FLYNN:** So the addition of the
23 word "frequently".

24 **MS. LYNDA MORGAN:** And with that addition
25 being made, does this accurately reflect your evidence?

26 **D/COMM MARK FLYNN:** Yes, it does.

27 **MS. LYNDA MORGAN:** And are you prepared to
28 adopt the summary as part of your evidence today?

1 **D/COMM MARK FLYNN:** Yes, I am.

2 **MS. LYNDA MORGAN:** Thank you. So I want to
3 first ask about the RCMP's mandate in relation to foreign
4 interference, specifically relating to elections.

5 Commissioner Duheme, can you start by
6 describing the RCMP's working definition of foreign
7 interference?

8 **COMM MICHAEL DUHEME:** I will. It is in my
9 statement as well.

10 **MS. LYNDA MORGAN:** So you're making reference
11 to your witness summary, which is WIT42?

12 **COMM MICHAEL DUHEME:** My witness summary at
13 page 2. I explain that foreign interference is any overt or
14 covert illegal activity conducted at the direction or the
15 benefit of a foreign entity which targets Canadian interests
16 or interferes with Canadian society.

17 **MS. LYNDA MORGAN:** And with that
18 understanding, what is the RCMP's mandate in relation to
19 foreign interference?

20 **COMM MICHAEL DUHEME:** Well the RCMP's
21 mandate, it's through our National Security Program, which
22 reports under D/Comm Flynn, has the responsibility to
23 investigate, under our National Security Program, there's the
24 responsibility to investigate any terrorism incidents, money
25 laundering incidents when it comes to financing, and also the
26 foreign interference side of any offence, criminal offence.

27 **MS. LYNDA MORGAN:** Does the RCMP have a
28 narrower or more specific mandate in relation to election

1 related foreign interference?

2 **COMM MICHAEL DUHEME:** The RCMP has a
3 memorandum of understanding with the Commissioner of Canada
4 Elections, which we can share resources, can investigate
5 jointly, share technology, and work together. But really,
6 anything to do with the electoral process usually goes to the
7 OCC.

8 **MS. LYNDA MORGAN:** Okay. And when you've --
9 oh.

10 **D/COMM MARK FLYNN:** If I may ---

11 **MS. LYNDA MORGAN:** Yes.

12 **D/COMM MARK FLYNN:** --- add to that, back
13 when the RCMP first started in foreign actor interference
14 investigations with respect to the election, we were focused
15 on very specific types of offences, and as the Commissioner
16 said, we did look at it from the point of view of offences
17 under the *Election Act*, as well as *Security of Information*
18 *Act*.

19 However, I would say it is important to look
20 even post GE 43 and 44 and what we are doing today. We've
21 expanded our understanding of the threat and how it does come
22 into even frontline policing type responses with respect to
23 threats and intimidation, diaspora, and in more subtle
24 elements that overtime combine to have a more significant
25 impact.

26 **MR. MATTHEW FERGUSON:** I just have a small
27 request from the interpreters again to please slow down.

28 **D/COMM MARK FLYNN:** I'll just write this

1 down.

2 **MS. LYNDA MORGAN:** Thank you. We can do
3 that.

4 **D/COMM MARK FLYNN:** I apologize for that.

5 **MS. LYNDA MORGAN:** And when we talked about
6 the RCMP's mandate in relation to foreign interference, did
7 it change, formally change, between GE 43 and GE44?

8 **COMM MICHAEL DUHEME:** I think Mark just
9 covered some of it, but in reality, the mandate as such
10 hasn't changed. We've learned a lot more. That's for sure.
11 And we've actually brought about some changes to our internal
12 structure to better address what we're seeing.

13 **MS. LYNDA MORGAN:** Thank you. And during --
14 I'll focus my questions on kind of stepping back into 2019
15 and 2021. What tools during GE 43 and GE 44 did the RCMP
16 have available to it to respond to election related
17 allegations of foreign interference?

18 **D/COMM MARK FLYNN:** Yes, I can answer that.
19 So the RCMP uses a broad number of authorities, and I would
20 say in 2019 and into 2021, the primary focus was looking at
21 *Criminal Code* offences or *Security of Information Act*
22 offences in relation to foreign states and their involvement
23 in Canada.

24 However, our tool set included general
25 authorities that we have to keep the peace, public safety,
26 various case law authorities as well, under which we could
27 act.

28 Post 2021, as I already spoke about, our

1 thinking has evolved and when we are looking at foreign
2 interference activities, we are looking at leveraging the
3 full extent of the *Criminal Code*, such as uttering threats,
4 intimidation, harassment type offences that we would look at
5 that traditionally were not considered National Security
6 tools.

7 **MS. LYNDA MORGAN:** Thank you. So I want to
8 move on now to ask you, kind of high level, about the RCMP's
9 relationship with other agencies. So we'll start with CSIS.

10 Comm Duheme, are you able to describe, again,
11 kind of high level, the RCMP's relationship with CSIS?

12 **COMM MICHAEL DUHEME:** ...excellent. The
13 Director, we see each other at least a week at various Deputy
14 Minister meetings. And when the need arises to discuss of a
15 topic or a file, we just call each other up.

16 But I would say that the RCMP with CSIS, the
17 relation is excellent. We have mandates that are slightly
18 different, but complementary. We work well together.

19 **MR. MATTHEW FERGUSON:** Mr. Duheme, it's even
20 worse in French. You have to slow down.

21 **COMMISSIONER HOGUE:** I am the same type of
22 sinner.

23 **MS. LYNDA MORGAN:** I'd like to ask you about
24 the One Vision framework. Can you explain what it is and
25 practically how it operates?

26 **COMM MICHAEL DUHEME:** So I'll look to Mark
27 there to further explain.

28 One Vision came about where we want to make

1 sure that both organizations are in lockstep as to what's
2 going on, who is doing what. Like a deconfliction, but it's
3 also an opportunity to share some information.

4 And I invite Mark to share some, because he's
5 participated in some One Visions.

6 **D/COMM MARK FLYNN:** Yes, given the role that,
7 and distinct role, that our two organizations play in public
8 safety, and very complimentary roles that we play, it's
9 important as we are both working primarily domestically with
10 respect to this type of activity. We have the One Vision
11 process that ensures that we are focused on the vision being
12 public safety and prevention of harm to Canada. And it
13 allows us to discuss in a headquarters environment, not in a
14 primarily investigative environment, although sometimes it
15 does include meetings between investigators and regional
16 staff from CSIS. It is primarily a discussion about what is
17 the problem, what is each organization doing with respect to
18 either a larger problem or a specific incident that we are
19 investigating.

20 And the outcome of that today is a letter
21 from the Service, or an understanding during the
22 conversation, as to how the information can be used by the
23 RCMP or cannot be used by the RCMP to move ahead. It allows
24 us to make sure that our independent actions are not
25 compromising the operations that we are independently
26 executing.

27 **MS. LYNDIA MORGAN:** And so when you describe
28 potentially being able to use or not use information, I

1 understand there's a distinction between what's called
2 actionable intelligence and non-actionable intelligence. Are
3 you able to explain the difference?

4 **D/COMM MARK FLYNN:** Yes, I am. So given the
5 intelligence role that the Service has, there are times when
6 they will have information that is very useful for the RCMP
7 to have to give us a better understanding of what is
8 happening in any given situation, or to understand a threat
9 that may be present.

10 That information can be provided to us in
11 what I'll characterize as a non-actionable, a strategic
12 information type of category. And then actionable would be
13 where they have specific information about a threat, they are
14 prepared for that information to be used in judicial
15 processes and other ways that would reveal it to the public,
16 and that is the category that I would call actionable,
17 because it is the genesis of many of our investigative
18 efforts.

19 **MS. LYNDIA MORGAN:** And is that concept
20 distinct from what's described as the intelligence to
21 evidence problem?

22 **D/COMM MARK FLYNN:** It is not distinct. In
23 fact, they are very interrelated because frequently the
24 information that we will receive that is not able to be
25 utilized in our judicial processes, the non-actionable is
26 given that non-actionable category because of the fact that
27 there is no effective way of it being able to be presented or
28 used by us in a manner that does not risk it being presented

1 in court or in some way leading to information that would
2 reveal either their sources or their techniques that are
3 deemed to be important to be preserved.

4 **COMM MICHAEL DUHEME:** Can I just add, this is
5 not limited to the Service. Our international partners, it's
6 the same thing. If we have information or raw intelligence
7 come in from the partners, we run into the same hurdles, if
8 you wish, with regards to actionable items for intelligence.

9 **COMMISSIONER HOGUE:** I have one question.
10 And would you say that the vast majority of the intelligence
11 you're receiving from CSIS is non-actionable?

12 **D/COMM MARK FLYNN:** I would not characterise
13 it as vast. There are many discussions, Madam Commissioner,
14 that lead up to sometimes a discrete line, that that discrete
15 line that is provided to us in an actual way allows us to
16 take steps to build a case to present sometimes a very
17 similar picture. However, there is a large amount of
18 discussion that can be had to lead to one discrete line that
19 comes out, but the teams work very hard to get to that point
20 where we can provide that information.

21 **COMMISSIONER HOGUE:** I see. And it takes
22 time.

23 **D/COMM MARK FLYNN:** I would not characterise
24 it as vast. There are many discussions, Madam Commissioner,
25 that lead up to Takes time.

26 **MS. LYNDIA MORGAN:** And in a circumstance
27 where the RCMP is not in a position to lay or pursue criminal
28 charges because of the genesis of the underlying information,

1 are there alternative available steps or responses to the
2 RCMP?

3 **D/COMM MARK FLYNN:** So there are always
4 options to some extent, and sometimes the option is that we
5 will wait, we will continue the engagement with the Service
6 while they work under the mandate to gather information. And
7 that's a really important part that needs to be understood.
8 We have complementary mandates, and we do collaborate and we
9 do manage the threats to Canada and Canadian public safety
10 collaboratively.

11 So the fact that the RCMP can't always take
12 information that the Service has and action it in our mandate
13 under a judicial process or an intent to come out with a
14 prosecution at the end of it, doesn't mean that there is
15 necessarily a fault in the system.

16 The other is we have moved away from
17 prosecution being the only objective or the primary objective
18 of our mandate in the RCMP, and it's not considered what
19 you'll hear as referred to as the "gold standard" anymore.
20 We have to focus on the public safety as being the outcome,
21 and there are times where we will receive information that we
22 do have a caveat that says you cannot use it in judicial
23 process, and we will take additional action to mitigate or
24 manage a threat such as physical surveillance or other types
25 of activities that we are authorised to do.

26 **MS. LYNDA MORGAN:** Thank you. So I'll move
27 now to the RCMP's relationship with CSE. Deputy
28 Commissioner Flynn, how would you describe the RCMP's with

1 CSE?

2 **D/COMM MARK FLYNN:** So again, CSE is a
3 partner in the public safety space. In the national security
4 and intelligence space we have the RCMP. As the Commissioner
5 had stated early -- earlier, there are many committees and
6 forums that we interact in regularly.

7 Given the fact that CSE does not gather
8 intelligence on Canadians, there is a much less significant
9 flow of information. However, we do have access to CSE
10 information through special models that are set up in --
11 between our organisations for sharing intelligence.

12 If there is information in their holdings
13 that is relevant for our operations, whether it be foreign or
14 domestic, and if there are what I'll refer to as "suppressed
15 identities" because as you are likely aware, CSE does not
16 collect information on Canadians, but if there is information
17 that ends up in CSE systems it is suppressed if it relates to
18 Canadians. If there's something in there that is important
19 for the RCMP, we can seek or make a request to unsuppress
20 that information, and there is a formal process that that
21 goes through to make that determination.

22 **MS. LYNDIA MORGAN:** Thank you. And I'll move
23 -- I -- Commissioner Duheme, you already touched briefly on
24 the relationship with the OCCE. I understand the RCMP has an
25 MOU, memorandum of understanding, which you touched upon.

26 **COMM MICHAEL DUHEME:** Correct.

27 **MS. LYNDIA MORGAN:** In terms of the
28 information flow and kind of avenues of exchange between the

1 two bodies, would you describe the relationship as a push or
2 a pull or does information flow both ways?

3 **COMM MICHAEL DUHEME:** I would say information
4 flows both ways. And are you referring to between us and the
5 Service, or the community at large?

6 **MS. LYNDA MORGAN:** Between the RCMP and the
7 OCCE.

8 **COMM MICHAEL DUHEME:** Oh, OCCE. Okay. I
9 would say that it flows both ways. If we have come across
10 information that is benefit to them, we will transfer it to
11 them. If they require assistance, we will help them. And it
12 flows both ways.

13 **MS. LYNDA MORGAN:** Thank you. I'll move now
14 to some specific GE43, GE44 questions for you in our limited
15 timeframe.

16 So the Commission is -- the Commissioner is
17 going to hear about SITE TF, which is the Security and
18 Intelligence Threats To Elections Task Force, but we know
19 that the RCMP is one of the members of what's described as
20 SITE TF. And so how would you describe the RCMP's role on
21 SITE?

22 **COMM MICHAEL DUHEME:** Well, the RCMP has a
23 key role on SITE bringing the perspective to the table of
24 what we're seeing in the criminal space. The RCMP is also
25 uniquely positioned where we can coordinate some of the
26 information that has to go up the SITE through the Canadian
27 Association of Chiefs of Police, all chiefs of police across
28 the country, and also with what's going on with the Five

1 Eyes. So we bring to the table really a focus on -- from the
2 criminal angle, within our mandate, obviously.

3 **MS. LYNDA MORGAN:** And through the RCMP
4 participation on SITE TF, if the RCMP representative gains
5 knowledge of intelligence or information from other members,
6 what use can the RCMP make of that information?

7 **COMM MICHAEL DUHEME:** Well, for starting --
8 the starting point is SITE is more or less of a hub where
9 information flows in and then informs the Panel of Five.
10 Anything that comes out of -- if it's new information, which
11 I'd be surprised because with the number of deputy minister
12 meetings that we have, that information would probably have
13 been already shared with the organisations. But the point is
14 that anything that flows from that, there's a proper process
15 to share information with the entities. So if the RCMP, if
16 it learns about something, cannot just take the information,
17 and run with it. We'll reach out to the Service, if it's
18 coming from the Service, discuss it and then action the
19 proper protocols in place to have that information come into
20 the organisation.

21 **MS. LYNDA MORGAN:** And you've described the
22 kind of link between SITE TF and the Panel of Five. Through
23 its participation in SITE TF, did the RCMP also participate,
24 to the best of your knowledge, in briefing the Panel of Five
25 during ---

26 **COMM MICHAEL DUHEME:** M'hm.

27 **MS. LYNDA MORGAN:** --- the 2019 or 2021 writ
28 periods?

1 **D/COMM MARK FLYNN:** So the rules with SITE
2 are that the entities that are a part of it are a part of the
3 briefings for the Panel of Five. We did have some challenges
4 in gathering some information specific to which individuals
5 were there, but we believe, yes, that there would have been
6 RCMP members at some of those briefings.

7 **MS. LYNDA MORGAN:** And so I take it by your
8 collective answer, neither of you were present for ---

9 **D/COMM MARK FLYNN:** No.

10 **MS. LYNDA MORGAN:** --- a Panel of Five
11 briefing?

12 **COMM MICHAEL DUHEME:** No, it would have been
13 the representative who's on SITE.

14 **D/COMM MARK FLYNN:** And we understand that
15 the representative will be here speaking, but in the interest
16 of keeping testimony clean, we have not had those discussions
17 specifically with them.

18 **MS. LYNDA MORGAN:** Thank you. And setting
19 aside kind of the SITE flow of information and information
20 exchange, were there other avenues of information flow to the
21 Commissioner from within the RCMP that might also touch on FI
22 related intelligence or evidence?

23 **COMM MICHAEL DUHEME:** Well, there is within
24 the organisation a certain stream or a flow of information to
25 get the information up to the Commissioner or to the Deputy
26 Commissioner, the position I was in at the time. The flow of
27 information is quite intense. There is a lot going on,
28 especially when it's an election period. And again, the

1 briefings are done in different matters.

2 For example, when I was Deputy Commissioner,
3 and even as Commissioner, there's -- sometimes there's
4 information that's shared just for situational awareness that
5 doesn't involve the RCMP. Sometimes I am briefed on it, but
6 sometimes I am not briefed on it because it's not important
7 in that moment in time. But I rely on the SMEs that are
8 around me to bring the right up to either, in my position as
9 Deputy or as Commissioner, as to any relevant material that I
10 need to know.

11 **MS. LYNDIA MORGAN:** During GE43 or GE44,
12 Commissioner, were you made aware of an alleged foreign
13 interference network in the Greater Toronto Area?

14 **COMM MICHAEL DUHEME:** I don't recall having
15 anything in writing or discussing, but like I said, there is
16 so many discussions that took place at the various deputy
17 minister meetings, either a deputy minister operation
18 committee, another -- there's a couple of other DM meetings.
19 So I'm not quite sure if I did get that information.

20 **MS. LYNDIA MORGAN:** And during GE43, or 44,
21 Commissioner, were you made aware of allegations of reported,
22 quote, "vote buying", end quote, in Richmond, British
23 Columbia?

24 **COMM MICHAEL DUHEME:** No, because I believe
25 that that could have been a municipal matter which didn't tie
26 to our national security framework that we have.

27 **MS. LYNDIA MORGAN:** Okay. And same timeframe,
28 GE43 or 44, were you made aware of any information in

1 relation to Mr. Dong and alleged PRC foreign interference in
2 the Don Valley North?

3 **COMM MICHAEL DUHEME:** No, not to my
4 recollection.

5 **MS. LYNDA MORGAN:** During GE44, Commissioner,
6 were you made aware of any information about alleged PRC
7 foreign interference in the 2021 election?

8 **COMM MICHAEL DUHEME:** I'm not 100 percent
9 sure if it's during the election. Like I said, building up
10 to the elections with the DM meetings that we've had,
11 sometimes there's some briefings, some situational awareness
12 briefings that are being provided, but during the election
13 period I'm not 100 percent sure.

14 **MS. LYNDA MORGAN:** And during GE43 or GE44,
15 were you made aware of any alleged Chinese state media or
16 other online disinformation activities?

17 **COMM MICHAEL DUHEME:** And my answer would be
18 the same, that during that period -- because there's a lot of
19 chat with regards to different social media that were used.
20 There could have been discussions before, actually, the
21 election. But during the election, I'm not 100 percent sure.

22 But yes, I've been privy to some of the
23 discussions. Just not quite sure if it's within that time
24 period.

25 **MS. LYNDA MORGAN:** Thank you.

26 And I will ask you about investigations
27 generally. I understand there's some information you're not
28 able to share.

1 During GE43 and GE44, are you able to tell us
2 whether the RCMP provided SITE TF with any information
3 relating to election -- relating to allegations of election-
4 related foreign interference?

5 **COMM MICHAEL DUHEME:** The RCMP did not have
6 any foreign interference election criminal investigation
7 during 43 and 44.

8 **MS. LYNDA MORGAN:** And after GE44,
9 Commissioner, has the RCMP opened any foreign interference
10 criminal investigation or investigations involving elections
11 and/or democratic institutions?

12 **COMM MICHAEL DUHEME:** We did receive some
13 information later on that some of the files are still under
14 investigation.

15 **MS. LYNDA MORGAN:** You've described for us
16 the kind of individual relationships with -- between the RCMP
17 and CSIS, the RCMP and CSE, the RCMP and OCCE. We heard
18 evidence yesterday from a number of current and former MPs,
19 some of whom expressed the view that, from their perspective,
20 there appears to be a lack of coordination between different
21 intelligence and investigative agencies.

22 Are you able to detail any challenges that
23 you faced in terms of coordinating efforts between the
24 various agencies? And again, this question is specific to
25 the timeframe of 2019 to 2021.

26 **COMM MICHAEL DUHEME:** Yeah. I didn't listen
27 to yesterday's testimonies. What I can say is prior to the
28 43 and 44, SITE didn't exist. You didn't have a hub in which

1 people could come together and share what different agencies
2 are seeing, so I would say that are we better off in 43 and
3 44 than what we were in 42? Yes. Can we build on that? I
4 think so.

5 I do think there are also other mechanisms
6 through different Deputy Minister meetings that information
7 is shared, but I do think that we're in a better place today
8 than we were in 42.

9 **D/COMM MARK FLYNN:** I would like to add to
10 that, if I may.

11 **MS. LYNDA MORGAN:** Yes.

12 **D/COMM MARK FLYNN:** I believe that there has
13 been a very strong coordinated collaborative effort amongst
14 the community in the national security space, which includes
15 foreign actor interference. I'm very proud of the
16 relationship that exists. I've stated that publicly several
17 times.

18 The number of meetings, the informal
19 discussions, the interactions between the staff and the RCMP
20 and our partners in this area is sometimes hourly during the
21 week. We have a large number of experts.

22 In some of your previous questions and the
23 Commissioner's answers, I want to make sure that there's an
24 understanding that what makes it all the way to the
25 Commissioner in briefings and what is discussed and what is
26 done collaboratively between our organizations are two
27 different things.

28 We have a large number of experts. We're a

1 very large organization with many, many mandates, and I would
2 not want you or Madame Commissaire to walk away with the
3 impression that some things that the Commissioner may not
4 have known means that organizationally that we were not
5 collaborating in that space because that is not the reality.
6 We have very strong relationships and very collaborative
7 relationships in this space.

8 **MS. LYNDA MORGAN:** In terms of briefing
9 certain information or intelligence up to the Commissioner,
10 just following up on what you said, what type of information,
11 generally speaking, would get briefed up to the Commissioner?

12 **D/COMM MARK FLYNN:** So large-scale problems,
13 issues that are specific to actions that the RCMP is taking.
14 Briefing materials in relation to discussions that we know
15 that the Commissioner will be attending.

16 I know you have a large number of documents
17 for various DM, Deputy Minister, Assistant Deputy Minister
18 level meetings and in some of those, you will see different
19 things that we bring to the Commissioner's attention so that
20 he or she at the time are prepared to discuss the role of the
21 RCMP in addition to what they are hearing from the partners.

22 **COMM MICHAEL DUHEME:** There's not a clear
23 policy on what needs to be briefed up. If you look at -- if
24 you take away the foreign interference side and national
25 security, we respond to three million calls a year across the
26 country, so I rely on the commanding officers in different
27 divisions what needs to be briefed up. And it's the same
28 thing when I'm dealing with the portfolios here in National

1 Headquarters.

2 **MS. LYNDIA MORGAN:** Thank you.

3 Those are my questions. Thank you.

4 **COMM MICHAEL DUHEME:** Thanks. Thank you.

5 **COMMISSIONER HOGUE:** Thank you.

6 We'll take the break, the morning break, for
7 20 minutes. So we'll be back at 11:25.

8 **THE REGISTRAR:** Order please.

9 This sitting of the Foreign Interference
10 Commission is now in recess until 11:25.

11 --- Upon recessing at 11:05 a.m.

12 --- Upon resuming at 11:26 a.m.

13 **THE REGISTRAR:** Order please.

14 This sitting of the Foreign Interference
15 Commission is back in session.

16 **COMMISSIONER HOGUE:** So cross-examination.

17 The first one will be counsel for UCC. UCC
18 stands for the Ukrainian Congress -- Canadian Congress.

19 **--- COMM MICHAEL DUHEME: Resumed:**

20 **--- D/COMM MARK FLYNN: Resumed:**

21 **--- CROSS-EXAMINATION BY MS. LESLIE SCHUMACHER:**

22 **MS. LESLIE SCHUMACHER:** Yes, exactly.

23 Good morning. My name is Leslie Schumacher.

24 My first question is, was the RCMP aware of
25 Russian engaging in foreign interference in Canada during the
26 2019 and 2021 General Elections?

27 **COMM MICHAEL DUHEME:** I would say "aware" is
28 probably a strong word in the sense that, as I testified

1 earlier, prior to elections there's been regular DM meetings
2 that touch different spheres of activities and I remember
3 that country being mentioned, but that's to that extent.

4 **MS. LESLIE SCHUMACHER:** Okay. So was the
5 RCMP in possession of any information that indicated that
6 there was any Russian interference?

7 **COMM MICHAEL DUHEME:** No.

8 **MS. LESLIE SCHUMACHER:** Was Russian
9 interference a concern of the RCMP at the time of either
10 election?

11 **COMM MICHAEL DUHEME:** Every country that
12 exerts an influence is a concern to the RCMP, but not just
13 the RCMP, but I think the Canadian government. Mark?

14 **D/COMM MARK FLYNN:** Yeah, I'd further add
15 that in preparation for the 2019 election, the RCMP actually
16 work with Ukrainian authorities in their election to learn
17 from and prepare for anything that we might see in the GE43.

18 **MS. LESLIE SCHUMACHER:** And in that
19 preparation, was anything seen in Canada from the perspective
20 of the RCMP?

21 **D/COMM MARK FLYNN:** No, it was not.

22 **COMM MICHAEL DUHEME:** We're talking from law
23 enforcement criminal perspective; correct?

24 **MS. LESLIE SCHUMACHER:** And so in the 2021
25 general election, was Russian interference something that the
26 RCMP was also actively looking into?

27 **D/COMM MARK FLYNN:** During both elections we
28 looked at all potential areas of concern.

1 **MS. LESLIE SCHUMACHER:** Did the RCMP take any
2 steps to counteract Russian interference?

3 **COMM MICHAEL DUHEME:** Neither in 43 or 44
4 none. But again, the steps to counter it in a non-criminal
5 element does not rest with the RCMP.

6 **MS. LESLIE SCHUMACHER:** In a criminal way,
7 does the RCMP take any steps to counteract Russian
8 interference in elections?

9 **COMM MICHAEL DUHEME:** Well, if we came across
10 any type of interference, would be the normal process is we
11 would investigate, but as I said, we didn't -- do not come
12 across any Russian interference for 43 and 44.

13 **MS. LESLIE SCHUMACHER:** And what type of
14 information would the RCMP need to determine whether to
15 proceed with an investigation into election interference?

16 **COMM MICHAEL DUHEME:** So that is a complex
17 question because foreign interference in election can take
18 many forms, so, generally speaking though, we need some point
19 to start an investigation, so we need to have some
20 information and often referred to as "evidence" because most
21 of the authorities that the RCMP have grow from an
22 evidentiary pathway and judicial processes and judicial
23 authorities. So we either need complaints to come forward,
24 or for information that can be action to come forward that
25 would allow us to generate investigative efforts.

26 **MS. LESLIE SCHUMACHER:** Right. And so when
27 you say complaints or information, is there a -- before you
28 said you had no information about any Russian interference

1 into the elections. Were there any complaints, or is there a
2 difference between those two things?

3 **COMM MICHAEL DUHEME:** There's not a
4 difference in the answer.

5 **MS. LESLIE SCHUMACHER:** Okay. Thank you.
6 Those are my questions.

7 **D/COMM MARK FLYNN:** Thank you.

8 **COMMISSIONER HOGUE:** Thank you.

9 Next one is RCDA. Russian Canadian ---

10 **COMM MICHAEL DUHEME:** Merci.

11 **COMMISSIONER HOGUE:** --- Alliance, Canadian
12 Alliance.

13 **COMM MICHAEL DUHEME:** Merci.

14 **MR. GUILLAUME SIROIS:** Yes ---

15 **COMMISSIONER HOGUE:** Democratic Alliance ---

16 **MR. GUILLAUME SIROIS:** Exactly. Yeah, the
17 Russian Canadian Democratic Alliance. I am counsel at.

18 **--- CROSS-EXAMINATION BY MR. GUILLAUME SIROIS:**

19 **MR. GUILLAUME SIROIS:** I'm going to be asking
20 my questions in English because I prepared them in English,
21 but feel free to answer them in any official language of your
22 choice.

23 I want to pull CAN 012856, please.

24 **--- EXHIBIT No. CAN 12856:**

25 SITE TF Situational Report: 14

26 September 2021

27 **MR. GUILLAUME SIROIS:** And this is a
28 situation report from the SITE Task Force. I won't be asking

1 any questions regarding the RCMP's participation in the SITE
2 Task Force. I just want to provide some context. This is --
3 the report is dated September 14th, so 1 week before the 2021
4 election. I want to go at page two, third bullet point,
5 please.

6 This document talks about anti-vaccine, anti-
7 lockdown, anti-mask grievances that are continuing to drive
8 both online discussions and in-person protests. And then it
9 goes on to explain a lot of different instances of protest,
10 even threats of violence and so on that the RCMP is
11 monitoring in this context. What -- can you tell me a little
12 bit more about this sort of divisive content being promoted
13 during the final weeks before the 2021 election?

14 **COMM MICHAEL DUHEME:** Yeah, I can -- I'll
15 start off and Mark can add for sure, but during the GE 44,
16 what was saw is an escalation, if you wish, of individuals at
17 different parts of the country manifesting their displeasure
18 with the government at the time. COVID, again, was part.
19 Vaccination was another thing. And what we did from an
20 organization perspective, we made sure that all our
21 commanding officers that are in each province and territory
22 were aware, but we also engaged Canadian police to just make
23 them aware of what we're seeing across the country, so that
24 if they see anything, they can react and report it back up.

25 I have to highlight too is during that
26 period, we did have a lot of input in SITE with regards to
27 IMVE, the ideological motivated violent extremists, which we
28 saw a rise during that period. It was a concern for the

1 RCMP, and we just want to make sure that law enforcement
2 across the country were well positioned to answer any of
3 these uprising by citizens.

4 **D/COMM MARK FLYNN:** And a key element of that
5 discussion that the Commissioner just -- we just had with you
6 on this, it's important to understand the context of what we
7 are doing here in looking at that narrative is not to
8 determine what the different sides of the narrative are in
9 that social media platform. It is wholly from the public
10 safety perspective ---

11 **MR. GUILLAUME SIROIS:** I see.

12 **D/COMM MARK FLYNN:** --- from the protection
13 of parliamentarians, the protection of the democratic
14 processes of the elections, the campaigns, et cetera, because
15 if politicians are not able to run for office, campaign and
16 feel safe, they will not come forward. And we're seeing that
17 and that's a bit of an epidemic in Canada where we have seen
18 politicians at municipal, provincial and federal level who
19 have left their roles due to concerns for their safety, and
20 that is a primary mandate of the RCMP.

21 **MR. GUILLAUME SIROIS:** Okay. So there's a
22 lot to unpack in your -- both of your answers, and,
23 unfortunately, I don't have time today to unpack everything.
24 But I will just continue on. Just to clarify, in the 2021
25 election -- I know it's a broader problem than the election,
26 but during the election, did you see -- what can you tell me
27 about the momentum of this sort of content? Was it
28 increasing in the days leading up to the election, or was it

1 increasing, decreasing?

2 **COMM MICHAEL DUHEME:** So if I had to compare
3 it to 2019, right, we've seen a shift, a dramatic shift
4 because of what took place in society as the rise with IMVs,
5 but of memory, I don't recall too many instances that
6 occurred. Mark, I don't know if you can fill in but ---

7 **D/COMM MARK FLYNN:** I would say during the
8 2021 election campaign, we saw more instance than we had seen
9 in the past with respect to our protective policing mandate.
10 The rise of IMV has been rising since before the 2021 and it
11 has risen since then and the broader terrorism threat has
12 grown as well. So it has risen. I -- without further
13 analysis, it would be difficult for me to put it in the
14 context of the 2021 election as opposed to just a simple
15 timeline context that could involve many things, and
16 specifically, the COVID pandemic has been a significant
17 element, and, obviously, the 2021 election is right in the
18 middle of that.

19 **MR. GUILLAUME SIROIS:** So just to be sure I
20 understand, do you see or not an increase in this divisive
21 contents during the election as opposed to before the
22 election?

23 **COMM MICHAEL DUHEME:** Again, if I had to
24 compare between 43 and 44, yeah, 44 was slightly different
25 than 43 where there's more presence on social media. We've
26 seen people more in the streets. There was more division, if
27 you wish, but to what extent I'd be hard pressed to put a
28 number on it.

1 **MR. GUILLAUME SIROIS:** Okay.

2 **D/COMM MARK FLYNN:** And we are not monitoring
3 the divisive content.

4 **COMM MICHAEL DUHEME:** No.

5 **D/COMM MARK FLYNN:** We are monitoring the
6 public safety threat and any threat to individuals. So the
7 number of incidents, as I stated, have arisen, but we are not
8 monitoring, cataloguing, statistically analysing divisive
9 content. It's threat materials that we are monitoring.

10 **MR. GUILLAUME SIROIS:** Okay. These threats,
11 did they increase during the election?

12 **D/COMM MARK FLYNN:** Yes, they did.

13 **MR. GUILLAUME SIROIS:** And do -- what causes
14 this increase in violence maybe during the election?

15 **D/COMM MARK FLYNN:** So I would characterise
16 it as threats during the election as opposed to violence.

17 **MR. GUILLAUME SIROIS:** Threats ---

18 **D/COMM MARK FLYNN:** And the sheer number of
19 public appearances, engagements and such in an election
20 campaign present far more opportunities. Speeches, the type
21 of content that are in speeches give rise to people
22 expressing lawfully and, in some cases, unlawfully, their
23 opinions on the positions of politicians are taken during
24 campaigns.

25 **MR. GUILLAUME SIROIS:** Okay. Maybe I have
26 one or two ---

27 **COMMISSIONER HOGUE:** One last question.

28 **MR. GUILLAUME SIROIS:** Okay. Thank you.

1 So we've heard evidence, and it's been
2 reported multiple places, that Russia seeks to amplify
3 divisive contents, such as this one, the one that we
4 discussed. Is it possible that some of the divisive content
5 or increase in threats of violence can be traced back to the
6 Russian Federation?

7 **COMM. MICHAEL DUHEME:** Well, again, it's not
8 in our mandate to go through social media to track it down.
9 That would be better posed to CSE or the service, but it
10 doesn't fall in the RCMP mandate to monitor everything that's
11 going on in social media.

12 **MR. GUILLAUME SIROIS:** Okay, thank you.

13 **COMM. MICHAEL DUHEME:** You're welcome.

14 **COMMISSIONER HOGUE:** Thank you.

15 **COMM. MICHAEL DUHEME:** Thank you. Merci.

16 **COMMISSIONER HOGUE:** Human Rights Coalition?

17 **--- CROSS-EXAMINATION BY MS. HANNAH TAYLOR:**

18 **MS. HANNAH TAYLOR:** Good morning. I
19 understand that individuals can report potential foreign
20 interference, including potential election interference, to
21 the RCMP's National Security Information Network; is that
22 correct?

23 **COMM. MICHAEL DUHEME:** That's correct.

24 **MS. HANNAH TAYLOR:** Did you receive reports
25 from diaspora members regarding potential election
26 interference in the 2019, 2021 elections?

27 **COMM. MICHAEL DUHEME:** Twenty nineteen
28 (2019); 43 and 44 there was three referrals made to the OCCE,

1 but I'm not quite sure of the outcome of it. And I don't
2 think it was foreign interference.

3 **MS. HANNAH TAYLOR:** Were those ---

4 **COMM. MICHAEL DUHEME:** It was information
5 that was brought to our attention that we shared with the
6 OCCE.

7 **D/COMM. MARK FLYNN:** Yes, not related to
8 foreign interference.

9 **MS. HANNAH TAYLOR:** Were those three -- do
10 you know if those three were brought to your attention by
11 members of diaspora communities?

12 **COMM. MICHAEL DUHEME:** I wouldn't be able to
13 confirm that.

14 **MS. HANNAH TAYLOR:** Okay. Is that something
15 that's tracked in complaint mechanisms to an extent, or is
16 that something that you would be aware of generally, or no?

17 **COMM. MICHAEL DUHEME:** Normally, the course
18 of action is we take a written report, but it has happened
19 when people have come forward and they were referred to the
20 proper agency to investigate, so...

21 **D/COMM. MARK FLYNN:** If I may, not ask a
22 question but respond. To track your question in its
23 entirety, I didn't that you were saying specifically at the
24 time of GE 43, 44. I think you were asking in the broader
25 context of 43, 44, and I would say in a broader context, and
26 in the broad definition of foreign interference, even outside
27 of the election, we've had strong engagement with various
28 diaspora about transnational repression-type activities.

1 But, again, outside of the context of the timeframe and
2 specifically related to the GE 43 and 44 at that time.

3 And there's obviously other matters, as we've
4 referred earlier, that are under investigation that are
5 outside the terms of reference of this, the hearing due to
6 the public interest in maintaining both the integrity and the
7 outcome of those investigations.

8 **MS. HANNAH TAYLOR:** And so turning back
9 specifically to that -- specifically to the National Security
10 Information Network, so that mechanism, do members of the
11 public, in your opinion, tend to know that they can contact
12 you with complaints in this way? How is that shared with
13 people; how is that information shared?

14 **D/COMM. MARK FLYNN:** So I would say over
15 time, our opinion and our work in that area has shifted. I
16 would say, generally speaking, no, they have not in the past.

17 However, you will see a lot of the material
18 in some of the campaigns that we are running, such as "See
19 Something, Say Something" which is broader national security
20 reporting, we are putting that material out in multiple
21 language, specifically focusing on languages of diaspora in
22 Canada, and specifically related to communities that may be
23 at risk of either terrorism threats; threats, intimidation
24 with respect to transnational repression, or foreign
25 interference. So those products that are produced by our
26 Prevention and Engagement Unit, and in collaboration with the
27 Canadian Association of Chiefs of Police, Community for
28 Prevention and Engagement on Public Safety Matters are

1 produced in multiple language.

2 Gaining trust and confidence of the diaspora
3 in Canada is something that we are concerned about, and we
4 are actively engaging, and in some of our operations you will
5 have seen where are taking a different approach of working
6 what I would characterize as in the shadows, or in
7 plainclothes. And you'll have seen instances where the RCMP
8 has been, in our federal policing mandate, very much out
9 front, in uniform and present, and part of the strategy of
10 that is to gain trust and confidence in the community. So
11 they see we are present, that we care, and that we are
12 prepared to do something.

13 The reason I provide that information is
14 because that has resulted in an increased number of calls
15 that have come into our tip line, as well as direct
16 communication outside of the tip line in reporting activities
17 of concern that are subject of investigation.

18 **MS. HANNAH TAYLOR:** Thank you. And so just
19 to confirm, when it comes to the tip line, or the network,
20 can individuals engage in that tip line or network in
21 languages other than English and French?

22 **COMM. MICHAEL DUHEME:** There is ---

23 **D/COMM. MARK FLYNN:** Primarily it is English
24 and French as official languages in Canada. However, there
25 are mechanisms if someone does reach out that we can engage,
26 but it is an area that we need to pay attention to going
27 forward and increase our capacity in that space, because it
28 is very challenging to do so today.

1 **COMM. MICHAEL DUHEME:** Can I just add
2 something? Because you often refer to tip line and I know
3 some people watching, the tip line is to be used for if
4 there's no safety at risk to the individual. If there's an
5 immediate threat to the individual, the course of action is
6 call the police of jurisdiction; call 911 and get someone
7 there. But if it's a follow-up, things that they're seeing,
8 trends, as Mark said, see it, report it; that tip line is
9 very useful.

10 **MS. HANNAH TAYLOR:** And are members of the
11 public offered confidentiality protections when they make a
12 complaint through this mechanism?

13 **D/COMM. MARK FLYNN:** So as with any
14 engagement with the police, we respect the wishes of the
15 individual with respect to confidentiality. That does impact
16 what we can do with the information that they provide because
17 we do have legal disclosure requirements in criminal
18 proceedings that, depending on which route the proceedings
19 go, can present challenges for that. But we do have
20 confidential informant laws in Canada and practices in Canada
21 that can be utilized.

22 But, again, it depends on whether someone is
23 a confidential informant, a witness, a victim. So it really
24 depends upon the status of the individual within the
25 investigative process.

26 **MS. HANNAH TAYLOR:** And is ---

27 **COMMISSIONER HOGUE:** This will be your last
28 question.

1 **MS. HANNAH TAYLOR:** Thank you, Commissioner.
2 And when it comes to the availability of
3 confidentiality protection, is that advertised in multiple
4 languages?

5 **D/COMM. MARK FLYNN:** I am not aware of that,
6 no.

7 **MS. HANNAH TAYLOR:** Thank you.

8 **COMMISSIONER HOGUE:** Thank you.

9 **COMM. MICHAEL DUHEME:** Thank you.

10 **COMMISSIONER HOGUE:** Next one, Mr. Choudhry
11 for Jenny Kwan.

12 **--- CROSS-EXAMINATION BY MR. SUJIT CHOUDHRY:**

13 **MR. SUJIT CHOUDHRY:** Mr. Commissioner, Deputy
14 Commissioner, good morning. I just had a few follow-up
15 questions from your examination in-chief.

16 Commissioner, I believe you stated, and just
17 would like you to confirm, that the RCMP did not open any
18 foreign interference election-related investigations for GE
19 43 and 44, but subsequent to 44 you had opened
20 investigations, and I believe you used the term plural --
21 used that term in plural. Is that right?

22 **COMM. MICHAEL DUHEME:** So during the 43 and
23 44 period, we did not, and you are right, sir, I did say that
24 after it, subsequently, we had received information that
25 prompted us to open an investigation.

26 **MR. SUJIT CHOUDHRY:** And, you know,
27 Commissioner, I know that you're restrained in being able to
28 share with us the scope of that, but are we talking about

1 five; 50? I mean, are you able to give us a sense of the
2 order of magnitude?

3 **COMM. MICHAEL DUHEME:** I think it ---

4 **MR. GREGORY TZEMENAKIS:** Commissioner? With
5 all due respect, Commissioner, I'm going to ask these
6 witnesses not answer that question, pursuant to your terms of
7 reference, because we don't want to impact any aspect of an
8 ongoing investigation.

9 **MR. SUJIT CHOUDHRY:** Yeah, fair enough.

10 **COMMISSIONER HOGUE:** You ---

11 **MR. SUJIT CHOUDHRY:** Yes, thank you.

12 **COMMISSIONER HOGUE:** So there's no need to
13 answer the question.

14 **D/COMM. MARK FLYNN:** Does that count for a
15 question, though?

16 **(LAUGHTER)**

17 **MR. SUJIT CHOUDHRY:** So I'm afraid it does
18 come off my list, but I have just two more.

19 So Deputy Commissioner, in your witness
20 statement you described in passing something called the
21 Foreign Actor Interference Team, but you didn't have a chance
22 to give us a sense of what that is. And so I'm wondering --
23 and I have a couple of questions about that. How big is
24 that? And, also, in particular; what type of language skills
25 do members of that team have? Can they -- and so we know in
26 this Commission that there are certain states that are
27 targeting our diasporas, do members of that team have the
28 linguistic skills to read social media posts, read media,

1 engage with members of those communities?

2 **D/COMM MARK FLYNN:** So fortunately the team
3 is part of a much larger organization that has extensive
4 language skills. So to speak to your first question in a
5 multi-part question, the Foreign Actor Interference Team
6 substantively was created in 2020. It is not the initial
7 existence of a group within the RCMP that looked at foreign
8 actor interference, because they're part of the National
9 Security Program before that -- did that, and there was a
10 small group with that assignment.

11 So I would characterise the 2020 as a formal
12 team. The structure has been approximately -- I don't have
13 the number in front of me, but notionally I would say it is
14 around a dozen people. I'm not going to get into the full
15 capacity of the organization, but that is with a core
16 function. We are a large organization. We have multiple
17 units that bring about many different types of investigative
18 capacities to problems. So you should not interpret the
19 number of that team to at all represent the capacity of the
20 organization because that team is at Headquarters. It is a
21 governance oversight, and what I'll call a focus team, for
22 the efforts at a national level, which involve all of our
23 federal policing investigative capacity across the country,
24 which is in the thousands.

25 **COMM MICHAEL DUHEME:** If I can add to that?

26 **MR. SUJIT CHOUDHRY:** Of course.

27 **COMM MICHAEL DUHEME:** Within the
28 organization, we're 30,000 across the country. So we have,

1 in the past, mobilized people in different parts of the
2 country to assist on a specific -- who have a specific
3 language to assist us in an investigation. And we also
4 mobilize some of our partners' resources when needed.

5 **D/COMM MARK FLYNN:** And so to answer your
6 question with respect to capacity to look at the materials
7 that are brought to our attention, or that we discover on our
8 own, that is not a significant problem. It is a challenge,
9 depending on the dialects in some of the material. But as
10 the Commissioner said, we do go and get those resources where
11 we need them to overcome it. Capacity is a challenge at
12 times though.

13 **MR. SUJIT CHOUDHRY:** And then one last
14 question if I may, Commissioner. So and this comes out of an
15 exchange between Commission counsel and the Commissioner
16 about the SITE Taskforce. And so I -- and you -- and
17 Commissioner, if I recall correctly, I believe that in
18 response to Commission counsel's question, you stated that
19 before sharing any information that you -- the RCMP would
20 receive on SITE within the organization, you'd have to seek
21 permission, or cooperation, or acquiescence from a member of
22 the SITE team? Or the relevant organization that provided
23 the information.

24 So my question then follows from that, which
25 is suppose an RCMP complaint is lodged with the RCMP that --
26 is there any way of connecting the dots between information
27 that's shared with the RCMP at the Taskforce and a complaint
28 that's received on the ground?

1 **COMM MICHAEL DUHEME:** Yeah, so if I may, our
2 SITE -- our person who is representing the organization at
3 SITE will come back and debrief as to what was discussed.

4 But again, and I said it earlier, a lot of
5 the information that's going to SITE is not a surprise to us,
6 because it's probably been discussed at different levels from
7 different organizations. And there's a validation process as
8 well before it goes to SITE. But the expectation is that the
9 individual will bring that information back, and then share
10 it, and then whoever has that investigation to the program
11 would connect the dots with other departments, if required.

12 **MR. SUJIT CHOUDHRY:** Okay.

13 **D/COMM MARK FLYNN:** Yeah, and just to add to
14 that, we do have multiple units within the RCMP and our
15 National INTEL program, our Federal Policing National
16 Security Operational Analysis, our Sensitive Information
17 Handling Unit, that would have access to those materials
18 through the SITE reporting who also are the criminal
19 analysts and investigators that are looking to make those
20 connections and to explore collaborative efforts where
21 they're possible, or to convert that information,
22 intelligence, into an actionable, useable product that we can
23 pull into our investigative stream. That is not always
24 possible, but when it is possible, those staff are the ones
25 that do that.

26 **MR. SUJIT CHOUDHRY:** Thank you, sirs.

27 **COMM MICHAEL DUHEME:** Thank you. Merci.

28 **COMMISSIONER HOGUE:** Thank you.

1 AG. No? Okay. The next one.

2 **--- CROSS-EXAMINATION BY MR. MATTHEW JOHNSON:**

3 **MR. MATTHEW JOHNSON:** Good morning,
4 Commissioner, Deputy Commissioner. My name is Matthew
5 Johnson on behalf of the Attorney General of Canada. I just
6 have one question for you.

7 I'm going to take you back when you were
8 being questioned by my friend from Ukrainian Canadian
9 Congress. She asked you about whether you were aware of
10 Russia engaging in foreign interference.

11 When you said that you had no information
12 about that Russian -- about Russian foreign interference
13 efforts, were you speaking as to your personal knowledge or
14 on behalf of the RCMP as an organization, which does include
15 SITE Taskforce?

16 **COMM MICHAEL DUHEME:** So I just want to
17 caveat here. I was referring to 43/44; right? But writ
18 large, at the larger perspective, yeah, we know that there's
19 some form of interference being done by Russia, and this is
20 from the numerous meetings that I have gone to at the DM
21 levels. And I think it was also noted in one of the SITE
22 reports, but I'm not 100 percent sure. But I've been privy
23 to some of the conversations about that type of influence.

24 **MR. MATTHEW JOHNSON:** Thank you, Madam
25 Commissioner. Those are my questions.

26 **COMMISSIONER HOGUE:** Thank you. Re-
27 examination?

28 **MS. LYNDA MORGAN:** I just have one

1 housekeeping matter for re-examination, which is I made
2 reference to the English version of the RCMP Institutional
3 Report. I'd just like to also reference CANDOC20, which is
4 the French version of the same institutional report.

5 **COMMISSIONER HOGUE:** Thank you.

6 **MS. LYNDA MORGAN:** And I would note as well
7 that the same qualification that was made to the English
8 version, page 24, changing the date, would be made to the
9 French version as well.

10 **D/COMM MARK FLYNN:** I would expect that.

11 **COMMISSIONER HOGUE:** Thank you. Thank you,
12 sir.

13 **COMM MICHAEL DUHEME:** [No interpretation]

14 **MS. ERIN DANN:** Commissioner, I wonder if we
15 could have five minutes just to bring in the next witness?

16 **COMMISSIONER HOGUE:** Oh, yes. Sure.

17 **MS. ERIN DANN:** Mr. Registrar, we're taking
18 five minutes.

19 **THE REGISTRAR:** Order, please.

20 This hearing is in recess until 12:00.

21 --- Upon recessing at 12:00 p.m.

22 --- Upon resuming at 12:00 p.m.

23 **THE REGISTRAR:** Order please.

24 This sitting of the Foreign Interference
25 Commission is back in session.

26 **COMMISSIONER HOGUE:** Good morning,
27 Mr. Rogers.

28 **MR. DANIEL ROGERS:** Good morning.

1 **MS. ERIN DANN:** Good morning. Thank you,
2 Commissioner. It's Erin Dann, Commission Counsel. Our next
3 witness is Mr. Rogers. If the witness could be affirmed,
4 please.

5 **THE REGISTRAR:** Could you please state your
6 name and spell your last name for the record.

7 **MR. DANIEL ROGERS:** Daniel Rogers,
8 R-O-G-E-R-S.

9 **--- MR. DANIEL ROGERS, Affirmed:**

10 **--- EXAMINATION IN-CHIEF BY MS. ERIN DANN:**

11 **MS. ERIN DANN:** Mr. Rogers, we're going to
12 start today with a few housekeeping matters. Do you recall
13 being interviewed in a panel format alongside Shelly Bruce
14 and Alia Tayyeb by Commission Counsel on February 8th, 2024?

15 **MR. DANIEL ROGERS:** Yes.

16 **MS. ERIN DANN:** If I can ask that WIT 39,
17 please.

18 This is a interview that took place in a
19 classified space. A publicly disclosable summary of your
20 interview was prepared. Have you had an opportunity to
21 review that? It's the document on the screen for you.

22 **MR. DANIEL ROGERS:** Yes, I have.

23 **MS. ERIN DANN:** And in relation to your
24 contributions, do you have any modifications, additions, or
25 deletions from the summary?

26 **MR. DANIEL ROGERS:** No.

27 **MS. ERIN DANN:** Does the summary accurately
28 reflect the substance of your interview that can be publicly

1 disclosed?

2 **MR. DANIEL ROGERS:** Yes.

3 **MS. ERIN DANN:** Do you adopt your
4 contributions to the summary as part of your evidence before
5 the Commission?

6 **MR. DANIEL ROGERS:** I do.

7 **MS. ERIN DANN:** Thank you.

8 You were also examined by Commission Counsel
9 during an *in-camera* proceeding in a panel format, alongside
10 Ms. Tayyeb, on March the 5th, 2024. Do you recall that?

11 **MR. DANIEL ROGERS:** I do.

12 **MS. ERIN DANN:** If I could -- so we'll have
13 WIT 39, if that could be made the next exhibit. And I'd ask
14 the operator to pull up WIT 33.

15 A publicly disclosable summary of the
16 evidence you gave *in-camera* was prepared, and that appears on
17 the screen before you. Have you had an opportunity to review
18 that summary?

19 **MR. DANIEL ROGERS:** I have, yes.

20 **MS. ERIN DANN:** And do you have any
21 corrections, additions, or deletions, modifications to that
22 summary?

23 **MR. DANIEL ROGERS:** No.

24 **MS. ERIN DANN:** Does it accurately reflect
25 the substance of your evidence that can be made public?

26 **MR. DANIEL ROGERS:** Yes.

27 **MS. ERIN DANN:** And do you adopt the summary
28 as part of your evidence before the Commission?

1 **MR. DANIEL ROGERS:** I do.

2 **MS. ERIN DANN:** Thank you.

3 If that could be the next exhibit.

4 You're here today, Mr. Rogers, to provide
5 some evidence in respect to the Canadian Security
6 Establishment. Can you describe your history at CSE, and in
7 particular, your role there during 2019 and 2021 general
8 elections?

9 **MR. DANIEL ROGERS:** Yes. I worked at the
10 Communications Security Establishment for many years,
11 starting in the early 2000s, mostly, almost exclusively in
12 the intelligence branch of the organisation. During the 2019
13 and 2021 elections, I was the Deputy Chief for the Signals
14 Intelligence Program within CSE. I later became the
15 Associate Chief of the organisation.

16 **MS. ERIN DANN:** And I'll just -- for both of
17 our sakes, I'll just remind both myself and you to -- if we
18 can take it slowly. We have a number of interpreters working
19 to assist us at the Commission.

20 So as a last piece of housekeeping, the CSE
21 prepared an institutional report.

22 That is CAN.DOC 5.

23 CSE prepared an institutional report for the
24 Commission. Have you had an opportunity to review that
25 report?

26 **MR. DANIEL ROGERS:** I have.

27 **MS. ERIN DANN:** And can you confirm that CSE
28 prepared the report for the Commission and that it represents

1 CSE's evidence in relation for the Commission?

2 **MR. DANIEL ROGERS:** Yes.

3 **MS. ERIN DANN:** Thank you very much.

4 And I'd ask that that institutional report be
5 entered into evidence, along with the French version of the
6 report, which is at CAN.DOC 6.

7 **--- EXHIBIT No. CAN.DOC 6:**

8 Rapport institutionnel - Centre de la
9 sécurité des télécommunications

10 **MS. ERIN DANN:** Mr. Rogers, just before we go
11 on to talk about your role at CSE and the role of CSE in
12 relation to the matters before the Commission, I understand
13 that you're not currently working at CSE. Can you tell us
14 what your current role is and give a brief description of
15 that role?

16 **MR. DANIEL ROGERS:** Yes, that's correct.
17 Currently, I'm the Deputy National Security and Intelligence
18 Advisor to the Prime Minister, and the Deputy Secretary for
19 Emergency Preparedness within the Privy Council Office. In
20 that role, I support the National Security and Intelligence
21 Advisor in her duties, and Minister Sajjan in his duties with
22 respect to emergency preparedness.

23 **MS. ERIN DANN:** Thank you very much. At -- I
24 won't take you there, but at page 2 of the institutional
25 report, report -- indicates that CSE is Canada's national
26 cryptologic agency that collects signals intelligence or
27 SIGINT. Can you tell us what signals intelligence is?

28 **MR. DANIEL ROGERS:** Yes. CSE is an

1 organisation that, as you said, collects SIGINT. SIGINT is a
2 type of intelligence collection related to the interception
3 of communications or getting information from what we call
4 the global information infrastructure. And this is -- you
5 know, colloquy, you can think of it as the internet, or any
6 type of interconnected device or the flow of communications
7 globally. So SIGINT for us is foreign intelligence
8 collection, and that's key, and as part of our mandate we
9 look at foreign targets outside of Canada to collect foreign
10 intelligence through SIGINT's means.

11 **MS. ERIN DANN:** And when you talk about that
12 foreignness element, do I understand correctly that that
13 means that you cannot direct your activities at Canadians or
14 persons in Canada?

15 **MR. DANIEL ROGERS:** That's correct. Under
16 our intelligence mandate, our foreign intelligence mandate,
17 we are barred from directing any activities at Canadians or
18 persons in Canada.

19 **MS. ERIN DANN:** The overarching mandate of
20 CSE is set out in section 15 of the *CSE Act*. It states that
21 CSE:

22 "...is the national signals
23 intelligence agency for foreign
24 intelligence and the technical
25 authority for cyber security and
26 information assurance."

27 Is that right?

28 **MR. DANIEL ROGERS:** That's correct.

1 **MS. ERIN DANN:** And do I understand correctly
2 that foreign interference was one of CSE's intelligence
3 priorities during both the 2019 and 2021 General Elections?

4 **MR. DANIEL ROGERS:** Yes. CSE's intelligence
5 priorities are set by Cabinet and by legislation. We must
6 conduct our intelligence activities in accordance with those
7 priorities. And in both General Elections, foreign
8 interference would have been captured by those priorities as
9 part of our work.

10 **MS. ERIN DANN:** And how does CSE define
11 "foreign interference"?

12 **MR. DANIEL ROGERS:** In the same way as
13 others. We accept the definition of "foreign interference"
14 that's been used here and by the service.

15 **MS. ERIN DANN:** I'm sorry, Mr. Rogers. Just
16 to -- for the sake of clarity, by "the service" you mean?

17 **MR. DANIEL ROGERS:** Sorry. CSIS.

18 **MS. ERIN DANN:** CSIS.

19 **MR. DANIEL ROGERS:** In that we understand
20 foreign interference to be deceptive activities counter to
21 the interests of Canadians or involving a threat to
22 individuals. And CSIS has a robust definition of that.

23 I will say that in CSE's context, the precise
24 bounds of that definition matter slightly less. Our
25 activities with respect to foreign intelligence seek to
26 understand the intentions of states as they relate to Canada
27 more broadly, and so things which may not be deceptive may
28 still be of interest to us. And there is a broader

1 definition of foreign intelligence that applies when we
2 conduct our intelligence activities.

3 **MS. ERIN DANN:** And that sort of broader
4 range of activities, can you tell us what might be included
5 in that that wouldn't be captured under the CSIS definition
6 of "foreign interference", for example?

7 **MR. DANIEL ROGERS:** Sure. You know, for
8 instance, if we were -- we could seek to identify the plans
9 or intentions of a foreign state with respect to Canada that
10 could still be detrimental to the interests of Canada but may
11 not be intended to be carried out in a covert or clandestine
12 way, so it may be outside of the CSIS definition but still
13 within the definition we would use to inform the government
14 through our intelligence community.

15 **MS. ERIN DANN:** Thank you.

16 As I understand it, while there's one broad
17 aspect for CSE, it has -- or one broad mandate for CSE,
18 there's five aspects to it. I just want to go through those
19 briefly with you.

20 The first I think we've touched on, foreign
21 signals intelligence. And as I understand it, CSE collects
22 signals intelligence to determine, as you just mentioned,
23 motivations, intentions and capabilities of foreign entities.
24 Is that right?

25 **MR. DANIEL ROGERS:** Yes.

26 **MS. ERIN DANN:** We'll return to the
27 intelligence aspect of your mandate, but -- or CSE's mandate,
28 but I first want to look at some of the other aspects of the

1 mandate.

2 The second is cyber security and information
3 assurance. Can you briefly describe this aspect of CSE's
4 mandate?

5 **MR. DANIEL ROGERS:** Yes. Under this aspect
6 of CSE's mandate, we can provide cyber advice, guidance and
7 services to help defend federal infrastructure, cyber
8 infrastructure, or infrastructure designated as important to
9 the Government of Canada. So this might include, you know,
10 putting defensive measures within the internet connected
11 devices of the federal government or other systems to help
12 defend them against all sorts of cyber threats, including
13 those from foreign states, but also include ransomware, crime
14 or other types of cyber threats.

15 **MS. ERIN DANN:** And can you describe how CSE
16 may have worked with, for example, Elections Canada during
17 the elections in 2019 and 2021 specifically in respect with
18 this -- regard to this aspect of CSE's mandate?

19 **MR. DANIEL ROGERS:** Yes, of course.

20 CSE worked very closely with Elections Canada
21 throughout the period, well before the elections began, to
22 help provide tailored advice, guidance and services
23 specifically to help defend the connected infrastructure of
24 Elections Canada up to and during the federal elections.
25 That included all sorts of cyber security services and
26 advice, but it also included, you know, responding to
27 security events during the election and around the election.
28 And I will say that it -- our work with respect to elections

1 under the cyber security aspects of our mandate extend beyond
2 just Elections Canada. So we do also provide advice and
3 guidance to political parties, to Canadians and voters and
4 there is more to that activity.

5 **MS. ERIN DANN:** And we heard some evidence
6 earlier this week about the advice that CSE provided to
7 political parties and political campaigns about cyber
8 security. Some of the evidence we heard from members of
9 political parties is that they would have liked to receive
10 more specific advice on this point.

11 Can you comment on that at all and describe
12 the type of guidance or advice you give to political parties
13 and campaigns in respect of cyber security?

14 **MR. DANIEL ROGERS:** Certainly.

15 During the election period, as I think it was
16 mentioned earlier, CSE provided tailored briefings to
17 political parties around cyber security measures that can be
18 taken. Beyond that, we provided a hotline that any candidate
19 could call during the election should an incident occur where
20 we could help the candidate deal with those incidents.

21 We have information available tailored to
22 elections administrators, political parties and voters on the
23 website specifically tailored around elections and they lay
24 out various measures that people can take to defend
25 themselves and to help respond to an incident.

26 We remain available to consult should there
27 be anything that political parties need from us in terms of
28 tailored advice and guidance and that service is ongoing even

1 outside the course of an election.

2 **MS. ERIN DANN:** And how would a candidate
3 know they should call this -- how would they be informed
4 about this hotline or understand that they would be able to
5 contact CSE?

6 **MR. DANIEL ROGERS:** Well, there were
7 briefings provided to the political parties at the outset of
8 those elections and during that process where that
9 information would have been relayed. It's also on our
10 website.

11 **MS. ERIN DANN:** Thank you.

12 And are you able to give -- one of the
13 witnesses we heard from thought that it would be useful to
14 have advice from CSE on specific types of software to avoid
15 or to use. They were looking for advice on particular
16 protections for Parliamentarians who are working in a hybrid
17 environment.

18 Is CSE able to give that kind of specific
19 advice about specific platforms or softwares that individuals
20 participating in democratic institutions would be better to
21 use or to avoid?

22 **MR. DANIEL ROGERS:** I think it probably
23 depends on the specific case and the specific instance.
24 We're there to provide advice and guidance. A lot of times
25 that advice and guidance depends on the choices that need to
26 be made by the individuals using the software.

27 I know that those forums where we intended to
28 brief political parties were meant to discuss those types of

1 issues, but in general I think we can provide that kind of
2 advice.

3 **MS. ERIN DANN:** Right. Moving on to the next
4 aspect of CSE's mandate, active and defensive cyber
5 operations, can you describe this aspect of CSE's mandate
6 and, in particular, the difference between active and
7 defensive cyber operations?

8 **MR. DANIEL ROGERS:** Of course.

9 Active and defensive cyber operations are
10 both aspects of CSE's mandates -- mandate where it can use
11 its cyber capabilities to not just collect intelligence or
12 defend, but to achieve an outcome through cyber means.

13 In the case of defensive cyber operations,
14 this might be taking action to disrupt an attack that's
15 coming in towards federal infrastructure or to systems of
16 importance to the Government of Canada. In the case of
17 active cyber operations, this might be used to -- for cyber
18 purposes, but maybe for non-cyber purposes, for instance, to
19 disrupt terrorist activity online.

20 **MS. ERIN DANN:** And does the foreignness
21 requirement that we talked about in relation to CSE's
22 intelligence gathering mandate, does that apply to cyber
23 operations as well?

24 **MR. DANIEL ROGERS:** Yes, it does.

25 So CSE in both of those -- both aspects --
26 those two aspects of the mandate is required to direct those
27 activities outside of Canada, not at Canadians. And
28 specifically, also not at infrastructure within Canada.

1 **MS. ERIN DANN:** But a defensive cyber
2 operation, would that protect against an attack that was
3 coming domestically or is that aimed only at an attack that
4 is coming from a foreign entity?

5 **MR. DANIEL ROGERS:** Domestic -- defensive
6 cyber operations can be -- well, there are many types of
7 defences that we might use to defend against cyber attacks,
8 and those range from normal cyber defences through to
9 defensive cyber operations.

10 CSE can disrupt cyber threats of any nature
11 regardless of their source. Defensive cyber operations are
12 intended to disrupt against foreign actors.

13 **MS. ERIN DANN:** Thank you for that
14 clarification.

15 I understand that defensive cyber operations
16 were planned in preparation for the elections in 2019 and
17 2021. Is that right?

18 **MR. DANIEL ROGERS:** That's correct.

19 **MS. ERIN DANN:** And were those actually
20 conducted?

21 **MR. DANIEL ROGERS:** No. CSE developed plans
22 for defensive cyber operations in both elections. The
23 capabilities were ready and the approvals were given and then
24 later made ready, but we did not have to use either of those
25 operations to defend networks.

26 **MS. ERIN DANN:** Thank you.

27 And then final aspect of the CSE mandate is
28 the assistance mandate.

1 Can you briefly describe this aspect of CSE's
2 mandate?

3 **MR. DANIEL ROGERS:** Of course.

4 CSE's assistance mandate is the final aspect
5 of its mandate where we can provide assistance to a federal
6 law enforcement or security partner or to the Canadian Armed
7 Forces. When we operate under this aspect of our mandate, we
8 assume the authorities of the requestor, so if we are
9 operating under the request of CSIS or RCMP, or for instance,
10 the Canadian Armed Forces, we would take on the authorities
11 of those agencies and conduct a specific activity that they
12 are already authorized to undertake.

13 This comes into play when CSE has
14 capabilities or infrastructure that it uniquely has, given
15 its technical capabilities to be able to provide that
16 assistance so it doesn't have to be duplicated within those
17 other organizations.

18 **MS. ERIN DANN:** So you take on their
19 authorities or things they're authorized to do. Do you also
20 take on any limitations on what they are allowed to do?

21 **MR. DAN ROGERS:** Yes, thank you for asking.
22 Absolutely. We are acting within the authorities and
23 limitations of the requesting party.

24 **MS. ERIN DANN:** Thank you. Does CSE, either
25 as part of the assistance mandate or any other aspect of
26 CSE's mandate, play any role in detecting foreign
27 interference through online activity? And I'm thinking in
28 particular to address malicious online activity like

1 misinformation or disinformation campaigns.

2 **MR. DAN ROGERS:** All of the aspects of CSE's
3 mandate could come into play with respect to foreign
4 interference activities. You know, obviously our
5 intelligence -- the intelligence aspect of our mandate would
6 allow us to understand when foreign states are contemplating
7 or engaging in those activities. The cyber security and
8 information assurance mandate would allow us to, for
9 instance, for hack and leak attempts which could be used for
10 foreign interference, both active and defensive cyber
11 operations could be used to counter those types of activities
12 if coming from abroad, and the assistance mandate could be
13 used if one of our domestic partners required our assistance
14 to counter or identify foreign interference.

15 **MS. ERIN DANN:** I understand that in 2019,
16 CSE was asked to evaluate data collected by the RRM, the
17 Rapid Response Mechanism, in relation to potential social
18 media interference in Canadian democratic processes by a
19 foreign state. I won't bring you to it, but for your
20 benefit, this is discussed at paragraph 20 of the in-camera
21 hearing summary evidence, for the benefit of the parties.

22 Can you describe any difficulties or
23 limitations CSE faces in evaluating this type of data?

24 **MR. DANIEL ROGERS:** Yes. And there are
25 probably two things I should say right away. When we
26 evaluate data of this nature, the limitations on our mandate
27 still apply. So we are looking at things that are not
28 domestic. By legislation, we're looking at foreign activity,

1 which means we can't start from a place where there are, on
2 its face, Canadians disseminating information on social media
3 and conduct an analysis. That is not foreign in nature and
4 so we would not start there.

5 When there are indications of foreignness,
6 for instance, if the RRM identifies what it believes to be
7 foreign information being posted on social media by a foreign
8 state, if they refer that to us, we might be able to use, for
9 instance, the intelligence aspect our mandate to seek to
10 corroborate or confirm the attribution or the scope and scale
11 of those activities.

12 There are still limitations on our ability to
13 do that, even when it's within our mandate. For instance,
14 the technical information available publicly around those
15 sorts of social media posts may be limited, which could limit
16 our ability correlate that information with our existing
17 intelligence holdings. And that -- those kinds of limits are
18 -- make attribution and detection fairly difficult.

19 **MS. ERIN DANN:** And I'm getting a reminder
20 once again for us both to slow down as best we can.

21 **MR. DANIEL ROGERS:** Thank you.

22 **MS. ERIN DANN:** Turning to the 2021 election,
23 I understand that CSE was aware of allegations of a PRC
24 driven social media campaign targeting the Conservative Party
25 of Canada, specifically Erin O'Toole and Kenny Chiu.

26 Was CSE asked to evaluate data collected by
27 RRM or any other body in relation to this potential foreign
28 interference?

1 **MR. DANIEL ROGERS:** So that particular
2 incident related to information being shared within Canada,
3 as I recall. And so as I mentioned previously, it would fall
4 outside the scope of our mandate to look at information being
5 shared by Canadian media outlets or people in Canada, whether
6 or not that information was for any particular foreign
7 purpose.

8 **MS. ERIN DANN:** All right. And I know that
9 some of that activity was alleged to have occurred on WeChat,
10 which we know is a foreign owned social media entity. But do
11 I understand that because the activity, or if a user, a
12 WeChat user is within Canada, that would fall outside of
13 CSE's mandate?

14 **MR. DANIEL ROGERS:** That's right. Regardless
15 of the platform, if the individuals conducting the activities
16 are in Canada using these tools to share information, that
17 falls outside of our mandate.

18 **MS. ERIN DANN:** So if a foreign state, and
19 moving away from the specific example for a moment, but if a
20 foreign state used a proxy within Canada to conduct a
21 disinformation campaign by inauthentically amplifying
22 disinformation, CSE would not have authority to investigate
23 that type of activity?

24 **MR. DANIEL ROGERS:** Well I should clarify.
25 We would not be able to act -- investigate the activity
26 occurring within Canada or done by Canadians. If a foreign
27 state -- you know, hypothetically if individuals within the
28 foreign state were planning or directing those activities in

1 Canada, we could look at the foreign component of that. And
2 that would be one way that our intelligence mandate could
3 confirm or refute any -- whether those activities were
4 foreign directed.

5 So our intelligence mandate can apply, but
6 not by looking at the Canadian elements of those
7 communications.

8 **MS. ERIN DANN:** Thank you. One of the
9 Commission's witnesses yesterday, MP Kwan, described her
10 experiences in interacting with various security and
11 intelligence agencies and departments. And I won't get the
12 exact quote -- I won't be able to quote her exactly, but said
13 something along the following, that it seemed to her that
14 everybody, all of these different agencies and departments,
15 had some of the ingredients, but they weren't necessarily
16 working together to bake the cake.

17 When you speak about the challenges of
18 detecting foreign interference through online activity and
19 attributing it to a particular foreign state, can you speak
20 at all to whether those challenges arise from not having the
21 right ingredients, in terms of the right sort of tool kit, or
22 having those ingredients spread out over various agencies?
23 Or perhaps the challenges relate to some other issue? Can
24 you comment on that?

25 **MR. DANIEL ROGERS:** I can comment on that. I
26 think that's one of the reasons that the SITE Taskforce was
27 brought together, was because each of the various agencies
28 have a different aspect of any particular incident that they

1 can investigate. I know that the Rapid Response Mechanism
2 from Global Affairs can do the types of broader social media
3 analysis that is not within CSE's mandate. And as you
4 mentioned in the example earlier, if they identify foreign
5 components of that, then CSE can use the foreign components
6 to use its intelligence mandate to get more details.

7 And similarly, CSIS and RCMP have aspects.

8 The coordination function of SITE was
9 intended to bring those aspects of those mandates together so
10 that comprehensively, the issue can be dealt with.

11 I think I would say that, you know, that does
12 happen. The SITE Taskforce does look at these things. And
13 that it does that fairly effectively. That doesn't mean
14 there are no gaps and that doesn't mean there are no
15 challenges. But I do think that those elements come together
16 to create a broader whole for Canada.

17 **MS. ERIN DANN:** Thank you. I want to return
18 to the foreign signals intelligence aspect of CSE's mandate.
19 And I note -- I do note the time, so we'll just move through
20 this briefly.

21 But can you tell us, who are the primary
22 consumers of the intelligence collected by CSE?

23 **MR. DAN ROGERS:** There are consumers of our
24 intelligence across government. There are federal
25 governments and allies that consume our intelligence.

26 With respect to foreign interference,
27 certainly that includes Global Affairs Canada, CSIS, and the
28 RCMP, as you would note here. It also includes PCO,

1 including the Intelligence Assessment Secretariat, and there
2 are various clients of course.

3 **MS. ERIN DANN:** And can you tell us how
4 intelligence is shared? And perhaps I'll indicate my
5 understanding is that there's sort of two primary ways. One
6 is through intelligence products being uploaded to a central
7 database, and where they can be accessed by clients. And
8 then second, through client relations officers. If you could
9 speak to those two ways that the intelligence is
10 disseminated?

11 **MR. DANIEL ROGERS:** Yeah, CSE has invested in
12 fairly robust intelligence dissemination and tracking tools.
13 You've spoken to the two primary ones. There is a database
14 that is available on top secret systems to consumers of our
15 intelligence directly online. So individuals with the
16 appropriate clearance and need-to-know on accounts can access
17 that directly, consume intelligence products from us and from
18 other agencies. And that is recorded.

19 For those clients who may not want to avail
20 themselves of direct online access, for instance, ministers
21 who may not work regularly in a secure facility with those
22 accesses, we have client relations officers who work and are
23 embedded within various departments who bring packages of
24 intelligence to those people to read, and then return them.

25 Those client relations ---

26 **COMMISSIONER HOGUE:** More slowly, please.

27 **MR. DANIEL ROGERS:** Oh, I'm so sorry. That's
28 the third time.

1 **COMMISSIONER HOGUE:** It's okay. It's okay.

2 **MR. DANIEL ROGERS:** Those client relations
3 officers do track the viewer -- or the readership of the
4 intelligence they distribute and they typically provide the
5 intelligence as requested by the client on a periodicity
6 requested by the client. This can range from daily, and
7 weekly, and irregularly.

8 **MS. ERIN DANN:** You mentioned at the outset
9 of your testimony about the limitation on CSE in terms of not
10 collecting information targeted at Canadians or people in
11 Canada. Where Canadians are identified in your intelligence
12 gathering, the foreign intelligence that you do, are any
13 steps taken to protect their identities when the intelligence
14 products are disseminated to the various clients?

15 **MR. DANIEL ROGERS:** Yes. In addition to not
16 being able to direct our activities at Canadians or anyone in
17 Canada, our legislation requires us to take measures to
18 protect the privacy of Canadians and people in Canada. One
19 of the most common ways we do this in our intelligence
20 reporting is by what we call "suppression of identities". So
21 if there happens to be an incidental collection of a -- or a
22 collection of a communication that incidentally has a
23 Canadian participant or mentions a Canadian, if that
24 intelligence is still important, relevant to international
25 affairs, defence, and security, we can still report it, but
26 as part of the report we suppress it. We will say something
27 like "Unnamed Canadian said the following:", and we take
28 measures to make sure we don't also contextually identify

1 those Canadians.

2 **MS. ERIN DANN:** What if the identity of those
3 Canadians is relevant to one of your partners that is
4 consuming this intelligence?

5 **MR. DANIEL ROGERS:** The Act accounts for
6 that, and we have the authorities to provide those identities
7 upon request to clients that can demonstrate that they have
8 that need to receive them. For instance, if CSIS or RCMP
9 received one of our reports and there is a suppressed
10 Canadian name, they can formally request that. That goes
11 through a validation to make sure that that identity can be
12 disclosed and that it is disclosed to those partners and
13 tracked.

14 **MS. ERIN DANN:** Thank you. And perhaps I'll
15 just take you to a specific example in 2021. I understand
16 from the summaries that we referred to earlier, that CSE
17 observed a consistent or sort of baseline amount of foreign
18 interference and malign influence activities during the
19 elections, as well as before and after the elections. But
20 the most significant piece of intelligence CSE collected in
21 relation to foreign interference and elections was collect --
22 was obtained shortly after the 2021 election. Is that right?

23 **MR. DANIEL ROGERS:** That's correct.

24 **MS. ERIN DANN:** Okay. And I understand
25 you're not able to give us details about that intelligence,
26 but it involves some allegation of potential distribution of
27 funds.

28 **MR. DANIEL ROGERS:** That's correct.

1 **MS. ERIN DANN:** And can you confirm that that
2 intelligence was shared with or reported to the SITE Task
3 Force?

4 **MR. DANIEL ROGERS:** Yes, it was.

5 **MS. ERIN DANN:** And along with -- it was also
6 shared with the RCMP and with CSIS?

7 **MR. DANIEL ROGERS:** Yes.

8 **MS. ERIN DANN:** And are you able to confirm
9 whether either CSIS or the RCMP took any action with respect
10 to that report?

11 **MR. DANIEL ROGERS:** I can't confirm whether
12 they took investigative or other actions resulting from the
13 report. I do believe that we have information confirming
14 that they requested identities in that report, and that they
15 -- we do know that they have seen it.

16 **MS. ERIN DANN:** Thank you very much.

17 If I could just have a moment,
18 Madam Commissioner. Thank you, Commissioner. Those are all
19 my questions.

20 **COMMISSIONER HOGUE:** Thank you.

21 I have one question for you, Mr. Rogers. And
22 although it may be obvious to you, can you explain the reason
23 behind the restrictions imposed on CSE to collect information
24 on Canadians?

25 **MR. DANIEL ROGERS:** Well ---

26 **COMMISSIONER HOGUE:** As far as you know, best
27 of your knowledge.

28 **MR. DANIEL ROGERS:** Yes, I can. CSE has

1 fairly broad authorities, and the ability to collect
2 information. We don't have a system like CSIS does, where we
3 would go to the Federal Court and seek warrants. There is
4 mechanisms in our Act to have the intelligence commissioner
5 review ministerial authorisations, but it's a different legal
6 regime with different thresholds. And CSE, you know, is
7 careful that we don't want to convene -- contravene the
8 *Charter* or any domestic laws when we do this. And so the
9 regime is set up really with very, very firm privacy
10 protections and *Charter* protections for Canadians by assuring
11 that we are only looking outside of Canada for our
12 intelligence.

13 **COMMISSIONER HOGUE:** Thank you.

14 Cross-examination? First one is Mr. Choudhry
15 for Jenny Kwan.

16 **MR. SUJIT CHOUDHRY:** No questions,
17 Commissioner.

18 **COMMISSIONER HOGUE:** No questions.

19 RCDA?

20 **--- CROSS-EXAMINATION BY MR. GUILLAUME SIROIS:**

21 **MR. GUILLAUME SIROIS:** Good morning, I'm Gil
22 Sirois, counsel for the RCDA, the Russian Canadian Democratic
23 Alliance.

24 I want to talk today about attribution of
25 social media campaigns or influence campaigns that happen on
26 the internet to a foreign state actor. You've explained in
27 your summary, I believe, that CSE sometimes unable to
28 evaluate or attribute to a foreign state open source

1 information collected by the RRM. What did you mean by that?

2 **MR. DANIEL ROGERS:** Well, what I was
3 referring to there is that sometimes there are campaigns of
4 disinformation that the RRM might detect, but they might be
5 Canadian focussed or they may have insufficient details for
6 us to conclude that they are directed by a foreign state. So
7 the difference between, you know, RRM identifying inauthentic
8 accounts and amplification of a certain narrative towards can
9 we confirm that a foreign state directed that, CSE's
10 intelligence would work by looking at the foreign end of that
11 and seeking to identify whether we can confirm why those
12 activities occurred.

13 So we might look at a foreign state's
14 intelligence apparatus and see if we can find out whether or
15 not that foreign state is directing that sort of activity,
16 but we have intelligence gaps, and we don't know everything,
17 so we would seek to do that. And we can also provide
18 technical assistance to the RRM to help to identify those,
19 but sometimes that can fall outside of our mandate.

20 **MR. GUILLAUME SIROIS:** And what sort of
21 indications would lead the CSE to believe that there was a
22 foreign state actor involved in a disinformation campaign
23 online?

24 **MR. DANIEL ROGERS:** Certainly one of the
25 clearest indications for us might be if we collect
26 intelligence or communications of the foreign state officials
27 themselves speaking about their intention to do those
28 activities, or the manner in which they are conducting those

1 activities. So we may have intelligence of foreign officials
2 in a foreign country discussing their intentions or their
3 capabilities with respect to conducting disinformation
4 campaigns.

5 **MR. GUILLAUME SIROIS:** So that -- that's
6 probably the easy solution is if you intercept something.
7 But is it true that, especially with a foreign state
8 developing more and more complex and developed ways at
9 promoting these influence campaigns, is it true that it
10 becomes more and more difficult to intercept such a
11 communication for instance?

12 **MR. DANIEL ROGERS:** I would never say that
13 signals intelligence is an easy business. It's very complex
14 and it's becoming increasingly technical. So yes, that is
15 certainly a concern. We have a very technical and very
16 capable workforce at CSE, and we -- you know, it's our job to
17 keep ahead of that technical curve, but there are always
18 challenges and there are always things that we will find
19 challenging in that work.

20 **MR. GUILLAUME SIROIS:** Okay. And also,
21 setting aside the challenges of intercepting a SIGINT in
22 itself, I've heard reports of foreign influence being more
23 and more domestic in Canada, and I understand that this is
24 not part of the CSE's mandate. Is it something that you've
25 known or that you've witnessed that foreign influence
26 campaigns may become more domestic?

27 **MR. DANIEL ROGERS:** Yes. And I will try and
28 clarify a little. In -- with respect to our foreign

1 intelligence mandate, it is what we've discussed. There is a
2 lot that CSE does try to do to counter mis and disinformation
3 campaigns, even though it may be domestic.

4 So for instance, we work to provide
5 information to Canadians, and we work with the broader
6 Government of Canada to put out information on how to
7 identify mis and disinformation. This could be coming from a
8 foreign state, but it might be also, you know, something that
9 Canadians could use to detect any sort of mis and
10 disinformation within Canada through cyber means.

11 **MR. GUILLAUME SIROIS:** Okay. And just to
12 give a concrete example. We've heard reports of Russia
13 friend accounts amplifying a specific political party during
14 the 2021 election. Can we be certain that this is not --
15 this cannot be attributed to Russia?

16 **MR. DANIEL ROGERS:** I think the strongest
17 thing I can say is that we did not conclude that there were a
18 broad born based campaign to conduct that activity.
19 Intelligence has gaps, so I can't tell you certainly one way
20 or another, but I can say that based on the intelligence that
21 CSE had, we did not see that.

22 **MR. GUILLAUME SIROIS:** But was it possible
23 that this influence campaign was, not directed necessary, but
24 originated from Russia or was influenced by Russia?

25 **MR. DANIEL ROGERS:** I can't rule it out.
26 Certainly, CSE is limited in giving advice and information to
27 the intelligence holdings that it has and what it identifies
28 under our mandate, and so I can't really speak to anything

1 more than that.

2 **MR. GUILLAUME SIROIS:** Okay, so it's still an
3 open question whether Russia was behind this disinformation.

4 **MR. DANIEL ROGERS:** I will say that CSE does
5 provide information to the government and various clients on
6 what we do know about foreign states' intentions and
7 activities, and sometimes that includes providing information
8 on the level of priority or the level of intent that a
9 foreign state has towards Canada. But I would say in this
10 case, you know, we have seen that Canada is a lower priority
11 target for certain foreign states. But your question remains
12 and I think I can say that we just don't have any information
13 to conclude that it was a Russian campaign.

14 **MR. GUILLAUME SIROIS:** So just to ask my
15 question again: It remains an open question.

16 **MR. DANIEL ROGERS:** CSE can't answer that
17 question.

18 **MR. GUILLAUME SIROIS:** My last question will
19 be do you believe that Russia had the intent and capability
20 to amplify divisive content or content related to a political
21 party during the final weeks leading up to the 44th general
22 election?

23 **MR. DANIEL ROGERS:** I think what we have said
24 in our public reporting around the elections was that a lot
25 of foreign states, including Russia, have the capability to
26 do that. I think that we were less certain on the intent.
27 And what we said was should any foreign state have the
28 intent, they have -- should a number of foreign states have

1 the intent, that they do have the capability.

2 **MR. GUILLAUME SIROIS:** So the real question
3 is about the intent of the Russian intent.

4 **MR. DANIEL ROGERS:** Right. We've -- we have
5 not revealed any intelligence in these summaries that would
6 speak to the Russian intent. We do agree that they have the
7 capability.

8 **MR. GUILLAUME SIROIS:** Thank you. Merci.

9 **COMMISSIONER HOGUE:** Thank you.

10 UCC?

11 **--- CROSS-EXAMINATION BY MS. LESLIE SCHUMACHER:**

12 **MS. LESLIE SCHUMACHER:** Good morning, my name
13 is Leslie Schumacher, and I am here representing the
14 Ukrainian Canadian Congress. I just have a few questions.

15 Was the CSE aware of Russia engaging in any
16 foreign interference in Canada during the 2019 and 2021
17 general elections?

18 **MR. DANIEL ROGERS:** We didn't conclude that
19 there were any foreign state backed disinformation campaigns
20 from Russia during those elections.

21 **MS. LESLIE SCHUMACHER:** I understand about
22 disinformation campaigns, but I wonder if you can speak more
23 broadly about whether there was any foreign interference in
24 any aspect of the elections.

25 **MR. DANIEL ROGERS:** Oh, I see. Well, I think
26 what we've said is that CSE does identify general foreign
27 interference activities of a number of foreign states,
28 including China, Russia, and others. We didn't see those

1 activities, you know -- what we have said here is that we
2 didn't see any disinformation activities coming from Russia,
3 and I think that's the extent of what I can say. Everything
4 that we have that we can say from our intelligence is in the
5 summaries.

6 **MS. LESLIE SCHUMACHER:** Right. And I guess
7 if you could speak to whether Russian interference was a
8 concern of the CSE at the time of either election.

9 **MR. DANIEL ROGERS:** But we are concerned, and
10 certainly even in advance of the elections we were clear in
11 our public reports on cyber threats to democratic
12 institutions that we were concerned with Russia, China, Iran,
13 and other actors. And so we did use the tools available to
14 us to be mindful and vigilant about that during the course of
15 the elections.

16 **MS. LESLIE SCHUMACHER:** And so there was --
17 this was something that the CSE was actively looking into
18 during this time?

19 **MR. DANIEL ROGERS:** Yes.

20 **MS. LESLIE SCHUMACHER:** Can you speak to any
21 steps that the CSE takes to counteract Russian interference
22 specifically?

23 **MR. DANIEL ROGERS:** There are a few things I
24 can speak to. So one of them is obviously our foreign
25 intelligence mandate, where we would look to identify
26 intelligence relating to those activities. And within
27 Canada, we could share with agencies who could take action in
28 Canada to disrupt any threat that we identified.

1 We also, obviously, take action to defend our
2 cyber infrastructure and systems of importance to the
3 government. And we have attributed Russian cyber activity
4 against Canadian cyber infrastructure in the past. It's
5 something that we are constantly vigilant in defending
6 against, and that's something that we did during the course
7 of the elections also.

8 **MS. LESLIE SCHUMACHER:** And just my final
9 question is just while you took these steps during the
10 election, there was no conclusion or evidence that Russia was
11 interfering in either election?

12 **MR. DANIEL ROGERS:** Right. Certainly with
13 respect to cyber activity we didn't see any compromise of
14 election infrastructure during the elections. You know, that
15 said, we defend against all sorts of threats during the
16 election. We don't attribute all of them. There are many,
17 many defensive actions that we take during the course, but
18 none were successful in that case, and that's what I can say.

19 **MS. LESLIE SCHUMACHER:** Thank you very much.

20 **MR. DANIEL ROGERS:** Thank you.

21 **COMMISSIONER HOGUE:** Thank you.

22 The Human Rights Coalition.

23 **--- CROSS-EXAMINATION BY MS. HANNAH TAYLOR:**

24 **MS. HANNAH TAYLOR:** Good afternoon,
25 Mr. Rogers. I understand that there's a process that allows
26 the public to report cyber incidents, including those related
27 to potential election interference, online to the Canadian
28 Centre for Cyber Security. And that's an entity that's under

1 the umbrella or connected to the CSE; correct?

2 **MR. DANIEL ROGERS:** That's correct. Yes.

3 **MS. HANNAH TAYLOR:** Are confidentiality
4 protections provided to complainants through this process?

5 **MR. DANIEL ROGERS:** Yes. Certainly, we keep
6 that information confidential.

7 **MS. HANNAH TAYLOR:** Okay. Can you tell me
8 more about those protections?

9 **MR. DANIEL ROGERS:** Specifically, I know that
10 we take great strides to make sure that confidentiality
11 arrangements are in place with those disclosing information
12 to us. I think that it would probably depend on the nature
13 of the conversation and the event and the degree to which the
14 cyber centre would be included.

15 For instance, when we provide -- are you
16 speaking to the public specifically or ---

17 **MS. HANNAH TAYLOR:** The public, yes.

18 **MR. DANIEL ROGERS:** Yeah. I think, you know,
19 the public will often will report those events, and the
20 nature of those events would determine the scope of
21 confidentiality and protections.

22 **MR. MATTHEW FERGUSON:** Pardon the
23 interruption. Getting another request. Thank you.

24 **MS. HANNAH TAYLOR:** Is the online reporting
25 tool available in languages besides English and French?

26 **MR. DANIEL ROGERS:** To my knowledge, it's
27 only available in English and French.

28 **MS. HANNAH TAYLOR:** Would that be valuable to

1 expand it to other languages?

2 **MR. DANIEL ROGERS:** It's something we could
3 consider.

4 **MS. HANNAH TAYLOR:** IF CSE receives a
5 complaint and decides it does not merit any further
6 investigation from your agency are reasons provided to the
7 complainant?

8 **MR. DANIEL ROGERS:** I think, again, it would
9 depend on the nature of the report. CSE also provides
10 advice, even before information is provided to the cyber
11 centre, when complainants go to report, to say things like if
12 this is something where we can see harm or a crime is
13 committed, it is better to refer it to the police. And there
14 are other venues that CSE tries to use to make sure that the
15 right mechanism is used when reporting an incident.

16 **MS. HANNAH TAYLOR:** I understand that the CSE
17 provides educational materials to the public in a variety of
18 ways, including ---

19 **MR. DANIEL ROGERS:** Yes.

20 **MS. HANNAH TAYLOR:** --- with you sharing
21 unclassified threat assessments, sharing information to help
22 Canadians identify disinformation, and through the creation
23 of a dedicated webpage on cyber threats to elections. You've
24 referred to these materials I think ---

25 **MR. DANIEL ROGERS:** Yes.

26 **MS. HANNAH TAYLOR:** --- this morning. Is
27 this information available in languages besides English and
28 French?

1 **MR. DANIEL ROGERS:** It seems to me that we --
2 it was certainly available in English and French. I'm not
3 aware of it being made available in other languages, but I
4 would have to check.

5 **MS. HANNAH TAYLOR:** Okay. If they are not,
6 do you think it would be valuable that they would be?

7 **MR. DANIEL ROGERS:** I think that would be
8 something we could look into, yeah.

9 **MS. HANNAH TAYLOR:** If you become aware that
10 a device belonging to a number of -- a targeted member of the
11 public, a targeted diaspora community member has been hacked
12 by a foreign government agent or proxy, do you inform the
13 person who has been hacked and help them secure their device?

14 **MR. DANIEL ROGERS:** That would, again, depend
15 on the nature of the event. And I would just call attention
16 to the fact that different agencies have roles and
17 responsibilities within Canada that go beyond what CSE does.
18 So if there is some threat activity occurring with Canada, it
19 may be that the better place or organisation to deal with
20 that is the RCMP or CSIS. Which is why we work very closely
21 together when appropriate to make sure that if we identify
22 things like that, and let's say through our foreign
23 intelligence mandate we identify that there was potential
24 compromise in Canada, that information might be shared with
25 RCMP and CSIS to help address the issue rather than CSE
26 specifically.

27 **MS. HANNAH TAYLOR:** And it's mentioned in --
28 it's mentioned in one of your witness summaries, it's WIT 33,

1 but we don't have to pull it up necessarily, that
2 transnational repression would be captured by the CSE's
3 collection mandate. Can you tell us more about what exactly
4 in relation to transnational repression would be captured
5 within your mandate?

6 **MR. DANIEL ROGERS:** Of course. As I
7 mentioned earlier, we seek to identify the intentions,
8 capabilities, and plans of foreign states, and specifically,
9 that could include their intentions toward Canada or
10 Canadians. If we identify activities, foreign interference
11 activities by a foreign state, for instance, around
12 transnational repression, we could think about police
13 stations and kind of things like that, from China, these are
14 things that CSE can help to reveal through its foreign
15 intelligence collection and may be useful to agencies in
16 Canada like CSIS or RCMP.

17 **MS. HANNAH TAYLOR:** And you mentioned --
18 turning back to when you talk about limitations of CSE's
19 mandate how a certain complaint might come in and another
20 agency might be better suited to assist that person, I heard
21 you talk about potentially referring that person to that
22 agency. Is that correct?

23 **MR. DANIEL ROGERS:** It depends on the nature
24 of the conversation, I think. What I would -- I think what I
25 was trying to refer to earlier is should we detect something
26 through our foreign intelligence mandate, we may refer that.
27 Certainly, though, it may be the case that another agency is
28 better placed to assist an individual in Canada given the

1 nature of our mandate. And if that were to happen, I think
2 we would have to have that conversation about who was best
3 placed to help and whether that information should be
4 referred.

5 **MS. HANNAH TAYLOR:** And would that same kind
6 of referral, that same connecting somebody to or, I suppose,
7 transferring that file or that work to another agency, would
8 -- if a complaint came in from the public and within that
9 complaint it became evident it's outside of the mandate of
10 the CSE, would you then refer that complainant to another
11 agency who could support them?

12 **MR. DANIEL ROGERS:** That's possible, yes.

13 **MS. HANNAH TAYLOR:** Do you know if it
14 happens?

15 **MR. DANIEL ROGERS:** I suspect it has, but I
16 can't think of a specific incident.

17 **MS. HANNAH TAYLOR:** Okay. Thank you, Mr.
18 Rogers.

19 **MR. DANIEL ROGERS:** Thank you.

20 **COMMISSIONER HOGUE:** Thank you.

21 Any questions from AG?

22 **MR. BARNEY BRUCKER:** No questions,
23 Commissioner.

24 **COMMISSIONER HOGUE:** Re-examination?

25 **MS. ERIN DANN:** No, thank you.

26 **COMMISSIONER HOGUE:** We are just on time
27 today, so we'll come back at 2:10.

28 **THE REGISTRAR:** Order please.

1 This hearing is now in recess until 2:00.

2 We'll be back from recess at 2:10.

3 --- Upon recessing at 12:49 p.m.

4 --- Upon resuming at 2:23 p.m.

5 **THE REGISTRAR:** Order please.

6 This sitting of the Foreign Interference
7 Commission is back in session.

8 **COMMISSIONER HOGUE:** [No interpretation]

9 Ms. Chaudhury, you're conducting the
10 examination, this afternoon?

11 **MS. SHANTONA CHAUDHURY:** No, I'm not.

12 **COMMISSIONER HOGUE:** No, you're right, it's
13 Mr. Cameron.

14 **MS. SHANTONA CHAUDHURY:** No, I'm off duty.
15 Mr. Cameron's conducting the examination, but before the
16 examinations begin, Commissioner, we're just going to read
17 into the record the list of topical summaries that have been
18 produced at the Commission at -- to the Commission by the
19 Government of Canada, and that may be referenced in upcoming
20 examinations.

21 So I'll just ask the Clerk to have that list
22 ready, and to pull up the documents as I mention them.

23 I won't repeat the very long list of caveats
24 applicable to these summaries, but I will repeat that they
25 must be read in light of those limitations.

26 So a few of them have already been entered
27 into evidence, the rest are coming now. We'll start from the
28 beginning: CAN.SUM.1, Don Valley North Liberal Party

1 Nomination Race in 2019.

2 There we go, that one's already in evidence.

3 Thank you.

4 CAN.SUM.2, Intelligence Relating to Han Dong
5 and Communication with PRC Officials Regarding the Two
6 Michaels. CAN.SUM.3, PRC Officials Foreign Interference
7 Activities in Greater Vancouver in the 2019 General Election.
8 CAN.SUM.4, Possible PRC Foreign Interference-Related Mis or
9 Disinformation.

10 And Mr. Clerk, if you can just scroll through
11 the document briefly as I do this, that would be helpful.

12 Thank you.

13 CAN.SUM.5, Country Summary: People's Republic
14 of China. CAN.SUM.6: Country Summary: Russia. CAN.SUM.7,
15 Country Summary: India. CAN.SUM.8, Country Summary:
16 Pakistan. CAN.SUM.9, Country Summary: Kingdom of Saudi
17 Arabia. CAN.SUM.10, PRC - Threat Actors, Contact with
18 Candidates and Staff, and Funding of Threat Actors.
19 CAN.SUM.11, [TRM] Threat Reduction Measure Conducted in 2019.
20 CAN.SUM.12, Government of India Foreign Interference
21 Activities in the 2021 General Election. CAN.SUM.13 -- we're
22 almost done, I promise -- Comments by Individual PRC
23 Officials on Expressed Partisan Preferences in the 2019 and
24 2021 General Elections.

25 Finally, CAN.SOM14. It's Country Summary:
26 Iran.

27 And as I said, these can now be referenced in
28 upcoming examinations.

1 **MR. GORDON CAMERON:** Good afternoon, Madam
2 Commissioner.

3 **COMMISSIONER HOGUE:** Good afternoon.

4 **MR. GORDON CAMERON:** Gordon Cameron.
5 Commission counsel. I will be conducting the examination of
6 this panel this afternoon with MR. MacKay. We will divide it
7 up between us, but I will begin by introducing the panel and
8 having them sworn.

9 **THE REGISTRAR:** Ms. Tessier, would you like
10 to be sworn or affirmed?

11 **MS. MICHELLE TESSIER:** Affirmed, please.

12 **THE REGISTRAR:** Okay. May I please have your
13 name, and spell your last name for the record?

14 **MS. MICHELLE TESSIER:** Certainly. C'est
15 Michelle Tessier. M-I-C-H-E-L-L-E T-E-S-S-I-E-R.

16 **--- MS. MICHELLE TESSIER, Affirmed:**

17 **THE REGISTRAR:** Thank you very much.

18 Mr. Vigneault, may we please have your first
19 name and spell your last again for the record?

20 **MR. DAVID VIGNEAULT:** David Vigneault. V-I-
21 G-N-E-A-U-L-T.

22 **THE REGISTRAR:** Okay. And did you want to be
23 sworn or affirmed?

24 **MR. DAVID VIGNEAULT:** Affirmed, please.

25 **--- MR. DAVID VIGNEAULT, Affirmed:**

26 **THE REGISTRAR:** Thank you very much.

27 And now your turn, Ms. Henderson. Would you
28 like to be sworn or affirmed?

1 **MS. CHERIE HENDERSON:** Affirmed.

2 **THE REGISTRAR:** Affirmed. Okay. May I
3 please have your full name, and your last name spelled out
4 for the record, please?

5 **MS. CHERIE HENDERSON:** Cherie Henderson. H-
6 E-N-D-E-R-S-O-N.

7 **--- MS. CHERIE HENDERSON, Affirmed:**

8 **THE REGISTRAR:** Thank you.
9 Counsel, you may proceed.

10 **--- EXAMINATION IN-CHIEF BY MR. GORDON CAMERON:**

11 **MR. GORDON CAMERON:** Thank you.

12 Panel, I'll begin with some housekeeping, and
13 then I'll let MR. MacKay take over for some of the questions.

14 But if I could ask you first to just answer a
15 few questions for me about the Institutional Report that the
16 Service filed with the Commission?

17 For the record, and for the assistance of
18 counsel and parties, the document has the number CANDOC many
19 zeros 17 in English and CAN.DOC many zeros 18 for the French
20 version. And then there are three appendices that go along
21 with that again, 17.01, 02, 03 and 18.01, 02, 03.

22 And Mr. Vigneault, I'll ask you if you can
23 confirm that that Institutional Report was prepared for the
24 Commission and represents part of the Service's evidence
25 before the Commission?

26 **MR. DAVID VIGNEAULT:** Yes, it was.

27 **MR. GORDON CAMERON:** Thank you.

28 I'll just mention for the benefit of parties

1 that the appendices that I just mentioned are specifically
2 drafted for disclosure to the public and that the body of the
3 Institutional Report refers to other appendices that have not
4 been filed because there's no public version of them, just to
5 avoid confusion on that.

6 Now, panel, we have two sets of documents
7 that I'm going to try to do at the same time with you. So
8 I'll just describe them globally and then ask you a few
9 questions about them.

10 One is, you three, the same three of you,
11 were interviewed by Commission counsel on February 13th,
12 2024. And you were also examined in-camera by the Commission
13 at a hearing shortly after that. And public summaries have
14 been prepared in respect of both that interview and your in-
15 camera evidence.

16 Have you reviewed these documents for the
17 purposes of accuracy?

18 **MS. CHERIE HENDERSON:** Yes.

19 **MR. DAVID VIGNEAULT:** I did.

20 **MS. MICHELLE TESSIER:** Yes.

21 **MR. GORDON CAMERON:** Thank you. And do you
22 have any corrections that you would like to make to these
23 documents?

24 **MS. MICHELLE TESSIER:** Not from me.

25 **MR. DAVID VIGNEAULT:** No.

26 **MS. CHERIE HENDERSON:** No.

27 **MR. GORDON CAMERON:** I'm just going to pause
28 a second and see if I can get counsel for the Attorney

1 General's attention, because we had wondered if there might
2 be a correction to one of the statements in the in-camera
3 examination summary?

4 **MR. BARNEY BRUCKER:** I believe there was, Mr.
5 Cameron. We discussed that before we resumed here. I'm not
6 sure which the paragraph is.

7 **MR. GORDON CAMERON:** If you look at paragraph
8 18, ---

9 **MR. BARNEY BRUCKER:** Yes.

10 **MR. GORDON CAMERON:** --- it might remind the
11 witnesses ---

12 **MR. BARNEY BRUCKER:** That's correct.

13 **MR. GORDON CAMERON:** --- of the point?

14 **MR. BARNEY BRUCKER:** That's correct.

15 **MR. GORDON CAMERON:** Mr. Vigneault, maybe if
16 you could look at paragraph 18 and tell us if you have a
17 correction to make to the summary of your in-camera evidence?

18 **MR. DAVID VIGNEAULT:** Yeah.

19 **MR. GORDON CAMERON:** And perhaps the Court
20 Officer could pull it up? It is WIT48.

21 **MR. DAVID VIGNEAULT:** I believe it concerns
22 the timing of a TRM.

23 **MR. GORDON CAMERON:** And if the Court Officer
24 could scroll to paragraph 18 of that document?

25 **COMMISSIONER HOGUE:** I think there is no
26 paragraph numbers.

27 **MR. GORDON CAMERON:** There we go.

28 **COMMISSIONER HOGUE:** Ah, there we go.

1 **MR. GORDON CAMERON:** On this document, there
2 are some.

3 And, Mr. Vigneault, looking at that
4 paragraph, are you reminded as to whether or not you want to
5 make a correction to the information there?

6 **MR. DAVID VIGNEAULT:** Yes. Madam
7 Commissioner, paragraph 18 reads:

8 "Mr. Vigneault explained that a TRM
9 was conducted during the 2019
10 election..."

11 And in discussion with counsel earlier, to be
12 more precise, the TRM was conducted prior to 2019 and some of
13 the intelligence and some of the outcome of this of course
14 took place during the election. But to be more precise, the
15 TRM was conducted prior to the election.

16 **MR. GORDON CAMERON:** Thank you for that
17 correction.

18 And with that correction made, panelists, and
19 with respect to both the summary of your interview and the
20 summary of your in-camera evidence, do you adopt those
21 documents as part of your evidence before the Commission
22 today?

23 **MS. CHERIE HENDERSON:** Yes.

24 **MR. DAVID VIGNEAULT:** I do.

25 **MS. MICHELLE TESSIER:** Yes.

26 **MR. GORDON CAMERON:** Thank you.

27 And just an explanatory note before I hand
28 over the microphone to MR. MacKay.

1 There are two other documents, Madam
2 Commissioner, that got filed representing the information of
3 CSIS representatives who will not be appearing as witnesses,
4 but I'll just mention them for the record. WIT 35 is an
5 interview summary of a CSIS ADR Directorate and WIT 43 is a
6 summary of the *in-camera* evidence in that regard. Thank you.

7 **--- EXAMINATION IN-CHIEF BY MR. JEAN-PHILIPPE MacKAY:**

8 **MR. JEAN-PHILIPPE MacKAY:** ...in French to
9 our witnesses this afternoon. Of course, they are free to
10 answer in the language of their choice.

11 So we will start with general presentations,
12 so I will invite the panelists to introduce themselves and
13 explain the role that they play and that they have played
14 within CSIS before their departure.

15 So Mr. Vigneault, you may start.

16 **MR. DAVID VIGNEAULT:** David Vigneault. I am
17 head of the Centre since 2017 of CSIS, so my position as head
18 comprised general administration of the service,
19 responsibility for the services activities as well as the
20 main spokesperson for external relations with Canadians and
21 abroad.

22 **MR. JEAN-PHILIPPE MacKAY:** Madam Tessier?

23 **MS. MICHELLE TESSIER:** Yes, hello.

24 I retired from CSIS in March last year, but I
25 worked for CSIS for 35 years as an intelligence officer. And
26 I ended up in the role of Deputy Head of Operations in
27 charge, essentially, of management and governance of the
28 service's operations, so central administration, regional

1 offices, security screening, et cetera. And I replaced the
2 head when he was absent.

3 **MR. JEAN-PHILIPPE MacKAY:** Madam Henderson.

4 **MS. CHERIE HENDERSON:** I joined the service
5 in 1992 as an intelligence officer and I have been
6 responsible for various investigations within the
7 organization in management and leadership roles. I was the
8 Director General of the Intelligence Assessment Branch and my
9 final position was the Assistant Director of Requirements. I
10 recently retired from the Service.

11 **MR. JEAN-PHILIPPE MacKAY:** ...report from
12 CSIS that details the mandate and the powers of CSIS.

13 I would ask you the first question for Mr.
14 Vigneault to present summarily what CSIS is about.

15 **MR. DAVID VIGNEAULT:** Well, CSIS is the human
16 intelligence service of Canada. We have as a mandate to
17 collect information, to produce intelligence and to inform
18 the government as regards any national security threats that
19 are described in the *CSIS Act*.

20 We also have the mandate to take measures to
21 reduce threats when it is possible to do so. The way we work
22 is obviously we use our mandate as to acquire secrets and to
23 be able to share these governments with the government, so we
24 use different means of obtaining information.

25 We work with technical source information.
26 We recruit human sources and we work with partners in Canada
27 and abroad. We have over 300 relations with intelligence
28 agencies abroad so that we can acquire as much information as

1 possible so as to have the best point of view as possible.
2 And all that work is done by CSIS professionals and that
3 means that Canadians are safe every day in Canada and abroad.

4 I should maybe mention that we have a hybrid
5 mandate in the sense that many countries have two
6 intelligence agencies to do that work. Canada has one
7 agency, CSIS, that operates here in Canada as well as
8 throughout the world.

9 We have agents deployed in a permanent manner
10 or temporary manner so that we can ensure we get the right
11 intelligence and take the right actions to protect Canadians
12 in Canada or abroad.

13 **MR. JEAN-PHILIPPE MacKAY:** And of course, I
14 should have mentioned at the departure, but if one or the
15 other of the witnesses wants to add to an answer, please
16 don't hesitate. I should have mentioned that from the start.

17 So Mr. Vigneault, I will ask our clerk to
18 pull up document CAN.DOC 18, please.

19 **--- EXHIBIT No. CAN.DOC 18:**

20 Rapport Institutionnel du Service
21 Canadien du Renseignement de Sécurité
22 (SCRS)

23 **MR. JEAN-PHILIPPE MacKAY:** This is the
24 institutional report in the French version. And I would ask
25 you to scroll down.

26 Thank you. Scroll down a little bit more.

27 Thank you.

28 This morning, we heard two representatives of

1 Global Affairs Canada who discussed the definition of foreign
2 interference as regards foreign influence. And we know that
3 in Article 2 of the *CSIS Act* the threats to Canada's security
4 are defined.

5 So I would like you to explain what this
6 notion of threat towards Canada is compared to the influence
7 -- the activities of influence from abroad.

8 **MS. MICHELLE TESSIER:** If you allow me, I
9 will answer.

10 It is indicated here under the activities
11 influenced by foreign actors. That's the word that was used
12 in the definition. I will underline it dates from 1984, so
13 it is not recent that the service has the mandate of
14 investigating on this type of threat.

15 I would like to underline also that we have
16 to meet certain criteria, so it has to be clandestine. We're
17 trying to hide the involvement of a foreign state actor. It
18 has to involve a foreign power. And it has to be against
19 Canada's interests. It can also include threats to its
20 communities.

21 So it's important to identify these criteria
22 properly so that the service can identify the activity as
23 being -- we call it foreign interference now even if the Act
24 talks of influence. But on layman's terms, we talk of
25 foreign interference.

26 **COMMISSIONER HOGUE:** And Mrs. Tessier, you
27 say it includes threats such as coercion to people that are
28 on the Canadian territory.

1 Should I understand that, at that moment,
2 automatically it meets that criteria of being against
3 Canada's interests?

4 **MS. MICHELLE TESSIER:** Yes. The aim is to
5 protect Canadian citizens, Canadian residents and Canada's
6 interests.

7 **MR. JEAN-PHILIPPE MacKAY:** Simply on this
8 notion of Canadian interests, can you explain more how this
9 idea of interest is understood by CSIS?

10 **MS. MICHELLE TESSIER:** Well, obviously, the
11 Act defines the threats, but if I take, for example, the
12 pandemic or if, for example, I look at the "Freedom Convoy"
13 and everything that happened around the impact on the
14 Canadian economy, of course, it concerns Canada's interests.
15 But it isn't strictly defined in the *CSIS Act*.

16 So the service evolves in its activities. We
17 could say it's espionage, it's maybe foreign interference,
18 and it's the way we manage it. But I would say that it's
19 often broader than what we find strictly defined in the Act.

20 But for sure, CSIS has to link it to a
21 threat, of course. But that's why when I talk of Canada's
22 interests, it might be a bit broader than the words we find
23 in the Act.

24 **MR. DAVID VIGNEAULT:** Commissioner, if you
25 allow me to add to what Ms. Tessier mentioned, it's important
26 to understand CSIS activities, including in the notion of
27 Canada's interests in the context of intelligence priorities
28 for Canada.

1 The Canadian government, the Cabinet decides
2 of intelligence priorities and those priorities are given to
3 us through a department directive through Public Safety. And
4 as Ms. Tessier mentioned, even if national interests are not
5 defined in the Act, with the interpretation of the Act and
6 the interpretation of these departmental directives when it
7 comes to intelligence priorities, it gives us a context, a
8 very clear context, so that we can then implement
9 operationally the work and the ways we can manage the threat.

10 So it's important to understand this with the
11 full context to be able to understand how the Act operates.

12 **MR. JEAN-PHILIPPE MacKAY:** And we understand
13 that foreign interference includes democratic processes and
14 institutions, but can you explain in general how CSIS works
15 to protect democratic institutions and processes in Canada?

16 **MR. DAVID VIGNEAULT:** Absolutely.

17 When we look at foreign interference, the way
18 we see it is that we look at what the interests of a foreign
19 power interfering here in Canada. So once we understand the
20 interest, the intention and the capacity of the foreign state
21 trying to interfere in Canada, it gives us an idea of what
22 will be the vectors of interference.

23 The summaries that were produced earlier
24 demonstrate that some countries commit interference for
25 different reasons and other countries, such as, for example,
26 the PRC, commit interference in every way.

27 So the democratic institutions that are
28 broader than simply elections at the federal level, it

1 includes democratic institutions at every level of
2 government, so federal, provincial, territorial, so all the
3 governance of Indigenous affairs in Canada. Those are
4 vectors of foreign interference or ways for foreign powers to
5 interfere in our democratic system.

6 There's another important aspect of foreign
7 interference that wasn't discussed as much publicly over the
8 last few months, but it is foreign interference towards
9 individuals. It's often what we talk of when we talk of
10 transnational repression. So by meeting the criteria of the
11 *CSIS Act*, they are committing activities towards these
12 individuals to favour the interests of that foreign power.

13 So we can come back to those later during
14 your questions, but I think there is a lot of context here
15 and the best way for us to understand that is to understand
16 what are the interests of that foreign power and to see how
17 they will be using all the means they have to commit
18 interference in Canada.

19 **MR. JEAN-PHILIPPE MacKAY:** So in the
20 institutional report and if we consult the Act, we can see
21 that also we see that CSIS has certain powers that can be
22 carried out with or without legal authorization, judicial
23 authorization. And I'd like to hear you about one of these
24 tools that exists for CSIS and these are the threat reduction
25 measures, threat reduction measures that are at Article 12.1
26 of the *CSIS Act*.

27 And I would like to ask the clerk to bring up
28 CAN.DOC 18.3, please.

1 --- EXHIBIT No. CAN.DOC 18.003:

2 Annexe G du Rapport Institutionnel du
3 SCRS - Aperçu des mesures de
4 réduction de la menace prises contre
5 l'ingérence étrangère de 2019 à
6 aujourd'hui

7 **MR. JEAN-PHILIPPE MacKAY:** So my question is
8 general, but still in the context of foreign interference.

9 I'd like you to explain what these threat
10 reduction measures are, and the document here is simply as a
11 visual aid. But I'd like to have a general explanation from
12 one of you.

13 **MS. MICHELLE TESSIER:** Yes, I will answer the
14 question.

15 As indicated in the document, since 2015 CSIS
16 has this tool, this mandate. And to differentiate it with
17 the main mandate of the service, that is, to collect
18 intelligence, to analyze and to distribute intelligence, it
19 is really measures to reduce the threat, to stop the treat,
20 if possible, but to reduce it.

21 And there's a lot of evolution. In 2019,
22 following a law from 2017, there were changes in the *CSIS Act*
23 to put more parameters on the constraints, the measures that
24 we cannot undertake such as create injuries or detain
25 individuals, such things. And this explains when the service
26 needs a mandate, under which conditions it needs to get a
27 warrant so as to undertake these threat reduction measures.

28 So the aim was really to enable the service

1 to have this tool of fighting the threat without it going
2 strictly into the collection, analysis or exchange of
3 intelligence.

4 **MR. JEAN-PHILIPPE MacKAY:** And when you say
5 that at some moments the measure has to be authorized in a
6 judicial manner, why is that warrant required in some
7 circumstances?

8 **MS. MICHELLE TESSIER:** Well, we always have
9 to respect the *Charter*.

10 If there are certain measures that require to
11 limit some individual's rights under the *Charter*, we need a
12 warrant from the Federal Court. And if it could violate one
13 of Canada's Acts.

14 But even without judicial authority so as to
15 undertake a measure, I'd like to underline here that we have
16 to have reasonable reasons, and those are the same reasons
17 for the service to go get a warrant under the article --
18 under Article 12.

19 So it's still a high threshold to meet to
20 enable the service to undertake these threat reduction
21 measures.

22 **MR. JEAN-PHILIPPE MacKAY:** And we see in
23 Annex J (sic) that -- on the screen the notion of
24 proportionality. And it also is in the institutional report,
25 the notion of risk is itemized. And it's associated to the
26 TRMs.

27 Can you explain to us the concept of
28 proportionality and risk reduction related to these measures?

1 **MS. MICHELLE TESSIER:** Yes, absolutely.

2 So it has to be proportional -- the reduction
3 measure has to be proportional to the threat.

4 So first of all, the activities -- in other
5 words, the activities that we undertake must be able to
6 reduce the threat and we have to be able to assess it short
7 term, midterm and long term. And we want the measures to be
8 proportional. They mustn't be too broad and the Act also
9 asks us to work with other partners.

10 For example, if there's a criminal
11 investigation, then we can't hinder the investigation, an
12 ongoing criminal investigation, so we have to make sure that
13 no other government entity is taking measures that we could,
14 in fact, be weakening or compromising before we undertake our
15 own.

16 **COMMISSIONER HOGUE:** So you don't have any
17 police powers.

18 **MS. MICHELLE TESSIER:** [No interpretation]

19 **COMMISSIONER HOGUE:** So the RCMP has police
20 powers. So if you can't answer my question, let me know,
21 even if it's me that's asking it, but just so that everybody
22 can understand.

23 When you talk about a measure, a TRM, or
24 threat reduction measure, can you give us an idea, not
25 necessarily a concrete example, but explain to us what are we
26 talking. Give us an example.

27 **MS. MICHELLE TESSIER:** Yes, of course.

28 I can give you some examples. I am limited

1 as to what I can tell you.

2 So let's -- we can divide it into three
3 categories. So dissuasion is the first category. So this
4 involves disseminating information.

5 So a candidate in an election campaign, if we
6 disclose classified information, we can disclose classified
7 information on an individual to reduce the threat. When it
8 comes to exploitation, then we work with a third party so
9 they have the means to reduce the threat. So not a third
10 party in government who can exchange information freely, but
11 within the government.

12 So I'll give you an example. There has to be
13 somebody outside the government. If there's an organization
14 that -- this is hypothetical, but we have an association, for
15 example, that organizes an event and they've invited
16 conference speakers. And we have information that there are
17 foreign interests at work that are trying to introduce an
18 individual and fund him who's going to manipulate the
19 conference for his own ends -- his or her own ends. And we
20 will inform that association in that case so that they might
21 change the program or cancel the engagement of the said
22 speaker.

23 The third category is a bit more difficult to
24 explain. But it's when the service uses its own means to
25 reduce the measures.

26 So supposing there's a disinformation
27 campaign and the service decides to reduce the message or
28 countervail it. We have means at our disposal to do that

1 just to give you an idea of what we can do in the face of
2 foreign interference.

3 And there are four pillars in the concept of
4 risk. There's an operational risk that the service will
5 assess on its own and then there's also legal or judicial
6 risks and so we work with the Justice Department.

7 There are reputational risks, reputation of
8 the government, for example. And so we'll work with Public
9 Safety.

10 And we also work in cooperation with the
11 Public Security Department and also the risk to our
12 international relationships.

13 And I'm trying to slow down and I'm aware
14 that I'm speaking very quickly.

15 So that -- and Global Affairs, who's the
16 prime interlocuter, and all depending of the level of the
17 risk, then we will seek out approvals for the measures.

18 **MR. JEAN-PHILIPPE MacKAY:** And so these
19 approvals, do these measures have to be approved by higher
20 instances within the service?

21 **MS. MICHELLE TESSIER:** Yes. It has to be
22 approved by the Director and the Minister. For average --
23 medium risk, it has to be -- has to be a senior official
24 within the service. And minor risk is just a first line
25 manager.

26 **MR. JEAN-PHILIPPE MacKAY:** Let's look at
27 document 2919, please.

28 **--- EXHIBIT No. CAN 2919:**

1 Memo to the Minister: Update on
2 threat to democratic institutions
3 threat reduction measures - foreign
4 interference activities

5 **MR. JEAN-PHILIPPE MacKAY:** It's a memorandum
6 from -- it's a memo from the director to the Minister.

7 I'll ask the clerk to scroll down.

8 So we understand, Mr. Vigneault, that this
9 document has been partially redacted. In general, can you
10 give us a bit of context as to the nature of this document?
11 When would this kind of memorandum be sent?

12 **MR. DAVID VIGNEAULT:** Mr. Clerk, can you come
13 up to the top of the document, please?

14 So in this case, Madam Commissioner, as Madam
15 Tessier mentioned, when we do a risk assessment, when the
16 risk is high then the corresponding threat reduction measure
17 has to be approved at higher levels, so it's not sufficient
18 to just inform the Minister, but also to get his approval
19 before we proceed.

20 So in this case, if we look at this memo, it
21 says "for information". So without having read all of the
22 content of the memo, I can explain the process.

23 So I will inform the Minister that we are
24 contemplating taking a measure and we may not require his
25 authorization if the risk is not high, and this is the case,
26 and we present the details of the situation of the operation
27 to the Minister and we describe the threat and what the
28 countervailing measures will be.

1 We'll also outline the results and the risks
2 to the four pillars, and so this is my way of informing the
3 Minister of what we are contemplating.

4 Once again, this measure is in compliance
5 with the Act and so we're not asking the Minister to
6 necessarily authorize, but we are informing the Minister of
7 what we are doing. And in this way, the Minister can
8 therefore discuss whatever issues arise with myself or my
9 colleagues. And that's why this information process exists.

10 **COMMISSIONER HOGUE:** Can the Minister say, "I
11 don't agree"?

12 **MR. DAVID VIGNEAULT:** Yes, absolutely.

13 There is -- of course, our authority is a
14 delegated authority from the Minister, so the Minister does
15 retain the possibility of expressing his disagreement.

16 Now, it's never happened. Not since the last
17 seven years, anyway. But it is theoretically possible for
18 the Minister to disagree.

19 Generally, we try to avoid surprises, so we
20 do have conversations with the political office of the
21 Minister and the Public Safety personnel so that when the
22 memo lands, there is no surprise because everybody has been
23 more or less apprised of the situation and they are then --
24 and everybody's always receptive to this kind of discussion.

25 **COMMISSIONER HOGUE:** So they don't have the
26 power to direct you.

27 **MR. DAVID VIGNEAULT:** Nothing outside of the
28 directive -- Ministerial directives.

1 **MS. MICHELLE TESSIER:** So to summarize, the
2 TRM must be sent to the surveillance committee, the national
3 committee, and to the Minister. So in general, in the annual
4 report of the service that we send to the Minister, there is
5 a list of all the measures that were invoked during that
6 year.

7 **MR. DAVID VIGNEAULT:** And all of these
8 measures are reviewed systematically.

9 **MR. JEAN-PHILIPPE MacKAY:** So we can remove
10 this document from the screen.

11 And I do want to leave a bit of time to my
12 colleague, Mr. Cameron, so I'm going to ask you to quickly
13 explain to us the role that plays CSIS in the intelligence
14 community in Canada and also, as a corollary, what is the
15 relationship between CSIS and the Prime Minister's National
16 Security Advisor?

17 **MS. CHERIE HENDERSON:** So thank you for the
18 question. We work extremely closely with what we would call
19 the security and intelligence community in Canada and we have
20 very close relationships with all of our partners. We work
21 very hard to appreciate and understand the intelligence
22 requirements of the government and, in that vein, we also
23 work very hard to make sure that we're responding to those
24 requirements so that we are appropriately collecting and
25 disseminating the required information.

26 **MR. DAVID VIGNEAULT:** ...little bit on the
27 point, the relationship between the NSIA and CSIS, I've had
28 the opportunity before I was appointed Director of working

1 for five years as a secretary to the Cabinet in the area of
2 intelligence, so I worked in close cooperation with people
3 who have been the -- previously were the National Security
4 Advisor to the Prime Minister.

5 So there is a daily communication between the
6 CSIS and the Prime Minister's Advisor and there's -- there
7 are also daily communications between various members of our
8 office. And at my level as Director I think I can say that I
9 have many times a week conversations and weekly meetings with
10 the NSIA and we talk very frequently, even late at night,
11 early in the morning, weekends included because, of course,
12 the national security space in Canada is a very complex one
13 and so we maintain very close ties.

14 And is there anything else I should add?

15 **MR. JEAN-PHILIPPE MacKAY:** You want to talk
16 about your own experience?

17 **MS. CHERIE HENDERSON:** Yeah, absolutely.

18 So I had the opportunity, actually, to work
19 within PCO. I was the Chief of Staff to the National
20 Security Intelligence Advisor, Daniel Jean, at the time.

21 It became very apparent of the importance of
22 excellent communication between PCO and ourselves within the
23 service just to start to educate on what the service was, who
24 we were and what we could bring to the table to support the
25 ongoing need to advise government in regards to helping them
26 in their decision-making and also advise government in
27 regards to the threat that we were seeing. From the
28 service's perspective, our job is to sniff the environment

1 and figure out where the threats are coming from and then to
2 be able to advise and inform government on those threats and
3 to continue to build those pictures, so it was fundamentally
4 important to increase that relationship and continue to build
5 that level of trust and appreciation between ourselves, PCO
6 and I would also add into that the rest of the national
7 security community.

8 **MR. JEAN-PHILIPPE MacKAY:** So as to the way
9 CSIS is structured on the national level, there's a central
10 office in Ottawa and there are other offices elsewhere in the
11 country.

12 Can you explain to me the broad lines of this
13 structure and the relationship between the regional offices
14 and the head office?

15 **MS. MICHELLE TESSIER:** Yes. Well, I can
16 answer that question.

17 So in effect, there is three sub-directors.
18 I'll talk about the Operational Deputy Director, which is my
19 role.

20 So at the central office at headquarters, we
21 are managing operational programs. So we see what the
22 priorities of the government are in matters of intelligence
23 and we translate those into operational requirements. So
24 this is what's done at the head office level, and so head
25 office deals with cases. We also do analysis. We have
26 expert analysts that look at the broad picture, produce the
27 documentation that is then sent back to our client
28 departments.

1 So that is the role of the head office. And
2 also to prioritize (sic) investigations and determine what the
3 priorities are.

4 Now, we have regional offices in all the
5 provinces except one province, none in the territories, but
6 nevertheless, we do have people that travel and that look
7 after the whole country. And we also have offices in other
8 countries abroad.

9 So we have Paris, Washington and London. We
10 do not divulge the existence of other offices.

11 And so we do have a global network and we
12 have a Deputy Director that's responsible for all of the
13 regional offices.

14 And we have the Directorate of Advanced Data
15 Analysis and we also have a centre for operational security,
16 risk assessment, threat assessment. That is under operations
17 management.

18 So we have analysis, operations, all of that
19 is under the aegis of the Director of Operations.

20 **MR. JEAN-PHILIPPE MacKAY:** So in the
21 interview summary, we talk about the perspective of the head
22 office and the perspective of the regional office and the
23 perspective that the regional office can bring to the head
24 office.

25 Can you enlighten us as to or develop on
26 that?

27 **MS. MICHELLE TESSIER:** Well, in any agency
28 with regional offices and a headquarters, there are various

1 different perspectives. It's only natural. And of course,
2 regional offices are -- pardon me -- are experts on site, so
3 -- and head office has a global vision because they deal with
4 foreign intelligence services and so they have a broader
5 picture and they see what's happening not only within Canada,
6 but also abroad.

7 So the head office is concerned with
8 strategy, whereas the regional offices are more concerned
9 with technical approaches. So the regional offices do not
10 make decisions as to the allotment of resources. They will
11 decide how they're going to deal with a particular request or
12 need which means are they going to use. That's a decision
13 that is up to the regional office.

14 Of course, some regional offices think that
15 their investigation is more important than some other
16 regions, but I think it's very healthy to have a compilation
17 of various perspectives because it gives us a richer picture
18 and produces a richer discussion.

19 **MS. CHERIE HENDERSON:** Perhaps I could just
20 add one part to this. It's also very important to realize
21 that our headquarters is also plugged into the government and
22 appreciates what the priorities of the government are of the
23 day, and so it's through headquarters and that liaison with
24 making sure we're responding to the priorities of the
25 government that we can also then send out the appropriate
26 intelligence requirements to the regions. And that can also
27 create a little bit of attention, but as Michelle noted, it's
28 a healthy tension that is normal in an organization to

1 different perspectives, but help to move the organization
2 forward and do appropriate collection.

3 **MR. JEAN-PHILIPPE MacKAY:** ...that CSIS
4 produces in the context of its activities, so I'm going to
5 ask you a question -- a general question on the kinds of
6 products, but I'll ask you to answer the following question.

7 How do you decide which products are going to
8 be distributed and who they're going to be given to and how
9 they will be...

10 **MS. CHERIE HENDERSON:** Okay. So as I noted,
11 the service works also very closely with the PCO in order to
12 understand and appreciate the intelligence priorities of the
13 government. We play into that decision-making process.

14 Once we have an appreciation of what those
15 intelligence priorities are, we are able to send that tasking
16 out to the region into what the service can collect under its
17 mandate in regards to the priorities of the government. Once
18 that is done and the region is collecting the information, we
19 can review the information coming in to determine which
20 government department would see value in receiving that
21 reporting.

22 There are different types of reports that are
23 disseminated. One is just the basic intelligence report, raw
24 intelligence, which allows the user to determine how that
25 intelligence can support what they are doing. We also do a
26 stronger, but smaller, analytical piece where we will pull
27 various pieces together to start to create the intelligence
28 picture and then we will produce in-depth assessments.

1 There is good communication among the S&I
2 community and through the process of setting intelligence
3 priorities, the service also gets an appreciation of which
4 government department wants which type of information and we
5 will then appropriately disseminate that.

6 We also try to get feedback back from the
7 various departments to make sure that we're actually meeting
8 their intelligence requirements. That's an ongoing process
9 that we're working on improving constantly, but that feedback
10 fits very well into trying to make sure that we're hitting
11 the intelligence priorities of the government as well as
12 those departments.

13 **MR. JEAN-PHILIPPE MacKAY:** ...classification
14 of a document of an information can have an impact on the
15 distribution of the document in question?

16 **MS. CHERIE HENDERSON:** Yes. Yes, it can.

17 We always -- when we do disseminate our
18 reports and our intelligence, we want to make sure that we've
19 got as much of the picture as we have and so we make -- we do
20 -- sorry. I'm going to just back up a minute -- a moment
21 there.

22 When we draft an analytical piece, we pull
23 all the pieces together of intelligence. Some is from a
24 corroborated source, some may be from a news source, but we
25 feel it's very important to have that whole picture. And we
26 have very well-trained analysts who are subject matter
27 experts who help to pull that picture together.

28 Then what we do is we determine who needs to

1 see that report. In some cases, based on the sensitivity of
2 the information, how it's collected and the methodologies, we
3 need to protect those sources and so we will make what we
4 could call a bigot list of informations that can -- of
5 information or individuals that can actually see that
6 reporting and we will disseminate that reporting to those
7 particular individuals on a named distribution list.

8 **MR. JEAN-PHILIPPE MacKAY:** When you're
9 disseminating information within the government-to-government
10 clients, do you have any expectations in terms of feedback
11 from the clients who receive this information? Does the
12 service have any expectations in terms of feedback?
13 Lorsque vous disséminez du renseignement au sein du

14 **MS. CHERIE HENDERSON:** Yes. We work very
15 hard with other government departments to get feedback.

16 We have, actually, in the last couple of
17 years created an ADM -- a much more communicative ADM team
18 that can actually discuss the various reports to make sure
19 that, one, we're not only getting feedback on the report, but
20 if we determine that there's information in there that is
21 actionable, which government department could action that
22 potentially under their mandate and how that could be done.

23 So there is very good cooperation amongst the
24 S&I community, the security and intelligence community, at
25 the ADM and DG and working levels. We have very good
26 communication on that front.

27 Feedback is fundamentally important, as it
28 makes sure that we are allocating our resources in the right

1 way. If we determine that there is a particular piece of
2 information that needs to get instant or very quick, urgent
3 action or attention, we will actually not just disseminate
4 that through an electronic means, but we will make sure we
5 brief that verbally and get the appropriate parties engaged
6 on that piece of information.

7 **MR. DAVID VIGNEAULT:** Mr. MacKay, if I can
8 just add very quickly, feedback is also fundamental for
9 reason of making sure that the intelligence doesn't live on
10 its own. We're producing intelligence because we want to
11 help someone to take an action and to be better informed, and
12 so that feedback is critical for CSIS to make sure -- as my
13 colleague just mentioned, make sure that we're meeting those
14 requirements but, you know, inform as to customers will also
15 have information that when they pass that on to us, it
16 enriches the picture.

17 And when you look at the goal or the intent
18 of intelligence, which it is to inform and allow for actions
19 to be taken, it's when you have the best picture possible
20 that is, you know, hopefully you'll make the best possible
21 decisions. So that's why -- it's another reason why feedback
22 is critical.

23 **MR. JEAN-PHILIPPE MacKAY:** Thank you.

24 I will let my colleague, Mr. Cameron, take
25 over from me.

26 (SHORT PAUSE)

27 **--- EXAMINATION IN-CHIEF BY MR. GORDON CAMERON (cont'd):**

28 **MR. GORDON CAMERON:** Thank you, panelists.

1 I'd like to begin by directing a question
2 that I think is specific to Mr. Vigneault because it has to
3 do with your decision as Director of the service over the
4 years of your term to decide to either engage or, as the case
5 might be, re-engage the public on the topic of foreign
6 interference because, in general, the operations of the
7 service aren't necessarily secret but we now see foreign
8 interference part of the public discussion. And I'd like to
9 have your perspective on the occasion or at least the era in
10 which you decided it was time to become public about.

11 **MR. DAVID VIGNEAULT:** Madam Commissioner,
12 that's a very important question, and I touched upon this in
13 my first appearance for Part B of the Inquiry.

14 And CSIS is an institution that has been
15 created by law to have secrets and to keep secrets, but that
16 doesn't mean that, you know, we are not part of -- we don't
17 have something that we need to tell Canadians and that the
18 transparency is essential in a democracy.

19 The threat environment has evolved
20 significantly over the last number of years. Learned
21 scholars and analysts of the national security have said
22 they've never seen such a complex threat environment, and
23 that includes the Cold War. And so when you look at this
24 environment, there is something in the -- in a democracy that
25 intelligence service can and should be engaging with
26 Canadians in terms of transparency of some of the
27 information.

28 **COMMISSIONER HOGUE:** Just tell me when you

1 said the last years ---

2 **MR. DAVID VIGNEAULT:** I would say that ---

3 **COMMISSIONER HOGUE:** --- what do you mean?

4 Are you talking about 20 years or are you talking about 2, 3,
5 4 years?

6 **MR. DAVID VIGNEAULT:** So I would say that
7 there is a -- there are a couple of moments. 9/11 has been a
8 moment, a pivotal point in terms of international terrorism
9 and the way that terrorist groups could use their means to
10 inflict casualties and terror, not only in foreign countries,
11 but also, in our own countries. And Canada has not been
12 immune to terrorism. So that was one moment. And the
13 terrorism has evolved over the last few years, five, seven,
14 eight years, where we also see not just a religiously
15 motivated extremism, but the ideologically motivated
16 extremism. So people who are looking at -- are motivated by
17 genophobia, antisemitism, Islamophobia, to essentially use
18 violence and engage in active terror in our country, and we
19 have, unfortunately, too many recent cases in our country.
20 And the most recent cases have been Canadians -- Muslim
21 Canadians who have been killed in our country by IMV actors,
22 ideologically actors. So terrorism has evolved.

23 The other significant evolution has been the
24 international order is changing. So we have Russia and the
25 PRC, People's Republic of China, who are challenging the
26 international order even more so in the last 5, 7, 10 years.
27 We see it through incursions. We see it, of course, in
28 Ukraine, where Russia is engaging in illegal invasion. We

1 see it in the South China Sea where the People's Republic of
2 China is redrawing international Maritime borders for their
3 own benefits, despite very clear international law rulings on
4 this. We see it in terms of how they are coercing a number
5 of other countries. So great power politics is that, you
6 know, we have not seen or not seen as much in the last number
7 of -- last 20 years or so, but we see a resurgence of Russia,
8 China, a number of other countries challenging the
9 international order. And so that environment is getting more
10 and more complex.

11 The last thing I would say in the threat
12 environment, Madam Commissioner, to answer your question, is
13 the evolution of technology. We see it through how
14 technology is a force of good in many ways in terms of
15 societal goods, economic prosperity. But, of course, like
16 anything else, we have actors who are using the advancement
17 of technology for their own purposes. So Canada now has to
18 protect itself against threats from new weapons systems, from
19 Russia over the Arctic, for example. We have to use, you
20 know, what the benefits of social media and of Internet of
21 Things and the ability of communications systems to be part
22 of our society is also leverage, and in the specific case of
23 foreign interference, for nefarious purposes here.

24 So this is the backdrop, Mr. Cameron, to the
25 reason why in 2018 made the first public speech as director
26 to engage Canadians and share some of our perspective of this
27 threat environment. And in that speech in 2018 specifically
28 mentioned foreign interference as one of the most significant

1 threat Canada was facing. And over the years, we have
2 continued to engage publicly through our annual reports,
3 speeches, but also, by reallocating resources internally and
4 creating an engagement, a stakeholder engagement branch
5 within CSIS to go out and meet with non-traditional partners,
6 and very importantly, meet with diaspora communities because
7 they're, unfortunately, one of the most significant target of
8 foreign interference.

9 **MR. GORDON CAMERON:** Thank you for that.
10 And, Mr. Vigneault, your organization produces an annual
11 public report; correct?

12 **MR. DAVID VIGNEAULT:** Yes.

13 **MR. GORDON CAMERON:** And one of the
14 documents, and this is just for the assistance of parties and
15 those following along, this is in the database as 17001, you
16 -- the service filed a cluster of your public reports for
17 2019, 2020, 2021 and some other reports. I just want to take
18 you briefly through the evolution of the Service's public
19 pronouncements on foreign interference. And I don't know if
20 you've got -- if, Court Officer, could you just scroll down a
21 bit and tell us which one you've got there? No? Okay.
22 Perhaps you could call up COM 54.

23 **--- EXHIBIT No. COM 54:**

24 CSIS Public Report 2019

25 **MR. GORDON CAMERON:** I mention that just
26 because it's the 2019 report -- or, sorry, the 2020 report --
27 2019 report published in 2020 and it's by itself. It's not
28 in the cluster of documents at 17.01. COM 54. All right.

1 And if you could go to page 17 of that report? Now that --
2 scroll to the bottom, just so we can see if the page number -
3 - yeah, you see the -- go to 17 of the document, please.
4 Thank you. Okay. And back up.

5 So here we see in your 2019 public report the
6 Service's attention to the topic here under the heading
7 "Protecting Democratic Institutions". We have a couple of
8 paragraphs on what ends up being a discussion of -- in
9 terminology we might now refer to more directly as foreign
10 interference. And this followed on -- this appearance in the
11 Service's public report followed on your 2018 speech. And I
12 take it this was part of the ark of alerting the public to
13 this element of the threat?

14 **MR. DAVID VIGNEAULT:** Absolutely. We -- you
15 see the Service trying to put more and more specific details
16 in our annual reports. This one in 2020, what was an example
17 of that progression. We also, since then, produced other
18 reports in collaboration with our partners within the
19 government to try to alert Canadians in an organized way
20 about foreign interference. And so I believe it was in 2020
21 or 2021 we published a report called Foreign Interference in
22 Democratic Institutions, which was very specifically tailored
23 to the democratic processes. And we have also -- because as
24 I mentioned, one of the main targets of foreign interference
25 are Canadian diaspora, and so what we -- or diaspora in
26 Canada. And so what we have done is produce a document
27 called "Foreign Interference and You", specifically tailored
28 to diaspora in Canada and publish in the seven languages to

1 try to engage directly with people who would be the victims
2 of transnational repression and foreign interference.

3 **MR. GORDON CAMERON:** Thank you. Well, you've
4 covered off a few of my coming questions, but just if I can
5 put this in an arc of progress over time, would I be correct
6 in observing that from your initial speech in 2018 through
7 the 2019 public report on to your 2020 public report and then
8 your publication in the summer of 2021 of this report we're
9 going to come to specific about foreign interference and then
10 onwards, the Service is becoming more detailed and more
11 expansive in describing to Canadians a threat of foreign
12 interference?

13 **MR. DAVID VIGNEAULT:** Absolutely. This is
14 what we internally, and I've said it I think publicly a few
15 times, but this is what we call the sunshine policy on
16 foreign interference.

17 **MR. GORDON CAMERON:** Okay. Now on that
18 point, in particular about the Service's attention to the
19 impact of foreign interference on diaspora groups, you
20 mentioned the document. And, Court Operator, perhaps, again,
21 because it's easier to find it in COM 322 than buried in the
22 middle of 17.01. There is the report you just described, Mr.
23 Vigneault.

24 **--- EXHIBIT No. COM 322:**

25 Foreign Interference Threats to
26 Canada's Democratic Process

27 **MR. GORDON CAMERON:** And if you could just
28 again, you describe this as a topic specific report. I think

1 it's 17 or 20 pages, but it goes into -- the whole report is
2 focussed, as I understand from the title not just on foreign
3 interference, but specifically foreign interference in
4 relation to democratic processes.

5 So at this point, what is motivating the
6 Service to put this much of its resources into alerting the
7 public to this threat?

8 **MR. DAVID VIGNEAULT:** I would say it's two-
9 fold, Madam Commissioner. First, it's because, again, the
10 nature of the threat. We have seen, because of
11 globalization, the technology, the ability of foreign
12 interference to be -- to increase in speed, impact, and reach
13 within Canadian society. So that's one of the things, the
14 evolution of the threat.

15 But also very importantly, this is at the
16 time where the community, CSIS working with all of our
17 partners in collaboration, realizing that more needed to be
18 done, and this is contemporary to approaches like the
19 creation of the SITE Taskforce, the panel that the Government
20 created to supervise elections, learning from the experiences
21 that we saw in other jurisdictions where there was
22 interference in their electoral democratic processes, and
23 essentially CSIS, in this specific case, our partners at the
24 Communications Security Establishment also reproduced a
25 similar reporter in terms of the -- on the cyberworld,
26 interference in the cyberworld.

27 And this is very much, you know, an
28 individual contribution, but very much as part of the all of

1 government approach to try to engage on foreign interference
2 and better educate Canadians about foreign interference.

3 **MR. GORDON CAMPBELL:** Thank you.

4 And perhaps the Court Operator could scroll
5 down to page 8 of the document? Thank you.

6 Now, this -- the heading of this section is
7 "Canadian Public and Voters". Just have a quick look at
8 that, Mr. Vigneault.

9 And please, Madam Tessier and Ms. Henderson,
10 if you want to add here.

11 But in particular, you've mentioned, Mr.
12 Vigneault, that the Service was alert to the impact of
13 foreign interference, or as it might arise in this context,
14 more accurately called transnational repression with respect
15 to diaspora groups. And that ends up occupying a couple of
16 pages of this particular report. Can you look at that
17 section there ---

18 **MR. DAVID VIGNEAULT:** Yeah.

19 **MR. GORDON CAMERON:** --- and explain how the
20 Service views the interrelationship of foreign interference
21 as it manifests in transnational repression and the
22 importance of educating the public?

23 **MR. DAVID VIGNEAULT:** Yes. And this is a
24 very important point, Madam Commissioner. The mandate of
25 CSIS is very clear. So we have to produce intelligence and
26 have an impact writ large to protect all Canadians. And here
27 what we see in the context of foreign interference is we see
28 foreign countries trying to have a negative impact on

1 Canada's institutions, but also very specifically having an
2 impact and trying to control or influence the members of
3 diaspora in Canada.

4 So the home country, if I can put it this
5 way, trying to control what people are engaging in in terms
6 of their democratic activities, controlling what they're
7 saying, who they're engaging with, and in this specific case
8 in democratic institutions, also trying to influence,
9 covertly, so foreign interference, the way they may vote.

10 And so this is why it's important that, you
11 know, we see the work that we do and all of our partners do
12 to protect all Canadians. And we are very specifically aware
13 the way that, you know, diaspora communities in Canada are
14 being impacted.

15 **MR. GORDON CAMERON:** Okay. And if the Court
16 Officer could pull up CAN.SUM5?

17 We can get a bit more specific. This
18 document, if I've got the right number, will be the Country
19 Summary for the People's Republic of China. There is a page
20 of caveats.

21 And if we can scroll down to the first page
22 of substance?

23 I just -- because acronyms end up getting
24 used in this document, I'll just ask you to -- you've already
25 defined for us PRC. I think that's an initialism we're now
26 familiar with.

27 The third full paragraph makes reference to
28 the Chinese Communist Party and the CCP as it's called there,

1 and then in the last paragraph on this page, the United Front
2 Work Department.

3 So I'm going to ask you to flesh this out a
4 little bit, the role of those entities. But can you just
5 describe for us, if you look over -- can you scroll over to
6 the next page, please? Thank you.

7 Under "WHO" there's an entire -- indeed, the
8 whole section of this topical summary on the PRC as a country
9 being covered in this summary, this whole section is about
10 the Service's description of its interests in transnational
11 repression.

12 And so the question I have, the documents we
13 were looking at so far, your annual or public reports, your
14 report on foreign interference, were about foreign
15 interference and possibly transnational repression generally
16 speaking.

17 Can you tell us here in particular how the
18 Service views the issue of transnational repression as it
19 relates to the PRC, the People's Republic of China?

20 **MR. DAVID VIGNEAULT:** Madam Commissioner, I
21 would take us back to one thing I said a few minutes ago,
22 which is, for us to better understand and have an impact on
23 foreign interference, we want to understand what are the
24 objectives and the interests of the foreign state who is
25 engaging in that activity.

26 In this specific case, the People's Republic
27 of China, the country is governed and is dominated by the
28 Chinese Communist Party. And the key element here is that

1 you can look to the prism of the actions of the Chinese
2 Communist Party, and therefore the People's Republic of
3 China, into one very specific issue, which is everything that
4 is organized by the Party and by the State is to preserve
5 l'emprise, to preserve the power of the Chinese Communist
6 Party and its purinity (*sic*) over time.

7 And so when you understand that and then you
8 translate that into what is happening in Canada at the
9 moment, this is why you will see in this document the
10 reference to the Five Poisons. The Five Poisons are teams
11 and issues that people who have objection to what is
12 happening in China are raising. Issues like, you know,
13 liberty of religion or thought with the Falun Gong, issues of
14 protection of minority rights, the Uyghurs and the Tibetans,
15 issues related to pro-democracy movements.

16 And so when you look at these issues, you
17 know, so the people who are here in Canada, protected by the
18 *Charter*, protected by our laws, are exercising their
19 democratic rights to engage in a specific way and, you know,
20 manifest their views, understanding where China's interest
21 is, which is the preservation of the Chinese Communist
22 Party's l'emprise. You can understand how anything that
23 would be seen as a threat to this -- to the Chinese Communist
24 Party is being dealt with very harshly.

25 And this is why, for example, we have seen
26 over the last number of years in the PRC, five, six years,
27 legislation, very, very transparent legislation that are
28 directed at making sure that every person in China, or any

1 entity in China, or abroad, are subjected to these laws and
2 have the obligation to support the Government, including
3 their Intelligence Service, the Ministry of State Security,
4 the MSS, in order to accomplish their task.

5 So that direct and implied threat, that if
6 you are not supporting -- even if you're here in Canada, in
7 Ottawa, or you're in the -- you're in Paris, or you're in
8 Trois-Rivières, you will be subjected, you know. The arm of
9 the PRC can touch you directly or indirectly in a way, but
10 people understand, you know, they have this element of
11 coercion on top of them.

12 That coercion translates into things that,
13 you know, may be done to you in Canada, loss of opportunity,
14 loss of access, denial of visas for to go back to see your
15 family members back in the PRC, threats to you here, but also
16 threats to your families, your loved ones back in China.

17 So that ecosystem, starting from the Party,
18 translating into the actions of the State, and now they're
19 reaching out anywhere around the world to try to control what
20 is happening with the Chinese population is what this
21 specific paragraph is about.

22 There are other elements of foreign
23 interference we can touch upon, but specifically this
24 paragraph, I think, is the ---

25 **MS. CHERIE HENDERSON:** So if I can just add a
26 couple of things? First of all, foreign interference is not
27 new. It's something that we've been looking at for a long
28 time, I would say even before the 1990s. It's been around a

1 long time.

2 What we have seen in the last few years is a
3 real increase as the geopolitical environment has shifted and
4 we have seen some of the nations become much more powerful in
5 their own right and their desire to influence further beyond
6 their borders. So we've been watching this.

7 There are many individuals who have come to
8 Canada and are Canadian citizens that have fled those
9 repressive regimes in order to come here, and now what we are
10 seeing is they are being coerced, forced, repressed within
11 our borders. And so the service is there to work with those
12 communities as well, to collect intelligence and information,
13 to help protect all Canadians.

14 And what we have seen over the past few
15 years, as I said, is an increase in that effort to have that
16 negative influence and impact and coerce those individuals
17 who have come here to live in our -- under our values and
18 freedoms in order to report and support their originating
19 countries' beliefs. So it's something that we are very, very
20 alive to.

21 **MR. GORDON CAMERON:** Thank you.

22 And I'll switch gears now and ask you just
23 very briefly, Mr. Vigneault, because we have panels appear --
24 SITE panels and others that deal with the intelligence that
25 comes out of your organization, but I just want you to just
26 get us ready for tomorrow and those panels by describing your
27 conception of the SITE Task Force and how CSIS relates to it.

28 **MR. DAVID VIGNEAULT:** So I mentioned, Madam

1 Commissioner, earlier that we have seen what has happened in
2 other countries since 2016, 2018 and different jurisdictions
3 where we saw foreign interference in democratic processes
4 essentially have impacts. And so when we were getting ready
5 for the election in 2019, we're trying to understand what
6 would be the right lessons to draw from from what we knew
7 working with our intelligence partners around the world. And
8 so my colleague, Chief of Communication Security
9 Establishment, the National Security Intelligence Advisor at
10 the time and myself determined that we needed to find a way
11 to bring the information together to make sure that there was
12 a clearinghouse of the intelligence and the information that
13 would be able to have that in real time to make sure that we
14 did not have silos of information while the election was
15 under way.

16 And that was the genesis of the SITE Task
17 Force, was this recognition that we needed to do things
18 differently because the threat was different and the impact
19 on our elections, you know, was so important. And so that's
20 the genesis of the SITE Task Force.

21 And it's -- I'll let my colleagues from the
22 Privy Council Office elaborate, but it's the same thought
23 process that, you know, led to the creation of the panel as
24 well, was the realization that the threat was different, the
25 way it could have an impact on our electoral process was more
26 direct, more imminent, and we needed to organize ourselves
27 differently. And so that's why the SITE Task Force.

28 **MR. GORDON CAMERON:** Okay. Thank you.

1 And we'll get ---

2 **COMMISSIONER HOGUE:** I have a question ---

3 **MR. GORDON CAMERON:** Sorry. Please.

4 **COMMISSIONER HOGUE:** --- for Mr. Vigneault.

5 ...I think it was you, Madam Henderson or
6 Madam Tessier, I will address you and somebody else can add
7 to what you're going to say.

8 An expertise, which is very important to you
9 within CSIS to collect information, to analyze it and inform
10 the government, those are the essential tasks or the reason
11 for your existence, is basically to inform the government, be
12 it in terms of SITE or other people within departments. They
13 don't necessary have the same experience as people within
14 CSIS.

15 We also know that there are often changes,
16 particularly within the government, with regard to who is in
17 what position.

18 Up to now, the experience that you have,
19 which is fairly broad, does that give you the impression that
20 there's a veritable dialogue or what is communicated by CSIS
21 is understood by those within government and vice versa? In
22 other words, do the two sides speak the same language when
23 you are communicating information, be it from SITE or be it
24 from people within the public service or political persons?

25 **MR. DAVID VIGNEAULT:** That's an absolutely
26 fundamental question, Madam Commissioner.

27 A few thoughts that I can share with you.
28 What we are experiencing now in 2024 I think we're in a

1 better position than we were in 2017, 2018. We've seen the
2 evolution of that understanding.

3 The growth is carried out not only within us,
4 within CSIS and our other partners, but truly understanding
5 the needs of the government, the language and all of that in
6 order to be able to be more relevant with our information and
7 also to ensure that the information arrives at the right time
8 so we have had growth and I can say that there's been growth
9 as well with our partners in the understanding of what is
10 foreign interference.

11 The discussions that we had in 2019 are no
12 longer the same discussions that we're having today so
13 there's been that change. And that growth has taken place on
14 both sides, I would say.

15 We understand better how our information is
16 received and how it can be used, the limits of what we know,
17 but also from our partners who understand better how to pay
18 attention to what we say and make sure that they ask
19 questions on the information that is shared. And also, one
20 of the important things that we've seen with the lessons
21 learned, if you will, the last two, three years, a change in
22 governance as well so the right people are in the right
23 positions and speaking with the right intelligence.

24 It can be -- seem quite simple to say that
25 here, but in an environment where the demand outstrips the
26 ability of organizations to find the right space with the
27 right people to be able to discuss very delicate and complex
28 matters such as foreign interference, it took a change in

1 governance and the discussions are very tight.

2 We've had questions and it's a very dynamic
3 environment, and more and more the question is not
4 necessarily knowing -- actually seeing the difference between
5 whether the information is correct or not, but it's, rather,
6 a matter of saying what do we do with that information, what
7 are the actions that will be taken.

8 Some actions will be for us to take, to go
9 and obtain more information, more intelligence, but a
10 concrete example that I can give you as well which is in the
11 sphere of foreign interference and spy activities is work
12 done on the *Investment Act* in Canada.

13 If you see the evolution of what's known
14 publicly and the way that work is done internally, you can
15 see that information has a more important impact than it had
16 in the past because people speak to each other better. Once
17 again, we have the right governance and the way in which
18 national interests of Canada can be at risk are better
19 understood by everybody. Therefore, the actions that need to
20 be taken are more concrete.

21 Therefore, it's an evolution. I can say that
22 some of us have more white hair because of the work that had
23 to be done within that context, but the changes, I think, are
24 moving us in the right direction.

25 **MS. MICHELLE TESSIER:** ...change within the
26 service. Before 2019, all that was -- analysis had nothing
27 to do with us in operations. It was seen as something apart.

28 And when I became the Assistant Director for

1 Operations, we discussed but we said we need to have a better
2 way of integrating our knowledge as experts, including within
3 the service, and operations.

4 Before that, we used a lot of information
5 officers who gave presentations or met with other departments
6 of the government and now we've amalgamated analysis and
7 operations together in order to better respond to the
8 requirements in terms of intelligence, but also our analysts
9 now, who are experts, who are really the face of the service
10 because they have a strategic vision. They're brilliant.
11 And the people in information are also brilliant, but they're
12 focused on operations -- but in order to try to better share
13 their knowledge with clients, with the people who receive our
14 information.

15 And when SITE was created -- I'm taking a
16 step back here, but when SITE was created, it was also to
17 look at the mandates of all of these agencies and see who's
18 best placed to respond to the threat. Is it the RCMP, is it
19 Global Affairs, is it CSIS in order to better understand the
20 role of each player in terms of foreign interference -- or
21 when it comes to foreign interference.

22 **MR. GORDON CAMERON:** Panelists, in the
23 interest of time, I'm going to take you to two specific
24 topics and try to be efficient by directing you to the
25 documents so that you can... These are topics on which your
26 *in-camera* evidence you've already spoken, so I'm going to
27 take you to those sections.

28 But if we could first, Mr. Court Operator,

1 pull up CAN 4728, just briefly.

2 Okay. Just a few questions about this. And
3 panelists, you spoke about this document. This is a CSIS
4 national security brief, with the heading Foreign
5 Interference In The 2019 Federal Campaign of Dong Han.

6 And if you could now, Court Operator, pull up
7 WIT 48, where -- and if you can go to page 5 of that
8 document, or in particular, paragraph 15.

9 This document, Madam Commissioner, is the
10 public summary of the *in-camera* appearance of these same
11 three witnesses.

12 And panelists, at paragraph 15, you see your
13 discussion of this document, and particular, these
14 circumstances in which it was recalled. And so using -- so
15 that you don't have to repeat yourself and so that you are
16 guided by what you have already decided can be publicly said
17 about this in these words, can you give the Commissioner just
18 an overview of the history of this document and why it ended
19 up being discussed in the -- your *in-camera* evidence?

20 **MR. DAVID VIGNEAULT:** Absolutely.

21 So Madam Commissioner, as we said, you know,
22 one of the intelligence requirements that we have was to
23 report to government about -- on intelligence related to
24 foreign interference, and so specifically, we have -- were
25 running intelligence operations and we are collecting
26 information and working with partners to have the best
27 possible understanding.

28 This report was a classified report based on

1 different pieces of information that the Service had
2 collected over time, and it was meant to inform the
3 government that we had detected a number of things happening
4 in the riding of Don Valley North, and we wanted to inform
5 the government of those -- of that information.

6 And so as my colleague explained earlier, so
7 sometimes we have the intelligence reports, so raw
8 information. We take the information and piece by piece we
9 share with partners. In this case, a national security brief
10 is a document that is more of a compilation, an analysis of,
11 in this case, a specific topic, interference in the specific
12 riding, Don Valley North, and that was communicated to the
13 government.

14 **MR. GORDON CAMERON:** Okay. And for the
15 benefit of parties, the -- paragraphs 15, 16, 17 of this
16 summary, public summary of the *in-camera* testimony gives the
17 details of that incident. So let me just ask you a few
18 overview questions about that, Mr. Vigneault.

19 Generally speaking, what is the impact or
20 what happens when a intelligence assessment like this is
21 recalled?

22 **MR. DAVID VIGNEAULT:** Yeah. So recall in
23 this case is -- can be for different reasons: We have come
24 across a mistake in the report; could be that, you know, we
25 have provided information that was too specific that, you
26 know, may point to identification of a source. So there are
27 different reasons why you would recall a report, and
28 sometimes, you know, it's -- the report is recalled and

1 reissued with corrections, with changes made.

2 In this specific instance, when I testified
3 *in-camera*, as was mentioned in this summary, I could not
4 recall the reason why this report was recalled. I again
5 yesterday conferred with my former chief of staff, who is the
6 individual who had asked, you know, when I came back from
7 discussing, had asked to have the document recalled, he,
8 himself did not remember the reasons why.

9 What I am very comfortable to say, though, is
10 that in my career I have never been asked to censor
11 intelligence, to change intelligence for reasons that would
12 be exterior to CSIS operations. And so I am very
13 comfortable, as I have said in my *in-camera* testimony, and
14 reported here in the unclassified document, that there was no
15 nefarious, or it was not because it was a sensitive issue at
16 play. It was -- because if it would have been something like
17 that I would have clearly remembered because it had never
18 happened in my career, and...

19 **MS. MICHELLE TESSIER:** Yeah. And obviously
20 had it been something particularly controversial, the
21 Director would have shared that with me so that I instruct
22 our employees and explain what the concerns were. And I have
23 no memory of that incident whatsoever.

24 **MR. GORDON CAMERON:** Thank you. Then just
25 two quick mechanical questions. What actually happens when
26 you recall a report? What is the effect of that on the
27 people who got it in the first place?

28 **MS. CHERIE HENDERSON:** So when they recall a

1 report, we will send an email out to the individuals that
2 receive the report and ask them to delete and destroy any
3 copies that they have of that document, that that is no
4 longer a document. Within the Service, often the analysts
5 that wrote the report may still retain a copy within their
6 database, but nobody has access to that report.

7 That said, all the underlying information
8 that was used to draft the report remains in the Service's
9 databases.

10 **MR. GORDON CAMERON:** Thank you. That's --
11 that was the second question, and that -- that's helpful
12 there.

13 **COMMISSIONER HOGUE:** I have one question.

14 **MR. GORDON CAMERON:** Please.

15 **COMMISSIONER HOGUE:** Is it something that
16 happens regularly, recalling a report, or it's unusual?

17 **MS. CHERIE HENDERSON:** It's not unusual, but
18 it's not regular, sort of in between. It's -- you will
19 recall a report, for example, because it was disseminated
20 maybe too broadly and we want to reduce the dissemination, or
21 we'll recall a report, as the Director said, because we may
22 have misclassified a piece of information in the report, so
23 we'll recall it too. Or we'll recall it because we received
24 a new piece of information that completely changes it.

25 So reports can be recalled for various
26 reasons, but it's not regular, but it's also not unheard of.

27 **MR. GORDON CAMERON:** Thank you. And then one
28 last topic.

1 If the court officer could call up CAN 3128,
2 3-1-2-8. And if you could just scroll down a little bit.

3 **--- EXHIBIT No. CAN 3128:**

4 Email: RE: CNSB RSESN 22/19 - 2019 10
5 29 - CSIS National Security Brief
6 (CNSB) / Rapport du SCRS sur les
7 enjeux de sécurité nationale (RSESN)

8 **MR. GORDON CAMERON:** Panelists, you're
9 familiar, I think, with this document.

10 Scroll down a little bit further, please.
11 Thank you.

12 First of all, if -- I think I'll direct these
13 questions to you, Ms. Henderson, but whoever has the right
14 information should answer. Can you tell us, or perhaps
15 remind us, who Mr. King -- well, what position he occupied at
16 CSE and what role he was in when he sent this email?

17 **MS. CHERIE HENDERSON:** So Mr. King was the
18 Chair of the SITE Task Force at this time in the 2019
19 election.

20 **MR. GORDON CAMERON:** Right. And he makes
21 several points in this email considering what he considers to
22 have been delayed delivery of intelligence, given what he, in
23 his email, describes as the severity of the alleged activity.
24 And he later refers to a massively problematic statement in
25 the intelligence.

26 And perhaps you can have reference, if it
27 assists you, to paragraphs 19 and following of your *in-camera*
28 evidence so that you can be guided by exactly what you've

1 decided you can say publicly about this. But the question is
2 can you help us understand what Mr. King is talking about
3 here and the Service's perspective on it?

4 **MS. CHERIE HENDERSON:** So my first point that
5 I am going to make is I had spoken earlier about foreign
6 interference being the long-term investigations that we have
7 engaged on in the Service. So when we're talking about SITE
8 and SITE being set up, SITE was managing issues that happened
9 during the writ period, but our investigations have begun
10 long before the writ period, and so any information that we
11 would have collected on certain foreign interference
12 activities prior to that point would have been shared with
13 our regular stakeholders. And I spoke about the S&I
14 community members.

15 So we would have shared any information that
16 we collected in an investigation that spoke of foreign
17 interference with our regular partners. That would include
18 CSE, Foreign Affairs, Public Safety, RCMP, et cetera.

19 So what happened in this particular instance
20 is that, based on a previous investigation, our analysts in
21 the service had begun drafting a report. I think we're
22 looking at an issue of timing here.

23 So when that report was then finalized and
24 drafted and came out right after the 2019 election, there was
25 a line in that report that talked about -- and I'm just going
26 to find it here.

27 **MR. GORDON CAMERON:** Find your discussion of
28 it in the ---

1 **MS. CHERIE HENDERSON:** Yes.

2 **MR. GORDON CAMERON:** --- transcript.

3 **MS. CHERIE HENDERSON:** So there was the line
4 in the report that said that the actor has already had an
5 impact on the 2019 federal election and will remain a foreign
6 interference threat after the election.

7 So that is the report that was brought to the
8 attention of the SITE Task Force after the 2019 election.
9 And so when Mr. King read that report, he was very concerned
10 that there was not enough information shared during SITE on
11 that issue.

12 When we took a look back at the report and
13 the assessment, we felt internally that that was a bit of a
14 leap too far. The threat actor would have had an impact on
15 that particular timeframe and that particular issue, but that
16 would not have impacted the integrity of the 2019 election.
17 It was just a little bit of a too strong of an assessment.

18 So the information in the report still stood.
19 It was the analytical assessment at the end that we had an
20 internal discussion and determined that no, the language is a
21 bit strong and so we rewrote that particular piece and
22 resubmitted the report.

23 **MR. GORDON CAMERON:** Thank you, Madam Chair.
24 Those are my questions for this panel.

25 **COMMISSIONER HOGUE:** Thank you.

26 Cross-examination. I think the first one is
27 -- just let me look at my chart. It is counsel for Michael
28 Chong.

1 **MR. GORDON CAMERON:** I believe we were
2 scheduled for a break at 20 to 4:00. I wonder if we could
3 break now and cross afterwards.

4 **COMMISSIONER HOGUE:** Yes, because it was
5 supposed to -- the break was supposed to be at 3:40.

6 **MR. GORDON CAMERON:** I believe so.

7 **COMMISSIONER HOGUE:** Yes, we can break and
8 we'll come back at -- can we say we'll come back at 4:15?
9 Thank you.

10 **THE REGISTRAR:** Order please.

11 This hearing is in recess until 4:15.

12 --- Upon recessing at 4:00 p.m.

13 --- Upon resuming at 4:16 p.m.

14 **THE REGISTRAR:** Order please.

15 This sitting of the Foreign Interference
16 Commission is back in session.

17 --- MS. MICHELLE TESSIER, Resumed:

18 --- MR. DAVID VIGNEAULT, Resumed:

19 --- MS. CHERIE HENDERSON, Resumed:

20 **COMMISSIONER HOGUE:** So the first one is
21 counsel for Michael Chong.

22 --- CROSS-EXAMINATION BY MR. GIB van ERT:

23 **MR. GIB van ERT:** Good afternoon, panel.
24 I'll start by picking up where Mr. Cameron left off. He took
25 you through the efforts that the service has made in recent
26 years to call the public's attention generally to the risk of
27 foreign interference, particularly around elections and
28 democratic processes.

1 The impression that I had even before hearing
2 Mr. Cameron, but especially after hearing him, is that this
3 has been a preoccupation of the service's for some time now,
4 several years. Is that fair?

5 **MR. DAVID VIGNEAULT:** I think as we have
6 commented, Madam Commissioner, since 1984, even before 1984,
7 foreign interference has been an issue of importance for CSIS
8 and we have been working on this issue. My predecessors --
9 our predecessors have been working on this issue.

10 One thing that is important, I think, to
11 mention is with globalization, with technology, with great
12 power politics, with new -- as my colleague said, with more
13 countries wanting to assert their interests, including to the
14 use of foreign interference, we have seen the intensity and
15 the impact of foreign interference in the last years to
16 increase and that's why ---

17 **MR. GIB van ERT:** I'm speaking specifically
18 about ---

19 **MR. DAVID VIGNEAULT:** --- there have been --
20 what has led to our ongoing efforts.

21 **MR. GIB van ERT:** Yes. Well, I think maybe I
22 didn't ask the question well or maybe you've missed the
23 point.

24 But what you I thought had agreed to Mr.
25 Cameron already is that the service's particular interest in
26 dealing with foreign interference as it relates to electoral
27 processes has increased in recent years. You mentioned 2016
28 in the U.S., 2018 in the United Kingdom.

1 So I had took that to mean that this has
2 become a major preoccupation of the service in recent years,
3 not '84. Recently. Am I wrong?

4 **MR. DAVID VIGNEAULT:** I would just say, Madam
5 Commissioner, that, you know, the focus of the -- has
6 increased in CSIS and the specificity around the democratic
7 processes, including elections, since 2016.

8 **MR. GIB van ERT:** Yes. All right. I think
9 we're on the same page there.

10 What the public has been able to see so far
11 through this process, and it's necessarily very limited,
12 paints a picture, I'm going to suggest to you, Director --
13 and I'm looking at you in particular as the face of the
14 service -- of you and no doubt your agency generally trying
15 in recent years to sound the alarm about this risk to our
16 elections and to our democratic institutions. You personally
17 meeting with senior politicians, with senior public servants,
18 with relevant agencies in advance of the 2019 election, in
19 the course of the election, and then again in 2021.

20 I'll just ask the Court Operator to put up
21 MMC20, please.

22 **--- EXHIBIT No. MMC 20:**

23 117-2023-231 (CSIS) - release - C
24 (CSIS briefings on PRC elxn inter)

25 **MR. GIB van ERT:** This is a document that I
26 think will illustrate the point I'm trying to make, Director.
27 So I'll give you a moment to look at that document, but what
28 I understand it to be is a list that was prepared of CSIS

1 briefings and intelligence around elections in recent years.
2 Are you with me?

3 **MR. DAVID VIGNEAULT:** Yes, I am.

4 **MR. GIB van ERT:** Thank you. And what I see
5 in this document is, just focusing on 2019 for the moment --
6 and if you scroll up a bit, please? Or scroll down, rather.
7 Thank you. We'll stop there.

8 Twenty-nineteen (2019) goes over the page,
9 but I'm just going to summarize for you what I'm seeing here,
10 and you tell me if it accords with your recollection.

11 You briefed Director -- Minister Gould seven
12 times ahead of the 2019 General Election. You briefed the
13 NSIA on the 1st of August 2018 on that same topic. You
14 briefed the full Cabinet on the 30th of October. You briefed
15 a DM meeting on election readiness on the 7th of November.
16 You briefed the NSIA, the Public Safety Deputy Minister, and
17 the CSE Chief on the 8th of January. And you've directed --
18 sorry, you briefed the Panel of Five five times in advance of
19 2019.

20 I know that's a lot on the screen there, but
21 this is why I'm saying that I get the picture that you are
22 raising these issues with the decision makers all around
23 town. Is that fair?

24 **MR. DAVID VIGNEAULT:** I think, Madam
25 Commissioner, that list of topics speaks to two issues. Yes,
26 that CSIS was increasing its engagement and working with the
27 partners about understanding foreign interference and the
28 impact it was having, but it's also a reflection of the

1 number of other partners who are interested in these issues
2 and were asking us for our advice, and our intelligence, and
3 our assessments.

4 So I think it's both CSIS increasing, but
5 also the number of other partners who were increasing in
6 their demands and their engagement on this topic. So I think
7 both are important to point out.

8 **MR. GIB van ERT:** We heard evidence from the
9 Office of the Commissioner of Canada Elections that the
10 Saturday before polling day in 2019, you had an emergency
11 briefing with that body. Do you recall that?

12 **MR. DAVID VIGNEAULT:** I do not recall that
13 specific meeting, Madam Commissioner.

14 **MR. GIB van ERT:** All right. And then in
15 2021, this same document.

16 If you go over the page, please? Thank you.

17 We start getting into briefings in 2021. I
18 won't go through them all, but again, you briefed the Panel
19 of Five four times, you briefed Minister Blair, the Deputy
20 Prime Minister, and the Prime Minister, all ahead of the 2021
21 Election.

22 My point is this. It seems to me that you
23 were trying, on behalf of the agency, to ensure that decision
24 makers, senior politicians, senior public servants,
25 understood that there was a risk and a need to counter it,
26 particularly in the run up and during those two elections.
27 Do you agree with that?

28 **MR. DAVID VIGNEAULT:** Madam Commissioner,

1 I'll go back to the answer I gave previously. I think it's
2 fair to say that absolutely CSIS was increasing the sharing
3 of information and engagement on foreign interference, and in
4 parallel, our partners were also increasing their demands on
5 us, and those two dynamics I think have to be understood
6 together.

7 **MR. GIB van ERT:** Let's go to the witness
8 statement, WIT 41, please.

9 **--- EXHIBIT No. WIT 41:**

10 D. Vigneault, M. Tessier and C.
11 Henderson Public Summary of
12 Classified Interview

13 **MR. GIB van ERT:** And if you'll start at
14 paragraph -- page 12, rather, of that document? Down the
15 page, please. Yes. Yes. The paragraph that begins -- I
16 think we need to go up a little bit further. Sorry. There
17 we are. No, a little further still. There we are.

18 The paragraph that begins Ms. Tessier, I'll
19 just read it:

20 "Ms. Tessier noted that CSIS had
21 wanted to conduct such briefings..."

22 We're talking about defensive briefings of
23 MPs. Do you recall this, Madam Tessier?

24 **MS. MICHELLE TESSIER:** I do.

25 **MR. GIB van ERT:** Thank you. So you:
26 "...noted that CSIS had wanted to
27 conduct such briefings even before
28 the 43rd elections..."

1 You wanted to do that, but you didn't do so?

2 **MS. MICHELLE TESSIER:** We began our
3 briefings. And what I want to highlight is that the Service
4 has always recognized the importance, the integrity of the
5 democratic institutions. And it's the importance of allowing
6 for free and fair elections. So anything to do with
7 interviewing, meeting elected officials, CSIS employees know
8 that that is a sensitive issue, that the Service doesn't want
9 to be seen as somehow, itself, interfering in any election.

10 So there's always been a lot of discussion in
11 terms of the Service's approach, and it's evolved over the
12 years. Certainly interest in foreign interference,
13 communicating on foreign interference, but frankly increasing
14 our methodologies regarding the investigation, particularly
15 as it affects elections.

16 And so there was a lot of discussion, but I
17 can say that the intent was always to reach out to as many
18 elected officials at all levels as we could.

19 **MR. GIB van ERT:** Ms. Tessier, you have given
20 evidence that you wanted to conduct such briefings before the
21 43rd Election. The question I asked you was very straight
22 forward. You wanted to, but you didn't; right?

23 **MS. MICHELLE TESSIER:** We did conduct some.
24 We didn't conduct as many as we would have liked, but we did
25 conduct some.

26 **MR. GIB van ERT:** All right. Why didn't you
27 conduct as many as you would have liked?

28 **MS. MICHELLE TESSIER:** Well there were

1 discussions. Some of it is timing. Some of it is with the
2 writ dropping, some of it is timing, some of it is
3 availabilities. But also there were discussions. I was not
4 involved in those discussions, in terms of what -- who should
5 be met, what is the appropriate methodology of meeting with
6 the purpose ---

7 **MR. GIB van ERT:** Did you ask the Government
8 -- did the Service ask the Government whether it could
9 conduct such briefings? Did you ask permission and were you
10 told no?

11 **MR. DAVID VIGNEAULT:** So, Madam Commissioner,
12 I think -- I'm trying to remember if it's -- whether it is in
13 the public domain, but there was the National Security
14 Committee Intelligence -- NSICOP Committee of
15 Parliamentarians had been reflecting on the need to produce -
16 - to do so briefings to the -- all elected officials. And so
17 there's been discussions at play. We prepared briefings, and
18 those discussions are ongoing, and we'll see if such
19 briefings are taking place soon.

20 **MR. GIB van ERT:** I'm going to try again.
21 Would you have needed the Government's permission to conduct
22 defensive briefings of MPs?

23 **MR. DAVID VIGNEAULT:** Madam Commissioner,
24 there's -- as my colleague, Ms. Tessier, mentioned, what we
25 did is we used our authorities to do, you know, those
26 briefings to a number of elected officials.

27 What was also being discussed was to have,
28 you know, an organized approach to the House of Commons, you

1 know, where we would have all Members of Parliament briefed,
2 yes by CSIS, but also by other parties, like the
3 Communications Security Establishment, the Royal Canadian
4 Mounted Police Sergeant-at-Arms to talk about issues related
5 to foreign interference.

6 And so this is what I refer to when those
7 plans are being discussed as we speak still.

8 **MR. GIB van ERT:** Madam Commissioner, I'm
9 going to ask the question again, and this time I'm hoping the
10 Director will answer it.

11 Would you have required permission from the
12 Government to conduct these defensive briefings?

13 **MR. BARNEY BRUCKER:** Excuse me. I hate to
14 interrupt my friend. Before we go on and on with this cross-
15 examination on a statement, I think there are some parameters
16 around this on -- under Rule 59. And certainly it's
17 appropriate to ask some questions about this, but we're going
18 over and over the same question. I think the witness has
19 answered the question. If there's any force in this rule,
20 then we ought to move on to something else.

21 **MR. GIB van ERT:** Commissioner, ---

22 **COMMISSIONER HOGUE:** My understanding is
23 you're not trying to contradict the witness with ---

24 **MR. GIB van ERT:** Not at all.

25 **COMMISSIONER HOGUE:** --- his previous
26 summary.

27 **MR. GIB van ERT:** Thank you. That's quite
28 right. He's adopted this evidence as his own today and I

1 just -- I don't believe the question has been answered. I'm
2 not trying to be repetitive; I'm just trying to get the
3 answer.

4 **COMMISSIONER HOGUE:** Repeat the ---

5 **MR. GIB van ERT:** Yes, thank you.

6 The question is, would you have needed ---

7 **COMMISSIONER HOGUE:** As short as possible.

8 **MR. GIB van ERT:** Would you have needed the
9 Government's permission to conduct defensive briefings of
10 MPs?

11 **MR. DAVID VIGNEAULT:** So we do not need the
12 Government's permission, Madam Commissioner, for CSIS to
13 conduct these briefings, you know, on our own, but of course
14 we -- in order to convene the House of Commons and to
15 organize briefings of all Parliamentarians in an organized
16 way with our partners, we could not do that on our own. It
17 requires coordination and it requires authority. I'm not
18 sure if it's, you know, just the government, if it's the
19 House of Commons, you know, the House is sovereign in its own
20 right, so those plans to be briefing the entire House of
21 Commons, and potentially, eventually also, the Senate are
22 still being discussed.

23 But we -- what was in our authority or our
24 mandate, we did on our own, but the organised approach
25 requires more players, including potentially, yeah, the
26 government, but also, the House of Commons, and this has not
27 yet happened. So it's probably the best answer I could
28 provide to the question.

1 **MR. GORDON CAMERON:** All right. You've now
2 said that you don't need permission, thank you, but you did
3 need to coordinate ---

4 **MR. DAVID VIGNEAULT:** But I'm....
5 Commissioner, for the record, this is not, I
6 think, what the record identifies.

7 **MR. GIB van ERT:** I'll go on.

8 **COMMISSIONER HOGUE:** I think he answered this
9 time.

10 **MR. GIB van ERT:** Yes, he did answer and I
11 have a follow up.

12 Which is you didn't need permission, thank
13 you for that, but you did indicate you would need help
14 coordinating it. Did you ask for that help, and were you
15 told no?

16 **MR. DAVID VIGNEAULT:** Madam Commissioner,
17 this -- I -- I said that, you know, CSIS could not on its own
18 brief the entire House of Commons. That is what I have just
19 mentioned. I have said that we have been part of discussions
20 with other parties of the government, the government, the
21 Privy Council Office, other partners. That's what my
22 testimony and my answer to previous question.

23 **MR. GIB van ERT:** I'll try one last time.
24 Did you ask the government for help coordinating those
25 meetings, and were you told no?

26 **MR. DAVID VIGNEAULT:** Madam Commissioner, I
27 have said ---

28 **COMMISSIONER HOGUE:** I think you've got the

1 answer.

2 **MR. GIB van ERT:** All right. Let's go to
3 page 13, please. Yes. One moment. So scroll down a little
4 further, please. I'm sorry, go back up, please. There we
5 are.

6 Mr. Vigneault, the paragraph that reads:

7 "Mr. Vigneault indicated that the P5
8 had been created to address these
9 challenges during the writ period,
10 [and] also noted that it could not
11 intervene on [foreign interference]
12 incidents that did not meet its
13 threshold for action..."

14 I want to ask you about the P5's threshold
15 for action. Can you tell the Commissioner, please, what the
16 P5's threshold for action was?

17 **MR. DAVID VIGNEAULT:** Just give me one
18 second.

19 **MR. GIB van ERT:** Of course.

20 **MR. DAVID VIGNEAULT:** So Madam Commissioner,
21 I think you're going to have witnesses who are coming from
22 the Panel who will speak specifically about the Panel, but --
23 so I'll defer to them on the -- on more specific.

24 But the -- my understanding of the threshold
25 is that this is something that would have an impact on the
26 integrity of the election. And so what I have testified to
27 and what we have said is that you could have at the same time
28 foreign interference activities during election, and at the

1 same time you can say that -- conclude that the interference
2 did not interfere with the integrity of the election.

3 And I think this is what this notion of it --
4 of this is here, is that we, CSIS, and other partners of the
5 security intelligence community, would, including during the
6 writ period, bring forward information that would be related
7 to foreign interference. Some of it, you know, will be
8 absolutely of concern to the Panel because, you know, they
9 have to assess, you know, how that it will impact or not the
10 integrity of the election, but other pieces of this would not
11 be elements that, you know, would meet that threshold that --
12 the integrity of the election.

13 And so that's why I think it's important, and
14 again I'm speaking to the perspective of CSIS of what we're
15 bringing forward, I think the Panel members will be able to
16 explain how they interpreted their own threshold with that
17 information. But that is the spirit in which I have
18 testified to *in-camera*.

19 **MR. GIB van ERT:** Thank you.

20 If we go to Witness Statement Number 48,
21 please. And if you'll go to paragraph 19, please. Thank
22 you.

23 Mr. Cameron was showing you this earlier.

24 Go, in particular, to -- so the middle of
25 this paragraph 19. It says:

26 "The report initially assessed it
27 likely that the actor 'has already
28 had an impact on the 2019 federal

1 election...'"

2 So it's that phrase, "impact on the
3 election".

4 And then if you look at paragraph 20 here,
5 Ms. Henderson speaks, and she indicates that:

6 "...while the actor could potentially
7 have had an impact on democratic
8 processes, their actions had not
9 compromised the integrity of the 2019
10 election."

11 Right? And my question for you is this:
12 Ms. Henderson, are you referring to the integrity of the
13 election as a whole, or the integrity of any particular
14 riding -- election in one of the 338 ridings that make up the
15 general election?

16 **MS. CHERIE HENDERSON:** The integrity of the
17 election as a whole.

18 **MR. GIB van ERT:** As a whole. Thank you.

19 And similarly, if you go to paragraph 29,
20 please, of this same statement. Mr. Vigneault, this is
21 attributed to you. It indicates that you:

22 "...assessed that, while there were
23 FI activities during the [two]
24 elections, [these]...incidents did
25 not impact the integrity of either
26 election."

27 And again, I take that to mean, but please
28 tell me, the election as a whole. Are you referring to the

1 election as a whole having integrity here, or are you
2 referring to the 338 individual elections that make it up?

3 **MR. DAVID VIGNEAULT:** So Madame Commissioner,
4 this statement of course is a -- is the unclassified version
5 of my full statement *in-camera* where we provided the details.
6 It is the integrity of the election as a whole, but I think
7 it's also important to say that, it goes back to my statement
8 I just made a minute ago, that, you know, we have detected
9 and reported on some foreign interference activities during
10 those elections. However, the -- I am very comfortable with
11 the decision the Panel reached that they did not impact the
12 integrity. And I say that, you know, having been privy to a
13 lot of the information, maybe not all of the information from
14 the Panel, but I think these two statements are really
15 important to understand in the context of the Commission of
16 Inquiry, that yes, foreign interference takes -- is taking
17 place, has taken place during these elections; however, based
18 on at least what I know, and I concur with the Panel
19 conclusion, this did not amount to impact the integrity of
20 the election.

21 **MR. GIB van ERT:** As a whole.

22 **MR. DAVID VIGNEAULT:** As a whole, and I
23 understand the nuances that counsel is bringing forward here,
24 Commissioner, and I think some of the classified evidence you
25 received, you and Commission Counsel before, speaks to the
26 nuances of this and I think, you know, the classified record
27 will provide a full picture of the -- of what we knew then.

28 **MR. GIB van ERT:** Yes, so the classified

1 record may tell us things about the integrity of the Don
2 Valley North proceedings in 2019 or the Richmond --
3 Steveston-Richmond East proceedings in 2021. The integrity
4 of those matters is not necessarily what you're speaking to.
5 You're talking about the integrity of these two elections as
6 a whole. Have I got that right?

7 **MR. BARNEY BRUCKER:** The witnesses can't
8 speak to the classified record.

9 **MR. GIB van ERT:** All right. I'll accept
10 that. Thank you.

11 **COMMISSIONER HOGUE:** And your time is
12 expired.

13 **MR. GIB van ERT:** Well, I wonder if I might
14 have another five minutes?

15 **COMMISSIONER HOGUE:** Because you already -- I
16 gave you already two more minutes. So I permit you to ask a
17 last question. We are very tight today in terms of the
18 schedule.

19 **MR. GIB van ERT:** All right.
20 If you'll turn, in that case, to Canada
21 Document 2359.

22 **--- EXHIBIT No. CAN 2359:**

23 SITE TF - After Action Report (2021
24 Federal Election)

25 **MR. GIB van ERT:** If you go to the next page,
26 please.

27 This is, as you can see, panelists, the 2021
28 after action report of the SITE.

1 of potential coordination between
2 various Canada-based [China] language
3 news outlets between various Canada-
4 based China language news outlets as
5 well as PRC and CCP news outlets."

6 My question for you is this. In response to
7 the testimony that Mr. O'Toole gave yesterday, there has been
8 some adverse commentary to the effect that -- and I'm
9 paraphrasing -- that maybe he's just a sore loser and he
10 should look in the mirror to see why he lost rather than
11 looking to the Commissioner and this Inquiry to understand
12 what happened.

13 And what I want to ask you, panelists, is do
14 you accept these conclusions of the SITE that there was a
15 little more going on than just a failure of Mr. O'Toole's
16 politics, there was some foreign interference in these
17 proceedings that affected in some way or another our
18 proceedings in those elections?

19 Do you agree with me on that.

20 **MR. DAVID VIGNEAULT:** Madam Commissioner, I
21 think it's very important -- as you can imagine, a summary of
22 these key observations would have been crafted extremely
23 precisely with all the nuances, so I am -- I recognize this
24 information and I am comfortable with the conclusions that
25 this document speaks to.

26 I think I would not have any specific comment
27 about political matters, as you can imagine, but I think it's
28 important to see -- to read this very precisely and see what

1 it says and what it doesn't say.

2 The last thing I would comment on is the
3 online media activities. One of the most significant
4 evolutions I have mentioned when I said technology has
5 evolved and has created new dynamic for foreign interference,
6 I think this is one of the areas that, you know, Canada, CSIS
7 for sure, but also all of our other partners around the
8 world, are struggling with to make sure we understand and
9 we're able to detect but also to attribute these activities.

10 And I think this is an area that will
11 continue to be of high interest, but I think these words have
12 been crafted very carefully and for the Commission record,
13 you know, I support those conclusions. But I would not want
14 to go further than those specific words.

15 **MR. GIB van ERT:** You support those
16 conclusions.

17 Thank you, panelists. Thank you very much.

18 **COMMISSIONER HOGUE:** Thank you.

19 **MR. DAVID VIGNEAULT:** Thank you.

20 **COMMISSIONER HOGUE:** Conservative Party, I
21 think it's on Zoom.

22 **MR. NANDO de LUCA:** Madam Commissioner, can
23 everybody hear me and see me?

24 **COMMISSIONER HOGUE:** Can you speak louder or
25 maybe raise the volume?

26 **MR. NANDO de LUCA:** I don't know how to do
27 that.

28 Can you hear me now? I'll speak up.

1 **COMMISSIONER HOGUE:** Yes, okay. But speak
2 louder, please.

3 **--- CROSS-EXAMINATION BY MR. NANDO de LUCA:**

4 **MR. NANDO de LUCA:** I will. Thank you.
5 Mr. Vigneault, as set out in your
6 institutional report, pursuant to section 12 of the *CSIS Act*
7 *CSIS* is statutorily mandated or bound to collect,
8 investigate, analyze and retain information and intelligence
9 that may constitute a threat to the security of Canada. Is
10 that correct?

11 **MS. MICHELLE TESSIER:** It's Michelle Tessier
12 responding.

13 Yes, that's correct.

14 **MR. NANDO de LUCA:** And information and
15 intelligence about foreign interference in Canadian elections
16 qualifies as being a threat to Canada's security; correct?

17 **MS. MICHELLE TESSIER:** That's correct.

18 **MR. NANDO de LUCA:** And *CSIS* takes this
19 threat of foreign interference very seriously; correct?

20 **MS. MICHELLE TESSIER:** Absolutely, yes.
21 That's correct.

22 **MR. NANDO de LUCA:** And am I also correct
23 that under section 12 of the *CSIS Act* not only is *CSIS*
24 statutorily mandated to collect and gather information and
25 intelligence constituting a potential security threat, but it
26 is also duty bound to report and to advise the Government of
27 Canada in relation to all such collected intelligence?

28 **MS. MICHELLE TESSIER:** We don't necessarily

1 have to report all collected intelligence, but yes, our
2 mandate is to report and advise government.

3 **MR. NANDO de LUCA:** Okay. And the
4 Government of Canada as used in section 12, to your
5 understanding, includes the Prime Minister and the PMO?

6 **MS. MICHELLE TESSIER:** It could, yes,
7 absolutely, as the government recipients of our intelligence.

8 **MR. NANDO de LUCA:** And the Government of
9 Canada also includes all the Ministers of Cabinet and the
10 Privy Council Office?

11 **MS. MICHELLE TESSIER:** It may or may not.
12 They may be recipients of some briefing, but not necessarily
13 of all intelligence of CSIS.

14 **MR. DAVID VIGNEAULT:** Madam Commissioner, if
15 I could add to this point, our colleague misunderstood and
16 talked about the dissemination of the product based on
17 intelligence requirements. So the notion of what product
18 goes to whom, when, the volume of information and so on is a
19 fairly complicated -- or not necessarily complicated, but you
20 know, requires, you know, some explanation.

21 So I just want to make sure that we are not
22 providing answers to these questions that, you know, are
23 providing a perspective that may not be as nuanced as it
24 requires to be.

25 **MR. NANDO de LUCA:** Okay. For the purposes
26 of these questions, I'm just trying to get an understanding
27 as -- generally speaking, at least, as to who CSIS in
28 particular understands comes within the ambit of Government

1 of Canada as used in section 12 with respect to their
2 mandate. And I think the answers that have been provided are
3 helpful and there's nothing inaccurate in that respect.

4 **MR. DAVID VIGNEAULT:** Yes. The people with
5 clearances, with the need to know who have part of the
6 federal government, including Ministers, including political
7 staff, you know, again with clearance and need to know, that
8 is the ecosystem of people who may receive information,
9 intelligence from CSIS and others. And again, the nuance of
10 who gets what on what topic requires some -- so if it's
11 relevant for the Commission, we can speak to that, but again,
12 I just don't want a blanket explanation to cover everything.

13 **MR. NANDO de LUCA:** I'm going to try to get
14 to that, if you'll just be patient.

15 So am I correct in my understanding or would
16 you agree that the Government of Canada since 2019 has been
17 headed by Prime Minister Trudeau, who is the leader of the
18 Liberal Party?

19 **MR. DAVID VIGNEAULT:** Yes, I would agree.

20 **MR. NANDO de LUCA:** And the Liberal Party
21 and the Prime Minister Trudeau have been in power since 2015?

22 **MR. DAVID VIGNEAULT:** That's an accurate
23 statement, yes.

24 **MR. NANDO de LUCA:** And all of the
25 Ministers appointed since 2015 have been drawn from the
26 Liberal Party caucus. Is that correct, to your
27 understanding?

28 **MR. DAVID VIGNEAULT:** Yes, that's my

1 understanding.

2 **MR. NANDO de LUCA:** And in compliance with
3 your duty to report and advise the Government of Canada, is
4 it the case that different offices and members of the
5 Government of Canada have different security clearances in
6 terms of the types of details of information that they are
7 entitled or permitted to receive?

8 **MR. DAVID VIGNEAULT:** As I mentioned, Madam
9 Commissioner, we have, depending on position, you know, at
10 the political level, you know, if you're heading a
11 department, if you're on specific Cabinet committees, if
12 there is a specific reason why you would need to have, there
13 is a variation of the clearances or the access that people
14 will have.

15 Ministers are not requiring security
16 clearances. Political staff and all officials require
17 security clearances.

18 So again, there is an explanation that is --
19 it's not everybody who has access to the same information.
20 It's not everybody who should be receiving the same
21 information. And this is not just governed by CSIS, but it's
22 also governed by other agencies producing intelligence and by
23 a Privy Council office who works to manage Cabinet affairs.

24 **MR. NANDO de LUCA:** Can I ask, would I be
25 correct in assuming that in terms of information and
26 intelligence relating to foreign interference in elections,
27 the Prime Minister and the Minister of Public Safety have the
28 highest security and intelligence clearances?

1 **MR. DAVID VIGNEAULT:** I would say on that
2 notion, Madam, I'm not at liberty to discuss, you know, who
3 gets access to what, but you know, it is fair to say that the
4 Minister of Public Safety and the Prime Minister have access
5 to all relevant information from CSIS and, to my
6 understanding, other agencies.

7 **MR. NANDO de LUCA:** Is there any security
8 level of information or intelligence that the Prime Minister
9 or the Minister of Public Safety is not entitled or permitted
10 to receive?

11 **MR. DAVID VIGNEAULT:** Not to my knowledge,
12 Madam Commissioner.

13 **MR. NANDO de LUCA:** Do you consider that
14 the leaders or members of the opposition parties in the House
15 of Commons come within the definition of Government of Canada
16 as used in section 12 to which CSIS is bound to report
17 intelligence?

18 **MR. BARNEY BRUCKER:** I'm not sure where this
19 gets us. Are we not getting into legal considerations about
20 who has what authorities that go beyond the remit of this
21 Commission?

22 **MR. NANDO de LUCA:** Well, not at all
23 because -- Madam Commissioner, because one of the questions
24 that this Commission is considering is who had the
25 information, who was it communicated to and who wasn't it
26 communicated to. And so I'd like to know in terms of what --
27 where CSIS considers itself bound to deliver information.

28 We've gotten some clarity as to who's

1 included in the list. This question attempts to elicit
2 whether or not they consider members of the opposition
3 parties as part of the Government of Canada as that term is
4 used in section 12.

5 **COMMISSIONER HOGUE:** I understand your
6 explanation as meaning that you're not looking for an
7 interpretation of the provision, but you're looking for the
8 way this provision is applied by CSIS?

9 **MR. NANDO de LUCA:** Correct.

10 **MR. DAVID VIGNEAULT:** Thank you, Madam
11 Commissioner. My understanding is members of Cabinet,
12 members of the government, so elected officials, have access
13 to information in relation to them being member of the Privy
14 Council Office -- the Privy Council.

15 And so if you're a member -- not a member of
16 the Government, if you're not a member -- if you're not been
17 before a Privy Councillor, then you would not be having
18 access to intelligence. And section 19 of the *CSIS Act* would
19 preclude us from being able to distribute that intelligence.

20 I've testified previously to some of the
21 changes that, you know, the Government is contemplating --
22 looking, is to broaden the list of the people who could
23 receive information. But to counsel's question, we would not
24 be considering leaders of members of the opposition to be
25 individuals under section 19 to whom we could share
26 intelligence with.

27 **MR. NANDO de LUCA:** Okay. Thank you. You'll
28 recall that my colleague who went before me put to you a list

1 of briefings that CSIS had provided to different agencies.
2 Included in those were briefings to the -- to Cabinet and to,
3 you know, the Prime Minister or the PMO.

4 I have a general question. Would those
5 briefings in particular have included the dissemination of
6 classified information? Without getting into what that
7 classified information was.

8 **MR. DAVID VIGNEAULT:** Madam Commissioner, I
9 think it's fair to say that when CSIS would be briefing --
10 including those briefings on the list that counsel refers to,
11 overwhelmingly they will be talking about classified
12 intelligence.

13 **MR. NANDO de LUCA:** Thank you. On May 26th,
14 2023 and September 18, 2023, CSIS officials met with former
15 Conservative Party Leader Erin O'Toole, who was the Leader of
16 the Conservative Party during the 2021 Election and 2021
17 Election Conservative Party candidate Kenny Chiu
18 respectively. And we have reports of those briefings in the
19 record. Are you familiar, generally, with those briefings?
20 I can give you the document numbers, if you'd like.

21 **MR. DAVID VIGNEAULT:** Madam Commissioner, I
22 just want to make sure that -- because we have met with
23 individuals for a number of different reasons, but we also
24 have met with Mr. O'Toole, Mr. Chiu under the terms of the
25 Threat Reductions Measures. So if counsel could clarify?

26 **MR. NANDO de LUCA:** Sure.

27 **MR. DAVID VIGNEAULT:** Are they -- are these
28 the two sections you're talking about?

1 **MR. NANDO de LUCA:** So I'll do better. It's
2 CAN.DOC22 and CAN.DOC24. These are the summaries that we
3 have received in a public setting, or for the purposes of
4 this Commission. Can I have those called up, please?

5 **COMMISSIONER HOGUE:** Mr. de Luca, I give you
6 another two minutes to finish your line of questions.

7 **MR. NANDO de LUCA:** Sure. This will be the
8 last line. This will be the last line.

9 **MR. DAVID VIGNEAULT:** So yes, Mr. -- Madam
10 Commissioner. I believe that this -- the May 26 is -- refers
11 to the Threat Reductions Measures briefing that was provided
12 to Mr. O'Toole.

13 **MR. NANDO de LUCA:** Okay. And similarly,
14 with respect to Chiu, sir, is your answer the same?

15 **MR. DAVID VIGNEAULT:** Is it -- I don't see
16 the document at the moment, but is it contemporary to -- so
17 18 September. Yes, I believe it is the case. I will make
18 that assumption, depending on the next questions you have for
19 me, ---

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

21 **MR. DAVID VIGNEAULT:** --- but yeah.

22 **MR. NANDO de LUCA:** They're very general.
23 Would the intelligence that was shared in this format, and as
24 is reflected here with both Mr. O'Toole and Mr. Chiu, have
25 been gathered in the lead up to and during the 2021 Federal
26 Election?

27 **MR. DAVID VIGNEAULT:** Madam Commissioner, I
28 just -- my colleague just pointed out that indeed these --

1 the meeting with Mr. Chiu on September 18 was under the guise
2 of Threat Reduction Measures. So as my colleague, Mme
3 Tessier explained earlier, that's the process by which we can
4 use classified information.

5 So the information, I was not -- I did not
6 provide the briefing myself, but my understanding is that
7 briefing would have included information, yes including
8 related to the Federal Election 2021, but other relevant
9 information ---

10 **MR. NANDO de LUCA:** I see.

11 **MR. DAVID VIGNEAULT:** --- that -- including -
12 - because it was a TRM, including classified information.

13 **MR. NANDO de LUCA:** Okay. So to the extent
14 that there was information with respect to the 2021 period,
15 why was it being provided to both Mr. O'Toole and Mr. Chiu
16 only in 2023?

17 **MR. DAVID VIGNEAULT:** So, Madam Commissioner,
18 we have -- as has been mentioned, you know, we have
19 limitations on what we can and how we can apply Threat
20 Reduction Measures when we also talked about -- testified
21 about the fact that there's been an evolution of how we have
22 approached foreign interference matters in the country.

23 And so at this point in 2023, discussions
24 internally, and also to receiving a direction from the
25 Minister to share all information with all Parliamentarians,
26 we prepared those Threat Reduction Measures and then briefed
27 Mr. Chiu and Mr. O'Toole with all the information we had at
28 our disposal.

1 So it was in the context of that Ministerial
2 Directive that these Threat Reduction Measures were
3 undertook.

4 **MR. NANDO de LUCA:** Okay. And ---

5 **COMMISSIONER HOGUE:** Thank you.

6 **MR. NANDO de LUCA:** Okay. That's fine.

7 **COMMISSIONER HOGUE:** Mr. de Luca, I think now
8 it's over, because there's others ---

9 **MR. NANDO de LUCA:** Thank you, Madam
10 Commissioner.

11 **COMMISSIONER HOGUE:** So the next one is
12 counsel for Jenny Kwan.

13 **--- CROSS-EXAMINATION BY MR. SUJIT CHOUDHRY:**

14 **MR. SUJIT CHOUDHRY:** Good afternoon. For the
15 record, my name is Sujit Choudhry. I'm counsel to MP Jenny
16 Kwan.

17 So I have a few questions for the panel about
18 the PRC and the United Front, and its use of proxies. And so
19 that, of course, as you know, was a core message that was
20 delivered to the various MPs who received CSIS briefings in
21 May of 2023.

22 And what I'd like to ask you about are some
23 questions specific to the 43rd and 44th General Elections in
24 Canada based on some of the evidence that's been produced for
25 the Commission about the use of proxies by the PRC in Canada,
26 and in particular, flows of funding to those proxies.

27 And so Commissioner, as you know, we've had a
28 lot of production in the last 24 hours, and so with your

1 leave, there's a couple of documents that I've already
2 alerted the Commission counsel to that are Government of
3 Canada documents or witness summaries that I hope I could put
4 to the panel.

5 **COMMISSIONER HOGUE:** Go ahead.

6 **MR. SUJIT CHOUDHRY:** Thank you.

7 **COMMISSIONER HOGUE:** If there's a problem,
8 I'll let you know.

9 **MR. SUJIT CHOUDHRY:** Thank you.

10 So the first one is CAN.SUM10. And so this
11 is a summary document that's been provided by the Government.
12 I assume the panel has seen this or is familiar with it?

13 **MR. DAVID VIGNEAULT:** Yes, we are.

14 **MR. SUJIT CHOUDHRY:** So could I please ask
15 you to scroll down, Mr. Registrar, to page 2? So there's
16 five points here. And so I'd like to take you to a couple of
17 the points. so the first point says:

18 "Prior to and during the 43rd General
19 Election of Canada in 2019 [...] a
20 group of known and suspected [PRC]-
21 related threat actors in Canada,
22 including PRC officials, worked in
23 loose coordination with one another
24 to covertly advance PRC interests
25 through Canadian democratic
26 institutions."

27 Is that statement correct, in your view?

28 **MR. DAVID VIGNEAULT:** That is a correct

1 statement, Madam Commissioner. And as we have testified to
2 earlier, it speaks to the fact that we have been
3 investigating foreign interference for many, many years, and
4 that statement is based on the fact that we had that
5 understanding of the threat.

6 **MR. SUJIT CHOUDHRY:** Thank you. So for
7 limitations of time, I just would like to take you to point
8 five of this.

9 And could we please scroll up? Thank you.
10 Just hard for me to see over the podium. Thank you.

11 So I just want to read point five out for the
12 record. It says:

13 "Additionally, intelligence
14 assessments suggest that some of
15 these threat actors received
16 financial support from the PRC. For
17 example, there likely were at least
18 two transfer of funds approximating
19 \$250,000 from PRC officials in
20 Canada, possibly for FI-related
21 purposes, through [but] most likely
22 not in an attempt to covertly fund
23 the 11 candidates [that were referred
24 to earlier in this document]. These
25 were transferred via multiple
26 individuals to obfuscate their
27 origins: via an influential community
28 leader, to the staff member of a 2019

1 Federal Election candidate, and then
2 to an Ontario [Member of Provincial
3 Parliament]. The transfer(s)
4 [repeatedly] took place in late 2018
5 - early 2019."

6 Is this statement correct?

7 **MR. DAVID VIGNEAULT:** That is a correct
8 statement, ---

9 **MR. SUJIT CHOUDHRY:** Yeah.

10 **MR. DAVID VIGNEAULT:** --- Madam Commissioner.

11 **MR. SUJIT CHOUDHRY:** So panel, as you know,
12 there have been media reports that have been widely commented
13 upon about a slush fund allegedly operated by the Chinese
14 Consulate in Toronto. Are you able to tell us in this
15 setting, and if you can't, please advise us, whether this
16 document refers to said slush fund?

17 **MR. DAVID VIGNEAULT:** So Madam Commissioner,
18 as you know, we are not at liberty to discuss classified
19 information, but I think what -- there's a couple of very
20 important points to make in relation to this question. The
21 first one is one of the very negative impact of leaks of
22 classified information is the fact that people may interpret
23 partial information, may have access to only information, may
24 provide an assessment of such information that may not be
25 accurate. And so that's why -- that's one of the many
26 reasons, over and above the fact that we need to protect our
27 people and our sources, and when there leaks, you know, they
28 are put in danger.

1 So we have to be very careful. I will not be
2 commenting on the information in those leaks. However, at
3 the request of the Commission, the Government of Canada has
4 produced a summary of related very important intelligence,
5 and I think these words have been -- as I said earlier, have
6 been carefully chosen to make sure that they are providing
7 you, Madam Commissioner, and Canadians the most accurate
8 possible depiction of what we know, while protecting
9 classified information.

10 But we also need to make sure that we read
11 this, these words, in their context and not overinterpret or
12 not draw conclusions that are not drawn here. And that's the
13 caution that I want to make sure. And so these words, again,
14 have been chosen very carefully and it is an important aspect
15 of the *transparence* of the Commission, Madam Commissioner,
16 that this information now is in the public domain. And so
17 these are important words of *caveat* and context I think are
18 relevant at this point.

19 **MR. SUJIT CHOUDHRY:** Madam Commissioner, I'd
20 like to move on.

21 **COMMISSIONER HOGUE:** Yes.

22 **MR. SUJIT CHOUDHRY:** I think the panel's
23 answered this question.

24 I'd like to take you, sir, to the panel, to
25 another document. And this is the witness summary of the CSE
26 public -- it's the public summary of the classified *in-camera*
27 examinations -- quite a mouthful -- of the CSE panel of Ms.
28 Tayyeb and Mr. Rogers, and it's WIT 33. And this was entered

1 as an exhibit today.

2 And Mr. Registrar, could you please take us
3 to paragraph 15? And I think, with the leave of the
4 Commissioner, I don't think the panel necessarily have seen
5 this document.

6 **COMMISSIONER HOGUE:** No.

7 **MR. SUJIT CHOUDHRY:** So I think I'd like to
8 give them a minute to, please, if they could, read paragraphs
9 15 and 16. And if it's possible to reduce the size of it so
10 others can read this as well. Thank you very much.

11 I see Mr. Vigneault is ready; I'm going to
12 give his colleagues just a minute.

13 **(SHORT PAUSE)**

14 **MR. SUJIT CHOUDHRY:** So if I may, I have a
15 couple of questions about this evidence. The first is it
16 seems that the former -- the first document that I asked you
17 to comment on was in relation to the 43rd election, but you
18 can confirm that what Ms. Tayyeb seems to be referring to is
19 the 44th General Election. Is that right?

20 **MS. MICHELLE TESSIER:** It's not clear, other
21 than saying, "was obtained shortly after the 2021 election."
22 So I'm certainly not in a position to ---

23 **MR. SUJIT CHOUDHRY:** Okay, fair enough.

24 **MR. DAVID VIGNEAULT:** I think I know what
25 this refers to, and yes, it is the ---

26 **MR. SUJIT CHOUDHRY:** Okay. And so at the
27 bottom of paragraph 16 there's a reference to the
28 distribution of funds described in the intelligence report.

1 And so a question, if you're able to answer in this setting;
2 is this distribution of funds that's referenced here the same
3 distribution of funds referenced in the first document that I
4 showed you, or is it a separate distribution of funds?

5 **MR. DAVID VIGNEAULT:** So Madam Commissioner,
6 as you can imagine, we are not at liberty to discuss the
7 specifics, but I think these documents, you know, again,
8 should be read for what they say, be careful to
9 overinterpret, you know, what is not being said here. But,
10 yeah, that's the limit of what I can say.

11 **COMMISSIONER HOGUE:** Cannot go further than
12 that, so...

13 **MR. SUJIT CHOUDHRY:** That's fine.
14 Madam Commissioner, how much time do I have
15 left?

16 **COMMISSIONER HOGUE:** You have another three
17 minutes.

18 **MR. SUJIT CHOUDHRY:** Okay, good. So I'd like
19 to take you to a different theme, and so here ---

20 **COMMISSIONER HOGUE:** I'm going to give you
21 three, but it's two minutes.

22 **MR. SUJIT CHOUDHRY:** Two minutes. I'll take
23 whatever you give.

24 So could I please -- could you please put up
25 CAN.SUM.3?

26 And this is about Foreign Interference
27 Activities in Greater Vancouver. If we could just go down to
28 the second page, and then I'd like to take you to point 3.

1 And so yesterday, Commission Counsel
2 Rodriguez put to my client, MP Kwan, this particular
3 document; and, in particular, point 3 was put to her. And if
4 I could read it out for the record, it says:

5 "Intelligence reports indicate that
6 these officials coordinated the
7 exclusion of particular political
8 candidates, perceived as 'anti-
9 China', from attending local
10 community events related to the
11 election. This was accomplished via
12 PRC proxy agents, hiding the direct
13 involvement of these PRC officials."

14 So my question to you is that this statement
15 was made in relation to the 43rd General Election; do you
16 believe this statement to be true for the 44th General
17 Election as well?

18 **MR. DAVID VIGNEAULT:** Madam Commissioner, I
19 would not want to mislead the Commission. I'm not ready to
20 speak to specifically that aspect for General Election 44,
21 but I am totally comfortable with that depiction for 43.

22 **MS. MICHELLE TESSIER:** What perhaps I can add
23 is this is a typical *modus operandi* of the PRC. I can't
24 speak to the election, but it is a typical *modus operandi*.

25 **MR. SUJIT CHOUDHRY:** So if I could maybe,
26 perhaps sum up, there'd be no reason to doubt that they would
27 continue with this *modus operandi*, having used it in the 43rd
28 General Election, going forward?

1 **MS. MICHELLE TESSIER:** We have no information
2 that they've changed that particular method of operating.

3 **MR. SUJIT CHOUDHRY:** Thank you very much.

4 **COMMISSIONER HOGUE:** Thank you.

5 Next one is counsel for the Sikh Coalition,
6 Mr. Singh.

7 **(SHORT PAUSE)**

8 **MR. PRABJOT SINGH:** Thank you, Commissioner.

9 **--- CROSS-EXAMINATION BY MR. PRABJOT SINGH:**

10 **MR. PRABJOT SINGH:** Again, for the record,
11 it's Prabjot Singh, counsel for the Sikh Coalition.

12 Thank you to the panellists today. I'm going
13 to try my best to move expeditiously as possible, referring
14 your attention to some documents that are going to prompt
15 some follow-up questions.

16 And I understand that we're navigating some
17 difficult terrain and there's a likelihood that there may be
18 some questions you're not able to answer in this setting, and
19 that's totally fine. If you can indicate, and that will
20 Madam Commissioner and Commission counsel to take note of
21 those questions and consider if any follow-up is required in
22 camera afterwards.

23 So Mr. Operator, if we can bring up CAN
24 019304?

25 **--- EXHIBIT No. CAN 19304:**

26 Meeting between CSIS and the OCCE

27 2021-11-02

28 **MR. PRABJOT SINGH:** And Mr. Vigneault, I'm

1 going to direct my questions to yourself, but if anybody else
2 wants to answer amongst yourself, that's fine.

3 My understanding is that these are notes from
4 a meeting between CSIS and the Office of the Commissioner of
5 Elections Canada in 2021. And one of the statements here is
6 that the two main state actors most involved in the last
7 election were China and India. Mr. Vigneault, is that your
8 understanding today, that India has been one of the primary
9 perpetrators of foreign interference in Canadian elections
10 recently?

11 **MR. DAVID VIGNEAULT:** Madam Commissioner, I
12 think it's fair to say that, you know, the behaviour of India
13 has been of concern the last couple of elections, and I think
14 this document can speak to that. So I think it's an accurate
15 depiction.

16 **MR. PRABJOT SINGH:** And another note in here
17 says that India puts "...effort into individual campaigns."
18 As you understand it, is it fair to say that Indian foreign
19 interference targets a number of high-priority individual
20 races, rather than the general election, to influence
21 outcomes in favour of candidates considered favourable to
22 Indian policy interests?

23 **MR. DAVID VIGNEAULT:** Commissioner, I'll
24 elevate my comments to maybe be able to provide an answer. I
25 think it is absolutely fair to say the purpose of foreign
26 interference is to maximize the interests of the foreign
27 party, and so this is absolutely a tactic that has been used
28 to undermine candidates or individuals who may not be in

1 favour of your position and promote people who might be in
2 favour of your position. So in this context I can make that
3 statement.

4 **MR. PRABJOT SINGH:** And in general terms,
5 efforts by any foreign state to undermine or influence
6 Canadian elections, even if it's one single electoral riding,
7 would constitute foreign interference and a national security
8 threat; is that fair?

9 **MR. DAVID VIGNEAULT:** Well, I think, you
10 know, as my colleagues have described, foreign interference,
11 you know, takes many different faces in our country;
12 interference directed at democratic processes is one. And so
13 any action -- maligned action from a foreign state against
14 Canadian is foreign interference and is something that we, of
15 course, take extremely seriously.

16 **MR. PRABJOT SINGH:** And targeting that one
17 single election would be considered a national security
18 threat.

19 **MR. DAVID VIGNEAULT:** We would be
20 investigating the behaviour. So if the behaviour falls
21 within the definition of the *CSIS Act* of foreign
22 interference, absolutely.

23 **MR. PRABJOT SINGH:** Thank you.

24 Mr. Court Operator, if you can bring up
25 CAN 003771, and if we could go to page number 2.

26 **--- EXHIBIT No. CAN 3771:**

27 Ministerial Briefing : Foreign

28 Interference - 2021-12-13

1 **MR. PRABJOT SINGH:** I believe this is a --
2 notes prepared by the Service for a ministerial briefing.

3 **MR. DAVID VIGNEAULT:** Could you just please
4 go back up to the page so that we can.... Okay.

5 **MR. PRABJOT SINGH:** And on page 2, there's a
6 note that:

7 "Indian officials...used Canadian
8 citizens as proxies to conduct
9 [foreign interference] activities,
10 including against democratic
11 institutions."

12 Does that reflect your understanding that
13 India does employ proxies and proxy moves to target
14 politicians in elections, including through the use of funds
15 to specific campaigns?

16 **MR. DAVID VIGNEAULT:** Madam Commissioner, I
17 would say that, you know, I -- I'm -- I concur with the
18 statement as it is written on that document.

19 **MR. PRABJOT SINGH:** And in addition to
20 targeting elections or campaigns specifically, proxies are
21 also used to intimidate and coerce diaspora groups, and
22 potentially amplify disinformation in electoral campaigns.
23 Is that fair?

24 **MR. DAVID VIGNEAULT:** Yes, it is fair to say,
25 Madam Speaker -- Speaker -- Commissioner, well, you may be
26 speaker as well, I don't know what's the future. But
27 Madam Commissioner, that the -- that proxies are engaging in
28 the coercive activities. My colleague described a number of

1 activities in the past, and this is why we take foreign
2 interference so seriously because of the threatening nature
3 often of foreign interference activities in Canada.

4 **MR. PRABJOT SINGH:** And I have a number of
5 questions that I suspect that you may not be able to answer
6 in a public setting such as this, but CSIS has identified and
7 monitored some of these proxy networks with direct
8 connections to Indian consulates over a period spanning the
9 past two federal elections. Is that fair to say?

10 **MR. DAVID VIGNEAULT:** Madam Commissioner, if
11 counsel wants to point me to a document, I'd be happy to
12 speak to it, but as a general comment I am going to refrain
13 from commenting.

14 **COMMISSIONER HOGUE:** So the question is ---

15 **MR. PRABJOT SINGH:** That's totally fair. I
16 understand that, yeah.

17 And so two of these networks in the lead up
18 to the 2019 election were specifically connected to two
19 diplomats named Amar Jit Singh and Parag Jain, who are based
20 out of the Vancouver and Ottawa Consulates. Is that correct?

21 **COMMISSIONER HOGUE:** This is the same thing?
22 So...

23 **MR. PRABJOT SINGH:** And in July of 2017,
24 there was a public initiative launched by Indian diaspora
25 groups, led by members of the Canada India Foundation, with
26 the objective of targeting federal ridings in the 2019
27 elections, where current Sikh candidates were deemed to be
28 inimical or contrary or detrimental to Indian interests.

1 This initiative was also found to be connected to that
2 network and connected to the consulate. Is that fair to say?

3 **COMMISSIONER HOGUE:** So the question is
4 written down.

5 **MR. PRABJOT SINGH:** And that same year, is it
6 true that CSIS wanted to use threat reduction powers to
7 dismantle these networks that were engaging in foreign
8 interference?

9 **COMMISSIONER HOGUE:** Question is written
10 down.

11 **MR. PRABJOT SINGH:** And given the likely
12 significant risks involved in this kind of threat reduction
13 measure, as the three of you have given testimony earlier in
14 terms of the risk factors that are assessed and what kind of
15 protocols are okay -- is necessary, CSIS consulted PMO and
16 other bodies, including Global Affairs Canada, before
17 engaging in those threat reduction measures, and later chose
18 not to proceed with those measures. Is that correct?

19 **COMMISSIONER HOGUE:** Question is written
20 down. The witness is looking at me, so I understand ---

21 **MR. PRABJOT SINGH:** And as a result of that
22 decision not to proceed with those measures, CSIS did not
23 inform targeted politicians, journalists, or the impacted
24 communities about the risk, and those networks continued
25 unhindered, presumably throughout both electoral periods, at
26 least, if not further, until today. Is that correct?

27 **COMMISSIONER HOGUE:** Question is also written
28 down.

1 **MR. PRABJOT SINGH:** Are you able to tell us
2 in general terms, and you did touch on this earlier, so maybe
3 you can touch on this briefly, when would foreign
4 interference activity reach the threshold where threat
5 reduction measures would be considered by CSIS? I would
6 imagine it would be quite a significant threshold to take
7 that kind of action?

8 **MS. MICHELLE TESSIER:** As I testified to
9 earlier, CSIS needs to, is required by law to consult other
10 government departments prior to embarking on a threat
11 reduction mandate, and to ensure there are no other tools
12 available in an investigation. So without being able to
13 respond to that specific case, I can say that it's not
14 necessarily the first go-to because by law we have to have
15 reasonable grounds to believe that the threat exists, that a
16 measure has to be proportional to the actual threat. We have
17 to think that there would be an impact, we have to assess
18 that impact, but we, by law, must consider other measures
19 first. So it is not necessarily the first go-to.

20 But because of the restrictions in the *CSIS*
21 Act currently in terms of being able to share classified
22 information. It is a tool that has been used increasingly in
23 order to share classified information when we feel that at
24 that particular moment that is the best tool to use.

25 **MR. PRABJOT SINGH:** And Ms. Tessier, I think
26 you may have mentioned this earlier. There is those four
27 risk factors that CSIS would kind of evaluate: operational
28 risks, I think it was legal risks, and the potential of

1 international relations and the impacts there. And so based
2 on those factors, it is possible for other offices or
3 departments to discourage or influence the threat reduction
4 measures based on those parameters; correct?

5 **MS. MICHELLE TESSIER:** We most certainly
6 consult with them. The ultimate decision belongs to CSIS,
7 and if it's a high risk, the minister -- the Director and the
8 Minister must approve it. But we will most certainly consult
9 with them. We obviously don't want to harm their activities,
10 but ultimately the decision rests with CSIS.

11 **MR. PRABJOT SINGH:** And within the factors
12 that are considered and that would likely be considered by
13 those partners who are advising CSIS, partisan interests or
14 policy interests, obviously if we're looking at international
15 relations, that would be a significant factor that would be
16 considered. Fair?

17 **MS. MICHELLE TESSIER:** We are not the ones
18 who prepare a foreign policy risk assessment, that is done by
19 our colleagues at Global Affairs Canada.

20 **MR. PRABJOT SINGH:** Understood.

21 And Mr. Operator, if you can bring up
22 CAN 019456. And that'll be near the top of page 3, after you
23 can show the panel the first page of the document.

24 My understanding is that this is a -- an
25 intelligence briefing to Elections Canada on the work of SITE
26 and the various threat actors engaging in foreign
27 interference. So at the top of page 3, for the record, it
28 says that:

1 "Indian officials...continue to
2 conduct [foreign interference]
3 activities in Canada, both directly
4 and through...Canadian proxies,
5 primarily against Canadian
6 politician[s]...democratic processes,
7 and...diaspora [communities]."

8 And then it goes into some detail about the
9 objectives of Indian foreign interference.

10 Mr. Vigneault, is it your understanding that
11 the objectives of Indian foreign interference, specifically,
12 are two-fold?

13 **MR. DAVID VIGNEAULT:** So just give me a sec.

14 **MR. PRABJOT SINGH:** Sure. The question is,
15 is whether it's your understanding that India has two
16 objectives for its foreign interference operations?

17 **MR. DAVID VIGNEAULT:** So Madam Commissioner,
18 I would say that the -- in our assessment the two objectives
19 of India are to promote pro India narrative, pro India
20 dynamic here in Canada, but also to undermine the threat
21 perceived by the notion of creating a separate independent
22 Khalistan.

23 I think it's important to, and this document
24 speak to that, there are very clear politically protected or
25 *Charter* protected, you know, elements of people here in
26 Canada of the Sikh community who are espousing Khalistan --
27 an independent Khalistan. Unfortunately, there is also --
28 it's important I think to note, a very small group of people

1 who are engaging in threat related activity, including
2 financing, and supporting terrorism. And so what we see is
3 the -- your -- the second objective of India, as counsel is
4 referring to, is the blending of these two things.

5 So something that is absolutely unacceptable,
6 which would be, you know, supporting terrorism, but it's
7 blending this with the rest of activities that are absolutely
8 not only legal but acceptable in Canada, which is having
9 political views and using legal means to push these political
10 views.

11 **MR. PRABJOT SINGH:** Mr. Operator, if we can
12 bring up CAN.SUM 7. This was recently uploaded to the party
13 database I believe late last night.

14 And Mr. Vigneault, this is a topical summary
15 of the intelligence holdings prepared by CSIS, with the
16 natural caveats that are noted in the documents; correct?

17 **MR. DAVID VIGNEAULT:** Yes.

18 **MR. PRABJOT SINGH:** And so as you just
19 indicated, in your understanding of India's threat
20 perception, is it your understanding that India perceives
21 anyone engaged in advocacy for a separate six state Khalistan
22 as a so-called extremist threat without differentiating
23 between those engaging in lawful advocacy, as well as those
24 who believe in the pursuit of armed struggle. Is that
25 correct? India doesn't distinguish between the two?

26 **MR. DAVID VIGNEAULT:** I think, Madam
27 Commissioner, I generally agree with this, but the
28 distinction I would make is that from our perspective is I

1 would not be using armed struggle. I would say, you know,
2 using terrorist means. But the general depiction on the
3 document, I think, is a really good description of how we and
4 our colleagues are perceiving the Indians' rationale for
5 interference.

6 **MR. PRABJOT SINGH:** And so conceivably, even
7 those simply critical of Indian policy or critical of human
8 rights violations could also fall under that umbrella of a
9 threat to Indian interests? Is that correct?

10 **MR. DAVID VIGNEAULT:** Again, Madam
11 Commissioner, I think it's well depicted in this document. I
12 think it is fair to say that India will lump into same
13 category of activities that, you know, would be potentially
14 absolutely illegitimate here in Canada, inappropriate here in
15 Canada, with other means. So I would stick to that kind of
16 depiction if it's ---

17 **MR. PRABJOT SINGH:** Yeah, so India and their
18 foreign interference activities, which may include
19 disinformation, uses the framework and framing of extremism
20 to target lawful activists, as well as those that you marked
21 from the CSIS perspective are considered violent extremists.
22 Has CSIS ---

23 **MR. DAVID VIGNEAULT:** Madam Commissioner, at
24 this point, I think, you know, the document is quite clear
25 about that and I would ---

26 **COMMISSIONER HOGUE:** You ---

27 **MR. PRABJOT SINGH:** I'm getting to my next
28 question, if that's okay.

1 CSIS has not undertaken any threat reduction
2 measures to address the disinformation towards members of the
3 community engaging in lawful advocacy? Is that correct?

4 **COMMISSIONER HOGUE:** The question is written
5 down.

6 **MR. PRABJOT SINGH:** And in general terms,
7 what impact ---

8 **COMMISSIONER HOGUE:** It's going to be your
9 last ---

10 **MR. PRABJOT SINGH:** This is my final
11 question. In general terms, what impact do you think this
12 kind of disinformation and framing of lawful activism has on
13 a vulnerable community targeted with disinformation that
14 builds on pre-existing racist stereotypes about the nature of
15 extremism and terrorism. And without getting into broader
16 social implications, if we're focusing on Sikh Members of
17 Parliament, elected officials or candidates, who are targeted
18 with this brush of extremism, we're looking at a considerable
19 impact on media narratives, which makes re-election or
20 initial election quite difficult. Is that fair to say?

21 **MR. DAVID VIGNEAULT:** Madam Commissioner, I
22 think it's fair to say that the -- as we testified to
23 earlier, that foreign interference writ large, and
24 specifically disinformation, is absolutely a question of
25 concern in Canada. The disinformation part is one aspect
26 that is growing in its complexity. And how we, as an
27 intelligence service in a democratic society, can engage with
28 proper communications and then monitoring of social media,

1 there are a number of limits that are absolutely fair in a
2 democratic system.

3 And I make that point to say that this is one
4 of the areas disinformation and -- in the context of
5 interference that is growing and that we need to find better
6 ways, just not CSIS, but our partners, to address, because it
7 is having more and more of an impact.

8 **MR. PRABJOT SINGH:** Thank you.

9 **COMMISSIONER HOGUE:** Thank you.

10 **MR. PRABJOT SINGH:** Thank you, Commissioner.

11 Those are all my questions.

12 **COMMISSIONER HOGUE:** Mr. Sirois for the RCDA.

13 **--- CROSS-EXAMINATION BY MR. GUILLAUME SIROIS:**

14 **MR. GUILLAUME SIROIS:** [No interpretation]

15 To start, just a general question. Are you
16 aware of foreign interference or influence activity in our
17 electoral processes conducted by the Russian intelligence
18 services in Canada during the 43rd or 44th General Elections?

19 **MR. DAVID VIGNEAULT:** I will ---

20 **MS. CHERIE HENDERSON:** I think that's in the
21 summary.

22 **MR. DAVID VIGNEAULT:** Madam Commissioner, we
23 have provided a summary. I would refer counsel to that
24 summary, which is the best depiction that we can provide in
25 this context.

26 **COMMISSIONER HOGUE:** Do we have the number,
27 Mr. Sirois?

28 **MR. GUILLAUME SIROIS:** Oh, I'm good. I just

1 wanted ---

2 **COMMISSIONER HOGUE:** You're good?

3 **MR. GUILLAUME SIROIS:** Well I wanted to know
4 if there was any other clarification except from the summary,
5 but...

6 I would like to pull COM0000156, please.

7 **--- EXHIBIT No. COM 156:**

8 NSICOP Annual Report 2020

9 **MR. GUILLAUME SIROIS:** This is the 2020
10 Annual Report from the National Security and Intelligence
11 Committee of Parliamentarians, NSICOP.

12 At paragraph 55, page 34, please.

13 Under the heading "Foreign interference", we
14 see it reads:

15 "The Russian Federation also
16 continues to exploit [...] diaspora and
17 compatriot organizations in Canada."

18 Is this statement true?

19 **MR. DAVID VIGNEAULT:** Madam Commissioner, I
20 have not had a chance to read the entire context, so I will
21 make a general statement, because I'm not sure what precedes
22 this paragraph. But I would say that it's fair to mention
23 that Russian Federation is engaging in a level of foreign
24 interference in our country, as was mentioned in our -- in
25 the Government's report.

26 **MR. GUILLAUME SIROIS:** Do you have any reason
27 to doubt the statement?

28 **MR. DAVID VIGNEAULT:** I do not doubt the

1 statement, Madam Commissioner. I just don't have the rest of
2 the context. But I am familiar in general with the work of
3 NSICOP and I think, you know, this is -- I have no reason to
4 doubt it. But just to be fair to ---

5 **COMMISSIONER HOGUE:** I think it's a fair
6 comment from the witness.

7 **MR. GUILLAUME SIROIS:** I'd like to pull now
8 CAN005824. And I'll apologize if some documents were not
9 indicated in advance. We received some documents quite late
10 this morning and yesterday. So had to adapt in consequence.

11 At the bottom of page -- this is, first, a
12 SITE TF update on the Panel of Five, as we can see from the
13 top of the document, on September 15, 2021.

14 If we can go at page 4? The bottom of page
15 4?

16 We can see:

17 "Russia has focused [foreign
18 interference] activities on
19 discrediting democratic institutions
20 and processes, with an ultimate goal
21 of destabilizing or delegitimizing
22 democratic states."

23 We see this is a CSIS assessment. Do you
24 have any reason to doubt its truthfulness?

25 **MR. DAVID VIGNEAULT:** Madam Commissioner,
26 this is -- I totally concur with that statement. This has
27 been one of the significant aspects of the Russian Federation
28 activities, is not necessarily to go at interfering in all of

1 the specific elements of democratic process, but generally
2 speaking, to undermine democratic states. And we see that
3 across the board in the activity of the Russian Federation.

4 **MR. GUILLAUME SIROIS:** So this was a concern
5 of CSIS during the 2021 Election? In the final week of the
6 election?

7 **MR. DAVID VIGNEAULT:** This was absolutely the
8 final week, but I can say that this is a concern that we
9 shared before, we continue to share to this day.

10 **MR. GUILLAUME SIROIS:** Thank you. Finally,
11 the last document I'll show you is JKW a bunch of zeros 7.
12 And this is *2022 Special Report on the Government of Canada*
13 *Framework and Activities to Defend its Systems and Networks*
14 *from Cyber Attacks*. Again, it's from the NSICOP.

15 And I would like to go at page 36 once the
16 document loads. Thank you. At the top here, paragraph 56.
17 Can we go up a little bit? Yes.

18 So yes, at paragraph 56, it says:

19 "Russia is a highly sophisticated
20 cyber threat actor. Russia engages
21 in malicious cyber threat activity,
22 including cyber espionage and foreign
23 interference, to support a wide range
24 of strategic intelligence priorities.
25 [Including the] identification of
26 divisive events and trends in rival
27 states to conduct influence campaigns
28 and undermine liberal democratic

1 norms and values."

2 That last part is the third bullet point, by
3 the way.

4 This statement is true as well, to the best
5 of your knowledge?

6 **MR. DAVID VIGNEAULT:** Yes, Madam
7 Commissioner. And this goes back to a previous answer
8 provided to your question when you were asking me about when
9 did the threat environment change over time. And this is one
10 of the aspects of this, is Russia, and other states, but
11 Russia specifically, is trying to undermine the world, the
12 international rules based order to create an environment that
13 is more susceptible to benefit their own interests. And so
14 by doing so -- in order to do so, they're trying to undermine
15 democracies around the world, and that's why they are not as
16 interested as picking specific individuals or parties to win,
17 but undermine the democratic processes to what how people see
18 democracy as opposed to a democratic regime as we have in
19 Russia. This is one of the most significant elements that we
20 see that speaks to the change in threat environment over the
21 last number of years that we are to -- we have to deal with.

22 **MR. GUILLAUME SIROIS:** And is -- do you think
23 that Russia is doing all of this by accident, the three
24 statements that we just observed?

25 **MR. DAVID VIGNEAULT:** As I mentioned, I think
26 there is a very deliberate intent in how Russia executes
27 these actions.

28 **MR. GUILLAUME SIROIS:** So Russia, we can say

1 that Russia has...

2 ...has an intent to interfere in our
3 democratic institutions; correct?

4 **MR. DAVID VIGNEAULT:** Russia does intend on
5 interfering with our democratic institutions. It does so in
6 a different way than some other actors that we discussed
7 earlier. Their objective is mainly to divide societies and
8 create dissension as well as to reduce the attraction for
9 democracies in the west and throughout the world.

10 **MR. GUILLAUME SIROIS:** Can we qualify this
11 intention? Is it a major intention, a minor intention?

12 **MR. DAVID VIGNEAULT:** I'd say that it's --
13 from the activities that we've observed, not only in Canada
14 but elsewhere, that this is part of a well-thought-out plan
15 with different actors that are well coordinated, so I think
16 that we can say it's a concerted effort on the part of
17 Russia.

18 **MR. GUILLAUME SIROIS:** And so these documents
19 that Russian has a definite interest in causing foreign
20 interference, so is there a contradiction in saying that
21 Russia doesn't have the -- the question is difficult to
22 understand.

23 **M. DAVID VIGNEAULT:** Madam Commissioner,
24 could you point me to a specific document so that I can
25 comment the question?

26 **COMMISSIONER HOGUE:** And I agree.

27 **MR. GUILLAUME SIROIS:** Thank you, Madam
28 Commissioner.

1 So I'll refer to my notes.

2 It's probably in the summary that was
3 produced by the Commission.

4 **COMMISSIONER HOGUE:** This will be your last
5 question.

6 **MR. GUILLAUME SIROIS:** Madam Commissioner,
7 can I ask -- it wasn't my intention to go here, but in the
8 context -- can I ask the witness to refer to this excerpt?

9 **COMMISSIONER HOGUE:** I understand, but
10 everybody has important questions and you have already gone
11 over your time, so choose what you want to do. Do you want
12 to refer to the document or do you want to ask your question?
13 It'll be one or the other.

14 **MR. MATTHEW FERGUSON:** With respect, my
15 colleague -- Madam Commissioner, my colleague has not gone
16 over time.

17 **COMMISSIONER HOGUE:** Well, I see that his
18 cross-examination shouldn't have gone past 1732.

19 **MR. GUILLAUME SIROIS:** Well, I would like two
20 extra minutes.

21 **COMMISSIONER HOGUE:** Pose the question that
22 you have and we'll see where it leads. There are concerns
23 that we have to work with.

24 **MR. GUILLAUME SIROIS:** Yes, I'm well aware of
25 that.

26 So we wanted a summary of the testimony as
27 it's written in paragraph 45.

28 It's document 0000045.

1 Paragraph 45, please.

2 (SHORT PAUSE)

3 **MR. BARNEY BRUCKER:** I believe Mr. King is
4 going to be here tomorrow.

5 **MR. GUILLAUME SIROIS:** Well, seeing as we
6 don't have a lot of time, maybe we'll just -- I'll go
7 directly to my question and we won't bother with the
8 document, the summary.

9 So the question -- my next question has to do
10 with -- so we've concluded that Russia has a serious interest
11 in conducting foreign interference, so that is not in
12 dispute. We conclude that Russia's carried out significant
13 interference in 2019 and 2021; yes or no?

14 **MR. DAVID VIGNEAULT:** Madam Commissioner, the
15 testimony that I've given, that's not what it says. What our
16 documents demonstrated, as I mentioned to our colleague
17 earlier, is that some clear means were used for -- to engage
18 in foreign interference, but we were able to establish that
19 it was a base attack against democratic institutions rather
20 than any kind of focused action to bias electoral results.

21 **MR. GUILLAUME SIROIS:** And those activities
22 did not stop during the election of 2019, 2021.

23 **MR. DAVID VIGNEAULT:** Madam Commissioner,
24 certain documents have been submitted that determine what we
25 can say publicly on these activities, so I would have to
26 refer you to the testimony that we gave in the *in camera*
27 session. And I understand the question from the lawyer.

28 So there's a clear interest and an organized

1 approach on the part of Russia to attack democratic
2 processes, and this is true in Canada. And we -- but in the
3 documents, we've actually specified how these were carried
4 out.

5 The Commissioner says -- the Director has --
6 sorry.

7 What the documents say is that during the
8 election process, we didn't see any focused activity on the
9 part of Russia probably because that we probably didn't have
10 enough information because, as we said, Russia seeks to
11 divide society, so if those elections didn't create an
12 opportunity for them to sew discontent and discord, then it
13 doesn't mean that we're not concerned with their activities.
14 It's just that they weren't particularly active.

15 [No interpretation]

16 **MS. CHERIE HENDERSON:** I just ---

17 **COMMISSIONER HOGUE:** [No interpretation]

18 **MS. CHERIE HENDERSON:** I was just going to
19 add one small point, and I think we say it quite well in the
20 summary, that Russia has a significant capability to augment
21 its interference and disinformation campaign should it chose
22 -- choose to do so. So while we may not have seen as much to
23 undermine the 43rd and 44th elections, should it choose, it
24 has the capability to engage in much greater interference in
25 the future.

26 **COMMISSIONER HOGUE:** Counsel for Human Rights
27 Coalition.

28 **--- CROSS-EXAMINATION MS. HANNAH TAYLOR:**

1 **MS. HANNAH TAYLOR:** Good evening, everyone.

2 Mr. Vigneault, the panel's witness summary
3 notes that you explained that the process to determine
4 Canada's intelligence priorities is coordinated by the Privy
5 Council Office. You agree it's coordinated by the Privy
6 Council Office?

7 **MR. DAVID VIGNEAULT:** It's coordinated by the
8 Privy Council Office and -- but the priorities are issued by
9 the Cabinet.

10 **MS. HANNAH TAYLOR:** Also, Mr. Vigneault,
11 earlier you mentioned that CSIS has to produce intelligence
12 to protect all Canadians. Is investigating transnational
13 repression an intelligence priority of CSIS?

14 **MR. DAVID VIGNEAULT:** Madam Commissioner, the
15 -- I believe the intelligence parties, there's a plan to --
16 I'm not sure if they've been made public yet, but I believe
17 there might be a plan to do so. Yes, we can say that, you
18 know, we're investigating foreign interference. In the case
19 of CSIS specifically, it includes transnational repression.

20 **MS. HANNAH TAYLOR:** Thank you. With counsel
21 for Mr. Chong and the Conservative Party, you discussed
22 provided -- providing briefings to those in government
23 vulnerable to potential foreign interference activity. Does
24 CSIS believe it's important to brief members of targeted
25 diaspora who are vulnerable to potential foreign interference
26 activity, including that which is related to elections?

27 **MR. DAVID VIGNEAULT:** Madam Commissioner,
28 what we've said earlier about transnational repression,

1 there's something very important is that often, as my
2 colleague said, these are people who came to Canada to escape
3 conditions from other countries, and the fact they might be
4 subject to these tactics and actions here in Canada is
5 obviously unacceptable and that's why, you know, our mandate
6 is clear when investigating that. We have been increasing
7 our engagement with diaspora community over the years. As I
8 testified earlier, we have reallocated resources internally
9 to create a stakeholder engagement with the sole purpose of
10 engaging with communities. Our annual report of last year
11 and the upcoming one that will be tabled in Parliament very
12 soon by the Minister of Public Safety will speak at some
13 length of what -- how we have engaged with diaspora
14 community.

15 The last thing I would say, Madam
16 Commissioner, is going back to -- there are limitations of
17 what we can say to people who engage outside government, as
18 was discussed. Section 19 is precluding us from that. And
19 the government as -- with us has engaged in consultations
20 with Canadians, including specifically diaspora groups, to
21 understand, you know, changes to the *CSIS Act* that would make
22 us more relevant to engage in those discussions with diaspora
23 communities.

24 **MS. HANNAH TAYLOR:** And so thinking within
25 CSIS's limitations pursuant to the Act, would those efforts
26 to engage with stakeholders -- let me rephrase, maybe.
27 Within the limits of the Act, you believe that it's important
28 to brief individual members of targeted diaspora communities

1 if they face a threat? Would that within your limits be
2 considered important?

3 **MR. DAVID VIGNEAULT:** This is where, Madam
4 Commissioner, that it's getting difficult when we are going
5 to very specifics, so if we talk of individual, you know,
6 like, individual specific threat, it becomes complicated
7 because that would mean revealing classified information if
8 it's so specific. So we tend to engage at organization
9 level. If we are aware of any activity, and this is
10 something that we have to be very clear, we have any
11 intelligence or indication that someone might be under
12 threat, we are immediately engaging law enforcement to make
13 sure that, you know, they raise -- an action can be taken to
14 protect individual. But this is one of the area -- counsel
15 is speaking to one of the area that I think is part of the
16 next phase of engagement with diaspora communities, and the
17 next phase of discussion with Canadians on foreign
18 interference is how can we be more specific, more engaged to
19 have better impact to counter foreign interference.

20 **MS. HANNAH TAYLOR:** Thank you. Commissioner,
21 with your leave, I'm hoping to read paragraph 11 from the in-
22 camera examination summary of a branch within the CSIS ADR
23 Directorate to the panel to get their opinion on what's
24 mentioned in the paragraph. This document, it's not on our
25 list, as it was made available last night. And, of course,
26 I'll make it clear, with your leave.

27 **COMMISSIONER HOGUE:** Go ahead.

28 **MS. HANNAH TAYLOR:** Thank you. As -- and we

1 don't need to pull it up just because I think pursuant to
2 those rules -- to the Commission's rules, we should not be
3 pulling it up. But I'll make it clear to the panel, as this
4 summary is not yours, it -- and it has not been adopted -- it
5 has not been adopted into evidence, and it's not evidence
6 before the Commission. For the benefit of the Commission,
7 I'm talking about WIT 43, but again, I ask that it not be
8 pulled up.

9 Witnesses are not identified by name in the
10 summary. And just to provide a little bit of context to the
11 paragraph I'll read to you, immediately preceding that
12 paragraph, the summary makes reference or ---

13 **COMMISSIONER HOGUE:** I think it will be
14 better to put the document on the screen.

15 **MS. HANNAH TAYLOR:** Is that okay? Okay.

16 **COMMISSIONER HOGUE:** Yes.

17 **MS. HANNAH TAYLOR:** Excellent. Thank you.

18 If we could, it's WIT 43 with 5 0s in the
19 middle, I believe. Okay. And we'd be going down to
20 paragraph 11. And we'll note just above in paragraph 10 the
21 last sentence, we're referring to the PRC, so it's
22 preferenced we're referring to the PRC. And I'll read out,

23 "Diaspora communities can be pressured
24 to vote in accordance with its
25 preference using sticks and carrots.
26 Witness two said that many members of
27 this diaspora community are afraid that
28 the PRC will know who they voted for

1 and do not dare vote against the
2 country's express preferences. Witness
3 two believes that the PRC's ultimate
4 objective is to condition the response
5 of the diaspora community, so that they
6 vote in a certain way without having to
7 be told to. The United Front Work is
8 that of work that is concern for CSIS
9 is when it is clandestine, deceptive
10 and threatening." (As read)

11 Do you agree with this observation, and if
12 so, to the extent that you can tell us, how does CSIS combat
13 this?

14 **MR. DAVID VIGNEAULT:** So, Madam Commissioner,
15 I do agree with this statement, and I would say that the
16 reference to the United Front Work is critical to understand
17 how PRC is engaging in foreign interference activities.
18 United Front Work is part -- is encapsulating a number of
19 different parts of the Chinese Communist Party and of the
20 government of the PRC. Its budget is now larger than the
21 entire Ministry of Foreign Affairs. And their sole purpose
22 is to work abroad to condition people and to be able to
23 exercise in a -- amongst other things, foreign interference
24 in those countries. Xi Jinping, president -- the leader of
25 China is considering United Front Work Department as one of
26 its magic weapons because it has the ability to condition so
27 much and to push the interest of the PRC abroad in a very
28 effective way.

1 And so CSIS, as part of its intelligence
2 work, will undertake a number of intelligence operations
3 using all tools at our disposal to understand who are the
4 actors, what are their modus operandi, and be able to inform
5 government, and in some occasions, take threat reduction
6 measures to diminish the threat activity of the United Front
7 Work, but also, of other actors involved in those activities
8 in Canada.

9 **MS. MICHELLE TESSIER:** If I can add, CSIS is
10 very concerned about impacts on the diaspora communities, and
11 is also very cognizant that certain individuals have a fear
12 of the intelligence service. Some may have arrived here from
13 countries that the intelligence service does not work in a
14 democracy, and they may not feel comfortable coming to CSIS,
15 and CSIS knows that, which is one of the reasons that, as the
16 Director testified to earlier today, so much public
17 communication is being done, and this inquiry being an
18 example of that, in terms of communicating that CSIS does
19 want to hear from the communities. And as the Director
20 mentioned, we will work with -- we work with our law
21 enforcement partners and have successfully done so in
22 countering certain threats to the extent that we can. So we
23 absolutely are very concerned about any threat to the
24 diaspora communities and are welcoming for the cooperation.

25 **MS. CHERIE HENDERSON:** So I would just add
26 onto that that it's fundamentally important for the Service,
27 and therefore, for the rest of Canada and the diaspora
28 communities for us to be begin to build trust within the

1 diaspora communities, so that they will actually talk to us
2 as well and tell us what they are experiencing, and that
3 helps to strengthen the overall awareness of exactly what's
4 going on within our country. It's fundamental to us as
5 Canadians and all Canadians that we have this ongoing
6 conversation and we can start to inform everybody, so that
7 they recognize what they're seeing and that we can start to
8 build better structures to protect against it.

9 **MS. HANNAH TAYLOR:** Thank you very much,
10 everyone.

11 **COMMISSIONER HOGUE:** Thank you.

12 AG?

13 **--- CROSS-EXAMINATION BY MR. BARNEY BRUCKER:**

14 **MR. BARNEY BRUCKER:** I just wanted to perhaps
15 clear something up. In the various topical summaries that
16 have been introduced as CAN SUM 1 to 14 at the outset of your
17 testimony today contain a page of caveats, and I just wanted
18 to confirm that those caveats are not CSIS caveats. They're
19 caveats that have been developed and arrived at in
20 consultation and they are the government's caveats; is that
21 correct?

22 **MR. DAVID VIGNEAULT:** That's accurate.

23 **MR. BARNEY BRUCKER:** Mr. De Luca for the
24 Conservative Party brought you to the -- I guess the
25 summaries of the threat reduction measure briefings of Mr.
26 O'Toole and Mr. Chiu. Am I correct that threat reduction
27 measures of this type may rely on past information,
28 information gathered over time to help inform the person

1 who's being briefed of the nature of the threat?

2 **MR. DAVID VIGNEAULT:** Yes, the information
3 would include all information that is relevant. The
4 Ministerial directive was first issued, is the one that we
5 operated under for the briefing Minister for Mr. O'Toole and,
6 subsequently, there were clarification added to the direction
7 so that the briefing would be more tailored to be more
8 relevant, to include more of the relevant information as
9 opposed to all information that may be not confirmed, not
10 information that we would normally on. So there was an
11 evolution, I think it's important to mention, between the
12 first TRM discussion with Mr. O'Toole and subsequent to --
13 subsequent one with Mr. Chiu.

14 **MR. BARNEY BRUCKER:** Sure. But my question
15 is, even in the briefing of Mr. O'Toole, which we understand
16 took place in May of 2023, would include -- or let me ask you
17 if it would include information that existed back in 2021 and
18 information that was obtained subsequent to that right up to
19 the time of the briefing.

20 **MR. DAVID VIGNEAULT:** That's accurate.

21 **MR. BARNEY BRUCKER:** And would it be fair to
22 say that the purpose of those briefings or as a threat
23 reduction measure would be to help educate one on a potential
24 threat to the person and on measures that might be taken to
25 mitigate the threat?

26 **MR. DAVID VIGNEAULT:** Very accurately
27 described, yes.

28 **MR. BARNEY BRUCKER:** Okay. Early on in your

1 testimony, Mr. Cameron and Mr. MacKay took you through
2 various initiatives and measures that the service was
3 conducting. And is it fair that those initiatives and
4 measures that you describe, and there were quite a few of
5 them, are consistent with the intelligence priorities set by
6 Cabinet which are then -- flow to you through direction by
7 the Minister of Public Safety?

8 **MR. DAVID VIGNEAULT:** Yes, that's the case.

9 **MR. BARNEY BRUCKER:** Those are my questions.

10 Thank you.

11 **COMMISSIONER HOGUE:** Thank you.

12 So we have a last witness and I see that he's
13 in the room so we won't break. We'll just change the
14 witnesses.

15 Thank you very much.

16 **MR. DAVID VIGNEAULT:** [No interpretation]

17 **COMMISSIONER HOGUE:** Sorry. I was looking at
18 the time.

19 **(SHORT PAUSE)**

20 **COMMISSIONER HOGUE:** Good evening, Mr.

21 Basler.

22 **MR. GORDON CAMERON:** Madam Commissioner,
23 Gordon Cameron for Commission counsel. We have Bo Basler
24 here to speak as a representative of the CSIS regional
25 offices. Could I have the witness sworn or affirmed, please?

26 **THE REGISTRAR:** Could you please state your
27 name and spell your last name for the record?

28 **MR. BO BASLER:** It's Bo Basler, B-a-s-l-e-r.

1 --- MR. BO BASLER, Sworn:

2 --- EXAMINATION IN-CHIEF BY MR. GORDON CAMERON:

3 MR. GORDON CAMERON: Good afternoon, Mr.
4 Basler. You might recollect that on February 20th the
5 Commission had an interview with you and two of your
6 colleagues whose identity has been anonymized, but have been
7 noted to have been other Directors General of other regions
8 working in CSIS.

9 Have you reviewed this summary to confirm
10 that insofar as information can be disclosed publicly, it is
11 an accurate summary of that interview?

12 MR. BO BASLER: It is, and I have, yes.

13 MR. GORDON CAMERON: Thanks.

14 And insofar as it summarizes your input and
15 in respect of your recollection of the input of others at the
16 interview, do you adopt this summary as part of your evidence
17 before the Commission?

18 MR. BO BASLER: I do.

19 MR. GORDON CAMERON: Thank you.

20 And for the record, that document is WIT 36.

21 --- EXHIBIT No. WIT 36:

22 CSIS Regions Officials Public Summary
23 of Classified Interview

24 MR. GORDON CAMERON: And also, Mr. Basler,
25 you might recollect that you this time on not on a panel, but
26 appearing just yourself, had an examination *in camera* by the
27 Commission. And have you had a chance to review the summary
28 of that *in camera* session that was prepared for public

1 disclosure?

2 **MR. BO BASLER:** I have, yes.

3 **MR. GORDON CAMERON:** And insofar as
4 information can be disclosed publicly, is it an accurate
5 summary of that *in camera* evidence?

6 **MR. BO BASLER:** It is, yes.

7 **MR. GORDON CAMERON:** Thank you.

8 And you adopt that public summary of your *in*
9 *camera* evidence as part of your evidence today?

10 **MR. BO BASLER:** I do.

11 **MR. GORDON CAMERON:** Perhaps you could begin
12 by -- because we are short of time we don't need to go all
13 the way back to high school. If you could just give us a
14 quick account of your experience with the service and, in
15 particular, your experience with the regions and where you
16 are now.

17 **MR. BO BASLER:** I certainly can. I'll do it
18 in reverse order. I think that's probably the easiest.

19 So currently, I am the CSIS Counter Foreign
20 Interference Coordinator, so I'm based here in Ottawa in our
21 headquarters. It's a position I assumed and was created in
22 March of 2023, so last year.

23 Prior to that, I was the Director General of
24 British Columbia Region. I was in that role for almost three
25 years.

26 And prior to that, I was the Deputy Director
27 General of Operations in the service's Prairie Region.

28 I have been with the service since 2001 in a

1 variety of capacities spanning three different regional
2 offices and headquarters.

3 **MR. GORDON CAMERON:** Thank you.

4 Now, we had some information when the CSIS
5 headquarters panel was here about the different roles of
6 headquarters and the regions, but we have you now as a former
7 Director General of one of the regions and now with an
8 overview of the situation from headquarters. Can you tell us
9 your perspective on the role that -- the primary role that
10 the regional offices of CSIS serve in the organization?

11 **MR. BO BASLER:** I think the best way to
12 describe the regional function is it's -- regions are focused
13 on collection of intelligence. It spans all mandates of the
14 service, but it's really the regions that deploy the tools
15 that are at the forefront of collecting that intelligence to
16 be able to send it back into our headquarters branch and our
17 central units to be able to do the analysis and
18 dissemination. But the regions, it's really the collection
19 and they control not only the collection but how we go about
20 the collection of the intelligence as well.

21 **MR. GORDON CAMERON:** All right. Now, on that
22 point, presumably the regional offices need to figure out
23 what to collect, what their priorities should be, where to
24 devote their resources ---

25 **MR. BO BASLER:** Correct.

26 **MR. GORDON CAMERON:** --- and whatnot.

27 Can you talk to me about the extent to which
28 regions give input to headquarters about what should be

1 collected, the extent to which headquarters gives input to
2 regions? How does that map get generated?

3 **MR. BO BASLER:** Sure. There's an ongoing
4 conversation daily depending on the level, weekly, monthly
5 between regional offices and our headquarter branches in
6 regards to the priorities that any given region is collecting
7 upon, so the overall intelligence priorities, I think it was
8 mentioned earlier, are established by the government,
9 approved by Cabinet. The service takes those and creates the
10 internal intelligence requirements that we can collect upon
11 under our mandate, and then the regions focus on what they
12 have the capacity to collect. So sometimes the collection
13 may be driven by capacity; it may be driven by the local
14 threat environment. The threat environment in one region of
15 the country may be a little different than another region of
16 the country.

17 So those conversations are ongoing between
18 regional offices and Headquarters on what any individual
19 region or unit should be prioritizing on. And it may be --
20 as I noted, it may just be focused on what a region has
21 access to, or if a threat is presenting greater in one part
22 of the country than it is in another, that region, in
23 consultation with the Headquarters' branches, will prioritize
24 their collection activities in that particular region.

25 **MR. GORDON CAMERON:** That's very helpful.

26 Now, if you could talk about what happens
27 with the product. So the regions go out, they do whatever
28 they do to collect information, sources and surveillance, or

1 whatever techniques they have. They bring it into the
2 office, write it down. Take it from there to Headquarters.

3 **MR. BO BASLER:** Sure. After the collection
4 activity happens, it's produced into what would be, I think,
5 probably best termed as an internal intelligence report. So
6 if it's -- it doesn't matter if it's collected from, you
7 know, one of our communications analysts, one of our
8 intelligence officers or surveillance teams, they create the
9 report, they put it into the internal database, and direct it
10 towards our Headquarters' units, or another region if it's
11 applicable to activity that may be happening there.

12 So the intelligence gets collected, it gets
13 put into a digestible format; a report, if you will, into the
14 system, and then that's notified to our Headquarters'
15 counterparts, who are taking and consuming that intelligence
16 that's coming in from every different regional office across
17 the country.

18 So it's collected, kind of assessed at a
19 local level. So what -- a local assessment is done with it,
20 and then it's sent to our Headquarters' branches.

21 **MR. GORDON CAMERON:** Okay. Now, we're here
22 to think of this from exactly the perspective you just gave
23 it, the collection by the regions and send it to
24 Headquarters, but just to help with the sort of narrative arc
25 of there. It gets to Headquarters, all these pieces of
26 intelligence collected by the regions. Maybe just give us a
27 quick description of what happens when it gets to
28 Headquarters.

1 **MR. BO BASLER:** Sure. It's our Headquarters'
2 branches, there's a couple of different functions that
3 they're responsible for, but in this context it's taking in
4 the intelligence, be it from the regional domestic offices,
5 from our international stations, our partners around the
6 world, our domestic partners, taking in all the different
7 pieces of intelligence, assessing it, conducting the
8 analysis, be it on kind of a more tactical, focused analysis
9 or a more comprehensive analysis of a situation, taking
10 intelligence from everywhere.

11 They're also responsible for the
12 dissemination function. So taking, assessing that
13 information that's coming in from the regions or partners and
14 determining if it should go out to other government
15 departments; and if so, which ones, or conducting the
16 analysis and then determining those analytical products,
17 where they should be distributed to. So it's that taking it
18 in and processing, analyzing, and dissemination function.

19 **MR. GORDON CAMERON:** Okay. Now, were you
20 watching the Headquarters' panel when it was up?

21 **MR. BO BASLER:** I was, yes.

22 **MR. GORDON CAMERON:** Okay. Well, then we can
23 be a little more compact, then. I just want you to give the
24 perspective, from a Regional Director General, of the dynamic
25 between the regions that are collecting the intelligence and
26 sending it off to Headquarters, Headquarters analyzes it.
27 And we heard some evidence from the Headquarters' witnesses,
28 about the discussion that then goes on between the region, or

1 the regions, and Headquarters about what elements of the
2 intelligence that's sent to Headquarters ends up getting
3 actioned by Headquarters and disseminated to government.

4 **MR. BO BASLER:** Yes, it's important to note
5 in that context that all the intelligence, once it's
6 collected, it's actioned in some way. It may not be
7 disseminated immediately upon receipt out to another
8 government department, but it forms, and will always form,
9 part of our intelligence holdings.

10 So every piece of intelligence is important
11 to be able to understand a threat writ large. So it's always
12 important to the information going in. But Headquarters, the
13 branches and Headquarters are reviewing it, are assessing it
14 for its uniqueness, its pertinence to the intelligence
15 requirements of other government departments, or to senior
16 decision-makers. So they are evaluating it against the
17 holdings we have collected over the years, but also the other
18 intelligence coming in on that particular topic, and really
19 making that decision of to whom it should go out to.

20 As you had just noted, that is an ongoing
21 discussion on what the priorities are and what the collection
22 priorities are, and how that information that gets collected,
23 how it's being used. So regions, although they don't own the
24 dissemination function, they certainly have an ongoing
25 conversation with our Headquarters' branches, in terms of
26 ensuring that what is being collected is the right type of
27 information to be able to get it out to the rest of
28 government. That's why we exist; that's our *raison d'être* to

1 collect, to do that analysis and to inform, to advise
2 government.

3 So that conversation at a local level, like,
4 at a desk -- a unit level, between analysts and officers and
5 Headquarters and those in the region, that's an ongoing
6 conversation on a regular basis.

7 **MR. GORDON CAMERON:** Okay, thank you.

8 Just one last topic I wanted to raise with
9 you, just because there is information in the interview
10 summary about this, but just because it's been discussed
11 already today, I just want to get your perspective on it.

12 Are there occasions when the regions get
13 called upon to do, for example, briefings to candidates or
14 elected members, defensive or protective briefings with
15 respect to foreign interference? Don't need to talk about
16 any specific example, but is that one of the tasks that falls
17 to the regions on occasion? And if so, when is that the
18 case?

19 **MR. BO BASLER:** On occasion. If there were
20 to be a defensive briefing to an MP, generally speaking, the
21 majority of the times it would be a regional officer that
22 would go out and do that. Not exclusively; sometimes,
23 depending on the situation, may bring a subject matter expert
24 from Headquarters, but by and large the vast majority of the
25 times the interaction and engagement with individuals, be
26 they MPs or any other Canadian across the country, that's
27 done by our regional personnel. So it really is the regions
28 that are that face with local populations across the country.

1 **MR. GORDON CAMERON:** Thank you.

2 Now, Madam Commissioner, we have been
3 fortunate with this witness to have been able to develop a
4 witness -- a public summary of the witness interview, and a
5 public summary of the *in-camera* appearance of Mr. Basler that
6 are quite comprehensive, and they've been provided to the
7 parties. I think the best thing to do with the time
8 available to the Commission is to hand the microphone over to
9 the parties for cross-examination.

10 **COMMISSIONER HOGUE:** Thank you.

11 So the first one will be counsel for Jenny
12 Kwan, and I'm going to insist on the time. We have no choice
13 because we have a hard stop at 7:00.

14 **MS. MANI KAKKAR:** Thank you, Madam
15 Commissioner.

16 **--- CROSS-EXAMINATION BY MS. MANI KAKKAR:**

17 **MS. MANI KAKKAR:** My name is Mani Kakkar,
18 counsel for Jenny Kwan.

19 I have some questions for you, Mr. Basler,
20 and I will respect the time, because I understand it's late
21 for everyone. Actually, this follows very neatly from what
22 Mr. Cameron just last talked about, which is the briefings.

23 In the summary you talk about two different
24 kinds of briefings, defensive or protective security
25 briefings, and briefings undertaken as part of TRMs. Can you
26 explain the difference between those two kinds?

27 **MR. BO BASLER:** Sure. I think one set back,
28 just for a brief moment. Threat reduction measures and --

1 can include a wide range of activity, of which a briefing
2 that includes classified information, or a series of
3 briefings are just one -- but one type of a threat reduction
4 measure. So I just don't want to leave the impression that
5 that is the only kind of threat reduction measurements that's
6 undertaken by the Service or by the Service in this space.

7 So there are -- we over a number of years now
8 have been engaging with elected officials at all levels of
9 government, federal, provincial, municipal, territorial,
10 Indigenous governments, their staff to do defensive
11 briefings. So these are engagement with those individuals or
12 their offices to increase their awareness of the foreign
13 interference threat. So it really is an awareness building.

14 It is not -- those briefings do not contain
15 specific classified information on individual threats to the
16 person we're engaging with, they're really designed and aimed
17 at increasing the resilience of the individual and of their
18 staff to that particular threat. So they're informed. We
19 discuss the individual -- like the overall threat of foreign
20 interference that they may face because of their position as
21 an elected official, but it's not specific necessarily to
22 them as an individual. We don't discuss kind of individual
23 threats.

24 A threat reduction measure that may contain
25 classified information which is designed to provide certain
26 specific classified pieces of classified information to the
27 elected official in order to inform them of the specific
28 threat and give them enough tools to reduce that threat.

1 So I think it's been mentioned earlier today
2 that the threat reduction measures undertaken by the Service,
3 they have to fit a number of criteria, one of which we have
4 to have reasonable grounds to believe that the threat exists,
5 as defined in the *CSIS Act*, but we also have to have
6 reasonable grounds as to believe that what we're undertaking,
7 so in these cases the provision of classified information
8 specific to the individual, allows them to take those
9 measures to reduce the threat.

10 So it's -- it really is -- those ones are --
11 there's a nuance, but they're different in that they're
12 honestly focussed on helping the individual reduce the
13 specific threat as presented to them.

14 Does that...

15 **MS. MANI KAKKAR:** That answers my question
16 and then some, so I appreciate that. And you mentioned that
17 your briefings are general in nature.

18 And I would ask that we pull
19 Document JKW 5069.

20 And Commissioner, I ask for your indulgence
21 in this matter. I provided this document ID to the
22 Commission quite late in the day, given some of the -- our
23 documents we received from the Commission. This is a CSIS
24 document. It is a pamphlet or brochure that was provided
25 during a briefing to an MP.

26 And I just want to ask you, Mr. Basler, if
27 you're comfortable, that this is an example of the kind of
28 document that you would provide during one of the defensive

1 or protective briefings that you had mentioned?

2 And to the extent possible, it would be good
3 to rotate the document so it's a little bit more legible.

4 **MR. BO BASLER:** Can we go one more?

5 **COMMISSIONER HOGUE:** It's not easy to read,
6 this one.

7 **MR. BO BASLER:** Can we just scroll down to
8 the bottom of the -- oh, sorry. I just -- yeah. That was
9 what I wanted to be able to look at was the classification
10 level. So this is an unclassified document.

11 Yes, this would be the type of document that
12 we may leave behind on a defensive security briefing. When
13 we discuss the overall strategic threat of foreign
14 interference to be able to increase that resiliency, this
15 would be the type of document that -- yes.

16 **MS. MANI KAKKAR:** Thank you, Ms. Basler. And
17 when would you say that the regional offices began providing
18 these sorts of briefings?

19 **MR. BO BASLER:** To my best recollection, I
20 would think somewhere probably around 2018 or 2019. We have
21 been doing it for a number of years, a number within reason,
22 but as the foreign interference threat changed and we saw
23 somewhat of a difference in the way the threat was being
24 realised, we took action to be able to engage with individual
25 parliamentarians who were at higher levels of risk. So
26 that's been done for at least four or five years now.

27 **MS. MANI KAKKAR:** So you say four or five
28 parliamentarians in or around 2018 or 2019?

1 **MR. BO BASLER:** No. Sorry, four or five
2 years we've been doing it.

3 **MS. MANI KAKKAR:** Four or five ---

4 **MR. BO BASLER:** Yes.

5 **MS. MANI KAKKAR:** Okay.

6 **MR. BO BASLER:** Yeah.

7 **MS. MANI KAKKAR:** But it's a meaningful
8 difference.

9 **MR. BO BASLER:** Yeah.

10 **MS. MANI KAKKAR:** And would you be able to
11 estimate how many parliamentarians have gotten such a
12 briefing?

13 **MR. BO BASLER:** The last numbers, and I ask
14 that I not be quoted on a hard number on this, but the last
15 numbers I believe I saw were in excess of 65 or 70
16 parliamentarians have been briefed.

17 **MS. MANI KAKKAR:** In this general way.

18 **MR. BO BASLER:** Yes.

19 **MS. MANI KAKKAR:** And do you have any insight
20 into who made that decision or why or when?

21 **MR. BO BASLER:** To brief parliamentarians?

22 **MS. MANI KAKKAR:** To brief parliamentarians.

23 **MR. BO BASLER:** I don't have insights into
24 the individual decision. I feel it most likely was not a
25 decision by an individual person, but the recognition of the
26 threat and the threat environment in which we were living in
27 -- at the time that this started, and this might be a useful
28 tool for the organisation to deploy to help build that

1 resilience. But I don't -- I didn't attend the meeting where
2 the concept was approved for example.

3 **MS. MANI KAKKAR:** And have you gotten
4 feedback from those that you have provided those briefings to
5 as to their effectiveness?

6 **MR. BO BASLER:** We have received some
7 feedback, yes. We don't always get feedback, but we have --
8 we've received it directly where individuals have said they
9 appreciate it. It has increased their awareness and their
10 understanding of the threat. We have also kind of heard
11 feedback, not necessarily direct to us, but that some
12 individuals have found them to be less useful, overly
13 general. I think that is completely understandable.

14 There is varying degrees, if you look at the
15 number of parliamentarians at the federal level. There are
16 going to be varying degrees of understanding of this threat.
17 So it's a -- when we're taking a -- somewhat of a unified
18 approach, a standard approach to each of these briefings,
19 it's going to be new to some individuals and not new to
20 another individuals.

21 **MS. MANI KAKKAR:** In the period that you have
22 been providing these briefings, both as a result of the
23 feedback, and you mentioned in your witness summary, the
24 evolution, for example, of the PRC strategy on foreign
25 interference, have you made changes to the kind of briefings
26 you provide to members of parliament?

27 **MR. BO BASLER:** The briefings -- I believe
28 the best way to phrase this is, is they represent our

1 understanding of the threat as the threat is being realised
2 at the time of the briefing. That understanding changes
3 every year. As we learn how individual threat actors are
4 behaving, it changes our understanding, it changes our
5 approach, and therefore, it will inform and change the
6 briefing.

7 So yes, the information that we're providing
8 in 2024, and I don't have the content of what was briefed if
9 one was done say last month and what was done in 2019 to do a
10 side-by-side comparison, but the -- I would assume the
11 difference, there would be a significant difference or a
12 difference in between the two because our understanding of
13 the threat is different.

14 **MS. MANI KAKKAR:** I'm mindful of my time, so
15 I'll ask just one last question. Actually, I may try to
16 squeeze in two, but let's see.

17 So when you provide these briefings, you --
18 it seems to leave information for those candidates or those
19 members of parliament to be able to contact you if they
20 discover any possible foreign interference. Have you found
21 that there has been an increase in the number of potential
22 foreign interference complaints your office has received?

23 **MR. BO BASLER:** Yeah, not -- yes, there are
24 more engagements. I'm not sure if I'd refer to them as
25 foreign interference complaints because it's -- I think
26 that's something that's -- it's a construct that lives in the
27 policing world a little more than this -- than our world.
28 When we go out and engage with Canadians across the country,

1 little to no coverage in Chinese-
2 language news media, and would not be
3 invited to Chinese-Canadian community
4 events."

5 I'll just pause there. I was dumbstruck by
6 that. And I just want to make sure that I've understood you
7 correctly. Are -- is it the Service's view, in your
8 experience, that in 2019, again, the PRC, a foreign country
9 across the ocean, thousands of kilometres away, has such
10 influence in Chinese-language news media in this country,
11 again, five years ago now, that it could persuade media in
12 our country, Chinese-language media, a small segment perhaps,
13 but nevertheless, media in our country, to not cover people
14 who the PRC disliked? Is that what you're saying here, sir?

15 **MR. BO BASLER:** I think we need to
16 disentangle the broad statements from the specific
17 statements. So yes, absolutely it is our understanding that
18 there are levers that the People's Republic of China will
19 use, including influence over media outlets, some here, some
20 international, that Canadians access that aren't based here
21 in Canada. So the news media is not just restricted to that
22 which is produced here in Canada. So there are different
23 avenues or different means by which Canadians consume the
24 media. But using influence over those media outlets
25 absolutely is understood to be one of the techniques that's
26 used.

27 That statement, though, is not a blanket
28 statement. It was part of a discussion which was a little

1 bit larger and a little bit more nuanced and included more
2 classified specifics as examples.

3 But yes, as a general statement, not a
4 blanket statement, that's accurate.

5 **MR. GIB van ERT:** Thank you. That's very
6 helpful and I do take your point. I think if the idea were
7 limited to the notion that news media outside the country ---

8 **MR. BO BASLER:** M'hm.

9 **MR. GIB van ERT:** --- might be influenced ---

10 **MR. BO BASLER:** Yeah.

11 **MR. GIB van ERT:** --- by China, especially if
12 they were coming from China, we might be a little less
13 surprised. I'd be a little less dumbfounded.

14 **MR. BO BASLER:** Fair.

15 **MR. GIB van ERT:** But your -- I think what
16 you said is, yes, it's outside the country, but it's also
17 even within the country?

18 **MR. BO BASLER:** There absolutely is attempts
19 to make influence over Canada-based Chinese-language media
20 outlets. Yes.

21 **MR. GIB van ERT:** Yes, attempts. But what I
22 thought you were saying here, and correct me if I've
23 misunderstood, is that there's successful ---

24 **MR. BO BASLER:** Some.

25 **MR. GIB van ERT:** --- attempts in 2019?

26 **MR. BO BASLER:** Yes.

27 **MR. GIB van ERT:** Yeah. Thank you. And
28 likewise, PRC, again in 2019, had such influence that certain

1 candidates that were unpopular with the PRC would be
2 disinvented to events happening in our country?

3 **MR. BO BASLER:** Yes.

4 **MR. GIB van ERT:** All right. That -- I find
5 that staggering. And I thank you for bringing that to our
6 attention in this public forum.

7 Then you go on about 2021. Well, let me
8 finish reading the paragraph. You say: "The PRC's strategy..."
9 We're talking about 2019 here:

10 "...was to make these candidates
11 unappealing by rendering them
12 unknown..."

13 **MR. BO BASLER:** M'hm.

14 **MR. GIB van ERT:**

15 "...while heavily promoting the PRC's
16 favoured candidates."

17 And then you come on to 2021 and you say
18 that:

19 "By 2021, the [...] strategy had
20 evolved, from passive shunning to
21 active reputational attacks."

22 And you give the example of Kenny Chiu, who
23 you note was labelled as racist or anti-Chinese.

24 So again, I just want to understand better.
25 If you can add anything to it, and I understand you were
26 speaking in a different forum and you may not feel able to
27 add anything to it, in which case fine, please say so. But
28 again, I think this will open a lot of people's eyes and I do

1 invite you, if you are able, to explain that move to active
2 reputational attacks in this country?

3 **MR. BO BASLER:** Yeah. I think what I can say
4 is highlighting some of the I'd say negative space in between
5 the two. So there was what appeared, at least in my region,
6 that there was a change in tactic in between the two
7 elections.

8 Why there was a change in tactic, that is not
9 highlighted here. There can be a multitude of different
10 reasons, which may change it, including the fact that in
11 2019, there was not a pandemic and in 2021 there was; right?
12 So the ability to use the same levers and tools that may have
13 been at a state's disposal in 2019 may not be as effective in
14 2021.

15 So while we saw a change in tactic, I'm not
16 willing or not in the position in this venue to go further
17 into the details of why that may have been, besides a
18 statement that they are different and there is reasons behind
19 that, maybe.

20 **MR. GIB van ERT:** Thank you. And you
21 mentioned your region at the time. And was that British
22 Columbia at the time for 2021?

23 **MR. BO BASLER:** Correct.

24 **MR. GIB van ERT:** Right. So the region where
25 Mr. Chiu's riding was? Steveston-Richmond East?

26 **MR. BO BASLER:** Correct.

27 **MR. GIB van ERT:** Right. In this paragraph,
28 again, I don't want to read too much into it.

1 **MR. BO BASLER:** M'hm.

2 **MR. GIB van ERT:** I will tell you what I
3 think I'm reading into it, and you'll correct me if I've gone
4 too far.

5 You're describing observations in a shift in
6 strategy from -- and a shift in influence from 2019 to 2021.
7 Was your agency, if you're free to say, detecting the 2019
8 strategy in 2019? Or is it something that you look upon now
9 and can see, but didn't see at the time?

10 **MR. BO BASLER:** So I think, again, I'm going
11 to step back and disentangle some -- a couple of things.

12 First, we speak about the strategy or we
13 speak about the activities that we witnessed or that we saw
14 that our intelligence led us to believe we're undertaking.
15 That's not coupled with the influence; right? So it's not --
16 what is detailed in the summary is the intelligence on the
17 activities undertaken, not the scope of influence of those
18 activities. So there's no commentary on how effective they
19 may or may not have been. So I just want to draw that
20 distinction. There's not that conclusion in this.

21 We are continually collecting intelligence
22 that is focused in the present and in the past, and with an
23 eye towards the future.

24 So our understanding of what we saw in 2019
25 would be informed by what we were collecting at the time. It
26 may also, when we collect something in 2019 and compare it
27 with something that we collected in 2014, we may understand
28 the relevance of that piece of intelligence that was

1 collected in 2014.

2 So something collected many years earlier may
3 all of a sudden inform us and become pertinent to our
4 understanding of 2019. The same thing looking forward. So
5 when we're collecting in 2019, it may be informing what we
6 might see and give us an opportunity to crystal ball, for
7 example, what may be coming in future elections. But it's
8 not purely restricted to our understanding of 2019 threat as
9 it was being realized is based only on the collection of
10 2019. It's the collection of stuff much earlier and much
11 later. We may get something a year from now which informs
12 our understanding of what happened in 2019.

13 **MR. GIB van ERT:** Thank you. My ---

14 **MR. BO BASLER:** It's a very common
15 occurrence.

16 **MR. GIB van ERT:** Thank you. My last
17 question.

18 **COMMISSIONER HOGUE:** Yes, because your time
19 is over ---

20 **MR. GIB van ERT:** Thank you.

21 **COMMISSIONER HOGUE:** --- so ---

22 **MR. GIB van ERT:** My last question is, are
23 you aware of any efforts that either the Service made or
24 other agencies, departments of the government made to advise
25 Chinese language candidates from any party of these sorts of
26 influences and activities that you were detecting, so that
27 they could arm themselves in advance of the 2021 election,
28 for instance?

1 **MR. BO BASLER:** Yeah, I think the best answer
2 I can give to that is that is, you know, a big part of why we
3 were engaging with the defensive security briefings, was to
4 increase that resilience and understanding to this threat.

5 **MR. GIB van ERT:** Thank you. You've been
6 very helpful.

7 **COMMISSIONER HOGUE:** Thank you.
8 So next one is Human Rights Coalition.

9 **--- CROSS-EXAMINATION BY MS. HANNAH TAYLOR:**

10 **MS. HANNAH TAYLOR:** Hello, Mr. Basler. I
11 would like to refer you to a document submitted by the Human
12 Rights Coalition. It's a report prepared by Human Rights
13 Action Group and Secure Canada. It can be found at HRC 6.
14 And if the Court Reporter could please pull it up and turn to
15 page 129.

16 And then I believe -- make sure this is
17 right. No, 129, and then on the -- sorry, at 129 of the
18 document, not the PDF, please. Okay. And right there. So
19 thank you very much.

20 On the right-hand column, the second
21 paragraph, starts with "Freedom House". I'll just read it
22 out to you.

23 "Freedom House states that while CSIS
24 and the RCMP maintain ways for
25 reporting national security
26 information, these are not specific to
27 transnational repression, and as most
28 reports are deemed not to be national

1 security related, they're not followed
2 up with by law enforcement." (As read)

3 In the context of election interference, and,
4 of course, I know you can speak to CSIS, RCMP, what are your
5 thoughts on this finding by Freedom House?

6 **MR. BO BASLER:** To have a full understanding
7 of their findings, I would kind of need to be able to read
8 everything that went into their findings. But kind of on a
9 general level, so not to deal with this is as finding on
10 transnational repression, so in terms of foreign interference
11 in the electoral space, we did -- one of the documents that
12 we've produced, I believe it might have been brought up when
13 the headquarters panel was in, we did produce that in, if I'm
14 not mistaken, six or seven different languages, so not just
15 in the two official languages, but foreign interference knew
16 we produced it in a number of languages, so that it could be
17 distributed and understood by non-native English or French
18 speakers. So that was a way to try and open up the door and
19 create that kind of two-way dialogue with communities across
20 the country and give them that avenue to be able to reach
21 back into the Service, if it's the Service or the RCMP, if
22 need be. That was our document ---

23 **MS. HANNAH TAYLOR:** Okay. Perhaps we'll move
24 to CSIS's public reporting or complaints mechanism more
25 specifically.

26 **MR. BO BASLER:** Sure.

27 **MS. HANNAH TAYLOR:** To the extent you're
28 aware, did CSIS receive reports from diaspora members

1 regarding potential election interference in the 2019 and
2 2021 elections?

3 **MR. BO BASLER:** I am not aware personally,
4 but I was not in positions to be able to be aware of what was
5 coming into our tip line so.

6 **MS. HANNAH TAYLOR:** Do members of the public
7 in your opinion tend to know that they can contact you or
8 contact CSIS with complaints?

9 **MR. BO BASLER:** I believe so. We are as
10 accessible as -- we try and be accessible. Back when people
11 used phone books, we were in phone books. Nowadays, you
12 know, we have our website. We are engaging across the
13 country. Our regional offices are engaging across the
14 country. Our academic outreach stakeholder engagement units
15 is engaging with community groups across the country. So the
16 -- trying to raise the awareness to ensure that Canadians
17 have that ability to reach up, pick up the phone, send us an
18 email, do the tip line, whatever it may be. So a fair amount
19 of outreach does happen. Its efficacy, I don't think I can
20 speak to though.

21 **MS. HANNAH TAYLOR:** Speaking to, I suppose --
22 you talked about appearing in phone books, now online, over
23 the phone, information about the tip line and how it can be
24 accessed, is that advertised in language other than English
25 and French, to your awareness?

26 **MR. BO BASLER:** I'm not a hundred per cent
27 sure. I wouldn't be able to give a definitive answer one way
28 or another on that.

1 MS. HANNAH TAYLOR: Okay.

2 COMMISSIONER HOGUE: Your time is over.

3 MS. HANNAH TAYLOR: Yes, I'm afraid. Thank
4 you.

5 MR. BO BASLER: Thank you.

6 COMMISSIONER HOGUE: Thank you.

7 So next one is Mr. Sirois for RCDA.

8 --- CROSS-EXAMINATION BY MR. GUILLAUME SIROIS:

9 MR. GUILLAUME SIROIS: Merci. Guillaume
10 Sirois for the RCDA. Are you aware of any foreign
11 interference or influence activity in our electoral processes
12 conducted by the Russian Intelligence Services in Canada
13 during the 43rd and 44th general elections?

14 MR. BO BASLER: I would draw on -- I don't
15 have the authority to pull up on the screen or ask, but in
16 our country summary on Russia, we detailed that we didn't see
17 a significance of Russian attempts at interference in those
18 elections.

19 MR. GUILLAUME SIROIS: But in your witness
20 summary, there's no mention about Russia; is that right?

21 MR. BO BASLER: I do not believe there is any
22 mention in the witness summary, no.

23 MR. GUILLAUME SIROIS: Is that because ---

24 MR. BO BASLER: So I meant the country
25 summary ---

26 MR. GUILLAUME SIROIS: Right.

27 MR. BO BASLER: --- that we produced, but,
28 no, I don't believe in my witness summary that there's

1 mention of Russia.

2 **MR. GUILLAUME SIROIS:** And is it because
3 Russia was not a concern or is it because there was no
4 questions -- further questions asked about the topical
5 summaries during the interviews and in-camera hearings about
6 Russia?

7 **MR. BO BASLER:** Right. So the -- both the
8 topical summaries, the publicly releasable versions of the
9 in-camera hearings and the publicly releasable versions of
10 the interviews, all three are information which can be
11 released and discussed publicly. The information which
12 cannot be released for national security grounds is not found
13 in those documents. So the reason I give that explanation is
14 so it's not -- the absence of a conversation in a public
15 document doesn't mean a conversation did or did not occur.
16 It's what can be publicly released in the documents.

17 **MR. GUILLAUME SIROIS:** Okay. But your
18 witness summary talks about India. It talks about China. It
19 doesn't talk about Russia. I find this peculiar. Don't you
20 agree?

21 **COMMISSIONER HOGUE:** What is your question,
22 I'm sorry?

23 **MR. GUILLAUME SIROIS:** I want to know if the
24 witness discussed with the Commission about Russian
25 interference prior to his testimony today. I want to know
26 more about Russian interference in the last two elections in
27 the context of the topical summary that was submitted.

28 **MR. GORDON CAMERON:** Madam Commissioner, I

1 think this is a point where the witness has done as well as
2 counsel could have done to state the dilemma he's in, that a
3 great deal of effort's been put into saying what can be said
4 publicly ---

5 MR. GUILLAUME SIROIS: I'll move on.

6 MR. GORDON CAMERON: --- and what can't.

7 MR. GUILLAUME SIROIS: Thank you. Did CSIS
8 witness any rise in what we know as IMVE, being ideologically
9 motivated violent extremism in the days or weeks leading up
10 to the 2021 election?

11 MR. BO BASLER: I'm not a -- so the IMVE
12 investigation is under the remit of our counter-terrorism
13 branch. I am not an expert in that area, so I can't say if
14 in the weeks leading up -- so the very small timeframe of the
15 weeks leading up to the election that there was an increase
16 in IMVE related threat activity. I'm not in a position to be
17 able to say that. It is, broadly speaking, it is a threat
18 that has been increasing over the years, absolutely.

19 MR. GUILLAUME SIROIS: Okay. But you cannot
20 talk about any increase during the election period,
21 specifically?

22 MR. BO BASLER: I can't, no; I'm sorry.

23 MR. GUILLAUME SIROIS: Thank you. No further
24 questions.

25 COMMISSIONER HOGUE: Thank you.

26 Sikh Coalition.

27 MR. PRABJOT SINGH: Thank you, Commissioner.

28 --- CROSS-EXAMINATION BY MR. PRABJOT SINGH:

1 **MR. PRABJOT SINGH:** If Mr. Court Operator can
2 bring up Mr. Basler's witness summary, page 7.

3 And Mr. Basler, if you could remind me, you
4 were the Director General of CSIS's B.C. regional office.
5 Can you remind me of what time period that was in?

6 **MR. BO BASLER:** I was. I arrived in the
7 summer of 2021, and then began this position in 2023 on a
8 temporary basis, and then transitioned to a ---

9 **MR. PRABJOT SINGH:** Oh, so you're now the
10 Counter Foreign Interference Coordinator; correct?

11 **MR. BO BASLER:** That is correct.

12 **MR. PRABJOT SINGH:** And so from that vantage
13 point, and I would imagine the Service has some institutional
14 memory as well, would you agree with me that Indian foreign
15 interference activity in Canada, whether that's transnational
16 repression or electoral interference, has increased from say
17 2017 until now, and including the last two electoral periods?

18 **MR. BO BASLER:** I'm actually not, I think,
19 well positioned to put a baseline level in one year versus
20 another year. It certainly is a threat that has been on the
21 radar, yes, and is a threat that has been obviously of
22 importance to the Service and to the government, but I -- I'm
23 not -- I don't think I'm positioned to be able to say there
24 was a certain level of activity in 2017 and then in 2019 and
25 then 2021. I can't -- I can't graph it like that for you;
26 I'm sorry.

27 **MR. PRABJOT SINGH:** Right. Yeah, that's
28 fair. And so referring to page 7 of your witness summary, it

1 is fair to say, however, that India is only second to the PRC
2 in terms of the level of foreign interference in Canada.
3 Fair?

4 **MR. BO BASLER:** Is that on page 7? Sorry.

5 **MR. PRABJOT SINGH:** Yeah, in the middle of
6 page 7, Foreign Interference Involved In FI:

7 "The witness indicated that in India,
8 while a clear second to PRC in terms
9 of the level of a foreign
10 interference threat..." (As read)

11 **MR. BO BASLER:** Yeah.

12 **MR. PRABJOT SINGH:** Is that a fair statement?

13 **MR. BO BASLER:** That's a fair statement.

14 **MR. PRABJOT SINGH:** And I want to draw your
15 attention to that last sentence in that paragraph that, "All
16 interviewees", that's yourself and two of your CSIS
17 colleagues:

18 "...agreed that foreign interference
19 by India was corrosive to Canadian
20 democratic processes and to regional
21 community cohesion." (As read)

22 Could I ask you to expand on the latter part?
23 What did you mean about being corrosive to regional community
24 cohesion?

25 **MR. BO BASLER:** So I think the -- one of the
26 documents that you have accessed to is the country summary
27 for India that was primarily produced by the Service in
28 consultation with other government departments. In that

1 particular document, we discuss the fact that the Government
2 of India undertakes -- has different driving forces behind
3 why it undertakes foreign interference activities. One of
4 those is to counter what it perceives as threats to its own
5 internal stability.

6 And as soon as any country, India included,
7 but as soon as any country does those kinds of activities
8 focussed on a particular element of Canadian society, so in
9 this case what it perceives as threats, which is individuals
10 or groups that are advocating for an independent Sikh
11 homeland, that is corrosive to Canadian society. So that's
12 the context in there, and it's corrosive to community
13 cohesion as well.

14 **MR. PRABJOT SINGH:** So sorry, just to
15 clarify. So India's targeted activity that targets Sikh
16 advocates for a Sikh homeland and the results of that
17 targeting is what leads to the breakdown in community
18 cohesion?

19 **MR. BO BASLER:** I think the way to best
20 characterise that is it certainly is a factor, absolutely,
21 yes.

22 **MR. PRABJOT SINGH:** And so a lot of observers
23 of India's ruling party, the VJP, talk about how Indian
24 officials seek to polarise politics along sectarian and
25 ethnic and identity lines. So when you talk about being
26 corrosive to community cohesion, is that polarisation within
27 diaspora communities something that you're referring to as a
28 byproduct of India's foreign interference?

1 **MR. BO BASLER:** My understanding that this
2 part of the Inquiry is focussed on the electoral space as
3 opposed to simply that -- the cohesion matters. So I think
4 the -- I'll draw back to the country summary as produced
5 because that document really reflects the understanding that
6 the Service has, again in consultation with other government
7 departments, on their activities focussed on those elections.
8 And that's really what has been produced and about as far as
9 I'm going to be able to discuss in the confines of this
10 Inquiry.

11 **MR. PRABJOT SINGH:** Madam Commissioner, I see
12 that my time is ---

13 **COMMISSIONER HOGUE:** Your time is over.

14 **MR. PRABJOT SINGH:** --- over. I'm trying to
15 follow up -- my last follow up just to clarify a little bit?

16 **COMMISSIONER HOGUE:** Ask your question, but -
17 --

18 **MR. PRABJOT SINGH:** Sure.

19 **COMMISSIONER HOGUE:** --- I'll see whether I
20 permit it or not.

21 **MR. PRABJOT SINGH:** Okay. Sure.

22 I am just trying to understand like -- so
23 we're talking about electoral interference, and within that
24 context this community cohesion has been referenced, and I'm
25 just trying to -- are you not able to expand upon what those
26 impacts are on the ground in Canada?

27 **MR. BO BASLER:** Am I free to ---

28 **COMMISSIONER HOGUE:** You can answer.

1 **MR. BO BASLER:** Thank you.

2 The referencing was not done by the Service.
3 So again, I draw back to the country summary in terms of the
4 publicly releasable information that we have relative to the
5 Government of India's attempts at interference in the
6 electoral processes.

7 **MR. PRABJOT SINGH:** Thank you, Commissioner.

8 **COMMISSIONER HOGUE:** Thank you.

9 AG?

10 **MR. BARNEY BRUCKER:** It's late. No
11 questions.

12 **COMMISSIONER HOGUE:** Re-examination?

13 **MR. GORDON CAMERON:** No re-examination.

14 Thank you.

15 **COMMISSIONER HOGUE:** Thank you.

16 So we'll resume tomorrow morning at 9:30.

17 **THE REGISTRAR:** Order, please.

18 This sitting of the Foreign Interference
19 Commission has adjourned until tomorrow at 9:30 a.m.

20 --- Upon adjourning at 6:47 p.m.

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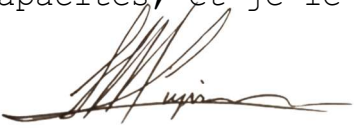
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C E R T I F I C A T I O N

I, Sandrine Marineau-Lupien, a certified court reporter,
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