



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**

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## Appearances / Comparutions

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Han Dong	Mark Polley Emily Young Jeffrey Wang
Michael Chong	Gib van Ert Fraser Harland
Jenny Kwan	Sujit Choudhry Mani Kakkar

## IV Appearances / Comparutions

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Nick Papageorge

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Lucy Watson

Conservative Party of Canada

Nando de Luca

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The Chinese Communist Party's  
Human Rights Violations

Neil Chantler

Erin O'Toole

Thomas W. Jarmyn  
Preston Lim

Senator Yuen Pau Woo

Yuen Pau Woo

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Ottawa, Ontario

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

L'audience débute le jeudi 4 avril 2024 à 9 h 32

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

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

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

The time is 9:32 a.m. Il est 9 h 32.

**COMMISSAIRE HOGUE:** Alors, bonjour tout le monde. On s'attendait à 25 centimètres de neige, on y a échappé, je pense.

Alors, ce matin, c'est Me MacKay qui débute.

] And good morning to you.

**Me JEAN-PHILIPPE MacKAY:** Bonjour, Madame la commissaire. Jean-Philippe MacKay pour la 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

1 Morrison. My last name is spelled M-O-R-R-I-S-O-N.

2 --- MR. DAVID MORRISON, Affirmed:

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

5 MS. CINDY TERMORSHUIZEN: Termorshuizen.

6 THE REGISTRAR: Thank you very much. Could  
7 you please state your full name and spell your last name for  
8 the record.

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

12 THE REGISTRAR: Okay. And will you be  
13 affirming or swearing in?

14 MS. CINDY TERMORSHUIZEN: I will be  
15 affirming.

16 THE REGISTRAR: Okay.

17 --- MS. CINDY TERMORSHUIZEN, Affirmed:

18 --- EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN CHEF PAR

19 MR. JEAN-PHILIPPE MacKAY:

20 MR. JEAN-PHILIPPE MACKAY: Mr. Court  
21 Operator, can you pull up document WIT 37, please.

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

26 MS. CINDY TERMORSHUIZEN: Yes, I do.

27 MR. JEAN-PHILIPPE MACKAY: Have you reviewed  
28 this document before this morning?

1                   **MS. CINDY TERMORSHUIZEN:** Yes, I do. Yes, I  
2 have.

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

6                   **MS. CINDY TERMORSHUIZEN:** I have no  
7 corrections.

8                   **MR. JEAN-PHILIPPE MACKAY:** Okay. And is it a  
9 reflection of the information you have given to the  
10 Commission?

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

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

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

16                   Madam Commissioner, this is the institutional  
17 report prepared by Global Affairs Canada, GAC.

18                   Both of you, have you had the chance to  
19 review the document before this morning?

20                   **MR. DAVID MORRISON:** Yes.

21                   **MS. CINDY TERMORSHUIZEN:** Yes.

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

25                   **MR. DAVID MORRISON:** Yes.

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

28                   If we can pull that up, please.

1           So the same is true for the annex, the  
2 unclassified annex that we see here. This was prepared by  
3 GAC, and you confirm that it represents GAC's evidence before  
4 the Commission?

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

6           **MR. JEAN-PHILIPPE MACKAY:** Okay. So  
7 Madam Commissioner, we don't need to pull the French versions  
8 of those documents up, but they will be filed as CAN.DOC 8.0  
9 -- CAN.DOC 8 and CAN.DOC 8.001. So both the report and the  
10 annex are filed before you in their French version.

11          **COMMISSIONER HOGUE:** Thank you.

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

15                 The witnesses before you today will testify  
16 concerning the distinction between foreign interference and  
17 foreign influence. That is the scope of the examination.  
18 Other areas of GAC's mandate and activities may be relevant  
19 to other aspects of your mandate, but this evidence will not  
20 be heard today through those witnesses.

21                 Other GAC witnesses will be appearing before  
22 you tomorrow and next week to discuss topics related to the  
23 Panel of Five, the SITE Task Force, and the Rapid Response  
24 Mechanism in relation to general elections in 2019, 2021.  
25 And Mr. Morrison will be back with us on Monday to testify in  
26 relation to his participation on the Panel of Five in 2021 in  
27 his role as a former national security and intelligence  
28 advisor to the Prime Minister.

1                   **COMMISSIONER HOGUE:** Thank you.

2                   **Me GUILLAUME SIROIS:** Guillaume Sirois pour  
3 l'Alliance des Russes du Canada.

4                   J'aurais un point de questions avant qu'on  
5 commence, si vous le permettez, Madame la commissaire.

6                   **COMMISSAIRE HOGUE:** Allez-y, puis je verrai  
7 si c'est opportun d'en discuter maintenant.

8                   **Me GUILLAUME SIROIS:** Merci.

9                   Dans le résumé d'entrevue qui a été soumis  
10 hier soir à 10 heures, on mentionne qu'il a été déposé en  
11 preuve lors des audiences à huis clos de la Commission qui  
12 ont été tenues en février et mars 2024. J'ai pas trouvé de  
13 résumé de ces audiences à huis clos là dans le Party  
14 database. Je me demande s'il a été produit ou quand il va  
15 être produit, le cas échéant.

16                   **Me JEAN-PHILIPPE MacKAY:** Si je peux me  
17 permettre, Madame la commissaire.

18                   **COMMISSAIRE HOGUE:** Oui, allez-y, Maitre  
19 MacKay.

20                   **Me JEAN-PHILIPPE MacKAY:** La raison est que  
21 cette question-là par rapport à... en fait, les témoins  
22 d'Affaires mondiales Canada n'ont pas comparu lors de ces  
23 audiences, donc madame Termorshuizen n'était pas un témoin  
24 lors des audiences.

25                   **COMMISSAIRE HOGUE:** Ça répond à votre  
26 question?

27                   **Me GUILLAUME SIROIS:** Peut-être juste une  
28 question de clarification encore. Si un... je comprenais qu'un

1 résumé d'entrevue était déposé en preuve par le témoin qui  
2 avait fait l'entrevue, donc j'ai un peu de difficulté à  
3 comprendre comment ce résumé d'entrevue là peut être mis en  
4 preuve alors qu'il concerne le témoignage de madame Cindy  
5 Termorshuizen, si madame Cindy Termorshuizen n'était pas  
6 présente lors de l'audience.

7 **Me JEAN-PHILIPPE MacKAY:** En fait, Madame la  
8 commissaire, le document que vous avez, WIT 37, est un résumé  
9 d'entrevue.

10 **COMMISSAIRE HOGUE:** D'entrevue.

11 **Me JEAN-PHILIPPE MacKAY:** ...et non un résumé  
12 d'interrogatoire à huis clos, et simplement pour fins  
13 d'information pour mon confrère, madame Morgan, madame  
14 Denham, madame Dobner seront des témoins devant vous au  
15 courant de cette ronde d'audiences, et pour ce qui est de  
16 monsieur Lafortune, un affidavit sera déposé devant vous  
17 également. Donc, pour les fins du document, oui, il est en  
18 preuve devant vous en ce qui concerne madame Termorshuizen,  
19 mais pour les autres témoins, ils vont... on va faire la même  
20 procédure avec ces témoins-là et ils nous diront s'ils  
21 adoptent ou non ou s'ils ont des corrections à apporter aux  
22 documents.

23 **COMMISSAIRE HOGUE:** D'accord. Et les  
24 sommaires des audiences à huis clos en ce qui concerne ces  
25 témoins-là seront déposés en temps...

26 **Me JEAN-PHILIPPE MacKAY:** En temps...

27 **COMMISSAIRE HOGUE:** ...en temps opportun.

28 **Me JEAN-PHILIPPE MacKAY:** Absolument, Madame

1 la commissaire. Donc...

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

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

6 **MS. CINDY TERMORSHUIZEN:** And I'm the  
7 Associate Deputy Minister of Foreign Affairs and also the G7  
8 Personal Representative of the Prime Minister.

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

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

13 **MS. CINDY TERMORSHUIZEN:** And I was appointed  
14 in January 2022 as Associate Deputy Minister of Foreign  
15 Affairs.

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

19 I'll just give a moment to Mr. Court Operator  
20 to pull it up.

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

22 We see that the first topic addressed in the  
23 institutional report is an overview of GAC's mandate. Could  
24 you please -- you can refer to the document, but you can also  
25 just explain what is the mandate and what are the activities,  
26 broadly, that GAC is undertaking?

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

28 GAC is, as the document says, responsible for

1 the conduct of Canada's international relations for advancing  
2 Canada's international relations. Every country in the world  
3 has a foreign ministry. In Canada it's called Global Affairs  
4 Canada.

5 We are a little bit unique in that we have a  
6 very broad mandate. We have three Ministers responsible for  
7 three parts of our overall mandate to advance international  
8 relations.

9 There's the Foreign Minister, who takes the  
10 lead on foreign policy. There's the Trade Minister, who  
11 takes the lead on international trade policy and the  
12 promotion of Canadian exports abroad and the attraction of  
13 investment into Canada. And there's the Minister of  
14 International Development, who oversees Canada's spending  
15 around the world.

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

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

25 The final part of the mandate has to do with  
26 assistance and support for foreign embassies here in Canada,  
27 so embassies, consulates, consulates general, high  
28 commissions. Just for the record, an embassy or a high



1 commission is in a capital city. Consulates tend to be  
2 across the country. So Global Affairs Canada has a liaison  
3 function with diplomats posted here in Canada and foreign  
4 ministries around the world perform that same function for  
5 our diplomats posted abroad.

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

8 **COURT OPERATOR:** Can you repeat that again,  
9 please?

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

11 Do you recognize this document?

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

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

15 Thank you.

16 We see here definitions, interference, malign  
17 foreign influence and foreign influence. Could you please  
18 describe those notions for us, please?

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

22 Canada has diplomats all over the world. We  
23 pay them to develop relationships, to build networks, to get  
24 to know everyone they can in a -- in the country to which  
25 they're posted, call it Guatemala, so that they can have  
26 influence. So there's an old joke about diplomacy is letting  
27 the other fellow have things your way. That's about  
28 influence. So we have diplomats posted around the world so

1 that we can promote and protect Canada's interests with  
2 proactively by encouraging governments and others,  
3 influencers within society to take positions or defensively,  
4 dissuading for -- from taking positions that would be  
5 contrary to Canada's interest.

6 We do this in a general sense. We want  
7 Canada to be well thought of around the world. I said we're  
8 -- or I'll say we're a trading nation, so our reputation  
9 abroad matters. It matters to whether students want to come  
10 here, whether people want to trade with us, whether people  
11 want to invest in Canada.

12 So there's broad foreign policy goals around  
13 broad issues like climate change.

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

21 Another example which I think is given in the  
22 paper that is in front of us is when we do a trade agreement.  
23 We negotiate the agreement, we sign the agreement with the  
24 counterpart government, but very often then that agreement  
25 has to pass through a legislative process. So we seek to  
26 have influence with the people that will eventually be voting  
27 for or against the trade agreement that the executive of the  
28 government has signed.

1           So we target all kinds of influencers on that  
2 decision, be they legislators, be they staff members of  
3 legislators. In some cases, it may be a mayor or a farmers'  
4 group, depending on exactly the issue before us in the trade  
5 agreement.

6           I mentioned the evacuation that is going on  
7 right now in Haiti as part of our consulate functions. We  
8 have needed to exercise our influence with the government of  
9 the Dominican Republic because up until very recently, we  
10 were taking people out of the embassy in Port-au-Prince and  
11 flying them into the territory of the Dominican Republic for  
12 onward transport to Santo Domingo, so we need to use those --  
13 that influence and those relationships with government  
14 authorities in the neighbouring country to Haiti.

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

27           So that's -- those are examples of how  
28 diplomats use influence.

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

6           And you know, there was a program some time  
7 ago when we were trying to get out the word about Canada's  
8 fossil fuel industry. We flew congressional staffers up from  
9 Washington to the oil sands in Alberta so that they could see  
10 that -- so that they could see that for themselves. We paid  
11 their way up so that they could not be unduly influenced by  
12 other forms of information. They could see things  
13 themselves. So there's nothing untoward about paying, as  
14 long as it is overt.

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

21           But Canadian diplomats -- it's not always in  
22 the public domain. We do do things behind closed doors. But  
23 we don't do things covertly. We don't do things  
24 clandestinely. And we don't threaten people. We don't say,  
25 "If you don't vote for this Canadian trade agreement, the  
26 following will happen to your family."

27           **MR. JEAN-PHILIPPE MacKAY:** And I presume that  
28 what you describe as being the conduct that Canada's adopting

1 in its diplomatic relations, those rules are -- derive from  
2 certain sources, international sources, that also apply to  
3 diplomats working in Canada? That's correct?

4 **MR. DAVID MORRISON:** Absolutely.

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

6 **COMMISSIONER HOGUE:** I have one question. Is  
7 there any limitation as to what the diplomats can do in that  
8 context? If it's an electoral context in the foreign country  
9 where they are located?

10 **MR. DAVID MORRISON:** We will never get  
11 involved in the election of a foreign country. And my  
12 colleague Cindy can take us through the relevant parts of the  
13 Vienna Convention, which is the covenant that governs  
14 diplomatic behaviour that is in bounds and diplomatic  
15 behaviour that is out of bounds and we would argue crosses  
16 the line into foreign interference.

17 We can -- all diplomats cover elections.  
18 Diplomats can go and report on electoral events. As we all  
19 know, 2024 is a year that will have a huge number of  
20 elections. Some of them very consequential for Canadian  
21 interests. So I can guarantee you that our teams, for  
22 example, across the United States, are covering the election  
23 very closely.

24 Our Ambassador to the United States has, in  
25 the past, attended the nominating conventions of the  
26 political parties in the United States.

27 But no Canadian diplomat will ever suggest to  
28 foreigners how they should vote. No Canadian diplomat will

1 ever get financially involved in another country's election.

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

4 **MR. DAVID MORRISON:** No.

5 **COMMISSIONER HOGUE:** No?

6 **MR. DAVID MORRISON:** No, they cannot. They  
7 can speculate on who might win, which is kind of a water  
8 cooler activity throughout the world. They can opine on  
9 whether if Party A wins, as opposed to Party B, that would be  
10 better or worse for their country's interests, but they must  
11 refrain from making public statements and they must refrain  
12 from getting directly involved.

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

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

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

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

1                   **MR. JEAN-PHILIPPE MacKAY:** If I may,  
2 Commissioner, your question is a good segue for the next  
3 document.

4                   If we can pull up CAN5551? CAN5551.

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

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

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

14                   **MS. CINDY TERMORSHUIZEN:** Okay. Great.  
15 Thank you. So yes, indeed. In advance of both the 2019 and  
16 2021 elections, a notice like this was sent out to the entire  
17 diplomatic corps.

18                   And as Mr. Morrison said earlier, one of the  
19 responsibilities of Global Affairs Canada is to provide the  
20 supports for the diplomatic and consular community here in  
21 Canada.

22                   There are about 8,000 diplomatic and consular  
23 officials in Canada, so it's a large group of people. We  
24 have a variety of responsibilities around them, but one of  
25 the things we do is provide information to them about a range  
26 of issues. And we have a tradition of sending out a message  
27 in advance of an election to ensure that diplomats and  
28 consular officials are reminded of the particular constraints

1 we expect them to abide by in an electoral period, given the  
2 sensitivities that Mr. Morrison has just spoken about.

3 The basis upon which we do this is the *Vienna*  
4 *Convention on Diplomatic Relations* and the *Vienna Convention*  
5 *on Consular Relations*. These two conventions are enshrined  
6 in Canadian law under the *Foreign Missions and International*  
7 *Organizations Act*. And those conventions prohibit  
8 interference in the internal affairs of the state in which  
9 diplomats and consular officials are located.

10 And so with respect to electoral periods in  
11 particular, the notice, for instance, and you'll see that in  
12 the first paragraphs, makes clear that diplomatic and  
13 consular representatives should not conduct activities which  
14 could be perceived as inducing electors to vote for a  
15 particular candidate, or prohibiting them from voting for a  
16 candidate in any way during an election period.

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

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

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

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

27 **COMMISSIONER HOGUE:** Roughly. Roughly. Are  
28 we talking about a large number of countries throughout the



1 world? Or ---

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

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

5 **MR. DAVID MORRISON:** I think it would be safe  
6 to say that almost every single country in the world is a  
7 party, because these conventions, the larger conventions of  
8 the -- that govern diplomatic relations and consular  
9 relations, are the conventions that give effect to diplomatic  
10 communities. So if you're not a party, you're not sending  
11 people abroad.

12 **COMMISSIONER HOGUE:** I see.

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

15 **COMMISSIONER HOGUE:** Thank you.

16 **MR. JEAN-PHILLIPE MacKAY:** And  
17 notwithstanding the international law, diplomats and  
18 officials working in Canada must respect the host state's  
19 laws and ---

20 **MR. DAVID MORRISON:** Yes.

21 **MS. CINDY TERMORSHUIZEN:** Correct. And that  
22 applies to Canadian diplomats and consular officials abroad  
23 as well with respect to the laws of the countries to which  
24 they are assigned.

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

1           Mr. Morrison, you provided explanations, but  
2 could you go back, either of you, on the distinction between  
3 those notions and how foreign influence can slide into malign  
4 foreign influence and then into foreign interference?

5           **MR. DAVID MORRISON:** Sure. The difference,  
6 and I hope it was implied in what I said in my original  
7 remarks, is that foreign interference is covert, which you  
8 could take that to mean deceptive, it is clandestine, which  
9 you could take that to mean as entirely secret, or it  
10 involves threats to an individual.

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

21           Your question had to do with also malign  
22 foreign influence, or this middle ground, which makes it hard  
23 sometimes to distinguish what is foreign interference and  
24 what is not foreign interference. So an example I would give  
25 is during an election campaign a diplomat posted in Canada  
26 attends a community event. A diaspora community has an event  
27 in a banquet hall and the diplomat attends that. There's  
28 nothing wrong with that, even during a writ period. It's not

1 an explicitly political event, it's just an event.

2 If the person stands up and makes a speech  
3 and says, "vote for this party and not that party", that's  
4 foreign interference. If the person goes into a back room  
5 and meets with candidates, we don't know unless, unless we  
6 know exactly what was said. And in general diplomats should  
7 not be meeting privately with candidates during an election  
8 campaign.

9 So there is kind of a ambiguous area or a  
10 grey zone where legitimate diplomatic activity can be -- can  
11 transition into -- can transition into foreign interference.

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

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

1           So it's -- there is an area of ambiguity, I  
2 would say, between clear-cut diplomacy, and the business of  
3 influence, and clear-cut foreign interference, which is  
4 against the relevant conventions and laws.

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

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

8           **MR. JEAN-PHILIPPE MACKAY:** Those were my  
9 questions, Madam Commissioner.

10          **COMMISSIONER HOGUE:** Thank you.

11          So first cross-examination will be conducted  
12 by Human Rights Coalition.

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

14          **MS. HANNAH TAYLOR:**

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

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

20          If we could turn to page 3, please.

21          There is a header...

22          Right there.

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

27          A little lower.

28          Then the final line there reads:

1 "Canada never engages into  
2 transnational repression, i.e.  
3 intimidating or threatening  
4 individuals, or coercing them to take  
5 particular action."

6 You would agree this is because transnational  
7 repression is a form of foreign interference and/or malign  
8 foreign influence?

9 **MR. DAVID MORRISON:** Yes.

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

21 Is this foreign interference?

22 **MR. DAVID MORRISON:** Yes.

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

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

6           **MS. HANNAH TAYLOR:** And one more  
7 hypothetical. Say that person then goes to another community  
8 member and talks about the experience, and that second  
9 community member feels pressured to do the same, though no  
10 one ever spoke to them directly about it. Is this foreign  
11 interference?

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

18           It was meant to have been the second part of  
19 the mandate of the independent special rapporteur that took -  
20 - whose work took place a year ago, and I know it's a larger  
21 area that this Commission will get into. It is not right  
22 that certain people in Canada, Canadian citizens, or  
23 permanent residents of Canada, should feel any fear, fear of  
24 repression for exercising the rights that all Canadians  
25 should enjoy.

26           **MS. HANNAH TAYLOR:** Thank you very much.  
27 Thank you, Commissioner.

28           **COMMISSIONER HOGUE:** Thank you.

1 Next one is RCDA.

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

3 **COMMISSIONER HOGUE:** Good morning.

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

5 MR. GUILLAUME SIROIS:

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

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

10 Do you believe that the identification of  
11 divisive events and trends in rival states to conduct  
12 influence campaigns by Russia, for instance, would constitute  
13 foreign interference?

14 **MR. DAVID MORRISON:** So your question is  
15 about internet campaigns and promoting divisions within  
16 societies, and you're clear that that internet campaign is  
17 sponsored by Russia. I just want to make certain I've  
18 understood your ---

19 **MR. GUILLAUME SIROIS:** Yes. Let's say  
20 there's -- for now, let's assume there's a clear link between  
21 Russia and this influence campaign. For instance, we see  
22 that it's a URL that links to the Russian Federation, for  
23 instance.

24 **MR. DAVID MORRISON:** Yes. State-sponsored  
25 disinformation that is designed to sew cleavages within  
26 societies, democratic societies like Canada, that is foreign  
27 interference.

28 **MR. GUILLAUME SIROIS:** And let's say that --

1       trying to blur the lines a little bit. Let's say there was  
2       no direct link with Russia because there was no, for  
3       instance, URL that links to the Russian Federation. But  
4       let's say it was a lot of social media accounts that seem  
5       friendly to Russia but that are based in Canada that promote  
6       these divisive events and trends on the social media at a  
7       large scale. Would that possibly constitute foreign  
8       interference as well?

9                   **MR. DAVID MORRISON:** That could constitute  
10       foreign interference if it was more likely than not that the  
11       amplification of the information was being done  
12       inauthentically, whether from abroad or here in Canada.

13                   I think you said that the accounts were here  
14       in Canada.

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

18                   **MR. DAVID MORRISON:** It's challenging. The  
19       online space is challenging, including during electoral  
20       campaigns. There are -- there is a body of scholarship  
21       existing in Canada at places like McGill and the University  
22       of Toronto that has devised methodologies to try to be able  
23       to determine with some degree of certainty whether something  
24       is -- simply goes viral, which I would call organic. It's a  
25       topical issue and people are interested, especially in an  
26       election campaign, in discussing things about the election.  
27       Or whether it is being inauthentically amplified by people  
28       that aren't even people, bots or, in other cases, people that



1 are, for example, working for a foreign government and  
2 deliberately amping up information which is -- might be  
3 misinformation which is simply erroneous information or it  
4 might be disinformation, which is information that is  
5 deliberately designed to -- well, it's fake, it's false.  
6 It's deliberately designed to distort and create impressions  
7 that are incorrect.

8 **MR. GUILLAUME SIROIS:** Okay. I want to show  
9 you a document. It's CAN 000134, just to give you a concrete  
10 example of what the Commission will be dealing with.

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

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

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

18 **MR. DAVID MORRISON:** Okay.

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

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

27 And again, just in terms of the lack of  
28 certainty here, the end of the sentence says "RRM Canada

1 judges that, at the individual account level, analytic  
2 confidence of attribution is low", so this can't necessarily  
3 be tied directly back to Russia. And it says they hope that  
4 confidence will grow in the future.

5 So the online space is, I would say,  
6 devilishly difficult because you need to make a tie to a  
7 foreign government and there's a -- Canadian citizens in an  
8 electoral context are allowed to talk about the election and  
9 they are allowed to have a full range of views on electoral  
10 issues and they are allowed to debate and explain those views  
11 online.

12 **COMMISSIONER HOGUE:** And actually, in Canada,  
13 freedom of expression is protected.

14 **MR. DAVID MORRISON:** Absolutely.

15 **COMMISSIONER HOGUE:** So you have to take into  
16 consideration, I guess?

17 **MR. DAVID MORRISON:** We absolutely have to  
18 take that right of Canadians and permanent residents, people  
19 living in Canada into account. So while some people might  
20 think something is linked to a foreign government or being  
21 inauthentically amplified, actually, acting without a certain  
22 degree of confidence might deny Canadians their right to  
23 freedom of expression. And that's a right that I would argue  
24 is particularly important in the context of Canada's  
25 democratic institutions and especially during an election  
26 campaign.

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

1           The paragraph also says that there is more  
2 engagement from accounts that generally amplify Russian state  
3 forces and also, as you noted, analytic confidence should  
4 increase with aggregate monitoring of many accounts.

5           I think you concur that this, in itself, does  
6 not constitute foreign interference, but is it enough to  
7 justify inquiring further into the situation maybe to try to  
8 find a link or attribute this campaign to the Russian  
9 government?

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

21           **MR. GUILLAUME SIROIS:** Okay. Then this will  
22 be my last question.

23           On the very specific subject matter of your  
24 testimony today, the difference between foreign influence and  
25 foreign interference, can we say, at the very least, that  
26 this is maybe on the fence both definitions? It's not  
27 clearly foreign influence, it's not clearly legitimate, it's  
28 not clearly ---

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

5           **MR. GUILLAUME SIROIS:** Weekly.

6           **MR. DAVID MORRISON:** Okay. It is not -- it  
7 is not an issue that I believe emerged as a significant  
8 issue. We have a summary -- or a summary was produced as  
9 part of the papers produced for this Commission that does go  
10 into some detail on a couple of incidents that did seem to be  
11 at least potentially significant. This wasn't one of them.

12           **MR. SIROIS:** Thank you.

13           **COMMISSIONER HOGUE:** Thank you.

14           Counsel for Jenny Kwan.

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

16           **MR. SUJIT CHOUDHRY:**

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

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

23           And so Mr. Registrar, that's CAN 5551. Thank  
24 you.

25           And so just to kind of reiterate, so in the  
26 first paragraph this Note to the Diplomatic Corps invokes and  
27 reminds them of their obligations under Articles 41 of the  
28 *Vienna Convention on Diplomatic Relations*, and Article 55 on

1 the *Vienna Convention on Consular Relations*; correct?

2 **MS. CINDY TERMORSHUIZEN:** Correct.

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

7 **MS. CINDY TERMORSHUIZEN:** Correct.

8 **MR. SUJIT CHOUDHRY:** Right, the *Foreign*  
9 *Missions and International Organizations Act*.

10 **MS. CINDY TERMORSHUIZEN:** Correct.

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

14 So if you look three lines from the bottom,  
15 is it true that in this paragraph you also bring to the  
16 attention of the Diplomatic Corps certain provisions of the  
17 *Canada Elections Act*.

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

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

22 **MS. CINDY TERMORSHUIZEN:** I mean, what was  
23 important for us is just to draw the attention of the  
24 Diplomatic Corps to the various provisions in Canadian law  
25 with respect to elections, and the prohibitions in those. So  
26 in the *Canada Elections Act* there are specific provisions,  
27 for instance, with respect to foreign financing of campaigns  
28 and so on.

1           So we wanted to ensure that if diplomats were  
2 not already familiar with that legislation, that they were  
3 given an opportunity to familiarize themselves with it, given  
4 that we were entering a writ period at the time that this  
5 documentation was sent out to all missions.

6           **MR. SUJIT CHOUDHRY:** So if foreign diplomats,  
7 then, violate Articles 41 or 55 of the two *Vienna*  
8 *Conventions*, or if they violate these provisions of the  
9 *Canada Elections Act*, they are breaking the law, is that  
10 right?

11           **MS. CINDY TERMORSHUIZEN:** Yes.

12           **MR. SUJIT CHOUDHRY:** And they are not just  
13 breaking international law, they're breaking Canadian law;  
14 right?

15           **MS. CINDY TERMORSHUIZEN:** Correct.

16           **MR. SUJIT CHOUDHRY:** And so then the question  
17 that I think we'd like to have some guidance on is, what are  
18 the consequences for breaking Canadian law for a foreign  
19 diplomat? If a foreign diplomat breaks Canadian law by  
20 funding a campaign; paying for a campaign event; providing  
21 funding to a political party; any one of a number of  
22 activities either prohibited by international directly, or  
23 specifically by prohibitions in the *Elections Act*, what flows  
24 as a consequence? Are they charged; are they prosecuted; are  
25 they expelled; are they cautioned? Could you please tell us?

26           **MS. CINDY TERMORSHUIZEN:** So a lot will  
27 depend on the specific violation and that would -- in terms  
28 of actual violations of law, if that becomes a criminal

1 offence, for instance, that would fall under the purview of  
2 the RCMP or police of jurisdiction -- in this case probably  
3 the RCMP -- to investigate. But -- so a lot would -- I guess  
4 I would just say without having a specific example, a lot  
5 would depend on the case, the evidence behind it, and then  
6 the consequences would flow from that.

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

9 **MS. CINDY TERMORSHUIZEN:** Again, I don't want  
10 to speculate on the particular situation but there certainly  
11 is a provision that would enable a diplomat to be expelled if  
12 the conditions warranted that.

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

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

15 **MR. SUJIT CHOUDHRY:** Yes.

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

19 **MR. SUJIT CHOUDHRY:** Yes, of course. Sorry.

20 And maybe just one last question. And so  
21 would this type -- would foreign interference, as you've  
22 describe it very helpfully, either as defined by Articles 41  
23 and 55 of the two *Vienna Conventions*, or as specifically  
24 prohibited by certain provisions of the *Canada Elections Act*,  
25 would those fall within or outside the scope of diplomatic  
26 immunity for criminal prosecution?

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

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

1                   **MS. CINDY TERMORSHUIZEN:** Yeah.

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

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

7                   **MR. SUJIT CHOUDHRY:** Okay, thank you for your  
8 time.

9                   **COMMISSIONER HOGUE:** Thank you.

10                   AG?

11                   **MS. HELENE ROBERTSON:** No questions for these  
12 witnesses. Thank you.

13                   **COMMISSIONER HOGUE:** Re-examination, Maître  
14 MacKay?

15                   **Me JEAN-PHILIPPE MacKAY:** Non, Madame la  
16 Commissaire.

17                   **COMMISSIONER HOGUE:** Thank you.

18                   So thank you to both of you, you're free to  
19 go.

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

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

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

25                   This hearing is now in recess until 10:30. La  
26 séance est en pause jusqu'à 10 h 30.

27 --- Upon recessing at 10:25 a.m./

28 --- La séance est suspendue à 10 h 25



1 --- Upon resuming at 10:33 a.m./

2 --- La séance est reprise à 10 h 33

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

5 This sitting of the Foreign Interference  
6 Commission is back in session. Cette séance de la Commission  
7 sur l'ingérence étrangère a repris.

8 **COMMISSIONER HOGUE:** Ça va bien, merci.

9 Now Ms. Morgan?

10 **MS. LYNDA MORGAN:** Good morning,  
11 Commissioner. Yes, so it's Lynda Morgan, Commission counsel.  
12 Commissioner, the witnesses before you are Commissioner  
13 Duheme and Deputy Commissioner Flynn. Could both witnesses  
14 please be sworn or affirmed?

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

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

18 **THE REGISTRAR:** Okay.

19 **COMM MICHAEL DUHEME:** Yeah.

20 **THE REGISTRAR:** Please state your name and  
21 spell your last name for the record.

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

24 **--- COMM MICHAEL DUHEME, Sworn/Assertmenté:**

25 **THE REGISTRAR:** Thank you.

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

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

28 **THE REGISTRAR:** You'll be swearing? Please

1 state your name and spell your last name for the record.

2 D/COMM MARK FLYNN: It's Mark Andrew Flynn,  
3 F-L-Y-N-N.

4 THE REGISTRAR: Thank you.

5 --- D/COMM MARK FLYNN, Sworn/Assertmenté:

6 THE REGISTRAR: Thank you very much.  
7 Counsel, you may proceed.

8 MS. LYNDA MORGAN: Thank you.

9 --- EXAMINATION-IN-CHIEF BY/INTERROGATOIRE-EN-CHEF PAR

10 MS. LYNDA MORGAN:

11 MS. LYNDA MORGAN: Commissioner Duheme, you  
12 have a lengthy history of service with the RCMP. For today's  
13 purposes, I just want to focus on a brief snapshot of your  
14 career. So I understand you were appointed Commissioner of  
15 the RCMP in March of 2023?

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

18 MS. LYNDA MORGAN: I will. I ---

19 COMM MICHAEL DUHEME: Okay. Sorry. Sorry.

20 MS. LYNDA MORGAN: --- I will.

21 COMM MICHAEL DUHEME: Okay, yes, that's  
22 correct.

23 MS. LYNDA MORGAN: Okay. Thank you. And you  
24 were Deputy Commissioner of federal policing from June 2019  
25 to March 2023?

26 COMM MICHAEL DUHEME: That's correct.

27 MS. LYNDA MORGAN: And Deputy Commissioner  
28 Flynn, I understand that you were appointed Deputy

1 Commissioner for federal policing in March of 2023; is that  
2 right?

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

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

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

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

11 **--- EXHIBIT No./PIÈCE No. WIT 42:**

12 Michael Duheme Public Summary of  
13 Classified Interview

14 **MS. LYNDA MORGAN:** And, Commissioner Duheme,  
15 you were interviewed by Commission counsel on February 5<sup>th</sup>,  
16 2024 in a classified environment?

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

18 **MS. LYNDA MORGAN:** And did you review a  
19 classified version of a summary of your evidence after that  
20 interview?

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

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

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

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

28 **COMM MICHAEL DUHEME:** There's actually one

1 minor change to bring at page 4. The paragraph just above  
2 RCMP Investigation. It says,

3 "The RCMP is both a producer and a  
4 consumer intelligence. While the RCMP  
5 is a contributor SITE DF, it is more  
6 often the consumer." (As read)

7 The next line, "The RCMP had no..." We  
8 should have "foreign interference election related  
9 investigation."

10 **MS. LYNDA MORGAN:** Okay. Thank you. So the  
11 insertion of the word ---

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

13 **MS. LYNDA MORGAN:** --- a few words, foreign  
14 interference.

15 **COMM MICHAEL DUHEME:** Yeah. The rest is  
16 correct.

17 **MS. LYNDA MORGAN:** Okay. Thank you. And so  
18 with that correction, do you adopt the summary as part of  
19 your evidence before the Commission today?

20 **COMM MICHAEL DUHEME:** Yes.

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

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

24 **--- EXHIBIT No./PIÈCE No. CAN.DOC 19:**

25 Institutional Report - RCMP

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

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

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

6                   **COMM MICHAEL DUHEME:** Yeah, if we can go up?  
7 Exactly.

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

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

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

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

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

18 **--- EXHIBIT No./PIÈCE No. WIT 38:**

19                                   Mark Flynn Public Summary of  
20                                   Classified Interview

21                   **MS. LYNDA MORGAN:** Thank you. And Deputy  
22 Commissioner Flynn, you were interviewed by Commission  
23 counsel on February 15<sup>th</sup>, 2024 in a classified space?

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

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

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

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

3                   **D/COMM MARK FLYNN:** One minor change on page  
4 5 in the section that is titled "Relationship With CSE". The  
5 last sentence in that section says,

6                                   "While the RCMP can ask for  
7                                   unsuppressed identities. "That request  
8                                   renders" is the language in the report,  
9                                   and it should read "That request  
10                                  frequently renders".

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

12                   **D/COMM MARK FLYNN:** So the addition of the  
13 word "frequently".

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

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

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

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

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

23                                   Commissioner Duheme, can you start by  
24 describing the RCMP's working definition of foreign  
25 interference?

26                   **COMM MICHAEL DUHEME:** I will. It is in my  
27 statement as well.

28                   **MS. LYNDA MORGAN:** So you're making reference

1 to your witness summary, which is WIT42?

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

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

10 **COMM MICHAEL DUHEME:** Well the RCMP's  
11 mandate, it's through our National Security Program, which  
12 reports under D/Comm Flynn, has the responsibility to  
13 investigate, under our National Security Program, there's the  
14 responsibility to investigate any terrorism incidents, money  
15 laundering incidents when it comes to financing, and also the  
16 foreign interference side of any offence, criminal offence.

17 **MS. LYNDA MORGAN:** Does the RCMP have a  
18 narrower or more specific mandate in relation to election  
19 related foreign interference?

20 **COMM MICHAEL DUHEME:** The RCMP has a  
21 memorandum of understanding with the Commissioner of Canada  
22 Elections, which we can share resources, can investigate  
23 jointly, share technology, and work together. But really,  
24 anything to do with the electoral process usually goes to the  
25 OCC.

26 **MS. LYNDA MORGAN:** Okay. And when you've --  
27 oh.

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

1                   **MS. LYNDA MORGAN:** Yes.

2                   **D/COMM MARK FLYNN:** --- add to that, back  
3 when the RCMP first started in foreign actor interference  
4 investigations with respect to the election, we were focused  
5 on very specific types of offences, and as the Commissioner  
6 said, we did look at it from the point of view of offences  
7 under the *Election Act*, as well as *Security of Information*  
8 *Act*.

9                   However, I would say it is important to look  
10 even post GE 43 and 44 and what we are doing today. We've  
11 expanded our understanding of the threat and how it does come  
12 into even frontline policing type responses with respect to  
13 threats and intimidation, diaspora, and in more subtle  
14 elements that overtime combine to have a more significant  
15 impact.

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

18                   **D/COMM MARK FLYNN:** I'll just write this  
19 down.

20                   **MS. LYNDA MORGAN:** Thank you. We can do  
21 that.

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

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

26                   **COMM MICHAEL DUHEME:** I think Mark just  
27 covered some of it, but in reality, the mandate as such  
28 hasn't changed. We've learned a lot more. That's for sure.



1 And we've actually brought about some changes to our internal  
2 structure to better address what we're seeing.

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

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

14 However, our tool set included general  
15 authorities that we have to keep the peace, public safety,  
16 various case law authorities as well, under which we could  
17 act.

18 Post 2021, as I already spoke about, our  
19 thinking has evolved and when we are looking at foreign  
20 interference activities, we are looking at leveraging the  
21 full extent of the *Criminal Code*, such as uttering threats,  
22 intimidation, harassment type offences that we would look at  
23 that traditionally were not considered National Security  
24 tools.

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

28 Comm Duheme, are you able to describe, again,

1 kind of high level, the RCMP's relationship with CSIS?

2 **COMM MICHAEL DUHEME:** La relation que nous  
3 avons avec le Service est excellente. Avec le directeur, on  
4 se côtoie au moins une fois par semaine à les différentes  
5 réunions de sous-ministres. Et puis lorsque le besoin se  
6 présente d'avoir une discussion sur un dossier ou sur un  
7 sujet, on ramasse le téléphone puis on s'appelle.

8 Mais je vous dirais que la relation de la GRC  
9 avec le Service général est très bonne. Nous avons des  
10 mandats un petit peu différents, mais ils sont  
11 complémentaires. On travaille bien ensemble.

12 **Me MATTHEW FERGUSON:** Monsieur Duheme, s'il  
13 vous plaît, si vous pouvez ralentir.

14 **COMM MICHAEL DUHEME:** Je suis désolé. Je  
15 suis désolé. C'est pire en français. C'est plus vite.

16 **(LAUGHTER/RIRES)**

17 **COMMISSAIRE HOGUE:** Je commets le même péché.

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

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

23 One Vision came about where we want to make  
24 sure that both organizations are in lockstep as to what's  
25 going on, who is doing what. Like a deconfliction, but it's  
26 also an opportunity to share some information.

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

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

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

22           **MS. LYNDIA MORGAN:** And so when you describe  
23 potentially being able to use or not use information, I  
24 understand there's a distinction between what's called  
25 actionable intelligence and non-actionable intelligence. Are  
26 you able to explain the difference?

27           **D/COMM MARK FLYNN:** Yes, I am. So given the  
28 intelligence role that the Service has, there are times when

1 they will have information that is very useful for the RCMP  
2 to have to give us a better understanding of what is  
3 happening in any given situation, or to understand a threat  
4 that may be present.

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

14 **MS. LYNDA MORGAN:** And is that concept  
15 distinct from what's described as the intelligence to  
16 evidence problem?

17 **D/COMM MARK FLYNN:** It is not distinct. In  
18 fact, they are very interrelated because frequently the  
19 information that we will receive that is not able to be  
20 utilized in our judicial processes, the non-actionable is  
21 given that non-actionable category because of the fact that  
22 there is no effective way of it being able to be presented or  
23 used by us in a manner that does not risk it being presented  
24 in court or in some way leading to information that would  
25 reveal either their sources or their techniques that are  
26 deemed to be important to be preserved.

27 **COMM MICHAEL DUHEME:** Can I just add, this is  
28 not limited to the Service. Our international partners, it's

1 the same thing. If we have information or raw intelligence  
2 come in from the partners, we run into the same hurdles, if  
3 you wish, with regards to actionable items for intelligence.

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

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

16 **COMMISSIONER HOGUE:** I see. And it takes  
17 time.

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

21 **MS. LYNDA MORGAN:** And in a circumstance  
22 where the RCMP is not in a position to lay or pursue criminal  
23 charges because of the genesis of the underlying information,  
24 are there alternative available steps or responses to the  
25 RCMP?

26 **D/COMM MARK FLYNN:** So there are always  
27 options to some extent, and sometimes the option is that we  
28 will wait, we will continue the engagement with the Service

1 while they work under the mandate to gather information. And  
2 that's a really important part that needs to be understood.  
3 We have complementary mandates, and we do collaborate and we  
4 do manage the threats to Canada and Canadian public safety  
5 collaboratively.

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

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

21 **MS. LYNDIA MORGAN:** Thank you. So I'll move  
22 now to the RCMP's relationship with CSE. Deputy  
23 Commissioner Flynn, how would you describe the RCMP's with  
24 CSE?

25 **D/COMM MARK FLYNN:** So again, CSE is a  
26 partner in the public safety space. In the national security  
27 and intelligence space we have the RCMP. As the Commissioner  
28 had stated early -- earlier, there are many committees and

1 forums that we interact in regularly.

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

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

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

21 **COMM MICHAEL DUHEME:** Correct.

22 **MS. LYNDIA MORGAN:** In terms of the  
23 information flow and kind of avenues of exchange between the  
24 two bodies, would you describe the relationship as a push or  
25 a pull or does information flow both ways?

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

1                   **MS. LYNDA MORGAN:** Between the RCMP and the  
2 OCCE.

3                   **COMM MICHAEL DUHEME:** Oh, OCCE. Okay. I  
4 would say that it flows both ways. If we have come across  
5 information that is benefit to them, we will transfer it to  
6 them. If they require assistance, we will help them. And it  
7 flows both ways.

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

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

17                   **COMM MICHAEL DUHEME:** Well, the RCMP has a  
18 key role on SITE bringing the perspective to the table of  
19 what we're seeing in the criminal space. The RCMP is also  
20 uniquely positioned where we can coordinate some of the  
21 information that has to go up the SITE through the Canadian  
22 Association of Chiefs of Police, all chiefs of police across  
23 the country, and also with what's going on with the Five  
24 Eyes. So we bring to the table really a focus on -- from the  
25 criminal angle, within our mandate, obviously.

26                   **MS. LYNDA MORGAN:** And through the RCMP  
27 participation on SITE TF, if the RCMP representative gains  
28 knowledge of intelligence or information from other members,



1 what use can the RCMP make of that information?

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

16 **MS. LYNDA MORGAN:** And you've described the  
17 kind of link between SITE TF and the Panel of Five. Through  
18 its participation in SITE TF, did the RCMP also participate,  
19 to the best of your knowledge, in briefing the Panel of Five  
20 during ---

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

22 **MS. LYNDA MORGAN:** --- the 2019 or 2021 writ  
23 periods?

24 **D/COMM MARK FLYNN:** So the rules with SITE  
25 are that the entities that are a part of it are a part of the  
26 briefings for the Panel of Five. We did have some challenges  
27 in gathering some information specific to which individuals  
28 were there, but we believe, yes, that there would have been

1 RCMP members at some of those briefings.

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

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

5 **MS. LYNDA MORGAN:** --- a Panel of Five  
6 briefing?

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

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

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

18 **COMM MICHAEL DUHEME:** Well, there is within  
19 the organisation a certain stream or a flow of information to  
20 get the information up to the Commissioner or to the Deputy  
21 Commissioner, the position I was in at the time. The flow of  
22 information is quite intense. There is a lot going on,  
23 especially when it's an election period. And again, the  
24 briefings are done in different matters.

25 For example, when I was Deputy Commissioner,  
26 and even as Commissioner, there's -- sometimes there's  
27 information that's shared just for situational awareness that  
28 doesn't involve the RCMP. Sometimes I am briefed on it, but

1 sometimes I am not briefed on it because it's not important  
2 in that moment in time. But I rely on the SMEs that are  
3 around me to bring the right up to either, in my position as  
4 Deputy or as Commissioner, as to any relevant material that I  
5 need to know.

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

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

15 **MS. LYNDIA MORGAN:** And during GE43, or 44,  
16 Commissioner, were you made aware of allegations of reported,  
17 quote, "vote buying", end quote, in Richmond, British  
18 Columbia?

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

22 **MS. LYNDIA MORGAN:** Okay. And same timeframe,  
23 GE43 or 44, were you made aware of any information in  
24 relation to Mr. Dong and alleged PRC foreign interference in  
25 the Don Valley North?

26 **COMM MICHAEL DUHEME:** No, not to my  
27 recollection.

28 **MS. LYNDIA MORGAN:** During GE44, Commissioner,

1 were you made aware of any information about alleged PRC  
2 foreign interference in the 2021 election?

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

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

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

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

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

21 And I will ask you about investigations  
22 generally. I understand there's some information you're not  
23 able to share.

24 During GE43 and GE44, are you able to tell us  
25 whether the RCMP provided SITE TF with any information  
26 relating to election -- relating to allegations of election-  
27 related foreign interference?

28 **COMM MICHAEL DUHEME:** The RCMP did not have

1 any foreign interference election criminal investigation  
2 during 43 and 44.

3 **MS. LYNDA MORGAN:** And after GE44,  
4 Commissioner, has the RCMP opened any foreign interference  
5 criminal investigation or investigations involving elections  
6 and/or democratic institutions?

7 **COMM MICHAEL DUHEME:** We did receive some  
8 information later on that some of the files are still under  
9 investigation.

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

17 Are you able to detail any challenges that  
18 you faced in terms of coordinating efforts between the  
19 various agencies? And again, this question is specific to  
20 the timeframe of 2019 to 2021.

21 **COMM MICHAEL DUHEME:** Yeah. I didn't listen  
22 to yesterday's testimonies. What I can say is prior to the  
23 43 and 44, SITE didn't exist. You didn't have a hub in which  
24 people could come together and share what different agencies  
25 are seeing, so I would say that are we better off in 43 and  
26 44 than what we were in 42? Yes. Can we build on that? I  
27 think so.

28 I do think there are also other mechanisms

1 through different Deputy Minister meetings that information  
2 is shared, but I do think that we're in a better place today  
3 than we were in 42.

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

6 **MS. LYNDA MORGAN:** Yes.

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

13 The number of meetings, the informal  
14 discussions, the interactions between the staff and the RCMP  
15 and our partners in this area is sometimes hourly during the  
16 week. We have a large number of experts.

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

23 We have a large number of experts. We're a  
24 very large organization with many, many mandates, and I would  
25 not want you or Madame Commissaire to walk away with the  
26 impression that some things that the Commissioner may not  
27 have known means that organizationally that we were not  
28 collaborating in that space because that is not the reality.

1 We have very strong relationships and very collaborative  
2 relationships in this space.

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

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

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

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

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

26 Those are my questions. Thank you.

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

28 **COMMISSIONER HOGUE:** Thank you.

1                   We'll take the break, the morning break, for  
2 20 minutes. So we'll be back at 11:25.

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

5                   This sitting of the Foreign Interference  
6 Commission is now in recess until 11:25. Cette séance de la  
7 Commission sur l'ingérence étrangère reprend jusqu'à 11 h 25.

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

9 --- La séance est suspendue à 11 h 05

10 --- Upon resuming at 11:26 a.m./

11 --- La séance est reprise à 11 h 26

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

14                   This sitting of the Foreign Interference  
15 Commission is back in session. Cette séance de la Commission  
16 sur l'ingérence étrangère à repris.

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

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

20 --- COMM MICHAEL DUHEME: Resumed/Sous le même serment:

21 --- D/COMM MARK FLYNN: Resumed/Sous le même serment:

22 --- CROSS-EXAMINATION BY MS. LESLIE SCHUMACHER:

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

24                   Good morning. My name is Leslie Schumacher.

25                   My first question is, was the RCMP aware of  
26 Russian engaging in foreign interference in Canada during the  
27 2019 and 2021 General Elections?

28                   **COMM MICHAEL DUHEME:** I would say "aware" is



1 probably a strong word in the sense that, as I testified  
2 earlier, prior to elections there's been regular DM meetings  
3 that touch different spheres of activities and I remember  
4 that country being mentioned, but that's to that extent.

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

8 **COMM MICHAEL DUHEME:** No.

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

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

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

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

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

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

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

28 **D/COMM MARK FLYNN:** During both elections we

1 looked at all potential areas of concern.

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

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

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

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

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

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

27 **MS. LESLIE SCHUMACHER:** Right. And so when  
28 you say complaints or information, is there a -- before you

1 said you had no information about any Russian interference  
2 into the elections. Were there any complaints, or is there a  
3 difference between those two things?

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

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

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

9 **COMMISSIONER HOGUE:** Thank you.

10 Next one is RCDA. Russian Canadian ---

11 **COMM MICHAEL DUHEME:** Merci.

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

14 **COMM MICHAEL DUHEME:** Merci.

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

16 **COMMISSIONER HOGUE:** Democratic Alliance ---

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

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

20 **MR. GUILLAUME SIROIS:**

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

25 I want to pull CAN 012856, please.

26 **--- EXHIBIT No./PIÈCE No. CAN 12856:**

27 SITE TF Situational Report: 14

28 September 2021

1                   **MR. GUILLAUME SIROIS:** And this is a  
2 situation report from the SITE Task Force. I won't be asking  
3 any questions regarding the RCMP's participation in the SITE  
4 Task Force. I just want to provide some context. This is --  
5 the report is dated September 14<sup>th</sup>, so 1 week before the 2021  
6 election. I want to go at page two, third bullet point,  
7 please.

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

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

27                   I have to highlight too is during that  
28 period, we did have a lot of input in SITE with regards to

1 IMVE, the ideological motivated violent extremists, which we  
2 saw a rise during that period. It was a concern for the  
3 RCMP, and we just want to make sure that law enforcement  
4 across the country were well positioned to answer any of  
5 these uprising by citizens.

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

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

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

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

1 about the momentum of this sort of content? Was it  
2 increasing in the days leading up to the election, or was it  
3 increasing, decreasing?

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

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

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

25 **COMM MICHAEL DUHEME:** Again, if I had to  
26 compare between 43 and 44, yeah, 44 was slightly different  
27 than 43 where there's more presence on social media. We've  
28 seen people more in the streets. There was more division, if

1 you wish, but to what extent I'd be hard pressed to put a  
2 number on it.

3 **MR. GUILLAUME SIROIS:** Okay.

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

6 **COMM MICHAEL DUHEME:** No.

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

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

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

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

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

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

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

27 **MR. GUILLAUME SIROIS:** Okay. Maybe I have  
28 one or two ---

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

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

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

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

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

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

16                   **COMMISSIONER HOGUE:** Thank you.

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

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

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

20                   **MS. HANNAH TAYLOR:**

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

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

27                   **MS. HANNAH TAYLOR:** Did you receive reports  
28 from diaspora members regarding potential election



1 interference in the 2019, 2021 elections?

2 **COMM. MICHAEL DUHEME:** Twenty nineteen  
3 (2019); 43 and 44 there was three referrals made to the OCCE,  
4 but I'm not quite sure of the outcome of it. And I don't  
5 think it was foreign interference.

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

7 **COMM. MICHAEL DUHEME:** It was information  
8 that was brought to our attention that we shared with the  
9 OCCE.

10 **D/COMM. MARK FLYNN:** Yes, not related to  
11 foreign interference.

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

15 **COMM. MICHAEL DUHEME:** I wouldn't be able to  
16 confirm that.

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

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

24 **D/COMM. MARK FLYNN:** If I may, not ask a  
25 question but respond. To track your question in its  
26 entirety, I didn't that you were saying specifically at the  
27 time of GE 43, 44. I think you were asking in the broader  
28 context of 43, 44, and I would say in a broader context, and

1 in the broad definition of foreign interference, even outside  
2 of the election, we've had strong engagement with various  
3 diaspora about transnational repression-type activities.  
4 But, again, outside of the context of the timeframe and  
5 specifically related to the GE 43 and 44 at that time.

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

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

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

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

1 Prevention and Engagement Unit, and in collaboration with the  
2 Canadian Association of Chiefs of Police, Community for  
3 Prevention and Engagement on Public Safety Matters are  
4 produced in multiple language.

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

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

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

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

26 **D/COMM. MARK FLYNN:** Primarily it is English  
27 and French as official languages in Canada. However, there  
28 are mechanisms if someone does reach out that we can engage,

1 but it is an area that we need to pay attention to going  
2 forward and increase our capacity in that space, because it  
3 is very challenging to do so today.

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

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

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

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

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

2                   **COMMISSIONER HOGUE:** This will be your last  
3 question.

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

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

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

11                  **COMMISSIONER HOGUE:** Thank you.

12                  **COMM. MICHAEL DUHEME:** Merci.

13                  **COMMISSIONER HOGUE:** Next one, Mr. Choudhry  
14 for Jenny Kwan.

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

16                  MR. SUJIT CHOUDHRY:

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

20                                 Commissioner, I believe you stated, and just  
21 would like you to confirm, that the RCMP did not open any  
22 foreign interference election-related investigations for GE  
23 43 and 44, but subsequent to 44 you had opened  
24 investigations, and I believe you used the term plural --  
25 used that term in plural. Is that right?

26                                 **COMM. MICHAEL DUHEME:** So during the 43 and  
27 44 period, we did not, and you are right, sir, I did say that  
28 after it, subsequently, we had received information that

1 prompted us to open an investigation.

2 **MR. SUJIT CHOUDHRY:** And, you know,  
3 Commissioner, I know that you're restrained in being able to  
4 share with us the scope of that, but are we talking about  
5 five; 50? I mean, are you able to give us a sense of the  
6 order of magnitude?

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

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

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

14 **COMMISSIONER HOGUE:** You ---

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

16 **COMMISSIONER HOGUE:** So there's no need to  
17 answer the question.

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

20 **(LAUGHTER/RIRES)**

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

23 So Deputy Commissioner, in your witness  
24 statement you described in passing something called the  
25 Foreign Actor Interference Team, but you didn't have a chance  
26 to give us a sense of what that is. And so I'm wondering --  
27 and I have a couple of questions about that. How big is  
28 that? And, also, in particular; what type of language skills

1 do members of that team have? Can they -- and so we know in  
2 this Commission that there are certain states that are  
3 targeting our diasporas, do members of that team have the  
4 linguistic skills to read social media posts, read media,  
5 engage with members of those communities?

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

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

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

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

3                   **COMM MICHAEL DUHEME:** Within the  
4 organization, we're 30,000 across the country. So we have,  
5 in the past, mobilized people in different parts of the  
6 country to assist on a specific -- who have a specific  
7 language to assist us in an investigation. And we also  
8 mobilize some of our partners' resources when needed.

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

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

28                   So my question then follows from that, which



1 is suppose an RCMP complaint is lodged with the RCMP that --  
2 is there any way of connecting the dots between information  
3 that's shared with the RCMP at the Taskforce and a complaint  
4 that's received on the ground?

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

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

16 **MR. SUJIT CHOUDHRY:** Okay.

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

1 that do that.

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

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

4 **COMMISSIONER HOGUE:** Thank you.

5 AG. No? Okay. The next one.

6 **--- CROSS-EXAMINATION BY/CONTRE-INTERROATOIRE PAR**

7 **MR. MATTHEW JOHNSON:**

8 **MR. MATTHEW JOHNSON:** Good morning,  
9 Commissioner, Deputy Commissioner. My name is Matthew  
10 Johnson on behalf of the Attorney General of Canada. I just  
11 have one question for you.

12 I'm going to take you back when you were  
13 being questioned by my friend from Ukrainian Canadian  
14 Congress. She asked you about whether you were aware of  
15 Russia engaging in foreign interference.

16 When you said that you had no information  
17 about that Russian -- about Russian foreign interference  
18 efforts, were you speaking as to your personal knowledge or  
19 on behalf of the RCMP as an organization, which does include  
20 SITE Taskforce?

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

1                   **MR. MATTHEW JOHNSON:** Thank you, Madam  
2 Commissioner. Those are my questions.

3                   **COMMISSIONER HOGUE:** Thank you. Re-  
4 examination?

5                   **MS. LYNDA MORGAN:** I just have one  
6 housekeeping matter for re-examination, which is I made  
7 reference to the English version of the RCMP Institutional  
8 Report. I'd just like to also reference CANDOC20, which is  
9 the French version of the same institutional report.

10                   **COMMISSIONER HOGUE:** Thank you.

11                   **MS. LYNDA MORGAN:** And I would note as well  
12 that the same qualification that was made to the English  
13 version, page 24, changing the date, would be made to the  
14 French version as well.

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

16                   **COMMISSIONER HOGUE:** Thank you. Thank you,  
17 sir.

18                   **COMM MICHAEL DUHEME:** Merci, Madame la  
19 Commissaire.

20                   **COMMISSAIRE HOGUE:** Alors, vous êtes libres  
21 de quitter.

22                   **COMM MICHAEL DUHEME:** Bonne fin de journée.

23                   **COMMISSAIRE HOGUE:** Vous aussi.

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

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

27                   **MS. ERIN DANN:** Mr. Registrar, we're taking  
28 five minutes.

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

3                   This hearing is in recess until 12:00. La  
4 séance est en pause jusqu'à midi.

5 --- Upon recessing at 12:00 p.m./

6 --- La séance est suspendue à 12 h 00

7 --- Upon resuming at 12:00 p.m./

8 --- La séance est reprise à 12h00

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

11                   This sitting of the Foreign Interference  
12 Commission is back in session. Cette séance de la Commission  
13 sur l'ingérence étrangère à reprise.

14                   **COMMISSIONER HOGUE:** Good morning,  
15 Mr. Rogers.

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

17                   **MS. ERIN DANN:** Good morning. Thank you,  
18 Commissioner. It's Erin Dann, Commission Counsel. Our next  
19 witness is Mr. Rogers. If the witness could be affirmed,  
20 please.

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

23                   **MR. DANIEL ROGERS:** Daniel Rogers,  
24 R-O-G-E-R-S.

25 **--- MR. DANIEL ROGERS, Affirmed/Sous affirmation solennelle:**

26 **--- EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN CHEF PAR**

27 **MS. ERIN DANN:**

28                   **MS. ERIN DANN:** Mr. Rogers, we're going to

1 start today with a few housekeeping matters. Do you recall  
2 being interviewed in a panel format alongside Shelly Bruce  
3 and Alia Tayyeb by Commission Counsel on February 8th, 2024?

4 **MR. DANIEL ROGERS:** Yes.

5 **MS. ERIN DANN:** If I can ask that WIT 39,  
6 please.

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

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

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

15 **MR. DANIEL ROGERS:** No.

16 **MS. ERIN DANN:** Does the summary accurately  
17 reflect the substance of your interview that can be publicly  
18 disclosed?

19 **MR. DANIEL ROGERS:** Yes.

20 **MS. ERIN DANN:** Do you adopt your  
21 contributions to the summary as part of your evidence before  
22 the Commission?

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

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

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

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

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

4           A publicly disclosable summary of the  
5 evidence you gave *in-camera* was prepared, and that appears on  
6 the screen before you. Have you had an opportunity to review  
7 that summary?

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

9           **MS. ERIN DANN:** And do you have any  
10 corrections, additions, or deletions, modifications to that  
11 summary?

12           **MR. DANIEL ROGERS:** No.

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

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

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

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

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

20           If that could be the next exhibit.

21           You're here today, Mr. Rogers, to provide  
22 some evidence in respect to the Canadian Security  
23 Establishment. Can you describe your history at CSE, and in  
24 particular, your role there during 2019 and 2021 general  
25 elections?

26           **MR. DANIEL ROGERS:** Yes. I worked at the  
27 Communications Security Establishment for many years,  
28 starting in the early 2000s, mostly, almost exclusively in

1 the intelligence branch of the organisation. During the 2019  
2 and 2021 elections, I was the Deputy Chief for the Signals  
3 Intelligence Program within CSE. I later became the  
4 Associate Chief of the organisation.

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

9 So as a last piece of housekeeping, the CSE  
10 prepared an institutional report.

11 That is CAN.DOC 5.

12 CSE prepared an institutional report for the  
13 Commission. Have you had an opportunity to review that  
14 report?

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

16 **MS. ERIN DANN:** And can you confirm that CSE  
17 prepared the report for the Commission and that it represents  
18 CSE's evidence in relation for the Commission?

19 **MR. DANIEL ROGERS:** Yes.

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

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

24 **---EXHIBIT No./PIÈCE No. CAN.DOC 6:**

25 Rapport institutionnel - Centre de la  
26 sécurité des télécommunications

27 **MS. ERIN DANN:** Mr. Rogers, just before we go  
28 on to talk about your role at CSE and the role of CSE in

1 relation to the matters before the Commission, I understand  
2 that you're not currently working at CSE. Can you tell us  
3 what your current role is and give a brief description of  
4 that role?

5 **MR. DANIEL ROGERS:** Yes, that's correct.  
6 Currently, I'm the Deputy National Security and Intelligence  
7 Advisor to the Prime Minister, and the Deputy Secretary for  
8 Emergency Preparedness within the Privy Council Office. In  
9 that role, I support the National Security and Intelligence  
10 Advisor in her duties, and Minister Sajjan in his duties with  
11 respect to emergency preparedness.

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

17 **MR. DANIEL ROGERS:** Yes. CSE is an  
18 organisation that, as you said, collects SIGINT. SIGINT is a  
19 type of intelligence collection related to the interception  
20 of communications or getting information from what we call  
21 the global information infrastructure. And this is -- you  
22 know, colloquy, you can think of it as the internet, or any  
23 type of interconnected device or the flow of communications  
24 globally. So SIGINT for us is foreign intelligence  
25 collection, and that's key, and as part of our mandate we  
26 look at foreign targets outside of Canada to collect foreign  
27 intelligence through SIGINT's means.

28 **MS. ERIN DANN:** And when you talk about that



1 foreignness element, do I understand correctly that that  
2 means that you cannot direct your activities at Canadians or  
3 persons in Canada?

4 **MR. DANIEL ROGERS:** That's correct. Under  
5 our intelligence mandate, our foreign intelligence mandate,  
6 we are barred from directing any activities at Canadians or  
7 persons in Canada.

8 **MS. ERIN DANN:** The overarching mandate of  
9 CSE is set out in section 15 of the *CSE Act*. It states that  
10 CSE:

11 "...is the national signals  
12 intelligence agency for foreign  
13 intelligence and the technical  
14 authority for cyber security and  
15 information assurance."

16 Is that right?

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

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

21 **MR. DANIEL ROGERS:** Yes. CSE's intelligence  
22 priorities are set by Cabinet and by legislation. We must  
23 conduct our intelligence activities in accordance with those  
24 priorities. And in both General Elections, foreign  
25 interference would have been captured by those priorities as  
26 part of our work.

27 **MS. ERIN DANN:** And how does CSE define  
28 "foreign interference"?

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

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

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

7                   **MS. ERIN DANN:** CSIS.

8                   **MR. DANIEL ROGERS:** In that we understand  
9 foreign interference to be deceptive activities counter to  
10 the interests of Canadians or involving a threat to  
11 individuals. And CSIS has a robust definition of that.

12                   I will say that in CSE's context, the precise  
13 bounds of that definition matter slightly less. Our  
14 activities with respect to foreign intelligence seek to  
15 understand the intentions of states as they relate to Canada  
16 more broadly, and so things which may not be deceptive may  
17 still be of interest to us. And there is a broader  
18 definition of foreign intelligence that applies when we  
19 conduct our intelligence activities.

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

24                   **MR. DANIEL ROGERS:** Sure. You know, for  
25 instance, if we were -- we could seek to identify the plans  
26 or intentions of a foreign state with respect to Canada that  
27 could still be detrimental to the interests of Canada but may  
28 not be intended to be carried out in a covert or clandestine

1 way, so it may be outside of the CSIS definition but still  
2 within the definition we would use to inform the government  
3 through our intelligence community.

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

5 As I understand it, while there's one broad  
6 aspect for CSE, it has -- or one broad mandate for CSE,  
7 there's five aspects to it. I just want to go through those  
8 briefly with you.

9 The first I think we've touched on, foreign  
10 signals intelligence. And as I understand it, CSE collects  
11 signals intelligence to determine, as you just mentioned,  
12 motivations, intentions and capabilities of foreign entities.  
13 Is that right?

14 **MR. DANIEL ROGERS:** Yes.

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

19 The second is cyber security and information  
20 assurance. Can you briefly describe this aspect of CSE's  
21 mandate?

22 **MR. DANIEL ROGERS:** Yes. Under this aspect  
23 of CSE's mandate, we can provide cyber advice, guidance and  
24 services to help defend federal infrastructure, cyber  
25 infrastructure, or infrastructure designated as important to  
26 the Government of Canada. So this might include, you know,  
27 putting defensive measures within the internet connected  
28 devices of the federal government or other systems to help

1 defend them against all sorts of cyber threats, including  
2 those from foreign states, but also include ransomware, crime  
3 or other types of cyber threats.

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

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

9 CSE worked very closely with Elections Canada  
10 throughout the period, well before the elections began, to  
11 help provide tailored advice, guidance and services  
12 specifically to help defend the connected infrastructure of  
13 Elections Canada up to and during the federal elections.  
14 That included all sorts of cyber security services and  
15 advice, but it also included, you know, responding to  
16 security events during the election and around the election.  
17 And I will say that it -- our work with respect to elections  
18 under the cyber security aspects of our mandate extend beyond  
19 just Elections Canada. So we do also provide advice and  
20 guidance to political parties, to Canadians and voters and  
21 there is more to that activity.

22 **MS. ERIN DANN:** And we heard some evidence  
23 earlier this week about the advice that CSE provided to  
24 political parties and political campaigns about cyber  
25 security. Some of the evidence we heard from members of  
26 political parties is that they would have liked to receive  
27 more specific advice on this point.

28 Can you comment on that at all and describe

1 the type of guidance or advice you give to political parties  
2 and campaigns in respect of cyber security?

3 **MR. DANIEL ROGERS:** Certainly.

4 During the election period, as I think it was  
5 mentioned earlier, CSE provided tailored briefings to  
6 political parties around cyber security measures that can be  
7 taken. Beyond that, we provided a hotline that any candidate  
8 could call during the election should an incident occur where  
9 we could help the candidate deal with those incidents.

10 We have information available tailored to  
11 elections administrators, political parties and voters on the  
12 website specifically tailored around elections and they lay  
13 out various measures that people can take to defend  
14 themselves and to help respond to an incident.

15 We remain available to consult should there  
16 be anything that political parties need from us in terms of  
17 tailored advice and guidance and that service is ongoing even  
18 outside the course of an election.

19 **MS. ERIN DANN:** And how would a candidate  
20 know they should call this -- how would they be informed  
21 about this hotline or understand that they would be able to  
22 contact CSE?

23 **MR. DANIEL ROGERS:** Well, there were  
24 briefings provided to the political parties at the outset of  
25 those elections and during that process where that  
26 information would have been relayed. It's also on our  
27 website.

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

1           And are you able to give -- one of the  
2 witnesses we heard from thought that it would be useful to  
3 have advice from CSE on specific types of software to avoid  
4 or to use. They were looking for advice on particular  
5 protections for Parliamentarians who are working in a hybrid  
6 environment.

7           Is CSE able to give that kind of specific  
8 advice about specific platforms or softwares that individuals  
9 participating in democratic institutions would be better to  
10 use or to avoid?

11           **MR. DANIEL ROGERS:** I think it probably  
12 depends on the specific case and the specific instance.  
13 We're there to provide advice and guidance. A lot of times  
14 that advice and guidance depends on the choices that need to  
15 be made by the individuals using the software.

16           I know that those forums where we intended to  
17 brief political parties were meant to discuss those types of  
18 issues, but in general I think we can provide that kind of  
19 advice.

20           **MS. ERIN DANN:** Right. Moving on to the next  
21 aspect of CSE's mandate, active and defensive cyber  
22 operations, can you describe this aspect of CSE's mandate  
23 and, in particular, the difference between active and  
24 defensive cyber operations?

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

26           Active and defensive cyber operations are  
27 both aspects of CSE's mandates -- mandate where it can use  
28 its cyber capabilities to not just collect intelligence or

1 defend, but to achieve an outcome through cyber means.

2 In the case of defensive cyber operations,  
3 this might be taking action to disrupt an attack that's  
4 coming in towards federal infrastructure or to systems of  
5 importance to the Government of Canada. In the case of  
6 active cyber operations, this might be used to -- for cyber  
7 purposes, but maybe for non-cyber purposes, for instance, to  
8 disrupt terrorist activity online.

9 **MS. ERIN DANN:** And does the foreignness  
10 requirement that we talked about in relation to CSE's  
11 intelligence gathering mandate, does that apply to cyber  
12 operations as well?

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

14 So CSE in both of those -- both aspects --  
15 those two aspects of the mandate is required to direct those  
16 activities outside of Canada, not at Canadians. And  
17 specifically, also not at infrastructure within Canada.

18 **MS. ERIN DANN:** But a defensive cyber  
19 operation, would that protect against an attack that was  
20 coming domestically or is that aimed only at an attack that  
21 is coming from a foreign entity?

22 **MR. DANIEL ROGERS:** Domestic -- defensive  
23 cyber operations can be -- well, there are many types of  
24 defences that we might use to defend against cyber attacks,  
25 and those range from normal cyber defences through to  
26 defensive cyber operations.

27 CSE can disrupt cyber threats of any nature  
28 regardless of their source. Defensive cyber operations are

1 intended to disrupt against foreign actors.

2 **MS. ERIN DANN:** Thank you for that  
3 clarification.

4 I understand that defensive cyber operations  
5 were planned in preparation for the elections in 2019 and  
6 2021. Is that right?

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

8 **MS. ERIN DANN:** And were those actually  
9 conducted?

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

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

16 And then final aspect of the CSE mandate is  
17 the assistance mandate.

18 Can you briefly describe this aspect of CSE's  
19 mandate?

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

21 CSE's assistance mandate is the final aspect  
22 of its mandate where we can provide assistance to a federal  
23 law enforcement or security partner or to the Canadian Armed  
24 Forces. When we operate under this aspect of our mandate, we  
25 assume the authorities of the requestor, so if we are  
26 operating under the request of CSIS or RCMP, or for instance,  
27 the Canadian Armed Forces, we would take on the authorities  
28 of those agencies and conduct a specific activity that they



1 are already authorized to undertake.

2 This comes into play when CSE has  
3 capabilities or infrastructure that it uniquely has, given  
4 its technical capabilities to be able to provide that  
5 assistance so it doesn't have to be duplicated within those  
6 other organizations.

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

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

13 **MS. ERIN DANN:** Thank you. Does CSE, either  
14 as part of the assistance mandate or any other aspect of  
15 CSE's mandate, play any role in detecting foreign  
16 interference through online activity? And I'm thinking in  
17 particular to address malicious online activity like  
18 misinformation or disinformation campaigns.

19 **MR. DAN ROGERS:** All of the aspects of CSE's  
20 mandate could come into play with respect to foreign  
21 interference activities. You know, obviously our  
22 intelligence -- the intelligence aspect of our mandate would  
23 allow us to understand when foreign states are contemplating  
24 or engaging in those activities. The cyber security and  
25 information assurance mandate would allow us to, for  
26 instance, for hack and leak attempts which could be used for  
27 foreign interference, both active and defensive cyber  
28 operations could be used to counter those types of activities

1 if coming from abroad, and the assistance mandate could be  
2 used if one of our domestic partners required our assistance  
3 to counter or identify foreign interference.

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

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

13 **MR. DANIEL ROGERS:** Yes. And there are  
14 probably two things I should say right away. When we  
15 evaluate data of this nature, the limitations on our mandate  
16 still apply. So we are looking at things that are not  
17 domestic. By legislation, we're looking at foreign activity,  
18 which means we can't start from a place where there are, on  
19 its face, Canadians disseminating information on social media  
20 and conduct an analysis. That is not foreign in nature and  
21 so we would not start there.

22 When there are indications of foreignness,  
23 for instance, if the RRM identifies what it believes to be  
24 foreign information being posted on social media by a foreign  
25 state, if they refer that to us, we might be able to use, for  
26 instance, the intelligence aspect our mandate to seek to  
27 corroborate or confirm the attribution or the scope and scale  
28 of those activities.

1           There are still limitations on our ability to  
2 do that, even when it's within our mandate. For instance,  
3 the technical information available publicly around those  
4 sorts of social media posts may be limited, which could limit  
5 our ability correlate that information with our existing  
6 intelligence holdings. And that -- those kinds of limits are  
7 -- make attribution and detection fairly difficult.

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

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

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

15                 Was CSE asked to evaluate data collected by  
16 RRM or any other body in relation to this potential foreign  
17 interference?

18          **MR. DANIEL ROGERS:** So that particular  
19 incident related to information being shared within Canada,  
20 as I recall. And so as I mentioned previously, it would fall  
21 outside the scope of our mandate to look at information being  
22 shared by Canadian media outlets or people in Canada, whether  
23 or not that information was for any particular foreign  
24 purpose.

25          **MS. ERIN DANN:** All right. And I know that  
26 some of that activity was alleged to have occurred on WeChat,  
27 which we know is a foreign owned social media entity. But do  
28 I understand that because the activity, or if a user, a

1 WeChat user is within Canada, that would fall outside of  
2 CSE's mandate?

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

7 **MS. ERIN DANN:** So if a foreign state, and  
8 moving away from the specific example for a moment, but if a  
9 foreign state used a proxy within Canada to conduct a  
10 disinformation campaign by inauthentically amplifying  
11 disinformation, CSE would not have authority to investigate  
12 that type of activity?

13 **MR. DANIEL ROGERS:** Well I should clarify.  
14 We would not be able to act -- investigate the activity  
15 occurring within Canada or done by Canadians. If a foreign  
16 state -- you know, hypothetically if individuals within the  
17 foreign state were planning or directing those activities in  
18 Canada, we could look at the foreign component of that. And  
19 that would be one way that our intelligence mandate could  
20 confirm or refute any -- whether those activities were  
21 foreign directed.

22 So our intelligence mandate can apply, but  
23 not by looking at the Canadian elements of those  
24 communications.

25 **MS. ERIN DANN:** Thank you. One of the  
26 Commission's witnesses yesterday, MP Kwan, described her  
27 experiences in interacting with various security and  
28 intelligence agencies and departments. And I won't get the

1 exact quote -- I won't be able to quote her exactly, but said  
2 something along the following, that it seemed to her that  
3 everybody, all of these different agencies and departments,  
4 had some of the ingredients, but they weren't necessarily  
5 working together to bake the cake.

6 When you speak about the challenges of  
7 detecting foreign interference through online activity and  
8 attributing it to a particular foreign state, can you speak  
9 at all to whether those challenges arise from not having the  
10 right ingredients, in terms of the right sort of tool kit, or  
11 having those ingredients spread out over various agencies?  
12 Or perhaps the challenges relate to some other issue? Can  
13 you comment on that?

14 **MR. DANIEL ROGERS:** I can comment on that. I  
15 think that's one of the reasons that the SITE Taskforce was  
16 brought together, was because each of the various agencies  
17 have a different aspect of any particular incident that they  
18 can investigate. I know that the Rapid Response Mechanism  
19 from Global Affairs can do the types of broader social media  
20 analysis that is not within CSE's mandate. And as you  
21 mentioned in the example earlier, if they identify foreign  
22 components of that, then CSE can use the foreign components  
23 to use its intelligence mandate to get more details.

24 And similarly, CSIS and RCMP have aspects.

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

28 I think I would say that, you know, that does

1       happen. The SITE Taskforce does look at these things. And  
2       that it does that fairly effectively. That doesn't mean  
3       there are no gaps and that doesn't mean there are no  
4       challenges. But I do think that those elements come together  
5       to create a broader whole for Canada.

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

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

12              **MR. DAN ROGERS:** There are consumers of our  
13       intelligence across government. There are federal  
14       governments and allies that consume our intelligence.

15              With respect to foreign interference,  
16       certainly that includes Global Affairs Canada, CSIS, and the  
17       RCMP, as you would note here. It also includes PCO,  
18       including the Intelligence Assessment Secretariat, and there  
19       are various clients of course.

20              **MS. ERIN DANN:** And can you tell us how  
21       intelligence is shared? And perhaps I'll indicate my  
22       understanding is that there's sort of two primary ways. One  
23       is through intelligence products being uploaded to a central  
24       database, and where they can be accessed by clients. And  
25       then second, through client relations officers. If you could  
26       speak to those two ways that the intelligence is  
27       disseminated?

28              **MR. DANIEL ROGERS:** Yeah, CSE has invested in

1 fairly robust intelligence dissemination and tracking tools.  
2 You've spoken to the two primary ones. There is a database  
3 that is available on top secret systems to consumers of our  
4 intelligence directly online. So individuals with the  
5 appropriate clearance and need-to-know on accounts can access  
6 that directly, consume intelligence products from us and from  
7 other agencies. And that is recorded.

8 For those clients who may not want to avail  
9 themselves of direct online access, for instance, ministers  
10 who may not work regularly in a secure facility with those  
11 accesses, we have client relations officers who work and are  
12 embedded within various departments who bring packages of  
13 intelligence to those people to read, and then return them.

14 Those client relations ---

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

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

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

19 **MR. DANIEL ROGERS:** Those client relations  
20 officers do track the viewer -- or the readership of the  
21 intelligence they distribute and they typically provide the  
22 intelligence as requested by the client on a periodicity  
23 requested by the client. This can range from daily, and  
24 weekly, and irregularly.

25 **MS. ERIN DANN:** You mentioned at the outset  
26 of your testimony about the limitation on CSE in terms of not  
27 collecting information targeted at Canadians or people in  
28 Canada. Where Canadians are identified in your intelligence

1 gathering, the foreign intelligence that you do, are any  
2 steps taken to protect their identities when the intelligence  
3 products are disseminated to the various clients?

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

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

22 **MR. DANIEL ROGERS:** The Act accounts for  
23 that, and we have the authorities to provide those identities  
24 upon request to clients that can demonstrate that they have  
25 that need to receive them. For instance, if CSIS or RCMP  
26 received one of our reports and there is a suppressed  
27 Canadian name, they can formally request that. That goes  
28 through a validation to make sure that that identity can be



1 disclosed and that it is disclosed to those partners and  
2 tracked.

3 **MS. ERIN DANN:** Thank you. And perhaps I'll  
4 just take you to a specific example in 2021. I understand  
5 from the summaries that we referred to earlier, that CSE  
6 observed a consistent or sort of baseline amount of foreign  
7 interference and malign influence activities during the  
8 elections, as well as before and after the elections. But  
9 the most significant piece of intelligence CSE collected in  
10 relation to foreign interference and elections was collect --  
11 was obtained shortly after the 2021 election. Is that right?

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

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

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

18 **MS. ERIN DANN:** And can you confirm that that  
19 intelligence was shared with or reported to the SITE Task  
20 Force?

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

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

24 **MR. DANIEL ROGERS:** Yes.

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

28 **MR. DANIEL ROGERS:** I can't confirm whether

1 they took investigative or other actions resulting from the  
2 report. I do believe that we have information confirming  
3 that they requested identities in that report, and that they  
4 -- we do know that they have seen it.

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

6 If I could just have a moment,  
7 Madam Commissioner. Thank you, Commissioner. Those are all  
8 my questions.

9 **COMMISSIONER HOGUE:** Thank you.

10 I have one question for you, Mr. Rogers. And  
11 although it may be obvious to you, can you explain the reason  
12 behind the restrictions imposed on CSE to collect information  
13 on Canadians?

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

15 **COMMISSIONER HOGUE:** As far as you know, best  
16 of your knowledge.

17 **MR. DANIEL ROGERS:** Yes, I can. CSE has  
18 fairly broad authorities, and the ability to collect  
19 information. We don't have a system like CSIS does, where we  
20 would go to the Federal Court and seek warrants. There is  
21 mechanisms in our Act to have the intelligence commissioner  
22 review ministerial authorisations, but it's a different legal  
23 regime with different thresholds. And CSE, you know, is  
24 careful that we don't want to convene -- contravene the  
25 *Charter* or any domestic laws when we do this. And so the  
26 regime is set up really with very, very firm privacy  
27 protections and *Charter* protections for Canadians by assuring  
28 that we are only looking outside of Canada for our

1 intelligence.

2 **COMMISSIONER HOGUE:** Thank you.

3 Cross-examination? First one is Mr. Choudhry  
4 for Jenny Kwan.

5 **MR. SUJIT CHOUDHRY:** No questions,  
6 Commissioner.

7 **COMMISSIONER HOGUE:** No questions.

8 RCDA?

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

10 **MR. GUILLAUME SIROIS:**

11 **MR. GUILLAUME SIROIS:** Good morning, I'm Gil  
12 Sirois, counsel for the RCDA, the Russian Canadian Democratic  
13 Alliance.

14 I want to talk today about attribution of  
15 social media campaigns or influence campaigns that happen on  
16 the internet to a foreign state actor. You've explained in  
17 your summary, I believe, that CSE sometimes unable to  
18 evaluate or attribute to a foreign state open source  
19 information collected by the RRM. What did you mean by that?

20 **MR. DANIEL ROGERS:** Well, what I was  
21 referring to there is that sometimes there are campaigns of  
22 disinformation that the RRM might detect, but they might be  
23 Canadian focussed or they may have insufficient details for  
24 us to conclude that they are directed by a foreign state. So  
25 the difference between, you know, RRM identifying inauthentic  
26 accounts and amplification of a certain narrative towards can  
27 we confirm that a foreign state directed that, CSE's  
28 intelligence would work by looking at the foreign end of that

1 and seeking to identify whether we can confirm why those  
2 activities occurred.

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

10 **MR. GUILLAUME SIROIS:** And what sort of  
11 indications would lead the CSE to believe that there was a  
12 foreign state actor involved in a disinformation campaign  
13 online?

14 **MR. DANIEL ROGERS:** Certainly one of the  
15 clearest indications for us might be if we collect  
16 intelligence or communications of the foreign state officials  
17 themselves speaking about their intention to do those  
18 activities, or the manner in which they are conducting those  
19 activities. So we may have intelligence of foreign officials  
20 in a foreign country discussing their intentions or their  
21 capabilities with respect to conducting disinformation  
22 campaigns.

23 **MR. GUILLAUME SIROIS:** So that -- that's  
24 probably the easy solution is if you intercept something.  
25 But is it true that, especially with a foreign state  
26 developing more and more complex and developed ways at  
27 promoting these influence campaigns, is it true that it  
28 becomes more and more difficult to intercept such a

1 communication for instance?

2 **MR. DANIEL ROGERS:** I would never say that  
3 signals intelligence is an easy business. It's very complex  
4 and it's becoming increasingly technical. So yes, that is  
5 certainly a concern. We have a very technical and very  
6 capable workforce at CSE, and we -- you know, it's our job to  
7 keep ahead of that technical curve, but there are always  
8 challenges and there are always things that we will find  
9 challenging in that work.

10 **MR. GUILLAUME SIROIS:** Okay. And also,  
11 setting aside the challenges of intercepting a SIGINT in  
12 itself, I've heard reports of foreign influence being more  
13 and more domestic in Canada, and I understand that this is  
14 not part of the CSE's mandate. Is it something that you've  
15 known or that you've witnessed that foreign influence  
16 campaigns may become more domestic?

17 **MR. DANIEL ROGERS:** Yes. And I will try and  
18 clarify a little. In -- with respect to our foreign  
19 intelligence mandate, it is what we've discussed. There is a  
20 lot that CSE does try to do to counter mis and disinformation  
21 campaigns, even though it may be domestic.

22 So for instance, we work to provide  
23 information to Canadians, and we work with the broader  
24 Government of Canada to put out information on how to  
25 identify mis and disinformation. This could be coming from a  
26 foreign state, but it might be also, you know, something that  
27 Canadians could use to detect any sort of mis and  
28 disinformation within Canada through cyber means.

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

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

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

15                   **MR. DANIEL ROGERS:** I can't rule it out.  
16 Certainly, CSE is limited in giving advice and information to  
17 the intelligence holdings that it has and what it identifies  
18 under our mandate, and so I can't really speak to anything  
19 more than that.

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

22                   **MR. DANIEL ROGERS:** I will say that CSE does  
23 provide information to the government and various clients on  
24 what we do know about foreign states' intentions and  
25 activities, and sometimes that includes providing information  
26 on the level of priority or the level of intent that a  
27 foreign state has towards Canada. But I would say in this  
28 case, you know, we have seen that Canada is a lower priority

1 target for certain foreign states. But your question remains  
2 and I think I can say that we just don't have any information  
3 to conclude that it was a Russian campaign.

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

6 **MR. DANIEL ROGERS:** CSE can't answer that  
7 question.

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

13 **MR. DANIEL ROGERS:** I think what we have said  
14 in our public reporting around the elections was that a lot  
15 of foreign states, including Russia, have the capability to  
16 do that. I think that we were less certain on the intent.  
17 And what we said was should any foreign state have the  
18 intent, they have -- should a number of foreign states have  
19 the intent, that they do have the capability.

20 **MR. GUILLAUME SIROIS:** So the real question  
21 is about the intent of the Russian intent.

22 **MR. DANIEL ROGERS:** Right. We've -- we have  
23 not revealed any intelligence in these summaries that would  
24 speak to the Russian intent. We do agree that they have the  
25 capability.

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

27 **COMMISSIONER HOGUE:** Thank you.

28 UCC?

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

2 MS. LESLIE SCHUMACHER:

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

6 Was the CSE aware of Russia engaging in any  
7 foreign interference in Canada during the 2019 and 2021  
8 general elections?

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

12 **MS. LESLIE SCHUMACHER:** I understand about  
13 disinformation campaigns, but I wonder if you can speak more  
14 broadly about whether there was any foreign interference in  
15 any aspect of the elections.

16 **MR. DANIEL ROGERS:** Oh, I see. Well, I think  
17 what we've said is that CSE does identify general foreign  
18 interference activities of a number of foreign states,  
19 including China, Russia, and others. We didn't see those  
20 activities, you know -- what we have said here is that we  
21 didn't see any disinformation activities coming from Russia,  
22 and I think that's the extent of what I can say. Everything  
23 that we have that we can say from our intelligence is in the  
24 summaries.

25 **MS. LESLIE SCHUMACHER:** Right. And I guess  
26 if you could speak to whether Russian interference was a  
27 concern of the CSE at the time of either election.

28 **MR. DANIEL ROGERS:** But we are concerned, and



1 certainly even in advance of the elections we were clear in  
2 our public reports on cyber threats to democratic  
3 institutions that we were concerned with Russia, China, Iran,  
4 and other actors. And so we did use the tools available to  
5 us to be mindful and vigilant about that during the course of  
6 the elections.

7 **MS. LESLIE SCHUMACHER:** And so there was --  
8 this was something that the CSE was actively looking into  
9 during this time?

10 **MR. DANIEL ROGERS:** Yes.

11 **MS. LESLIE SCHUMACHER:** Can you speak to any  
12 steps that the CSE takes to counteract Russian interference  
13 specifically?

14 **MR. DANIEL ROGERS:** There are a few things I  
15 can speak to. So one of them is obviously our foreign  
16 intelligence mandate, where we would look to identify  
17 intelligence relating to those activities. And within  
18 Canada, we could share with agencies who could take action in  
19 Canada to disrupt any threat that we identified.

20 We also, obviously, take action to defend our  
21 cyber infrastructure and systems of importance to the  
22 government. And we have attributed Russian cyber activity  
23 against Canadian cyber infrastructure in the past. It's  
24 something that we are constantly vigilant in defending  
25 against, and that's something that we did during the course  
26 of the elections also.

27 **MS. LESLIE SCHUMACHER:** And just my final  
28 question is just while you took these steps during the

1 election, there was no conclusion or evidence that Russia was  
2 interfering in either election?

3 **MR. DANIEL ROGERS:** Right. Certainly with  
4 respect to cyber activity we didn't see any compromise of  
5 election infrastructure during the elections. You know, that  
6 said, we defend against all sorts of threats during the  
7 election. We don't attribute all of them. There are many,  
8 many defensive actions that we take during the course, but  
9 none were successful in that case, and that's what I can say.

10 **MS. LESLIE SCHUMACHER:** Thank you very much.

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

12 **COMMISSIONER HOGUE:** Thank you.

13 The Human Rights Coalition.

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

15 **MS. HANNAH TAYLOR:**

16 **MS. HANNAH TAYLOR:** Good afternoon,  
17 Mr. Rogers. I understand that there's a process that allows  
18 the public to report cyber incidents, including those related  
19 to potential election interference, online to the Canadian  
20 Centre for Cyber Security. And that's an entity that's under  
21 the umbrella or connected to the CSE; correct?

22 **MR. DANIEL ROGERS:** That's correct. Yes.

23 **MS. HANNAH TAYLOR:** Are confidentiality  
24 protections provided to complainants through this process?

25 **MR. DANIEL ROGERS:** Yes. Certainly, we keep  
26 that information confidential.

27 **MS. HANNAH TAYLOR:** Okay. Can you tell me  
28 more about those protections?

1           **MR. DANIEL ROGERS:** Specifically, I know that  
2 we take great strides to make sure that confidentiality  
3 arrangements are in place with those disclosing information  
4 to us. I think that it would probably depend on the nature  
5 of the conversation and the event and the degree to which the  
6 cyber centre would be included.

7           For instance, when we provide -- are you  
8 speaking to the public specifically or ---

9           **MS. HANNAH TAYLOR:** The public, yes.

10          **MR. DANIEL ROGERS:** Yeah. I think, you know,  
11 the public will often will report those events, and the  
12 nature of those events would determine the scope of  
13 confidentiality and protections.

14          **MR. MATTHEW FERGUSON:** Pardon the  
15 interruption. Getting another request. Thank you.

16          **MS. HANNAH TAYLOR:** Is the online reporting  
17 tool available in languages besides English and French?

18          **MR. DANIEL ROGERS:** To my knowledge, it's  
19 only available in English and French.

20          **MS. HANNAH TAYLOR:** Would that be valuable to  
21 expand it to other languages?

22          **MR. DANIEL ROGERS:** It's something we could  
23 consider.

24          **MS. HANNAH TAYLOR:** IF CSE receives a  
25 complaint and decides it does not merit any further  
26 investigation from your agency are reasons provided to the  
27 complainant?

28          **MR. DANIEL ROGERS:** I think, again, it would

1 depend on the nature of the report. CSE also provides  
2 advice, even before information is provided to the cyber  
3 centre, when complainants go to report, to say things like if  
4 this is something where we can see harm or a crime is  
5 committed, it is better to refer it to the police. And there  
6 are other venues that CSE tries to use to make sure that the  
7 right mechanism is used when reporting an incident.

8 **MS. HANNAH TAYLOR:** I understand that the CSE  
9 provides educational materials to the public in a variety of  
10 ways, including ---

11 **MR. DANIEL ROGERS:** Yes.

12 **MS. HANNAH TAYLOR:** --- with you sharing  
13 unclassified threat assessments, sharing information to help  
14 Canadians identify disinformation, and through the creation  
15 of a dedicated webpage on cyber threats to elections. You've  
16 referred to these materials I think ---

17 **MR. DANIEL ROGERS:** Yes.

18 **MS. HANNAH TAYLOR:** --- this morning. Is  
19 this information available in languages besides English and  
20 French?

21 **MR. DANIEL ROGERS:** It seems to me that we --  
22 it was certainly available in English and French. I'm not  
23 aware of it being made available in other languages, but I  
24 would have to check.

25 **MS. HANNAH TAYLOR:** Okay. If they are not,  
26 do you think it would be valuable that they would be?

27 **MR. DANIEL ROGERS:** I think that would be  
28 something we could look into, yeah.

1           **MS. HANNAH TAYLOR:** If you become aware that  
2 a device belonging to a number of -- a targeted member of the  
3 public, a targeted diaspora community member has been hacked  
4 by a foreign government agent or proxy, do you inform the  
5 person who has been hacked and help them secure their device?

6           **MR. DANIEL ROGERS:** That would, again, depend  
7 on the nature of the event. And I would just call attention  
8 to the fact that different agencies have roles and  
9 responsibilities within Canada that go beyond what CSE does.  
10 So if there is some threat activity occurring with Canada, it  
11 may be that the better place or organisation to deal with  
12 that is the RCMP or CSIS. Which is why we work very closely  
13 together when appropriate to make sure that if we identify  
14 things like that, and let's say through our foreign  
15 intelligence mandate we identify that there was potential  
16 compromise in Canada, that information might be shared with  
17 RCMP and CSIS to help address the issue rather than CSE  
18 specifically.

19           **MS. HANNAH TAYLOR:** And it's mentioned in --  
20 it's mentioned in one of your witness summaries, it's WIT 33,  
21 but we don't have to pull it up necessarily, that  
22 transnational repression would be captured by the CSE's  
23 collection mandate. Can you tell us more about what exactly  
24 in relation to transnational repression would be captured  
25 within your mandate?

26           **MR. DANIEL ROGERS:** Of course. As I  
27 mentioned earlier, we seek to identify the intentions,  
28 capabilities, and plans of foreign states, and specifically,

1 that could include their intentions toward Canada or  
2 Canadians. If we identify activities, foreign interference  
3 activities by a foreign state, for instance, around  
4 transnational repression, we could think about police  
5 stations and kind of things like that, from China, these are  
6 things that CSE can help to reveal through its foreign  
7 intelligence collection and may be useful to agencies in  
8 Canada like CSIS or RCMP.

9 **MS. HANNAH TAYLOR:** And you mentioned --  
10 turning back to when you talk about limitations of CSE's  
11 mandate how a certain complaint might come in and another  
12 agency might be better suited to assist that person, I heard  
13 you talk about potentially referring that person to that  
14 agency. Is that correct?

15 **MR. DANIEL ROGERS:** It depends on the nature  
16 of the conversation, I think. What I would -- I think what I  
17 was trying to refer to earlier is should we detect something  
18 through our foreign intelligence mandate, we may refer that.  
19 Certainly, though, it may be the case that another agency is  
20 better placed to assist an individual in Canada given the  
21 nature of our mandate. And if that were to happen, I think  
22 we would have to have that conversation about who was best  
23 placed to help and whether that information should be  
24 referred.

25 **MS. HANNAH TAYLOR:** And would that same kind  
26 of referral, that same connecting somebody to or, I suppose,  
27 transferring that file or that work to another agency, would  
28 -- if a complaint came in from the public and within that

1 complaint it became evident it's outside of the mandate of  
2 the CSE, would you then refer that complainant to another  
3 agency who could support them?

4 **MR. DANIEL ROGERS:** That's possible, yes.

5 **MS. HANNAH TAYLOR:** Do you know if it  
6 happens?

7 **MR. DANIEL ROGERS:** I suspect it has, but I  
8 can't think of a specific incident.

9 **MS. HANNAH TAYLOR:** Okay. Thank you, Mr.  
10 Rogers.

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

12 **COMMISSIONER HOGUE:** Thank you.

13 Any questions from AG?

14 **MR. BARNEY BRUCKER:** No questions,  
15 Commissioner.

16 **COMMISSIONER HOGUE:** Re-examination?

17 **MS. ERIN DANN:** No, thank you.

18 **COMMISSAIRE HOGUE:** Alors, c'est le temps  
19 d'aller diner. Retour... il est 1 heure moins...

20 We are just on time today, so we'll come back  
21 at 2:10.

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

24 This hearing is now in recess until 2:00. La  
25 séance est maintenant en pause jusqu'à 14 h 00 -- 14 h 10.  
26 We'll be back from recess at 2:10. La séance est en pause  
27 jusqu'à 14 h 10.

28 --- Upon recessing at 12:49 p.m./

1 --- La séance est suspendue à 12 h 49

2 --- Upon resuming at 2:23 p.m.

3 --- L'audience est reprise à 14 h 23

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

6 This sitting of the Foreign Interference  
7 Commission is back in session. Cette séance de la Commission  
8 sur l'ingérence étrangère a repris.

9 **COMMISSAIRE HOGUE:** Alors bon après-midi tout  
10 le monde. Désolée encore du petit délai. Comme d'habitude, ce  
11 sont des petits pépins techniques qui surviennent. Alors...  
12 alors, bon après-midi.

13 Ms. Chaudhury, you're conducting the  
14 examination, this afternoon?

15 **MS. SHANTONA CHAUDHURY:** No, I'm not.

16 **COMMISSIONER HOGUE:** No, you're right, it's  
17 Mr. Cameron.

18 **MS. SHANTONA CHAUDHURY:** No, I'm off duty.  
19 Mr. Cameron's conducting the examination, but before the  
20 examinations begin, Commissioner, we're just going to read  
21 into the record the list of topical summaries that have been  
22 produced at the Commission at -- to the Commission by the  
23 Government of Canada, and that may be referenced in upcoming  
24 examinations.

25 So I'll just ask the Clerk to have that list  
26 ready, and to pull up the documents as I mention them.

27 I won't repeat the very long list of caveats  
28 applicable to these summaries, but I will repeat that they



1 must be read in light of those limitations.

2 So a few of them have already been entered  
3 into evidence, the rest are coming now. We'll start from the  
4 beginning: CAN.SUM.1, Don Valley North Liberal Party  
5 Nomination Race in 2019.

6 There we go, that one's already in evidence.  
7 Thank you.

8 CAN.SUM.2, Intelligence Relating to Han Dong  
9 and Communication with PRC Officials Regarding the Two  
10 Michaels. CAN.SUM.3, PRC Officials Foreign Interference  
11 Activities in Greater Vancouver in the 2019 General Election.  
12 CAN.SUM.4, Possible PRC Foreign Interference-Related Mis or  
13 Disinformation.

14 And Mr. Clerk, if you can just scroll through  
15 the document briefly as I do this, that would be helpful.  
16 Thank you.

17 CAN.SUM.5, Country Summary: People's Republic  
18 of China. CAN.SUM.6: Country Summary: Russia. CAN.SUM.7,  
19 Country Summary: India. CAN.SUM.8, Country Summary:  
20 Pakistan. CAN.SUM.9, Country Summary: Kingdom of Saudi  
21 Arabia. CAN.SUM.10, PRC - Threat Actors, Contact with  
22 Candidates and Staff, and Funding of Threat Actors.  
23 CAN.SUM.11, [TRM] Threat Reduction Measure Conducted in 2019.  
24 CAN.SUM.12, Government of India Foreign Interference  
25 Activities in the 2021 General Election. CAN.SUM.13 -- we're  
26 almost done, I promise -- Comments by Individual PRC  
27 Officials on Expressed Partisan Preferences in the 2019 and  
28 2021 General Elections.

1                   Finally, CAN.SOM14. It's Country Summary:  
2     Iran.

3                   And as I said, these can now be referenced in  
4     upcoming examinations.

5                   **MR. GORDON CAMERON:** Good afternoon, Madam  
6     Commissioner.

7                   **COMMISSIONER HOGUE:** Good afternoon.

8                   **MR. GORDON CAMERON:** Gordon Cameron.  
9     Commission counsel. I will be conducting the examination of  
10    this panel this afternoon with Me MacKay. We will divide it  
11    up between us, but I will begin by introducing the panel and  
12    having them sworn.

13                  **THE REGISTRAR:** Ms. Tessier, would you like  
14    to be sworn or affirmed?

15                  **MS. MICHELLE TESSIER:** Affirmed, please.

16                  **THE REGISTRAR:** Okay. May I please have your  
17    name, and spell your last name for the record?

18                  **MS. MICHELLE TESSIER:** Certainly. C'est  
19    Michelle Tessier. M-I-C-H-E-L-L-E T-E-S-S-I-E-R.

20    **--- MS. MICHELLE TESSIER, Affirmed/Sous affirmation**  
21    **solennelle:**

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

23                  Mr. Vigneault, may we please have your first  
24    name and spell your last again for the record?

25                  **MR. DAVID VIGNEAULT:** David Vigneault. V-I-  
26    G-N-E-A-U-L-T.

27                  **THE REGISTRAR:** Okay. And did you want to be  
28    sworn or affirmed?

1                   **MR. DAVID VIGNEAULT:** Affirmed, please.

2                   **--- MR. DAVID VIGNEAULT, Affirmed/Sous affirmation**

3                   **solennelle:**

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

5                                   And now your turn, Ms. Henderson. Would you  
6 like to be sworn or affirmed?

7                   **MS. CHERIE HENDERSON:** Affirmed.

8                   **THE REGISTRAR:** Affirmed. Okay. May I  
9 please have your full name, and your last name spelled out  
10 for the record, please?

11                   **MS. CHERIE HENDERSON:** Cherie Henderson. H-  
12 E-N-D-E-R-S-O-N.

13                   **--- MS. CHERIE HENDERSON, Affirmed/Sous affirmation**

14                   **solennelle:**

15                   **THE REGISTRAR:** Thank you.

16                                   Counsel, you may proceed.

17                   **--- EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN-CHEF PAR**

18                   **MR. GORDON CAMERON:**

19                   **MR. GORDON CAMERON:** Thank you.

20                                   Panel, I'll begin with some housekeeping, and  
21 then I'll let Me MacKay take over for some of the questions.

22                                   But if I could ask you first to just answer a  
23 few questions for me about the Institutional Report that the  
24 Service filed with the Commission?

25                                   For the record, and for the assistance of  
26 counsel and parties, the document has the number CANDOC many  
27 zeros 17 in English and CAN.DOC many zeros 18 for the French  
28 version. And then there are three appendices that go along

1 with that again, 17.01, 02, 03 and 18.01, 02, 03.

2 And Mr. Vigneault, I'll ask you if you can  
3 confirm that that Institutional Report was prepared for the  
4 Commission and represents part of the Service's evidence  
5 before the Commission?

6 **MR. DAVID VIGNEAULT:** Yes, it was.

7 **MR. GORDON CAMERON:** Thank you.

8 I'll just mention for the benefit of parties  
9 that the appendices that I just mentioned are specifically  
10 drafted for disclosure to the public and that the body of the  
11 Institutional Report refers to other appendices that have not  
12 been filed because there's no public version of them, just to  
13 avoid confusion on that.

14 Now, panel, we have two sets of documents  
15 that I'm going to try to do at the same time with you. So  
16 I'll just describe them globally and then ask you a few  
17 questions about them.

18 One is, you three, the same three of you,  
19 were interviewed by Commission counsel on February 13<sup>th</sup>,  
20 2024. And you were also examined in-camera by the Commission  
21 at a hearing shortly after that. And public summaries have  
22 been prepared in respect of both that interview and your in-  
23 camera evidence.

24 Have you reviewed these documents for the  
25 purposes of accuracy?

26 **MS. CHERIE HENDERSON:** Yes.

27 **MR. DAVID VIGNEAULT:** I did.

28 **MS. MICHELLE TESSIER:** Yes.

1           **MR. GORDON CAMERON:** Thank you. And do you  
2 have any corrections that you would like to make to these  
3 documents?

4           **MS. MICHELLE TESSIER:** Not from me.

5           **MR. DAVID VIGNEAULT:** No.

6           **MS. CHERIE HENDERSON:** No.

7           **MR. GORDON CAMERON:** I'm just going to pause  
8 a second and see if I can get counsel for the Attorney  
9 General's attention, because we had wondered if there might  
10 be a correction to one of the statements in the in-camera  
11 examination summary?

12           **MR. BARNEY BRUCKER:** I believe there was, Mr.  
13 Cameron. We discussed that before we resumed here. I'm not  
14 sure which the paragraph is.

15           **MR. GORDON CAMERON:** If you look at paragraph  
16 18, ---

17           **MR. BARNEY BRUCKER:** Yes.

18           **MR. GORDON CAMERON:** --- it might remind the  
19 witnesses ---

20           **MR. BARNEY BRUCKER:** That's correct.

21           **MR. GORDON CAMERON:** --- of the point?

22           **MR. BARNEY BRUCKER:** That's correct.

23           **MR. GORDON CAMERON:** Mr. Vigneault, maybe if  
24 you could look at paragraph 18 and tell us if you have a  
25 correction to make to the summary of your in-camera evidence?

26           **MR. DAVID VIGNEAULT:** Yeah.

27           **MR. GORDON CAMERON:** And perhaps the Court  
28 Officer could pull it up? It is WIT48.

1           **MR. DAVID VIGNEAULT:** I believe it concerns  
2 the timing of a TRM.

3           **MR. GORDON CAMERON:** And if the Court Officer  
4 could scroll to paragraph 18 of that document?

5           **COMMISSIONER HOGUE:** I think there is no  
6 paragraph numbers.

7           **MR. GORDON CAMERON:** There we go.

8           **COMMISSIONER HOGUE:** Ah, there we go.

9           **MR. GORDON CAMERON:** On this document, there  
10 are some.

11                   And, Mr. Vigneault, looking at that  
12 paragraph, are you reminded as to whether or not you want to  
13 make a correction to the information there?

14           **MR. DAVID VIGNEAULT:** Yes. Madam  
15 Commissioner, paragraph 18 reads:

16                               "Mr. Vigneault explained that a TRM  
17                               was conducted during the 2019  
18                               election..."

19                   And in discussion with counsel earlier, to be  
20 more precise, the TRM was conducted prior to 2019 and some of  
21 the intelligence and some of the outcome of this of course  
22 took place during the election. But to be more precise, the  
23 TRM was conducted prior to the election.

24           **MR. GORDON CAMERON:** Thank you for that  
25 correction.

26                   And with that correction made, panelists, and  
27 with respect to both the summary of your interview and the  
28 summary of your in-camera evidence, do you adopt those

1 documents as part of your evidence before the Commission  
2 today?

3 **MS. CHERIE HENDERSON:** Yes.

4 **MR. DAVID VIGNEAULT:** I do.

5 **MS. MICHELLE TESSIER:** Yes.

6 **MR. GORDON CAMERON:** Thank you.

7 And just an explanatory note before I hand  
8 over the microphone to Me MacKay.

9 There are two other documents, Madam  
10 Commissioner, that got filed representing the information of  
11 CSIS representatives who will not be appearing as witnesses,  
12 but I'll just mention them for the record. WIT 35 is an  
13 interview summary of a CSIS ADR Directorate and WIT 43 is a  
14 summary of the in-camera evidence in that regard. Thank you.

15 **--- EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN-CHEF PAR**

16 **Me JEAN-PHILIPPE MacKAY :**

17 **Me JEAN-PHILIPPE MacKAY:** Bonjour à nouveau,  
18 Madame la Commissaire. Jean-Philippe MacKay pour la  
19 Commission. Je vais poser mes questions en français à nos  
20 témoins cet après-midi. Bien évidemment, elles sont et ils  
21 sont les bienvenus à répondre dans la langue de leur choix.

22 Donc, on va débiter par les présentations  
23 générales. Donc, j'inviterais les panélistes à se présenter,  
24 à expliquer le rôle qu'ils jouent et qu'ils ont joué au sein  
25 du SCRS avant leur retraite.

26 Donc, Monsieur Vigneault, je vous invite à  
27 débiter.

28 **M. DAVID VIGNEAULT:** Oui. David Vigneault.

1 Je suis directeur du Service canadien de renseignement de  
2 sécurité depuis 2017. Donc, en fonction... mes fonctions en  
3 tant que directeur comprennent l'administration générale du  
4 Service, l'imputabilité pour les activités du Service et  
5 également le porte-parole principal pour les relations  
6 externes avec les Canadiens et à l'étranger.

7 **Me JEAN-PHILIPPE MacKAY:** Madame Tessier?

8 **Mme MICHELLE TESSIER:** Oui. Bonjour, Madame  
9 la Commissaire. Bonjour.

10 Oui, j'ai travaillé... j'ai pris ma retraite,  
11 du Service au mois de mars de l'année dernière, mais j'ai  
12 travaillé pour le Service pour 35 ans, surtout en tant  
13 qu'agent de renseignement, pour terminer dans le rôle de  
14 sous-directrice des opérations, responsable essentiellement  
15 pour la gestion et la gouvernance des opérations du Service  
16 au complet. Donc, l'administration centrale, les bureaux  
17 régionaux, le filtrage de sécurité, la gouvernance des  
18 centres de politique, et tout. Et je remplaçais le directeur  
19 dans son absence également.

20 **Me JEAN-PHILIPPE MacKAY:** Madame Henderson.

21 **MS. CHERIE HENDERSON:** Bonjour. I joined the  
22 service in 1992 as an intelligence officer and I have been  
23 responsible for various investigations within the  
24 organization in management and leadership roles. I was the  
25 Director General of the Intelligence Assessment Branch and my  
26 final position was the Assistant Director of Requirements. I  
27 recently retired from the Service.

28 **Me JEAN-PHILIPPE MacKAY:** Là vous savez que



1 nous avons un rapport institutionnel du SCRS qui détaille  
2 les... le mandat et les pouvoirs du SCRS. Je vous demanderais  
3 comme première question, pour Monsieur Vigneault, de  
4 présenter sommairement qu'est-ce que le SCRS?

5 **M. DAVID VIGNEAULT:** Le SCRS, Madame la  
6 Commissaire, est le service de renseignement humain du  
7 Canada. Nous avons comme mandat de faire la collecte  
8 d'information, de produire du renseignement et d'informer le  
9 gouvernement vis-à-vis les menaces à la sécurité nationale  
10 qui sont décrites dans la *Loi du SCRS*.

11 Nous avons également le mandat de prendre des  
12 mesures pour atténuer la menace lorsque c'est possible de le  
13 faire. Pour la façon dont on travaille, évidemment, on  
14 utilise des... on... notre mandat est d'acquérir des secrets et  
15 de pouvoir partager ces secrets avec le gouvernement.

16 Donc, on utilise différentes façons d'obtenir  
17 l'information. On travaille avec de l'information de source  
18 technique. Nous recrutons des sources humaines. Nous  
19 travaillons avec des partenaires au Canada et à l'étranger.  
20 Nous avons plus de 300 relations avec des agences de  
21 renseignement à l'étranger pour nous permettre d'acquérir le  
22 plus d'information possible pour nous permettre d'avoir la  
23 meilleure perspective possible.

24 Et tout ce travail-là qui est effectué par  
25 les professionnels du SCRS aboutissent à faire en sorte que  
26 les Canadiens sont plus en sécurité à chaque jour au Canada  
27 et à l'étranger.

28 Je devrais peut-être mentionner que nous

1 avons un mandat hybride dans la mesure où plusieurs pays ont  
2 deux agences de renseignement pour faire ce travail-ci. Le  
3 SCRS... ou... le Canada a une agence. Donc, le SCRS opère ici au  
4 Canada et également à travers le monde. Nous avons des gens  
5 déployés de façon permanente et temporaire pour pouvoir  
6 s'assurer d'avoir la bonne information, de prendre les bonnes  
7 actions pour protéger les Canadiens tant au Canada qu'à  
8 l'étranger.

9 **Me JEAN-PHILIPPE MacKAY:** Et, bien entendu,  
10 j'aurais dû le mentionner dès le départ, mais si l'un ou  
11 l'autre des témoins souhaite compléter une réponse ou ajouter  
12 un élément de réponse, n'hésitez pas à le signaler tout au  
13 long de l'interrogatoire.

14 Monsieur Vigneault, je vais demander à notre..  
15 j'ai seulement le terme en anglais... à notre greffier, je  
16 pourrais l'appeler ainsi, le document CAN.DOC 18.

17 **--- EXHIBIT No./PIÈCE No. CAN.DOC 18:**

18 Rapport Institutionnel du Service  
19 Canadien du Renseignement de Sécurité  
20 (SCRS)

21 **Me JEAN-PHILIPPE MacKAY:** C'est le rapport  
22 institutionnel dans sa version française. Et je vous  
23 demanderais de descendre. Thank you. Scroll down a little  
24 bit more. Thank you. Merci beaucoup.

25 Donc, ce matin, nous avons entendu deux  
26 représentants d'Affaires mondiales Canada qui ont discuté de  
27 la définition de l'ingérence étrangère par rapport à  
28 l'influence étrangère. Et on sait que dans l'Article 2 de la

1        *Loi sur le SCRS*, les menaces envers la sécurité du Canada  
2        sont définies. Donc, j'aimerais que vous expliquiez en fait  
3        quelle est cette notion de menace envers le Canada par  
4        rapport aux activités influencées par l'étranger.

5                    **Mme MICHELLE TESSIER:** Donc, si vous me  
6        permettez, je vais répondre. C'est indiqué ici sous les  
7        activités influencées par l'étranger. C'est le mot que... qui  
8        ont été utilisés dans la définition, que je souligne date de  
9        1984. Donc, ce n'est pas nouveau que le Service est mandaté  
10       pour enquêter sur ce type d'activité, type de menace.

11                   J'aimerais souligner aussi qu'il faut  
12       rencontrer certains critères. Donc, il faut que ce soit  
13       clandestin; donc, on veut décevoir... on veut cacher  
14       l'indication d'un état étranger. Il faut que ça implique un  
15       état étranger. Et il faut que ça soit contre les intérêts du  
16       Canada. Également, ça peut comprendre des menaces envers des  
17       communautés.

18                   Alors, c'est important pour bien identifier  
19       des critères afin de permettre au Service d'identifier une  
20       activité comme étant... nous... aujourd'hui on appelle ça de  
21       l'ingérence étrangère, même si la Loi parle d'influence, mais  
22       communément, on réfère l'ingérence étrangère.

23                   **COMMISSAIRE HOGUE:** Et quand vous dites,  
24       Madame Tessier, ça inclue des menaces...

25                   **Mme MICHELLE TESSIER:** Oui. La coercition,  
26       généralement.

27                   **COMMISSAIRE HOGUE:** La coercition, par  
28       exemple, à des gens qui sont sur le territoire canadien.

1 Est-ce que je dois comprendre qu'à ce moment-là, ipso facto,  
2 automatiquement, vous concluez que ça rencontre l'exigence  
3 que ce soit contre les intérêts du Canada?

4 **Mme MICHELLE TESSIER:** Oui. Oui. Notre but,  
5 c'est de protéger les citoyens du Canada, les résidents du  
6 Canada, ainsi que les intérêts du Canada. Tout à fait.

7 **COMMISSAIRE HOGUE:** Parfait, merci.

8 **Me JEAN-PHILIPPE MacKAY:** Simplement sur  
9 cette notion d'intérêt du Canada, est-ce que vous pouvez nous  
10 expliquer un peu plus en détails de la manière dont le... cette  
11 idée d'intérêt au pluriel du Canada est comprise par le  
12 Service?

13 **Mme MICHELLE TESSIER:** Bien, évidemment, la  
14 Loi définit les menaces. Mais si je prends par exemple la  
15 pandémie ou si je prends par exemple le convoi de la liberté  
16 et tout ce qui s'est passé autour de l'impact sur l'économie  
17 canadienne, évidemment c'est un intérêt pour le Canada. Mais  
18 c'est pas strictement défini dans la *Loi du Service*.

19 Alors, le Service évolue dans ses activités  
20 au niveau... on peut dire, c'est peut-être de l'espionnage. On  
21 peut dire, c'est peut-être de l'influence étrangère. C'est  
22 la façon qu'on le gère.

23 Mais je dirais que c'est souvent plus large  
24 que ce qu'on trouve strictement défini dans la Loi, mais  
25 c'est certain que le Service doit le relier à une menace,  
26 tout de même, évidemment. Mais c'est pour ça que quand je  
27 parle des intérêts, c'était peut-être un peu plus large des  
28 mots qu'on trouve dans la Loi.

1                   **M. DAVID VIGNEAULT:** Madame la Commissaire,  
2                   si vous me permettez peut-être d'ajouter à ce que madame  
3                   Tessier a mentionné, c'est important de comprendre les  
4                   activités du SCRS, y compris dans la notion des intérêts du  
5                   Canada dans le contexte de priorité de renseignement du  
6                   Canada.

7                   Donc, le gouvernement canadien donne... le  
8                   Cabinet décide des priorités du renseignement et ces  
9                   priorités-là nous sont transmises par la directive  
10                  ministérielle. Dans notre cas, par le ministre de la  
11                  Sécurité publique.

12                  Donc, cette... malgré, comme madame Tessier l'a  
13                  mentionné, que les intérêts nationaux sont pas définis dans  
14                  la Loi, avec l'interprétation de la Loi et avec  
15                  l'interprétation des directives ministérielles en ce qui a  
16                  trait aux priorités de renseignement, ça donne un contexte  
17                  clair pour nous pour pouvoir être capables de mettre en  
18                  œuvre, sur le plan opérationnel, ces opérations-là, ces... les  
19                  façons de gérer cette menace-là.

20                  Donc, c'est important de le comprendre dans  
21                  son contexte en entier pour pouvoir comprendre comment la Loi  
22                  opère.

23                  **Me JEAN-PHILIPPE MacKAY:** Et on comprend que  
24                  l'ingérence étrangère dépasse le cadre des processus  
25                  démocratiques et des institutions démocratiques. Mais est-ce  
26                  que vous pouvez nous indiquer généralement comment le travail  
27                  du SCRS se rattache à la protection des institutions  
28                  démocratiques et des processus démocratiques au Canada?

1                   **M. DAVID VIGNEAULT:** Absolument. Quand on  
2 regarde l'ingérence étrangère, il faut... la façon dont on le  
3 regarde, c'est qu'on retourne quels sont les intérêts de  
4 l'état étranger qui interfère ici au Canada.

5                   Donc, on... lorsqu'on comprend les intérêts...  
6 les intentions, les capacités de l'état étranger qui essaie  
7 d'interférer au Canada, ça nous donne une idée quels sont les  
8 vecteurs d'interférence.

9                   Il y a certains cas... et les sommaires qui ont  
10 été produits plus tôt démontrent que certains pays commettent  
11 de l'ingérence pour différentes raisons. Et certains autres  
12 pays, comme par exemple la République populaire de Chine,  
13 commettent de l'interférence à tous les égards.

14                   Donc, les institutions démocratiques qui sont  
15 plus larges que seulement les élections au niveau fédéral,  
16 c'est... ce sont les institutions démocratiques à tous les  
17 niveaux de gouvernance, donc fédérale, provinciale,  
18 territoriale.

19                   Également les... toute la gouvernance  
20 autochtone au Canada. Ce sont des vecteurs d'interférence  
21 étrangère ou des moyens que les états étrangers utilisent  
22 pour interférer dans notre système démocratique.

23                   Il y a un pan très, très important à  
24 l'interférence étrangère qui a été moins discuté dans les...  
25 dans le domaine public dans les derniers mois, mais qui,  
26 évidemment, touche l'interférence étrangère envers les  
27 individus. Donc, c'est ce qu'on appelle souvent la réflexion  
28 transnationale. Donc, encore une fois, c'est de mettre... de

1 faire, encore une fois, en rencontrant les critères de la *Loi*  
2 *du SCRS*, ce sont de commettre des activités envers ces  
3 individus-là pour favoriser les intérêts de l'état étranger.

4 Donc, on pourrait y revenir plus tard dans  
5 vos questions, mais je pense qu'il y a tout un contexte qui,  
6 pour nous, la meilleure façon de comprendre... de bien  
7 comprendre quels sont les intérêts de l'état étranger et de  
8 voir comment ils vont utiliser tous les moyens à leur  
9 disposition pour pouvoir permettre de l'interférence au  
10 Canada.

11 **Me JEAN-PHILIPPE MacKAY:** Donc, dans le  
12 rapport institutionnel, on voit... et si on consulte la *Loi*, on  
13 le voit également... que le SCRS a certains pouvoirs qui  
14 peuvent être exercés avec ou sans autorisation judiciaire.  
15 Et j'aimerais vous entendre sur l'un de ces outils qui  
16 existent pour le SCRS qui est les mesures de réduction de la  
17 menace, en anglais, « threat reduction measures », qui se  
18 retrouvent à l'Article 12.1 de la *Loi sur le SCRS*.

19 J'inviterais Monsieur le Greffier à nous  
20 montrer CAN.DOC 18.003, s'il vous plait.

21 **--- EXHIBIT No./PIÈCE No. CAN.DOC 18.003:**

22 Annexe G du Rapport Institutionnel du  
23 SCRS - Aperçu des mesures de  
24 réduction de la menace prises contre  
25 l'ingérence étrangère de 2019 à  
26 aujourd'hui

27 **Me JEAN-PHILIPPE MacKAY:** Donc, ma question  
28 se veut générale, mais toujours dans le contexte de

1 l'ingérence étrangère. Mais j'aimerais que vous nous  
2 expliquiez qu'est-ce que c'est, exactement, les mesures de  
3 réduction de la menace? Et, évidemment, le document qui est  
4 présent est simplement un support visuel, mais j'aimerais  
5 avoir une explication générale de l'un d'entre vous.

6 **Mme MICHELLE TESSIER:** Donc, d'accord, je  
7 vais répondre à la question.

8 Donc, comme indiqué dans le document, depuis  
9 2015, le Service a cet outil, ce mandat. Et pour  
10 différencier avec le mandat principal du Service, qui est la  
11 collecte de renseignement, l'analyse et la distribution de  
12 renseignement, c'est vraiment pour... des mesures pour réduire  
13 la menace. Encore... arrêter la menace, c'est possible, mais  
14 réduire la menace.

15 Et il y eu beaucoup d'évolution. En 2019,  
16 suite à une Loi de 2017, il y a eu des changements à la *Loi*  
17 *du Service* aussi pour mettre plus de paramètres au niveau des  
18 contraintes, des mesures qu'on ne peut pas prendre, telles  
19 que créer des blessures ou détention d'un individu ou des  
20 trucs pareils. Ainsi, qui explique quand le Service a de  
21 besoin d'un mandat, sous quelles conditions que le Service  
22 doit aller chercher un mandat afin de pouvoir entreprendre  
23 des mesures de réduction de la menace.

24 Alors, le but était vraiment pour permettre  
25 au Service d'avoir cet outil de contrer la menace sans que ça  
26 rentre strictement dans le cadre de la collecte d'analyse et  
27 l'échange de renseignement.

28 **Me JEAN-PHILIPPE MacKAY:** Et quand vous nous



1 dites que, en certains moments, la mesure doit être autorisée  
2 en vertu d'une autorisation judiciaire, pourquoi exactement  
3 le mandat est requis en certaines circonstances?

4 **Mme MICHELLE TESSIER:** Si ça... évidemment, il  
5 faut toujours respecter la *Charte*. Donc... mais s'il y a  
6 certaines mesures qui exigent de limiter les droits des  
7 individus sous la *Charte*, il faut un mandat de la Cour  
8 fédérale. Également, ça risque de contrevenir à une loi du  
9 Canada.

10 Donc... mais même sans autorité judiciaire,  
11 afin d'entreprendre une mesure, je veux aussi souligner qu'il  
12 faut avoir des motifs raisonnables à croire. Ce sont les  
13 mêmes motifs pour que le Service puisse aller chercher un  
14 mandat sous l'article... ben, sous ses activités sous l'Article  
15 12.

16 Donc, c'est un... c'est quand même déjà un  
17 seuil afin de permettre au Service d'entreprendre des mesures  
18 de réduction de la menace.

19 **Me JEAN-PHILIPPE MacKAY:** Et on voit dans  
20 l'Annexe G qui est à l'écran, on voit des notions de  
21 proportionnalité qui sont mentionnées. Et également dans le  
22 rapport institutionnel, on voit aussi des... la notion de  
23 risques qui est associée à la mesure d'atténuation... la mesure  
24 de réduction de la menace.

25 Est-ce que vous pouvez nous expliquer cet  
26 élément de proportionnalité, également l'évaluation du risque  
27 qui est fait en lien avec ces mesures?

28 **Mme MICHELLE TESSIER:** Oui, tout à fait.

1 Évidemment, la mesure doit être proportionnelle à la menace.  
2 Premièrement, on doit croire qu'une menace... on doit croire  
3 que les activités que nous allons entreprendre peuvent peut-  
4 être réduire la menace. On doit évaluer l'impact de la  
5 mesure à court terme, moyen terme, possiblement à long terme.

6 Donc, déjà, il faut... la mesure comme telle  
7 doit être proportionnelle à la menace. Donc, il faut pas que  
8 ce soit trop intrusif, trop large, qui peuvent vraiment  
9 contraindre quelqu'un si la menace est moindre.

10 Et la Loi aussi exige que nous consultons et  
11 travaillons avec d'autres partenaires. Par exemple, la GRC.  
12 Donc, s'ils ont une enquête criminelle, nous ne pouvons pas,  
13 évidemment, entreprendre l'entrave ou autre chose.

14 Et il faut s'assurer que il y a pas d'autres  
15 entités qui peuvent eux-mêmes... je parle du gouvernement, des  
16 entités du gouvernement... qui peuvent eux-mêmes prendre des  
17 mesures pour réduire la menace. Donc, c'est quand même assez  
18 exigeant auprès du Service avant qu'on puisse entreprendre la  
19 mesure.

20 **COMMISSAIRE HOGUE:** Vous avez pas de pouvoirs  
21 policiers?

22 **Mme MICHELLE TESSIER:** Non.

23 **COMMISSAIRE HOGUE:** Alors, ça c'est la GRC  
24 qui a ces pouvoirs-là. Si vous ne pouvez pas répondre à ma  
25 question, vous le direz, même si c'est moi qui la pose, mais  
26 peut-être simplement pour permettre à tout le monde de mieux  
27 comprendre.

28 Quand vous parlez de mesure de réduction des

1 menaces... de la menace, pouvez-vous juste nous donner... pas  
2 nécessairement un exemple concret là, mais nous expliquer ce  
3 dont on parle quand on parle de mesures de réduction de la  
4 menace.

5 **Mme MICHELLE TESSIER:** Oui. Tout à fait.  
6 C'est... j'ai une certaine limite de ce que je peux dire, mais  
7 je peux donner des exemples.

8 Donc, on divise en trois catégories. La  
9 dissuasion... je vais les expliquer. La dissuasion,  
10 l'exploitation, et l'ingérence.

11 Donc, la dissuasion, c'est de divulguer une  
12 information classifiée à un individu. Et on le voit  
13 d'ailleurs dans cette enquête, donc, un candidat à  
14 l'élection... de divulguer une information classifiée à un  
15 individu pour réduire une menace. Donc, ça c'est... je vais  
16 dire, c'est peut-être le plus simple.

17 Au niveau de l'exploitation, c'est travailler  
18 avec un tiers pour que eux... si eux ont les moyens de réduire  
19 la menace. Pas un tiers gouvernemental, parce que là on peut  
20 tout simplement échanger de l'information classifiée. Donc,  
21 non-gouvernemental.

22 Un exemple, si nous avons une association qui  
23 organise... là, c'est hypothétique ce que je dis... mais une  
24 association qui organise un évènement et ils ont invité des  
25 conférenciers, et nous, nous avons l'information qu'un état  
26 étranger qui a des intérêts hostiles au Canada cherche à  
27 introduire ou à financer un individu qui va manipuler la  
28 conférence pour ses propres fins et des fins de ce pays-là,

1 on peut informer cette association pour qu'ils puissent, eux,  
2 si ils veulent, faire des changements à la conférence ou, du  
3 moins, gérer comme ils veulent.

4 Et la dernière catégorie, l'ingérence, ça  
5 c'est un peu plus difficile à expliquer pour protéger le  
6 Service, mais c'est quand le Service entreprend ses propres  
7 moyens pour réduire la menace. Mettons, la désinformation,  
8 et le Service veut réduire le message ou contrer le message,  
9 disons que le Service a des moyens qu'ils peuvent utiliser  
10 pour arriver à ces fins. Donc, c'est juste pour vous donner  
11 une idée dans le cadre ingérence étrangère.

12 **COMMISSAIRE HOGUE:** Merci.

13 **Mme MICHELLE TESSIER:** Oui. Puis pour  
14 répondre à votre question sur des risques, il y a quatre  
15 piliers de risque. Effectivement, risque opérationnel, que  
16 le Service évalue soi-même au niveau des risques  
17 opérationnels. Les risques légaux, juridiques, en  
18 travaillant avec le ministère de la Justice. Des risques  
19 réputationnels, réputation du gouvernement, du Service. Nous  
20 travaillons avec la sécurité publique... nous le faisons aussi  
21 mais en travaillant en collaboration avec le ministère de la  
22 Sécurité publique. Et finalement, le risque à nos relations  
23 avec les pays étrangers. Et à ce moment-là... je ralentis,  
24 parce que je suis consciente que je parle rapidement...

25 **COMMISSAIRE HOGUE:** Il y a des interprètes.

26 **Mme MICHELLE TESSIER:** Oui. Donc, c'est... en  
27 travaillant avec les Affaires mondiales, c'est pour évaluer  
28 le risque à la relation avec le pays en question. Et puis

1 tout dépendamment du niveau de risque, ça détermine le niveau  
2 d'approbation de la mesure.

3 **Me JEAN-PHILIPPE MacKAY:** Et sur cette  
4 question d'approbation, est-ce qu'il y a certains moments où  
5 les mesures doivent être autorisées par les échelons  
6 supérieurs au sein du Service?

7 **Mme MICHELLE TESSIER:** Tout à fait. Un  
8 risque élevé est approuvé par le directeur et le ministre.  
9 Risque moyen, un sous-directeur général, ce qui est un... quand  
10 même un cadre assez sénior au Service. Et un risque faible,  
11 c'est le premier niveau de de gestion auprès du Service.

12 **Me JEAN-PHILIPPE MacKAY:** Et avant de quitter  
13 le sujet, j'aimerais vous montrer le document CAN 2919.

14 **--- EXHIBIT No./PIÈCE No. CAN 2919:**

15 Memo to the Minister: Update on  
16 threat to democratic institutions  
17 threat reduction measures - foreign  
18 interference activities

19 **Me JEAN-PHILIPPE MacKAY:** Et c'est un  
20 mémorandum du directeur adressé au ministre. Donc, peut-être  
21 descendre un peu, Monsieur le Greffier. Donc, simplement,  
22 Monsieur Vigneault, on comprend que c'est un document qui a  
23 fait l'objet de caviardages. En général, ce type de  
24 document-là, simplement nous le mettre en contexte dans la  
25 mesure où vous pouvez le faire.

26 **M. DAVID VIGNEAULT:** Monsieur le Greffier,  
27 pouvez-vous remonter jusqu'au début, s'il vous plait? Oui.  
28 Dans ce cas-ci, c'est... Madame la Commissaire, c'est, comme

1 madame Tessier vient de le mentionner, un... lorsqu'on fait une  
2 évaluation de risque, lorsque le risque est élevé d'une  
3 opération... d'une mesure de réduction de la menace, on c'est  
4 pas seulement d'informer le ministre, mais c'est également de  
5 lui demander son autorisation.

6           Donc, dans ce cas-ci, si on regarder le mémo  
7 dans le haut, c'est marqué : « For information », donc sans  
8 avoir relu tous les détails du mémo, la procédure va être que  
9 je vais informer le ministre qu'on va prendre une mesure,  
10 donc on ne requiert pas son autorisation parce que le risque  
11 n'est pas élevé. Donc, c'est pour ça que la note est « Pour  
12 information ». On présente au ministre le type de... les  
13 détails de l'opération, le détail de la menace, comment est-  
14 ce qu'on veut... quelles sont les mesures qu'on veut prendre  
15 pour réduire cette menace-là, on va détailler notre... les  
16 résultats de l'analyse des quatre piliers de risque, et donc,  
17 dans ce cas-ci, j'informe le ministre de la décision d'aller  
18 de l'avant.

19           Cette mesure-là permet, encore une fois en  
20 respectant la loi et les directives ministérielles, fait en  
21 sorte que le ministre... on ne requiert pas son autorisation,  
22 mais évidemment, dans tous ces cas-là, le ministre, lorsqu'il  
23 est informé, a l'autorisation, non seulement l'autorisation,  
24 mais a tout le loisir de pouvoir en discuter avec moi et avec  
25 mes collègues pour mieux comprendre.

26           Donc, c'est cette... ce genre de document là  
27 « pour information » s'inscrit dans ce contexte.

28           **COMMISSAIRE HOGUE:** Est-ce que le ministre...

1 par ailleurs, lorsque c'est pour son information, le ministre  
2 peut-il dire « je ne suis pas d'accord »?

3 **M. DAVID VIGNEAULT:** Absolument. Le ministre  
4 a toujours l'autorité parce que c'est une... la délégation  
5 d'autorité est par directive ministérielle, donc à la limite,  
6 le ministre pourrait toujours changer la directive  
7 ministérielle. Je peux vous informer que c'est pas arrivé,  
8 c'est jamais arrivé dans mes presque sept dernières années,  
9 mais c'est toujours une possibilité de... généralement, on  
10 essaie d'éviter les surprises, donc on a des discussions avec  
11 son bureau politique, avec les gens du ministère de la  
12 Sécurité publique. Lorsqu'un tel mémo vient, c'est pas une  
13 surprise, donc il y a des opportunités d'en avoir discuté  
14 avant, puis on est toujours réceptifs à ce genre de  
15 discussion là.

16 **COMMISSAIRE HOGUE:** Mais il donc un pouvoir  
17 de « direction » là – je le mets entre guillemets là...

18 **M. DAVID VIGNEAULT:** Oui.

19 **COMMISSAIRE HOGUE:** ...pas de vous diriger,  
20 mais il a un pouvoir de direction au sens plus juridique du  
21 terme là...

22 **M. DAVID VIGNEAULT:** Oui.

23 **COMMISSAIRE HOGUE:** ...sur...

24 **M. DAVID VIGNEAULT:** En changeant la  
25 directive ministérielle.

26 **COMMISSAIRE HOGUE:** Exactement.

27 **M. DAVID VIGNEAULT:** Oui.

28 **COMMISSAIRE HOGUE:** En changeant la

1 directive.

2 **Mme MICHELLE TESSIER:** Si vous me permettez  
3 d'ajouter : toutes les mesures d'exécution de la menace  
4 doivent être envoyées, un sommaire, plutôt, des mesures doit  
5 analy... envoyé, pardon, à NSIRA, au Comité de surveillance  
6 NSIRA du côté national et au ministre. Donc, généralement,  
7 dans le rapport annuel du Service, qui est envoyé au  
8 ministre, il y a une liste des mesures, donc c'est obligé...

9 **M. DAVID VIGNEAULT:** C'est systématiquement,  
10 elles sont toutes revues. Donc, c'est très important.

11 **Me JEAN-PHILIPPE MacKAY:** On peut retirer le  
12 document de l'écran.

13 Donc, puisque je veux laisser un peu de temps  
14 à mon collègue, Me Cameron, je vais vous demander rapidement  
15 de nous expliquer le rôle que joue le SCRS dans la communauté  
16 de renseignement au Canada, et dans la foulée de cette  
17 réponse-là, j'aimerais que vous nous expliquiez le rapport  
18 que le Service entretient avec le conseiller du premier  
19 ministre en matière de sécurité nationale et de renseignement  
20 – NSIA, en anglais.

21 **MS. CHERIE HENDERSON:** So thank you for the  
22 question. We work extremely closely with what we would call  
23 the security and intelligence community in Canada and we have  
24 very close relationships with all of our partners. We work  
25 very hard to appreciate and understand the intelligence  
26 requirements of the government and, in that vein, we also  
27 work very hard to make sure that we're responding to those  
28 requirements so that we are appropriately collecting and



1 disseminating the required information.

2 **M. DAVID VIGNEAULT:** Peut-être, Monsieur  
3 MacKay, pour élaborer également sur le point avec la relation  
4 avec le ou la conseillère à la Sécurité nationale, j'ai eu  
5 l'opportunité avant d'être nommé comme directeur de  
6 travailler pendant cinq ans comme secrétaire adjoint du  
7 Cabinet à la Sécurité et au Renseignement, donc de travailler  
8 de façon très étroite avec plusieurs des personnes qui ont  
9 occupé le poste de conseiller/conseillère à la Sécurité  
10 nationale et au Renseignement du Bureau du Premier ministre.

11 Ce que je peux vous dire, c'est que c'est une  
12 relation qui est très étroite. Il y a un partage  
13 d'informations quotidien entre le SCRS et le bureau du  
14 conseiller, il y a des interactions quotidiennes entre  
15 différentes personnes de nos bureaux, et à mon niveau comme  
16 directeur, je parle généralement plusieurs fois par semaine,  
17 j'ai des rencontres hebdomadaires avec la conseillère à la  
18 Sécurité nationale, on se parle très souvent, tard le soir,  
19 tôt le matin, et les fins de semaine parce que  
20 l'environnement de sécurité nationale du Canada était  
21 vraiment très complexe. Donc, c'est une relation qui est très  
22 étroite.

23 **MR. JEAN-PHILIPPE MacKAY:** You want to talk  
24 about your own experience?

25 **MS. CHERIE HENDERSON:** Yeah, absolutely.

26 So I had the opportunity, actually, to work  
27 within PCO. I was the Chief of Staff to the National  
28 Security Intelligence Advisor, Daniel Jean, at the time.

1           It became very apparent of the importance of  
2 excellent communication between PCO and ourselves within the  
3 service just to start to educate on what the service was, who  
4 we were and what we could bring to the table to support the  
5 ongoing need to advise government in regards to helping them  
6 in their decision-making and also advise government in  
7 regards to the threat that we were seeing. From the  
8 service's perspective, our job is to sniff the environment  
9 and figure out where the threats are coming from and then to  
10 be able to advise and inform government on those threats and  
11 to continue to build those pictures, so it was fundamentally  
12 important to increase that relationship and continue to build  
13 that level of trust and appreciation between ourselves, PCO  
14 and I would also add into that the rest of the national  
15 security community.

16 [15.03.42]           **Me JEAN-PHILIPPE MacKAY:** Donc, maintenant  
17 pour ce qui est de la façon dont le SCRS est structuré sur le  
18 plan national, on comprend qu'il y a un bureau central à  
19 Ottawa et il y a d'autres bureaux à l'échelle du pays.  
20 Simplement nous expliquer les grandes lignes de cette  
21 structure et les rapports entre le niveau régional et le  
22 niveau central à Ottawa.

23           **Mme MICHELLE TESSIER:** D'accord. Je vais  
24 répondre, du moins pour les opérations.

25           Donc, effectivement, il y a trois sous-  
26 directeurs sous Service. Je vais parler pour la sous-  
27 directrice des opérations, ce qui était mon rôle, et donc,  
28 sous... à l'administration centrale, je dirais que c'est

1        surtout les individus qui gèrent les programmes  
2        opérationnels.

3                    Donc, on reçoit, nous avons dit, les  
4        priorités du gouvernement en matière de renseignement, et on  
5        les traduit, si vous voulez, pour les rendre plus  
6        opérationnelles. Donc, l'administration centrale, au niveau  
7        des opérations, gère les cas. On a aussi l'analyse des  
8        analystes experts, ils regardent vraiment le portrait un peu  
9        plus large et qui produisent les documents qui sont envoyés  
10       au département des clients, comme on les appelle, mais le  
11       département du gouvernement. Donc, ça, c'est vraiment le rôle  
12       de l'administration centrale, de prioriser également les  
13       enquêtes, les priorités et tout.

14                   Nous avons des bureaux régionaux dans toutes  
15       les provinces, sauf une province. Nous n'en avons pas dans  
16       les Territoires, mais néanmoins, ils sont responsables, ils  
17       voyagent, ils s'occupent de vraiment tout le pays. Et nous  
18       avons des postes à l'étranger. Des postes à l'étranger, nous  
19       avons seulement divulgué Paris, notre présence à Paris,  
20       Washington et Londres; les autres ne sont pas divulgués  
21       publiquement. Donc, c'est vraiment global.

22                   Et puis sous la sous-directrice des  
23       opérations, nous avons un directeur adjoint responsable des  
24       bureaux régionaux, de la collecte, un directeur adjoint des  
25       exigences en matière de renseignement, qui était Cherie à  
26       l'époque, et on a le filtrage de sécurité, on a la direction  
27       d'analyse de données avancée, donc l'exploitation de données,  
28       et également nous avons un centre de politiques ou la gestion

1 de la sécurité opérationnelle, des mesures de reddition de la  
2 menace, des ressources humaines, c'est vraiment un centre de  
3 politiques sous la sous-directrice des opérations.

4 Alors, le tout, les régions, l'administration  
5 centrale, les opérations, l'analyse, tout est sous la  
6 direction de la sous-directrice des opérations.

7 **Me JEAN-PHILIPPE MacKAY:** Et rapidement, dans  
8 le résumé d'entrevue, on parle de la question de la  
9 perspective de l'administration centrale et de la perspective  
10 que le bureau régional peut apporter à une situation donnée.  
11 Donc, simplement nous... les grandes lignes de cette discussion  
12 que nous avons eue dans le cadre de l'entrevue.

13 **Mme MICHELLE TESSIER:** Oui, puis je pense que  
14 c'est tout à fait normal dans... honnêtement, dans n'importe  
15 quelle agence, qu'il y ait des bureaux régionaux et une  
16 administration centrale. C'est certain que les perspectives  
17 peuvent différer. Et généralement, les bureaux régionaux sont  
18 les experts sur le terrain. C'est leur terrain, leur  
19 territoire, ils connaissent leurs enquêtes par cœur.

20 L'administration centrale a vraiment une  
21 vision globale, ils font affaire avec les services de  
22 renseignement étrangers, ils voient tout ce qui se passe, non  
23 seulement à l'intérieur du pays, mais à l'extérieur  
24 également, et sont... ils ont une vision, je vais dire, plus  
25 stratégique des régions peut-être un peu plus tactiques.

26 Alors, c'est l'administration centrale qui va  
27 décider sur des priorités et ce sur quoi on devrait mettre  
28 nos ressources, mais c'est pas eux qui décident des

1       ressources, c'est les régions qui vont décider comment qu'ils  
2       vont s'y prendre pour répondre à la demande, donc quels  
3       moyens d'enquête qu'ils vont utiliser. Ça, ça appartient aux  
4       bureaux régionaux, et c'est certain, dans les discussions, on  
5       peut avoir un bureau régional qui pense que leur enquête,  
6       c'est une plus grande priorité qu'une autre. Donc, je pense  
7       c'est normal, c'est la nature humaine, mais je pense aussi  
8       que c'est très sain d'avoir les perspectives qui discutent  
9       parce qu'ils arrivent avec, évidemment, un point de vue  
10      différent et c'est ça qui enrichit la discussion et la prise  
11      de décision.

12                   **MS. CHERIE HENDERSON:** Perhaps I could just  
13      add one part to this. It's also very important to realize  
14      that our headquarters is also plugged into the government and  
15      appreciates what the priorities of the government are of the  
16      day, and so it's through headquarters and that liaison with  
17      making sure we're responding to the priorities of the  
18      government that we can also then send out the appropriate  
19      intelligence requirements to the regions. And that can also  
20      create a little bit of attention, but as Michelle noted, it's  
21      a healthy tension that is normal in an organization to  
22      different perspectives, but help to move the organization  
23      forward and do appropriate collection.

24                   **Me JEAN-PHILIPPE MacKAY:** Question maintenant  
25      sur les produits que le SCRS, les produits de renseignement  
26      que le SCRS génère dans le cadre de ses activités. Donc, je  
27      vais vous poser une question générale sur les types de  
28      produits, mais j'aimerais ça également que vous répondiez à

1 la question suivante dans la foulée de la première réponse :

2 De quelle manière il est décidé que certains  
3 produits vont être distribués et à qui ils seront distribués,  
4 et de quelle manière ils seront distribués?

5 **MS. CHERIE HENDERSON:** Okay. So as I noted,  
6 the service works also very closely with the PCO in order to  
7 understand and appreciate the intelligence priorities of the  
8 government. We play into that decision-making process.

9 Once we have an appreciation of what those  
10 intelligence priorities are, we are able to send that tasking  
11 out to the region into what the service can collect under its  
12 mandate in regards to the priorities of the government. Once  
13 that is done and the region is collecting the information, we  
14 can review the information coming in to determine which  
15 government department would see value in receiving that  
16 reporting.

17 There are different types of reports that are  
18 disseminated. One is just the basic intelligence report, raw  
19 intelligence, which allows the user to determine how that  
20 intelligence can support what they are doing. We also do a  
21 stronger, but smaller, analytical piece where we will pull  
22 various pieces together to start to create the intelligence  
23 picture and then we will produce in-depth assessments.

24 There is good communication among the S&I  
25 community and through the process of setting intelligence  
26 priorities, the service also gets an appreciation of which  
27 government department wants which type of information and we  
28 will then appropriately disseminate that.

1           We also try to get feedback back from the  
2 various departments to make sure that we're actually meeting  
3 their intelligence requirements. That's an ongoing process  
4 that we're working on improving constantly, but that feedback  
5 fits very well into trying to make sure that we're hitting  
6 the intelligence priorities of the government as well as  
7 those departments.

8           **Me JEAN-PHILIPPE MacKAY:** Et est-ce que le  
9 niveau de classification d'un document ou d'une information  
10 peut jouer sur la distribution de l'information du document  
11 en question?

12           **MS. CHERIE HENDERSON:** Yes. Yes, it can.

13           We always -- when we do disseminate our  
14 reports and our intelligence, we want to make sure that we've  
15 got as much of the picture as we have and so we make -- we do  
16 -- sorry. I'm going to just back up a minute -- a moment  
17 there.

18           When we draft an analytical piece, we pull  
19 all the pieces together of intelligence. Some is from a  
20 corroborated source, some may be from a news source, but we  
21 feel it's very important to have that whole picture. And we  
22 have very well-trained analysts who are subject matter  
23 experts who help to pull that picture together.

24           Then what we do is we determine who needs to  
25 see that report. In some cases, based on the sensitivity of  
26 the information, how it's collected and the methodologies, we  
27 need to protect those sources and so we will make what we  
28 could call a bigot list of informations that can -- of

1 information or individuals that can actually see that  
2 reporting and we will disseminate that reporting to those  
3 particular individuals on a named distribution list.

4 **Me JEAN-PHILIPPE MacKAY:** Lorsque vous  
5 disséminez du renseignement au sein du gouvernement et auprès  
6 des clients gouvernementaux, avez-vous des attentes  
7 particulières en matière de rétroaction de la part des  
8 clients qui reçoivent... les destinataires du renseignement,  
9 est-ce que le Service a des attentes particulières en matière  
10 de rétroaction?

11 **MS. CHERIE HENDERSON:** Yes. We work very  
12 hard with other government departments to get feedback.

13 We have, actually, in the last couple of  
14 years created an ADM -- a much more communicative ADM team  
15 that can actually discuss the various reports to make sure  
16 that, one, we're not only getting feedback on the report, but  
17 if we determine that there's information in there that is  
18 actionable, which government department could action that  
19 potentially under their mandate and how that could be done.

20 So there is very good cooperation amongst the  
21 S&I community, the security and intelligence community, at  
22 the ADM and DG and working levels. We have very good  
23 communication on that front.

24 Feedback is fundamentally important, as it  
25 makes sure that we are allocating our resources in the right  
26 way. If we determine that there is a particular piece of  
27 information that needs to get instant or very quick, urgent  
28 action or attention, we will actually not just disseminate



1 that through an electronic means, but we will make sure we  
2 brief that verbally and get the appropriate parties engaged  
3 on that piece of information.

4 **MR. DAVID VIGNEAULT:** Mr. MacKay, if I can  
5 just add very quickly, feedback is also fundamental for  
6 reason of making sure that the intelligence doesn't live on  
7 its own. We're producing intelligence because we want to  
8 help someone to take an action and to be better informed, and  
9 so that feedback is critical for CSIS to make sure -- as my  
10 colleague just mentioned, make sure that we're meeting those  
11 requirements but, you know, inform as to customers will also  
12 have information that when they pass that on to us, it  
13 enriches the picture.

14 And when you look at the goal or the intent  
15 of intelligence, which it is to inform and allow for actions  
16 to be taken, it's when you have the best picture possible  
17 that is, you know, hopefully you'll make the best possible  
18 decisions. So that's why -- it's another reason why feedback  
19 is critical.

20 **MR. JEAN-PHILIPPE MacKAY:** Thank you.

21 I will let my colleague, Mr. Cameron, take  
22 over from me.

23 (SHORT PAUSE/COURTE PAUSE)

24 **--- EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN-CHEF PAR**

25 **MR. GORDON CAMERON(cont'd/suite) :**

26 **MR. GORDON CAMERON:** Thank you, panelists.

27 I'd like to begin by directing a question  
28 that I think is specific to Mr. Vigneault because it has to

1 do with your decision as Director of the service over the  
2 years of your term to decide to either engage or, as the case  
3 might be, re-engage the public on the topic of foreign  
4 interference because, in general, the operations of the  
5 service aren't necessarily secret but we now see foreign  
6 interference part of the public discussion. And I'd like to  
7 have your perspective on the occasion or at least the era in  
8 which you decided it was time to become public about.

9 **MR. DAVID VIGNEAULT:** Madam Commissioner,  
10 that's a very important question, and I touched upon this in  
11 my first appearance for Part B of the Inquiry.

12 And CSIS is an institution that has been  
13 created by law to have secrets and to keep secrets, but that  
14 doesn't mean that, you know, we are not part of -- we don't  
15 have something that we need to tell Canadians and that the  
16 transparency is essential in a democracy.

17 The threat environment has evolved  
18 significantly over the last number of years. Learned  
19 scholars and analysts of the national security have said  
20 they've never seen such a complex threat environment, and  
21 that includes the Cold War. And so when you look at this  
22 environment, there is something in the -- in a democracy that  
23 intelligence service can and should be engaging with  
24 Canadians in terms of transparency of some of the  
25 information.

26 **COMMISSIONER HOGUE:** Just tell me when you  
27 said the last years ---

28 **MR. DAVID VIGNEAULT:** I would say that ---

1                   **COMMISSIONER HOGUE:** --- what do you mean?  
2                   Are you talking about 20 years or are you talking about 2, 3,  
3                   4 years?

4                   **MR. DAVID VIGNEAULT:** So I would say that  
5                   there is a -- there are a couple of moments. 9/11 has been a  
6                   moment, a pivotal point in terms of international terrorism  
7                   and the way that terrorist groups could use their means to  
8                   inflict casualties and terror, not only in foreign countries,  
9                   but also, in our own countries. And Canada has not been  
10                  immune to terrorism. So that was one moment. And the  
11                  terrorism has evolved over the last few years, five, seven,  
12                  eight years, where we also see not just a religiously  
13                  motivated extremism, but the ideologically motivated  
14                  extremism. So people who are looking at -- are motivated by  
15                  genophobia, antisemitism, Islamophobia, to essentially use  
16                  violence and engage in active terror in our country, and we  
17                  have, unfortunately, too many recent cases in our country.  
18                  And the most recent cases have been Canadians -- Muslim  
19                  Canadians who have been killed in our country by IMV actors,  
20                  ideologically actors. So terrorism has evolved.

21                  The other significant evolution has been the  
22                  international order is changing. So we have Russia and the  
23                  PRC, People's Republic of China, who are challenging the  
24                  international order even more so in the last 5, 7, 10 years.  
25                  We see it through incursions. We see it, of course, in  
26                  Ukraine, where Russia is engaging in illegal invasion. We  
27                  see it in the South China Sea where the People's Republic of  
28                  China is redrawing international Maritime borders for their

1 own benefits, despite very clear international law rulings on  
2 this. We see it in terms of how they are coercing a number  
3 of other countries. So great power politics is that, you  
4 know, we have not seen or not seen as much in the last number  
5 of -- last 20 years or so, but we see a resurgence of Russia,  
6 China, a number of other countries challenging the  
7 international order. And so that environment is getting more  
8 and more complex.

9 The last thing I would say in the threat  
10 environment, Madam Commissioner, to answer your question, is  
11 the evolution of technology. We see it through how  
12 technology is a force of good in many ways in terms of  
13 societal goods, economic prosperity. But, of course, like  
14 anything else, we have actors who are using the advancement  
15 of technology for their own purposes. So Canada now has to  
16 protect itself against threats from new weapons systems, from  
17 Russia over the Arctic, for example. We have to use, you  
18 know, what the benefits of social media and of Internet of  
19 Things and the ability of communications systems to be part  
20 of our society is also leverage, and in the specific case of  
21 foreign interference, for nefarious purposes here.

22 So this is the backdrop, Mr. Cameron, to the  
23 reason why in 2018 made the first public speech as director  
24 to engage Canadians and share some of our perspective of this  
25 threat environment. And in that speech in 2018 specifically  
26 mentioned foreign interference as one of the most significant  
27 threat Canada was facing. And over the years, we have  
28 continued to engage publicly through our annual reports,

1 speeches, but also, by reallocating resources internally and  
2 creating an engagement, a stakeholder engagement branch  
3 within CSIS to go out and meet with non-traditional partners,  
4 and very importantly, meet with diaspora communities because  
5 they're, unfortunately, one of the most significant target of  
6 foreign interference.

7 **MR. GORDON CAMERON:** Thank you for that.  
8 And, Mr. Vigneault, your organization produces an annual  
9 public report; correct?

10 **MR. DAVID VIGNEAULT:** Yes.

11 **MR. GORDON CAMERON:** And one of the  
12 documents, and this is just for the assistance of parties and  
13 those following along, this is in the database as 17001, you  
14 -- the service filed a cluster of your public reports for  
15 2019, 2020, 2021 and some other reports. I just want to take  
16 you briefly through the evolution of the Service's public  
17 pronouncements on foreign interference. And I don't know if  
18 you've got -- if, Court Officer, could you just scroll down a  
19 bit and tell us which one you've got there? No? Okay.  
20 Perhaps you could call up COM 54.

21 **--- EXHIBIT No./PIÈCE No. COM 54:**

22 CSIS Public Report 2019

23 **MR. GORDON CAMERON:** I mention that just  
24 because it's the 2019 report -- or, sorry, the 2020 report --  
25 2019 report published in 2020 and it's by itself. It's not  
26 in the cluster of documents at 17.01. COM 54. All right.  
27 And if you could go to page 17 of that report? Now that --  
28 scroll to the bottom, just so we can see if the page number -

1 - yeah, you see the -- go to 17 of the document, please.

2 Thank you. Okay. And back up.

3 So here we see in your 2019 public report the  
4 Service's attention to the topic here under the heading  
5 "Protecting Democratic Institutions". We have a couple of  
6 paragraphs on what ends up being a discussion of -- in  
7 terminology we might now refer to more directly as foreign  
8 interference. And this followed on -- this appearance in the  
9 Service's public report followed on your 2018 speech. And I  
10 take it this was part of the ark of alerting the public to  
11 this element of the threat?

12 **MR. DAVID VIGNEAULT:** Absolutely. We -- you  
13 see the Service trying to put more and more specific details  
14 in our annual reports. This one in 2020, what was an example  
15 of that progression. We also, since then, produced other  
16 reports in collaboration with our partners within the  
17 government to try to alert Canadians in an organized way  
18 about foreign interference. And so I believe it was in 2020  
19 or 2021 we published a report called Foreign Interference in  
20 Democratic Institutions, which was very specifically tailored  
21 to the democratic processes. And we have also -- because as  
22 I mentioned, one of the main targets of foreign interference  
23 are Canadian diaspora, and so what we -- or diaspora in  
24 Canada. And so what we have done is produce a document  
25 called "Foreign Interference and You", specifically tailored  
26 to diaspora in Canada and publish in the seven languages to  
27 try to engage directly with people who would be the victims  
28 of transnational repression and foreign interference.

1                   **MR. GORDON CAMERON:** Thank you. Well, you've  
2 covered off a few of my coming questions, but just if I can  
3 put this in an arc of progress over time, would I be correct  
4 in observing that from your initial speech in 2018 through  
5 the 2019 public report on to your 2020 public report and then  
6 your publication in the summer of 2021 of this report we're  
7 going to come to specific about foreign interference and then  
8 onwards, the Service is becoming more detailed and more  
9 expansive in describing to Canadians a threat of foreign  
10 interference?

11                   **MR. DAVID VIGNEAULT:** Absolutely. This is  
12 what we internally, and I've said it I think publicly a few  
13 times, but this is what we call the sunshine policy on  
14 foreign interference.

15                   **MR. GORDON CAMERON:** Okay. Now on that  
16 point, in particular about the Service's attention to the  
17 impact of foreign interference on diaspora groups, you  
18 mentioned the document. And, Court Operator, perhaps, again,  
19 because it's easier to find it in COM 322 than buried in the  
20 middle of 17.01. There is the report you just described, Mr.  
21 Vigneault.

22                   **--- EXHIBIT No./PIÈCE No. COM 322:**

23   Foreign Interference Threats to  
24   Canada's Democratic Process

25                   **MR. GORDON CAMERON:** And if you could just  
26 again, you describe this as a topic specific report. I think  
27 it's 17 or 20 pages, but it goes into -- the whole report is  
28 focussed, as I understand from the title not just on foreign

1 interference, but specifically foreign interference in  
2 relation to democratic processes.

3 So at this point, what is motivating the  
4 Service to put this much of its resources into alerting the  
5 public to this threat?

6 **MR. DAVID VIGNEAULT:** I would say it's two-  
7 fold, Madam Commissioner. First, it's because, again, the  
8 nature of the threat. We have seen, because of  
9 globalization, the technology, the ability of foreign  
10 interference to be -- to increase in speed, impact, and reach  
11 within Canadian society. So that's one of the things, the  
12 evolution of the threat.

13 But also very importantly, this is at the  
14 time where the community, CSIS working with all of our  
15 partners in collaboration, realizing that more needed to be  
16 done, and this is contemporary to approaches like the  
17 creation of the SITE Taskforce, the panel that the Government  
18 created to supervise elections, learning from the experiences  
19 that we saw in other jurisdictions where there was  
20 interference in their electoral democratic processes, and  
21 essentially CSIS, in this specific case, our partners at the  
22 Communications Security Establishment also reproduced a  
23 similar reporter in terms of the -- on the cyberworld,  
24 interference in the cyberworld.

25 And this is very much, you know, an  
26 individual contribution, but very much as part of the all of  
27 government approach to try to engage on foreign interference  
28 and better educate Canadians about foreign interference.



1                   **MR. GORDON CAMPBELL:** Thank you.

2                   And perhaps the Court Operator could scroll  
3 down to page 8 of the document? Thank you.

4                   Now, this -- the heading of this section is  
5 "Canadian Public and Voters". Just have a quick look at  
6 that, Mr. Vigneault.

7                   And please, Madam Tessier and Ms. Henderson,  
8 if you want to add here.

9                   But in particular, you've mentioned, Mr.  
10 Vigneault, that the Service was alert to the impact of  
11 foreign interference, or as it might arise in this context,  
12 more accurately called transnational repression with respect  
13 to diaspora groups. And that ends up occupying a couple of  
14 pages of this particular report. Can you look at that  
15 section there ---

16                   **MR. DAVID VIGNEAULT:** Yeah.

17                   **MR. GORDON CAMERON:** --- and explain how the  
18 Service views the interrelationship of foreign interference  
19 as it manifests in transnational repression and the  
20 importance of educating the public?

21                   **MR. DAVID VIGNEAULT:** Yes. And this is a  
22 very important point, Madam Commissioner. The mandate of  
23 CSIS is very clear. So we have to produce intelligence and  
24 have an impact writ large to protect all Canadians. And here  
25 what we see in the context of foreign interference is we see  
26 foreign countries trying to have a negative impact on  
27 Canada's institutions, but also very specifically having an  
28 impact and trying to control or influence the members of

1 diaspora in Canada.

2 So the home country, if I can put it this  
3 way, trying to control what people are engaging in in terms  
4 of their democratic activities, controlling what they're  
5 saying, who they're engaging with, and in this specific case  
6 in democratic institutions, also trying to influence,  
7 covertly, so foreign interference, the way they may vote.

8 And so this is why it's important that, you  
9 know, we see the work that we do and all of our partners do  
10 to protect all Canadians. And we are very specifically aware  
11 the way that, you know, diaspora communities in Canada are  
12 being impacted.

13 **MR. GORDON CAMERON:** Okay. And if the Court  
14 Officer could pull up CAN.SUM5?

15 We can get a bit more specific. This  
16 document, if I've got the right number, will be the Country  
17 Summary for the People's Republic of China. There is a page  
18 of caveats.

19 And if we can scroll down to the first page  
20 of substance?

21 I just -- because acronyms end up getting  
22 used in this document, I'll just ask you to -- you've already  
23 defined for us PRC. I think that's an initialism we're now  
24 familiar with.

25 The third full paragraph makes reference to  
26 the Chinese Communist Party and the CCP as it's called there,  
27 and then in the last paragraph on this page, the United Front  
28 Work Department.

1           So I'm going to ask you to flesh this out a  
2 little bit, the role of those entities. But can you just  
3 describe for us, if you look over -- can you scroll over to  
4 the next page, please? Thank you.

5           Under "WHO" there's an entire -- indeed, the  
6 whole section of this topical summary on the PRC as a country  
7 being covered in this summary, this whole section is about  
8 the Service's description of its interests in transnational  
9 repression.

10           And so the question I have, the documents we  
11 were looking at so far, your annual or public reports, your  
12 report on foreign interference, were about foreign  
13 interference and possibly transnational repression generally  
14 speaking.

15           Can you tell us here in particular how the  
16 Service views the issue of transnational repression as it  
17 relates to the PRC, the People's Republic of China?

18           **MR. DAVID VIGNEAULT:** Madam Commissioner, I  
19 would take us back to one thing I said a few minutes ago,  
20 which is, for us to better understand and have an impact on  
21 foreign interference, we want to understand what are the  
22 objectives and the interests of the foreign state who is  
23 engaging in that activity.

24           In this specific case, the People's Republic  
25 of China, the country is governed and is dominated by the  
26 Chinese Communist Party. And the key element here is that  
27 you can look to the prism of the actions of the Chinese  
28 Communist Party, and therefore the People's Republic of

1 China, into one very specific issue, which is everything that  
2 is organized by the Party and by the State is to preserve  
3 l'emprise, to preserve the power of the Chinese Communist  
4 Party and its purinity (*sic*) over time.

5           And so when you understand that and then you  
6 translate that into what is happening in Canada at the  
7 moment, this is why you will see in this document the  
8 reference to the Five Poisons. The Five Poisons are teams  
9 and issues that people who have objection to what is  
10 happening in China are raising. Issues like, you know,  
11 liberty of religion or thought with the Falun Gong, issues of  
12 protection of minority rights, the Uyghurs and the Tibetans,  
13 issues related to pro-democracy movements.

14           And so when you look at these issues, you  
15 know, so the people who are here in Canada, protected by the  
16 *Charter*, protected by our laws, are exercising their  
17 democratic rights to engage in a specific way and, you know,  
18 manifest their views, understanding where China's interest  
19 is, which is the preservation of the Chinese Communist  
20 Party's l'emprise. You can understand how anything that  
21 would be seen as a threat to this -- to the Chinese Communist  
22 Party is being dealt with very harshly.

23           And this is why, for example, we have seen  
24 over the last number of years in the PRC, five, six years,  
25 legislation, very, very transparent legislation that are  
26 directed at making sure that every person in China, or any  
27 entity in China, or abroad, are subjected to these laws and  
28 have the obligation to support the Government, including

1 their Intelligence Service, the Ministry of State Security,  
2 the MSS, in order to accomplish their task.

3 So that direct and implied threat, that if  
4 you are not supporting -- even if you're here in Canada, in  
5 Ottawa, or you're in the -- you're in Paris, or you're in  
6 Trois-Rivières, you will be subjected, you know. The arm of  
7 the PRC can touch you directly or indirectly in a way, but  
8 people understand, you know, they have this element of  
9 coercion on top of them.

10 That coercion translates into things that,  
11 you know, may be done to you in Canada, loss of opportunity,  
12 loss of access, denial of visas for to go back to see your  
13 family members back in the PRC, threats to you here, but also  
14 threats to your families, your loved ones back in China.

15 So that ecosystem, starting from the Party,  
16 translating into the actions of the State, and now they're  
17 reaching out anywhere around the world to try to control what  
18 is happening with the Chinese population is what this  
19 specific paragraph is about.

20 There are other elements of foreign  
21 interference we can touch upon, but specifically this  
22 paragraph, I think, is the ---

23 **MS. CHERIE HENDERSON:** So if I can just add a  
24 couple of things? First of all, foreign interference is not  
25 new. It's something that we've been looking at for a long  
26 time, I would say even before the 1990s. It's been around a  
27 long time.

28 What we have seen in the last few years is a

1 real increase as the geopolitical environment has shifted and  
2 we have seen some of the nations become much more powerful in  
3 their own right and their desire to influence further beyond  
4 their borders. So we've been watching this.

5 There are many individuals who have come to  
6 Canada and are Canadian citizens that have fled those  
7 repressive regimes in order to come here, and now what we are  
8 seeing is they are being coerced, forced, repressed within  
9 our borders. And so the service is there to work with those  
10 communities as well, to collect intelligence and information,  
11 to help protect all Canadians.

12 And what we have seen over the past few  
13 years, as I said, is an increase in that effort to have that  
14 negative influence and impact and coerce those individuals  
15 who have come here to live in our -- under our values and  
16 freedoms in order to report and support their originating  
17 countries' beliefs. So it's something that we are very, very  
18 alive to.

19 **MR. GORDON CAMERON:** Thank you.

20 And I'll switch gears now and ask you just  
21 very briefly, Mr. Vigneault, because we have panels appear --  
22 SITE panels and others that deal with the intelligence that  
23 comes out of your organization, but I just want you to just  
24 get us ready for tomorrow and those panels by describing your  
25 conception of the SITE Task Force and how CSIS relates to it.

26 **MR. DAVID VIGNEAULT:** So I mentioned, Madam  
27 Commissioner, earlier that we have seen what has happened in  
28 other countries since 2016, 2018 and different jurisdictions

1 where we saw foreign interference in democratic processes  
2 essentially have impacts. And so when we were getting ready  
3 for the election in 2019, we're trying to understand what  
4 would be the right lessons to draw from from what we knew  
5 working with our intelligence partners around the world. And  
6 so my colleague, Chief of Communication Security  
7 Establishment, the National Security Intelligence Advisor at  
8 the time and myself determined that we needed to find a way  
9 to bring the information together to make sure that there was  
10 a clearinghouse of the intelligence and the information that  
11 would be able to have that in real time to make sure that we  
12 did not have silos of information while the election was  
13 under way.

14 And that was the genesis of the SITE Task  
15 Force, was this recognition that we needed to do things  
16 differently because the threat was different and the impact  
17 on our elections, you know, was so important. And so that's  
18 the genesis of the SITE Task Force.

19 And it's -- I'll let my colleagues from the  
20 Privy Council Office elaborate, but it's the same thought  
21 process that, you know, led to the creation of the panel as  
22 well, was the realization that the threat was different, the  
23 way it could have an impact on our electoral process was more  
24 direct, more imminent, and we needed to organize ourselves  
25 differently. And so that's why the SITE Task Force.

26 **MR. GORDON CAMERON:** Okay. Thank you.

27 And we'll get ---

28 **COMMISSIONER HOGUE:** I have a question ---

1           **MR. GORDON CAMERON:** Sorry. Please.

2           **COMMISSIONER HOGUE:** --- for Mr. Vigneault.

3           Vous nous avez dit, Monsieur Vigneault, je  
4           pense c'est vous ou c'est madame Henderson ou madame Tessier,  
5           mais je m'adresse à vous. Si quelqu'un d'autre par la suite  
6           peut compléter, évidemment, vous êtes bienvenues.

7           Il y a eu une expertise, dites-vous, très,  
8           très, très importante au sein du SCRS pour collecter  
9           l'information, éventuellement l'analyser, et informer le  
10          gouvernement. Puis votre tâche essentielle..

11          **M. DAVID VIGNEAULT:** Oui.

12          **COMMISSAIRE HOGUE:** ...ou la raison de votre  
13          existence, c'est essentiellement d'informer le gouvernement.

14          Que ça soit au niveau de SITE ou que ça soit  
15          au niveau des autres personnes au sein des ministères que  
16          vous informez, ils n'ont pas nécessairement la même  
17          expérience que les gens au sein de CSIS.

18          On sait aussi qu'il y a souvent des  
19          changements, particulièrement au sein du gouvernement, quant  
20          à qui occupe quel poste.

21          Est-ce que jusqu'à maintenant l'expérience  
22          que vous avez, qui est assez étendue, vous êtes sous  
23          l'impression qu'il y a un véritable dialogue ou ce qui est  
24          communiqué par CSIS est compris par les... ceux qui sont au  
25          sein du gouvernement et vice versa? Autrement dit, est-ce que  
26          les deux côtés parlent le même langage lorsque vous informez..

27          **M. DAVID VIGNEAULT:** C'est une question..

28          **COMMISSAIRE HOGUE:** ...que ça soit SITE..



1                   **M. DAVID VIGNEAULT:** Oui.

2                   **COMMISSAIRE HOGUE:** ou que ça soit les gens  
3 de la fonction publique ou le personnel politique?

4                   **M. DAVID VIGNEAULT:** C'est une question  
5 absolument fondamentale, Madame la commissaire. Quelques  
6 réflexions que je peux vous partager.

7                   Ce qu'on vit maintenant en 2024, on est, je  
8 pense, dans une meilleure position qu'on l'était en 2017,  
9 2018. On a vu une évolution de cette compréhension-là.  
10 L'évolution se fait non seulement par nous, le Service de  
11 renseignement, nos autres partenaires, d'être... de bien  
12 comprendre les besoins du gouvernement, le langage et tout ça  
13 pour être capables d'être plus pertinents dans notre  
14 information, d'être également... s'assurer que l'information  
15 arrive au bon moment, donc nous, on a fait une évolution, et  
16 je dois dire que, également, une évolution dans... avec nos  
17 partenaires dans la compréhension de ce qui est l'ingérence  
18 étrangère. Les discussions qu'on avait en 2019 ne sont plus  
19 les discussions qu'on a maintenant, donc il y a eu cette  
20 évolution-là.

21                   Et l'évolution se fait des deux côtés, je  
22 vous dirais. C'est de, nous, de mieux comprendre comment  
23 notre information est perçue, comment elle peut être  
24 utilisée, les limites de ce qu'on sait, mais également c'est  
25 de nos partenaires de mieux comprendre, de porter attention  
26 sur ce qu'on dit, de s'assurer de nous poser des questions  
27 sur le renseignement qui est partagé, et de surtout... et un  
28 des éléments importants qu'on a vus dans... liés avec les

1 leçons apprises ces derniers deux, trois ans, un changement  
2 de gouvernance également. Donc, les bonnes personnes qui  
3 occupent les bonnes fonctions de parler de la bonne  
4 information.

5           Ça peut être simple dit comme ça ici, mais  
6 dans un environnement où il y a des demandes qui excèdent la  
7 capacité des gens et des organisations de trouver le bon  
8 espace avec les bonnes personnes pour avoir... de discuter de  
9 choses très délicates, très complexes, comme l'interférence  
10 étrangère, ça a évidemment pris un changement de gouvernance.  
11 Les discussions sont serrées, on se fait poser des questions,  
12 on... c'est un environnement très dynamique, puis de plus en  
13 plus la question n'est pas nécessairement de savoir... d'avoir  
14 des différends sur est-ce que le renseignement est bon ou  
15 non, et c'est plutôt d'arriver et de dire qu'est-ce qu'on  
16 fait avec cette information-là, quelles sont les actions  
17 qu'on doit prendre.

18           Certaines actions vont être pour nous  
19 d'essayer d'aller chercher de l'informa... plus d'informations;  
20 par contre, il y a d'autres... un exemple concret que je peux  
21 vous mentionner également qui est dans la sphère  
22 d'interférence étrangère, mais également dans la sphère  
23 d'espionnage, c'est le travail qui est fait sur la *Loi de*  
24 *l'investissement du Canada*.

25           Donc, il y a... si vous voyez l'évolution de ce  
26 qui est connu publiquement, donc les décisions qui sont  
27 prises puis la façon que le travail se fait à l'interne, on  
28 voit que le renseignement a un impact beaucoup plus important

1 qu'il l'avait dans le passé parce que les gens se parlent  
2 mieux, on a les bonnes... encore une fois, la bonne  
3 gouvernance, et les façons dont les intérêts nationaux du  
4 Canada peuvent être à risque sont mieux comprises par tout le  
5 monde. Et donc, les actions qui doivent être prises sont plus  
6 concrètes.

7                   Donc, c'est une évolution, c'est... il y a  
8 beaucoup de... je vous dirais que certains d'entre nous auront  
9 plus de cheveux blancs à cause du travail qui a dû être fait  
10 dans ce contexte-là, mais l'évolution, je crois, s'en va dans  
11 la... absolument dans la bonne direction.

12                   **Mme MICHELLE TESSIER:** Si je peux ajouter,  
13 l'évolution à l'intérieur même du service avant 2019, tout ce  
14 qui était analyse n'était... ne faisait pas partie de la  
15 direction des opérations. C'était vu comme autre chose, ça se  
16 rapportait directement au directeur, puis quand je suis  
17 devenue sous-directrice des opérations, moi et le directeur  
18 avons discuté, mais il faut avoir une meilleure façon  
19 d'intégrer la connaissance d'experts, y compris au sein du  
20 Service, et des opérations.

21                   Antérieurement, on utilisait beaucoup des  
22 agents de renseignement à donner des présentations ou  
23 rencontrer d'autres départements du gouvernement, mais – j'en  
24 suis une agente de renseignement – généralement très  
25 tactiques, très opérationnels. Maintenant, on a amalgamé  
26 analyse/opérations ensemble pour mieux répondre aux exigences  
27 en matière de renseignement, mais aussi ce sont nos analystes  
28 maintenant, qui sont des experts, qui sont vraiment le visage

1 du Service parce qu'ils ont une vision stratégique, ils sont  
2 brillants. Les agents de renseignement sont également  
3 brillants, mais ils sont très « focussés » sur les  
4 opérations. Donc, c'est pour justement tenter de mieux  
5 partager leurs connaissances avec des clients, avec les gens  
6 qui utilisent nos renseignements.

7 Et quand SITE a été créé – là, je saute un  
8 peu du coq à l'âne –, mais quand SITE a été créé, c'était  
9 aussi pour regarder les mandats de toutes ces agences et de  
10 qui est mieux placé pour répondre à la menace – est-ce que  
11 c'est la GRC? est-ce que c'est Affaires mondiales? est-ce que  
12 c'est Service? – encore une fois pour tenter de mieux  
13 comprendre le rôle de chacun face à la menace d'ingérence  
14 étrangère.

15 **MR. GORDON CAMERON:** Panelists, in the  
16 interest of time, I'm going to take you to two specific  
17 topics and try to be efficient by directing you to the  
18 documents so that you can.... These are topics on which your  
19 *in-camera* evidence you've already spoken, so I'm going to  
20 take you to those sections.

21 But if we could first, Mr. Court Operator,  
22 pull up CAN 4728, just briefly.

23 Okay. Just a few questions about this. And  
24 panelists, you spoke about this document. This is a CSIS  
25 national security brief, with the heading Foreign  
26 Interference In The 2019 Federal Campaign of Dong Han.

27 And if you could now, Court Operator, pull up  
28 WIT 48, where -- and if you can go to page 5 of that

1 document, or in particular, paragraph 15.

2 This document, Madam Commissioner, is the  
3 public summary of the *in-camera* appearance of these same  
4 three witnesses.

5 And panelists, at paragraph 15, you see your  
6 discussion of this document, and particular, these  
7 circumstances in which it was recalled. And so using -- so  
8 that you don't have to repeat yourself and so that you are  
9 guided by what you have already decided can be publicly said  
10 about this in these words, can you give the Commissioner just  
11 an overview of the history of this document and why it ended  
12 up being discussed in the -- your *in-camera* evidence?

13 **MR. DAVID VIGNEAULT:** Absolutely.

14 So Madam Commissioner, as we said, you know,  
15 one of the intelligence requirements that we have was to  
16 report to government about -- on intelligence related to  
17 foreign interference, and so specifically, we have -- were  
18 running intelligence operations and we are collecting  
19 information and working with partners to have the best  
20 possible understanding.

21 This report was a classified report based on  
22 different pieces of information that the Service had  
23 collected over time, and it was meant to inform the  
24 government that we had detected a number of things happening  
25 in the riding of Don Valley North, and we wanted to inform  
26 the government of those -- of that information.

27 And so as my colleague explained earlier, so  
28 sometimes we have the intelligence reports, so raw

1 information. We take the information and piece by piece we  
2 share with partners. In this case, a national security brief  
3 is a document that is more of a compilation, an analysis of,  
4 in this case, a specific topic, interference in the specific  
5 riding, Don Valley North, and that was communicated to the  
6 government.

7 **MR. GORDON CAMERON:** Okay. And for the  
8 benefit of parties, the -- paragraphs 15, 16, 17 of this  
9 summary, public summary of the *in-camera* testimony gives the  
10 details of that incident. So let me just ask you a few  
11 overview questions about that, Mr. Vigneault.

12 Generally speaking, what is the impact or  
13 what happens when a intelligence assessment like this is  
14 recalled?

15 **MR. DAVID VIGNEAULT:** Yeah. So recall in  
16 this case is -- can be for different reasons: We have come  
17 across a mistake in the report; could be that, you know, we  
18 have provided information that was too specific that, you  
19 know, may point to identification of a source. So there are  
20 different reasons why you would recall a report, and  
21 sometimes, you know, it's -- the report is recalled and  
22 reissued with corrections, with changes made.

23 In this specific instance, when I testified  
24 *in-camera*, as was mentioned in this summary, I could not  
25 recall the reason why this report was recalled. I again  
26 yesterday conferred with my former chief of staff, who is the  
27 individual who had asked, you know, when I came back from  
28 discussing, had asked to have the document recalled, he,

1 himself did not remember the reasons why.

2           What I am very comfortable to say, though, is  
3 that in my career I have never been asked to censor  
4 intelligence, to change intelligence for reasons that would  
5 be exterior to CSIS operations. And so I am very  
6 comfortable, as I have said in my *in-camera* testimony, and  
7 reported here in the unclassified document, that there was no  
8 nefarious, or it was not because it was a sensitive issue at  
9 play. It was -- because if it would have been something like  
10 that I would have clearly remembered because it had never  
11 happened in my career, and...

12           Veux-tu parler aussi...

13           **MS. MICHELLE TESSIER:** Yeah. And obviously  
14 had it been something particularly controversial, the  
15 Director would have shared that with me so that I instruct  
16 our employees and explain what the concerns were. And I have  
17 no memory of that incident whatsoever.

18           **MR. GORDON CAMERON:** Thank you. Then just  
19 two quick mechanical questions. What actually happens when  
20 you recall a report? What is the effect of that on the  
21 people who got it in the first place?

22           **MS. CHERIE HENDERSON:** So when they recall a  
23 report, we will send an email out to the individuals that  
24 receive the report and ask them to delete and destroy any  
25 copies that they have of that document, that that is no  
26 longer a document. Within the Service, often the analysts  
27 that wrote the report may still retain a copy within their  
28 database, but nobody has access to that report.

1           That said, all the underlying information  
2 that was used to draft the report remains in the Service's  
3 databases.

4           **MR. GORDON CAMERON:** Thank you. That's --  
5 that was the second question, and that -- that's helpful  
6 there.

7           **COMMISSIONER HOGUE:** I have one question.

8           **MR. GORDON CAMERON:** Please.

9           **COMMISSIONER HOGUE:** Is it something that  
10 happens regularly, recalling a report, or it's unusual?

11           **MS. CHERIE HENDERSON:** It's not unusual, but  
12 it's not regular, sort of in between. It's -- you will  
13 recall a report, for example, because it was disseminated  
14 maybe too broadly and we want to reduce the dissemination, or  
15 we'll recall a report, as the Director said, because we may  
16 have misclassified a piece of information in the report, so  
17 we'll recall it too. Or we'll recall it because we received  
18 a new piece of information that completely changes it.

19           So reports can be recalled for various  
20 reasons, but it's not regular, but it's also not unheard of.

21           **MR. GORDON CAMERON:** Thank you. And then one  
22 last topic.

23           If the court officer could call up CAN 3128,  
24 3-1-2-8. And if you could just scroll down a little bit.

25           **--- EXHIBIT No./PIÈCE No. CAN 3128:**

26           Email: RE: CNSB RSESN 22/19 - 2019 10  
27           29 - CSIS National Security Brief  
28           (CNSB) / Rapport du SCRS sur les



1 enjeux de sécurité nationale (RSESN)

2 **MR. GORDON CAMERON:** Panelists, you're  
3 familiar, I think, with this document.

4 Scroll down a little bit further, please.  
5 Thank you.

6 First of all, if -- I think I'll direct these  
7 questions to you, Ms. Henderson, but whoever has the right  
8 information should answer. Can you tell us, or perhaps  
9 remind us, who Mr. King -- well, what position he occupied at  
10 CSE and what role he was in when he sent this email?

11 **MS. CHERIE HENDERSON:** So Mr. King was the  
12 Chair of the SITE Task Force at this time in the 2019  
13 election.

14 **MR. GORDON CAMERON:** Right. And he makes  
15 several points in this email considering what he considers to  
16 have been delayed delivery of intelligence, given what he, in  
17 his email, describes as the severity of the alleged activity.  
18 And he later refers to a massively problematic statement in  
19 the intelligence.

20 And perhaps you can have reference, if it  
21 assists you, to paragraphs 19 and following of your *in-camera*  
22 evidence so that you can be guided by exactly what you've  
23 decided you can say publicly about this. But the question is  
24 can you help us understand what Mr. King is talking about  
25 here and the Service's perspective on it?

26 **MS. CHERIE HENDERSON:** So my first point that  
27 I am going to make is I had spoken earlier about foreign  
28 interference being the long-term investigations that we have

1 engaged on in the Service. So when we're talking about SITE  
2 and SITE being set up, SITE was managing issues that happened  
3 during the writ period, but our investigations have begun  
4 long before the writ period, and so any information that we  
5 would have collected on certain foreign interference  
6 activities prior to that point would have been shared with  
7 our regular stakeholders. And I spoke about the S&I  
8 community members.

9 So we would have shared any information that  
10 we collected in an investigation that spoke of foreign  
11 interference with our regular partners. That would include  
12 CSE, Foreign Affairs, Public Safety, RCMP, et cetera.

13 So what happened in this particular instance  
14 is that, based on a previous investigation, our analysts in  
15 the service had begun drafting a report. I think we're  
16 looking at an issue of timing here.

17 So when that report was then finalized and  
18 drafted and came out right after the 2019 election, there was  
19 a line in that report that talked about -- and I'm just going  
20 to find it here.

21 **MR. GORDON CAMERON:** Find your discussion of  
22 it in the ---

23 **MS. CHERIE HENDERSON:** Yes.

24 **MR. GORDON CAMERON:** --- transcript.

25 **MS. CHERIE HENDERSON:** So there was the line  
26 in the report that said that the actor has already had an  
27 impact on the 2019 federal election and will remain a foreign  
28 interference threat after the election.

1           So that is the report that was brought to the  
2 attention of the SITE Task Force after the 2019 election.  
3 And so when Mr. King read that report, he was very concerned  
4 that there was not enough information shared during SITE on  
5 that issue.

6           When we took a look back at the report and  
7 the assessment, we felt internally that that was a bit of a  
8 leap too far. The threat actor would have had an impact on  
9 that particular timeframe and that particular issue, but that  
10 would not have impacted the integrity of the 2019 election.  
11 It was just a little bit of a too strong of an assessment.

12           So the information in the report still stood.  
13 It was the analytical assessment at the end that we had an  
14 internal discussion and determined that no, the language is a  
15 bit strong and so we rewrote that particular piece and  
16 resubmitted the report.

17           **MR. GORDON CAMERON:** Thank you, Madam Chair.  
18 Those are my questions for this panel.

19           **COMMISSIONER HOGUE:** Thank you.

20           Cross-examination. I think the first one is  
21 -- just let me look at my chart. It is counsel for Michael  
22 Chong.

23           **MR. GORDON CAMERON:** I believe we were  
24 scheduled for a break at 20 to 4:00. I wonder if we could  
25 break now and cross afterwards.

26           **COMMISSIONER HOGUE:** Yes, because it was  
27 supposed to -- the break was supposed to be at 3:40.

28           **MR. GORDON CAMERON:** I believe so.

1                   **COMMISSIONER HOGUE:** Yes, we can break and  
2 we'll come back at -- can we say we'll come back at 4:15?

3                   Thank you.

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

6                   This hearing is in recess until 4:15. Cette  
7 séance va reprendre à 4 h 15.

8 --- Upon recessing at 4:00 p.m./

9 --- La séance est suspendue à 16 h 00

10 --- Upon resuming at 4:16 p.m./

11 --- La séance est reprise à 16 h 16

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

14                   This sitting of the Foreign Interference  
15 Commission is back in session. Cette séance de la Commission  
16 sur l'ingérence étrangère à repris.

17 --- MS. MICHELLE TESSIER, Resumed/Sous la même affirmation:

18 --- MR. DAVID VIGNEAULT, Resumed/Sous la même affirmation:

19 --- MS. CHERIE HENDERSON, Resumed/Sous la même affirmation:

20                   **COMMISSIONER HOGUE:** So the first one is  
21 counsel for Michael Chong.

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

23 MR. GIB van ERT:

24                   **MR. GIB van ERT:** Good afternoon, panel.  
25 I'll start by picking up where Mr. Cameron left off. He took  
26 you through the efforts that the service has made in recent  
27 years to call the public's attention generally to the risk of  
28 foreign interference, particularly around elections and

1 democratic processes.

2 The impression that I had even before hearing  
3 Mr. Cameron, but especially after hearing him, is that this  
4 has been a preoccupation of the service's for some time now,  
5 several years. Is that fair?

6 **MR. DAVID VIGNEAULT:** I think as we have  
7 commented, Madam Commissioner, since 1984, even before 1984,  
8 foreign interference has been an issue of importance for CSIS  
9 and we have been working on this issue. My predecessors --  
10 our predecessors have been working on this issue.

11 One thing that is important, I think, to  
12 mention is with globalization, with technology, with great  
13 power politics, with new -- as my colleague said, with more  
14 countries wanting to assert their interests, including to the  
15 use of foreign interference, we have seen the intensity and  
16 the impact of foreign interference in the last years to  
17 increase and that's why ---

18 **MR. GIB van ERT:** I'm speaking specifically  
19 about ---

20 **MR. DAVID VIGNEAULT:** --- there have been --  
21 what has led to our ongoing efforts.

22 **MR. GIB van ERT:** Yes. Well, I think maybe I  
23 didn't ask the question well or maybe you've missed the  
24 point.

25 But what you I thought had agreed to Mr.  
26 Cameron already is that the service's particular interest in  
27 dealing with foreign interference as it relates to electoral  
28 processes has increased in recent years. You mentioned 2016

1 in the U.S., 2018 in the United Kingdom.

2 So I had took that to mean that this has  
3 become a major preoccupation of the service in recent years,  
4 not '84. Recently. Am I wrong?

5 **MR. DAVID VIGNEAULT:** I would just say, Madam  
6 Commissioner, that, you know, the focus of the -- has  
7 increased in CSIS and the specificity around the democratic  
8 processes, including elections, since 2016.

9 **MR. GIB van ERT:** Yes. All right. I think  
10 we're on the same page there.

11 What the public has been able to see so far  
12 through this process, and it's necessarily very limited,  
13 paints a picture, I'm going to suggest to you, Director --  
14 and I'm looking at you in particular as the face of the  
15 service -- of you and no doubt your agency generally trying  
16 in recent years to sound the alarm about this risk to our  
17 elections and to our democratic institutions. You personally  
18 meeting with senior politicians, with senior public servants,  
19 with relevant agencies in advance of the 2019 election, in  
20 the course of the election, and then again in 2021.

21 I'll just ask the Court Operator to put up  
22 MMC20, please.

23 **--- EXHIBIT No./PIÈCE No. MMC 20:**

24 117-2023-231 (CSIS) - release - C  
25 (CSIS briefings on PRC elxn inter)

26 **MR. GIB van ERT:** This is a document that I  
27 think will illustrate the point I'm trying to make, Director.  
28 So I'll give you a moment to look at that document, but what

1 I understand it to be is a list that was prepared of CSIS  
2 briefings and intelligence around elections in recent years.  
3 Are you with me?

4 **MR. DAVID VIGNEAULT:** Yes, I am.

5 **MR. GIB van ERT:** Thank you. And what I see  
6 in this document is, just focusing on 2019 for the moment --  
7 and if you scroll up a bit, please? Or scroll down, rather.  
8 Thank you. We'll stop there.

9 Twenty-nineteen (2019) goes over the page,  
10 but I'm just going to summarize for you what I'm seeing here,  
11 and you tell me if it accords with your recollection.

12 You briefed Director -- Minister Gould seven  
13 times ahead of the 2019 General Election. You briefed the  
14 NSIA on the 1<sup>st</sup> of August 2018 on that same topic. You  
15 briefed the full Cabinet on the 30<sup>th</sup> of October. You briefed  
16 a DM meeting on election readiness on the 7<sup>th</sup> of November.  
17 You briefed the NSIA, the Public Safety Deputy Minister, and  
18 the CSE Chief on the 8<sup>th</sup> of January. And you've directed --  
19 sorry, you briefed the Panel of Five five times in advance of  
20 2019.

21 I know that's a lot on the screen there, but  
22 this is why I'm saying that I get the picture that you are  
23 raising these issues with the decision makers all around  
24 town. Is that fair?

25 **MR. DAVID VIGNEAULT:** I think, Madam  
26 Commissioner, that list of topics speaks to two issues. Yes,  
27 that CSIS was increasing its engagement and working with the  
28 partners about understanding foreign interference and the

1 impact it was having, but it's also a reflection of the  
2 number of other partners who are interested in these issues  
3 and were asking us for our advice, and our intelligence, and  
4 our assessments.

5 So I think it's both CSIS increasing, but  
6 also the number of other partners who were increasing in  
7 their demands and their engagement on this topic. So I think  
8 both are important to point out.

9 **MR. GIB van ERT:** We heard evidence from the  
10 Office of the Commissioner of Canada Elections that the  
11 Saturday before polling day in 2019, you had an emergency  
12 briefing with that body. Do you recall that?

13 **MR. DAVID VIGNEAULT:** I do not recall that  
14 specific meeting, Madam Commissioner.

15 **MR. GIB van ERT:** All right. And then in  
16 2021, this same document.

17 If you go over the page, please? Thank you.

18 We start getting into briefings in 2021. I  
19 won't go through them all, but again, you briefed the Panel  
20 of Five four times, you briefed Minister Blair, the Deputy  
21 Prime Minister, and the Prime Minister, all ahead of the 2021  
22 Election.

23 My point is this. It seems to me that you  
24 were trying, on behalf of the agency, to ensure that decision  
25 makers, senior politicians, senior public servants,  
26 understood that there was a risk and a need to counter it,  
27 particularly in the run up and during those two elections.  
28 Do you agree with that?



1                   **MR. DAVID VIGNEAULT:** Madam Commissioner,  
2 I'll go back to the answer I gave previously. I think it's  
3 fair to say that absolutely CSIS was increasing the sharing  
4 of information and engagement on foreign interference, and in  
5 parallel, our partners were also increasing their demands on  
6 us, and those two dynamics I think have to be understood  
7 together.

8                   **MR. GIB van ERT:** Let's go to the witness  
9 statement, WIT 41, please.

10 **--- EXHIBIT No./PIÈCE No. WIT 41:**

11                   D. Vigneault, M. Tessier and C.  
12                   Henderson Public Summary of  
13                   Classified Interview

14                   **MR. GIB van ERT:** And if you'll start at  
15 paragraph -- page 12, rather, of that document? Down the  
16 page, please. Yes. Yes. The paragraph that begins -- I  
17 think we need to go up a little bit further. Sorry. There  
18 we are. No, a little further still. There we are.

19                   The paragraph that begins Ms. Tessier, I'll  
20 just read it:

21                   "Ms. Tessier noted that CSIS had  
22                   wanted to conduct such briefings..."

23                   We're talking about defensive briefings of  
24 MPs. Do you recall this, Madam Tessier?

25                   **MS. MICHELLE TESSIER:** I do.

26                   **MR. GIB van ERT:** Thank you. So you:

27                   "...noted that CSIS had wanted to  
28                   conduct such briefings even before

1 the 43<sup>rd</sup> elections..."

2 You wanted to do that, but you didn't do so?

3 **MS. MICHELLE TESSIER:** We began our  
4 briefings. And what I want to highlight is that the Service  
5 has always recognized the importance, the integrity of the  
6 democratic institutions. And it's the importance of allowing  
7 for free and fair elections. So anything to do with  
8 interviewing, meeting elected officials, CSIS employees know  
9 that that is a sensitive issue, that the Service doesn't want  
10 to be seen as somehow, itself, interfering in any election.

11 So there's always been a lot of discussion in  
12 terms of the Service's approach, and it's evolved over the  
13 years. Certainly interest in foreign interference,  
14 communicating on foreign interference, but frankly increasing  
15 our methodologies regarding the investigation, particularly  
16 as it affects elections.

17 And so there was a lot of discussion, but I  
18 can say that the intent was always to reach out to as many  
19 elected officials at all levels as we could.

20 **MR. GIB van ERT:** Ms. Tessier, you have given  
21 evidence that you wanted to conduct such briefings before the  
22 43<sup>rd</sup> Election. The question I asked you was very straight  
23 forward. You wanted to, but you didn't; right?

24 **MS. MICHELLE TESSIER:** We did conduct some.  
25 We didn't conduct as many as we would have liked, but we did  
26 conduct some.

27 **MR. GIB van ERT:** All right. Why didn't you  
28 conduct as many as you would have liked?

1                   **MS. MICHELLE TESSIER:** Well there were  
2 discussions. Some of it is timing. Some of it is with the  
3 writ dropping, some of it is timing, some of it is  
4 availabilities. But also there were discussions. I was not  
5 involved in those discussions, in terms of what -- who should  
6 be met, what is the appropriate methodology of meeting with  
7 the purpose ---

8                   **MR. GIB van ERT:** Did you ask the Government  
9 -- did the Service ask the Government whether it could  
10 conduct such briefings? Did you ask permission and were you  
11 told no?

12                   **MR. DAVID VIGNEAULT:** So, Madam Commissioner,  
13 I think -- I'm trying to remember if it's -- whether it is in  
14 the public domain, but there was the National Security  
15 Committee Intelligence -- NSICOP Committee of  
16 Parliamentarians had been reflecting on the need to produce -  
17 - to do so briefings to the -- all elected officials. And so  
18 there's been discussions at play. We prepared briefings, and  
19 those discussions are ongoing, and we'll see if such  
20 briefings are taking place soon.

21                   **MR. GIB van ERT:** I'm going to try again.  
22 Would you have needed the Government's permission to conduct  
23 defensive briefings of MPs?

24                   **MR. DAVID VIGNEAULT:** Madam Commissioner,  
25 there's -- as my colleague, Ms. Tessier, mentioned, what we  
26 did is we used our authorities to do, you know, those  
27 briefings to a number of elected officials.

28                   What was also being discussed was to have,

1 you know, an organized approach to the House of Commons, you  
2 know, where we would have all Members of Parliament briefed,  
3 yes by CSIS, but also by other parties, like the  
4 Communications Security Establishment, the Royal Canadian  
5 Mounted Police Sergeant-at-Arms to talk about issues related  
6 to foreign interference.

7 And so this is what I refer to when those  
8 plans are being discussed as we speak still.

9 **MR. GIB van ERT:** Madam Commissioner, I'm  
10 going to ask the question again, and this time I'm hoping the  
11 Director will answer it.

12 Would you have required permission from the  
13 Government to conduct these defensive briefings?

14 **MR. BARNEY BRUCKER:** Excuse me. I hate to  
15 interrupt my friend. Before we go on and on with this cross-  
16 examination on a statement, I think there are some parameters  
17 around this on -- under Rule 59. And certainly it's  
18 appropriate to ask some questions about this, but we're going  
19 over and over the same question. I think the witness has  
20 answered the question. If there's any force in this rule,  
21 then we ought to move on to something else.

22 **MR. GIB van ERT:** Commissioner, ---

23 **COMMISSIONER HOGUE:** My understanding is  
24 you're not trying to contradict the witness with ---

25 **MR. GIB van ERT:** Not at all.

26 **COMMISSIONER HOGUE:** --- his previous  
27 summary.

28 **MR. GIB van ERT:** Thank you. That's quite

1 right. He's adopted this evidence as his own today and I  
2 just -- I don't believe the question has been answered. I'm  
3 not trying to be repetitive; I'm just trying to get the  
4 answer.

5 **COMMISSIONER HOGUE:** Repeat the ---

6 **MR. GIB van ERT:** Yes, thank you.

7 The question is, would you have needed ---

8 **COMMISSIONER HOGUE:** As short as possible.

9 **MR. GIB van ERT:** Would you have needed the  
10 Government's permission to conduct defensive briefings of  
11 MPs?

12 **MR. DAVID VIGNEAULT:** So we do not need the  
13 Government's permission, Madam Commissioner, for CSIS to  
14 conduct these briefings, you know, on our own, but of course  
15 we -- in order to convene the House of Commons and to  
16 organize briefings of all Parliamentarians in an organized  
17 way with our partners, we could not do that on our own. It  
18 requires coordination and it requires authority. I'm not  
19 sure if it's, you know, just the government, if it's the  
20 House of Commons, you know, the House is sovereign in its own  
21 right, so those plans to be briefing the entire House of  
22 Commons, and potentially, eventually also, the Senate are  
23 still being discussed.

24 But we -- what was in our authority or our  
25 mandate, we did on our own, but the organised approach  
26 requires more players, including potentially, yeah, the  
27 government, but also, the House of Commons, and this has not  
28 yet happened. So it's probably the best answer I could

1 provide to the question.

2 **MR. GORDON CAMERON:** All right. You've now  
3 said that you don't need permission, thank you, but you did  
4 need to coordinate ---

5 **MR. DAVID VIGNEAULT:** But I'm....

6 Commissioner, for the record, this is not, I  
7 think, what the record identifies.

8 **MR. GIB van ERT:** I'll go on.

9 **COMMISSIONER HOGUE:** I think he answered this  
10 time.

11 **MR. GIB van ERT:** Yes, he did answer and I  
12 have a follow up.

13 Which is you didn't need permission, thank  
14 you for that, but you did indicate you would need help  
15 coordinating it. Did you ask for that help, and were you  
16 told no?

17 **MR. DAVID VIGNEAULT:** Madam Commissioner,  
18 this -- I -- I said that, you know, CSIS could not on its own  
19 brief the entire House of Commons. That is what I have just  
20 mentioned. I have said that we have been part of discussions  
21 with other parties of the government, the government, the  
22 Privy Council Office, other partners. That's what my  
23 testimony and my answer to previous question.

24 **MR. GIB van ERT:** I'll try one last time.  
25 Did you ask the government for help coordinating those  
26 meetings, and were you told no?

27 **MR. DAVID VIGNEAULT:** Madam Commissioner, I  
28 have said ---

1                   **COMMISSIONER HOGUE:** I think you've got the  
2 answer.

3                   **MR. GIB van ERT:** All right. Let's go to  
4 page 13, please. Yes. One moment. So scroll down a little  
5 further, please. I'm sorry, go back up, please. There we  
6 are.

7                   Mr. Vigneault, the paragraph that reads:

8                                 "Mr. Vigneault indicated that the P5  
9                                 had been created to address these  
10                                challenges during the writ period,  
11                                [and] also noted that it could not  
12                                intervene on [foreign interference]  
13                                incidents that did not meet its  
14                                threshold for action..."

15                   I want to ask you about the P5's threshold  
16 for action. Can you tell the Commissioner, please, what the  
17 P5's threshold for action was?

18                   **MR. DAVID VIGNEAULT:** Just give me one  
19 second.

20                   **MR. GIB van ERT:** Of course.

21                   **MR. DAVID VIGNEAULT:** So Madam Commissioner,  
22 I think you're going to have witnesses who are coming from  
23 the Panel who will speak specifically about the Panel, but --  
24 so I'll defer to them on the -- on more specific.

25                                 But the -- my understanding of the threshold  
26 is that this is something that would have an impact on the  
27 integrity of the election. And so what I have testified to  
28 and what we have said is that you could have at the same time

1 foreign interference activities during election, and at the  
2 same time you can say that -- conclude that the interference  
3 did not interfere with the integrity of the election.

4 And I think this is what this notion of it --  
5 of this is here, is that we, CSIS, and other partners of the  
6 security intelligence community, would, including during the  
7 writ period, bring forward information that would be related  
8 to foreign interference. Some of it, you know, will be  
9 absolutely of concern to the Panel because, you know, they  
10 have to assess, you know, how that it will impact or not the  
11 integrity of the election, but other pieces of this would not  
12 be elements that, you know, would meet that threshold that --  
13 the integrity of the election.

14 And so that's why I think it's important, and  
15 again I'm speaking to the perspective of CSIS of what we're  
16 bringing forward, I think the Panel members will be able to  
17 explain how they interpreted their own threshold with that  
18 information. But that is the spirit in which I have  
19 testified to *in-camera*.

20 **MR. GIB van ERT:** Thank you.

21 If we go to Witness Statement Number 48,  
22 please. And if you'll go to paragraph 19, please. Thank  
23 you.

24 Mr. Cameron was showing you this earlier.  
25 Go, in particular, to -- so the middle of  
26 this paragraph 19. It says:

27 "The report initially assessed it  
28 likely that the actor 'has already



1 had an impact on the 2019 federal  
2 election...'"

3 So it's that phrase, "impact on the  
4 election".

5 And then if you look at paragraph 20 here,  
6 Ms. Henderson speaks, and she indicates that:

7 "...while the actor could potentially  
8 have had an impact on democratic  
9 processes, their actions had not  
10 compromised the integrity of the 2019  
11 election."

12 Right? And my question for you is this:  
13 Ms. Henderson, are you referring to the integrity of the  
14 election as a whole, or the integrity of any particular  
15 riding -- election in one of the 338 ridings that make up the  
16 general election?

17 **MS. CHERIE HENDERSON:** The integrity of the  
18 election as a whole.

19 **MR. GIB van ERT:** As a whole. Thank you.

20 And similarly, if you go to paragraph 29,  
21 please, of this same statement. Mr. Vigneault, this is  
22 attributed to you. It indicates that you:

23 "...assessed that, while there were  
24 FI activities during the [two]  
25 elections, [these]...incidents did  
26 not impact the integrity of either  
27 election."

28 And again, I take that to mean, but please

1 tell me, the election as a whole. Are you referring to the  
2 election as a whole having integrity here, or are you  
3 referring to the 338 individual elections that make it up?

4 **MR. DAVID VIGNEAULT:** So Madame Commissioner,  
5 this statement of course is a -- is the unclassified version  
6 of my full statement *in-camera* where we provided the details.  
7 It is the integrity of the election as a whole, but I think  
8 it's also important to say that, it goes back to my statement  
9 I just made a minute ago, that, you know, we have detected  
10 and reported on some foreign interference activities during  
11 those elections. However, the -- I am very comfortable with  
12 the decision the Panel reached that they did not impact the  
13 integrity. And I say that, you know, having been privy to a  
14 lot of the information, maybe not all of the information from  
15 the Panel, but I think these two statements are really  
16 important to understand in the context of the Commission of  
17 Inquiry, that yes, foreign interference takes -- is taking  
18 place, has taken place during these elections; however, based  
19 on at least what I know, and I concur with the Panel  
20 conclusion, this did not amount to impact the integrity of  
21 the election.

22 **MR. GIB van ERT:** As a whole.

23 **MR. DAVID VIGNEAULT:** As a whole, and I  
24 understand the nuances that counsel is bringing forward here,  
25 Commissioner, and I think some of the classified evidence you  
26 received, you and Commission Counsel before, speaks to the  
27 nuances of this and I think, you know, the classified record  
28 will provide a full picture of the -- of what we knew then.

1           **MR. GIB van ERT:** Yes, so the classified  
2 record may tell us things about the integrity of the Don  
3 Valley North proceedings in 2019 or the Richmond --  
4 Steveston-Richmond East proceedings in 2021. The integrity  
5 of those matters is not necessarily what you're speaking to.  
6 You're talking about the integrity of these two elections as  
7 a whole. Have I got that right?

8           **MR. BARNEY BRUCKER:** The witnesses can't  
9 speak to the classified record.

10          **MR. GIB van ERT:** All right. I'll accept  
11 that. Thank you.

12          **COMMISSIONER HOGUE:** And your time is  
13 expired.

14          **MR. GIB van ERT:** Well, I wonder if I might  
15 have another five minutes?

16          **COMMISSIONER HOGUE:** Because you already -- I  
17 gave you already two more minutes. So I permit you to ask a  
18 last question. We are very tight today in terms of the  
19 schedule.

20          **MR. GIB van ERT:** All right.  
21 If you'll turn, in that case, to Canada  
22 Document 2359.

23          --- EXHIBIT No./PIÈCE No. CAN 2359:

24                                 SITE TF - After Action Report (2021  
25                                 Federal Election)

26          **MR. GIB van ERT:** If you go to the next page,  
27 please.

28                                 This is, as you can see, panelists, the 2021

1 after action report of the SITE.

2 And if you go to the middle of the page,  
3 please, right about there.

4 Summary of Key Observations. So this is the  
5 SITE's observations, not yours, I appreciate that. They read  
6 as follows:

7 "The People's Republic of  
8 China...sought to clandestinely and  
9 deceptively influence Canada's 2021  
10 federal election. This Fl was  
11 pragmatic in nature...focused  
12 primarily on supporting individuals  
13 viewed to be either 'pro-PRC' or  
14 'neutral' on issues of interest to  
15 the PRC government and  
16 [the]...(CCP)."

17 And going on:

18 "...SITE TF also observed  
19 online/media activities aimed at  
20 discouraging Canadians, particularly  
21 of Chinese heritage, from supporting  
22 the Conservative Party of  
23 Canada...party leader Erin O'Toole,  
24 and particularly former Steveston-  
25 Richmond East candidate Kenny Chiu  
26 [in the 44th election]. While we do  
27 not have clear evidence that this  
28 online activity was a PRC-directed Fl

1 campaign, we have observed indicators  
2 of potential coordination between  
3 various Canada-based [China] language  
4 news outlets between various Canada-  
5 based China language news outlets as  
6 well as PRC and CCP news outlets."

7 My question for you is this. In response to  
8 the testimony that Mr. O'Toole gave yesterday, there has been  
9 some adverse commentary to the effect that -- and I'm  
10 paraphrasing -- that maybe he's just a sore loser and he  
11 should look in the mirror to see why he lost rather than  
12 looking to the Commissioner and this Inquiry to understand  
13 what happened.

14 And what I want to ask you, panelists, is do  
15 you accept these conclusions of the SITE that there was a  
16 little more going on than just a failure of Mr. O'Toole's  
17 politics, there was some foreign interference in these  
18 proceedings that affected in some way or another our  
19 proceedings in those elections?

20 Do you agree with me on that.

21 **MR. DAVID VIGNEAULT:** Madam Commissioner, I  
22 think it's very important -- as you can imagine, a summary of  
23 these key observations would have been crafted extremely  
24 precisely with all the nuances, so I am -- I recognize this  
25 information and I am comfortable with the conclusions that  
26 this document speaks to.

27 I think I would not have any specific comment  
28 about political matters, as you can imagine, but I think it's

1 important to see -- to read this very precisely and see what  
2 it says and what it doesn't say.

3 The last thing I would comment on is the  
4 online media activities. One of the most significant  
5 evolutions I have mentioned when I said technology has  
6 evolved and has created new dynamic for foreign interference,  
7 I think this is one of the areas that, you know, Canada, CSIS  
8 for sure, but also all of our other partners around the  
9 world, are struggling with to make sure we understand and  
10 we're able to detect but also to attribute these activities.

11 And I think this is an area that will  
12 continue to be of high interest, but I think these words have  
13 been crafted very carefully and for the Commission record,  
14 you know, I support those conclusions. But I would not want  
15 to go further than those specific words.

16 **MR. GIB van ERT:** You support those  
17 conclusions.

18 Thank you, panelists. Thank you very much.

19 **COMMISSIONER HOGUE:** Thank you.

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

21 **COMMISSIONER HOGUE:** Conservative Party, I  
22 think it's on Zoom.

23 **MR. NANDO de LUCA:** Madam Commissioner, can  
24 everybody hear me and see me?

25 **COMMISSIONER HOGUE:** Can you speak louder or  
26 maybe raise the volume?

27 **MR. NANDO de LUCA:** I don't know how to do  
28 that.

1 Can you hear me now? I'll speak up.

2 **COMMISSIONER HOGUE:** Yes, okay. But speak  
3 louder, please.

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

5 **MR. NANDO de LUCA:**

6 **MR. NANDO de LUCA:** I will. Thank you.

7 Mr. Vigneault, as set out in your  
8 institutional report, pursuant to section 12 of the *CSIS Act*  
9 CSIS is statutorily mandated or bound to collect,  
10 investigate, analyze and retain information and intelligence  
11 that may constitute a threat to the security of Canada. Is  
12 that correct?

13 **MS. MICHELLE TESSIER:** It's Michelle Tessier  
14 responding.

15 Yes, that's correct.

16 **MR. NANDO de LUCA:** And information and  
17 intelligence about foreign interference in Canadian elections  
18 qualifies as being a threat to Canada's security; correct?

19 **MS. MICHELLE TESSIER:** That's correct.

20 **MR. NANDO de LUCA:** And CSIS takes this  
21 threat of foreign interference very seriously; correct?

22 **MS. MICHELLE TESSIER:** Absolutely, yes.  
23 That's correct.

24 **MR. NANDO de LUCA:** And am I also correct  
25 that under section 12 of the *CSIS Act* not only is CSIS  
26 statutorily mandated to collect and gather information and  
27 intelligence constituting a potential security threat, but it  
28 is also duty bound to report and to advise the Government of

1 Canada in relation to all such collected intelligence?

2 **MS. MICHELLE TESSIER:** We don't necessarily  
3 have to report all collected intelligence, but yes, our  
4 mandate is to report and advise government.

5 **MR. NANDO de LUCA:** Okay. And the  
6 Government of Canada as used in section 12, to your  
7 understanding, includes the Prime Minister and the PMO?

8 **MS. MICHELLE TESSIER:** It could, yes,  
9 absolutely, as the government recipients of our intelligence.

10 **MR. NANDO de LUCA:** And the Government of  
11 Canada also includes all the Ministers of Cabinet and the  
12 Privy Council Office?

13 **MS. MICHELLE TESSIER:** It may or may not.  
14 They may be recipients of some briefing, but not necessarily  
15 of all intelligence of CSIS.

16 **MR. DAVID VIGNEAULT:** Madam Commissioner, if  
17 I could add to this point, our colleague misunderstood and  
18 talked about the dissemination of the product based on  
19 intelligence requirements. So the notion of what product  
20 goes to whom, when, the volume of information and so on is a  
21 fairly complicated -- or not necessarily complicated, but you  
22 know, requires, you know, some explanation.

23 So I just want to make sure that we are not  
24 providing answers to these questions that, you know, are  
25 providing a perspective that may not be as nuanced as it  
26 requires to be.

27 **MR. NANDO de LUCA:** Okay. For the purposes  
28 of these questions, I'm just trying to get an understanding



1 as -- generally speaking, at least, as to who CSIS in  
2 particular understands comes within the ambit of Government  
3 of Canada as used in section 12 with respect to their  
4 mandate. And I think the answers that have been provided are  
5 helpful and there's nothing inaccurate in that respect.

6 **MR. DAVID VIGNEAULT:** Yes. The people with  
7 clearances, with the need to know who have part of the  
8 federal government, including Ministers, including political  
9 staff, you know, again with clearance and need to know, that  
10 is the ecosystem of people who may receive information,  
11 intelligence from CSIS and others. And again, the nuance of  
12 who gets what on what topic requires some -- so if it's  
13 relevant for the Commission, we can speak to that, but again,  
14 I just don't want a blanket explanation to cover everything.

15 **MR. NANDO de LUCA:** I'm going to try to get  
16 to that, if you'll just be patient.

17 So am I correct in my understanding or would  
18 you agree that the Government of Canada since 2019 has been  
19 headed by Prime Minister Trudeau, who is the leader of the  
20 Liberal Party?

21 **MR. DAVID VIGNEAULT:** Yes, I would agree.

22 **MR. NANDO de LUCA:** And the Liberal Party  
23 and the Prime Minister Trudeau have been in power since 2015?

24 **MR. DAVID VIGNEAULT:** That's an accurate  
25 statement, yes.

26 **MR. NANDO de LUCA:** And all of the  
27 Ministers appointed since 2015 have been drawn from the  
28 Liberal Party caucus. Is that correct, to your

1 understanding?

2 **MR. DAVID VIGNEAULT:** Yes, that's my  
3 understanding.

4 **MR. NANDO de LUCA:** And in compliance with  
5 your duty to report and advise the Government of Canada, is  
6 it the case that different offices and members of the  
7 Government of Canada have different security clearances in  
8 terms of the types of details of information that they are  
9 entitled or permitted to receive?

10 **MR. DAVID VIGNEAULT:** As I mentioned, Madam  
11 Commissioner, we have, depending on position, you know, at  
12 the political level, you know, if you're heading a  
13 department, if you're on specific Cabinet committees, if  
14 there is a specific reason why you would need to have, there  
15 is a variation of the clearances or the access that people  
16 will have.

17 Ministers are not requiring security  
18 clearances. Political staff and all officials require  
19 security clearances.

20 So again, there is an explanation that is --  
21 it's not everybody who has access to the same information.  
22 It's not everybody who should be receiving the same  
23 information. And this is not just governed by CSIS, but it's  
24 also governed by other agencies producing intelligence and by  
25 a Privy Council office who works to manage Cabinet affairs.

26 **MR. NANDO de LUCA:** Can I ask, would I be  
27 correct in assuming that in terms of information and  
28 intelligence relating to foreign interference in elections,

1 the Prime Minister and the Minister of Public Safety have the  
2 highest security and intelligence clearances?

3 **MR. DAVID VIGNEAULT:** I would say on that  
4 notion, Madam, I'm not at liberty to discuss, you know, who  
5 gets access to what, but you know, it is fair to say that the  
6 Minister of Public Safety and the Prime Minister have access  
7 to all relevant information from CSIS and, to my  
8 understanding, other agencies.

9 **MR. NANDO de LUCA:** Is there any security  
10 level of information or intelligence that the Prime Minister  
11 or the Minister of Public Safety is not entitled or permitted  
12 to receive?

13 **MR. DAVID VIGNEAULT:** Not to my knowledge,  
14 Madam Commissioner.

15 **MR. NANDO de LUCA:** Do you consider that  
16 the leaders or members of the opposition parties in the House  
17 of Commons come within the definition of Government of Canada  
18 as used in section 12 to which CSIS is bound to report  
19 intelligence?

20 **MR. BARNEY BRUCKER:** I'm not sure where this  
21 gets us. Are we not getting into legal considerations about  
22 who has what authorities that go beyond the remit of this  
23 Commission?

24 **MR. NANDO de LUCA:** Well, not at all  
25 because -- Madam Commissioner, because one of the questions  
26 that this Commission is considering is who had the  
27 information, who was it communicated to and who wasn't it  
28 communicated to. And so I'd like to know in terms of what --

1 where CSIS considers itself bound to deliver information.

2 We've gotten some clarity as to who's  
3 included in the list. This question attempts to elicit  
4 whether or not they consider members of the opposition  
5 parties as part of the Government of Canada as that term is  
6 used in section 12.

7 **COMMISSIONER HOGUE:** I understand your  
8 explanation as meaning that you're not looking for an  
9 interpretation of the provision, but you're looking for the  
10 way this provision is applied by CSIS?

11 **MR. NANDO de LUCA:** Correct.

12 **MR. DAVID VIGNEAULT:** Thank you, Madam  
13 Commissioner. My understanding is members of Cabinet,  
14 members of the government, so elected officials, have access  
15 to information in relation to them being member of the Privy  
16 Council Office -- the Privy Council.

17 And so if you're a member -- not a member of  
18 the Government, if you're not a member -- if you're not been  
19 before a Privy Councillor, then you would not be having  
20 access to intelligence. And section 19 of the *CSIS Act* would  
21 preclude us from being able to distribute that intelligence.

22 I've testified previously to some of the  
23 changes that, you know, the Government is contemplating --  
24 looking, is to broaden the list of the people who could  
25 receive information. But to counsel's question, we would not  
26 be considering leaders of members of the opposition to be  
27 individuals under section 19 to whom we could share  
28 intelligence with.

1           **MR. NANDO de LUCA:** Okay. Thank you. You'll  
2 recall that my colleague who went before me put to you a list  
3 of briefings that CSIS had provided to different agencies.  
4 Included in those were briefings to the -- to Cabinet and to,  
5 you know, the Prime Minister or the PMO.

6           I have a general question. Would those  
7 briefings in particular have included the dissemination of  
8 classified information? Without getting into what that  
9 classified information was.

10          **MR. DAVID VIGNEAULT:** Madam Commissioner, I  
11 think it's fair to say that when CSIS would be briefing --  
12 including those briefings on the list that counsel refers to,  
13 overwhelmingly they will be talking about classified  
14 intelligence.

15          **MR. NANDO de LUCA:** Thank you. On May 26<sup>th</sup>,  
16 2023 and September 18, 2023, CSIS officials met with former  
17 Conservative Party Leader Erin O'Toole, who was the Leader of  
18 the Conservative Party during the 2021 Election and 2021  
19 Election Conservative Party candidate Kenny Chiu  
20 respectively. And we have reports of those briefings in the  
21 record. Are you familiar, generally, with those briefings?  
22 I can give you the document numbers, if you'd like.

23          **MR. DAVID VIGNEAULT:** Madam Commissioner, I  
24 just want to make sure that -- because we have met with  
25 individuals for a number of different reasons, but we also  
26 have met with Mr. O'Toole, Mr. Chiu under the terms of the  
27 Threat Reductions Measures. So if counsel could clarify?

28          **MR. NANDO de LUCA:** Sure.

1                   **MR. DAVID VIGNEAULT:** Are they -- are these  
2 the two sections you're talking about?

3                   **MR. NANDO de LUCA:** So I'll do better. It's  
4 CAN.DOC22 and CAN.DOC24. These are the summaries that we  
5 have received in a public setting, or for the purposes of  
6 this Commission. Can I have those called up, please?

7                   **COMMISSIONER HOGUE:** Mr. de Luca, I give you  
8 another two minutes to finish your line of questions.

9                   **MR. NANDO de LUCA:** Sure. This will be the  
10 last line. This will be the last line.

11                   **MR. DAVID VIGNEAULT:** So yes, Mr. -- Madam  
12 Commissioner. I believe that this -- the May 26 is -- refers  
13 to the Threat Reductions Measures briefing that was provided  
14 to Mr. O'Toole.

15                   **MR. NANDO de LUCA:** Okay. And similarly,  
16 with respect to Chiu, sir, is your answer the same?

17                   **MR. DAVID VIGNEAULT:** Is it -- I don't see  
18 the document at the moment, but is it contemporary to -- so  
19 18 September. Yes, I believe it is the case. I will make  
20 that assumption, depending on the next questions you have for  
21 me, ---

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

23                   **MR. DAVID VIGNEAULT:** --- but yeah.

24                   **MR. NANDO de LUCA:** They're very general.  
25 Would the intelligence that was shared in this format, and as  
26 is reflected here with both Mr. O'Toole and Mr. Chiu, have  
27 been gathered in the lead up to and during the 2021 Federal  
28 Election?

1                   **MR. DAVID VIGNEAULT:** Madam Commissioner, I  
2 just -- my colleague just pointed out that indeed these --  
3 the meeting with Mr. Chiu on September 18 was under the guise  
4 of Threat Reduction Measures. So as my colleague, Mme  
5 Tessier explained earlier, that's the process by which we can  
6 use classified information.

7                   So the information, I was not -- I did not  
8 provide the briefing myself, but my understanding is that  
9 briefing would have included information, yes including  
10 related to the Federal Election 2021, but other relevant  
11 information ---

12                   **MR. NANDO de LUCA:** I see.

13                   **MR. DAVID VIGNEAULT:** --- that -- including -  
14 - because it was a TRM, including classified information.

15                   **MR. NANDO de LUCA:** Okay. So to the extent  
16 that there was information with respect to the 2021 period,  
17 why was it being provided to both Mr. O'Toole and Mr. Chiu  
18 only in 2023?

19                   **MR. DAVID VIGNEAULT:** So, Madam Commissioner,  
20 we have -- as has been mentioned, you know, we have  
21 limitations on what we can and how we can apply Threat  
22 Reduction Measures when we also talked about -- testified  
23 about the fact that there's been an evolution of how we have  
24 approached foreign interference matters in the country.

25                   And so at this point in 2023, discussions  
26 internally, and also to receiving a direction from the  
27 Minister to share all information with all Parliamentarians,  
28 we prepared those Threat Reduction Measures and then briefed

1 Mr. Chiu and Mr. O'Toole with all the information we had at  
2 our disposal.

3 So it was in the context of that Ministerial  
4 Directive that these Threat Reduction Measures were  
5 undertaken.

6 **MR. NANDO de LUCA:** Okay. And ---

7 **COMMISSIONER HOGUE:** Thank you.

8 **MR. NANDO de LUCA:** Okay. That's fine.

9 **COMMISSIONER HOGUE:** Mr. de Luca, I think now  
10 it's over, because there's others ---

11 **MR. NANDO de LUCA:** Thank you, Madam  
12 Commissioner.

13 **COMMISSIONER HOGUE:** So the next one is  
14 counsel for Jenny Kwan.

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

16 **MR. SUJIT CHOUDHRY:**

17 **MR. SUJIT CHOUDHRY:** Good afternoon. For the  
18 record, my name is Sujit Choudhry. I'm counsel to MP Jenny  
19 Kwan.

20 So I have a few questions for the panel about  
21 the PRC and the United Front, and its use of proxies. And so  
22 that, of course, as you know, was a core message that was  
23 delivered to the various MPs who received CSIS briefings in  
24 May of 2023.

25 And what I'd like to ask you about are some  
26 questions specific to the 43<sup>rd</sup> and 44<sup>th</sup> General Elections in  
27 Canada based on some of the evidence that's been produced for  
28 the Commission about the use of proxies by the PRC in Canada,



1 and in particular, flows of funding to those proxies.

2 And so Commissioner, as you know, we've had a  
3 lot of production in the last 24 hours, and so with your  
4 leave, there's a couple of documents that I've already  
5 alerted the Commission counsel to that are Government of  
6 Canada documents or witness summaries that I hope I could put  
7 to the panel.

8 **COMMISSIONER HOGUE:** Go ahead.

9 **MR. SUJIT CHOUDHRY:** Thank you.

10 **COMMISSIONER HOGUE:** If there's a problem,  
11 I'll let you know.

12 **MR. SUJIT CHOUDHRY:** Thank you

13 So the first one is CAN.SUM10. And so this  
14 is a summary document that's been provided by the Government.  
15 I assume the panel has seen this or is familiar with it?

16 **MR. DAVID VIGNEAULT:** Yes, we are.

17 **MR. SUJIT CHOUDHRY:** So could I please ask  
18 you to scroll down, Mr. Registrar, to page 2? So there's  
19 five points here. And so I'd like to take you to a couple of  
20 the points. so the first point says:

21 "Prior to and during the 43<sup>rd</sup> General  
22 Election of Canada in 2019 [...] a  
23 group of known and suspected [PRC]-  
24 related threat actors in Canada,  
25 including PRC officials, worked in  
26 loose coordination with one another  
27 to covertly advance PRC interests  
28 through Canadian democratic

1 institutions."

2 Is that statement correct, in your view?

3 **MR. DAVID VIGNEAULT:** That is a correct  
4 statement, Madam Commissioner. And as we have testified to  
5 earlier, it speaks to the fact that we have been  
6 investigating foreign interference for many, many years, and  
7 that statement is based on the fact that we had that  
8 understanding of the threat.

9 **MR. SUJIT CHOUDHRY:** Thank you. So for  
10 limitations of time, I just would like to take you to point  
11 five of this.

12 And could we please scroll up? Thank you.  
13 Just hard for me to see over the podium. Thank you.

14 So I just want to read point five out for the  
15 record. It says:

16 "Additionally, intelligence  
17 assessments suggest that some of  
18 these threat actors received  
19 financial support from the PRC. For  
20 example, there likely were at least  
21 two transfer of funds approximating  
22 \$250,000 from PRC officials in  
23 Canada, possibly for FI-related  
24 purposes, through [but] most likely  
25 not in an attempt to covertly fund  
26 the 11 candidates [that were referred  
27 to earlier in this document]. These  
28 were transferred via multiple

1 individuals to obfuscate their  
2 origins: via an influential community  
3 leader, to the staff member of a 2019  
4 Federal Election candidate, and then  
5 to an Ontario [Member of Provincial  
6 Parliament]. The transfer(s)  
7 [repeatedly] took place in late 2018  
8 - early 2019."

9 Is this statement correct?

10 **MR. DAVID VIGNEAULT:** That is a correct  
11 statement, ---

12 **MR. SUJIT CHOUDHRY:** Yeah.

13 **MR. DAVID VIGNEAULT:** --- Madam Commissioner.

14 **MR. SUJIT CHOUDHRY:** So panel, as you know,  
15 there have been media reports that have been widely commented  
16 upon about a slush fund allegedly operated by the Chinese  
17 Consulate in Toronto. Are you able to tell us in this  
18 setting, and if you can't, please advise us, whether this  
19 document refers to said slush fund?

20 **MR. DAVID VIGNEAULT:** So Madam Commissioner,  
21 as you know, we are not at liberty to discuss classified  
22 information, but I think what -- there's a couple of very  
23 important points to make in relation to this question. The  
24 first one is one of the very negative impact of leaks of  
25 classified information is the fact that people may interpret  
26 partial information, may have access to only information, may  
27 provide an assessment of such information that may not be  
28 accurate. And so that's why -- that's one of the many

1 reasons, over and above the fact that we need to protect our  
2 people and our sources, and when there leaks, you know, they  
3 are put in danger.

4 So we have to be very careful. I will not be  
5 commenting on the information in those leaks. However, at  
6 the request of the Commission, the Government of Canada has  
7 produced a summary of related very important intelligence,  
8 and I think these words have been -- as I said earlier, have  
9 been carefully chosen to make sure that they are providing  
10 you, Madam Commissioner, and Canadians the most accurate  
11 possible depiction of what we know, while protecting  
12 classified information.

13 But we also need to make sure that we read  
14 this, these words, in their context and not overinterpret or  
15 not draw conclusions that are not drawn here. And that's the  
16 caution that I want to make sure. And so these words, again,  
17 have been chosen very carefully and it is an important aspect  
18 of the *transparence* of the Commission, Madam Commissioner,  
19 that this information now is in the public domain. And so  
20 these are important words of *caveat* and context I think are  
21 relevant at this point.

22 **MR. SUJIT CHOUDHRY:** Madam Commissioner, I'd  
23 like to move on.

24 **COMMISSIONER HOGUE:** Yes.

25 **MR. SUJIT CHOUDHRY:** I think the panel's  
26 answered this question.

27 I'd like to take you, sir, to the panel, to  
28 another document. And this is the witness summary of the CSE

1 public -- it's the public summary of the classified *in-camera*  
2 examinations -- quite a mouthful -- of the CSE panel of Ms.  
3 Tayyeb and Mr. Rogers, and it's WIT 33. And this was entered  
4 as an exhibit today.

5 And Mr. Registrar, could you please take us  
6 to paragraph 15? And I think, with the leave of the  
7 Commissioner, I don't think the panel necessarily have seen  
8 this document.

9 **COMMISSIONER HOGUE:** No.

10 **MR. SUJIT CHOUDHRY:** So I think I'd like to  
11 give them a minute to, please, if they could, read paragraphs  
12 15 and 16. And if it's possible to reduce the size of it so  
13 others can read this as well. Thank you very much.

14 I see Mr. Vigneault is ready; I'm going to  
15 give his colleagues just a minute.

16 **(SHORT PAUSE/COURTE PAUSE)**

17 **MR. SUJIT CHOUDHRY:** So if I may, I have a  
18 couple of questions about this evidence. The first is it  
19 seems that the former -- the first document that I asked you  
20 to comment on was in relation to the 43<sup>rd</sup> election, but you  
21 can confirm that what Ms. Tayyeb seems to be referring to is  
22 the 44<sup>th</sup> General Election. Is that right?

23 **MS. MICHELLE TESSIER:** It's not clear, other  
24 than saying, "was obtained shortly after the 2021 election."  
25 So I'm certainly not in a position to ---

26 **MR. SUJIT CHOUDHRY:** Okay, fair enough.

27 **MR. DAVID VIGNEAULT:** I think I know what  
28 this refers to, and yes, it is the ---

1                   **MR. SUJIT CHOUDHRY:** Okay. And so at the  
2 bottom of paragraph 16 there's a reference to the  
3 distribution of funds described in the intelligence report.  
4 And so a question, if you're able to answer in this setting;  
5 is this distribution of funds that's referenced here the same  
6 distribution of funds referenced in the first document that I  
7 showed you, or is it a separate distribution of funds?

8                   **MR. DAVID VIGNEAULT:** So Madam Commissioner,  
9 as you can imagine, we are not at liberty to discuss the  
10 specifics, but I think these documents, you know, again,  
11 should be read for what they say, be careful to  
12 overinterpret, you know, what is not being said here. But,  
13 yeah, that's the limit of what I can say.

14                   **COMMISSIONER HOGUE:** Cannot go further than  
15 that, so...

16                   **MR. SUJIT CHOUDHRY:** That's fine.  
17 Madam Commissioner, how much time do I have  
18 left?

19                   **COMMISSIONER HOGUE:** You have another three  
20 minutes.

21                   **MR. SUJIT CHOUDHRY:** Okay, good. So I'd like  
22 to take you to a different theme, and so here ---

23                   **COMMISSIONER HOGUE:** I'm going to give you  
24 three, but it's two minutes.

25                   **MR. SUJIT CHOUDHRY:** Two minutes. I'll take  
26 whatever you give.

27                   So could I please -- could you please put up  
28 CAN.SUM.3?

1           And this is about Foreign Interference  
2           Activities in Greater Vancouver. If we could just go down to  
3           the second page, and then I'd like to take you to point 3.

4           And so yesterday, Commission Counsel  
5           Rodriguez put to my client, MP Kwan, this particular  
6           document; and, in particular, point 3 was put to her. And if  
7           I could read it out for the record, it says:

8                            "Intelligence reports indicate that  
9                            these officials coordinated the  
10                           exclusion of particular political  
11                           candidates, perceived as 'anti-  
12                           China', from attending local  
13                           community events related to the  
14                           election. This was accomplished via  
15                           PRC proxy agents, hiding the direct  
16                           involvement of these PRC officials."

17           So my question to you is that this statement  
18           was made in relation to the 43<sup>rd</sup> General Election; do you  
19           believe this statement to be true for the 44<sup>th</sup> General  
20           Election as well?

21                           **MR. DAVID VIGNEAULT:** Madam Commissioner, I  
22           would not want to mislead the Commission. I'm not ready to  
23           speak to specifically that aspect for General Election 44,  
24           but I am totally comfortable with that depiction for 43.

25                           **MS. MICHELLE TESSIER:** What perhaps I can add  
26           is this is a typical *modus operandi* of the PRC. I can't  
27           speak to the election, but it is a typical *modus operandi*.

28                           **MR. SUJIT CHOUDHRY:** So if I could maybe,

1 perhaps sum up, there'd be no reason to doubt that they would  
2 continue with this *modus operandi*, having used it in the 43<sup>rd</sup>  
3 General Election, going forward?

4 **MS. MICHELLE TESSIER:** We have no information  
5 that they've changed that particular method of operating.

6 **MR. SUJIT CHOUDHRY:** Thank you very much.

7 **COMMISSIONER HOGUE:** Thank you.

8 Next one is counsel for the Sikh Coalition,  
9 Mr. Singh.

10 **(SHORT PAUSE/COURTE PAUSE)**

11 **MR. PRABJOT SINGH:** Thank you, Commissioner.

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

13 **MR. PRABJOT SINGH:**

14 **MR. PRABJOT SINGH:** Again, for the record,  
15 it's Prabjot Singh, counsel for the Sikh Coalition.

16 Thank you to the panellists today. I'm going  
17 to try my best to move expeditiously as possible, referring  
18 your attention to some documents that are going to prompt  
19 some follow-up questions.

20 And I understand that we're navigating some  
21 difficult terrain and there's a likelihood that there may be  
22 some questions you're not able to answer in this setting, and  
23 that's totally fine. If you can indicate, and that will  
24 Madam Commissioner and Commission counsel to take note of  
25 those questions and consider if any follow-up is required in  
26 camera afterwards.

27 So Mr. Operator, if we can bring up CAN  
28 019304?



1 --- EXHIBIT No./PIÈCE No. CAN 19304:

2 Meeting between CSIS and the OCCE

3 2021-11-02

4 **MR. PRABJOT SINGH:** And Mr. Vigneault, I'm  
5 going to direct my questions to yourself, but if anybody else  
6 wants to answer amongst yourself, that's fine.

7 My understanding is that these are notes from  
8 a meeting between CSIS and the Office of the Commissioner of  
9 Elections Canada in 2021. And one of the statements here is  
10 that the two main state actors most involved in the last  
11 election were China and India. Mr. Vigneault, is that your  
12 understanding today, that India has been one of the primary  
13 perpetrators of foreign interference in Canadian elections  
14 recently?

15 **MR. DAVID VIGNEAULT:** Madam Commissioner, I  
16 think it's fair to say that, you know, the behaviour of India  
17 has been of concern the last couple of elections, and I think  
18 this document can speak to that. So I think it's an accurate  
19 depiction.

20 **MR. PRABJOT SINGH:** And another note in here  
21 says that India puts "...effort into individual campaigns."  
22 As you understand it, is it fair to say that Indian foreign  
23 interference targets a number of high-priority individual  
24 races, rather than the general election, to influence  
25 outcomes in favour of candidates considered favourable to  
26 Indian policy interests?

27 **MR. DAVID VIGNEAULT:** Commissioner, I'll  
28 elevate my comments to maybe be able to provide an answer. I

1 think it is absolutely fair to say the purpose of foreign  
2 interference is to maximize the interests of the foreign  
3 party, and so this is absolutely a tactic that has been used  
4 to undermine candidates or individuals who may not be in  
5 favour of your position and promote people who might be in  
6 favour of your position. So in this context I can make that  
7 statement.

8 **MR. PRABJOT SINGH:** And in general terms,  
9 efforts by any foreign state to undermine or influence  
10 Canadian elections, even if it's one single electoral riding,  
11 would constitute foreign interference and a national security  
12 threat; is that fair?

13 **MR. DAVID VIGNEAULT:** Well, I think, you  
14 know, as my colleagues have described, foreign interference,  
15 you know, takes many different faces in our country;  
16 interference directed at democratic processes is one. And so  
17 any action -- maligned action from a foreign state against  
18 Canadian is foreign interference and is something that we, of  
19 course, take extremely seriously.

20 **MR. PRABJOT SINGH:** And targeting that one  
21 single election would be considered a national security  
22 threat.

23 **MR. DAVID VIGNEAULT:** We would be  
24 investigating the behaviour. So if the behaviour falls  
25 within the definition of the *CSIS Act* of foreign  
26 interference, absolutely.

27 **MR. PRABJOT SINGH:** Thank you.

28 Mr. Court Operator, if you can bring up

1 CAN 003771, and if we could go to page number 2.

2 --- EXHIBIT No./PIÈCE No. CAN 3771:

3 Ministerial Briefing : Foreign

4 Interference - 2021-12-13

5 **MR. PRABJOT SINGH:** I believe this is a --  
6 notes prepared by the Service for a ministerial briefing.

7 **MR. DAVID VIGNEAULT:** Could you just please  
8 go back up to the page so that we can.... Okay.

9 **MR. PRABJOT SINGH:** And on page 2, there's a  
10 note that:

11 "Indian officials...used Canadian  
12 citizens as proxies to conduct  
13 [foreign interference] activities,  
14 including against democratic  
15 institutions."

16 Does that reflect your understanding that  
17 India does employ proxies and proxy moves to target  
18 politicians in elections, including through the use of funds  
19 to specific campaigns?

20 **MR. DAVID VIGNEAULT:** Madam Commissioner, I  
21 would say that, you know, I -- I'm -- I concur with the  
22 statement as it is written on that document.

23 **MR. PRABJOT SINGH:** And in addition to  
24 targeting elections or campaigns specifically, proxies are  
25 also used to intimidate and coerce diaspora groups, and  
26 potentially amplify disinformation in electoral campaigns.  
27 Is that fair?

28 **MR. DAVID VIGNEAULT:** Yes, it is fair to say,

1 Madam Speaker -- Speaker -- Commissioner, well, you may be  
2 speaker as well, I don't know what's the future. But  
3 Madam Commissioner, that the -- that proxies are engaging in  
4 the coercive activities. My colleague described a number of  
5 activities in the past, and this is why we take foreign  
6 interference so seriously because of the threatening nature  
7 often of foreign interference activities in Canada.

8 **MR. PRABJOT SINGH:** And I have a number of  
9 questions that I suspect that you may not be able to answer  
10 in a public setting such as this, but CSIS has identified and  
11 monitored some of these proxy networks with direct  
12 connections to Indian consulates over a period spanning the  
13 past two federal elections. Is that fair to say?

14 **MR. DAVID VIGNEAULT:** Madam Commissioner, if  
15 counsel wants to point me to a document, I'd be happy to  
16 speak to it, but as a general comment I am going to refrain  
17 from commenting.

18 **COMMISSIONER HOGUE:** So the question is ---

19 **MR. PRABJOT SINGH:** That's totally fair. I  
20 understand that, yeah.

21 And so two of these networks in the lead up  
22 to the 2019 election were specifically connected to two  
23 diplomats named Amar Jit Singh and Parag Jain, who are based  
24 out of the Vancouver and Ottawa Consulates. Is that correct?

25 **COMMISSIONER HOGUE:** This is the same thing?  
26 So....

27 **MR. PRABJOT SINGH:** And in July of 2017,  
28 there was a public initiative launched by Indian diaspora

1 groups, led by members of the Canada India Foundation, with  
2 the objective of targeting federal ridings in the 2019  
3 elections, where current Sikh candidates were deemed to be  
4 inimical or contrary or detrimental to Indian interests.  
5 This initiative was also found to be connected to that  
6 network and connected to the consulate. Is that fair to say?

7 **COMMISSIONER HOGUE:** So the question is  
8 written down.

9 **MR. PRABJOT SINGH:** And that same year, is it  
10 true that CSIS wanted to use threat reduction powers to  
11 dismantle these networks that were engaging in foreign  
12 interference?

13 **COMMISSIONER HOGUE:** Question is written  
14 down.

15 **MR. PRABJOT SINGH:** And given the likely  
16 significant risks involved in this kind of threat reduction  
17 measure, as the three of you have given testimony earlier in  
18 terms of the risk factors that are assessed and what kind of  
19 protocols are okay -- is necessary, CSIS consulted PMO and  
20 other bodies, including Global Affairs Canada, before  
21 engaging in those threat reduction measures, and later chose  
22 not to proceed with those measures. Is that correct?

23 **COMMISSIONER HOGUE:** Question is written  
24 down. The witness is looking at me, so I understand ---

25 **MR. PRABJOT SINGH:** And as a result of that  
26 decision not to proceed with those measures, CSIS did not  
27 inform targeted politicians, journalists, or the impacted  
28 communities about the risk, and those networks continued

1 unhindered, presumably throughout both electoral periods, at  
2 least, if not further, until today. Is that correct?

3 **COMMISSIONER HOGUE:** Question is also written  
4 down.

5 **MR. PRABJOT SINGH:** Are you able to tell us  
6 in general terms, and you did touch on this earlier, so maybe  
7 you can touch on this briefly, when would foreign  
8 interference activity reach the threshold where threat  
9 reduction measures would be considered by CSIS? I would  
10 imagine it would be quite a significant threshold to take  
11 that kind of action?

12 **MS. MICHELLE TESSIER:** As I testified to  
13 earlier, CSIS needs to, is required by law to consult other  
14 government departments prior to embarking on a threat  
15 reduction mandate, and to ensure there are no other tools  
16 available in an investigation. So without being able to  
17 respond to that specific case, I can say that it's not  
18 necessarily the first go-to because by law we have to have  
19 reasonable grounds to believe that the threat exists, that a  
20 measure has to be proportional to the actual threat. We have  
21 to think that there would be an impact, we have to assess  
22 that impact, but we, by law, must consider other measures  
23 first. So it is not necessarily the first go-to.

24 But because of the restrictions in the *CSIS*  
25 *Act* currently in terms of being able to share classified  
26 information. It is a tool that has been used increasingly in  
27 order to share classified information when we feel that at  
28 that particular moment that is the best tool to use.

1           **MR. PRABJOT SINGH:** And Ms. Tessier, I think  
2 you may have mentioned this earlier. There is those four  
3 risk factors that CSIS would kind of evaluate: operational  
4 risks, I think it was legal risks, and the potential of  
5 international relations and the impacts there. And so based  
6 on those factors, it is possible for other offices or  
7 departments to discourage or influence the threat reduction  
8 measures based on those parameters; correct?

9           **MS. MICHELLE TESSIER:** We most certainly  
10 consult with them. The ultimate decision belongs to CSIS,  
11 and if it's a high risk, the minister -- the Director and the  
12 Minister must approve it. But we will most certainly consult  
13 with them. We obviously don't want to harm their activities,  
14 but ultimately the decision rests with CSIS.

15           **MR. PRABJOT SINGH:** And within the factors  
16 that are considered and that would likely be considered by  
17 those partners who are advising CSIS, partisan interests or  
18 policy interests, obviously if we're looking at international  
19 relations, that would be a significant factor that would be  
20 considered. Fair?

21           **MS. MICHELLE TESSIER:** We are not the ones  
22 who prepare a foreign policy risk assessment, that is done by  
23 our colleagues at Global Affairs Canada.

24           **MR. PRABJOT SINGH:** Understood.

25           And Mr. Operator, if you can bring up  
26 CAN 019456. And that'll be near the top of page 3, after you  
27 can show the panel the first page of the document.

28           My understanding is that this is a -- an

1 intelligence briefing to Elections Canada on the work of SITE  
2 and the various threat actors engaging in foreign  
3 interference. So at the top of page 3, for the record, it  
4 says that:

5 "Indian officials...continue to  
6 conduct [foreign interference]  
7 activities in Canada, both directly  
8 and through...Canadian proxies,  
9 primarily against Canadian  
10 politician[s]...democratic processes,  
11 and...diaspora [communities]."

12 And then it goes into some detail about the  
13 objectives of Indian foreign interference.

14 Mr. Vigneault, is it your understanding that  
15 the objectives of Indian foreign interference, specifically,  
16 are two-fold?

17 **MR. DAVID VIGNEAULT:** So just give me a sec.

18 **MR. PRABJOT SINGH:** Sure. The question is,  
19 is whether it's your understanding that India has two  
20 objectives for its foreign interference operations?

21 **MR. DAVID VIGNEAULT:** So Madam Commissioner,  
22 I would say that the -- in our assessment the two objectives  
23 of India are to promote pro India narrative, pro India  
24 dynamic here in Canada, but also to undermine the threat  
25 perceived by the notion of creating a separate independent  
26 Khalistan.

27 I think it's important to, and this document  
28 speak to that, there are very clear politically protected or



1 Charter protected, you know, elements of people here in  
2 Canada of the Sikh community who are espousing Khalistan --  
3 an independent Khalistan. Unfortunately, there is also --  
4 it's important I think to note, a very small group of people  
5 who are engaging in threat related activity, including  
6 financing, and supporting terrorism. And so what we see is  
7 the -- your -- the second objective of India, as counsel is  
8 referring to, is the blending of these two things.

9 So something that is absolutely unacceptable,  
10 which would be, you know, supporting terrorism, but it's  
11 blending this with the rest of activities that are absolutely  
12 not only legal but acceptable in Canada, which is having  
13 political views and using legal means to push these political  
14 views.

15 **MR. PRABJOT SINGH:** Mr. Operator, if we can  
16 bring up CAN.SUM 7. This was recently uploaded to the party  
17 database I believe late last night.

18 And Mr. Vigneault, this is a topical summary  
19 of the intelligence holdings prepared by CSIS, with the  
20 natural caveats that are noted in the documents; correct?

21 **MR. DAVID VIGNEAULT:** Yes.

22 **MR. PRABJOT SINGH:** And so as you just  
23 indicated, in your understanding of India's threat  
24 perception, is it your understanding that India perceives  
25 anyone engaged in advocacy for a separate six state Khalistan  
26 as a so-called extremist threat without differentiating  
27 between those engaging in lawful advocacy, as well as those  
28 who believe in the pursuit of armed struggle. Is that

1 correct? India doesn't distinguish between the two?

2 **MR. DAVID VIGNEAULT:** I think, Madam  
3 Commissioner, I generally agree with this, but the  
4 distinction I would make is that from our perspective is I  
5 would not be using armed struggle. I would say, you know,  
6 using terrorist means. But the general depiction on the  
7 document, I think, is a really good description of how we and  
8 our colleagues are perceiving the Indians' rationale for  
9 interference.

10 **MR. PRABJOT SINGH:** And so conceivably, even  
11 those simply critical of Indian policy or critical of human  
12 rights violations could also fall under that umbrella of a  
13 threat to Indian interests? Is that correct?

14 **MR. DAVID VIGNEAULT:** Again, Madam  
15 Commissioner, I think it's well depicted in this document. I  
16 think it is fair to say that India will lump into same  
17 category of activities that, you know, would be potentially  
18 absolutely illegitimate here in Canada, inappropriate here in  
19 Canada, with other means. So I would stick to that kind of  
20 depiction if it's ---

21 **MR. PRABJOT SINGH:** Yeah, so India and their  
22 foreign interference activities, which may include  
23 disinformation, uses the framework and framing of extremism  
24 to target lawful activists, as well as those that you marked  
25 from the CSIS perspective are considered violent extremists.  
26 Has CSIS ---

27 **MR. DAVID VIGNEAULT:** Madam Commissioner, at  
28 this point, I think, you know, the document is quite clear

1 about that and I would ---

2 **COMMISSIONER HOGUE:** You ---

3 **MR. PRABJOT SINGH:** I'm getting to my next  
4 question, if that's okay.

5 CSIS has not undertaken any threat reduction  
6 measures to address the disinformation towards members of the  
7 community engaging in lawful advocacy? Is that correct?

8 **COMMISSIONER HOGUE:** The question is written  
9 down.

10 **MR. PRABJOT SINGH:** And in general terms,  
11 what impact ---

12 **COMMISSIONER HOGUE:** It's going to be your  
13 last ---

14 **MR. PRABJOT SINGH:** This is my final  
15 question. In general terms, what impact do you think this  
16 kind of disinformation and framing of lawful activism has on  
17 a vulnerable community targeted with disinformation that  
18 builds on pre-existing racist stereotypes about the nature of  
19 extremism and terrorism. And without getting into broader  
20 social implications, if we're focusing on Sikh Members of  
21 Parliament, elected officials or candidates, who are targeted  
22 with this brush of extremism, we're looking at a considerable  
23 impact on media narratives, which makes re-election or  
24 initial election quite difficult. Is that fair to say?

25 **COMMISSIONER HOGUE:** Madam Commissioner, I  
26 think it's fair to say that the -- as we testified to  
27 earlier, that foreign interference writ large, and  
28 specifically disinformation, is absolutely a question of

1 concern in Canada. The disinformation part is one aspect  
2 that is growing in its complexity. And how we, as an  
3 intelligence service in a democratic society, can engage with  
4 proper communications and then monitoring of social media,  
5 there are a number of limits that are absolutely fair in a  
6 democratic system.

7 And I make that point to say that this is one  
8 of the areas disinformation and -- in the context of  
9 interference that is growing and that we need to find better  
10 ways, just not CSIS, but our partners, to address, because it  
11 is having more and more of an impact.

12 **MR. PRABJOT SINGH:** Thank you.

13 **COMMISSIONER HOGUE:** Thank you.

14 **MR. PRABJOT SINGH:** Thank you, Commissioner.

15 Those are all my questions.

16 **COMMISSIONER HOGUE:** Me Sirois for the RCDA.

17 **--- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIR PAR**

18 **MR. GUILLAUME SIROIS:**

19 **MR. GUILLAUME SIROIS:** Good evening. Bon  
20 matin... euh... bonsoir.

21 Guillaume Sirois pour l'Alliance démocratique  
22 des canadiens russes. Je vais poser mes questions dans les  
23 deux langues officielles, mais sentez-vous à libre de  
24 répondre dans la langue de votre choix.

25 To start, just a general question. Are you  
26 aware of foreign interference or influence activity in our  
27 electoral processes conducted by the Russian intelligence  
28 services in Canada during the 43<sup>rd</sup> or 44<sup>th</sup> General Elections?

1           **MR. DAVID VIGNEAULT:** I will ---

2           **MS. CHERIE HENDERSON:** I think that's in the  
3 summary.

4           **MR. DAVID VIGNEAULT:** Madam Commissioner, we  
5 have provided a summary. I would refer counsel to that  
6 summary, which is the best depiction that we can provide in  
7 this context.

8           **COMMISSIONER HOGUE:** Do we have the number,  
9 Me Sirois?

10          **MR. GUILLAUME SIROIS:** Oh, I'm good. I just  
11 wanted ---

12          **COMMISSIONER HOGUE:** You're good?

13          **MR. GUILLAUME SIROIS:** Well I wanted to know  
14 if there was any other clarification except from the summary,  
15 but... merci, Madame la Commissaire.

16                       I would like to pull COM0000156, please.

17          --- EXHIBIT No./PIÈCE No. COM 156:

18                               NSICOP Annual Report 2020

19          **MR. GUILLAUME SIROIS:** This is the 2020  
20 Annual Report from the National Security and Intelligence  
21 Committee of Parliamentarians, NSICOP.

22                       At paragraph 55, page 34, please.

23                       Under the heading "Foreign interference", we  
24 see it reads:

25                               "The Russian Federation also  
26 continues to exploit [...] diaspora and  
27 compatriot organizations in Canada."

28                       Is this statement true?



1           discrediting democratic institutions  
2           and processes, with an ultimate goal  
3           of destabilizing or delegitimizing  
4           democratic states.”

5                       We see this is a CSIS assessment. Do you  
6           have any reason to doubt its truthfulness?

7                       **MR. DAVID VIGNEAULT:** Madam Commissioner,  
8           this is -- I totally concur with that statement. This has  
9           been one of the significant aspects of the Russian Federation  
10          activities, is not necessarily to go at interfering in all of  
11          the specific elements of democratic process, but generally  
12          speaking, to undermine democratic states. And we see that  
13          across the board in the activity of the Russian Federation.

14                      **MR. GUILLAUME SIROIS:** So this was a concern  
15          of CSIS during the 2021 Election? In the final week of the  
16          election?

17                      **MR. DAVID VIGNEAULT:** This was absolutely the  
18          final week, but I can say that this is a concern that we  
19          shared before, we continue to share to this day.

20                      **MR. GUILLAUME SIROIS:** Thank you. Finally,  
21          the last document I'll show you is JKW a bunch of zeros 7.  
22          And this is *2022 Special Report on the Government of Canada*  
23          *Framework and Activities to Defend its Systems and Networks*  
24          *from Cyber Attacks*. Again, it's from the NSICOP.

25                      And I would like to go at page 36 once the  
26          document loads. Thank you. At the top here, paragraph 56.  
27          Can we go up a little bit? Yes.

28                      So yes, at paragraph 56, it says:

1 "Russia is a highly sophisticated  
2 cyber threat actor. Russia engages  
3 in malicious cyber threat activity,  
4 including cyber espionage and foreign  
5 interference, to support a wide range  
6 of strategic intelligence priorities.  
7 [Including the] identification of  
8 divisive events and trends in rival  
9 states to conduct influence campaigns  
10 and undermine liberal democratic  
11 norms and values."

12 That last part is the third bullet point, by  
13 the way.

14 This statement is true as well, to the best  
15 of your knowledge?

16 **MR. DAVID VIGNEAULT:** Yes, Madam  
17 Commissioner. And this goes back to a previous answer  
18 provided to your question when you were asking me about when  
19 did the threat environment change over time. And this is one  
20 of the aspects of this, is Russia, and other states, but  
21 Russia specifically, is trying to undermine the world, the  
22 international rules based order to create an environment that  
23 is more susceptible to benefit their own interests. And so  
24 by doing so -- in order to do so, they're trying to undermine  
25 democracies around the world, and that's why they are not as  
26 interested as picking specific individuals or parties to win,  
27 but undermine the democratic processes to what how people see  
28 democracy as opposed to a democratic regime as we have in



1 Russia. This is one of the most significant elements that we  
2 see that speaks to the change in threat environment over the  
3 last number of years that we are to -- we have to deal with.

4 **MR. GUILLAUME SIROIS:** And is -- do you think  
5 that Russia is doing all of this by accident, the three  
6 statements that we just observed?

7 **MR. DAVID VIGNEAULT:** As I mentioned, I think  
8 there is a very deliberate intent in how Russia executes  
9 these actions.

10 **MR. GUILLAUME SIROIS:** So Russia, we can say  
11 that Russia has...

12 La Russie a une intention de faire de  
13 l'interférence dans nos institutions démocratiques.

14 **M. DAVID VIGNEAULT:** La Russie a l'intention  
15 de causer de l'interférence dans nos institutions  
16 démocratiques. Elle le fait d'une façon différente de  
17 certains autres acteurs qui ont été discutés plus tôt. Leur  
18 objectif est surtout de pouvoir diviser les sociétés et de  
19 créer de la dissension et de diminuer la paix dans des... pour  
20 la démocratie dans le monde occidental et à travers le monde.

21 **Me GUILLAUME SIROIS:** Et est-ce qu'on peut  
22 qualifier un peu cette intention? Est-ce que c'est une très  
23 grande intention? Une faible intention? Une moyenne?

24 **M. DAVID VIGNEAULT:** Je vous dirais que c'est  
25 une... les activités qu'on voit, non seulement au Canada mais à  
26 travers le monde, font partie d'un plan bien intégré avec  
27 plusieurs acteurs qui sont coordonnés. Donc, je pense qu'on  
28 peut dire que c'est une priorité du régime russe.

1                   **Me GUILLAUME SIROIS:** Et si jamais on voit de  
2 la preuve ou des documents qui indiquent qu'on pense que la  
3 Russie... donc, qu'on affirme que la Russie n'a pas un intérêt  
4 sérieux à causer de l'interférence étrangère, est-ce qu'il y  
5 a un risque qu'on sous-estime la menace de la Russie par  
6 rapport à l'ingérence étrangère si on dit qu'elle n'a pas  
7 d'intérêts sérieux à mener cette ingérence étrangère?

8                   **M. DAVID VIGNEAULT:** Madame la commissaire,  
9 je comprends la question. Si l'avocat a un document  
10 spécifique qu'il voudrait me présenter pour pouvoir commenter  
11 de façon plus précise, ça serait très utile.

12                   **COMMISSIONER HOGUE:** And I agree.

13                   **MR. GUILLAUME SIROIS:** Merci, Madame la  
14 procureure.

15                   Juste parce que c'est dans mes notes à moi,  
16 je vais sortir le résumé WIT 45, mais c'est probablement  
17 aussi dans le résumé... topical summary, en anglais, je ne  
18 connais pas le terme en français, qui a été produit par la  
19 Commission.

20                   **COMMISSAIRE HOGUE:** Ça va être votre dernière  
21 question, hein?

22                   **Me GUILLAUME SIROIS:** Ah! En fait, Madame la  
23 commissaire, est-ce que je peux demander cette... j'avais pas  
24 l'intention d'aller ici, c'était juste... c'est dans le  
25 contexte de ma question précédente. Est-ce que je peux poser  
26 une question après avoir référé le témoin à ce passage-là?

27                   **COMMISSAIRE HOGUE:** Euh...

28                   **Me GUILLAUME SIROIS:** Parce que c'est des

1 questions... c'est des questions d'importance majeure et la  
2 question...

3 **COMMISSAIRE HOGUE:** Je comprends, mais tout  
4 le monde en a d'importance majeure, c'est... et là, vous avez  
5 déjà dépassé. Je vais vous laisser poser une question.  
6 Choisissez ce que vous voulez faire. Vous allez au document  
7 ou vous posez la question suivante que vous avez.

8 **Me MATTHEW FERGUSON:** Avec égard, Madame la  
9 commissaire, mon collègue n'a pas dépassé, il a 10 minutes,  
10 puis là, il vient d'arriver à 10 minutes.

11 **COMMISSAIRE HOGUE:** Ah, moi, j'ai noté et 32.

12 **Me MATTHEW FERGUSON:** Excusez.

13 **COMMISSAIRE HOGUE:** La fin de son contre-  
14 interrogatoire.

15 **Me GUILLAUME SIROIS:** Donc, j'aimerais... en  
16 tout cas, bref, on a eu quelques interruptions, j'aimerais  
17 avoir un bon 2 minutes de plus, si possible, Madame la  
18 commissaire.

19 **COMMISSAIRE HOGUE:** Posez la question que  
20 vous avez là, puis...

21 **Me GUILLAUME SIROIS:** Oui, on va commencer  
22 par ça, ensuite je vais voir si...

23 **COMMISSAIRE HOGUE:** On verra où ça mènera,  
24 mais...

25 **Me GUILLAUME SIROIS:** Donc, sur la question...

26 **COMMISSAIRE HOGUE:** ...on a des contraintes  
27 qu'on ne peut pas...

28 **Me GUILLAUME SIROIS:** Non, je suis bien

1 conscient de ça, c'est... je suis conscient de ça, Madame la  
2 commissaire.

3 Donc, au paragraphe... pardon, on demandait  
4 d'apporter le résumé de témoignage WIT 45, s'il vous plait,  
5 au paragraphe 45.

6 **M. MITCHEL KERSYS:** Je n'ai aucun document  
7 WIT 45.

8 **Me GUILLAUME SIROIS:** Ah, WIT-0000045. C'est  
9 le résumé d'entrevue 45. Au paragraphe 45, s'il vous plait.

10 **(COURTE PAUSE/SHORT PAUSE)**

11 **MR. BARNEY BRUCKER:** I believe Mr. King is  
12 going to be here tomorrow.

13 **MR. GUILLAUME SIROIS:** Oui, OK. Peut-être  
14 qu'on peut passer à une autre question vu qu'on n'a pas  
15 beaucoup de temps.

16 **COMMISSAIRE HOGUE:** OK.

17 **Me GUILLAUME SIROIS:** On peut enlever ce  
18 document, s'il vous plait.

19 Ma prochaine question porte sur... donc, on a  
20 conclu que la Russie a un sérieux intérêt à mener de  
21 l'ingérence étrangère dans les élections; les moyens, ça,  
22 c'est même pas en question. On peut conclure que la Russie a  
23 mené des activités d'ingérence étrangère significatives  
24 pendant la période de 2019 à 2021 au moins. Oui ou non?

25 **M. DAVID VIGNEAULT:** Madame la commissaire...

26 **Me GUILLAUME SIROIS:** Parce que peut-être...

27 **M. DAVID VIGNEAULT:** ...le témoignage que j'ai  
28 donné n'est pas le cas. Nos documents ont démontré... ont été

1 assez clairs sur ce qu'on pouvait dire. Ce que j'ai mentionné  
2 à l'avocat plus tôt, c'est qu'il y a une intention très  
3 claire, il y a des moyens très clairs qui ont été utilisés  
4 pour engager dans l'interférence étrangère, il y a des  
5 nuances qui ont été apportées sur le fait que c'est plus pour  
6 attaquer le système démocratique au lieu d'être... d'avoir des  
7 résultats spécifiques au plan électoral.

8 **Me GUILLAUME SIROIS:** Et ces tentatives-là  
9 dont vous venez de décrire n'ont pas été mises sur pause lors  
10 des élections de 2019 et 2012, elles ont continué.

11 **M. DAVID VIGNEAULT:** Madame la commissaire,  
12 je... il y a certains documents qui ont été présentés qui ont  
13 déterminé ce qui était... ce qu'on pouvait dire de façon  
14 publique sur ces activités-là, y compris spécifiquement sur  
15 la Russie. Je vais devoir m'y référer, je n'ai pas le détail  
16 devant moi.

17 Ce que j'ai dit par contre, puis je comprends  
18 la question de l'avocat, c'est de dire qu'il y a des  
19 capacités très claires, des intérêts très clairs et une  
20 approche organisée de la part de la Russie de s'attaquer aux  
21 démocraties, y compris le Canada, mais il y a des limites qui  
22 ont été décrites, de ce qu'on sait, dans les documents. Je  
23 pense que c'est la meilleure façon de répondre à votre  
24 question.

25 **Mme MICHELLE TESSIER:** Si je peux ajouter  
26 juste... oui, ajouter de l'information. C'est clair, comme le  
27 directeur l'a dit : la Russie, c'est une préoccupation au  
28 niveau de l'ingérence étrangère. C'est très clair. Ce que

1 disent ces documents, c'est que dans les élections  
2 précisément nous n'avons pas vu énormément d'activité de la  
3 part de la Russie dans ces deux élections, fort probablement  
4 pour la propre raison, c'était pas une priorité ou il n'y  
5 avait pas suffisamment d'informations qui divisaient la  
6 société parce qu'on sait que, et on l'a dit publiquement, la  
7 Russie cherche à créer des divisions.

8 Donc, s'il se trouvait que, pour une raison  
9 ou une autre, ces exactions-là n'étaient pas une opportunité  
10 pour eux de créer des divisions, c'était peut-être pas une  
11 priorité à ce moment-là, mais ça ne veut pas dire que pour le  
12 Service, on n'est pas préoccupé par les activités de la  
13 Russie en ce qui concerne l'ingérence étrangère.

14 **Me GUILLAUME SIROIS:** OK. So, Madame la  
15 commissaire...

16 **COMMISSAIRE HOGUE:** Ça va être terminé là.

17 **MS. CHERIE HENDERSON:** I just ---

18 **COMMISSAIRE HOGUE:** Ça va être votre collègue  
19 qui va continuer.

20 Ah, bien, si vous voulez compléter la  
21 réponse...

22 **MS. CHERIE HENDERSON:** I was just going to  
23 add one small point, and I think we say it quite well in the  
24 summary, that Russia has a significant capability to augment  
25 its interference and disinformation campaign should it chose  
26 -- choose to do so. So while we may not have seen as much to  
27 undermine the 43rd and 44th elections, should it choose, it  
28 has the capability to engage in much greater interference in

1 the future.

2 **MR. GUILLAUME SIROIS:** Merci.

3 **COMMISSIONER HOGUE:** Merci.

4 Counsel for Human Rights Coalition.

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

6 **MS. HANNAH TAYLOR:**

7 **MS. HANNAH TAYLOR:** Good evening, everyone.

8 Mr. Vigneault, the panel's witness summary  
9 notes that you explained that the process to determine  
10 Canada's intelligence priorities is coordinated by the Privy  
11 Council Office. You agree it's coordinated by the Privy  
12 Council Office?

13 **MR. DAVID VIGNEAULT:** It's coordinated by the  
14 Privy Council Office and -- but the priorities are issued by  
15 the Cabinet.

16 **MS. HANNAH TAYLOR:** Also, Mr. Vigneault,  
17 earlier you mentioned that CSIS has to produce intelligence  
18 to protect all Canadians. Is investigating transnational  
19 repression an intelligence priority of CSIS?

20 **MR. DAVID VIGNEAULT:** Madam Commissioner, the  
21 -- I believe the intelligence parties, there's a plan to --  
22 I'm not sure if they've been made public yet, but I believe  
23 there might be a plan to do so. Yes, we can say that, you  
24 know, we're investigating foreign interference. In the case  
25 of CSIS specifically, it includes transnational repression.

26 **MS. HANNAH TAYLOR:** Thank you. With counsel  
27 for Mr. Chong and the Conservative Party, you discussed  
28 provided -- providing briefings to those in government

1 vulnerable to potential foreign interference activity. Does  
2 CSIS believe it's important to brief members of targeted  
3 diaspora who are vulnerable to potential foreign interference  
4 activity, including that which is related to elections?

5 **MR. DAVID VIGNEAULT:** Madam Commissioner,  
6 what we've said earlier about transnational repression,  
7 there's something very important is that often, as my  
8 colleague said, these are people who came to Canada to escape  
9 conditions from other countries, and the fact they might be  
10 subject to these tactics and actions here in Canada is  
11 obviously unacceptable and that's why, you know, our mandate  
12 is clear when investigating that. We have been increasing  
13 our engagement with diaspora community over the years. As I  
14 testified earlier, we have reallocated resources internally  
15 to create a stakeholder engagement with the sole purpose of  
16 engaging with communities. Our annual report of last year  
17 and the upcoming one that will be tabled in Parliament very  
18 soon by the Minister of Public Safety will speak at some  
19 length of what -- how we have engaged with diaspora  
20 community.

21 The last thing I would say, Madam  
22 Commissioner, is going back to -- there are limitations of  
23 what we can say to people who engage outside government, as  
24 was discussed. Section 19 is precluding us from that. And  
25 the government as -- with us has engaged in consultations  
26 with Canadians, including specifically diaspora groups, to  
27 understand, you know, changes to the *CSIS Act* that would make  
28 us more relevant to engage in those discussions with diaspora



1 communities.

2 **MS. HANNAH TAYLOR:** And so thinking within  
3 CSIS's limitations pursuant to the Act, would those efforts  
4 to engage with stakeholders -- let me rephrase, maybe.  
5 Within the limits of the Act, you believe that it's important  
6 to brief individual members of targeted diaspora communities  
7 if they face a threat? Would that within your limits be  
8 considered important?

9 **MR. DAVID VIGNEAULT:** This is where, Madam  
10 Commissioner, that it's getting difficult when we are going  
11 to very specifics, so if we talk of individual, you know,  
12 like, individual specific threat, it becomes complicated  
13 because that would mean revealing classified information if  
14 it's so specific. So we tend to engage at organization  
15 level. If we are aware of any activity, and this is  
16 something that we have to be very clear, we have any  
17 intelligence or indication that someone might be under  
18 threat, we are immediately engaging law enforcement to make  
19 sure that, you know, they raise -- an action can be taken to  
20 protect individual. But this is one of the area -- counsel  
21 is speaking to one of the area that I think is part of the  
22 next phase of engagement with diaspora communities, and the  
23 next phase of discussion with Canadians on foreign  
24 interference is how can we be more specific, more engaged to  
25 have better impact to counter foreign interference.

26 **MS. HANNAH TAYLOR:** Thank you. Commissioner,  
27 with your leave, I'm hoping to read paragraph 11 from the in-  
28 camera examination summary of a branch within the CSIS ADR

1 Directorate to the panel to get their opinion on what's  
2 mentioned in the paragraph. This document, it's not on our  
3 list, as it was made available last night. And, of course,  
4 I'll make it clear, with your leave.

5 **COMMISSIONER HOGUE:** Go ahead.

6 **MS. HANNAH TAYLOR:** Thank you. As -- and we  
7 don't need to pull it up just because I think pursuant to  
8 those rules -- to the Commission's rules, we should not be  
9 pulling it up. But I'll make it clear to the panel, as this  
10 summary is not yours, it -- and it has not been adopted -- it  
11 has not been adopted into evidence, and it's not evidence  
12 before the Commission. For the benefit of the Commission,  
13 I'm talking about WIT 43, but again, I ask that it not be  
14 pulled up.

15 Witnesses are not identified by name in the  
16 summary. And just to provide a little bit of context to the  
17 paragraph I'll read to you, immediately preceding that  
18 paragraph, the summary makes reference or ---

19 **COMMISSIONER HOGUE:** I think it will be  
20 better to put the document on the screen.

21 **MS. HANNAH TAYLOR:** Is that okay? Okay.

22 **COMMISSIONER HOGUE:** Yes.

23 **MS. HANNAH TAYLOR:** Excellent. Thank you.

24 If we could, it's WIT 43 with 5 0s in the  
25 middle, I believe. Okay. And we'd be going down to  
26 paragraph 11. And we'll note just above in paragraph 10 the  
27 last sentence, we're referring to the PRC, so it's  
28 preferenced we're referring to the PRC. And I'll read out,

1 "Diaspora communities can be pressured  
2 to vote in accordance with its  
3 preference using sticks and carrots.  
4 Witness two said that many members of  
5 this diaspora community are afraid that  
6 the PRC will know who they voted for  
7 and do not dare vote against the  
8 country's express preferences. Witness  
9 two believes that the PRC's ultimate  
10 objective is to condition the response  
11 of the diaspora community, so that they  
12 vote in a certain way without having to  
13 be told to. The United Front Work is  
14 that of work that is concern for CSIS  
15 is when it is clandestine, deceptive  
16 and threatening." (As read)

17 Do you agree with this observation, and if  
18 so, to the extent that you can tell us, how does CSIS combat  
19 this?

20 **MR. DAVID VIGNEAULT:** So, Madam Commissioner,  
21 I do agree with this statement, and I would say that the  
22 reference to the United Front Work is critical to understand  
23 how PRC is engaging in foreign interference activities.  
24 United Front Work is part -- is encapsulating a number of  
25 different parts of the Chinese Communist Party and of the  
26 government of the PRC. Its budget is now larger than the  
27 entire Ministry of Foreign Affairs. And their sole purpose  
28 is to work abroad to condition people and to be able to

1 exercise in a -- amongst other things, foreign interference  
2 in those countries. Xi Jinping, president -- the leader of  
3 China is considering United Front Work Department as one of  
4 its magic weapons because it has the ability to condition so  
5 much and to push the interest of the PRC abroad in a very  
6 effective way.

7 And so CSIS, as part of its intelligence  
8 work, will undertake a number of intelligence operations  
9 using all tools at our disposal to understand who are the  
10 actors, what are their modus operandi, and be able to inform  
11 government, and in some occasions, take threat reduction  
12 measures to diminish the threat activity of the United Front  
13 Work, but also, of other actors involved in those activities  
14 in Canada.

15 **MS. MICHELLE TESSIER:** If I can add, CSIS is  
16 very concerned about impacts on the diaspora communities, and  
17 is also very cognizant that certain individuals have a fear  
18 of the intelligence service. Some may have arrived here from  
19 countries that the intelligence service does not work in a  
20 democracy, and they may not feel comfortable coming to CSIS,  
21 and CSIS knows that, which is one of the reasons that, as the  
22 Director testified to earlier today, so much public  
23 communication is being done, and this inquiry being an  
24 example of that, in terms of communicating that CSIS does  
25 want to hear from the communities. And as the Director  
26 mentioned, we will work with -- we work with our law  
27 enforcement partners and have successfully done so in  
28 countering certain threats to the extent that we can. So we

1 absolutely are very concerned about any threat to the  
2 diaspora communities and are welcoming for the cooperation.

3 **MS. CHERIE HENDERSON:** So I would just add  
4 onto that that it's fundamentally important for the Service,  
5 and therefore, for the rest of Canada and the diaspora  
6 communities for us to be begin to build trust within the  
7 diaspora communities, so that they will actually talk to us  
8 as well and tell us what they are experiencing, and that  
9 helps to strengthen the overall awareness of exactly what's  
10 going on within our country. It's fundamental to us as  
11 Canadians and all Canadians that we have this ongoing  
12 conversation and we can start to inform everybody, so that  
13 they recognize what they're seeing and that we can start to  
14 build better structures to protect against it.

15 **MS. HANNAH TAYLOR:** Thank you very much,  
16 everyone.

17 **COMMISSIONER HOGUE:** Thank you.

18 AG?

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

20 **MR. BARNEY BRUCKER:**

21 **MR. BARNEY BRUCKER:** I just wanted to perhaps  
22 clear something up. In the various topical summaries that  
23 have been introduced as CAN SUM 1 to 14 at the outset of your  
24 testimony today contain a page of caveats, and I just wanted  
25 to confirm that those caveats are not CSIS caveats. They're  
26 caveats that have been developed and arrived at in  
27 consultation and they are the government's caveats; is that  
28 correct?

1                   **MR. DAVID VIGNEAULT:** That's accurate.

2                   **MR. BARNEY BRUCKER:** Mr. De Luca for the  
3 Conservative Party brought you to the -- I guess the  
4 summaries of the threat reduction measure briefings of Mr.  
5 O'Toole and Mr. Chiu. Am I correct that threat reduction  
6 measures of this type may rely on past information,  
7 information gathered over time to help inform the person  
8 who's being briefed of the nature of the threat?

9                   **MR. DAVID VIGNEAULT:** Yes, the information  
10 would include all information that is relevant. The  
11 Ministerial directive was first issued, is the one that we  
12 operated under for the briefing Minister for Mr. O'Toole and,  
13 subsequently, there were clarification added to the direction  
14 so that the briefing would be more tailored to be more  
15 relevant, to include more of the relevant information as  
16 opposed to all information that may be not confirmed, not  
17 information that we would normally on. So there was an  
18 evolution, I think it's important to mention, between the  
19 first TRM discussion with Mr. O'Toole and subsequent to --  
20 subsequent one with Mr. Chiu.

21                   **MR. BARNEY BRUCKER:** Sure. But my question  
22 is, even in the briefing of Mr. O'Toole, which we understand  
23 took place in May of 2023, would include -- or let me ask you  
24 if it would include information that existed back in 2021 and  
25 information that was obtained subsequent to that right up to  
26 the time of the briefing.

27                   **MR. DAVID VIGNEAULT:** That's accurate.

28                   **MR. BARNEY BRUCKER:** And would it be fair to

1 say that the purpose of those briefings or as a threat  
2 reduction measure would be to help educate one on a potential  
3 threat to the person and on measures that might be taken to  
4 mitigate the threat?

5 **MR. DAVID VIGNEAULT:** Very accurately  
6 described, yes.

7 **MR. BARNEY BRUCKER:** Okay. Early on in your  
8 testimony, Mr. Cameron and Mr. MacKay took you through  
9 various initiatives and measures that the service was  
10 conducting. And is it fair that those initiatives and  
11 measures that you describe, and there were quite a few of  
12 them, are consistent with the intelligence priorities set by  
13 Cabinet which are then -- flow to you through direction by  
14 the Minister of Public Safety?

15 **MR. DAVID VIGNEAULT:** Yes, that's the case.

16 **MR. BARNEY BRUCKER:** Those are my questions.  
17 Thank you.

18 **COMMISSIONER HOGUE:** Thank you.

19 So we have a last witness and I see that he's  
20 in the room so we won't break. We'll just change the  
21 witnesses.

22 Thank you very much.

23 **M. DAVID VIGNEAULT:** Merci, Madame la  
24 commissaire.

25 **COMMISSIONER HOGUE:** Sorry. I was looking at  
26 the time.

27 **(SHORT PAUSE)**

28 **COMMISSIONER HOGUE:** Good evening, Mr.

1 Basler.

2 **MR. GORDON CAMERON:** Madam Commissioner,  
3 Gordon Cameron for Commission counsel. We have Bo Basler  
4 here to speak as a representative of the CSIS regional  
5 offices. Could I have the witness sworn or affirmed, please?

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

8 **MR. BO BASLER:** It's Bo Basler, B-a-s-l-e-r.

9 **--- MR. BO BASLER, Sworn/Assermenté:**

10 **--- EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN-CHEF PAR**

11 **MR. GORDON CAMERON:**

12 **MR. GORDON CAMERON:** Good afternoon, Mr.  
13 Basler. You might recollect that on February 20th the  
14 Commission had an interview with you and two of your  
15 colleagues whose identity has been anonymized, but have been  
16 noted to have been other Directors General of other regions  
17 working in CSIS.

18 Have you reviewed this summary to confirm  
19 that insofar as information can be disclosed publicly, it is  
20 an accurate summary of that interview?

21 **MR. BO BASLER:** It is, and I have, yes.

22 **MR. GORDON CAMERON:** Thanks.

23 And insofar as it summarizes your input and  
24 in respect of your recollection of the input of others at the  
25 interview, do you adopt this summary as part of your evidence  
26 before the Commission?

27 **MR. BO BASLER:** I do.

28 **MR. GORDON CAMERON:** Thank you.



1 And for the record, that document is WIT 36.

2 --- EXHIBIT No./PIÈCE No. WIT 36:

3 CSIS Regions Officials Public Summary  
4 of Classified Interview

5 **MR. GORDON CAMERON:** And also, Mr. Basler,  
6 you might recollect that you this time on not on a panel, but  
7 appearing just yourself, had an examination *in camera* by the  
8 Commission. And have you had a chance to review the summary  
9 of that *in camera* session that was prepared for public  
10 disclosure?

11 **MR. BO BASLER:** I have, yes.

12 **MR. GORDON CAMERON:** And insofar as  
13 information can be disclosed publicly, is it an accurate  
14 summary of that *in camera* evidence?

15 **MR. BO BASLER:** It is, yes.

16 **MR. GORDON CAMERON:** Thank you.

17 And you adopt that public summary of your *in*  
18 *camera* evidence as part of your evidence today?

19 **MR. BO BASLER:** I do.

20 **MR. GORDON CAMERON:** Perhaps you could begin  
21 by -- because we are short of time we don't need to go all  
22 the way back to high school. If you could just give us a  
23 quick account of your experience with the service and, in  
24 particular, your experience with the regions and where you  
25 are now.

26 **MR. BO BASLER:** I certainly can. I'll do it  
27 in reverse order. I think that's probably the easiest.

28 So currently, I am the CSIS Counter Foreign

1 Interference Coordinator, so I'm based here in Ottawa in our  
2 headquarters. It's a position I assumed and was created in  
3 March of 2023, so last year.

4 Prior to that, I was the Director General of  
5 British Columbia Region. I was in that role for almost three  
6 years.

7 And prior to that, I was the Deputy Director  
8 General of Operations in the service's Prairie Region.

9 I have been with the service since 2001 in a  
10 variety of capacities spanning three different regional  
11 offices and headquarters.

12 **MR. GORDON CAMERON:** Thank you.

13 Now, we had some information when the CSIS  
14 headquarters panel was here about the different roles of  
15 headquarters and the regions, but we have you now as a former  
16 Director General of one of the regions and now with an  
17 overview of the situation from headquarters. Can you tell us  
18 your perspective on the role that -- the primary role that  
19 the regional offices of CSIS serve in the organization?

20 **MR. BO BASLER:** I think the best way to  
21 describe the regional function is it's -- regions are focused  
22 on collection of intelligence. It spans all mandates of the  
23 service, but it's really the regions that deploy the tools  
24 that are at the forefront of collecting that intelligence to  
25 be able to send it back into our headquarters branch and our  
26 central units to be able to do the analysis and  
27 dissemination. But the regions, it's really the collection  
28 and they control not only the collection but how we go about

1 the collection of the intelligence as well.

2 **MR. GORDON CAMERON:** All right. Now, on that  
3 point, presumably the regional offices need to figure out  
4 what to collect, what their priorities should be, where to  
5 devote their resources ---

6 **MR. BO BASLER:** Correct.

7 **MR. GORDON CAMERON:** --- and whatnot.

8 Can you talk to me about the extent to which  
9 regions give input to headquarters about what should be  
10 collected, the extent to which headquarters gives input to  
11 regions? How does that map get generated?

12 **MR. BO BASLER:** Sure. There's an ongoing  
13 conversation daily depending on the level, weekly, monthly  
14 between regional offices and our headquarter branches in  
15 regards to the priorities that any given region is collecting  
16 upon, so the overall intelligence priorities, I think it was  
17 mentioned earlier, are established by the government,  
18 approved by Cabinet. The service takes those and creates the  
19 internal intelligence requirements that we can collect upon  
20 under our mandate, and then the regions focus on what they  
21 have the capacity to collect. So sometimes the collection  
22 may be driven by capacity; it may be driven by the local  
23 threat environment. The threat environment in one region of  
24 the country may be a little different than another region of  
25 the country.

26 So those conversations are ongoing between  
27 regional offices and Headquarters on what any individual  
28 region or unit should be prioritizing on. And it may be --

1 as I noted, it may just be focused on what a region has  
2 access to, or if a threat is presenting greater in one part  
3 of the country than it is in another, that region, in  
4 consultation with the Headquarters' branches, will prioritize  
5 their collection activities in that particular region.

6 **MR. GORDON CAMERON:** That's very helpful.

7 Now, if you could talk about what happens  
8 with the product. So the regions go out, they do whatever  
9 they do to collect information, sources and surveillance, or  
10 whatever techniques they have. They bring it into the  
11 office, write it down. Take it from there to Headquarters.

12 **MR. BO BASLER:** Sure. After the collection  
13 activity happens, it's produced into what would be, I think,  
14 probably best termed as an internal intelligence report. So  
15 if it's -- it doesn't matter if it's collected from, you  
16 know, one of our communications analysts, one of our  
17 intelligence officers or surveillance teams, they create the  
18 report, they put it into the internal database, and direct it  
19 towards our Headquarters' units, or another region if it's  
20 applicable to activity that may be happening there.

21 So the intelligence gets collected, it gets  
22 put into a digestible format; a report, if you will, into the  
23 system, and then that's notified to our Headquarters'  
24 counterparts, who are taking and consuming that intelligence  
25 that's coming in from every different regional office across  
26 the country.

27 So it's collected, kind of assessed at a  
28 local level. So what -- a local assessment is done with it,

1 and then it's sent to our Headquarters' branches.

2 **MR. GORDON CAMERON:** Okay. Now, we're here  
3 to think of this from exactly the perspective you just gave  
4 it, the collection by the regions and send it to  
5 Headquarters, but just to help with the sort of narrative arc  
6 of there. It gets to Headquarters, all these pieces of  
7 intelligence collected by the regions. Maybe just give us a  
8 quick description of what happens when it gets to  
9 Headquarters.

10 **MR. BO BASLER:** Sure. It's our Headquarters'  
11 branches, there's a couple of different functions that  
12 they're responsible for, but in this context it's taking in  
13 the intelligence, be it from the regional domestic offices,  
14 from our international stations, our partners around the  
15 world, our domestic partners, taking in all the different  
16 pieces of intelligence, assessing it, conducting the  
17 analysis, be it on kind of a more tactical, focused analysis  
18 or a more comprehensive analysis of a situation, taking  
19 intelligence from everywhere.

20 They're also responsible for the  
21 dissemination function. So taking, assessing that  
22 information that's coming in from the regions or partners and  
23 determining if it should go out to other government  
24 departments; and if so, which ones, or conducting the  
25 analysis and then determining those analytical products,  
26 where they should be distributed to. So it's that taking it  
27 in and processing, analyzing, and dissemination function.

28 **MR. GORDON CAMERON:** Okay. Now, were you

1 watching the Headquarters' panel when it was up?

2 **MR. BO BASLER:** I was, yes.

3 **MR. GORDON CAMERON:** Okay. Well, then we can  
4 be a little more compact, then. I just want you to give the  
5 perspective, from a Regional Director General, of the dynamic  
6 between the regions that are collecting the intelligence and  
7 sending it off to Headquarters, Headquarters analyzes it.  
8 And we heard some evidence from the Headquarters' witnesses,  
9 about the discussion that then goes on between the region, or  
10 the regions, and Headquarters about what elements of the  
11 intelligence that's sent to Headquarters ends up getting  
12 actioned by Headquarters and disseminated to government.

13 **MR. BO BASLER:** Yes, it's important to note  
14 in that context that all the intelligence, once it's  
15 collected, it's actioned in some way. It may not be  
16 disseminated immediately upon receipt out to another  
17 government department, but it forms, and will always form,  
18 part of our intelligence holdings.

19 So every piece of intelligence is important  
20 to be able to understand a threat writ large. So it's always  
21 important to the information going in. But Headquarters, the  
22 branches and Headquarters are reviewing it, are assessing it  
23 for its uniqueness, its pertinence to the intelligence  
24 requirements of other government departments, or to senior  
25 decision-makers. So they are evaluating it against the  
26 holdings we have collected over the years, but also the other  
27 intelligence coming in on that particular topic, and really  
28 making that decision of to whom it should go out to.

1           As you had just noted, that is an ongoing  
2 discussion on what the priorities are and what the collection  
3 priorities are, and how that information that gets collected,  
4 how it's being used. So regions, although they don't own the  
5 dissemination function, they certainly have an ongoing  
6 conversation with our Headquarters' branches, in terms of  
7 ensuring that what is being collected is the right type of  
8 information to be able to get it out to the rest of  
9 government. That's why we exist; that's our *raison d'être* to  
10 collect, to do that analysis and to inform, to advise  
11 government.

12           So that conversation at a local level, like,  
13 at a desk -- a unit level, between analysts and officers and  
14 Headquarters and those in the region, that's an ongoing  
15 conversation on a regular basis.

16           **MR. GORDON CAMERON:** Okay, thank you.

17           Just one last topic I wanted to raise with  
18 you, just because there is information in the interview  
19 summary about this, but just because it's been discussed  
20 already today, I just want to get your perspective on it.

21           Are there occasions when the regions get  
22 called upon to do, for example, briefings to candidates or  
23 elected members, defensive or protective briefings with  
24 respect to foreign interference? Don't need to talk about  
25 any specific example, but is that one of the tasks that falls  
26 to the regions on occasion? And if so, when is that the  
27 case?

28           **MR. BO BASLER:** On occasion. If there were

1 to be a defensive briefing to an MP, generally speaking, the  
2 majority of the times it would be a regional officer that  
3 would go out and do that. Not exclusively; sometimes,  
4 depending on the situation, may bring a subject matter expert  
5 from Headquarters, but by and large the vast majority of the  
6 times the interaction and engagement with individuals, be  
7 they MPs or any other Canadian across the country, that's  
8 done by our regional personnel. So it really is the regions  
9 that are that face with local populations across the country.

10 **MR. GORDON CAMERON:** Thank you.

11 Now, Madam Commissioner, we have been  
12 fortunate with this witness to have been able to develop a  
13 witness -- a public summary of the witness interview, and a  
14 public summary of the *in-camera* appearance of Mr. Basler that  
15 are quite comprehensive, and they've been provided to the  
16 parties. I think the best thing to do with the time  
17 available to the Commission is to hand the microphone over to  
18 the parties for cross-examination.

19 **COMMISSIONER HOGUE:** Thank you.

20 So the first one will be counsel for Jenny  
21 Kwan, and I'm going to insist on the time. We have no choice  
22 because we have a hard stop at 7:00.

23 **MS. MANI KAKKAR:** Thank you, Madam  
24 Commissioner.

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

26 **MS. MANI KAKKAR:**

27 **MS. MANI KAKKAR:** My name is Mani Kakkar,  
28 counsel for Jenny Kwan.



1 I have some questions for you, Mr. Basler,  
2 and I will respect the time, because I understand it's late  
3 for everyone. Actually, this follows very neatly from what  
4 Mr. Cameron just last talked about, which is the briefings.

5 In the summary you talk about two different  
6 kinds of briefings, defensive or protective security  
7 briefings, and briefings undertaken as part of TRMs. Can you  
8 explain the difference between those two kinds?

9 **MR. BO BASLER:** Sure. I think one set back,  
10 just for a brief moment. Threat reduction measures and --  
11 can include a wide range of activity, of which a briefing  
12 that includes classified information, or a series of  
13 briefings are just one -- but one type of a threat reduction  
14 measure. So I just don't want to leave the impression that  
15 that is the only kind of threat reduction measurements that's  
16 undertaken by the Service or by the Service in this space.

17 So there are -- we over a number of years now  
18 have been engaging with elected officials at all levels of  
19 government, federal, provincial, municipal, territorial,  
20 Indigenous governments, their staff to do defensive  
21 briefings. So these are engagement with those individuals or  
22 their offices to increase their awareness of the foreign  
23 interference threat. So it really is an awareness building.

24 It is not -- those briefings do not contain  
25 specific classified information on individual threats to the  
26 person we're engaging with, they're really designed and aimed  
27 at increasing the resilience of the individual and of their  
28 staff to that particular threat. So they're informed. We

1 discuss the individual -- like the overall threat of foreign  
2 interference that they may face because of their position as  
3 an elected official, but it's not specific necessarily to  
4 them as an individual. We don't discuss kind of individual  
5 threats.

6 A threat reduction measure that may contain  
7 classified information which is designed to provide certain  
8 specific classified pieces of classified information to the  
9 elected official in order to inform them of the specific  
10 threat and give them enough tools to reduce that threat.

11 So I think it's been mentioned earlier today  
12 that the threat reduction measures undertaken by the Service,  
13 they have to fit a number of criteria, one of which we have  
14 to have reasonable grounds to believe that the threat exists,  
15 as defined in the *CSIS Act*, but we also have to have  
16 reasonable grounds as to believe that what we're undertaking,  
17 so in these cases the provision of classified information  
18 specific to the individual, allows them to take those  
19 measures to reduce the threat.

20 So it's -- it really is -- those ones are --  
21 there's a nuance, but they're different in that they're  
22 honestly focussed on helping the individual reduce the  
23 specific threat as presented to them.

24 Does that....

25 **MS. MANI KAKKAR:** That answers my question  
26 and then some, so I appreciate that. And you mentioned that  
27 your briefings are general in nature.

28 And I would ask that we pull

1 Document JKW 5069.

2 And Commissioner, I ask for your indulgence  
3 in this matter. I provided this document ID to the  
4 Commission quite late in the day, given some of the -- our  
5 documents we received from the Commission. This is a CSIS  
6 document. It is a pamphlet or brochure that was provided  
7 during a briefing to an MP.

8 And I just want to ask you, Mr. Basler, if  
9 you're comfortable, that this is an example of the kind of  
10 document that you would provide during one of the defensive  
11 or protective briefings that you had mentioned?

12 And to the extent possible, it would be good  
13 to rotate the document so it's a little bit more legible.

14 **MR. BO BASLER:** Can we go one more?

15 **COMMISSIONER HOGUE:** It's not easy to read,  
16 this one.

17 **MR. BO BASLER:** Can we just scroll down to  
18 the bottom of the -- oh, sorry. I just -- yeah. That was  
19 what I wanted to be able to look at was the classification  
20 level. So this is an unclassified document.

21 Yes, this would be the type of document that  
22 we may leave behind on a defensive security briefing. When  
23 we discuss the overall strategic threat of foreign  
24 interference to be able to increase that resiliency, this  
25 would be the type of document that -- yes.

26 **MS. MANI KAKKAR:** Thank you, Ms. Basler. And  
27 when would you say that the regional offices began providing  
28 these sorts of briefings?

1           **MR. BO BASLER:** To my best recollection, I  
2 would think somewhere probably around 2018 or 2019. We have  
3 been doing it for a number of years, a number within reason,  
4 but as the foreign interference threat changed and we saw  
5 somewhat of a difference in the way the threat was being  
6 realised, we took action to be able to engage with individual  
7 parliamentarians who were at higher levels of risk. So  
8 that's been done for at least four or five years now.

9           **MS. MANI KAKKAR:** So you say four or five  
10 parliamentarians in or around 2018 or 2019?

11           **MR. BO BASLER:** No. Sorry, four or five  
12 years we've been doing it.

13           **MS. MANI KAKKAR:** Four or five ---

14           **MR. BO BASLER:** Yes.

15           **MS. MANI KAKKAR:** Okay.

16           **MR. BO BASLER:** Yeah.

17           **MS. MANI KAKKAR:** But it's a meaningful  
18 difference.

19           **MR. BO BASLER:** Yeah.

20           **MS. MANI KAKKAR:** And would you be able to  
21 estimate how many parliamentarians have gotten such a  
22 briefing?

23           **MR. BO BASLER:** The last numbers, and I ask  
24 that I not be quoted on a hard number on this, but the last  
25 numbers I believe I saw were in excess of 65 or 70  
26 parliamentarians have been briefed.

27           **MS. MANI KAKKAR:** In this general way.

28           **MR. BO BASLER:** Yes.

1           **MS. MANI KAKKAR:** And do you have any insight  
2 into who made that decision or why or when?

3           **MR. BO BASLER:** To brief parliamentarians?

4           **MS. MANI KAKKAR:** To brief parliamentarians.

5           **MR. BO BASLER:** I don't have insights into  
6 the individual decision. I feel it most likely was not a  
7 decision by an individual person, but the recognition of the  
8 threat and the threat environment in which we were living in  
9 -- at the time that this started, and this might be a useful  
10 tool for the organisation to deploy to help build that  
11 resilience. But I don't -- I didn't attend the meeting where  
12 the concept was approved for example.

13           **MS. MANI KAKKAR:** And have you gotten  
14 feedback from those that you have provided those briefings to  
15 as to their effectiveness?

16           **MR. BO BASLER:** We have received some  
17 feedback, yes. We don't always get feedback, but we have --  
18 we've received it directly where individuals have said they  
19 appreciate it. It has increased their awareness and their  
20 understanding of the threat. We have also kind of heard  
21 feedback, not necessarily direct to us, but that some  
22 individuals have found them to be less useful, overly  
23 general. I think that is completely understandable.

24                       There is varying degrees, if you look at the  
25 number of parliamentarians at the federal level. There are  
26 going to be varying degrees of understanding of this threat.  
27 So it's a -- when we're taking a -- somewhat of a unified  
28 approach, a standard approach to each of these briefings,

1 it's going to be new to some individuals and not new to  
2 another individuals.

3 **MS. MANI KAKKAR:** In the period that you have  
4 been providing these briefings, both as a result of the  
5 feedback, and you mentioned in your witness summary, the  
6 evolution, for example, of the PRC strategy on foreign  
7 interference, have you made changes to the kind of briefings  
8 you provide to members of parliament?

9 **MR. BO BASLER:** The briefings -- I believe  
10 the best way to phrase this is, is they represent our  
11 understanding of the threat as the threat is being realised  
12 at the time of the briefing. That understanding changes  
13 every year. As we learn how individual threat actors are  
14 behaving, it changes our understanding, it changes our  
15 approach, and therefore, it will inform and change the  
16 briefing.

17 So yes, the information that we're providing  
18 in 2024, and I don't have the content of what was briefed if  
19 one was done say last month and what was done in 2019 to do a  
20 side-by-side comparison, but the -- I would assume the  
21 difference, there would be a significant difference or a  
22 difference in between the two because our understanding of  
23 the threat is different.

24 **MS. MANI KAKKAR:** I'm mindful of my time, so  
25 I'll ask just one last question. Actually, I may try to  
26 squeeze in two, but let's see.

27 So when you provide these briefings, you --  
28 it seems to leave information for those candidates or those

1 members of parliament to be able to contact you if they  
2 discover any possible foreign interference. Have you found  
3 that there has been an increase in the number of potential  
4 foreign interference complaints your office has received?

5 **MR. BO BASLER:** Yeah, not -- yes, there are  
6 more engagements. I'm not sure if I'd refer to them as  
7 foreign interference complaints because it's -- I think  
8 that's something that's -- it's a construct that lives in the  
9 policing world a little more than this -- than our world.  
10 When we go out and engage with Canadians across the country,  
11 MPs included, it is very much designed to be able to build  
12 the resilience but also open that line of communication.

13 So there are a number of individuals across  
14 the country, MPs, that have continued that conversation with  
15 the Service after that initial briefing, and we will continue  
16 to engage them on their specific situations as part of the  
17 relationships. But these briefings, that is one of the  
18 functions of them is to open that door in line of two-way  
19 communication individually.

20 **MS. MANI KAKKAR:** Okay. So that ---

21 **COMMISSIONER HOGUE:** Thank you.

22 **MS. MANI KAKKAR:** --- was more for me than  
23 for you, but thank you so much for your answer.

24 **COMMISSIONER HOGUE:** Thank you.

25 Counsel for Michael Chong?

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

27 **MR. GIB van ERT:**

28 **MR. GIB van ERT:** Mr. Basler, I want to ask

1 you about some statements in the document WIT36.

2 If the Court Operator would put that on the  
3 screen? And if you'll go to page 7 at the bottom, please?  
4 There we are. Yeah. Exactly.

5 Just under the heading "PRC", Mr. Basler.  
6 I'll read this to you so we all have it, but you're  
7 contrasting the PRC strategies and level of influence, I  
8 think it's fair to say, in 2019 in this country versus 2021.  
9 And what you said is -- well, what the statement says is:

10 "Mr. Basler explained that in 2019,  
11 candidates the PRC disliked received  
12 little to no coverage in Chinese-  
13 language news media, and would not be  
14 invited to Chinese-Canadian community  
15 events."

16 I'll just pause there. I was dumbstruck by  
17 that. And I just want to make sure that I've understood you  
18 correctly. Are -- is it the Service's view, in your  
19 experience, that in 2019, again, the PRC, a foreign country  
20 across the ocean, thousands of kilometres away, has such  
21 influence in Chinese-language news media in this country,  
22 again, five years ago now, that it could persuade media in  
23 our country, Chinese-language media, a small segment perhaps,  
24 but nevertheless, media in our country, to not cover people  
25 who the PRC disliked? Is that what you're saying here, sir?

26 **MR. BO BASLER:** I think we need to  
27 disentangle the broad statements from the specific  
28 statements. So yes, absolutely it is our understanding that



1       there are levers that the People's Republic of China will  
2       use, including influence over media outlets, some here, some  
3       international, that Canadians access that aren't based here  
4       in Canada. So the news media is not just restricted to that  
5       which is produced here in Canada. So there are different  
6       avenues or different means by which Canadians consume the  
7       media. But using influence over those media outlets  
8       absolutely is understood to be one of the techniques that's  
9       used.

10               That statement, though, is not a blanket  
11       statement. It was part of a discussion which was a little  
12       bit larger and a little bit more nuanced and included more  
13       classified specifics as examples.

14               But yes, as a general statement, not a  
15       blanket statement, that's accurate.

16               **MR. GIB van ERT:** Thank you. That's very  
17       helpful and I do take your point. I think if the idea were  
18       limited to the notion that news media outside the country ---

19               **MR. BO BASLER:** M'hm.

20               **MR. GIB van ERT:** --- might be influenced ---

21               **MR. BO BASLER:** Yeah.

22               **MR. GIB van ERT:** --- by China, especially if  
23       they were coming from China, we might be a little less  
24       surprised. I'd be a little less dumbfounded.

25               **MR. BO BASLER:** Fair.

26               **MR. GIB van ERT:** But your -- I think what  
27       you said is, yes, it's outside the country, but it's also  
28       even within the country?



1 that:

2 "By 2021, the [...] strategy had  
3 evolved, from passive shunning to  
4 active reputational attacks."

5 And you give the example of Kenny Chiu, who  
6 you note was labelled as racist or anti-Chinese.

7 So again, I just want to understand better.  
8 If you can add anything to it, and I understand you were  
9 speaking in a different forum and you may not feel able to  
10 add anything to it, in which case fine, please say so. But  
11 again, I think this will open a lot of people's eyes and I do  
12 invite you, if you are able, to explain that move to active  
13 reputational attacks in this country?

14 **MR. BO BASLER:** Yeah. I think what I can say  
15 is highlighting some of the I'd say negative space in between  
16 the two. So there was what appeared, at least in my region,  
17 that there was a change in tactic in between the two  
18 elections.

19 Why there was a change in tactic, that is not  
20 highlighted here. There can be a multitude of different  
21 reasons, which may change it, including the fact that in  
22 2019, there was not a pandemic and in 2021 there was; right?  
23 So the ability to use the same levers and tools that may have  
24 been at a state's disposal in 2019 may not be as effective in  
25 2021.

26 So while we saw a change in tactic, I'm not  
27 willing or not in the position in this venue to go further  
28 into the details of why that may have been, besides a

1 statement that they are different and there is reasons behind  
2 that, maybe.

3 **MR. GIB van ERT:** Thank you. And you  
4 mentioned your region at the time. And was that British  
5 Columbia at the time for 2021?

6 **MR. BO BASLER:** Correct.

7 **MR. GIB van ERT:** Right. So the region where  
8 Mr. Chiu's riding was? Steveston-Richmond East?

9 **MR. BO BASLER:** Correct.

10 **MR. GIB van ERT:** Right. In this paragraph,  
11 again, I don't want to read too much into it.

12 **MR. BO BASLER:** M'hm.

13 **MR. GIB van ERT:** I will tell you what I  
14 think I'm reading into it, and you'll correct me if I've gone  
15 too far.

16 You're describing observations in a shift in  
17 strategy from -- and a shift in influence from 2019 to 2021.  
18 Was your agency, if you're free to say, detecting the 2019  
19 strategy in 2019? Or is it something that you look upon now  
20 and can see, but didn't see at the time?

21 **MR. BO BASLER:** So I think, again, I'm going  
22 to step back and disentangle some -- a couple of things.

23 First, we speak about the strategy or we  
24 speak about the activities that we witnessed or that we saw  
25 that our intelligence led us to believe we're undertaking.  
26 That's not coupled with the influence; right? So it's not --  
27 what is detailed in the summary is the intelligence on the  
28 activities undertaken, not the scope of influence of those

1 activities. So there's no commentary on how effective they  
2 may or may not have been. So I just want to draw that  
3 distinction. There's not that conclusion in this.

4 We are continually collecting intelligence  
5 that is focused in the present and in the past, and with an  
6 eye towards the future.

7 So our understanding of what we saw in 2019  
8 would be informed by what we were collecting at the time. It  
9 may also, when we collect something in 2019 and compare it  
10 with something that we collected in 2014, we may understand  
11 the relevance of that piece of intelligence that was  
12 collected in 2014.

13 So something collected many years earlier may  
14 all of a sudden inform us and become pertinent to our  
15 understanding of 2019. The same thing looking forward. So  
16 when we're collecting in 2019, it may be informing what we  
17 might see and give us an opportunity to crystal ball, for  
18 example, what may be coming in future elections. But it's  
19 not purely restricted to our understanding of 2019 threat as  
20 it was being realized is based only on the collection of  
21 2019. It's the collection of stuff much earlier and much  
22 later. We may get something a year from now which informs  
23 our understanding of what happened in 2019.

24 **MR. GIB van ERT:** Thank you. My ---

25 **MR. BO BASLER:** It's a very common  
26 occurrence.

27 **MR. GIB van ERT:** Thank you. My last  
28 question.



1 right. No, 129, and then on the -- sorry, at 129 of the  
2 document, not the PDF, please. Okay. And right there. So  
3 thank you very much.

4 On the right-hand column, the second  
5 paragraph, starts with "Freedom House". I'll just read it  
6 out to you.

7 "Freedom House states that while CSIS  
8 and the RCMP maintain ways for  
9 reporting national security  
10 information, these are not specific to  
11 transnational repression, and as most  
12 reports are deemed not to be national  
13 security related, they're not followed  
14 up with by law enforcement." (As read)

15 In the context of election interference, and,  
16 of course, I know you can speak to CSIS, RCMP, what are your  
17 thoughts on this finding by Freedom House?

18 **MR. BO BASLER:** To have a full understanding  
19 of their findings, I would kind of need to be able to read  
20 everything that went into their findings. But kind of on a  
21 general level, so not to deal with this is as finding on  
22 transnational repression, so in terms of foreign interference  
23 in the electoral space, we did -- one of the documents that  
24 we've produced, I believe it might have been brought up when  
25 the headquarters panel was in, we did produce that in, if I'm  
26 not mistaken, six or seven different languages, so not just  
27 in the two official languages, but foreign interference knew  
28 we produced it in a number of languages, so that it could be

1 distributed and understood by non-native English or French  
2 speakers. So that was a way to try and open up the door and  
3 create that kind of two-way dialogue with communities across  
4 the country and give them that avenue to be able to reach  
5 back into the Service, if it's the Service or the RCMP, if  
6 need be. That was our document ---

7 **MS. HANNAH TAYLOR:** Okay. Perhaps we'll move  
8 to CSIS's public reporting or complaints mechanism more  
9 specifically.

10 **MR. BO BASLER:** Sure.

11 **MS. HANNAH TAYLOR:** To the extent you're  
12 aware, did CSIS receive reports from diaspora members  
13 regarding potential election interference in the 2019 and  
14 2021 elections?

15 **MR. BO BASLER:** I am not aware personally,  
16 but I was not in positions to be able to be aware of what was  
17 coming into our tip line so.

18 **MS. HANNAH TAYLOR:** Do members of the public  
19 in your opinion tend to know that they can contact you or  
20 contact CSIS with complaints?

21 **MR. BO BASLER:** I believe so. We are as  
22 accessible as -- we try and be accessible. Back when people  
23 used phone books, we were in phone books. Nowadays, you  
24 know, we have our website. We are engaging across the  
25 country. Our regional offices are engaging across the  
26 country. Our academic outreach stakeholder engagement units  
27 is engaging with community groups across the country. So the  
28 -- trying to raise the awareness to ensure that Canadians



1 have that ability to reach up, pick up the phone, send us an  
2 email, do the tip line, whatever it may be. So a fair amount  
3 of outreach does happen. Its efficacy, I don't think I can  
4 speak to though.

5 **MS. HANNAH TAYLOR:** Speaking to, I suppose --  
6 you talked about appearing in phone books, now online, over  
7 the phone, information about the tip line and how it can be  
8 accessed, is that advertised in language other than English  
9 and French, to your awareness?

10 **MR. BO BASLER:** I'm not a hundred per cent  
11 sure. I wouldn't be able to give a definitive answer one way  
12 or another on that.

13 **MS. HANNAH TAYLOR:** Okay.

14 **COMMISSIONER HOGUE:** Your time is over.

15 **MS. HANNAH TAYLOR:** Yes, I'm afraid. Thank  
16 you.

17 **MR. BO BASLER:** Thank you.

18 **COMMISSIONER HOGUE:** Thank you.

19 So next one is Mr. Sirois for RCDA.

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

21 **MR. GUILLAUME SIROIS:**

22 **MR. GUILLAUME SIROIS:** Merci. Guillaume  
23 Sirois for the RCDA. Are you aware of any foreign  
24 interference or influence activity in our electoral processes  
25 conducted by the Russian Intelligence Services in Canada  
26 during the 43<sup>rd</sup> and 44<sup>th</sup> general elections?

27 **MR. BO BASLER:** I would draw on -- I don't  
28 have the authority to pull up on the screen or ask, but in

1 our country summary on Russia, we detailed that we didn't see  
2 a significance of Russian attempts at interference in those  
3 elections.

4 **MR. GUILLAUME SIROIS:** But in your witness  
5 summary, there's no mention about Russia; is that right?

6 **MR. BO BASLER:** I do not believe there is any  
7 mention in the witness summary, no.

8 **MR. GUILLAUME SIROIS:** Is that because ---

9 **MR. BO BASLER:** So I meant the country  
10 summary ---

11 **MR. GUILLAUME SIROIS:** Right.

12 **MR. BO BASLER:** --- that we produced, but,  
13 no, I don't believe in my witness summary that there's  
14 mention of Russia.

15 **MR. GUILLAUME SIROIS:** And is it because  
16 Russia was not a concern or is it because there was no  
17 questions -- further questions asked about the topical  
18 summaries during the interviews and in-camera hearings about  
19 Russia?

20 **MR. BO BASLER:** Right. So the -- both the  
21 topical summaries, the publicly releasable versions of the  
22 in-camera hearings and the publicly releasable versions of  
23 the interviews, all three are information which can be  
24 released and discussed publicly. The information which  
25 cannot be released for national security grounds is not found  
26 in those documents. So the reason I give that explanation is  
27 so it's not -- the absence of a conversation in a public  
28 document doesn't mean a conversation did or did not occur.

1 It's what can be publicly released in the documents.

2 **MR. GUILLAUME SIROIS:** Okay. But your  
3 witness summary talks about India. It talks about China. It  
4 doesn't talk about Russia. I find this peculiar. Don't you  
5 agree?

6 **COMMISSIONER HOGUE:** What is your question,  
7 I'm sorry?

8 **MR. GUILLAUME SIROIS:** I want to know if the  
9 witness discussed with the Commission about Russian  
10 interference prior to his testimony today. I want to know  
11 more about Russian interference in the last two elections in  
12 the context of the topical summary that was submitted.

13 **MR. GORDON CAMERON:** Madam Commissioner, I  
14 think this is a point where the witness has done as well as  
15 counsel could have done to state the dilemma he's in, that a  
16 great deal of effort's been put into saying what can be said  
17 publicly ---

18 **MR. GUILLAUME SIROIS:** I'll move on.

19 **MR. GORDON CAMERON:** --- and what can't.

20 **MR. GUILLAUME SIROIS:** Thank you. Did CSIS  
21 witness any rise in what we know as IMVE, being ideologically  
22 motivated violent extremism in the days or weeks leading up  
23 to the 2021 election?

24 **MR. BO BASLER:** I'm not a -- so the IMVE  
25 investigation is under the remit of our counter-terrorism  
26 branch. I am not an expert in that area, so I can't say if  
27 in the weeks leading up -- so the very small timeframe of the  
28 weeks leading up to the election that there was an increase

1 in IMVE related threat activity. I'm not in a position to be  
2 able to say that. It is, broadly speaking, it is a threat  
3 that has been increasing over the years, absolutely.

4 **MR. GUILLAUME SIROIS:** Okay. But you cannot  
5 talk about any increase during the election period,  
6 specifically?

7 **MR. BO BASLER:** I can't, no; I'm sorry.

8 **MR. GUILLAUME SIROIS:** Thank you. No further  
9 questions.

10 **COMMISSIONER HOGUE:** Thank you.  
11 Sikh Coalition.

12 **MR. PRABJOT SINGH:** Thank you, Commissioner.

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

14 **MR. PRABJOT SINGH:**

15 **MR. PRABJOT SINGH:** If Mr. Court Operator can  
16 bring up Mr. Basler's witness summary, page 7.

17 And Mr. Basler, if you could remind me, you  
18 were the Director General of CSIS's B.C. regional office.  
19 Can you remind me of what time period that was in?

20 **MR. BO BASLER:** I was. I arrived in the  
21 summer of 2021, and then began this position in 2023 on a  
22 temporary basis, and then transitioned to a ---

23 **MR. PRABJOT SINGH:** Oh, so you're now the  
24 Counter Foreign Interference Coordinator; correct?

25 **MR. BO BASLER:** That is correct.

26 **MR. PRABJOT SINGH:** And so from that vantage  
27 point, and I would imagine the Service has some institutional  
28 memory as well, would you agree with me that Indian foreign

1 interference activity in Canada, whether that's transnational  
2 repression or electoral interference, has increased from say  
3 2017 until now, and including the last two electoral periods?

4 **MR. BO BASLER:** I'm actually not, I think,  
5 well positioned to put a baseline level in one year versus  
6 another year. It certainly is a threat that has been on the  
7 radar, yes, and is a threat that has been obviously of  
8 importance to the Service and to the government, but I -- I'm  
9 not -- I don't think I'm positioned to be able to say there  
10 was a certain level of activity in 2017 and then in 2019 and  
11 then 2021. I can't -- I can't graph it like that for you;  
12 I'm sorry.

13 **MR. PRABJOT SINGH:** Right. Yeah, that's  
14 fair. And so referring to page 7 of your witness summary, it  
15 is fair to say, however, that India is only second to the PRC  
16 in terms of the level of foreign interference in Canada.  
17 Fair?

18 **MR. BO BASLER:** Is that on page 7? Sorry.

19 **MR. PRABJOT SINGH:** Yeah, in the middle of  
20 page 7, Foreign Interference Involved In FI:

21 "The witness indicated that in India,  
22 while a clear second to PRC in terms  
23 of the level of a foreign  
24 interference threat..." (As read)

25 **MR. BO BASLER:** Yeah.

26 **MR. PRABJOT SINGH:** Is that a fair statement?

27 **MR. BO BASLER:** That's a fair statement.

28 **MR. PRABJOT SINGH:** And I want to draw your

1 attention to that last sentence in that paragraph that, "All  
2 interviewees", that's yourself and two of your CSIS  
3 colleagues:

4 "...agreed that foreign interference  
5 by India was corrosive to Canadian  
6 democratic processes and to regional  
7 community cohesion." (As read)

8 Could I ask you to expand on the latter part?  
9 What did you mean about being corrosive to regional community  
10 cohesion?

11 **MR. BO BASLER:** So I think the -- one of the  
12 documents that you have accessed to is the country summary  
13 for India that was primarily produced by the Service in  
14 consultation with other government departments. In that  
15 particular document, we discuss the fact that the Government  
16 of India undertakes -- has different driving forces behind  
17 why it undertakes foreign interference activities. One of  
18 those is to counter what it perceives as threats to its own  
19 internal stability.

20 And as soon as any country, India included,  
21 but as soon as any country does those kinds of activities  
22 focussed on a particular element of Canadian society, so in  
23 this case what it perceives as threats, which is individuals  
24 or groups that are advocating for an independent Sikh  
25 homeland, that is corrosive to Canadian society. So that's  
26 the context in there, and it's corrosive to community  
27 cohesion as well.

28 **MR. PRABJOT SINGH:** So sorry, just to

1 clarify. So India's targeted activity that targets Sikh  
2 advocates for a Sikh homeland and the results of that  
3 targeting is what leads to the breakdown in community  
4 cohesion?

5 **MR. BO BASLER:** I think the way to best  
6 characterise that is it certainly is a factor, absolutely,  
7 yes.

8 **MR. PRABJOT SINGH:** And so a lot of observers  
9 of India's ruling party, the VJP, talk about how Indian  
10 officials seek to polarise politics along sectarian and  
11 ethnic and identity lines. So when you talk about being  
12 corrosive to community cohesion, is that polarisation within  
13 diaspora communities something that you're referring to as a  
14 byproduct of India's foreign interference?

15 **MR. BO BASLER:** My understanding that this  
16 part of the Inquiry is focussed on the electoral space as  
17 opposed to simply that -- the cohesion matters. So I think  
18 the -- I'll draw back to the country summary as produced  
19 because that document really reflects the understanding that  
20 the Service has, again in consultation with other government  
21 departments, on their activities focussed on those elections.  
22 And that's really what has been produced and about as far as  
23 I'm going to be able to discuss in the confines of this  
24 Inquiry.

25 **MR. PRABJOT SINGH:** Madam Commissioner, I see  
26 that my time is ---

27 **COMMISSIONER HOGUE:** Your time is over.

28 **MR. PRABJOT SINGH:** --- over. I'm trying to

1 follow up -- my last follow up just to clarify a little bit?

2 COMMISSIONER HOGUE: Ask your question, but -

3 --

4 MR. PRABJOT SINGH: Sure.

5 COMMISSIONER HOGUE: --- I'll see whether I  
6 permit it or not.

7 MR. PRABJOT SINGH: Okay. Sure.

8 I am just trying to understand like -- so  
9 we're talking about electoral interference, and within that  
10 context this community cohesion has been referenced, and I'm  
11 just trying to -- are you not able to expand upon what those  
12 impacts are on the ground in Canada?

13 MR. BO BASLER: Am I free to ---

14 COMMISSIONER HOGUE: You can answer.

15 MR. BO BASLER: Thank you.

16 The referencing was not done by the Service.  
17 So again, I draw back to the country summary in terms of the  
18 publicly releasable information that we have relative to the  
19 Government of India's attempts at interference in the  
20 electoral processes.

21 MR. PRABJOT SINGH: Thank you, Commissioner.

22 COMMISSIONER HOGUE: Thank you.

23 AG?

24 MR. BARNEY BRUCKER: It's late. No  
25 questions.

26 COMMISSIONER HOGUE: Re-examination?

27 MR. GORDON CAMERON: No re-examination.

28 Thank you.



1                   **COMMISSIONER HOGUE:** Thank you.  
2                   So we'll resume tomorrow morning at 9:30.  
3                   **THE REGISTRAR:** Order, please. À ordre, s'il  
4 vous plaît.

5                   This sitting of the Foreign Interference  
6 Commission has adjourned until tomorrow at 9:30 a.m. Cette  
7 séance de la Commission sur l'ingérence étrangère levée  
8 jusqu'à demain à 9h30.  
9 --- Upon adjourning at 6:47 p.m.  
10 --- L'audience est ajournée à 18h47

11

12

13

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

14


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

19

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

24

25



26

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Sandrine Marineau-Lupien

27

28