



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**

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Russian Canadian Democratic Alliance	Mark Power Guillaume Sirois
Michael Chan	John Chapman Andy Chan
Han Dong	Mark Polley Emily Young Jeffrey Wang
Michael Chong	Gib van Ert Fraser Harland
Jenny Kwan	Sujit Choudhry Mani Kakkar

IV Appearances / Comparutions

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Malliha Wilson

The Pillar Society

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Nick Papageorge

Canada's NDP

Lucy Watson

Conservative Party of Canada

Nando de Luca

Chinese Canadian Concern Group on
The Chinese Communist Party's
Human Rights Violations

Neil Chantler

Erin O'Toole

Thomas W. Jarmyn
Preston Lim

Senator Yuen Pau Woo

Yuen Pau Woo

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Ottawa, Ontario

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

THE REGISTRAR: Order, please.

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

The time is 9:32 a.m.

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

And good morning to you.

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

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

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

MR. DAVID MORRISON: Affirmed, please.

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

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

--- MR. DAVID MORRISON, Affirmed:

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

MS. CINDY TERMORSHUIZEN: Termorshuizen.

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

1 the record.

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

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

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

9 **THE REGISTRAR:** Okay.

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

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

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

14 **--- EXHIBIT No. WIT 37:**

15 Public Summary of the Classified
16 Interview of: Global Affairs Canada
17 (Marta Morgan, Cindy Termoshuizen,
18 Philippe Lafortune, Tara Denham, Gallit
19 Dobner)

20 **MR. JEAN-PHILIPPE MACKAY:** So Ms.
21 Termorshuizen, do you recall being interviewed by Commission
22 Counsel in a classified setting on February the 9th, 2024,
23 with various individuals whose names appear on this document?

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

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

27 **MS. CINDY TERMORSHUIZEN:** Yes, I do. Yes, I
28 have.

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

4 **MS. CINDY TERMORSHUIZEN:** I have no
5 corrections.

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

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

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

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

14 --- EXHIBIT No./PIÈCE No. CAN.DOC 7:

15 Global Affairs Canada (GAC)

16 Institutional Report - UNCLASSIFIED

17 **MR. JEAN-PHILIPPE MACKAY:** Madam Commissioner,
18 this is the institutional report prepared by Global Affairs
19 Canada, GAC.

20 Both of you, have you had the chance to
21 review the document before this morning?

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

23 **MS. CINDY TERMORSHUIZEN:** Yes.

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

27 **MR. DAVID MORRISON:** Yes.

28 **MR. JEAN-PHILIPPE MACKAY:** So this document

1 will be filed along an annex identified as CAN.DOC 7.001.

2 If we can pull that up, please.

3 --- EXHIBIT No. CAN.DOC 7.001:

4 Annex to the GAC Institutional Report
5 - UNCLASSIFIED

6 **MR. JEAN-PHILIPPE MACKAY:** So the same is
7 true for the annex, the unclassified annex that we see here.
8 This was prepared by GAC, and you confirm that it represents
9 GAC's evidence before the Commission?

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

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

16 --- EXHIBIT No. CAN.DOC 8:

17 Affaires Mondiales Canada (AMC)
18 Rapport Institutionnel - NON
19 CLASSIFIÉ

20 --- EXHIBIT No. CAN.DOC 8.001:

21 Annexe du Rapport Institutionnel
22 d'Affaires Mondiales Canada (AMC) -
23 NON CLASSIFIÉ

24 **COMMISSIONER HOGUE:** Thank you.

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

28 The witnesses before you today will testify

1 concerning the distinction between foreign interference and
2 foreign influence. That is the scope of the examination.
3 Other areas of GAC's mandate and activities may be relevant
4 to other aspects of your mandate, but this evidence will not
5 be heard today through those witnesses.

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

14 **COMMISSIONER HOGUE:** Thank you.

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

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

18 **MR. GUILLAUME SIROIS:** In the summary of
19 interview that was filed at 10:00 p.m. last night, it says
20 that it was filed in evidence in February-March 2024 during
21 Commission Inquiry. I haven't found any of those things in
22 the party database. I wonder when it will be submitted and
23 where.

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

26 **MR. GUILLAUME SIROIS:** ...this summary of
27 interview can be submitted as evidence whereas it's evidence
28 on the testimony of Ms. Cindy Termorshuizen if she was not

1 present at that time.

2 **MR. JEAN-PHILIPPE MacKAY:** Madam
3 Commissioner, this document, WIT 37, is a summary of
4 interview, not a summary of *in camera* interrogation. It's
5 just there for information for my colleague, counsel Morgan,
6 Mme Denham, Dobner.

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

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

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

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

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

20 **MS. CINDY TERMORSHUIZEN:** And I'm the
21 Associate Deputy Minister of Foreign Affairs and also the G7
22 Personal Representative of the Prime Minister.

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

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

27 **MS. CINDY TERMORSHUIZEN:** And I was appointed
28 in January 2022 as Associate Deputy Minister of Foreign

1 Affairs.

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

5 I'll just give a moment to Mr. Court Operator
6 to pull it up.

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

8 We see that the first topic addressed in the
9 institutional report is an overview of GAC's mandate. Could
10 you please -- you can refer to the document, but you can also
11 just explain what is the mandate and what are the activities,
12 broadly, that GAC is undertaking?

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

14 GAC is, as the document says, responsible for
15 the conduct of Canada's international relations for advancing
16 Canada's international relations. Every country in the world
17 has a foreign ministry. In Canada it's called Global Affairs
18 Canada.

19 We are a little bit unique in that we have a
20 very broad mandate. We have three Ministers responsible for
21 three parts of our overall mandate to advance international
22 relations.

23 There's the Foreign Minister, who takes the
24 lead on foreign policy. There's the Trade Minister, who
25 takes the lead on international trade policy and the
26 promotion of Canadian exports abroad and the attraction of
27 investment into Canada. And there's the Minister of
28 International Development, who oversees Canada's spending

1 around the world.

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

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

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

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

22 **--- EXHIBIT No. CAN 8822:**

23 Influence and Interference:
24 distinctions in the context of
25 diplomatic relations and democratic
26 processes

27 **COURT OPERATOR:** Can you repeat that again,
28 please?

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

2 Do you recognize this document?

3 **MR. DAVID MORRISON:** Yes.

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

6 Thank you.

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

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

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

25 We do this in a general sense. We want
26 Canada to be well thought of around the world. I said we're
27 -- or I'll say we're a trading nation, so our reputation
28 abroad matters. It matters to whether students want to come

1 here, whether people want to trade with us, whether people
2 want to invest in Canada.

3 So there's broad foreign policy goals around
4 broad issues like climate change.

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

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

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

25 I mentioned the evacuation that is going on
26 right now in Haiti as part of our consulate functions. We
27 have needed to exercise our influence with the government of
28 the Dominican Republic because up until very recently, we

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

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

18 So that's -- those are examples of how
19 diplomats use influence.

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

25 And you know, there was a program some time
26 ago when we were trying to get out the word about Canada's
27 fossil fuel industry. We flew congressional staffers up from
28 Washington to the oil sands in Alberta so that they could see

1 that -- so that they could see that for themselves. We paid
2 their way up so that they could not be unduly influenced by
3 other forms of information. They could see things
4 themselves. So there's nothing untoward about paying, as
5 long as it is overt.

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

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

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

23 **MR. DAVID MORRISON:** Absolutely.

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

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

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

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

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

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

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

23 **MR. DAVID MORRISON:** No.

24 **COMMISSIONER HOGUE:** No?

25 **MR. DAVID MORRISON:** No, they cannot. They
26 can speculate on who might win, which is kind of a water
27 cooler activity throughout the world. They can opine on
28 whether if Party A wins, as opposed to Party B, that would be

1 better or worse for their country's interests, but they must
2 refrain from making public statements and they must refrain
3 from getting directly involved.

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

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

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

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

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

23 If we can pull up CAN5551? CAN5551.

24 **--- EXHIBIT No. CAN 5551:**

25 REMINDER: UPCOMING FEDERAL ELECTIONS:
26 Non-interference by foreigners in
27 Canadian elections | RAPPEL:
28 PROCHAINES ÉLECTIONS FÉDÉRALES: Non-

1 ingérence étrangère dans les
2 élections canadiennes

3 **MR. JEAN-PHILIPPE MacKAY:** And as Mr.
4 Morrison mentioned, this question is for you, Ms.
5 Termorshuizen. It's a notice to Diplomatic Corps in the
6 context of the General Election in 2019.

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

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

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

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

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

1 sensitivities that Mr. Morrison has just spoken about.

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

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

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

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

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

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

26 **COMMISSIONER HOGUE:** Roughly. Roughly. Are
27 we talking about a large number of countries throughout the
28 world? Or ---

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

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

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

11 **COMMISSIONER HOGUE:** I see.

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

14 **COMMISSIONER HOGUE:** Thank you.

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

19 **MR. DAVID MORRISON:** Yes.

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

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

28 Mr. Morrison, you provided explanations, but

1 could you go back, either of you, on the distinction between
2 those notions and how foreign influence can slide into malign
3 foreign influence and then into foreign interference?

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

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

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

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

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

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

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

28 So it's -- there is an area of ambiguity, I

1 would say, between clear-cut diplomacy, and the business of
2 influence, and clear-cut foreign interference, which is
3 against the relevant conventions and laws.

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

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

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

9 **COMMISSIONER HOGUE:** Thank you.

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

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

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

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

18 If we could turn to page 3, please.

19 There is a header...

20 Right there.

21 ...Examples of Canada's Foreign Influence In
22 Other Countries, and then a number of examples, of course.

23 And then if we scroll to page 4, we see a section called
24 Lines That Canada Never Crosses. And the final line...

25 A little lower.

26 Then the final line there reads:

27 "Canada never engages into
28 transnational repression, i.e.

1 intimidating or threatening
2 individuals, or coercing them to take
3 particular action."

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

7 **MR. DAVID MORRISON:** Yes.

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

19 Is this foreign interference?

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

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

27 **MR. DAVID MORRISON:** The question of whether
28 someone directs voting or simply implies the way they would

1 like you to vote is -- is a tricky one to answer. The threat
2 or the -- an -- a threat, explicit or implied, in my books
3 would put that over the line into foreign interference.

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

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

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

24 **MS. HANNAH TAYLOR:** Thank you very much.
25 Thank you, Commissioner.

26 **COMMISSIONER HOGUE:** Thank you.
27 Next one is RCDA.

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

1 **COMMISSIONER HOGUE:** Good morning.

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

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

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

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

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

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

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

25 **MR. GUILLAUME SIROIS:** And let's say that --
26 trying to blur the lines a little bit. Let's say there was
27 no direct link with Russia because there was no, for
28 instance, URL that links to the Russian Federation. But

1 let's say it was a lot of social media accounts that seem
2 friendly to Russia but that are based in Canada that promote
3 these divisive events and trends on the social media at a
4 large scale. Would that possibly constitute foreign
5 interference as well?

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

10 I think you said that the accounts were here
11 in Canada.

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

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

1 might be disinformation, which is information that is
2 deliberately designed to -- well, it's fake, it's false.
3 It's deliberately designed to distort and create impressions
4 that are incorrect.

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

8 **--- EXHIBIT No. CAN 134:**

9 RRM Canada Weekly Trend Analysis

10 **MR. GUILLAUME SIROIS:** It's at page 2. And
11 again, it's on the same topic.

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

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

17 **MR. DAVID MORRISON:** Okay.

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

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

26 And again, just in terms of the lack of
27 certainty here, the end of the sentence says "RRM Canada
28 judges that, at the individual account level, analytic

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

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

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

13 **MR. DAVID MORRISON:** Absolutely.

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

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

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

28 The paragraph also says that there is more

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

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

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

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

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

28 **MR. DAVID MORRISON:** I simply do not have

1 enough information to say. I didn't -- I've forgotten what's
2 at the top of whether this is a weekly report or a daily
3 report.

4 **MR. GUILLAUME SIROIS:** Weekly.

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

11 **MR. SIROIS:** Thank you.

12 **COMMISSIONER HOGUE:** Thank you.

13 Counsel for Jenny Kwan.

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

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

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

21 And so Mr. Registrar, that's CAN 5551. Thank
22 you.

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

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

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

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

6 **MR. SUJIT CHOUDHRY:** Right, the *Foreign*
7 *Missions and International Organizations Act*.

8 **MS. CINDY TERMORSHUIZEN:** Correct.

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

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

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

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

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

27 So we wanted to ensure that if diplomats were
28 not already familiar with that legislation, that they were

1 given an opportunity to familiarize themselves with it, given
2 that we were entering a writ period at the time that this
3 documentation was sent out to all missions.

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

9 **MS. CINDY TERMORSHUIZEN:** Yes.

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

13 **MS. CINDY TERMORSHUIZEN:** Correct.

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

24 **MS. CINDY TERMORSHUIZEN:** So a lot will
25 depend on the specific violation and that would -- in terms
26 of actual violations of law, if that becomes a criminal
27 offence, for instance, that would fall under the purview of
28 the RCMP or police of jurisdiction -- in this case probably

1 the RCMP -- to investigate. But -- so a lot would -- I guess
2 I would just say without having a specific example, a lot
3 would depend on the case, the evidence behind it, and then
4 the consequences would flow from that.

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

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

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

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

13 **MR. SUJIT CHOUDHRY:** Yes.

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

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

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

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

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

27 **MS. CINDY TERMORSHUIZEN:** Yeah.

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

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

5 **MR. SUJIT CHOUDHRY:** Okay, thank you for your
6 time.

7 **COMMISSIONER HOGUE:** Thank you.

8 AG?

9 **MS. HELENE ROBERTSON:** No questions for these
10 witnesses. Thank you.

11 **COMMISSIONER HOGUE:** Re-examination, Maître
12 MacKay?

13 **MR. JEAN-PHILIPPE MacKAY:** [No
14 interpretation]

15 **COMMISSIONER HOGUE:** Thank you.

16 So thank you to both of you, you're free to
17 go.

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

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

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

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

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

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

25 **THE REGISTRAR:** Order please.

26 This sitting of the Foreign Interference
27 Commission is back in session.

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

1 **MS. LYNDA MORGAN:** Good morning,
2 Commissioner. Yes, so it's Lynda Morgan, Commission counsel.
3 Commissioner, the witnesses before you are Commissioner
4 Duheme and Deputy Commissioner Flynn. Could both witnesses
5 please be sworn or affirmed?

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

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

9 **THE REGISTRAR:** Okay.

10 **COMM MICHAEL DUHEME:** Yeah.

11 **THE REGISTRAR:** Please state your name and
12 spell your last name for the record.

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

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

16 **THE REGISTRAR:** Thank you.

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

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

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

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

23 **THE REGISTRAR:** Thank you.

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

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

26 Counsel, you may proceed.

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

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

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

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

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

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

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

11 **COMM MICHAEL DUHEME:** Okay, yes, that's
12 correct.

13 **MS. LYNDA MORGAN:** Okay. Thank you. And you
14 were Deputy Commissioner of federal policing from June 2019
15 to March 2023?

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

17 **MS. LYNDA MORGAN:** And Deputy Commissioner
18 Flynn, I understand that you were appointed Deputy
19 Commissioner for federal policing in March of 2023; is that
20 right?

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

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

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

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

1 --- EXHIBIT No. WIT 42:

2 Michael Duheme Public Summary of
3 Classified Interview

4 **MS. LYNDA MORGAN:** And, Commissioner Duheme,
5 you were interviewed by Commission counsel on February 5th,
6 2024 in a classified environment?

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

8 **MS. LYNDA MORGAN:** And did you review a
9 classified version of a summary of your evidence after that
10 interview?

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

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

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

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

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

21 "The RCMP is both a producer and a
22 consumer intelligence. While the RCMP
23 is a contributor SITE DF, it is more
24 often the consumer." (As read)

25 The next line, "The RCMP had no..." We
26 should have "foreign interference election related
27 investigation."

28 **MS. LYNDA MORGAN:** Okay. Thank you. So the

1 insertion of the word ---

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

3 **MS. LYNDA MORGAN:** --- a few words, foreign
4 interference.

5 **COMM MICHAEL DUHEME:** Yeah. The rest is
6 correct.

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

10 **COMM MICHAEL DUHEME:** Yes.

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

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

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

15 Institutional Report - RCMP

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

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

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

24 **COMM MICHAEL DUHEME:** Yeah, if we can go up?
25 Exactly.

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

27 **COMM MICHAEL DUHEME:** That first line -- I
28 just want to make sure I have the right document. Yeah.

1 That first line should read "May 6, 2022" and not "2023".

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

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

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

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

9 Mark Flynn Public Summary of
10 Classified Interview

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

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

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

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

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

21 **D/COMM MARK FLYNN:** One minor change on page
22 5 in the section that is titled "Relationship With CSE". The
23 last sentence in that section says,

24 "While the RCMP can ask for
25 unsuppressed identities. "That request
26 renders" is the language in the report,
27 and it should read "That request
28 frequently renders".

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

2 **D/COMM MARK FLYNN:** So the addition of the
3 word "frequently".

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

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

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

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

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

13 Commissioner Duheme, can you start by
14 describing the RCMP's working definition of foreign
15 interference?

16 **COMM MICHAEL DUHEME:** I will. It is in my
17 statement as well.

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

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

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

28 **COMM MICHAEL DUHEME:** Well the RCMP's

1 mandate, it's through our National Security Program, which
2 reports under D/Comm Flynn, has the responsibility to
3 investigate, under our National Security Program, there's the
4 responsibility to investigate any terrorism incidents, money
5 laundering incidents when it comes to financing, and also the
6 foreign interference side of any offence, criminal offence.

7 **MS. LYNDIA MORGAN:** Does the RCMP have a
8 narrower or more specific mandate in relation to election
9 related foreign interference?

10 **COMM MICHAEL DUHEME:** The RCMP has a
11 memorandum of understanding with the Commissioner of Canada
12 Elections, which we can share resources, can investigate
13 jointly, share technology, and work together. But really,
14 anything to do with the electoral process usually goes to the
15 OCC.

16 **MS. LYNDIA MORGAN:** Okay. And when you've --
17 oh.

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

19 **MS. LYNDIA MORGAN:** Yes.

20 **D/COMM MARK FLYNN:** --- add to that, back
21 when the RCMP first started in foreign actor interference
22 investigations with respect to the election, we were focused
23 on very specific types of offences, and as the Commissioner
24 said, we did look at it from the point of view of offences
25 under the *Election Act*, as well as *Security of Information*
26 *Act*.

27 However, I would say it is important to look
28 even post GE 43 and 44 and what we are doing today. We've

1 expanded our understanding of the threat and how it does come
2 into even frontline policing type responses with respect to
3 threats and intimidation, diaspora, and in more subtle
4 elements that overtime combine to have a more significant
5 impact.

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

8 **D/COMM MARK FLYNN:** I'll just write this
9 down.

10 **MS. LYNDA MORGAN:** Thank you. We can do
11 that.

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

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

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

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

26 **D/COMM MARK FLYNN:** Yes, I can answer that.
27 So the RCMP uses a broad number of authorities, and I would
28 say in 2019 and into 2021, the primary focus was looking at

1 *Criminal Code* offences or *Security of Information Act*
2 offences in relation to foreign states and their involvement
3 in Canada.

4 However, our tool set included general
5 authorities that we have to keep the peace, public safety,
6 various case law authorities as well, under which we could
7 act.

8 Post 2021, as I already spoke about, our
9 thinking has evolved and when we are looking at foreign
10 interference activities, we are looking at leveraging the
11 full extent of the *Criminal Code*, such as uttering threats,
12 intimidation, harassment type offences that we would look at
13 that traditionally were not considered National Security
14 tools.

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

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

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

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

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

1 **COMMISSIONER HOGUE:** I am the same type of
2 sinner.

3 **MS. LYNDIA MORGAN:** I'd like to ask you about
4 the One Vision framework. Can you explain what it is and
5 practically how it operates?

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

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

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

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

28 And the outcome of that today is a letter

1 from the Service, or an understanding during the
2 conversation, as to how the information can be used by the
3 RCMP or cannot be used by the RCMP to move ahead. It allows
4 us to make sure that our independent actions are not
5 compromising the operations that we are independently
6 executing.

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

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

18 That information can be provided to us in
19 what I'll characterize as a non-actionable, a strategic
20 information type of category. And then actionable would be
21 where they have specific information about a threat, they are
22 prepared for that information to be used in judicial
23 processes and other ways that would reveal it to the public,
24 and that is the category that I would call actionable,
25 because it is the genesis of many of our investigative
26 efforts.

27 **MS. LYNDIA MORGAN:** And is that concept
28 distinct from what's described as the intelligence to

1 evidence problem?

2 **D/COMM MARK FLYNN:** It is not distinct. In
3 fact, they are very interrelated because frequently the
4 information that we will receive that is not able to be
5 utilized in our judicial processes, the non-actionable is
6 given that non-actionable category because of the fact that
7 there is no effective way of it being able to be presented or
8 used by us in a manner that does not risk it being presented
9 in court or in some way leading to information that would
10 reveal either their sources or their techniques that are
11 deemed to be important to be preserved.

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

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

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

1 **COMMISSIONER HOGUE:** I see. And it takes
2 time.

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

6 **MS. LYNDIA MORGAN:** And in a circumstance
7 where the RCMP is not in a position to lay or pursue criminal
8 charges because of the genesis of the underlying information,
9 are there alternative available steps or responses to the
10 RCMP?

11 **D/COMM MARK FLYNN:** So there are always
12 options to some extent, and sometimes the option is that we
13 will wait, we will continue the engagement with the Service
14 while they work under the mandate to gather information. And
15 that's a really important part that needs to be understood.
16 We have complementary mandates, and we do collaborate and we
17 do manage the threats to Canada and Canadian public safety
18 collaboratively.

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

24 The other is we have moved away from
25 prosecution being the only objective or the primary objective
26 of our mandate in the RCMP, and it's not considered what
27 you'll hear as referred to as the "gold standard" anymore.
28 We have to focus on the public safety as being the outcome,

1 and there are times where we will receive information that we
2 do have a caveat that says you cannot use it in judicial
3 process, and we will take additional action to mitigate or
4 manage a threat such as physical surveillance or other types
5 of activities that we are authorised to do.

6 **MS. LYNDIA MORGAN:** Thank you. So I'll move
7 now to the RCMP's relationship with CSE. Deputy
8 Commissioner Flynn, how would you describe the RCMP's with
9 CSE?

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

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

20 If there is information in their holdings
21 that is relevant for our operations, whether it be foreign or
22 domestic, and if there are what I'll refer to as "suppressed
23 identities" because as you are likely aware, CSE does not
24 collect information on Canadians, but if there is information
25 that ends up in CSE systems it is suppressed if it relates to
26 Canadians. If there's something in there that is important
27 for the RCMP, we can seek or make a request to unsuppress
28 that information, and there is a formal process that that

1 goes through to make that determination.

2 **MS. LYNDA MORGAN:** Thank you. And I'll move
3 -- I -- Commissioner Duheme, you already touched briefly on
4 the relationship with the OCCE. I understand the RCMP has an
5 MOU, memorandum of understanding, which you touched upon.

6 **COMM MICHAEL DUHEME:** Correct.

7 **MS. LYNDA MORGAN:** In terms of the
8 information flow and kind of avenues of exchange between the
9 two bodies, would you describe the relationship as a push or
10 a pull or does information flow both ways?

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

14 **MS. LYNDA MORGAN:** Between the RCMP and the
15 OCCE.

16 **COMM MICHAEL DUHEME:** Oh, OCCE. Okay. I
17 would say that it flows both ways. If we have come across
18 information that is benefit to them, we will transfer it to
19 them. If they require assistance, we will help them. And it
20 flows both ways.

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

24 So the Commission is -- the Commissioner is
25 going to hear about SITE TF, which is the Security and
26 Intelligence Threats To Elections Task Force, but we know
27 that the RCMP is one of the members of what's described as
28 SITE TF. And so how would you describe the RCMP's role on

1 SITE?

2 **COMM MICHAEL DUHEME:** Well, the RCMP has a
3 key role on SITE bringing the perspective to the table of
4 what we're seeing in the criminal space. The RCMP is also
5 uniquely positioned where we can coordinate some of the
6 information that has to go up the SITE through the Canadian
7 Association of Chiefs of Police, all chiefs of police across
8 the country, and also with what's going on with the Five
9 Eyes. So we bring to the table really a focus on -- from the
10 criminal angle, within our mandate, obviously.

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

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

1 **MS. LYNDA MORGAN:** And you've described the
2 kind of link between SITE TF and the Panel of Five. Through
3 its participation in SITE TF, did the RCMP also participate,
4 to the best of your knowledge, in briefing the Panel of Five
5 during ---

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

7 **MS. LYNDA MORGAN:** --- the 2019 or 2021 writ
8 periods?

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

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

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

18 **MS. LYNDA MORGAN:** --- a Panel of Five
19 briefing?

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

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

26 **MS. LYNDA MORGAN:** Thank you. And setting
27 aside kind of the SITE flow of information and information
28 exchange, were there other avenues of information flow to the

1 Commissioner from within the RCMP that might also touch on FI
2 related intelligence or evidence?

3 **COMM MICHAEL DUHEME:** Well, there is within
4 the organisation a certain stream or a flow of information to
5 get the information up to the Commissioner or to the Deputy
6 Commissioner, the position I was in at the time. The flow of
7 information is quite intense. There is a lot going on,
8 especially when it's an election period. And again, the
9 briefings are done in different matters.

10 For example, when I was Deputy Commissioner,
11 and even as Commissioner, there's -- sometimes there's
12 information that's shared just for situational awareness that
13 doesn't involve the RCMP. Sometimes I am briefed on it, but
14 sometimes I am not briefed on it because it's not important
15 in that moment in time. But I rely on the SMEs that are
16 around me to bring the right up to either, in my position as
17 Deputy or as Commissioner, as to any relevant material that I
18 need to know.

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

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

28 **MS. LYNDIA MORGAN:** And during GE43, or 44,

1 Commissioner, were you made aware of allegations of reported,
2 quote, "vote buying", end quote, in Richmond, British
3 Columbia?

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

7 **MS. LYNDA MORGAN:** Okay. And same timeframe,
8 GE43 or 44, were you made aware of any information in
9 relation to Mr. Dong and alleged PRC foreign interference in
10 the Don Valley North?

11 **COMM MICHAEL DUHEME:** No, not to my
12 recollection.

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

16 **COMM MICHAEL DUHEME:** I'm not 100 percent
17 sure if it's during the election. Like I said, building up
18 to the elections with the DM meetings that we've had,
19 sometimes there's some briefings, some situational awareness
20 briefings that are being provided, but during the election
21 period I'm not 100 percent sure.

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

25 **COMM MICHAEL DUHEME:** And my answer would be
26 the same, that during that period -- because there's a lot of
27 chat with regards to different social media that were used.
28 There could have been discussions before, actually, the

1 election. But during the election, I'm not 100 percent sure.

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

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

6 And I will ask you about investigations
7 generally. I understand there's some information you're not
8 able to share.

9 During GE43 and GE44, are you able to tell us
10 whether the RCMP provided SITE TF with any information
11 relating to election -- relating to allegations of election-
12 related foreign interference?

13 **COMM MICHAEL DUHEME:** The RCMP did not have
14 any foreign interference election criminal investigation
15 during 43 and 44.

16 **MS. LYNDA MORGAN:** And after GE44,
17 Commissioner, has the RCMP opened any foreign interference
18 criminal investigation or investigations involving elections
19 and/or democratic institutions?

20 **COMM MICHAEL DUHEME:** We did receive some
21 information later on that some of the files are still under
22 investigation.

23 **MS. LYNDA MORGAN:** You've described for us
24 the kind of individual relationships with -- between the RCMP
25 and CSIS, the RCMP and CSE, the RCMP and OCCE. We heard
26 evidence yesterday from a number of current and former MPs,
27 some of whom expressed the view that, from their perspective,
28 there appears to be a lack of coordination between different

1 intelligence and investigative agencies.

2 Are you able to detail any challenges that
3 you faced in terms of coordinating efforts between the
4 various agencies? And again, this question is specific to
5 the timeframe of 2019 to 2021.

6 **COMM MICHAEL DUHEME:** Yeah. I didn't listen
7 to yesterday's testimonies. What I can say is prior to the
8 43 and 44, SITE didn't exist. You didn't have a hub in which
9 people could come together and share what different agencies
10 are seeing, so I would say that are we better off in 43 and
11 44 than what we were in 42? Yes. Can we build on that? I
12 think so.

13 I do think there are also other mechanisms
14 through different Deputy Minister meetings that information
15 is shared, but I do think that we're in a better place today
16 than we were in 42.

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

19 **MS. LYNDA MORGAN:** Yes.

20 **D/COMM MARK FLYNN:** I believe that there has
21 been a very strong coordinated collaborative effort amongst
22 the community in the national security space, which includes
23 foreign actor interference. I'm very proud of the
24 relationship that exists. I've stated that publicly several
25 times.

26 The number of meetings, the informal
27 discussions, the interactions between the staff and the RCMP
28 and our partners in this area is sometimes hourly during the

1 week. We have a large number of experts.

2 In some of your previous questions and the
3 Commissioner's answers, I want to make sure that there's an
4 understanding that what makes it all the way to the
5 Commissioner in briefings and what is discussed and what is
6 done collaboratively between our organizations are two
7 different things.

8 We have a large number of experts. We're a
9 very large organization with many, many mandates, and I would
10 not want you or Madame Commissaire to walk away with the
11 impression that some things that the Commissioner may not
12 have known means that organizationally that we were not
13 collaborating in that space because that is not the reality.
14 We have very strong relationships and very collaborative
15 relationships in this space.

16 **MS. LYNDIA MORGAN:** In terms of briefing
17 certain information or intelligence up to the Commissioner,
18 just following up on what you said, what type of information,
19 generally speaking, would get briefed up to the Commissioner?

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

24 I know you have a large number of documents
25 for various DM, Deputy Minister, Assistant Deputy Minister
26 level meetings and in some of those, you will see different
27 things that we bring to the Commissioner's attention so that
28 he or she at the time are prepared to discuss the role of the

1 RCMP in addition to what they are hearing from the partners.

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

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

11 Those are my questions. Thank you.

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

13 **COMMISSIONER HOGUE:** Thank you.

14 We'll take the break, the morning break, for
15 20 minutes. So we'll be back at 11:25.

16 **THE REGISTRAR:** Order please.

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

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

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

21 **THE REGISTRAR:** Order please.

22 This sitting of the Foreign Interference
23 Commission is back in session.

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

25 The first one will be counsel for UCC. UCC
26 stands for the Ukrainian Congress -- Canadian Congress.

27 **--- COMM MICHAEL DUHEME: Resumed:**

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

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

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

3 Good morning. My name is Leslie Schumacher.

4 My first question is, was the RCMP aware of
5 Russian engaging in foreign interference in Canada during the
6 2019 and 2021 General Elections?

7 **COMM MICHAEL DUHEME:** I would say "aware" is
8 probably a strong word in the sense that, as I testified
9 earlier, prior to elections there's been regular DM meetings
10 that touch different spheres of activities and I remember
11 that country being mentioned, but that's to that extent.

12 **MS. LESLIE SCHUMACHER:** Okay. So was the
13 RCMP in possession of any information that indicated that
14 there was any Russian interference?

15 **COMM MICHAEL DUHEME:** No.

16 **MS. LESLIE SCHUMACHER:** Was Russian
17 interference a concern of the RCMP at the time of either
18 election?

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

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

26 **MS. LESLIE SCHUMACHER:** And in that
27 preparation, was anything seen in Canada from the perspective
28 of the RCMP?

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

2 COMM MICHAEL DUHEME: We're talking from law
3 enforcement criminal perspective; correct?

4 MS. LESLIE SCHUMACHER: And so in the 2021
5 general election, was Russian interference something that the
6 RCMP was also actively looking into?

7 D/COMM MARK FLYNN: During both elections we
8 looked at all potential areas of concern.

9 MS. LESLIE SCHUMACHER: Did the RCMP take any
10 steps to counteract Russian interference?

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

14 MS. LESLIE SCHUMACHER: In a criminal way,
15 does the RCMP take any steps to counteract Russian
16 interference in elections?

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

21 MS. LESLIE SCHUMACHER: And what type of
22 information would the RCMP need to determine whether to
23 proceed with an investigation into election interference?

24 COMM MICHAEL DUHEME: So that is a complex
25 question because foreign interference in election can take
26 many forms, so, generally speaking though, we need some point
27 to start an investigation, so we need to have some
28 information and often referred to as "evidence" because most

1 of the authorities that the RCMP have grow from an
2 evidentiary pathway and judicial processes and judicial
3 authorities. So we either need complaints to come forward,
4 or for information that can be action to come forward that
5 would allow us to generate investigative efforts.

6 **MS. LESLIE SCHUMACHER:** Right. And so when
7 you say complaints or information, is there a -- before you
8 said you had no information about any Russian interference
9 into the elections. Were there any complaints, or is there a
10 difference between those two things?

11 **COMM MICHAEL DUHEME:** There's not a
12 difference in the answer.

13 **MS. LESLIE SCHUMACHER:** Okay. Thank you.
14 Those are my questions.

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

16 **COMMISSIONER HOGUE:** Thank you.

17 Next one is RCDA. Russian Canadian ---

18 **COMM MICHAEL DUHEME:** Merci.

19 **COMMISSIONER HOGUE:** --- Alliance, Canadian
20 Alliance.

21 **COMM MICHAEL DUHEME:** Merci.

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

23 **COMMISSIONER HOGUE:** Democratic Alliance ---

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

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

27 **MR. GUILLAUME SIROIS:** I'm going to be asking
28 my questions in English because I prepared them in English,

1 but feel free to answer them in any official language of your
2 choice.

3 I want to pull CAN 012856, please.

4 --- EXHIBIT No. CAN 12856:

5 SITE TF Situational Report: 14

6 September 2021

7 **MR. GUILLAUME SIROIS:** And this is a
8 situation report from the SITE Task Force. I won't be asking
9 any questions regarding the RCMP's participation in the SITE
10 Task Force. I just want to provide some context. This is --
11 the report is dated September 14th, so 1 week before the 2021
12 election. I want to go at page two, third bullet point,
13 please.

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

22 **COMM MICHAEL DUHEME:** Yeah, I can -- I'll
23 start off and Mark can add for sure, but during the GE 44,
24 what was saw is an escalation, if you wish, of individuals at
25 different parts of the country manifesting their displeasure
26 with the government at the time. COVID, again, was part.
27 Vaccination was another thing. And what we did from an
28 organization perspective, we made sure that all our

1 commanding officers that are in each province and territory
2 were aware, but we also engaged Canadian police to just make
3 them aware of what we're seeing across the country, so that
4 if they see anything, they can react and report it back up.

5 I have to highlight too is during that
6 period, we did have a lot of input in SITE with regards to
7 IMVE, the ideological motivated violent extremists, which we
8 saw a rise during that period. It was a concern for the
9 RCMP, and we just want to make sure that law enforcement
10 across the country were well positioned to answer any of
11 these uprising by citizens.

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

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

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

1 **MR. GUILLAUME SIROIS:** Okay. So there's a
2 lot to unpack in your -- both of your answers, and,
3 unfortunately, I don't have time today to unpack everything.
4 But I will just continue on. Just to clarify, in the 2021
5 election -- I know it's a broader problem than the election,
6 but during the election, did you see -- what can you tell me
7 about the momentum of this sort of content? Was it
8 increasing in the days leading up to the election, or was it
9 increasing, decreasing?

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

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

27 **MR. GUILLAUME SIROIS:** So just to be sure I
28 understand, do you see or not an increase in this divisive

1 contents during the election as opposed to before the
2 election?

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

9 **MR. GUILLAUME SIROIS:** Okay.

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

12 **COMM MICHAEL DUHEME:** No.

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

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

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

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

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

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

26 **D/COMM MARK FLYNN:** And the sheer number of
27 public appearances, engagements and such in an election
28 campaign present far more opportunities. Speeches, the type

1 of content that are in speeches give rise to people
2 expressing lawfully and, in some cases, unlawfully, their
3 opinions on the positions of politicians are taken during
4 campaigns.

5 **MR. GUILLAUME SIROIS:** Okay. Maybe I have
6 one or two ---

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

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

9 So we've heard evidence, and it's been
10 reported multiple places, that Russia seeks to amplify
11 divisive contents, such as this one, the one that we
12 discussed. Is it possible that some of the divisive content
13 or increase in threats of violence can be traced back to the
14 Russian Federation?

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

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

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

22 **COMMISSIONER HOGUE:** Thank you.

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

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

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

26 **MS. HANNAH TAYLOR:** Good morning. I
27 understand that individuals can report potential foreign
28 interference, including potential election interference, to

1 the RCMP's National Security Information Network; is that
2 correct?

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

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

7 **COMM. MICHAEL DUHEME:** Twenty nineteen
8 (2019); 43 and 44 there was three referrals made to the OCCE,
9 but I'm not quite sure of the outcome of it. And I don't
10 think it was foreign interference.

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

12 **COMM. MICHAEL DUHEME:** It was information
13 that was brought to our attention that we shared with the
14 OCCE.

15 **D/COMM. MARK FLYNN:** Yes, not related to
16 foreign interference.

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

20 **COMM. MICHAEL DUHEME:** I wouldn't be able to
21 confirm that.

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

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

1 **D/COMM. MARK FLYNN:** If I may, not ask a
2 question but respond. To track your question in its
3 entirety, I didn't that you were saying specifically at the
4 time of GE 43, 44. I think you were asking in the broader
5 context of 43, 44, and I would say in a broader context, and
6 in the broad definition of foreign interference, even outside
7 of the election, we've had strong engagement with various
8 diaspora about transnational repression-type activities.
9 But, again, outside of the context of the timeframe and
10 specifically related to the GE 43 and 44 at that time.

11 And there's obviously other matters, as we've
12 referred earlier, that are under investigation that are
13 outside the terms of reference of this, the hearing due to
14 the public interest in maintaining both the integrity and the
15 outcome of those investigations.

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

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

25 However, you will see a lot of the material
26 in some of the campaigns that we are running, such as "See
27 Something, Say Something" which is broader national security
28 reporting, we are putting that material out in multiple

1 language, specifically focusing on languages of diaspora in
2 Canada, and specifically related to communities that may be
3 at risk of either terrorism threats; threats, intimidation
4 with respect to transnational repression, or foreign
5 interference. So those products that are produced by our
6 Prevention and Engagement Unit, and in collaboration with the
7 Canadian Association of Chiefs of Police, Community for
8 Prevention and Engagement on Public Safety Matters are
9 produced in multiple language.

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

21 The reason I provide that information is
22 because that has resulted in an increased number of calls
23 that have come into our tip line, as well as direct
24 communication outside of the tip line in reporting activities
25 of concern that are subject of investigation.

26 **MS. HANNAH TAYLOR:** Thank you. And so just
27 to confirm, when it comes to the tip line, or the network,
28 can individuals engage in that tip line or network in

1 languages other than English and French?

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

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

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

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

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

1 that can be utilized.

2 But, again, it depends on whether someone is
3 a confidential informant, a witness, a victim. So it really
4 depends upon the status of the individual within the
5 investigative process.

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

7 **COMMISSIONER HOGUE:** This will be your last
8 question.

9 **MS. HANNAH TAYLOR:** Thank you, Commissioner.
10 And when it comes to the availability of
11 confidentiality protection, is that advertised in multiple
12 languages?

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

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

16 **COMMISSIONER HOGUE:** Thank you.

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

18 **COMMISSIONER HOGUE:** Next one, Mr. Choudhry
19 for Jenny Kwan.

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

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

24 Commissioner, I believe you stated, and just
25 would like you to confirm, that the RCMP did not open any
26 foreign interference election-related investigations for GE
27 43 and 44, but subsequent to 44 you had opened
28 investigations, and I believe you used the term plural --

1 used that term in plural. Is that right?

2 **COMM. MICHAEL DUHEME:** So during the 43 and
3 44 period, we did not, and you are right, sir, I did say that
4 after it, subsequently, we had received information that
5 prompted us to open an investigation.

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

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

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

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

18 **COMMISSIONER HOGUE:** You ---

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

20 **COMMISSIONER HOGUE:** So there's no need to
21 answer the question.

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

24 **(LAUGHTER)**

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

27 So Deputy Commissioner, in your witness
28 statement you described in passing something called the

1 Foreign Actor Interference Team, but you didn't have a chance
2 to give us a sense of what that is. And so I'm wondering --
3 and I have a couple of questions about that. How big is
4 that? And, also, in particular; what type of language skills
5 do members of that team have? Can they -- and so we know in
6 this Commission that there are certain states that are
7 targeting our diasporas, do members of that team have the
8 linguistic skills to read social media posts, read media,
9 engage with members of those communities?

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

19 So I would characterise the 2020 as a formal
20 team. The structure has been approximately -- I don't have
21 the number in front of me, but notionally I would say it is
22 around a dozen people. I'm not going to get into the full
23 capacity of the organization, but that is with a core
24 function. We are a large organization. We have multiple
25 units that bring about many different types of investigative
26 capacities to problems. So you should not interpret the
27 number of that team to at all represent the capacity of the
28 organization because that team is at Headquarters. It is a

1 governance oversight, and what I'll call a focus team, for
2 the efforts at a national level, which involve all of our
3 federal policing investigative capacity across the country,
4 which is in the thousands.

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

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

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

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

21 **MR. SUJIT CHOUDHRY:** And then one last
22 question if I may, Commissioner. So and this comes out of an
23 exchange between Commission counsel and the Commissioner
24 about the SITE Taskforce. And so I -- and you -- and
25 Commissioner, if I recall correctly, I believe that in
26 response to Commission counsel's question, you stated that
27 before sharing any information that you -- the RCMP would
28 receive on SITE within the organization, you'd have to seek

1 permission, or cooperation, or acquiescence from a member of
2 the SITE team? Or the relevant organization that provided
3 the information.

4 So my question then follows from that, which
5 is suppose an RCMP complaint is lodged with the RCMP that --
6 is there any way of connecting the dots between information
7 that's shared with the RCMP at the Taskforce and a complaint
8 that's received on the ground?

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

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

20 **MR. SUJIT CHOUDHRY:** Okay.

21 **D/COMM MARK FLYNN:** Yeah, and just to add to
22 that, we do have multiple units within the RCMP and our
23 National INTEL program, our Federal Policing National
24 Security Operational Analysis, our Sensitive Information
25 Handling Unit, that would have access to those materials
26 through the SITE reporting who also are the criminal
27 analysts and investigators that are looking to make those
28 connections and to explore collaborative efforts where

1 they're possible, or to convert that information,
2 intelligence, into an actionable, useable product that we can
3 pull into our investigative stream. That is not always
4 possible, but when it is possible, those staff are the ones
5 that do that.

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

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

8 **COMMISSIONER HOGUE:** Thank you.

9 AG. No? Okay. The next one.

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

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

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

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

24 **COMM MICHAEL DUHEME:** So I just want to
25 caveat here. I was referring to 43/44; right? But writ
26 large, at the larger perspective, yeah, we know that there's
27 some form of interference being done by Russia, and this is
28 from the numerous meetings that I have gone to at the DM

1 levels. And I think it was also noted in one of the SITE
2 reports, but I'm not 100 percent sure. But I've been privy
3 to some of the conversations about that type of influence.

4 **MR. MATTHEW JOHNSON:** Thank you, Madam
5 Commissioner. Those are my questions.

6 **COMMISSIONER HOGUE:** Thank you. Re-
7 examination?

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

13 **--- EXHIBIT No. CAN.DOC 20:**

14 Gendarmerie Royale du Canada -
15 Rapport Institutionnel - Non
16 Classifié

17 **COMMISSIONER HOGUE:** Thank you.

18 **MS. LYNDA MORGAN:** And I would note as well
19 that the same qualification that was made to the English
20 version, page 24, changing the date, would be made to the
21 French version as well.

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

23 **COMMISSIONER HOGUE:** Thank you. Thank you,
24 sir.

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

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

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

1 **MS. ERIN DANN:** Mr. Registrar, we're taking
2 five minutes.

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

4 This hearing is in recess until 12:00.

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

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

7 **THE REGISTRAR:** Order please.

8 This sitting of the Foreign Interference
9 Commission is back in session.

10 **COMMISSIONER HOGUE:** Good morning,
11 Mr. Rogers.

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

13 **MS. ERIN DANN:** Good morning. Thank you,
14 Commissioner. It's Erin Dann, Commission Counsel. Our next
15 witness is Mr. Rogers. If the witness could be affirmed,
16 please.

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

19 **MR. DANIEL ROGERS:** Daniel Rogers,
20 R-O-G-E-R-S.

21 --- MR. DANIEL ROGERS, Affirmed:

22 --- EXAMINATION IN-CHIEF BY MS. ERIN DANN:

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

27 **MR. DANIEL ROGERS:** Yes.

28 **MS. ERIN DANN:** If I can ask that WIT 39,

1 please.

2 --- EXHIBIT No. WIT 39:

3 Public Summary of Classified
4 Interview of: Shelly Bruce, Alia
5 Tayyeb, Dan Rogers

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

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

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

14 **MR. DANIEL ROGERS:** No.

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

18 **MR. DANIEL ROGERS:** Yes.

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

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

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

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

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

28 **MS. ERIN DANN:** If I could -- so we'll have

1 WIT 39, if that could be made the next exhibit. And I'd ask
2 the operator to pull up WIT 33.

3 --- EXHIBIT No. WIT 33:

4 Public Summary of Classified In
5 Camera Examination of: Ms. Alia
6 Tayyeb, Mr. Dan Rogers

7 **MS. ERIN DANN:** A publicly disclosable
8 summary of the evidence you gave *in-camera* was prepared, and
9 that appears on the screen before you. Have you had an
10 opportunity to review that summary?

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

12 **MS. ERIN DANN:** And do you have any
13 corrections, additions, or deletions, modifications to that
14 summary?

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

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

18 **MR. DANIEL ROGERS:** Yes.

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

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

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

23 If that could be the next exhibit.

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

1 **MR. DANIEL ROGERS:** Yes. I worked at the
2 Communications Security Establishment for many years,
3 starting in the early 2000s, mostly, almost exclusively in
4 the intelligence branch of the organisation. During the 2019
5 and 2021 elections, I was the Deputy Chief for the Signals
6 Intelligence Program within CSE. I later became the
7 Associate Chief of the organisation.

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

12 So as a last piece of housekeeping, the CSE
13 prepared an institutional report.

14 That is CAN.DOC 5.

15 **--- EXHIBIT No. CAN.DOC 5:**

16 Communications Security Establishment
17 (CSE) Institutional Report -
18 UNCLASSIFIED

19 **MS. ERIN DANN:** CSE prepared an institutional
20 report for the Commission. Have you had an opportunity to
21 review that report?

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

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

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

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

28 And I'd ask that that institutional report be

1 entered into evidence, along with the French version of the
2 report, which is at CAN.DOC 6.

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

4 Rapport institutionnel - Centre de la
5 sécurité des télécommunications

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

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

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

24 **MR. DANIEL ROGERS:** Yes. CSE is an
25 organisation that, as you said, collects SIGINT. SIGINT is a
26 type of intelligence collection related to the interception
27 of communications or getting information from what we call
28 the global information infrastructure. And this is -- you

1 know, colloquy, you can think of it as the internet, or any
2 type of interconnected device or the flow of communications
3 globally. So SIGINT for us is foreign intelligence
4 collection, and that's key, and as part of our mandate we
5 look at foreign targets outside of Canada to collect foreign
6 intelligence through SIGINT's means.

7 **MS. ERIN DANN:** And when you talk about that
8 foreignness element, do I understand correctly that that
9 means that you cannot direct your activities at Canadians or
10 persons in Canada?

11 **MR. DANIEL ROGERS:** That's correct. Under
12 our intelligence mandate, our foreign intelligence mandate,
13 we are barred from directing any activities at Canadians or
14 persons in Canada.

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

18 "...is the national signals
19 intelligence agency for foreign
20 intelligence and the technical
21 authority for cyber security and
22 information assurance."

23 Is that right?

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

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

28 **MR. DANIEL ROGERS:** Yes. CSE's intelligence

1 priorities are set by Cabinet and by legislation. We must
2 conduct our intelligence activities in accordance with those
3 priorities. And in both General Elections, foreign
4 interference would have been captured by those priorities as
5 part of our work.

6 **MS. ERIN DANN:** And how does CSE define
7 "foreign interference"?

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

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

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

14 **MS. ERIN DANN:** CSIS.

15 **MR. DANIEL ROGERS:** In that we understand
16 foreign interference to be deceptive activities counter to
17 the interests of Canadians or involving a threat to
18 individuals. And CSIS has a robust definition of that.

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

27 **MS. ERIN DANN:** And that sort of broader
28 range of activities, can you tell us what might be included

1 in that that wouldn't be captured under the CSIS definition
2 of "foreign interference", for example?

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

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

12 As I understand it, while there's one broad
13 aspect for CSE, it has -- or one broad mandate for CSE,
14 there's five aspects to it. I just want to go through those
15 briefly with you.

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

21 **MR. DANIEL ROGERS:** Yes.

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

26 The second is cyber security and information
27 assurance. Can you briefly describe this aspect of CSE's
28 mandate?

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

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

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

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

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

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

10 **MR. DANIEL ROGERS:** Certainly.

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

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

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

26 **MS. ERIN DANN:** And how would a candidate
27 know they should call this -- how would they be informed
28 about this hotline or understand that they would be able to

1 contact CSE?

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

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

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

14 Is CSE able to give that kind of specific
15 advice about specific platforms or softwares that individuals
16 participating in democratic institutions would be better to
17 use or to avoid?

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

23 I know that those forums where we intended to
24 brief political parties were meant to discuss those types of
25 issues, but in general I think we can provide that kind of
26 advice.

27 **MS. ERIN DANN:** Right. Moving on to the next
28 aspect of CSE's mandate, active and defensive cyber

1 operations, can you describe this aspect of CSE's mandate
2 and, in particular, the difference between active and
3 defensive cyber operations?

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

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

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

16 **MS. ERIN DANN:** And does the foreignness
17 requirement that we talked about in relation to CSE's
18 intelligence gathering mandate, does that apply to cyber
19 operations as well?

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

21 So CSE in both of those -- both aspects --
22 those two aspects of the mandate is required to direct those
23 activities outside of Canada, not at Canadians. And
24 specifically, also not at infrastructure within Canada.

25 **MS. ERIN DANN:** But a defensive cyber
26 operation, would that protect against an attack that was
27 coming domestically or is that aimed only at an attack that
28 is coming from a foreign entity?

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

6 CSE can disrupt cyber threats of any nature
7 regardless of their source. Defensive cyber operations are
8 intended to disrupt against foreign actors.

9 **MS. ERIN DANN:** Thank you for that
10 clarification.

11 I understand that defensive cyber operations
12 were planned in preparation for the elections in 2019 and
13 2021. Is that right?

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

15 **MS. ERIN DANN:** And were those actually
16 conducted?

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

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

23 And then final aspect of the CSE mandate is
24 the assistance mandate.

25 Can you briefly describe this aspect of CSE's
26 mandate?

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

28 CSE's assistance mandate is the final aspect

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

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

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

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

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

26 **MR. DAN ROGERS:** All of the aspects of CSE's
27 mandate could come into play with respect to foreign
28 interference activities. You know, obviously our

1 intelligence -- the intelligence aspect of our mandate would
2 allow us to understand when foreign states are contemplating
3 or engaging in those activities. The cyber security and
4 information assurance mandate would allow us to, for
5 instance, for hack and leak attempts which could be used for
6 foreign interference, both active and defensive cyber
7 operations could be used to counter those types of activities
8 if coming from abroad, and the assistance mandate could be
9 used if one of our domestic partners required our assistance
10 to counter or identify foreign interference.

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

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

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

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

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

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

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

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

22 Was CSE asked to evaluate data collected by
23 RRM or any other body in relation to this potential foreign
24 interference?

25 **MR. DANIEL ROGERS:** So that particular
26 incident related to information being shared within Canada,
27 as I recall. And so as I mentioned previously, it would fall
28 outside the scope of our mandate to look at information being

1 shared by Canadian media outlets or people in Canada, whether
2 or not that information was for any particular foreign
3 purpose.

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

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

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

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

1 So our intelligence mandate can apply, but
2 not by looking at the Canadian elements of those
3 communications.

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

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

21 **MR. DANIEL ROGERS:** I can comment on that. I
22 think that's one of the reasons that the SITE Taskforce was
23 brought together, was because each of the various agencies
24 have a different aspect of any particular incident that they
25 can investigate. I know that the Rapid Response Mechanism
26 from Global Affairs can do the types of broader social media
27 analysis that is not within CSE's mandate. And as you
28 mentioned in the example earlier, if they identify foreign

1 components of that, then CSE can use the foreign components
2 to use its intelligence mandate to get more details.

3 And similarly, CSIS and RCMP have aspects.

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

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

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

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

19 **MR. DAN ROGERS:** There are consumers of our
20 intelligence across government. There are federal
21 governments and allies that consume our intelligence.

22 With respect to foreign interference,
23 certainly that includes Global Affairs Canada, CSIS, and the
24 RCMP, as you would note here. It also includes PCO,
25 including the Intelligence Assessment Secretariat, and there
26 are various clients of course.

27 **MS. ERIN DANN:** And can you tell us how
28 intelligence is shared? And perhaps I'll indicate my

1 understanding is that there's sort of two primary ways. One
2 is through intelligence products being uploaded to a central
3 database, and where they can be accessed by clients. And
4 then second, through client relations officers. If you could
5 speak to those two ways that the intelligence is
6 disseminated?

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

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

21 Those client relations ---

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

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

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

26 **MR. DANIEL ROGERS:** Those client relations
27 officers do track the viewer -- or the readership of the
28 intelligence they distribute and they typically provide the

1 intelligence as requested by the client on a periodicity
2 requested by the client. This can range from daily, and
3 weekly, and irregularly.

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

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

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

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

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

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

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

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

25 **MS. ERIN DANN:** And can you confirm that that
26 intelligence was shared with or reported to the SITE Task
27 Force?

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

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

3 **MR. DANIEL ROGERS:** Yes.

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

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

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

13 If I could just have a moment,
14 Madam Commissioner. Thank you, Commissioner. Those are all
15 my questions.

16 **COMMISSIONER HOGUE:** Thank you.

17 I have one question for you, Mr. Rogers. And
18 although it may be obvious to you, can you explain the reason
19 behind the restrictions imposed on CSE to collect information
20 on Canadians?

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

22 **COMMISSIONER HOGUE:** As far as you know, best
23 of your knowledge.

24 **MR. DANIEL ROGERS:** Yes, I can. CSE has
25 fairly broad authorities, and the ability to collect
26 information. We don't have a system like CSIS does, where we
27 would go to the Federal Court and seek warrants. There is
28 mechanisms in our Act to have the intelligence commissioner

1 review ministerial authorisations, but it's a different legal
2 regime with different thresholds. And CSE, you know, is
3 careful that we don't want to convene -- contravene the
4 *Charter* or any domestic laws when we do this. And so the
5 regime is set up really with very, very firm privacy
6 protections and *Charter* protections for Canadians by assuring
7 that we are only looking outside of Canada for our
8 intelligence.

9 **COMMISSIONER HOGUE:** Thank you.

10 Cross-examination? First one is Mr. Choudhry
11 for Jenny Kwan.

12 **MR. SUJIT CHOUDHRY:** No questions,
13 Commissioner.

14 **COMMISSIONER HOGUE:** No questions.

15 RCDA?

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

17 **MR. GUILLAUME SIROIS:** Good morning, I'm Gil
18 Sirois, counsel for the RCDA, the Russian Canadian Democratic
19 Alliance.

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

26 **MR. DANIEL ROGERS:** Well, what I was
27 referring to there is that sometimes there are campaigns of
28 disinformation that the RRM might detect, but they might be

1 Canadian focussed or they may have insufficient details for
2 us to conclude that they are directed by a foreign state. So
3 the difference between, you know, RRM identifying inauthentic
4 accounts and amplification of a certain narrative towards can
5 we confirm that a foreign state directed that, CSE's
6 intelligence would work by looking at the foreign end of that
7 and seeking to identify whether we can confirm why those
8 activities occurred.

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

16 **MR. GUILLAUME SIROIS:** And what sort of
17 indications would lead the CSE to believe that there was a
18 foreign state actor involved in a disinformation campaign
19 online?

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

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

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

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

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

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

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

28 **MR. DANIEL ROGERS:** I will say that CSE does

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

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

12 **MR. DANIEL ROGERS:** CSE can't answer that
13 question.

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

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

26 **MR. GUILLAUME SIROIS:** So the real question
27 is about the intent of the Russian intent.

28 **MR. DANIEL ROGERS:** Right. We've -- we have

1 not revealed any intelligence in these summaries that would
2 speak to the Russian intent. We do agree that they have the
3 capability.

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

5 **COMMISSIONER HOGUE:** Thank you.

6 UCC?

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

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

11 Was the CSE aware of Russia engaging in any
12 foreign interference in Canada during the 2019 and 2021
13 general elections?

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

17 **MS. LESLIE SCHUMACHER:** I understand about
18 disinformation campaigns, but I wonder if you can speak more
19 broadly about whether there was any foreign interference in
20 any aspect of the elections.

21 **MR. DANIEL ROGERS:** Oh, I see. Well, I think
22 what we've said is that CSE does identify general foreign
23 interference activities of a number of foreign states,
24 including China, Russia, and others. We didn't see those
25 activities, you know -- what we have said here is that we
26 didn't see any disinformation activities coming from Russia,
27 and I think that's the extent of what I can say. Everything
28 that we have that we can say from our intelligence is in the

1 summaries.

2 **MS. LESLIE SCHUMACHER:** Right. And I guess
3 if you could speak to whether Russian interference was a
4 concern of the CSE at the time of either election.

5 **MR. DANIEL ROGERS:** But we are concerned, and
6 certainly even in advance of the elections we were clear in
7 our public reports on cyber threats to democratic
8 institutions that we were concerned with Russia, China, Iran,
9 and other actors. And so we did use the tools available to
10 us to be mindful and vigilant about that during the course of
11 the elections.

12 **MS. LESLIE SCHUMACHER:** And so there was --
13 this was something that the CSE was actively looking into
14 during this time?

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

16 **MS. LESLIE SCHUMACHER:** Can you speak to any
17 steps that the CSE takes to counteract Russian interference
18 specifically?

19 **MR. DANIEL ROGERS:** There are a few things I
20 can speak to. So one of them is obviously our foreign
21 intelligence mandate, where we would look to identify
22 intelligence relating to those activities. And within
23 Canada, we could share with agencies who could take action in
24 Canada to disrupt any threat that we identified.

25 We also, obviously, take action to defend our
26 cyber infrastructure and systems of importance to the
27 government. And we have attributed Russian cyber activity
28 against Canadian cyber infrastructure in the past. It's

1 something that we are constantly vigilant in defending
2 against, and that's something that we did during the course
3 of the elections also.

4 **MS. LESLIE SCHUMACHER:** And just my final
5 question is just while you took these steps during the
6 election, there was no conclusion or evidence that Russia was
7 interfering in either election?

8 **MR. DANIEL ROGERS:** Right. Certainly with
9 respect to cyber activity we didn't see any compromise of
10 election infrastructure during the elections. You know, that
11 said, we defend against all sorts of threats during the
12 election. We don't attribute all of them. There are many,
13 many defensive actions that we take during the course, but
14 none were successful in that case, and that's what I can say.

15 **MS. LESLIE SCHUMACHER:** Thank you very much.

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

17 **COMMISSIONER HOGUE:** Thank you.

18 The Human Rights Coalition.

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

20 **MS. HANNAH TAYLOR:** Good afternoon,
21 Mr. Rogers. I understand that there's a process that allows
22 the public to report cyber incidents, including those related
23 to potential election interference, online to the Canadian
24 Centre for Cyber Security. And that's an entity that's under
25 the umbrella or connected to the CSE; correct?

26 **MR. DANIEL ROGERS:** That's correct. Yes.

27 **MS. HANNAH TAYLOR:** Are confidentiality
28 protections provided to complainants through this process?

1 **MR. DANIEL ROGERS:** Yes. Certainly, we keep
2 that information confidential.

3 **MS. HANNAH TAYLOR:** Okay. Can you tell me
4 more about those protections?

5 **MR. DANIEL ROGERS:** Specifically, I know that
6 we take great strides to make sure that confidentiality
7 arrangements are in place with those disclosing information
8 to us. I think that it would probably depend on the nature
9 of the conversation and the event and the degree to which the
10 cyber centre would be included.

11 For instance, when we provide -- are you
12 speaking to the public specifically or ---

13 **MS. HANNAH TAYLOR:** The public, yes.

14 **MR. DANIEL ROGERS:** Yeah. I think, you know,
15 the public will often will report those events, and the
16 nature of those events would determine the scope of
17 confidentiality and protections.

18 **MR. MATTHEW FERGUSON:** Pardon the
19 interruption. Getting another request. Thank you.

20 **MS. HANNAH TAYLOR:** Is the online reporting
21 tool available in languages besides English and French?

22 **MR. DANIEL ROGERS:** To my knowledge, it's
23 only available in English and French.

24 **MS. HANNAH TAYLOR:** Would that be valuable to
25 expand it to other languages?

26 **MR. DANIEL ROGERS:** It's something we could
27 consider.

28 **MS. HANNAH TAYLOR:** IF CSE receives a

1 complaint and decides it does not merit any further
2 investigation from your agency are reasons provided to the
3 complainant?

4 **MR. DANIEL ROGERS:** I think, again, it would
5 depend on the nature of the report. CSE also provides
6 advice, even before information is provided to the cyber
7 centre, when complainants go to report, to say things like if
8 this is something where we can see harm or a crime is
9 committed, it is better to refer it to the police. And there
10 are other venues that CSE tries to use to make sure that the
11 right mechanism is used when reporting an incident.

12 **MS. HANNAH TAYLOR:** I understand that the CSE
13 provides educational materials to the public in a variety of
14 ways, including ---

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

16 **MS. HANNAH TAYLOR:** --- with you sharing
17 unclassified threat assessments, sharing information to help
18 Canadians identify disinformation, and through the creation
19 of a dedicated webpage on cyber threats to elections. You've
20 referred to these materials I think ---

21 **MR. DANIEL ROGERS:** Yes.

22 **MS. HANNAH TAYLOR:** --- this morning. Is
23 this information available in languages besides English and
24 French?

25 **MR. DANIEL ROGERS:** It seems to me that we --
26 it was certainly available in English and French. I'm not
27 aware of it being made available in other languages, but I
28 would have to check.

1 **MS. HANNAH TAYLOR:** Okay. If they are not,
2 do you think it would be valuable that they would be?

3 **MR. DANIEL ROGERS:** I think that would be
4 something we could look into, yeah.

5 **MS. HANNAH TAYLOR:** If you become aware that
6 a device belonging to a number of -- a targeted member of the
7 public, a targeted diaspora community member has been hacked
8 by a foreign government agent or proxy, do you inform the
9 person who has been hacked and help them secure their device?

10 **MR. DANIEL ROGERS:** That would, again, depend
11 on the nature of the event. And I would just call attention
12 to the fact that different agencies have roles and
13 responsibilities within Canada that go beyond what CSE does.
14 So if there is some threat activity occurring with Canada, it
15 may be that the better place or organisation to deal with
16 that is the RCMP or CSIS. Which is why we work very closely
17 together when appropriate to make sure that if we identify
18 things like that, and let's say through our foreign
19 intelligence mandate we identify that there was potential
20 compromise in Canada, that information might be shared with
21 RCMP and CSIS to help address the issue rather than CSE
22 specifically.

23 **MS. HANNAH TAYLOR:** And it's mentioned in --
24 it's mentioned in one of your witness summaries, it's WIT 33,
25 but we don't have to pull it up necessarily, that
26 transnational repression would be captured by the CSE's
27 collection mandate. Can you tell us more about what exactly
28 in relation to transnational repression would be captured

1 within your mandate?

2 **MR. DANIEL ROGERS:** Of course. As I
3 mentioned earlier, we seek to identify the intentions,
4 capabilities, and plans of foreign states, and specifically,
5 that could include their intentions toward Canada or
6 Canadians. If we identify activities, foreign interference
7 activities by a foreign state, for instance, around
8 transnational repression, we could think about police
9 stations and kind of things like that, from China, these are
10 things that CSE can help to reveal through its foreign
11 intelligence collection and may be useful to agencies in
12 Canada like CSIS or RCMP.

13 **MS. HANNAH TAYLOR:** And you mentioned --
14 turning back to when you talk about limitations of CSE's
15 mandate how a certain complaint might come in and another
16 agency might be better suited to assist that person, I heard
17 you talk about potentially referring that person to that
18 agency. Is that correct?

19 **MR. DANIEL ROGERS:** It depends on the nature
20 of the conversation, I think. What I would -- I think what I
21 was trying to refer to earlier is should we detect something
22 through our foreign intelligence mandate, we may refer that.
23 Certainly, though, it may be the case that another agency is
24 better placed to assist an individual in Canada given the
25 nature of our mandate. And if that were to happen, I think
26 we would have to have that conversation about who was best
27 placed to help and whether that information should be
28 referred.

1 **MS. HANNAH TAYLOR:** And would that same kind
2 of referral, that same connecting somebody to or, I suppose,
3 transferring that file or that work to another agency, would
4 -- if a complaint came in from the public and within that
5 complaint it became evident it's outside of the mandate of
6 the CSE, would you then refer that complainant to another
7 agency who could support them?

8 **MR. DANIEL ROGERS:** That's possible, yes.

9 **MS. HANNAH TAYLOR:** Do you know if it
10 happens?

11 **MR. DANIEL ROGERS:** I suspect it has, but I
12 can't think of a specific incident.

13 **MS. HANNAH TAYLOR:** Okay. Thank you, Mr.
14 Rogers.

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

16 **COMMISSIONER HOGUE:** Thank you.
17 Any questions from AG?

18 **MR. BARNEY BRUCKER:** No questions,
19 Commissioner.

20 **COMMISSIONER HOGUE:** Re-examination?

21 **MS. ERIN DANN:** No, thank you.

22 **COMMISSIONER HOGUE:** We are just on time
23 today, so we'll come back at 2:10.

24 **THE REGISTRAR:** Order please.

25 This hearing is now in recess until 2:00.
26 We'll be back from recess at 2:10.

27 --- Upon recessing at 12:49 p.m.

28 --- Upon resuming at 2:23 p.m.

1 **THE REGISTRAR:** Order please.

2 This sitting of the Foreign Interference
3 Commission is back in session.

4 **COMMISSIONER HOGUE:** [No interpretation]

5 Ms. Chaudhury, you're conducting the
6 examination, this afternoon?

7 **MS. SHANTONA CHAUDHURY:** No, I'm not.

8 **COMMISSIONER HOGUE:** No, you're right, it's
9 Mr. Cameron.

10 **MS. SHANTONA CHAUDHURY:** No, I'm off duty.
11 Mr. Cameron's conducting the examination, but before the
12 examinations begin, Commissioner, we're just going to read
13 into the record the list of topical summaries that have been
14 produced at the Commission at -- to the Commission by the
15 Government of Canada, and that may be referenced in upcoming
16 examinations.

17 So I'll just ask the Clerk to have that list
18 ready, and to pull up the documents as I mention them.

19 I won't repeat the very long list of caveats
20 applicable to these summaries, but I will repeat that they
21 must be read in light of those limitations.

22 So a few of them have already been entered
23 into evidence, the rest are coming now. We'll start from the
24 beginning: CAN.SUM.1, Don Valley North Liberal Party
25 Nomination Race in 2019.

26 There we go, that one's already in evidence.
27 Thank you.

28 CAN.SUM.2, Intelligence Relating to Han Dong

1 and Communication with PRC Officials Regarding the Two
2 Michaels. CAN.SUM.3, PRC Officials Foreign Interference
3 Activities in Greater Vancouver in the 2019 General Election.
4 CAN.SUM.4, Possible PRC Foreign Interference-Related Mis or
5 Disinformation.

6 And Mr. Clerk, if you can just scroll through
7 the document briefly as I do this, that would be helpful.
8 Thank you.

9 CAN.SUM.5, Country Summary: People's Republic
10 of China. CAN.SUM.6: Country Summary: Russia. CAN.SUM.7,
11 Country Summary: India. CAN.SUM.8, Country Summary:
12 Pakistan. CAN.SUM.9, Country Summary: Kingdom of Saudi
13 Arabia. CAN.SUM.10, PRC - Threat Actors, Contact with
14 Candidates and Staff, and Funding of Threat Actors.
15 CAN.SUM.11, [TRM] Threat Reduction Measure Conducted in 2019.
16 CAN.SUM.12, Government of India Foreign Interference
17 Activities in the 2021 General Election. CAN.SUM.13 -- we're
18 almost done, I promise -- Comments by Individual PRC
19 Officials on Expressed Partisan Preferences in the 2019 and
20 2021 General Elections.

21 Finally, CAN.SUM 14. It's Country Summary:
22 Iran.

23 And as I said, these can now be referenced in
24 upcoming examinations.

25 **--- EXHIBIT No. CAN.SUM 1:**

26 Don Valley North (DVN) Liberal Party
27 Nomination Race in 2019

28 **--- EXHIBIT No. CAN.SUM 2:**

1 Intelligence Relating to Han Dong and
2 Communication with People's Republic
3 of China Officials Regarding the "Two
4 Michaels"

5 **--- EXHIBIT No. CAN.SUM 3:**

6 People's Republic of China Officials
7 - Foreign Interference Activities in
8 Greater Vancouver in the 2019 General
9 Election

10 **--- EXHIBIT No. CAN.SUM 4:**

11 Possible People's Republic of China
12 Foreign Interference-Related Mis or
13 Disinformation

14 **--- EXHIBIT No. CAN.SUM 5:**

15 Country Summary: People's Republic of
16 China

17 **--- EXHIBIT No. CAN.SUM 6:**

18 Country Summary: Russia

19 **--- EXHIBIT No. CAN.SUM 7:**

20 Country Summary: India

21 **--- EXHIBIT No. CAN.SUM 8:**

22 Country Summary: Pakistan

23 **--- EXHIBIT No. CAN.SUM 9:**

24 Country Summary: Kingdom of Saudi
25 Arabia

26 **--- EXHIBIT No. CAN.SUM 10:**

27 People's Republic of China - Threat
28 Actors, Contact with Candidates and

1 Staff, and Funding of Threat Actors

2 --- EXHIBIT No. CAN.SUM 11:

3 Threat Reduction Measure Conducted in
4 2019

5 --- EXHIBIT No. CAN.SUM 12:

6 Government of India Foreign
7 Interference Activities in the 2021
8 General Election

9 --- EXHIBIT No. CAN.SUM 13:

10 Comments by Individual People's
11 Republic of China Officials on
12 Expressed Partisan Preferences in the
13 2019 and 2021 General Election

14 --- EXHIBIT No. CAN.SUM 14:

15 Country Summary: Iran

16 **MR. GORDON CAMERON:** Good afternoon, Madam
17 Commissioner.

18 **COMMISSIONER HOGUE:** Good afternoon.

19 **MR. GORDON CAMERON:** Gordon Cameron.

20 Commission counsel. I will be conducting the examination of
21 this panel this afternoon with MR. MacKay. We will divide it
22 up between us, but I will begin by introducing the panel and
23 having them sworn.

24 **THE REGISTRAR:** Ms. Tessier, would you like
25 to be sworn or affirmed?

26 **MS. MICHELLE TESSIER:** Affirmed, please.

27 **THE REGISTRAR:** Okay. May I please have your
28 name, and spell your last name for the record?

1 **MS. MICHELLE TESSIER:** Certainly. C'est
2 Michelle Tessier. M-I-C-H-E-L-L-E T-E-S-S-I-E-R.

3 **--- MS. MICHELLE TESSIER, Affirmed:**

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

5 Mr. Vigneault, may we please have your first
6 name and spell your last again for the record?

7 **MR. DAVID VIGNEAULT:** David Vigneault. V-I-
8 G-N-E-A-U-L-T.

9 **THE REGISTRAR:** Okay. And did you want to be
10 sworn or affirmed?

11 **MR. DAVID VIGNEAULT:** Affirmed, please.

12 **--- MR. DAVID VIGNEAULT, Affirmed:**

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

14 And now your turn, Ms. Henderson. Would you
15 like to be sworn or affirmed?

16 **MS. CHERIE HENDERSON:** Affirmed.

17 **THE REGISTRAR:** Affirmed. Okay. May I
18 please have your full name, and your last name spelled out
19 for the record, please?

20 **MS. CHERIE HENDERSON:** Cherie Henderson. H-
21 E-N-D-E-R-S-O-N.

22 **--- MS. CHERIE HENDERSON, Affirmed:**

23 **THE REGISTRAR:** Thank you.

24 Counsel, you may proceed.

25 **--- EXAMINATION IN-CHIEF BY MR. GORDON CAMERON:**

26 **MR. GORDON CAMERON:** Thank you.

27 Panel, I'll begin with some housekeeping, and
28 then I'll let MR. MacKay take over for some of the questions.

1 Canadien du Renseignement de Sécurité
2 (SCRS) - non classifié

3 --- EXHIBIT No. CAN.DOC 18.001:

4 Annexe B2 du Rapport Institutionnel
5 du SCRS - Rapport public du SCRS 2021

6 --- EXHIBIT No. CAN.DOC 18.002:

7 Annexe D du Rapport Institutionnel du
8 SCRS - Séances d'information sur
9 l'ingérence étrangère et sur ses
10 répercussions sur les institutions
11 démocratiques du Canada depuis le 1er
12 janvier 2019

13 --- EXHIBIT No. CAN.DOC 18.003:

14 Annexe G du Rapport Institutionnel du
15 SCRS - Aperçu des mesures de
16 réduction de la menace prises contre
17 l'ingérence étrangère de 2019 à
18 aujourd'hui

19 **MR. GORDON CAMERON:** And Mr. Vigneault, I'll
20 ask you if you can confirm that that Institutional Report was
21 prepared for the Commission and represents part of the
22 Service's evidence before the Commission?

23 **MR. DAVID VIGNEAULT:** Yes, it was.

24 **MR. GORDON CAMERON:** Thank you.

25 I'll just mention for the benefit of parties
26 that the appendices that I just mentioned are specifically
27 drafted for disclosure to the public and that the body of the
28 Institutional Report refers to other appendices that have not

1 been filed because there's no public version of them, just to
2 avoid confusion on that.

3 Now, panel, we have two sets of documents
4 that I'm going to try to do at the same time with you. So
5 I'll just describe them globally and then ask you a few
6 questions about them.

7 One is, you three, the same three of you,
8 were interviewed by Commission counsel on February 13th,
9 2024. And you were also examined in-camera by the Commission
10 at a hearing shortly after that. And public summaries have
11 been prepared in respect of both that interview and your in-
12 camera evidence.

13 Have you reviewed these documents for the
14 purposes of accuracy?

15 **MS. CHERIE HENDERSON:** Yes.

16 **MR. DAVID VIGNEAULT:** I did.

17 **MS. MICHELLE TESSIER:** Yes.

18 **MR. GORDON CAMERON:** Thank you. And do you
19 have any corrections that you would like to make to these
20 documents?

21 **MS. MICHELLE TESSIER:** Not from me.

22 **MR. DAVID VIGNEAULT:** No.

23 **MS. CHERIE HENDERSON:** No.

24 **MR. GORDON CAMERON:** I'm just going to pause
25 a second and see if I can get counsel for the Attorney
26 General's attention, because we had wondered if there might
27 be a correction to one of the statements in the in-camera
28 examination summary?

1 **MR. BARNEY BRUCKER:** I believe there was, Mr.
2 Cameron. We discussed that before we resumed here. I'm not
3 sure which the paragraph is.

4 **MR. GORDON CAMERON:** If you look at paragraph
5 18, ---

6 **MR. BARNEY BRUCKER:** Yes.

7 **MR. GORDON CAMERON:** --- it might remind the
8 witnesses ---

9 **MR. BARNEY BRUCKER:** That's correct.

10 **MR. GORDON CAMERON:** --- of the point?

11 **MR. BARNEY BRUCKER:** That's correct.

12 **MR. GORDON CAMERON:** Mr. Vigneault, maybe if
13 you could look at paragraph 18 and tell us if you have a
14 correction to make to the summary of your in-camera evidence?

15 **MR. DAVID VIGNEAULT:** Yeah.

16 **MR. GORDON CAMERON:** And perhaps the Court
17 Officer could pull it up? It is WIT 48.

18 --- EXHIBIT No. WIT 48:

19 In Camera Examination Summary: Mr.
20 David Vigneault, Ms. Michelle
21 Tessier, Ms. Cherie Henderson

22 **MR. DAVID VIGNEAULT:** I believe it concerns
23 the timing of a TRM.

24 **MR. GORDON CAMERON:** And if the Court Officer
25 could scroll to paragraph 18 of that document?

26 **COMMISSIONER HOGUE:** I think there is no
27 paragraph numbers.

28 **MR. GORDON CAMERON:** There we go.

1 **COMMISSIONER HOGUE:** Ah, there we go.

2 **MR. GORDON CAMERON:** On this document, there
3 are some.

4 And, Mr. Vigneault, looking at that
5 paragraph, are you reminded as to whether or not you want to
6 make a correction to the information there?

7 **MR. DAVID VIGNEAULT:** Yes. Madam
8 Commissioner, paragraph 18 reads:

9 "Mr. Vigneault explained that a TRM
10 was conducted during the 2019
11 election..."

12 And in discussion with counsel earlier, to be
13 more precise, the TRM was conducted prior to 2019 and some of
14 the intelligence and some of the outcome of this of course
15 took place during the election. But to be more precise, the
16 TRM was conducted prior to the election.

17 **MR. GORDON CAMERON:** Thank you for that
18 correction.

19 And with that correction made, panelists, and
20 with respect to both the summary of your interview and the
21 summary of your in-camera evidence, do you adopt those
22 documents as part of your evidence before the Commission
23 today?

24 **MS. CHERIE HENDERSON:** Yes.

25 **MR. DAVID VIGNEAULT:** I do.

26 **MS. MICHELLE TESSIER:** Yes.

27 **MR. GORDON CAMERON:** Thank you.

28 And just an explanatory note before I hand

1 over the microphone to MR. MacKay.

2 There are two other documents, Madam
3 Commissioner, that got filed representing the information of
4 CSIS representatives who will not be appearing as witnesses,
5 but I'll just mention them for the record. WIT 35 is an
6 interview summary of a CSIS ADR Directorate and WIT 43 is a
7 summary of the *in-camera* evidence in that regard. Thank you.

8 **--- EXHIBIT No. WIT 35:**

9 Public Summary of Classified
10 Interview of: Canadian Security
11 Intelligence ADR Directorate
12 Witnesses

13 **--- EXHIBIT No. WIT 43:**

14 In Camera Examination Summary: A
15 Branch within the CSIS ADR
16 Directorate

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

18 **MR. JEAN-PHILIPPE MacKAY:** ...in French to
19 our witnesses this afternoon. Of course, they are free to
20 answer in the language of their choice.

21 So we will start with general presentations,
22 so I will invite the panelists to introduce themselves and
23 explain the role that they play and that they have played
24 within CSIS before their departure.

25 So Mr. Vigneault, you may start.

26 **MR. DAVID VIGNEAULT:** David Vigneault. I am
27 head of the Centre since 2017 of CSIS, so my position as head
28 comprised general administration of the service,

1 responsibility for the services activities as well as the
2 main spokesperson for external relations with Canadians and
3 abroad.

4 **MR. JEAN-PHILIPPE MacKAY:** Madam Tessier?

5 **MS. MICHELLE TESSIER:** Yes, hello.

6 I retired from CSIS in March last year, but I
7 worked for CSIS for 35 years as an intelligence officer. And
8 I ended up in the role of Deputy Head of Operations in
9 charge, essentially, of management and governance of the
10 service's operations, so central administration, regional
11 offices, security screening, et cetera. And I replaced the
12 head when he was absent.

13 **MR. JEAN-PHILIPPE MacKAY:** Madam Henderson.

14 **MS. CHERIE HENDERSON:** I joined the service
15 in 1992 as an intelligence officer and I have been
16 responsible for various investigations within the
17 organization in management and leadership roles. I was the
18 Director General of the Intelligence Assessment Branch and my
19 final position was the Assistant Director of Requirements. I
20 recently retired from the Service.

21 **MR. JEAN-PHILIPPE MacKAY:** ...report from
22 CSIS that details the mandate and the powers of CSIS.

23 I would ask you the first question for Mr.
24 Vigneault to present summarily what CSIS is about.

25 **MR. DAVID VIGNEAULT:** Well, CSIS is the human
26 intelligence service of Canada. We have as a mandate to
27 collect information, to produce intelligence and to inform
28 the government as regards any national security threats that

1 are described in the *CSIS Act*.

2 We also have the mandate to take measures to
3 reduce threats when it is possible to do so. The way we work
4 is obviously we use our mandate as to acquire secrets and to
5 be able to share these governments with the government, so we
6 use different means of obtaining information.

7 We work with technical source information.
8 We recruit human sources and we work with partners in Canada
9 and abroad. We have over 300 relations with intelligence
10 agencies abroad so that we can acquire as much information as
11 possible so as to have the best point of view as possible.
12 And all that work is done by CSIS professionals and that
13 means that Canadians are safe every day in Canada and abroad.

14 I should maybe mention that we have a hybrid
15 mandate in the sense that many countries have two
16 intelligence agencies to do that work. Canada has one
17 agency, CSIS, that operates here in Canada as well as
18 throughout the world.

19 We have agents deployed in a permanent manner
20 or temporary manner so that we can ensure we get the right
21 intelligence and take the right actions to protect Canadians
22 in Canada or abroad.

23 **MR. JEAN-PHILIPPE MacKAY:** And of course, I
24 should have mentioned at the departure, but if one or the
25 other of the witnesses wants to add to an answer, please
26 don't hesitate. I should have mentioned that from the start.

27 So Mr. Vigneault, I will ask our clerk to
28 pull up document CAN.DOC 18, please.

1 This is the institutional report in the
2 French version. And I would ask you to scroll down.

3 Thank you. Scroll down a little bit more.
4 Thank you.

5 This morning, we heard two representatives of
6 Global Affairs Canada who discussed the definition of foreign
7 interference as regards foreign influence. And we know that
8 in Article 2 of the *CSIS Act* the threats to Canada's security
9 are defined.

10 So I would like you to explain what this
11 notion of threat towards Canada is compared to the influence
12 -- the activities of influence from abroad.

13 **MS. MICHELLE TESSIER:** If you allow me, I
14 will answer.

15 It is indicated here under the activities
16 influenced by foreign actors. That's the word that was used
17 in the definition. I will underline it dates from 1984, so
18 it is not recent that the service has the mandate of
19 investigating on this type of threat.

20 I would like to underline also that we have
21 to meet certain criteria, so it has to be clandestine. We're
22 trying to hide the involvement of a foreign state actor. It
23 has to involve a foreign power. And it has to be against
24 Canada's interests. It can also include threats to its
25 communities.

26 So it's important to identify these criteria
27 properly so that the service can identify the activity as
28 being -- we call it foreign interference now even if the Act

1 talks of influence. But on layman's terms, we talk of
2 foreign interference.

3 **COMMISSIONER HOGUE:** And Mrs. Tessier, you
4 say it includes threats such as coercion to people that are
5 on the Canadian territory.

6 Should I understand that, at that moment,
7 automatically it meets that criteria of being against
8 Canada's interests?

9 **MS. MICHELLE TESSIER:** Yes. The aim is to
10 protect Canadian citizens, Canadian residents and Canada's
11 interests.

12 **MR. JEAN-PHILIPPE MacKAY:** Simply on this
13 notion of Canadian interests, can you explain more how this
14 idea of interest is understood by CSIS?

15 **MS. MICHELLE TESSIER:** Well, obviously, the
16 Act defines the threats, but if I take, for example, the
17 pandemic or if, for example, I look at the "Freedom Convoy"
18 and everything that happened around the impact on the
19 Canadian economy, of course, it concerns Canada's interests.
20 But it isn't strictly defined in the *CSIS Act*.

21 So the service evolves in its activities. We
22 could say it's espionage, it's maybe foreign interference,
23 and it's the way we manage it. But I would say that it's
24 often broader than what we find strictly defined in the Act.

25 But for sure, CSIS has to link it to a
26 threat, of course. But that's why when I talk of Canada's
27 interests, it might be a bit broader than the words we find
28 in the Act.

1 demonstrate that some countries commit interference for
2 different reasons and other countries, such as, for example,
3 the PRC, commit interference in every way.

4 So the democratic institutions that are
5 broader than simply elections at the federal level, it
6 includes democratic institutions at every level of
7 government, so federal, provincial, territorial, so all the
8 governance of Indigenous affairs in Canada. Those are
9 vectors of foreign interference or ways for foreign powers to
10 interfere in our democratic system.

11 There's another important aspect of foreign
12 interference that wasn't discussed as much publicly over the
13 last few months, but it is foreign interference towards
14 individuals. It's often what we talk of when we talk of
15 transnational repression. So by meeting the criteria of the
16 *CSIS Act*, they are committing activities towards these
17 individuals to favour the interests of that foreign power.

18 So we can come back to those later during
19 your questions, but I think there is a lot of context here
20 and the best way for us to understand that is to understand
21 what are the interests of that foreign power and to see how
22 they will be using all the means they have to commit
23 interference in Canada.

24 **MR. JEAN-PHILIPPE MacKAY:** So in the
25 institutional report and if we consult the Act, we can see
26 that also we see that CSIS has certain powers that can be
27 carried out with or without legal authorization, judicial
28 authorization. And I'd like to hear you about one of these

1 tools that exists for CSIS and these are the threat reduction
2 measures, threat reduction measures that are at Article 12.1
3 of the *CSIS Act*.

4 And I would like to ask the clerk to bring up
5 CAN.DOC 18.3, please.

6 So my question is general, but still in the
7 context of foreign interference.

8 I'd like you to explain what these threat
9 reduction measures are, and the document here is simply as a
10 visual aid. But I'd like to have a general explanation from
11 one of you.

12 **MS. MICHELLE TESSIER:** Yes, I will answer the
13 question.

14 As indicated in the document, since 2015 CSIS
15 has this tool, this mandate. And to differentiate it with
16 the main mandate of the service, that is, to collect
17 intelligence, to analyze and to distribute intelligence, it
18 is really measures to reduce the threat, to stop the treat,
19 if possible, but to reduce it.

20 And there's a lot of evolution. In 2019,
21 following a law from 2017, there were changes in the *CSIS Act*
22 to put more parameters on the constraints, the measures that
23 we cannot undertake such as create injuries or detain
24 individuals, such things. And this explains when the service
25 needs a mandate, under which conditions it needs to get a
26 warrant so as to undertake these threat reduction measures.

27 So the aim was really to enable the service
28 to have this tool of fighting the threat without it going

1 strictly into the collection, analysis or exchange of
2 intelligence.

3 **MR. JEAN-PHILIPPE MacKAY:** And when you say
4 that at some moments the measure has to be authorized in a
5 judicial manner, why is that warrant required in some
6 circumstances?

7 **MS. MICHELLE TESSIER:** Well, we always have
8 to respect the *Charter*.

9 If there are certain measures that require to
10 limit some individual's rights under the *Charter*, we need a
11 warrant from the Federal Court. And if it could violate one
12 of Canada's Acts.

13 But even without judicial authority so as to
14 undertake a measure, I'd like to underline here that we have
15 to have reasonable reasons, and those are the same reasons
16 for the service to go get a warrant under the article --
17 under Article 12.

18 So it's still a high threshold to meet to
19 enable the service to undertake these threat reduction
20 measures.

21 **MR. JEAN-PHILIPPE MacKAY:** And we see in
22 Annex J (sic) that -- on the screen the notion of
23 proportionality. And it also is in the institutional report,
24 the notion of risk is itemized. And it's associated to the
25 TRMs.

26 Can you explain to us the concept of
27 proportionality and risk reduction related to these measures?

28 **MS. MICHELLE TESSIER:** Yes, absolutely.

1 So it has to be proportional -- the reduction
2 measure has to be proportional to the threat.

3 So first of all, the activities -- in other
4 words, the activities that we undertake must be able to
5 reduce the threat and we have to be able to assess it short
6 term, midterm and long term. And we want the measures to be
7 proportional. They mustn't be too broad and the Act also
8 asks us to work with other partners.

9 For example, if there's a criminal
10 investigation, then we can't hinder the investigation, an
11 ongoing criminal investigation, so we have to make sure that
12 no other government entity is taking measures that we could,
13 in fact, be weakening or compromising before we undertake our
14 own.

15 **COMMISSIONER HOGUE:** So you don't have any
16 police powers.

17 **MS. MICHELLE TESSIER:** [No interpretation]

18 **COMMISSIONER HOGUE:** So the RCMP has police
19 powers. So if you can't answer my question, let me know,
20 even if it's me that's asking it, but just so that everybody
21 can understand.

22 When you talk about a measure, a TRM, or
23 threat reduction measure, can you give us an idea, not
24 necessarily a concrete example, but explain to us what are we
25 talking. Give us an example.

26 **MS. MICHELLE TESSIER:** Yes, of course.

27 I can give you some examples. I am limited
28 as to what I can tell you.

1 So let's -- we can divide it into three
2 categories. So dissuasion is the first category. So this
3 involves disseminating information.

4 So a candidate in an election campaign, if we
5 disclose classified information, we can disclose classified
6 information on an individual to reduce the threat. When it
7 comes to exploitation, then we work with a third party so
8 they have the means to reduce the threat. So not a third
9 party in government who can exchange information freely, but
10 within the government.

11 So I'll give you an example. There has to be
12 somebody outside the government. If there's an organization
13 that -- this is hypothetical, but we have an association, for
14 example, that organizes an event and they've invited
15 conference speakers. And we have information that there are
16 foreign interests at work that are trying to introduce an
17 individual and fund him who's going to manipulate the
18 conference for his own ends -- his or her own ends. And we
19 will inform that association in that case so that they might
20 change the program or cancel the engagement of the said
21 speaker.

22 The third category is a bit more difficult to
23 explain. But it's when the service uses its own means to
24 reduce the measures.

25 So supposing there's a disinformation
26 campaign and the service decides to reduce the message or
27 countervail it. We have means at our disposal to do that
28 just to give you an idea of what we can do in the face of

1 foreign interference.

2 And there are four pillars in the concept of
3 risk. There's an operational risk that the service will
4 assess on its own and then there's also legal or judicial
5 risks and so we work with the Justice Department.

6 There are reputational risks, reputation of
7 the government, for example. And so we'll work with Public
8 Safety.

9 And we also work in cooperation with the
10 Public Security Department and also the risk to our
11 international relationships.

12 And I'm trying to slow down and I'm aware
13 that I'm speaking very quickly.

14 So that -- and Global Affairs, who's the
15 prime interlocuter, and all depending of the level of the
16 risk, then we will seek out approvals for the measures.

17 **MR. JEAN-PHILIPPE MacKAY:** And so these
18 approvals, do these measures have to be approved by higher
19 instances within the service?

20 **MS. MICHELLE TESSIER:** Yes. It has to be
21 approved by the Director and the Minister. For average --
22 medium risk, it has to be -- has to be a senior official
23 within the service. And minor risk is just a first line
24 manager.

25 **MR. JEAN-PHILIPPE MacKAY:** Let's look at
26 document 2919, please.

27 **--- EXHIBIT No. CAN 2919:**

28 Memo to the Minister: Update on

1 threat to democratic institutions
2 threat reduction measures - foreign
3 interference activities

4 **MR. JEAN-PHILIPPE MacKAY:** It's a memorandum
5 from -- it's a memo from the director to the Minister.

6 I'll ask the clerk to scroll down.

7 So we understand, Mr. Vigneault, that this
8 document has been partially redacted. In general, can you
9 give us a bit of context as to the nature of this document?
10 When would this kind of memorandum be sent?

11 **MR. DAVID VIGNEAULT:** Mr. Clerk, can you come
12 up to the top of the document, please?

13 So in this case, Madam Commissioner, as Madam
14 Tessier mentioned, when we do a risk assessment, when the
15 risk is high then the corresponding threat reduction measure
16 has to be approved at higher levels, so it's not sufficient
17 to just inform the Minister, but also to get his approval
18 before we proceed.

19 So in this case, if we look at this memo, it
20 says "for information". So without having read all of the
21 content of the memo, I can explain the process.

22 So I will inform the Minister that we are
23 contemplating taking a measure and we may not require his
24 authorization if the risk is not high, and this is the case,
25 and we present the details of the situation of the operation
26 to the Minister and we describe the threat and what the
27 countervailing measures will be.

28 We'll also outline the results and the risks

1 to the four pillars, and so this is my way of informing the
2 Minister of what we are contemplating.

3 Once again, this measure is in compliance
4 with the Act and so we're not asking the Minister to
5 necessarily authorize, but we are informing the Minister of
6 what we are doing. And in this way, the Minister can
7 therefore discuss whatever issues arise with myself or my
8 colleagues. And that's why this information process exists.

9 **COMMISSIONER HOGUE:** Can the Minister say, "I
10 don't agree"?

11 **MR. DAVID VIGNEAULT:** Yes, absolutely.

12 There is -- of course, our authority is a
13 delegated authority from the Minister, so the Minister does
14 retain the possibility of expressing his disagreement.

15 Now, it's never happened. Not since the last
16 seven years, anyway. But it is theoretically possible for
17 the Minister to disagree.

18 Generally, we try to avoid surprises, so we
19 do have conversations with the political office of the
20 Minister and the Public Safety personnel so that when the
21 memo lands, there is no surprise because everybody has been
22 more or less apprised of the situation and they are then --
23 and everybody's always receptive to this kind of discussion.

24 **COMMISSIONER HOGUE:** So they don't have the
25 power to direct you.

26 **MR. DAVID VIGNEAULT:** Nothing outside of the
27 directive -- Ministerial directives.

28 **MS. MICHELLE TESSIER:** So to summarize, the

1 TRM must be sent to the surveillance committee, the national
2 committee, and to the Minister. So in general, in the annual
3 report of the service that we send to the Minister, there is
4 a list of all the measures that were invoked during that
5 year.

6 **MR. DAVID VIGNEAULT:** And all of these
7 measures are reviewed systematically.

8 **MR. JEAN-PHILIPPE MacKAY:** So we can remove
9 this document from the screen.

10 And I do want to leave a bit of time to my
11 colleague, Mr. Cameron, so I'm going to ask you to quickly
12 explain to us the role that plays CSIS in the intelligence
13 community in Canada and also, as a corollary, what is the
14 relationship between CSIS and the Prime Minister's National
15 Security Advisor?

16 **MS. CHERIE HENDERSON:** So thank you for the
17 question. We work extremely closely with what we would call
18 the security and intelligence community in Canada and we have
19 very close relationships with all of our partners. We work
20 very hard to appreciate and understand the intelligence
21 requirements of the government and, in that vein, we also
22 work very hard to make sure that we're responding to those
23 requirements so that we are appropriately collecting and
24 disseminating the required information.

25 **MR. DAVID VIGNEAULT:** ...little bit on the
26 point, the relationship between the NSIA and CSIS, I've had
27 the opportunity before I was appointed Director of working
28 for five years as a secretary to the Cabinet in the area of

1 intelligence, so I worked in close cooperation with people
2 who have been the -- previously were the National Security
3 Advisor to the Prime Minister.

4 So there is a daily communication between the
5 CSIS and the Prime Minister's Advisor and there's -- there
6 are also daily communications between various members of our
7 office. And at my level as Director I think I can say that I
8 have many times a week conversations and weekly meetings with
9 the NSIA and we talk very frequently, even late at night,
10 early in the morning, weekends included because, of course,
11 the national security space in Canada is a very complex one
12 and so we maintain very close ties.

13 And is there anything else I should add?

14 **MR. JEAN-PHILIPPE MacKAY:** You want to talk
15 about your own experience?

16 **MS. CHERIE HENDERSON:** Yeah, absolutely.

17 So I had the opportunity, actually, to work
18 within PCO. I was the Chief of Staff to the National
19 Security Intelligence Advisor, Daniel Jean, at the time.

20 It became very apparent of the importance of
21 excellent communication between PCO and ourselves within the
22 service just to start to educate on what the service was, who
23 we were and what we could bring to the table to support the
24 ongoing need to advise government in regards to helping them
25 in their decision-making and also advise government in
26 regards to the threat that we were seeing. From the
27 service's perspective, our job is to sniff the environment
28 and figure out where the threats are coming from and then to

1 be able to advise and inform government on those threats and
2 to continue to build those pictures, so it was fundamentally
3 important to increase that relationship and continue to build
4 that level of trust and appreciation between ourselves, PCO
5 and I would also add into that the rest of the national
6 security community.

7 **MR. JEAN-PHILIPPE MacKAY:** So as to the way
8 CSIS is structured on the national level, there's a central
9 office in Ottawa and there are other offices elsewhere in the
10 country.

11 Can you explain to me the broad lines of this
12 structure and the relationship between the regional offices
13 and the head office?

14 **MS. MICHELLE TESSIER:** Yes. Well, I can
15 answer that question.

16 So in effect, there is three sub-directors.
17 I'll talk about the Operational Deputy Director, which is my
18 role.

19 So at the central office at headquarters, we
20 are managing operational programs. So we see what the
21 priorities of the government are in matters of intelligence
22 and we translate those into operational requirements. So
23 this is what's done at the head office level, and so head
24 office deals with cases. We also do analysis. We have
25 expert analysts that look at the broad picture, produce the
26 documentation that is then sent back to our client
27 departments.

28 So that is the role of the head office. And

1 also to prioritize (sic) investigations and determine what the
2 priorities are.

3 Now, we have regional offices in all the
4 provinces except one province, none in the territories, but
5 nevertheless, we do have people that travel and that look
6 after the whole country. And we also have offices in other
7 countries abroad.

8 So we have Paris, Washington and London. We
9 do not divulge the existence of other offices.

10 And so we do have a global network and we
11 have a Deputy Director that's responsible for all of the
12 regional offices.

13 And we have the Directorate of Advanced Data
14 Analysis and we also have a centre for operational security,
15 risk assessment, threat assessment. That is under operations
16 management.

17 So we have analysis, operations, all of that
18 is under the aegis of the Director of Operations.

19 **MR. JEAN-PHILIPPE MacKAY:** So in the
20 interview summary, we talk about the perspective of the head
21 office and the perspective of the regional office and the
22 perspective that the regional office can bring to the head
23 office.

24 Can you enlighten us as to or develop on
25 that?

26 **MS. MICHELLE TESSIER:** Well, in any agency
27 with regional offices and a headquarters, there are various
28 different perspectives. It's only natural. And of course,

1 regional offices are -- pardon me -- are experts on site, so
2 -- and head office has a global vision because they deal with
3 foreign intelligence services and so they have a broader
4 picture and they see what's happening not only within Canada,
5 but also abroad.

6 So the head office is concerned with
7 strategy, whereas the regional offices are more concerned
8 with technical approaches. So the regional offices do not
9 make decisions as to the allotment of resources. They will
10 decide how they're going to deal with a particular request or
11 need which means are they going to use. That's a decision
12 that is up to the regional office.

13 Of course, some regional offices think that
14 their investigation is more important than some other
15 regions, but I think it's very healthy to have a compilation
16 of various perspectives because it gives us a richer picture
17 and produces a richer discussion.

18 **MS. CHERIE HENDERSON:** Perhaps I could just
19 add one part to this. It's also very important to realize
20 that our headquarters is also plugged into the government and
21 appreciates what the priorities of the government are of the
22 day, and so it's through headquarters and that liaison with
23 making sure we're responding to the priorities of the
24 government that we can also then send out the appropriate
25 intelligence requirements to the regions. And that can also
26 create a little bit of attention, but as Michelle noted, it's
27 a healthy tension that is normal in an organization to
28 different perspectives, but help to move the organization

1 forward and do appropriate collection.

2 **MR. JEAN-PHILIPPE MacKAY:** ...that CSIS
3 produces in the context of its activities, so I'm going to
4 ask you a question -- a general question on the kinds of
5 products, but I'll ask you to answer the following question.

6 How do you decide which products are going to
7 be distributed and who they're going to be given to and how
8 they will be...

9 **MS. CHERIE HENDERSON:** Okay. So as I noted,
10 the service works also very closely with the PCO in order to
11 understand and appreciate the intelligence priorities of the
12 government. We play into that decision-making process.

13 Once we have an appreciation of what those
14 intelligence priorities are, we are able to send that tasking
15 out to the region into what the service can collect under its
16 mandate in regards to the priorities of the government. Once
17 that is done and the region is collecting the information, we
18 can review the information coming in to determine which
19 government department would see value in receiving that
20 reporting.

21 There are different types of reports that are
22 disseminated. One is just the basic intelligence report, raw
23 intelligence, which allows the user to determine how that
24 intelligence can support what they are doing. We also do a
25 stronger, but smaller, analytical piece where we will pull
26 various pieces together to start to create the intelligence
27 picture and then we will produce in-depth assessments.

28 There is good communication among the S&I

1 community and through the process of setting intelligence
2 priorities, the service also gets an appreciation of which
3 government department wants which type of information and we
4 will then appropriately disseminate that.

5 We also try to get feedback back from the
6 various departments to make sure that we're actually meeting
7 their intelligence requirements. That's an ongoing process
8 that we're working on improving constantly, but that feedback
9 fits very well into trying to make sure that we're hitting
10 the intelligence priorities of the government as well as
11 those departments.

12 **MR. JEAN-PHILIPPE MacKAY:** ...classification
13 of a document of an information can have an impact on the
14 distribution of the document in question?

15 **MS. CHERIE HENDERSON:** Yes. Yes, it can.

16 We always -- when we do disseminate our
17 reports and our intelligence, we want to make sure that we've
18 got as much of the picture as we have and so we make -- we do
19 -- sorry. I'm going to just back up a minute -- a moment
20 there.

21 When we draft an analytical piece, we pull
22 all the pieces together of intelligence. Some is from a
23 corroborated source, some may be from a news source, but we
24 feel it's very important to have that whole picture. And we
25 have very well-trained analysts who are subject matter
26 experts who help to pull that picture together.

27 Then what we do is we determine who needs to
28 see that report. In some cases, based on the sensitivity of

1 the information, how it's collected and the methodologies, we
2 need to protect those sources and so we will make what we
3 could call a bigot list of informations that can -- of
4 information or individuals that can actually see that
5 reporting and we will disseminate that reporting to those
6 particular individuals on a named distribution list.

7 **MR. JEAN-PHILIPPE MacKAY:** When you're
8 disseminating information within the government-to-government
9 clients, do you have any expectations in terms of feedback
10 from the clients who receive this information? Does the
11 service have any expectations in terms of feedback?
12 Lorsque vous disséminez du renseignement au sein du

13 **MS. CHERIE HENDERSON:** Yes. We work very
14 hard with other government departments to get feedback.

15 We have, actually, in the last couple of
16 years created an ADM -- a much more communicative ADM team
17 that can actually discuss the various reports to make sure
18 that, one, we're not only getting feedback on the report, but
19 if we determine that there's information in there that is
20 actionable, which government department could action that
21 potentially under their mandate and how that could be done.

22 So there is very good cooperation amongst the
23 S&I community, the security and intelligence community, at
24 the ADM and DG and working levels. We have very good
25 communication on that front.

26 Feedback is fundamentally important, as it
27 makes sure that we are allocating our resources in the right
28 way. If we determine that there is a particular piece of

1 information that needs to get instant or very quick, urgent
2 action or attention, we will actually not just disseminate
3 that through an electronic means, but we will make sure we
4 brief that verbally and get the appropriate parties engaged
5 on that piece of information.

6 **MR. DAVID VIGNEAULT:** Mr. MacKay, if I can
7 just add very quickly, feedback is also fundamental for
8 reason of making sure that the intelligence doesn't live on
9 its own. We're producing intelligence because we want to
10 help someone to take an action and to be better informed, and
11 so that feedback is critical for CSIS to make sure -- as my
12 colleague just mentioned, make sure that we're meeting those
13 requirements but, you know, inform as to customers will also
14 have information that when they pass that on to us, it
15 enriches the picture.

16 And when you look at the goal or the intent
17 of intelligence, which it is to inform and allow for actions
18 to be taken, it's when you have the best picture possible
19 that is, you know, hopefully you'll make the best possible
20 decisions. So that's why -- it's another reason why feedback
21 is critical.

22 **MR. JEAN-PHILIPPE MacKAY:** Thank you.

23 I will let my colleague, Mr. Cameron, take
24 over from me.

25 **(SHORT PAUSE)**

26 **--- EXAMINATION IN-CHIEF BY MR. GORDON CAMERON (cont'd):**

27 **MR. GORDON CAMERON:** Thank you, panelists.
28 I'd like to begin by directing a question

1 that I think is specific to Mr. Vigneault because it has to
2 do with your decision as Director of the service over the
3 years of your term to decide to either engage or, as the case
4 might be, re-engage the public on the topic of foreign
5 interference because, in general, the operations of the
6 service aren't necessarily secret but we now see foreign
7 interference part of the public discussion. And I'd like to
8 have your perspective on the occasion or at least the era in
9 which you decided it was time to become public about.

10 **MR. DAVID VIGNEAULT:** Madam Commissioner,
11 that's a very important question, and I touched upon this in
12 my first appearance for Part B of the Inquiry.

13 And CSIS is an institution that has been
14 created by law to have secrets and to keep secrets, but that
15 doesn't mean that, you know, we are not part of -- we don't
16 have something that we need to tell Canadians and that the
17 transparency is essential in a democracy.

18 The threat environment has evolved
19 significantly over the last number of years. Learned
20 scholars and analysts of the national security have said
21 they've never seen such a complex threat environment, and
22 that includes the Cold War. And so when you look at this
23 environment, there is something in the -- in a democracy that
24 intelligence service can and should be engaging with
25 Canadians in terms of transparency of some of the
26 information.

27 **COMMISSIONER HOGUE:** Just tell me when you
28 said the last years ---

1 **MR. DAVID VIGNEAULT:** I would say that ---

2 **COMMISSIONER HOGUE:** --- what do you mean?

3 Are you talking about 20 years or are you talking about 2, 3,
4 4 years?

5 **MR. DAVID VIGNEAULT:** So I would say that
6 there is a -- there are a couple of moments. 9/11 has been a
7 moment, a pivotal point in terms of international terrorism
8 and the way that terrorist groups could use their means to
9 inflict casualties and terror, not only in foreign countries,
10 but also, in our own countries. And Canada has not been
11 immune to terrorism. So that was one moment. And the
12 terrorism has evolved over the last few years, five, seven,
13 eight years, where we also see not just a religiously
14 motivated extremism, but the ideologically motivated
15 extremism. So people who are looking at -- are motivated by
16 genophobia, antisemitism, Islamophobia, to essentially use
17 violence and engage in active terror in our country, and we
18 have, unfortunately, too many recent cases in our country.
19 And the most recent cases have been Canadians -- Muslim
20 Canadians who have been killed in our country by IMV actors,
21 ideologically actors. So terrorism has evolved.

22 The other significant evolution has been the
23 international order is changing. So we have Russia and the
24 PRC, People's Republic of China, who are challenging the
25 international order even more so in the last 5, 7, 10 years.
26 We see it through incursions. We see it, of course, in
27 Ukraine, where Russia is engaging in illegal invasion. We
28 see it in the South China Sea where the People's Republic of

1 China is redrawing international Maritime borders for their
2 own benefits, despite very clear international law rulings on
3 this. We see it in terms of how they are coercing a number
4 of other countries. So great power politics is that, you
5 know, we have not seen or not seen as much in the last number
6 of -- last 20 years or so, but we see a resurgence of Russia,
7 China, a number of other countries challenging the
8 international order. And so that environment is getting more
9 and more complex.

10 The last thing I would say in the threat
11 environment, Madam Commissioner, to answer your question, is
12 the evolution of technology. We see it through how
13 technology is a force of good in many ways in terms of
14 societal goods, economic prosperity. But, of course, like
15 anything else, we have actors who are using the advancement
16 of technology for their own purposes. So Canada now has to
17 protect itself against threats from new weapons systems, from
18 Russia over the Arctic, for example. We have to use, you
19 know, what the benefits of social media and of Internet of
20 Things and the ability of communications systems to be part
21 of our society is also leverage, and in the specific case of
22 foreign interference, for nefarious purposes here.

23 So this is the backdrop, Mr. Cameron, to the
24 reason why in 2018 made the first public speech as director
25 to engage Canadians and share some of our perspective of this
26 threat environment. And in that speech in 2018 specifically
27 mentioned foreign interference as one of the most significant
28 threat Canada was facing. And over the years, we have

1 continued to engage publicly through our annual reports,
2 speeches, but also, by reallocating resources internally and
3 creating an engagement, a stakeholder engagement branch
4 within CSIS to go out and meet with non-traditional partners,
5 and very importantly, meet with diaspora communities because
6 they're, unfortunately, one of the most significant target of
7 foreign interference.

8 **MR. GORDON CAMERON:** Thank you for that.
9 And, Mr. Vigneault, your organization produces an annual
10 public report; correct?

11 **MR. DAVID VIGNEAULT:** Yes.

12 **MR. GORDON CAMERON:** And one of the
13 documents, and this is just for the assistance of parties and
14 those following along, this is in the database as 17001, you
15 -- the service filed a cluster of your public reports for
16 2019, 2020, 2021 and some other reports. I just want to take
17 you briefly through the evolution of the Service's public
18 pronouncements on foreign interference. And I don't know if
19 you've got -- if, Court Officer, could you just scroll down a
20 bit and tell us which one you've got there? No? Okay.
21 Perhaps you could call up COM 54.

22 **--- EXHIBIT No. COM 54:**

23 CSIS Public Report 2019

24 **MR. GORDON CAMERON:** I mention that just
25 because it's the 2019 report -- or, sorry, the 2020 report --
26 2019 report published in 2020 and it's by itself. It's not
27 in the cluster of documents at 17.01. COM 54. All right.
28 And if you could go to page 17 of that report? Now that --

1 scroll to the bottom, just so we can see if the page number -
2 - yeah, you see the -- go to 17 of the document, please.

3 Thank you. Okay. And back up.

4 So here we see in your 2019 public report the
5 Service's attention to the topic here under the heading
6 "Protecting Democratic Institutions". We have a couple of
7 paragraphs on what ends up being a discussion of -- in
8 terminology we might now refer to more directly as foreign
9 interference. And this followed on -- this appearance in the
10 Service's public report followed on your 2018 speech. And I
11 take it this was part of the ark of alerting the public to
12 this element of the threat?

13 **MR. DAVID VIGNEAULT:** Absolutely. We -- you
14 see the Service trying to put more and more specific details
15 in our annual reports. This one in 2020, what was an example
16 of that progression. We also, since then, produced other
17 reports in collaboration with our partners within the
18 government to try to alert Canadians in an organized way
19 about foreign interference. And so I believe it was in 2020
20 or 2021 we published a report called Foreign Interference in
21 Democratic Institutions, which was very specifically tailored
22 to the democratic processes. And we have also -- because as
23 I mentioned, one of the main targets of foreign interference
24 are Canadian diaspora, and so what we -- or diaspora in
25 Canada. And so what we have done is produce a document
26 called "Foreign Interference and You", specifically tailored
27 to diaspora in Canada and publish in the seven languages to
28 try to engage directly with people who would be the victims

1 of transnational repression and foreign interference.

2 **MR. GORDON CAMERON:** Thank you. Well, you've
3 covered off a few of my coming questions, but just if I can
4 put this in an arc of progress over time, would I be correct
5 in observing that from your initial speech in 2018 through
6 the 2019 public report on to your 2020 public report and then
7 your publication in the summer of 2021 of this report we're
8 going to come to specific about foreign interference and then
9 onwards, the Service is becoming more detailed and more
10 expansive in describing to Canadians a threat of foreign
11 interference?

12 **MR. DAVID VIGNEAULT:** Absolutely. This is
13 what we internally, and I've said it I think publicly a few
14 times, but this is what we call the sunshine policy on
15 foreign interference.

16 **MR. GORDON CAMERON:** Okay. Now on that
17 point, in particular about the Service's attention to the
18 impact of foreign interference on diaspora groups, you
19 mentioned the document. And, Court Operator, perhaps, again,
20 because it's easier to find it in COM 322 than buried in the
21 middle of 17.01. There is the report you just described, Mr.
22 Vigneault.

23 **--- EXHIBIT No. COM 322:**

24 Foreign Interference Threats to
25 Canada's Democratic Process

26 **MR. GORDON CAMERON:** And if you could just
27 again, you describe this as a topic specific report. I think
28 it's 17 or 20 pages, but it goes into -- the whole report is

1 focussed, as I understand from the title not just on foreign
2 interference, but specifically foreign interference in
3 relation to democratic processes.

4 So at this point, what is motivating the
5 Service to put this much of its resources into alerting the
6 public to this threat?

7 **MR. DAVID VIGNEAULT:** I would say it's two-
8 fold, Madam Commissioner. First, it's because, again, the
9 nature of the threat. We have seen, because of
10 globalization, the technology, the ability of foreign
11 interference to be -- to increase in speed, impact, and reach
12 within Canadian society. So that's one of the things, the
13 evolution of the threat.

14 But also very importantly, this is at the
15 time where the community, CSIS working with all of our
16 partners in collaboration, realizing that more needed to be
17 done, and this is contemporary to approaches like the
18 creation of the SITE Taskforce, the panel that the Government
19 created to supervise elections, learning from the experiences
20 that we saw in other jurisdictions where there was
21 interference in their electoral democratic processes, and
22 essentially CSIS, in this specific case, our partners at the
23 Communications Security Establishment also reproduced a
24 similar reporter in terms of the -- on the cyberworld,
25 interference in the cyberworld.

26 And this is very much, you know, an
27 individual contribution, but very much as part of the all of
28 government approach to try to engage on foreign interference

1 and better educate Canadians about foreign interference.

2 **MR. GORDON CAMPBELL:** Thank you.

3 And perhaps the Court Operator could scroll
4 down to page 8 of the document? Thank you.

5 Now, this -- the heading of this section is
6 "Canadian Public and Voters". Just have a quick look at
7 that, Mr. Vigneault.

8 And please, Madam Tessier and Ms. Henderson,
9 if you want to add here.

10 But in particular, you've mentioned, Mr.
11 Vigneault, that the Service was alert to the impact of
12 foreign interference, or as it might arise in this context,
13 more accurately called transnational repression with respect
14 to diaspora groups. And that ends up occupying a couple of
15 pages of this particular report. Can you look at that
16 section there ---

17 **MR. DAVID VIGNEAULT:** Yeah.

18 **MR. GORDON CAMERON:** --- and explain how the
19 Service views the interrelationship of foreign interference
20 as it manifests in transnational repression and the
21 importance of educating the public?

22 **MR. DAVID VIGNEAULT:** Yes. And this is a
23 very important point, Madam Commissioner. The mandate of
24 CSIS is very clear. So we have to produce intelligence and
25 have an impact writ large to protect all Canadians. And here
26 what we see in the context of foreign interference is we see
27 foreign countries trying to have a negative impact on
28 Canada's institutions, but also very specifically having an

1 impact and trying to control or influence the members of
2 diaspora in Canada.

3 So the home country, if I can put it this
4 way, trying to control what people are engaging in in terms
5 of their democratic activities, controlling what they're
6 saying, who they're engaging with, and in this specific case
7 in democratic institutions, also trying to influence,
8 covertly, so foreign interference, the way they may vote.

9 And so this is why it's important that, you
10 know, we see the work that we do and all of our partners do
11 to protect all Canadians. And we are very specifically aware
12 the way that, you know, diaspora communities in Canada are
13 being impacted.

14 **MR. GORDON CAMERON:** Okay. And if the Court
15 Officer could pull up CAN.SUM5?

16 We can get a bit more specific. This
17 document, if I've got the right number, will be the Country
18 Summary for the People's Republic of China. There is a page
19 of caveats.

20 And if we can scroll down to the first page
21 of substance?

22 I just -- because acronyms end up getting
23 used in this document, I'll just ask you to -- you've already
24 defined for us PRC. I think that's an initialism we're now
25 familiar with.

26 The third full paragraph makes reference to
27 the Chinese Communist Party and the CCP as it's called there,
28 and then in the last paragraph on this page, the United Front

1 Work Department.

2 So I'm going to ask you to flesh this out a
3 little bit, the role of those entities. But can you just
4 describe for us, if you look over -- can you scroll over to
5 the next page, please? Thank you.

6 Under "WHO" there's an entire -- indeed, the
7 whole section of this topical summary on the PRC as a country
8 being covered in this summary, this whole section is about
9 the Service's description of its interests in transnational
10 repression.

11 And so the question I have, the documents we
12 were looking at so far, your annual or public reports, your
13 report on foreign interference, were about foreign
14 interference and possibly transnational repression generally
15 speaking.

16 Can you tell us here in particular how the
17 Service views the issue of transnational repression as it
18 relates to the PRC, the People's Republic of China?

19 **MR. DAVID VIGNEAULT:** Madam Commissioner, I
20 would take us back to one thing I said a few minutes ago,
21 which is, for us to better understand and have an impact on
22 foreign interference, we want to understand what are the
23 objectives and the interests of the foreign state who is
24 engaging in that activity.

25 In this specific case, the People's Republic
26 of China, the country is governed and is dominated by the
27 Chinese Communist Party. And the key element here is that
28 you can look to the prism of the actions of the Chinese

1 Communist Party, and therefore the People's Republic of
2 China, into one very specific issue, which is everything that
3 is organized by the Party and by the State is to preserve
4 l'emprise, to preserve the power of the Chinese Communist
5 Party and its purinity (*sic*) over time.

6 And so when you understand that and then you
7 translate that into what is happening in Canada at the
8 moment, this is why you will see in this document the
9 reference to the Five Poisons. The Five Poisons are teams
10 and issues that people who have objection to what is
11 happening in China are raising. Issues like, you know,
12 liberty of religion or thought with the Falun Gong, issues of
13 protection of minority rights, the Uyghurs and the Tibetans,
14 issues related to pro-democracy movements.

15 And so when you look at these issues, you
16 know, so the people who are here in Canada, protected by the
17 *Charter*, protected by our laws, are exercising their
18 democratic rights to engage in a specific way and, you know,
19 manifest their views, understanding where China's interest
20 is, which is the preservation of the Chinese Communist
21 Party's l'emprise. You can understand how anything that
22 would be seen as a threat to this -- to the Chinese Communist
23 Party is being dealt with very harshly.

24 And this is why, for example, we have seen
25 over the last number of years in the PRC, five, six years,
26 legislation, very, very transparent legislation that are
27 directed at making sure that every person in China, or any
28 entity in China, or abroad, are subjected to these laws and

1 have the obligation to support the Government, including
2 their Intelligence Service, the Ministry of State Security,
3 the MSS, in order to accomplish their task.

4 So that direct and implied threat, that if
5 you are not supporting -- even if you're here in Canada, in
6 Ottawa, or you're in the -- you're in Paris, or you're in
7 Trois-Rivières, you will be subjected, you know. The arm of
8 the PRC can touch you directly or indirectly in a way, but
9 people understand, you know, they have this element of
10 coercion on top of them.

11 That coercion translates into things that,
12 you know, may be done to you in Canada, loss of opportunity,
13 loss of access, denial of visas for to go back to see your
14 family members back in the PRC, threats to you here, but also
15 threats to your families, your loved ones back in China.

16 So that ecosystem, starting from the Party,
17 translating into the actions of the State, and now they're
18 reaching out anywhere around the world to try to control what
19 is happening with the Chinese population is what this
20 specific paragraph is about.

21 There are other elements of foreign
22 interference we can touch upon, but specifically this
23 paragraph, I think, is the ---

24 **MS. CHERIE HENDERSON:** So if I can just add a
25 couple of things? First of all, foreign interference is not
26 new. It's something that we've been looking at for a long
27 time, I would say even before the 1990s. It's been around a
28 long time.

1 What we have seen in the last few years is a
2 real increase as the geopolitical environment has shifted and
3 we have seen some of the nations become much more powerful in
4 their own right and their desire to influence further beyond
5 their borders. So we've been watching this.

6 There are many individuals who have come to
7 Canada and are Canadian citizens that have fled those
8 repressive regimes in order to come here, and now what we are
9 seeing is they are being coerced, forced, repressed within
10 our borders. And so the service is there to work with those
11 communities as well, to collect intelligence and information,
12 to help protect all Canadians.

13 And what we have seen over the past few
14 years, as I said, is an increase in that effort to have that
15 negative influence and impact and coerce those individuals
16 who have come here to live in our -- under our values and
17 freedoms in order to report and support their originating
18 countries' beliefs. So it's something that we are very, very
19 alive to.

20 **MR. GORDON CAMERON:** Thank you.

21 And I'll switch gears now and ask you just
22 very briefly, Mr. Vigneault, because we have panels appear --
23 SITE panels and others that deal with the intelligence that
24 comes out of your organization, but I just want you to just
25 get us ready for tomorrow and those panels by describing your
26 conception of the SITE Task Force and how CSIS relates to it.

27 **MR. DAVID VIGNEAULT:** So I mentioned, Madam
28 Commissioner, earlier that we have seen what has happened in

1 other countries since 2016, 2018 and different jurisdictions
2 where we saw foreign interference in democratic processes
3 essentially have impacts. And so when we were getting ready
4 for the election in 2019, we're trying to understand what
5 would be the right lessons to draw from from what we knew
6 working with our intelligence partners around the world. And
7 so my colleague, Chief of Communication Security
8 Establishment, the National Security Intelligence Advisor at
9 the time and myself determined that we needed to find a way
10 to bring the information together to make sure that there was
11 a clearinghouse of the intelligence and the information that
12 would be able to have that in real time to make sure that we
13 did not have silos of information while the election was
14 under way.

15 And that was the genesis of the SITE Task
16 Force, was this recognition that we needed to do things
17 differently because the threat was different and the impact
18 on our elections, you know, was so important. And so that's
19 the genesis of the SITE Task Force.

20 And it's -- I'll let my colleagues from the
21 Privy Council Office elaborate, but it's the same thought
22 process that, you know, led to the creation of the panel as
23 well, was the realization that the threat was different, the
24 way it could have an impact on our electoral process was more
25 direct, more imminent, and we needed to organize ourselves
26 differently. And so that's why the SITE Task Force.

27 **MR. GORDON CAMERON:** Okay. Thank you.

28 And we'll get ---

1 **COMMISSIONER HOGUE:** I have a question ---

2 **MR. GORDON CAMERON:** Sorry. Please.

3 **COMMISSIONER HOGUE:** --- for Mr. Vigneault.

4 ...I think it was you, Madam Henderson or
5 Madam Tessier, I will address you and somebody else can add
6 to what you're going to say.

7 An expertise, which is very important to you
8 within CSIS to collect information, to analyze it and inform
9 the government, those are the essential tasks or the reason
10 for your existence, is basically to inform the government, be
11 it in terms of SITE or other people within departments. They
12 don't necessary have the same experience as people within
13 CSIS.

14 We also know that there are often changes,
15 particularly within the government, with regard to who is in
16 what position.

17 Up to now, the experience that you have,
18 which is fairly broad, does that give you the impression that
19 there's a veritable dialogue or what is communicated by CSIS
20 is understood by those within government and vice versa? In
21 other words, do the two sides speak the same language when
22 you are communicating information, be it from SITE or be it
23 from people within the public service or political persons?

24 **MR. DAVID VIGNEAULT:** That's an absolutely
25 fundamental question, Madam Commissioner.

26 A few thoughts that I can share with you.
27 What we are experiencing now in 2024 I think we're in a
28 better position than we were in 2017, 2018. We've seen the

1 evolution of that understanding.

2 The growth is carried out not only within us,
3 within CSIS and our other partners, but truly understanding
4 the needs of the government, the language and all of that in
5 order to be able to be more relevant with our information and
6 also to ensure that the information arrives at the right time
7 so we have had growth and I can say that there's been growth
8 as well with our partners in the understanding of what is
9 foreign interference.

10 The discussions that we had in 2019 are no
11 longer the same discussions that we're having today so
12 there's been that change. And that growth has taken place on
13 both sides, I would say.

14 We understand better how our information is
15 received and how it can be used, the limits of what we know,
16 but also from our partners who understand better how to pay
17 attention to what we say and make sure that they ask
18 questions on the information that is shared. And also, one
19 of the important things that we've seen with the lessons
20 learned, if you will, the last two, three years, a change in
21 governance as well so the right people are in the right
22 positions and speaking with the right intelligence.

23 It can be -- seem quite simple to say that
24 here, but in an environment where the demand outstrips the
25 ability of organizations to find the right space with the
26 right people to be able to discuss very delicate and complex
27 matters such as foreign interference, it took a change in
28 governance and the discussions are very tight.

1 We've had questions and it's a very dynamic
2 environment, and more and more the question is not
3 necessarily knowing -- actually seeing the difference between
4 whether the information is correct or not, but it's, rather,
5 a matter of saying what do we do with that information, what
6 are the actions that will be taken.

7 Some actions will be for us to take, to go
8 and obtain more information, more intelligence, but a
9 concrete example that I can give you as well which is in the
10 sphere of foreign interference and spy activities is work
11 done on the *Investment Act* in Canada.

12 If you see the evolution of what's known
13 publicly and the way that work is done internally, you can
14 see that information has a more important impact than it had
15 in the past because people speak to each other better. Once
16 again, we have the right governance and the way in which
17 national interests of Canada can be at risk are better
18 understood by everybody. Therefore, the actions that need to
19 be taken are more concrete.

20 Therefore, it's an evolution. I can say that
21 some of us have more white hair because of the work that had
22 to be done within that context, but the changes, I think, are
23 moving us in the right direction.

24 **MS. MICHELLE TESSIER:** ...change within the
25 service. Before 2019, all that was -- analysis had nothing
26 to do with us in operations. It was seen as something apart.

27 And when I became the Assistant Director for
28 Operations, we discussed but we said we need to have a better

1 way of integrating our knowledge as experts, including within
2 the service, and operations.

3 Before that, we used a lot of information
4 officers who gave presentations or met with other departments
5 of the government and now we've amalgamated analysis and
6 operations together in order to better respond to the
7 requirements in terms of intelligence, but also our analysts
8 now, who are experts, who are really the face of the service
9 because they have a strategic vision. They're brilliant.
10 And the people in information are also brilliant, but they're
11 focused on operations -- but in order to try to better share
12 their knowledge with clients, with the people who receive our
13 information.

14 And when SITE was created -- I'm taking a
15 step back here, but when SITE was created, it was also to
16 look at the mandates of all of these agencies and see who's
17 best placed to respond to the threat. Is it the RCMP, is it
18 Global Affairs, is it CSIS in order to better understand the
19 role of each player in terms of foreign interference -- or
20 when it comes to foreign interference.

21 **MR. GORDON CAMERON:** Panelists, in the
22 interest of time, I'm going to take you to two specific
23 topics and try to be efficient by directing you to the
24 documents so that you can... These are topics on which your
25 *in-camera* evidence you've already spoken, so I'm going to
26 take you to those sections.

27 But if we could first, Mr. Court Operator,
28 pull up CAN 4728, just briefly.

1 --- EXHIBIT No. CAN 4728:

2 Foreign Interference in the 2019
3 Federal Campaign of Dong Han - CNSB
4 23/19

5 **MR. GORDON CAMERON:** Okay. Just a few
6 questions about this. And panelists, you spoke about this
7 document. This is a CSIS national security brief, with the
8 heading Foreign Interference In The 2019 Federal Campaign of
9 Dong Han.

10 And if you could now, Court Operator, pull up
11 WIT 48, where -- and if you can go to page 5 of that
12 document, or in particular, paragraph 15.

13 This document, Madam Commissioner, is the
14 public summary of the *in-camera* appearance of these same
15 three witnesses.

16 And panelists, at paragraph 15, you see your
17 discussion of this document, and particular, these
18 circumstances in which it was recalled. And so using -- so
19 that you don't have to repeat yourself and so that you are
20 guided by what you have already decided can be publicly said
21 about this in these words, can you give the Commissioner just
22 an overview of the history of this document and why it ended
23 up being discussed in the -- your *in-camera* evidence?

24 **MR. DAVID VIGNEAULT:** Absolutely.

25 So Madam Commissioner, as we said, you know,
26 one of the intelligence requirements that we have was to
27 report to government about -- on intelligence related to
28 foreign interference, and so specifically, we have -- were

1 running intelligence operations and we are collecting
2 information and working with partners to have the best
3 possible understanding.

4 This report was a classified report based on
5 different pieces of information that the Service had
6 collected over time, and it was meant to inform the
7 government that we had detected a number of things happening
8 in the riding of Don Valley North, and we wanted to inform
9 the government of those -- of that information.

10 And so as my colleague explained earlier, so
11 sometimes we have the intelligence reports, so raw
12 information. We take the information and piece by piece we
13 share with partners. In this case, a national security brief
14 is a document that is more of a compilation, an analysis of,
15 in this case, a specific topic, interference in the specific
16 riding, Don Valley North, and that was communicated to the
17 government.

18 **MR. GORDON CAMERON:** Okay. And for the
19 benefit of parties, the -- paragraphs 15, 16, 17 of this
20 summary, public summary of the *in-camera* testimony gives the
21 details of that incident. So let me just ask you a few
22 overview questions about that, Mr. Vigneault.

23 Generally speaking, what is the impact or
24 what happens when a intelligence assessment like this is
25 recalled?

26 **MR. DAVID VIGNEAULT:** Yeah. So recall in
27 this case is -- can be for different reasons: We have come
28 across a mistake in the report; could be that, you know, we

1 have provided information that was too specific that, you
2 know, may point to identification of a source. So there are
3 different reasons why you would recall a report, and
4 sometimes, you know, it's -- the report is recalled and
5 reissued with corrections, with changes made.

6 In this specific instance, when I testified
7 *in-camera*, as was mentioned in this summary, I could not
8 recall the reason why this report was recalled. I again
9 yesterday conferred with my former chief of staff, who is the
10 individual who had asked, you know, when I came back from
11 discussing, had asked to have the document recalled, he,
12 himself did not remember the reasons why.

13 What I am very comfortable to say, though, is
14 that in my career I have never been asked to censor
15 intelligence, to change intelligence for reasons that would
16 be exterior to CSIS operations. And so I am very
17 comfortable, as I have said in my *in-camera* testimony, and
18 reported here in the unclassified document, that there was no
19 nefarious, or it was not because it was a sensitive issue at
20 play. It was -- because if it would have been something like
21 that I would have clearly remembered because it had never
22 happened in my career, and..

23 **MS. MICHELLE TESSIER:** Yeah. And obviously
24 had it been something particularly controversial, the
25 Director would have shared that with me so that I instruct
26 our employees and explain what the concerns were. And I have
27 no memory of that incident whatsoever.

28 **MR. GORDON CAMERON:** Thank you. Then just

1 two quick mechanical questions. What actually happens when
2 you recall a report? What is the effect of that on the
3 people who got it in the first place?

4 **MS. CHERIE HENDERSON:** So when they recall a
5 report, we will send an email out to the individuals that
6 receive the report and ask them to delete and destroy any
7 copies that they have of that document, that that is no
8 longer a document. Within the Service, often the analysts
9 that wrote the report may still retain a copy within their
10 database, but nobody has access to that report.

11 That said, all the underlying information
12 that was used to draft the report remains in the Service's
13 databases.

14 **MR. GORDON CAMERON:** Thank you. That's --
15 that was the second question, and that -- that's helpful
16 there.

17 **COMMISSIONER HOGUE:** I have one question.

18 **MR. GORDON CAMERON:** Please.

19 **COMMISSIONER HOGUE:** Is it something that
20 happens regularly, recalling a report, or it's unusual?

21 **MS. CHERIE HENDERSON:** It's not unusual, but
22 it's not regular, sort of in between. It's -- you will
23 recall a report, for example, because it was disseminated
24 maybe too broadly and we want to reduce the dissemination, or
25 we'll recall a report, as the Director said, because we may
26 have misclassified a piece of information in the report, so
27 we'll recall it too. Or we'll recall it because we received
28 a new piece of information that completely changes it.

1 So reports can be recalled for various
2 reasons, but it's not regular, but it's also not unheard of.

3 **MR. GORDON CAMERON:** Thank you. And then one
4 last topic.

5 If the court officer could call up CAN 3128,
6 3-1-2-8. And if you could just scroll down a little bit.

7 **--- EXHIBIT No. CAN 3128:**

8 Email: RE: CNSB RSESN 22/19 - 2019 10
9 29 - CSIS National Security Brief
10 (CNSB) / Rapport du SCRS sur les
11 enjeux de sécurité nationale (RSESN)

12 **MR. GORDON CAMERON:** Panelists, you're
13 familiar, I think, with this document.

14 Scroll down a little bit further, please.
15 Thank you.

16 First of all, if -- I think I'll direct these
17 questions to you, Ms. Henderson, but whoever has the right
18 information should answer. Can you tell us, or perhaps
19 remind us, who Mr. King -- well, what position he occupied at
20 CSE and what role he was in when he sent this email?

21 **MS. CHERIE HENDERSON:** So Mr. King was the
22 Chair of the SITE Task Force at this time in the 2019
23 election.

24 **MR. GORDON CAMERON:** Right. And he makes
25 several points in this email considering what he considers to
26 have been delayed delivery of intelligence, given what he, in
27 his email, describes as the severity of the alleged activity.
28 And he later refers to a massively problematic statement in

1 the intelligence.

2 And perhaps you can have reference, if it
3 assists you, to paragraphs 19 and following of your *in-camera*
4 evidence so that you can be guided by exactly what you've
5 decided you can say publicly about this. But the question is
6 can you help us understand what Mr. King is talking about
7 here and the Service's perspective on it?

8 **MS. CHERIE HENDERSON:** So my first point that
9 I am going to make is I had spoken earlier about foreign
10 interference being the long-term investigations that we have
11 engaged on in the Service. So when we're talking about SITE
12 and SITE being set up, SITE was managing issues that happened
13 during the writ period, but our investigations have begun
14 long before the writ period, and so any information that we
15 would have collected on certain foreign interference
16 activities prior to that point would have been shared with
17 our regular stakeholders. And I spoke about the S&I
18 community members.

19 So we would have shared any information that
20 we collected in an investigation that spoke of foreign
21 interference with our regular partners. That would include
22 CSE, Foreign Affairs, Public Safety, RCMP, et cetera.

23 So what happened in this particular instance
24 is that, based on a previous investigation, our analysts in
25 the service had begun drafting a report. I think we're
26 looking at an issue of timing here.

27 So when that report was then finalized and
28 drafted and came out right after the 2019 election, there was

1 a line in that report that talked about -- and I'm just going
2 to find it here.

3 **MR. GORDON CAMERON:** Find your discussion of
4 it in the ---

5 **MS. CHERIE HENDERSON:** Yes.

6 **MR. GORDON CAMERON:** --- transcript.

7 **MS. CHERIE HENDERSON:** So there was the line
8 in the report that said that the actor has already had an
9 impact on the 2019 federal election and will remain a foreign
10 interference threat after the election.

11 So that is the report that was brought to the
12 attention of the SITE Task Force after the 2019 election.
13 And so when Mr. King read that report, he was very concerned
14 that there was not enough information shared during SITE on
15 that issue.

16 When we took a look back at the report and
17 the assessment, we felt internally that that was a bit of a
18 leap too far. The threat actor would have had an impact on
19 that particular timeframe and that particular issue, but that
20 would not have impacted the integrity of the 2019 election.
21 It was just a little bit of a too strong of an assessment.

22 So the information in the report still stood.
23 It was the analytical assessment at the end that we had an
24 internal discussion and determined that no, the language is a
25 bit strong and so we rewrote that particular piece and
26 resubmitted the report.

27 **MR. GORDON CAMERON:** Thank you, Madam Chair.
28 Those are my questions for this panel.

1 **COMMISSIONER HOGUE:** Thank you.
2 Cross-examination. I think the first one is
3 -- just let me look at my chart. It is counsel for Michael
4 Chong.

5 **MR. GORDON CAMERON:** I believe we were
6 scheduled for a break at 20 to 4:00. I wonder if we could
7 break now and cross afterwards.

8 **COMMISSIONER HOGUE:** Yes, because it was
9 supposed to -- the break was supposed to be at 3:40.

10 **MR. GORDON CAMERON:** I believe so.

11 **COMMISSIONER HOGUE:** Yes, we can break and
12 we'll come back at -- can we say we'll come back at 4:15?
13 Thank you.

14 **THE REGISTRAR:** Order please.

15 This hearing is in recess until 4:15.

16 --- Upon recessing at 4:00 p.m.

17 --- Upon resuming at 4:16 p.m.

18 **THE REGISTRAR:** Order please.

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

21 --- MS. MICHELLE TESSIER, Resumed:

22 --- MR. DAVID VIGNEAULT, Resumed:

23 --- MS. CHERIE HENDERSON, Resumed:

24 **COMMISSIONER HOGUE:** So the first one is
25 counsel for Michael Chong.

26 --- CROSS-EXAMINATION BY MR. GIB van ERT:

27 **MR. GIB van ERT:** Good afternoon, panel.

28 I'll start by picking up where Mr. Cameron left off. He took

1 Cameron already is that the service's particular interest in
2 dealing with foreign interference as it relates to electoral
3 processes has increased in recent years. You mentioned 2016
4 in the U.S., 2018 in the United Kingdom.

5 So I had took that to mean that this has
6 become a major preoccupation of the service in recent years,
7 not '84. Recently. Am I wrong?

8 **MR. DAVID VIGNEAULT:** I would just say, Madam
9 Commissioner, that, you know, the focus of the -- has
10 increased in CSIS and the specificity around the democratic
11 processes, including elections, since 2016.

12 **MR. GIB van ERT:** Yes. All right. I think
13 we're on the same page there.

14 What the public has been able to see so far
15 through this process, and it's necessarily very limited,
16 paints a picture, I'm going to suggest to you, Director --
17 and I'm looking at you in particular as the face of the
18 service -- of you and no doubt your agency generally trying
19 in recent years to sound the alarm about this risk to our
20 elections and to our democratic institutions. You personally
21 meeting with senior politicians, with senior public servants,
22 with relevant agencies in advance of the 2019 election, in
23 the course of the election, and then again in 2021.

24 I'll just ask the Court Operator to put up
25 MMC20, please.

26 **--- EXHIBIT No. MMC 20:**

27 117-2023-231 (CSIS) - release - C

28 (CSIS briefings on PRC elxn inter)

1 **MR. GIB van ERT:** This is a document that I
2 think will illustrate the point I'm trying to make, Director.
3 So I'll give you a moment to look at that document, but what
4 I understand it to be is a list that was prepared of CSIS
5 briefings and intelligence around elections in recent years.
6 Are you with me?

7 **MR. DAVID VIGNEAULT:** Yes, I am.

8 **MR. GIB van ERT:** Thank you. And what I see
9 in this document is, just focusing on 2019 for the moment --
10 and if you scroll up a bit, please? Or scroll down, rather.
11 Thank you. We'll stop there.

12 Twenty-nineteen (2019) goes over the page,
13 but I'm just going to summarize for you what I'm seeing here,
14 and you tell me if it accords with your recollection.

15 You briefed Director -- Minister Gould seven
16 times ahead of the 2019 General Election. You briefed the
17 NSIA on the 1st of August 2018 on that same topic. You
18 briefed the full Cabinet on the 30th of October. You briefed
19 a DM meeting on election readiness on the 7th of November.
20 You briefed the NSIA, the Public Safety Deputy Minister, and
21 the CSE Chief on the 8th of January. And you've directed --
22 sorry, you briefed the Panel of Five five times in advance of
23 2019.

24 I know that's a lot on the screen there, but
25 this is why I'm saying that I get the picture that you are
26 raising these issues with the decision makers all around
27 town. Is that fair?

28 **MR. DAVID VIGNEAULT:** I think, Madam

1 Commissioner, that list of topics speaks to two issues. Yes,
2 that CSIS was increasing its engagement and working with the
3 partners about understanding foreign interference and the
4 impact it was having, but it's also a reflection of the
5 number of other partners who are interested in these issues
6 and were asking us for our advice, and our intelligence, and
7 our assessments.

8 So I think it's both CSIS increasing, but
9 also the number of other partners who were increasing in
10 their demands and their engagement on this topic. So I think
11 both are important to point out.

12 **MR. GIB van ERT:** We heard evidence from the
13 Office of the Commissioner of Canada Elections that the
14 Saturday before polling day in 2019, you had an emergency
15 briefing with that body. Do you recall that?

16 **MR. DAVID VIGNEAULT:** I do not recall that
17 specific meeting, Madam Commissioner.

18 **MR. GIB van ERT:** All right. And then in
19 2021, this same document.

20 If you go over the page, please? Thank you.

21 We start getting into briefings in 2021. I
22 won't go through them all, but again, you briefed the Panel
23 of Five four times, you briefed Minister Blair, the Deputy
24 Prime Minister, and the Prime Minister, all ahead of the 2021
25 Election.

26 My point is this. It seems to me that you
27 were trying, on behalf of the agency, to ensure that decision
28 makers, senior politicians, senior public servants,

1 understood that there was a risk and a need to counter it,
2 particularly in the run up and during those two elections.
3 Do you agree with that?

4 **MR. DAVID VIGNEAULT:** Madam Commissioner,
5 I'll go back to the answer I gave previously. I think it's
6 fair to say that absolutely CSIS was increasing the sharing
7 of information and engagement on foreign interference, and in
8 parallel, our partners were also increasing their demands on
9 us, and those two dynamics I think have to be understood
10 together.

11 **MR. GIB van ERT:** Let's go to the witness
12 statement, WIT 41, please.

13 **--- EXHIBIT No. WIT 41:**

14 D. Vigneault, M. Tessier and C.
15 Henderson Public Summary of
16 Classified Interview

17 **MR. GIB van ERT:** And if you'll start at
18 paragraph -- page 12, rather, of that document? Down the
19 page, please. Yes. Yes. The paragraph that begins -- I
20 think we need to go up a little bit further. Sorry. There
21 we are. No, a little further still. There we are.

22 The paragraph that begins Ms. Tessier, I'll
23 just read it:

24 "Ms. Tessier noted that CSIS had
25 wanted to conduct such briefings..."

26 We're talking about defensive briefings of
27 MPs. Do you recall this, Madam Tessier?

28 **MS. MICHELLE TESSIER:** I do.

1 **MR. GIB van ERT:** Thank you. So you:
2 "...noted that CSIS had wanted to
3 conduct such briefings even before
4 the 43rd elections..."

5 You wanted to do that, but you didn't do so?

6 **MS. MICHELLE TESSIER:** We began our
7 briefings. And what I want to highlight is that the Service
8 has always recognized the importance, the integrity of the
9 democratic institutions. And it's the importance of allowing
10 for free and fair elections. So anything to do with
11 interviewing, meeting elected officials, CSIS employees know
12 that that is a sensitive issue, that the Service doesn't want
13 to be seen as somehow, itself, interfering in any election.

14 So there's always been a lot of discussion in
15 terms of the Service's approach, and it's evolved over the
16 years. Certainly interest in foreign interference,
17 communicating on foreign interference, but frankly increasing
18 our methodologies regarding the investigation, particularly
19 as it affects elections.

20 And so there was a lot of discussion, but I
21 can say that the intent was always to reach out to as many
22 elected officials at all levels as we could.

23 **MR. GIB van ERT:** Ms. Tessier, you have given
24 evidence that you wanted to conduct such briefings before the
25 43rd Election. The question I asked you was very straight
26 forward. You wanted to, but you didn't; right?

27 **MS. MICHELLE TESSIER:** We did conduct some.
28 We didn't conduct as many as we would have liked, but we did

1 conduct some.

2 **MR. GIB van ERT:** All right. Why didn't you
3 conduct as many as you would have liked?

4 **MS. MICHELLE TESSIER:** Well there were
5 discussions. Some of it is timing. Some of it is with the
6 writ dropping, some of it is timing, some of it is
7 availabilities. But also there were discussions. I was not
8 involved in those discussions, in terms of what -- who should
9 be met, what is the appropriate methodology of meeting with
10 the purpose ---

11 **MR. GIB van ERT:** Did you ask the Government
12 -- did the Service ask the Government whether it could
13 conduct such briefings? Did you ask permission and were you
14 told no?

15 **MR. DAVID VIGNEAULT:** So, Madam Commissioner,
16 I think -- I'm trying to remember if it's -- whether it is in
17 the public domain, but there was the National Security
18 Committee Intelligence -- NSICOP Committee of
19 Parliamentarians had been reflecting on the need to produce -
20 - to do so briefings to the -- all elected officials. And so
21 there's been discussions at play. We prepared briefings, and
22 those discussions are ongoing, and we'll see if such
23 briefings are taking place soon.

24 **MR. GIB van ERT:** I'm going to try again.
25 Would you have needed the Government's permission to conduct
26 defensive briefings of MPs?

27 **MR. DAVID VIGNEAULT:** Madam Commissioner,
28 there's -- as my colleague, Ms. Tessier, mentioned, what we

1 did is we used our authorities to do, you know, those
2 briefings to a number of elected officials.

3 What was also being discussed was to have,
4 you know, an organized approach to the House of Commons, you
5 know, where we would have all Members of Parliament briefed,
6 yes by CSIS, but also by other parties, like the
7 Communications Security Establishment, the Royal Canadian
8 Mounted Police Sergeant-at-Arms to talk about issues related
9 to foreign interference.

10 And so this is what I refer to when those
11 plans are being discussed as we speak still.

12 **MR. GIB van ERT:** Madam Commissioner, I'm
13 going to ask the question again, and this time I'm hoping the
14 Director will answer it.

15 Would you have required permission from the
16 Government to conduct these defensive briefings?

17 **MR. BARNEY BRUCKER:** Excuse me. I hate to
18 interrupt my friend. Before we go on and on with this cross-
19 examination on a statement, I think there are some parameters
20 around this on -- under Rule 59. And certainly it's
21 appropriate to ask some questions about this, but we're going
22 over and over the same question. I think the witness has
23 answered the question. If there's any force in this rule,
24 then we ought to move on to something else.

25 **MR. GIB van ERT:** Commissioner, ---

26 **COMMISSIONER HOGUE:** My understanding is
27 you're not trying to contradict the witness with ---

28 **MR. GIB van ERT:** Not at all.

1 **COMMISSIONER HOGUE:** --- his previous
2 summary.

3 **MR. GIB van ERT:** Thank you. That's quite
4 right. He's adopted this evidence as his own today and I
5 just -- I don't believe the question has been answered. I'm
6 not trying to be repetitive; I'm just trying to get the
7 answer.

8 **COMMISSIONER HOGUE:** Repeat the ---

9 **MR. GIB van ERT:** Yes, thank you.

10 The question is, would you have needed ---

11 **COMMISSIONER HOGUE:** As short as possible.

12 **MR. GIB van ERT:** Would you have needed the
13 Government's permission to conduct defensive briefings of
14 MPs?

15 **MR. DAVID VIGNEAULT:** So we do not need the
16 Government's permission, Madam Commissioner, for CSIS to
17 conduct these briefings, you know, on our own, but of course
18 we -- in order to convene the House of Commons and to
19 organize briefings of all Parliamentarians in an organized
20 way with our partners, we could not do that on our own. It
21 requires coordination and it requires authority. I'm not
22 sure if it's, you know, just the government, if it's the
23 House of Commons, you know, the House is sovereign in its own
24 right, so those plans to be briefing the entire House of
25 Commons, and potentially, eventually also, the Senate are
26 still being discussed.

27 But we -- what was in our authority or our
28 mandate, we did on our own, but the organised approach

1 requires more players, including potentially, yeah, the
2 government, but also, the House of Commons, and this has not
3 yet happened. So it's probably the best answer I could
4 provide to the question.

5 **MR. GORDON CAMERON:** All right. You've now
6 said that you don't need permission, thank you, but you did
7 need to coordinate ---

8 **MR. DAVID VIGNEAULT:** But I'm....
9 Commissioner, for the record, this is not, I
10 think, what the record identifies.

11 **MR. GIB van ERT:** I'll go on.

12 **COMMISSIONER HOGUE:** I think he answered this
13 time.

14 **MR. GIB van ERT:** Yes, he did answer and I
15 have a follow up.

16 Which is you didn't need permission, thank
17 you for that, but you did indicate you would need help
18 coordinating it. Did you ask for that help, and were you
19 told no?

20 **MR. DAVID VIGNEAULT:** Madam Commissioner,
21 this -- I -- I said that, you know, CSIS could not on its own
22 brief the entire House of Commons. That is what I have just
23 mentioned. I have said that we have been part of discussions
24 with other parties of the government, the government, the
25 Privy Council Office, other partners. That's what my
26 testimony and my answer to previous question.

27 **MR. GIB van ERT:** I'll try one last time.
28 Did you ask the government for help coordinating those

1 meetings, and were you told no?

2 **MR. DAVID VIGNEAULT:** Madam Commissioner, I
3 have said ---

4 **COMMISSIONER HOGUE:** I think you've got the
5 answer.

6 **MR. GIB van ERT:** All right. Let's go to
7 page 13, please. Yes. One moment. So scroll down a little
8 further, please. I'm sorry, go back up, please. There we
9 are.

10 Mr. Vigneault, the paragraph that reads:

11 "Mr. Vigneault indicated that the P5
12 had been created to address these
13 challenges during the writ period,
14 [and] also noted that it could not
15 intervene on [foreign interference]
16 incidents that did not meet its
17 threshold for action..."

18 I want to ask you about the P5's threshold
19 for action. Can you tell the Commissioner, please, what the
20 P5's threshold for action was?

21 **MR. DAVID VIGNEAULT:** Just give me one
22 second.

23 **MR. GIB van ERT:** Of course.

24 **MR. DAVID VIGNEAULT:** So Madam Commissioner,
25 I think you're going to have witnesses who are coming from
26 the Panel who will speak specifically about the Panel, but --
27 so I'll defer to them on the -- on more specific.

28 But the -- my understanding of the threshold

1 is that this is something that would have an impact on the
2 integrity of the election. And so what I have testified to
3 and what we have said is that you could have at the same time
4 foreign interference activities during election, and at the
5 same time you can say that -- conclude that the interference
6 did not interfere with the integrity of the election.

7 And I think this is what this notion of it --
8 of this is here, is that we, CSIS, and other partners of the
9 security intelligence community, would, including during the
10 writ period, bring forward information that would be related
11 to foreign interference. Some of it, you know, will be
12 absolutely of concern to the Panel because, you know, they
13 have to assess, you know, how that it will impact or not the
14 integrity of the election, but other pieces of this would not
15 be elements that, you know, would meet that threshold that --
16 the integrity of the election.

17 And so that's why I think it's important, and
18 again I'm speaking to the perspective of CSIS of what we're
19 bringing forward, I think the Panel members will be able to
20 explain how they interpreted their own threshold with that
21 information. But that is the spirit in which I have
22 testified to *in-camera*.

23 **MR. GIB van ERT:** Thank you.

24 If we go to Witness Statement Number 48,
25 please. And if you'll go to paragraph 19, please. Thank
26 you.

27 Mr. Cameron was showing you this earlier.
28 Go, in particular, to -- so the middle of

1 this paragraph 19. It says:

2 "The report initially assessed it
3 likely that the actor 'has already
4 had an impact on the 2019 federal
5 election...'"

6 So it's that phrase, "impact on the
7 election".

8 And then if you look at paragraph 20 here,
9 Ms. Henderson speaks, and she indicates that:

10 "...while the actor could potentially
11 have had an impact on democratic
12 processes, their actions had not
13 compromised the integrity of the 2019
14 election."

15 Right? And my question for you is this:
16 Ms. Henderson, are you referring to the integrity of the
17 election as a whole, or the integrity of any particular
18 riding -- election in one of the 338 ridings that make up the
19 general election?

20 **MS. CHERIE HENDERSON:** The integrity of the
21 election as a whole.

22 **MR. GIB van ERT:** As a whole. Thank you.

23 And similarly, if you go to paragraph 29,
24 please, of this same statement. Mr. Vigneault, this is
25 attributed to you. It indicates that you:

26 "...assessed that, while there were
27 FI activities during the [two]
28 elections, [these]...incidents did

1 not impact the integrity of either
2 election."

3 And again, I take that to mean, but please
4 tell me, the election as a whole. Are you referring to the
5 election as a whole having integrity here, or are you
6 referring to the 338 individual elections that make it up?

7 **MR. DAVID VIGNEAULT:** So Madame Commissioner,
8 this statement of course is a -- is the unclassified version
9 of my full statement *in-camera* where we provided the details.
10 It is the integrity of the election as a whole, but I think
11 it's also important to say that, it goes back to my statement
12 I just made a minute ago, that, you know, we have detected
13 and reported on some foreign interference activities during
14 those elections. However, the -- I am very comfortable with
15 the decision the Panel reached that they did not impact the
16 integrity. And I say that, you know, having been privy to a
17 lot of the information, maybe not all of the information from
18 the Panel, but I think these two statements are really
19 important to understand in the context of the Commission of
20 Inquiry, that yes, foreign interference takes -- is taking
21 place, has taken place during these elections; however, based
22 on at least what I know, and I concur with the Panel
23 conclusion, this did not amount to impact the integrity of
24 the election.

25 **MR. GIB van ERT:** As a whole.

26 **MR. DAVID VIGNEAULT:** As a whole, and I
27 understand the nuances that counsel is bringing forward here,
28 Commissioner, and I think some of the classified evidence you

1 received, you and Commission Counsel before, speaks to the
2 nuances of this and I think, you know, the classified record
3 will provide a full picture of the -- of what we knew then.

4 **MR. GIB van ERT:** Yes, so the classified
5 record may tell us things about the integrity of the Don
6 Valley North proceedings in 2019 or the Richmond --
7 Steveston-Richmond East proceedings in 2021. The integrity
8 of those matters is not necessarily what you're speaking to.
9 You're talking about the integrity of these two elections as
10 a whole. Have I got that right?

11 **MR. BARNEY BRUCKER:** The witnesses can't
12 speak to the classified record.

13 **MR. GIB van ERT:** All right. I'll accept
14 that. Thank you.

15 **COMMISSIONER HOGUE:** And your time is
16 expired.

17 **MR. GIB van ERT:** Well, I wonder if I might
18 have another five minutes?

19 **COMMISSIONER HOGUE:** Because you already -- I
20 gave you already two more minutes. So I permit you to ask a
21 last question. We are very tight today in terms of the
22 schedule.

23 **MR. GIB van ERT:** All right.

24 If you'll turn, in that case, to Canada
25 Document 2359.

26 **--- EXHIBIT No. CAN 2359:**

27 SITE TF - After Action Report (2021
28 Federal Election)

1 **MR. GIB van ERT:** If you go to the next page,
2 please.

3 This is, as you can see, panelists, the 2021
4 after action report of the SITE.

5 And if you go to the middle of the page,
6 please, right about there.

7 Summary of Key Observations. So this is the
8 SITE's observations, not yours, I appreciate that. They read
9 as follows:

10 "The People's Republic of
11 China...sought to clandestinely and
12 deceptively influence Canada's 2021
13 federal election. This Fl was
14 pragmatic in nature...focused
15 primarily on supporting individuals
16 viewed to be either 'pro-PRC' or
17 'neutral' on issues of interest to
18 the PRC government and
19 [the]...(CCP)."

20 And going on:

21 "...SITE TF also observed
22 online/media activities aimed at
23 discouraging Canadians, particularly
24 of Chinese heritage, from supporting
25 the Conservative Party of
26 Canada...party leader Erin O'Toole,
27 and particularly former Steveston-
28 Richmond East candidate Kenny Chiu

1 [in the 44th election]. While we do
2 not have clear evidence that this
3 online activity was a PRC-directed Fl
4 campaign, we have observed indicators
5 of potential coordination between
6 various Canada-based [China] language
7 news outlets between various Canada-
8 based China language news outlets as
9 well as PRC and CCP news outlets."

10 My question for you is this. In response to
11 the testimony that Mr. O'Toole gave yesterday, there has been
12 some adverse commentary to the effect that -- and I'm
13 paraphrasing -- that maybe he's just a sore loser and he
14 should look in the mirror to see why he lost rather than
15 looking to the Commissioner and this Inquiry to understand
16 what happened.

17 And what I want to ask you, panelists, is do
18 you accept these conclusions of the SITE that there was a
19 little more going on than just a failure of Mr. O'Toole's
20 politics, there was some foreign interference in these
21 proceedings that affected in some way or another our
22 proceedings in those elections?

23 Do you agree with me on that.

24 **MR. DAVID VIGNEAULT:** Madam Commissioner, I
25 think it's very important -- as you can imagine, a summary of
26 these key observations would have been crafted extremely
27 precisely with all the nuances, so I am -- I recognize this
28 information and I am comfortable with the conclusions that

1 this document speaks to.

2 I think I would not have any specific comment
3 about political matters, as you can imagine, but I think it's
4 important to see -- to read this very precisely and see what
5 it says and what it doesn't say.

6 The last thing I would comment on is the
7 online media activities. One of the most significant
8 evolutions I have mentioned when I said technology has
9 evolved and has created new dynamic for foreign interference,
10 I think this is one of the areas that, you know, Canada, CSIS
11 for sure, but also all of our other partners around the
12 world, are struggling with to make sure we understand and
13 we're able to detect but also to attribute these activities.

14 And I think this is an area that will
15 continue to be of high interest, but I think these words have
16 been crafted very carefully and for the Commission record,
17 you know, I support those conclusions. But I would not want
18 to go further than those specific words.

19 **MR. GIB van ERT:** You support those
20 conclusions.

21 Thank you, panelists. Thank you very much.

22 **COMMISSIONER HOGUE:** Thank you.

23 **MR. DAVID VIGNEAULT:** Thank you.

24 **COMMISSIONER HOGUE:** Conservative Party, I
25 think it's on Zoom.

26 **MR. NANDO de LUCA:** Madam Commissioner, can
27 everybody hear me and see me?

28 **COMMISSIONER HOGUE:** Can you speak louder or

1 maybe raise the volume?

2 **MR. NANDO de LUCA:** I don't know how to do
3 that.

4 Can you hear me now? I'll speak up.

5 **COMMISSIONER HOGUE:** Yes, okay. But speak
6 louder, please.

7 **--- CROSS-EXAMINATION BY MR. NANDO de LUCA:**

8 **MR. NANDO de LUCA:** I will. Thank you.
9 Mr. Vigneault, as set out in your
10 institutional report, pursuant to section 12 of the *CSIS Act*
11 *CSIS* is statutorily mandated or bound to collect,
12 investigate, analyze and retain information and intelligence
13 that may constitute a threat to the security of Canada. Is
14 that correct?

15 **MS. MICHELLE TESSIER:** It's Michelle Tessier
16 responding.

17 Yes, that's correct.

18 **MR. NANDO de LUCA:** And information and
19 intelligence about foreign interference in Canadian elections
20 qualifies as being a threat to Canada's security; correct?

21 **MS. MICHELLE TESSIER:** That's correct.

22 **MR. NANDO de LUCA:** And *CSIS* takes this
23 threat of foreign interference very seriously; correct?

24 **MS. MICHELLE TESSIER:** Absolutely, yes.
25 That's correct.

26 **MR. NANDO de LUCA:** And am I also correct
27 that under section 12 of the *CSIS Act* not only is *CSIS*
28 statutorily mandated to collect and gather information and

1 intelligence constituting a potential security threat, but it
2 is also duty bound to report and to advise the Government of
3 Canada in relation to all such collected intelligence?

4 **MS. MICHELLE TESSIER:** We don't necessarily
5 have to report all collected intelligence, but yes, our
6 mandate is to report and advise government.

7 **MR. NANDO de LUCA:** Okay. And the
8 Government of Canada as used in section 12, to your
9 understanding, includes the Prime Minister and the PMO?

10 **MS. MICHELLE TESSIER:** It could, yes,
11 absolutely, as the government recipients of our intelligence.

12 **MR. NANDO de LUCA:** And the Government of
13 Canada also includes all the Ministers of Cabinet and the
14 Privy Council Office?

15 **MS. MICHELLE TESSIER:** It may or may not.
16 They may be recipients of some briefing, but not necessarily
17 of all intelligence of CSIS.

18 **MR. DAVID VIGNEAULT:** Madam Commissioner, if
19 I could add to this point, our colleague misunderstood and
20 talked about the dissemination of the product based on
21 intelligence requirements. So the notion of what product
22 goes to whom, when, the volume of information and so on is a
23 fairly complicated -- or not necessarily complicated, but you
24 know, requires, you know, some explanation.

25 So I just want to make sure that we are not
26 providing answers to these questions that, you know, are
27 providing a perspective that may not be as nuanced as it
28 requires to be.

1 **MR. NANDO de LUCA:** Okay. For the purposes
2 of these questions, I'm just trying to get an understanding
3 as -- generally speaking, at least, as to who CSIS in
4 particular understands comes within the ambit of Government
5 of Canada as used in section 12 with respect to their
6 mandate. And I think the answers that have been provided are
7 helpful and there's nothing inaccurate in that respect.

8 **MR. DAVID VIGNEAULT:** Yes. The people with
9 clearances, with the need to know who have part of the
10 federal government, including Ministers, including political
11 staff, you know, again with clearance and need to know, that
12 is the ecosystem of people who may receive information,
13 intelligence from CSIS and others. And again, the nuance of
14 who gets what on what topic requires some -- so if it's
15 relevant for the Commission, we can speak to that, but again,
16 I just don't want a blanket explanation to cover everything.

17 **MR. NANDO de LUCA:** I'm going to try to get
18 to that, if you'll just be patient.

19 So am I correct in my understanding or would
20 you agree that the Government of Canada since 2019 has been
21 headed by Prime Minister Trudeau, who is the leader of the
22 Liberal Party?

23 **MR. DAVID VIGNEAULT:** Yes, I would agree.

24 **MR. NANDO de LUCA:** And the Liberal Party
25 and the Prime Minister Trudeau have been in power since 2015?

26 **MR. DAVID VIGNEAULT:** That's an accurate
27 statement, yes.

28 **MR. NANDO de LUCA:** And all of the

1 Ministers appointed since 2015 have been drawn from the
2 Liberal Party caucus. Is that correct, to your
3 understanding?

4 **MR. DAVID VIGNEAULT:** Yes, that's my
5 understanding.

6 **MR. NANDO de LUCA:** And in compliance with
7 your duty to report and advise the Government of Canada, is
8 it the case that different offices and members of the
9 Government of Canada have different security clearances in
10 terms of the types of details of information that they are
11 entitled or permitted to receive?

12 **MR. DAVID VIGNEAULT:** As I mentioned, Madam
13 Commissioner, we have, depending on position, you know, at
14 the political level, you know, if you're heading a
15 department, if you're on specific Cabinet committees, if
16 there is a specific reason why you would need to have, there
17 is a variation of the clearances or the access that people
18 will have.

19 Ministers are not requiring security
20 clearances. Political staff and all officials require
21 security clearances.

22 So again, there is an explanation that is --
23 it's not everybody who has access to the same information.
24 It's not everybody who should be receiving the same
25 information. And this is not just governed by CSIS, but it's
26 also governed by other agencies producing intelligence and by
27 a Privy Council office who works to manage Cabinet affairs.

28 **MR. NANDO de LUCA:** Can I ask, would I be

1 correct in assuming that in terms of information and
2 intelligence relating to foreign interference in elections,
3 the Prime Minister and the Minister of Public Safety have the
4 highest security and intelligence clearances?

5 **MR. DAVID VIGNEAULT:** I would say on that
6 notion, Madam, I'm not at liberty to discuss, you know, who
7 gets access to what, but you know, it is fair to say that the
8 Minister of Public Safety and the Prime Minister have access
9 to all relevant information from CSIS and, to my
10 understanding, other agencies.

11 **MR. NANDO de LUCA:** Is there any security
12 level of information or intelligence that the Prime Minister
13 or the Minister of Public Safety is not entitled or permitted
14 to receive?

15 **MR. DAVID VIGNEAULT:** Not to my knowledge,
16 Madam Commissioner.

17 **MR. NANDO de LUCA:** Do you consider that
18 the leaders or members of the opposition parties in the House
19 of Commons come within the definition of Government of Canada
20 as used in section 12 to which CSIS is bound to report
21 intelligence?

22 **MR. BARNEY BRUCKER:** I'm not sure where this
23 gets us. Are we not getting into legal considerations about
24 who has what authorities that go beyond the remit of this
25 Commission?

26 **MR. NANDO de LUCA:** Well, not at all
27 because -- Madam Commissioner, because one of the questions
28 that this Commission is considering is who had the

1 information, who was it communicated to and who wasn't it
2 communicated to. And so I'd like to know in terms of what --
3 where CSIS considers itself bound to deliver information.

4 We've gotten some clarity as to who's
5 included in the list. This question attempts to elicit
6 whether or not they consider members of the opposition
7 parties as part of the Government of Canada as that term is
8 used in section 12.

9 **COMMISSIONER HOGUE:** I understand your
10 explanation as meaning that you're not looking for an
11 interpretation of the provision, but you're looking for the
12 way this provision is applied by CSIS?

13 **MR. NANDO de LUCA:** Correct.

14 **MR. DAVID VIGNEAULT:** Thank you, Madam
15 Commissioner. My understanding is members of Cabinet,
16 members of the government, so elected officials, have access
17 to information in relation to them being member of the Privy
18 Council Office -- the Privy Council.

19 And so if you're a member -- not a member of
20 the Government, if you're not a member -- if you're not been
21 before a Privy Councillor, then you would not be having
22 access to intelligence. And section 19 of the *CSIS Act* would
23 preclude us from being able to distribute that intelligence.

24 I've testified previously to some of the
25 changes that, you know, the Government is contemplating --
26 looking, is to broaden the list of the people who could
27 receive information. But to counsel's question, we would not
28 be considering leaders of members of the opposition to be

1 individuals under section 19 to whom we could share
2 intelligence with.

3 **MR. NANDO de LUCA:** Okay. Thank you. You'll
4 recall that my colleague who went before me put to you a list
5 of briefings that CSIS had provided to different agencies.
6 Included in those were briefings to the -- to Cabinet and to,
7 you know, the Prime Minister or the PMO.

8 I have a general question. Would those
9 briefings in particular have included the dissemination of
10 classified information? Without getting into what that
11 classified information was.

12 **MR. DAVID VIGNEAULT:** Madam Commissioner, I
13 think it's fair to say that when CSIS would be briefing --
14 including those briefings on the list that counsel refers to,
15 overwhelmingly they will be talking about classified
16 intelligence.

17 **MR. NANDO de LUCA:** Thank you. On May 26th,
18 2023 and September 18, 2023, CSIS officials met with former
19 Conservative Party Leader Erin O'Toole, who was the Leader of
20 the Conservative Party during the 2021 Election and 2021
21 Election Conservative Party candidate Kenny Chiu
22 respectively. And we have reports of those briefings in the
23 record. Are you familiar, generally, with those briefings?
24 I can give you the document numbers, if you'd like.

25 **MR. DAVID VIGNEAULT:** Madam Commissioner, I
26 just want to make sure that -- because we have met with
27 individuals for a number of different reasons, but we also
28 have met with Mr. O'Toole, Mr. Chiu under the terms of the

1 Threat Reductions Measures. So if counsel could clarify?

2 **MR. NANDO de LUCA:** Sure.

3 **MR. DAVID VIGNEAULT:** Are they -- are these
4 the two sections you're talking about?

5 **MR. NANDO de LUCA:** So I'll do better. It's
6 CAN.DOC 22 and CAN.DOC 24. These are the summaries that we
7 have received in a public setting, or for the purposes of
8 this Commission. Can I have those called up, please?

9 **--- EXHIBIT No. CAN.DOC 22:**

10 Commission request for summary
11 information on briefing to Erin
12 O'Toole

13 **--- EXHIBIT No. CAN.DOC 24:**

14 Commission request for summary
15 information on briefing to Kenny Chiu

16 **COMMISSIONER HOGUE:** Mr. de Luca, I give you
17 another two minutes to finish your line of questions.

18 **MR. NANDO de LUCA:** Sure. This will be the
19 last line. This will be the last line.

20 **MR. DAVID VIGNEAULT:** So yes, Mr. -- Madam
21 Commissioner. I believe that this -- the May 26 is -- refers
22 to the Threat Reductions Measures briefing that was provided
23 to Mr. O'Toole.

24 **MR. NANDO de LUCA:** Okay. And similarly,
25 with respect to Chiu, sir, is your answer the same?

26 **MR. DAVID VIGNEAULT:** Is it -- I don't see
27 the document at the moment, but is it contemporary to -- so
28 18 September. Yes, I believe it is the case. I will make

1 that assumption, depending on the next questions you have for
2 me, ---

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

4 **MR. DAVID VIGNEAULT:** --- but yeah.

5 **MR. NANDO de LUCA:** They're very general.

6 Would the intelligence that was shared in this format, and as
7 is reflected here with both Mr. O'Toole and Mr. Chiu, have
8 been gathered in the lead up to and during the 2021 Federal
9 Election?

10 **MR. DAVID VIGNEAULT:** Madam Commissioner, I
11 just -- my colleague just pointed out that indeed these --
12 the meeting with Mr. Chiu on September 18 was under the guise
13 of Threat Reduction Measures. So as my colleague, Mme
14 Tessier explained earlier, that's the process by which we can
15 use classified information.

16 So the information, I was not -- I did not
17 provide the briefing myself, but my understanding is that
18 briefing would have included information, yes including
19 related to the Federal Election 2021, but other relevant
20 information ---

21 **MR. NANDO de LUCA:** I see.

22 **MR. DAVID VIGNEAULT:** --- that -- including -
23 - because it was a TRM, including classified information.

24 **MR. NANDO de LUCA:** Okay. So to the extent
25 that there was information with respect to the 2021 period,
26 why was it being provided to both Mr. O'Toole and Mr. Chiu
27 only in 2023?

28 **MR. DAVID VIGNEAULT:** So, Madam Commissioner,

1 we have -- as has been mentioned, you know, we have
2 limitations on what we can and how we can apply Threat
3 Reduction Measures when we also talked about -- testified
4 about the fact that there's been an evolution of how we have
5 approached foreign interference matters in the country.

6 And so at this point in 2023, discussions
7 internally, and also to receiving a direction from the
8 Minister to share all information with all Parliamentarians,
9 we prepared those Threat Reduction Measures and then briefed
10 Mr. Chiu and Mr. O'Toole with all the information we had at
11 our disposal.

12 So it was in the context of that Ministerial
13 Directive that these Threat Reduction Measures were
14 undertaken.

15 **MR. NANDO de LUCA:** Okay. And ---

16 **COMMISSIONER HOGUE:** Thank you.

17 **MR. NANDO de LUCA:** Okay. That's fine.

18 **COMMISSIONER HOGUE:** Mr. de Luca, I think now
19 it's over, because there's others ---

20 **MR. NANDO de LUCA:** Thank you, Madam
21 Commissioner.

22 **COMMISSIONER HOGUE:** So the next one is
23 counsel for Jenny Kwan.

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

25 **MR. SUJIT CHOUDHRY:** Good afternoon. For the
26 record, my name is Sujit Choudhry. I'm counsel to MP Jenny
27 Kwan.

28 So I have a few questions for the panel about

1 the PRC and the United Front, and its use of proxies. And so
2 that, of course, as you know, was a core message that was
3 delivered to the various MPs who received CSIS briefings in
4 May of 2023.

5 And what I'd like to ask you about are some
6 questions specific to the 43rd and 44th General Elections in
7 Canada based on some of the evidence that's been produced for
8 the Commission about the use of proxies by the PRC in Canada,
9 and in particular, flows of funding to those proxies.

10 And so Commissioner, as you know, we've had a
11 lot of production in the last 24 hours, and so with your
12 leave, there's a couple of documents that I've already
13 alerted the Commission counsel to that are Government of
14 Canada documents or witness summaries that I hope I could put
15 to the panel.

16 **COMMISSIONER HOGUE:** Go ahead.

17 **MR. SUJIT CHOUDHRY:** Thank you.

18 **COMMISSIONER HOGUE:** If there's a problem,
19 I'll let you know.

20 **MR. SUJIT CHOUDHRY:** Thank you.

21 So the first one is CAN.SUM10. And so this
22 is a summary document that's been provided by the Government.
23 I assume the panel has seen this or is familiar with it?

24 **MR. DAVID VIGNEAULT:** Yes, we are.

25 **MR. SUJIT CHOUDHRY:** So could I please ask
26 you to scroll down, Mr. Registrar, to page 2? So there's
27 five points here. And so I'd like to take you to a couple of
28 the points. so the first point says:

1 "Prior to and during the 43rd General
2 Election of Canada in 2019 [...] a
3 group of known and suspected [PRC]-
4 related threat actors in Canada,
5 including PRC officials, worked in
6 loose coordination with one another
7 to covertly advance PRC interests
8 through Canadian democratic
9 institutions."

10 Is that statement correct, in your view?

11 **MR. DAVID VIGNEAULT:** That is a correct
12 statement, Madam Commissioner. And as we have testified to
13 earlier, it speaks to the fact that we have been
14 investigating foreign interference for many, many years, and
15 that statement is based on the fact that we had that
16 understanding of the threat.

17 **MR. SUJIT CHOUDHRY:** Thank you. So for
18 limitations of time, I just would like to take you to point
19 five of this.

20 And could we please scroll up? Thank you.
21 Just hard for me to see over the podium. Thank you.

22 So I just want to read point five out for the
23 record. It says:

24 "Additionally, intelligence
25 assessments suggest that some of
26 these threat actors received
27 financial support from the PRC. For
28 example, there likely were at least

1 two transfer of funds approximating
2 \$250,000 from PRC officials in
3 Canada, possibly for FI-related
4 purposes, through [but] most likely
5 not in an attempt to covertly fund
6 the 11 candidates [that were referred
7 to earlier in this document]. These
8 were transferred via multiple
9 individuals to obfuscate their
10 origins: via an influential community
11 leader, to the staff member of a 2019
12 Federal Election candidate, and then
13 to an Ontario [Member of Provincial
14 Parliament]. The transfer(s)
15 [repeatedly] took place in late 2018
16 - early 2019."

17 Is this statement correct?

18 **MR. DAVID VIGNEAULT:** That is a correct
19 statement, ---

20 **MR. SUJIT CHOUDHRY:** Yeah.

21 **MR. DAVID VIGNEAULT:** --- Madam Commissioner.

22 **MR. SUJIT CHOUDHRY:** So panel, as you know,
23 there have been media reports that have been widely commented
24 upon about a slush fund allegedly operated by the Chinese
25 Consulate in Toronto. Are you able to tell us in this
26 setting, and if you can't, please advise us, whether this
27 document refers to said slush fund?

28 **MR. DAVID VIGNEAULT:** So Madam Commissioner,

1 as you know, we are not at liberty to discuss classified
2 information, but I think what -- there's a couple of very
3 important points to make in relation to this question. The
4 first one is one of the very negative impact of leaks of
5 classified information is the fact that people may interpret
6 partial information, may have access to only information, may
7 provide an assessment of such information that may not be
8 accurate. And so that's why -- that's one of the many
9 reasons, over and above the fact that we need to protect our
10 people and our sources, and when there leaks, you know, they
11 are put in danger.

12 So we have to be very careful. I will not be
13 commenting on the information in those leaks. However, at
14 the request of the Commission, the Government of Canada has
15 produced a summary of related very important intelligence,
16 and I think these words have been -- as I said earlier, have
17 been carefully chosen to make sure that they are providing
18 you, Madam Commissioner, and Canadians the most accurate
19 possible depiction of what we know, while protecting
20 classified information.

21 But we also need to make sure that we read
22 this, these words, in their context and not overinterpret or
23 not draw conclusions that are not drawn here. And that's the
24 caution that I want to make sure. And so these words, again,
25 have been chosen very carefully and it is an important aspect
26 of the *transparence* of the Commission, Madam Commissioner,
27 that this information now is in the public domain. And so
28 these are important words of *caveat* and context I think are

1 relevant at this point.

2 **MR. SUJIT CHOUDHRY:** Madam Commissioner, I'd
3 like to move on.

4 **COMMISSIONER HOGUE:** Yes.

5 **MR. SUJIT CHOUDHRY:** I think the panel's
6 answered this question.

7 I'd like to take you, sir, to the panel, to
8 another document. And this is the witness summary of the CSE
9 public -- it's the public summary of the classified *in-camera*
10 examinations -- quite a mouthful -- of the CSE panel of Ms.
11 Tayyeb and Mr. Rogers, and it's WIT 33. And this was entered
12 as an exhibit today.

13 And Mr. Registrar, could you please take us
14 to paragraph 15? And I think, with the leave of the
15 Commissioner, I don't think the panel necessarily have seen
16 this document.

17 **COMMISSIONER HOGUE:** No.

18 **MR. SUJIT CHOUDHRY:** So I think I'd like to
19 give them a minute to, please, if they could, read paragraphs
20 15 and 16. And if it's possible to reduce the size of it so
21 others can read this as well. Thank you very much.

22 I see Mr. Vigneault is ready; I'm going to
23 give his colleagues just a minute.

24 **(SHORT PAUSE)**

25 **MR. SUJIT CHOUDHRY:** So if I may, I have a
26 couple of questions about this evidence. The first is it
27 seems that the former -- the first document that I asked you
28 to comment on was in relation to the 43rd election, but you

1 can confirm that what Ms. Tayyeb seems to be referring to is
2 the 44th General Election. Is that right?

3 **MS. MICHELLE TESSIER:** It's not clear, other
4 than saying, "was obtained shortly after the 2021 election."
5 So I'm certainly not in a position to ---

6 **MR. SUJIT CHOUDHRY:** Okay, fair enough.

7 **MR. DAVID VIGNEAULT:** I think I know what
8 this refers to, and yes, it is the ---

9 **MR. SUJIT CHOUDHRY:** Okay. And so at the
10 bottom of paragraph 16 there's a reference to the
11 distribution of funds described in the intelligence report.
12 And so a question, if you're able to answer in this setting;
13 is this distribution of funds that's referenced here the same
14 distribution of funds referenced in the first document that I
15 showed you, or is it a separate distribution of funds?

16 **MR. DAVID VIGNEAULT:** So Madam Commissioner,
17 as you can imagine, we are not at liberty to discuss the
18 specifics, but I think these documents, you know, again,
19 should be read for what they say, be careful to
20 overinterpret, you know, what is not being said here. But,
21 yeah, that's the limit of what I can say.

22 **COMMISSIONER HOGUE:** Cannot go further than
23 that, so...

24 **MR. SUJIT CHOUDHRY:** That's fine.
25 Madam Commissioner, how much time do I have
26 left?

27 **COMMISSIONER HOGUE:** You have another three
28 minutes.

1 **MR. SUJIT CHOUDHRY:** Okay, good. So I'd like
2 to take you to a different theme, and so here ---

3 **COMMISSIONER HOGUE:** I'm going to give you
4 three, but it's two minutes.

5 **MR. SUJIT CHOUDHRY:** Two minutes. I'll take
6 whatever you give.

7 So could I please -- could you please put up
8 CAN.SUM.3?

9 And this is about Foreign Interference
10 Activities in Greater Vancouver. If we could just go down to
11 the second page, and then I'd like to take you to point 3.

12 And so yesterday, Commission Counsel
13 Rodriguez put to my client, MP Kwan, this particular
14 document; and, in particular, point 3 was put to her. And if
15 I could read it out for the record, it says:

16 "Intelligence reports indicate that
17 these officials coordinated the
18 exclusion of particular political
19 candidates, perceived as 'anti-
20 China', from attending local
21 community events related to the
22 election. This was accomplished via
23 PRC proxy agents, hiding the direct
24 involvement of these PRC officials."

25 So my question to you is that this statement
26 was made in relation to the 43rd General Election; do you
27 believe this statement to be true for the 44th General
28 Election as well?

1 **MR. DAVID VIGNEAULT:** Madam Commissioner, I
2 would not want to mislead the Commission. I'm not ready to
3 speak to specifically that aspect for General Election 44,
4 but I am totally comfortable with that depiction for 43.

5 **MS. MICHELLE TESSIER:** What perhaps I can add
6 is this is a typical *modus operandi* of the PRC. I can't
7 speak to the election, but it is a typical *modus operandi*.

8 **MR. SUJIT CHOUDHRY:** So if I could maybe,
9 perhaps sum up, there'd be no reason to doubt that they would
10 continue with this *modus operandi*, having used it in the 43rd
11 General Election, going forward?

12 **MS. MICHELLE TESSIER:** We have no information
13 that they've changed that particular method of operating.

14 **MR. SUJIT CHOUDHRY:** Thank you very much.

15 **COMMISSIONER HOGUE:** Thank you.

16 Next one is counsel for the Sikh Coalition,
17 Mr. Singh.

18 **(SHORT PAUSE)**

19 **MR. PRABJOT SINGH:** Thank you, Commissioner.

20 **--- CROSS-EXAMINATION BY MR. PRABJOT SINGH:**

21 **MR. PRABJOT SINGH:** Again, for the record,
22 it's Prabjot Singh, counsel for the Sikh Coalition.

23 Thank you to the panellists today. I'm going
24 to try my best to move expeditiously as possible, referring
25 your attention to some documents that are going to prompt
26 some follow-up questions.

27 And I understand that we're navigating some
28 difficult terrain and there's a likelihood that there may be

1 some questions you're not able to answer in this setting, and
2 that's totally fine. If you can indicate, and that will
3 Madam Commissioner and Commission counsel to take note of
4 those questions and consider if any follow-up is required in
5 camera afterwards.

6 So Mr. Operator, if we can bring up CAN
7 019304?

8 **--- EXHIBIT No. CAN 19304:**

9 Meeting between CSIS and the OCCE
10 2021-11-02

11 **MR. PRABJOT SINGH:** And Mr. Vigneault, I'm
12 going to direct my questions to yourself, but if anybody else
13 wants to answer amongst yourself, that's fine.

14 My understanding is that these are notes from
15 a meeting between CSIS and the Office of the Commissioner of
16 Elections Canada in 2021. And one of the statements here is
17 that the two main state actors most involved in the last
18 election were China and India. Mr. Vigneault, is that your
19 understanding today, that India has been one of the primary
20 perpetrators of foreign interference in Canadian elections
21 recently?

22 **MR. DAVID VIGNEAULT:** Madam Commissioner, I
23 think it's fair to say that, you know, the behaviour of India
24 has been of concern the last couple of elections, and I think
25 this document can speak to that. So I think it's an accurate
26 depiction.

27 **MR. PRABJOT SINGH:** And another note in here
28 says that India puts "...effort into individual campaigns."

1 As you understand it, is it fair to say that Indian foreign
2 interference targets a number of high-priority individual
3 races, rather than the general election, to influence
4 outcomes in favour of candidates considered favourable to
5 Indian policy interests?

6 **MR. DAVID VIGNEAULT:** Commissioner, I'll
7 elevate my comments to maybe be able to provide an answer. I
8 think it is absolutely fair to say the purpose of foreign
9 interference is to maximize the interests of the foreign
10 party, and so this is absolutely a tactic that has been used
11 to undermine candidates or individuals who may not be in
12 favour of your position and promote people who might be in
13 favour of your position. So in this context I can make that
14 statement.

15 **MR. PRABJOT SINGH:** And in general terms,
16 efforts by any foreign state to undermine or influence
17 Canadian elections, even if it's one single electoral riding,
18 would constitute foreign interference and a national security
19 threat; is that fair?

20 **MR. DAVID VIGNEAULT:** Well, I think, you
21 know, as my colleagues have described, foreign interference,
22 you know, takes many different faces in our country;
23 interference directed at democratic processes is one. And so
24 any action -- maligned action from a foreign state against
25 Canadian is foreign interference and is something that we, of
26 course, take extremely seriously.

27 **MR. PRABJOT SINGH:** And targeting that one
28 single election would be considered a national security

1 threat.

2 **MR. DAVID VIGNEAULT:** We would be
3 investigating the behaviour. So if the behaviour falls
4 within the definition of the *CSIS Act* of foreign
5 interference, absolutely.

6 **MR. PRABJOT SINGH:** Thank you.

7 Mr. Court Operator, if you can bring up
8 CAN 003771, and if we could go to page number 2.

9 **--- EXHIBIT No. CAN 3771:**

10 Ministerial Briefing : Foreign
11 Interference - 2021-12-13

12 **MR. PRABJOT SINGH:** I believe this is a --
13 notes prepared by the Service for a ministerial briefing.

14 **MR. DAVID VIGNEAULT:** Could you just please
15 go back up to the page so that we can.... Okay.

16 **MR. PRABJOT SINGH:** And on page 2, there's a
17 note that:

18 "Indian officials...used Canadian
19 citizens as proxies to conduct
20 [foreign interference] activities,
21 including against democratic
22 institutions."

23 Does that reflect your understanding that
24 India does employ proxies and proxy moves to target
25 politicians in elections, including through the use of funds
26 to specific campaigns?

27 **MR. DAVID VIGNEAULT:** Madam Commissioner, I
28 would say that, you know, I -- I'm -- I concur with the

1 statement as it is written on that document.

2 **MR. PRABJOT SINGH:** And in addition to
3 targeting elections or campaigns specifically, proxies are
4 also used to intimidate and coerce diaspora groups, and
5 potentially amplify disinformation in electoral campaigns.
6 Is that fair?

7 **MR. DAVID VIGNEAULT:** Yes, it is fair to say,
8 Madam Speaker -- Speaker -- Commissioner, well, you may be
9 speaker as well, I don't know what's the future. But
10 Madam Commissioner, that the -- that proxies are engaging in
11 the coercive activities. My colleague described a number of
12 activities in the past, and this is why we take foreign
13 interference so seriously because of the threatening nature
14 often of foreign interference activities in Canada.

15 **MR. PRABJOT SINGH:** And I have a number of
16 questions that I suspect that you may not be able to answer
17 in a public setting such as this, but CSIS has identified and
18 monitored some of these proxy networks with direct
19 connections to Indian consulates over a period spanning the
20 past two federal elections. Is that fair to say?

21 **MR. DAVID VIGNEAULT:** Madam Commissioner, if
22 counsel wants to point me to a document, I'd be happy to
23 speak to it, but as a general comment I am going to refrain
24 from commenting.

25 **COMMISSIONER HOGUE:** So the question is ---

26 **MR. PRABJOT SINGH:** That's totally fair. I
27 understand that, yeah.

28 And so two of these networks in the lead up

1 to the 2019 election were specifically connected to two
2 diplomats named Amar Jit Singh and Parag Jain, who are based
3 out of the Vancouver and Ottawa Consulates. Is that correct?

4 **COMMISSIONER HOGUE:** This is the same thing?
5 So...

6 **MR. PRABJOT SINGH:** And in July of 2017,
7 there was a public initiative launched by Indian diaspora
8 groups, led by members of the Canada India Foundation, with
9 the objective of targeting federal ridings in the 2019
10 elections, where current Sikh candidates were deemed to be
11 inimical or contrary or detrimental to Indian interests.
12 This initiative was also found to be connected to that
13 network and connected to the consulate. Is that fair to say?

14 **COMMISSIONER HOGUE:** So the question is
15 written down.

16 **MR. PRABJOT SINGH:** And that same year, is it
17 true that CSIS wanted to use threat reduction powers to
18 dismantle these networks that were engaging in foreign
19 interference?

20 **COMMISSIONER HOGUE:** Question is written
21 down.

22 **MR. PRABJOT SINGH:** And given the likely
23 significant risks involved in this kind of threat reduction
24 measure, as the three of you have given testimony earlier in
25 terms of the risk factors that are assessed and what kind of
26 protocols are okay -- is necessary, CSIS consulted PMO and
27 other bodies, including Global Affairs Canada, before
28 engaging in those threat reduction measures, and later chose

1 not to proceed with those measures. Is that correct?

2 **COMMISSIONER HOGUE:** Question is written
3 down. The witness is looking at me, so I understand ---

4 **MR. PRABJOT SINGH:** And as a result of that
5 decision not to proceed with those measures, CSIS did not
6 inform targeted politicians, journalists, or the impacted
7 communities about the risk, and those networks continued
8 unhindered, presumably throughout both electoral periods, at
9 least, if not further, until today. Is that correct?

10 **COMMISSIONER HOGUE:** Question is also written
11 down.

12 **MR. PRABJOT SINGH:** Are you able to tell us
13 in general terms, and you did touch on this earlier, so maybe
14 you can touch on this briefly, when would foreign
15 interference activity reach the threshold where threat
16 reduction measures would be considered by CSIS? I would
17 imagine it would be quite a significant threshold to take
18 that kind of action?

19 **MS. MICHELLE TESSIER:** As I testified to
20 earlier, CSIS needs to, is required by law to consult other
21 government departments prior to embarking on a threat
22 reduction mandate, and to ensure there are no other tools
23 available in an investigation. So without being able to
24 respond to that specific case, I can say that it's not
25 necessarily the first go-to because by law we have to have
26 reasonable grounds to believe that the threat exists, that a
27 measure has to be proportional to the actual threat. We have
28 to think that there would be an impact, we have to assess

1 that impact, but we, by law, must consider other measures
2 first. So it is not necessarily the first go-to.

3 But because of the restrictions in the *CSIS*
4 *Act* currently in terms of being able to share classified
5 information. It is a tool that has been used increasingly in
6 order to share classified information when we feel that at
7 that particular moment that is the best tool to use.

8 **MR. PRABJOT SINGH:** And Ms. Tessier, I think
9 you may have mentioned this earlier. There is those four
10 risk factors that CSIS would kind of evaluate: operational
11 risks, I think it was legal risks, and the potential of
12 international relations and the impacts there. And so based
13 on those factors, it is possible for other offices or
14 departments to discourage or influence the threat reduction
15 measures based on those parameters; correct?

16 **MS. MICHELLE TESSIER:** We most certainly
17 consult with them. The ultimate decision belongs to CSIS,
18 and if it's a high risk, the minister -- the Director and the
19 Minister must approve it. But we will most certainly consult
20 with them. We obviously don't want to harm their activities,
21 but ultimately the decision rests with CSIS.

22 **MR. PRABJOT SINGH:** And within the factors
23 that are considered and that would likely be considered by
24 those partners who are advising CSIS, partisan interests or
25 policy interests, obviously if we're looking at international
26 relations, that would be a significant factor that would be
27 considered. Fair?

28 **MS. MICHELLE TESSIER:** We are not the ones

1 who prepare a foreign policy risk assessment, that is done by
2 our colleagues at Global Affairs Canada.

3 **MR. PRABJOT SINGH:** Understood.

4 And Mr. Operator, if you can bring up
5 CAN 019456. And that'll be near the top of page 3, after you
6 can show the panel the first page of the document.

7 **--- EXHIBIT No. CAN 19456:**

8 Speaking Points for EC Brief

9 **MR. PRABJOT SINGH:** My understanding is that
10 this is a -- an intelligence briefing to Elections Canada on
11 the work of SITE and the various threat actors engaging in
12 foreign interference. So at the top of page 3, for the
13 record, it says that:

14 "Indian officials...continue to
15 conduct [foreign interference]
16 activities in Canada, both directly
17 and through...Canadian proxies,
18 primarily against Canadian
19 politician[s]...democratic processes,
20 and...diaspora [communities]."

21 And then it goes into some detail about the
22 objectives of Indian foreign interference.

23 Mr. Vigneault, is it your understanding that
24 the objectives of Indian foreign interference, specifically,
25 are two-fold?

26 **MR. DAVID VIGNEAULT:** So just give me a sec.

27 **MR. PRABJOT SINGH:** Sure. The question is,
28 is whether it's your understanding that India has two

1 objectives for its foreign interference operations?

2 **MR. DAVID VIGNEAULT:** So Madam Commissioner,
3 I would say that the -- in our assessment the two objectives
4 of India are to promote pro India narrative, pro India
5 dynamic here in Canada, but also to undermine the threat
6 perceived by the notion of creating a separate independent
7 Khalistan.

8 I think it's important to, and this document
9 speak to that, there are very clear politically protected or
10 *Charter* protected, you know, elements of people here in
11 Canada of the Sikh community who are espousing Khalistan --
12 an independent Khalistan. Unfortunately, there is also --
13 it's important I think to note, a very small group of people
14 who are engaging in threat related activity, including
15 financing, and supporting terrorism. And so what we see is
16 the -- your -- the second objective of India, as counsel is
17 referring to, is the blending of these two things.

18 So something that is absolutely unacceptable,
19 which would be, you know, supporting terrorism, but it's
20 blending this with the rest of activities that are absolutely
21 not only legal but acceptable in Canada, which is having
22 political views and using legal means to push these political
23 views.

24 **MR. PRABJOT SINGH:** Mr. Operator, if we can
25 bring up CAN.SUM 7. This was recently uploaded to the party
26 database I believe late last night.

27 And Mr. Vigneault, this is a topical summary
28 of the intelligence holdings prepared by CSIS, with the

1 natural caveats that are noted in the documents; correct?

2 **MR. DAVID VIGNEAULT:** Yes.

3 **MR. PRABJOT SINGH:** And so as you just
4 indicated, in your understanding of India's threat
5 perception, is it your understanding that India perceives
6 anyone engaged in advocacy for a separate six state Khalistan
7 as a so-called extremist threat without differentiating
8 between those engaging in lawful advocacy, as well as those
9 who believe in the pursuit of armed struggle. Is that
10 correct? India doesn't distinguish between the two?

11 **MR. DAVID VIGNEAULT:** I think, Madam
12 Commissioner, I generally agree with this, but the
13 distinction I would make is that from our perspective is I
14 would not be using armed struggle. I would say, you know,
15 using terrorist means. But the general depiction on the
16 document, I think, is a really good description of how we and
17 our colleagues are perceiving the Indians' rationale for
18 interference.

19 **MR. PRABJOT SINGH:** And so conceivably, even
20 those simply critical of Indian policy or critical of human
21 rights violations could also fall under that umbrella of a
22 threat to Indian interests? Is that correct?

23 **MR. DAVID VIGNEAULT:** Again, Madam
24 Commissioner, I think it's well depicted in this document. I
25 think it is fair to say that India will lump into same
26 category of activities that, you know, would be potentially
27 absolutely illegitimate here in Canada, inappropriate here in
28 Canada, with other means. So I would stick to that kind of

1 depiction if it's ---

2 **MR. PRABJOT SINGH:** Yeah, so India and their
3 foreign interference activities, which may include
4 disinformation, uses the framework and framing of extremism
5 to target lawful activists, as well as those that you marked
6 from the CSIS perspective are considered violent extremists.
7 Has CSIS ---

8 **MR. DAVID VIGNEAULT:** Madam Commissioner, at
9 this point, I think, you know, the document is quite clear
10 about that and I would ---

11 **COMMISSIONER HOGUE:** You ---

12 **MR. PRABJOT SINGH:** I'm getting to my next
13 question, if that's okay.

14 CSIS has not undertaken any threat reduction
15 measures to address the disinformation towards members of the
16 community engaging in lawful advocacy? Is that correct?

17 **COMMISSIONER HOGUE:** The question is written
18 down.

19 **MR. PRABJOT SINGH:** And in general terms,
20 what impact ---

21 **COMMISSIONER HOGUE:** It's going to be your
22 last ---

23 **MR. PRABJOT SINGH:** This is my final
24 question. In general terms, what impact do you think this
25 kind of disinformation and framing of lawful activism has on
26 a vulnerable community targeted with disinformation that
27 builds on pre-existing racist stereotypes about the nature of
28 extremism and terrorism. And without getting into broader

1 social implications, if we're focusing on Sikh Members of
2 Parliament, elected officials or candidates, who are targeted
3 with this brush of extremism, we're looking at a considerable
4 impact on media narratives, which makes re-election or
5 initial election quite difficult. Is that fair to say?

6 **MR. DAVID VIGNEAULT:** Madam Commissioner, I
7 think it's fair to say that the -- as we testified to
8 earlier, that foreign interference writ large, and
9 specifically disinformation, is absolutely a question of
10 concern in Canada. The disinformation part is one aspect
11 that is growing in its complexity. And how we, as an
12 intelligence service in a democratic society, can engage with
13 proper communications and then monitoring of social media,
14 there are a number of limits that are absolutely fair in a
15 democratic system.

16 And I make that point to say that this is one
17 of the areas disinformation and -- in the context of
18 interference that is growing and that we need to find better
19 ways, just not CSIS, but our partners, to address, because it
20 is having more and more of an impact.

21 **MR. PRABJOT SINGH:** Thank you.

22 **COMMISSIONER HOGUE:** Thank you.

23 **MR. PRABJOT SINGH:** Thank you, Commissioner.

24 Those are all my questions.

25 **COMMISSIONER HOGUE:** Mr. Sirois for the RCDA.

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

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

28 To start, just a general question. Are you

1 aware of foreign interference or influence activity in our
2 electoral processes conducted by the Russian intelligence
3 services in Canada during the 43rd or 44th General Elections?

4 **MR. DAVID VIGNEAULT:** I will ---

5 **MS. CHERIE HENDERSON:** I think that's in the
6 summary.

7 **MR. DAVID VIGNEAULT:** Madam Commissioner, we
8 have provided a summary. I would refer counsel to that
9 summary, which is the best depiction that we can provide in
10 this context.

11 **COMMISSIONER HOGUE:** Do we have the number,
12 Mr. Sirois?

13 **MR. GUILLAUME SIROIS:** Oh, I'm good. I just
14 wanted ---

15 **COMMISSIONER HOGUE:** You're good?

16 **MR. GUILLAUME SIROIS:** Well I wanted to know
17 if there was any other clarification except from the summary,
18 but...

19 I would like to pull COM0000156, please.

20 **--- EXHIBIT No. COM 156:**

21 NSICOP Annual Report 2020

22 **MR. GUILLAUME SIROIS:** This is the 2020
23 Annual Report from the National Security and Intelligence
24 Committee of Parliamentarians, NSICOP.

25 At paragraph 55, page 34, please.

26 Under the heading "Foreign interference", we
27 see it reads:

28 "The Russian Federation also

1 continues to exploit [...] diaspora and
2 compatriot organizations in Canada."

3 Is this statement true?

4 **MR. DAVID VIGNEAULT:** Madam Commissioner, I
5 have not had a chance to read the entire context, so I will
6 make a general statement, because I'm not sure what precedes
7 this paragraph. But I would say that it's fair to mention
8 that Russian Federation is engaging in a level of foreign
9 interference in our country, as was mentioned in our -- in
10 the Government's report.

11 **MR. GUILLAUME SIROIS:** Do you have any reason
12 to doubt the statement?

13 **MR. DAVID VIGNEAULT:** I do not doubt the
14 statement, Madam Commissioner. I just don't have the rest of
15 the context. But I am familiar in general with the work of
16 NSICOP and I think, you know, this is -- I have no reason to
17 doubt it. But just to be fair to ---

18 **COMMISSIONER HOGUE:** I think it's a fair
19 comment from the witness.

20 **MR. GUILLAUME SIROIS:** I'd like to pull now
21 CAN005824. And I'll apologize if some documents were not
22 indicated in advance. We received some documents quite late
23 this morning and yesterday. So had to adapt in consequence.

24 **--- EXHIBIT No. CAN 5824:**

25 Special Report on the Government of
26 Canada's Framework and Activities to
27 Defend its Systems and Networks from
28 Cyber Attack

1 **MR. GUILLAUME SIROIS:** At the bottom of page
2 -- this is, first, a SITE TF update on the Panel of Five, as
3 we can see from the top of the document, on September 15,
4 2021.

5 If we can go at page 4? The bottom of page
6 4?

7 We can see:

8 "Russia has focused [foreign
9 interference] activities on
10 discrediting democratic institutions
11 and processes, with an ultimate goal
12 of destabilizing or delegitimizing
13 democratic states."

14 We see this is a CSIS assessment. Do you
15 have any reason to doubt its truthfulness?

16 **MR. DAVID VIGNEAULT:** Madam Commissioner,
17 this is -- I totally concur with that statement. This has
18 been one of the significant aspects of the Russian Federation
19 activities, is not necessarily to go at interfering in all of
20 the specific elements of democratic process, but generally
21 speaking, to undermine democratic states. And we see that
22 across the board in the activity of the Russian Federation.

23 **MR. GUILLAUME SIROIS:** So this was a concern
24 of CSIS during the 2021 Election? In the final week of the
25 election?

26 **MR. DAVID VIGNEAULT:** This was absolutely the
27 final week, but I can say that this is a concern that we
28 shared before, we continue to share to this day.

1 **MR. GUILLAUME SIROIS:** Thank you. Finally,
2 the last document I'll show you is JKW a bunch of zeros 7.
3 And this is *2022 Special Report on the Government of Canada*
4 *Framework and Activities to Defend its Systems and Networks*
5 *from Cyber Attacks*. Again, it's from the NSICOP.

6 **--- EXHIBIT No. JKW 7:**

7 Special Report on the Government of
8 Canada's Framework and Activities to
9 Defend its Systems and Networks from
10 Cyber Attack

11 **MR. GUILLAUME SIROIS:** And I would like to go
12 at page 36 once the document loads. Thank you. At the top
13 here, paragraph 56. Can we go up a little bit? Yes.

14 So yes, at paragraph 56, it says:

15 "Russia is a highly sophisticated
16 cyber threat actor. Russia engages
17 in malicious cyber threat activity,
18 including cyber espionage and foreign
19 interference, to support a wide range
20 of strategic intelligence priorities.
21 [Including the] identification of
22 divisive events and trends in rival
23 states to conduct influence campaigns
24 and undermine liberal democratic
25 norms and values."

26 That last part is the third bullet point, by
27 the way.

28 This statement is true as well, to the best

1 of your knowledge?

2 **MR. DAVID VIGNEAULT:** Yes, Madam
3 Commissioner. And this goes back to a previous answer
4 provided to your question when you were asking me about when
5 did the threat environment change over time. And this is one
6 of the aspects of this, is Russia, and other states, but
7 Russia specifically, is trying to undermine the world, the
8 international rules based order to create an environment that
9 is more susceptible to benefit their own interests. And so
10 by doing so -- in order to do so, they're trying to undermine
11 democracies around the world, and that's why they are not as
12 interested as picking specific individuals or parties to win,
13 but undermine the democratic processes to what how people see
14 democracy as opposed to a democratic regime as we have in
15 Russia. This is one of the most significant elements that we
16 see that speaks to the change in threat environment over the
17 last number of years that we are to -- we have to deal with.

18 **MR. GUILLAUME SIROIS:** And is -- do you think
19 that Russia is doing all of this by accident, the three
20 statements that we just observed?

21 **MR. DAVID VIGNEAULT:** As I mentioned, I think
22 there is a very deliberate intent in how Russia executes
23 these actions.

24 **MR. GUILLAUME SIROIS:** So Russia, we can say
25 that Russia has...

26 ...has an intent to interfere in our
27 democratic institutions; correct?

28 **MR. DAVID VIGNEAULT:** Russia does intend on

1 interfering with our democratic institutions. It does so in
2 a different way than some other actors that we discussed
3 earlier. Their objective is mainly to divide societies and
4 create dissension as well as to reduce the attraction for
5 democracies in the west and throughout the world.

6 **MR. GUILLAUME SIROIS:** Can we qualify this
7 intention? Is it a major intention, a minor intention?

8 **MR. DAVID VIGNEAULT:** I'd say that it's --
9 from the activities that we've observed, not only in Canada
10 but elsewhere, that this is part of a well-thought-out plan
11 with different actors that are well coordinated, so I think
12 that we can say it's a concerted effort on the part of
13 Russia.

14 **MR. GUILLAUME SIROIS:** And so these documents
15 that Russian has a definite interest in causing foreign
16 interference, so is there a contradiction in saying that
17 Russia doesn't have the -- the question is difficult to
18 understand.

19 **M. DAVID VIGNEAULT:** Madam Commissioner,
20 could you point me to a specific document so that I can
21 comment the question?

22 **COMMISSIONER HOGUE:** And I agree.

23 **MR. GUILLAUME SIROIS:** Thank you, Madam
24 Commissioner.

25 So I'll refer to my notes.

26 It's probably in the summary that was
27 produced by the Commission.

28 **COMMISSIONER HOGUE:** This will be your last

1 question.

2 **MR. GUILLAUME SIROIS:** Madam Commissioner,
3 can I ask -- it wasn't my intention to go here, but in the
4 context -- can I ask the witness to refer to this excerpt?

5 **COMMISSIONER HOGUE:** I understand, but
6 everybody has important questions and you have already gone
7 over your time, so choose what you want to do. Do you want
8 to refer to the document or do you want to ask your question?
9 It'll be one or the other.

10 **MR. MATTHEW FERGUSON:** With respect, my
11 colleague -- Madam Commissioner, my colleague has not gone
12 over time.

13 **COMMISSIONER HOGUE:** Well, I see that his
14 cross-examination shouldn't have gone past 1732.

15 **MR. GUILLAUME SIROIS:** Well, I would like two
16 extra minutes.

17 **COMMISSIONER HOGUE:** Pose the question that
18 you have and we'll see where it leads. There are concerns
19 that we have to work with.

20 **MR. GUILLAUME SIROIS:** Yes, I'm well aware of
21 that.

22 So we wanted a summary of the testimony as
23 it's written in paragraph 45.

24 It's document 0000045.

25 Paragraph 45, please.

26 **--- EXHIBIT No. WIT 45:**

27 Public Interview Summary: Mr. Lyall
28 King, Ms. Tara Denham, Ms. Gallit

1 Dobner, Mr. Eric Gordon, CSIS
2 Representative

3 (SHORT PAUSE)

4 **MR. BARNEY BRUCKER:** I believe Mr. King is
5 going to be here tomorrow.

6 **MR. GUILLAUME SIROIS:** Well, seeing as we
7 don't have a lot of time, maybe we'll just -- I'll go
8 directly to my question and we won't bother with the
9 document, the summary.

10 So the question -- my next question has to do
11 with -- so we've concluded that Russia has a serious interest
12 in conducting foreign interference, so that is not in
13 dispute. We conclude that Russia's carried out significant
14 interference in 2019 and 2021; yes or no?

15 **MR. DAVID VIGNEAULT:** Madam Commissioner, the
16 testimony that I've given, that's not what it says. What our
17 documents demonstrated, as I mentioned to our colleague
18 earlier, is that some clear means were used for -- to engage
19 in foreign interference, but we were able to establish that
20 it was a base attack against democratic institutions rather
21 than any kind of focused action to bias electoral results.

22 **MR. GUILLAUME SIROIS:** And those activities
23 did not stop during the election of 2019, 2021.

24 **MR. DAVID VIGNEAULT:** Madam Commissioner,
25 certain documents have been submitted that determine what we
26 can say publicly on these activities, so I would have to
27 refer you to the testimony that we gave in the *in camera*
28 session. And I understand the question from the lawyer.

1 So there's a clear interest and an organized
2 approach on the part of Russia to attack democratic
3 processes, and this is true in Canada. And we -- but in the
4 documents, we've actually specified how these were carried
5 out.

6 The Commissioner says -- the Director has --
7 sorry.

8 What the documents say is that during the
9 election process, we didn't see any focused activity on the
10 part of Russia probably because that we probably didn't have
11 enough information because, as we said, Russia seeks to
12 divide society, so if those elections didn't create an
13 opportunity for them to sew discontent and discord, then it
14 doesn't mean that we're not concerned with their activities.
15 It's just that they weren't particularly active.

16 [No interpretation]

17 **MS. CHERIE HENDERSON:** I just ---

18 **COMMISSIONER HOGUE:** [No interpretation]

19 **MS. CHERIE HENDERSON:** I was just going to
20 add one small point, and I think we say it quite well in the
21 summary, that Russia has a significant capability to augment
22 its interference and disinformation campaign should it chose
23 -- choose to do so. So while we may not have seen as much to
24 undermine the 43rd and 44th elections, should it choose, it
25 has the capability to engage in much greater interference in
26 the future.

27 **COMMISSIONER HOGUE:** Counsel for Human Rights
28 Coalition.

1 --- CROSS-EXAMINATION MS. HANNAH TAYLOR:

2 **MS. HANNAH TAYLOR:** Good evening, everyone.

3 Mr. Vigneault, the panel's witness summary
4 notes that you explained that the process to determine
5 Canada's intelligence priorities is coordinated by the Privy
6 Council Office. You agree it's coordinated by the Privy
7 Council Office?

8 **MR. DAVID VIGNEAULT:** It's coordinated by the
9 Privy Council Office and -- but the priorities are issued by
10 the Cabinet.

11 **MS. HANNAH TAYLOR:** Also, Mr. Vigneault,
12 earlier you mentioned that CSIS has to produce intelligence
13 to protect all Canadians. Is investigating transnational
14 repression an intelligence priority of CSIS?

15 **MR. DAVID VIGNEAULT:** Madam Commissioner, the
16 -- I believe the intelligence parties, there's a plan to --
17 I'm not sure if they've been made public yet, but I believe
18 there might be a plan to do so. Yes, we can say that, you
19 know, we're investigating foreign interference. In the case
20 of CSIS specifically, it includes transnational repression.

21 **MS. HANNAH TAYLOR:** Thank you. With counsel
22 for Mr. Chong and the Conservative Party, you discussed
23 provided -- providing briefings to those in government
24 vulnerable to potential foreign interference activity. Does
25 CSIS believe it's important to brief members of targeted
26 diaspora who are vulnerable to potential foreign interference
27 activity, including that which is related to elections?

28 **MR. DAVID VIGNEAULT:** Madam Commissioner,

1 what we've said earlier about transnational repression,
2 there's something very important is that often, as my
3 colleague said, these are people who came to Canada to escape
4 conditions from other countries, and the fact they might be
5 subject to these tactics and actions here in Canada is
6 obviously unacceptable and that's why, you know, our mandate
7 is clear when investigating that. We have been increasing
8 our engagement with diaspora community over the years. As I
9 testified earlier, we have reallocated resources internally
10 to create a stakeholder engagement with the sole purpose of
11 engaging with communities. Our annual report of last year
12 and the upcoming one that will be tabled in Parliament very
13 soon by the Minister of Public Safety will speak at some
14 length of what -- how we have engaged with diaspora
15 community.

16 The last thing I would say, Madam
17 Commissioner, is going back to -- there are limitations of
18 what we can say to people who engage outside government, as
19 was discussed. Section 19 is precluding us from that. And
20 the government as -- with us has engaged in consultations
21 with Canadians, including specifically diaspora groups, to
22 understand, you know, changes to the *CSIS Act* that would make
23 us more relevant to engage in those discussions with diaspora
24 communities.

25 **MS. HANNAH TAYLOR:** And so thinking within
26 CSIS's limitations pursuant to the Act, would those efforts
27 to engage with stakeholders -- let me rephrase, maybe.
28 Within the limits of the Act, you believe that it's important

1 to brief individual members of targeted diaspora communities
2 if they face a threat? Would that within your limits be
3 considered important?

4 **MR. DAVID VIGNEAULT:** This is where, Madam
5 Commissioner, that it's getting difficult when we are going
6 to very specifics, so if we talk of individual, you know,
7 like, individual specific threat, it becomes complicated
8 because that would mean revealing classified information if
9 it's so specific. So we tend to engage at organization
10 level. If we are aware of any activity, and this is
11 something that we have to be very clear, we have any
12 intelligence or indication that someone might be under
13 threat, we are immediately engaging law enforcement to make
14 sure that, you know, they raise -- an action can be taken to
15 protect individual. But this is one of the area -- counsel
16 is speaking to one of the area that I think is part of the
17 next phase of engagement with diaspora communities, and the
18 next phase of discussion with Canadians on foreign
19 interference is how can we be more specific, more engaged to
20 have better impact to counter foreign interference.

21 **MS. HANNAH TAYLOR:** Thank you. Commissioner,
22 with your leave, I'm hoping to read paragraph 11 from the in-
23 camera examination summary of a branch within the CSIS ADR
24 Directorate to the panel to get their opinion on what's
25 mentioned in the paragraph. This document, it's not on our
26 list, as it was made available last night. And, of course,
27 I'll make it clear, with your leave.

28 **COMMISSIONER HOGUE:** Go ahead.

1 **MS. HANNAH TAYLOR:** Thank you. As -- and we
2 don't need to pull it up just because I think pursuant to
3 those rules -- to the Commission's rules, we should not be
4 pulling it up. But I'll make it clear to the panel, as this
5 summary is not yours, it -- and it has not been adopted -- it
6 has not been adopted into evidence, and it's not evidence
7 before the Commission. For the benefit of the Commission,
8 I'm talking about WIT 43, but again, I ask that it not be
9 pulled up.

10 Witnesses are not identified by name in the
11 summary. And just to provide a little bit of context to the
12 paragraph I'll read to you, immediately preceding that
13 paragraph, the summary makes reference or ---

14 **COMMISSIONER HOGUE:** I think it will be
15 better to put the document on the screen.

16 **MS. HANNAH TAYLOR:** Is that okay? Okay.

17 **COMMISSIONER HOGUE:** Yes.

18 **MS. HANNAH TAYLOR:** Excellent. Thank you.

19 If we could, it's WIT 43 with 5 0s in the
20 middle, I believe. Okay. And we'd be going down to
21 paragraph 11. And we'll note just above in paragraph 10 the
22 last sentence, we're referring to the PRC, so it's
23 preferenced we're referring to the PRC. And I'll read out,

24 "Diaspora communities can be pressured
25 to vote in accordance with its
26 preference using sticks and carrots.

27 Witness two said that many members of
28 this diaspora community are afraid that

1 the PRC will know who they voted for
2 and do not dare vote against the
3 country's express preferences. Witness
4 two believes that the PRC's ultimate
5 objective is to condition the response
6 of the diaspora community, so that they
7 vote in a certain way without having to
8 be told to. The United Front Work is
9 that of work that is concern for CSIS
10 is when it is clandestine, deceptive
11 and threatening." (As read)

12 Do you agree with this observation, and if
13 so, to the extent that you can tell us, how does CSIS combat
14 this?

15 **MR. DAVID VIGNEAULT:** So, Madam Commissioner,
16 I do agree with this statement, and I would say that the
17 reference to the United Front Work is critical to understand
18 how PRC is engaging in foreign interference activities.
19 United Front Work is part -- is encapsulating a number of
20 different parts of the Chinese Communist Party and of the
21 government of the PRC. Its budget is now larger than the
22 entire Ministry of Foreign Affairs. And their sole purpose
23 is to work abroad to condition people and to be able to
24 exercise in a -- amongst other things, foreign interference
25 in those countries. Xi Jinping, president -- the leader of
26 China is considering United Front Work Department as one of
27 its magic weapons because it has the ability to condition so
28 much and to push the interest of the PRC abroad in a very

1 effective way.

2 And so CSIS, as part of its intelligence
3 work, will undertake a number of intelligence operations
4 using all tools at our disposal to understand who are the
5 actors, what are their modus operandi, and be able to inform
6 government, and in some occasions, take threat reduction
7 measures to diminish the threat activity of the United Front
8 Work, but also, of other actors involved in those activities
9 in Canada.

10 **MS. MICHELLE TESSIER:** If I can add, CSIS is
11 very concerned about impacts on the diaspora communities, and
12 is also very cognizant that certain individuals have a fear
13 of the intelligence service. Some may have arrived here from
14 countries that the intelligence service does not work in a
15 democracy, and they may not feel comfortable coming to CSIS,
16 and CSIS knows that, which is one of the reasons that, as the
17 Director testified to earlier today, so much public
18 communication is being done, and this inquiry being an
19 example of that, in terms of communicating that CSIS does
20 want to hear from the communities. And as the Director
21 mentioned, we will work with -- we work with our law
22 enforcement partners and have successfully done so in
23 countering certain threats to the extent that we can. So we
24 absolutely are very concerned about any threat to the
25 diaspora communities and are welcoming for the cooperation.

26 **MS. CHERIE HENDERSON:** So I would just add
27 onto that that it's fundamentally important for the Service,
28 and therefore, for the rest of Canada and the diaspora

1 communities for us to be begin to build trust within the
2 diaspora communities, so that they will actually talk to us
3 as well and tell us what they are experiencing, and that
4 helps to strengthen the overall awareness of exactly what's
5 going on within our country. It's fundamental to us as
6 Canadians and all Canadians that we have this ongoing
7 conversation and we can start to inform everybody, so that
8 they recognize what they're seeing and that we can start to
9 build better structures to protect against it.

10 **MS. HANNAH TAYLOR:** Thank you very much,
11 everyone.

12 **COMMISSIONER HOGUE:** Thank you.

13 AG?

14 **--- CROSS-EXAMINATION BY MR. BARNEY BRUCKER:**

15 **MR. BARNEY BRUCKER:** I just wanted to perhaps
16 clear something up. In the various topical summaries that
17 have been introduced as CAN SUM 1 to 14 at the outset of your
18 testimony today contain a page of caveats, and I just wanted
19 to confirm that those caveats are not CSIS caveats. They're
20 caveats that have been developed and arrived at in
21 consultation and they are the government's caveats; is that
22 correct?

23 **MR. DAVID VIGNEAULT:** That's accurate.

24 **MR. BARNEY BRUCKER:** Mr. De Luca for the
25 Conservative Party brought you to the -- I guess the
26 summaries of the threat reduction measure briefings of Mr.
27 O'Toole and Mr. Chiu. Am I correct that threat reduction
28 measures of this type may rely on past information,

1 information gathered over time to help inform the person
2 who's being briefed of the nature of the threat?

3 **MR. DAVID VIGNEAULT:** Yes, the information
4 would include all information that is relevant. The
5 Ministerial directive was first issued, is the one that we
6 operated under for the briefing Minister for Mr. O'Toole and,
7 subsequently, there were clarification added to the direction
8 so that the briefing would be more tailored to be more
9 relevant, to include more of the relevant information as
10 opposed to all information that may be not confirmed, not
11 information that we would normally on. So there was an
12 evolution, I think it's important to mention, between the
13 first TRM discussion with Mr. O'Toole and subsequent to --
14 subsequent one with Mr. Chiu.

15 **MR. BARNEY BRUCKER:** Sure. But my question
16 is, even in the briefing of Mr. O'Toole, which we understand
17 took place in May of 2023, would include -- or let me ask you
18 if it would include information that existed back in 2021 and
19 information that was obtained subsequent to that right up to
20 the time of the briefing.

21 **MR. DAVID VIGNEAULT:** That's accurate.

22 **MR. BARNEY BRUCKER:** And would it be fair to
23 say that the purpose of those briefings or as a threat
24 reduction measure would be to help educate one on a potential
25 threat to the person and on measures that might be taken to
26 mitigate the threat?

27 **MR. DAVID VIGNEAULT:** Very accurately
28 described, yes.

1 **MR. BARNEY BRUCKER:** Okay. Early on in your
2 testimony, Mr. Cameron and Mr. MacKay took you through
3 various initiatives and measures that the service was
4 conducting. And is it fair that those initiatives and
5 measures that you describe, and there were quite a few of
6 them, are consistent with the intelligence priorities set by
7 Cabinet which are then -- flow to you through direction by
8 the Minister of Public Safety?

9 **MR. DAVID VIGNEAULT:** Yes, that's the case.

10 **MR. BARNEY BRUCKER:** Those are my questions.
11 Thank you.

12 **COMMISSIONER HOGUE:** Thank you.

13 So we have a last witness and I see that he's
14 in the room so we won't break. We'll just change the
15 witnesses.

16 Thank you very much.

17 **MR. DAVID VIGNEAULT:** [No interpretation]

18 **COMMISSIONER HOGUE:** Sorry. I was looking at
19 the time.

20 **(SHORT PAUSE)**

21 **COMMISSIONER HOGUE:** Good evening, Mr.
22 Basler.

23 **MR. GORDON CAMERON:** Madam Commissioner,
24 Gordon Cameron for Commission counsel. We have Bo Basler
25 here to speak as a representative of the CSIS regional
26 offices. Could I have the witness sworn or affirmed, please?

27 **THE REGISTRAR:** Could you please state your
28 name and spell your last name for the record?

1 **MR. BO BASLER:** It's Bo Basler, B-a-s-l-e-r.

2 **--- MR. BO BASLER, Sworn:**

3 **--- EXAMINATION IN-CHIEF BY MR. GORDON CAMERON:**

4 **MR. GORDON CAMERON:** Good afternoon, Mr.
5 Basler. You might recollect that on February 20th the
6 Commission had an interview with you and two of your
7 colleagues whose identity has been anonymized, but have been
8 noted to have been other Directors General of other regions
9 working in CSIS.

10 Have you reviewed this summary to confirm
11 that insofar as information can be disclosed publicly, it is
12 an accurate summary of that interview?

13 **MR. BO BASLER:** It is, and I have, yes.

14 **MR. GORDON CAMERON:** Thanks.

15 And insofar as it summarizes your input and
16 in respect of your recollection of the input of others at the
17 interview, do you adopt this summary as part of your evidence
18 before the Commission?

19 **MR. BO BASLER:** I do.

20 **MR. GORDON CAMERON:** Thank you.

21 And for the record, that document is WIT 36.

22 **--- EXHIBIT No. WIT 36:**

23 CSIS Regions Officials Public Summary
24 of Classified Interview

25 **MR. GORDON CAMERON:** And also, Mr. Basler,
26 you might recollect that you this time on not on a panel, but
27 appearing just yourself, had an examination *in camera* by the
28 Commission. And have you had a chance to review the summary

1 of that *in camera* session that was prepared for public
2 disclosure?

3 **MR. BO BASLER:** I have, yes.

4 **MR. GORDON CAMERON:** And insofar as
5 information can be disclosed publicly, is it an accurate
6 summary of that *in camera* evidence?

7 **MR. BO BASLER:** It is, yes.

8 **MR. GORDON CAMERON:** Thank you.

9 And you adopt that public summary of your *in*
10 *camera* evidence as part of your evidence today?

11 **MR. BO BASLER:** I do.

12 **MR. GORDON CAMERON:** Perhaps you could begin
13 by -- because we are short of time we don't need to go all
14 the way back to high school. If you could just give us a
15 quick account of your experience with the service and, in
16 particular, your experience with the regions and where you
17 are now.

18 **MR. BO BASLER:** I certainly can. I'll do it
19 in reverse order. I think that's probably the easiest.

20 So currently, I am the CSIS Counter Foreign
21 Interference Coordinator, so I'm based here in Ottawa in our
22 headquarters. It's a position I assumed and was created in
23 March of 2023, so last year.

24 Prior to that, I was the Director General of
25 British Columbia Region. I was in that role for almost three
26 years.

27 And prior to that, I was the Deputy Director
28 General of Operations in the service's Prairie Region.

1 I have been with the service since 2001 in a
2 variety of capacities spanning three different regional
3 offices and headquarters.

4 **MR. GORDON CAMERON:** Thank you.

5 Now, we had some information when the CSIS
6 headquarters panel was here about the different roles of
7 headquarters and the regions, but we have you now as a former
8 Director General of one of the regions and now with an
9 overview of the situation from headquarters. Can you tell us
10 your perspective on the role that -- the primary role that
11 the regional offices of CSIS serve in the organization?

12 **MR. BO BASLER:** I think the best way to
13 describe the regional function is it's -- regions are focused
14 on collection of intelligence. It spans all mandates of the
15 service, but it's really the regions that deploy the tools
16 that are at the forefront of collecting that intelligence to
17 be able to send it back into our headquarters branch and our
18 central units to be able to do the analysis and
19 dissemination. But the regions, it's really the collection
20 and they control not only the collection but how we go about
21 the collection of the intelligence as well.

22 **MR. GORDON CAMERON:** All right. Now, on that
23 point, presumably the regional offices need to figure out
24 what to collect, what their priorities should be, where to
25 devote their resources ---

26 **MR. BO BASLER:** Correct.

27 **MR. GORDON CAMERON:** --- and whatnot.

28 Can you talk to me about the extent to which

1 regions give input to headquarters about what should be
2 collected, the extent to which headquarters gives input to
3 regions? How does that map get generated?

4 **MR. BO BASLER:** Sure. There's an ongoing
5 conversation daily depending on the level, weekly, monthly
6 between regional offices and our headquarter branches in
7 regards to the priorities that any given region is collecting
8 upon, so the overall intelligence priorities, I think it was
9 mentioned earlier, are established by the government,
10 approved by Cabinet. The service takes those and creates the
11 internal intelligence requirements that we can collect upon
12 under our mandate, and then the regions focus on what they
13 have the capacity to collect. So sometimes the collection
14 may be driven by capacity; it may be driven by the local
15 threat environment. The threat environment in one region of
16 the country may be a little different than another region of
17 the country.

18 So those conversations are ongoing between
19 regional offices and Headquarters on what any individual
20 region or unit should be prioritizing on. And it may be --
21 as I noted, it may just be focused on what a region has
22 access to, or if a threat is presenting greater in one part
23 of the country than it is in another, that region, in
24 consultation with the Headquarters' branches, will prioritize
25 their collection activities in that particular region.

26 **MR. GORDON CAMERON:** That's very helpful.

27 Now, if you could talk about what happens
28 with the product. So the regions go out, they do whatever

1 they do to collect information, sources and surveillance, or
2 whatever techniques they have. They bring it into the
3 office, write it down. Take it from there to Headquarters.

4 **MR. BO BASLER:** Sure. After the collection
5 activity happens, it's produced into what would be, I think,
6 probably best termed as an internal intelligence report. So
7 if it's -- it doesn't matter if it's collected from, you
8 know, one of our communications analysts, one of our
9 intelligence officers or surveillance teams, they create the
10 report, they put it into the internal database, and direct it
11 towards our Headquarters' units, or another region if it's
12 applicable to activity that may be happening there.

13 So the intelligence gets collected, it gets
14 put into a digestible format; a report, if you will, into the
15 system, and then that's notified to our Headquarters'
16 counterparts, who are taking and consuming that intelligence
17 that's coming in from every different regional office across
18 the country.

19 So it's collected, kind of assessed at a
20 local level. So what -- a local assessment is done with it,
21 and then it's sent to our Headquarters' branches.

22 **MR. GORDON CAMERON:** Okay. Now, we're here
23 to think of this from exactly the perspective you just gave
24 it, the collection by the regions and send it to
25 Headquarters, but just to help with the sort of narrative arc
26 of there. It gets to Headquarters, all these pieces of
27 intelligence collected by the regions. Maybe just give us a
28 quick description of what happens when it gets to

1 Headquarters.

2 **MR. BO BASLER:** Sure. It's our Headquarters'
3 branches, there's a couple of different functions that
4 they're responsible for, but in this context it's taking in
5 the intelligence, be it from the regional domestic offices,
6 from our international stations, our partners around the
7 world, our domestic partners, taking in all the different
8 pieces of intelligence, assessing it, conducting the
9 analysis, be it on kind of a more tactical, focused analysis
10 or a more comprehensive analysis of a situation, taking
11 intelligence from everywhere.

12 They're also responsible for the
13 dissemination function. So taking, assessing that
14 information that's coming in from the regions or partners and
15 determining if it should go out to other government
16 departments; and if so, which ones, or conducting the
17 analysis and then determining those analytical products,
18 where they should be distributed to. So it's that taking it
19 in and processing, analyzing, and dissemination function.

20 **MR. GORDON CAMERON:** Okay. Now, were you
21 watching the Headquarters' panel when it was up?

22 **MR. BO BASLER:** I was, yes.

23 **MR. GORDON CAMERON:** Okay. Well, then we can
24 be a little more compact, then. I just want you to give the
25 perspective, from a Regional Director General, of the dynamic
26 between the regions that are collecting the intelligence and
27 sending it off to Headquarters, Headquarters analyzes it.
28 And we heard some evidence from the Headquarters' witnesses,

1 about the discussion that then goes on between the region, or
2 the regions, and Headquarters about what elements of the
3 intelligence that's sent to Headquarters ends up getting
4 actioned by Headquarters and disseminated to government.

5 **MR. BO BASLER:** Yes, it's important to note
6 in that context that all the intelligence, once it's
7 collected, it's actioned in some way. It may not be
8 disseminated immediately upon receipt out to another
9 government department, but it forms, and will always form,
10 part of our intelligence holdings.

11 So every piece of intelligence is important
12 to be able to understand a threat writ large. So it's always
13 important to the information going in. But Headquarters, the
14 branches and Headquarters are reviewing it, are assessing it
15 for its uniqueness, its pertinence to the intelligence
16 requirements of other government departments, or to senior
17 decision-makers. So they are evaluating it against the
18 holdings we have collected over the years, but also the other
19 intelligence coming in on that particular topic, and really
20 making that decision of to whom it should go out to.

21 As you had just noted, that is an ongoing
22 discussion on what the priorities are and what the collection
23 priorities are, and how that information that gets collected,
24 how it's being used. So regions, although they don't own the
25 dissemination function, they certainly have an ongoing
26 conversation with our Headquarters' branches, in terms of
27 ensuring that what is being collected is the right type of
28 information to be able to get it out to the rest of

1 government. That's why we exist; that's our *raison d'être* to
2 collect, to do that analysis and to inform, to advise
3 government.

4 So that conversation at a local level, like,
5 at a desk -- a unit level, between analysts and officers and
6 Headquarters and those in the region, that's an ongoing
7 conversation on a regular basis.

8 **MR. GORDON CAMERON:** Okay, thank you.

9 Just one last topic I wanted to raise with
10 you, just because there is information in the interview
11 summary about this, but just because it's been discussed
12 already today, I just want to get your perspective on it.

13 Are there occasions when the regions get
14 called upon to do, for example, briefings to candidates or
15 elected members, defensive or protective briefings with
16 respect to foreign interference? Don't need to talk about
17 any specific example, but is that one of the tasks that falls
18 to the regions on occasion? And if so, when is that the
19 case?

20 **MR. BO BASLER:** On occasion. If there were
21 to be a defensive briefing to an MP, generally speaking, the
22 majority of the times it would be a regional officer that
23 would go out and do that. Not exclusively; sometimes,
24 depending on the situation, may bring a subject matter expert
25 from Headquarters, but by and large the vast majority of the
26 times the interaction and engagement with individuals, be
27 they MPs or any other Canadian across the country, that's
28 done by our regional personnel. So it really is the regions

1 that are that face with local populations across the country.

2 **MR. GORDON CAMERON:** Thank you.

3 Now, Madam Commissioner, we have been
4 fortunate with this witness to have been able to develop a
5 witness -- a public summary of the witness interview, and a
6 public summary of the *in-camera* appearance of Mr. Basler that
7 are quite comprehensive, and they've been provided to the
8 parties. I think the best thing to do with the time
9 available to the Commission is to hand the microphone over to
10 the parties for cross-examination.

11 **COMMISSIONER HOGUE:** Thank you.

12 So the first one will be counsel for Jenny
13 Kwan, and I'm going to insist on the time. We have no choice
14 because we have a hard stop at 7:00.

15 **MS. MANI KAKKAR:** Thank you, Madam
16 Commissioner.

17 **--- CROSS-EXAMINATION BY MS. MANI KAKKAR:**

18 **MS. MANI KAKKAR:** My name is Mani Kakkar,
19 counsel for Jenny Kwan.

20 I have some questions for you, Mr. Basler,
21 and I will respect the time, because I understand it's late
22 for everyone. Actually, this follows very neatly from what
23 Mr. Cameron just last talked about, which is the briefings.

24 In the summary you talk about two different
25 kinds of briefings, defensive or protective security
26 briefings, and briefings undertaken as part of TRMs. Can you
27 explain the difference between those two kinds?

28 **MR. BO BASLER:** Sure. I think one set back,

1 just for a brief moment. Threat reduction measures and --
2 can include a wide range of activity, of which a briefing
3 that includes classified information, or a series of
4 briefings are just one -- but one type of a threat reduction
5 measure. So I just don't want to leave the impression that
6 that is the only kind of threat reduction measurements that's
7 undertaken by the Service or by the Service in this space.

8 So there are -- we over a number of years now
9 have been engaging with elected officials at all levels of
10 government, federal, provincial, municipal, territorial,
11 Indigenous governments, their staff to do defensive
12 briefings. So these are engagement with those individuals or
13 their offices to increase their awareness of the foreign
14 interference threat. So it really is an awareness building.

15 It is not -- those briefings do not contain
16 specific classified information on individual threats to the
17 person we're engaging with, they're really designed and aimed
18 at increasing the resilience of the individual and of their
19 staff to that particular threat. So they're informed. We
20 discuss the individual -- like the overall threat of foreign
21 interference that they may face because of their position as
22 an elected official, but it's not specific necessarily to
23 them as an individual. We don't discuss kind of individual
24 threats.

25 A threat reduction measure that may contain
26 classified information which is designed to provide certain
27 specific classified pieces of classified information to the
28 elected official in order to inform them of the specific

1 threat and give them enough tools to reduce that threat.

2 So I think it's been mentioned earlier today
3 that the threat reduction measures undertaken by the Service,
4 they have to fit a number of criteria, one of which we have
5 to have reasonable grounds to believe that the threat exists,
6 as defined in the *CSIS Act*, but we also have to have
7 reasonable grounds as to believe that what we're undertaking,
8 so in these cases the provision of classified information
9 specific to the individual, allows them to take those
10 measures to reduce the threat.

11 So it's -- it really is -- those ones are --
12 there's a nuance, but they're different in that they're
13 honestly focussed on helping the individual reduce the
14 specific threat as presented to them.

15 Does that...

16 **MS. MANI KAKKAR:** That answers my question
17 and then some, so I appreciate that. And you mentioned that
18 your briefings are general in nature.

19 And I would ask that we pull Document JKW 69.

20 **--- EXHIBIT No. JKW 69:**

21 CSIS pamphlet provided to Jenny Kwan
22 during the 44th election

23 **MS. MANI KAKKAR:** And Commissioner, I ask for
24 your indulgence in this matter. I provided this document ID
25 to the Commission quite late in the day, given some of the --
26 our documents we received from the Commission. This is a
27 CSIS document. It is a pamphlet or brochure that was
28 provided during a briefing to an MP.

1 And I just want to ask you, Mr. Basler, if
2 you're comfortable, that this is an example of the kind of
3 document that you would provide during one of the defensive
4 or protective briefings that you had mentioned?

5 And to the extent possible, it would be good
6 to rotate the document so it's a little bit more legible.

7 **MR. BO BASLER:** Can we go one more?

8 **COMMISSIONER HOGUE:** It's not easy to read,
9 this one.

10 **MR. BO BASLER:** Can we just scroll down to
11 the bottom of the -- oh, sorry. I just -- yeah. That was
12 what I wanted to be able to look at was the classification
13 level. So this is an unclassified document.

14 Yes, this would be the type of document that
15 we may leave behind on a defensive security briefing. When
16 we discuss the overall strategic threat of foreign
17 interference to be able to increase that resiliency, this
18 would be the type of document that -- yes.

19 **MS. MANI KAKKAR:** Thank you, Ms. Basler. And
20 when would you say that the regional offices began providing
21 these sorts of briefings?

22 **MR. BO BASLER:** To my best recollection, I
23 would think somewhere probably around 2018 or 2019. We have
24 been doing it for a number of years, a number within reason,
25 but as the foreign interference threat changed and we saw
26 somewhat of a difference in the way the threat was being
27 realised, we took action to be able to engage with individual
28 parliamentarians who were at higher levels of risk. So

1 that's been done for at least four or five years now.

2 **MS. MANI KAKKAR:** So you say four or five
3 parliamentarians in or around 2018 or 2019?

4 **MR. BO BASLER:** No. Sorry, four or five
5 years we've been doing it.

6 **MS. MANI KAKKAR:** Four or five ---

7 **MR. BO BASLER:** Yes.

8 **MS. MANI KAKKAR:** Okay.

9 **MR. BO BASLER:** Yeah.

10 **MS. MANI KAKKAR:** But it's a meaningful
11 difference.

12 **MR. BO BASLER:** Yeah.

13 **MS. MANI KAKKAR:** And would you be able to
14 estimate how many parliamentarians have gotten such a
15 briefing?

16 **MR. BO BASLER:** The last numbers, and I ask
17 that I not be quoted on a hard number on this, but the last
18 numbers I believe I saw were in excess of 65 or 70
19 parliamentarians have been briefed.

20 **MS. MANI KAKKAR:** In this general way.

21 **MR. BO BASLER:** Yes.

22 **MS. MANI KAKKAR:** And do you have any insight
23 into who made that decision or why or when?

24 **MR. BO BASLER:** To brief parliamentarians?

25 **MS. MANI KAKKAR:** To brief parliamentarians.

26 **MR. BO BASLER:** I don't have insights into
27 the individual decision. I feel it most likely was not a
28 decision by an individual person, but the recognition of the

1 threat and the threat environment in which we were living in
2 -- at the time that this started, and this might be a useful
3 tool for the organisation to deploy to help build that
4 resilience. But I don't -- I didn't attend the meeting where
5 the concept was approved for example.

6 **MS. MANI KAKKAR:** And have you gotten
7 feedback from those that you have provided those briefings to
8 as to their effectiveness?

9 **MR. BO BASLER:** We have received some
10 feedback, yes. We don't always get feedback, but we have --
11 we've received it directly where individuals have said they
12 appreciate it. It has increased their awareness and their
13 understanding of the threat. We have also kind of heard
14 feedback, not necessarily direct to us, but that some
15 individuals have found them to be less useful, overly
16 general. I think that is completely understandable.

17 There is varying degrees, if you look at the
18 number of parliamentarians at the federal level. There are
19 going to be varying degrees of understanding of this threat.
20 So it's a -- when we're taking a -- somewhat of a unified
21 approach, a standard approach to each of these briefings,
22 it's going to be new to some individuals and not new to
23 another individuals.

24 **MS. MANI KAKKAR:** In the period that you have
25 been providing these briefings, both as a result of the
26 feedback, and you mentioned in your witness summary, the
27 evolution, for example, of the PRC strategy on foreign
28 interference, have you made changes to the kind of briefings

1 you provide to members of parliament?

2 **MR. BO BASLER:** The briefings -- I believe
3 the best way to phrase this is, is they represent our
4 understanding of the threat as the threat is being realised
5 at the time of the briefing. That understanding changes
6 every year. As we learn how individual threat actors are
7 behaving, it changes our understanding, it changes our
8 approach, and therefore, it will inform and change the
9 briefing.

10 So yes, the information that we're providing
11 in 2024, and I don't have the content of what was briefed if
12 one was done say last month and what was done in 2019 to do a
13 side-by-side comparison, but the -- I would assume the
14 difference, there would be a significant difference or a
15 difference in between the two because our understanding of
16 the threat is different.

17 **MS. MANI KAKKAR:** I'm mindful of my time, so
18 I'll ask just one last question. Actually, I may try to
19 squeeze in two, but let's see.

20 So when you provide these briefings, you --
21 it seems to leave information for those candidates or those
22 members of parliament to be able to contact you if they
23 discover any possible foreign interference. Have you found
24 that there has been an increase in the number of potential
25 foreign interference complaints your office has received?

26 **MR. BO BASLER:** Yeah, not -- yes, there are
27 more engagements. I'm not sure if I'd refer to them as
28 foreign interference complaints because it's -- I think

1 that's something that's -- it's a construct that lives in the
2 policing world a little more than this -- than our world.
3 When we go out and engage with Canadians across the country,
4 MPs included, it is very much designed to be able to build
5 the resilience but also open that line of communication.

6 So there are a number of individuals across
7 the country, MPs, that have continued that conversation with
8 the Service after that initial briefing, and we will continue
9 to engage them on their specific situations as part of the
10 relationships. But these briefings, that is one of the
11 functions of them is to open that door in line of two-way
12 communication individually.

13 **MS. MANI KAKKAR:** Okay. So that ---

14 **COMMISSIONER HOGUE:** Thank you.

15 **MS. MANI KAKKAR:** --- was more for me than
16 for you, but thank you so much for your answer.

17 **COMMISSIONER HOGUE:** Thank you.

18 Counsel for Michael Chong?

19 **--- CROSS-EXAMINATION BY MR. GIB van ERT:**

20 **MR. GIB van ERT:** Mr. Basler, I want to ask
21 you about some statements in the document WIT36.

22 If the Court Operator would put that on the
23 screen? And if you'll go to page 7 at the bottom, please?
24 There we are. Yeah. Exactly.

25 Just under the heading "PRC", Mr. Basler.
26 I'll read this to you so we all have it, but you're
27 contrasting the PRC strategies and level of influence, I
28 think it's fair to say, in 2019 in this country versus 2021.

1 And what you said is -- well, what the statement says is:
2 "Mr. Basler explained that in 2019,
3 candidates the PRC disliked received
4 little to no coverage in Chinese-
5 language news media, and would not be
6 invited to Chinese-Canadian community
7 events."

8 I'll just pause there. I was dumbstruck by
9 that. And I just want to make sure that I've understood you
10 correctly. Are -- is it the Service's view, in your
11 experience, that in 2019, again, the PRC, a foreign country
12 across the ocean, thousands of kilometres away, has such
13 influence in Chinese-language news media in this country,
14 again, five years ago now, that it could persuade media in
15 our country, Chinese-language media, a small segment perhaps,
16 but nevertheless, media in our country, to not cover people
17 who the PRC disliked? Is that what you're saying here, sir?

18 **MR. BO BASLER:** I think we need to
19 disentangle the broad statements from the specific
20 statements. So yes, absolutely it is our understanding that
21 there are levers that the People's Republic of China will
22 use, including influence over media outlets, some here, some
23 international, that Canadians access that aren't based here
24 in Canada. So the news media is not just restricted to that
25 which is produced here in Canada. So there are different
26 avenues or different means by which Canadians consume the
27 media. But using influence over those media outlets
28 absolutely is understood to be one of the techniques that's

1 used.

2 That statement, though, is not a blanket
3 statement. It was part of a discussion which was a little
4 bit larger and a little bit more nuanced and included more
5 classified specifics as examples.

6 But yes, as a general statement, not a
7 blanket statement, that's accurate.

8 **MR. GIB van ERT:** Thank you. That's very
9 helpful and I do take your point. I think if the idea were
10 limited to the notion that news media outside the country ---

11 **MR. BO BASLER:** M'hm.

12 **MR. GIB van ERT:** --- might be influenced ---

13 **MR. BO BASLER:** Yeah.

14 **MR. GIB van ERT:** --- by China, especially if
15 they were coming from China, we might be a little less
16 surprised. I'd be a little less dumbfounded.

17 **MR. BO BASLER:** Fair.

18 **MR. GIB van ERT:** But your -- I think what
19 you said is, yes, it's outside the country, but it's also
20 even within the country?

21 **MR. BO BASLER:** There absolutely is attempts
22 to make influence over Canada-based Chinese-language media
23 outlets. Yes.

24 **MR. GIB van ERT:** Yes, attempts. But what I
25 thought you were saying here, and correct me if I've
26 misunderstood, is that there's successful ---

27 **MR. BO BASLER:** Some.

28 **MR. GIB van ERT:** --- attempts in 2019?

1 **MR. BO BASLER:** Yes.

2 **MR. GIB van ERT:** Yeah. Thank you. And
3 likewise, PRC, again in 2019, had such influence that certain
4 candidates that were unpopular with the PRC would be
5 disinvented to events happening in our country?

6 **MR. BO BASLER:** Yes.

7 **MR. GIB van ERT:** All right. That -- I find
8 that staggering. And I thank you for bringing that to our
9 attention in this public forum.

10 Then you go on about 2021. Well, let me
11 finish reading the paragraph. You say: "The PRC's strategy..."
12 We're talking about 2019 here:

13 "...was to make these candidates
14 unappealing by rendering them
15 unknown..."

16 **MR. BO BASLER:** M'hm.

17 **MR. GIB van ERT:**

18 "...while heavily promoting the PRC's
19 favoured candidates."

20 And then you come on to 2021 and you say
21 that:

22 "By 2021, the [...] strategy had
23 evolved, from passive shunning to
24 active reputational attacks."

25 And you give the example of Kenny Chiu, who
26 you note was labelled as racist or anti-Chinese.

27 So again, I just want to understand better.
28 If you can add anything to it, and I understand you were

1 speaking in a different forum and you may not feel able to
2 add anything to it, in which case fine, please say so. But
3 again, I think this will open a lot of people's eyes and I do
4 invite you, if you are able, to explain that move to active
5 reputational attacks in this country?

6 **MR. BO BASLER:** Yeah. I think what I can say
7 is highlighting some of the I'd say negative space in between
8 the two. So there was what appeared, at least in my region,
9 that there was a change in tactic in between the two
10 elections.

11 Why there was a change in tactic, that is not
12 highlighted here. There can be a multitude of different
13 reasons, which may change it, including the fact that in
14 2019, there was not a pandemic and in 2021 there was; right?
15 So the ability to use the same levers and tools that may have
16 been at a state's disposal in 2019 may not be as effective in
17 2021.

18 So while we saw a change in tactic, I'm not
19 willing or not in the position in this venue to go further
20 into the details of why that may have been, besides a
21 statement that they are different and there is reasons behind
22 that, maybe.

23 **MR. GIB van ERT:** Thank you. And you
24 mentioned your region at the time. And was that British
25 Columbia at the time for 2021?

26 **MR. BO BASLER:** Correct.

27 **MR. GIB van ERT:** Right. So the region where
28 Mr. Chiu's riding was? Steveston-Richmond East?

1 **MR. BO BASLER:** Correct.

2 **MR. GIB van ERT:** Right. In this paragraph,
3 again, I don't want to read too much into it.

4 **MR. BO BASLER:** M'hm.

5 **MR. GIB van ERT:** I will tell you what I
6 think I'm reading into it, and you'll correct me if I've gone
7 too far.

8 You're describing observations in a shift in
9 strategy from -- and a shift in influence from 2019 to 2021.
10 Was your agency, if you're free to say, detecting the 2019
11 strategy in 2019? Or is it something that you look upon now
12 and can see, but didn't see at the time?

13 **MR. BO BASLER:** So I think, again, I'm going
14 to step back and disentangle some -- a couple of things.

15 First, we speak about the strategy or we
16 speak about the activities that we witnessed or that we saw
17 that our intelligence led us to believe we're undertaking.
18 That's not coupled with the influence; right? So it's not --
19 what is detailed in the summary is the intelligence on the
20 activities undertaken, not the scope of influence of those
21 activities. So there's no commentary on how effective they
22 may or may not have been. So I just want to draw that
23 distinction. There's not that conclusion in this.

24 We are continually collecting intelligence
25 that is focused in the present and in the past, and with an
26 eye towards the future.

27 So our understanding of what we saw in 2019
28 would be informed by what we were collecting at the time. It

1 may also, when we collect something in 2019 and compare it
2 with something that we collected in 2014, we may understand
3 the relevance of that piece of intelligence that was
4 collected in 2014.

5 So something collected many years earlier may
6 all of a sudden inform us and become pertinent to our
7 understanding of 2019. The same thing looking forward. So
8 when we're collecting in 2019, it may be informing what we
9 might see and give us an opportunity to crystal ball, for
10 example, what may be coming in future elections. But it's
11 not purely restricted to our understanding of 2019 threat as
12 it was being realized is based only on the collection of
13 2019. It's the collection of stuff much earlier and much
14 later. We may get something a year from now which informs
15 our understanding of what happened in 2019.

16 **MR. GIB van ERT:** Thank you. My ---

17 **MR. BO BASLER:** It's a very common
18 occurrence.

19 **MR. GIB van ERT:** Thank you. My last
20 question.

21 **COMMISSIONER HOGUE:** Yes, because your time
22 is over ---

23 **MR. GIB van ERT:** Thank you.

24 **COMMISSIONER HOGUE:** --- so ---

25 **MR. GIB van ERT:** My last question is, are
26 you aware of any efforts that either the Service made or
27 other agencies, departments of the government made to advise
28 Chinese language candidates from any party of these sorts of

1 influences and activities that you were detecting, so that
2 they could arm themselves in advance of the 2021 election,
3 for instance?

4 **MR. BO BASLER:** Yeah, I think the best answer
5 I can give to that is that is, you know, a big part of why we
6 were engaging with the defensive security briefings, was to
7 increase that resilience and understanding to this threat.

8 **MR. GIB van ERT:** Thank you. You've been
9 very helpful.

10 **COMMISSIONER HOGUE:** Thank you.

11 So next one is Human Rights Coalition.

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

13 **MS. HANNAH TAYLOR:** Hello, Mr. Basler. I
14 would like to refer you to a document submitted by the Human
15 Rights Coalition. It's a report prepared by Human Rights
16 Action Group and Secure Canada. It can be found at HRC 6.
17 And if the Court Reporter could please pull it up and turn to
18 page 129.

19 **--- EXHIBIT No. HRC 6:**

20 Combatting Transnational Repression
21 and Foreign Interference in Canada: A
22 Paper by Secure Canada and Human
23 Rights Action Group

24 **MS. HANNAH TAYLOR:** And then I believe --
25 make sure this is right. No, 129, and then on the -- sorry,
26 at 129 of the document, not the PDF, please. Okay. And
27 right there. So thank you very much.

28 On the right-hand column, the second

1 paragraph, starts with "Freedom House". I'll just read it
2 out to you.

3 "Freedom House states that while CSIS
4 and the RCMP maintain ways for
5 reporting national security
6 information, these are not specific to
7 transnational repression, and as most
8 reports are deemed not to be national
9 security related, they're not followed
10 up with by law enforcement." (As read)

11 In the context of election interference, and,
12 of course, I know you can speak to CSIS, RCMP, what are your
13 thoughts on this finding by Freedom House?

14 **MR. BO BASLER:** To have a full understanding
15 of their findings, I would kind of need to be able to read
16 everything that went into their findings. But kind of on a
17 general level, so not to deal with this is as finding on
18 transnational repression, so in terms of foreign interference
19 in the electoral space, we did -- one of the documents that
20 we've produced, I believe it might have been brought up when
21 the headquarters panel was in, we did produce that in, if I'm
22 not mistaken, six or seven different languages, so not just
23 in the two official languages, but foreign interference knew
24 we produced it in a number of languages, so that it could be
25 distributed and understood by non-native English or French
26 speakers. So that was a way to try and open up the door and
27 create that kind of two-way dialogue with communities across
28 the country and give them that avenue to be able to reach

1 back into the Service, if it's the Service or the RCMP, if
2 need be. That was our document ---

3 **MS. HANNAH TAYLOR:** Okay. Perhaps we'll move
4 to CSIS's public reporting or complaints mechanism more
5 specifically.

6 **MR. BO BASLER:** Sure.

7 **MS. HANNAH TAYLOR:** To the extent you're
8 aware, did CSIS receive reports from diaspora members
9 regarding potential election interference in the 2019 and
10 2021 elections?

11 **MR. BO BASLER:** I am not aware personally,
12 but I was not in positions to be able to be aware of what was
13 coming into our tip line so.

14 **MS. HANNAH TAYLOR:** Do members of the public
15 in your opinion tend to know that they can contact you or
16 contact CSIS with complaints?

17 **MR. BO BASLER:** I believe so. We are as
18 accessible as -- we try and be accessible. Back when people
19 used phone books, we were in phone books. Nowadays, you
20 know, we have our website. We are engaging across the
21 country. Our regional offices are engaging across the
22 country. Our academic outreach stakeholder engagement units
23 is engaging with community groups across the country. So the
24 -- trying to raise the awareness to ensure that Canadians
25 have that ability to reach up, pick up the phone, send us an
26 email, do the tip line, whatever it may be. So a fair amount
27 of outreach does happen. Its efficacy, I don't think I can
28 speak to though.

1 **MS. HANNAH TAYLOR:** Speaking to, I suppose --
2 you talked about appearing in phone books, now online, over
3 the phone, information about the tip line and how it can be
4 accessed, is that advertised in language other than English
5 and French, to your awareness?

6 **MR. BO BASLER:** I'm not a hundred per cent
7 sure. I wouldn't be able to give a definitive answer one way
8 or another on that.

9 **MS. HANNAH TAYLOR:** Okay.

10 **COMMISSIONER HOGUE:** Your time is over.

11 **MS. HANNAH TAYLOR:** Yes, I'm afraid. Thank
12 you.

13 **MR. BO BASLER:** Thank you.

14 **COMMISSIONER HOGUE:** Thank you.

15 So next one is Mr. Sirois for RCDA.

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

17 **MR. GUILLAUME SIROIS:** Merci. Guillaume
18 Sirois for the RCDA. Are you aware of any foreign
19 interference or influence activity in our electoral processes
20 conducted by the Russian Intelligence Services in Canada
21 during the 43rd and 44th general elections?

22 **MR. BO BASLER:** I would draw on -- I don't
23 have the authority to pull up on the screen or ask, but in
24 our country summary on Russia, we detailed that we didn't see
25 a significance of Russian attempts at interference in those
26 elections.

27 **MR. GUILLAUME SIROIS:** But in your witness
28 summary, there's no mention about Russia; is that right?

1 **MR. BO BASLER:** I do not believe there is any
2 mention in the witness summary, no.

3 **MR. GUILLAUME SIROIS:** Is that because ---

4 **MR. BO BASLER:** So I meant the country
5 summary ---

6 **MR. GUILLAUME SIROIS:** Right.

7 **MR. BO BASLER:** --- that we produced, but,
8 no, I don't believe in my witness summary that there's
9 mention of Russia.

10 **MR. GUILLAUME SIROIS:** And is it because
11 Russia was not a concern or is it because there was no
12 questions -- further questions asked about the topical
13 summaries during the interviews and in-camera hearings about
14 Russia?

15 **MR. BO BASLER:** Right. So the -- both the
16 topical summaries, the publicly releasable versions of the
17 in-camera hearings and the publicly releasable versions of
18 the interviews, all three are information which can be
19 released and discussed publicly. The information which
20 cannot be released for national security grounds is not found
21 in those documents. So the reason I give that explanation is
22 so it's not -- the absence of a conversation in a public
23 document doesn't mean a conversation did or did not occur.
24 It's what can be publicly released in the documents.

25 **MR. GUILLAUME SIROIS:** Okay. But your
26 witness summary talks about India. It talks about China. It
27 doesn't talk about Russia. I find this peculiar. Don't you
28 agree?

1 **COMMISSIONER HOGUE:** What is your question,
2 I'm sorry?

3 **MR. GUILLAUME SIROIS:** I want to know if the
4 witness discussed with the Commission about Russian
5 interference prior to his testimony today. I want to know
6 more about Russian interference in the last two elections in
7 the context of the topical summary that was submitted.

8 **MR. GORDON CAMERON:** Madam Commissioner, I
9 think this is a point where the witness has done as well as
10 counsel could have done to state the dilemma he's in, that a
11 great deal of effort's been put into saying what can be said
12 publicly ---

13 **MR. GUILLAUME SIROIS:** I'll move on.

14 **MR. GORDON CAMERON:** --- and what can't.

15 **MR. GUILLAUME SIROIS:** Thank you. Did CSIS
16 witness any rise in what we know as IMVE, being ideologically
17 motivated violent extremism in the days or weeks leading up
18 to the 2021 election?

19 **MR. BO BASLER:** I'm not a -- so the IMVE
20 investigation is under the remit of our counter-terrorism
21 branch. I am not an expert in that area, so I can't say if
22 in the weeks leading up -- so the very small timeframe of the
23 weeks leading up to the election that there was an increase
24 in IMVE related threat activity. I'm not in a position to be
25 able to say that. It is, broadly speaking, it is a threat
26 that has been increasing over the years, absolutely.

27 **MR. GUILLAUME SIROIS:** Okay. But you cannot
28 talk about any increase during the election period,

1 specifically?

2 **MR. BO BASLER:** I can't, no; I'm sorry.

3 **MR. GUILLAUME SIROIS:** Thank you. No further
4 questions.

5 **COMMISSIONER HOGUE:** Thank you.

6 Sikh Coalition.

7 **MR. PRABJOT SINGH:** Thank you, Commissioner.

8 **--- CROSS-EXAMINATION BY MR. PRABJOT SINGH:**

9 **MR. PRABJOT SINGH:** If Mr. Court Operator can
10 bring up Mr. Basler's witness summary, page 7.

11 And Mr. Basler, if you could remind me, you
12 were the Director General of CSIS's B.C. regional office.
13 Can you remind me of what time period that was in?

14 **MR. BO BASLER:** I was. I arrived in the
15 summer of 2021, and then began this position in 2023 on a
16 temporary basis, and then transitioned to a ---

17 **MR. PRABJOT SINGH:** Oh, so you're now the
18 Counter Foreign Interference Coordinator; correct?

19 **MR. BO BASLER:** That is correct.

20 **MR. PRABJOT SINGH:** And so from that vantage
21 point, and I would imagine the Service has some institutional
22 memory as well, would you agree with me that Indian foreign
23 interference activity in Canada, whether that's transnational
24 repression or electoral interference, has increased from say
25 2017 until now, and including the last two electoral periods?

26 **MR. BO BASLER:** I'm actually not, I think,
27 well positioned to put a baseline level in one year versus
28 another year. It certainly is a threat that has been on the

1 radar, yes, and is a threat that has been obviously of
2 importance to the Service and to the government, but I -- I'm
3 not -- I don't think I'm positioned to be able to say there
4 was a certain level of activity in 2017 and then in 2019 and
5 then 2021. I can't -- I can't graph it like that for you;
6 I'm sorry.

7 **MR. PRABJOT SINGH:** Right. Yeah, that's
8 fair. And so referring to page 7 of your witness summary, it
9 is fair to say, however, that India is only second to the PRC
10 in terms of the level of foreign interference in Canada.
11 Fair?

12 **MR. BO BASLER:** Is that on page 7? Sorry.

13 **MR. PRABJOT SINGH:** Yeah, in the middle of
14 page 7, Foreign Interference Involved In FI:

15 "The witness indicated that in India,
16 while a clear second to PRC in terms
17 of the level of a foreign
18 interference threat..." (As read)

19 **MR. BO BASLER:** Yeah.

20 **MR. PRABJOT SINGH:** Is that a fair statement?

21 **MR. BO BASLER:** That's a fair statement.

22 **MR. PRABJOT SINGH:** And I want to draw your
23 attention to that last sentence in that paragraph that, "All
24 interviewees", that's yourself and two of your CSIS
25 colleagues:

26 "...agreed that foreign interference
27 by India was corrosive to Canadian
28 democratic processes and to regional

1 community cohesion." (As read)

2 Could I ask you to expand on the latter part?
3 What did you mean about being corrosive to regional community
4 cohesion?

5 **MR. BO BASLER:** So I think the -- one of the
6 documents that you have accessed to is the country summary
7 for India that was primarily produced by the Service in
8 consultation with other government departments. In that
9 particular document, we discuss the fact that the Government
10 of India undertakes -- has different driving forces behind
11 why it undertakes foreign interference activities. One of
12 those is to counter what it perceives as threats to its own
13 internal stability.

14 And as soon as any country, India included,
15 but as soon as any country does those kinds of activities
16 focussed on a particular element of Canadian society, so in
17 this case what it perceives as threats, which is individuals
18 or groups that are advocating for an independent Sikh
19 homeland, that is corrosive to Canadian society. So that's
20 the context in there, and it's corrosive to community
21 cohesion as well.

22 **MR. PRABJOT SINGH:** So sorry, just to
23 clarify. So India's targeted activity that targets Sikh
24 advocates for a Sikh homeland and the results of that
25 targeting is what leads to the breakdown in community
26 cohesion?

27 **MR. BO BASLER:** I think the way to best
28 characterise that is it certainly is a factor, absolutely,

1 yes.

2 **MR. PRABJOT SINGH:** And so a lot of observers
3 of India's ruling party, the VJP, talk about how Indian
4 officials seek to polarise politics along sectarian and
5 ethnic and identity lines. So when you talk about being
6 corrosive to community cohesion, is that polarisation within
7 diaspora communities something that you're referring to as a
8 byproduct of India's foreign interference?

9 **MR. BO BASLER:** My understanding that this
10 part of the Inquiry is focussed on the electoral space as
11 opposed to simply that -- the cohesion matters. So I think
12 the -- I'll draw back to the country summary as produced
13 because that document really reflects the understanding that
14 the Service has, again in consultation with other government
15 departments, on their activities focussed on those elections.
16 And that's really what has been produced and about as far as
17 I'm going to be able to discuss in the confines of this
18 Inquiry.

19 **MR. PRABJOT SINGH:** Madam Commissioner, I see
20 that my time is ---

21 **COMMISSIONER HOGUE:** Your time is over.

22 **MR. PRABJOT SINGH:** --- over. I'm trying to
23 follow up -- my last follow up just to clarify a little bit?

24 **COMMISSIONER HOGUE:** Ask your question, but -
25 --

26 **MR. PRABJOT SINGH:** Sure.

27 **COMMISSIONER HOGUE:** --- I'll see whether I
28 permit it or not.

1 **MR. PRABJOT SINGH:** Okay. Sure.

2 I am just trying to understand like -- so
3 we're talking about electoral interference, and within that
4 context this community cohesion has been referenced, and I'm
5 just trying to -- are you not able to expand upon what those
6 impacts are on the ground in Canada?

7 **MR. BO BASLER:** Am I free to ---

8 **COMMISSIONER HOGUE:** You can answer.

9 **MR. BO BASLER:** Thank you.

10 The referencing was not done by the Service.
11 So again, I draw back to the country summary in terms of the
12 publicly releasable information that we have relative to the
13 Government of India's attempts at interference in the
14 electoral processes.

15 **MR. PRABJOT SINGH:** Thank you, Commissioner.

16 **COMMISSIONER HOGUE:** Thank you.

17 AG?

18 **MR. BARNEY BRUCKER:** It's late. No
19 questions.

20 **COMMISSIONER HOGUE:** Re-examination?

21 **MR. GORDON CAMERON:** No re-examination.

22 Thank you.

23 **COMMISSIONER HOGUE:** Thank you.

24 So we'll resume tomorrow morning at 9:30.

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

26 This sitting of the Foreign Interference
27 Commission has adjourned until tomorrow at 9:30 a.m.


28 --- Upon adjourning at 6:47 p.m.

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

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

Je, Sandrine Marineau-Lupien, une sténographe officielle,
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Sandrine Marineau-Lupien