



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

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

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

IV Appearances / Comparutions

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The Pillar Society

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Human Rights Violations

Neil Chantler

Erin O'Toole

Thomas W. Jarmyn
Preston Lim

Senator Yuen Pau Woo

Yuen Pau Woo

V
Table of Contents / Table des matières

	PAGE
Motion by Ms. Sarah Teich	2
Submissions by Mr. Guillaume Sirois	3
Submissions by Mr. Gib van Ert	4
Submissions by Mr. Thomas Jarmyn	5
MS. GRETA BOSSENMAEIR, Affirmed/Sous affirmation solennelle	7
MME NATHALIE DROUIN, Affirmed/Sous affirmation solennelle	7
MS. GINA WILSON, Affirmed/Sous affirmation solennelle	7
MS. MONIK BEAUREGARD, Affirmed/Sous affirmation solennelle	8
MS. MARTA MORGAN, Affirmed/Sous affirmation solennelle	8
Examination in-Chief by Ms. Lynda Morgan	8
MME NATHALIE DROUIN, Resumed/Sous la même affirmation	59
MS. MARTA MORGAN, Resumed/Sous la même affirmation	59
MS. JANICE CHARRETTE, Sworn/Assermenté	60
MR. ROBERT STEWART, Sworn/Assermenté	60
M. FRANÇOIS DAIGLE, Affirmed/Sous affirmation solennelle	60
MR. DAVID MORRISON, Sworn/Assermenté	61
Examination in-Chief by Mr. Jean-Philippe MacKay	61
Cross-Examination by Mr. Guillaume Sirois	106
Cross-Examination by Mr. Jon Doody	117
Cross-Examination by Ms. Sarah Teich	120
Cross-Examination by Mr. Gib van Ert	126
Cross-Examination by Ms. Mani Kakkar	133
Cross-Examination by Mr. Thomas Jarmyn	141

VI
Table of Contents / Table des matières

	PAGE
Cross-Examination by Mr. Nando de Luca	149
Cross-Examination by Mr. Thomas Jarmyn	159
Cross-Examination by Ms. Mani Kakkar	170
Cross-Examination by Mr. Gib van Ert	179
Cross-Examination by Ms. Sarah Teich	191
Cross-Examination by Mr. Prabjot Singh	194
Cross-Examination by Mr. Guillaume Sirois	201
MS. GRETA BOSSENMAIER, Resumed/Sous la même affirmation	216
MR. DAVID MORRISON, Resumed/Sous la même affirmation	216
MR. VINCENT RIGBY, Affirmed/Sous affirmation solennelle	216
Examination in-chief by Mr. Gordon Cameron	216
Cross-Examination by Mr. Thomas Jarmyn	238
Cross-Examination by Mr. Nando de Luca	242
Cross-Examination by Mr. Sujit Choudhry	244
Cross-Examination by Mr. Guillaume Sirois	248
Cross-Examination by Mr. Prabjot Singh	254
Cross-Examination by Ms. Sarah Teich	259

VII
Exhibit List / Liste des pièces

No.	DESCRIPTION	PAGE
WIT 50	Interview Summary: Marta Morgan, Nathalie Drouin, Gina Wilson	8
WIT 60	In Camera Examination Summary: Nathalie Drouin, Gina Wilson, Marta Morgan, Monik Beauregard	9
WIT 55	Interview Summary: Monik Beauregard	10
CAN.DOC 12	Bureau du Conseil privé (BCP) Rapport Institutionnel	12
COM 122	Report On The Assessment Of The Critical Election Incident Public Protocol	14
CAN 9823	Critical Election Interference Public Protocol Panel - Workplan	26
CAN 9920	CEIPP - Meeting six	28
CAN 856	Email: Intelligence report relating to potential PRC foreign interference - Oct 2019	53
CAN 3112	SITE TF SITREP: 21 October 2019	59
WIT 53	P5 2021 Public Summary of In Camera Examination	61
WIT 58	P5 2021 Public Summary of Classified Interview	61
CAN 3336	Critical Election Incident Public Protocol Panel - Meeting Notes	76
CAN 88	Assessing the Canadian Information Environment During the 2019 Federal Election: A DFRLab Report	106
CAN 18756	Daily Foreign Intelligence Brief, 21 February 2020	120
CAN 4495	Briefing to the Prime Minister's Office on Foreign Interference Threats to Canada's Democratic Institutions	122
COM 23	Cabinet Directive on the Critical Election Incident Public Protocol	160
CAN 4079_r01	Briefing note 2022-10-26	168

VIII
Exhibit List / Liste des pièces

No.	DESCRIPTION	PAGE
COM 195	Report on the assessment of the 2021 Critical Election Incident Public Protocol	171
WIT 61	Interview Summary of V. Rigby, D. Morrison, M. Macdonald and M. Green	217
WIT 57	NSIA Public Summary of Examination	218
CAN 8266	IAS Dissemination - Flow Chart	224
CAN 5546	How Intelligence Reports get Actioned in the GoC	227
CAN 5547	Governance Structure - Committees pertaining to Foreign Election Interference	229
CAN 13124_R01	CPC Concerns around Foreign Election Interference 2021	234
CAN 14285	Foreign Interference	249
CAN 19496	People's Republic of China Political Interference in Canada	260

Ottawa, Ontario

--- Upon commencing on Monday, April 8, 2024 at 9:35 a.m.

THE REGISTRAR: Order, please.

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

The time is 9:35 a.m.

MS. SARAH TEICH: Madam Commissioner, if I may before we get started. I'd like ---

COMMISSIONER HOGUE: Yes. Before that, I have something to say. So we'll get back to you right after.

First, good morning, everyone.

I have been informed that despite everyone's best efforts there is some documents that have been provided to the parties late yesterday evening, and some feel that they don't have the necessary time to prepare their cross-examination properly. And in that context, I looked at the schedule and I decided to make a modification to the schedule.

What we will do is we'll proceed with the examination in-Chief of the Panel of Five for 2019 right away. After that, we'll proceed to the examination in-Chief of the panel for the 2021, and then we'll break for lunch, and it will give everyone time to complete the preparation of their cross-examination.

We'll come back at 1:10 for the cross-examination of Panel of Five 2019, and then at the 3:35, or roughly, we will proceed with the Panel of Five 2021 cross-

1 examination. So instead of doing the cross-examination after
2 each examination in-Chief, we'll postpone the cross-
3 examination to the afternoon to make sure that we have as
4 much time as possible.

5 As you all know, we have to know -- we have
6 to work through very, very tight time constraints. And we do
7 our best. Everyone is working, like -- I cannot even
8 describe how -- how hard everyone is working, but clearly
9 this is the best that we can do if we want to respect the
10 deadline.

11 So I hope everyone is going to be satisfied
12 with this solution and, if not, I'm ready to hear anything
13 that anyone has to say.

14 **--- MOTION BY MS. SARAH TEICH:**

15 **MS. SARAH TEICH:** Thank you, Madam
16 Commissioner.

17 That addresses part of the motion that I was
18 going to bring, but I would still like to bring a motion for
19 the recalling of certain witnesses. And that's because
20 several of the documents that were uploaded over the course
21 of the weekend are relevant to CSIS witnesses, to the SITE
22 Task Force panel, to Allen Sutherland, to Erin O'Toole, Jenny
23 Kwan, Michael Chong.

24 I'm thinking specifically, for example, of
25 CAN 4495, though there are others, and I would like to recall
26 these witnesses for further cross-examination.

27 **COMMISSIONER HOGUE:** Okay. What I will do is
28 I take your request under reserve, I look at the documents

1 later on, I see what are the options, but I will not adjourn
2 for the time being and I will not recall the witnesses for
3 the time being. But we'll see where we'll end up at the end
4 of the day.

5 **MR. GUILLAUME SIROIS:** Madam Commissioner ---

6 **COMMISSIONER HOGUE:** Who is ---

7 **--- SUBMISSIONS BY MR. GUILLAUME SIROIS:**

8 **MR. GUILLAUME SIROIS:** Guillaume from the
9 Russian Canadian Democratic Alliance.

10 I just want to say that the RCDA echoes the
11 frustration voiced by the representative of the Human Rights
12 Coalition and I would like to recommend the Commission of
13 Rule 56 of the Rules of Practice and Procedure, which
14 mandates that in advance of the testimony of a witness
15 Commission counsel shall, with reasonable notice, provide the
16 parties with a list of the documents associated with the
17 witness' anticipated evidence in-chief.

18 ...appreciate the intent of the Commission to
19 remedy the prejudice caused by documents being submitted very
20 late last night, pushing the cross-examination to this today,
21 but since we received something at 1 o'clock in the morning,
22 the way to remedy this prejudice would be to put off the
23 whole hearing until tomorrow. And I would like to know why
24 that was not a solution.

25 **COMMISSIONER HOGUE:** Because it's not
26 possible given the time constraints that we all have to work
27 within, so there is -- it doesn't appear clear to everyone,
28 but I can tell you just having one day of hearing requires a

1 lot of planning and organization. There's interpreters,
2 there's all type of resources that are needed for conducting
3 a hearing day. And if we postpone to tomorrow, it means that
4 we will not be over by Wednesday, which is not possible.

5 And the report has to be filed by May 3rd,
6 and each day is counted, I can tell you, just to make sure
7 that we can respect the delays and that is taken into
8 consideration that everyone will probably work like 20 hours
9 a day for the next two, three weeks. So I will not postpone.

10 I think there's other options and the one
11 that I'm implementing, I think, is reasonable in that
12 context.

13 **--- SUBMISSIONS BY MR. GIB van ERT:**

14 **MR. GIB van ERT:** Commissioner, it's Gib van
15 Ert for Michael Chong.

16 Just in respect of my colleague's reference
17 to document 4495, the point that you're reserving on, I just
18 want to add that that truly is a remarkable document and it
19 would be of assistance to the parties to know whether
20 Commission counsel have had the opportunity to examine on
21 that document *in camera*.

22 We got the document on Saturday, I gather. I
23 didn't see it till Sunday. But as you consider whether or
24 not to recall witnesses as my colleague has asked you to do,
25 I would appreciate if you could also advise the parties
26 whether or not this document was available to the Commission
27 itself when they were conducting their own examinations
28 earlier.

1 **COMMISSIONER HOGUE:** Okay. I hear you. I
2 said I'm going to look at the document.

3 I'll be very honest. I cannot, right from
4 the top of my head, know what document we are talking about,
5 so I want to have the opportunity to look at the document and
6 then I will decide and let you know what will be my decision
7 and what will be the next course of action about.

8 **--- SUBMISSIONS BY MR. THOMAS JARMYN:**

9 **MR. THOMAS JARMYN:** Commissioner, Tom Jarmyn
10 for Erin O'Toole.

11 In addition to 4495, I would appreciate if
12 you'd turn your mind to two other documents we got last
13 night, which is CAN 004079_R01 and CAN 015842. We have
14 similar concerns with respect to 4495 and to the extent that
15 Commission counsel has examined the witnesses *in camera* and
16 addressed those, I would rely upon that, but it is important
17 those documents be addressed.

18 Thank you.

19 **COMMISSIONER HOGUE:** So it's written down.
20 Any other comments or requests or anything?

21 **MS. ERIN DANN:** (OFF MICROPHONE)

22 **COMMISSIONER HOGUE:** Well, the eclipse is at
23 3:25 here in Ottawa.

24 This is what I was told. Actually, I checked
25 this morning to make sure.

26 Well, I checked this morning about the time
27 of the eclipse, but I don't know if anybody is responsible
28 enough to go out without supervision. So let me remind you a

1 few things.

2 The break is supposed to be from -- on the
3 schedule -- well, it looks like I forgot my glasses -- 1540
4 to 1600.

5 Maître Dann, the break this afternoon is
6 supposed to be from 3:30 to 3:35.

7 **MS. ERIN DANN:** That's the -- that's the
8 hope.

9 **COMMISSIONER HOGUE:** Okay.

10 **MS. ERIN DANN:** We can ---

11 **COMMISSIONER HOGUE:** The eclipse is at 3:45.

12 **MS. ERIN DANN:** I was going to say, we can --
13 -

14 **COMMISSIONER HOGUE:** We can try to do
15 something. I imagine there's probably many among us that
16 will like to look at this. I don't know if I should say
17 "look", but to be outside for this event.

18 I'll see what we can do.

19 Anything else?

20 **MS. SARAH TEICH:** One last comment, Madam
21 Commissioner.

22 I understand that we can't really get into
23 the content of those documents to make submissions to you
24 about why they're so important and why we'd like to recall
25 witnesses, so if it makes sense, I'm sure we'd also be
26 amenable to doing something *in camera* so we can make proper
27 submissions on this point.

28 **COMMISSIONER HOGUE:** Honestly, I look at the

1 documents at lunchtime and then I'll see. I cannot -- I
2 cannot say more than that without looking at the documents
3 and knowing what they are all about, and I prefer to go on
4 with the examination in-chief this morning and then we'll
5 work out something with respect to these documents.

6 **MS. SARAH TEICH:** All right. Thank you.

7 **COMMISSIONER HOGUE:** So Ms. Morgan.

8 **MS. LYNDA MORGAN:** Good morning,
9 Commissioner. So the panel in front of you this morning are
10 members of the Panel of Five 2019, and I'd ask that they be
11 sworn or affirmed, please.

12 **THE REGISTRAR:** We'll start with you, Ms.
13 Bossenmaier.

14 Would you please spell your name and state
15 your full name for the record, please?

16 **MS. GRETA BOSSENMAIER:** Sure. Good morning.
17 My name is Greta Bossenmaier. Last name is spelled B-o-s-s-
18 e-n-m-a-i-e-r.

19 **THE REGISTRAR:** Thank you.

20 **--- MS. GRETA BOSSENMAIER, Affirmed:**

21 **THE REGISTRAR:** Now your turn, Mrs. Drouin.

22 **MS. NATHALIE DROUIN:** [No interpretation]

23 **--- MS. NATHALIE DROUIN, Affirmed:**

24 **THE REGISTRAR:** Alors, Ms. Wilson? Affirmed
25 or would you like to be sworn?

26 **MS. GINA WILSON:** Affirmed.

27 **THE REGISTRAR:** Okay. Thank you. Do you
28 solemnly affirm that the testimony you're about to give today

1 -- actually, sorry. Start by saying your full name and spell
2 your last name for the record.

3 MS. GINA WILSON: Wilson - W-I-L-S-O-N.

4 --- MS. GINA WILSON, Affirmed:

5 THE REGISTRAR: Madame Beauregard?

6 MS. MONIK BEAUREGARD: Good morning. My name
7 is Monik Beauregard.

8 THE REGISTRAR: Please spell out your name.

9 MS. MONIK BEAUREGARD: B-E-A-U-R-E-G-A-R-D.
10 Declaration, please.

11 --- MS. MONIK BEAUREGARD, Affirmed:

12 THE REGISTRAR: And Mrs. Morgan?

13 MS. MARTA MORGAN: My name is Marta Morgan,
14 M-O-R-G-A-N, and I would like to affirm.

15 --- MS. MARTA MORGAN, Affirmed:

16 --- EXAMINATION IN-CHIEF BY MS. LYNDA MORGAN:

17 MS. LYNDA MORGAN: I will start with some
18 preliminary housekeeping matters that we'll run through
19 quickly. We only have 75 minutes this morning, so I will
20 make this as efficient as possible.

21 Ms. Morgan, Ms. Drouin, and Ms. Wilson, you
22 were interviewed by Commission Counsel on February 14th,
23 2024?

24 MS. NATHALIE DROUIN: [No interpretation]

25 MS. GINA WILSON: Yes.

26 MS. LYNDA MORGAN: Can I please have WIT 50,
27 please, pulled up.

28 --- EXHIBIT No. WIT 50:

1 Interview Summary: Marta Morgan,
2 Nathalie Drouin, Gina Wilson

3 MS. LYNDA MORGAN: There's an interview
4 summary on the screen from that date. Have you had an
5 opportunity to review that summary?

6 MS. NATHALIE DROUIN: [No interpretation]

7 MS. GINA WILSON: Yes.

8 MS. MARTA MORGAN: Yes.

9 MS. LYNDA MORGAN: And is it accurate and do
10 you have any changes to make to it?

11 MS. NATHALIE DROUIN: [No interpretation]

12 MS. LYNDA MORGAN: Accurate, no changes?

13 MS. NATHALIE DROUIN: Yes. No changes.

14 MS. LYNDA MORGAN: No changes?

15 MS. MARTA MORGAN: It's accurate.

16 MS. GINA WILSON: No changes.

17 MS. LYNDA MORGAN: Okay. And are the three
18 of you prepared to adopt that summary as part of your
19 evidence before the Commission today?

20 MS. NATHALIE DROUIN: Absolutely.

21 MS. MARTA MORGAN: Yes.

22 MS. GINA WILSON: Yes.

23 MS. LYNDA MORGAN: Can I pull up WIT 60,
24 please.

25 --- EXHIBIT No. WIT 60:

26 *In Camera Examination Summary:*
27 Nathalie Drouin, Gina Wilson, Marta
28 Morgan, Monik Beauregard

1 **MS. LYNDA MORGAN:** And Ms. Drouin,
2 Ms. Wilson, Ms. Morgan, and Ms. Beauregard, you were also
3 examined *in-camera* by Commission Counsel, and a copy of the
4 summary is up on the screen. Have you had an opportunity to
5 review a summary of that interview?

6 **MS. NATHALIE DROUIN:** [No interpretation]

7 **MS. MARTA MORGAN:** Yes.

8 **MS. GINA WILSON:** Yes.

9 **MS. MONIK BEAUREGARD:** Yes.

10 **MS. LYNDA MORGAN:** And do you any of you have
11 changes to make to that summary?

12 **MS. NATHALIE DROUIN:** No.

13 **MS. GINA WILSON:** No change.

14 **MS. LYNDA MORGAN:** And are each of you
15 prepared to adopt that summary as part of your evidence
16 before the Commission today?

17 **MS. NATHALIE DROUIN:** [No interpretation]

18 **MS. GINA WILSON:** Yes.

19 **MS. MARTA MORGAN:** Yes.

20 **MS. MONIK BEAUREGARD:** Yes.

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

22 Can I have WIT 55, please.

23 **--- EXHIBIT No. WIT 55:**

24 Interview Summary: Monik Beauregard

25 **MS. LYNDA MORGAN:** And Ms. Beauregard, you
26 were interviewed by Commission Counsel on February 22nd,
27 2024; is that correct?

28 **MS. MONIK BEAUREGARD:** [No interpretation]

1 **MS. LYNDA MORGAN:** And have you had an
2 opportunity to review the summary that's on the screen?

3 **MS. MONIK BEAUREGARD:** I have.

4 **MS. LYNDA MORGAN:** And is that summary
5 accurate?

6 **MS. MONIK BEAUREGARD:** It is.

7 **MS. LYNDA MORGAN:** Are you prepared to adopt
8 that summary as part of your evidence before the Commission
9 today?

10 **MS. MONIK BEAUREGARD:** I am.

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

12 And last one is WIT 37, please.

13 And Ms. Morgan, you were interviewed by
14 Commission Counsel on February 9th, 2024. Is that correct?

15 **MS. MARTA MORGAN:** Yes.

16 **MS. LYNDA MORGAN:** And that was in the Global
17 Affairs Canada capacity?

18 **MS. MARTA MORGAN:** Yes.

19 **MS. LYNDA MORGAN:** And have you reviewed the
20 summary that is up on the screen?

21 **MS. MARTA MORGAN:** I have.

22 **MS. LYNDA MORGAN:** Do you have any changes to
23 make to that summary?

24 **MS. MARTA MORGAN:** No.

25 **MS. LYNDA MORGAN:** Are you prepared to adopt
26 that summary as part of your evidence before the Commission?

27 **MS. MARTA MORGAN:** Yes.

28 **MS. LYNDA MORGAN:** Thank you. Oh, sorry, I

1 have one more -- one more housekeeping and then we'll move
2 on.

3 It's -- can I have CAN.DOC 12, please.

4 --- EXHIBIT No. CAN.DOC 12:

5 Interview Summary: Monik Beauregard

6 **MS. LYNDA MORGAN:** While we're waiting for
7 that, I'll indicate it's the PCO Institutional Report. And
8 Ms. Drouin, have you had an opportunity to review the
9 institutional report?

10 **MS. NATHALIE DROUIN:** Oui.

11 **MS. LYNDA MORGAN:** And can you confirm that
12 it represents PCO's evidence?

13 **MS. NATHALIE DROUIN:** Oui.

14 **MS. LYNDA MORGAN:** Okay. So -- and the
15 English version of this is CAN.DOC 11 as well.

16 So I'd like to start by reviewing with you
17 the composition and the purpose of the Panel of Five, and I'm
18 going to lead you through some of the basics, for efficiency,
19 given our time constraints.

20 So the Cabinet directive establishing the
21 Critical Election Incident Public Protocol sets out
22 government expectations with respect to general elections or
23 principles to guide the process for informing the public of
24 an event that would threaten Canada's ability to have a free
25 and fair election.

26 And if I was to summarise very high level the
27 Panel's primary role as part of that protocol, would you
28 agree that the Panel was effectively set up to ring the bell

1 to notify the public of such an event?

2 **MS. GINA WILSON:** Yes.

3 **MS. NATHALIE DROUIN:** Yes.

4 **MS. LYNDA MORGAN:** And the Panel was composed
5 of five senior public servants, Clerk of the Privy Council
6 Office; the National and Security and Intelligence Advisor to
7 the Prime Minister; the Deputy Minister of Justice and Deputy
8 Attorney General; fourth, the Deputy Minister of Foreign
9 Affairs, and fifth, the Deputy Minister of Public Safety. Is
10 that correct?

11 **MS. NATHALIE DROUIN:** Correct.

12 **MS. MONIK BEAUREGARD:** Correct.

13 **MS. GINA WILSON:** Correct.

14 **MS. LYNDA MORGAN:** And can each of you
15 briefly set out, or explain to the Commission, your role at
16 the time that you sat on the Panel, and if you weren't
17 sitting on the Panel for the entirety of the writ period of
18 2019, if you could describe that timeframe as well, please?

19 Ms. Bossenmaier, we'll start with you.

20 **MS. GRETA BOSSENMAIER:** Thank you. During
21 the time of this Panel, I was the Prime Minister's National
22 Security and Intelligence Advisor, a position that I started
23 in the spring of 2018, and then retired in early
24 December 2019.

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

26 **MS. NATHALIE DROUIN:** ...Deputy Minister for
27 Justice and Deputy Attorney General of Canada.

28 **MS. GINA WILSON:** I was Deputy Minister of

1 Public Safety in 2019; however, went on leave just prior to
2 the writ dropping on September 11th.

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

4 **MS. MONIK BEAUREGARD:** Associate Deputy
5 Minister to Public Security. Ms. Wilson left, I took over
6 from her, and therefore I sat on the Panel as of the writ
7 period.

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

9 **MS. MARTA MORGAN:** I was the Deputy Minister
10 of Foreign Affairs during this period.

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

12 I'm going to pull up the protocol from 2019.
13 We know that it changed in 2021. So if we can pull up
14 COM 122, please. And scroll down to page 27 once this loads,
15 please.

16 **--- EXHIBIT No. COM 122:**

17 Report On The Assessment Of The
18 Critical Election Incident Public
19 Protocol

20 **MS. LYNDA MORGAN:** So this is the Cabinet
21 Directive on the Critical Incident -- Critical Election
22 Incident Public Protocol. We can see that it's the 2019
23 version.

24 And if you -- can you scroll down a bit more
25 on this page, please. And stop there. Thank you.

26 If we look under Purpose, in the second
27 paragraph, the Protocol is described as being:

28 "...reflective of the caretaker

1 convention."

2 And Ms. Drouin, can you explain what that
3 means, please?

4 **MS. NATHALIE DROUIN:** Yes, I can. My
5 colleague, Gina Wilson, is also prepared to respond to that.

6 So the writ period is -- or we -- the
7 caretaking is a convention by which public servants and
8 decisionmakers, Ministers, need to exercise constraints. And
9 the reason of that is that the Parliament is dissolved and
10 then not accountable to the public. So what it means is that
11 only urgent matters and routine matters can be dealt with.

12 And this is the reason why the Panel of Five only exercise
13 during the writ period, as outside of the writ period normal
14 authorities can be exercised by departments and by Ministers.

15 I don't know if my colleague would like to
16 add.

17 **MS. GINA WILSON:** That was covered well. The
18 only thing I would add is when a new government is sworn in,
19 the convention ends.

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

21 And if we scroll down to page 28, please.

22 And at the top, paragraph 3, is Scope of
23 Application. And so this touches on what you've both just
24 addressed, is that the Protocol has:

25 "...a limited mandate. It [is]
26 only...initiated to respond to
27 incidents that occur within the writ
28 period and that do not fall within

1 Elections Canada's [area] of
2 responsibility..."

3 And just stopping there for a moment. I
4 understand that the Panel had discussions with the Chief
5 Electoral Officer of Elections Canada before the writ
6 dropped. And if accurate, for what purpose did the Panel
7 have those discussions?

8 **MS. GINA WILSON:** So indeed, the Panel was
9 not meant to be operational outside of the writ, as you
10 mentioned. It was also not to overlap with other
11 responsibilities, such as those of Elections Canada, and it
12 was also not the only tool that was available to us.

13 **MS. LYNDA MORGAN:** And so in terms of -- were
14 there discussions with the Chief Electoral Officer of
15 Elections Canada and are you able to describe kind of briefly
16 the purpose for that conversation?

17 **MS. GINA WILSON:** In the early meetings of
18 the Panel of Five 2019, there was a meeting with Elections
19 Canada to essentially outline what we were responsible for
20 and what we understood our role to be, and just to engage
21 with the Elections Canada officials to ensure that there was
22 no overlap and to make sure that that was understood by all.

23 **MS. LYNDA MORGAN:** Thank you. And if we look
24 at paragraph four, which is described as "Panel", it sets
25 down the composition of the panel, which we've already
26 reviewed. Of the five members of that list, did anyone have
27 a veto power?

28 **MS. GINA WILSON:** No.

1 consider all options to effectively
2 address the interference."

3 And that includes in the absence of:

4 "...overriding national security [or]
5 public security reasons [informing]
6 the affected party [...] of the
7 incident directly."

8 So when we look at this step, was the
9 National Security Agency meant to make that decision alone,
10 being the decision to consider all options to effectively
11 address the interference or notify parties? Or were they to
12 do that with the instruction or direction of the Panel?

13 **MS. NATHALIE DROUIN:** During the electoral --
14 the writ period that there is -- departments and agencies
15 keep their own legislative authority. The panel has no
16 directive-making power to government agencies.

17 On the other hand, the panel does work in
18 collaboration with the agencies in order to identify
19 solutions, options that are available, so that is more of an
20 organic-type discussion than a directive discussion since the
21 panel has no directive powers. But the conversations were
22 quite open, very consensus seeking, looking at the options
23 available to deal with any events that were submitted to the
24 panel's attention.

25 **MS. LYNDY MORGAN:** Thank you. And if we move
26 down to subparagraph three, this sets down that the Panel
27 will evaluate ---

28 **COMMISSIONER HOGUE:** Before that, I have a

1 question for I think probably Madam Drouin.

2 If we look at the wording of the protocol,
3 the last part of paragraph two:

4 "Barring any overriding national
5 security/public security reasons, the
6 agencies will inform the affected
7 party ([i.e., a candidate; a
8 political party; Elections Canada) of
9 the incident directly."

10 ...wording that -- that the Panel of Five
11 wouldn't intervene in that regard, or is that also something
12 that should be done in collaboration with you?

13 **MS. NATHALIE DROUIN:** It was agreed from the
14 outset that it wasn't up to the members of the Panel of Five
15 that meet, for example, a candidate or a political party.
16 Those meetings would be done by the agency involved. And as
17 was indicated in the evidence already given before the
18 Commission, there was also occasionally employees from the
19 Privy Council Office that participated in those meetings with
20 political parties.

21 **COMMISSIONER HOGUE:** And I see here that says
22 "agencies" in the plural, so that could be for many reasons.
23 So it could be one or the other of the agencies. Was it
24 agreed that it would be SITE -- the SITE group or the agency
25 itself that discovered the incident; do you remember?

26 **MS. NATHALIE DROUIN:** SITE is just a group of
27 experts, a working group. It doesn't have legal existence of
28 a sort. It's just a meeting of people from four

1 organizations. It could be the representative of -- the SITE
2 representative that came from one of the intelligence
3 agencies, but formally, these briefings were done by the
4 agencies themselves than by the SITE group.

5 **MS. LYNDA MORGAN:** Thank you. If we move to
6 subparagraph three, that sets down that:

7 "The Panel will evaluate incidents to
8 determine if the threshold [...] [or]
9 informing the public has been met."

10 And so just stopping there, and we've kind of
11 covered this in terms of describing the Panel as primarily
12 being responsible for ringing the bell to notify the public,
13 but when we look at what fell within the Panel's mandate, was
14 the Panel also meant to respond to or develop an action plan
15 to respond to potential electoral foreign interference?

16 **MS. GINA WILSON:** So the protocol outlines
17 that an independent report would be prepared assessing the
18 protocol's effectiveness, for example, how did this all work,
19 was there an opportunity to strengthen, but this was apart
20 from the Panel, so no, there was no requirement for the Panel
21 to produce a report or an action plan.

22 **MS. LYNDA MORGAN:** And so my question is
23 specific to during the writ period. If the Panel receives
24 intelligence or information suggesting potential electoral
25 foreign interference, apart from notifying the public, did
26 the Panel have any other role within their mandate to deal
27 with or address the information that they'd received?

28 **MS. GINA WILSON:** I think what you're getting

1 at -- and I would say the Panel was not meant to referee
2 issues during the election or pronounce on pieces of
3 intelligence, per say.

4 **MS. LYNDA MORGAN:** Thank you. And I just
5 want to look at threshold briefly, which is -- if we can
6 scroll down on that page a bit more, please?

7 So the threshold for informing the public
8 indicates that:

9 "A public announcement [will] only
10 occur if the Panel determines that an
11 incident or an accumulation of
12 incidents has occurred that threatens
13 Canada's ability to have a free and
14 fair election."

15 And some considerations are then identified
16 within the Protocol, considerations to take into account in
17 making that judgement.

18 One of the bullets includes:

19 "the degree of confidence [that]
20 officials have in the intelligence or
21 information."

22 And it notes as well, if we look at the
23 paragraph starting:

24 "Although a disruptive event or
25 interference may emanate from [a]
26 domestic and/or foreign [actor]..."

27 The protocol directs the Panel that:

28 "...as a starting point, the focus

1 should be on foreign interference.”

2 How did the Panel interpret that kind of
3 explicit direction or focus in the protocol on foreign
4 interference.

5 **MS. NATHALIE DROUIN:** Ms. Morgan, if you
6 allow me, I would like to talk a little bit about the
7 threshold as I think that this is really relevant for the
8 Commission.

9 And as you have highlighted, section six is
10 really at the core of the threshold. And I think it's
11 important to say that, first of all, a public announcement
12 will only occur if the Panel determines that one incident or
13 an accumulation of incidents has occurred to threaten
14 Canada's ability to have a free and fair election. And three
15 elements were super important and that we had to look at, and
16 those are the three bullets that you see there. First of
17 all:

18 “the degree to which the incident(s)
19 undermine(s) Canadians' ability to
20 have a free and fair election;
21 the potential of [this] incident [or
22 those incidents] to [really]
23 undermine the credibility of the
24 election; and
25 the degree of confidence officials [-
26 - that we] have in the [intel that we
27 have in front of us].”

28 I guess you're going to give me, later, an

1 opportunity to talk about how we evaluated the impact, so I
2 can come to that.

3 But as you said, the goal of the Panel was
4 really to give an alert to Canadians. But it's also
5 important to say that this threshold was very high and there
6 are important reasons for that.

7 First of all, because there's -- there was
8 some risk that any intervention by the panel can create more
9 harm than good. It had the potential to create confusion and
10 also to be seen as interfering in a democratic exercise. And
11 we want also to make sure that we were not being seen as
12 taking a position, a partisan position, in any debate.

13 Canada is a democracy where Canadians have
14 the freedom of expression. We are also a rule of law
15 countries. Canadian has the right to express their opinion,
16 so this is why -- this is why the threshold was so high.

17 I know you had received those questions and
18 so that's what I wanted to put on the -- on the record this
19 morning.

20 In terms of your specific question, and we'll
21 have also the opportunity to talk about the differences
22 between this directive in '19 and the directive in '21, the
23 focus was really about foreign interference in '19. However,
24 we were also able to look at things that was happening at the
25 domestic level. But the purpose of the panel was really to
26 address foreign interference.

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

28 And in terms of the interpretation of the ---

1 **COMMISSIONER HOGUE:** Excuse me. I think
2 there's someone..

3 **MS. MONIK BEAUREGARD:** Yes. If you don't
4 mind, I would like to address a third criteria in the
5 protocol. I would just like to add -- so talk about the
6 intelligence because sometimes intelligence is incomplete, so
7 that element of consideration was very important for us.

8 We would receive reports and these were
9 partial -- this was partial information, so we had to assess
10 the information on the basis of what we might know about a
11 given player and to try and piece together this partial
12 information. So it's -- there is very little actionable
13 intelligence that comes to us in one fell swoop, so we had to
14 express caveats as to the source that provided the
15 information, whether it's a human source or another, and
16 these remarks, these notes are very important to take into
17 consideration. They're there for a reason, and they're there
18 so that the panel in its deliberations takes into account
19 these caveats.

20 And so we might have a very well-established
21 source whose previous information was corroborated, but at
22 the other end of the spectrum we might have a brand new
23 source whose information has never been tested yet, so these
24 things were taken into account in our final deliberations and
25 determined how we would assess the credibility and the
26 reliability of the information we were provided.

27 **COMMISSIONER HOGUE:** So the information that
28 you were provided with came from agencies as to the

1 credibility of a source and based on prior experience?

2 **MS. MONIK BEAUREGARD:** Yes, there could be
3 multiple sources. Yes.

4 **COMMISSIONER HOGUE:** Yes. So we're informed
5 of this.

6 **MS. MONIK BEAUREGARD:** So in the report,
7 there's information on the source in the report and the
8 agency that provides us with the information will use very
9 specific language. Very often we'll see the same language
10 used to describe the source and the kind of information that
11 was obtained.

12 **COMMISSIONER HOGUE:** So that's the basis on
13 which, in the context of your deliberations, you come to an
14 assessment of the credibility of the information.

15 **MS. MONIK BEAUREGARD:** Yes. And it also fits
16 into the context of what we might know about a given actor,
17 any prior information we might have.

18 **MS. NATHALIE DROUIN:** I would just like to
19 add to what my colleague just said. It's very important.

20 When I was speaking about the threshold
21 before making an announcement to the public, the panel
22 couldn't just make an announcement based on information
23 that's not credible or reliable, so that was a very important
24 criteria for us to determine whether -- before we make a
25 public announcement, we had to be sure about the reliability
26 of the information.

27 **MS. LYNDA MORGAN:** And was the panel in a
28 position if you received information and had questions about

1 the degree of confidence officials had in the intelligence or
2 information, was there a pathway through which you could
3 request additional information as a panel?

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

5 I'll move on in -- to cover the meetings with
6 you in some detail.

7 I just had one other topic in relation to the
8 threshold. So can we pull up CAN 9823, please?

9 **--- EXHIBIT No. CAN 9823:**

10 Critical Election Interference Public
11 Protocol Panel - Workplan

12 **MS. LYNDA MORGAN:** This is a document dated
13 May 17th, 2019, so obviously outside of the writ period.

14 Can you scroll down to page 3, please?

15 And panel members, have you seen this
16 document before and do you recognize the handwriting?

17 **MS. NATHALIE DROUIN:** Yes, absolutely. With
18 each briefing we had meetings once a week and when we had any
19 questions as to the reliability of a source or because the
20 information was too fragmented, we needed more, so then we
21 would ask agencies to continue to monitor the situation and
22 give us further information as soon as possible.

23 **MS. LYNDA MORGAN:** And so if we look at this
24 document, it is effectively tracking the threshold language
25 that we just reviewed.

26 About halfway down the page, there's a
27 question of, "To what extent is the incident vote changing?"

28 Can you scroll down a little bit more,

1 please?

2 So the first bullet at the top of the page
3 there, then we see a checkmark and a handwritten note that,
4 Ms. Drouin, I believe says "Riding level?".

5 And can you explain what that notation means
6 and what discussions the panel had in relation to that issue?

7 **MS. NATHALIE DROUIN:** Yes, absolutely.

8 So in '19, as you can see there, we had some
9 discussions on whether or not when we need to do an impact
10 evaluation whether or not we were doing the evaluated based
11 on the riding level or the whole of -- the whole election in
12 general. And so those discussions happened.

13 However, I think it's important to say that
14 all the information and the intelligence we received were
15 always about something that was happening at the riding
16 level. So -- and it is also important to say that we did not
17 observe in '19 -- in 2019 any incident that we believe even
18 met the threshold at the riding level.

19 So even if we had conversation, we didn't
20 come to a strong conclusion as a panel whether or not it was
21 at the riding level or at the overall national level, but at
22 the end, we didn't have to resolve that question because we
23 did the test at the riding level. We were receiving
24 information at the riding level and we came to the conclusion
25 that even at the riding level, the threshold has not been
26 met.

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

28 I'll pull up one additional document, which

1 is CAN 9920.

2 --- EXHIBIT No. CAN 9920:

3 CEIPP - Meeting six

4 **MS. LYNDIA MORGAN:** And this is a record of
5 discussion for meeting 6, while we wait for it to come up.

6 Let me just ask the panel generally, there's
7 a series of -- or there's a record of discussion for this
8 particular meeting. Had the panel seen this document before?
9 Did you review them as they were being prepared
10 contemporaneously?

11 **MS. NATHALIE DROUIN:** These documents were
12 documents for the purposes of the record. I actually read
13 these documents to prepare for the Commission hearings, but
14 these documents were not handed to us at the end of a meeting
15 and they didn't have to be adopted by the House.

16 **MS. LYNDIA MORGAN:** If we scroll down to the
17 second bullet from the top, you can see the bullet reads:

18 "In their future deliberations, the
19 Panel agreed that potential
20 interference activities should be
21 assessed for their impact on an
22 [underlined] single national election,
23 as opposed to potential impacts on 338
24 individual elections around the
25 country."

26 Does that bullet accurately reflect the
27 panel's deliberations or -- and/or the panel's conclusion in
28 relation to this topic?

1 **MS. NATHALIE DROUIN:** No. As I just
2 testified, it doesn't reflect, and as I said, we didn't come
3 to a conclusion to that aspect.

4 **MS. LYNDA MORGAN:** Thank you. So we've heard
5 now that the Panel's only kind of effectively operational
6 during the writ period, but I understand the Panel started
7 meeting a few months in advance of the dropping of the writ
8 in September of 2019; is that correct?

9 **MS. NATHALIE DROUIN:** Correct.

10 **MS. LYNDA MORGAN:** So if we can pull up
11 CAN.DOC 11, please, and page 18, please. What I'm taking you
12 to is the PCO institutional report to a table identifying the
13 dates of Panel of Five meetings in 2019. So we start with a
14 meeting on May 31st, 2019, and I'll ask if we can just scroll
15 slowly down through this table. We see another meeting June
16 20th, June 27th, August 7th, August 15th, September 9th. Those
17 are all pre-writ meetings. Then we've got -- we see a
18 meeting on September 16, September 24th, September 30th,
19 October 7th, October 15th and October 21st. October 21st being
20 election day. As a Panel, do you remember if you met on
21 October 21st?

22 **MS. NATHALIE DROUIN:** We don't remember if we
23 met.

24 **MS. LYNDA MORGAN:** Okay. And apart from that
25 particular meeting, does the table appear accurate to you in
26 terms of the frequency of meetings?

27 **MS. NATHALIE DROUIN:** Yes. Maybe just to
28 give a little bit of detail, so the meeting of the 21st was a

1 30-minute meeting that was planned, but I think that at the
2 end it didn't happen. None of us can remember whether or
3 not, and we don't have any trace of it in our respective
4 agenda.

5 **MS. LYNDA MORGAN:** And you've described
6 already that in preparation for the election the Panel
7 received some baseline briefings I take it on the threat
8 environment and trend. In the lead up to GE 43, who did the
9 Panel understand to be some of the biggest concerns or
10 threats to the election?

11 **MS. GINA WILSON:** Well, the general briefings
12 that we received were on potential countries that may engage
13 in FI, like, China, for instance, Russia, India, and Pakistan
14 were some of the early conversations, and I was there for the
15 early parts, so that's what I recall.

16 **MS. LYNDA MORGAN:** And in those early
17 meetings as well, in addition to receiving this baseline
18 intelligence information, I understand the Panel also spent
19 time discussing, debating, analysing the threshold and how to
20 interpret it, and also working through various hypothetical
21 scenarios; is that accurate?

22 **MS. MONIK BEAUREGARD:** That's correct.

23 **MS. NATHALIE DROUIN:** That is correct.

24 **MS. LYNDA MORGAN:** And what was the purpose
25 of reviewing the hypothetical scenarios?

26 **MS. MONIK BEAUREGARD:** So the testing that
27 was held was probably at every meeting that we held, we held
28 some kind of scenario. It was really to test our reactions

1 to certain types of events, perhaps an event around human
2 intimidation, how would various Panel members see their roles
3 and responsibilities, how would we react, or a cyber threat,
4 for instance, or against some type of mis or disinformation.
5 So we found it very useful to continue to exercise at every
6 meeting to get a sense of, you know, what these events could
7 be and so on. So that is why we kept doing them at every
8 meeting.

9 **MS. LYNDA MORGAN:** So you start pre-writ with
10 a kind of hypothetical table talk exercises and you continue
11 through the writ period with those?

12 **MS. NATHALIE DROUIN:** Absolutely.

13 **MS. GRETA BOSSENMAIER:** Ms. Morgan, would it
14 be helpful if sort of tried to describe sort of what a usual
15 agenda how it worked or not?

16 **MS. LYNDA MORGAN:** Yes, I would like to know.
17 Yeah, like, if you're able to describe, I think just with a
18 focus on during the writ period, how did a standard meeting
19 unfold, who attended, and what did the Panel do?

20 **MS. GRETA BOSSENMAIER:** Sure. And if you'll
21 allow me, I just would like to reinforce that we did hold a
22 number of these preparatory meetings that began at the end of
23 May 2019. And I just stress that because these meetings
24 truly were foundational in nature for us, and they proved to
25 be a very effective forum for us to develop and ensure we had
26 a common understanding among us, and as you also referenced,
27 the Elections Commissioner. So we reviewed things, again,
28 like, the mandate. We reviewed the protocol in detail. We

1 looked at the role of the Panel and key partners, including
2 those in the security and intelligence community and others,
3 again, like, Elections Commissioner and Elections Canada.

4 You talked about the baseline threat
5 briefings we received, covering a broad range of information,
6 interference activities and sources and targets, for example.
7 These threshold discussions and scenario exercises, they
8 continued. They started in the pre-writ period, and they
9 continued throughout the pre-writ period, and actually
10 increased in, I would say, frequency and our in-depth
11 understanding. We also talked about communications, and also
12 how we wanted to work during the writ period. So after the
13 writ was dropped, we then started meeting weekly until the
14 election. And, of course, the Panel was also always on call
15 during the writ period if we needed to convene as required.

16 So the usual agenda, as you've pointed out on
17 this document I think that's still up on the screen, you can
18 see sort of some of the key elements, but we'd usually start
19 with a briefing and discussion with the security agencies,
20 usually led off by the Director of CSIS or the Chief of CSE.
21 And they would speak to potential threats to the integrity of
22 the election, and also would allow us to have discussions
23 with them regarding again the nature of the threat, it could
24 be some of the caveats that have been already identified, et
25 cetera. And their briefings would complement the daily
26 amalgamated multi-source intel SITE reports, so reports from
27 the SITE team, and we were ---

28 **MS. LYNDA MORGAN:** And are those the sitreps

1 ---

2 MS. GRETA BOSSENMAIER: Correct.

3 MS. LYNDIA MORGAN: --- that you're referring
4 to?

5 MS. GRETA BOSSENMAIER: Yes. And also, the
6 intel products that supported those sitreps. Then,
7 basically, after we've had those discussions and those
8 briefings with the security agencies, they were actually
9 asked to leave. The clerk at the time and all of us felt it
10 very important that we were able to deliberate amongst
11 ourselves as the designated Panel of Five members. So they
12 would leave and we would have really serious considerations
13 and deliberations around what we heard, and also then how it
14 would factor into our thinking regarding threshold.

15 So as I mentioned, the threshold discussions
16 were of continuing ongoing focus for our deliberations,
17 started pre-writ and then continued during the writ period.
18 I think there's already been discussion around the scenarios
19 and the table talk exercises. Again, those looked at
20 everything from the types of potential interference, the
21 sources, the implications, et cetera. So those formed a
22 really important part of our meetings throughout the writ
23 period. And then we would often conclude with a bit of a
24 general discussion, and also identifying issues that we
25 wanted further follow-up on, or particular things we would
26 like to further reflect upon. So there could be something
27 coming out of that saying we'd like another briefing on this,
28 or further discussion on this type of topic, or new topic at

1 our next meeting. A bit of a "dérroulement" of the meetings.

2 **MS. LYNDA MORGAN:** Thank you. So if we touch
3 then on the information flow, the ---

4 **MR. GIB van ERT:** Forgive me.

5 **MS. LYNDA MORGAN:** --- source of ---

6 **MR. GIB van ERT:** If I may interrupt. Forget
7 me. It's Gib van Ert, Michael Chong. The witness appears to
8 have been reading from some notes as she gave that evidence.
9 I would ask that a copy of those notes be provided to the
10 parties in time for the cross-examination this afternoon.
11 Thank you.

12 **COMMISSIONER HOGUE:** I have no idea what are
13 all the notes all about. It's note that you have taken for
14 your testimony this morning?

15 **MS. GRETA BOSSENMAIER:** Madam Commissioner, I
16 retired over four-and-a-half years ago, or approximately
17 four-and-a-half years ago. So for me, it was important for
18 me to refresh my memory as to what occurred, and the way I
19 work, it's very helpful for me to have, especially after
20 four-and-a-half years of retirement, some points for me to be
21 able to draw upon. And what I spoke to will basically -- the
22 key factors I have here.

23 **COMMISSIONER HOGUE:** Okay. So it's note that
24 you have taken in your review of your file and the notes you
25 may have taken in the past and ---

26 **MS. GRETA BOSSENMAIER:** No, these are my
27 personal notes actually as I was thinking on what kind of the
28 issue we might deal with today and that would help to jog my

1 memory as to how things evolved, so my own personal notes.

2 **COMMISSIONER HOGUE:** Okay. I'll review the
3 notes just to make sure I understand what it's all about and
4 I will address your request later on today.

5 **MR. GIB van ERT:** Thank you. I'll just add
6 that it is the usual way of proceeding in any judicial forum
7 where evidence is given viva voce by a witness, that if that
8 witness refreshes her memory using notes that she's brought
9 to the witness box, those are provided to the parties. I
10 have no objection to the fact that this witness has made
11 notes. She's done so clearly in a conscientious way, but we
12 are, in my submission, entitled as the parties to see those
13 notes.

14 Thank you.

15 **COMMISSIONER HOGUE:** I understand. But I
16 want to see the format of the notes before just accepting to
17 provide you those.

18 **MR. GIB van ERT:** Yes, I just wanted you to
19 have my full submission on the point.

20 Thank you.

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

22 So I'll summarize my understanding of your
23 evidence thus far in terms of sources of incoming information
24 or intelligence to the panel.

25 So you've described the sitreps already. I'd
26 ask that we pull one up as an example, which is CAN 9397,
27 please.

28 And we don't need to spend a lot of time on

1 this, but it shows the date, threat updates, operational
2 responses and updates. And you received these every weekday
3 during the writ period. Is that correct?

4 **MS. NATHALIE DROUIN:** Correct.

5 **MS. LYNDA MORGAN:** I do want to ask you about
6 the threat trend at the top.

7 So you see "2019 federal election - threat
8 trend stable". How, if at all, did the panel use or consider
9 that threat trend bar at the top of the sitrep?

10 **MS. MARTA MORGAN:** Well, yes. Thank you.

11 We received these every day and, personally,
12 I looked at them, made sure that I had read them every day
13 and looked at the threat trend because it was an indication
14 of the advice being provided by the SITE Task Force in terms
15 of the overall level of threat in terms of foreign
16 interference during the election. And should we have seen
17 that level rise on a daily -- from one day to the next, that
18 would have certainly been an issue for concern and something
19 that we would have needed to understand what was happening
20 and to address in our following meeting or potentially meet
21 more quickly.

22 So it was an important factor in terms of
23 assessing on a daily basis what the overall threat level was.

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

25 And these documents -- oh, I'm sorry.

26 **MS. MONIK BEAUREGARD:** Can I just add that,
27 as well, it -- for us, it helped us to see if there was a
28 spike in any reporting. So the fact that it remained stable

1 told us that from the baseline threat assessment there was no
2 spile.

3 **MS. LYNDA MORGAN:** And these reports were
4 received daily. Did you each receive them over the secure
5 network?

6 **MS. MONIK BEAUREGARD:** Yes.

7 **MS. LYNDA MORGAN:** And I believe you said,
8 Ms. Bossenmaier, as well, you received some of the underlying
9 intelligence products as well?

10 **MS. GRETA BOSSENMAIER:** Correct.

11 **MS. LYNDA MORGAN:** Were those received in the
12 same manner, like received electronically?

13 **MS. GRETA BOSSENMAIER:** I'm going to say yes,
14 but I may also complement that. Some may also have been
15 delivered by a client relations officer. Sort of two ways
16 information could come in.

17 **MS. LYNDA MORGAN:** Okay. So an electronic
18 delivery or effectively a hand delivery of intelligence
19 products?

20 **MS. GRETA BOSSENMAIER:** Right. Respecting
21 the classification of the material.

22 **MS. LYNDA MORGAN:** And was the panel able to
23 request further or follow-up underlying intelligence reports
24 if they were of interest?

25 **MS. GRETA BOSSENMAIER:** We always had the
26 ability to request more information.

27 **MS. LYNDA MORGAN:** And so -- and you've
28 referenced as well the oral intelligence briefings at each of

1 the meetings. You'd said that they were by the heads of the
2 agencies.

3 Did the panel also receive direct briefings
4 from the individuals who were on the SITE panel in 2019?

5 So for instance, did Mr. King physically
6 attend a meeting and brief the panel?

7 **MS. NATHALIE DROUIN:** Not to my recollection.
8 We were directly receiving at the briefings from David
9 Vigneault and Shelly Bruce from CSE at that time.

10 **MS. LYNDA MORGAN:** So then you're getting a
11 kind of written communication from the SITE Task Force
12 through the sitreps and the oral briefings from the heads of
13 agencies. Is that kind of, as a general principle, accurate?

14 **MS. NATHALIE DROUIN:** Yeah. We had also some
15 meetings where we had the head of RCMP with us. I think that
16 we ---

17 **MS. GRETA BOSSENMAIER:** The head of RRM as
18 well.

19 **MS. NATHALIE DROUIN:** The head of RRM also.
20 But the SITE members per se were represented by the head of
21 their respective agencies.

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

23 And in terms of RRM, did you also receive
24 written reports from RRM?

25 **MS. MARTA MORGAN:** Yes, we did receive -- I
26 mean, when we received our daily reports, they would often
27 refer to additional background information and then that
28 background information would -- people would get it in

1 different ways, but for myself it would normally be along
2 with the daily SITE rep.

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

4 I now want to get into some of the specific
5 incidents or information that the panel dealt with during GE
6 43 in terms of comments you're able to make publicly.

7 So we'll start with I think what is a non-
8 contentious fact, which is the panel did not make a public
9 announcement during GE 43; right?

10 **MS. MARTA MORGAN:** Right.

11 **MS. LYNDA MORGAN:** So I'd like to start with
12 the irregularities in a nomination contest.

13 So I understand that the Panel of Five
14 received intelligence about alleged irregularities in a
15 Liberal Party nomination contest in Don Valley North in
16 September 2019. Is that correct?

17 **MS. MARTA MORGAN:** Correct.

18 **MS. LYNDA MORGAN:** Was the panel made aware
19 of intelligence reporting indicating that buses were used to
20 bring international students to the nomination process?

21 **MS. NATHALIE DROUIN:** Yes.

22 If I may, Ms. Morgan, I think that we do have
23 a very public useful summary where you have those
24 intelligence being reported.

25 **MS. LYNDA MORGAN:** I can pull that up if you
26 think it's helpful.

27 It's CAN ---

28 **MS. NATHALIE DROUIN:** I think it can be

1 useful.

2 **MS. LYNDA MORGAN:** It's CAN.SUM 1.

3 And is this the document you were thinking
4 of?

5 **MS. NATHALIE DROUIN:** Absolutely.

6 **MS. LYNDA MORGAN:** Okay. So if we can scroll
7 down to the second page, please.

8 So I just asked you about paragraph 2(1),
9 whether the panel was aware of that intelligence reporting,
10 and you'd indicated that, Ms. Drouin, the panel was aware.

11 **MS. NATHALIE DROUIN:** Yeah. One thing I
12 would like to say, though, is that, you know, the nature of
13 intel is that it continues to evolve, so the list of intel
14 information you have in this public summary didn't come, you
15 know, the same day.

16 So it has evolved during the writ period in
17 terms of the information we were receiving.

18 **MS. LYNDA MORGAN:** Right.

19 **MS. NATHALIE DROUIN:** So what I can tell you
20 is that, yes, the panel received some information. We
21 discussed very seriously this piece of intel.

22 We also discussed the nomination. As we just
23 discussed at length, the directive, the role of the Panel of
24 Five, and usually the nominations do not happen during an
25 election campaign. Usually they are happening before the
26 election campaign. So one of our conversations was whether
27 or not that was under the remit of the panel.

28 But we did, you know, at the end consider

1 this information and dealt with the information.

2 We did the evaluation of the information we
3 received, whether or not the information was reliable,
4 whether or not it was corroborated.

5 **MS. LYNDIA MORGAN:** And are you able to speak
6 publicly about any of the deliberations respecting that
7 balancing exercise?

8 **MS. NATHALIE DROUIN:** So I think what I can
9 say is that one information that was more corroborated was
10 the existence of buses with students. That was one thing
11 that was more corroborated.

12 All the other elements were not corroborated.

13 And ---

14 **MS. LYNDIA MORGAN:** Sorry. If I can just
15 interrupt you.

16 When you say "the other elements were not
17 corroborated", are you able to be more specific on that
18 point?

19 **MS. NATHALIE DROUIN:** No, I am not.

20 **MS. LYNDIA MORGAN:** Okay.

21 **MS. NATHALIE DROUIN:** But that's -- it was
22 the element that we had some evidence.

23 And during our conversation about nomination,
24 we also discussed whether or not -- you know, how nomination
25 were being governed. And the nomination processes are really
26 governed by parties' rules. They are not governmental rules.
27 There's only one element that is being regulated, and it's
28 the funding element related to the nomination processes.

1 So that was another, I think, that we are --
2 that we have looked at.

3 We also act on and some actions have been
4 taken related to those informations, so the first thing is
5 that we ask the agencies, CSIS in particular, to continue to
6 feed us in terms of any other intels they may receive
7 regarding Don Valley North.

8 The second thing we did following further
9 information was to make sure that the Election Commissioner
10 received information regarding this intel.

11 And finally, we were also being informed and
12 we discussed that with the agency, that the Liberal Party
13 should be informed of the intelligence that was shared with
14 us.

15 **MS. LYNDA MORGAN:** And so when you describe
16 Elections Canada being made aware, for what -- what was your
17 understanding of the purpose for which they were made aware?

18 **MS. NATHALIE DROUIN:** Because some of the
19 intel had some funding allegations. And as I just said,
20 Elections Canada and the Commissioners do have jurisdiction
21 when it comes to potential irregularities when it comes to
22 funding.

23 **MS. LYNDA MORGAN:** And you've touched on
24 discussions around ---

25 **MS. NATHALIE DROUIN:** Can I ---

26 **MS. LYNDA MORGAN:** Yes.

27 **MS. NATHALIE DROUIN:** --- just add something?
28 Because I think it's relevant in terms of the information we

1 receive as a panel.

2 When we discussed that in 2019, we were
3 always discussing the name of the riding, never the name of
4 the individual. To the extent that when the leaks happened,
5 like, it took me a while to make the connection between the
6 name of the candidate and the riding. So we were not having
7 individual conversations. We were having a riding
8 conversation.

9 **MS. LYNDA MORGAN:** Thank you. And you've
10 touched on the kind of discussions around whether the
11 nomination -- whether a nomination contest issue fell within
12 the Panel's mandate, so to speak. Did you -- did the Panel
13 set on, like, yes, it is; no, it's not? Was there ultimately
14 a conclusion reached amongst the members about whether this
15 was something that you could deal with?

16 **MS. NATHALIE DROUIN:** So as I said, it was
17 not the purpose of the Panel of Five, as usually, you know,
18 the nominations fall outside of this period.

19 However, you know, it was something that can
20 talk about the credibility of a process. So this is why we
21 looked at it. This is why some actions were taken. And at
22 the end, we concluded that the information we have, because
23 of the potential impact it had, because of the reliability of
24 some information, that our threshold was not met to do any
25 announcement, as it was not putting -- or compromising the
26 free and fair election.

27 **MS. LYNDA MORGAN:** You discussed as well a
28 briefing to the Liberal Party.

1 **MS. NATHALIE DROUIN:** Yes.

2 **MS. LYNDA MORGAN:** Did that briefing factor
3 into the Panel's deliberations? And if so, can you explain
4 how that -- what impact that had?

5 **MS. NATHALIE DROUIN:** So when we -- I didn't
6 have the opportunity now to talk about how we did our impact
7 evaluation. I guess we'll come to that. But ---

8 **MS. LYNDA MORGAN:** Well now might be a ---

9 **MS. NATHALIE DROUIN:** Okay.

10 **MS. LYNDA MORGAN:** --- good example ---

11 **MS. NATHALIE DROUIN:** Perfect.

12 **MS. LYNDA MORGAN:** --- to describe how that
13 worked.

14 **MS. NATHALIE DROUIN:** So the fact that we can
15 have some mitigation operations or action, that contributes
16 to reduce the risk and reduce the impact. And being able to
17 brief, you know, a party, here it was the Liberal Party, was
18 contributing in terms of reducing the risk and the potential
19 impacts.

20 If you -- and also, the fact that we were
21 also able to share information -- when I say we, I mean the
22 Government. It was not the Panel who shared information with
23 the Election Commissioner. It was CSIS. But the fact that
24 that was also an action that we could take, it was also
25 contributing in terms of limiting the potential impacts.

26 **MS. LYNDA MORGAN:** Thank you. So then do I
27 take from your point one of the factors in deliberations was
28 to see whether -- to examine whether there were mitigation

1 options or anything else happening that might reduce the
2 risk?

3 **MS. NATHALIE DROUIN:** Absolutely.
4 Absolutely.

5 **MS. LYNDA MORGAN:** Okay. And removing
6 ourselves from this situation, which is specific to what
7 you've described as the briefing, were there any other
8 general acts or events that the Panel might consider as
9 potentially mitigating a threat?

10 **MS. NATHALIE DROUIN:** If I may, I'd like to
11 be able to say that it was mentioned earlier this morning.
12 It's what we called the famous wrench graphic that was
13 presented yesterday -- the Friday. The famous wrench.

14 **MS. LYNDA MORGAN:** I can pull up the famous
15 wrench, which is the CAN457.

16 And as we wait for this to come up, I
17 understand this is a document that wasn't used by the Panel
18 in 2019, but was developed through kind of the Panel's
19 working through how to analyze issues that came before it.
20 Is that an accurate summary?

21 **MS. NATHALIE DROUIN:** The -- what you have
22 before you is the result of various work conducted by the
23 panel, the 2019 panel. If you look, for example, as part of
24 all the documents that were developed in 2019, you'll see
25 that some of these elements appear, but to see them pulled
26 together like this is the result of all the work done in 2019
27 and it turned out to very important for what we did in 2021.

28 Now, if I may speak somewhat about the impact

1 in follow-up to your questions about the measures that can
2 attenuate the impact of foreign interference.

3 So in this second column, you can see that
4 one of the elements is auto-correction. Auto-correction
5 means is does the ecosystem, in other words, media, think
6 tanks or other organizations, academics or that, did they
7 bring about corrections to the system. Does the ecosystem
8 itself contribute to correcting the situation? That was
9 another element that we looked at to measure impact.

10 We also considered, as my colleague, Monik
11 Beauregard, explained that credibility of the information
12 made available to us, was it relevant, what the source was,
13 was it something that had traction that remained over time or
14 not, was it something that was limited or widespread
15 throughout the country. And maybe even that occurred outside
16 of Canada.

17 So these are all factors that we took into
18 account to measure impact.

19 The panel also needed to know or could know
20 whether government organizations could contribute to reduce
21 the impacts or attenuate them by various measures. They
22 could take briefings to the political parties, for example,
23 is the one in this case.

24 **COMMISSIONER HOGUE:** In terms of means that
25 could have been implemented by the panel, was it all or
26 nothing? What I mean by that is, could the panel, for
27 example, have decided to intervene simply to correct false
28 information that was circulating or could the panel only

1 intervene if they first concluded that it threatened a free
2 and fair collection?

3 **MS. NATHALIE DROUIN:** Thank you for the
4 question.

5 You'll see that as part of our work in 2021
6 that the panel asked itself the question, "Could we intervene
7 even if it's below the threshold?". And that is an exercise
8 that we attempted to do, make that examination, and we
9 arrived at the conclusion that we could not do such.

10 First of all, because the panel is not a
11 permanent organization, but also because the reason for which
12 the threshold was set so high is because we don't want to
13 intervene in partisan debate. We do not want to create
14 interference -- additional interference in the election
15 process.

16 And also, because we can't allow ourself as a
17 panel to lay open information that we're not comfortable
18 about their authenticity. And that is how we arrived at the
19 conclusion that we weren't really able, given the directive
20 that we were constituted under, to make announcements that
21 were touching events under the threshold.

22 **MS. MARTA MORGAN:** If I could add something?

23 **COMMISSIONER HOGUE:** Yeah, sure.

24 **MS. MARTA MORGAN:** One -- the -- under the
25 Protocol, the existing national security agencies though did
26 have the authorities to take actions as they determined
27 necessary as well during the election campaign. So there
28 were other mechanisms within the government, and I do recall

1 in one election another -- a department, you know,
2 intervening to correct some misinformation that was
3 circulating that was related to their mandate.

4 So -- but the -- so there were other ways
5 that those kinds of things could be addressed, if it was
6 appropriate, and obviously based on the judgement of the
7 other organizations involved.

8 **COMMISSIONER HOGUE:** And was it possible for
9 the Panel to ask one of the agencies, for example, to do
10 something? Or it was not for you to make such a call?

11 **MS. NATHALIE DROUIN:** The panel itself
12 couldn't give any directives -- that was said earlier -- to
13 departments, et cetera, but we could hold discussions, make
14 suggestions to a department.

15 For example, let's say that we received some
16 false information on something touching immigration, just
17 say. Then we could have -- talk to the Deputy Minister of
18 Immigration and say, "Look, this information, this false
19 information, is circulating. Maybe you could do something
20 about it".

21 **MS. LYNDIA MORGAN:** Thank you. Let me -- I'll
22 take you back, briefly, to the nomination issue. I just want
23 to ask, in terms of the Panel's decision not to make a public
24 announcement on the issue, do any of the other members have -
25 - Ms. Drouin has covered some of the considerations that went
26 behind the Panel's decision not to make an announcement. Do
27 any of the Panel members have anything to add to that?

28 **MS. MONIK BEAUREGARD:** No.

1 **MS. LYNDA MORGAN:** Okay, thank you. I will
2 move now on to another intelligence issue. Was....

3 I will pull up CAN.SUM 10, please. And down
4 to page 2, please.

5 And looking at this document, and again, the
6 first page, which we don't have in front of us, is a very
7 lengthy list of caveats which has been reviewed in relation
8 to this information, but was the Panel made aware during the
9 writ period of intelligence assessments suggesting that there
10 were likely at least two transfer of funds approximating
11 \$250,000 from PRC official in Canada, possibly for FI-related
12 purposes, and that were transferred via an influential
13 community leader to the staff member of a 2019 federal
14 election and then to an Ontario MPP?

15 **MS. MONIK BEAUREGARD:** That particular
16 situation, to answer the question, I'd first of all like to
17 establish that the summary brings together several different
18 points of information that do not come from one single
19 report, but a considerable number of pieces of information
20 were collected before and even after the writ period. And
21 this summary was written up recently, pulling all that
22 information together.

23 So I can't go with the information of what we
24 received during the writ period, but the information as
25 summarized here was arrived at over quite a period
26 continuously. And in the case of this summary, the first
27 page is very important with the cautions that are there.

28 So we have to keep in mind the note mentioned

1 at the first page.

2 My apologies for coughing.

3 If we look at the paragraph that you mention,
4 paragraph 5.

5 If you can scroll down.

6 There is a lot of ambiguity here in this
7 paragraph. So we weren't very certain. It was ambiguous
8 information. But I can say we were aware of the fact that
9 there was some financial support for some candidates that we
10 had to look at and, as all other information, it was
11 transmitted to the panel during that period of time.

12 We asked the security agencies to continue to
13 examine the situation closely, but once again, as we can see,
14 according to the wording that's there -- and I would refer
15 you to the testimony of the CSIS Director last week. He said
16 that the words chosen for the summary were very deliberately
17 chosen.

18 We see once again that a certain ambiguity
19 floats through this analysis relative to the activities that
20 occurred before, during and after the writ period.

21 **MS. LYNDIA MORGAN:** Thank you. In relation to
22 this issue, and I understand the Panel to be saying you
23 weren't presented with an overview summary to review at your
24 Panel meeting, you're getting information from SITREPs,
25 you're getting briefings, you're getting information at
26 different times. In relation to the -- this issue, is the
27 Panel able to tell us anything further about deliberations on
28 this particular issue, including why no announcement was

1 made?

2 **MS. MONIK BEAUREGARD:** I think in relation to
3 what I have just said, because it was clear that there was a
4 lot of ambiguity, and lack of clarity in terms of intent and
5 purpose, that our -- that we were cleared to ask National
6 Security Agencies to continue to monitor the situation and
7 continue to report to us.

8 **MS. LYNDA MORGAN:** And to your knowledge, was
9 this intelligence shared with the OCCE?

10 **MS. MONIK BEAUREGARD:** I can't say on that
11 one. And again, it's not just one piece of intelligence,
12 it's a summary of many pieces of intelligence.

13 **MS. LYNDA MORGAN:** Thank you. In terms of
14 the deliberations piece, do any of -- understanding you're
15 limited in terms of what you're able to say, do any of the
16 other Panel members have any comments to add in relations to
17 deliberations on this issue?

18 **MS. NATHALIE DROUIN:** I'd just like to insist
19 on the fact that there is information in that summary that
20 happened after the election as well. Donc they were under
21 the responsibility of the agencies and we had no involvement.

22 Everything was revealed, but there is some
23 information that happened during the election and some before
24 and some after. The *modus operandi* that we can see showing
25 here was part of the basic briefing that we received on the
26 kind of tactics and approaches that the Republic of China
27 might undertake to further its activities, but some specific
28 events here referenced happened afterwards.

1 **MS. MONIK BEAUREGARD:** I might add, to follow
2 on what Madam Drouin is just saying, it's essential to
3 remember that before and after the writ period, the usual
4 government processes are in place. In other words, the
5 security agencies have their full authority according to
6 their billeting legislation and respond to their Ministers
7 now existing. And that is -- exists, of course, before and
8 after the writ period.

9 **COMMISSIONER HOGUE:** And I'd like to make
10 sure that I understand correctly, that the information
11 arrived after the writ period, so outside of the writ period.
12 It isn't because the information was available and not
13 communicated to you. It's simply because -- and that's what
14 you're saying, that the agencies continue their usual work of
15 investigation and as they -- their work progresses and they
16 discover new elements and they become communicated to you
17 eventually following the writ period.

18 Thank you.

19 **MS. NATHALIE DROUIN:** Thank you for giving us
20 the period to clarify that.

21 The agencies are quite proud of their work
22 and tend to give us the information, don't hold it back. And
23 it's because the result of their data collection efforts
24 became available after the election campaign.

25 **MS. LYNDA MORGAN:** Thank you. Sorry, I have
26 a bit of a time lag with my translation.

27 So I'll move on now to ask you about another
28 issue.

1 If we pull up CAN 856, please.

2 **--- EXHIBIT No. CAN 856:**

3 Email: Intelligence report relating
4 to potential PRC foreign interference
5 - Oct 2019

6 **MS. LYNDA MORGAN:** So this email is described
7 as relating to an intelligence report relating to potential
8 PRC foreign interference. And if we scroll down. This is an
9 email from Lyall King, who was the Chair of the SITE Task
10 Force in 2019, and he is tracking the information flow in
11 this email in relation to the intelligence report that's
12 described.

13 And we can see from this email, if we scroll
14 down to the second page, that the first email on this issue
15 goes out at 6:41 p.m. on a Friday before the election.

16 So just stopping there.

17 10:18, 2019, 6:41 p.m.

18 So that's the Friday night. On the Friday --
19 that's the Friday night, and the election's the following
20 Monday.

21 And if you scroll back up to the first page
22 again. Mr. King is describing in bullets, starting kind of
23 two from the bottom of what we're looking at, he says, "Once
24 EC" being Elections Canada:

25 "...received the information, they
26 reached out to PCO to consult
27 (discussion on reliability of
28 intelligence, etc.)"

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"EC determined they wanted OCCE investigations team briefed; [redacted] briefed them on Saturday."

And Mr. King writes that,

"While the reporting was issued to P5 recipients..."

Which is Panel of Five recipients,

"...it is unclear who actually saw the material at what time (still not clear)."

He then notes that,

"Presumably since [NSIA saw -- or since] NSIA had the information Friday, she could have convened a discussion if she felt it were necessary."

And Ms. Bossenmaier, do you recall whether you received a copy of this intelligence report?

MS. GRETA BOSSENMAIER: I can't tell you if I necessarily received this specific report, but based on this, what I can tell you was leading this discussion, that I would have been briefed on the Friday evening. That was our -- the way that we were working, and if my staff had a document that I should see, they would have briefed me on that Friday evening, both on the intel report and on any caveats associated with it.

MS. LYNDA MORGAN: Okay. And in terms of the

1 other panel members, do you recall if you received this
2 email?

3 **MS. NATHALIE DROUIN:** I do not believe that I
4 received the email. On the other hand, the information here
5 was reproduced in the daily sitrep of the 21st of October,
6 the next Monday morning, and we see in that sitrep that the
7 information was relevant and under the jurisdiction of the
8 Commissioner for Elections and therefore transferred to her.
9 All members of the panel receive the daily sitrep.

10 **MS. MONIK BEAUREGARD:** In my case, I didn't
11 receive it the Friday night because it would have had to be
12 printed for me to be able to read it. And the way that we
13 are set up in Public Security, it wasn't conducive for me to
14 receive late in the day because they had to be printed out
15 and put into packages and delivered to me, so I would have
16 seen that on the Monday.

17 **MS. LYNDA MORGAN:** Thank you. And in
18 addition to what Ms. Drouin has described as being reflected
19 in the following sitrep, are you able -- is anyone able to
20 comment on what the panel understood was done in relation to
21 the -- this issue?

22 **MS. NATHALIE DROUIN:** The only thing I can
23 say is that it was information relevant to the process, donc
24 to the conduct of the election, and therefore it was
25 submitted to the Commissioner for Elections.

26 **MS. GRETA BOSSENMAIER:** The other thing I was
27 going to add, if I may, was I the Lyall King email, it notes
28 that a separate letter for Elections Canada, then blanked

1 out, and that once Election Canada received the information,
2 they reached out to PCO to consult, again, to determine the
3 reliability of intelligence, and also, that the OCCE had been
4 briefed. So I would have been informed as well that other
5 authorities had been informed of this, so some action had
6 been taken.

7 **MS. LYNDA MORGAN:** Thank you. I'll ask you
8 now about the Buffalo Chronicle in our remaining four minutes
9 or so. I may have even overestimated there, three minutes.
10 So I understand that the panel was made aware of alleged
11 disinformation circulating via the Buffalo Chronical during
12 the writ period in GE 43; is that correct?

13 **MS. GRETA BOSSENMAIER:** Yes, that's correct.

14 **MS. LYNDA MORGAN:** We heard some evidence
15 that during GE 43 Facebook brought an article from the
16 Buffalo Chronicle to Mr. Sutherland's attention, that article
17 which contained some misinformation about the Prime Minister.
18 And Mr. Sutherland's recollection was that at the direction
19 of the Clerk of the Privy Council, who at that time was on
20 your panel, and that Mr. -- or, sorry, at the direction of
21 the Clerk of the Privy Council, Mr. Sutherland asked Facebook
22 to remove the article and Facebook complied. Was that a
23 request that the Panel of the whole was aware of?

24 **MS. NATHALIE DROUIN:** I don't think that's
25 the way things actually went down. And if you'll allow me, I
26 would like to correct the record. And my colleague, Ms.
27 Morgan, can explain how we followed up on the Buffalo
28 Chronicle issue.

1 You've certainly heard that before the 2019
2 election, Minister Gould, who was the Minister of Democratic
3 Institutions at the time, had submitted an action plan based
4 on four important pillars. So one was for the creation of
5 the Panel of Five.

6 And in the context of that work, there was a
7 declaration that was signed with major platforms, namely,
8 Facebook, Google, Microsoft and Twitter. And this was a
9 voluntary undertaking on the part of the social giants --
10 social media giants that also gave us -- and that -- that
11 they would withdraw from their platform any misleading or
12 false information. And so the declaration or the undertaking
13 does have -- is very specific as to -- mentioned specifically
14 some individual misrepresentations.

15 So it was a proactive way for us to
16 communicate with our contact at the Privy Council, who was Al
17 Sutherland, to tell him we see this information that is going
18 around and is obviously being amplified. "Do you think that
19 this information or this article should be withdrawn?"

20 She had -- there were conversations with
21 Clerk of the Privy Council at the time, and -- but Facebook
22 really acted on a voluntary basis true to the -- in
23 compliance with the declaration that they had signed, so it
24 wasn't on at the request of the Clerk of the Privy Council
25 but of its own volition that Facebook withdrew the...

26 And now if you don't mind, I would like to
27 elaborate a little bit on the Buffalo Chronicle.

28 **MS. MARTA MORGAN:** So if I may, the -- as you

1 know from my testimony that you received at the Commission
2 last Friday, the Rapid Response Mechanism which was housed at
3 GAC was monitoring the social media and information ecosystem
4 for potential particularly foreign interference in the
5 ecosystem. We had seen disinformation and misinformation
6 being circulated in other countries. We knew that this was
7 potential risk for Canada. RRM did pick up on these stories
8 about I'd say 10 days before the election day. The panel was
9 informed of them, and the panel was updated on RRM's
10 analysis. They could not attribute any of these stories to
11 foreign interference; in other words, that they were being
12 sponsored or promoted inauthentically by a foreign state, and
13 that was obviously core to our mandate, but we did track it
14 very closely. And they also did inform the panel that these
15 stories, which were identified by mainstream media outlets as
16 disinformation -- or as misinformation, excuse me, and that
17 the -- also information was being provided by mainstream
18 outlets on the particular website in question which was
19 located in the United States. So from that perspective, the
20 panel was well informed of what was happening, and we did see
21 that other players in the information ecosystem were also
22 paying attention and were able to weigh in and assess
23 information as it came out as well and provide credible
24 assessment to the Canadian public.

25 **MS. LYNDIA MORGAN:** Thank you. I believe that
26 is our time. Just for the clarity of the record, Ms. Drouin
27 referenced a sitrep dated October 21st, 2019. We don't need
28 to pull it up, but the doc ID is CAN 003112. Thank you.

1 --- EXHIBIT No. CAN 3112:

2 SITE TF SITREP: 21 October 2019

3 **COMMISSIONER HOGUE:** Thank you. So we'll
4 take a short break. Five minutes?

5 **THE REGISTRAR:** Order please.

6 The hearing is now in recess.

7 --- Upon recessing at 11:37 a.m.

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

9 **COMMISSIONER HOGUE:** For the benefit of
10 everyone, we are just trying to organize a schedule to make
11 sure that you may go out at the right time this afternoon.

12 So we will break at 3:15 and we'll come back
13 at 3:35. And I think it's scheduled for happening -- the
14 entire eclipse is supposed to be at 3:25, if my information
15 is right.

16 --- MS. NATHALIE DROUIN, Resumed:

17 --- MS. MARTA MORGAN, Resumed:

18 **MR. JEAN-PHILIPPE MacKAY:** Jean-Philippe
19 MacKay for the examination in-chief of the -- who are the
20 members of the Panel of Five for 2019.

21 I'm losing my French.

22 **THE REGISTRAR:** Most of them have already
23 been affirmed.

24 **MR. JEAN-PHILIPPE MacKAY:** Yes. We can
25 passon Ms. Morgan and Ms. Drouin.

26 **THE REGISTRAR:** So we'll start with you, Ms.
27 Charette. Would you like to be sworn or affirmed for the
28 record?

1 **MS. JANICE CHARETTE:** I'd like to be sworn,
2 please.

3 **THE REGISTRAR:** Could you please state your
4 name and spell your last name for the record?

5 **MS. JANICE CHARETTE:** I'm Janice Charette.
6 C-h-a-r-e-t-t-e.

7 **--- MS. JANICE CHARETTE, Sworn:**

8 **THE REGISTRAR:** Mr. Stewart, would you like
9 to be sworn or affirmed?

10 **MR. ROBERT STEWART:** Sworn, please.

11 **THE REGISTRAR:** Could you please state your
12 name and spell your last name for the record?

13 **MR. ROBERT STEWART:** Rob Stewart. S-t-e-w-a-
14 r-t.

15 **--- MR. ROBERT STEWART, Sworn:**

16 **THE REGISTRAR:** And Mr. Daigle.

17 **MR. FRANÇOIS DAIGLE:** François Daigle. I'd
18 like to affirm.

19 **--- MR. FRANÇOIS DAIGLE, Affirmed:**

20 **THE REGISTRAR:** And Ms. Morgan, I believe --
21 do you want to be sworn or affirmed?

22 **MS. ERIN DANN:** She did.

23 **MS. MARTA MORGAN:** This morning I did.

24 **THE REGISTRAR:** And Mr. Morrison, would you
25 like to be affirmed or sworn for the record?

26 **MR. DAVID MORRISON:** Sworn, please.

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

28 Could you please state your name and your

1 full name for the record?

2 **MR. DAVID MORRISON:** David Morrison, M-o-r-r-
3 i-s-o-n.

4 **--- MR. DAVID MORRISON, Sworn:**

5 **THE REGISTRAR:** Counsel, I believe you may
6 proceed.

7 **MR. JEAN-PHILIPPE MacKAY:** Thank you.

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

9 **MR. JEAN-PHILIPPE MacKAY:** And I'll ask court
10 registrar to pull up WIT 53, please.

11 **--- EXHIBIT No. WIT 53:**

12 P5 2021 Public Summary of In Camera
13 Examination

14 **MR. JEAN-PHILIPPE MacKAY:** So this is the *in*
15 *camera* examination summary that was prepared in relation to
16 the evidence given by the witnesses during the *in camera*
17 hearing.

18 And I'll ask to pull up WIT 58, please.

19 **--- EXHIBIT No. WIT 58:**

20 P5 2021 Public Summary of Classified
21 Interview

22 **MR. JEAN-PHILIPPE MacKAY:** And this is the
23 interview summary that was prepared for the same witnesses.

24 Do you recall being interviewed and examined
25 *in camera* by Commission counsel?

26 **PANEL MEMBERS:** Yes.

27 **MR. JEAN-PHILIPPE MacKAY:** And have you had
28 the occasion to review the two summaries in relation to the

1 interview and the *in camera* examination?

2 **PANEL MEMBERS:** Yes.

3 **MR. JEAN-PHILIPPE MacKAY:** And do they
4 accurately reflect the substance of your evidence given in
5 these two occasions?

6 **PANEL MEMBERS:** Yes.

7 **MR. JEAN-PHILIPPE MacKAY:** Do you have any
8 changes to make to the summaries today?

9 **PANEL MEMBERS:** No.

10 **MR. JEAN-PHILIPPE MacKAY:** And do you
11 collectively adopt those two summaries as part of your
12 evidence before the Commission today?

13 **PANEL MEMBERS:** Yes, we do.

14 **MR. JEAN-PHILIPPE MacKAY:** Thank you.

15 I will begin by the roles that you had in
16 2021 when you participated in the activities of the Panel of
17 Five, so we can begin by Ms. Charette and then go through all
18 of the witnesses.

19 **MS. JANICE CHARETTE:** I was appointed as the
20 Interim Clerk of the Privy Council in March of 2021 and it
21 was in that capacity that I served as the Chair of the Panel
22 of Five for the 2021 election, also known as GE 44.

23 **MS. NATHALIE DROUIN:** At the beginning of the
24 P5, I was Deputy Minister of Justice and Attorney General of
25 Canada. Starting in August 2021, I was Secretary -- Joint
26 Secretary for the Cabinet and I remained as an observer for
27 the P5 work or deliberations.

28 **MR. ROBERT STEWART:** I was appointed Deputy

1 Minister of Public Safety in October of 2019 and I was Deputy
2 Minister of Public Safety for the work of the Panel in 2021.

3 **MR. FRANÇOIS DAIGLE:** I was appointed Deputy
4 Minister Justice for Solicitor-General of Canada, so at the
5 beginning of August, and I was part of the meetings of the
6 panel starting in...

7 **MS. MARTA MORGAN:** I was the Deputy Minister
8 of Foreign Affairs for the entire period leading up to and
9 during the panel.

10 **MR. DAVID MORRISON:** I was the Prime
11 Minister's Foreign and Defence Policy Advisor beginning in
12 early 2019. In that capacity, in -- on the 1st of July,
13 2021, I was asked to act as the National Security and
14 Intelligence Advisor, and that was the capacity that I held
15 until early 2022, so I was Acting NSIA throughout the end of
16 the run-up to the election and through the aftermath.

17 **MR. JEAN-PHILIPPE MacKAY:** ...of the 2019
18 panel, so my first question is for Ms. Drouin and Morgan.
19 Were you members of the panel in 2019 and did you participate
20 in the work of the panel in 2021?

21 Madam Drouin, you became an observer at some
22 point, but in general, are there any differences to be
23 flagged in the way the two groups function, in other words,
24 between 2019 and 2021?

25 **MS. NATHALIE DROUIN:** Yes, thank you.

26 Yes. Well, the 2021 election happened during
27 COVID, so that's one main difference. So we were meeting
28 virtually rather than in person. So we have frequent

1 meetings, but all of the security briefings, for example,
2 were done online or remotely.

3 And as I explained this morning, briefings
4 were done by the heads of the various safety agencies or
5 intelligence agencies. But in 2021, it was representatives
6 of SITE who were -- oh, also in the presence of the heads of
7 the various intelligence agencies, but it was SITE -- the
8 SITE representatives that were giving us the briefings.

9 **MS. MARTA MORGAN:** No, nothing to add. The
10 meetings themselves worked in a very similar way, except for
11 the fact that they were hybrid.

12 **MS. NATHALIE DROUIN:** And you might ask us
13 what the difference was between the directive in 2019 as
14 opposed to 2021.

15 **MR. JEAN-PHILIPPE MacKAY:** Well, that was my
16 next question and I was going to give it to Madam Charette,
17 but Madame Drouin, perhaps you want to answer.

18 We know the changes were made to the protocol
19 before the 2021 election, so could you explain to us what
20 these modifications were?

21 **MS. NATHALIE DROUIN:** The first modification
22 was that the 2019 protocol was developed for the 2019
23 elections, but in 2021, the protocol was made valid for any
24 election, any general election, not specifically the 2019,
25 but 2021 and any other.

26 And also, the period for which the panel
27 exercised its functions -- so in 2019, we used the pre-writ
28 period, but for the 2021 General Election was used the

1 convention, the transition convention or the Caretaker
2 Convention.

3 And the difference is that the convention
4 applies until the new government is sworn in, so not just the
5 day of the elections, but the swearing of the government. So
6 there is a difference in the time period that the -- during
7 which the P5 maintains its powers.

8 And there are also some other changes that
9 were made that didn't change the way the panel operates, that
10 is, with whom we can exchange information, as was stated. So
11 in 2021, for example, we could exchange information with the
12 Commissioner of Elections.

13 And the other important difference between
14 2019 and 2021 is that we withdrew the section that said the
15 focus of the work of the Commission had to deal with foreign
16 interference so that in 2021, we could cast a broader net and
17 we could look at any information or intelligence having to do
18 with disinformation, whether it's from domestic origin or
19 foreign origin. And we'll explain later the challenges that
20 that posed -- or the specific challenges related to domestic
21 disinformation.

22 **MS. JANICE CHARETTE:** I would like to add
23 something.

24 **MR. JEAN-PHILIPPE MacKAY:** [No
25 interpretation]

26 **MS. JANICE CHARRETTE:** The final change that
27 I would just mention is the Protocol was clarified to
28 underline that political parties could also provide

1 information to the Panel.

2 And just to go back on the discussion that
3 Madam Drouin was just finishing up on the matter of an
4 explicit reference to domestic threats, as well as foreign
5 threats. It was at a time when we were -- the backdrop for
6 the election was Canada was still in a global -- a COVID
7 pandemic, and so we were also mindful of anything -- it was
8 an unusual election in that respect. And so we were mindful
9 that whether the debate and discussion about COVID and/or the
10 impact of COVID on the actual holding of the election,
11 whether there would be any possibilities of potential
12 vulnerabilities that could come either from foreign or
13 domestic sources in that way. And as well, explicitly, I
14 think, we were mindful of the threat of IMVE as --
15 ideologically motivated extremists, violent extremists.

16 And of course the 2021 election took place
17 after the events in the United States. And so the events in
18 January showed that perhaps there was another vulnerability
19 that the protocol was also trying to encompass as part of its
20 direction to us.

21 **MR. JEAN-PHILIPPE MacKAY:** I have a follow up
22 concerning this topic. But just before...

23 Madam Drouin, you mentioned the Commissioner
24 for Elections. I have the protocol before me. Just a
25 question to clarify. It's the Chief Electoral Officer. Is
26 that what you meant?

27 **MS. NATHALIE DROUIN:** [No interpretation]

28 **MR. JEAN-PHILIPPE MacKAY:** Concerning the ---

1 **MS. NATHALIE DROUIN:** [No interpretation]

2 **MR. FRANÇOIS DAIGLE:** I'd like to add a point
3 on the transition -- Caretaker Convention, because we had in
4 2021, a returning government, that meant that the Caretaker
5 Convention finished, you know, once we know when the election
6 because it was returning. So as a Panel, our mandate ended
7 on the end of the Caretaker Convention, which was at the
8 election.

9 **MR. JEAN-PHILIPPE MacKAY:** Thank you.

10 Concerning the addition of domestic
11 interference as part of the Protocol, did that have any
12 impact on the way the Panel looked at the issues and
13 deliberated about them? So as to whether the attribution
14 component that's important for foreign interference, was
15 there an element of discussion there throughout the work of
16 the Panel in 2021?

17 **MS. JANICE CHARETTE:** I think what the
18 addition meant was that the scope of our work was clearly
19 defined to include any threat to the ability of Canadians to
20 have a free and fair election that would come from a domestic
21 source, or perhaps a domestic source working on behalf of a
22 foreign actor was explicitly within the scope of our work.
23 And so the work of the members of the SITE Task Force, the
24 information they were collecting and then providing to us,
25 was informed by that broadened scope.

26 **MR. JEAN-PHILIPPE MacKAY:** Okay, thank you.

27 After the election in 2019, there was a
28 review of the operation of the Panel conducted by Mr. Judd.

1 Can you briefly describe the relevant recommendations from
2 the Judd Report, and whether or not they were implemented for
3 the election in 2021?

4 **MS. JANICE CHARETTE:** So one of the aspects
5 of the Protocol in, I think it's the final section, the
6 assessment section, the Protocol requires that there be an
7 external review of the operation of the Protocol. And that
8 was done by Jim Judd and was submitted, I don't have the date
9 right in front of me. I do know May of 2020. That the
10 assessment also requires that the report that's done by the
11 external reviewer be submitted to the National Security and
12 Intelligence Committee of Parliamentarians and reviewed by
13 them.

14 So Mr. Judd's report contained a number of
15 recommendations that were then reflected in the changes to
16 the Protocol. Clarity with respect to the caretaker period,
17 for instance, given that some of the events could have -- if
18 there was to be a change in government, for example, in the
19 period between the election and the swearing in of a new
20 government, that would continue to be the caretaker period.
21 And for clarity's sake, then the Panel's operations would
22 continue until there was a new government. As Mr. Daigle
23 said, in 2021, we had a returning government that was clear,
24 and so the Panel's work finished at the time of the election.

25 He also suggested that there be clarity with
26 respect to the inclusion of domestic actors as well as
27 foreign. So I think the recommendations of Mr. Judd were
28 reflected in the changes to the Protocol.

1 There were two changes that were not
2 reflected in that Protocol, and that is, first of all, that
3 the work of the Protocol be extended to the pre writ period,
4 i.e. before the election was called. And I think the
5 government has said that these are all inputs and
6 recommendations to the government to choose how to proceed.
7 That mindful of the fact, which is explicit in the Protocol,
8 that national security agencies, departments, ministers, all
9 retain their authorities and are in operation in the period
10 leading up to an election, that it would not be appropriate
11 necessarily to extend it into the pre writ period.

12 And I would add here that in 2021, the
13 government was in a minority position in Parliament, and so
14 it would have been quite challenging to define what pre writ
15 was without saying exactly when the election was going to be,
16 which of course, was not known on the writs actually dropped.

17 And the second was Mr. Judd did discuss
18 whether or not the composition of the Panel of Five should be
19 changed, and in fact, the government retained the composition
20 that you see here today.

21 **MR. JEAN-PHILIPPE MacKAY:** Thank you.

22 I'll ask the registrar to pull up CAN.DOC 11,
23 please.

24 And this is the institutional report from the
25 Privy Council Office.

26 If we can go at page 20 of 22, please. You
27 can scroll down slowly until the next page, please. And then
28 we can back up to the list.

1 We see here a list of Panel meetings that
2 occurred in relation to the 44th election. We see -- so that
3 some meetings occurred before the writ period, some meetings
4 occurred during the writ period, and we have two meetings
5 after the writ period. And also, we see in this document, on
6 July 12th, and on other days, discussions in the summary
7 column about the threshold discussion scenario exercise and
8 also threat landscape update or threat landscape briefing.

9 So I'll begin with the pre-writ meetings and
10 the pre-election preparation that the Panel did. So I'd like
11 to begin with the treat landscape. And how did you prepare,
12 as a panel and individually, in relation to the threat
13 landscape to gain an understanding of the threat environment
14 in preparation for the election?

15 **MR. ROBERT STEWART:** I'll speak to that issue
16 as a new member, but as someone who, at the time, was quite
17 immersed in the threat environment.

18 Just to be clear, you know, through the
19 beginning of 2021 and into the summer we were in kind of a
20 progressive education mode, where we started by socializing
21 amongst ourselves the role of the Panel, lessons learned, and
22 the recommendations of the Judd Report, which we've just
23 spoken to.

24 As we reached the summertime and the
25 possibility that an election might be called seemed more
26 present, we began to focus more centrally on what our role
27 would be, including various dimensions of it, operations and
28 communications, the role of the SITE Taskforce.

1 In that context, we were briefed by the
2 agencies, CSIS, CSE, and the RCMP in particular, on the
3 threat landscape. And the threat landscape comprised several
4 things. It was more than just foreign interference. It was
5 the risk of ideologically motivated violent extremism, which
6 is now straddling both the domestic and the foreign context.
7 It included cyber risks. It included physical risks to the
8 conduct of the election, and it included security risks
9 generally.

10 So we were kind of socialized in those risks
11 by the agencies, discussed them, which then translated into
12 discussions about scenarios as to how threats could manifest
13 themselves in the context of the election.

14 I'll just note for the record that this was
15 in the context of quite a lot of public information around
16 foreign interference. CSIS and CSE in particular had
17 published reports trying to inform the public about the risks
18 of foreign interference, and so those were reference points
19 for us.

20 **MR. JEAN-PHILIPPE MacKAY:** And so were you
21 briefed as a panel or individually? And I know that the
22 experience might have differed for various panel members, but
23 generally speaking, if other panel members can address the
24 way in which the threat environment was briefed to them?

25 **MR. FRANÇOIS DAIGLE:** I might start.

26 My first meeting was on the 23rd of August,
27 so I wasn't there for those January, June and July. But
28 fortunately, Counsellor Drouin, who had participated in those

1 meetings, gave me a personal briefing to bring me up to date.

2 I also had access to all the documents, but I
3 have to say that these were concepts related to foreign
4 interference, for example, and the rest of the threat
5 landscape that Mr. Stewart described are "choses" that I was
6 quite familiar with because at Justice I was responsible for
7 questions of national security.

8 **MS. MARTA MORGAN:** I had been a member of the
9 Panel in 2019, so I was familiar with the issues, and, as
10 part of the startup to the 2021 Panel in January, was briefed
11 as part of the Panel of the evolving threat situation. And
12 then of course in the run up to the election, we received
13 information from the national security agencies and also
14 formal briefings at our meetings.

15 **MR. DAVID MORRISON:** I was generally aware of
16 the issues because of the other role I described that I held
17 within the Privy Council Office in the first half of 2021,
18 and then I was formally onboarded in July and was given a
19 package to read, and I asked questions, and then fully
20 participated in the meetings from then on.

21 **MR. JEAN-PHILIPPE MacKAY:** And I know that
22 you'll be testifying later today about your role as National
23 Security and Intelligence Advisor to the Prime Minister, but
24 was that role that you played in your normal activities
25 informed the way you approached the issues related to the
26 work of the Panel?

27 **MR. DAVID MORRISON:** Absolutely.

28 **MR. JEAN-PHILIPPE MacKAY:** And Ms. Charette?

1 **MS. JANICE CHARETTE:** So I joined the work of
2 the Panel between January 27th and June 25th. And in fact, I
3 was -- as the Secretary to the Cabinet, I was aware of the
4 changes to the protocol that the government had made. And so
5 on taking my role on as the Chair of the Panel, that's one of
6 the reasons you see I convened three meetings of the Panel
7 before the election actually began for us to make sure that
8 we did have a shared understanding of both what the protocol
9 requirements were, what that meant for the role of the Panel.
10 We had a good understanding of that.

11 We had an opportunity, as Mr. Stewart
12 described, to make sure that we had a foundational briefing
13 and understanding of the threat and risk environment along
14 the vectors that Mr. Stewart described, of the kind of where
15 the threats and risks could come from, capabilities of
16 various actors.

17 We had an opportunity as well to discuss and
18 provide direction to members of the SITE Taskforce about
19 intelligence requirements or information requirements that we
20 thought we might have in order to be able to discharge our
21 function when we got to the election.

22 And we did, in the meetings leading up to,
23 and then during the writ as well, have a series of scenario
24 exercises where we went through to try to understand -- look
25 at particular scenarios that could be representative of a
26 threat or a risk of information or intelligence that could be
27 brought to the Panel for us to be able then to kind of have a
28 tabletop exercise, or kind of a dress rehearsal, if you may,

1 of how we would apply the protocol. And because one of the
2 elements of the protocol is that we operate on the basis of
3 consensus, the threshold that's defined, which I suspect
4 we'll come to is not a quantitative threshold. It's a
5 threshold that requires judgement. And so we, as a panel,
6 were developing our kind of shared understanding of that
7 threshold and how it might be applied.

8 **MR. JEAN-PHILIPPE MacKAY:** And I will take
9 you to an example of a tabletop exercise later with the
10 wrench diagram.

11 And for Madam Drouin, I understand as a panel
12 member in 2019, the process you followed to get a grasp of
13 the threat landscape followed the same lines of Ms. Morgan?

14 **MS. NATHALIE DROUIN:** Yes. Ms. Morgan and I
15 knew that we had the responsibility to ensure continuity
16 between the two panels, to share our experience and
17 experience the methods and operations that we developed in
18 2019. But I'd like to add as well that the secretariat for
19 democratic institution directed by Allen Sutherland out of PCO
20 also played an important role in the transfer of knowledge
21 between the two panels.

22 **MR. JEAN-PHILIPPE MacKAY:** Question for you,
23 Madam Drouin. Does the threat picture change between 2019
24 and 1921 (sic)? Some situations might have involved a
25 particular and related to threats, interior domestic threats
26 mentioned by Mr. Sutherland, but generally speaking, was the
27 picture somewhat the same or was it different?

28 **MS. NATHALIE DROUIN:** The picture was

1 slightly different in terms of methods of operations at the
2 different countries that were involved in foreign
3 interference. There was certain changes, but I think that's
4 what's the most important is that -- to note is that because
5 we were in the COVID period, we saw a lot more risks from
6 violent extremism known as IMVE. We also noted the risk for
7 disinformation and...

8 **MR. JEAN-PHILIPPE MacKAY:** And my questions
9 now turn to this topic of online -- the threat online. So
10 was that part of the discussions you had prior to the writ
11 period in preparing for the election period, the threats that
12 could appear online in relation to disinformation for
13 example?

14 **MS. MARTA MORGAN:** Yes. That was an
15 important part of our preparation. I mean, I think we'd seen
16 an evolution over a number of years of the threat situation
17 and the online -- in the online environment. That was one of
18 the reasons prior to 2019 that we had established the Rapid
19 Response Mechanism, but we also had the CSE, who was looking
20 at different capabilities that countries had in terms of
21 cyber attacks and that sort of thing.

22 And so what we recognized there was this was
23 an environment that was continuously evolving in terms of the
24 strategies and tactics that could be used and one that had to
25 be very mindful of.

26 **MR. JEAN-PHILLIPE MacKAY:** So before I move
27 to the discussion concerning the threshold, I'll ask court
28 operator to pull up CAN 3336, please.

1 --- EXHIBIT No. CAN 3336:

2 Critical Election Incident Public
3 Protocol Panel - Meeting Notes

4 **MR. JEAN-PHILLIPE MacKAY:** We can scroll down
5 slowly.

6 What we see here is a series of pages. The
7 title is "Meeting Notes 2021". And we see a list of meetings
8 that align with the list that we saw previously, and it
9 starts in July, July 12, 2021, until the last meeting that
10 the panel had in December 2021.

11 So my question to you, what is this document?
12 If you recognize it, of course, but what is this document,
13 who prepared it?

14 **MS. JANICE CHARETTE:** So perhaps I can answer
15 that.

16 So this document is not a document that the
17 Panel of Five saw during our work in the 2021 election. We
18 saw it in the context of preparing for our testimony before
19 the Commission.

20 We understand that these are notes that were
21 prepared by one of our PCO team that was in attendance at
22 these -- at our meetings and supporting them, and they are
23 meant to be kind of a summary of decisions taken but they
24 were not -- I mean, they were not shared with us during our
25 deliberations and we haven't approved them.

26 **MR. JEAN-PHILLIPE MacKAY:** Okay. Thank you.

27 **COMMISSIONER HOGUE:** I have one question.

28 I understand that PCO's representatives were

1 attending the panel's meeting. What was their role?

2 **MS. JANICE CHARETTE:** So at, I would say, all
3 of our meetings, as the Panel of Five there was a
4 representative, Al Sutherland, from our democratic
5 institutions team, protecting democracy team, and he was
6 there as an advisor to the panel.

7 He was the -- he was the supporter of the
8 team that basically helped to draft the protocol. As well,
9 he had drafted the -- another document, which is an agreement
10 with the social media platforms, in terms of integrity in the
11 social media space during an election. And he was able to
12 bring that information and that -- and the awareness of
13 interactions with the social media companies and inform our
14 deliberations about that.

15 We had a communications advisor, Ken
16 MacKillop, who was a PCO individual as well, because we were
17 mindful of, as the panel, should it come to the point where
18 we had to make a public announcement or any communications
19 that would happen related to the work of the panel that this
20 would be done in a particularly sensitive time and we were
21 looking for expert communication support, and that was Mr.
22 MacKillop's role.

23 As well, finally, Mike MacDonald from our
24 security intelligence team, he was the secretary to the
25 panel. He helped support me in my role as the Chair, and I
26 believe that are his notes.

27 And so he -- Mike MacDonald and Al Sutherland
28 also had an ongoing conversation we were briefed on with the

1 political parties throughout the work of the panel.

2 **COMMISSIONER HOGUE:** Thank you.

3 **MS. JANICE CHARETTE:** So maybe I could just
4 add, we were talking earlier about the operation of the
5 panel.

6 So in the context of an actual meeting, we
7 would start a meeting with a briefing by the leads of the
8 SITE Task Force, the heads of CSIS and CSE, the lead for the
9 Rapid Response Mechanism and a senior representative of the
10 RCMP. We'd have a chance to hear from them individually, ask
11 questions, ask follow-up, hear from Al Sutherland and Mike
12 MacDonald in terms of any information that they would bring
13 to us. But as the Panel of Five, we asked the SITE
14 representatives to leave and we deliberated just amongst
15 ourselves in terms of whether or not any of the information
16 or intelligence that was brought to us during the election
17 met the threshold, and I know we'll come to that.

18 **COMMISSIONER HOGUE:** Thank you.

19 **MR. JEAN-PHILIPPE MacKAY:** Madam Drouin, to
20 complete the picture of this aspect of the work of the Panel
21 of Five, the way the meetings were held in 2021, was it
22 similar to the way the meetings were held in 2019?

23 **MS. NATHALIE DROUIN:** In addition to what
24 Madam Charette just explained, in other words, we received
25 intelligence reports and then we debated amongst ourselves,
26 that's exactly the same thing that occurred in 2019.

27 One of the differences was the fact that we
28 now add members that participate in hybrid fashion and the

1 members of the SITE group, and not just the leaders of the
2 agencies also participated. Those were the two major
3 differences.

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

6 **MS. NATHALIE DROUIN:** Excuse me for
7 interrupting. We also had access to the daily sitreps,
8 something that was -- that remained in terms of information
9 sharing.

10 **MR. JEAN-PHILIPPE MacKAY:** And the briefings
11 that are given to you orally by some representatives of
12 security agencies, for example, for CSIS, we see in the notes
13 that are on the screen that the Director of CSIS gave the
14 briefing and Mr. Vigneault, the Director, didn't participate
15 in the daily activities of the Panel of Five.

16 Was it Mr. Vigneault who transmitted the
17 information to you during the meetings?

18 **MS. NATHALIE DROUIN:** He was present during
19 the meetings and participated quite actively to the briefing
20 given to us by his people.

21 **MR. JEAN-PHILIPPE MacKAY:** Last question for
22 you, Madam Drouin.

23 You were an observer during the election and
24 post-election period on the 2021 panel. Please explain to us
25 what was your role as an observer during that time period of
26 time?

27 **MS. NATHALIE DROUIN:** One of the first role
28 was simply to ensure the proper transition and continuity in

1 the membership of the panel, having been a member of the 2019
2 panel. Also, I had the opportunity to express my views, to
3 raise questions and to make suggestions, but I didn't have
4 any decision-making role in the potential decisions that
5 could be made by the Panel of Five, not being a member.

6 **MR. JEAN-PHILLIPE MacKAY:** I'll ask the
7 registrar to pull up CAN 457, the famous wrench.

8 And I'll ask Ms. Morgan and Ms. Drouin, there
9 was the -- there was evidence this morning concerning the
10 development of a shared understanding of the threshold in
11 2019. And compared to 2021, was this shared understanding
12 any different with the new -- the new panel members with whom
13 you worked in 2021?

14 **MS. MARTA MORGAN:** Well, I mean, no. I mean,
15 I think that the experience that we'd had in 2019 had allowed
16 us to really kind of crystallize, if you will, our thinking
17 around these issues, but what we looked at as a panel in both
18 years was, you know, in terms of a threshold for announcement
19 would an incident undermine Canadians' ability to have a free
20 and fair election, what was the degree of confidence we had
21 in the intelligence and would the incident undermine the
22 credibility of an election.

23 And we looked at all of these factors which
24 had to be -- which had to be assessed together, so on any
25 given incident or incidents the reach, the scale, the source,
26 the credibility of intelligence, these were all relevant
27 factors for assessing whether an incident would reach the
28 threshold of a panel announcement.

1 And I think the rest is really kind of giving
2 a sense of sort of who should make an announcement because we
3 also recognized in 2021, as we had in 2019, that the heads of
4 the national security agencies retained their authority, so
5 there may be cases which would be below threshold but where
6 other actions should be taken.

7 And so I think this is very good summary,
8 actually, of how we sort of looked at issues as they arose.

9 **MR. JEAN-PHILLIPE MacKAY:** And would you use
10 this placemat that we're looking at at this moment in
11 relation to all incidents that would be brought to your
12 attention during the writ period -- would you use that as a
13 tool systematically when you were looking at the various
14 situations brought to your attention?

15 **MS. MARTA MORGAN:** I would describe it as a
16 resource that was available to us among other resources,
17 including the protocol itself, which we referred to quite
18 often, and including the intelligence and information that
19 was brought back to us.

20 **MR. JEAN-PHILLIPE MacKAY:** And now I would
21 like to bring you to the last page of this document, and we
22 see an example of a scenario.

23 And we won't -- you went through various
24 scenarios, so maybe this not one of them. But can you use
25 this one as an example of how you would work with the
26 scenarios and what kind of discussions you would engage in,
27 in the course of your preparation.

28 **MR. FRANCOIS DAIGLE:** I will attempt to

1 answer that.

2 We looked at several different scenarios. We
3 were looking at scenarios. At each one of our meetings, we
4 went through scenarios, as Madam Charette explained, in order
5 to arrive at a consensus or an agreement on how to apply the
6 criterion that are found in Article 6.

7 Here, there's three different scenarios in
8 this document. I had a look at the first one, but just to
9 give you an idea of the kind of discussion that we might
10 hold, the first scenario here, "Toronto troubles", the
11 scenario is about the chief electoral officer recommending
12 that we postpone the election in some ridings because there's
13 some concerns about the spread of COVID and that kind of --
14 and then you'll see that there's some injects, three injects,
15 different information that comes to us.

16 We took that information and we applied it
17 and the wrench was a tool that we used during the scenarios,
18 setting them out at each of our meetings.

19 And we'd ask our questions, saying what is
20 the event, what information do we have on the event, is it
21 really disinformation or misinformation, erroneous
22 information, false information. Is it opinion simply? What
23 are the sources of the information? Are they reliable, yes
24 or no? Is our information reliable; yes? Was it
25 corroborated, for example? Is the distribution of false
26 information coordinated? Do we have any proof? Was it
27 coordinated dissemination of false information? Does it seem
28 to be an online discussion between Canadians on a Canadian

1 site or does there seem to be any amplification that is
2 inappropriate?

3 So each of those scenarios brought us to ask
4 those kinds of questions so that we could come to a consensus
5 on what is relevant, what is less relevant. And Madam Morgan
6 mentioned the criteria that we have here and the document
7 itself, but we also looked at credibility, relevance, the
8 scope of the event, the length. Is it a single event or one
9 that stretches out over time? Was there an attempt to
10 correct the information and, despite this attempt to correct
11 it, does the misinformation persist?

12 So that brought us to ask ourselves questions
13 and reach a consensus about whether we met the three criteria
14 under Article 3 of the protocol.

15 **MR. JEAN-PHILIPPE MacKAY:** We heard this
16 morning concerning the amplitude or the degree of severity,
17 so the discussion was, does the protocol apply for each
18 riding or is it a national overview or a general overview
19 that has to be used to determine whether the panel should
20 make a public announcement or not.

21 So either Madam Drouin or Ms. Morgan, was
22 this -- the discussion that you had in 2019, did it also
23 occur in 2021 in discriminating between a riding at a
24 national situation?

25 **MS. NATHALIE DROUIN:** Well, the work -- the
26 deliberations in 2021 were easier and clearer, and I don't
27 think the members of the panel ever doubted that we had to
28 look at the impact at the riding level and not just a global

1 -- at the global level. The same thing -- or national level.

2 In 2019, all of the information that we
3 received was information linked to specific ridings, so of
4 course, our deliberations were always based on the impacts
5 that could occur at the riding level. So we didn't have to
6 concern ourselves about the consequences or impacts on 338
7 ridings to make a determination.

8 **MS. JANICE CHARRETTE:** Yes, I would like to
9 add.

10 As the Panel of Five in 2021, we actually did
11 discuss -- we kind of went onto a discussion about whether --
12 if we were going to see something that would take place at
13 the riding level or perhaps a group, a community that
14 straddled several ridings but not necessarily at the national
15 level, how would we maybe adjust our communications approach.
16 And so we did discuss if we were to make an announcement that
17 was not national, would we, for example, tailor our
18 communications to a particular riding or a particular group
19 of citizens. So we -- that was, I think, in addition to what
20 Madam Drouin explained how we adapted and responded to your
21 question.

22 **MR. JEAN-PHILIPPE MacKAY:** And we understand
23 that no public communication either at the national level or
24 targeted communication occurred in 2021. The panel did not
25 communicate publicly ---

26 **MS JANICE CHARETTE:** Yeah.

27 **MR JEAN-PHILIPPE MacKAY:** --- under a
28 protocol?

1 **MS JANICE CHARETTE:** Yes. To be clear,
2 Madame, the Panel of Five for 2021 did not see any incident
3 or information that reached the level of threshold that the -
4 - that there was a risk to the ability of Canadians to have a
5 free and fair election at the riding level or at the national
6 level.

7 **MR. JEAN-PHILIPPE MacKAY:** And still linked
8 to the testimony this morning, Madam Drouin, you mentioned
9 that you had discussed situations whose impact was below the
10 threshold, and we heard this morning that the panel couldn't
11 make a public announcement if the criteria for the threshold
12 were not met, but it is possible to make suggestions to
13 competent agencies or departments. And you mentioned
14 examples of that this morning.

15 So was this a topic of conversation in 2021?
16 So faced with a situation that doesn't meet the threshold,
17 would the panel nevertheless inform or have discussions with
18 competent authorities?

19 **MS. NATHALIE DROUIN:** It was very clear for
20 the members of the Panel of Five of 2021 that the various
21 departments and agencies maintained their powers, and so had
22 tools at their disposal to correct or mitigate any given
23 situation that we were apprised of. So clearly we could have
24 conversations, we could make suggestions, and whether it be
25 the Clerk of the Privy Council in her role, she could talk
26 with some Ministers and -- in the case where we had to make
27 corrections.

28 And in 2021, I don't know if we want to

1 discuss this, but we asked ourselves what would a communique
2 from the panel look like, communication with the public, in a
3 situation where we have an incident that is still below the
4 threshold. And so we came to the conclusion that the
5 directive wouldn't allow us to do that.

6 And secondly, that the risk was that we would
7 have more negative impacts. There would be a very high risk
8 of causing more harm by doing so.
9 besoin de faire des corrections.

10 **MR. ROBERT STEWART:** Let me just say that the
11 security intelligence community is very close knit, and the
12 community coordinates very effectively, but each of the
13 principal actors has their own powers and authorities; right?
14 The RCMP, of course, operates under the principle of police
15 independence. Nobody tells them what to do. But with CSE
16 and CSIS, they have toolkits, and they can act under the
17 authority of their deputy heads up to a certain point in
18 time. They are responsible to administer out, Global Affairs
19 is in this category as well. They're responsible to
20 ministers, and so at some point, if they planned an action,
21 they would seek to inform, and maybe seek the non-disapproval
22 of a minister to ensure that they had the support to do what
23 they were empowered to do. We always thought about the
24 opportunity or the necessity in the discussion of our
25 scenarios of those powers being exercised, and in addition,
26 we thought about what would happen outside the realm of
27 government, which is the role of civil society in the media
28 and others who might choose to call out or otherwise

1 foreground the possibility of foreign interference as a
2 below-the-threshold response.

3 **MR. JEAN-PHILIPPE MacKAY:** Linked to what you
4 said, Madam Drouin, there was a discussion that you
5 mentioned, could the panel communicate with the public if
6 there was an incident. But was that -- was your comment
7 linked to any specific event in 2021?

8 **MS. NATHALIE DROUIN:** No. It was just a
9 matter of a communications approach in general.

10 **MR. JEAN-PHILIPPE MacKAY:** So let's -- Madam
11 Morgan and Ms. Drouin, since you were there in 2019, is the
12 way the panel functioned in 2021 different from the way it
13 did in 2019, in particular the way information was provided
14 from the various agencies and departments, the documents that
15 were made available to you?

16 So from a process perspective, were there any
17 differences?

18 **MS. NATHALIE DROUIN:** Well, apart from the
19 distinctions that I made earlier, no, there were no other
20 modifications.

21 Now, in terms of the flow of information,
22 documents that are very secret or classified even higher do
23 not -- are not transmitted by electronic means, so I couldn't
24 receive those kinds of documents when I was working from
25 home, and so those are documents that I would be apprised of
26 when I went to the office, so I wouldn't necessarily be able
27 to see them every day, but when we had weekly meetings, then
28 I would be apprised of those documents.

1 **MR. JEAN-PHILIPPE MacKAY:** And in case of an
2 urgent situation, how would the Panel be convened or informed
3 to make sure that a quick reaction is ---

4 **MS. NATHALIE DROUIN:** Well, it happened very
5 often that we had to intervene quickly, but not in the case -
6 - in the context of the panel during the pandemic, for
7 example. And it's always the purview of the National
8 Security Advisor or the Clerk of the Privy Council to set an
9 emergency meeting and to provide us with documentation.

10 My colleague probably had less opportunity of
11 working at home because -- and so he would have had better...

12 **MS. MARTA MORGAN:** Yes, the information
13 flowed regularly, and -- regularly on a daily basis.

14 **MS. JANICE CHARETTE:** I think if I could add,
15 the members of the SITE Task Force certainly had communicated
16 to us that they were working every day to be able to track
17 and provide information. I think we had a clear
18 understanding that if there was information that any member
19 of the SITE Task Force thought needed to come to us, that
20 they would do so. They would kind of ring the bell and we
21 would be able to have an *ad hoc* meeting, and that any member
22 of the Panel could also call for an *ad hoc* meeting. It was
23 my job as the Chair to kind of schedule the regular meetings,
24 but we were available and could meet anytime outside of that.

25 We were receiving these daily reports that
26 could, for instance, it did not in 2021, but that could have,
27 if any of us had thought we needed to meet to discuss, we
28 could have done that, but that did not happen in 2021.

1 **MR. ROBERT STEWART:** And just to add. Many
2 of us were in the position of receiving intelligence on a
3 continuing basis throughout the pandemic, and throughout the
4 duration of the election, pertaining to other events. And of
5 course there were other events of quite significant
6 importance in the national security context, notably
7 Afghanistan.

8 **MS. JANICE CHARETTE:** Perhaps, just a --
9 maybe a qualitative comment. So the fact that we had -- or
10 the members of the SITE Task Force working together in a
11 coordinated way to be able to collect and share and
12 investigate and analyse information and provide that to us in
13 a daily SITREP, on top of the weekly meetings of a group of
14 deputy ministers on a topic like risks to the integrity of
15 the election, then the administration of the Protocol, is a
16 very significant amount of time and attention by senior
17 officials in the national security intelligence community as
18 well as a group of deputy ministers. And I think for us was
19 an indication of just how seriously we took this
20 responsibility, and how we worked very hard to discharge
21 that. It's unusual, I guess, is what I'm trying to say.

22 **MR. JEAN-PHILIPPE MacKAY:** Thank you. One
23 last question concerning the way that the Panel operated in
24 its meetings. Did you have any expectations from -- for the
25 heads of the agencies or the representatives of the agencies
26 to provide you with their assessment as to whether the
27 threshold was met or not in relation to a specific piece of
28 intelligence or a specific incident? Did you expect, for

1 example, Mr. Vigneault to arrive with his own conclusion
2 about the threshold?

3 **MS. JANICE CHARETTE:** Mr. Vigneault, and
4 other members of the SITE Task Force, that came and briefed
5 us, are very experienced and knowledgeable in their fields.
6 We relied on them, not just to provide us with information or
7 intelligence, we relied on them for their analysis, for their
8 assessment, and yes, for their advice. But ultimately it was
9 the Panel of Five that had the responsibility under the
10 Protocol and a responsibility that we agreed on between
11 ourselves, it was our decision as to whether or not the
12 threshold had been met. We would ask for -- we could have
13 advice and the views of our agencies, but -- and the agency
14 heads, but ultimately, it was our decision to be made.

15 **MS. NATHALIE DROUIN:** And this is why our
16 deliberation was only amongst ourselves.

17 **MR. JEAN-PHILIPPE MacKAY:** Now, I will as the
18 registrar to pull up CAN 1082. And we can scroll down slowly
19 through the pages, please. Okay, we can go back all the way
20 up.

21 So we can see this document is heavily
22 redacted, so obviously there's not a lot that can be said
23 about it. But we see the title of the document, Liberal
24 Party Representatives SITE Briefing.

25 And during the writ period, were you made
26 aware that SITE briefed secret cleared Liberal Party
27 representatives?

28 **MS. JANICE CHARETTE:** So as you can see from

1 the document, this represents a briefing of the security
2 cleared -- a classified briefing of the security cleared
3 members of the Liberal Party of Canada. I think a little bit
4 further on in the document, it actually indicates who was at
5 the meeting. So it's not a full representation of the SITE
6 Task Force, I believe it was representatives of CSIS and the
7 -- with the support of the Privy Council Office.

8 The topic of the briefing, the -- was related
9 to matters that the Panel was aware of. We had been briefed
10 the end of August, early September on the materials or the
11 incidents and information that formed the substance of this
12 briefing. We had a opportunity to discuss it, ask questions
13 and assess it ourselves. And following this briefing that
14 took place, the Panel was informed of the briefing and had a
15 chance to continue to follow this particular set of issues
16 right through the campaign. And in the course of our
17 deliberations, at no point did we find that this was a fact
18 set that met the threshold as set out in the Protocol.

19 **MR. JEAN-PHILIPPE MacKAY:** Thank you. Now,
20 I'm moving to the possible disinformation campaigns
21 concerning Mr. O'Toole, the Conservative Party of Canada, and
22 Mr. Kenny Chiu.

23 We know that the Panel was made aware during
24 the writ period of the allegations in question. Can you
25 explain how the specific issue was addressed by the Panel?

26 **MS. MARTA MORGAN:** So this issue was brought
27 to the Panel's attention as part of the daily SITREPs as soon
28 as the Rapid Response Mechanism and the SITE Task Force

1 became aware of it. We were briefed that the RRM was
2 tracking the issue and then we were briefed at our weekly
3 meetings.

4 I would say there were two issues here that
5 we were informed of. One issue was WeChat groups that were
6 alleged to be spreading misinformation regarding a particular
7 policy initiative being promoted by Mr. Kenny Chiu, and that
8 those WeChat groups are private groups. And so -- and
9 therefore, there -- the RRM did inform us that it was very
10 challenging and also really not within their remit to be
11 looking at the content of private chat groups that included -
12 - that were really conversations online between Canadian
13 citizens, but they were continuing to monitor, to see if that
14 information would spread, or if it appeared to be that it was
15 being promoted by foreign state actors.

16 The other issue was issues related to -- was
17 some news stories. They were stories that had originated in
18 Canadian -- the Canadian media ecosystem; one from the Hill
19 Times, and another one was a comment by a public commentator
20 that were then picked up and reported on in Chinese media and
21 in China, and then those stories were picked up in Chinese
22 language media targeted at Chinese-speaking Canadians. So
23 those were the two issues. We were informed of them. The
24 RRM was trying to ascertain whether those were more organic -
25 - whether this was organic interest that one might expect
26 during an election campaign, as we know that Canadians are
27 very engaged in party platforms and election issues during a
28 campaign, or whether these issues were being spread

1 inauthentically and propagated by state sponsored
2 disinformation, or other inauthentic actors.

3 So that's what they were looking for. And
4 they could not determine during the election period that
5 these activities were coordinated or that they could be
6 linked to nefarious actors. But this was absolutely an issue
7 that was discussed by the panel. It was a set of stories
8 that started -- that sort of at a certain point died down, so
9 I believe we had sort of one substantive discussion about
10 this issue while the stories were active, and then were
11 briefed subsequently to -- as to the analysis that had been
12 done by the RRM about these issues.

13 **COMMISSIONER HOGUE:** I have a question ---

14 **MS. MARTA MORGAN:** Yeah.

15 **COMMISSIONER HOGUE:** --- for Ms. Morgan.

16 **MS. MARTA MORGAN:** Yes.

17 **COMMISSIONER HOGUE:** I understand that RRM
18 doesn't have the authority to look into private discussions
19 going on, on the -- on any of the platform. Does it mean
20 that let's say a foreign state used some proxies in these
21 private groups for entertaining the discussion, is there any
22 way that it can be identified, or is there anything that can
23 be done by RRM to try to see what is going on, or because
24 it's -- the discussion is really taking place into a private
25 setting, there is nothing that can be done?

26 **MS. MARTA MORGAN:** Well, RRM can look to see
27 using the tools that it has whether there's inauthentic
28 spread of these kinds of conversations. Are they growing, or

1 do we see them sort of growing through the ecosystem? Those
2 are the kinds of things that they look for, but very
3 challenging for RRM to look inside to look at which
4 individuals, for example, might be commenting on which
5 individual thing, and that could be problematic from a
6 perspective of free speech, given that, you know, and a
7 democracy, given that, you know, many of these chat groups
8 are conversations between Canadian citizens. So that's, you
9 know, where there are some limits and boundaries, both
10 technological, I would say, but also limits from the
11 perspective of the mandate and what the government should be
12 doing.

13 **MR. FRANÇOIS DAIGLE:** I'd like to add
14 something on the context for the decision of the panel in a
15 situation like this. So the context is an election, and an
16 election is probably the most important event in our
17 democracy every four or five years, or whenever it happens.
18 It's a time for debate, for political debate, candidates,
19 parties put forward platforms. They debate those ideas
20 vigorously, we hope. Canadians, we hope, engage in those
21 conversations. And through that, they try to influence
22 voters to vote for my platform or for somebody else's
23 platform. So and this happens in the context where freedom
24 of expression in Canada is guaranteed under our Charter.

25 So the panel has no -- the panel really can't
26 -- is not an actor in that political debate. We wouldn't
27 intervene where there's, you know, evidence of free speech on
28 public policy issues, but we would intervene if we thought

1 that there was disinformation that was pushed forward by a
2 foreign state or some domestic actor. And so that's why we
3 have a very high threshold in Section 6 of our protocol.

4 So a mere possibility, and I think Gallit
5 Dobner a few days ago testified about the RRM's assessment of
6 this, but the possibility that a proxy may have done
7 something is not enough, I think, for the panel to intervene.
8 We would need some reliable information that we could test to
9 know that there's actually something nefarious going on here
10 and we have to correct the record, that we have some
11 information as panel members that the public doesn't have
12 that would help them ensure that they have a free and fair
13 election.

14 So, again, I think the point of my
15 intervention really is to say that, like, a mere possibility
16 of a proxy acting isn't enough. So we have the tools that we
17 have with the limits that they bring, and what we need to do
18 is maybe improve some of those tools, but intervening in what
19 is, I think, a critical free expression of free speech in a
20 political debate is not something that we would do,
21 particularly, if there's, you know, some of the issues are
22 more opinion than fact.

23 **MR. DAVID MORRISON:** Just add a quick point.
24 Your question, Madam Justice, was about could we tell within
25 the private WeChat groups whether there were proxies
26 speaking. And the answer, for the reasons given by Marta
27 Morgan is, no, we don't have in -- we can't look into those
28 groups. And to the extent that they represent conversations

1 amongst Canadians, it's probably not appropriate anyhow. We
2 don't look into Facebook groups either. But we didn't see
3 when the discussions in those groups spilled out onto Chinese
4 language Canadian websites. There's several of them.
5 They're named in the public information. We didn't see any
6 hyping up of that information that was then circulating in
7 the public.

8 We were mindful of it. It took place on
9 those publicly accessible websites from roughly the 9th of
10 September until the 12th of September, when it seemed to die
11 out. There was nothing added. There were no injects. There
12 were no new elements to either of the two stories. You could
13 still find those stories by searching on Yahoo, which
14 aggregates stories, but they were the same stories being
15 recycled. So it was about a three-day period where there was
16 this information that broke out of WeChat private rooms and
17 onto publicly available Chinese language websites, and then
18 it died down by about September 12th.

19 **COMMISSIONER HOGUE:** Thank you.

20 **MR. JEAN-PHILIPPE MacKAY:** And specifically
21 in relation to Mr. Chiu, it is mentioned in the interview
22 summary that the fact that there was a public intervention by
23 Mr. Chiu had an effect or an impact on the perspective of the
24 panel. Can you address that point briefly?

25 **MS. MARTA MORGAN:** So one of the things that
26 we looked at as a panel is when -- is whether other players
27 in the election ecosystem were addressing issues as they
28 arose, because that could mitigate the impact of issues

1 related to any kind of election threat, including
2 misinformation and disinformation. So if you look onto our
3 famous wrench, that is one of the things that we look for.
4 The RRM was monitoring that. And we did see Mr. Chiu
5 directly address the issue, which we took as a positive sign
6 that the -- that this issue was being addressed by him, and
7 that information was then being provided publicly from a
8 credible person about his actual intent. And so, you know,
9 we could see this -- you know, we talked a little bit about
10 the Buffalo Chronicle in 2019. It was media that intervened
11 when there was disinformation that was being circulated.
12 There's media civil society, political actors themselves, all
13 of these -- the ability of all of these actors to intervene
14 in an election and provide information to Canadians, all of
15 that is necessary in order to ensure a reputable election
16 process.

17 **MR. JEAN-PHILIPPE MacKAY:** And now I'd like
18 to turn to the post-election period. We saw earlier that you
19 had two meetings after the election; one on the 23rd of
20 September and one in December. What was the purpose of those
21 two meetings after the election?

22 **MS. JANICE CHARETTE:** So there was a meeting,
23 I think on the -- about the 24th. I think that's the right
24 date. So a couple of days after the election. We continued
25 to receive SITE Taskforce reports on a daily basis for a few
26 days after the election. And there we were just continuing
27 with our work to see if there was any kind of loose ends that
28 we should be aware of, including in and around election day

1 itself, anything that the Panel might need to be aware of.

2 At that point in time, we were also, as the
3 Panel, acknowledging that we had reached the end of our
4 mandate, because the election result was clear, the caretaker
5 period was over. And so our work, officially, as a panel,
6 was to be concluded.

7 And then the final meeting that we had, which
8 was in December of 2021, was an opportunity for us to reflect
9 on our work to do some kind of lessons learned about how the
10 -- how we have discharged our responsibilities. As I had
11 mentioned earlier, there's a mandatory review that takes
12 place after the work of a panel, or an election, and
13 therefore the use of the protocol including the Panel.

14 And so we had a conversation about kind of
15 things that we might -- you know, areas we could improve.

16 The whole -- this whole protocol was only put
17 in place for the 2019 election. This was 2021. And so both
18 the threat and the risk environment were evolving. I think
19 we recognized that. And so how do we -- what is -- what were
20 our observations, from our perspective of the panel, about
21 our experience that might inform any further amendments or
22 changes to the protocol or to the operations of our panel,
23 whether it was going to be for us in the future or for our
24 successors, that could then feed into whoever was going to do
25 the external review, and also to the advice we might provide
26 to a government in the future.

27 **MR. JEAN-PHILIPPE MacKAY:** And what were
28 those -- like, briefly, the key takeaway observations that

1 you came up with?

2 **MS. JANICE CHARETTE:** I think we found that
3 overall the process had worked I think very well, that we had
4 access to all the information that we needed in a timely way
5 from the SITE Taskforce. They were very responsive to any
6 requests that we had for information. And so that process of
7 having the briefings in our meetings, our access to the daily
8 SITREPs, that all worked very well. We thought that we had
9 developed a good shared understanding about what the
10 threshold would mean and how we would apply it, and we were
11 able to kind of look back at how we had done that in the
12 cases that we have discussed and in the scenario exercises
13 that we had done.

14 I think we really found the scenario exercise
15 to have been a useful way for us to have done that and really
16 would have recommended that our colleagues would continue
17 that in the future.

18 I think we also agreed amongst us as a panel
19 that the topics of mis and disinformation are one of the most
20 challenging areas for a society to come to grips with, for
21 governments to have to deal with, and that the developments
22 in technology are going to make this even more difficult in
23 the future with the application of things like artificial
24 intelligence and deep fakes. And so this is an area where I
25 think the -- our adversaries are going to continue to develop
26 new and creative ways to exploit that, and that governments,
27 including the agencies that work in this area, the RRM, which
28 was, I think, a relatively recent creation as well in 2018,

1 and the work of the Panel had to continue to evolve at the
2 same time.

3 I think that would be kind of my conclusions.
4 I don't know if any of my colleagues have anything to add?

5 **MR. JEAN-PHILIPPE MacKAY:** In relation to the
6 possible disinformation campaigns during the election, we
7 know that SITE did a deep-dive. So the RRM, and then it
8 became a SITE product.

9 Was that review of all of the available
10 information that was performed after the election by the RRM
11 and SITE, was that made at the request of the Panel?

12 **MS. JANICE CHARETTE:** So there was a
13 particular set of concerns that were raised by the
14 Conservative Party of Canada to -- through their process of
15 being able to give a heads up to the SITE Taskforce. This
16 took place after the election. And so we had a brief mention
17 of it at our meeting right after the election, that there
18 were concerns that had been raised. The details of those
19 were provided subsequently. There was, I think, a very
20 thorough and in-depth effort to review carefully all of the
21 information that came from the Conservative Party. I think
22 that the members of the SITE Taskforce in 2021, I believe
23 they explained that in their testimony last week. And we see
24 -- we had access to the results of that in our briefing from
25 the SITE Taskforce in December at the conclusion, where they
26 provided as well with the draft of kind of their after-action
27 report, they had done their own reflections and lessons
28 learned exercise and were able to share that with us. And

1 this -- these reflections on kind of mis and disinformation
2 generally, erroneous information, or disinformation that's
3 spread purposefully were shared with us and we had a chance
4 to talk to the RRM members at our meeting about that, and
5 also to be briefed on the results of the conversation that
6 had taken place with the Conservative Party around these
7 issues and concerns.

8 **MR. JEAN-PHILIPPE MacKAY:** Thank you. And
9 one last question about the Rosenberg report ---

10 **MS. JANICE CHARETTE:** M'hm.

11 **MR. JEAN-PHILIPPE MacKAY:** --- and the
12 recommendations made in this report. Could you sum up
13 briefly, that's my last question to you, the essence of the
14 recommendations that were made by Mr. Rosenberg?

15 **MS. JANICE CHARETTE:** Sure. So as I said
16 earlier, the protocol -- section 9 of the protocol calls for
17 a review of the operation of the protocol after an election.
18 I think this is part of the -- as well that that protocol
19 would be referred to the National Security Intelligence
20 Committee of Parliamentarians as part of the accountability.
21 And I think a commitment to learning and continuous
22 improvement that is embedded in the protocol, particularly
23 now that it is enduring through all elections.

24 We had an opportunity as members of the Panel
25 of Five, as well as many other interviewees, to contribute to
26 the review done by Mr. Rosenberg.

27 And I think we welcomed this because -- we
28 welcomed the whole exercise because, as I said earlier, the

1 protocol was new in 2019. In fact Canada, I believe, was the
2 first country to have actually attempted to do something like
3 this in the context of an election, to try to provide
4 confidence to Canadians on the integrity of the elections.
5 So it was important for us to be able to reflect on that and
6 continue to improve that. And so we had a chance to review
7 that.

8 There's a series of recommendations which are
9 contained in the report by Mr. Rosenberg. Sixteen (16)
10 recommendations in total. They cover a variety of different
11 factors in terms of amendments to the protocol, of how the
12 Panel would operate, how the SITE Taskforce would be -- the
13 composition of the SITE Taskforce. Dealing with some of the
14 issues and areas where perhaps there could be more clarity in
15 the protocol. For example, he talks about the assessment of
16 the impact of an incident or an event, just how challenging
17 that is for the Panel, and gave us some advice and
18 recommendations around dealing with that.

19 All of that -- all of the results of that
20 assessment have been made public. There's a public version
21 of that, as well as a classified version of that. I think
22 that that is now under consideration by the Parliamentary
23 Committee, or the Committee of Parliamentarians, excuse me,
24 that deals with these matters.

25 This, I think, is an important input to any
26 deliberations and reflections the Government may have about
27 changes to the protocol that they may want to put in place
28 for next election. The Cabinet Director a next election. I

1 think it's also relevant to the deliberations of this
2 Commission in terms of the Part C of your mandate.

3 **MR. JEAN-PHILIPPE MacKAY:** Thank you.

4 Those were my questions, Madam Commissioner.

5 **COMMISSIONER HOGUE:** Thank you. We'll take
6 the break, the lunch break. So we'll come back at 1:35.

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

8 This hearing is in recess until 1:45.

9 --- Upon recessing at 12:37 p.m.

10 --- Upon resuming at 1:43 p.m.

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

12 This sitting of the Foreign Interference
13 Commission is back in session.

14 **--- MS. JANICE CHARETTE, Resumed:**

15 **--- MS. NATHALIE DROUIN, Resumed:**

16 **--- MR. ROBERT STEWART, Resumed:**

17 **--- MS. MARTA MORGAN, Resumed:**

18 **--- M. FRANÇOIS DAIGLE, Resumed:**

19 **--- MR. DAVID MORRISON, Resumed:**

20 **COMMISSIONER HOGUE:** So three things before
21 we start:

22 ...missing 3:15, so please let us know.

23 We're counting on you.

24 The second thing: I understand that the
25 parties have received a copy of Me Bossenmaier's notes. So
26 that is resolved.

27 I looked at the three documents that have
28 been sent or received by you recently, CAN 4495, CAN 4079,

1 and CAN 15842. I am told by the Commission Counsel that
2 other witnesses will discuss these documents, and that as
3 such, you will have the opportunity to cross-examine on these
4 documents.

5 That said, I understand that some of you
6 would you like to cross-examine CSIS representatives about
7 these documents. So just for you to know at the end of the
8 hearings we'll revisit the issue and if some of you still
9 have questions for CSIS about these three documents I will
10 permit these questions to be asked in writing and we'll find
11 a proper way for doing it.

12 I will limit the number of questions for
13 sure, and maybe if some of you have questions it will be good
14 idea to discuss in advance among you to maybe to find a way
15 of regrouping the questions and making sure that the -- if
16 each one has a certain number of questions and each one has
17 the same question it's not necessarily the most useful way of
18 doing it. So I wanted to let you know, and from now you do
19 what you have to do and we'll revisit the question at the end
20 of the hearings.

21 **MR. GUILLAUME SIROIS:** Guillaume Sirois,
22 counsel for the RCDA. I just wanted to point out that we
23 were not able to find the *in-camera* hearing summary for GAC,
24 for Global Affairs Canada. And I've raised this issue
25 personally with the Commission last week before the first GAC
26 witnesses, and we had GAC witnesses testify I believe on
27 Thursday, and then the SITE panels of 2019 and 2021 testified
28 on Friday. These -- this summary or summaries would have

1 been highly relevant if -- had they been produced. And I was
2 just wondering if the Commission could give any indication as
3 to when they will be produced.

4 **COMMISSIONER HOGUE:** It will be difficult for
5 me to tell you, but I think counsel can probably inform you.

6 **MS. NATALIA RODRIGUEZ:** GAC was not examined
7 as a department in the *in-camera* hearings. GAC witnesses
8 testified as part of the Panel of Five, but there is no
9 existing summary because there was no examination *in-camera*
10 of GAC witnesses.

11 **COMMISSIONER HOGUE:** And what about the
12 interview summary?

13 **MS. NATALIA RODRIGUEZ:** That's in already.

14 **COMMISSIONER HOGUE:** All right, it's already
15 in.

16 **MR. GUILLAUME SIROIS:** Yes, exactly.

17 **COMMISSIONER HOGUE:** Okay, you were just
18 speaking about the *in-camera* summaries?

19 **MR. GUILLAUME SIROIS:** Exactly. And the
20 *in-camera* summary is effectively on the party database, it's
21 just in the witness summary it says that the GAC witnesses
22 have been interviewed *in-camera*. I don't have the direct
23 quote right now. We can probably look at it if you like. So
24 just that the sentence was concerning to the RDCA and wanted
25 to have some clarification. I appreciate the -- counsel's
26 clarification on that point.

27 **COMMISSIONER HOGUE:** Okay. So it's also
28 resolved.

1 Environment During the 2019 Federal
2 Election: A DFRLab Report

3 **MR. GUILLAUME SIROIS:** There's the report by
4 the Atlantic Council entitled "Assessing the Canadian
5 Information Environment During the 2019 Federal Election".
6 Are you aware of this report?

7 Well, I see nodding heads, but can you just
8 please confirm for the record?

9 **MS. GRETA BOSSENMAIER:** I'm not aware.

10 **MR. GUILLAUME SIROIS:** Okay. But at least
11 some of you are aware.

12 And we can see from page 3 of paragraph --
13 the third paragraph that this is a forensic analysis of some
14 of the Canadian information ecosystem in the month before and
15 three months following the 2019 federal election. Do you
16 recall that this was the purpose of the report?

17 **MS. MONIK BEAUREGARD:** Yes.

18 **MR. GUILLAUME SIROIS:** Has this -- was this
19 report commissioned by the Government of Canada?

20 **MS. MONIK BEAUREGARD:** I don't know that it
21 was. I'm sorry.

22 **MR. GUILLAUME SIROIS:** Do you know how this
23 report originated, like how did it come into existence?

24 **MS. MONIK BEAUREGARD:** I'm familiar with the
25 report, but personally I don't have any information as to how
26 it came about.

27 **MR. GUILLAUME SIROIS:** Can I just have
28 clarification from Commission counsel, perhaps?

1 It's document CAN 88, which I assume has been
2 produced by the Government of Canada, and it has been in my
3 list of the documents in time. I'm just wondering, is it a
4 document that originates from the Government of Canada?

5 Maybe it's a question for the counsel for the
6 Government of Canada, the AGC.

7 **MS. HELENE ROBERTSON:** It was a document that
8 was in the possession and control of the Government of
9 Canada, yes. But as to its origins, I don't have that
10 information.

11 **MR. GUILLAUME SIROIS:** Okay. Well, I'll move
12 on, then.

13 So you wouldn't know, obviously, how long it
14 took for the Atlantic Council to complete this report. You
15 don't have any more information about that.

16 Okay. I'll move on and just discuss the
17 report generally because it was in the possession of the
18 government even though we don't know how or when.

19 I'll go to the fifth paragraph of the report
20 -- of that page. The DFR Lab, as we can see from the first
21 sentence, says that it observed a disproportionate volume of
22 negative content directed at Trudeau and the incumbent
23 Liberal government.

24 My question for you is, did the panel witness
25 similar disinformation campaigns during the 2019 election?

26 **MS. MONIK BEAUREGARD:** [No interpretation]

27 **MR. GUILLAUME SIROIS:** The report -- we'll go
28 to this, but I'm just saying generally from any actor.

1 **MS. MARTA MORGAN:** Yes. This is consistent
2 with the reporting of the RRM during the election campaign
3 about negative social media content that was direct -- of
4 various types that was directed at the Prime Minister.

5 **MR. GUILLAUME SIROIS:** At the Prime Minister
6 and the Liberal Party ---

7 **MS. MARTA MORGAN:** Yes.

8 **MR. GUILLAUME SIROIS:** --- right?

9 **MS. MARTA MORGAN:** Yes, but primarily --
10 often at the Prime Minister personally.

11 **MR. GUILLAUME SIROIS:** And during -- when the
12 panel witnesses this -- [no interpretation].

13 **MS. MARTA MORGAN:** Well, yes. I mean, some
14 of this was related to the issue that we discussed earlier
15 this morning with respect to Buffalo News, which did post
16 stories about the Prime Minister. Others was more organic.

17 And what we saw during the election campaign
18 was that, in general, when these stories spread, we did see,
19 for example, mainline media intervene to correct the stories.

20 You know, I'm sure that it wasn't -- you
21 know, wasn't perfect, but, you know, we did see that kind of
22 information circulating. We did see some of it corrected.
23 And there was nothing other than the one that we -- that we
24 talked about this morning where it was identified to us that
25 there was the potential for sort of more spread or
26 potentially inauthentic spread.

27 **MR. GUILLAUME SIROIS:** Okay. And that brings
28 me to the question about foreign actors and how we can

1 attribute this information to such actors.

2 Same paragraph of page 4 reads that the

3 DFRLab:

4 "...could not confidently attribute
5 any of these events to the operations
6 of a foreign government."

7 This would require access to corroborating
8 evidence and technical back-end data that was not available
9 in this case.

10 So if DFRLab Canada was not able to attribute
11 this because of lack of tools or data, was the Panel of Five
12 or any other subgroup of the government such as the SITE Task
13 Force or any group that you know was in a position to make
14 this attribution?

15 **MS. MARTA MORGAN:** Well, I'm not sure that I
16 see the second sentence that you're referring to. I see the
17 first sentence. This could ---

18 **MR. GUILLAUME SIROIS:** Oh, sorry. It's the
19 second paragraph of page 4.

20 **MS. MARTA MORGAN:** Yeah, the DFRLab could not
21 confidently attribute any of these events.

22 "This could be due to broader changes
23 in the tactics of foreign actors or a
24 determination by adversarial
25 governments that coordinated
26 interference did not justify the
27 commensurate risks and costs."

28 Those sentences is what you're asking about?

1 **MR. GUILLAUME SIROIS:** Exactly.

2 **MS. MARTA MORGAN:** Yeah.

3 **MR. GUILLAUME SIROIS:** I'm wondering if the
4 panel is aware of any group in government that would have the
5 tools to make this attribution.

6 **MS. MARTA MORGAN:** Well, what I would say is
7 that there's no question that the kinds of tools and
8 techniques and strategies that are being used by foreign
9 actors in the digital environment as well as those that are
10 being used by other actors are increasingly sophisticated and
11 continually changing.

12 So one of the challenges for civil society
13 organizations but also for government in terms of capacity is
14 to continue to increase our capacity to deal with these
15 issues and track and detect these issues as those techniques
16 change. It's always -- I mean, it remains challenging.

17 It was noted, I think, in the RRM reports
18 that have been made public that this was -- it is a challenge
19 to attribute and that they need to continue to increase their
20 capability.

21 And one of the things that they do for that
22 reason is to work with outside organizations in order to
23 buttress and augment their capacity, particularly during
24 election campaigns, given the importance of that time period
25 to us.

26 **MR. GUILLAUME SIROIS:** And so I understand
27 you saying that it's a significant challenge for the
28 government, but I'm wondering, if I understand correctly,

1 that today it's still an open question whether these ample
2 cases of disinformation and coordinated in authentic
3 behaviour discussed here originated from a foreign country.
4 Is it still an open question?

5 **MS. MARTA MORGAN:** Well, I mean, I think that
6 the reports have been pretty clear that it could not be
7 determined that these cases were the result of foreign
8 disinformation, in other words, that they were either
9 coordinated or amplified in an authentic way by a foreign
10 government. It could not be determined.

11 It is possible, but it cannot be determined
12 to a degree of reliability or certainty.

13 **MR. GUILLAUME SIROIS:** Okay. I want to go
14 the last paragraph of page 10 now, please.

15 And this one I will read in full because it's
16 significantly important:

17 "Over the course of its analysis, the
18 DFRLab focused on two case studies.
19 The first regards the interchange of
20 virulent, anti-immigrant hate speech
21 over multiple platforms and online
22 communities [which was one of the
23 DFRLab's focus in the study]. The
24 second regards the opportunism shown
25 by Russian state media in its
26 Canadian election coverage. These
27 cases, evidencing coordinated
28 trolling around nativist rhetoric and

1 amplification of domestic political
2 scandal by foreign media, most
3 resembled the Russian information
4 operations conducted against the
5 United States in 2016.”

6 **MS. MARTA MORGAN:** What is your question?

7 **MR. GUILLAUME SIROIS:** Sorry. I was trying
8 to -- because in the interests of time, I was trying to focus
9 on the most important ones.

10 But -- so my question is, do I understand
11 correctly this report, in your evidence today, that although
12 it's not possible to conclusively attribute these ample cases
13 of viral misinformation and coordinated inauthentic behaviour
14 to a foreign state -- for one reason or the other it's a
15 challenge, as you said -- it does, indeed, resemble the
16 Russian information operations conducted against the United
17 States in 2016.

18 **MS. MARTA MORGAN:** I couldn't comment on this
19 conclusion by this report, as this was not a report that was
20 prepared by the Government of Canada for the Panel. So I
21 would need more information to comment on those particular
22 conclusions.

23 **MR. GUILLAUME SIROIS:** So the group that
24 could provide this information would be the DFR Lab,
25 probably, or ---

26 **MS. MARTA MORGAN:** Yes.

27 **MR. GUILLAUME SIROIS:** --- the FSE Council?

28 **MS. MARTA MORGAN:** Yes, I think so, yeah.

1 **MR. GUILLAUME SIROIS:** How can we know that
2 there was no interference in the 2019 election if no-one had
3 the tools, or at least it was a challenge to assess whether
4 ample cases of viral misinformation and coordinated,
5 inattentive behaviour originated from a foreign actor in
6 2019?

7 **MS. MONIK BEAUREGARD:** So I don't believe
8 that we said there was no indications of activity. We did
9 receive a baseline threat assessment that covered a number of
10 countries, Russia being one of them. And then the activities
11 are monitored by the intelligence agencies, national security
12 agencies before, during, and after the writ period, and they
13 were reported up to the Panel.

14 And as we testified this morning, we talked
15 about the threat trend, and the threat trend remained stable
16 and so there was ongoing monitoring of activities that were
17 reported up to the Panel.

18 **MR. GUILLAUME SIROIS:** So I understand your
19 evidence that there was some Russian -- at least foreign
20 interference, possibly Russian, at least from the document.
21 But if we don't have -- if it's that challenging to assess
22 whether disinformation campaign are linked to a foreign actor
23 such as Russia, how can we know the extent of disinformation
24 campaign?

25 **MS. NATHALIE DROUIN:** If you'll allow me, Mr.
26 Sirois, a few comments.

27 We spoke a lot of the basic briefings that
28 the panel received in 2019 and 2021, and we received

1 briefings about some countries, notably Russia. And the
2 information we had at the time was that Russia was a very
3 capable actor, especially in terms of espionage and cyber
4 activity. And in the weeks prior to the election, our
5 intelligence services through all the monitoring they were
6 doing were able to tell us that Russia had little interest in
7 Canada's elections.

8 Having said so, it doesn't mean that Russia
9 is not an active player in terms of foreign interference, but
10 Russia demonstrated little interest in Canadian elections in
11 2019 and '21.

12 **COMMISSIONER HOGUE:** Mr. Sirois, your time is
13 over. I'll let you conclude with a last question.

14 **MR. GUILLAUME SIROIS:** The conclusions that
15 you've mentioned, Mrs. Drouin, could we access those or are
16 they protected by national security confidentiality?

17 **MS. NATHALIE DROUIN:** Well, my testimony
18 exists.

19 **MR. GUILLAUME SIROIS:** But I'm talking of the
20 source of your testimony, the CSIS or CSE documents.

21 **MS. NATHALIE DROUIN:** You're asking me to
22 prove a negative here.

23 What I'm telling you is that there was not or
24 little intelligence preceding the 2019 elections and during
25 the 2019 writ period proving that Russia had an interest and
26 was active in following the elections.

27 **ME GUILLAUME SIROIS:** [No interpretation]

28 **MS. GRETA BOSSENMAIER:** I was just going to

1 add a piece to Madam Drouin's comments, in that the
2 Communications Security Establishment published, I'm going to
3 say in 2017 or '18, one of the first reports; I'm thinking
4 the first international reports, talking about threats to the
5 democratic process, which talked about threat actors and
6 activities and how various parts of society, individuals,
7 governments, et cetera, what they should be aware of. And
8 they followed up that report with at least one -- and I've
9 been retired, at least one if not two additional reports. So
10 those are public reports, they're -- I'm sure they're on
11 their website -- that provide their -- and some of their
12 analysis and assessment as to the various players and risks
13 that exist.

14 **MS. NATHALIE DROUIN:** ...everything that is
15 relevant, everything that is about what Russia could have
16 done, is in the hands of the Commission. So all the
17 information that is available is in the hands of the
18 Commission.

19 **MR. GUILLAUME SIROIS:** I will conclude on
20 this point, if you allow me, Commission. Otherwise, I will
21 ask my colleague -- I ask my friend from UCC to share 10
22 seconds with me, just so that I can conclude this.

23 **MR. JON DOODY:** No problem.

24 **MR. GUILLAUME SIROIS:** Thank you. Thank you.

25 **COMMISSIONER HOGUE:** It's going to be
26 deducted from your time.

27 **MR. GUILLAUME SIROIS:** Yeah, of course.

28 Yes, I just want to -- I'm putting to you

1 that our National Security Establishment concluded that
2 Russia did not have an intent to interfere in our elections,
3 not because -- only because they could not observe this. But
4 we have multiple indications that Russia had a serious intent
5 at interfering in the 2019, and later the 2021, elections,
6 but we just don't have the tools to investigate this and be
7 sure that there was no interference by Russia in these
8 elections, although there are significant indications that
9 there was.

10 **MS NATHALIE DROUIN:** I don't fully agree with
11 the premise that there -- we don't have the tools. CSE is
12 amongst the most performing players in the world in the field
13 when it comes to surveillance and I'm fully confident in the
14 information that they collect and that the information that
15 they give us is good.

16 Of course, the tools need to continue
17 improving because the strategies of those actors continue to
18 evolve, but I'm fully confident that the analysis, the
19 collection of data and the information given by CSE reflects
20 that there was no peak in Russia's activity over the 2019 and
21 '21 elections.

22 **MR. GUILLAUME SIROIS:** Thank you.

23 And thank you to my colleague.

24 **COMMISSIONER HOGUE:** So UCC?

25 **--- CROSS-EXAMINATION BY MR. JON DOODY:**

26 **MR. JON DOODY:** Good afternoon. I'm Jon
27 Doody, counsel for the Ukrainian-Canadian Congress.

28 We've heard that Russian's foreign

1 interference in the American 2016 election was a concern
2 leading up to Canada's 2019 general election. This was a
3 concern that the Panel had as well, I assume?

4 **MS. NATHALIE DROUIN:** Yes.

5 **MR. JON DOODY:** Did that concern increase or
6 decrease during the writ period, or did it remain the same as
7 it began?

8 **MS. NATHALIE DROUIN:** It decreased. The
9 concern was based on what we have seen across the world, and
10 then it decreased following the updated intelligence.

11 **MR. JON DOODY:** In the public witness --
12 sorry; the Public Interview Witness Summary, Ms. Morgan, you
13 indicate that the Panel was given information on Russia and
14 its ability to engage in cyber attacks and conduct
15 disinformation campaigns on social media. When was the Panel
16 given that information, if you remember?

17 **MS. MARTA MORGAN:** Well, as we noted this
18 morning, the Panel received briefings prior to the election
19 period itself on the -- on the threat environment, and that's
20 really about the capabilities and the intent of foreign
21 actors who may be either able or intend to intervene in the
22 Canadian election. So we looked at a whole variety of
23 information, including that.

24 **MR. JON DOODY:** So this was provided before
25 the writ period?

26 **MS. MARTA MORGAN:** Yes.

27 **MR. JON DOODY:** And we've heard that the
28 threshold for the Panel to act was high. And so if you can

1 answer this, did the Panel see any activity from Russia that
2 may not have risen to the threshold but nonetheless was a
3 concern the Panel was made aware of?

4 **MS. MARTA MORGAN:** I believe there -- in one
5 of the RRM reports there was a note that some Russian media
6 were covering the Canadian election campaign, which I think
7 is what's referred to in this report here. But other than
8 that, I don't recall during the election campaign being
9 brought any information related to Russian activity in the
10 Canadian information ecosystem.

11 **MR. JON DOODY:** And then, finally, would it
12 be fair to say that while the Panel did not identify any
13 incidents of Russian foreign interference during the 2019
14 general election, it's entirely possible that it did occur
15 and simply wasn't recognized?

16 **MS. MARTA MORGAN:** Well, you know following
17 up on Madam Drouin's comments, our intelligence and our Rapid
18 Response Mechanism work very closely with allies, and we --
19 you know, we have access to information that they might have.
20 The RRM, in particular, works closely with all of the G7
21 countries and works with social media outlets and works with
22 civil society organisations that monitor elections. So it's
23 always possible, but certainly we did not see it and neither
24 did any of the organisations that we were working with
25 outside of government see it at that time.

26 **MR. JON DOODY:** Thank you. Those are all my
27 questions.

28 **COMMISSIONER HOGUE:** Thank you.

1 Next one is Human Rights Coalition.

2 **--- CROSS-EXAMINATION BY MS. SARAH TEICH:**

3 **MS. SARAH TEICH:** Good afternoon.

4 Can we please pull up WIT 60. And I don't
5 believe I need leave as I won't be cross-examining on a prior
6 inconsistent statement.

7 And if we could turn to page 17,
8 paragraph 78.

9 So the summary notes that Ms. Drouin, quote:

10 "...believed that the use of the word
11 'network'..."

12 And she's referring to media reports based on
13 the paragraph immediately above:

14 "...was unfortunate, as it gives the
15 impression the individuals were
16 working in concert."

17 Do you remember saying this, Ms. Drouin?

18 **MS. NATHALIE DROUIN:** Yes.

19 **MS. SARAH TEICH:** Madam Commissioner, I would
20 like to ask for leave to pull up CAN 18756.

21 **--- EXHIBIT No. CAN 18756:**

22 Daily Foreign Intelligence Brief, 21
23 February 2020

24 **MS. SARAH TEICH:** This is a daily foreign
25 intelligence brief from February 2020, and we did not include
26 it in our cross-examination request as this is one of the
27 ones we received over the weekend.

28 **COMMISSIONER HOGUE:** Yeah, you can refer to

1 it.

2 **MS. SARAH TEICH:** Thank you.

3 On the first page, actually this is the only
4 page, I believe, because I think the second page is fully
5 redacted, the assessment reads:

6 "Investigations into activities
7 linked to the Canadian federal
8 election in 2019, reveal an active
9 foreign interference...network."

10 Then there's a redaction:

11 "This network [involved] the Chinese
12 [redaction] local community leaders,
13 Canadian politicians, and their
14 staff. Under broad guidance from the
15 [redacted] co-opted staff of targeted
16 politicians provide advice on China-
17 related issues and community leaders
18 facilitate the clandestine transfer
19 of funds and recruit potential
20 targets."

21 Ms. Drouin, have you seen this document
22 before?

23 **MS. NATHALIE DROUIN:** Yes, I have seen that
24 document before. It's difficult for me to see -- to say when
25 I've seen that document with the different roles I have
26 played, but I have seen that document before.

27 **MS. SARAH TEICH:** Do you recall, have you
28 seen it before giving your witness statement that I referred

1 to earlier?

2 **MS. NATHALIE DROUIN:** I have seen it
3 following the leaks and the work I have done in terms of the
4 leaks investigation.

5 **MS. SARAH TEICH:** Okay. So my question is
6 given that this document uses the term "network", and it's
7 just media, does that change your opinion on the
8 appropriateness of its use?

9 **MS. NATHALIE DROUIN:** My -- the comment that
10 you quote before are still the same. The network here
11 doesn't mean that the individuals were working in concert.

12 **MS. SARAH TEICH:** Okay.

13 Madam Commissioner, I would ask for leave
14 next to pull up CAN 4495.

15 **--- EXHIBIT No. CAN 4495:**

16 Briefing to the Prime Minister's
17 Office on Foreign Interference
18 Threats to Canada's Democratic
19 Institutions

20 **MS. SARAH TEICH:** This is a CSIS briefing to
21 the Prime Minister's Office from 2023, but it also describes
22 briefings provided to the Panel of Five in the context of the
23 2019 general election. And as we talked about earlier, this
24 was also provided only this weekend so that's why we didn't
25 put it in the request.

26 **COMMISSIONER HOGUE:** It's okay, you can refer
27 to it.

28 **MS. SARAH TEICH:** So if we go down to pages -

1 - starting at the bottom of page 3, and going into page 4,
2 the document outlines that CSIS conducted various briefings,
3 I'll just summarise this, on the subject of PRC interference,
4 and they talk about that they did briefings to the Panel of
5 Five in the context of the 2019 general election.

6 So let me just start by confirming in general
7 that the Panel did in fact receive CSIS briefings in the lead
8 up to the 2019 general election. I'm not asking on what
9 topic yet.

10 **MS. NATHALIE DROUIN:** Yeah, so it goes fast a
11 little bit. So can you repeat your question?

12 **MS. SARAH TEICH:** I just want to confirm that
13 CSIS provided briefings to the Panel of Five in the lead up
14 to the election?

15 **MS. NATHALIE DROUIN:** Yeah, CSIS did.

16 **MS. SARAH TEICH:** All right, thank you.

17 If we can scroll back up to the middle of
18 page 2. There. Perfect.

19 So here, CSIS writes:

20 "We know that the PRC clandestinely
21 and deceptively interfered in both
22 the 2019 and 2021 general elections.
23 In both cases, these F1 activities
24 were pragmatic in nature and focussed
25 primarily on supporting those viewed
26 to be either 'pro-PRC' or 'neutral'
27 on issues of interest to the PRC
28 government."

1 And they also write:
2 "...at least [18] (sic) candidates
3 and 13 staff members, were implicated
4 in PRC F1 networks....This included
5 members of multiple political
6 parties."

7 So my question for this Panel is, in the
8 Panel's briefings with CSIS in the lead up to the election,
9 did they use this sort of language, this sort of information
10 you received?

11 **MS. NATHALIE DROUIN:** The pragmatic, like it
12 depends -- it gives a lot of things here. So ---

13 **MS. SARAH TEICH:** That's true. We could
14 break it down. What about "We know"?

15 **MS. NATHALIE DROUIN:** What I do remember,
16 sorry, I don't even see....

17 **MR. BARNEY BRUCKER:** Excuse me. Can we
18 scroll up to the top of the document?

19 **MS. SARAH TEICH:** Yeah.

20 **MR. BARNEY BRUCKER:** This is -- there. Back
21 to the ---

22 **MS. NATHALIE DROUIN:** So this ---

23 **MR. BARNEY BRUCKER:** Assertions in Media
24 Reporting.

25 **MS. NATHALIE DROUIN:** Okay. So that is
26 following the leaks.

27 Thank you.

28 That is really following the leaks where a

1 briefing was prepared in order to go back to the leaks and
2 give information about what we knew and when regarding those
3 leaks. So if we talk about PRC, and we see that also in the
4 public summaries that we have sent to the Commission, that
5 the approach and the tactic of PRC is really to do some
6 pragmatic work in the sense that they are doing activities
7 when they believe it is necessary to promote their own
8 interests.

9 So this is the type of language we heard
10 regarding PRC.

11 **MS. SARAH TEICH:** Okay. So ---

12 **COMMISSIONER HOGUE:** Ms. Teich, this is going
13 to be your last question because your time is already over.

14 **MS. SARAH TEICH:** All right. Thank you.

15 Okay. My last question is in hindsight, if
16 you had received all of this language and the briefings
17 leading up to the 2019 general election, so not just the
18 pragmatic in nature but also the level of certainty that's
19 implied from we know, would this have changed your
20 consideration of whether the threshold had or had not been
21 reached.

22 **MS. NATHALIE DROUIN:** I believe that the
23 baseline information we received before '19 and '21, and then
24 the specific issues we received was appropriate, relevant,
25 and adequate information for us to do our judgement and to
26 make our determination.

27 **MS. SARAH TEICH:** All right. Thank you.

28 **COMMISSIONER HOGUE:** Thank you.

1 Counsel for Michael Chong.

2 --- CROSS-EXAMINATION BY MR. GIB van ERT:

3 MR. GIB van ERT: I'll ask the court operator
4 to please turn up the document at, one moment, CAN 009823.

5 This is the work plan that we were looking at
6 earlier from 2019.

7 And if you'll go to page 3 of that document,
8 please.

9 This question is for Me Drouin. You've got
10 your notes on the document.

11 And scrolling down a little more, please.

12 In the middle of the page, we see:

13 "Recognizing that these decisions
14 required nuanced judgement...possible
15 (sic) considerations are...."

16 And there are the bullet list. The second
17 bullet is:

18 "To what extent has disinformation
19 been disseminated beyond specific
20 interest groups, i.e. picked up and
21 reported on by the mainstream media?"

22 My question for you, Ms. Drouin, is what do
23 you understand and what did the Panel understand by
24 mainstream media here? Is that to say English and French
25 language national outlets?

26 MS. NATHALIE DROUIN: So I think here it's a
27 question, and also when we were discussing about our
28 collective interpretation of the directive, of the threshold,

1 and remember this morning I talked about the wrench placemat
2 when we talked about what we should consider when we do our
3 impact evaluation. And the scale of something is one factor
4 that will determine, you know, the impact of disinformation
5 or misinformation.

6 So the fact that it's mainstream or not
7 mainstream, this is just like a way to assess the scale of
8 something. It's not about the fact that English is better
9 than another language is just a factor to assess, as I just
10 said, the scale of the disinformation.

11 **MR. GIB van ERT:** Well, is that then to
12 suggest that information -- well, let's say misinformation or
13 disinformation that doesn't reach the mainstream media, but
14 instead rests with, to use the language of this bullet point,
15 specific interest groups, so it doesn't break out of specific
16 interest groups and get to the mainstream, it just sticks in
17 the specific interest groups, is that to suggest that that
18 sort of misinformation or disinformation is less likely to
19 meet the threshold under the protocol?

20 **MS. NATHALIE DROUIN:** So the scale is only
21 one thing.

22 **MR. GIB van ERT:** Right.

23 **MS. NATHALIE DROUIN:** There's the scale.
24 There's whatever -- whether or not it's reliable, whether or
25 not it is something that is really false and that the --
26 nobody can debunk it. So there's a lot of factors ---

27 **MR. GIB van ERT:** There are other factors.

28 **MS. NATHALIE DROUIN:** --- as I went through -

1 --

2 MR. GIB van ERT: Yeah. And it's just this
3 one ---

4 MS. NATHALIE DROUIN: --- this morning but --
5 -

6 MR. GIB van ERT: --- that I'm exploring, but
7 I appreciate ---

8 MS. NATHALIE DROUIN: But ---

9 MR. GIB van ERT: --- that there are other --
10 -

11 MS. NATHALIE DROUIN: --- it's not only --
12 like, this is why the judgment was -- and I think my
13 colleague also then said that, it requires a lot of judgment,
14 context, knowledge, because it was multifactorial, if I can
15 say, if I can use that word.

16 MR. GIB van ERT: So ---

17 MS. NATHALIE DROUIN: It was not only the
18 fact that it didn't reach, for example, the mainstream media
19 ---

20 MR. GIB van ERT: I understand.

21 MS. NATHALIE DROUIN: --- that was a
22 decision-making point for the panel.

23 MR. GIB van ERT: So in the event that
24 something doesn't make the mainstream media, what you're
25 saying is it might still meet the threshold?

26 MS. NATHALIE DROUIN: It might, if all the
27 factors justify.

28 MR. GIB van ERT: Thank you. All right. Did

1 anyone on the panel speak Mandarin or read Mandarin?

2 **MS. NATHALIE DROUIN:** No.

3 **MR. GIB van ERT:** All right. Thank you. Me
4 Drouin, another question for you, you explained that the
5 panel didn't come to a conclusion or a consensus about
6 whether the impact of a given incident had to be considered
7 on a national basis or on a riding-by-riding basis, you
8 didn't need to determine that in the end. Now if the Court
9 Operator would turn up CAN 009920, we saw this earlier, Me
10 Douin. This is the minute that the PCO took, which you've
11 since said doesn't represent the actual conclusion. So if
12 you just scroll down, please? There we are. It's the second
13 bullet.

14 Someone at PCO -- do you know who took this
15 note?

16 **MS. NATHALIE DROUIN:** [No interpretation]

17 **MR. GIB van ERT:** You don't know.

18 **MS. NATHALIE DROUIN:** Just specifically, I'm
19 not sure that these are minutes. I'm not sure that this
20 would be appropriate.

21 **MR. GIB van ERT:** But if they were -- if it
22 is not minutes, did anybody take minutes?

23 **MS. NATHALIE DROUIN:** No, there was no formal
24 record that was adopted.

25 **MR. GIB van ERT:** And if I understand, you
26 say that the second bullet would be an error, that you didn't
27 decide that. So will there be a document that would
28 contradict this one?

1 **MS. NATHALIE DROUIN:** I couldn't tell you
2 considering the amount of documents.

3 First, I think that it's important we
4 analyzed, we worked on information at the riding level. Most
5 of the information that we received was in relation to
6 specific ridings and the panel still took the time to assess
7 that. And in each individual circumstance, we concluded that
8 even at the riding level, the threshold to make announcements
9 had not been met.

10 **MR. GIB van ERT:** Yes, I already had your
11 evidence, but -- on that, but I have very little time. I
12 need to continue.

13 Again, with you, Me Drouin, if I may, I want
14 to make sure I understood your evidence on the question of
15 whether or not the Han Dong allegations fell outside the
16 panel's jurisdiction. I heard you say that it was a
17 nomination contest and there was some question about that,
18 but I wasn't sure that I understood, where did the panel
19 land? Did you decide that it was outside your jurisdiction,
20 or did you decide that it was within your jurisdiction, or
21 did you not decide at all?

22 **MS. NATHALIE DROUIN:** So I think that because
23 of the follow up we have done, because of the seriousness we
24 dedicated to the matter, even if it was not clear, we act as
25 it was under the panel remit because the credibility of the
26 democratic exercise may have been at play.

27 **MR. GIB van ERT:** So took for granted that it
28 may be within your purview.

1 **MS. NATHALIE DROUIN:** Yes. Yes. Well, you
2 know that the nomination processes are not very much
3 regulated.

4 **MR. GIB van ERT:** Yes, you already explained
5 all this. And we also heard evidence from other witnesses.

6 You explained that the panel -- the fact that
7 the panel was able to advise the Liberal Party of Canada of
8 the Han Dong allegations was something that you considered to
9 be a mitigation measure, if I understood your evidence
10 correctly, a mitigation of the incident.

11 **MS. NATHALIE DROUIN:** Can you reformulate
12 that? I think ---

13 **MR. GIB van ERT:** Yes.

14 **MS. NATHALIE DROUIN:** --- you have said the
15 panel advice?

16 **MR. GIB van ERT:** Sorry, okay. So let me try
17 again. Yeah, and please correct me if I've got it wrong. I
18 thought what you had said was that the panel considered that
19 the fact that the Liberal Party could be informed, probably
20 not by the panel but by someone, of these allegations was a
21 matter that the panel regarded as being in mitigation.

22 **MS. NATHALIE DROUIN:** Yes, this is ---

23 **MR. GIB van ERT:** All right.

24 **MS. NATHALIE DROUIN:** --- what I said.

25 **MR. GIB van ERT:** And so my question for you
26 is -- well, first question, you regarded that as in
27 mitigation because having been informed of those allegations,
28 the Liberal Party could do whatever it saw fit to do with

1 those allegations.

2 **MS. NATHALIE DROUIN:** You're right.

3 **MR. GIB van ERT:** Okay. Thank you. And once
4 -- I know you met briefly after the election. At that point,
5 of course, we all knew that nothing had been done about the
6 allegations and Han Dong was now a Member of Parliament. Did
7 the panel consider, for future reference, what mitigation
8 value that information had because it didn't accomplish
9 anything in the end, of course?

10 **MS. NATHALIE DROUIN:** So I don't think we can
11 come to that conclusion. I don't think I can come to that
12 conclusion that nothing have been done. And second, with the
13 evolution of the intel, some things have been confirmed,
14 others not so, so I -- anyway, I would stay there.

15 **MR. GIB van ERT:** I take your point. Maybe I
16 go too far to say nothing had been done. Maybe there was
17 something that was done that we don't know about. My point
18 was simply that he was, of course, allowed to continue to be
19 the candidate, and then he was elected and became a member of
20 the Liberal Party Caucus and a Member of Parliament. So,
21 again, I'll -- just to rephrase the point, because you're
22 right, maybe there was something done, but did the panel
23 consider, having seen that Mr. Dong became a Member of
24 Parliament despite the allegations, did it consider what the
25 implications of that were for treating outreach to a party as
26 a mitigation factor in future?

27 **MS. NATHALIE DROUIN:** So I think it is not
28 the role of the panel to give advice to any parties in terms

1 of who can be a candidate or not.

2 **MR. GIB van ERT:** Yes. But did you have a
3 discussion about it is all I'm asking?

4 **MS. NATHALIE DROUIN:** The ---

5 **MR. GIB van ERT:** Because I quite agree, it's
6 not your role to give advice to a party. I didn't mean to
7 suggest that, but was there some discussion after the fact
8 about, all right, well, we left it to the party. Han Dong is
9 now in Parliament. How does that affect our proceedings in
10 the future? Any such discussion? Any such contemplation?

11 **MS. NATHALIE DROUIN:** Maybe one thing that I
12 need to repeat, that before the leaks, we were talking about
13 the Don Valley North issue ---

14 **MR. GIB van ERT:** Yes.

15 **MS. NATHALIE DROUIN:** --- and not the name of
16 the candidate.

17 **MR. GIB van ERT:** Right. So you didn't put
18 two and two together after the election?

19 **MS. NATHALIE DROUIN:** No.

20 **MR. GIB van ERT:** All right. Thank you very
21 much. That's very helpful.

22 **COMMISSIONER HOGUE:** Thank you.

23 Me Choudhry acting for Jenny Kwan. I'm
24 sorry. And your name is? Kakkar.

25 **--- CROSS-EXAMINATION BY MS. MANI KAKKAR:**

26 **MS. MANI KAKKAR:** Good afternoon. As the
27 Commissioner stated, Ms. Kakkar acting for Jenny Kwan MP.
28 I've got some questions for this panel that relate to what

1 you've described as the information around foreign
2 interference that you received. So you mentioned that you
3 received essentially riding level information about foreign
4 interference. And from the sitrep reports we've been able to
5 review at least, those can often be sort of small events or
6 instances. It could be a WeChat post, or a campaign event,
7 so on their own they don't look like much, but perhaps in the
8 aggregate, they may be telling a different message. How did
9 this panel review that information in the aggregate?

10 **MS. NATHALIE DROUIN:** So your question is
11 that have we been able to factor the totality of activities
12 and not looking at different incidents or activities in
13 silos. Is that -- am I ---

14 **MS. MANI KAKKAR:** That's exactly it. And to
15 tie that to sort of some of the information you were
16 receiving, for example in the SITREPs, there is a trend
17 level; right? So it often said stable week by week. And you
18 acknowledged in your testimony that you viewed it as advice.
19 If every week it said stable, but if you put three reports
20 together and you saw that perhaps that wasn't what you would
21 characterize the three weeks together, how did you aggregate
22 and assess that?

23 **MS. NATHALIE DROUIN:** So thank you for that
24 question, as it gives me the opportunity to say how difficult
25 it is to with intel because the intel comes by -- in
26 piecemeal for sure. Like, we are collecting things. And
27 this is why we have agencies like CSE, like CSIS, like the
28 SITE, to look, gather all the information, and come with an

1 assessment to make sure that we will not be focusing on only
2 one incidence and not taking into account the context in
3 which these incidents happen. So that's really the role that
4 we're expecting from the intelligence agencies helping us to
5 analyze and to receive the information.

6 The flow of information, if I may say, is
7 some sort of a pyramid. So our agencies are collecting a
8 lot, receiving a lot, putting things in, you know, an
9 aggregated way, and then flowing the information to us as
10 decision makers. So this is how the flow works, because it's
11 impossible for us to read what all analysts are reading on a
12 day in and day out.

13 **MS. MANI KAKKAR:** So do I understand
14 correctly that you then relied on your agencies to aggregate
15 the information for you and that you yourself, as a panel,
16 didn't view it that way?

17 **MS. NATHALIE DROUIN:** So that is really their
18 role. However, as we said this morning, when we were
19 receiving the daily SITREP, we were also receiving some raw
20 material that will be relevant to that SITREP. But of
21 course, like, as my role when I was Deputy Minister at
22 Justice for 2019, I was relying on the National Security
23 Committee to bring the relevant information and also provide
24 their advice on the information they were providing.

25 I don't know if my colleagues want to add on
26 that?

27 **MS. GRETA BOSSENMAIER:** I was going to, if I
28 could just compliment that. And I don't want to go into a

1 whole deep discussion around the mosaic effect, but
2 intelligence analysts and intelligence organizations will
3 talk about always trying to continue to ensure that they're
4 building an appropriate picture. And yes, they might
5 perceive a piece of intel one day and another one another
6 year, and another one from another source, some of it
7 corroborated, some not, some requiring further analysis.
8 They are skilled in looking at trends, they're skilled at
9 looking at a mosaic effect, trying to understand does this
10 piece of the puzzle fit or not? So they are experts in this.
11 And just from my own experience, looking at what was put in
12 place for the 2019 election, I think it's been stated before,
13 this was novel, it was unprecedented in terms of the amount
14 of effort, putting together a SITE panel, putting together
15 the SITE organizations, producing public documents, putting
16 the panel together. This was unprecedented.

17 So to Ms. Drouin's point, there were
18 significant efforts being applied by the intelligence
19 apparatus, by the security intelligence agencies, and by the
20 processes that were put in place to help ensure that we were
21 getting the best picture possible.

22 **MS. NATHALIE DROUIN:** And just to add, the
23 important tool that we had was asking questions. In doubts -
24 - if our understanding was not appropriate, if we feel that
25 we did not have the context, we were always able to ask for
26 further information and asking other questions.

27 **MS. MANI KAKKAR:** Okay. I think the reason
28 is that there seems to be somewhat of a disconnect between

1 the answer I'm hearing, which is that we relied on our
2 agencies to do that aggregate work for us, and some of the
3 agencies, or at least specifically the SITREP documents that
4 we've seen, where you get sort of very small -- or you get
5 daily reports that report small instances, but we haven't
6 seen, at least, information that you've received collectively
7 about what that might mean, but you're saying your agencies
8 briefed you on it, and that's the evidence you're giving?

9 **MS. NATHALIE DROUIN:** Yes.

10 **MS. MANI KAKKAR:** Okay. I'd like to move on
11 then to the next point, given my time constraints today. You
12 noted, and you often refer to in your testimony, foreign
13 governments not being able to attribute particular pieces of
14 potential FI to a foreign government, but do you agree that
15 the protocol itself is broader than that and actually refers
16 to foreign actors? If you need, I'm happy to put the
17 protocol up.

18 **MS. NATHALIE DROUIN:** Yeah.

19 **MS. MANI KAKKAR:** You agree that it refers to
20 foreign actors? It doesn't have to be governments alone?
21 Okay.

22 And you also mentioned that foreign
23 interference and the information you received happened
24 typically at the riding level, and even though in your
25 conclusions you found that all of those riding level
26 instances didn't trigger the threshold, would you then say
27 that a riding level event, if you concluded that it did
28 trigger the threshold, could actually result in a response by

1 the Panel of Five?

2 **MS. NATHALIE DROUIN:** Yes.

3 **MS. MANI KAKKAR:** Yes. Okay. The other
4 point I wanted to raise, and you have seen it in some of the
5 SITREP reports you received, is that foreign actors
6 themselves may work through domestic proxies. I wanted to
7 understand how this panel viewed essentially the work of
8 foreign actors through domestic proxies in its consideration
9 of whether a threshold was met?

10 **MS. NATHALIE DROUIN:** Yeah, that was a
11 consideration, yes, for sure.

12 **MS. MANI KAKKAR:** Could you elaborate on
13 that?

14 **MS. NATHALIE DROUIN:** Well it -- the fact
15 that a foreign actor or a specific country is using proxies
16 and we have -- let's say we have intel information that this
17 proxy is really acting on behalf of this foreign actor, this
18 is what foreign interference is about. Like, if it's covert,
19 it is -- and if it's threatening, well, this response to the
20 definition...

21 **MS. MANI KAKKAR:** Okay. So understanding
22 that on the one end that we, I think, theoretically agree
23 that it could be through a domestic proxy, your colleagues at
24 GAC and RRM last week gave testimony that it was practically
25 impossible for them to trace and understand foreign
26 interference from the Chinese, for example, in particular,
27 because they didn't know those social media platforms, they
28 didn't have agreements with those social media platforms, and

1 so getting, perhaps, what would be reliable information was
2 difficult. Were you briefed of that and how did you address
3 that issue?

4 **MS. MARTA MORGAN:** Yes, we were briefed by
5 the RRM and the SITE Taskforce about the challenges of
6 assessing information in different social media platforms and
7 we were well aware that in some cases, we had agreements,
8 there was more transparency. In some cases, what was
9 happening in the social media platforms was transparent and
10 we actually did see some of the issues around the 2021
11 Election were actually on transparent sites. But there was
12 always going to be some challenges in certain areas and we
13 were appropriately, I think, informed of where the
14 difficulties could lay.

15 **MS. MANI KAKKAR:** And were those difficulties
16 taken into account when you applied the threshold? To say
17 that you might not have reliable information in this context,
18 you may never have it, but then how do you apply the
19 threshold?

20 **MS. MARTA MORGAN:** Well I think that of
21 course we would take that into account. We knew that we
22 needed to have a very high threshold because if we, as a
23 panel, were going to make public assertions, the information
24 that we had to have needed to be reliable and we also knew
25 that there could be some challenges during an election
26 campaign, given how short it is, and given the various
27 realities of how that can be done.

28 But nonetheless, for us to make an

1 announcement to the public, we needed to have good, credible,
2 solid information. And we had seen that done when there had
3 been instances of sort of widespread foreign interference in
4 other elections in other countries. So it is not -- it -- we
5 had seen this kind of information obtained, and assessed, and
6 analyzed, and made public. So we knew that it was possible.

7 **MS. MANI KAKKAR:** I think ---

8 **COMMISSIONER HOGUE:** Your time is over, so
9 I'm going to let you conclude by a last question.

10 **MS. MANI KAKKAR:** Thank you, Commissioner.

11 I think what I want to ask specifically, just
12 to double down on this, is I appreciate that you'd seen it in
13 other countries, but what you were seeing specifically in
14 Canada were small instances of riding level potential foreign
15 interference. You had been briefed that China was a key
16 player in this interference, and you had very limited
17 reliable information coming from your agencies or the sources
18 of your information to understand that interference. And
19 that is how -- that is what you had then to apply to a very
20 high threshold in order to determine if you were going to
21 take any action at all. Am I understanding this correctly?

22 **MS. NATHALIE DROUIN:** If I may, there are
23 many elements of your question.

24 First of all, we have to make the difference
25 as to whether there was disinformation, was there a mistake
26 in the information or were there opinions that were
27 expressed. These are three situations that are very
28 different, and this is not the role of the panel to clarify

1 an interpretation, for example, on a public policy or on an
2 electoral platform. And it's not the role of the panel as
3 well to be the panel of the truth, to say what is true and
4 what isn't.

5 I'd also like to mention that Article 6 of
6 the directive states that the panel could have made an
7 announcement even if it not had been possible to attribute
8 who was behind this foreign interference. This is a chain of
9 certainties, the first one being we don't see interference,
10 foreign interference, the second being we see it, we know it,
11 but we can't state it publicly yet. And finally, at the
12 other end of the spectrum, we see it and we can give --
13 attribute it publicly.

14 But the protocol set out that we could talk
15 about foreign interference even if we couldn't attribute it
16 publicly as to where it came from precisely.

17 **MS. MANI KAKKAR:** Thank you, Commissioner.

18 **COMMISSIONER HOGUE:** Thank you.

19 Counsel for Han Dong?

20 **MS. EMILY YOUNG:** We have no questions.

21 Thank you.

22 **COMMISSIONER HOGUE:** Counsel for Erin
23 O'Toole?

24 **--- CROSS-EXAMINATION BY MR. THOMAS JARMYN:**

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

26 My name's Tom Jarmyn and I'm counsel for Erin O'Toole. I
27 guess if I could get COM 122, which is the Judd report
28 brought up -- or the Judd report and then we'll go to the

1 directive, which I think is page 27.

2 And while we're doing that, I just want to
3 sort of start with the distinction that the Chief Electoral
4 Officer made during his evidence, which is that there's a
5 difference between an election which is legal and an election
6 which is free and fair. Is that accepted by the panel? In
7 other words, one that's conducted in accordance with all the
8 rule of law, but it's not free and fair. Is that a ---

9 **MS. NATHALIE DROUIN:** Well, it's an
10 interesting question. Which one is broader than the other
11 one, but the threshold we had was free and fair.

12 **MR. THOMAS JARMYN:** Yeah. And that is why,
13 in fact, the Chief Electoral Officer has -- in order to
14 achieve free and fair elections has asked for further powers
15 to regulate elections. Are you aware of that in his last --
16 in his post-election report?

17 **MS. NATHALIE DROUIN:** I know that a report
18 with recommendation have been tabled in front of the house,
19 yes.

20 **MR. THOMAS JARMYN:** Okay. And so I'm still
21 struggling with what exactly the threshold is here. And the
22 word free and fair has been used on a fairly regular basis,
23 but how do you determine what is a free and fair election?

24 **MS. NATHALIE DROUIN:** So I think you have the
25 right appendix. If you would like to go to Section 6, I
26 think that ---

27 **MR. THOMAS JARMYN:** Yes.

28 **MS. NATHALIE DROUIN:** --- that can help,

1 because this is really where we talk about the threshold. So
2 if we look at the first paragraph, so, first of all, what we
3 are looking at is incident of all accumulation of incidents
4 that can threaten Canada and it is important here, Canada's
5 ability to have a free and fair election.

6 **MR. THOMAS JARMYN:** Or I guess I don't want
7 to go through the words on the directive because what I'm
8 asking is what is the objectively observable event or thing
9 that would have to be seen in order to determine that
10 threshold had been met?

11 **MS. NATHALIE DROUIN:** Well, I think that I'm
12 always repeating things, but if you look at all the factors,
13 we were looking to see if an incident or many incidents can
14 have an impact on a free and fair election. A lot of factors
15 were taking into account. Were we talking about a single
16 incident? Were we talking about something that stick very
17 long? Are we talking about something that a lot of Canadians
18 are being affected? Are we talking about something that
19 cannot be debunked by the ecosystem? Are we talking about
20 something that only, you know, government, for example, know
21 about the source and other do not know? So those were the
22 factors. And this is why we went through a lot of scenarios,
23 to be able to look at different events, different context,
24 and play with all those different factors to determine
25 whether or not the threshold was met. And the threshold had
26 to be also interpreted in the fact that we are a democracy,
27 we have the freedom of speech, we have the freedom of
28 opinion. We are not there, we are not are not the Panel --

1 we are not there to judge whether an idea is good or not,
2 what is true or what isn't, interpretation, for example, of
3 a...

4 **MR. THOMAS JARMYN:** But we regulate free
5 speech during elections significantly; don't we?

6 **MS. NATHALIE DROUIN:** We do.

7 **MR. THOMAS JARMYN:** Like, charities are
8 prohibited from actually speaking on partisan politics.

9 **MS. NATHALIE DROUIN:** Can you repeat that?

10 **MR. THOMAS JARMYN:** A charitable organization

11 ---

12 **MS. NATHALIE DROUIN:** Yeah.

13 **MR. THOMAS JARMYN:** --- is prohibited from
14 speaking on partisan politics; is that correct? I'll leave
15 that point there.

16 Mr. Daigle in the second panel actually used
17 these words before we -- he said they would intervene. "We
18 need some reliable -- sorry, need some reliable information
19 we could test that there's something going on that needs
20 correction. A mere possibility is not enough." That speaks
21 to a degree of certainty that foreign interference is
22 occurring. Would you accept that test?

23 **MS. NATHALIE DROUIN:** Absolutely.

24 **MR. THOMAS JARMYN:** Okay.

25 **MS. NATHALIE DROUIN:** Amongst the other test,
26 yes.

27 **MR. THOMAS JARMYN:** Yeah. And that leaves me
28 to the suggestion that, in fact, embedded in this directive

1 is a very strong bias to an action. And the reason I say
2 that is that intelligence very rarely at first instance
3 allows any degree of certainty. Is that a fair statement?

4 **MS. NATHALIE DROUIN:** So I think the reason
5 why the threshold is very high, and this is because we were
6 working with intelligence, one of that is that we were
7 working with intelligence, and I think that -- and I said
8 that many times also this morning that if the panel does an
9 announcement based on something that is not substantiated,
10 not true, we can create more harms than trying to correct
11 something.

12 **MR. THOMAS JARMYN:** Yes. No, I agree, and
13 that's -- but I say that there's a very strong bias to not
14 wanting to take a step.

15 **MS. NATHALIE DROUIN:** I just don't like the
16 fact that it's a bias towards inaction. I think it was the
17 necessary threshold to make sure that the panel will act when
18 it's necessary and when the context is appropriate. One
19 thing that we should say though is that it's not because the
20 panel is not exercising its announcement, authority, or power
21 then that nothing is happening. Other agencies can -- and
22 it's important to say so. Like, for example, CSIS can do
23 threat reduction measures. Other departments -- RCMP can do
24 an investigation. Election Canada can do an investigation.
25 So all the other tools that we have in our Canadian legal
26 framework remain.

27 **MR. THOMAS JARMYN:** I acknowledge those tools
28 are there. Who's making sure that those tools are being

1 exercised and used?

2 **MS. NATHALIE DROUIN:** So there's a lot of
3 accountability mechanism in our system to make sure that
4 departments are using their legislation, their authorities
5 appropriately.

6 This Commission is also an example of the
7 type of accountability mechanism that Canada has. We -- you
8 know, ministers report to Parliament. So there's a lot of
9 mechanisms to make sure that departments act appropriately.

10 **MR. THOMAS JARMYN:** So the correction -- the
11 critical incident protocol, though, has two remedies. One,
12 the public statement, but it also says the agencies should --
13 in fact it gives direction that the agencies will inform
14 affected parties. Is that correct?

15 **MS. NATHALIE DROUIN:** Can you repeat that,
16 please?

17 **MR. THOMAS JARMYN:** It gives direction that
18 the agencies will inform affected parties.

19 **MS. NATHALIE DROUIN:** So we -- the Panel does
20 not give direction.

21 **MR. THOMAS JARMYN:** No, the Protocol directs
22 agencies that they will inform affected parties; is that
23 correct?

24 **MS. NATHALIE DROUIN:** So yeah, that -- well,
25 that is one of the difference between the directive text that
26 we have in '19 versus '21. And while it was something
27 available in '19 to brief representatives of the different
28 parties, and in fact, a lot of those briefings happened in

1 '19 and '21 to the peer representative parties, some specific
2 briefings happened, but a lot of general briefings happened
3 to those representatives in both elections.

4 **MR. THOMAS JARMYN:** With respect to specific
5 incidents, it's your evidence that the agencies, as they
6 became aware of specific incidents, were briefing the
7 political parties or affected parties in real time?

8 **MS. NATHALIE DROUIN:** What do you mean?

9 **MR. THOMAS JARMYN:** Well, it says:

10 "Barring any overriding national
11 security/public security reasons..."

12 This is in Article 5, para 2:

13 "...the agencies will inform the
14 affected party, (e.g. a candidate; a
15 political party; Elections Canada) of
16 the incident directly."

17 **MS. NATHALIE DROUIN:** Oh, okay. Can you roll
18 up a little bit?

19 So that was a process if an announcement was
20 triggered. So if we were about to do ---

21 **MR. THOMAS JARMYN:** Okay.

22 **MS. NATHALIE DROUIN:** --- an announcement
23 that was the process in which the announcement would have
24 unfold and how we would reach the relevant parties.

25 **MR. THOMAS JARMYN:** So only if you achieve
26 that level of certainty that something has happened would you
27 actually engage with the parties?

28 **MS. NATHALIE DROUIN:** So that is the process

1 if the announcement was triggered. But as you know, CSIS,
2 and with the support with PCO folks, also provided some
3 briefings before the election, during the election, and some
4 specific briefings in some occasions.

5 **MR. THOMAS JARMYN:** I'm going to look at a
6 couple of documents carrying on from the Don Valley North
7 incident.

8 So if we could look at CAN 8973.

9 **COMMISSIONER HOGUE:** It will be your last
10 line of questioning.

11 **MR. THOMAS JARMYN:** And if you go to page 12
12 at the top, and then page 13 at the bottom.

13 And this is a report that's prepared in
14 August 2020, so many months after and with a -- an
15 opportunity to gather further information.

16 And if you carry on down.

17 So this is a discussion about....

18 Further on down. Further. Yes.

19 So you've got the discussion with respect to
20 foreign interference and China's interference in the
21 election. It's fair to say that the -- that is somewhat more
22 conclusive than you would have arrived at during the election
23 itself as a Panel?

24 **MS. NATHALIE DROUIN:** What are you referring
25 it exactly?

26 **MR. THOMAS JARMYN:** Initial assessment --
27 sorry:

28 "However, SITE TF did observe foreign

1 interference activities targeting
2 certain ridings and candidates in
3 relation to the election, directed
4 largely from China, and to a lesser
5 extent, from India and Pakistan..."

6 **MS. NATHALIE DROUIN:** I think that this is
7 aligned with our conclusion. We didn't say that we didn't
8 see any foreign interference. This not what we have said.
9 As I testified this morning, we look at intel we receive at
10 the riding level, but both SITE, and it was not for SITE to
11 do the Panel's determination, but both SITE and the Panel
12 came to the same conclusion that overall the intel we have
13 seen, the incidents we have seen didn't change the outcome of
14 the election.

15 **MR. THOMAS JARMYN:** So it's not that foreign
16 interference didn't happen, it's that it didn't happen to a
17 sufficient of degree in order to cause you to want to do
18 something about it?

19 **MS. NATHALIE DROUIN:** And that it -- yeah.

20 **MR. THOMAS JARMYN:** Okay, thank you.

21 Thank you, Commissioner.

22 **COMMISSIONER HOGUE:** Thank you.

23 Conservative Party.

24 **--- CROSS-EXAMINATION BY MR. NANDO de LUCA:**

25 **MR. NANDO de LUCA:** Good afternoon. First
26 question, is it correct that each of you were on the Panel of
27 Five by virtue of your positions as deputy ministers, or in
28 the case of Ms. Bossenmaier, by virtue of being the NSIA?

1 MS. NATHALIE DROUIN: Yes.

2 MS. GRETA BOSSENMAIER: Correct.

3 MS. GINA WILSON: Yes.

4 MR. NANDO de LUCA: And each of those are
5 Governor in Council appointments?

6 MS. NATHALIE DROUIN: Yes.

7 MS. GINA WILSON: Yes.

8 MS. GRETA BOSSENMAIER: Correct.

9 MR. NANDO de LUCA: You were appointed to
10 your roles by the Prime Minister on the advice of the Clerk?

11 MS. GINA WILSON: Correct.

12 MS. NATHALIE DROUIN: Yes.

13 MR. NANDO de LUCA: And Ms. Surette, in the
14 case of the Clerk, the Clerk is appointed by way of a
15 Governor in Council appointment; is that correct?

16 MS. JANICE CHARETTE: Yes.

17 MR. NANDO de LUCA: Okay. You each served at
18 the pleasure of the Prime Minister, and serve, some of you?

19 MS. NATHALIE DROUIN: Yes. This is -- yeah,
20 this is the language of our commission, yes.

21 MR. NANDO de LUCA: Okay. And is -- are the
22 answers to those questions the same for the 2021 Panel of
23 Five, so I can maybe save myself a question?

24 MS. NATHALIE DROUIN: Yes, same questions.

25 MR. NANDO de LUCA: Okay. I believe in your
26 evidence in-Chief this morning with Ms. Morgan, you indicate
27 that you all considered the Panel of Five to be a
28 deliberative body; correct?

1 **MS. NATHALIE DROUIN:** A what?

2 **MR. NANDO de LUCA:** A deliberative body.

3 **MS. NATHALIE DROUIN:** Yeah. Yeah.

4 **MR. NANDO de LUCA:** Okay. And so much so
5 that after you had received your intelligence and security
6 briefings from the various security entities, that you had
7 asked them to leave while you deliberated internally;
8 correct?

9 **MS. NATHALIE DROUIN:** Yes.

10 **MR. NANDO de LUCA:** Okay. And did I also
11 hear correctly that no one member of the Panel had veto power
12 over the actions of the Panel?

13 **MS. NATHALIE DROUIN:** Yes, this is what we
14 said this morning. I can maybe add that -- or I fully
15 understand the question in that it can be seen that as
16 because we were acting in -- on a consensus basis it looks
17 like, you know, we were trying to find a -- [no
18 interpretation]. That was not the case. When it comes to
19 all the conversations we had had in terms of doing our
20 analysis, respective to different elements, we didn't have
21 any disagreement in terms of the threshold was met or not.

22 **MR. NANDO de LUCA:** Okay. So you were a
23 deliberative body that acted on a basis of unanimity;
24 correct?

25 **MS. NATHALIE DROUIN:** Yes.

26 **MR. NANDO de LUCA:** Okay. Would you agree
27 with me that if a deliberative body is tasked with acting
28 unanimously, and if you couple that with what is interpreted

1 to be a very high threshold before the body will act, it is
2 very difficult for that body to ultimately take action. Is
3 that correct?

4 **MS. NATHALIE DROUIN:** No. I don't think it
5 is correct. I mean, as you know, I have been an active
6 participant and a member of the two Panels. We have worked
7 very hard in terms of developing our understanding and
8 comprehension of the directive, and when we were faced to do
9 some concrete analysis, based on the intel that was showed to
10 us, we didn't have any major disagreement or we were really
11 aligned in terms of our conclusions and evaluations of the
12 situation.

13 **MR. NANDO de LUCA:** Okay. Is it correct to
14 say that in your case you basically had to get five people to
15 unanimously agree that the high threshold had been met before
16 you would take action?

17 **MS. NATHALIE DROUIN:** What I'm saying is
18 that, and this is how we operate in many other files, that
19 the benefit of those conversations was to weigh the
20 information, was to discuss the impact, and making sure that
21 we were also operating within the parameters of the
22 directive. And I would say that our conclusions were even
23 richer by those conversations than the opposite. And I would
24 not agree with any assumption that the fact that we were
25 acting in a consensus basis made kind of our conclusion not
26 relevant or so low that it was not useful for Canadians.

27 **MR. NANDO de LUCA:** I didn't say anything
28 about that. I asked you to agree with a simple question. In

1 your case, in order for -- before you would act, you would
2 have to get five people to unanimously agree that the high
3 threshold had been met. Isn't that correct?

4 **MS. NATHALIE DROUIN:** Yes, that's correct.

5 **MR. NANDO de LUCA:** Okay. Would you agree
6 with me that there's another deliberative process by which
7 you might have acted or had been charged to act, and that is
8 by majority vote, for example?

9 **MS. NATHALIE DROUIN:** Well not in the context
10 of how Deputy Minister works in other -- many, many files.

11 **MR. NANDO de LUCA:** Okay. Would you agree
12 with me -- we'll take that as a given. Would you agree with
13 me that if you did act on that basis, for example, by way of
14 a majority vote, that might have made it easier for decisions
15 to have been taken in this brief?

16 **MS. NATHALIE DROUIN:** I don't think that.

17 **MR. NANDO de LUCA:** Okay. And would it have
18 made it possible for someone who did have a disagreement to
19 register that disagreement, rather than having to act
20 unanimously?

21 **MS. NATHALIE DROUIN:** This is, like -- these
22 are very hypothetical questions. I'm trying to be as
23 transparent as possible with respect to the questions that
24 you have asked. The situations that you are presenting did
25 not arise.

26 **MR. NANDO de LUCA:** Thank you. Can you tell
27 me -- can I have COM122 pulled up, please? Bottom of page
28 13, top of 14.

1 This is the report that we've been referring
2 to. And this, you'll agree, sets out or reflects the Panel
3 of Five's mandate for the 2019 election? Is that correct?

4 **MS. NATHALIE DROUIN:** Yes.

5 **MS. NANDO de LUCA:** Among other things?

6 **MS. NATHALIE DROUIN:** Yes.

7 **MR. NANDO de LUCA:** Okay. Is it true -- am I
8 correct that the mandate specifies that the core question is
9 the impact of an incident on Canada's ability to have a free
10 and fair election? Correct?

11 **MS. NATHALIE DROUIN:** Correct.

12 **MR. NANDO de LUCA:** And can you further
13 confirm that the mandate states that the question for the
14 Panel's determination in deciding whether to act was whether
15 incidents threatened Canada's ability to have a free and fair
16 election?

17 **MS. NATHALIE DROUIN:** Sorry, what are you
18 referring to?

19 **MR. NANDO de LUCA:** Bottom of 13.

20 "...a public announcement during the
21 writ period would only occur if the
22 Panel determines that an incident or
23 an accumulation of incidents has
24 occurred and threatens Canada's
25 ability to have a free and fair
26 election."

27 Correct?

28 **MS. NATHALIE DROUIN:** Correct. And then as I

1 explained a couple of times now, you have the list of ---

2 **MR. NANDO de LUCA:** Right.

3 **MS. NATHALIE DROUIN:** --- factors that we
4 need ---

5 **MR. NANDO de LUCA:** Considerations.

6 **MS. NATHALIE DROUIN:** --- to take into
7 account.

8 **MR. NANDO de LUCA:** Right. Will you agree
9 with me that the test is not whether one or more incidents
10 have actually impaired Canada's ability to have a free and
11 fair election, but rather, whether those acts threatened
12 Canada's ability to have a free and fair election?

13 **MS. NATHALIE DROUIN:** Yeah, if you go down a
14 little bit, then the paragraph that starts with "Third," and
15 then you have the sentence:

16 "Ultimately, it is the impact of the
17 incident on Canada's ability to have
18 a free and fair election that is at
19 issue in the determination..."

20 **MR. NANDO de LUCA:** Right. Canada's ability
21 to. It doesn't require an actual impairment; correct?

22 **MS. NATHALIE DROUIN:** It requires an impact.

23 **MR. NANDO de LUCA:** Would you agree with me
24 that the threshold of an actual impairment is higher than a
25 threatened impairment?

26 **MS. NATHALIE DROUIN:** Well the test here was
27 the impact on the ability to have a fair and free election.

28 **MR. NANDO de LUCA:** In retrospect, can you

1 say, sitting here today, that there were not incidents of
2 foreign interference that threatened Canada's ability to have
3 free and fair elections in 2019?

4 **MS. NATHALIE DROUIN:** What we say, as I said
5 previously, is that we have seen some foreign interference
6 activities, but we have seen nothing that impacts the rights
7 of Canadians to have a free and fair election.

8 **MR. NANDO de LUCA:** Do you agree that every
9 voters' vote in Canada in a federal election matters?

10 **MS. NATHALIE DROUIN:** Absolutely.

11 **MR. NANDO de LUCA:** And do you also agree
12 that it also matters if even one vote is jeopardized,
13 suppressed, or threatened because of evidence of foreign
14 interference that you may have before you?

15 **MS. NATHALIE DROUIN:** I agree with that.

16 **MR. NANDO de LUCA:** Okay. Can I please get
17 CAN.SUM10 called up, please?

18 So this is a summary report that was
19 prepared, subject to all the caveats that we saw on page 1
20 that were discussed.

21 I wasn't clear on your evidence this morning.

22 Can we scroll to paragraph 5 on page 2?

23 Can I get you to tell the Commission which of
24 the intelligence facts that are summarized in that paragraph
25 were you, as a body, made aware of by or before GE43, which
26 took place on October 21, 2019?

27 So let's just go through -- there's a number
28 of facts here. Can you tell us which ones you knew by the

1 time of the election? Because your evidence this morning
2 suggested that some you knew before, some you knew after. So
3 I'm asking you, which of the facts in five did you know by
4 the election date?

5 **MS. NATHALIE DROUIN:** I will talk for myself,
6 but others will add.

7 So the intel about the potential implication
8 of 11 candidates, the intel about that, ---

9 **MR. NANDO de LUCA:** Sorry, can we do it this
10 way? Sorry. Let's do it by paragraph -- by sentence. The
11 first sentence ---

12 **MS. NATHALIE DROUIN:** I don't know if I'll be
13 able ---

14 **MR. NANDO de LUCA:** Okay.

15 **MS. NATHALIE DROUIN:** --- to do by paragraph.
16 So I will tell you what I can tell ---

17 **MR. NANDO de LUCA:** Okay.

18 **MS. NATHALIE DROUIN:** --- in this forum.

19 So I knew about intel regarding financial
20 kind of tactics, using PRC officials in Canada. I didn't
21 know about the fact that it was going through potentially 11
22 candidates. That report regarding this intel came after the
23 election.

24 **MR. NANDO de LUCA:** Can I ask you this
25 question? Did you know by the time of the election that
26 there had been at least two transfers of funds approximating
27 \$250,000 from the PRC officials in Canada?

28 **MS. NATHALIE DROUIN:** I don't recall

1 receiving that level of granularities, that level of detail.

2 **MR. NANDO de LUCA:** Do you recall receiving
3 information that there was some amount of funds that had been
4 transferred from PRC officials in Canada?

5 **MS. NATHALIE DROUIN:** As I said, I remember
6 hearing about the tactics of using a financial channel or
7 conduit, using proxies, to support some candidates.

8 **MR. NANDO de LUCA:** Okay. Last question. As
9 best as I can tell, based on the information that you've
10 provided, as of the election date, October 21, 2019, the
11 Panel had information that there was at least the possibility
12 of two transfers of funds from PRC officials in Canada and
13 you didn't think that that goes to the level of posing a
14 threat to the integrity of the election in Canada? Is that
15 fair?

16 **MS. NATHALIE DROUIN:** No, that's not fair.
17 Especially that when it comes to potential illegal financing
18 systems or channels, this is really under the jurisdiction of
19 the Office of the Commissioner of Elections. And I think
20 that we have said that, and others too, that this information
21 was relayed to this body.

22 **MR. NANDO de LUCA:** So in your view, they --
23 if the evidence was concrete, they should have done something
24 about it?

25 **MS. NATHALIE DROUIN:** If the intel was, you
26 know, allowed to develop some evidence and to prove some
27 offences, yes, I believe that the due course of action would
28 have happened.

1 MR. NANDO de LUCA: Thank you very much.

2 COMMISSIONER HOGUE: Thank you.

3 AG?

4 MS. HELENE ROBERTSON: We have no questions.

5 Thank you.

6 COMMISSIONER HOGUE: Re-examination?

7 MS. LYNDA MORGAN: No, thank you.

8 COMMISSIONER HOGUE: It's 3:05. We cannot
9 force the eclipse to happen before, so what I suggest is
10 we'll make sure the next witnesses will be here, and we'll
11 start at -- it's at 3:25. If we can, I suggest 3:30. If
12 it's not over yet, then no later than 3:35.

13 THE REGISTRAR: Order, please.

14 This hearing is in recess until 3:35.

15 --- Upon recessing at 3:07 p.m.

16 --- Upon resuming at 3:37 p.m.

17 THE REGISTRAR: Order please.

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

20 --- MS. JANICE CHARETTE, Resumed:

21 --- MS. NATHALIE DROUIN, Resumed:

22 --- MR. ROBERT STEWART, Resumed:

23 --- MS. MARTA MORGAN, Resumed:

24 --- MR. FRANÇOIS DAIGLE, Resumed:

25 --- MR. DAVID MORRISON, Resumed:

26 COMMISSIONER HOGUE: So first one to have the
27 cross-examination is counsel for Erin O'Toole.

28 --- CROSS-EXAMINATION BY MR. THOMAS JARMYN:

1 **MR. THOMAS JARMYN:** My name's Tom Jarmyn.
2 I'm counsel for Erin O'Toole.

3 And I guess the first document we'd get
4 brought up would be COM 23, which is the protocol for the
5 2021 election. And if we could just look at that.

6 **--- EXHIBIT No. COM 23**

7 Cabinet Directive on the Critical
8 Election Incident Public Protocol

9 **MR. THOMAS JARMYN:** And I'm to gather from
10 your evidence this morning that one of the changes that was
11 made between 2019 and 2021 was the removal of the requirement
12 that there be foreign interference and that we would look at
13 interference generally, which met the particular test. Is
14 that correct?

15 **MS. JANICE CHARETTE:** I believe I testified,
16 yes, that in addition there was clarification made that it
17 could be -- a threat could be foreign or domestic.

18 **MR. THOMAS JARMYN:** Yes. And that largely
19 removed the challenge with respect to this issue of the
20 attribution of proxy actors in Canada acting for a foreign
21 government if we could trace that altogether.

22 **MS. JANICE CHARETTE:** I think I tried to give
23 testimony this morning to explain the genesis of this, which
24 had a variety of factors associated with it, including, you
25 know, IMVE, for instance. I believe I testified it'd be
26 logically motivated violent extremists as an additional
27 example, but yes, I think it's the case that we wanted to, in
28 our deliberations, make sure that in following the Cabinet

1 directive we were looking at a foreign actor or a domestic
2 actor who was working on behalf of a foreign actor.

3 **MR. THOMAS JARMYN:** And so with respect to
4 the overall mandate itself, it divided into two sets of
5 actions. There were those which were within the mandate of
6 various authorities, for example, Elections Canada, and those
7 were -- or the RCMP, and those that didn't really have a home
8 and, as a result, that's where the -- what the panel would
9 mostly focus on.

10 **MS. JANICE CHARETTE:** Well, I would actually
11 look at it the other way, sir. Which is to say, in our role
12 as the Panel, we were being provided with information by the
13 SITE Task Force on both a daily basis, as well as in our
14 weekly briefings, on the threat environment and any evidence
15 they were seeing, through intelligence or other informations,
16 about risks to the election. And then there were a number of
17 actions that were possible, including actions by the Panel as
18 set out in the protocol, or it could fall in with the remit
19 of another body, Elections Canada, or, as you said, the RCMP.
20 But the Panel exists as part of a broader ecosystem; there's
21 a shared responsibility.

22 And so I think it's not -- I would say that
23 there's a multiplicity of things that could be done, and I
24 think we tried to give you some examples this morning of
25 mitigation steps, for example, that could be taken for things
26 that don't meet the threshold of the Panel, which wouldn't
27 meet your other two tests of either the Commissioner of
28 Elections or the RCMP.

1 **Mr. THOMAS JARMYN:** And so for a matter which
2 fell within the mandate of Commissioner of Elections, for
3 example, the contribution of foreign funds to -- the
4 expenditure of foreign funds to affect the outcome of an
5 election. So we've seen reports in 2019 of a transfer of
6 \$250,000. Let's just say hypothetically we're able to
7 establish with a degree of certainty that happened; that's a
8 matter that would fall under the *Elections Act*; is that
9 correct?

10 **MS. JANICE CHARETTE:** So if I could, I think
11 a careful reading of what the summary says with respect to
12 2019, if we could come back to, because I think your -- the
13 way you just put it may not necessarily reflect -- I don't
14 think it does reflect ---

15 **MR. THOMAS JARMYN:** Okay, let's forget 2019.

16 **MS. JANICE CHARETTE:** --- but

17 **MR. THOMAS JARMYN:** Let's just go right to a
18 strict hypothetical: In a foreign nation, someone transfers
19 \$250,000 to an actor in Canada for the purposes of
20 expenditure on a Canadian election. That would be a
21 violation of the *Elections Act*.

22 **MS. JANICE CHARETTE:** It would be certainly
23 something which the Panel -- would be drawn to the attention
24 of the Panel and we would make sure that it went to the
25 responsible authorities, including possibly Elections Canada,
26 ---

27 **MR. THOMAS JARMYN:** And the ---

28 **MS. JANICE CHARETTE:** --- there may be

1 others. We did not ---

2 **MR. THOMAS JARMYN:** If we ---

3 **MS. JANICE CHARETTE:** Can I just add, sir?

4 **MR. THOMAS JARMYN:** Yes.

5 **MS. JANICE CHARETTE:** We did not see that in
6 2021.

7 **MR. THOMAS JARMYN:** Agreed, yes, you did not.

8 And if that happened, because I'm trying to
9 understand a matter where the matter falls within the remit
10 of Elections Canada but is incapable of being proved because
11 of either an intelligence to evidence challenge, or we don't
12 have an MLAT with that country in order to allow us to obtain
13 evidence. How would that be handled.

14 **MS. JANICE CHARETTE:** I'm not sure.

15 **MR. THOMAS JARMYN:** So a matter happens,
16 we've got -- it's -- clearly affects, with certainty, the
17 necessary degree of certainty, it would affect the election,
18 but it falls within the remit of Elections Canada, but it
19 can't be proved because of intelligence to evidence
20 challenges, or because we can't go to China and get the
21 evidence.

22 **MS. JANICE CHARETTE:** So acknowledging, sir,
23 that we are beyond the remit of the panel of five here, can I
24 say that in addition to the panel of five, in addition to the
25 SITE Task Force, there was an election security -- a group of
26 officials meeting to look at election security, which
27 included members of Elections Canada and the National
28 Security Establishment. And so there would be venues and

1 ways for information to be transferred between those
2 organizations that the Panel would have no knowledge or sight
3 of.

4 So in the hypothetical situation that you put
5 out, I'm going to hypothetically say there are venues and
6 mechanism to deal with that.

7 **MR. THOMAS JARMYN:** All right, thank you.

8 And with respect to the test of events that
9 -- happening, Mr. Daigle gave a very helpful sort of
10 description this morning. To use your words, Mr. Daigle, you
11 need some reliable information we could test that there's
12 something going on that needs correction. A mere possibility
13 is not enough. So that speaks to me of a degree of certainty
14 that events had happened which would trigger your
15 intervention; is that correct?

16 **MR. FRANÇOIS DAIGLE:** Yes, that's correct,
17 yeah.

18 **MR. THOMAS JARMYN:** And in your experience in
19 the intelligence field, how often does a first report,
20 intelligence report have that degree of certainty in it?

21 **MR. FRANÇOIS DAIGLE:** Well -- so we were
22 getting a lot of information. So not of -- I mean, in the
23 nature of intelligence a lot of it comes to us from before,
24 and we had a baseline of intelligence about methodologies and
25 activities to look out for. And so we would consider all of
26 that in deciding whether a threshold is, you know, a
27 threshold in a particular case was met.

28 **MR. THOMAS JARMYN:** My question is when you

1 receive -- when a first intelligence report is received, how
2 often does it contain that degree of certainty in the
3 intelligence world?

4 So let's look for example at the reports from
5 the SITE Task Force late in the election involving Mr.
6 O'Toole and Mr. Chiu, in which they suggest events are
7 happening, but we cannot, with any credibility, determine one
8 way or the other what is going on.

9 **MR. FRANÇOIS DAIGLE:** So ---

10 **MR. THOMAS JARMYN:** That was a first report.

11 **MR. FRANÇOIS DAIGLE:** --- I wouldn't agree
12 with you that -- you know, the premise of your question is
13 that there's never intelligence, or a first report of
14 intelligence is never solid enough for us to take some
15 action. And it really depends on the information, and we
16 don't rely on just the one intelligence report to consider
17 these matters.

18 **MR. THOMAS JARMYN:** So let's look at the
19 evolution of the intelligence with respect to Mr. O'Toole and
20 Mr. Chiu.

21 And Commissioner, I'd like leave to refer to
22 the three documents we discussed this morning; 4079, 14852 --
23 or 4495 and 15482, which were received late on the weekend.

24 **COMMISSIONER HOGUE:** Fine.

25 **MR. THOMAS JARMYN:** Thank you.

26 Can we bring up, first of all, CAN 4821,
27 which is a SITE Task Force Analysis dated October 25th, 2021.
28 And if we go to page 2, and it talks about the purpose of the

1 report, and it says:

2 "The purpose of this report is to
3 present a timeline of all evidence
4 available to SITE supporting our
5 observations that CPC Leader..."

6 Or, sorry, "purpose"; yes, right there, yes:

7 "...that CPC Leader Erin O'Toole,
8 former CPC MP Kenny Chiu, and the CPC
9 in general were the target of
10 online/media activities aimed
11 primarily at discouraging Chinese-
12 speaking Canadian electors from
13 supporting the CPC..."

14 Now, ahead of that, that statement is
15 actually made much more conditional than that. They are
16 attempting to draw sources. But you would agree with me
17 that's an evolution from where SITE was just four weeks prior
18 to that.

19 **MS. MARTA MORGAN:** So maybe I would weigh in
20 here, just to say that just to be clear, this is not
21 intelligence that we're looking at here. This is
22 information, that says open-source -- using open-source
23 information that's gleaned from social media accounts, et
24 cetera. So just to be clear.

25 But, yes, absolutely, as analysis evolves
26 over time, so you know, you'll see in this case that there
27 were indications, you'll see that the RRM followed those
28 indications. You'll see that there was an increase in the

1 inattention to this story, and then you'll see that this
2 story died down a week before the election date. And then
3 you'll see afterwards that further analysis can be done to
4 try and more -- ascertain with more certainty, you know,
5 whether there was inauthentic or coordinated action to
6 promote these stories.

7 **MR. THOMAS JARMYN:** And that's ---

8 **MS. MARTA MORGAN:** And that's normal.

9 **MR. THOMAS JARMYN:** --- the point that I'm
10 making, is that there was an ongoing evolution of the
11 analysis; the problem continued to be looked at.

12 And I'll skip over to the last document.

13 **MS. JANICE CHARETTE:** Mr. Jarmyn, can I
14 interject here, ---

15 **MR. THOMAS JARMYN:** Yes.

16 **MS. JANICE CHARETTE:** --- if I could:

17 So I believe I said this this morning, if I
18 didn't, I should have. But I believe I said that after the
19 election, the Conservative Party of Canada raised concerns
20 with members of the SITE Task Force, and through the
21 appropriate mechanisms and avenues to do that, and submitted
22 to us some information that they thought was important as
23 evidence of their concerns, to support their concerns.

24 And so as testified by the SITE Task Force in
25 their testimony last week, there was a lot of work and effort
26 that went into looking at that information that came from the
27 party, and this document, which is about 11 or so pages long,
28 represents, in part, not just an evolution kind of for the

1 sake of evolution, but a response to the fact that there were
2 concerns that were raised by a party, that were taken very
3 seriously by the SITE Task Force in terms of really making
4 sure we were going back -- they were going back and looking
5 at what came from the party, what they were seeing in the
6 environment, and kind of doubling down on our analysis to
7 make sure that, you know, kind of no stone unturned looking
8 at this. Is that fair?

9 **MR. THOMAS JARMYN:** Yeah -- no, and I agree
10 with that. This is -- as you say, this is an ongoing, they
11 looked at the problem further and developed a more refined
12 solution.

13 We'll look at CAN 4079_R01, which is dated
14 October 22nd, 2022.

15 **--- EXHIBIT No. CAN 4079 R01:**

16 Briefing note 2022-10-26

17 **COMMISSIONER HOGUE:** Your time is over, but I
18 will let you conclude on this topic.

19 **MR. THOMAS JARMYN:** Okay, thank you.

20 And if we look at page 1 and scroll on down.
21 So right here, "Current situation":

22 "To acquiesce to PRC officials and
23 the United Front Work Department, co-
24 opted community leaders and
25 associations provided assistance in
26 fundraising [...] support [...] activity
27 is often covert, likely illegal, and
28 therefore constitutes foreign

1 interference by the PRC.”

2 Large redacted section. And then:

3 “PRC officials could be emboldened in
4 their electoral interference efforts
5 by the 2021 defeat of former Richmond
6 MP Kenny Chiu.”

7 There’s also a further on document, 4495, of
8 February 21st, 2023, that describes these threats in even
9 more detail.

10 I guess what I’m putting to you is that the
11 more these matters are studied and further information is
12 gathered, that our agencies are able to come to a far more
13 certain conclusion than they are on the first touch during
14 the five-week election period which constituted your mandate.
15 Is that correct?

16 **MS. JANICE CHARETTE:** I think it’s fair to
17 say that agencies continue to collect intelligence, collect
18 information, which could add to the picture and that the
19 documents that I believe you’re referring to are both well
20 after the election, so it could be the case that new
21 information came to light. Part of the challenge for the
22 summaries that I think the Commission has or the public has
23 is that the documents that are in the summaries, which is --
24 are best -- the best effort to provide a picture of different
25 threat actors or different intelligence events contains a
26 number of caveats, including we don’t know when the
27 information was collected, the nature of the source, and
28 there’s quite a number of caveats. So like that, you have to

1 look at the particular cases here in order to be able to
2 really answer the question I think that you're putting.

3 **MR. THOMAS JARMYN:** And I think the point is
4 the first report often needs a great deal more work?

5 **MS. JANICE CHARETTE:** I wouldn't say that. I
6 would say that the first report stands on itself. The
7 picture can change as more information may become available.

8 **MR. THOMAS JARMYN:** Okay. Thank you.
9 Thank you, Commissioner.

10 **COMMISSIONER HOGUE:** Thank you.
11 Conservative Party?

12 **MR. NANDO de LUCA:** Madam Commissioner, in
13 the interest of efficiency, we're going to cede half of our
14 time to counsel for Ms. Kwan and half of our time to counsel
15 for Mr. Chong. Five minutes each, if that's okay.

16 **COMMISSIONER HOGUE:** Okay. Just a moment.
17 You said five minutes to counsel for Jenny Kwan?

18 **MR. NANDO de LUCA:** Yes.

19 **COMMISSIONER HOGUE:** And five minutes to
20 counsel for Michael Chong?

21 **MR. NANDO de LUCA:** Correct. Thank you.

22 **COMMISSIONER HOGUE:** Okay. So the next one
23 is counsel for Jenny Kwan.

24 **--- CROSS-EXAMINATION BY MS. MANI KAKKAR:**

25 **MS. MANI KAKKAR:** Good afternoon to the Panel
26 and to the Commissioner. My name is Ms. Kakkar. I'm counsel
27 for MP Kwan.

28 My questions for you this afternoon are

1 limited in scope to the threshold.

2 And if I could ask for COM multiple zeros 195
3 to be pulled up?

4 --- EXHIBIT No. COM 195:

5 Report on the assessment of the 2021
6 Critical Election Incident Public
7 Protocol

8 **MS. MANI KAKKAR:** This is the report of Mr.
9 Rosenberg that you may be familiar with as a panel.

10 And specifically scrolling down to page 37 of
11 the report, which is 38 of the PDF. Actually, I'd like to
12 start at page 36 of the report, 37 of the PDF. The second
13 paragraph below the bullet.

14 You'll see that Mr. Rosenberg raises an issue
15 here. He says that it's possible that there could be
16 examples where:

17 "...voters in one riding or in a
18 diaspora community [are] receiving
19 emails from malign actors threatening
20 that if they did not vote for a
21 particular candidate, they would
22 regret it. While this would be
23 unlikely to meet the threshold of
24 threatening the integrity of the
25 entire election, it could have an
26 effect on the voting behaviour of
27 those targeted."

28 And I'd like for each of you to answer

1 briefly, given my time constraints, whether you agree or
2 disagree with this concern that Mr. Rosenberg has stated?

3 **MS. JANICE CHARETTE:** Well I'm happy to start
4 here, if I could. So just to put this paragraph in context,
5 it's, as you said, page 36 of a long document. It is in a
6 paragraph which talks about whether or not the protocol
7 should be amended to allow for some kind of a statement to
8 the public for an incident which does not meet the high
9 threshold as set out in the directive currently. And Mr.
10 Rosenberg goes on to provide an example of doing -- of that.

11 And I think that obviously depending on the
12 fact set and the situation that we were presented with, if
13 there was examples of voters in one riding or diaspora
14 community getting these kinds of emails of this type would
15 certainly merit serious consideration by the Panel and
16 looking at what, if any, mitigation could be taken.

17 **MS. MANI KAKKAR:** As a statement though, do
18 you agree that it's possible that the panel may conclude that
19 the threshold hasn't been triggered in a situation like this?

20 **MS. JANICE CHARETTE:** You're asking a
21 hypothetical question on an example. Is it possible? Yes.
22 It's also possible that the panel could conclude differently.

23 **MS. MANI KAKKAR:** Thank you. Any other
24 members of the panel?

25 **MR. ROBERT STEWART:** Yeah, I'll just add to
26 Janice's answer to say we contemplated this kind of a
27 circumstance in the scenarios that we were shown and talked
28 about. And in some measure, we considered a situation where

1 this was an evolving behaviour to be the kind of thing that
2 would be addressed by other actors, would be noticed, would
3 be addressed by other actors. So there is not, you know, a
4 binary scenario where either it exists or doesn't exist and
5 is below or not meeting a threshold or meeting a threshold.
6 I think it's a bit of a continuum.

7 **MS. MANI KAKKAR:** So do I understand you
8 correctly to say that it's a bit of a continuum and that the
9 response is also a continuum, that there are other actors
10 that could respond outside of the Panel of Five?

11 **MR. ROBERT STEWART:** Yes.

12 **MR. MANI KAKKAR:** And so understandably,
13 you're not responsible for, and I think you've made it clear
14 you don't have the authority to advise -- or sorry, to
15 instruct any other agency. But do you agree or think that
16 the protocol for your particular panel should be amended to
17 cover this sort of situation clearly?

18 **MS. NATHALIE DROUIN:** I think this is an
19 interesting question and I think the Commission will have the
20 opportunity in the second phase of their work to discuss
21 about policy options and maybe we can address that question
22 during that stage.

23 **MS. JANICE CHARETTE:** Can I just add one
24 thing? I think the impact of foreign interference on
25 diaspora communities is a -- was a concern to the Panel, has
26 been a concern in our kind of day jobs outside of the Panel,
27 and so we were very aware that in fact, some of the most
28 difficult and injurious impacts of foreign interference are

1 on these diaspora communities. So the kind of hypothetical
2 question that you're posting I think is exactly the kind of
3 question that would be the topic of evolving policy
4 consideration. I very much agree with Madam Drouin that I
5 think it's something that deserves further consideration and
6 reflection.

7 **MS. NATHALIE DROUIN:** And just for the file,
8 we testified earlier today to say that there are several
9 mechanisms that could be used with the powers of different
10 departments, different agencies. There's the ecosystem that
11 can also correct information.

12 So I wouldn't want to give the impression
13 that because the threshold is where it is and we're not -- we
14 didn't publicly intervene that nothing was done. On the
15 contrary, there are many things that were done by the
16 different agencies.

17 **MS. MANI KAKKAR:** I appreciate your answer,
18 and I understand that there is a second phase to this, and I
19 don't necessarily want to get into policy considerations
20 here. But I would like to know if this particular panel has
21 views on whether a sliding scale approach, so the kind of
22 approach that exists for anti-terrorism, where you've got a
23 sliding scale of risk from very low, low, medium, high,
24 critical, could be adopted here to address some of those
25 concerns that you may have encountered in the 2019 and 2021
26 elections around the foreign interference faced by diaspora
27 communities and at the riding level?

28 **MS. NATHALIE DROUIN:** [No interpretation]

1 ...Canadian as to the risks of foreign
2 interference. There's the committee of Parliamentarians and
3 CCOP (sic) that has produced many reports.

4 So without having a sliding scale as you
5 suggest, there's a lot of communication happening for
6 Canadians so as to raise awareness as to the fact that
7 foreign interference is present. It is more now than it was
8 20 years ago.

9 Could the tools get better? Certainly. And
10 the foreign interference practices are evolving and our way
11 of countering them and raise awareness with Canadians should
12 continue to evolve.

13 **MS. MANI KAKKAR:** Okay. I appreciate your
14 answer that there are other tools, but by way of -- there are
15 other tools available to inform the public and I appreciate
16 that response, whether it's CSIS or other agencies.

17 But it seems like the Panel of Five was
18 created for the specific purpose of considering when public
19 announcements would be necessary so to then download the
20 responsibility when those announcements would be necessary
21 when specific instances like the ones described by Mr.
22 Rosenberg occur to other agencies, do you feel like that is
23 the appropriate interpretation of the protocol, of the role
24 of the Panel of Five, and is that how you administered your
25 decisions in 2021? Is that how you applied the threshold in
26 2021 with an understanding that other agencies were
27 responsible for the kind of problem that Mr. Rosenberg
28 identifies?

1 **MS. JANICE CHARETTE:** I think we've been
2 trying our best to explain that, you know, the Cabinet
3 directive set a threshold. That threshold is what was given
4 to the panel in terms of our role, but the panel is one
5 player in a broader ecosystem of players who have a shared
6 responsibility around the whole topics of foreign
7 interference and domestic threats to the integrity of
8 elections and that the nature of the threat is evolving and
9 our response has to evolve. But because the -- and some of
10 us are not currently employed by the Government of Canada and
11 are not giving policy advice here, but I think that, you
12 know, asking the -- we can tell you about our work in 2021.
13 Our views on whether the protocol needs to change going
14 forward, I think that's a question for another forum.

15 **MS. MANI KAKKAR:** I appreciate that and I
16 think I should narrow my question, then, just to your work in
17 2021.

18 Based on your work in 2021, would you have
19 been of the view that the problem that Mr. Rosenberg raised
20 was one that your panel could not effectively address given
21 the high threshold and would have to go to another agency?

22 **MS. NATHALIE DROUIN:** The answer is clearly
23 no. When we review the various incidents, I saw the panel's
24 work at any time, did we see that we didn't have the
25 necessary tools and we gave you information about what we did
26 regarding the intelligence we received in 2021, so we never
27 felt that, for example, the ecosystem did not correct
28 information or that appropriate briefings could not be made.

1 So in 2021, we had the necessary tools to
2 take measures to mitigate the impact.

3 **MS. JANICE CHARETTE:** As well, I could add
4 that the example that Mr. Rosenberg provides, we did not see
5 during the '21 -- to be clear, we did not see activity --
6 information or intelligence of activity of this type during
7 the 2021 election.

8 **MS. MANI KAKKAR:** But you did receive sitreps
9 that often talked about sort of individual riding level
10 events that might be foreign interference; right?

11 Did you view those in the aggregate or did
12 you view them as individual events and not necessarily apply
13 the threshold to the aggregate impact of them?

14 **MS. JANICE CHARETTE:** I think the written
15 records show that we received daily sitreps, situation
16 reports, from the SITE Task Force members. In addition, I
17 believe we discussed earlier that we had a briefing by the
18 members of the SITE Task Force, an oral briefing in our
19 weekly meetings which was a chance to look not just at the
20 individual pieces of information that we were provided, but
21 to look at things both together, evolving and to have a sense
22 of what the aggregate looked at the same time.

23 So I think we look at both, would be fair to
24 say, colleagues.

25 **MS. MANI KAKKAR:** And my very last question
26 and topic for you is, really, the use of domestic proxies. I
27 understand that you refer to foreign actors which we -- when
28 asking the 2019 panel, they agreed could include non-

1 government actors. But there is a *modus operandi* of foreign
2 interference that uses domestic proxies to carry out the
3 interference.

4 Did you, in 2021, keep that in mind when
5 reviewing what might look like a domestic threat, especially
6 given that your protocol had expanded to include domestic
7 interference as well?

8 **MS. JANICE CHARETTE:** Yes, we certainly did
9 take that into consideration.

10 **MS. MANI KAKKAR:** Would you be able to
11 elaborate?

12 **MS. NATHALIE DROUIN:** I just want to add
13 because we received two questions that kind of assumed that
14 because they were Canadian proxy that that was not captured
15 on the foreign interference.

16 I don't think this is what we are saying.
17 Using Canadian proxy if they are directed by a foreign actor,
18 this is a covert action and it is foreign interference if
19 they are, you know, being some they are maligned.

20 So I don't want to give the Commission the
21 impression that because they were using domestic proxy that
22 it was not foreign interference.

23 **MS. MANI KAKKAR:** I appreciate that
24 clarification.

25 And sorry, Ms. Charette, were you saying that
26 you had considered that in the 2021 panel?

27 **MS. JANICE CHARETTE:** Yes, we did. Yeah.

28 **MS. MANI KAKKAR:** Okay. I think that those

1 are all of my questions.

2 **COMMISSIONER HOGUE:** Thank you.

3 Counsel for Michael Chong.

4 **--- CROSS-EXAMINATION BY MR. GIB van ERT:**

5 **MR. GIB van ERT:** Thank you.

6 I'll start, if I may, with Me Daigle, please.

7 You explained this morning that in respect of
8 the Kenny Chiu matter there was not enough information to
9 make a determination that a foreign state had been
10 responsible for the potential misinformation or
11 disinformation concerning that candidate. In other words,
12 attribution to the PRC was not possible. Is that right?

13 **MR. FRANÇOIS DAIGLE:** I think, yeah, Ms.
14 Morgan spoken about that, and that's -- that was the
15 conclusion that we reached.

16 **MR. GIB van ERT:** Oh, I'm sorry. My note was
17 that you had said so.

18 Well, I'm happy to direct it to Ms. Morgan as
19 well. So here's -- I'll ask the court operator to please
20 turn up COM 0023. This is the protocol from 2021.

21 And if you'll go to point 6.0, please. There
22 we are.

23 And if you'll scroll down a little further.
24 A little further still.

25 All right. Thank you.

26 So I want to take you to this passage. And
27 where I'm heading with this is, I want to put to you that
28 attribution to a foreign state is not required by the

1 protocol.

2 So I'll just show you the language here. It
3 says:

4 "A disruptive event or incidents of
5 interference may emanate from domestic
6 and/or foreign actors. Attribution of
7 interference attempts may be
8 challenging or not possible within the
9 timelines permitted by events given
10 that attempts to unduly influence the
11 election may involve misdirection and
12 disinformation. Further, it is
13 possible that foreign actors could be
14 working in collaboration with or
15 through domestic actors."

16 And this is the key point:

17 "Ultimately it is the impact of the
18 incident on Canada's ability to have a
19 free and fair election that is at issue
20 in the determination of whether the
21 threshold has been met and if a public
22 announcement is required."

23 So the question that I want to put to you is,
24 I appreciate that in the Kenny Chiu situation, the panel's
25 feeling was that attribution was impossible, but attribution
26 wasn't necessary in order to go ahead and decide to make an
27 announcement. Do you agree with that?

28 **MS. NATHALIE DROUIN:** I think I testified a

1 little bit about that earlier, that the attribution can be a
2 range, so we can have absolutely no information and for the
3 country we may have confirmation that no foreign actors is
4 behind something. We can have information, but not solid
5 enough that allows us to do a public attribution and then we
6 can further do the job that takes a lot of time and then be
7 able to do a public attribution.

8 This is what we were talking about, the
9 middle situation when we know there is a foreign actor, but
10 we don't have the time or the capacity to do a public
11 attribution.

12 **MR. FRANÇOIS DAIGLE:** And what I was
13 referring to this morning was that we need something more
14 than just the possibility that some PRC official has directed
15 the misinformation campaign.

16 **MR. GIB van ERT:** Yes.

17 **MR. FRANÇOIS DAIGLE:** And the fact that
18 there's a possibility isn't enough, so we know that the
19 methodology of the PRC used to use proxies.

20 **MR. GIB van ERT:** Yes.

21 **MR. FRANÇOIS DAIGLE:** But it's not
22 necessarily because we've seen them use it in the past that
23 they've used it in this case. We had no information. So ---

24 **MR. GIB van ERT:** I ---

25 **MR. FRANÇOIS DAIGLE:** --- we had no
26 information that they had, so we need at least some reliable
27 information, not enough to be able to attribute it publicly,
28 but we needed some information. So there's a -- you I think

1 in your questioning last week talked about, you know,
2 reasonable -- beyond a reasonable doubt. We're not building
3 a criminal case here.

4 **MR. GIB van ERT:** Right.

5 **MR. FRANÇOIS DAIGLE:** We're not looking at
6 evidence. We're looking at a totality of information and
7 intelligence gathered over time and we're trying to make the
8 best judgment we can with the information we have. But if
9 there's -- if there isn't even -- there's not enough
10 information to be able to say that there's a link there, that
11 -- I think that that would create for us some difficulty
12 because then we'd be worried about intervening what would
13 otherwise be simply a conversation among Canadians about an
14 issue that's very relevant to them.

15 **MR. GIB van ERT:** All right. So I am very
16 interested in that point about possible versus probable, and
17 I've got a note to come back to you on that very point, but I
18 want to finish on this because I don't think I've had an
19 answer yet to the point that I put to the panel, which is
20 that attribution is not required in order to exercise your
21 power under Section 7 of the directive to make a public
22 statement. If you aren't able to attribute, but you are
23 minded to make a statement anyways, you have that power. Do
24 you agree with that?

25 **MS. NATHALIE DROUIN:** We -- yeah, I agree
26 with that.

27 **MS. MARTA MORGAN:** But ---

28 **MR. GIB van ERT:** You agree. Thank you.

1 **MS. MARTA MORGAN:** --- I would say that in
2 the case of disinformation, which I think is what you're
3 referring to, we would be looking for signs of that
4 disinformation, which would include similar signs if it was
5 domestic or foreign or if it was in a grey space, which is,
6 you know, were there -- was there coordination and was there
7 inauthentic spread of the information. So the same kinds of
8 signals may be there regardless of whether it was a foreign
9 state actor or whether it was a proxy, or whether it was a
10 domestic actor that was trying to create disruption. And so
11 those would be the kinds of things from a kind of more
12 technical level that we would be looking for.

13 **MR. GIB van ERT:** And here's my concern, Ms.
14 Morgan. If the panel was of the view that it had to be able
15 to attribute, and furthermore, that it had to be able to do
16 it on the high standard that Me Daigle was mentioning, and
17 that it couldn't do so, it might feel paralyzed by that. And
18 I say that you were not required to establish any
19 attribution, and, therefore, you could have made an
20 announcement around Mr. Chiu even without attributing it to
21 China and say to the people in that riding, "There is
22 disinformation and misinformation about his policies and his
23 positions and you should be mindful of those things because
24 untruths are being spread," without even mentioning the PRC.
25 You had that power.

26 **MR. DAVID MORRISON:** Can I simply point out
27 that it was Mr. Chiu himself that gave 2 interviews to
28 English language Vancouver newspapers in early September 2021

1 that this was happening to him. So it's simply not true that
2 we needed to, as a panel, point out that erroneous
3 information was circulating about him and his foreign
4 influence registry because he was already live to it,
5 presumably, his campaign team was live to it. The MacDonald
6 Laurier Institute in Canada was live to it. He later
7 published in the Vancouver Sun talking about it. So we have
8 said several times that there is an ecosystem, and it is not
9 -- erroneous information circulates all the time, and perhaps
10 even especially in the cut and thrust of an election
11 campaign. In the case of Kenny Chiu, not only were we not
12 able to attribute it to a foreign state actor, we were pretty
13 confident that it was not unknown. The candidate himself was
14 well aware and, presumably, folks in his riding were aware as
15 well, given the ---

16 **MR. GIB van ERT:** Why did you presume that?

17 **MR. DAVID MORRISON:** Because he had ---

18 **MR. GIB van ERT:** Just because it was in an
19 English language paper? Because my suggestion to you is that
20 the people in this riding were getting the information from
21 WeChat and from Mandarin sources. And had the panel come out
22 and spoken to them in Mandarin and said -- as the panel, not
23 just as Mr. Chiu, because everyone's going to assume that Mr.
24 Chiu's going to disagree. They're not going to value that
25 very highly. You are a panel of deputy ministers and the
26 Clerk of the Privy Council, and you speak with authority.
27 You could have come out and said in Mandarin, "This
28 information is being spread. We assess it as being false.

1 Please advise yourselves accordingly and conduct yourselves
2 accordingly." And that's what you didn't do.

3 **MR. BARNEY BRUCKER:** Perhaps Mr. Morrison
4 could finish his answer before he was interrupted?

5 **MR. DAVID MORRISON:** What I was trying to get
6 at was there was every opportunity in English or in Mandarin
7 for the principals involved in the election campaign to
8 debunk any information that they considered inaccurate.
9 That's what happens in the course of an election campaign.
10 And as we have testified several times, there is an ecosystem
11 that forms part of the cut and thrust. So if -- Mr.
12 Rosenberg's document was on the screen a moment ago and he
13 talks about what happens if -- or what could potentially
14 happen if the panel speaks. Somebody else has said it is not
15 the panel's role to decide what is true and what is false.
16 And when something is out there being discussed, I think we
17 believe that the system is working.

18 **MR. GIB van ERT:** It's not the panel's role
19 to determine what is true and what is false. That's your
20 evidence, sir?

21 **MR. DAVID MORRISON:** I think the panel's role
22 is well described in the various protocols.

23 **MR. GIB van ERT:** Right.

24 **MR. FRANÇOIS DAIGLE:** Maybe, I think the --
25 what we're trying to explain here is there's lots of
26 political debate that goes on in a democracy. Canadians are
27 allowed to have disputes about a number of public policy
28 issues.

1 **MR. GIB van ERT:** Yes.

2 **MR. FRANÇOIS DAIGLE:** They're allowed to say
3 things that aren't true and debate that. And in order for us
4 to actually intervene, a non-partisan independent panel set
5 up with a directive here that we have to follow, in order for
6 us to intervene in that, you know, that exercise of freedom
7 of expression between Canadians, because we have to have at
8 least some reliable information that these aren't just a
9 bunch of Canadians having a dispute about a public policy
10 issue, but there's actually some information that somebody is
11 trying to feed that story and create some disruption here.
12 And our conclusion, as Ms. Morgan explained, was that we
13 didn't see indicators of that. We didn't see ---

14 **MR. GIB van ERT:** In Mr. Chiu's case you
15 mean?

16 **MR. FRANÇOIS DAIGLE:** Excuse me?

17 **MR. GIB van ERT:** I just want to be sure I
18 understood. You mean in Mr. Chiu's case you didn't ---

19 **MR. FRANÇOIS DAIGLE:** Yeah.

20 **MR. GIB van ERT:** --- see indicators of that?
21 Thank you.

22 **MR. FRANÇOIS DAIGLE:** Had we seen it, we
23 would have had some different considerations to take into
24 account. And we could have, depending on what the evidence
25 is, we could have made a public statement without a public
26 attribution, but we needed some evidence that this wasn't
27 just a group of Canadians having a conversation about an
28 issue, the foreign agent registry, which is a very live

1 issue. And it's ---

2 **MR. GIB van ERT:** Right. And you say that
3 the ---

4 **MR. FRANÇOIS DAIGLE:** --- still being
5 considered by ---

6 **MR. GIB van ERT:** --- the information that
7 SITE was giving you didn't meet that standard?

8 **MR. FRANÇOIS DAIGLE:** It did not meet that
9 standard. We didn't have that ---

10 **MR. GIB van ERT:** And that brings us back to
11 the standard that I wanted to talk to you about and I think
12 you wanted to talk to as well, which is what is the standard.
13 And I think what I've heard you say, Me Daigle, is that it
14 had to be probable not possible; that is to say, it had to be
15 more likely than not that this was disinformation or that it
16 met the threshold. Was that your operating standard more
17 likely than not or probable?

18 **MR. FRANÇOIS DAIGLE:** That's what -- yes,
19 that's what I think my interview summary says, that we are
20 looking for some probable -- some information that would make
21 it probable that this is interference, and that probable that
22 there is an impact on the election, which ---

23 **MR. GIB van ERT:** And that was a standard
24 that you adopted as a panel having considered the protocol
25 and interpreted it that way; right?

26 **MR. FRANÇOIS DAIGLE:** That's the way -- well,
27 I think ---

28 **MR. GIB van ERT:** Again, my point, sorry, if

1 I can clarify. My point is the protocol itself doesn't tell
2 you that the standard is more likely than not, or reasonable
3 grounds to believe, or reasonable grounds to suspect. It
4 leaves that to you to, in your judgement, determine what it
5 ought to be; right?

6 **MR. FRANÇOIS DAIGLE:** It does, yeah.

7 **MS. MARTA MORGAN:** Well, the -- right, when
8 one of the criteria is the reliability of the information and
9 as ---

10 **MR GIB van ERT:** I'm just talking about the
11 standard ---

12 **MS MARTA MORGAN:** Well ---

13 **MR GIB van ERT:** --- right now.

14 **MS MARTA MORGAN:** No, no, but the --- and as
15 ---

16 **MR. GIB van ERT:** I'm just talking about the
17 standard ---

18 **MS. MARTA MORGAN:** Well ---

19 **MR. GIB van ERT:** --- right now.

20 **MS. MARTA MORGAN:** No, but the ---

21 **MR. GIB van ERT:** We can't confuse the two --
22 -

23 **MS. MARTA MORGAN:** But the standard ---

24 **MR. GIB van ERT:** --- because we get off
25 track.

26 **MS. MARTA MORGAN:** But the ---

27 **MR. GIB van ERT:** I just need to pursue this
28 point of what is your standard of proof? And I've heard Me

1 Daigle say it was more likely than not. So you agree with
2 that?

3 **MR. FRANÇOIS DAIGLE:** We're not a court.

4 **MR. GIB van ERT:** But you're a lawyer, sir,
5 and presumably you were there to advise the Panel on legal
6 issues.

7 **MR. FRANÇOIS DAIGLE:** I was there as Deputy
8 Minister of Justice. I didn't, I think during our panel, I
9 didn't give any legal advice. But ---

10 **MR. GIB van ERT:** So if you thought that a
11 legal error was being made ---

12 **COMMISSIONER HOGUE:** Just let him finish,
13 please.

14 **MR. FRANÇOIS DAIGLE:** We were getting
15 information and trying to determine whether it met the
16 threshold that's described in Article 6. In deciding that,
17 we've looked at the evidence, the information and the
18 intelligence that we've received, and try -- and tested its
19 credibility.

20 So again, I mean, all I can do is say if it's
21 -- the fact that it's possible that there was interference
22 wasn't enough. We were looking for something more.

23 **MR. GIB van ERT:** Yes, I agree.

24 **MR. FRANÇOIS DAIGLE:** I described it as
25 probable because I'm a lawyer and it's a term that I'm used
26 to. But really what we did is considered all of the factors
27 that's in the wrench, all of the information in the
28 intelligence that we received, and tried to determine whether

1 we should be making -- we've met the threshold and we should
2 make a public announcement, principally because we have
3 information that Canadians don't that they should have about
4 this incident.

5 **MS. NATHALIE DROUIN:** [No interpretation]

6 **MR. GIB van ERT:** And my concern, just to
7 finalize -- oh, go ahead, please.

8 **MS. NATHALIE DROUIN:** ...that CSIS told you
9 that -- how we assess an information or intelligence. Is
10 this a unique source? Has it been corroborated? Is it a
11 source that is known by the service?

12 When François talks about probability, he is
13 talking about the assessment of the quality of the
14 intelligence we are getting.

15 These are all factors that are assessed to
16 determine whether the information we're getting is rumour.
17 Sometimes we have sources who have a special interest to send
18 us this information. They're sending this information
19 because they have an interest in doing so.

20 These are all elements that we look into to
21 determine the value of the information we are getting.

22 **MR. GIB van ERT:** Yes. And just the last
23 point then. You've done an excellent job there, Me Drouin,
24 if I may say, of explaining all the considerations that you
25 have to juggle, and if you juggle all of those according to a
26 standard of is this probably PRC or is this probably
27 misinformation, my suggestion is you'll never make an
28 announcement around PRC foreign interference in the course of

1 an election, because you'll never get to that standard.

2 **MS. NATHALIE DROUIN:** So ---

3 **MR. FRANÇOIS DAIGLE:** I would disagree with
4 that. I mean, we've spent a lot of time going through a
5 number of scenarios to understand where that threshold is and
6 what kind of cases would give rise to us actually making a
7 public announcement under the protocol, and we were ready to
8 make a public announcement if we saw, you know, information
9 that, you know, that told us that something needed to be
10 corrected. We were prepared to do that, but we simply didn't
11 see enough information, or any information that would have us
12 conclude that we've reached the protocol. But we were
13 prepared to do that if we had to.

14 **MR. GIB van ERT:** Thank you. That's very
15 helpful. Thank you very much.

16 **COMMISSIONER HOGUE:** Thank you.

17 Human Rights Coalition?

18 **--- CROSS-EXAMINATION BY MS. SARAH TEICH:**

19 **MS. SARAH TEICH:** Good afternoon. I want to
20 jump off on some of the points that were just raised about
21 threshold, and sliding scales, and particularly my colleague
22 spoke about the potential for making an announcement just to
23 the riding of -- Kenny Chiu's riding. Has the Panel also
24 considered the possibility of making a targeted announcement
25 to particular diaspora communities that are more vulnerable
26 to foreign interference?

27 **MS. JANICE CHARETTE:** I know that we did
28 discuss the possibility of making an announcement about

1 information or intelligence that didn't reach the threshold.
2 I think Madam Drouin testified this morning that at the end,
3 we agreed that our threshold was not below the -- was as
4 asset out here in terms of the below the threshold of free
5 and fair election.

6 We were also prepared to look at a riding
7 level. Did we look at -- I think a riding or a group of
8 ridings, in terms of an affected community, I think that was
9 incorporated in our deliberations and our discussions, yes.

10 **MS. SARAH TEICH:** Okay. And you decided ---

11 **MS. JANICE CHARETTE:** Sorry, I had to work my
12 way through to that.

13 **MS. SARAH TEICH:** No, I appreciate that. And
14 you decided to not do that?

15 **MS. NATHALIE DROUIN:** No, I shouldn't say
16 that. I think we have decided that we cannot issue an
17 announcement if it's under the threshold. But I don't think
18 we came to the conclusion that, if I may say, if it's only a
19 community, or group of communities, in only one or two
20 ridings, there's nothing we can do. This is not our
21 conclusion. Our conclusion is that we could not do any
22 announcement under the threshold. But our conclusion is not
23 that if it's only a community, it's necessary under the
24 threshold. Other elements were necessary to evaluate to come
25 to a conclusion on the impact.

26 **MS. SARAH TEICH:** All right.

27 **MR. DAVID MORRISON:** I think just as a
28 reminder, because it's already been testified to in this

1 panel, there was a lot of public education that went on by
2 the various agencies of the Canadian Government about foreign
3 interference and who was -- who we considered to be most at
4 risk and so on.

5 **MS. SARAH TEICH:** That's true. We heard
6 about that in earlier days of the hearing. But to the best
7 of my recollection, a lot of those educational materials were
8 general in nature and not offered in a variety of languages.
9 So I would suggest that that's not necessarily what I'm
10 asking. And I -- maybe I should relate this back actually to
11 the sliding scale concept that we spoke about.

12 So in hypothetical, where the threshold isn't
13 met, but there's some evidence of something going on, in your
14 opinion, do you think it would have been valuable to make
15 some sort of targeted announcement specifically to Chinese
16 speaking voters for example, in order to build community
17 resilience against some of these threats?

18 **MR. ROBERT STEWART:** I think -- I mean, we're
19 really talking about a hypothetical here of a very rarified
20 sort. And so without trying to repeat what my colleagues
21 have already said, we had a lot of information in front of
22 us, we never adjudicated the threshold coming close to being
23 met in either an individual level riding, or at a national
24 scale. Therefore we did not contemplate the modus, the
25 modes, or possible means of communication in any individual
26 circumstance.

27 **MS. NATHALIE DROUIN:** Maybe one thing, that
28 if the threat is real and it's -- it doesn't hit the

1 threshold in terms of the impact, CSIS can always do a threat
2 reduction measure, and they have done that during the
3 election, pre-election, post-election. So it's an instrument
4 that CSIS can do if the threat is real and during the
5 election, if the impact has not been to the level to hit the
6 threshold.

7 **MS. SARA TEICH:** All right. I don't have any
8 further questions. Thank you.

9 **COMMISSIONER HOGUE:** Thank you.

10 Counsel for the Sikh Coalition?

11 **--- CROSS-EXAMINATION BY MR. PRABJOT SINGH:**

12 **MR. PRABJOT SINGH:** Good afternoon,
13 panelists.

14 Ms. Morgan, if I can start with you, the
15 Commission heard evidence last week about the Rapid Response
16 Mechanism's observations made in 2021 regarding polarizing
17 disinformation that originated in India. Can you tell the
18 Commission about any deliberation or steps taken by the Panel
19 to consider the impacts or the threat of that specific wave
20 of disinformation?

21 **MS. MARTA MORGAN:** That would have been a
22 brief to us as important context for what potentially could
23 have happened during the writ period. But I do not recall
24 RRM briefing on specific issues related to India in the
25 online environment during the writ period in 2021. But we
26 would have been briefed on -- from a contextual perspective
27 on that because we were aware that that sort of thing could
28 arise in Canada, and that as a panel, we needed to be

1 prepared for that.

2 **MR. PRABJOT SINGH:** So just to clarify that
3 answer, so in terms of the information or intelligence that
4 was provided to the Panel, there were no warnings or
5 briefings about the threat of Indian disinformation in the
6 election?

7 **MS. MARTA MORGAN:** Oh no. That's not what I
8 was saying at all. Actually the opposite. What I was saying
9 is that as you noted, we had a number of meetings prior to
10 the election itself, and in those briefings, we were briefed
11 from a situational perspective on threats from multiple
12 different actors, both sort of the in person, the person-
13 to-person, foreign interference, potential for disinformation
14 online, et cetera.

15 So not the kind of threat but also potential
16 origins, including what might happen from various potential
17 countries, including India.

18 **MR. PRABJOT SINGH:** And so what it sounds
19 like is that was a generalised briefing about the
20 possibilities or potential of a threat ---

21 **MS. MARTA MORGAN:** That's right ---

22 **MR. PRABJOT SINGH:** To reframe my question.
23 I'm asking if the Panel considered specific instances where
24 threats constituted by Indian disinformation?

25 **MS. MARTA MORGAN:** Not during the writ
26 period.

27 **MR. PRABJOT SINGH:** Thank you. And the ---

28 **MS. NATHALIE DROUIN:** Because there was no

1 information.

2 **MS. MARTA MORGAN:** Because there was no
3 information suggesting that there was disinformation or
4 originating from that source in the Canadian information
5 ecosphere during that period.

6 **MR. PRABJOT SINGH:** And so that leads me to
7 my next question, is that the RRM did identify some
8 vulnerabilities and some gaps in the methodology to actually
9 understand or comprehend the information ecosystems
10 originating in places like India and their impacts on
11 diaspora communities. So was any further investigational
12 work done to address that vulnerability, or was that a gap
13 that went unchecked during the electoral period?

14 **MS. MARTA MORGAN:** Is there a particular
15 document that you're referring to that you could refer us to
16 on that?

17 **MR. PRABJOT SINGH:** No, there's no -- I'm
18 asking the question if those briefings occurred or if there
19 was any attempts by the Panel to address any gaps. So we've
20 spoken at length about the targeting of diaspora communities,
21 the impacts of disinformation on diaspora communities. So
22 I'm trying to understand and help the Commission understand
23 whether the Panel was actually equipped or did any work to
24 identify those gaps and fill that gap.

25 **MS. MARTA MORGAN:** The RRM is always working
26 to improve its capacity, including working with outside
27 players contracting, working with civil society who has
28 expertise in this area. So there's always an ongoing attempt

1 to fill the gaps that are identified.

2 **MR. PRABJOT SINGH:** So in your understanding,
3 that gap remains in terms of understanding Indian
4 disinformation in the information ecosystem?

5 **MS. MARTA MORGAN:** That's not what I'm
6 saying.

7 **MS. NATHALIE DROUIN:** Yeah, if I may. The
8 intel we receive about different foreign actors about their
9 intent, and the mechanisms they are using, and the approaches
10 they are using to do some foreign interference activities in
11 Canada, that intel was not coming from RRM, it was coming
12 from CSIS and CSE, in particular, in terms of what they know,
13 the activities they are seeing with all their surveillance
14 work. So this were the two main agencies feeding us in terms
15 of seeing the level of foreign interference that a foreign
16 actor can do.

17 Like RRM is not there to see pattern in terms
18 of how they operate. They can follow a specific media and
19 look at, you know, how it is authenticated, who is speaking
20 up on it, but they are not looking at trends, a trend in
21 terms of foreign actors', you know, activities, and things
22 like that. So I think that we have to make sure that we
23 understand the role of all our organisations here.

24 **MR. PRABJOT SINGH:** So based on those
25 briefings that were provided about Indian disinformation by
26 CSIS or any other agencies, did the Panel conduct any
27 deliberations or conversations about assessing a threat and
28 considering an announcement to counteract Indian

1 disinformation in any electoral ridings in Canada?

2 **MS. JANICE CHARETTE:** I think what my
3 colleagues -- I'm going try it this time. So we were briefed
4 by the SITE Task Force at the outset of our work around
5 capabilities of foreign actors and some of the tools that
6 they would possibly use. When we entered into the election
7 campaign itself, we were being briefed on activities and the
8 intelligence or information that was coming about how those
9 capabilities or those tools were being deployed. And I do
10 not believe during the 2021 election that we saw evidence of
11 Government of India using those tools in the campaign.

12 **MR. PRABJOT SINGH:** Thank you for that clear,
13 direct answer.

14 So we've heard from colleagues at CSIS and
15 the SITE Task Force last week that India targeted individual
16 ridings or specific candidates in the 2021 elections. Was
17 the Panel provided with specific details about those threats,
18 and did it consider any action or a public announcement
19 emanating from that threat?

20 **MS. NATHALIE DROUIN:** If we can put the
21 country specific public summary I think that can help us ---

22 **MR. PRABJOT SINGH:** Sure. I believe that'll
23 be ---

24 **MS. NATHALIE DROUIN:** --- in terms of what is
25 ---

26 **MR. PRABJOT SINGH:** --- CAN.SUM 12.

27 **MS. NATHALIE DROUIN:** --- in the public
28 domain and what we can discuss in this forum.

1 And if my recollection is good, I don't think
2 that we have a specific topic of public summary relative to -
3 --

4 **MR. PRABJOT SINGH:** Sorry. Mr. Operator, I
5 think it might be CAN.SUM 7, actually. Sorry, if you could
6 just -- one second. No. Yeah, that's fine. If we can
7 scroll down. If you can scroll down. A little bit further:

8 "A body of intelligence indicates
9 that...proxy agents may have
10 attempted to interfere in democratic
11 processes...including through the
12 clandestine provision of illicit
13 financial support to
14 various...politicians..."

15 Were these -- any of these specific threats
16 considered by the Panel?

17 **MR. DAVID MORRISON:** Let me just say that I
18 think the public summary speaks for itself, and everything
19 else that we had to say as a Panel was conveyed to the
20 Commission in the *in-camera* hearings.

21 **MR. PRABJOT SINGH:** Yeah, and so that's
22 totally fine, that's what I'm looking for. If there is
23 information that can't be provided in a public setting if you
24 can note that and Madam Commissioner and Commission Counsel
25 can determine if any follow up is required *in-camera*.

26 So is -- am I to take it ---

27 **COMMISSIONER HOGUE:** I said we would work --
28 if a question cannot be answered in this forum, then the

1 question is written down and we'll follow up after the
2 hearings.

3 **MR. PRABJOT SINGH:** Okay.

4 **COMMISSIONER HOGUE:** If there's a need to ---

5 **MR. PRABJOT SINGH:** Yeah. So I'll reframe my
6 question with that kind of background knowledge, that if
7 there is information that can't be shared in this public
8 setting, you're free to inform the Commission that you're not
9 able to answer and Madam Commissioner can see if there's any
10 follow up that's required.

11 So did Panel -- the Panel specific
12 investigate or assess disinformation threats emanating from
13 India during the electoral period?

14 **MR. ROBERT STEWART:** I think we've answered
15 that already and said no on disinformation.

16 **MR. PRABJOT SINGH:** Yeah. And were there
17 specific threats on specific ridings that were considered by
18 the Panel?

19 **MR. ROBERT STEWART:** And the answer to that
20 is no, as well. And for clarity, the country summaries to
21 which we've referred include a body of intelligence that is
22 accumulated over a much longer period of time, including up
23 to clearly close to the present day.

24 **MR. PRABJOT SINGH:** Okay. And so just to
25 clarify, so your answer isn't that you're not able to answer,
26 your answer is that there were no specific threats or targets
27 of any individual campaigns that were even looked at by the
28 Panel.

1 **MR. ROBERT STEWART:** We were not informed of
2 any particular activity in ridings that are in the subject to
3 which you refer ---

4 **MR. PRABJOT SINGH:** And were there any ---

5 **MR. ROBERT STEWART:** --- during our Panel
6 process during the writ period.

7 **MR. PRABJOT SINGH:** Okay, thank you. That
8 was very helpful. And were there any investigations or
9 threats about funding coming from Indian sources to any
10 campaigns?

11 **MR. ROBERT STEWART:** Not that were brought to
12 our attention.

13 **MR. PRABJOT SINGH:** Thank you. Those are all
14 my questions.

15 **COMMISSIONER HOGUE:** Thank you.

16 RCDA. And you're having 10 minutes from UCC.

17 **MR. GUILLAUME SIROIS:** Bonsoir from the RCDA.
18 And I want to talk -- thank my friend from UCC for granting
19 his time to the RCDA for this cross-examination.

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

21 **MR. GUILLAUME SIROIS:** Mr. Morrison, you
22 testified that around September 9 to 12, the Panel of Five
23 was preoccupied with the Chinese disinformation campaign.
24 That was the disinformation campaign targeting Kenny Chiu; is
25 that right?

26 **MR. DAVID MORRISON:** Yes.

27 **MR. GUILLAUME SIROIS:** Okay. What the ---

28 **MR. DAVID MORRISON:** All -- it was the -- it

1 was the information that may have been inaccurate that was
2 circulating around that time. It was about the foreign agent
3 registry and it was about the Conservative Party of Canada
4 and Erin O'Toole's platform and folks in media organisations
5 were commenting on it in that time period.

6 **MS. JANICE CHARETTE:** May I also suggest to
7 you, sir, that the term "preoccupied" I think it's fair to
8 say that we were following closely, but we were following a
9 lot of things closely on a day-by-day basis throughout the
10 election campaign.

11 **MR. GUILLAUME SIROIS:** Okay. Was it - were
12 potential Russian disinformation campaigns as closely as the
13 one on the Chinese media.

14 **MR. DAVID MORRISON:** I think it's fair to say
15 we would have followed any campaign of mis -- or
16 disinformation equally closely given the potential impact on
17 the election campaign.

18 **MR. GUILLAUME SIROIS:** This is not a
19 hypothetical question. Between 9 -- September 9th and 15,
20 was the panel monitoring the same way that to
21 disinformation...

22 **MR. DAVID MORRISON:** The Panel itself does
23 not surveil information. We receive reports from the SITE
24 Task Force ---

25 **MR. GUILLAUME SIROIS:** All of ---

26 **MR. DAVID MORRISON:** Can I finish, please?

27 **COMMISSIONER HOGUE:** Let him finish.

28 **MR. DAVID MORRISON:** The daily SITREPs from

1 SITE are available for everyone. They did not, to the best
2 of my recollection, flag any activity by Russia that required
3 follow up by the Panel.

4 **MR. GUILLAUME SIROIS:** In short, no? Okay,
5 I'll move on because it's ---

6 **MS. NATHALIE DROUIN:** So, we took seriously
7 everything that was shown to us. We, as I said this morning,
8 we knew and we still know about Russia capabilities,
9 especially when it comes to espionage and cyberactivity. And
10 our intelligence agencies were following the interest that
11 Russia was demonstrating into our electoral exercises. And
12 we haven't been informed of any specific activities they were
13 doing in the 2021 election.

14 **MR. GUILLAUME SIROIS:** Thank you.

15 [No interpretation]

16 **MS. JANICE CHARRETTE:** And I can probably
17 point out to you, just in the After Action Report that was
18 prepared by the Security and Intelligence Threats to
19 Elections Task Force dated December the 17th, under Summary
20 of Key Observations, it contains a statement:

21 "Other state actors (Russia, [...]) were
22 not observed engaging in activities
23 threatening Canada's GE44."

24 **MR. GUILLAUME SIROIS:** I would like to pull
25 CAN, three zero, 134. Well, CAN 000134. Do you recall the
26 Weekly Trends Analysis prepared by the RRM? Does it ring any
27 bell? This was prepared for the SITE Task Force, I know, but
28 I also know that the SITE Task Force wasn't supposed to

1 filter any information, so that's why I'm going to be asking
2 you questions about this.

3 **MS. JANICE CHARRETTE:** So, this report was
4 not a report shared with the Panel. It may be the case that
5 the information that's in there is information that went via
6 the SITE Task Force into our briefings. It depends on the
7 particular points you're about to make, sir.

8 **MR. GUILLAUME SIROIS:** Yes, I'm getting to
9 that. And do you recall, by any chance, the firm Yonder,
10 that the GAC or RRM Canada contracted to monitor social media
11 platforms?

12 **MS. MARTA MORGAN:** Yes, they did.

13 **MR. GUILLAUME SIROIS:** So, yes. This is the
14 RRM Weekly Trend Analysis for the week of September 9 to 15.
15 I would like to go to page 2 please.

16 So, we don't know a lot about this firm
17 Yonder, we don't have many documents about it, but we do have
18 this very sort of summary, very short summary, that says,
19 among other things:

20 "It appears that both Chinese and
21 Russian [...] state-aligned accounts
22 generally show low levels of
23 engagement overall, often single
24 accounts and only a few Tweets."

25 Do you see that?

26 **MS. MARTA MORGAN:** Yes.

27 **MR. GUILLAUME SIROIS:** Do you know what the
28 Yonder firm meant by "generally", "overall", or "often"?

1 **MS. MARTA MORGAN:** That would be a question
2 that would be better put to either them or to the experts at
3 the RRM.

4 **MR. GUILLAUME SIROIS:** Okay. But would you
5 agree, just reading this, that it's difficult to understand
6 the scope of these disinformation campaigns with these
7 qualitatatives?

8 **MS. MARTA MORGAN:** Well, I would say that it
9 notes that they generally show low levels of engagement
10 overall, and that would probably explain why information in
11 this particular paragraph was not included in the daily
12 reports to us, which included information that we needed to
13 be aware of at that time because there was potentially an
14 issue that we needed to be aware of.

15 So, I would interpret that as being a low
16 level of engagement, and therefore something to keep
17 monitoring, but not something -- not an issue of concern at
18 that time.

19 **MR. GUILLAUME SIROIS:** But you were informed
20 of Chinese disinformation campaign, were you not?

21 **MS. MARTA MORGAN:** We were informed that
22 there were concerns about information that was being shared
23 both in Chinese-Canadian media sites and through WeChat, yes.
24 We had been informed about that, absolutely.

25 **MR. FRANÇOIS DAIGLE:** But to characterize it
26 as a disinformation campaign is, I think, erroneous.

27 **MS. MARTA MORGAN:** Well -- and also, this
28 does -- this is talking specifically about Chinese and

1 Russian state and state-aligned accounts, so, you know, I do
2 think that this would be a question better put to the experts
3 in terms of how two things align.

4 But my reading of this, in terms of the
5 Russian intervention, is that at least for the accounts that
6 they were monitoring, there was low levels of engagement.
7 That doesn't mean there was something -- wasn't something
8 else going on somewhere else, but ---

9 **MS. NATHALIE DROUIN:** And just maybe to add
10 on -- we just had a previous conversation about other
11 incidents where we said that in those incidents, I'm talking
12 about here the O'Toole and Kenny Chiu incidents, in both
13 cases, we said that we have not seen any direction or
14 amplification coming directly from PRC. So, I think that
15 this is completely aligned with what we are saying here.

16 **MR. GUILLAUME SIROIS:** But we did confirm
17 earlier that you -- the Panel of Five was informed by a
18 potential Chinese influence campaign. It was possibly
19 directed by the PRC or influenced by the PRC.

20 My question is just why was it informed --
21 why was the Panel of Five informed of this Chinese
22 disinformation campaign and not the Russian disinformation
23 campaign circulating online if the firm that was contracted
24 to monitor social media by GAC identified both threats as
25 being the same?

26 **MS. MARTA MORGAN:** Could I just say that GAC
27 contracted and worked with a number of different firms. GAC
28 also -- the RRM also had its own capacity and the RRM also

1 worked with civil society. So, the information that we were
2 getting as a Panel was coming from multiple sources that were
3 collected and analyzed by Global Affairs.

4 So, this particular statement, I don't think,
5 is making the conclusion that you're trying to draw. We were
6 not brought information about a Russian disinformation
7 attempts during the campaign in the online ecosystem because
8 it wasn't seen by the SITE Task Force at that time during the
9 writ.

10 **MS. NATHALIE DROUIN:** If I can go back on
11 what you said earlier, Marta, about the fact that when it
12 comes to those foreign actors, yes, we do collect our own
13 intel, but we also work with allies, and the Five Eyes in
14 particular, and they're also there to help us seeing things
15 in terms of foreign actors' activities. So, the assessment
16 is based on what we are seeing, but what others are seeing
17 regarding us.

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

19 **MS. NATHALIE DROUIN:** Yes, but the Five Eyes
20 can have intelligence on the intentions of foreign actors.

21 **MR. GUILLAUME SIROIS:** With respect, Ms.
22 Drouin, we are not talking about the fact that the
23 disinformation campaign from Russia was similar to the
24 disinformation campaign from China.

25 My question is this. Why was the Panel of
26 Five never informed of this?

27 **MS. MARTA MORGAN:** The Panel of Five -- the
28 RRM has multiple sources that it uses, and if you look even a

1 little bit further down on this page, you'll see that the
2 media ecosystem observatory found that Chinese interests have
3 become more visible in this reporting period. So, the RRM
4 was getting analysis and input from a variety of sources and
5 its own capacity.

6 So, I would just say that one particular
7 source, that's being mentioned here, is not conclusive and
8 would not have been conclusive in terms of the information
9 that they were providing us.

10 Should they have seen evidence of
11 disinformation -- state-sponsored disinformation by Russia
12 during the writ period, I'm confident that they would have
13 brought that information to us and we would have taken it
14 very seriously because it was absolutely one of the issues
15 that we were looking for and it was something that we had
16 seen in other countries. We had seen Russian state sponsored
17 disinformation in the United States, and Germany, and France
18 that had all been made public. So it was something that we
19 clearly were paying close attention to.

20 **MR. ROBERT STEWART:** If I might add, I think
21 we are being very clear that we did not observe or were
22 notified of any evidence of a Russian concerted
23 disinformation campaign during the campaign, which is not to
24 say that it does not happen in a more general context. And
25 indeed, since the war started in Ukraine, Russia's illegal
26 war, we have had a constant surveillance and notification
27 where we see Russian disinformation.

28 **MR. GUILLAUME SIROIS:** Just for the sake of

1 time, I'll continue with the other points in my paragraph.

2 Mr. Morrison, you also testified that the
3 WeChat disinformation campaign, you know, or influence
4 campaign, whatever you want to call it, sort of decreased
5 around September 12th, you said? Okay. So this report
6 again, sorry to draw your attention back to it, it's like the
7 third sentence, approximately -- sorry. Yeah, it's the
8 second sentence. Sorry about that. So it says:

9 "The firm has seen less engagement
10 from accounts that generally amplify
11 Chinese state sources..."

12 This seemed to confirm your testimony that --
13 this report was issued on September 15th, approximately, so
14 this seemed to confirm your testimony that Chinese
15 disinformation influence campaigns seem to be decreasing
16 during that week; right?

17 **MR. DAVID MORRISON:** That's not what that
18 sentence says. I did make a statement this morning that put
19 time parameters around the activity that we saw in relation
20 to Mr. O'Toole and Mr. Chiu. But I think what that statement
21 is saying is something a little bit different.

22 **MR. GUILLAUME SIROIS:** Could you explain the
23 difference?

24 **MR. DAVID MORRISON:** The sentence is:

25 "The firm has seen less engagement
26 from accounts that generally amplify
27 Chinese state sources, but more
28 engagement from accounts that

1 generally amplify Russian state
2 sources."

3 **MR. GUILLAUME SIROIS:** And for now I'm just
4 asking for the first part of that sentence, concerning
5 Chinese state sources, just to be clear.

6 **COMMISSIONER HOGUE:** But I think you cannot
7 just cut in the middle. You have to read the whole sentence.

8 **MR. GUILLAUME SIROIS:** Absolutely. I just
9 wanted to direct the witness' attention to what part I was
10 most interested with. And I will go to the second part right
11 after that for sure.

12 **MR. DAVID MORRISON:** So my point is that this
13 talks about Chinese state sources and we have been, I think,
14 testifying at some length that we could not make links,
15 necessarily, with Chinese state sources, and that's why I'm
16 questioning your line of questioning.

17 **MR. GUILLAUME SIROIS:** So this summary does
18 not make any attribution either. It just says that:

19 "...accounts that generally amplify
20 Chinese state sources..."

21 It doesn't state anything about attribution
22 apart from that. But it seems -- I'm just trying to
23 corroborate your testimony with the document.

24 **MR. DAVID MORRISON:** I'm sorry. I've lost
25 track of your question.

26 **MR. GUILLAUME SIROIS:** I'm -- you disagreed
27 that this sentence corroborates your testimony today, this
28 morning, that accounts that generally amplify Chinese state

1 sources decreased during the period of September 9th to
2 September 15th, 2021?

3 **MR. DAVID MORRISON:** I don't know whether --
4 I was testifying this morning to the fact that on the three
5 or four Chinese language media outlets that are specified in
6 one of the summaries, that the -- there was no new
7 information about either Kenny Chiu or Erin O'Toole and the
8 wider Conservative Party of Canada platform after about the
9 12th of September. There was -- you could still search for
10 it, but there was nothing new that happened. So I still am -
11 - I'm not clear at all whether those news outlets that I was
12 referring to fit the category of generally amplifying Chinese
13 state sources.

14 **MR. GUILLAUME SIROIS:** Well I certainly agree
15 with you that this sentence is extremely vague and it's hard
16 to piece the puzzle together. And I won't argue with you on
17 that.

18 Now I want to move on with the second part of
19 the sentence, which says that there has been:

20 "...more engagement from accounts that
21 generally amplified Russian state
22 sources."

23 So here we have a Chinese disinformation
24 campaign that seems to be decreasing during that period and a
25 Russian disinformation campaign that seems to be increasing.

26 I know there are multiple sources that the
27 government relies on to determine whether there is foreign
28 influence, but why is it that information hasn't been

1 communicated to the Panel of Five?

2 **MR. DAVID MORRISON:** So your contention is
3 that it's a Chinese state disinformation campaign and a
4 Russian state disinformation campaign. That's not what the
5 report says. And as my colleague, Ms. Morgan, has just
6 explained, SITE integrated a whole range of inputs into the
7 reporting that they gave us. And again, we didn't see this
8 particular document, we didn't see the raw RRM materials, but
9 SITE did not brief us on any online Russian activity of
10 concern. And as Ms. Charette pointed out, the final SITE
11 report of the 17th of December 2021 also did not alert us to
12 any concerning Russian online information.

13 **MR. GUILLAUME SIROIS:** So do I understand
14 your testimony correctly that disinformation concerning
15 increase in engagement from accounts that generally amplify
16 Russian state sources had been filtered out, either by RRM
17 Canada or by the SITE taskforce?

18 **MR. MARTA MORGAN:** The SITE Taskforce -- RRM
19 Canada fed into the SITE Taskforce and the SITE Taskforce
20 provided us with information on a daily basis of issues of
21 concern, of issues that they had judged to be issues that we
22 should be aware of. And they had a threshold for determining
23 what that was, and they did not see, throughout the election
24 campaign, concern around state sponsored disinformation from
25 Russia in the Canadian election ecosystem during the writ
26 period. We did not see that raised to our attention because
27 it -- from their perspective, knowing what they did, and the
28 analysis that they had at their command, this was not an

1 issue at that moment that the Panel of Five needed to be
2 apprised of. If they had believed that it was, they would
3 have certainly included it and told us.

4 **MR. GUILLAUME SIROIS:** So it has been
5 filtered out? That's my question. Yes or no?

6 **MR. MARTA MORGAN:** The SITE Taskforce and RRM
7 analyzed on a daily basis what information the panel needed
8 to know and issues that they thought were potentially issues
9 that we would need to pay attention to because they were
10 emerging or issues of concern, and they did not flag these
11 issues to us. And I think that's a question of professional
12 judgement on their part, which we respected.

13 **MR. FRANÇOIS DAIGLE:** And you should ask -- I
14 mean, if you're so concerned about that, you should ask the
15 question to those who made the decision not to brief us on
16 it. But they've -- but they were told, "Brief us on
17 everything that's important and relevant." And so that
18 didn't come to us.

19 **MR. GUILLAUME SIROIS:** Mr. Daigle, I'm not
20 really worried about this. I am, but it's really the members
21 of the Russian and Ukrainian diaspora who are worried about
22 this. And I think it's worrisome to see this document, a
23 document that talks about potential inference from Russia.

24 **COMMISSIONER HOGUE:** We would not argue with
25 the witness. We would ask them question.

26 **MR. GUILLAUME SIROIS:** So my question would
27 be, how can you reassure members of the Russian diaspora when
28 they see such information that wasn't communicated to the

1 general public or to the panel?

2 **MS. NATHALIE DROUIN:** If I may, my colleague
3 talked about activities that we continue to witness today
4 coming from Russia, especially following the invasion of
5 Ukraine.

6 Panel members were briefed in 2019 and 2021
7 on Russia's capacities on their objectives to attack
8 democracies across the world. These are things that we are
9 witnessing regularly, attacks against Canada and other
10 democracies.

11 ...specific interests. We're not saying that
12 Russia was not active. We didn't see a specific interest in
13 the 2019 and 2021 elections.

14 [No interpretation], so we haven't seen a
15 spike from Russia in 2021 election. Having said that, that
16 doesn't mean that Russia is not doing some campaign, as I
17 said, sometime to -- trying to undermine democracies around
18 the world.

19 **MR. GUILLAUME SIROIS:** That that's my last
20 question.

21 **COMMISSIONER HOGUE:** [No interpretation]

22 **MR. GUILLAUME SIROIS:**

23 Does it take a spike [no interpretation]?

24 **MS. NATHALIE DROUIN:** Foreign interference,
25 we always have to fight foreign interference and that is what
26 the organizations and the Canadian government do. That's why
27 we also work to improve the legislative framework to fight
28 foreign interference. We want to work on raising awareness,

1 we want to work with the ecosystem and the different
2 platforms to better equip Canadians to face that.

3 But during an election, we really look at the
4 activities that are aiming to influence the results of an
5 election, the impact on the result of an election. So that
6 is why we look at the activities that aim, that target the
7 democratic exercise that we're talking about.

8 **MS. JANICE CHARETTE:** And I could just say,
9 the answer to your question is no. The protocol is very
10 clear. It says an incident or an accumulation of incidents.
11 Those are the words that we would have focussed on in doing
12 our work as the panel.

13 **MR. GUILLAUME SIROIS:** My time is over, but
14 thank you.

15 **COMMISSIONER HOGUE:** AG?

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

17 **COMMISSIONER HOGUE:** AG?

18 **MR. BARNEY BRUCKER:** No questions,
19 Commissioner.

20 **COMMISSIONER HOGUE:** Re-examination?

21 So thank you all. You are free to go.

22 [No interpretation]

23 It's not a real break. It's only to welcome
24 the new witnesses.

25 **THE REGISTRAR:** Order please.

26 This hearing is in recess for five minutes.

27 --- Upon recessing at 5:02 p.m.

28 --- Upon resuming at 5:13 p.m.

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

2 This sitting of the Foreign Interference
3 Commission is back in session.

4 **--- MS. GRETA BOSSENMAIER, Resumed:**

5 **--- MR. DAVID MORRISON, Resumed:**

6 **COMMISSIONER HOGUE:** Mr. Cameron, you can go.

7 **MR. GORDON CAMERON:** Good afternoon,
8 Madam Commissioner. Gordon Cameron for Commission counsel.

9 We have for you next, and the last panel for
10 today, a panel of former National Security and Intelligence
11 advisors.

12 And could I have the witnesses sworn or
13 affirmed, please.

14 **THE REGISTRAR:** Yes. I believe both have
15 been sworn and affirmed already.

16 So Mr. Rigby, could you please identify if
17 you'd like to be sworn or affirmed?

18 **MR. VINCENT RIBGY:** Affirmed is fine.

19 **THE REGISTRAR:** Okay. And could you please
20 state your name and spell your last name for the record.

21 **MR. VINCENT RIBGY:** Vincent Rigby. My last
22 name is spelled R-I-G-B-Y.

23 **--- VINCENT RIBGY, Affirmed:**

24 **--- EXAMINATION IN-CHIEF BY MR. GORDON CAMERON:**

25 **MR. GORDON CAMERON:** Witnesses, we have a bit
26 of housekeeping, some documents to adopt, and it's -- not all
27 the people match up today with all the documents we're
28 adopting so we're going to have to keep our eye on the ball

1 here.

2 The first one, if we could have WIT 61 called
3 up.

4 **--- EXHIBIT No. WIT 61:**

5 Interview Summary of V. Rigby, D.
6 Morrison, M. Macdonald and M. Green

7 **MR. GORDON CAMERON:** Panelists, this is an
8 interview summary of an interview with two of you, Mr. Rigby,
9 and Mr. Morrison. Ms. Bossenmaier, you were not there. And
10 there were two others at the interview who are not here.

11 So I'll put it this way to you, Mr. Morrison,
12 and Mr. Rigby, insofar as the information in that document,
13 the interview summary, can be made public, is this summary
14 accurate in respect of the contributions that you two made to
15 that interview?

16 **MR. DAVID MORRISON:** It is as far as my
17 contributions are concerned.

18 **MR. GORDON CAMERON:** And Mr. Rigby?

19 **MR. VINCENT RIBGY:** It is the same
20 submissions.

21 **MR. GORDON CAMERON:** Thank you. And do you
22 adopt it as part of your evidence before the Commission
23 today?

24 **MR. DAVID MORRISON:** Yes.

25 **MR. VINCENT RIBGY:** Yes.

26 **MR. GORDON CAMERON:** Thank you. And
27 Madam Commissioner will have the other people from that
28 interview adopt that evidence by affidavit.

1 And in respect of the next document, WIT 57,
2 could we call that up, please.

3 **--- EXHIBIT No. WIT 57:**

4 NSIA Public Summary of Examination

5 **MR. GORDON CAMERON:** This is an *in-camera*
6 examination summary of all three of you, and Mr. Mike
7 MacDonald, who isn't here today. So I can pose this question
8 to all three of you. Insofar as the information in this
9 *in-camera* examination summary is -- can be made public, is it
10 an accurate -- is it accurate in respect of the evidence that
11 each of you provided at the *in-camera* hearing?

12 **MS. GRETA BOSSENMAIER:** It is.

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

14 **MR. VINCENT RIBGY:** Yes.

15 **MR. GORDON CAMERON:** Thank you. And do you
16 adopt it as part of your evidence before the Commission
17 today?

18 **MR. DAVID MORRISON:** Yes.

19 **MR. VINCENT RIBGY:** Yes.

20 **MR. GORDON CAMERON:** Thank you.

21 Each of you was in the position of being the
22 National Security and Intelligence Advisor to the Prime
23 Minister at least one period of time, some of you more than
24 once.

25 So I'll try to do this sequentially and begin
26 with you, Ms. Bossenmaier. Can you tell us the dates during
27 which you held the appointment as the National Security and
28 Intelligence Advisor?

1 **MS. GRETA BOSSENMAIER:** Sure. I was the
2 National Security and Intelligence Advisor from spring 2018
3 until early December 2019.

4 **MR. GORDON CAMERON:** Okay. And then I'm
5 going to switch to you, Mr. Morrison, to pick up just a tag
6 end. Do I understand that you had a brief period after
7 Ms. Bossenmaier's terms as acting NSIA?

8 **MR. DAVID MORRISON:** That is correct, in --
9 from when Greta left in early December of 2019 until Vincent
10 was appointed at the end of January 2020.

11 **MR. GORDON CAMERON:** Okay. And I'll pick it
12 up there again with you, Mr. Rigby. Can you tell us when you
13 were the National Security and Intelligence Advisor?

14 **MR. VINCENT RIBGY:** And I was appointed NSIA
15 at the end of January 2020, and I was in the job until 30th
16 of June, I do believe, 2021.

17 **MR. GORDON CAMERON:** Okay. And now we're
18 back to you, Mr. Morrison. Can you tell us when you picked
19 up that role, and if you can just include in that account the
20 brief period during which you were replaced by Mr. MacDonald?

21 **MR. DAVID MORRISON:** Yes. I picked up the
22 role on the 1st of July 2021, and I had that role, in
23 addition to my responsibilities as Foreign and Defence Policy
24 Advisor to the Prime Minister, through -- until the 11th of
25 January 2022. The one exception was I was on a medical leave
26 from, I'm going to say, about the 18th of July until the 9th
27 of August 2021.

28 **MR. GORDON CAMERON:** Thank you very much, and

1 thank you for helping us with the accuracy of those tenures.

2 I'm now going to ask if you could briefly
3 describe the role and functions of the NSIA.

4 And it occurs to me in looking at the
5 documentation that the parties have been provided, if we
6 could call up WIT 57 again.

7 Because, Ms. Bossenmaier, at paragraph 3,
8 this is the summary of the *in-camera* hearing, and at
9 paragraph 3 there, you provided what looks like one of the
10 best descriptions. It's also in the PCO institutional
11 report, but if you could just tell the Commissioner what --
12 how you describe the three main roles of the National
13 Security and Intelligence Advisor?

14 **MS. GRETA BOSSENMAIER:** Sure. There are
15 really three main roles for the National Security and
16 Intelligence Advisor. The first one is actually the title.
17 It is to provide the Prime Minister with national security
18 and intelligence advice. And it could be advice on policy
19 issues, things that are perhaps on their way to -- for
20 Cabinet consideration also to provide that advice with
21 respect to operational issues. There could be a significant
22 security issue or incident that needs to be dealt with, or it
23 could be an operational issue.

24 The second key role, and one for which we
25 spend a lot of time on, is to not just convene but to
26 coordinate the security and intelligence community in Canada.
27 And, you know, key players would be the Service, CSE, RCMP,
28 for example.

1 And the third role is to deal effectively
2 with the NSIA's counterparts in other countries. It may not
3 be its exact match in terms of how they organize themselves,
4 but I think it's fair to say that many countries have a
5 similar type of function, so to be able to interact with your
6 counterparts in other countries. I think I referenced the
7 Five Eyes, perhaps, but not only, with other counterparts as
8 well. So in a nutshell I would sort of highlight those three
9 roles.

10 **MR. GORDON CAMERON:** Thank you.

11 And Mr. Morrison, in a section of the
12 interview that you spoke about the different roles at the
13 NSIA, you had something to say about the -- and we might be
14 able to cover off two points here, one is the other things
15 that are going on besides foreign interference when the NSIA
16 is in his or her chair, and, also, the aspects of national
17 security and intelligence advice that are weighted more to
18 national security without a big intelligence component, and
19 vice versa. Maybe you could explain that.

20 **MR. DAVID MORRISON:** Sure, thank you. And
21 follows from what Greta has just said, the focus of this
22 Commission is obviously foreign interference, which is one of
23 the important files that the National Security and
24 Intelligence Advisor deals with. Certainly in my second
25 stint, in the latter half of 2021, encompassing the entire
26 pre-writ and writ period and the aftermath, we had -- I had a
27 lot of focus on foreign interference as a member of the panel
28 of five.

1 But I wouldn't want to leave the impression
2 that the core of the role is around intelligence because
3 national security is much broader than -- and the role is
4 much broader than the flow of intelligence. So I can speak
5 to what I dealt with in the fall of 2021, which was, first
6 and foremost, the fall of Kabul and the evacuation of Embassy
7 staff and other Canadians from the country, and then
8 eventually the evacuation of Afghans with a connection to
9 Canada. That went on from the 15th of August through the
10 fall.

11 People will recall that immediately following
12 election day, came the announcement of the release of the two
13 Michaels. Well, that was building behind the scenes
14 throughout August and September with lots of involvement by
15 the National Security and Intelligence Advisor until the day
16 that they were released.

17 Another one was Ethiopia, which didn't end up
18 in an evacuation of Canadians, but very closely -- it was a
19 close-run thing. It certainly could have. So we got all
20 prepared to have to do an evacuation. The Prime Minister
21 spent a lot of time during those critical weeks doing
22 diplomacy with governments in Africa and the United Nations
23 and so on, trying to ameliorate that situation.

24 There was a summit in Washington between the
25 Prime Minister and the Mexican President that dealt with
26 migration issues; it dealt with fentanyl, which has national
27 security implications.

28 And I can go on and on. There were a couple

1 of summits that fall, the G20 and the Climate Change Summit
2 which also required the National Security and Intelligence
3 Advisor's presence, and then finally it was through that fall
4 -- throughout that fall that in the background we were privy
5 to intel about Russia building up on the border of Ukraine.
6 So that was one that wasn't public but was being worked
7 behind the scenes, and then everybody knows what happened in
8 February of 2022.

9 **MR. GORDON CAMERON:** Thank you.

10 And if I could ask the Court Operator to call
11 up CAN.DOC11, which should be the Privy Council Office
12 Institutional Report, and just scroll to the bottom of the
13 first page, because I'm going to ask, Mr. Rigby, if you could
14 comment on the support that the NSIA gets from the two
15 Secretariats that are described at the bottom of that page,
16 the Security and Intelligence Secretariat and the
17 Intelligence Assessment Secretariat, if you can describe what
18 they do and how they supported you in your role when you were
19 NSIA?

20 **MR. VINCENT RIGBY:** Absolutely.

21 So as the National Security and Intelligence
22 Advisor, I had two Secretariats underneath me, one was the
23 Security and Intelligence Secretariat, short form, S&I, and
24 then I also had IAS, which was the Intelligence Assessment
25 Secretariat.

26 IAS is basically a unit that does foreign
27 intelligence assessments, primarily. At that time it was
28 doing primarily foreign intelligence. So these are analysed

1 intelligence analysis documents on foreign issues provided
2 for a wide range of clientele around town, including right up
3 to the Prime Minister, produce documents like National
4 Intelligence Assessments and so on. So they are an
5 assessment unit providing intelligence.

6 And then the Security and Intelligence
7 Secretariat, S&I, was more of a sort of a policy operational
8 body that provided policy advice up to me, and operational
9 advice in the midst of a crisis or in the midst of a specific
10 event that I could then use to work with my counterparts
11 around town in the S&I community or directly with the Prime
12 Minister. So one piece was policy operational, the other was
13 intelligence assessment.

14 **MR. GORDON CAMERON:** Thank you.

15 Could the Court Operator find and put up CAN
16 8266?

17 **--- EXHIBIT No. CAN 8266:**

18 IAS Dissemination - Flow Chart

19 **MR. GORDON CAMERON:** which should be a
20 graphic of intelligence flow from the Intelligence Assessment
21 Secretariat through -- there we go -- through the NSIA and
22 onwards.

23 I'll ask if you, Ms. Bossenmaier, can tell us
24 what the -- looking at the very top of that graphic and
25 perhaps if the Court Operator is able to enlarge the first
26 line for people trying to read it from the room. What is the
27 Daily Foreign Intelligence Brief, and the Prime Minister's
28 Weekly Intelligence Brief?

1 **MS. GRETA BOSSENMAIER:** So those are two
2 documents that are produced by this Intelligence Assessment
3 Secretariat, the one that Mr. Rigby just spoke about.

4 If you could maybe pull it back a little bit
5 for me, just so I can see what's on the screen there?
6 Perfect, excellent.

7 So these are two reports that sort of --
8 again, as their names say, one is a daily intelligence
9 report, a foreign intelligence report, and the other is the
10 Prime Minister's weekly. So on a daily basis, the
11 Intelligence Assessment Branch pulls together a number of key
12 items that they think are relevant to a variety of
13 stakeholders, and they try to do it in a very succinct manner
14 so people will be able to see sort of what's happening on a
15 one- or two-page kind of document that are -- really the aim
16 is to provide sort of timely assessments as to what's
17 happening with these sort of pertinent things that decision-
18 makers either need to be informed about just from a
19 background perspective, or maybe informed about as a building
20 block towards something else, for example.

21 The Prime Minister's weekly is a document
22 that would go to the Prime Minister, that again would sort of
23 highlight what the most relevant and pertinent issues are,
24 assessments are, again to support broader Government of
25 Canada priorities and decision-making.

26 Mr. Rigby actually ran this branch for a
27 while, so he might actually have some additional details to
28 provide.

1 **MR. VINCENT RIGBY:** I ran the branch from
2 2008 to 2010. I was actually intimately involved in the
3 setting up of both the PMWIB and the DFIB, as they're called
4 again in short form.

5 So I think Greta's nailed it. Maybe just a
6 couple of points of clarification. Usually the daily would
7 have about seven, eight items; it depended on the day.
8 Sometimes there'd be four or five; sometimes there'd be six
9 or seven or eight or nine, just depending on how heavy the
10 intelligence was.

11 We tried to make the intelligence as
12 responsive and as relevant as it could possibly be, but one
13 important point is that a lot of the adds that ended up in
14 the DFIB were actually based on sources coming from other
15 documents. So it might be a summary of a document that CSIS
16 produced, for example, or a Five Eyes ally or CSE or whatever
17 the case may be. And so there'd be an IAS take on it
18 sometimes, other times we would just be reporting what
19 another agency reported on, so I think that's an important
20 context. And then the Prime Minister's weekly intelligence
21 brief, as Greta said, it came out once a week, obviously,
22 usually on a Friday. And it was almost like a greatest hits
23 collection of the daily foreign intelligence briefs. So they
24 take the most relevant and the most pertinent and what items
25 they thought would be of most interest to the Prime Minister
26 and put them in that document, and then that went up through
27 a separate chain to the Prime Minister directly. They had
28 different distribution lists, the two documents. The daily

1 would centre a much wider group of people and organisations
2 than the Prime Minister's weekly intelligence brief, which
3 was very focussed on the Prime Minister and a very select
4 number of Deputy Ministers around town.

5 **MR. GORDON CAMERON:** Okay. And on that point
6 about intelligence reporting and how it gets briefed up, if
7 the Court Operator could bring up CAN 5546?

8 **--- EXHIBIT No. CAN 5546:**

9 How Intelligence Reports get Actioned
10 in the GoC

11 **MR. GORDON CAMERON:** Now I think that
12 probably this graphic was considered most useful for
13 describing the difference between the path that reporting
14 takes during the period that the SITE Task Force is
15 operational and the period that it isn't, but the point I
16 wanted to ask you panelists to talk about is the difference
17 to the NSIA of what in this graphic gets called building
18 block intelligence so reports that are going to sort of go
19 and be used later, perhaps to be assembled or analysed and
20 assessed, and other intelligence that is called critical
21 intelligence, which is either urgent or significant enough to
22 require a more immediate action. And if you could just
23 describe that in the context of the types of intelligence
24 that come to the NSIA and how you decide what action should
25 be taken with it. I think perhaps, Mr. Morrison, you could
26 talk about that.

27 **MR. DAVID MORRISON:** And then I'll ask
28 Vincent to jump in. So the distinction you have made is an

1 important one. Colleagues this morning and I think
2 throughout this process have talked about the mosaic effect,
3 when one reads intel as a consumer and one is trying to put
4 together a puzzle, or a picture that will gradually come into
5 focus, so a lot intel gets put into the building block
6 basket. Intel that requires action can be of a couple of
7 kinds. One may be we need to discuss it. We need -- you
8 know, it raises questions, so that the action is you call a
9 meeting, or you call over to the service, or you talk to
10 colleagues to make certain your understanding is correct.
11 And then there's very -- very occasionally, very rarely intel
12 that I think is kind of critical and needs to be actioned
13 instantly, including at higher levels up to and including the
14 Prime Minister.

15 I would just point out in terms of this
16 scheme that is on the screen, which isn't one that -- I don't
17 know the province, but this is with I think, given that the
18 top bit talks about the writ period and the bottom bit talks
19 about the regular process, it is certainly true that intel
20 was coming to SITE and then onward to the panel, I think -- I
21 hope everybody is clear on that, on foreign interference on
22 anything that could affect the election. I just want to make
23 certain people understand that on the bottom half of the
24 document where it's regular process, that is happening
25 before, during and after an election. It's not that one new
26 thing kicks in, an additional thing, an additional set of
27 protocols kicks in, but throughout the election process, all
28 of the regular processes on the bottom half of the document

1 continue to take place.

2 **MR. GORDON CAMERON:** Okay. And on that
3 point, if the -- we see the -- on the bottom what you call
4 the -- or the graphic calls a regular process, the
5 intelligence going off to various committees, if the Court
6 Operator could call up 5547, CAN 5547?

7 **--- EXHIBIT No. CAN 5547:**

8 Governance Structure - Committees
9 pertaining to Foreign Election
10 Interference

11 **MR. GORDON CAMERON:** While it's coming up,
12 I'll just ask, this is -- this graphic you'll -- though you
13 don't see it yet, you might remember it from your nightmares.
14 It is the list of all of the committees that the NSIA has to
15 chair or be involved in, including one blanked out, the
16 public existence of which cannot even be revealed. And
17 rather than take you through all those, which are discussed
18 in your interview summary, at your in-camera examination you
19 all spoke with some focus about the particular importance of
20 the Deputy Minister's Operations Committee, DMOC. So perhaps
21 one of you and I'll open it up to the floor, so to speak, can
22 describe why that committee was of all of these other
23 committees the one that was most important to you as NSIA.

24 **MR. VINCENT RIGBY:** Maybe can I kick off?

25 **MS. GRETA BOSSENMAIER:** Yes, absolutely.

26 **MR VINCENT RIGBY:** I also have -- if I could,
27 just make a couple of comments with respect to how
28 intelligence is actioned just because of the below the line

1 where you talked about the regular process, I think there are
2 a couple of points that are really important. That graphic
3 looked great in theory point A to point B. It wasn't that
4 clean. It could often be quite messy. Didn't always go to a
5 committee. Sometimes it did go to committee. Sometimes it
6 was quite organic, it just happened naturally. Sometimes if
7 you're in the middle of a crisis, if you're in the middle of
8 a major event overseas, or a kidnapping, or something like
9 that, you'd actually be in a meeting with all kinds of
10 different people from all over the community and outside the
11 community sometimes, and a piece of intelligence would come
12 to light in the meeting, and you decide right then and there
13 if this is actionable intelligence, we should work on it. So
14 actionable intelligence could appear in very different ways,
15 and stuff that looked generally actionable wasn't always
16 actionable. And stuff that you perhaps didn't think was
17 going to be actionable did end up being actionable.

18 The other point I wanted to make was that I
19 would suggest -- my colleagues may not agree with me, but I
20 think they will that most of the intel we saw was not
21 actionable. And most of the time what we saw was
22 intelligence that was extremely useful, very helpful in terms
23 of situational awareness, building up your knowledge base,
24 connecting dots, slowly building a picture, the mosaic, or if
25 you want to use the other metaphor, the jigsaw puzzle and
26 pulling it all together, but it wasn't immediately
27 actionable. And a lot of the stuff was parked, and it just
28 wasn't actionable. It's great information, but I don't

1 really need it at this point in time. Maybe we'll come back
2 to it at a later time, but that -- that's the way it worked.

3 I think there's a sense sometimes that every
4 piece of intelligence that comes across your desk you need to
5 do something with it. And sometimes you did, sometimes you
6 didn't, but that was part of the judgment that an NSIA
7 brought to bear, looking at the intel, and going, "What do I
8 do with this? Do -- is it great just for my own knowledge
9 base? Do I share it with someone? Do I take it to the Prime
10 Minister? Do I call a meeting?" So that was part of the
11 process.

12 **MR. GORDON CAMERON:** Thanks.

13 **MR VINCENT RIGBY:** With respect to the
14 governance structure, I think David talked in the in-camera
15 interview quite extensively about the DMOC. The DMOC was a
16 particularly important committee. Happens -- I think it
17 still happens every Thursday. When I was NSIA, I think it
18 was 4:30 to 5:30 or 4 to 5, and it's basically bringing
19 together all the deputies from around the S&I community, the
20 core community of the agencies and organisations that Greta
21 mentioned, but also some others in another concentric circle
22 outside from that inner circle, to talk about matters of high
23 priority.

24 So what was -- the phrase I used to say was,
25 you know, what's keeping you up late at night, whether it's
26 from an intelligence perspective, or whether it's
27 operational, or sometimes policy. Just give me an update on
28 the memorandum to Cabinet that's going next week, or if it's

1 an operational issue, I might have turned to CSIS and say,
2 you know, what's going on with that investigation into this,
3 that, or the other, or the RCMP, whatever the case may be.
4 It was partly me pulling, but there's also a lot of pushing
5 as well, and so you expected people to come prepared and to
6 bring what I needed to know, and their colleagues needed to
7 know to the table. And so I would usually start off with a
8 bit of a brief about what I had been up to the previous week,
9 the kinds of conversations I was having with the Prime
10 Minister, always very careful what I spoke to them about in
11 terms of my conversations with the Prime Minister, but I'd
12 give them a general sense. But then we do a round table, and
13 I would literally go around every single person, or in the
14 room, or if it was on the phone, on a secure line, what do
15 you have to bring to the table this week. So you expected
16 people to bring stuff to your attention that you needed to
17 know.

18 The only other body I'd mention is the Deputy
19 Minister's Intelligence Committee, and this relates to my
20 previous point about places where we could talk about
21 intelligence and what to do about intelligence. And so I
22 created this committee because I wanted to have more
23 conversations about intelligence. I was afraid that people
24 were -- I wasn't always sure who was seeing what, and whether
25 we were all reading the same material, but also, whether we
26 were all getting the same takeaways in terms of the
27 intelligence. And, you know, was intelligence actionable?
28 Did we need to talk about what to do next? Did we need to

1 talk about sending it to the Prime Minister or Minister. So
2 the DMIC was created to try and have some of those kinds of
3 conversations. So those were two of the key bodies for me.

4 **MR. DAVID MORRISON:** Can I just -- on this
5 point of actionable/not actionable, it's very important, I
6 think, to understand that almost all intel comes with
7 caveats. So the issue area, the subject, may be very
8 alarming, but it may be the first glint you have of it, and
9 it may come with a caveat right up front that says it is from
10 a single source, uncorroborated, of unknown reliability.

11 So then you might talk about it, because it
12 is -- would be alarming if true, but until you get a little
13 more, this is the mosaic. You might kind of -- you might
14 brief it up because it's alarming. You might say this might
15 develop into something. But the caveats, including all of
16 those on the front pages of our summaries, are very, very
17 important when we're talking about intelligence.

18 **MR. GORDON CAMERON:** Thank you. And I'm
19 mindful of the time. I'm just going to finish up with two
20 issues that arose in earlier examinations but that have some
21 bearing on your evidence, panelists.

22 The first has to do with the recall of CNSB
23 23/19, and this is a question for you, Ms. Bossenmaier.

24 If the Court Operator could just quickly call
25 up for the screen, just to remind people what we're talking
26 about, CAN4729? Sorry, let's start with 4728.

27 Now you might want to turn up, Ms.
28 Bossenmaier, and all, -- sorry, could the Operator scroll

1 down a bit just so that people can see -- okay. So that's
2 the one that parties might remember was raised with the CSIS
3 panel as an intelligence report that was recalled by the
4 Director.

5 And Ms. Bossenmaier, as I think you discussed
6 -- and again, to help you, if the Court Operator could call
7 up WIT57 and scroll to paragraph 16, where Ms. Bossenmaier,
8 during the in-camera hearing addressed her recollection, or
9 thoughts at least, on this recall incident.

10 Having reviewed that, Ms. Bossenmaier, could
11 you just assist the Commissioner with your recollection or
12 absence of recollection about this incident and what your
13 thoughts about it are?

14 **MS. GRETA BOSSENMAIER:** Sure. I think the
15 most important piece, and people can read the document there,
16 I think the most important piece to -- for me to focus on is
17 that I would never, as the NSAI, instruct another agency to -
18 - would not and did not instruct another agency to change one
19 of their intelligence reports. They are responsible and had
20 the authority to -- responsibility and authority to produce
21 their reports. It is not my remit to instruct them to change
22 it and I did not instruct them to change it,

23 **MR. GORDON CAMPBELL:** Thank you. And if the
24 Court Operator then could call up 13 -- CAN13124? And it has
25 an underscore R01 on it, but I think it's the only 13124 in
26 the database. There we are.

27 **--- EXHIBIT No. CAN 13124 r01:**

28 CPC Concerns around Foreign Election

1 Interference 2021

2 **MR. GORDON CAMPBELL:** And this is a question
3 for you, Mr. Morrison, because it was raised earlier in the
4 proceedings. This is a document that postdates your term,
5 but it has an attachment to it that you authored.

6 If the Court Operator could scroll down to
7 page 16 of 19, which is an email from you, Mr. Morrison, to
8 Me Drouin.

9 And I guess the easiest way to ask about this
10 is just to ask you to tell us what this email was about and
11 what you were talking about in those three paragraphs?

12 **MR. DAVID MORRISON:** We've talked a lot today
13 about concerns that the Conservative Party of Canada had
14 about possible foreign interference in the 2021 election.

15 Following the election, the Conservative
16 Party came to SITE or PCO, I don't know which, to talk more
17 about their concerns. So this is after election day. They
18 provided information towards the end of September, in the
19 best of my recollection, Madam Charette spoke to this issue
20 this morning. The RRM and SITE Taskforce did a very deep
21 dive into their -- into the concerns that the Conservative
22 Party of Canada had raised. And then shortly before -- at
23 some point in October, the -- my colleague, Mike MacDonald
24 met with representatives of the Conservative Party to go over
25 their concerns and to discuss what we had found or what the
26 SITE Taskforce had found in response to its deep dive. And
27 that -- a lot of the elements of that deep dive are in this
28 same information package.

1 What I think I was referring to in this email
2 was that the -- after meeting with Mr. MacDonald, the
3 representatives of the Conservative Party said that they were
4 not satisfied with our response to their concerns and that
5 they were intending on making their concerns public and our
6 lack of response public, our lack of what they considered a
7 satisfactory response public. So I've said in this email
8 that we should make certain RCOMS folks are on that.

9 And then I don't actually recall writing the
10 email, but in the last two paragraphs, I think I was trying
11 to kind of honestly reflect on the concerns raised and some
12 of the difficulties that we have talked about today in
13 determining whether something is foreign interference or
14 legitimate discussion among Canadians, or legitimate
15 diplomatic activity. We've spent a lot of time, and I tried
16 in my testimony last Friday to sort of talk about what is
17 clear cut and what can be more ambiguous.

18 I think in the final -- or in the third
19 paragraph, I talk about maybe parties and SITE should get to
20 know each other a little bit better so they can build a
21 shared understanding of the online and the offline foreign
22 interference categories and so on in order to try and
23 strengthen our tool kit.

24 **MR. GORDON CAMERON:** Thank you very much, Mr.
25 Morrison. And thank you, witnesses.

26 Madam Commissioner, I think at this time of
27 day, it's best if Commission counsel hands over the
28 microphone to the parties, so I'll complete my questions

1 there.

2 **COMMISSIONER HOGUE:** Thank you.

3 Yes?

4 **MR. VINCENT RIGBY:** Sorry. I just wanted to
5 build on the point that David Morrison made, because it's an
6 absolutely critical point and it's about the caveats. And I
7 found it very interesting the way the intelligence summaries
8 are being read by Canadians, and in the press in particular,
9 that they're almost being presented as statements of fact.

10 I would encourage everybody to read the cover
11 page on those caveats every bit as carefully as they read the
12 intelligence summaries. The intelligence summaries are not
13 statements of fact. They are summaries of the intelligence
14 that we had at that time. Those are assessments. They are
15 assertions, but they are not necessarily -- they could be in
16 some cases, but they're not necessarily statements of fact.

17 So as David pointed out, there will be places
18 where you have single source intelligence, human sources with
19 uncorroborated reporting history so we don't know whether
20 they've had accurate periods or their intelligence has turned
21 out to be accurate in the past. But even intelligence
22 assessments that have taken a collection of intelligence and
23 provided an overall analysis, even those often come with
24 caveats. Initial findings, this is early investigative
25 reporting. We have to do a lot more work. We have huge
26 intelligence gaps. More needs to come.

27 So I think it's very, very important that
28 everyone understands that that's what those summaries are and

1 that whenever I read intelligence, one of the first things I
2 did was I went to the sources and saw what the intelligence
3 was based on, and then you make some of those judgements I
4 was talking about before about what you actually do with it.

5 So sorry to take your time, but I just ---

6 **COMMISSIONER HOGUE:** Thank you.

7 **MR. GORDON CAMERON:** Thank you very much.

8 **COMMISSIONER HOGUE:** Counsel for Han Dong?

9 **MS. EMILY YOUNG:** We have no questions.

10 Thank you.

11 **COMMISSIONER HOGUE:** Counsel, for Erin

12 O'Toole.

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

14 My name's Tom Jarmyn. I'm counsel for Erin O'Toole.

15 **--- CROSS-EXAMINATION BY MR. THOMAS JARMYN:**

16 **MR. THOMAS JARMYN:** I've just got a few
17 questions. And the first is, I mean collectively the three
18 of you are probably -- I couldn't find three people with more
19 years of experience in the field of intelligence and
20 security. Would that be a fair statement? Like you are ---

21 **MR. DAVID MORRISON:** I don't ---

22 **MR. THOMAS JARMYN:** You are ---

23 **MR. DAVID MORRISON:** I don't ---

24 **MR. VINCENT RIBGY:** It's the grey hair.

25 **MR. THOMAS JARMYN:** Well, I've got them too.

26 So -- but if I characterise you as experts in
27 the field that would be an accurate....

28 **MR. VINCENT RIBGY:** I would say that we

1 certainly have a lot of experience. Let others judge whether
2 we're true experts or not, but ---

3 **MR. THOMAS JARMYN:** All right. Thank you.

4 **MR. VINCENT RIBGY:** --- we have a lot of
5 experience, yes.

6 **MR. THOMAS JARMYN:** And so you've seen a lot
7 of reporting with respect to foreign interference in Canadian
8 society and elections; is that fair?

9 **MR. DAVID MORRISON:** I would say, just to
10 calibrate things, and it shows up in some of the summaries,
11 the vast majority of intelligence that I have seen in my
12 career as a consumer does not have to do with foreign
13 interference. It has to do with all manner of things that
14 foreign governments are doing. There is a subset which -- of
15 intelligence that comes from our domestic agencies that has
16 to do with foreign interference, yes.

17 **MR. THOMAS JARMYN:** Yeah. And that parallels
18 your -- sorry. Go ahead.

19 **MR. VINCENT RIBGY:** Sorry, but I'd like to
20 make the same calibration for myself. When I was NSIA,
21 between end of January 2020 and June 2021, most of the
22 intelligence I was seeing was actually related to the
23 pandemic. That was my big issue. I lived and breathed it
24 for those 18 months that I was in the job. So there was not
25 a steady stream of intelligence coming my way that I was
26 seeing on foreign interference, and especially foreign
27 interference with respect to the electoral process and
28 elections specifically.

1 **MR. THOMAS JARMYN:** And that's what I was
2 going to say, foreign interference is a slice of a very broad
3 remit you described from Afghanistan to pandemic to cyber
4 security, et cetera?

5 **MR. VINCENT RIBGY:** Yes, that's fair.

6 **MR. THOMAS JARMYN:** But significant enough to
7 be noticeable.

8 **MR. DAVID MORRISON:** Absolutely, and very
9 significant and very important in the context of elections,
10 quite obvious.

11 **MR. THOMAS JARMYN:** Yes. And I'm not going
12 to get -- that's what I was going to say. I'm not going to
13 get into the special thresholds and the like, but it is fair
14 to say that foreign interference is a significant problem in
15 Canadian democracy in Canadian society. Is that correct?

16 **MR. VINCENT RIBGY:** I would certainly say
17 that foreign interference is a -- is an issue, but as David
18 said, it's one of many. When I was NSIA, we were focussing
19 on hostile state activities writ large, and so what hostile
20 states were up to. Foreign interference was one of the
21 tools, but there are also cyber attacks, there was also
22 espionage, all kinds of other different things that fell
23 under that rubric of hostile state activity. But yes,
24 interference, as it's defined in the *CSIS Act*, yes, it was
25 definitely an important element.

26 **MR. THOMAS JARMYN:** Yes. And that -- those
27 events also occurred in the context of elections as well? Is
28 that correct? Foreign interference events?

1 **MR. DAVID MORRISON:** Yes. Foreign -- yes,
2 foreign interference events also occur within the context of
3 elections.

4 **MR. THOMAS JARMYN:** And they have been
5 reported on and observed?

6 **MR. DAVID MORRISON:** The -- what I think we
7 have tried to say is that there is a baseline of foreign
8 interference that is going on every day in Canadian society,
9 and that may in fact be growing, and that doesn't change
10 during an electoral period.

11 **MR. THOMAS JARMYN:** And that could be both
12 state actors but also individual actors from other countries
13 attempting to achieve their own aims, be they economic or
14 other; is that correct?

15 **MR. DAVID MORRISON:** Yes.

16 **MR. THOMAS JARMYN:** Okay. Those are all my
17 questions, Commissioner. Thank you.

18 **COMMISSIONER HOGUE:** Thank you.
19 Counsel for Michael Chong.

20 **MR. GIB van ERT:** Commissioner, we don't have
21 any questions, but I understand that the Conservative Party
22 of Canada does and somehow didn't make the list. So I
23 propose to cede my time to the Conservative Party, please.

24 **COMMISSIONER HOGUE:** Okay. Next time, I
25 would like you, however, to do that before.

26 **MR. GIB van ERT:** Okay, I'm sorry about that.

27 **COMMISSIONER HOGUE:** Because that's ---

28 **MR. GIB van ERT:** We only realised ---

1 **COMMISSIONER HOGUE:** --- a bit difficult to
2 manage when ---

3 **MR. GIB van ERT:** All right. It's just ---

4 **COMMISSIONER HOGUE:** --- it's not done in
5 advance.

6 **MR. GIB van ERT:** Okay, we certainly will.
7 Thank you.

8 **COMMISSIONER HOGUE:** Thank you.

9 **MR. NANDO de LUCA:** Just one moment. Sorry,
10 I've lost my place.

11 --- CROSS-EXAMINATION BY MR. NANDO de LUCA:

12 **MR. NANDO de LUCA:** Could I please get
13 CAN 4728 called up, please. Thank you.

14 Am I correct that this is a redacted copy of
15 a CSIS national security brief that was provided to a number
16 of persons, including the NSIA?

17 **MS. GRETA BOSSENMAIER:** It is a CNSB from
18 CSIS, dated 23rd -- Number 2319, October 1st, 2019, and it
19 was intended for the distribution list that was seen there.

20 **MR. NANDO de LUCA:** Okay. And one of those
21 would have been you, Ms. Bossenmaier? Do I have the ---

22 **MS. GRETA BOSSENMAIER:** Yes.

23 **MR. NANDO de LUCA:** --- dates right?

24 **MS. GRETA BOSSENMAIER:** Yes.

25 **MR. NANDO de LUCA:** Okay. And the brief --
26 this brief was delivered during the writ period for General
27 Election 43; correct?

28 **MS. GRETA BOSSENMAIER:** Yes, the writ was

1 dropped on September 11th.

2 **MR. NANDO de LUCA:** Is the first security
3 briefing that you received or you had received in connection
4 with irregularities associated with the Don Valley North
5 Liberal nomination that took place on September 12th, 2019?

6 **MS. GRETA BOSSENMAIER:** I wouldn't be able to
7 tell you whether or not it was the first or not, I don't have
8 the summary of the dates in front of me.

9 **MR. NANDO de LUCA:** Okay. Do you recall --
10 would you be able to recall sitting here how many prior
11 briefings you had received in connection with this particular
12 issue, i.e. the nomination contest?

13 **MS. GRETA BOSSENMAIER:** I would not be able
14 to give you a firm number.

15 **MR. NANDO de LUCA:** Can you tell us, is the
16 summary of the redacted information on page 2 accurate to
17 your -- to your understanding?

18 **MS. GRETA BOSSENMAIER:** Well, I'll let the
19 text stand. I won't comment on what's underneath the
20 redactions, but I'll let the text stand.

21 **MR. NANDO de LUCA:** But you don't disagree
22 with what -- the text says there?

23 **MS. GRETA BOSSENMAIER:** I have no reason to
24 disagree with it.

25 **MR. NANDO de LUCA:** Thank you. Do any of the
26 three of you have any information that you can share in this
27 forum about the circumstances in which this national security
28 brief was recalled and corrected, if I can use that term? We

1 heard some evidence. Is there anything that you can share in
2 respect of that?

3 **MS. GRETA BOSSENMAIER:** This is the document
4 that I just -- was it not? Yes. In the -- I just spoke to
5 this document five, ten minutes ago?

6 **MR. NANDO de LUCA:** Okay. Is there any other
7 information you can provide about the circumstances in which
8 this document was corrected?

9 **MS. GRETA BOSSENMAIER:** As I stated before,
10 and I believe as the Director of the Service has also
11 commented on this in his testimony, it's his document to
12 recall and I would not and did not direct him to do so.

13 **MR. NANDO de LUCA:** Okay. Thank you, those
14 are my questions.

15 **COMMISSIONER HOGUE:** Thank you.
16 Counsel for Jenny Kwan.

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

18 **MR. SUJIT CHOUDHRY:** Good afternoon. My name
19 is Sujit Choudhry for the record. And my questions are
20 actually directed at Mr. Morrison today.

21 So if we could please pull up Witness 61,
22 please, or WIT 61. And if we could go to paragraph 13.

23 And so Mr. Morrison, this paragraph, if you
24 could just refresh your memory, describes your evidence. It
25 describes how there are sometimes that raw intelligence is
26 used for immediate action. And I just want to take you to
27 the one, two, three, four, five, sixth line down in this
28 paragraph where it says:

1 "The second case involved a
2 significant piece of intelligence
3 disseminated in the weeks following
4 the 2021 federal election concerning
5 potential foreign interference during
6 this election involving a specific
7 country." (As read)

8 And it says you flagged the report
9 immediately within the government. Now, I'm assuming that in
10 this public setting, you're limited in your ability to
11 discuss these details, am I right?

12 **MR. DAVID MORRISON:** In this setting, I
13 cannot say anymore than is already reflected in the
14 documents.

15 **MR. SUJIT CHOUDHRY:** So pursuant to the
16 procedure that the Commission adopted, I'm just going to pose
17 some questions that if they haven't been posed already will
18 be posed to you in camera, later, in writing.

19 So, which specific country that is involved?
20 What were the specifics of the alleged foreign interference?
21 Was the alleged or potential foreign interference actual
22 foreign interference, on further investigation? Was it
23 riding level or was it disinformation or both? As you've
24 seen, sometimes those things overlap, sometimes they're a bit
25 distinct. Was it related to a specific candidate? And was
26 that candidate elected?

27 So those are those questions. Could we go to
28 Witness 57 please.

1 embassies abroad with government counterparts in a set of
2 countries and to ambassadors and other representatives of
3 those countries here in Canada about what we consider
4 legitimate diplomatic activity and where the lines are. And
5 if those lines are crossed, what we consider foreign
6 interference.

7 And I think in the GAC panel that I
8 participated in last Friday, we tried to talk a little bit
9 about that, including referring specifically to the Vienna
10 Convention, which is operative all the time, but which we
11 take the issuing of writs, we take that as an occasion to
12 remind all diplomats about which kind of conduct is out of
13 bound -- out of bounds given their obligations under
14 international treaties, the Vienna Convention.

15 In answer to your question, we talk to
16 foreign representatives, we call them in, we call them in at
17 a junior level or a senior level or at the ambassadorial
18 level. Ministers can make calls, telephone calls. Someone
19 like myself can make a call. Vincent testified how NSIAs
20 have counterparts in every country. So, I have a counterpart
21 in every country as well. And if we have concerns -- and the
22 Foreign Minister has a counterpart in every country.

23 So, if we have concerns about foreign
24 interference, there are a number of ways to raise them in the
25 diplomatic game. There's also formal notes, which stay as
26 part of the record. And so, we deploy all of these tools
27 when we have concerns about foreign interference.

28 **MR. SUJIT CHOUDHRY:** One last question, then.

1 So, some instances of PRC foreign interference are now on the
2 record through this process. And so, the CSIS panel
3 confirmed a couple of those details, the \$230,000, the
4 pressure, the use of proxies to disinvite Chinese-Canadian
5 politicians from community events, and so forth.

6 Are those -- were those specific issues
7 raised through these communications with the People's
8 Republic of China?

9 **MR. DAVID MORRISON:** I can't speak -- right.
10 So I was going to say, I can't speak to the ---

11 **(LAUGHTER)**

12 **MR. DAVID MORRISON:** But I thank my counsel.
13 I can't speak to the specifics of privileged diplomatic
14 communications, but I can say that we have, as -- the
15 government takes foreign interference very seriously and
16 makes representations at all levels using all tools.

17 **MR. SUJIT CHOUDHRY:** Thank you, sir.

18 **COMMISSIONER HOGUE:** Thank you.

19 Counsel for RCDA.

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

21 **MR. GUILLAUME SIROIS:** That's very helpful.
22 Good afternoon. Guillaume Sirois, counsel for the RCDA.

23 I want to talk to you about blind spots. Can
24 we talk about blind spots in the National Security
25 Intelligence perspective? Yes? Okay.

26 I want to pull, please ---

27 **COMMISSIONER HOGUE:** I'm not sure they said
28 yes.

1 **COMMISSIONER HOGUE:** Well, if they tell you
2 that they don't know the document, you'll have to ask your
3 questions without the use of this document because they don't
4 know this document.

5 So ask the questions you have in mind to
6 these witnesses and you'll see what they can answer or not.
7 But we can't replace their absence of knowledge by trying to
8 use the document. Unfortunately, it doesn't work that way.

9 **MR. GUILLAUME SIROIS:** In that case, we can
10 close the document if we can't talk about it.

11 And let's say there was a document that was
12 given to the Prime Minister signed by Mike MacDonald that was
13 saying or stating that there were no -- there was no evidence
14 of foreign interference in the digital information ecosystem,
15 but that there some blind spots -- sorry, I'll rephrase my
16 question. It's a bit challenging without the document, but
17 I'll try to rephrase to the best of my abilities.

18 So let's say there's a document similar to
19 what we just saw that says there's no evidence of broad-based
20 foreign state-directed interference campaigns in the digital
21 information ecosystems, but this hypothetical document noted
22 blind spots in determining state attribution and
23 distinguishing between foreign and domestic disinformation
24 campaigns.

25 I want -- just want to talk about blind
26 spots, as I've introduced. I know you can't speak about the
27 document, but what can you say -- tell me as NSIAs about
28 potential blind spots? Especially when you try to

1 distinguish between foreign and domestic disinformation
2 campaigns?

3 **MR. DAVID MORRISON:** I think it goes without
4 saying that the intelligence community does its utmost to
5 create a comprehensive view of the world. Does that mean the
6 intelligence community of any one country knows everything?
7 Of course not. So there are going to be intelligence gaps.

8 I would further submit that the online
9 ecosystem and the amount of information that is out there,
10 some real, some of it not, makes the entire business of
11 intelligence even more difficult.

12 So the -- we don't call the "blind spots".
13 We call them "intelligence gaps". And in almost any
14 assessment, there will be things that the intelligence
15 community knows and things that we don't know.

16 **MR. VINCENT RIGBY:** This is exactly what I
17 was saying before in terms of caveats and limitations.
18 Again, to use that metaphor of the jigsaw puzzle, you get as
19 many pieces as you possibly can to that jigsaw puzzle, but
20 you never get a complete picture, ever. There are always
21 going to be pieces missing.

22 There will be intelligence gaps and there
23 will be -- we don't call them blind spots, but there will be
24 pieces where we have to admit we don't have all the
25 information. So we make the best judgment that we possibly
26 can, but always make it clear that there are caveats attached
27 to.

28 **MR. GUILLAUME SIROIS:** And is there any way

1 to sort of give us an order of magnitude of those blind --
2 sorry, not blind spots, but intelligence gaps? How does it
3 look from an intelligence perspective?

4 **MR. DAVID MORRISON:** It's entirely dependent
5 upon the issue area, the question being asked, the country
6 that we are talking about. We have as a -- as Canada, as the
7 executive in Canada, we have intelligence priorities that are
8 set through an annual process or it may be a biennial
9 process, so we focus on the things -- or the areas from where
10 the community consensus is that the greatest threats are
11 likely to emerge, but there are gaps in our understanding of
12 many, many countries around the world and I assume if we are
13 talking about, for example, ideologically motivated violent
14 extremism here in Canada, there are gaps in our understanding
15 of that as well.

16 You have to remember that our adversaries are
17 not keen to tell us everything that they're doing, so there's
18 going to be gaps.

19 **MR. VINCENT RIGBY:** That's why I was saying
20 before that often in an intelligence assessment you will have
21 phraseology like we judge with high confidence, medium
22 confidence, low confidence that this is the case, but that a
23 good intelligence report will explain to you why it's low,
24 high, medium confidence because we have intelligence gaps in
25 a certain area.

26 So it's not a rating, you know, 1 to 10.
27 Again, it's not a science. But you can -- you know, you
28 don't predict in the intelligence community and you don't --

1 when looking backwards, you don't say definitively this is
2 what happened, so it's -- either way, whether you're looking
3 forward or you're looking into the past, there's a lot of
4 interpretation and you take the available evidence you can
5 and piece it all together, but you are making judgments at
6 the end of the day. They are judgements. They're not
7 statements of facts, necessarily.

8 **COMMISSIONER HOGUE:** [No interpretation]

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

10 **COMMISSIONER HOGUE:** I took note of the time
11 when you started. Go ahead and ask your last question.

12 **MR. GUILLAUME SIROIS:** Okay. So I'll just
13 ask my last question, then.

14 I'll try to narrow down the question that I
15 ask to help you maybe help me understand.

16 If we're talking about intelligence gaps
17 specifically regarding the determination of state attribution
18 and distinguishing between foreign and domestic
19 disinformation campaigns, what can you tell me about these
20 intelligence gaps specifically?

21 **MR. DAVID MORRISON:** I think we covered this
22 to a great extent in the last panel that I was on. I've just
23 said that the online environment presents particular
24 challenges, including with respect to whether something being
25 seen online is linked to a foreign state or to domestic
26 actors.

27 **COMMISSIONER HOGUE:** Merci.

28 Sikh Coalition?

1 So just in case, it's 6:15.

2 **--- CROSS-EXAMINATION BY MR. PRABJOT SINGH:**

3 **MR. PRABJOT SINGH:** Thank you, Commissioner.

4 And for the record, it's Prabhjot Singh
5 appearing on behalf of the Sikh Coalition.

6 Mr. Rigby, if you don't mind, I'm going to
7 direct my questions words you just in the interests of time.
8 I don't want to run over my six minutes.

9 I think the three of you spoke to this when
10 you were speaking to Commission counsel, but one of the
11 primary responsibilities of the NSIA is to provide advice,
12 not just feeding raw intelligence or even analysis, but
13 actually providing the Prime Minister a guidance on how to
14 act. Is that fair?

15 **MR. VINCENT RIGBY:** That's fair.

16 **MR. PRABJOT SINGH:** And in the interview
17 summary, the role of the NSIA has been described as not just
18 feeding intelligence, but providing a world view that
19 contextualizes different pieces of intelligence. Is that
20 fair?

21 **MR. VINCENT RIGBY:** That is fair.

22 **MR. PRABJOT SINGH:** And I think you would
23 agree with me based on some of your public comments that, in
24 a general sense, without getting into the weeds, a consistent
25 touchstone of the Canadian government's worldview in recent
26 years has been that India is an important partner in the
27 Pacific region, particularly as an alternative or
28 counterweight to China. Is that fair?

1 **MR. VINCENT RIGBY:** I've made public
2 statements to that effect. I wouldn't necessarily have said
3 certain things while I was a public servant, but I've said in
4 response to the publication of the Indo-Pacific Strategy the
5 strategy will be challenged if we don't manage the
6 relationship with India carefully because the west is using
7 India to a certain extent as a bulwark against China. So
8 I've said that publicly, yes.

9 **MR. PRABJOT SINGH:** And so ---

10 **MR. VINCENT RIGBY:** And that's my opinion.

11 **MR. PRABJOT SINGH:** And I think with the
12 example of the Indo-Pacific Strategy, I think there's a
13 general sense of India is not seen as a hostile state, but a
14 potential partner. Is that fair?

15 **MR. VINCENT RIGBY:** Yes, I would say that,
16 again, what I've said publicly is that India needs to be seen
17 as a potential partner, but Canada also has to balance India
18 as a potential partner with certain activities it's been
19 accused of perpetrating and how you manage that very, very
20 delicate relationship.

21 **MR. PRABJOT SINGH:** And so naturally, then,
22 given that context of policy priorities of the government
23 that are -- and the intelligence priorities that are set, an
24 NSIA's advice to the Prime Minister and subsequent responses
25 to foreign interference would reasonably differ in approach
26 to combatting foreign interference from India versus from
27 China. Is that fair?

28 And I'm not trying to get into the specifics

1 of the response, but it's natural given the difference in the
2 relationship and the policy priorities that the approach
3 would be different in some ways.

4 **MR. VINCENT RIGBY:** I think the answer to
5 that would be it depends. It'd be very difficult to make a
6 generalization in terms of how I would apply a brief to the
7 Prime Minister -- and we're getting into conjecture here,
8 right, speculation on how I might have done something with
9 the Prime Minister about how I would brief about Indian
10 versus how I'd brief about China.

11 **MR. PRABJOT SINGH:** And so not speaking about
12 you specifically or necessarily about your tenure, but about
13 the role of the NSIA as somebody providing advice to the
14 Prime Minister. And if there's two countries like India and
15 China and the government has set two different policies and
16 there's two different relationships, naturally the advice and
17 response of the government would be different depending on
18 the unique circumstances.

19 And as a current ---

20 **MR. VINCENT RIGBY:** I think it's good,
21 actually, that David jumps in.

22 I'll have something to say, but I think David
23 should go first.

24 **MR. DAVID MORRISON:** My colleagues are
25 retired, so let me take a swing at this.

26 I don't agree with the premise in your
27 question. Canada has lots of interests that it tries to
28 balance in its relationship with any one country and it is

1 highly intolerant of foreign interference. So the premise
2 that because we have currently one kind of relationship with
3 China and you're suggesting a different kind of relationship
4 with India, your premise that we would somehow pull a punch
5 on foreign interference vis a vis the Prime Minister, I just
6 don't think is accurate.

7 **MR. PRABJOT SINGH:** And so just to clarify my
8 point, that's not what I was trying to suggest. I'm not
9 trying to say that the NSIA or the government wouldn't take
10 foreign interference seriously.

11 What I'm saying is that when, for example,
12 threat reduction measures are considered, there's different
13 risks that are assessed. And so because of the nature of a
14 relationship with any unique country is going -- that -- the
15 nature of that risk and the advice that will be given differs
16 country to country, based on policy priorities, and taking
17 India and China out of the example, speaking in general terms
18 about policy decisions; is that fair?

19 **MR. DAVID MORRISON:** You are -- no, it's not
20 fair because you are assuming that foreign policy
21 considerations somehow trump national security
22 considerations. So it would depend on the exact
23 circumstances, but it is not fair to say that across time and
24 space, because we're pursuing one policy towards one country
25 and another policy towards another country, the advice would
26 be different.

27 **MR. PRABJOT SINGH:** And so, again, I'm not
28 trying to suggest that one trumps the other. I'm saying that

1 when the NSIA is providing advice to the Prime Minister, the
2 NSIA is taking in a lot of intelligence and also the policy
3 priorities that have been dictated by the government, and
4 taking in all that host of factors with each unique country
5 and relationship differently; is that fair?

6 **MR. DAVID MORRISON:** The Prime Minister gets
7 his information from a much broader range of sources than
8 just the NSIA. He -- and the NSIA gets his or her
9 information from a much broader sources -- a much broader set
10 of sources than just intelligence. And I won't take up the
11 time because the witness summaries talk about all of the
12 different places that the NSIA gets his or her information.
13 So getting around what's fair or what's not fair, I think
14 your analysis is perhaps a little too simple. It doesn't
15 reflect the reality.

16 **COMMISSIONER HOGUE:** It's going to be your
17 last question ---

18 **MR. PRABJOT SINGH:** Sure. My final question
19 ---

20 **COMMISSIONER HOGUE:** --- because your time to
21 be ---

22 **MR. PRABJOT SINGH:** Yeah. My final question,
23 what I'm getting at, and, again, not to suggest -- and I'm
24 taking Indian channel. Let's take that out of the example
25 all together. What I'm talking about and suggesting, or
26 trying to get some clarification on is the fact that policy
27 priorities of the government do influence the means or
28 tactics that will be adopted versus each unique country

1 that's perpetrating foreign interference; is that fair?

2 **MR/ DAVID MORRISON:** No.

3 **MR. PRABJOT SINGH:** Thank you. Those are all
4 my questions.

5 **COMMISSIONER HOGUE:** Thank you.
6 Human Rights Coalition?

7 **--- CROSS-EXAMINATION BY MS. SARAH TEICH:**

8 **MS. SARAH TEICH:** Good afternoon, or should I
9 say good evening. If we can please pull up WIT 57 and turn
10 to page 2 and specifically paragraph 3. So in this
11 paragraph, Mr. Rigby describes the NSIA to have a role in,
12 "...stakeholder engagement writ large.
13 [And] explained that the NSIA will
14 sometimes engage with domestic partners
15 like police commissioners and members
16 of the academic community."

17 Has the NSIA engaged with diaspora
18 communities as part of its stakeholder engagement role?

19 **MR. VINCENT RIGBY:** I do not recall that I
20 did specifically. My colleagues may have a different answer,
21 but I did stakeholder engagement, we did public engagements,
22 speeches, academics, the private sector. Off the top of my
23 head, I can't remember any specific diaspora engagement.

24 **MR. DAVID MORRISON:** I -- my colleagues
25 pointed out I think that on the Global Affairs Canada panel
26 that we did do engagement with diaspora communities.

27 **MS. SARAH TEICH:** Okay. If we can next
28 please pull up CAN 19496?

1 --- EXHIBIT No. CAN 19496:

2 People's Republic of China Political
3 Interference in Canada

4 **MS. SARAH TEICH:** This is a briefing memo
5 from the NSIA to the Prime Minister titled "People's Republic
6 of China Political Interference in Canada". It's dated June
7 29th, 2017. And if we can turn to bullet 2 on page 2?

8 This reads,

9 "PRC threat actors have clandestinely
10 and/or deceptively attempted to..."

11 I won't read out this whole section, but, you
12 know,

13 "...influence the outcomes of [the]
14 Canadian elections [...];
15 Pressure and/or influence officials
16 into taking specific stances[...];
17 [...]

18 Force Canadian residents and/or
19 citizens to return to China against
20 their will through the use of
21 intimidating and threatening
22 behaviour..."

23 Then if we can go to page 4, the final
24 sentence, it notes that,

25 "Canadians of Chinese ethnicity and
26 those who are publicly critical of PRC
27 policies are most frequently subject to
28 such threatening behaviour."

1 If we can then go to the bottom of page 5,
2 just the very last line, this reads,

3 "This is a very sensitive issue, and
4 public efforts to raise awareness
5 should remain general and not single
6 out specific countries to avoid
7 potential bilateral incidents."

8 So my question is does the NSIA make a habit
9 of recommending that the Prime Minister prioritise avoiding
10 bilateral incidents over the safety and security of
11 Canadians?

12 **MR. DAVID MORRISON:** I would say no.

13 **MS. SARAH TEICH:** Care to elaborate?

14 **MR. DAVID MORRISON:** I got to that I think in
15 my answer to the previous questioners. I think it would be
16 very case specific. I would note that this is advice. I'd
17 never seen this document before. I don't think either of us
18 or any of us were NSIAs at the time. And it is advice, but
19 not something in my service that I've ever seen acted upon.

20 **MR. VINCENT RIGBY:** I would second that, and
21 I feel a little uncomfortable about commenting on a document
22 that I'm really not aware of and I didn't have the pen on.

23 **MS. GRETA BOSSENMAIER:** I would agree.

24 **MS. SARAH TEICH:** All right. Fair enough.
25 So would you agree then that Canadians would be best placed
26 to protect themselves from harassment, intimidation and/or
27 mis and disinformation if they are told which country or
28 countries specifically that the threat is emanating from?

1 **MR. DAVID MORRISON:** Yes, although it is
2 certainly my supposition that they know the Canadians that
3 are subjected to this kind of very unfortunate behaviour,
4 you've talked about threats and coercion. I think it is no
5 secret to them the countries from which it is emanating.

6 **MS. SARAH TEICH:** All right. Thank you.
7 Those are all my questions.

8 **COMMISSIONER HOGUE:** Thank you.

9 AG?

10 **MS. HELENE ROBERTSON:** We don't have any
11 comments for this panel. Thank you.

12 **COMMISSIONER HOGUE:** Any re-examination?
13 Thank you very much. You're free to go.

14 **THE REGISTRAR:** Order please.

15 This hearing is now adjourned for the day.

16 --- Upon adjourning at 6:27 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.



Sandrine Marineau-Lupien