



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

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

Public Hearing

Audience publique

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

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Government of Canada	Gregory Tzemenakis Barney Brucker
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Human Rights Coalition	Hannah Taylor Sarah Teich
Russian Canadian Democratic Alliance	Mark Power Guillaume Sirois
Michael Chan	John Chapman Andy Chan
Han Dong	Mark Polley Emily Young Jeffrey Wang
Michael Chong	Gib van Ert Fraser Harland
Jenny Kwan	Sujit Choudhry Mani Kakkar

IV Appearances / Comparutions

Churchill Society

Malliha Wilson

The Pillar Society

Daniel Stanton

Democracy Watch

Wade Poziomka
Nick Papageorge

Canada's NDP

Lucy Watson

Conservative Party of Canada

Nando de Luca

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

Neil Chantler

Erin O'Toole

Thomas W. Jarmyn
Preston Lim

Senator Yuen Pau Woo

Yuen Pau Woo

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Ottawa, Ontario

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

L'audience débute le lundi 8 avril 2024 à 9 h 35

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

This sitting of the Foreign Interference Commission is now in session. Commissioner Hogue is presiding. Cette séance de la Commission sur l'ingérence étrangère est maintenant en cours. La Commissaire Hogue préside. The time is 9:35 a.m. Il est 9h35.

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.

1 We'll come back at 1:10 for the cross-
2 examination of Panel of Five 2019, and then at the 3:35, or
3 roughly, we will proceed with the Panel of Five 2021 cross-
4 examination. So instead of doing the cross-examination after
5 each examination in-Chief, we'll postpone the cross-
6 examination to the afternoon to make sure that we have as
7 much time as possible.

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

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

17 **--- MOTION BY/REQUÊTE PAR MS. SARAH TEICH:**

18 **MS. SARAH TEICH:** Thank you, Madam
19 Commissioner.

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

27 I'm thinking specifically, for example, of
28 CAN 4495, though there are others, and I would like to recall

1 these witnesses for further cross-examination.

2 **COMMISSIONER HOGUE:** Okay. What I will do is
3 I take your request under reserve, I look at the documents
4 later on, I see what are the options, but I will not adjourn
5 for the time being and I will not recall the witnesses for
6 the time being. But we'll see where we'll end up at the end
7 of the day.

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

9 **COMMISSIONER HOGUE:** Who is ---

10 **--- SUBMISSIONS BY/REPRÉSENTATIONS PAR MR. GUILLAUME SIROIS :**

11 **MR. GUILLAUME SIROIS:** Guillaume from the
12 Russian Canadian Democratic Alliance.

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

21 **Me GUILLAUME SIROIS:** L'Alliance apprécie la
22 tentative de la Commission de remédier au préjudice causé par
23 les documents qui ont été soumis très tard hier soir en
24 repoussant les contre-interrogatoires à cet après-midi, mais
25 comme l'avait souligné l'Alliance dans son courriel envoyé à
26 1 heure du matin aujourd'hui, la façon de remédier à ce
27 préjudice était de repousser les audiences à demain et
28 l'Alliance aimerait avoir une explication de pourquoi, ça, ça

1 n'a pas été fait.

2 **COMMISSIONER HOGUE:** Because it's not
3 possible given the time constraints that we all have to work
4 within, so there is -- it doesn't appear clear to everyone,
5 but I can tell you just having one day of hearing requires a
6 lot of planning and organization. There's interpreters,
7 there's all type of resources that are needed for conducting
8 a hearing day. And if we postpone to tomorrow, it means that
9 we will not be over by Wednesday, which is not possible.

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

15 I think there's other options and the one
16 that I'm implementing, I think, is reasonable in that
17 context.

18 **--- SUBMISSIONS BY/REPRÉSENTATIONS PAR MR. GIB van ERT :**

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

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

27 We got the document on Saturday, I gather. I
28 didn't see it till Sunday. But as you consider whether or

1 not to recall witnesses as my colleague has asked you to do,
2 I would appreciate if you could also advise the parties
3 whether or not this document was available to the Commission
4 itself when they were conducting their own examinations
5 earlier.

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

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

13 **--- SUBMISSIONS BY/REPRÉSENTATIONS PAR MR. THOMAS JARMYN :**

14 **MR. THOMAS JARMYN:** Commissioner, Tom Jarmyn
15 for Erin O'Toole.

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

23 Thank you.

24 **COMMISSIONER HOGUE:** So it's written down.

25 Any other comments or requests or anything?

26 Oui? Bonjour.

27 **MS. ERIN DANN:** (OFF MICROPHONE/HORS
28 MICROPHONE)

1 **COMMISSAIRE HOGUE:** Oui, c'est ce que
2 j'allais dire, mais l'éclipse est à 3 h 25 à Ottawa.

3 This is what I was told. Actually, I checked
4 this morning to make sure.

5 Je m'excuse, je vais... j'ai vérifié ce matin
6 pour voir justement, mais je ne sais pas si tout le monde est
7 assez responsable pour pouvoir sortir dehors sans
8 supervision. Alors, peut-être qu'il faudra rappeler les
9 consignes d'usage.

10 En principe, la pause est de 15 h 30 à... non,
11 je m'excuse. Bon, je vois que j'ai oublié mes lunettes, en
12 plus. Ah, c'est parce que la pause est prévue seulement for
13 5 minutes.

14 Maitre Dann, the break this afternoon is
15 supposed to be from 3:30 to 3:35.

16 **MS. ERIN DANN:** That's the -- that's the
17 hope.

18 **COMMISSIONER HOGUE:** Okay.

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

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

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

22 -

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

27 I'll see what we can do.

28 Anything else?

1 **MS. SARAH TEICH:** One last comment, Madam
2 Commissioner.

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

9 **COMMISSIONER HOGUE:** Honestly, I look at the
10 documents at lunchtime and then I'll see. I cannot -- I
11 cannot say more than that without looking at the documents
12 and knowing what they are all about, and I prefer to go on
13 with the examination in-chief this morning and then we'll
14 work out something with respect to these documents.

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

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

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

21 **THE REGISTRAR:** We'll start with you, Ms.
22 Bossenmaier.

23 Would you please spell your name and state
24 your full name for the record, please?

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

28 **THE REGISTRAR:** Thank you.

1 --- MS. GRETA BOSENMAIER, Affirmed/Sous affirmation

2 solennelle:

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

4 **Mme NATHALIE DROUIN:** Bon matin, mon nom est..

5 **LA GREFFIÈRE:** Bon matin.

6 **Mme NATHALIE DROUIN:** Mon nom est Nathalie
7 Drouin - D-R-O-U-I-N. Et j'aimerais faire une affirmation
8 solennelle.

9 --- MME NATHALIE DROUIN, Affirmed/Sous affirmation

10 solennelle:

11 **LE GREFFIER:** Merci beaucoup.

12 Alors, Ms. Wilson? Affirmed or would you
13 like to be sworn?

14 **Mme GINA WILSON:** Affirmed.

15 **THE REGISTRAR:** Okay. Thank you. Do you
16 solemnly affirm that the testimony you're about to give today
17 -- actually, sorry. Start by saying your full name and spell
18 your last name for the record.

19 **Mme GINA WILSON:** Wilson - W-I-L-S-O-N.

20 --- MS. GINA WILSON, Affirmed/Sous affirmation solennelle:

21 **LE GREFFIER:** Madame Beauregard:

22 **Mme MONIK BEAUREGARD:** Oui. Bonjour, mon nom
23 est Monik Beauregard.

24 **LE GREFFIER:** OK. Et votre... épelez votre
25 dernier nom, s'il vous plait?

26 **Mme MONIK BEAUREGARD:** B-E-A-U-R-E-G-A-R-D.

27 **LE GREFFIER:** Voulez-vous affirmer
28 solennellement...

1 **Mme MONIK BEAUREGARD:** Affirmation.

2 **LE GREFFIER:** Pas de problème.

3 **--- MME MONIK BEAUREGARD, Affirmed/Sous affirmation**
4 **solennelle:**

5 **THE REGISTRAR:** And Mrs. Morgan?

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

8 **--- MS. MARTA MORGAN, Affirmed/Sous affirmation solennelle:**

9 **--- EXAMINATION IN-CHIEF BY/INTERGATOIRE EN CHEF BY**
10 **MS. LYNDA MORGAN:**

11 **MS. LYNDA MORGAN:** I will start with some
12 preliminary housekeeping matters that we'll run through
13 quickly. We only have 75 minutes this morning, so I will
14 make this as efficient as possible.

15 Ms. Morgan, Ms. Drouin, and Ms. Wilson, you
16 were interviewed by Commission Counsel on February 14th,
17 2024?

18 **MS. NATHALIE DROUIN:** Exactement.

19 **MS. GINA WILSON:** Yes.

20 **MS. LYNDA MORGAN:** Can I please have WIT 50,
21 please, pulled up.

22 **--- EXHIBIT No./PIÈCE No. WIT 50:**

23 Interview Summary: Marta Morgan,
24 Nathalie Drouin, Gina Wilson

25 **MS. LYNDA MORGAN:** There's an interview
26 summary on the screen from that date. Have you had an
27 opportunity to review that summary?

28 **MS. NATHALIE DROUIN:** Oui.

1 MS. GINA WILSON: Yes.

2 MS. MARTA MORGAN: Yes.

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

5 MS. NATHALIE DROUIN: Oui.

6 MS. LYNDA MORGAN: Accurate, no changes?

7 MS. NATHALIE DROUIN: Yes. No changes.

8 MS. LYNDA MORGAN: No changes?

9 MS. MARTA MORGAN: It's accurate.

10 MS. GINA WILSON: No changes.

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

14 MS. NATHALIE DROUIN: Absolutely.

15 MS. MARTA MORGAN: Yes.

16 MS. GINA WILSON: Yes.

17 MS. LYNDA MORGAN: Can I pull up WIT 60,
18 please.

19 --- EXHIBIT No./PIÈCE No. WIT 60:

20 In Camera Examination Summary:

21 Nathalie Drouin, Gina Wilson, Marta
22 Morgan, Monik Beauregard

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

28 MS. NATHALIE DROUIN: Oui.

1 MS. MARTA MORGAN: Yes.

2 MS. GINA WILSON: Yes.

3 MS. MONIK BEAUREGARD: Yes.

4 MS. LYNDA MORGAN: And do you any of you have
5 changes to make to that summary?

6 MS. NATHALIE DROUIN: No.

7 MS. GINA WILSON: No change.

8 MS. LYNDA MORGAN: And are each of you
9 prepared to adopt that summary as part of your evidence
10 before the Commission today?

11 MS. NATHALIE DROUIN: Oui.

12 MS. GINA WILSON: Yes.

13 MS. MARTA MORGAN: Yes.

14 MS. MONIK BEAUREGARD: Yes.

15 MS. LYNDA MORGAN: Thank you.

16 Can I have WIT 55, please.

17 --- EXHIBIT No./PIÈCE No. WIT 55:

18 Interview Summary: Monik Beauregard

19 MS. LYNDA MORGAN: And Ms. Beauregard, you
20 were interviewed by Commission Counsel on February 22nd,
21 2024; is that correct?

22 MS. MONIK BEAUREGARD: Oui.

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

25 MS. MONIK BEAUREGARD: I have.

26 MS. LYNDA MORGAN: And is that summary
27 accurate?

28 MS. MONIK BEAUREGARD: It is.

1 MS. LYNDA MORGAN: Are you prepared to adopt
2 that summary as part of your evidence before the Commission
3 today?

4 MS. MONIK BEAUREGARD: I am.

5 MS. LYNDA MORGAN: Thank you.

6 And last one is WIT 37, please.

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

9 MS. MARTA MORGAN: Yes.

10 MS. LYNDA MORGAN: And that was in the Global
11 Affairs Canada capacity?

12 MS. MARTA MORGAN: Yes.

13 MS. LYNDA MORGAN: And have you reviewed the
14 summary that is up on the screen?

15 MS. MARTA MORGAN: I have.

16 MS. LYNDA MORGAN: Do you have any changes to
17 make to that summary?

18 MS. MARTA MORGAN: No.

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

21 MS. MARTA MORGAN: Yes.

22 MS. LYNDA MORGAN: Thank you. Oh, sorry, I
23 have one more -- one more housekeeping and then we'll move
24 on.

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

26 --- EXHIBIT No./PIÈCE No. CAN.DOC 12:

27 Interview Summary: Monik Beauregard

28 MS. LYNDA MORGAN: While we're waiting for

1 that, I'll indicate it's the PCO Institutional Report. And
2 Ms. Drouin, have you had an opportunity to review the
3 institutional report?

4 **MS. NATHALIE DROUIN:** Oui.

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

7 **MS. NATHALIE DROUIN:** Oui.

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

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

14 So the Cabinet directive establishing the
15 Critical Election Incident Public Protocol sets out
16 government expectations with respect to general elections or
17 principles to guide the process for informing the public of
18 an event that would threaten Canada's ability to have a free
19 and fair election.

20 And if I was to summarise very high level the
21 Panel's primary role as part of that protocol, would you
22 agree that the Panel was effectively set up to ring the bell
23 to notify the public of such an event?

24 **MS. GINA WILSON:** Yes.

25 **MS. NATHALIE DROUIN:** Yes.

26 **MS. LYNDA MORGAN:** And the Panel was composed
27 of five senior public servants, Clerk of the Privy Council
28 Office; the National and Security and Intelligence Advisor to

1 the Prime Minister; the Deputy Minister of Justice and Deputy
2 Attorney General; fourth, the Deputy Minister of Foreign
3 Affairs, and fifth, the Deputy Minister of Public Safety. Is
4 that correct?

5 **MS. NATHALIE DROUIN:** Correct.

6 **MS. MONIK BEAUREGARD:** Correct.

7 **MS. GINA WILSON:** Correct.

8 **MS. LYNDA MORGAN:** And can each of you
9 briefly set out, or explain to the Commission, your role at
10 the time that you sat on the Panel, and if you weren't
11 sitting on the Panel for the entirety of the writ period of
12 2019, if you could describe that timeframe as well, please?

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

14 **MS. GRETA BOSSENMAIER:** Thank you. During
15 the time of this Panel, I was the Prime Minister's National
16 Security and Intelligence Advisor, a position that I started
17 in the spring of 2018, and then retired in early
18 December 2019.

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

20 **MS. NATHALIE DROUIN:** Au moment du Panel
21 2019, j'étais sous-ministre à la Justice et sous-procureure
22 générale du Canada.

23 **MS. GINA WILSON:** I was Deputy Minister of
24 Public Safety in 2019; however, went on leave just prior to
25 the writ dropping on September 11th.

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

27 **MS. MONIK BEAUREGARD:** J'étais sous-ministre
28 déléguée à la Sécurité publique et au départ de madame

1 Wilson, j'ai pris la relève, et donc, j'ai siégé sur le Panel
2 à partir de la période du writ.

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

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

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

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

11 **--- EXHIBIT No./PIÈCE No. COM 122:**

12 Report On The Assessment Of The
13 Critical Election Incident Public
14 Protocol

15 **MS. LYNDA MORGAN:** So this is the Cabinet
16 Directive on the Critical Incident -- Critical Election
17 Incident Public Protocol. We can see that it's the 2019
18 version.

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

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

23 "...reflective of the caretaker
24 convention."

25 And Ms. Drouin, can you explain what that
26 means, please?

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

1 So the writ period is -- or we -- the
2 caretaking is a convention by which public servants and
3 decisionmakers, Ministers, need to exercise constraints. And
4 the reason of that is that the Parliament is dissolved and
5 then not accountable to the public. So what it means is that
6 only urgent matters and routine matters can be dealt with.
7 And this is the reason why the Panel of Five only exercise
8 during the writ period, as outside of the writ period normal
9 authorities can be exercised by departments and by Ministers.

10 I don't know if my colleague would like to
11 add.

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

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

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

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

20 "...a limited mandate. It [is]
21 only...initiated to respond to
22 incidents that occur within the writ
23 period and that do not fall within
24 Elections Canada's [area] of
25 responsibility..."

26 And just stopping there for a moment. I
27 understand that the Panel had discussions with the Chief
28 Electoral Officer of Elections Canada before the writ

1 dropped. And if accurate, for what purpose did the Panel
2 have those discussions?

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

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

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

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

23 **MS. GINA WILSON:** No.

24 **MS. LYNDA MORGAN:** And so decisions -- all
25 decisions were made on a consensus basis? Is that correct?

26 **MS. GINA WILSON:** That's correct.

27 **MS. LYNDA MORGAN:** And if we can scroll down,
28 please? Starting at -- so process here. And so the

1 paragraph starts:

2 "During the writ period, the protocol
3 for a public announcement would be..."

4 And there's a series of subparagraphs. The
5 first one sets down that there will be:

6 "...regular briefings to the Panel on
7 emerging national security
8 developments and [...] threats to [...]
9 integrity of the election."

10 Did the Panel receive that type of briefing
11 during or in the lead up to GE43?

12 **MS. NATHALIE DROUIN:** Yes. We received
13 preliminary briefings with baseline information from the SITE
14 Taskforce on threats and trends, but also potential foreign
15 interference tactics and general briefings on countries that
16 may engage in FI activity.

17 **MS. LYNDIA MORGAN:** If we look down at
18 subparagraph two, this references that:

19 "If the head of a national security
20 agency [...] become[s] aware of
21 interference in the 2019 General
22 Election, [that] they will, in
23 consultation with each other,
24 consider all options to effectively
25 address the interference."

26 And that includes in the absence of:

27 "...overriding national security [or]
28 public security reasons [informing]

1 the affected party [...] of the
2 incident directly.”

3 So when we look at this step, was the
4 National Security Agency meant to make that decision alone,
5 being the decision to consider all options to effectively
6 address the interference or notify parties? Or were they to
7 do that with the instruction or direction of the Panel?

8 **Mme NATHALIE DROUIN:** Durant les périodes... la
9 période électorale, les différents ministères conservent... et
10 agences... conservent leur autorité. Le panel n'a pas de
11 pouvoir de donner des directives aux agences.

12 Par contre, le panel travaille en
13 collaboration avec les agences afin d'identifier les
14 solutions, les options qui sont ouvertes. Donc, c'est une
15 discussion qui est beaucoup plus organique. C'est pas une
16 discussion qui est de l'ordre de la direction, puisque le
17 panel n'a pas de pouvoir de direction. Mais les
18 conversations étaient très ouvertes, très consensuelles sur
19 les options qui étaient disponibles pour aborder ou traiter
20 chacun des évènements qui étaient soumis à l'attention du
21 panel.

22 **MS. LYNDIA MORGAN:** Thank you. And if we move
23 down to subparagraph three, this sets down that the Panel
24 will evaluate ---

25 **COMMISSIONER HOGUE:** Before that, I have a
26 question for I think probably Madam Drouin.

27 If we look at the wording of the protocol,
28 the last part of paragraph two:

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

7 Est-ce que je dois comprendre de ça que le
8 Panel of Five... il était convenu que le Panel of Five
9 n'interviendrait pas à cet égard-là, ou est-ce que c'est
10 quelque chose qui devait se faire en collaboration?

11 **Mme NATHALIE DROUIN:** Il était convenu dès le
12 départ que c'est pas les membres du Panel des cinq qui
13 allaient rencontrer, le cas échéant, des candidats ou des
14 partis politiques. Ces rencontres-là se feraient par les
15 agences. Et comme il a été indiqué dans la preuve qui a déjà
16 été soumise à la Commission, il y avait aussi l'occasion des
17 employés du Bureau du Conseil privé qui participaient à ces
18 rencontres avec les partis politiques.

19 **COMMISSAIRE HOGUE:** D'accord. Et je vois que
20 c'est « the agencies » au pluriel. Ça peut être pour toutes
21 sortes de raisons, dont le fait que ça peut être l'une ou
22 l'autre, mais est-ce qu'il était convenu que ce serait SITE
23 ou les agences elles-mêmes ou la direction des agences elles-
24 mêmes? Est-ce que vous vous souvenez?

25 **Mme NATHALIE DROUIN:** Ben, en fait, SITE est
26 pas... c'est un groupe d'experts, un groupe de travail. Ce
27 n'est pas une reconnaissance juridique. C'est un
28 regroupement de quatre organisations. Donc, ça pouvait être

1 le représentant de SITE, par exemple, qui arrivait du Service
2 de renseignement. Mais les... formellement, les briefings
3 étaient plus faits par les agences que par le groupe
4 d'experts.

5 **COMMISSAIRE HOGUE:** Merci.

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

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

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

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

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

1 "...as a starting point, the focus
2 should be on foreign interference."

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

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

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

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

1 I guess you're going to give me, later, an
2 opportunity to talk about how we evaluated the impact, so I
3 can come to that.

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

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

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

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

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

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

1 And in terms of the interpretation of the ---

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

4 **Mme MONIK BEAUREGARD:** Mais si je peux me
5 permettre, je voudrais adresser le troisième critère en ce
6 qui a trait au seuil du protocole et juste pour ajouter que...
7 pour parler un petit peu une minute du renseignement, qui
8 peut être à la fois très utile, mais qui peut aussi être très
9 incomplet, et donc, cet élément de considération était
10 essentiel pour nous.

11 Nous recevions des rapports de renseignement
12 qui... effectivement, c'était des informations partielles, et
13 donc, nous devons évaluer à la lumière de nos connaissances
14 en général ce qu'on pouvait déjà avoir comme connaissances
15 sur un acteur donné, des informations qu'on recevait qui
16 étaient toutes finalement très partielles. C'est très rare
17 qu'on puisse agir sur le contenu d'un seul rapport -- in
18 terms of being actionable intelligence.

19 Et donc, c'est important de mentionner que
20 ces rapports nous viennent avec des « caveats », avec des
21 notes importantes sur la source qui fournit l'information,
22 que ce soit une source humaine ou une source digitale, et ces
23 notes sont absolument importantes à considérer. Elles sont là
24 pour une très bonne raison et elles sont là pour que le
25 panel, dans nos libérations, qu'on tienne compte de ces
26 « caveats ». Et ça pouvait très bien être, par exemple, une
27 source très bien établie dont les informations précédentes
28 avaient été corroborées et ça peut aller jusqu'à l'autre bout

1 du spectrum où c'est une nouvelle source dont les
2 informations n'ont pas encore été testées.

3 Donc, tout ça entrainait dans la délibération
4 sur... et qui, en bout de ligne, déterminait la confiance qu'on
5 pouvait avoir sur la crédibilité et la fiabilité de
6 l'information qui était fournie.

7 **COMMISSAIRE HOGUE:** Et les informa... I'm
8 sorry.

9 Et les informations qui vous sont données à
10 cet égard-là le sont essentiellement par les agences, c'est-
11 à-dire sur la crédibilité d'une source, les expériences
12 précédentes qu'il y a eu pu avoir...

13 **Mme MONIK BEAUREGARD:** C'était des
14 informations de plusieurs sources.

15 **COMMISSAIRE HOGUE:** Alors, elles vous
16 informent de ça.

17 **Mme MONIK BEAUREGARD:** C'est ça. Donc, dans
18 les rapports, il y a une note d'information sur la source et
19 l'agence qui nous fournit un rapport de renseignement va
20 utiliser un langage très spécifique et quand même assez
21 générique, c'est souvent le même langage qu'on va voir pour
22 décrire une source et pour décrire l'information qui a été
23 obtenue.

24 **COMMISSAIRE HOGUE:** Et c'est sur cette base-
25 là qu'entre vous, vous discutez pour, en fait, former votre
26 propre jugement quant à la crédibilité de l'information que
27 vous obtenez.

28 **Mme MONIK BEAUREGARD:** Absolument. Et ça

1 rentre dans le contexte de ce qu'on peut déjà savoir sur un
2 acteur donné, sur... d'informations précédentes qui nous ont
3 été fournies.

4 **COMMISSAIRE HOGUE:** Merci.

5 **Mme NATHALIE DROUIN:** Si je peux juste me
6 permettre d'ajouter. Ce que vient de dire ma collègue est
7 extrêmement important. Quand je vous parlais du seuil pour
8 faire une annonce, comme nous sommes dans une société de
9 droit, le panel ne pouvait pas se permettre de faire une
10 annonce sur des informations qui n'étaient pas fiables. Donc,
11 c'était vraiment un élément important pour déterminer si, oui
12 ou non, on peut faire une annonce qui peut avoir des impacts
13 importants.

14 **COMMISSAIRE HOGUE:** Merci.

15 **MS. LYNDA MORGAN:** And was the panel in a
16 position if you received information and had questions about
17 the degree of confidence officials had in the intelligence or
18 information, was there a pathway through which you could
19 request additional information as a panel?

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

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

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

25 **---EXHIBIT No./PIÈCE No. CAN 9823:**

26 Critical Election Interference Public
27 Protocol Panel - Workplan

28 **MS. LYNDA MORGAN:** This is a document dated

1 May 17th, 2019, so obviously outside of the writ period.

2 Can you scroll down to page 3, please?

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

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

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

10 Can you scroll down a little bit more,
11 please?

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

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

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

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

23 However, I think it's important to say that
24 all the information and the intelligence we received were
25 always about something that was happening at the riding
26 level. So -- and it is also important to say that we did not
27 observe in '19 -- in 2019 any incident that we believe even
28 met the threshold at the riding level.

1 So even if we had conversation, we didn't
2 come to a strong conclusion as a panel whether or not it was
3 at the riding level or at the overall national level, but at
4 the end, we didn't have to resolve that question because we
5 did the test at the riding level. We were receiving
6 information at the riding level and we came to the conclusion
7 that even at the riding level, the threshold has not been
8 met.

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

10 I'll pull up one additional document, which
11 is CAN 9920.

12 **--- EXHIBIT No./PIÈCE No. CAN 9920:**

13 CEIPP - Meeting six

14 **MS. LYNDA MORGAN:** And this is a record of
15 discussion for meeting 6, while we wait for it to come up.

16 Let me just ask the panel generally, there's
17 a series of -- or there's a record of discussion for this
18 particular meeting. Had the panel seen this document before?
19 Did you review them as they were being prepared
20 contemporaneously?

21 **Mme NATHALIE DROUIN:** Non. Ces documents-là
22 étaient plus des documents au dossier et moi-même j'en ai
23 pris connaissance dans le cadre de l'exercice de cette
24 commission-là. Donc, ils ne nous étaient pas remis lors des
25 rencontres et n'étaient pas sujets à une adoption par les
26 membres.

27 **MS. LYNDA MORGAN:** If we scroll down to the
28 second bullet from the top, you can see the bullet reads:

1 "In their future deliberations, the
2 Panel agreed that potential
3 interference activities should be
4 assessed for their impact on an
5 [underlined] single national election,
6 as opposed to potential impacts on 338
7 individual elections around the
8 country."

9 Does that bullet accurately reflect the
10 panel's deliberations or -- and/or the panel's conclusion in
11 relation to this topic?

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

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

20 **MS. NATHALIE DROUIN:** Correct.

21 **MS. LYNDA MORGAN:** So if we can pull up
22 CAN.DOC 11, please, and page 18, please. What I'm taking you
23 to is the PCO institutional report to a table identifying the
24 dates of Panel of Five meetings in 2019. So we start with a
25 meeting on May 31st, 2019, and I'll ask if we can just scroll
26 slowly down through this table. We see another meeting June
27 20th, June 27th, August 7th, August 15th, September 9th. Those
28 are all pre-writ meetings. Then we've got -- we see a

1 meeting on September 16, September 24th, September 30th,
2 October 7th, October 15th and October 21st. October 21st being
3 election day. As a Panel, do you remember if you met on
4 October 21st?

5 **MS. NATHALIE DROUIN:** We don't remember if we
6 met.

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

10 **MS. NATHALIE DROUIN:** Yes. Maybe just to
11 give a little bit of detail, so the meeting of the 21st was a
12 30-minute meeting that was planned, but I think that at the
13 end it didn't happen. None of us can remember whether or
14 not, and we don't have any trace of it in our respective
15 agenda.

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

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

27 **MS. LYNDA MORGAN:** And in those early
28 meetings as well, in addition to receiving this baseline

1 intelligence information, I understand the Panel also spent
2 time discussing, debating, analysing the threshold and how to
3 interpret it, and also working through various hypothetical
4 scenarios; is that accurate?

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

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

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

9 **MS. MONIK BEAUREGARD:** So the testing that
10 was held was probably at every meeting that we held, we held
11 some kind of scenario. It was really to test our reactions
12 to certain types of events, perhaps an event around human
13 intimidation, how would various Panel members see their roles
14 and responsibilities, how would we react, or a cyber threat,
15 for instance, or against some type of mis or disinformation.
16 So we found it very useful to continue to exercise at every
17 meeting to get a sense of, you know, what these events could
18 be and so on. So that is why we kept doing them at every
19 meeting.

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

23 **MS. NATHALIE DROUIN:** Absolutely.

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

27 **MS. LYNDA MORGAN:** Yes, I would like to know.
28 Yeah, like, if you're able to describe, I think just with a

1 focus on during the writ period, how did a standard meeting
2 unfold, who attended, and what did the Panel do?

3 **MS. GRETA BOSSENMAIER:** Sure. And if you'll
4 allow me, I just would like to reinforce that we did hold a
5 number of these preparatory meetings that began at the end of
6 May 2019. And I just stress that because these meetings
7 truly were foundational in nature for us, and they proved to
8 be a very effective forum for us to develop and ensure we had
9 a common understanding among us, and as you also referenced,
10 the Elections Commissioner. So we reviewed things, again,
11 like, the mandate. We reviewed the protocol in detail. We
12 looked at the role of the Panel and key partners, including
13 those in the security and intelligence community and others,
14 again, like, Elections Commissioner and Elections Canada.

15 You talked about the baseline threat
16 briefings we received, covering a broad range of information,
17 interference activities and sources and targets, for example.
18 These threshold discussions and scenario exercises, they
19 continued. They started in the pre-writ period, and they
20 continued throughout the pre-writ period, and actually
21 increased in, I would say, frequency and our in-depth
22 understanding. We also talked about communications, and also
23 how we wanted to work during the writ period. So after the
24 writ was dropped, we then started meeting weekly until the
25 election. And, of course, the Panel was also always on call
26 during the writ period if we needed to convene as required.

27 So the usual agenda, as you've pointed out on
28 this document I think that's still up on the screen, you can

1 see sort of some of the key elements, but we'd usually start
2 with a briefing and discussion with the security agencies,
3 usually led off by the Director of CSIS or the Chief of CSE.
4 And they would speak to potential threats to the integrity of
5 the election, and also would allow us to have discussions
6 with them regarding again the nature of the threat, it could
7 be some of the caveats that have been already identified, et
8 cetera. And their briefings would complement the daily
9 amalgamated multi-source intel SITE reports, so reports from
10 the SITE team, and we were ---

11 **MS. LYNDA MORGAN:** And are those the sitreps
12 ---

13 **MS. GRETA BOSSENMAIER:** Correct.

14 **MS. LYNDA MORGAN:** --- that you're referring
15 to?

16 **MS. GRETA BOSSENMAIER:** Yes. And also, the
17 intel products that supported those sitreps. Then,
18 basically, after we've had those discussions and those
19 briefings with the security agencies, they were actually
20 asked to leave. The clerk at the time and all of us felt it
21 very important that we were able to deliberate amongst
22 ourselves as the designated Panel of Five members. So they
23 would leave and we would have really serious considerations
24 and deliberations around what we heard, and also then how it
25 would factor into our thinking regarding threshold.

26 So as I mentioned, the threshold discussions
27 were of continuing ongoing focus for our deliberations,
28 started pre-writ and then continued during the writ period.

1 I think there's already been discussion around the scenarios
2 and the table talk exercises. Again, those looked at
3 everything from the types of potential interference, the
4 sources, the implications, et cetera. So those formed a
5 really important part of our meetings throughout the writ
6 period. And then we would often conclude with a bit of a
7 general discussion, and also identifying issues that we
8 wanted further follow-up on, or particular things we would
9 like to further reflect upon. So there could be something
10 coming out of that saying we'd like another briefing on this,
11 or further discussion on this type of topic, or new topic at
12 our next meeting. A bit of a déroulement of the meetings.

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

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

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

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

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

26 **MS. GRETA BOSSENMAIER:** Madam Commissioner, I
27 retired over four-and-a-half years ago, or approximately
28 four-and-a-half years ago. So for me, it was important for

1 me to refresh my memory as to what occurred, and the way I
2 work, it's very helpful for me to have, especially after
3 four-and-a-half years of retirement, some points for me to be
4 able to draw upon. And what I spoke to will basically -- the
5 key factors I have here.

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

9 **MS. GRETA BOSSENMAIER:** No, these are my
10 personal notes actually as I was thinking on what kind of the
11 issue we might deal with today and that would help to jog my
12 memory as to how things evolved, so my own personal notes.

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

16 **MR. GIB van ERT:** Thank you. I'll just add
17 that it is the usual way of proceeding in any judicial forum
18 where evidence is given viva voce by a witness, that if that
19 witness refreshes her memory using notes that she's brought
20 to the witness box, those are provided to the parties. I
21 have no objection to the fact that this witness has made
22 notes. She's done so clearly in a conscientious way, but we
23 are, in my submission, entitled as the parties to see those
24 notes.

25 Thank you.

26 **COMMISSIONER HOGUE:** I understand. But I
27 want to see the format of the notes before just accepting to
28 provide you those.

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

3 Thank you.

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

5 So I'll summarize my understanding of your
6 evidence thus far in terms of sources of incoming information
7 or intelligence to the panel.

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

11 And we don't need to spend a lot of time on
12 this, but it shows the date, threat updates, operational
13 responses and updates. And you received these every weekday
14 during the writ period. Is that correct?

15 **MS. NATHALIE DROUIN:** Correct.

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

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

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

22 We received these every day and, personally,
23 I looked at them, made sure that I had read them every day
24 and looked at the threat trend because it was an indication
25 of the advice being provided by the SITE Task Force in terms
26 of the overall level of threat in terms of foreign
27 interference during the election. And should we have seen
28 that level rise on a daily -- from one day to the next, that

1 would have certainly been an issue for concern and something
2 that we would have needed to understand what was happening
3 and to address in our following meeting or potentially meet
4 more quickly.

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

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

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

9 **MS. MONIK BEAUREGARD:** Can I just add that,
10 as well, it -- for us, it helped us to see if there was a
11 spike in any reporting. So the fact that it remained stable
12 told us that from the baseline threat assessment there was no
13 spile.

14 **MS. LYNDA MORGAN:** And these reports were
15 received daily. Did you each receive them over the secure
16 network?

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

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

21 **MS. GRETA BOSSENMAIER:** Correct.

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

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

28 **MS. LYNDA MORGAN:** Okay. So an electronic

1 delivery or effectively a hand delivery of intelligence
2 products?

3 **MS. GRETA BOSSENMAIER:** Right. Respecting
4 the classification of the material.

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

8 **MS. GRETA BOSSENMAIER:** We always had the
9 ability to request more information.

10 **MS. LYNDA MORGAN:** And so -- and you've
11 referenced as well the oral intelligence briefings at each of
12 the meetings. You'd said that they were by the heads of the
13 agencies.

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

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

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

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

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

28 **MS. GRETA BOSSENMAIER:** The head of RRM as

1 well.

2 **MS. NATHALIE DROUIN:** The head of RRM also.
3 But the SITE members per se were represented by the head of
4 their respective agencies.

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

6 And in terms of RRM, did you also receive
7 written reports from RRM?

8 **MS. MARTA MORGAN:** Yes, we did receive -- I
9 mean, when we received our daily reports, they would often
10 refer to additional background information and then that
11 background information would -- people would get it in
12 different ways, but for myself it would normally be along
13 with the daily SITE rep.

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

15 I now want to get into some of the specific
16 incidents or information that the panel dealt with during GE
17 43 in terms of comments you're able to make publicly.

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

21 **MS. MARTA MORGAN:** Right.

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

24 So I understand that the Panel of Five
25 received intelligence about alleged irregularities in a
26 Liberal Party nomination contest in Don Valley North in
27 September 2019. Is that correct?

28 **MS. MARTA MORGAN:** Correct.

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

4 **MS. NATHALIE DROUIN:** Yes.

5 If I may, Ms. Morgan, I think that we do have
6 a very public useful summary where you have those
7 intelligence being reported.

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

10 It's CAN ---

11 **MS. NATHALIE DROUIN:** I think it can be
12 useful.

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

14 And is this the document you were thinking
15 of?

16 **MS. NATHALIE DROUIN:** Absolutely.

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

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

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

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

1 **MS. LYNDA MORGAN:** Right.

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

5 We also discussed the nomination. As we just
6 discussed at length, the directive, the role of the Panel of
7 Five, and usually the nominations do not happen during an
8 election campaign. Usually they are happening before the
9 election campaign. So one of our conversations was whether
10 or not that was under the remit of the panel.

11 But we did, you know, at the end consider
12 this information and dealt with the information.

13 We did the evaluation of the information we
14 received, whether or not the information was reliable,
15 whether or not it was corroborated.

16 **MS. LYNDA MORGAN:** And are you able to speak
17 publicly about any of the deliberations respecting that
18 balancing exercise?

19 **MS. NATHALIE DROUIN:** So I think what I can
20 say is that one information that was more corroborated was
21 the existence of buses with students. That was one thing
22 that was more corroborated.

23 All the other elements were not corroborated.
24 And ---

25 **MS. LYNDA MORGAN:** Sorry. If I can just
26 interrupt you.

27 When you say "the other elements were not
28 corroborated", are you able to be more specific on that

1 point?

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

3 **MS. LYNDA MORGAN:** Okay.

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

6 And during our conversation about nomination,
7 we also discussed whether or not -- you know, how nomination
8 were being governed. And the nomination processes are really
9 governed by parties' rules. They are not governmental rules.
10 There's only one element that is being regulated, and it's
11 the funding element related to the nomination processes.

12 So that was another, I think, that we are --
13 that we have looked at.

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

19 The second thing we did following further
20 information was to make sure that the Election Commissioner
21 received information regarding this intel.

22 And finally, we were also being informed and
23 we discussed that with the agency, that the Liberal Party
24 should be informed of the intelligence that was shared with
25 us.

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

1 **MS. NATHALIE DROUIN:** Because some of the
2 intel had some funding allegations. And as I just said,
3 Elections Canada and the Commissioners do have jurisdiction
4 when it comes to potential irregularities when it comes to
5 funding.

6 **MS. LYNDA MORGAN:** And you've touched on
7 discussions around ---

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

9 **MS. LYNDA MORGAN:** Yes.

10 **MS. NATHALIE DROUIN:** --- just add something?
11 Because I think it's relevant in terms of the information we
12 receive as a panel.

13 When we discussed that in 2019, we were
14 always discussing the name of the riding, never the name of
15 the individual. To the extent that when the leaks happened,
16 like, it took me a while to make the connection between the
17 name of the candidate and the riding. So we were not having
18 individual conversations. We were having a riding
19 conversation.

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

27 **MS. NATHALIE DROUIN:** So as I said, it was
28 not the purpose of the Panel of Five, as usually, you know,

1 the nominations fall outside of this period.

2 However, you know, it was something that can
3 talk about the credibility of a process. So this is why we
4 looked at it. This is why some actions were taken. And at
5 the end, we concluded that the information we have, because
6 of the potential impact it had, because of the reliability of
7 some information, that our threshold was not met to do any
8 announcement, as it was not putting -- or compromising the
9 free and fair election.

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

12 **MS. NATHALIE DROUIN:** Yes.

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

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

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

20 **MS. NATHALIE DROUIN:** Okay.

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

22 **MS. NATHALIE DROUIN:** Perfect.

23 **MS. LYNDA MORGAN:** --- to describe how that
24 worked.

25 **MS. NATHALIE DROUIN:** So the fact that we can
26 have some mitigation operations or action, that contributes
27 to reduce the risk and reduce the impact. And being able to
28 brief, you know, a party, here it was the Liberal Party, was

1 contributing in terms of reducing the risk and the potential
2 impacts.

3 If you -- and also, the fact that we were
4 also able to share information -- when I say we, I mean the
5 Government. It was not the Panel who shared information with
6 the Election Commissioner. It was CSIS. But the fact that
7 that was also an action that we could take, it was also
8 contributing in terms of limiting the potential impacts.

9 **MS. LYNDA MORGAN:** Thank you. So then do I
10 take from your point one of the factors in deliberations was
11 to see whether -- to examine whether there were mitigation
12 options or anything else happening that might reduce the
13 risk?

14 **MS. NATHALIE DROUIN:** Absolutely.
15 Absolutely.

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

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

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

28 **Mme NATHALIE DROUIN:** Absolument. Donc, le

1 napperon que vous avez devant vous est le résultat,
2 finalement, de différents travaux qu'a fait le Panel 2019.
3 Si vous regardez dans le cadre de tous les documents qui ont
4 été développés en 2019, vous allez voir certains de ces
5 éléments-là. Mais de le voir dans sa totalité, rassemblé
6 comme ça, c'est vraiment comme le résultat de tous les
7 travaux de 2019. Et vous allez voir que ça a été très utile
8 pour nos travaux en 2021.

9 Maintenant, si je me permets de parler un
10 petit peu de l'impact et suivre vos questions sur quelles
11 sont les actions qui peuvent diminuer l'impact. Dans la
12 deuxième colonne, vous allez... vous voyez que un des éléments,
13 c'est l'autocorrection. L'autocorrection, c'est est-ce que
14 l'écosystème... c'est-à-dire, les médias, les groupes de
15 réflexion, les think tanks, ou par exemple d'autres
16 organismes, les académiques, est-ce qu'ils sont venus
17 corriger la situation? Est-ce que le... l'écosystème est venu
18 corriger la situation? Donc, ça c'était un autre des
19 éléments que l'on regardait pour mesurer l'impact.

20 On regardait aussi, comme l'a bien expliqué
21 ma collègue Monique Beauregard, la crédibilité de
22 l'information qu'on avait. Est-ce qu'elle était pertinente?
23 La source de l'information. Est-ce que ça restait? Est-ce
24 que c'est quelque chose qui avait une traction qui restait
25 longtemps dans le temps ou non? Est-ce que c'est quelque
26 chose qui était limité? C'est-à-dire, dans un... ou c'est
27 quelque chose qui était très, très répandu au Canada et même
28 qui se reproduisait à l'extérieur du Canada? Donc, ce sont

1 tous des facteurs que l'on regardait pour mesurer l'impact.

2 Et le Panel était aussi capable de savoir si
3 les organismes gouvernementaux pouvaient contribuer à
4 diminuer ces impacts par les différentes actions qu'ils
5 prenaient. Donc, des breffages aux partis politiques, par
6 exemple.

7 **COMMISSAIRE HOGUE:** J'ai une question. Est-
8 ce que au niveau des moyens qui pouvaient être déployés par
9 le Panel, c'était un tout ou rien? Ce que je veux dire,
10 c'est est-ce que le Panel aurait pu, par exemple, décider
11 d'intervenir mais simplement pour corriger une information
12 inexacte, par exemple, qui aurait circulée? Ou est-ce que le
13 Panel ne pouvait intervenir que s'il concluait d'abord que ça
14 portait atteinte à la possibilité d'obtenir des élections
15 libres et justes?

16 **Mme NATHALIE DROUIN:** Merci pour la question.
17 Vous allez voir dans le cadre de nos travaux 20-21 que le
18 Panel s'est posé la question à savoir : « Est-ce qu'on
19 pourrait intervenir même si c'est en deçà du seuil? » Et
20 c'est un exercice qu'on a essayé de faire, mais on est arrivé
21 à la conclusion qu'on ne pouvait pas faire ça.

22 Premièrement, parce que le Panel n'est pas un
23 organisme qui peut... pardon... permanent, mais aussi parce que
24 la raison pour laquelle le seuil est si haut, c'est parce
25 qu'on veut pas intervenir dans des débats partisans. C'est
26 parce qu'on veut pas nuire et créer une interférence
27 supplémentaire par rapport à ce qui se passe en ce moment.

28 Et, finalement, parce qu'on peut pas se

1 permettre de, comme Panel, de mettre au grand jour des
2 informations pour lesquelles on aurait pas un confort sur
3 leur fiabilité. Donc, c'est pour ça qu'on est arrivé à la
4 conclusion qu'on était pas vraiment capable, avec la
5 directive qu'on avait là, de faire des annonces qui allaient
6 en bas du seuil.

7 **COMMISSAIRE HOGUE:** Est-ce que..

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

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

10 **MS. MARTA MORGAN:** One -- the -- under the
11 Protocol, the existing national security agencies though did
12 have the authorities to take actions as they determined
13 necessary as well during the election campaign. So there
14 were other mechanisms within the government, and I do recall
15 in one election another -- a department, you know,
16 intervening to correct some misinformation that was
17 circulating that was related to their mandate.

18 So -- but the -- so there were other ways
19 that those kinds of things could be addressed, if it was
20 appropriate, and obviously based on the judgement of the
21 other organizations involved.

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

25 **Mme NATHALIE DROUIN:** Le panel comme tel,
26 comme je l'ai dit tantôt, ne pouvait pas donner des
27 directives à un ministère; par contre, on peut très bien
28 avoir des discussions, faire des suggestions avec un

1 ministère.

2 Disons qu'on avait eu une mauvaise
3 information sur... je vais donner un sujet, en matière
4 d'immigration, par exemple, on aurait pu très bien parler au
5 sous-ministre de l'Immigration puis dire, « il y a vraiment
6 quelque chose qui circule qui est faux, est-ce qu'il y a
7 quelque chose que vous pouvez faire pour corriger cette
8 situation-là? »

9 **COMMISSAIRE HOGUE:** D'accord. Merci.

10 **MS. LYNDA MORGAN:** Thank you. Let me -- I'll
11 take you back, briefly, to the nomination issue. I just want
12 to ask, in terms of the Panel's decision not to make a public
13 announcement on the issue, do any of the other members have -
14 - Ms. Drouin has covered some of the considerations that went
15 behind the Panel's decision not to make an announcement. Do
16 any of the Panel members have anything to add to that?

17 **MS. MONIK BEAUREGARD:** No.

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

20 I will pull up CAN.SUM 10, please. And down
21 to page 2, please.

22 And looking at this document, and again, the
23 first page, which we don't have in front of us, is a very
24 lengthy list of caveats which has been reviewed in relation
25 to this information, but was the Panel made aware during the
26 writ period of intelligence assessments suggesting that there
27 were likely at least two transfer of funds approximating
28 \$250,000 from PRC official in Canada, possibly for FI-related

1 purposes, and that were transferred via an influential
2 community leader to the staff member of a 2019 federal
3 election and then to an Ontario MPP?

4 **Mme MONIK BEAUREGARD:** Donc, pour... dans cette
5 situation, pour répondre à la question, j'aimerais d'abord
6 établir que le résumé rassemble plusieurs éléments
7 d'information, ça ne venait pas d'un seul rapport de
8 renseignement, mais plusieurs éléments d'information récoltés
9 avant jusqu'après la période du writ, et ce résumé a été
10 écrit récemment donc je ne peux pas rentrer dans les détails
11 de qu'est-ce qu'on a reçu pendant la période du writ, mais
12 c'est continu en ce qui a trait à ça, et je pense que dans le
13 cas de ce résumé, la première page est particulièrement
14 importante.

15 Donc, il faut vraiment garder à l'esprit les
16 notes qui sont mentionnées en première page et si on regarde
17 justement le paragraphe que vous avez mentionné, qui est le
18 paragraphe 5, je pense...

19 If you can scroll down.

20 There is a lot of ambiguity here in this
21 paragraph. Donc, il y avait quand même une absence de
22 certitude. Ce que je peux dire, c'est que nous étions au
23 courant qu'il y avait des allégations de soutien financier
24 pour certains candidats et que, comme toute autre information
25 qui avait été apportée au Panel à ce moment-là, on demandait
26 aux agences de continuer à examiner la situation de très
27 près.

28 Mais comme encore une fois on peut voir selon

1 le langage, et je vous réfèrerais au témoignage du directeur
2 du SCRS la semaine dernière où il a dit que les mots qui ont
3 été choisis pour ce résumé ont été très soigneusement
4 choisis, on voit encore une fois que transpire une certaine
5 ambiguïté par rapport à l'analyse ou par rapport aux
6 activités qui se déroulaient avant, pendant et après le writ.

7 **MS. LYNDA MORGAN:** Thank you. In relation to
8 this issue, and I understand the Panel to be saying you
9 weren't presented with an overview summary to review at your
10 Panel meeting, you're getting information from SITREPs,
11 you're getting briefings, you're getting information at
12 different times. In relation to the -- this issue, is the
13 Panel able to tell us anything further about deliberations on
14 this particular issue, including why no announcement was
15 made?

16 **MS. MONIK BEAUREGARD:** I think in relation to
17 what I have just said, because it was clear that there was a
18 lot of ambiguity, and lack of clarity in terms of intent and
19 purpose, that our -- that we were cleared to ask National
20 Security Agencies to continue to monitor the situation and
21 continue to report to us.

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

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

27 **MS. LYNDA MORGAN:** Thank you. In terms of
28 the deliberations piece, do any of -- understanding you're

1 limited in terms of what you're able to say, do any of the
2 other Panel members have any comments to add in relations to
3 deliberations on this issue?

4 **Mme NATHALIE DROUIN:** Je veux juste insister
5 sur le fait qu'il y a des informations dans ce sommaire
6 public là qui sont réellement arrivées après les élections,
7 et donc, qui sont uniquement tombées sous la responsabilité
8 des agences en question.

9 Pour le bénéfice des travaux de la
10 Commission, tout a été divulgué, mais il y a des informations
11 qui sont arrivées pendant l'élection. En fait, le modus
12 operandi que l'on peut voir ici faisait partie du breffage de
13 base qu'on a reçu sur le type de tactiques et d'approches que
14 pouvait prendre la République de la Chine pour faire ses
15 activités au Canada, mais dans le spécifique, il y a des
16 choses qui sont arrivées après les élections.

17 **Mme MONIK BEAUREGARD:** Et si je peux ajouter
18 aussi pour continuer sur la pensée de madame Drouin, il est
19 essentiel de se souvenir qu'avant et après le writ, les
20 processus habituels sont en place, c'est-à-dire que les
21 agences de sécurité nationale ont leur autorité en vertu de
22 leurs législations et sont imputables envers leurs ministres
23 respectifs. Donc, ça, c'est en place avant et après le writ.

24 **COMMISSAIRE HOGUE:** Et je veux juste
25 m'assurer de bien comprendre. Lorsque vous dites des
26 informations sont arrivées après que les brefs... les writs
27 soient... à l'extérieur de la période des brefs, c'est pas
28 nécessairement parce que l'information était disponible mais

1 elle ne vous a pas été communiquée, c'est parce que, ce que
2 vous dites, c'est les agences continuent leur travail
3 habituel d'enquête, et donc, au fur et à mesure que leur
4 travail progresse, des nouveaux éléments peuvent apparaître,
5 et donc, vous sont communiqués éventuellement ou
6 ultérieurement.

7 **Mme NATHALIE DROUIN:** Absolument. Merci de
8 nous donner l'opportunité de clarifier. C'était pas... les
9 agences sont fières de leurs travaux, hein? Et ont tendance à
10 nous donner de l'information et non pas la retenir. Et donc,
11 c'est parce que le résultat de leur collection est devenu
12 disponible après la campagne électorale.

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

15 So I'll move on now to ask you about another
16 issue.

17 If we pull up CAN 856, please.

18 **--- EXHIBIT No./PIÈCE No. CAN 856:**

19 Email: Intelligence report relating
20 to potential PRC foreign interference
21 - Oct 2019

22 **MS. LYNDA MORGAN:** So this email is described
23 as relating to an intelligence report relating to potential
24 PRC foreign interference. And if we scroll down. This is an
25 email from Lyall King, who was the Chair of the SITE Task
26 Force in 2019, and he is tracking the information flow in
27 this email in relation to the intelligence report that's
28 described.

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

4 So just stopping there.

5 10:18, 2019, 6:41 p.m.

6 So that's the Friday night. On the Friday --
7 that's the Friday night, and the election's the following
8 Monday.

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

13 "...received the information, they
14 reached out to PCO to consult
15 (discussion on reliability of
16 intelligence, etc.)"

17
18 "EC determined they wanted OCCE
19 investigations team briefed;
20 [redacted] briefed them on Saturday."

21 And Mr. King writes that,

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

24 Which is Panel of Five recipients,

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

28 He then notes that,

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

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

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

16 **MS. LYNDA MORGAN:** Okay. And in terms of the
17 other panel members, do you recall if you received this
18 email?

19 **Mme NATHALIE DROUIN:** Je ne pense pas avoir
20 reçu le courriel; par contre, l'information dont il est
21 question ici a été reproduite dans le daily SitRep d'octobre,
22 du 21 octobre, et on voit aussi dans ce SitRep-là que
23 l'information était pertinente et sous la juridiction du
24 commissaire à l'élection et a été transféré au commissaire à
25 l'élection. Et tous les membres du Panel recevaient le daily
26 SitRep.

27 **Mme MONIK BEAUREGARD:** Oui. Dans mon cas, je
28 ne l'aurais pas reçu le vendredi soir parce qu'il aurait

1 fallu qu'il soit imprimé pour que je puisse le lire et de la
2 manière qu'on était établi à la Sécurité publique, c'était
3 pas... it wasn't conducive for me to receive late in the day
4 because they had to be printed out and put into packages and
5 delivered to me, so I would have seen that on the Monday.

6 **MS. LYNDA MORGAN:** Thank you. And in
7 addition to what Ms. Drouin has described as being reflected
8 in the following sitrep, are you able -- is anyone able to
9 comment on what the panel understood was done in relation to
10 the -- this issue?

11 **Mme NATHALIE DROUIN:** La seule chose que je
12 peux dire, c'était que c'était une information relative au
13 processus électoral, donc au déroulement de l'élection et que
14 ç'a été soumis au commissaire aux élections.

15 **MS. GRETA BOSSENMAIER:** The other thing I was
16 going to add, if I may, was I the Lyall King email, it notes
17 that a separate letter for Elections Canada, then blanked
18 out, and that once Election Canada received the information,
19 they reached out to PCO to consult, again, to determine the
20 reliability of intelligence, and also, that the OCCE had been
21 briefed. So I would have been informed as well that other
22 authorities had been informed of this, so some action had
23 been taken.

24 **MS. LYNDA MORGAN:** Thank you. I'll ask you
25 now about the Buffalo Chronicle in our remaining four minutes
26 or so. I may have even overestimated there, three minutes.
27 So I understand that the panel was made aware of alleged
28 disinformation circulating via the Buffalo Chronical during

1 the writ period in GE 43; is that correct?

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

3 **MS. LYNDA MORGAN:** We heard some evidence
4 that during GE 43 Facebook brought an article from the
5 Buffalo Chronicle to Mr. Sutherland's attention, that article
6 which contained some misinformation about the Prime Minister.
7 And Mr. Sutherland's recollection was that at the direction
8 of the Clerk of the Privy Council, who at that time was on
9 your panel, and that Mr. -- or, sorry, at the direction of
10 the Clerk of the Privy Council, Mr. Sutherland asked Facebook
11 to remove the article and Facebook complied. Was that a
12 request that the Panel of the whole was aware of?

13 **Mme NATHALIE DROUIN:** Je pense que c'est pas
14 tout à fait comme ça que les faits se sont déroulés, si vous
15 me permettez de corriger, et ma collègue, Ms. Morgan, va
16 pouvoir aussi expliquer comment on a suivi l'histoire de
17 *Buffalo Chronicle*.

18 Vous avez certainement vu qu'avant les
19 élections de 2019, la ministre Gould, qui était la ministre
20 des Institutions démocratiques à l'époque, avait déposé un
21 plan d'action qui était fondé sur quatre piliers importants,
22 dont le pilier pour la création du Panel of 4.. of 5, pardon,
23 mais dans le cadre de ces travaux-là, il y a également une
24 déclaration qui a été signée avec des grandes plateformes,
25 dont Facebook, Google, Microsoft et Twitter, et c'était une
26 déclaration volontaire qui permettait finalement ou donnait
27 la responsabilité à ces grandes plateformes-là de retirer de
28 leurs plateformes des informations qui pouvaient être fausses

1 ou trompeuses. Et la déclaration a vraiment un élément ou un
2 aspect très, très précis sur la mauvaise représentation d'un
3 individu à titre d'exemple.

4 Et donc, c'est Facebook qui, de façon
5 proactive, a communiqué avec leur contact au Bureau du
6 Conseil privé, qui était, en l'occurrence, Al Sutherland,
7 pour dire, « nous voyons cette information qui circule et qui
8 prend de l'ampleur sur notre plateforme, est-ce que vous
9 pensez qu'elle devrait être retirée? » Al a eu des
10 conversations avec le greffier de l'époque qui était d'avis
11 que l'information devait être retirée.

12 Mais Facebook a réellement agi de façon
13 volontaire, basé sur la déclaration qu'ils ont signée avec
14 nous. Donc, c'était vraiment pas sous la direction ou l'ordre
15 du greffier de l'époque.

16 Mais, si vous permettez, Ms. Morgan,
17 j'aimerais qu'on donne aussi un petit peu l'histoire de
18 *Buffalo Chronicle* en termes de les autres grandes... les autres
19 grands médias qui avaient aussi corrigé la situation.

20 **MS. MARTA MORGAN:** So if I may, the -- as you
21 know from my testimony that you received at the Commission
22 last Friday, the Rapid Response Mechanism which was housed at
23 GAC was monitoring the social media and information ecosystem
24 for potential particularly foreign interference in the
25 ecosystem. We had seen disinformation and misinformation
26 being circulated in other countries. We knew that this was
27 potential risk for Canada. RRM did pick up on these stories
28 about I'd say 10 days before the election day. The panel was

1 informed of them, and the panel was updated on RRM's
2 analysis. They could not attribute any of these stories to
3 foreign interference; in other words, that they were being
4 sponsored or promoted inauthentically by a foreign state, and
5 that was obviously core to our mandate, but we did track it
6 very closely. And they also did inform the panel that these
7 stories, which were identified by mainstream media outlets as
8 disinformation -- or as misinformation, excuse me, and that
9 the -- also information was being provided by mainstream
10 outlets on the particular website in question which was
11 located in the United States. So from that perspective, the
12 panel was well informed of what was happening, and we did see
13 that other players in the information ecosystem were also
14 paying attention and were able to weigh in and assess
15 information as it came out as well and provide credible
16 assessment to the Canadian public.

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

21 **--- EXHIBIT No./PIÈCE No. CAN 3112:**

22 SITE TF SITREP: 21 October 2019

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

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

27 The hearing is now in recess. La séance est
28 maintenant en pause pour cinq minutes.

1 --- Upon recessing at 11:37 a.m./

2 --- La séance est suspendue à 11 h 37

3 --- Upon resuming at 11:20 a.m./

4 --- La séance est reprise à 11 h 20

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

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

12 **--- MS. NATHALIE DROUIN, Resumed/Sous la même affirmation:**

13 **--- MS. MARTA MORGAN, Resumed/Sous la même affirmation:**

14 **COMMISSAIRE HOGUE:** So, c'est vous, Maitre
15 MacKay qui...

16 **Me JEAN-PHILIPPE MacKAY:** Oui.

17 **COMMISSAIRE HOGUE:** ...interrogez? Alors, vous
18 pouvez y aller.

19 **Me JEAN-PHILIPPE MacKAY:** Bonjour, Madame la
20 commissaire.

21 Alors, Jean-Philippe MacKay pour la
22 Commission. Aux fins de l'interrogatoire des témoins du
23 groupe d'experts de 2021 - ce qui est connu comme le Panel of
24 5, en anglais.

25 Donc, je demanderais à ce que les témoins
26 soient... en fait, j'ai l'expression en anglais, sworn or
27 affirmed. Je perds mon français.

28 **LE GREFFIER:** Y'a pas de problème.

1 Certainement.

2 J'imagine qu'on a déjà la plupart qui ont
3 déjà été assermentés.

4 **Me JEAN-PHILIPPE MacKAY:** Oui, vous pouvez...
5 on peut le faire sous le même serment pour madame Drouin et
6 madame Morgan.

7 **LE GREFFIER:** OK. Et madame Charette aussi,
8 j'imagine?

9 **Me JEAN-PHILIPPE MacKAY:** Non, elle n'a pas...

10 **LE GREFFIER:** Ah! OK.

11 So we'll start with you, Ms. Charette. Would
12 you like to be sworn or affirmed for the record?

13 **MS. JANICE CHARETTE:** I'd like to be sworn,
14 please.

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

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

19 **--- MS. JANICE CHARETTE, Sworn/Assermentée:**

20 **LE GREFFIER:** Bon, alors, Madame Drouin, je
21 pense que vous avez déjà votre assermentation?

22 Mr. Stewart, would you like to be sworn or
23 affirmed?

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

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

27 **MR. ROBERT STEWART:** Rob Stewart. S-t-e-w-a-
28 r-t.

1 --- MR. ROBERT STEWART, Sworn/Assermenté:

2 THE REGISTRAR: And Mr. Daigle.

3 M. FRANÇOIS DAIGLE: So, François Daigle - D-
4 A-I-G-L-E. Affirmé, s'il vous plait.

5 LE GREFFIER: Merci.

6 --- M. FRANÇOIS DAIGLE, Affirmed/Sous Affirmation solennelle

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

9 MS. ERIN DANN: She did.

10 MS. MARTA MORGAN: This morning I did.

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

13 MR. DAVID MORRISON: Sworn, please.

14 THE REGISTRAR: Thank you very much.
15 Could you please state your name and your
16 full name for the record?

17 MR. DAVID MORRISON: David Morrison, M-o-r-r-
18 i-s-o-n.

19 --- MR. DAVID MORRISON, Sworn/Assermenté:

20 THE REGISTRAR: Counsel, I believe you may
21 proceed.

22 MR. JEAN-PHILIPPE MacKAY: Thank you.

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

24 MR. JEAN-PHILIPPE MacKAY:

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

27 --- EXHIBIT No./PIÈCE No. WIT 53:

1 Examination

2 **MR. JEAN-PHILIPPE MacKAY:** So this is the *in*
3 *camera* examination summary that was prepared in relation to
4 the evidence given by the witnesses during the *in camera*
5 hearing.

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

7 **--- EXHIBIT No./PIÈCE No. WIT 58:**

8 P5 2021 Public Summary of Classified
9 Interview

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

12 Do you recall being interviewed and examined
13 *in camera* by Commission counsel?

14 **PANEL MEMBERS:** Yes.

15 **MR. JEAN-PHILIPPE MacKAY:** and have you had
16 the occasion to review the two summaries in relation to the
17 interview and the *in camera* examination?

18 **PANEL MEMBERS:** Yes.

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

22 **PANEL MEMBERS:** Yes.

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

25 **PANEL MEMBERS:** No.

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

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

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

3 I will begin by the roles that you had in
4 2021 when you participated in the activities of the Panel of
5 Five, so we can begin by Ms. Charette and then go through all
6 of the witnesses.

7 **MS. JANICE CHARETTE:** Merci, Me MacKay.

8 I was appointed as the Interim Clerk of the
9 Privy Council in March of 2021 and it was in that capacity
10 that I served as the Chair of the Panel of Five for the 2021
11 election, also known as GE 44.

12 **Mme NATHALIE DROUIN:** Au début des travaux du
13 Panel de 5, j'étais sous-ministre à la Justice et sous-
14 procureure générale du Canada. À compter du mois d'août 2021,
15 j'ai été nommée sous-greffière et secrétaire associée du
16 Cabinet, et je suis restée comme observatrice pour les
17 travaux du Panel of 5.

18 **MR. ROBERT STEWART:** I was appointed Deputy
19 Minister of Public Safety in October of 2019 and I was Deputy
20 Minister of Public Safety for the work of the Panel in 2021.

21 **M. FRANÇOIS DAIGLE:** J'ai été nommé sous-
22 ministre à la Justice et sous-procureur général du Canada
23 après le départ de Me Drouin, donc en début août, et j'ai
24 participé aux réunions du Panel à partir de la réunion du
25 23 août.

26 **MS. MARTA MORGAN:** I was the Deputy Minister
27 of Foreign Affairs for the entire period leading up to and
28 during the panel.

1 **MR. DAVID MORRISON:** I was the Prime
2 Minister's Foreign and Defence Policy Advisor beginning in
3 early 2019. In that capacity, in -- on the 1st of July,
4 2021, I was asked to act as the National Security and
5 Intelligence Advisor, and that was the capacity that I held
6 until early 2022, so I was Acting NSIA throughout the end of
7 the run-up to the election and through the aftermath.

8 **Me JEAN-PHILIPPE MacKAY:** Donc, ce matin,
9 nous avons entendu la preuve et des témoignages concernant
10 les opérations et le fonctionnement du Panel en 2019, donc ma
11 première question est pour madame Drouin et madame Morgan
12 puisque vous étiez membres du Panel en 2019 et que vous avez
13 participé aux activités du Panel en 2021.

14 On comprend, pour madame Drouin, vous étiez...
15 vous êtes devenue observatrice à partir d'un certain moment,
16 mais de manière générale, est-ce qu'il a des différences
17 notables entre la manière dont le groupe a fonctionné en 2019
18 par rapport au fonctionnement en 2021?

19 **Mme NATHALIE DROUIN:** Oui, merci. D'abord,
20 dire que l'élection 2021 se déroule sous... alors que la COVID
21 est encore présente, donc nos travaux étaient plus de façon
22 hybride, donc les membres étaient souvent réunis ensemble,
23 mais ceux qui nous offraient les breffages de sécurité par
24 exemple étaient souvent en ligne.

25 Et ce matin, j'ai expliqué que les breffages
26 étaient donnés par les premiers dirigeants des agences de
27 sécurité et de renseignement; dans le cadre des travaux de
28 2021, c'était les représentants de SITE vraiment qui nous...

1 toujours en présence des dirigeants des organismes, mais
2 c'était les représentants de SITE qui nous offraient nos
3 briefings en matière de renseignement.

4 Je sais pas si...

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

8 **Mme NATHALIE DROUIN:** Et je présume que plus
9 tard vous allez nous demander la différence entre la
10 directive de 2019 et la directive de 2021?

11 **Me JEAN-PHILIPPE MacKAY:** En fait, c'était ma
12 prochaine question que je pensais adresser à madame Charette,
13 mais si vous pouvez l'aborder maintenant, Madame Drouin ou
14 Madame Charette, libre à vous.

15 Donc, les modifications, on le sait qu'il y a
16 des modifications qui ont été apportées au protocole avant
17 les élections en 2021, donc j'aimerais que vous nous
18 expliquiez quelles sont ces modifications.

19 **Mme NATHALIE DROUIN:** La première
20 modification, c'est que le protocole de 2019 était... a
21 vraiment été fait pour les élections de 2019, alors qu'en
22 2021, on a rendu le protocole bon pour toute élection
23 générale, donc non pas seulement pour 2019, mais aussi 2021.

24 On est venu également clarifier la période
25 pour laquelle le Panel exerçait ses fonctions. On utilise la
26 campagne électorale ou le pre-writ, le writ period en 2019,
27 alors qu'on utilise la convention de transition pour la
28 directive de 2021.

1 La distinction entre les deux, c'est que la
2 convention de transition s'applique jusqu'à ce qu'un
3 gouvernement soit nommé, non pas justement à la journée de
4 l'élection, donc il y a une différence en termes temporels
5 qui pouvait exister. Donc, c'est une des différences entre
6 2019 et 2021.

7 Il y a également certaines clarifications qui
8 ont été apportées, mais qui n'ont pas changé le
9 fonctionnement du Panel en termes de avec qui on peut
10 échanger de l'information, comme on est venu préciser dans la
11 directive de 2021 par exemple, on pouvait échanger de
12 l'information avec le commissaire aux élections.

13 Et finalement, une des différences
14 importantes entre 2019 et 2021, c'est qu'on est venu retirer
15 l'élément qui disait que le focus des travaux de la
16 Commission était sur l'ingérence étrangère, ce qui faisait en
17 sorte qu'en 2021 on regardait de façon égale ce qui pouvait
18 être, par exemple, de la désinformation ou de la mauvaise
19 information, autant de provenance domestique que de
20 provenance étrangère. On expliquera plus tard quand même les
21 défis qu'il y a par rapport aux activités domestiques.

22 **MS. JANICE CHARETTE:** Est-ce que je peux
23 ajouter quelque chose peut-être?

24 **Me JEAN-PHILIPPE MacKAY:** Absolument.

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

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

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

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

22 Madame Drouin, vous avez mentionné le
23 commissaire aux élections, mais j'ai le protocole devant moi,
24 simplement pour clarifier, c'est le directeur général des
25 élections.

26 **Mme NATHALIE DROUIN:** Parfait. Oui.

27 **Me JEAN-PHILIPPE MacKAY:** Je comprends que
28 c'est ce que vous vouliez dire.

1 **Mme NATHALIE DROUIN:** Exactement.

2 **Me JEAN-PHILIPPE MacKAY:** Parfait.

3 **Mme NATHALIE DROUIN:** Oui.

4 **MR. JEAN-PHILIPPE MACKAY:** Concerning the ---

5 **MS. NATHALIE DROUIN:** Je pense que Me Daigle
6 voulait...

7 **M. FRANÇOIS DAIGLE:** Je voulais juste
8 ajouter, sur la convention de transition, Caretaker
9 Convention, because we had in 2021, a returning government,
10 that meant that the Caretaker Convention finished, you know,
11 once we know when the election because it was returning. So
12 as a Panel, our mandate ended on the end of the Caretaker
13 Convention, which was at the election.

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

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

22 **MS. JANICE CHARETTE:** I think what the
23 addition meant was that the scope of our work was clearly
24 defined to include any threat to the ability of Canadians to
25 have a free and fair election that would come from a domestic
26 source, or perhaps a domestic source working on behalf of a
27 foreign actor was explicitly within the scope of our work.
28 And so the work of the members of the SITE Task Force, the

1 information they were collecting and then providing to us,
2 was informed by that broadened scope.

3 **MR. JEAN-PHILIPPE MACKAY:** Okay, thank you.

4 After the election in 2019, there was a
5 review of the operation of the Panel conducted by Mr. Judd.
6 Can you briefly describe the relevant recommendations from
7 the Judd Report, and whether or not they were implemented for
8 the election in 2021?

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

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

1 and so the Panel's work finished at the time of the election.

2 He also suggested that there be clarity with
3 respect to the inclusion of domestic actors as well as
4 foreign. So I think the recommendations of Mr. Judd were
5 reflected in the changes to the Protocol.

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

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

22 And the second was Mr. Judd did discuss
23 whether or not the composition of the Panel of Five should be
24 changed, and in fact, the government retained the composition
25 that you see here today.

26 **MR. JEAN-PHILIPPE MACKAY:** Thank you.

27 I'll ask the registrar to pull up CAN.DOC 11,
28 please.

1 And this is the institutional report from the
2 Privy Council Office.

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

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

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

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

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

1 As we reached the summertime and the
2 possibility that an election might be called seemed more
3 present, we began to focus more centrally on what our role
4 would be, including various dimensions of it, operations and
5 communications, the role of the SITE Taskforce.

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

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

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

25 **MR. JEAN-PHILIPPE MacKAY:** And so were you
26 briefed as a panel or individually? And I know that the
27 experience might have differed for various panel members, but
28 generally speaking, if other panel members can address the

1 way in which the threat environment was briefed to them?

2 **M. FRANÇOIS DAIGLE:** Peut-être que je peux
3 commencer. Moi j'ai... ma première réunion était le 23 août.
4 Donc, j'étais pas là pour les réunions du mois de janvier ou
5 du mois de juillet. Mais heureusement, maître Drouin, qui
6 avait participé à ces réunions-là, m'a fait un briefing pour
7 me mettre à jour. J'ai aussi eu accès aux documents.

8 Mais je dois dire aussi que je n'étais pas...
9 les concepts et les activités d'ingérence étrangère et le
10 reste du threat landscape qu'a décrit monsieur Stewart, c'est
11 des choses qui m'étaient quand même assez familier parce que,
12 à la Justice, j'étais responsable pour la question de
13 sécurité nationale.

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

21 **MR. DAVID MORRISON:** I was generally aware of
22 the issues because of the other role I described that I held
23 within the Privy Council Office in the first half of 2021,
24 and then I was formally onboarded in July and was given a
25 package to read, and I asked questions, and then fully
26 participated in the meetings from then on.

27 **MR. JEAN-PHILIPPE MacKAY:** And I know that
28 you'll be testifying later today about your role as National

1 Security and Intelligence Advisor to the Prime Minister, but
2 was that role that you played in your normal activities
3 informed the way you approached the issues related to the
4 work of the Panel?

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

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

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

17 We had an opportunity, as Mr. Stewart
18 described, to make sure that we had a foundational briefing
19 and understanding of the threat and risk environment along
20 the vectors that Mr. Stewart described, of the kind of where
21 the threats and risks could come from, capabilities of
22 various actors.

23 We had an opportunity as well to discuss and
24 provide direction to members of the SITE Taskforce about
25 intelligence requirements or information requirements that we
26 thought we might have in order to be able to discharge our
27 function when we got to the election.

28 And we did, in the meetings leading up to,

1 and then during the writ as well, have a serious of scenario
2 exercises where we went through to try to understand -- look
3 at particular scenarios that could be representative of a
4 threat or a risk of information or intelligence that could be
5 brought to the Panel for us to be able then to kind of have a
6 tabletop exercise, or kind of a dress rehearsal, if you may,
7 of how we would apply the protocol. And because one of the
8 elements of the protocol is that we operate on the basis of
9 consensus, the threshold that's defined, which I suspect
10 we'll come to is not a quantitative threshold. It's a
11 threshold that requires judgement. And so we, as a panel,
12 were developing our kind of shared understanding of that
13 threshold and how it might be applied.

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

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

20 **Mme NATHALIE DROUIN:** Exactement. Donc,
21 madame Morgan et moi savions qu'on avait la responsabilité
22 d'assurer cette continuité pis d'amener une expérience..
23 l'expertise et les façons de faire qui avaient été
24 développées en 2019. Mais je voudrais aussi ajouter que le
25 Secrétariat aux institutions démocratiques, qui est dirigé
26 par Allen Sutherland, a aussi joué un rôle important dans le
27 transfert des connaissances.

28 **Me JEAN-PHILIPPE MacKAY:** Et question pour

1 vous, Madame Drouin, est-ce que le portrait de la menace ou
2 des menaces était différent en 2021 par rapport à 2019? On
3 comprend qu'il y avait des situations qui avaient évolué,
4 notamment en lien avec les menaces domestiques qui ont été
5 mentionnées un peu plus tôt par monsieur Stewart, mais de
6 manière générale, est-ce que le portrait était différent en
7 2021?

8 **Mme NATHALIE DROUIN:** Le portrait était
9 légèrement différent. On pourrait aller dans le spécifique.
10 En termes des façons de faire des différents pays qui sont
11 impliqués en matière d'ingérence étrangère, il y a certaines
12 nuances ou évolutions.

13 Mais je pense que ce qui est le plus
14 important, c'est parce qu'on était, justement, dans l'ère
15 COVID, on voyait déjà beaucoup plus de risques pour les
16 extrémistes violents et on voyait aussi une augmentation du
17 risque en matière de désinformation et de mauvaise
18 information.

19 **MR. JEAN-PHILIPPE MacKAY:** And my questions
20 now turn to this topic of online -- the threat online. So
21 was that part of the discussions you had prior to the writ
22 period in preparing for the election period, the threats that
23 could appear online in relation to disinformation for
24 example?

25 **MS. MARTA MORGAN:** Yes. That was an
26 important part of our preparation. I mean, I think we'd seen
27 an evolution over a number of years of the threat situation
28 and the online -- in the online environment. That was one of

1 the reasons prior to 2019 that we had established the Rapid
2 Response Mechanism, but we also had the CSE, who was looking
3 at different capabilities that countries had in terms of
4 cyber attacks and that sort of thing.

5 And so what we recognized there was this was
6 an environment that was continuously evolving in terms of the
7 strategies and tactics that could be used and one that had to
8 be very mindful of.

9 **MR. JEAN-PHILIPPE MacKAY:** So before I move
10 to the discussion concerning the threshold, I'll ask court
11 operator to pull up CAN 3336, please.

12 **--- EXHIBIT No./PIÈCE No. CAN 3336:**

13 Critical Election Incident Public
14 Protocol Panel - Meeting Notes

15 **MR. JEAN-PHILIPPE MacKAY:** We can scroll down
16 slowly.

17 What we see here is a series of pages. The
18 title is "Meeting Notes 2021". And we see a list of meetings
19 that align with the list that we saw previously, and it
20 starts in July, July 12, 2021, until the last meeting that
21 the panel had in December 2021.

22 So my question to you, what is this document?
23 If you recognize it, of course, but what is this document,
24 who prepared it?

25 **MS. JANICE CHARETTE:** So perhaps I can answer
26 that.

27 So this document is not a document that the
28 Panel of Five saw during our work in the 2021 election. We

1 saw it in the context of preparing for our testimony before
2 the Commission.

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

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

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

11 I understand that PCO's representatives were
12 attending the panel's meeting. What was their role?

13 **MS. JANICE CHARETTE:** So at, I would say, all
14 of our meetings, as the Panel of Five there was a
15 representative, Al Sutherland, from our democratic
16 institutions team, protecting democracy team, and he was
17 there as an advisor to the panel.

18 He was the -- he was the supporter of the
19 team that basically helped to draft the protocol. As well,
20 he had drafted the -- another document, which is an agreement
21 with the social media platforms, in terms of integrity in the
22 social media space during an election. And he was able to
23 bring that information and that -- and the awareness of
24 interactions with the social media companies and inform our
25 deliberations about that.

26 We had a communications advisor, Ken
27 MacKillop, who was a PCO individual as well, because we were
28 mindful of, as the panel, should it come to the point where

1 we had to make a public announcement or any communications
2 that would happen related to the work of the panel that this
3 would be done in a particularly sensitive time and we were
4 looking for expert communication support, and that was Mr.
5 MacKillop's role.

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

10 And so he -- Mike MacDonald and Al Sutherland
11 also had an ongoing conversation we were briefed on with the
12 political parties throughout the work of the panel.

13 **COMMISSIONER HOGUE:** Thank you.

14 **MS. JANICE CHARETTE:** So maybe I could just
15 add, we were talking earlier about the operation of the
16 panel.

17 So in the context of an actual meeting, we
18 would start a meeting with a briefing by the leads of the
19 SITE Task Force, the heads of CSIS and CSE, the lead for the
20 Rapid Response Mechanism and a senior representative of the
21 RCMP. We'd have a chance to hear from them individually, ask
22 questions, ask follow-up, hear from Al Sutherland and Mike
23 MacDonald in terms of any information that they would bring
24 to us. But as the Panel of Five, we asked the SITE
25 representatives to leave and we deliberated just amongst
26 ourselves in terms of whether or not any of the information
27 or intelligence that was brought to us during the election
28 met the threshold, and I know we'll come to that.

1 **COMMISSIONER HOGUE:** Thank you.

2 **Me JEAN-PHILIPPE MacKAY:** Et, Madame Drouin,
3 pour compléter le portrait de cet aspect des travaux du
4 comité... du Panel, pardonnez-moi, est-ce que la manière dont
5 les rencontres se déroulaient en 2021 était similaire à la
6 manière dont les rencontres se déroulaient en 2019?

7 **Mme NATHALIE DROUIN:** En termes de ce que
8 madame Charette vient d'expliquer, c'est-à-dire qu'on
9 recevait l'intelligence et ensuite on délibérait entre les
10 membres, c'est exactement la même chose qui s'est déroulée en
11 2019. L'une des différences, comme je l'ai mentionné tantôt,
12 c'était le fait qu'on avait des membres qui participaient de
13 façon hybride, puis on avait directement les membres de SITE
14 et non pas juste les premiers dirigeants des agences de
15 renseignement.

16 Donc, c'était principalement les grandes
17 différentes.

18 **Me JEAN-PHILIPPE MacKAY:** Et sur ce point de
19 la...

20 **Mme NATHALIE DROUIN:** On avait... pardon de
21 vous interrompre, on avait aussi accès au daily SitReps, donc
22 ça, c'était quelque chose qui est resté en termes de partage
23 de l'information.

24 **Me JEAN-PHILIPPE MacKAY:** Et les breffages
25 qui vous étaient donnés oralement par certains représentants
26 d'agences de renseignement, pour ce qui est du SCRS, on voit
27 dans les notes, qui sont toujours à l'écran, que le directeur
28 du Service donnait ou vous transmettait les renseignements et

1 on comprend que monsieur Vigneault ne participait pas aux
2 activités quotidiennes du groupe SITE.

3 Est-ce que c'était monsieur Vigneault qui
4 vous transmettait les renseignements pour le SCRS lors des
5 rencontres du Panel?

6 **Mme NATHALIE DROUIN:** Il était présent lors
7 des rencontres et participait très activement aux breffages
8 qui étaient donnés aux membres.

9 **Me JEAN-PHILIPPE MacKAY:** Et dernière
10 question pour vous, Madame Drouin, vous avez joué un rôle
11 d'observatrice lors de la période électorale et post-
12 électorale en lien avec les activités du Panel, expliquez-
13 nous rapidement en quoi consistait votre rôle d'observatrice
14 pendant cette période.

15 **Mme NATHALIE DROUIN:** L'un de mes premiers
16 rôles était vraiment d'assurer une continuité dans le
17 membership du Panel. Ensuite, j'avais l'opportunité
18 d'exprimer mon opinion, de soulever des questions et de faire
19 des suggestions, mais je n'avais pas de rôle décisionnel
20 comme tel par rapport aux activités ou aux annonces
21 potentielles que le Panel aurait pu faire.

22 **MR. JEAN-PHILIPPE MacKAY:** Et maintenant I'll
23 ask the registrar to pull up CAN 457, the famous wrench.

24 And I'll ask Ms. Morgan and Ms. Drouin, there
25 was the -- there was evidence this morning concerning the
26 development of a shared understanding of the threshold in
27 2019. And compared to 2021, was this shared understanding
28 any different with the new -- the new panel members with whom

1 you worked in 2021?

2 **MS. MARTA MORGAN:** Well, I mean, no. I mean,
3 I think that the experience that we'd had in 2019 had allowed
4 us to really kind of crystallize, if you will, our thinking
5 around these issues, but what we looked at as a panel in both
6 years was, you know, in terms of a threshold for announcement
7 would an incident undermine Canadians' ability to have a free
8 and fair election, what was the degree of confidence we had
9 in the intelligence and would the incident undermine the
10 credibility of an election.

11 And we looked at all of these factors which
12 had to be -- which had to be assessed together, so on any
13 given incident or incidents the reach, the scale, the source,
14 the credibility of intelligence, these were all relevant
15 factors for assessing whether an incident would reach the
16 threshold of a panel announcement.

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

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

25 **MR. JEAN-PHILIPPE MacKAY:** And would you use
26 this placemat that we're looking at at this moment in
27 relation to all incidents that would be brought to your
28 attention during the writ period -- would you use that as a

1 tool systematically when you were looking at the various
2 situations brought to your attention?

3 **MS. MARTA MORGAN:** I would describe it as a
4 resource that was available to us among other resources,
5 including the protocol itself, which we referred to quite
6 often, and including the intelligence and information that
7 was brought back to us.

8 **MR. JEAN-PHILIPPE MacKAY:** And now I would
9 like to bring you to the last page of this document, and we
10 see an example of a scenario.

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

16 **MR. FRANCOIS DAIGLE:** Je vais tenter de
17 répondre à la question.

18 On a regardé plusieurs scénarios puis on
19 regardait des scénarios à chacune de nos rencontres, comme
20 l'a expliqué madame Charette, vraiment pour arriver à un
21 consensus ou un accord sur comment on appliquerait les
22 critères qui sont dans le protocole à l'article 6.

23 Ici, je pense, dans le document, il y en a
24 trois différents scénarios. Moi, j'avais regardé le premier,
25 mais juste pour vous donner un exemple du genre de
26 discussions qu'on avait, le premier scénario, si vous allez
27 au scénario 1 là, « Toronto troubles », the scenario is about
28 the chief electoral officer recommending that we postpone the

1 election in some ridings because there's some concerns about
2 the spread of COVID and that kind of -- and then you'll see
3 that there's some injects, three injects, different
4 information that comes to us.

5 Donc, nous, on prenait cette information-là
6 puis on appliquait... moi, c'était un outil là, la clé de
7 molette, c'était un outil qu'on utilisait dans les scénarios,
8 qu'on utilisait à chacune de nos réunions.

9 Mais on se posait des questions, par exemple,
10 sur... dans le premier volet : c'est... qu'est-ce que... c'est quoi
11 l'évènement? Quelle information est-ce qu'on a sur
12 l'évènement? Est-ce que c'est vraiment de la désinformation
13 ou juste de l'information erronée? Est-ce que c'est plutôt du
14 *realm* de l'opinion? Quelles sont les sources de cette
15 information-là? Est-ce qu'elles sont fiables, elles sont pas
16 fiables? Est-ce que notre information est fiable? Est-ce
17 qu'elle a été corroborée? Est-ce que la distribution de
18 l'information erronée est coordonnée? Quelle preuve est-ce
19 qu'on a qu'elle est coordonnée? Est-ce qu'il y a des... est-ce
20 que ça semble être une discussion, même en ligne entre
21 Canadiens, sur un site canadien ou est-ce qu'il semble y
22 avoir de l'amplification inauthentique par robot?

23 Donc, chacun de ces scénarios-là nous amenait
24 à se poser ce genre de questions là pour qu'on puisse arriver
25 à un consensus sur qu'est-ce qui est pertinent, qu'est-ce qui
26 est moins pertinente, puis madame Morgan a passé les critères
27 qui se retrouvent dans le document, mais on regardait aussi
28 les questions de crédibilité, de pertinence, l'ampleur de

1 l'évènement ou la durée de l'évènement : est-ce que c'est un
2 évènement ou c'est un évènement qui persiste? Est-ce qu'on...
3 il y a eu une tentative de corriger l'information puis,
4 malgré la tentative de correction, la mésinformation continue
5 ou persiste?

6 Donc, ça, ça nous apportait vraiment à poser
7 des questions et puis à arriver à un consensus : est-ce qu'on
8 a rencontré les trois critères qui sont à l'article 3 du
9 protocole.

10 **Me JEAN-PHILIPPE MacKAY:** OK. On a entendu ce
11 matin la preuve concernant... au sujet de l'ampleur là, sur la
12 question de l'ampleur, la discussion à savoir est-ce que le
13 protocole trouve application circonscription par
14 circonscription ou c'est pas plutôt un regard national ou
15 plutôt général qui doit être porté sur la question à savoir
16 si le panel doit faire une annonce publique ou non.

17 Est-ce que... et c'est une question pour madame
18 Drouin ou madame Morgan, est-ce que cette discussion qui
19 s'est tenue en 2019 a également eu lieu en 2012, à savoir
20 quelle est la portée du protocole par rapport aux
21 circonscriptions ou par rapport à l'échelle nationale?

22 **Mme NATHALIE DROUIN:** Forts de l'expérience
23 de 2019 avec les conversations qu'on avait eues, les travaux
24 de 2021 étaient plus faciles, plus claires, et je pense que
25 les membres du Panel n'ont jamais douté qu'on devait regarder
26 l'impact au niveau des comtés, des circonscriptions, et non
27 pas juste de façon globale.

28 Même situation en 2021 qu'en 2019 : toutes

1 les informations que l'on a reçues étaient des informations
2 qui étaient relatives à des comtés en particulier, donc nos
3 travaux étaient toujours basés, étant donné les faits devant
4 nous, sur des impacts qui pouvaient avoir lieu au niveau
5 d'une circonscription en particulier. Donc, on n'avait pas
6 besoin de voir une conséquence sur les quelques 300
7 circonscriptions pour faire une détermination.

8 **Me JEAN-PHILIPPE MacKAY:** Et on comprend..
9 Oh! Excusez-moi.

10 **Mme JANICE CHARRETTE:** Est-ce que je peux
11 ajouter quelque chose encore?

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

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

28 **MS JANICE CHARETTE:** Yeah.

1 **MR JEAN-PHILIPPE MacKAY:** --- under a
2 protocol?

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

9 **Me JEAN-PHILIPPE MacKAY:** Et toujours en lien
10 avec la preuve entendu ce matin, Madame Drouin, vous avez
11 mentionné que le... en fait, il y a eu une discussion sur des
12 situations qui se situaient sous le seuil, et on a dit ce
13 matin, on a entendu que le Panel ne pouvait pas faire une
14 annonce publique si les conditions du protocole n'étaient pas
15 réunies, mais cependant, vous avez ajouté que des suggestions
16 peuvent être formulées par le Panel aux autorités
17 compétentes. Donc, vous avez mentionné un exemple d'un sous-
18 ministre à l'Immigration, si je me souviens bien.

19 Est-ce que ce sujet a fait l'objet de
20 discussions renouvelées en 2021 de situations se situant sous
21 le protocole... sous le seuil du protocole et où le Panel
22 pouvait soit formuler des suggestions ou accompagner d'autres
23 autorités compétences au sein de l'appareil fédéral?

24 **Mme NATHALIE DROUIN:** Je pense que c'était
25 très clair pour les membres en 2021 que, malgré les travaux
26 du Panel des 5, les différents ministères et agences
27 retenaient leurs autorités, et donc, avaient certains outils
28 à leur disposition pour venir corriger ou mitiger une

1 situation. C'était donc clair qu'on pouvait avoir des
2 conversation, des suggestions, on pouvait... que ce soit la
3 greffière, dans son rôle de greffière, pouvait parler avec
4 certains sous-ministres dans l'éventualité où on aurait
5 besoin de faire des corrections.

6 Il y a eu également des travaux qui ont été
7 faits en 2021 – je sais pas si on veut en parler – où on a
8 essayé de voir à quoi pourrait ressembler une communication
9 du Panel, non pas des agences ou des ministères, si on avait
10 à faire une communication qui serait en deçà du seuil, et
11 comme je l'ai... comme j'ai témoigné ce matin, on est arrivés à
12 la conclusion que, de un, la directive ne permettait de faire
13 ça, et que, de deux, les risques de faire plus d'impacts
14 négatifs que de positifs seraient très grands si on
15 communiquait, alors que le seuil n'avait pas été rencontré.

16 Je sais pas si mon collègue ou mes collègues...

17 **M. ROBERT STEWART:** Je voudrais ajouter
18 quelque chose.

19 Let me just say that the security
20 intelligence community is very close knit, and the community
21 coordinates very effectively, but each of the principal
22 actors has their own powers and authorities; right? The
23 RCMP, of course, operates under the principle of police
24 independence. Nobody tells them what to do. But with CSE
25 and CSIS, they have toolkits, and they can act under the
26 authority of their deputy heads up to a certain point in
27 time. They are responsible to administer out, Global Affairs
28 is in this category as well. They're responsible to

1 ministers, and so at some point, if they planned an action,
2 they would seek to inform, and maybe seek the non-disapproval
3 of a minister to ensure that they had the support to do what
4 they were empowered to do. We always thought about the
5 opportunity or the necessity in the discussion of our
6 scenarios of those powers being exercised, and in addition,
7 we thought about what would happen outside the realm of
8 government, which is the role of civil society in the media
9 and others who might choose to call out or otherwise
10 foreground the possibility of foreign interference as a
11 below-the-threshold response.

12 **Me JEAN-PHILIPPE MacKAY:** Et en lien avec ce
13 que vous avez dit, Madame Drouin, la discussion que vous avez
14 mentionné où une... est-ce que le Panel pouvait faire une
15 communication si l'incident ou la situation se situait en
16 deçà du seuil, est-ce que c'était en lien avec une situation
17 spécifique en 2021?

18 **Mme NATHALIE DROUIN:** Pas du tout.

19 **Me JEAN-PHILIPPE MacKAY:** Okay.

20 **Mme NATHALIE DROUIN:** C'était dans le cadre
21 des travaux sur le développement d'une approche
22 communicationnelle.

23 **Me JEAN-PHILIPPE MacKAY:** Excellent.

24 Donc, maintenant, on passe à la période
25 électorale.

26 Madame Drouin, puisque vous étiez... ou Madame
27 Morgan, puisque vous étiez présentes en 2019, est-ce que la
28 manière dont le Panel a fonctionné pendant la période

1 électoral était différente en 2021 qu'en 2019? Et je pense
2 notamment à la circulation du renseignement, la manière dont
3 le renseignement vous était apporté, les documents qui vous
4 étaient disponibles, les breffages verbaux, et cetera, donc
5 sur le plan processuel, est-ce que la situation était
6 différente en 2021 qu'en 2019?

7 **Mme NATHALIE DROUIN:** À part les éléments que
8 j'ai mentionnés tantôt, pas d'autres modifications. En termes
9 de la circulation de l'information, les documents qui sont
10 très secrets ou à un niveau supérieur à très secret ne
11 circulent pas par les systèmes électroniques normaux, donc
12 c'était pas des documents que je pouvais recevoir, par
13 exemple quand je travaillais de la maison, et donc, c'est des
14 documents dont je prenais connaissance lorsque j'allais au
15 bureau. Donc, ça n'arrivait pas... j'en prenais pas
16 connaissance nécessairement à tous les jours, mais quand on
17 avait des réunions hebdomadaires, je pouvais en prendre
18 connaissance quelques fois par semaine.

19 **MR. JEAN-PHILIPPE MACKAY:** And in case of an
20 urgent situation, how would the Panel be convened or informed
21 to make sure that a quick reaction is ---

22 **MS. NATHALIE DROUIN:** Ça arrivait souvent,
23 d'ailleurs, pas nécessairement dans les cadres des travaux du
24 Panel, mais c'est arrivé durant la pandémie. C'est toujours
25 l'opportunité du conseiller en sécurité nationale du premier
26 ministre ou de la greffière de convoquer une réunion
27 d'urgence afin qu'on prenne connaissance de documents.

28 Peut-être mon collègue avait probablement le

1 bénéfice... moins le bénéfice que moi-même de travailler de la
2 maison étant donné ses fonctions, donc il avait accès à
3 l'information de façon plus régulière.

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

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

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

21 **MR. ROBERT STEWART:** And just to add. Many
22 of us were in the position of receiving intelligence on a
23 continuing basis throughout the pandemic, and throughout the
24 duration of the election, pertaining to other events. And of
25 course there were other events of quite significant
26 importance in the national security context, notably
27 Afghanistan.

28 **MS. JANICE CHARETTE:** Perhaps, just a --

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

14 **MR. JEAN-PHILIPPE MACKAY:** Thank you. One
15 last question concerning the way that the Panel operated in
16 its meetings. Did you have any expectations from -- for the
17 heads of the agencies or the representatives of the agencies
18 to provide you with their assessment as to whether the
19 threshold was met or not in relation to a specific piece of
20 intelligence or a specific incident? Did you expect, for
21 example, Mr. Vigneault to arrive with his own conclusion
22 about the threshold?

23 **MS. JANICE CHARETTE:** Mr. Vigneault, and
24 other members of the SITE Task Force, that came and briefed
25 us, are very experienced and knowledgeable in their fields.
26 We relied on them, not just to provide us with information or
27 intelligence, we relied on them for their analysis, for their
28 assessment, and yes, for their advice. But ultimately it was

1 the Panel of Five that had the responsibility under the
2 Protocol and a responsibility that we agreed on between
3 ourselves, it was our decision as to whether or not the
4 threshold had been met. We would ask for -- we could have
5 advice and the views of our agencies, but -- and the agency
6 heads, but ultimately, it was our decision to be made.

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

9 **MR. JEAN-PHILIPPE MACKAY:** Now, I will as the
10 registrar to pull up CAN 1082. And we can scroll down slowly
11 through the pages, please. Okay, we can go back all the way
12 up.

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

17 And during the writ period, were you made
18 aware that SITE briefed secret cleared Liberal Party
19 representatives?

20 **MS. JANICE CHARETTE:** So as you can see from
21 the document, this represents a briefing of the security
22 cleared -- a classified briefing of the security cleared
23 members of the Liberal Party of Canada. I think a little bit
24 further on in the document, it actually indicates who was at
25 the meeting. So it's not a full representation of the SITE
26 Task Force, I believe it was representatives of CSIS and the
27 -- with the support of the Privy Council Office.

28 The topic of the briefing, the -- was related

1 to matters that the Panel was aware of. We had been briefed
2 the end of August, early September on the materials or the
3 incidents and information that formed the substance of this
4 briefing. We had a opportunity to discuss it, ask questions
5 and assess it ourselves. And following this briefing that
6 took place, the Panel was informed of the briefing and had a
7 chance to continue to follow this particular set of issues
8 right through the campaign. And in the course of our
9 deliberations, at no point did we find that this was a fact
10 set that met the threshold as set out in the Protocol.

11 **MR. JEAN-PHILIPPE MACKAY:** Thank you. Now,
12 I'm moving to the possible disinformation campaigns
13 concerning Mr. O'Toole, the Conservative Party of Canada, and
14 Mr. Kenny Chiu.

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

18 **MS. MARTA MORGAN:** So this issue was brought
19 to the Panel's attention as part of the daily SITREPs as soon
20 as the Rapid Response Mechanism and the SITE Task Force
21 became aware of it. We were briefed that the RRM was
22 tracking the issue and then we were briefed at our weekly
23 meetings.

24 I would say there were two issues here that
25 we were informed of. One issue was WeChat groups that were
26 alleged to be spreading misinformation regarding a particular
27 policy initiative being promoted by Mr. Kenny Chiu, and that
28 those WeChat groups are private groups. And so -- and

1 therefore, there -- the RRM did inform us that it was very
2 challenging and also really not within their remit to be
3 looking at the content of private chat groups that included -
4 - that were really conversations online between Canadian
5 citizens, but they were continuing to monitor, to see if that
6 information would spread, or if it appeared to be that it was
7 being promoted by foreign state actors.

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

23 So that's what they were looking for. And
24 they could not determine during the election period that
25 these activities were coordinated or that they could be
26 linked to nefarious actors. But this was absolutely an issue
27 that was discussed by the panel. It was a set of stories
28 that started -- that sort of at a certain point died down, so

1 I believe we had sort of one substantive discussion about
2 this issue while the stories were active, and then were
3 briefed subsequently to -- as to the analysis that had been
4 done by the RRM about these issues.

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

6 **MS. MARTA MORGAN:** Yeah.

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

8 **MS. MARTA MORGAN:** Yes.

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

18 **MS. MARTA MORGAN:** Well, RRM can look to see
19 using the tools that it has whether there's inauthentic
20 spread of these kinds of conversations. Are they growing, or
21 do we see them sort of growing through the ecosystem? Those
22 are the kinds of things that they look for, but very
23 challenging for RRM to look inside to look at which
24 individuals, for example, might be commenting on which
25 individual thing, and that could be problematic from a
26 perspective of free speech, given that, you know, and a
27 democracy, given that, you know, many of these chat groups
28 are conversations between Canadian citizens. So that's, you

1 know, where there are some limits and boundaries, both
2 technological, I would say, but also limits from the
3 perspective of the mandate and what the government should be
4 doing.

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

17 So the panel has no -- the panel really can't
18 -- is not an actor in that political debate. We wouldn't
19 intervene where there's, you know, evidence of free speech on
20 public policy issues, but we would intervene if we thought
21 that there was disinformation that was pushed forward by a
22 foreign state or some domestic actor. And so that's why we
23 have a very high threshold in Section 6 of our protocol.

24 So a mere possibility, and I think Gallit
25 Dobner a few days ago testified about the RRM's assessment of
26 this, but the possibility that a proxy may have done
27 something is not enough, I think, for the panel to intervene.
28 We would need some reliable information that we could test to

1 know that there's actually something nefarious going on here
2 and we have to correct the record, that we have some
3 information as panel members that the public doesn't have
4 that would help them ensure that they have a free and fair
5 election.

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

15 **MR. DAVID MORRISON:** Just add a quick point.
16 Your question, Madam Justice, was about could we tell within
17 the private WeChat groups whether there were proxies
18 speaking. And the answer, for the reasons given by Marta
19 Morgan is, no, we don't have in -- we can't look into those
20 groups. And to the extent that they represent conversations
21 amongst Canadians, it's probably not appropriate anyhow. We
22 don't look into Facebook groups either. But we didn't see
23 when the discussions in those groups spilled out onto Chinese
24 language Canadian websites. There's several of them.
25 They're named in the public information. We didn't see any
26 hyping up of that information that was then circulating in
27 the public.

28 We were mindful of it. It took place on

1 those publicly accessible websites from roughly the 9th of
2 September until the 12th of September, when it seemed to die
3 out. There was nothing added. There were no injects. There
4 were no new elements to either of the two stories. You could
5 still find those stories by searching on Yahoo, which
6 aggregates stories, but they were the same stories being
7 recycled. So it was about a three-day period where there was
8 this information that broke out of WeChat private rooms and
9 onto publicly available Chinese language websites, and then
10 it died down by about September 12th.

11 **COMMISSIONER HOGUE:** Thank you.

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

17 **MS. MARTA MORGAN:** So one of the things that
18 we looked at as a panel is when -- is whether other players
19 in the election ecosystem were addressing issues as they
20 arose, because that could mitigate the impact of issues
21 related to any kind of election threat, including
22 misinformation and disinformation. So if you look onto our
23 famous wrench, that is one of the things that we look for.
24 The RRM was monitoring that. And we did see Mr. Chiu
25 directly address the issue, which we took as a positive sign
26 that the -- that this issue was being addressed by him, and
27 that information was then being provided publicly from a
28 credible person about his actual intent. And so, you know,

1 we could see this -- you know, we talked a little bit about
2 the Buffalo Chronicle in 2019. It was media that intervened
3 when there was disinformation that was being circulated.
4 There's media civil society, political actors themselves, all
5 of these -- the ability of all of these actors to intervene
6 in an election and provide information to Canadians, all of
7 that is necessary in order to ensure a reputable election
8 process.

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

14 **MS. JANICE CHARETTE:** So there was a meeting,
15 I think on the -- about the 24th. I think that's the right
16 date. So a couple of days after the election. We continued
17 to receive SITE Taskforce reports on a daily basis for a few
18 days after the election. And there we were just continuing
19 with our work to see if there was any kind of loose ends that
20 we should be aware of, including in and around election day
21 itself, anything that the Panel might need to be aware of.

22 At that point in time, we were also, as the
23 Panel, acknowledging that we had reached the end of our
24 mandate, because the election result was clear, the caretaker
25 period was over. And so our work, officially, as a panel,
26 was to be concluded.

27 And then the final meeting that we had, which
28 was in December of 2021, was an opportunity for us to reflect

1 on our work to do some kind of lessons learned about how the
2 -- how we have discharged our responsibilities. As I had
3 mentioned earlier, there's a mandatory review that takes
4 place after the work of a panel, or an election, and
5 therefore the use of the protocol including the Panel.

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

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

19 **MR. JEAN-PHILIPPE MacKAY:** And what were
20 those -- like, briefly, the key takeaway observations that
21 you came up with?

22 **MS. JANICE CHARETTE:** I think we found that
23 overall the process had worked I think very well, that we had
24 access to all the information that we needed in a timely way
25 from the SITE Taskforce. They were very responsive to any
26 requests that we had for information. And so that process of
27 having the briefings in our meetings, our access to the daily
28 SITREPs, that all worked very well. We thought that we had

1 developed a good shared understanding about what the
2 threshold would mean and how we would apply it, and we were
3 able to kind of look back at how we had done that in the
4 cases that we have discussed and in the scenario exercises
5 that we had done.

6 I think we really found the scenario exercise
7 to have been a useful way for us to have done that and really
8 would have recommended that our colleagues would continue
9 that in the future.

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

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

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

1 Was that review of all of the available
2 information that was performed after the election by the RRM
3 and SITE, was that made at the request of the Panel?

4 **MS. JANICE CHARETTE:** So there was a
5 particular set of concerns that were raised by the
6 Conservative Party of Canada to -- through their process of
7 being able to give a heads up to the SITE Taskforce. This
8 took place after the election. And so we had a brief mention
9 of it at our meeting right after the election, that there
10 were concerns that had been raised. The details of those
11 were provided subsequently. There was, I think, a very
12 thorough and in-depth effort to review carefully all of the
13 information that came from the Conservative Party. I think
14 that the members of the SITE Taskforce in 2021, I believe
15 they explained that in their testimony last week. And we see
16 -- we had access to the results of that in our briefing from
17 the SITE Taskforce in December at the conclusion, where they
18 provided as well with the draft of kind of their after-action
19 report, they had done their own reflections and lessons
20 learned exercise and were able to share that with us. And
21 this -- these reflections on kind of mis and disinformation
22 generally, erroneous information, or disinformation that's
23 spread purposefully were shared with us and we had a chance
24 to talk to the RRM members at our meeting about that, and
25 also to be briefed on the results of the conversation that
26 had taken place with the Conservative Party around these
27 issues and concerns.

28 **MR. JEAN-PHILIPPE MacKAY:** Thank you. And

1 one last question about the Rosenberg report, ---

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

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

7 **MS. JANICE CHARETTE:** Sure. So as I said
8 earlier, the protocol -- section 9 of the protocol calls for
9 a review of the operation of the protocol after an election.
10 I think this is part of the -- as well that that protocol
11 would be referred to the National Security Intelligence
12 Committee of Parliamentarians as part of the accountability.
13 And I think a commitment to learning and continuous
14 improvement that is embedded in the protocol, particularly
15 now that it is enduring through all elections.

16 We had an opportunity as members of the Panel
17 of Five, as well as many other interviewees, to contribute to
18 the review done by Mr. Rosenberg.

19 And I think we welcomed this because -- we
20 welcomed the whole exercise because, as I said earlier, the
21 protocol was new in 2019. In fact Canada, I believe, was the
22 first country to have actually attempted to do something like
23 this in the context of an election, to try to provide
24 confidence to Canadians on the integrity of the elections.
25 So it was important for us to be able to reflect on that and
26 continue to improve that. And so we had a chance to review
27 that.

28 There's a series of recommendations which are

1 contained in the report by Mr. Rosenberg. Sixteen (16)
2 recommendations in total. They cover a variety of different
3 factors in terms of amendments to the protocol, of how the
4 Panel would operate, how the SITE Taskforce would be -- the
5 composition of the SITE Taskforce. Dealing with some of the
6 issues and areas where perhaps there could be more clarity in
7 the protocol. For example, he talks about the assessment of
8 the impact of an incident or an event, just how challenging
9 that is for the Panel, and gave us some advice and
10 recommendations around dealing with that.

11 All of that -- all of the results of that
12 assessment have been made public. There's a public version
13 of that, as well as a classified version of that. I think
14 that that is now under consideration by the Parliamentary
15 Committee, or the Committee of Parliamentarians, excuse me,
16 that deals with these matters.

17 This, I think, is an important input to any
18 deliberations and reflections the Government may have about
19 changes to the protocol that they may want to put in place
20 for next election. The Cabinet Director a next election. I
21 think it's also relevant to the deliberations of this
22 Commission in terms of the Part C of your mandate.

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

24 Those were my questions, Madam Commissioner.

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

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

1 This hearing is in recess until 1:45. La
2 séance est en pause jusqu'à 13 h 45.

3 --- Upon recessing at 12:37 p.m./

4 --- La séance est suspendue à 12 h 37

5 --- Upon resuming at 1:43 p.m./

6 --- La séance est reprise à 13h43

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

9 This sitting of the Foreign Interference
10 Commission is back in session. Cette séance de la Commission
11 sur l'ingérence étrangère a repris.

12 **--- MS. JANICE CHARETTE, Resumed/Sous le même serment:**

13 **--- MS. NATHALIE DROUIN, Resumed/Sous la même affirmation:**

14 **--- MR. ROBERT STEWART, Resumed/Sous le même serment:**

15 **--- MS. MARTA MORGAN, Resumed/Sous la même affirmation:**

16 **--- M. FRANÇOIS DAIGLE, Resumed/Sous la même affirmation:**

17 **--- MR. DAVID MORRISON, Resumed/Sous le même serment:**

18 **COMMISSIONER HOGUE:** So three things before
19 we start:

20 La plus importante, Maitre Manseau, vous êtes
21 en charge de faire signe si jamais on passe tout droit à
22 3 h 15. Alors, on va compter sur vous.

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

26 I looked at the three documents that have
27 been sent or received by you recently, CAN 4495, CAN 4079,
28 and CAN 15842. I am told by the Commission Counsel that

1 other witnesses will discuss these documents, and that as
2 such, you will have the opportunity to cross-examine on these
3 documents.

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

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

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

1 just wondering if the Commission could give any indication as
2 to when they will be produced.

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

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

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

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

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

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

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

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

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

28 **MS. SARAH TEICH:** Madam Commissioner, if I

1 may. I appreciate the time crunch and I appreciate the
2 ability to ask written questions. I still would like to put
3 my concerns on the record that the ability to ask written
4 questions without the ability to ask follow up questions is
5 not the same as the ability to cross-examine. So I reiterate
6 my concerns.

7 **COMMISSIONER HOGUE:** They are written down.
8 So nobody else has any questions?
9 That's fine. We can proceed.

10 **MS. ERIN DANN:** Cross-examination. The first
11 party is the RCDA.

12 **COMMISSIONER HOGUE :** Yes, sorry.
13 No, it's okay.

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

15 **COMMISSIONER HOGUE:** I was confused because I
16 was having my sheet with examination in-chief of the next
17 panel, so it's fine.

18 **MR. GUILLAUME SIROIS:** No, it's not an
19 examination in-chief.

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

21 **MR. GUILLAUME SIROIS:**

22 **MR. GUILLAUME SIROIS:** So good afternoon.
23 I'm Guillaume Sirois, counsel for the RCDA.

24 I will be asking questions about the document
25 CAN 88, which is a report from the Digital Forensic Research
26 Lab, DFR Lab.

27 **--- EXHIBIT No./PIÈCE No. CAN 88:**

28 Assessing the Canadian Information

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 **Mme MONIK BEAUREGARD:** Est-ce que vous pouvez
27 préciser de la part de qui on aurait... on regarde quel acteur?

28 **MR. GUILLAUME SIROIS:** The report -- we'll go

1 to this, but I'm just saying generally from any actor.

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

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

8 **MS. MARTA MORGAN:** Yes.

9 **MR. GUILLAUME SIROIS:** --- right?

10 **MS. MARTA MORGAN:** Yes, but primarily --
11 often at the Prime Minister personally.

12 **MR. GUILLAUME SIROIS:** And during -- when the
13 panel witnesses this -- je vais poser ma question en
14 français.

15 Est-ce que l'écosystème était en mesure de
16 corriger l'information?

17 **MS. MARTA MORGAN:** Well, yes. I mean, some
18 of this was related to the issue that we discussed earlier
19 this morning with respect to Buffalo News, which did post
20 stories about the Prime Minister. Others was more organic.

21 And what we saw during the election campaign
22 was that, in general, when these stories spread, we did see,
23 for example, mainline media intervene to correct the stories.

24 You know, I'm sure that it wasn't -- you
25 know, wasn't perfect, but, you know, we did see that kind of
26 information circulating. We did see some of it corrected.
27 And there was nothing other than the one that we -- that we
28 talked about this morning where it was identified to us that

1 there was the potential for sort of more spread or
2 potentially inauthentic spread.

3 **MR. GUILLAUME SIROIS:** Okay. And that brings
4 me to the question about foreign actors and how we can
5 attribute this information to such actors.

6 Same paragraph of page 4 reads that the
7 DFRLab:

8 "...could not confidently attribute
9 any of these events to the operations
10 of a foreign government."

11 This would require access to corroborating
12 evidence and technical back-end data that was not available
13 in this case.

14 So if DFRLab Canada was not able to attribute
15 this because of lack of tools or data, was the Panel of Five
16 or any other subgroup of the government such as the SITE Task
17 Force or any group that you know was in a position to make
18 this attribution?

19 **MS. MARTA MORGAN:** Well, I'm not sure that I
20 see the second sentence that you're referring to. I see the
21 first sentence. This could ---

22 **MR. GUILLAUME SIROIS:** Oh, sorry. It's the
23 second paragraph of page 4.

24 **MS. MARTA MORGAN:** Yeah, the DFRLab could not
25 confidently attribute any of these events.

26 "This could be due to broader changes
27 in the tactics of foreign actors or a
28 determination by adversarial

1 governments that coordinated
2 interference did not justify the
3 commensurate risks and costs.”

4 Those sentences is what you're asking about?

5 **MR. GUILLAUME SIROIS:** Exactly.

6 **MS. MARTA MORGAN:** Yeah.

7 **MR. GUILLAUME SIROIS:** I'm wondering if the
8 panel is aware of any group in government that would have the
9 tools to make this attribution.

10 **MS. MARTA MORGAN:** Well, what I would say is
11 that there's no question that the kinds of tools and
12 techniques and strategies that are being used by foreign
13 actors in the digital environment as well as those that are
14 being used by other actors are increasingly sophisticated and
15 continually changing.

16 So one of the challenges for civil society
17 organizations but also for government in terms of capacity is
18 to continue to increase our capacity to deal with these
19 issues and track and detect these issues as those techniques
20 change. It's always -- I mean, it remains challenging.

21 It was noted, I think, in the RRM reports
22 that have been made public that this was -- it is a challenge
23 to attribute and that they need to continue to increase their
24 capability.

25 And one of the things that they do for that
26 reason is to work with outside organizations in order to
27 buttress and augment their capacity, particularly during
28 election campaigns, given the importance of that time period

1 to us.

2 **MR. GUILLAUME SIROIS:** And so I understand
3 you saying that it's a significant challenge for the
4 government, but I'm wondering, if I understand correctly,
5 that today it's still an open question whether these ample
6 cases of disinformation and coordinated in authentic
7 behaviour discussed here originated from a foreign country.
8 Is it still an open question?

9 **MS. MARTA MORGAN:** Well, I mean, I think that
10 the reports have been pretty clear that it could not be
11 determined that these cases were the result of foreign
12 disinformation, in other words, that they were either
13 coordinated or amplified in an authentic way by a foreign
14 government. It could not be determined.

15 It is possible, but it cannot be determined
16 to a degree of reliability or certainty.

17 **MR. GUILLAUME SIROIS:** Okay. I want to go
18 the last paragraph of page 10 now, please.

19 And this one I will read in full because it's
20 significantly important:

21 "Over the course of its analysis, the
22 DFRLab focused on two case studies.
23 The first regards the interchange of
24 virulent, anti-immigrant hate speech
25 over multiple platforms and online
26 communities [which was one of the
27 DFRLab's focus in the study]. The
28 second regards the opportunism shown

1 by Russian state media in its
2 Canadian election coverage. These
3 cases, evidencing coordinated
4 trolling around nativist rhetoric and
5 amplification of domestic political
6 scandal by foreign media, most
7 resembled the Russian information
8 operations conducted against the
9 United States in 2016.”

10 **MS. MARTA MORGAN:** What is your question?

11 **MR. GUILLAUME SIROIS:** Sorry. I was trying
12 to -- because in the interests of time, I was trying to focus
13 on the most important ones.

14 But -- so my question is, do I understand
15 correctly this report, in your evidence today, that although
16 it's not possible to conclusively attribute these ample cases
17 of viral misinformation and coordinated inauthentic behaviour
18 to a foreign state -- for one reason or the other it's a
19 challenge, as you said -- it does, indeed, resemble the
20 Russian information operations conducted against the United
21 States in 2016.

22 **MS. MARTA MORGAN:** I couldn't comment on this
23 conclusion by this report, as this was not a report that was
24 prepared by the Government of Canada for the Panel. So I
25 would need more information to comment on those particular
26 conclusions.

27 **MR. GUILLAUME SIROIS:** So the group that
28 could provide this information would be the DFR Lab,

1 probably, or ---

2 **MS. MARTA MORGAN:** Yes.

3 **MR. GUILLAUME SIROIS:** --- the FSE Council?

4 **MS. MARTA MORGAN:** Yes, I think so, yeah.

5 **MR. GUILLAUME SIROIS:** How can we know that
6 there was no interference in the 2019 election if no-one had
7 the tools, or at least it was a challenge to assess whether
8 ample cases of viral misinformation and coordinated,
9 inattentive behaviour originated from a foreign actor in
10 2019?

11 **MS. MONIK BEAUREGARD:** So I don't believe
12 that we said there was no indications of activity. We did
13 receive a baseline threat assessment that covered a number of
14 countries, Russia being one of them. And then the activities
15 are monitored by the intelligence agencies, national security
16 agencies before, during, and after the writ period, and they
17 were reported up to the Panel.

18 And as we testified this morning, we talked
19 about the threat trend, and the threat trend remained stable
20 and so there was ongoing monitoring of activities that were
21 reported up to the Panel.

22 **MR. GUILLAUME SIROIS:** So I understand your
23 evidence that there was some Russian -- at least foreign
24 interference, possibly Russian, at least from the document.
25 But if we don't have -- if it's that challenging to assess
26 whether disinformation campaign are linked to a foreign actor
27 such as Russia, how can we know the extent of disinformation
28 campaign?

1 **ME NATHALIE DROUIN** : Si vous me permettez,
2 maître Sirois, quelques petits commentaires. On a parlé
3 beaucoup des breffage de base, que le panel a reçu en 2019 et
4 en 2021. Et on a reçu des breffages relativement à certains
5 pays, dont la Russie. Une information qu'on avait à l'époque,
6 c'était que la Russie était un acteur extrêmement capable,
7 surtout en matière d'espionnage et de cyberactivité. Et même
8 dans les semaines précédant l'élection, nos services de
9 renseignements, CSI en particulier, par tous les suivis
10 qu'ils faisaient, étaient capable de nous démontrer que la
11 Russie avait peu d'intérêt dans les élections du Canada.

12 Ceci étant dit, ça ne veut pas dire que la
13 Russie n'est pas un joueur actif en matière d'ingérence
14 étrangère. Mais la Russie a démontré peu d'intérêt dans les
15 élections 2019, ainsi que dans les élections 2021.

16 **COMMISSAIRE HOGUE** : Maître Sirois, votre
17 temps est écoulé, alors je vais vous permettre de conclure,
18 par ailleurs, si vous avez une question pour conclusion.

19 **ME GUILLAUME SIROIS** : Les conclusions dont
20 vous mentionnez, madame Drouin, est-ce que c'est possible d'y
21 avoir accès, ou c'est protégé par la confidentialité de la
22 Sécurité Nationale ?

23 **ME NATHALIE DROUIN** : Ben, mon témoignage en
24 fait foi.

25 **ME GUILLAUME SIROIS** : Vous avez parlé de la
26 source de votre témoignage. Les documents même de CSI ou de
27 CIIS.

28 **ME NATHALIE DROUIN** : Juste un instant. Vous

1 demandez de prouver le négatif. Ce que je vous dis, c'est
2 qu'il n'y avait pas ou peu d'intelligence, précédant la
3 période électorale 2019 et durant la période électorale 2019,
4 à l'effet que la Russie avait un intérêt et était active dans
5 le suivi des élections.

6 **ME GUILLAUME SIROIS** : Je laisse... allez-y.

7 **MS. GRETA BOSSENMAIER**: I was just going to
8 add a piece to Madam Drouin's comments, in that the
9 Communications Security Establishment published, I'm going to
10 say in 2017 or '18, one of the first reports; I'm thinking
11 the first international reports, talking about threats to the
12 democratic process, which talked about threat actors and
13 activities and how various parts of society, individuals,
14 governments, et cetera, what they should be aware of. And
15 they followed up that report with at least one -- and I've
16 been retired, at least one if not two additional reports. So
17 those are public reports, they're -- I'm sure they're on
18 their website -- that provide their -- and some of their
19 analysis and assessment as to the various players and risks
20 that exist.

21 **ME NATHALIE DROUIN** : Si je peux juste me
22 permettre, j'aurais dû dire que tout ce qui est pertinent,
23 tout ce qui relève de ce que la Russie aurait pu faire, est
24 entre les mains de la Commission. Donc, toute l'information
25 disponible est entre les mains de la Commission.

26 **ME GUILLAUME SIROIS** : Je vais conclure sur ce
27 point. Je veux juste, et si vous permettez, madame la
28 commissaire, et sinon je vais demander à mon confrère... I

1 ask my friend from UCC to share 10 seconds with me, just so
2 that I can conclude this.

3 **MR. JON DOODY:** No problem.

4 **MR. GUILLAUME SIROIS:** Thank you. Thank you.

5 **COMMISSIONER HOGUE:** It's going to be
6 deducted from your time.

7 **MR. GUILLAUME SIROIS:** Yeah, of course.

8 Yes, I just want to -- I'm putting to you
9 that our National Security Establishment concluded that
10 Russia did not have an intent to interfere in our elections,
11 not because -- only because they could not observe this. But
12 we have multiple indications that Russia had a serious intent
13 at interfering in the 2019, and later the 2021, elections,
14 but we just don't have the tools to investigate this and be
15 sure that there was no interference by Russia in these
16 elections, although there are significant indications that
17 there was.

18 **ME NATHALIE DROUIN :** Pas tout à fait d'accord
19 avec la prémisse qu'il n'y a pas d'outils, CSI est parmi les
20 joueurs les plus performants à travers le monde, en termes de
21 surveillance. Et j'ai tout à fait confiance des... de
22 l'information qu'ils collectent. Et l'information qu'ils nous
23 transmettent. Évidemment que les outils doivent continuer à
24 s'améliorer puisque les stratégies des acteurs continuent à
25 évoluer. Mais je suis tout à fait confiante que les analyses,
26 les collectes et l'information que CSI nous a transmise
27 reflète finalement qu'il n'y a pas eu de pics dans les
28 activités de la Russie sur les élections de 2019 et 2021.

1 **ME GUILLAUME SIROIS** : Merci madame Drouin.
2 Merci madame la commissaire.

3 **COMMISSIONER HOGUE**: So UCC?

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

5 **MR. JON DOODY**:

6 **MR. JON DOODY**: Good afternoon. I'm Jon
7 Doody, counsel for the Ukranian-Canadian Congress.

8 We've heard that Russian's foreign
9 interference in the American 2016 election was a concern
10 leading up to Canada's 2019 general election. This was a
11 concern that the Panel had as well, I assume?

12 **MS. NATHALIE DROUIN**: Yes.

13 **MR. JON DOODY**: Did that concern increase or
14 decrease during the writ period, or did it remain the same as
15 it began?

16 **MS. NATHALIE DROUIN**: It decreased. The
17 concern was based on what we have seen across the world, and
18 then it decreased following the updated intelligence.

19 **MR. JON DOODY**: In the public witness --
20 sorry; the Public Interview Witness Summary, Ms. Morgan, you
21 indicate that the Panel was given information on Russia and
22 its ability to engage in cyber attacks and conduct
23 disinformation campaigns on social media. When was the Panel
24 given that information, if you remember?

25 **MS. MARTA MORGAN**: Well, as we noted this
26 morning, the Panel received briefings prior to the election
27 period itself on the -- on the threat environment, and that's
28 really about the capabilities and the intent of foreign

1 actors who may be either able or intend to intervene in the
2 Canadian election. So we looked at a whole variety of
3 information, including that.

4 **MR. JON DOODY:** So this was provided before
5 the writ period?

6 **MS. MARTA MORGAN:** Yes.

7 **MR. JON DOODY:** And we've heard that the
8 threshold for the Panel to act was high. And so if you can
9 answer this, did the Panel see any activity from Russia that
10 may not have risen to the threshold but nonetheless was a
11 concern the Panel was made aware of?

12 **MS. MARTA MORGAN:** I believe there -- in one
13 of the RRM reports there was a note that some Russian media
14 were covering the Canadian election campaign, which I think
15 is what's referred to in this report here. But other than
16 that, I don't recall during the election campaign being
17 brought any information related to Russian activity in the
18 Canadian information ecosystem.

19 **MR. JON DOODY:** And then, finally, would it
20 be fair to say that while the Panel did not identify any
21 incidents of Russian foreign interference during the 2019
22 general election, it's entirely possible that it did occur
23 and simply wasn't recognized?

24 **MS. MARTA MORGAN:** Well, you know following
25 up on Madam Drouin's comments, our intelligence and our Rapid
26 Response Mechanism work very closely with allies, and we --
27 you know, we have access to information that they might have.
28 The RRM, in particular, works closely with all of the G7

1 countries and works with social media outlets and works with
2 civil society organisations that monitor elections. So it's
3 always possible, but certainly we did not see it and neither
4 did any of the organisations that we were working with
5 outside of government see it at that time.

6 **MR. JON DOODY:** Thank you. Those are all my
7 questions.

8 **COMMISSIONER HOGUE:** Thank you.

9 Next one is Human Rights Coalition.

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

11 **MS. SARAH TEICH:**

12 **MS. SARAH TEICH:** Good afternoon.

13 Can we please pull up WIT 60. And I don't
14 believe I need leave as I won't be cross-examining on a prior
15 inconsistent statement.

16 And if we could turn to page 17,
17 paragraph 78.

18 So the summary notes that Ms. Drouin, quote:

19 "...believed that the use of the word
20 'network'..."

21 And she's referring to media reports based on
22 the paragraph immediately above:

23 "...was unfortunate, as it gives the
24 impression the individuals were
25 working in concert."

26 Do you remember saying this, Ms. Drouin?

27 **MS. NATHALIE DROUIN:** Yes.

28 **MS. SARAH TEICH:** Madam Commissioner, I would

1 like to ask for leave to pull up CAN 18756.

2 --- EXHIBIT No./PIÈCE No. CAN 18756:

3 Daily Foreign Intelligence Brief, 21

4 February 2020

5 **MS. SARAH TEICH:** This is a daily foreign
6 intelligence brief from February 2020, and we did not include
7 it in our cross-examination request as this is one of the
8 ones we received over the weekend.

9 **COMMISSIONER HOGUE:** Yeah, you can refer to
10 it.

11 **MS. SARAH TEICH:** Thank you.

12 On the first page, actually this is the only
13 page, I believe, because I think the second page is fully
14 redacted, the assessment reads:

15 "Investigations into activities
16 linked to the Canadian federal
17 election in 2019, reveal an active
18 foreign interference...network."

19 Then there's a redaction:

20 "This network [involved] the Chinese
21 [redaction] local community leaders,
22 Canadian politicians, and their
23 staff. Under broad guidance from the
24 [redacted] co-opted staff of targeted
25 politicians provide advice on China-
26 related issues and community leaders
27 facilitate the clandestine transfer
28 of funds and recruit potential

1 targets."

2 Ms. Drouin, have you seen this document
3 before?

4 **MS. NATHALIE DROUIN:** Yes, I have seen that
5 document before. It's difficult for me to see -- to say when
6 I've seen that document with the different roles I have
7 played, but I have seen that document before.

8 **MS. SARAH TEICH:** Do you recall, have you
9 seen it before giving your witness statement that I referred
10 to earlier?

11 **MS. NATHALIE DROUIN:** I have seen it
12 following the leaks and the work I have done in terms of the
13 leaks investigation.

14 **MS. SARAH TEICH:** Okay. So my question is
15 given that this document uses the term "network", and it's
16 just media, does that change your opinion on the
17 appropriateness of its use?

18 **MS. NATHALIE DROUIN:** My -- the comment that
19 you quote before are still the same. The network here
20 doesn't mean that the individuals were working in concert.

21 **MS. SARAH TEICH:** Okay.

22 Madam Commissioner, I would ask for leave
23 next to pull up CAN 4495.

24 **--- EXHIBIT No./PIÈCE No. CAN 4495:**

25 Briefing to the Prime Minister's
26 Office on Foreign Interference
27 Threats to Canada's Democratic
28 Institutions

1 **MS. SARAH TEICH:** This is a CSIS briefing to
2 the Prime Minister's Office from 2023, but it also describes
3 briefings provided to the Panel of Five in the context of the
4 2019 general election. And as we talked about earlier, this
5 was also provided only this weekend so that's why we didn't
6 put it in the request.

7 **COMMISSIONER HOGUE:** It's okay, you can refer
8 to it.

9 **MS. SARAH TEICH:** So if we go down to pages -
10 - starting at the bottom of page 3, and going into page 4,
11 the document outlines that CSIS conducted various briefings,
12 I'll just summarise this, on the subject of PRC interference,
13 and they talk about that they did briefings to the Panel of
14 Five in the context of the 2019 general election.

15 So let me just start by confirming in general
16 that the Panel did in fact receive CSIS briefings in the lead
17 up to the 2019 general election. I'm not asking on what
18 topic yet.

19 **MS. NATHALIE DROUIN:** Yeah, so it goes fast a
20 little bit. So can you repeat your question?

21 **MS. SARAH TEICH:** I just want to confirm that
22 CSIS provided briefings to the Panel of Five in the lead up
23 to the election?

24 **MS. NATHALIE DROUIN:** Yeah, CSIS did.

25 **MS. SARAH TEICH:** All right, thank you.
26 If we can scroll back up to the middle of
27 page 2. There. Perfect.

28 So here, CSIS writes:

1 "We know that the PRC clandestinely
2 and deceptively interfered in both
3 the 2019 and 2021 general elections.
4 In both cases, these Fl activities
5 were pragmatic in nature and focussed
6 primarily on supporting those viewed
7 to be either 'pro-PRC' or 'neutral'
8 on issues of interest to the PRC
9 government."

10 And they also write:

11 "...at least [18] (sic) candidates
12 and 13 staff members, were implicated
13 in PRC Fl networks....This included
14 members of multiple political
15 parties."

16 So my question for this Panel is, in the
17 Panel's briefings with CSIS in the lead up to the election,
18 did they use this sort of language, this sort of information
19 you received?

20 **MS. NATHALIE DROUIN:** The pragmatic, like it
21 depends -- it gives a lot of things here. So ---

22 **MS. SARAH TEICH:** That's true. We could
23 break it down. What about "We know"?

24 **MS. NATHALIE DROUIN:** What I do remember,
25 sorry, I don't even see....

26 **MR. BARNEY BRUCKER:** Excuse me. Can we
27 scroll up to the top of the document?

28 **MS. SARAH TEICH:** Yeah.

1 **MR. BARNEY BRUCKER:** This is -- there. Back
2 to the ---

3 **MS. NATHALIE DROUIN:** So this ---

4 **MR. BARNEY BRUCKER:** Assertions in Media
5 Reporting.

6 **MS. NATHALIE DROUIN:** Okay. So that is
7 following the leaks.

8 Thank you.

9 That is really following the leaks where a
10 briefing was prepared in order to go back to the leaks and
11 give information about what we knew and when regarding those
12 leaks. So if we talk about PRC, and we see that also in the
13 public summaries that we have sent to the Commission, that
14 the approach and the tactic of PRC is really to do some
15 pragmatic work in the sense that they are doing activities
16 when they believe it is necessary to promote their own
17 interests.

18 So this is the type of language we heard
19 regarding PRC.

20 **MS. SARAH TEICH:** Okay. So ---

21 **COMMISSIONER HOGUE:** Ms. Teich, this is going
22 to be your last question because your time is already over.

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

24 Okay. My last question is in hindsight, if
25 you had received all of this language and the briefings
26 leading up to the 2019 general election, so not just the
27 pragmatic in nature but also the level of certainty that's
28 implied from we know, would this have changed your

1 consideration of whether the threshold had or had not been
2 reached.

3 **MS. NATHALIE DROUIN:** I believe that the
4 baseline information we received before '19 and '21, and then
5 the specific issues we received was appropriate, relevant,
6 and adequate information for us to do our judgement and to
7 make our determination.

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

9 **COMMISSIONER HOGUE:** Thank you.

10 Counsel for Michael Chong.

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

12 **MR. GIB van ERT:**

13 **MR. GIB van ERT:** I'll ask the court operator
14 to please turn up the document at, one moment, CAN 009823.

15 This is the work plan that we were looking at
16 earlier from 2019.

17 And if you'll go to page 3 of that document,
18 please.

19 This question is for Me Drouin. You've got
20 your notes on the document.

21 And scrolling down a little more, please.

22 In the middle of the page, we see:

23 "Recognizing that these decisions
24 required nuanced judgement...possible
25 (sic) considerations are...."

26 And there are the bullet list. The second
27 bullet is:

28 "To what extent has disinformation

1 been disseminated beyond specific
2 interest groups, i.e. picked up and
3 reported on by the mainstream media?"

4 My question for you, Me Drouin, is what do
5 you understand and what did the Panel understand by
6 mainstream media here? Is that to say English and French
7 language national outlets?

8 **MS. NATHALIE DROUIN:** So I think here it's a
9 question, and also when we were discussing about our
10 collective interpretation of the directive, of the threshold,
11 and remember this morning I talked about the wrench placemat
12 when we talked about what we should consider when we do our
13 impact evaluation. And the scale of something is one factor
14 that will determine, you know, the impact of disinformation
15 or misinformation.

16 So the fact that it's mainstream or not
17 mainstream, this is just like a way to assess the scale of
18 something. It's not about the fact that English is better
19 than another language is just a factor to assess, as I just
20 said, the scale of the disinformation.

21 **MR. GIB van ERT:** Well, is that then to
22 suggest that information -- well, let's say misinformation or
23 disinformation that doesn't reach the mainstream media, but
24 instead rests with, to use the language of this bullet point,
25 specific interest groups, so it doesn't break out of specific
26 interest groups and get to the mainstream, it just sticks in
27 the specific interest groups, is that to suggest that that
28 sort of misinformation or disinformation is less likely to

1 meet the threshold under the protocol?

2 **MS. NATHALIE DROUIN:** So the scale is only
3 one thing.

4 **MR. GIB van ERT:** Right.

5 **MS. NATHALIE DROUIN:** There's the scale.
6 There's whatever -- whether or not it's reliable, whether or
7 not it is something that is really false and that the --
8 nobody can debunk it. So there's a lot of factors ---

9 **MR. GIB van ERT:** There are other factors.

10 **MS. NATHALIE DROUIN:** --- as I went through -
11 --

12 **MR. GIB van ERT:** Yeah. And it's just this
13 one ---

14 **MS. NATHALIE DROUIN:** --- this morning but --
15 -

16 **MR. GIB van ERT:** --- that I'm exploring, but
17 I appreciate ---

18 **MS. NATHALIE DROUIN:** But ---

19 **MR. GIB van ERT:** --- that there are other --
20 -

21 **MS. NATHALIE DROUIN:** --- it's not only --
22 like, this is why the judgment was -- and I think my
23 colleague also then said that, it requires a lot of judgment,
24 context, knowledge, because it was multifactorial, if I can
25 say, if I can use that word.

26 **MR. GIB van ERT:** So ---

27 **MS. NATHALIE DROUIN:** It was not only the
28 fact that it didn't reach, for example, the mainstream media

1 ---

2 **MR. GIB van ERT:** I understand.

3 **MS. NATHALIE DROUIN:** --- that was a
4 decision-making point for the panel.

5 **MR. GIB van ERT:** So in the event that
6 something doesn't make the mainstream media, what you're
7 saying is it might still meet the threshold?

8 **MS. NATHALIE DROUIN:** It might, if all the
9 factors justify.

10 **MR. GIB van ERT:** Thank you. All right. Did
11 anyone on the panel speak Mandarin or read Mandarin?

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

13 **MR. GIB van ERT:** All right. Thank you. Me
14 Drouin, another question for you, you explained that the
15 panel didn't come to a conclusion or a consensus about
16 whether the impact of a given incident had to be considered
17 on a national basis or on a riding-by-riding basis, you
18 didn't need to determine that in the end. Now if the Court
19 Operator would turn up CAN 009920, we saw this earlier, Me
20 Douin. This is the minute that the PCO took, which you've
21 since said doesn't represent the actual conclusion. So if
22 you just scroll down, please? There we are. It's the second
23 bullet.

24 Someone at PCO -- do you know who took this
25 note?

26 **MS. NATHALIE DROUIN:** Je pense que c'était
27 dans le secrétariat de FDP, mais...

28 **Me GIB van ERT:** Donc, quelqu'un. Vous ne

1 savez pas.

2 **Mme NATHALIE DROUIN:** On ne savait pas, mais
3 peut-être juste une précision, on dit « minutes », je ne suis
4 pas sûr que c'est des « minutes », des « minutes »... un compte
5 rendu aurait fait l'objet d'adoption par les membres...

6 **Me GIB van ERT:** Oui, j'ai déjà entendu votre
7 preuve là-dessus. La question alors... en fait, ma prochaine
8 question, c'était : est-ce qu'il y a quelqu'un qui a pris des
9 minutes? Si c'est pas ça, est-ce qu'il y a quelqu'un qui a
10 pris des minutes?

11 **Mme NATHALIE DROUIN:** Il n'y a pas de
12 processus de minutes, de compte rendu formel avec adoption.
13 Non.

14 **Me GIB van ERT:** D'accord. D'accord.

15 Et puis, vous êtes en train de dire, si j'ai
16 bien compris, que le deuxième *bullet point* là est une erreur,
17 que vous n'avez pas décidé cela. Et alors, ma question,
18 c'est : est-ce qu'il y a un document contemporain qui
19 contredit ce document-ci?

20 **Mme NATHALIE DROUIN:** Ben, je ne pourrais pas
21 vous dire là avec la quantité de documents, mais moi, ce que
22 je vous dis, premièrement, je pense que c'est important que
23 l'on a fait les analyses, les travaux, au niveau des
24 circonscriptions. La plupart des informations qui nous ont
25 été relayées durant la période électorale concernaient des
26 circonscriptions particulières et le Panel a quand même pris
27 le temps de les évaluer et dans chacune de ces circonstances-
28 là, on est arrivés à la conclusion que, même au niveau du

1 comté, donc même au niveau de la circonscription..

2 **Me GIB van ERT:** Oui.

3 **Mme NATHALIE DROUIN:** ...le seuil pour faire
4 des annonces n'avait pas été rencontré.

5 **Me GIB van ERT:** Maitre, je m'excuse, j'ai
6 déjà eu votre preuve là-dessus, vous l'avez déjà dit et j'ai
7 très peu de temps, donc je vais continuer.

8 Again, with you, Me Drouin, if I may, I want
9 to make sure I understood your evidence on the question of
10 whether or not the Han Dong allegations fell outside the
11 panel's jurisdiction. I heard you say that it was a
12 nomination contest and there was some question about that,
13 but I wasn't sure that I understood, where did the panel
14 land? Did you decide that it was outside your jurisdiction,
15 or did you decide that it was within your jurisdiction, or
16 did you not decide at all?

17 **MS. NATHALIE DROUIN:** So I think that because
18 of the follow up we have done, because of the seriousness we
19 dedicated to the matter, even if it was not clear, we act as
20 it was under the panel remit because the credibility of the
21 democratic exercise may have been at play.

22 **MR. GIB van ERT:** Vous avez pris pour acquis
23 que vous aviez le pouvoir s'il y avait besoin.

24 **Mme NATHALIE DROUIN:** Exact.

25 **Me GIB van ERT:** Merci.

26 **Mme NATHALIE DROUIN:** Juste avec les limites
27 que... vous, savez, les processus de nomination ne sont pas..

28 **Me GIB van ERT:** Oui.

1 **Mme NATHALIE DROUIN:** ...règlementés...

2 **Me GIB van ERT:** Oui.

3 **Mme NATHALIE DROUIN:** ...du tout par...

4 **Me GIB van ERT:** Vous l'avez déjà expliqué.

5 En fait, on a eu de la preuve d'autres témoins là-dessus
6 aussi, oui.

7 Et puis dernièrement... you explained that the
8 panel -- the fact that the panel was able to advise the
9 Liberal Party of Canada of the Han Dong allegations was
10 something that you considered to be a mitigation measure, if
11 I understood your evidence correctly, a mitigation of the
12 incident.

13 **MS. NATHALIE DROUIN:** Can you reformulate
14 that? I think ---

15 **MR. GIB van ERT:** Yes.

16 **MS. NATHALIE DROUIN:** --- you have said the
17 panel advice?

18 **MR. GIB van ERT:** Sorry, okay. So let me try
19 again. Yeah, and please correct me if I've got it wrong. I
20 thought what you had said was that the panel considered that
21 the fact that the Liberal Party could be informed, probably
22 not by the panel but by someone, of these allegations was a
23 matter that the panel regarded as being in mitigation.

24 **MS. NATHALIE DROUIN:** Yes, this is ---

25 **MR. GIB van ERT:** All right.

26 **MS. NATHALIE DROUIN:** --- what I said.

27 **MR. GIB van ERT:** And so my question for you
28 is -- well, first question, you regarded that as in

1 mitigation because having been informed of those allegations,
2 the Liberal Party could do whatever it saw fit to do with
3 those allegations.

4 **MS. NATHALIE DROUIN:** You're right.

5 **MR. GIB van ERT:** Okay. Thank you. And once
6 -- I know you met briefly after the election. At that point,
7 of course, we all knew that nothing had been done about the
8 allegations and Han Dong was now a Member of Parliament. Did
9 the panel consider, for future reference, what mitigation
10 value that information had because it didn't accomplish
11 anything in the end, of course?

12 **MS. NATHALIE DROUIN:** So I don't think we can
13 come to that conclusion. I don't think I can come to that
14 conclusion that nothing have been done. And second, with the
15 evolution of the intel, some things have been confirmed,
16 others not so, so I -- anyway, I would stay there.

17 **MR. GIB van ERT:** I take your point. Maybe I
18 go too far to say nothing had been done. Maybe there was
19 something that was done that we don't know about. My point
20 was simply that he was, of course, allowed to continue to be
21 the candidate, and then he was elected and became a member of
22 the Liberal Party Caucus and a Member of Parliament. So,
23 again, I'll -- just to rephrase the point, because you're
24 right, maybe there was something done, but did the panel
25 consider, having seen that Mr. Dong became a Member of
26 Parliament despite the allegations, did it consider what the
27 implications of that were for treating outreach to a party as
28 a mitigation factor in future?

1 **MS. NATHALIE DROUIN:** So I think it is not
2 the role of the panel to give advice to any parties in terms
3 of who can be a candidate or not.

4 **MR. GIB van ERT:** Yes. But did you have a
5 discussion about it is all I'm asking?

6 **MS. NATHALIE DROUIN:** The ---

7 **MR. GIB van ERT:** Because I quite agree, it's
8 not your role to give advice to a party. I didn't mean to
9 suggest that, but was there some discussion after the fact
10 about, all right, well, we left it to the party. Han Dong is
11 now in Parliament. How does that affect our proceedings in
12 the future? Any such discussion? Any such contemplation?

13 **MS. NATHALIE DROUIN:** Maybe one thing that I
14 need to repeat, that before the leaks, we were talking about
15 the Don Valley North issue ---

16 **MR. GIB van ERT:** Yes.

17 **MS. NATHALIE DROUIN:** --- and not the name of
18 the candidate.

19 **MR. GIB van ERT:** Right. So you didn't put
20 two and two together after the election?

21 **MS. NATHALIE DROUIN:** No.

22 **MR. GIB van ERT:** All right. Thank you very
23 much. That's very helpful.

24 **COMMISSIONER HOGUE:** Thank you.

25 Me Choudhry acting for Jenny Kwan. I'm
26 sorry. And your name is? Kakkar.

27 **--- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MS. MANI**

28 **KAKKAR:**

1 **MS. MANI KAKKAR:** Good afternoon. As the
2 Commissioner stated, Ms. Kakkar acting for Jenny Kwan MP.
3 I've got some questions for this panel that relate to what
4 you've described as the information around foreign
5 interference that you received. So you mentioned that you
6 received essentially riding level information about foreign
7 interference. And from the sitrep reports we've been able to
8 review at least, those can often be sort of small events or
9 instances. It could be a WeChat post, or a campaign event,
10 so on their own they don't look like much, but perhaps in the
11 aggregate, they may be telling a different message. How did
12 this panel review that information in the aggregate?

13 **MS. NATHALIE DROUIN:** So your question is
14 that have we been able to factor the totality of activities
15 and not looking at different incidents or activities in
16 silos. Is that -- am I ---

17 **MS. MANI KAKKAR:** That's exactly it. And to
18 tie that to sort of some of the information you were
19 receiving, for example in the SITREPs, there is a trend
20 level; right? So it often said stable week by week. And you
21 acknowledged in your testimony that you viewed it as advice.
22 If every week it said stable, but if you put three reports
23 together and you saw that perhaps that wasn't what you would
24 characterize the three weeks together, how did you aggregate
25 and assess that?

26 **MS. NATHALIE DROUIN:** So thank you for that
27 question, as it gives me the opportunity to say how difficult
28 it is to with intel because the intel comes by -- in

1 piecemeal for sure. Like, we are collecting things. And
2 this is why we have agencies like CSE, like CSIS, like the
3 SITE, to look, gather all the information, and come with an
4 assessment to make sure that we will not be focusing on only
5 one incidence and not taking into account the context in
6 which these incidents happen. So that's really the role that
7 we're expecting from the intelligence agencies helping us to
8 analyze and to receive the information.

9 The flow of information, if I may say, is
10 some sort of a pyramid. So our agencies are collecting a
11 lot, receiving a lot, putting things in, you know, an
12 aggregated way, and then flowing the information to us as
13 decision makers. So this is how the flow works, because it's
14 impossible for us to read what all analysts are reading on a
15 day in and day out.

16 **MS. MANI KAKKAR:** So do I understand
17 correctly that you then relied on your agencies to aggregate
18 the information for you and that you yourself, as a panel,
19 didn't view it that way?

20 **MS. NATHALIE DROUIN:** So that is really their
21 role. However, as we said this morning, when we were
22 receiving the daily SITREP, we were also receiving some raw
23 material that will be relevant to that SITREP. But of
24 course, like, as my role when I was Deputy Minister at
25 Justice for 2019, I was relying on the National Security
26 Committee to bring the relevant information and also provide
27 their advice on the information they were providing.

28 I don't know if my colleagues want to add on

1 that?

2 **MS. GRETA BOSSENMAIER:** I was going to, if I
3 could just compliment that. And I don't want to go into a
4 whole deep discussion around the mosaic effect, but
5 intelligence analysts and intelligence organizations will
6 talk about always trying to continue to ensure that they're
7 building an appropriate picture. And yes, they might
8 perceive a piece of intel one day and another one another
9 year, and another one from another source, some of it
10 corroborated, some not, some requiring further analysis.
11 They are skilled in looking at trends, they're skilled at
12 looking at a mosaic effect, trying to understand does this
13 piece of the puzzle fit or not? So they are experts in this.
14 And just from my own experience, looking at what was put in
15 place for the 2019 election, I think it's been stated before,
16 this was novel, it was unprecedented in terms of the amount
17 of effort, putting together a SITE panel, putting together
18 the SITE organizations, producing public documents, putting
19 the panel together. This was unprecedented.

20 So to Ms. Drouin's point, there were
21 significant efforts being applied by the intelligence
22 apparatus, by the security intelligence agencies, and by the
23 processes that were put in place to help ensure that we were
24 getting the best picture possible.

25 **MS. NATHALIE DROUIN:** And just to add, the
26 important tool that we had was asking questions. In doubts -
27 - if our understanding was not appropriate, if we feel that
28 we did not have the context, we were always able to ask for

1 further information and asking other questions.

2 **MS. MANI KAKKAR:** Okay. I think the reason
3 is that there seems to be somewhat of a disconnect between
4 the answer I'm hearing, which is that we relied on our
5 agencies to do that aggregate work for us, and some of the
6 agencies, or at least specifically the SITREP documents that
7 we've seen, where you get sort of very small -- or you get
8 daily reports that report small instances, but we haven't
9 seen, at least, information that you've received collectively
10 about what that might mean, but you're saying your agencies
11 briefed you on it, and that's the evidence you're giving?

12 **MS. NATHALIE DROUIN:** Yes.

13 **MS. MANI KAKKAR:** Okay. I'd like to move on
14 then to the next point, given my time constraints today. You
15 noted, and you often refer to in your testimony, foreign
16 governments not being able to attribute particular pieces of
17 potential FI to a foreign government, but do you agree that
18 the protocol itself is broader than that and actually refers
19 to foreign actors? If you need, I'm happy to put the
20 protocol up.

21 **MS. NATHALIE DROUIN:** Yeah.

22 **MS. MANI KAKKAR:** You agree that it refers to
23 foreign actors? It doesn't have to be governments alone?
24 Okay.

25 And you also mentioned that foreign
26 interference and the information you received happened
27 typically at the riding level, and even though in your
28 conclusions you found that all of those riding level

1 instances didn't trigger the threshold, would you then say
2 that a riding level event, if you concluded that it did
3 trigger the threshold, could actually result in a response by
4 the Panel of Five?

5 **MS. NATHALIE DROUIN:** Yes.

6 **MS. MANI KAKKAR:** Yes. Okay. The other
7 point I wanted to raise, and you have seen it in some of the
8 SITREP reports you received, is that foreign actors
9 themselves may work through domestic proxies. I wanted to
10 understand how this panel viewed essentially the work of
11 foreign actors through domestic proxies in its consideration
12 of whether a threshold was met?

13 **MS. NATHALIE DROUIN:** Yeah, that was a
14 consideration, yes, for sure.

15 **MS. MANI KAKKAR:** Could you elaborate on
16 that?

17 **MS. NATHALIE DROUIN:** Well it -- the fact
18 that a foreign actor or a specific country is using proxies
19 and we have -- let's say we have intel information that this
20 proxy is really acting on behalf of this foreign actor, this
21 is what foreign interference is about. Like, if it's covert,
22 it is -- si c'est trompeur et si c'est menaçant, ça répond à
23 la définition d'ingérence étrangère.

24 **MS. MANI KAKKAR:** Okay. So understanding
25 that on the one end that we, I think, theoretically agree
26 that it could be through a domestic proxy, your colleagues at
27 GAC and RRM last week gave testimony that it was practically
28 impossible for them to trace and understand foreign

1 interference from the Chinese, for example, in particular,
2 because they didn't know those social media platforms, they
3 didn't have agreements with those social media platforms, and
4 so getting, perhaps, what would be reliable information was
5 difficult. Were you briefed of that and how did you address
6 that issue?

7 **MS. MARTA MORGAN:** Yes, we were briefed by
8 the RRM and the SITE Taskforce about the challenges of
9 assessing information in different social media platforms and
10 we were well aware that in some cases, we had agreements,
11 there was more transparency. In some cases, what was
12 happening in the social media platforms was transparent and
13 we actually did see some of the issues around the 2021
14 Election were actually on transparent sites. But there was
15 always going to be some challenges in certain areas and we
16 were appropriately, I think, informed of where the
17 difficulties could lay.

18 **MS. MANI KAKKAR:** And were those difficulties
19 taken into account when you applied the threshold? To say
20 that you might not have reliable information in this context,
21 you may never have it, but then how do you apply the
22 threshold?

23 **MS. MARTA MORGAN:** Well I think that of
24 course we would take that into account. We knew that we
25 needed to have a very high threshold because if we, as a
26 panel, were going to make public assertions, the information
27 that we had to have needed to be reliable and we also knew
28 that there could be some challenges during an election

1 campaign, given how short it is, and given the various
2 realities of how that can be done.

3 But nonetheless, for us to make an
4 announcement to the public, we needed to have good, credible,
5 solid information. And we had seen that done when there had
6 been instances of sort of widespread foreign interference in
7 other elections in other countries. So it is not -- it -- we
8 had seen this kind of information obtained, and assessed, and
9 analyzed, and made public. So we knew that it was possible.

10 **MS. MANI KAKKAR:** I think ---

11 **COMMISSIONER HOGUE:** Your time is over, so
12 I'm going to let you conclude by a last question.

13 **MS. MANI KAKKAR:** Thank you, Commissioner.

14 I think what I want to ask specifically, just
15 to double down on this, is I appreciate that you'd seen it in
16 other countries, but what you were seeing specifically in
17 Canada were small instances of riding level potential foreign
18 interference. You had been briefed that China was a key
19 player in this interference, and you had very limited
20 reliable information coming from your agencies or the sources
21 of your information to understand that interference. And
22 that is how -- that is what you had then to apply to a very
23 high threshold in order to determine if you were going to
24 take any action at all. Am I understanding this correctly?

25 **MS. NATHALIE DROUIN:** Si vous me permettez,
26 plusieurs éléments dans votre question. Premièrement, il faut
27 faire la différence entre est-ce qu'il y avait de la
28 désinformation, est-ce qu'il y avait des informations

1 erronées ou il y avait des opinions qui étaient exprimées, et
2 c'est trois situations très différentes. Et c'est pas le rôle
3 du Panel de venir clarifier une interprétation, par exemple
4 sur une politique publique ou sur une plateforme électorale.
5 C'est pas le rôle du Panel également d'être le Panel de la
6 vérité et de venir dire qu'est-ce qui est vrai et qu'est-ce
7 qui n'est pas vrai.

8 Puis j'aimerais aussi mentionner que
9 l'article 6 de la directive précise que le Panel aurait pu
10 faire une annonce, même s'il n'avait pas été dans la
11 possibilité de faire une attribution publique sur qui était
12 derrière, par exemple l'ingérence étrangère. Donc, c'est une
13 chaine de certitudes où la première, c'est : on ne voit pas
14 d'ingérence étrangère; la deuxième, c'est : on la voit, on la
15 sait, mais c'est... on n'est pas capable de le dire encore
16 publiquement; et finalement, à l'autre bout du spectrum,
17 c'est : on la voit, on la sait, et on peut faire une
18 attribution publique.

19 Mais la directive, le protocole prévoyait
20 qu'on aurait pu parler d'ingérence étrangère, même si on
21 avait été dans l'incapacité de nommer ou de faire une
22 attribution publique de où ça venait précisément.

23 **MS MANI KAKKAR:** Thank you, Commissioner.

24 **COMMISSIONER HOGUE:** Thank you.

25 Counsel for Han Dong?

26 **MS. EMILY YOUNG:** We have no questions.

27 Thank you.

28 **COMMISSIONER HOGUE:** Counsel for Erin

1 O'Toole?

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

3 MR. THOMAS JARMYN:

4 MR. THOMAS JARMYN: Thank you, Commissioner.
5 My name's Tom Jarmyn and I'm counsel for Erin O'Toole. I
6 guess if I could get COM 122, which is the Judd report
7 brought up -- or the Judd report and then we'll go to the
8 directive, which I think is page 27.

9 And while we're doing that, I just want to
10 sort of start with the distinction that the Chief Electoral
11 Officer made during his evidence, which is that there's a
12 difference between an election which is legal and an election
13 which is free and fair. Is that accepted by the panel? In
14 other words, one that's conducted in accordance with all the
15 rule of law, but it's not free and fair. Is that a ---

16 MS. NATHALIE DROUIN: Well, it's an
17 interesting question. Which one is broader than the other
18 one, but the threshold we had was free and fair.

19 MR. THOMAS JARMYN: Yeah. And that is why,
20 in fact, the Chief Electoral Officer has -- in order to
21 achieve free and fair elections has asked for further powers
22 to regulate elections. Are you aware of that in his last --
23 in his post-election report?

24 MS. NATHALIE DROUIN: I know that a report
25 with recommendation have been tabled in front of the house,
26 yes.

27 MR. THOMAS JARMYN: Okay. And so I'm still
28 struggling with what exactly the threshold is here. And the

1 word free and fair has been used on a fairly regular basis,
2 but how do you determine what is a free and fair election?

3 **MS. NATHALIE DROUIN:** So I think you have the
4 right appendix. If you would like to go to Section 6, I
5 think that ---

6 **MR. THOMAS JARMYN:** Yes.

7 **MS. NATHALIE DROUIN:** --- that can help,
8 because this is really where we talk about the threshold. So
9 if we look at the first paragraph, so, first of all, what we
10 are looking at is incident of all accumulation of incidents
11 that can threaten Canada and it is important here, Canada's
12 ability to have a free and fair election.

13 **MR. THOMAS JARMYN:** Or I guess I don't want
14 to go through the words on the directive because what I'm
15 asking is what is the objectively observable event or thing
16 that would have to be seen in order to determine that
17 threshold had been met?

18 **MS. NATHALIE DROUIN:** Well, I think that I'm
19 always repeating things, but if you look at all the factors,
20 we were looking to see if an incident or many incidents can
21 have an impact on a free and fair election. A lot of factors
22 were taking into account. Were we talking about a single
23 incident? Were we talking about something that stick very
24 long? Are we talking about something that a lot of Canadians
25 are being affected? Are we talking about something that
26 cannot be debunked by the ecosystem? Are we talking about
27 something that only, you know, government, for example, know
28 about the source and other do not know? So those were the

1 factors. And this is why we went through a lot of scenarios,
2 to be able to look at different events, different context,
3 and play with all those different factors to determine
4 whether or not the threshold was met. And the threshold had
5 to be also interpreted in the fact that we are a democracy,
6 we have the freedom of speech, we have the freedom of
7 opinion. We are not there, we are not are not the Panel, on
8 n'est pas un panel d'arbitres pour déterminer qu'est-ce qui
9 est une bonne idée, qu'est-ce qui est une idée qui est moins
10 bonne, qu'est-ce qui est vrai, qu'est-ce qui n'est pas vrai
11 sur l'interprétation, par exemple, d'une plateforme
12 électorale.

13 **MR. THOMAS JARMYN:** But we regulate free
14 speech during elections significantly; don't we?

15 **MS. NATHALIE DROUIN:** We do.

16 **MR. THOMAS JARMYN:** Like, charities are
17 prohibited from actually speaking on partisan politics.

18 **MS. NATHALIE DROUIN:** Can you repeat that?

19 **MR. THOMAS JARMYN:** A charitable organization

20 ---

21 **MS. NATHALIE DROUIN:** Yeah.

22 **MR. THOMAS JARMYN:** --- is prohibited from
23 speaking on partisan politics; is that correct? I'll leave
24 that point there.

25 Mr. Daigle in the second panel actually used
26 these words before we -- he said they would intervene. "We
27 need some reliable -- sorry, need some reliable information
28 we could test that there's something going on that needs

1 correction. A mere possibility is not enough." That speaks
2 to a degree of certainty that foreign interference is
3 occurring. Would you accept that test?

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

5 **MR. THOMAS JARMYN:** Okay.

6 **MS. NATHALIE DROUIN:** Amongst the other test,
7 yes.

8 **MR. THOMAS JARMYN:** Yeah. And that leaves me
9 to the suggestion that, in fact, embedded in this directive
10 is a very strong bias to an action. And the reason I say
11 that is that intelligence very rarely at first instance
12 allows any degree of certainty. Is that a fair statement?

13 **MS. NATHALIE DROUIN:** So I think the reason
14 why the threshold is very high, and this is because we were
15 working with intelligence, one of that is that we were
16 working with intelligence, and I think that -- and I said
17 that many times also this morning that if the panel does an
18 announcement based on something that is not substantiated,
19 not true, we can create more harms than trying to correct
20 something.

21 **MR. THOMAS JARMYN:** Yes. No, I agree, and
22 that's -- but I say that there's a very strong bias to not
23 wanting to take a step.

24 **MS. NATHALIE DROUIN:** I just don't like the
25 fact that it's a bias towards inaction. I think it was the
26 necessary threshold to make sure that the panel will act when
27 it's necessary and when the context is appropriate. One
28 thing that we should say though is that it's not because the

1 panel is not exercising its announcement, authority, or power
2 then that nothing is happening. Other agencies can -- and
3 it's important to say so. Like, for example, CSIS can do
4 threat reduction measures. Other departments -- RCMP can do
5 an investigation. Election Canada can do an investigation.
6 So all the other tools that we have in our Canadian legal
7 framework remain.

8 **MR. THOMAS JARMYN:** I acknowledge those tools
9 are there. Who's making sure that those tools are being
10 exercised and used?

11 **MS. NATHALIE DROUIN:** So there's a lot of
12 accountability mechanism in our system to make sure that
13 departments are using their legislation, their authorities
14 appropriately.

15 This Commission is also an example of the
16 type of accountability mechanism that Canada has. We -- you
17 know, ministers report to Parliament. So there's a lot of
18 mechanisms to make sure that departments act appropriately.

19 **MR. THOMAS JARMYN:** So the correction -- the
20 critical incident protocol, though, has two remedies. One,
21 the public statement, but it also says the agencies should --
22 in fact it gives direction that the agencies will inform
23 affected parties. Is that correct?

24 **MS. NATHALIE DROUIN:** Can you repeat that,
25 please?

26 **MR. THOMAS JARMYN:** It gives direction that
27 the agencies will inform affected parties.

28 **MS. NATHALIE DROUIN:** So we -- the Panel does

1 not give direction.

2 **MR. THOMAS JARMYN:** No, the Protocol directs
3 agencies that they will inform affected parties; is that
4 correct?

5 **MS. NATHALIE DROUIN:** So yeah, that -- well,
6 that is one of the difference between the directive text that
7 we have in '19 versus '21. And while it was something
8 available in '19 to brief representatives of the different
9 parties, and in fact, a lot of those briefings happened in
10 '19 and '21 to the peer representative parties, some specific
11 briefings happened, but a lot of general briefings happened
12 to those representatives in both elections.

13 **MR. THOMAS JARMYN:** With respect to specific
14 incidents, it's your evidence that the agencies, as they
15 became aware of specific incidents, were briefing the
16 political parties or affected parties in real time?

17 **MS. NATHALIE DROUIN:** What do you mean?

18 **MR. THOMAS JARMYN:** Well, it says:

19 "Barring any overriding national
20 security/public security reasons..."

21 This is in Article 5, para 2:

22 "...the agencies will inform the
23 affected party, (e.g. a candidate; a
24 political party; Elections Canada) of
25 the incident directly."

26 **MS. NATHALIE DROUIN:** Oh, okay. Can you roll
27 up a little bit?

28 So that was a process if an announcement was

1 triggered. So if we were about to do ---

2 **MR. THOMAS JARMYN:** Okay.

3 **MS. NATHALIE DROUIN:** --- an announcement
4 that was the process in which the announcement would have
5 unfold and how we would reach the relevant parties.

6 **MR. THOMAS JARMYN:** So only if you achieve
7 that level of certainty that something has happened would you
8 actually engage with the parties?

9 **MS. NATHALIE DROUIN:** So that is the process
10 if the announcement was triggered. But as you know, CSIS,
11 and with the support with PCO folks, also provided some
12 briefings before the election, during the election, and some
13 specific briefings in some occasions.

14 **MR. THOMAS JARMYN:** I'm going to look at a
15 couple of documents carrying on from the Don Valley North
16 incident.

17 So if we could look at CAN 8973.

18 **COMMISSIONER HOGUE:** It will be your last
19 line of questioning.

20 **MR. THOMAS JARMYN:** And if you go to page 12
21 at the top, and then page 13 at the bottom.

22 And this is a report that's prepared in
23 August 2020, so many months after and with a -- an
24 opportunity to gather further information.

25 And if you carry on down.

26 So this is a discussion about....

27 Further on down. Further. Yes.

28 So you've got the discussion with respect to

1 foreign interference and China's interference in the
2 election. It's fair to say that the -- that is somewhat more
3 conclusive than you would have arrived at during the election
4 itself as a Panel?

5 **MS. NATHALIE DROUIN:** What are you referring
6 it exactly?

7 **MR. THOMAS JARMYN:** Initial assessment --
8 sorry:

9 "However, SITE TF did observe foreign
10 interference activities targeting
11 certain ridings and candidates in
12 relation to the election, directed
13 largely from China, and to a lesser
14 extent, from India and Pakistan..."

15 **MS. NATHALIE DROUIN:** I think that this is
16 aligned with our conclusion. We didn't say that we didn't
17 see any foreign interference. This not what we have said.
18 As I testified this morning, we look at intel we receive at
19 the riding level, but both SITE, and it was not for SITE to
20 do the Panel's determination, but both SITE and the Panel
21 came to the same conclusion that overall the intel we have
22 seen, the incidents we have seen didn't change the outcome of
23 the election.

24 **MR. THOMAS JARMYN:** So it's not that foreign
25 interference didn't happen, it's that it didn't happen to a
26 sufficient of degree in order to cause you to want to do
27 something about it?

28 **MS. NATHALIE DROUIN:** And that it -- yeah.

1 **MR. THOMAS JARMYN:** Okay, thank you.

2 Thank you, Commissioner.

3 **COMMISSIONER HOGUE:** Thank you.

4 Conservative Party.

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

6 **MR. NANDO de LUCA:**

7 **MR. NANDO de LUCA:** Good afternoon. First
8 question, is it correct that each of you were on the Panel of
9 Five by virtue of your positions as deputy ministers, or in
10 the case of Ms. Bossenmaier, by virtue of being the NSIA?

11 **MS. NATHALIE DROUIN:** Yes.

12 **MS. GRETA BOSSENMAIER:** Correct.

13 **MS. GINA WILSON:** Yes.

14 **MR. NANDO de LUCA:** And each of those are
15 Governor in Council appointments?

16 **MS. NATHALIE DROUIN:** Yes.

17 **MS. GINA WILSON:** Yes.

18 **MS. GRETA BOSSENMAIER:** Correct.

19 **MR. NANDO de LUCA:** You were appointed to
20 your roles by the Prime Minister on the advice of the Clerk?

21 **MS. GINA WILSON:** Correct.

22 **MS. NATHALIE DROUIN:** Yes.

23 **MR. NANDO de LUCA:** And Ms. Surette, in the
24 case of the Clerk, the Clerk is appointed by way of a
25 Governor in Council appointment; is that correct?

26 **MS. JANICE CHARETTE:** Yes.

27 **MR. NANDO de LUCA:** Okay. You each served at
28 the pleasure of the Prime Minister, and serve, some of you?

1 **MS. NATHALIE DROUIN:** Yes. This is -- yeah,
2 this is the language of our commission, yes.

3 **MR. NANDO de LUCA:** Okay. And is -- are the
4 answers to those questions the same for the 2021 Panel of
5 Five, so I can maybe save myself a question?

6 **MS. NATHALIE DROUIN:** Yes, same questions.

7 **MR. NANDO de LUCA:** Okay. I believe in your
8 evidence in-Chief this morning with Ms. Morgan, you indicate
9 that you all considered the Panel of Five to be a
10 deliberative body; correct?

11 **MS. NATHALIE DROUIN:** A what?

12 **MR. NANDO de LUCA:** A deliberative body.

13 **MS. NATHALIE DROUIN:** Yeah. Yeah.

14 **MR. NANDO de LUCA:** Okay. And so much so
15 that after you had received your intelligence and security
16 briefings from the various security entities, that you had
17 asked them to leave while you deliberated internally;
18 correct?

19 **MS. NATHALIE DROUIN:** Yes.

20 **MR. NANDO de LUCA:** Okay. And did I also
21 hear correctly that no one member of the Panel had veto power
22 over the actions of the Panel?

23 **MS. NATHALIE DROUIN:** Yes, this is what we
24 said this morning. I can maybe add that -- or I fully
25 understand the question in that it can be seen that as
26 because we were acting in -- on a consensus basis it looks
27 like, you know, we were trying to find a -- le plus bas
28 dénominateur. That was not the case. When it comes to all

1 the conversations we had had in terms of doing our analysis,
2 respective to different elements, we didn't have any
3 disagreement in terms of the threshold was met or not.

4 **MR. NANDO de LUCA:** Okay. So you were a
5 deliberative body that acted on a basis of unanimity;
6 correct?

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

8 **MR. NANDO de LUCA:** Okay. Would you agree
9 with me that if a deliberative body is tasked with acting
10 unanimously, and if you couple that with what is interpreted
11 to be a very high threshold before the body will act, it is
12 very difficult for that body to ultimately take action. Is
13 that correct?

14 **MS. NATHALIE DROUIN:** No. I don't think it
15 is correct. I mean, as you know, I have been an active
16 participant and a member of the two Panels. We have worked
17 very hard in terms of developing our understanding and
18 comprehension of the directive, and when we were faced to do
19 some concrete analysis, based on the intel that was showed to
20 us, we didn't have any major disagreement or we were really
21 aligned in terms of our conclusions and evaluations of the
22 situation.

23 **MR. NANDO de LUCA:** Okay. Is it correct to
24 say that in your case you basically had to get five people to
25 unanimously agree that the high threshold had been met before
26 you would take action?

27 **MS. NATHALIE DROUIN:** What I'm saying is
28 that, and this is how we operate in many other files, that

1 the benefit of those conversations was to weigh the
2 information, was to discuss the impact, and making sure that
3 we were also operating within the parameters of the
4 directive. And I would say that our conclusions were even
5 richer by those conversations than the opposite. And I would
6 not agree with any assumption that the fact that we were
7 acting in a consensus basis made kind of our conclusion not
8 relevant or so low that it was not useful for Canadians.

9 **MR. NANDO de LUCA:** I didn't say anything
10 about that. I asked you to agree with a simple question. In
11 your case, in order for -- before you would act, you would
12 have to get five people to unanimously agree that the high
13 threshold had been met. Isn't that correct?

14 **MS. NATHALIE DROUIN:** Yes, that's correct.

15 **MR. NANDO de LUCA:** Okay. Would you agree
16 with me that there's another deliberative process by which
17 you might have acted or had been charged to act, and that is
18 by majority vote, for example?

19 **MS. NATHALIE DROUIN:** Well not in the context
20 of how Deputy Minister works in other -- many, many files.

21 **MR. NANDO de LUCA:** Okay. Would you agree
22 with me -- we'll take that as a given. Would you agree with
23 me that if you did act on that basis, for example, by way of
24 a majority vote, that might have made it easier for decisions
25 to have been taken in this brief?

26 **MS. NATHALIE DROUIN:** I don't think that.

27 **MR. NANDO de LUCA:** Okay. And would it have
28 made it possible for someone who did have a disagreement to

1 register that disagreement, rather than having to act
2 unanimately?

3 **MS. NATHALIE DROUIN:** This is, like, -- c'est
4 des questions vraiment hypothétiques. J'essaie de vraiment
5 être transparente sur comment le processus s'est déroulé. Et
6 les questions que vous posez ne se sont pas présentées.

7 **MR. NANDO de LUCA:** Thank you. Can you tell
8 me -- can I have COM122 pulled up, please? Bottom of page
9 13, top of 14.

10 This is the report that we've been referring
11 to. And this, you'll agree, sets out or reflects the Panel
12 of Five's mandate for the 2019 election? Is that correct?

13 **MS. NATHALIE DROUIN:** Yes.

14 **MR. NANDO de LUCA:** Among other things?

15 **MS. NATHALIE DROUIN:** Yes.

16 **MR. NANDO de LUCA:** Okay. Is it true -- am I
17 correct that the mandate specifies that the core question is
18 the impact of an incident on Canada's ability to have a free
19 and fair election? Correct?

20 **MS. NATHALIE DROUIN:** Correct.

21 **MR. NANDO de LUCA:** And can you further
22 confirm that the mandate states that the question for the
23 Panel's determination in deciding whether to act was whether
24 incidents threatened Canada's ability to have a free and fair
25 election?

26 **MS. NATHALIE DROUIN:** Sorry, what are you
27 referring to?

28 **MR. NANDO de LUCA:** Bottom of 13.

1 "...a public announcement during the
2 writ period would only occur if the
3 Panel determines that an incident or
4 an accumulation of incidents has
5 occurred and threatens Canada's
6 ability to have a free and fair
7 election."

8 Correct?

9 **MS. NATHALIE DROUIN:** Correct. And then as I
10 explained a couple of times now, you have the list of ---

11 **MR. NANDO de LUCA:** Right.

12 **MS. NATHALIE DROUIN:** --- factors that we
13 need ---

14 **MR. NANDO de LUCA:** Considerations.

15 **MS. NATHALIE DROUIN:** --- to take into
16 account.

17 **MR. NANDO de LUCA:** Right. Will you agree
18 with me that the test is not whether one or more incidents
19 have actually impaired Canada's ability to have a free and
20 fair election, but rather, whether those acts threatened
21 Canada's ability to have a free and fair election?

22 **MS. NATHALIE DROUIN:** Yeah, if you go down a
23 little bit, then the paragraph that starts with "Third," and
24 then you have the sentence:

25 "Ultimately, it is the impact of the
26 incident on Canada's ability to have
27 a free and fair election that is at
28 issue in the determination..."

1 **MR. NANDO de LUCA:** Right. Canada's ability
2 to. It doesn't require an actual impairment; correct?

3 **MS. NATHALIE DROUIN:** It requires an impact.

4 **MR. NANDO de LUCA:** Would you agree with me
5 that the threshold of an actual impairment is higher than a
6 threatened impairment?

7 **MS. NATHALIE DROUIN:** Well the test here was
8 the impact on the ability to have a fair and free election.

9 **MR. NANDO de LUCA:** In retrospect, can you
10 say, sitting here today, that there were not incidents of
11 foreign interference that threatened Canada's ability to have
12 free and fair elections in 2019?

13 **MS. NATHALIE DROUIN:** What we say, as I said
14 previously, is that we have seen some foreign interference
15 activities, but we have seen nothing that impacts the rights
16 of Canadians to have a free and fair election.

17 **MR. NANDO de LUCA:** Do you agree that every
18 voters' vote in Canada in a federal election matters?

19 **MS. NATHALIE DROUIN:** Absolutely.

20 **MR. NANDO de LUCA:** And do you also agree
21 that it also matters if even one vote is jeopardized,
22 suppressed, or threatened because of evidence of foreign
23 interference that you may have before you?

24 **MS. NATHALIE DROUIN:** I agree with that.

25 **MR. NANDO de LUCA:** Okay. Can I please get
26 CAN.SUM10 called up, please?

27 So this is a summary report that was
28 prepared, subject to all the caveats that we saw on page 1

1 that were discussed.

2 I wasn't clear on your evidence this morning.

3 Can we scroll to paragraph 5 on page 2?

4 Can I get you to tell the Commission which of
5 the intelligence facts that are summarized in that paragraph
6 were you, as a body, made aware of by or before GE43, which
7 took place on October 21, 2019?

8 So let's just go through -- there's a number
9 of facts here. Can you tell us which ones you knew by the
10 time of the election? Because your evidence this morning
11 suggested that some you knew before, some you knew after. So
12 I'm asking you, which of the facts in five did you know by
13 the election date?

14 **MS. NATHALIE DROUIN:** I will talk for myself,
15 but others will add.

16 So the intel about the potential implication
17 of 11 candidates, the intel about that, ---

18 **MR. NANDO de LUCA:** Sorry, can we do it this
19 way? Sorry. Let's do it by paragraph -- by sentence. The
20 first sentence ---

21 **MS. NATHALIE DROUIN:** I don't know if I'll be
22 able ---

23 **MR. NANDO de LUCA:** Okay.

24 **MS. NATHALIE DROUIN:** --- to do by paragraph.
25 So I will tell you what I can tell ---

26 **MR. NANDO de LUCA:** Okay.

27 **MS. NATHALIE DROUIN:** --- in this forum.

28 So I knew about intel regarding financial

1 kind of tactics, using PRC officials in Canada. I didn't
2 know about the fact that it was going through potentially 11
3 candidates. That report regarding this intel came after the
4 election.

5 **MR. NANDO de LUCA:** Can I ask you this
6 question? Did you know by the time of the election that
7 there had been at least two transfers of funds approximating
8 \$250,000 from the PRC officials in Canada?

9 **MS. NATHALIE DROUIN:** I don't recall
10 receiving that level of granularities, that level of detail.

11 **MR. NANDO de LUCA:** Do you recall receiving
12 information that there was some amount of funds that had been
13 transferred from PRC officials in Canada?

14 **MS. NATHALIE DROUIN:** As I said, I remember
15 hearing about the tactics of using a financial channel or
16 conduit, using proxies, to support some candidates.

17 **MR. NANDO de LUCA:** Okay. Last question. As
18 best as I can tell, based on the information that you've
19 provided, as of the election date, October 21, 2019, the
20 Panel had information that there was at least the possibility
21 of two transfers of funds from PRC officials in Canada and
22 you didn't think that that goes to the level of posing a
23 threat to the integrity of the election in Canada? Is that
24 fair?

25 **MS. NATHALIE DROUIN:** No, that's not fair.
26 Especially that when it comes to potential illegal financing
27 systems or channels, this is really under the jurisdiction of
28 the Office of the Commissioner of Elections. And I think

1 that we have said that, and others too, that this information
2 was relayed to this body.

3 **MR. NANDO de LUCA:** So in your view, they --
4 if the evidence was concrete, they should have done something
5 about it?

6 **MS. NATHALIE DROUIN:** If the intel was, you
7 know, allowed to develop some evidence and to prove some
8 offences, yes, I believe that the due course of action would
9 have happened.

10 **MR. NANDO de LUCA:** Thank you very much.

11 **COMMISSIONER HOGUE:** Thank you.

12 AG?

13 **MS. HELENE ROBERTSON:** We have no questions.

14 Thank you.

15 **COMMISSIONER HOGUE:** Re-examination?

16 **MS. LYNDA MORGAN:** No, thank you.

17 **COMMISSIONER HOGUE:** It's 3:05. We cannot
18 force the eclipse to happen before, so what I suggest is
19 we'll make sure the next witnesses will be here, and we'll
20 start at -- it's at 3:25. If we can, I suggest 3:30. If
21 it's not over yet, then no later than 3:35.

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

24 This hearing is in recess until 1:35. La
25 séance est en pause jusqu'à 15 h 35.

26 --- Upon recessing at 3:07 p.m./

27 --- La séance est suspendue à 15 h 07

28 --- Upon resuming at 3:37 p.m./

1 --- La séance est reprise à 15 h 37

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

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

7 --- MS. JANICE CHARETTE, Resumed/Sous le même serment:

8 --- MS. NATHALIE DROUIN, Resumed/Sous la même affirmation:

9 --- MR. ROBERT STEWART, Resumed/Sous le même serment:

10 --- MS. MARTA MORGAN, Resumed/Sous la même affirmation:

11 --- M. FRANÇOIS DAIGLE, Resumed/Sous la même affirmation:

12 --- MR. DAVID MORRISON, Resumed/Sous le même serment:

13 **COMMISSIONER HOGUE:** So first one to have the
14 cross-examination is counsel for Erin O'Toole.

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

16 MR. THOMAS JARMYN:

17 **MR. THOMAS JARMYN:** My name's Tom Jarmyn.
18 I'm counsel for Erin O'Toole.

19 And I guess the first document we'd get
20 brought up would be COM 23, which is the protocol for the
21 2021 election. And if we could just look at that.

22 --- EXHIBIT No./PIÈCE No. COM 23

23 Cabinet Directive on the Critical
24 Election Incident Public Protocol

25 **MR. THOMAS JARMYN:** And I'm to gather from
26 your evidence this morning that one of the changes that was
27 made between 2019 and 2021 was the removal of the requirement
28 that there be foreign interference and that we would look at

1 interference generally, which met the particular test. Is
2 that correct?

3 **MS. JANICE CHARETTE:** I believe I testified,
4 yes, that in addition there was clarification made that it
5 could be -- a threat could be foreign or domestic.

6 **MR. THOMAS JARMYN:** Yes. And that largely
7 removed the challenge with respect to this issue of the
8 attribution of proxy actors in Canada acting for a foreign
9 government if we could trace that altogether.

10 **MS. JANICE CHARETTE:** I think I tried to give
11 testimony this morning to explain the genesis of this, which
12 had a variety of factors associated with it, including, you
13 know, IMVE, for instance. I believe I testified it'd be
14 logically motivated violent extremists as an additional
15 example, but yes, I think it's the case that we wanted to, in
16 our deliberations, make sure that in following the Cabinet
17 directive we were looking at a foreign actor or a domestic
18 actor who was working on behalf of a foreign actor.

19 **MR. THOMAS JARMYN:** And so with respect to
20 the overall mandate itself, it divided into two sets of
21 actions. There were those which were within the mandate of
22 various authorities, for example, Elections Canada, and those
23 were -- or the RCMP, and those that didn't really have a home
24 and, as a result, that's where the -- what the panel would
25 mostly focus on.

26 **MS. JANICE CHARETTE:** Well, I would actually
27 look at it the other way, sir. Which is to say, in our role
28 as the Panel, we were being provided with information by the

1 SITE Task Force on both a daily basis, as well as in our
2 weekly briefings, on the threat environment and any evidence
3 they were seeing, through intelligence or other informations,
4 about risks to the election. And then there were a number of
5 actions that were possible, including actions by the Panel as
6 set out in the protocol, or it could fall in with the remit
7 of another body, Elections Canada, or, as you said, the RCMP.
8 But the Panel exists as part of a broader ecosystem; there's
9 a shared responsibility.

10 And so I think it's not -- I would say that
11 there's a multiplicity of things that could be done, and I
12 think we tried to give you some examples this morning of
13 mitigation steps, for example, that could be taken for things
14 that don't meet the threshold of the Panel, which wouldn't
15 meet your other two tests of either the Commissioner of
16 Elections or the RCMP.

17 **Mr. THOMAS JARMYN:** And so for a matter which
18 fell within the mandate of Commissioner of Elections, for
19 example, the contribution of foreign funds to -- the
20 expenditure of foreign funds to affect the outcome of an
21 election. So we've seen reports in 2019 of a transfer of
22 \$250,000. Let's just say hypothetically we're able to
23 establish with a degree of certainty that happened; that's a
24 matter that would fall under the *Elections Act*; is that
25 correct?

26 **MS. JANICE CHARETTE:** So if I could, I think
27 a careful reading of what the summary says with respect to
28 2019, if we could come back to, because I think your -- the

1 way you just put it may not necessarily reflect -- I don't
2 think it does reflect ---

3 **MR. THOMAS JARMYN:** Okay, let's forget 2019.

4 **MS. JANICE CHARETTE:** --- but

5 **MR. THOMAS JARMYN:** Let's just go right to a
6 strict hypothetical: In a foreign nation, someone transfers
7 \$250,000 to an actor in Canada for the purposes of
8 expenditure on a Canadian election. That would be a
9 violation of the *Elections Act*.

10 **MS. JANICE CHARETTE:** It would be certainly
11 something which the Panel -- would be drawn to the attention
12 of the Panel and we would make sure that it went to the
13 responsible authorities, including possibly Elections Canada,
14 ---

15 **MR. THOMAS JARMYN:** And the ---

16 **MS. JANICE CHARETTE:** --- there may be
17 others. We did not ---

18 **MR. THOMAS JARMYN:** If we ---

19 **MS. JANICE CHARETTE:** Can I just add, sir?

20 **MR. THOMAS JARMYN:** Yes.

21 **MS. JANICE CHARETTE:** We did not see that in
22 2021.

23 **MR. THOMAS JARMYN:** Agreed, yes, you did not.

24 And if that happened, because I'm trying to
25 understand a matter where the matter falls within the remit
26 of Elections Canada but is incapable of being proved because
27 of either an intelligence to evidence challenge, or we don't
28 have an MLAT with that country in order to allow us to obtain

1 evidence. How would that be handled.

2 **MS. JANICE CHARETTE:** I'm not sure.

3 **MR. THOMAS JARMYN:** So a matter happens,
4 we've got -- it's -- clearly affects, with certainty, the
5 necessary degree of certainty, it would affect the election,
6 but it falls within the remit of Elections Canada, but it
7 can't be proved because of intelligence to evidence
8 challenges, or because we can't go to China and get the
9 evidence.

10 **MS. JANICE CHARETTE:** So acknowledging, sir,
11 that we are beyond the remit of the panel of five here, can I
12 say that in addition to the panel of five, in addition to the
13 SITE Task Force, there was an election security -- a group of
14 officials meeting to look at election security, which
15 included members of Elections Canada and the National
16 Security Establishment. And so there would be venues and
17 ways for information to be transferred between those
18 organizations that the Panel would have no knowledge or sight
19 of.

20 So in the hypothetical situation that you put
21 out, I'm going to hypothetically say there are venues and
22 mechanism to deal with that.

23 **MR. THOMAS JARMYN:** All right, thank you.

24 And with respect to the test of events that
25 -- happening, Mr. Daigle gave a very helpful sort of
26 description this morning. To use your words, Mr. Daigle, you
27 need some reliable information we could test that there's
28 something going on that needs correction. A mere possibility

1 is not enough. So that speaks to me of a degree of certainty
2 that events had happened which would trigger your
3 intervention; is that correct?

4 **MR. FRANÇOIS DAIGLE:** Yes, that's correct,
5 yeah.

6 **MR. THOMAS JARMYN:** And in your experience in
7 the intelligence field, how often does a first report,
8 intelligence report have that degree of certainty in it?

9 **MR. FRANÇOIS DAIGLE:** Well -- so we were
10 getting a lot of information. So not of -- I mean, in the
11 nature of intelligence a lot of it comes to us from before,
12 and we had a baseline of intelligence about methodologies and
13 activities to look out for. And so we would consider all of
14 that in deciding whether a threshold is, you know, a
15 threshold in a particular case was met.

16 **MR. THOMAS JARMYN:** My question is when you
17 receive -- when a first intelligence report is received, how
18 often does it contain that degree of certainty in the
19 intelligence world?

20 So let's look for example at the reports from
21 the SITE Task Force late in the election involving Mr.
22 O'Toole and Mr. Chiu, in which they suggest events are
23 happening, but we cannot, with any credibility, determine one
24 way or the other what is going on.

25 **MR. FRANÇOIS DAIGLE:** So ---

26 **MR. THOMAS JARMYN:** That was a first report.

27 **MR. FRANÇOIS DAIGLE:** --- I wouldn't agree
28 with you that -- you know, the premise of your question is

1 that there's never intelligence, or a first report of
2 intelligence is never solid enough for us to take some
3 action. And it really depends on the information, and we
4 don't rely on just the one intelligence report to consider
5 these matters.

6 **MR. THOMAS JARMYN:** So let's look at the
7 evolution of the intelligence with respect to Mr. O'Toole and
8 Mr. Chiu.

9 And Commissioner, I'd like leave to refer to
10 the three documents we discussed this morning; 4079, 14852 --
11 or 4495 and 15482, which were received late on the weekend.

12 **COMMISSIONER HOGUE:** Fine.

13 **MR. THOMAS JARMYN:** Thank you.

14 Can we bring up, first of all, CAN 4821,
15 which is a SITE Task Force Analysis dated October 25th, 2021.
16 And if we go to page 2, and it talks about the purpose of the
17 report, and it says:

18 "The purpose of this report is to
19 present a timeline of all evidence
20 available to SITE supporting our
21 observations that CPC Leader..."

22 Or, sorry, "purpose"; yes, right there, yes:

23 "...that CPC Leader Erin O'Toole,
24 former CPC MP Kenny Chiu, and the CPC
25 in general were the target of
26 online/media activities aimed
27 primarily at discouraging Chinese-
28 speaking Canadian electors from

1 supporting the CPC..."

2 Now, ahead of that, that statement is
3 actually made much more conditional than that. They are
4 attempting to draw sources. But you would agree with me
5 that's an evolution from where SITE was just four weeks prior
6 to that.

7 **MS. MARTA MORGAN:** So maybe I would weigh in
8 here, just to say that just to be clear, this is not
9 intelligence that we're looking at here. This is
10 information, that says open-source -- using open-source
11 information that's gleaned from social media accounts, et
12 cetera. So just to be clear.

13 But, yes, absolutely, as analysis evolves
14 over time, so you know, you'll see in this case that there
15 were indications, you'll see that the RRM followed those
16 indications. You'll see that there was an increase in the
17 inattention to this story, and then you'll see that this
18 story died down a week before the election date. And then
19 you'll see afterwards that further analysis can be done to
20 try and more -- ascertain with more certainty, you know,
21 whether there was inauthentic or coordinated action to
22 promote these stories.

23 **MR. THOMAS JARMYN:** And that's ---

24 **MS. MARTA MORGAN:** And that's normal.

25 **MR. THOMAS JARMYN:** --- the point that I'm
26 making, is that there was an ongoing evolution of the
27 analysis; the problem continued to be looked at.

28 And I'll skip over to the last document.

1 **MS. JANICE CHARETTE:** Mr. Jarmyn, can I
2 interject here, ---

3 **MR. THOMAS JARMYN:** Yes.

4 **MS. JANICE CHARETTE:** --- if I could:

5 So I believe I said this this morning, if I
6 didn't, I should have. But I believe I said that after the
7 election, the Conservative Party of Canada raised concerns
8 with members of the SITE Task Force, and through the
9 appropriate mechanisms and avenues to do that, and submitted
10 to us some information that they thought was important as
11 evidence of their concerns, to support their concerns.

12 And so as testified by the SITE Task Force in
13 their testimony last week, there was a lot of work and effort
14 that went into looking at that information that came from the
15 party, and this document, which is about 11 or so pages long,
16 represents, in part, not just an evolution kind of for the
17 sake of evolution, but a response to the fact that there were
18 concerns that were raised by a party, that were taken very
19 seriously by the SITE Task Force in terms of really making
20 sure we were going back -- they were going back and looking
21 at what came from the party, what they were seeing in the
22 environment, and kind of doubling down on our analysis to
23 make sure that, you know, kind of no stone unturned looking
24 at this. Is that fair?

25 **MR. THOMAS JARMYN:** Yeah -- no, and I agree
26 with that. This is -- as you say, this is an ongoing, they
27 looked at the problem further and developed a more refined
28 solution.

1 We'll look at CAN 4079_R01, which is dated
2 October 22nd, 2022.

3 --- EXHIBIT No./PIÈCE No. CAN 4079 R01:

4 Briefing note 2022-10-26

5 **COMMISSIONER HOGUE:** Your time is over, but I
6 will let you conclude on this topic.

7 **MR. THOMAS JARMYN:** Okay, thank you.

8 And if we look at page 1 and scroll on down.
9 So right here, "Current situation":

10 "To acquiesce to PRC officials and
11 the United Front Work Department, co-
12 opted community leaders and
13 associations provided assistance in
14 fundraising [...] support [...] activity
15 is often covert, likely illegal, and
16 therefore constitutes foreign
17 interference by the PRC."

18 Large redacted section. And then:

19 "PRC officials could be emboldened in
20 their electoral interference efforts
21 by the 2021 defeat of former Richmond
22 MP Kenny Chiu."

23 There's also a further on document, 4495, of
24 February 21st, 2023, that describes these threats in even
25 more detail.

26 I guess what I'm putting to you is that the
27 more these matters are studied and further information is
28 gathered, that our agencies are able to come to a far more

1 certain conclusion than they are on the first touch during
2 the five-week election period which constituted your mandate.
3 Is that correct?

4 **MS. JANICE CHARETTE:** I think it's fair to
5 say that agencies continue to collect intelligence, collect
6 information, which could add to the picture and that the
7 documents that I believe you're referring to are both well
8 after the election, so it could be the case that new
9 information came to light. Part of the challenge for the
10 summaries that I think the Commission has or the public has
11 is that the documents that are in the summaries, which is --
12 are best -- the best effort to provide a picture of different
13 threat actors or different intelligence events contains a
14 number of caveats, including we don't know when the
15 information was collected, the nature of the source, and
16 there's quite a number of caveats. So like that, you have to
17 look at the particular cases here in order to be able to
18 really answer the question I think that you're putting.

19 **MR. THOMAS JARMYN:** And I think the point is
20 the first report often needs a great deal more work?

21 **MS. JANICE CHARETTE:** I wouldn't say that. I
22 would say that the first report stands on itself. The
23 picture can change as more information may become available.

24 **MR. THOMAS JARMYN:** Okay. Thank you.
25 Thank you, Commissioner.

26 **COMMISSIONER HOGUE:** Thank you.
27 Conservative Party?

28 **MR. NANDO de LUCA:** Madam Commissioner, in

1 the interest of efficiency, we're going to cede half of our
2 time to counsel for Ms. Kwan and half of our time to counsel
3 for Mr. Chong. Five minutes each, if that's okay.

4 **COMMISSIONER HOGUE:** Okay. Just a moment.
5 You said five minutes to counsel for Jenny Kwan?

6 **MR. NANDO de LUCA:** Yes.

7 **COMMISSIONER HOGUE:** And five minutes to
8 counsel for Michael Chong?

9 **MR. NANDO de LUCA:** Correct. Thank you.

10 **COMMISSIONER HOGUE:** Okay. So the next one
11 is counsel for Jenny Kwan.

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

13 **MS. MANI KAKKAR:**

14 **MS. MANI KAKKAR:** Good afternoon to the Panel
15 and to the Commissioner. My name is Ms. Kakkar. I'm counsel
16 for MP Kwan.

17 My questions for you this afternoon are
18 limited in scope to the threshold.

19 And if I could ask for COM multiple zeros 195
20 to be pulled up?

21 **--- EXHIBIT No./PIÈCE No. COM 195:**

22 Report on the assessment of the 2021
23 Critical Election Incident Public
24 Protocol

25 **MS. MANI KAKKAR:** This is the report of Mr.
26 Rosenberg that you may be familiar with as a panel.

27 And specifically scrolling down to page 37 of
28 the report, which is 38 of the PDF. Actually, I'd like to

1 start at page 36 of the report, 37 of the PDF. The second
2 paragraph below the bullet.

3 You'll see that Mr. Rosenberg raises an issue
4 here. He says that it's possible that there could be
5 examples where:

6 "...voters in one riding or in a
7 diaspora community [are] receiving
8 emails from malign actors threatening
9 that if they did not vote for a
10 particular candidate, they would
11 regret it. While this would be
12 unlikely to meet the threshold of
13 threatening the integrity of the
14 entire election, it could have an
15 effect on the voting behaviour of
16 those targeted."

17 And I'd like for each of you to answer
18 briefly, given my time constraints, whether you agree or
19 disagree with this concern that Mr. Rosenberg has stated?

20 **MS. JANICE CHARETTE:** Well I'm happy to start
21 here, if I could. So just to put this paragraph in context,
22 it's, as you said, page 36 of a long document. It is in a
23 paragraph which talks about whether or not the protocol
24 should be amended to allow for some kind of a statement to
25 the public for an incident which does not meet the high
26 threshold as set out in the directive currently. And Mr.
27 Rosenberg goes on to provide an example of doing -- of that.

28 And I think that obviously depending on the

1 fact set and the situation that we were presented with, if
2 there was examples of voters in one riding or diaspora
3 community getting these kinds of emails of this type would
4 certainly merit serious consideration by the Panel and
5 looking at what, if any, mitigation could be taken.

6 **MS. MANI KAKKAR:** As a statement though, do
7 you agree that it's possible that the panel may conclude that
8 the threshold hasn't been triggered in a situation like this?

9 **MS. JANICE CHARETTE:** You're asking a
10 hypothetical question on an example. Is it possible? Yes.
11 It's also possible that the panel could conclude differently.

12 **MS. MANI KAKKAR:** Thank you. Any other
13 members of the panel?

14 **MR. ROBERT STEWART:** Yeah, I'll just add to
15 Janice's answer to say we contemplated this kind of a
16 circumstance in the scenarios that we were shown and talked
17 about. And in some measure, we considered a situation where
18 this was an evolving behaviour to be the kind of thing that
19 would be addressed by other actors, would be noticed, would
20 be addressed by other actors. So there is not, you know, a
21 binary scenario where either it exists or doesn't exist and
22 is below or not meeting a threshold or meeting a threshold.
23 I think it's a bit of a continuum.

24 **MS. MANI KAKKAR:** So do I understand you
25 correctly to say that it's a bit of a continuum and that the
26 response is also a continuum, that there are other actors
27 that could respond outside of the Panel of Five?

28 **MR. ROBERT STEWART:** Yes.

1 **MR. MANI KAKKAR:** And so understandably,
2 you're not responsible for, and I think you've made it clear
3 you don't have the authority to advise -- or sorry, to
4 instruct any other agency. But do you agree or think that
5 the protocol for your particular panel should be amended to
6 cover this sort of situation clearly?

7 **MS. NATHALIE DROUIN:** I think this is an
8 interesting question and I think the Commission will have the
9 opportunity in the second phase of their work to discuss
10 about policy options and maybe we can address that question
11 during that stage.

12 **MS. JANICE CHARETTE:** Can I just add one
13 thing? I think the impact of foreign interference on
14 diaspora communities is a -- was a concern to the Panel, has
15 been a concern in our kind of day jobs outside of the Panel,
16 and so we were very aware that in fact, some of the most
17 difficult and injurious impacts of foreign interference are
18 on these diaspora communities. So the kind of hypothetical
19 question that you're posing I think is exactly the kind of
20 question that would be the topic of evolving policy
21 consideration. I very much agree with Madam Drouin that I
22 think it's something that deserves further consideration and
23 reflection.

24 **Mme NATHALIE DROUIN:** Et juste pour le
25 dossier, on a témoigné plus tôt aujourd'hui que il y avait
26 quand même plusieurs autres mécanismes qui pouvaient être
27 utilisés. Il y avait les pouvoirs des différents ministères,
28 des différentes agences, il y a l'écosystème qui peut

1 corriger également une information.

2 Donc, je voudrais pas donner l'impression que
3 parce que on... le seuil est à ce niveau et que on n'est pas
4 publiquement intervenu, alors que le seuil était pas
5 rencontré, que rien ne s'est fait. Au contraire, il y a
6 énormément de choses qui ont pu être faites par les
7 différentes agences.

8 **MS. MANI KAKKAR:** I appreciate your answer,
9 and I understand that there is a second phase to this, and I
10 don't necessarily want to get into policy considerations
11 here. But I would like to know if this particular panel has
12 views on whether a sliding scale approach, so the kind of
13 approach that exists for anti-terrorism, where you've got a
14 sliding scale of risk from very low, low, medium, high,
15 critical, could be adopted here to address some of those
16 concerns that you may have encountered in the 2019 and 2021
17 elections around the foreign interference faced by diaspora
18 communities and at the riding level?

19 **Mme NATHALIE DROUIN:** Peut-être c'est
20 important, on n'a pas eu l'occasion de le dire assez, mais le
21 Gouvernement du Canada a publié énormément de documents
22 récemment, depuis 2019, principalement le Plan d'actions pour
23 le maintien d'une saine démocratie, qui avait été présenté
24 par la ministre Gould à l'époque.

25 Il y a des documents qui ont été présentés
26 par CSIS. Le directeur lui-même donne des conférences très
27 régulièrement et même des conférences qui s'adressent à des
28 communautés en particulier. Il y a CSC également qui produit

1 des documents pour alerter, informer, sensibiliser les
2 Canadiens au risque de l'ingérence étrangère.

3 Il y a le Comité des parlementaires, donc
4 connu sous l'acronyme NSICOP, qui a produit énormément de
5 rapports. Aussi, donc, sans qu'il y ait d'échelle, comme
6 vous le suggérez, il y a beaucoup de communication qui se
7 fait au grand.. au niveau des.. pour les Canadiens afin de les
8 sensibiliser au fait que l'ingérence étrangère, oui, elle est
9 présente, elle est plus présente maintenant qu'elle l'était,
10 par exemple, il y a une vingtaine d'années.

11 Est-ce que les outils peuvent s'améliorer?
12 Certainement. Les pratiques d'ingérence étrangère évoluent,
13 nos façons de faire aussi pour sensibiliser les Canadiens
14 doivent continuer à évoluer.

15 **MS. MANI KAKKAR:** Okay. I appreciate your
16 answer that there are other tools, but by way of -- there are
17 other tools available to inform the public and I appreciate
18 that response, whether it's CSIS or other agencies.

19 But it seems like the Panel of Five was
20 created for the specific purpose of considering when public
21 announcements would be necessary so to then download the
22 responsibility when those announcements would be necessary
23 when specific instances like the ones described by Mr.
24 Rosenberg occur to other agencies, do you feel like that is
25 the appropriate interpretation of the protocol, of the role
26 of the Panel of Five, and is that how you administered your
27 decisions in 2021? Is that how you applied the threshold in
28 2021 with an understanding that other agencies were

1 responsible for the kind of problem that Mr. Rosenberg
2 identifies?

3 **MS. JANICE CHARETTE:** I think we've been
4 trying our best to explain that, you know, the Cabinet
5 directive set a threshold. That threshold is what was given
6 to the panel in terms of our role, but the panel is one
7 player in a broader ecosystem of players who have a shared
8 responsibility around the whole topics of foreign
9 interference and domestic threats to the integrity of
10 elections and that the nature of the threat is evolving and
11 our response has to evolve. But because the -- and some of
12 us are not currently employed by the Government of Canada and
13 are not giving policy advice here, but I think that, you
14 know, asking the -- we can tell you about our work in 2021.
15 Our views on whether the protocol needs to change going
16 forward, I think that's a question for another forum.

17 **MS. MANI KAKKAR:** I appreciate that and I
18 think I should narrow my question, then, just to your work in
19 2021.

20 Based on your work in 2021, would you have
21 been of the view that the problem that Mr. Rosenberg raised
22 was one that your panel could not effectively address given
23 the high threshold and would have to go to another agency?

24 **Mme NATHALIE DROUIN:** La réponse à ça, c'est
25 clairement non. Quand on regarde les différents incidents que
26 j'ai pu voir le Panel à l'œuvre, en aucun moment on a senti
27 qu'on n'avait pas les outils nécessaires. On vous a donné
28 plusieurs informations, plusieurs indications sur ce qui a

1 été fait par rapport aux éléments qui nous ont été soumis en
2 2021, donc on n'a jamais senti que l'écosystème, par exemple,
3 ne corrigeait pas une information, que les breffages
4 appropriés ne pouvaient être données.

5 Donc, dans les situations auxquelles on a été
6 confrontés en 2021, on avait les outils nécessaires pour
7 prendre des mesures pour mitiger les impacts.

8 **MS. JANICE CHARETTE:** As well, I could add
9 that the example that Mr. Rosenberg provides, we did not see
10 during the '21 -- to be clear, we did not see activity --
11 information or intelligence of activity of this type during
12 the 2021 election.

13 **MS. MANI KAKKAR:** But you did receive sitreps
14 that often talked about sort of individual riding level
15 events that might be foreign interference; right?

16 Did you view those in the aggregate or did
17 you view them as individual events and not necessarily apply
18 the threshold to the aggregate impact of them?

19 **MS. JANICE CHARETTE:** I think the written
20 records show that we received daily sitreps, situation
21 reports, from the SITE Task Force members. In addition, I
22 believe we discussed earlier that we had a briefing by the
23 members of the SITE Task Force, an oral briefing in our
24 weekly meetings which was a chance to look not just at the
25 individual pieces of information that we were provided, but
26 to look at things both together, evolving and to have a sense
27 of what the aggregate looked at the same time.

28 So I think we look at both, would be fair to

1 say, colleagues.

2 **MS. MANI KAKKAR:** And my very last question
3 and topic for you is, really, the use of domestic proxies. I
4 understand that you refer to foreign actors which we -- when
5 asking the 2019 panel, they agreed could include non-
6 government actors. But there is a *modus operandi* of foreign
7 interference that uses domestic proxies to carry out the
8 interference.

9 Did you, in 2021, keep that in mind when
10 reviewing what might look like a domestic threat, especially
11 given that your protocol had expanded to include domestic
12 interference as well?

13 **MS. JANICE CHARETTE:** Yes, we certainly did
14 take that into consideration.

15 **MS. MANI KAKKAR:** Would you be able to
16 elaborate?

17 **MS. NATHALIE DROUIN:** I just want to add
18 because we received two questions that kind of assumed that
19 because they were Canadian proxy that that was not captured
20 on the foreign interference.

21 I don't think this is what we are saying.
22 Using Canadian proxy if they are directed by a foreign actor,
23 this is a covert action and it is foreign interference if
24 they are, you know, being some they are maligned.

25 So I don't want to give the Commission the
26 impression that because they were using domestic proxy that
27 it was not foreign interference.

28 **MS. MANI KAKKAR:** I appreciate that

1 clarification.

2 And sorry, Ms. Charette, were you saying that
3 you had considered that in the 2021 panel?

4 **MS. JANICE CHARETTE:** Yes, we did. Yeah.

5 **MS. MANI KAKKAR:** Okay. I think that those
6 are all of my questions.

7 **COMMISSIONER HOGUE:** Thank you.

8 Counsel for Michael Chong.

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

10 **MR. GIB van ERT:**

11 **MR. GIB van ERT:** Thank you.

12 I'll start, if I may, with Me Daigle, please.

13 You explained this morning that in respect of
14 the Kenny Chiu matter there was not enough information to
15 make a determination that a foreign state had been
16 responsible for the potential misinformation or
17 disinformation concerning that candidate. In other words,
18 attribution to the PRC was not possible. Is that right?

19 **MR. FRANÇOIS DAIGLE:** I think, yeah, Ms.
20 Morgan spoken about that, and that's -- that was the
21 conclusion that we reached.

22 **MR. GIB van ERT:** Oh, I'm sorry. My note was
23 that you had said so.

24 Well, I'm happy to direct it to Ms. Morgan as
25 well. So here's -- I'll ask the court operator to please
26 turn up COM 0023. This is the protocol from 2021.

27 And if you'll go to point 6.0, please. There
28 we are.

1 And if you'll scroll down a little further.
2 A little further still.

3 All right. Thank you.

4 So I want to take you to this passage. And
5 where I'm heading with this is, I want to put to you that
6 attribution to a foreign state is not required by the
7 protocol.

8 So I'll just show you the language here. It
9 says:

10 "A disruptive event or incidents of
11 interference may emanate from domestic
12 and/or foreign actors. Attribution of
13 interference attempts may be
14 challenging or not possible within the
15 timelines permitted by events given
16 that attempts to unduly influence the
17 election may involve misdirection and
18 disinformation. Further, it is
19 possible that foreign actors could be
20 working in collaboration with or
21 through domestic actors."

22 And this is the key point:

23 "Ultimately it is the impact of the
24 incident on Canada's ability to have a
25 free and fair election that is at issue
26 in the determination of whether the
27 threshold has been met and if a public
28 announcement is required."

1 So the question that I want to put to you is,
2 I appreciate that in the Kenny Chiu situation, the panel's
3 feeling was that attribution was impossible, but attribution
4 wasn't necessary in order to go ahead and decide to make an
5 announcement. Do you agree with that?

6 **MS. NATHALIE DROUIN:** I think I testified a
7 little bit about that earlier, that the attribution can be a
8 range, so we can have absolutely no information and for the
9 country we may have confirmation that no foreign actors is
10 behind something. We can have information, but not solid
11 enough that allows us to do a public attribution and then we
12 can further do the job that takes a lot of time and then be
13 able to do a public attribution.

14 This is what we were talking about, the
15 middle situation when we know there is a foreign actor, but
16 we don't have the time or the capacity to do a public
17 attribution.

18 **MR. FRANÇOIS DAIGLE:** And what I was
19 referring to this morning was that we need something more
20 than just the possibility that some PRC official has directed
21 the misinformation campaign.

22 **MR. GIB van ERT:** Yes.

23 **MR. FRANÇOIS DAIGLE:** And the fact that
24 there's a possibility isn't enough, so we know that the
25 methodology of the PRC used to use proxies.

26 **MR. GIB van ERT:** Yes.

27 **MR. FRANÇOIS DAIGLE:** But it's not
28 necessarily because we've seen them use it in the past that

1 they've used it in this case. We had no information. So ---

2 **MR. GIB van ERT:** I ---

3 **MR. FRANÇOIS DAIGLE:** --- we had no
4 information that they had, so we need at least some reliable
5 information, not enough to be able to attribute it publicly,
6 but we needed some information. So there's a -- you I think
7 in your questioning last week talked about, you know,
8 reasonable -- beyond a reasonable doubt. We're not building
9 a criminal case here.

10 **MR. GIB van ERT:** Right.

11 **MR. FRANÇOIS DAIGLE:** We're not looking at
12 evidence. We're looking at a totality of information and
13 intelligence gathered over time and we're trying to make the
14 best judgment we can with the information we have. But if
15 there's -- if there isn't even -- there's not enough
16 information to be able to say that there's a link there, that
17 -- I think that that would create for us some difficulty
18 because then we'd be worried about intervening what would
19 otherwise be simply a conversation among Canadians about an
20 issue that's very relevant to them.

21 **MR. GIB van ERT:** All right. So I am very
22 interested in that point about possible versus probable, and
23 I've got a note to come back to you on that very point, but I
24 want to finish on this because I don't think I've had an
25 answer yet to the point that I put to the panel, which is
26 that attribution is not required in order to exercise your
27 power under Section 7 of the directive to make a public
28 statement. If you aren't able to attribute, but you are

1 minded to make a statement anyways, you have that power. Do
2 you agree with that?

3 **MS. NATHALIE DROUIN:** We -- yeah, I agree
4 with that.

5 **MS. MARTA MORGAN:** But ---

6 **MR. GIB van ERT:** You agree. Thank you.

7 **MS. MARTA MORGAN:** --- I would say that in
8 the case of disinformation, which I think is what you're
9 referring to, we would be looking for signs of that
10 disinformation, which would include similar signs if it was
11 domestic or foreign or if it was in a grey space, which is,
12 you know, were there -- was there coordination and was there
13 inauthentic spread of the information. So the same kinds of
14 signals may be there regardless of whether it was a foreign
15 state actor or whether it was a proxy, or whether it was a
16 domestic actor that was trying to create disruption. And so
17 those would be the kinds of things from a kind of more
18 technical level that we would be looking for.

19 **MR. GIB van ERT:** And here's my concern, Ms.
20 Morgan. If the panel was of the view that it had to be able
21 to attribute, and furthermore, that it had to be able to do
22 it on the high standard that Me Daigle was mentioning, and
23 that it couldn't do so, it might feel paralyzed by that. And
24 I say that you were not required to establish any
25 attribution, and, therefore, you could have made an
26 announcement around Mr. Chiu even without attributing it to
27 China and say to the people in that riding, "There is
28 disinformation and misinformation about his policies and his

1 positions and you should be mindful of those things because
2 untruths are being spread," without even mentioning the PRC.
3 You had that power.

4 **MR. DAVID MORRISON:** Can I simply point out
5 that it was Mr. Chiu himself that gave 2 interviews to
6 English language Vancouver newspapers in early September 2021
7 that this was happening to him. So it's simply not true that
8 we needed to, as a panel, point out that erroneous
9 information was circulating about him and his foreign
10 influence registry because he was already live to it,
11 presumably, his campaign team was live to it. The MacDonald
12 Laurier Institute in Canada was live to it. He later
13 published in the Vancouver Sun talking about it. So we have
14 said several times that there is an ecosystem, and it is not
15 -- erroneous information circulates all the time, and perhaps
16 even especially in the cut and thrust of an election
17 campaign. In the case of Kenny Chiu, not only were we not
18 able to attribute it to a foreign state actor, we were pretty
19 confident that it was not unknown. The candidate himself was
20 well aware and, presumably, folks in his riding were aware as
21 well, given the ---

22 **MR. GIB van ERT:** Why did you presume that?

23 **MR. DAVID MORRISON:** Because he had ---

24 **MR. GIB van ERT:** Just because it was in an
25 English language paper? Because my suggestion to you is that
26 the people in this riding were getting the information from
27 WeChat and from Mandarin sources. And had the panel come out
28 and spoken to them in Mandarin and said -- as the panel, not

1 just as Mr. Chiu, because everyone's going to assume that Mr.
2 Chiu's going to disagree. They're not going to value that
3 very highly. You are a panel of deputy ministers and the
4 Clerk of the Privy Council, and you speak with authority.
5 You could have come out and said in Mandarin, "This
6 information is being spread. We assess it as being false.
7 Please advise yourselves accordingly and conduct yourselves
8 accordingly." And that's what you didn't do.

9 **MR. BARNEY BRUCKER:** Perhaps Mr. Morrison
10 could finish his answer before he was interrupted?

11 **MR. DAVID MORRISON:** What I was trying to get
12 at was there was every opportunity in English or in Mandarin
13 for the principals involved in the election campaign to
14 debunk any information that they considered inaccurate.
15 That's what happens in the course of an election campaign.
16 And as we have testified several times, there is an ecosystem
17 that forms part of the cut and thrust. So if -- Mr.
18 Rosenberg's document was on the screen a moment ago and he
19 talks about what happens if -- or what could potentially
20 happen if the panel speaks. Somebody else has said it is not
21 the panel's role to decide what is true and what is false.
22 And when something is out there being discussed, I think we
23 believe that the system is working.

24 **MR. GIB van ERT:** It's not the panel's role
25 to determine what is true and what is false. That's your
26 evidence, sir?

27 **MR. DAVID MORRISON:** I think the panel's role
28 is well described in the various protocols.

1 **MR. GIB van ERT:** Right.

2 **MR. FRANÇOIS DAIGLE:** Maybe, I think the --
3 what we're trying to explain here is there's lots of
4 political debate that goes on in a democracy. Canadians are
5 allowed to have disputes about a number of public policy
6 issues.

7 **MR. GIB van ERT:** Yes.

8 **MR. FRANÇOIS DAIGLE:** They're allowed to say
9 things that aren't true and debate that. And in order for us
10 to actually intervene, a non-partisan independent panel set
11 up with a directive here that we have to follow, in order for
12 us to intervene in that, you know, that exercise of freedom
13 of expression between Canadians, because we have to have at
14 least some reliable information that these aren't just a
15 bunch of Canadians having a dispute about a public policy
16 issue, but there's actually some information that somebody is
17 trying to feed that story and create some disruption here.
18 And our conclusion, as Ms. Morgan explained, was that we
19 didn't see indicators of that. We didn't see ---

20 **MR. GIB van ERT:** In Mr. Chiu's case you
21 mean?

22 **MR. FRANÇOIS DAIGLE:** Excuse me?

23 **MR. GIB van ERT:** I just want to be sure I
24 understood. You mean in Mr. Chiu's case you didn't ---

25 **MR. FRANÇOIS DAIGLE:** Yeah.

26 **MR. GIB van ERT:** --- see indicators of that?
27 Thank you.

28 **MR. FRANÇOIS DAIGLE:** Had we seen it, we

1 would have had some different considerations to take into
2 account. And we could have, depending on what the evidence
3 is, we could have made a public statement without a public
4 attribution, but we needed some evidence that this wasn't
5 just a group of Canadians having a conversation about an
6 issue, the foreign agent registry, which is a very live
7 issue. And it's ---

8 **MR. GIB van ERT:** Right. And you say that
9 the ---

10 **MR. FRANÇOIS DAIGLE:** --- still being
11 considered by ---

12 **MR. GIB van ERT:** --- the information that
13 SITE was giving you didn't meet that standard?

14 **MR. FRANÇOIS DAIGLE:** It did not meet that
15 standard. We didn't have that ---

16 **MR. GIB van ERT:** And that brings us back to
17 the standard that I wanted to talk to you about and I think
18 you wanted to talk to as well, which is what is the standard.
19 And I think what I've heard you say, Me Daigle, is that it
20 had to be probable not possible; that is to say, it had to be
21 more likely than not that this was disinformation or that it
22 met the threshold. Was that your operating standard more
23 likely than not or probable?

24 **MR. FRANÇOIS DAIGLE:** That's what -- yes,
25 that's what I think my interview summary says, that we are
26 looking for some probable -- some information that would make
27 it probable that this is interference, and that probable that
28 there is an impact on the election, which ---

1 **MR. GIB van ERT:** And that was a standard
2 that you adopted as a panel having considered the protocol
3 and interpreted it that way; right?

4 **MR. FRANÇOIS DAIGLE:** That's the way -- well,
5 I think ---

6 **MR. GIB van ERT:** Again, my point, sorry, if
7 I can clarify. My point is the protocol itself doesn't tell
8 you that the standard is more likely than not, or reasonable
9 grounds to believe, or reasonable grounds to suspect. It
10 leaves that to you to, in your judgement, determine what it
11 ought to be; right?

12 **MR. FRANÇOIS DAIGLE:** It does, yeah.

13 **MS. MARTA MORGAN:** Well, the -- right, when
14 one of the criteria is the reliability of the information and
15 as ---

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, no, but the --- and as
21 ---

22 **MR. GIB van ERT:** I'm just talking about the
23 standard ---

24 **MS. MARTA MORGAN:** Well ---

25 **MR. GIB van ERT:** --- right now.

26 **MS. MARTA MORGAN:** No, but the ---

27 **MR. GIB van ERT:** We can't confuse the two --

28 -

1 **MS. MARTA MORGAN:** But the standard ---

2 **MR. GIB van ERT:** --- because we get off
3 track.

4 **MS. MARTA MORGAN:** But the ---

5 **MR. GIB van ERT:** I just need to pursue this
6 point of what is your standard of proof? And I've heard Me
7 Daigle say it was more likely than not. So you agree with
8 that?

9 **MR. FRANÇOIS DAIGLE:** We're not a court.

10 **MR. GIB van ERT:** But you're a lawyer, sir,
11 and presumably you were there to advise the Panel on legal
12 issues.

13 **MR. FRANÇOIS DAIGLE:** I was there as Deputy
14 Minister of Justice. I didn't, I think during our panel, I
15 didn't give any legal advice. But ---

16 **MR. GIB van ERT:** So if you thought that a
17 legal error was being made ---

18 **COMMISSIONER HOGUE:** Just let him finish,
19 please.

20 **MR. FRANÇOIS DAIGLE:** We were getting
21 information and trying to determine whether it met the
22 threshold that's described in Article 6. In deciding that,
23 we've looked at the evidence, the information and the
24 intelligence that we've received, and try -- and tested its
25 credibility.

26 So again, I mean, all I can do is say if it's
27 -- the fact that it's possible that there was interference
28 wasn't enough. We were looking for something more.

1 **MR. GIB van ERT:** Yes, I agree.

2 **MR. FRANÇOIS DAIGLE:** I described it as
3 probable because I'm a lawyer and it's a term that I'm used
4 to. But really what we did is considered all of the factors
5 that's in the wrench, all of the information in the
6 intelligence that we received, and tried to determine whether
7 we should be making -- we've met the threshold and we should
8 make a public announcement, principally because we have
9 information that Canadians don't that they should have about
10 this incident.

11 **Mme NATHALIE DROUIN:** Si vous me permettez?

12 **MR. GIB van ERT:** And my concern, just to
13 finalize -- oh, go ahead, please.

14 **Mme NATHALIE DROUIN:** Je suis convaincue que
15 le Service de renseignement vous ont parlé de comment on
16 évalue une information, un renseignement. Donc, est-ce que
17 c'est une source unique? Est-ce que c'est corroboré? Est-ce
18 que c'est une source qui est connue du Service?

19 Donc, la... quand François parle de
20 probabilité, on... il parle vraiment de l'évaluation de la
21 qualité de l'intelligence que l'on reçoit.

22 Donc, ce sont tous des facteurs qui sont
23 regardés pour déterminer si l'information que l'on reçoit est
24 vraiment de l'ordre de la rumeur ou même des fois on peut
25 avoir des témoins qui sont des témoins qui... pas des témoins,
26 des sources, pardon, qui sont des sources qui ont un intérêt
27 à nous faire passer cette information-là. Donc, ils nous
28 font passer l'information parce qu'ils ont un intérêt à le

1 faire.

2 Donc, ce sont tous des éléments que l'on
3 regarde pour déterminer la valeur de renseignement que l'on
4 reçoit.

5 **MR. GIB van ERT:** Yes. And just the last
6 point then. You've done an excellent job there, Me Drouin,
7 if I may say, of explaining all the considerations that you
8 have to juggle, and if you juggle all of those according to a
9 standard of is this probably PRC or is this probably
10 misinformation, my suggestion is you'll never make an
11 announcement around PRC foreign interference in the course of
12 an election, because you'll never get to that standard.

13 **MS. NATHALIE DROUIN:** So ---

14 **MR. FRANÇOIS DAIGLE:** I would disagree with
15 that. I mean, we've spent a lot of time going through a
16 number of scenarios to understand where that threshold is and
17 what kind of cases would give rise to us actually making a
18 public announcement under the protocol, and we were ready to
19 make a public announcement if we saw, you know, information
20 that, you know, that told us that something needed to be
21 corrected. We were prepared to do that, but we simply didn't
22 see enough information, or any information that would have us
23 conclude that we've reached the protocol. But we were
24 prepared to do that if we had to.

25 **MR. GIB van ERT:** Thank you. That's very
26 helpful. Thank you very much.

27 **COMMISSIONER HOGUE:** Thank you.

28 Human Rights Coalition?

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

2 MS. SARAH TEICH:

3 **MS. SARAH TEICH:** Good afternoon. I want to
4 jump off on some of the points that were just raised about
5 threshold, and sliding scales, and particularly my colleague
6 spoke about the potential for making an announcement just to
7 the riding of -- Kenny Chiu's riding. Has the Panel also
8 considered the possibility of making a targeted announcement
9 to particular diaspora communities that are more vulnerable
10 to foreign interference?

11 **MS. JANICE CHARETTE:** I know that we did
12 discuss the possibility of making an announcement about
13 information or intelligence that didn't reach the threshold.
14 I think Madam Drouin testified this morning that at the end,
15 we agreed that our threshold was not below the -- was as
16 asset out here in terms of the below the threshold of free
17 and fair election.

18 We were also prepared to look at a riding
19 level. Did we look at -- I think a riding or a group of
20 ridings, in terms of an affected community, I think that was
21 incorporated in our deliberations and our discussions, yes.

22 **MS. SARAH TEICH:** Okay. And you decided ---

23 **MS. JANICE CHARETTE:** Sorry, I had to work my
24 way through to that.

25 **MS. SARAH TEICH:** No, I appreciate that. And
26 you decided to not do that?

27 **MS. NATHALIE DROUIN:** No, I shouldn't say
28 that. I think we have decided that we cannot issue an

1 announcement if it's under the threshold. But I don't think
2 we came to the conclusion that, if I may say, if it's only a
3 community, or group of communities, in only one or two
4 ridings, there's nothing we can do. This is not our
5 conclusion. Our conclusion is that we could not do any
6 announcement under the threshold. But our conclusion is not
7 that if it's only a community, it's necessary under the
8 threshold. Other elements were necessary to evaluate to come
9 to a conclusion on the impact.

10 **MS. SARAH TEICH:** All right.

11 **MR. DAVID MORRISON:** I think just as a
12 reminder, because it's already been testified to in this
13 panel, there was a lot of public education that went on by
14 the various agencies of the Canadian Government about foreign
15 interference and who was -- who we considered to be most at
16 risk and so on.

17 **MS. SARAH TEICH:** That's true. We heard
18 about that in earlier days of the hearing. But to the best
19 of my recollection, a lot of those educational materials were
20 general in nature and not offered in a variety of languages.
21 So I would suggest that that's not necessarily what I'm
22 asking. And I -- maybe I should relate this back actually to
23 the sliding scale concept that we spoke about.

24 So in hypothetical, where the threshold isn't
25 met, but there's some evidence of something going on, in your
26 opinion, do you think it would have been valuable to make
27 some sort of targeted announcement specifically to Chinese
28 speaking voters for example, in order to build community

1 resilience against some of these threats?

2 **MR. ROBERT STEWART:** I think -- I mean, we're
3 really talking about a hypothetical here of a very rarified
4 sort. And so without trying to repeat what my colleagues
5 have already said, we had a lot of information in front of
6 us, we never adjudicated the threshold coming close to being
7 met in either an individual level riding, or at a national
8 scale. Therefore we did not contemplate the modus, the
9 modes, or possible means of communication in any individual
10 circumstance.

11 **MS. NATHALIE DROUIN:** Maybe one thing, that
12 if the threat is real and it's -- it doesn't hit the
13 threshold in terms of the impact, CSIS can always do a threat
14 reduction measure, and they have done that during the
15 election, pre-election, post-election. So it's an instrument
16 that CSIS can do if the threat is real and during the
17 election, if the impact has not been to the level to hit the
18 threshold.

19 **MS. SARA TEICH:** All right. I don't have any
20 further questions. Thank you.

21 **COMMISSIONER HOGUE:** Thank you.

22 Counsel for the Sikh Coalition?

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

24 **MR. PRABJOT SINGH:**

25 **MR. PRABJOT SINGH:** Good afternoon,
26 panelists.

27 Ms. Morgan, if I can start with you, the
28 Commission heard evidence last week about the Rapid Response

1 Mechanism's observations made in 2021 regarding polarizing
2 disinformation that originated in India. Can you tell the
3 Commission about any deliberation or steps taken by the Panel
4 to consider the impacts or the threat of that specific wave
5 of disinformation?

6 **MS. MARTA MORGAN:** That would have been a
7 brief to us as important context for what potentially could
8 have happened during the writ period. But I do not recall
9 RRM briefing on specific issues related to India in the
10 online environment during the writ period in 2021. But we
11 would have been briefed on -- from a contextual perspective
12 on that because we were aware that that sort of thing could
13 arise in Canada, and that as a panel, we needed to be
14 prepared for that.

15 **MR. PRABJOT SINGH:** So just to clarify that
16 answer, so in terms of the information or intelligence that
17 was provided to the Panel, there were no warnings or
18 briefings about the threat of Indian disinformation in the
19 election?

20 **MS. MARTA MORGAN:** Oh no. That's not what I
21 was saying at all. Actually the opposite. What I was saying
22 is that as you noted, we had a number of meetings prior to
23 the election itself, and in those briefings, we were briefed
24 from a situational perspective on threats from multiple
25 different actors, both sort of the in person, the person-
26 to-person, foreign interference, potential for disinformation
27 online, et cetera.

28 So not the kind of threat but also potential

1 origins, including what might happen from various potential
2 countries, including India.

3 **MR. PRABJOT SINGH:** And so what it sounds
4 like is that was a generalised briefing about the
5 possibilities or potential of a threat ---

6 **MS. MARTA MORGAN:** That's right ---

7 **MR. PRABJOT SINGH:** To reframe my question.
8 I'm asking if the Panel considered specific instances where
9 threats constituted by Indian disinformation?

10 **MS. MARTA MORGAN:** Not during the writ
11 period.

12 **MR. PRABJOT SINGH:** Thank you. And the ---

13 **MS. NATHALIE DROUIN:** Because there was no
14 information.

15 **MS. MARTA MORGAN:** Because there was no
16 information suggesting that there was disinformation or
17 originating from that source in the Canadian information
18 ecosphere during that period.

19 **MR. PRABJOT SINGH:** And so that leads me to
20 my next question, is that the RRM did identify some
21 vulnerabilities and some gaps in the methodology to actually
22 understand or comprehend the information ecosystems
23 originating in places like India and their impacts on
24 diaspora communities. So was any further investigational
25 work done to address that vulnerability, or was that a gap
26 that went unchecked during the electoral period?

27 **MS. MARTA MORGAN:** Is there a particular
28 document that you're referring to that you could refer us to

1 on that?

2 **MR. PRABJOT SINGH:** No, there's no -- I'm
3 asking the question if those briefings occurred or if there
4 was any attempts by the Panel to address any gaps. So we've
5 spoken at length about the targeting of diaspora communities,
6 the impacts of disinformation on diaspora communities. So
7 I'm trying to understand and help the Commission understand
8 whether the Panel was actually equipped or did any work to
9 identify those gaps and fill that gap.

10 **MS. MARTA MORGAN:** The RRM is always working
11 to improve its capacity, including working with outside
12 players contracting, working with civil society who has
13 expertise in this area. So there's always an ongoing attempt
14 to fill the gaps that are identified.

15 **MR. PRABJOT SINGH:** So in your understanding,
16 that gap remains in terms of understanding Indian
17 disinformation in the information ecosystem?

18 **MS. MARTA MORGAN:** That's not what I'm
19 saying.

20 **MS. NATHALIE DROUIN:** Yeah, if I may. The
21 intel we receive about different foreign actors about their
22 intent, and the mechanisms they are using, and the approaches
23 they are using to do some foreign interference activities in
24 Canada, that intel was not coming from RRM, it was coming
25 from CSIS and CSE, in particular, in terms of what they know,
26 the activities they are seeing with all their surveillance
27 work. So this were the two main agencies feeding us in terms
28 of seeing the level of foreign interference that a foreign

1 actor can do.

2 Like RRM is not there to see pattern in terms
3 of how they operate. They can follow a specific media and
4 look at, you know, how it is authenticated, who is speaking
5 up on it, but they are not looking at trends, a trend in
6 terms of foreign actors', you know, activities, and things
7 like that. So I think that we have to make sure that we
8 understand the role of all our organisations here.

9 **MR. PRABJOT SINGH:** So based on those
10 briefings that were provided about Indian disinformation by
11 CSIS or any other agencies, did the Panel conduct any
12 deliberations or conversations about assessing a threat and
13 considering an announcement to counteract Indian
14 disinformation in any electoral ridings in Canada?

15 **MS. JANICE CHARETTE:** I think what my
16 colleagues -- I'm going try it this time. So we were briefed
17 by the SITE Task Force at the outset of our work around
18 capabilities of foreign actors and some of the tools that
19 they would possibly use. When we entered into the election
20 campaign itself, we were being briefed on activities and the
21 intelligence or information that was coming about how those
22 capabilities or those tools were being deployed. And I do
23 not believe during the 2021 election that we saw evidence of
24 Government of India using those tools in the campaign.

25 **MR. PRABJOT SINGH:** Thank you for that clear,
26 direct answer.

27 So we've heard from colleagues at CSIS and
28 the SITE Task Force last week that India targeted individual

1 ridings or specific candidates in the 2021 elections. Was
2 the Panel provided with specific details about those threats,
3 and did it consider any action or a public announcement
4 emanating from that threat?

5 **MS. NATHALIE DROUIN:** If we can put the
6 country specific public summary I think that can help us ---

7 **MR. PRABJOT SINGH:** Sure. I believe that'll
8 be ---

9 **MS. NATHALIE DROUIN:** --- in terms of what is
10 ---

11 **MR. PRABJOT SINGH:** --- CAN.SUM 12.

12 **MS. NATHALIE DROUIN:** --- in the public
13 domain and what we can discuss in this forum.

14 And if my recollection is good, I don't think
15 that we have a specific topic of public summary relative to -
16 --

17 **MR. PRABJOT SINGH:** Sorry. Mr. Operator, I
18 think it might be CAN.SUM 7, actually. Sorry, if you could
19 just -- one second. No. Yeah, that's fine. If we can
20 scroll down. If you can scroll down. A little bit further:

21 "A body of intelligence indicates
22 that...proxy agents may have
23 attempted to interfere in democratic
24 processes...including through the
25 clandestine provision of illicit
26 financial support to
27 various...politicians..."

28 Were these -- any of these specific threats

1 considered by the Panel?

2 **MR. DAVID MORRISON:** Let me just say that I
3 think the public summary speaks for itself, and everything
4 else that we had to say as a Panel was conveyed to the
5 Commission in the *in-camera* hearings.

6 **MR. PRABJOT SINGH:** Yeah, and so that's
7 totally fine, that's what I'm looking for. If there is
8 information that can't be provided in a public setting if you
9 can note that and Madam Commissioner and Commission Counsel
10 can determine if any follow up is required *in-camera*.

11 So is -- am I to take it ---

12 **COMMISSIONER HOGUE:** I said we would work --
13 if a question cannot be answered in this forum, then the
14 question is written down and we'll follow up after the
15 hearings.

16 **MR. PRABJOT SINGH:** Okay.

17 **COMMISSIONER HOGUE:** If there's a need to ---

18 **MR. PRABJOT SINGH:** Yeah. So I'll reframe my
19 question with that kind of background knowledge, that if
20 there is information that can't be shared in this public
21 setting, you're free to inform the Commission that you're not
22 able to answer and Madam Commissioner can see if there's any
23 follow up that's required.

24 So did Panel -- the Panel specific
25 investigate or assess disinformation threats emanating from
26 India during the electoral period?

27 **MR. ROBERT STEWART:** I think we've answered
28 that already and said no on disinformation.

1 **MR. PRABJOT SINGH:** Yeah. And were there
2 specific threats on specific ridings that were considered by
3 the Panel?

4 **MR. ROBERT STEWART:** And the answer to that
5 is no, as well. And for clarity, the country summaries to
6 which we've referred include a body of intelligence that is
7 accumulated over a much longer period of time, including up
8 to clearly close to the present day.

9 **MR. PRABJOT SINGH:** Okay. And so just to
10 clarify, so your answer isn't that you're not able to answer,
11 your answer is that there were no specific threats or targets
12 of any individual campaigns that were even looked at by the
13 Panel.

14 **MR. ROBERT STEWART:** We were not informed of
15 any particular activity in ridings that are in the subject to
16 which you refer ---

17 **MR. PRABJOT SINGH:** And were there any ---

18 **MR. ROBERT STEWART:** --- during our Panel
19 process during the writ period.

20 **MR. PRABJOT SINGH:** Okay, thank you. That
21 was very helpful. And were there any investigations or
22 threats about funding coming from Indian sources to any
23 campaigns?

24 **MR. ROBERT STEWART:** Not that were brought to
25 our attention.

26 **MR. PRABJOT SINGH:** Thank you. Those are all
27 my questions.

28 **COMMISSIONER HOGUE:** Thank you.

1 RCDA. And you're having 10 minutes from UCC.

2 **MR. GUILLAUME SIROIS:** Bonsoir from the RCDA.

3 And I want to talk -- thank my friend from UCC for granting
4 his time to the RCDA for this cross-examination.

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

6 **MR. GUILLAUME SIROIS:**

7 **MR. GUILLAUME SIROIS:** Mr. Morrison, you
8 testified that around September 9 to 12, the Panel of Five
9 was preoccupied with the Chinese disinformation campaign.
10 That was the disinformation campaign targeting Kenny Chiu; is
11 that right?

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

13 **MR. GUILLAUME SIROIS:** Okay. What the ---

14 **MR. DAVID MORRISON:** All -- it was the -- it
15 was the information that may have been inaccurate that was
16 circulating around that time. It was about the foreign agent
17 registry and it was about the Conservative Party of Canada
18 and Erin O'Toole's platform and folks in media organisations
19 were commenting on it in that time period.

20 **MS. JANICE CHARETTE:** May I also suggest to
21 you, sir, that the term "preoccupied" I think it's fair to
22 say that we were following closely, but we were following a
23 lot of things closely on a day-by-day basis throughout the
24 election campaign.

25 **MR. GUILLAUME SIROIS:** Okay. Was it - were
26 potential Russian disinformation campaigns as closely as the
27 one on the Chinese media.

28 **MR. DAVID MORRISON:** I think it's fair to say

1 we would have followed any campaign of mis -- or
2 disinformation equally closely given the potential impact on
3 the election campaign.

4 **Me GUILLAUME SIROIS:** Ce n'est pas... ce
5 n'était pas une question hypothétique. Je demande au moment
6 des faits, entre septembre 9 et 15 environ, est-ce que le
7 Panel surveillait de la même façon une campagne de
8 désinformation russe qu'une campagne de désinformation
9 chinoise? C'est oui ou non.

10 **MR. DAVID MORRISON:** The Panel itself does
11 not surveil information. We receive reports from the SITE
12 Task Force ---

13 **MR. GUILLAUME SIROIS:** All of ---

14 **MR. DAVID MORRISON:** Can I finish, please?

15 **COMMISSIONER HOGUE:** Let him finish.

16 **MR. DAVID MORRISON:** The daily SITREPs from
17 SITE are available for everyone. They did not, to the best
18 of my recollection, flag any activity by Russia that required
19 follow up by the Panel.

20 **MR. GUILLAUME SIROIS:** In short, no? Okay,
21 I'll move on because it's ---

22 **MS. NATHALIE DROUIN:** So, we took seriously
23 everything that was shown to us. We, as I said this morning,
24 we knew and we still know about Russia capabilities,
25 especially when it comes to espionage and cyberactivity. And
26 our intelligence agencies were following the interest that
27 Russia was demonstrating into our electoral exercises. And
28 we haven't been informed of any specific activities they were

1 doing in the 2021 election.

2 **MR. GUILLAUME SIROIS:** Thank you. C'est
3 vraiment utile, Maitre Drouin.

4 **MS. JANICE CHARRETTE:** And I can probably
5 point out to you, just in the After Action Report that was
6 prepared by the Security and Intelligence Threats to
7 Elections Task Force dated December the 17th, under Summary
8 of Key Observations, it contains a statement:

9 "Other state actors (Russia, [...] were
10 not observed engaging in activities
11 threatening Canada's GE44."

12 **Me GUILLAUME SIROIS:** Merci. Ça l'aide
13 aussi.

14 I would like to pull CAN, three zero, 134.
15 Well, CAN 000134. Do you recall the Weekly Trends Analysis
16 prepared by the RRM? Does it ring any bell? This was
17 prepared for the SITE Task Force, I know, but I also know
18 that the SITE Task Force wasn't supposed to filter any
19 information, so that's why I'm going to be asking you
20 questions about this.

21 **MS. JANICE CHARRETTE:** So, this report was
22 not a report shared with the Panel. It may be the case that
23 the information that's in there is information that went via
24 the SITE Task Force into our briefings. It depends on the
25 particular points you're about to make, sir.

26 **MR. GUILLAUME SIROIS:** Yes, I'm getting to
27 that. And do you recall, by any chance, the firm Yonder,
28 that the GAC or RRM Canada contracted to monitor social media

1 platforms?

2 **MS. MARTA MORGAN:** Yes, they did.

3 **MR. GUILLAUME SIROIS:** So, yes. This is the
4 RRM Weekly Trend Analysis for the week of September 9 to 15.
5 I would like to go to page 2 please.

6 So, we don't know a lot about this firm
7 Yonder, we don't have many documents about it, but we do have
8 this very sort of summary, very short summary, that says,
9 among other things:

10 "It appears that both Chinese and
11 Russian [...] state-aligned accounts
12 generally show low levels of
13 engagement overall, often single
14 accounts and only a few Tweets."

15 Do you see that?

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

17 **MR. GUILLAUME SIROIS:** Do you know what the
18 Yonder firm meant by "generally", "overall", or "often"?

19 **MS. MARTA MORGAN:** That would be a question
20 that would be better put to either them or to the experts at
21 the RRM.

22 **MR. GUILLAUME SIROIS:** Okay. But would you
23 agree, just reading this, that it's difficult to understand
24 the scope of these disinformation campaigns with these
25 qualitatatives?

26 **MS. MARTA MORGAN:** Well, I would say that it
27 notes that they generally show low levels of engagement
28 overall, and that would probably explain why information in

1 this particular paragraph was not included in the daily
2 reports to us, which included information that we needed to
3 be aware of at that time because there was potentially an
4 issue that we needed to be aware of.

5 So, I would interpret that as being a low
6 level of engagement, and therefore something to keep
7 monitoring, but not something -- not an issue of concern at
8 that time.

9 **MR. GUILLAUME SIROIS:** But you were informed
10 of Chinese disinformation campaign, were you not?

11 **MS. MARTA MORGAN:** We were informed that
12 there were concerns about information that was being shared
13 both in Chinese-Canadian media sites and through WeChat, yes.
14 We had been informed about that, absolutely.

15 **MR. FRANÇOIS DAIGLE:** But to characterize it
16 as a disinformation campaign is, I think, erroneous.

17 **MS. MARTA MORGAN:** Well -- and also, this
18 does -- this is talking specifically about Chinese and
19 Russian state and state-aligned accounts, so, you know, I do
20 think that this would be a question better put to the experts
21 in terms of how two things align.

22 But my reading of this, in terms of the
23 Russian intervention, is that at least for the accounts that
24 they were monitoring, there was low levels of engagement.
25 That doesn't mean there was something -- wasn't something
26 else going on somewhere else, but ---

27 **MS. NATHALIE DROUIN:** And just maybe to add
28 on -- we just had a previous conversation about other

1 incidents where we said that in those incidents, I'm talking
2 about here the O'Toole and Kenny Chiu incidents, in both
3 cases, we said that we have not seen any direction or
4 amplification coming directly from PRC. So, I think that
5 this is completely aligned with what we are saying here.

6 **MR. GUILLAUME SIROIS:** But we did confirm
7 earlier that you -- the Panel of Five was informed by a
8 potential Chinese influence campaign. It was possibly
9 directed by the PRC or influenced by the PRC.

10 My question is just why was it informed --
11 why was the Panel of Five informed of this Chinese
12 disinformation campaign and not the Russian disinformation
13 campaign circulating online if the firm that was contracted
14 to monitor social media by GAC identified both threats as
15 being the same?

16 **MS. MARTA MORGAN:** Could I just say that GAC
17 contracted and worked with a number of different firms. GAC
18 also -- the RRM also had its own capacity and the RRM also
19 worked with civil society. So, the information that we were
20 getting as a Panel was coming from multiple sources that were
21 collected and analyzed by Global Affairs.

22 So, this particular statement, I don't think,
23 is making the conclusion that you're trying to draw. We were
24 not brought information about a Russian disinformation
25 attempts during the campaign in the online ecosystem because
26 it wasn't seen by the SITE Task Force at that time during the
27 writ.

28 **MS. NATHALIE DROUIN:** If I can go back on

1 what you said earlier, Marta, about the fact that when it
2 comes to those foreign actors, yes, we do collect our own
3 intel, but we also work with allies, and the Five Eyes in
4 particular, and they're also there to help us seeing things
5 in terms of foreign actors' activities. So, the assessment
6 is based on what we are seeing, but what others are seeing
7 regarding us.

8 **Me GUILLAUME SIROIS:** Mais, Maitre Drouin, on
9 s'entend que Five Eyes ne surveille pas les réseaux sociaux
10 de Canadiens, n'est-ce pas?

11 **Mme NATHALIE DROUIN:** Non, mais les Five Eyes
12 peuvent toutefois avoir accès à de l'intelligence sur les
13 intentions des acteurs étrangers.

14 **Me GUILLAUME SIROIS:** On parle pas des
15 intentions... avec respect, Maitre Drouin, on parle pas des
16 intentions ici, on parle que la firme qui surveille les
17 réseaux sociaux a remarqué que la campagne russe était la
18 même... la campagne de désinformation russe...

19 **Mme NATHALIE DROUIN:** Je vais vous donner des
20 exemples.

21 **Me GUILLAUME SIROIS:** ... était la même que la
22 campagne de désinformation chinoise. Les deux sont
23 identifiées comme étant basses, ça, je change pas, mais ma
24 question, c'est pourquoi le Panel de cinq n'a jamais été
25 informé de ce fait?

26 **MS. MARTA MORGAN:** The Panel of Five -- the
27 RRM has multiple sources that it uses, and if you look even a
28 little bit further down on this page, you'll see that the

1 media ecosystem observatory found that Chinese interests have
2 become more visible in this reporting period. So, the RRM
3 was getting analysis and input from a variety of sources and
4 its own capacity.

5 So, I would just say that one particular
6 source, that's being mentioned here, is not conclusive and
7 would not have been conclusive in terms of the information
8 that they were providing us.

9 Should they have seen evidence of
10 disinformation -- state-sponsored disinformation by Russia
11 during the writ period, I'm confident that they would have
12 brought that information to us and we would have taken it
13 very seriously because it was absolutely one of the issues
14 that we were looking for and it was something that we had
15 seen in other countries. We had seen Russian state sponsored
16 disinformation in the United States, and Germany, and France
17 that had all been made public. So it was something that we
18 clearly were paying close attention to.

19 **MR. ROBERT STEWART:** If I might add, I think
20 we are being very clear that we did not observe or were
21 notified of any evidence of a Russian concerted
22 disinformation campaign during the campaign, which is not to
23 say that it does not happen in a more general context. And
24 indeed, since the war started in Ukraine, Russia's illegal
25 war, we have had a constant surveillance and notification
26 where we see Russian disinformation.

27 **Me GUILLAUME SIROIS:** OK. Juste dans
28 l'intérêt du temps, je vais revenir... je vais continuer sur

1 d'autres points qui sont encore dans le même paragraphe.

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 **Me GUILLAUME SIROIS:** Ben, Maitre Daigle,
20 c'est pas moi qui est préoccupé tant que ça. Oui, je le
21 suis, mais c'est surtout les membres de la diaspora russe et
22 les membres de la diaspora ukrainienne qui ont gentiment cédé
23 mon temps... leur temps à moi aujourd'hui. Et je trouve ça
24 inquiétant de voir ce document-là, et eux autres aussi
25 trouvent ça très inquiétant de voir ce document-là qui parle
26 d'ingérence potentielle de la Russie...

27 **COMMISSAIRE HOGUE:** Maitre Sirois, on
28 n'argumente pas avec un témoin, on lui pose des questions.

1 **Me GUILLAUME SIROIS:** Ma question c'est
2 qu'est-ce que vous pouvez dire aux membres de la diaspora
3 russe et ukrainienne pour les rassurer lorsqu'ils voient ce
4 genre d'information qui n'a pas été communiqué au Panel de
5 cinq?

6 **Mme NATHALIE DROUIN:** Si vous me permettez,
7 mon collègue tantôt a parlé des activités que l'on voit
8 encore en ce moment de la Russie, surtout à la suite de
9 l'invasion de l'Ukraine.

10 Les membres du Panel ont été briefés en 2019
11 et en 2021 sur les capacités de la Russie, sur leurs
12 objectifs afin d'attaquer les démocraties à travers le monde.
13 C'est des choses que l'on voit sur une base régulière contre
14 le Canada et contre d'autres démocraties.

15 Je pense que la conclusion auquel on doit en
16 arriver, c'est que on n'a pas vu d'intérêt particulier. Ça
17 veut pas dire que la Russie n'est pas active. On n'a pas vu
18 d'intérêt particulier dans les élections de 2019 et de 2021,
19 dans notre langage, on parle de « spike », so we haven't seen
20 a spike from Russia in 2021 election. Having said that, that
21 doesn't mean that Russia is not doing some campaign, as I
22 said, sometime to -- trying o undermine democracies around
23 the world.

24 **MR. GUILLAUME SIROIS:** That that's my last
25 question.

26 **COMMISSAIRE HOGUE:** Oui, dernière.

27 **Me GUILLAUME SIROIS:** Merci, Madame la
28 commissaire.

1 Does it take a spike pour faire une annonce,
2 pour que le Panel de 5 fasse une annonce publique?

3 **Mme NATHALIE DROUIN:** L'ingérence étrangère,
4 il faut toujours lutter contre l'ingérence étrangère et c'est
5 ce que les organismes puis que le gouvernement du Canada
6 fait, c'est pour ça qu'on travaille aussi à améliorer le
7 cadre législatif pour mieux lutter contre l'ingérence
8 étrangère, on veut travailler sur la sensibilisation, on veut
9 travailler avec l'écosystème, dont les plateformes pour mieux
10 équiper les Canadiens, mais en période électorale, on regarde
11 vraiment les activités qui sont là pour influencer les
12 résultats d'une élection, l'impact sur les résultats d'une
13 élection, et donc, c'est pour ça qu'on regarde les activités
14 qui sont accrues, qui sont visées vraiment sur l'exercice
15 démocratique qu'on est en train de surveiller.

16 **MS. JANICE CHARETTE:** And I could just say --
17 -

18 **MR. GUILLAUME SIROIS:** Oui.

19 **MS JANICE CHARETTE:** --- the answer to your
20 question is no. The protocol is very clear. It says an
21 incident or an accumulation of incidents. Those are the
22 words that we would have focussed on in doing our work as the
23 panel.

24 **MR. GUILLAUME SIROIS:** Mon temps est écoulé,
25 mais merci, Madame la commissaire.

26 **COMMISSIONER HOGUE:** AG?

27 **Me GUILLAUME SIROIS:** Merci les panélistes.

28 **COMMISSAIRE HOGUE:** AG?

1 **MR BARNEY BRUCKER:** No questions,
2 Commissioner.

3 **COMMISSIONER HOGUE:** Re-examination?

4 So thank you all. You are free to go.

5 On va avoir les nouveaux témoins, on fait ça
6 le plus rapidement possible. Alors, restez tous autour.

7 It's not a real break. It's only to welcome
8 the new witnesses.

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

11 This hearing is in recess for five minutes.

12 La séance est en pause jusqu'à cinq minutes.

13 --- Upon recessing at 5:02 p.m.

14 --- La séance est suspendue à 17 h 02

15 --- Upon resuming at 5:13 p.m./

16 --- La séance est reprise à 17h13

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

19 This sitting of the Foreign Interference
20 Commission is back in session. Cette séance de la Commission
21 sur l'ingérence étrangère a reprise.

22 --- MS. GRETA BOSSENMAIER, Resumed/Sous la même affirmation:

23 --- MR. DAVID MORRISON, Resumed/Sous la même affirmation:

24 **COMMISSIONER HOGUE:** Mr. Cameron, you can go.

25 **MR. GORDON CAMERON:** Good afternoon,
26 Madam Commissioner. Gordon Cameron for Commission counsel.

27 We have for you next, and the last panel for
28 today, a panel of former National Security and Intelligence

1 advisors.

2 And could I have the witnesses sworn or
3 affirmed, please.

4 **THE REGISTRAR:** Yes. I believe both have
5 been sworn and affirmed already.

6 So Mr. Rigby, could you please identify if
7 you'd like to be sworn or affirmed?

8 **MR. VINCENT RIGBY:** Affirmed is fine.

9 **THE REGISTRAR:** Okay. And could you please
10 state your name and spell your last name for the record.

11 **MR. VINCENT RIGBY:** Vincent Rigby. My last
12 name is spelled R-I-G-B-Y.

13 **--- VINCENT RIGBY, Affirmed/Sous affirmation solennelle :**

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

15 **MR. GORDON CAMERON:**

16 **MR. GORDON CAMERON:** Witnesses, we have a bit
17 of housekeeping, some documents to adopt, and it's -- not all
18 the people match up today with all the documents we're
19 adopting so we're going to have to keep our eye on the ball
20 here.

21 The first one, if we could have WIT 61 called
22 up.

23 **--- EXHIBIT No./PIÈCE No. WIT 61:**

24 Interview Summary of V. Rigby, D.

25 Morrison, M. Macdonald and M. Green

26 **MR. GORDON CAMERON:** Panelists, this is an
27 interview summary of an interview with two of you, Mr. Rigby,
28 and Mr. Morrison. Ms. Bossenmaier, you were not there. And

1 there were two others at the interview who are not here.

2 So I'll put it this way to you, Mr. Morrison,
3 and Mr. Rigby, insofar as the information in that document,
4 the interview summary, can be made public, is this summary
5 accurate in respect of the contributions that you two made to
6 that interview?

7 **MR. DAVID MORRISON:** It is as far as my
8 contributions are concerned.

9 **MR. GORDON CAMERON:** And Mr. Rigby?

10 **MR. VINCENT RIBGY:** It is the same
11 submissions.

12 **MR. GORDON CAMERON:** Thank you. And do you
13 adopt it as part of your evidence before the Commission
14 today?

15 **MR. DAVID MORRISON:** Yes.

16 **MR. VINCENT RIBGY:** Yes.

17 **MR. GORDON CAMERON:** Thank you. And
18 Madam Commissioner will have the other people from that
19 interview adopt that evidence by affidavit.

20 And in respect of the next document, WIT 57,
21 could we call that up, please.

22 **--- EXHIBIT No./PIÈCE No. WIT 57:**

23 NSIA Public Summary of Examination

24 **MR. GORDON CAMERON:** This is an *in-camera*
25 examination summary of all three of you, and Mr. Mike
26 MacDonald, who isn't here today. So I can pose this question
27 to all three of you. Insofar as the information in this
28 *in-camera* examination summary is -- can be made public, is it

1 an accurate -- is it accurate in respect of the evidence that
2 each of you provided at the *in-camera* hearing?

3 **MS. GRETA BOSSENMAIER:** It is.

4 **MR. DAVID MORRISON:** Yes.

5 **MR. VINCENT RIBGY:** Yes.

6 **MR. GORDON CAMERON:** Thank you. And do you
7 adopt it as part of your evidence before the Commission
8 today?

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

10 **MR. VINCENT RIBGY:** Yes.

11 **MR. GORDON CAMERON:** Thank you.

12 Each of you was in the position of being the
13 National Security and Intelligence Advisor to the Prime
14 Minister at least one period of time, some of you more than
15 once.

16 So I'll try to do this sequentially and begin
17 with you, Ms. Bossenmaier. Can you tell us the dates during
18 which you held the appointment as the National Security and
19 Intelligence Advisor?

20 **MS. GRETA BOSSENMAIER:** Sure. I was the
21 National Security and Intelligence Advisor from spring 2018
22 until early December 2019.

23 **MR. GORDON CAMERON:** Okay. And then I'm
24 going to switch to you, Mr. Morrison, to pick up just a tag
25 end. Do I understand that you had a brief period after
26 Ms. Bossenmaier's terms as acting NSIA?

27 **MR. DAVID MORRISON:** That is correct, in --
28 from when Greta left in early December of 2019 until Vincent

1 was appointed at the end of January 2020.

2 **MR. GORDON CAMERON:** Okay. And I'll pick it
3 up there again with you, Mr. Rigby. Can you tell us when you
4 were the National Security and Intelligence Advisor?

5 **MR. VINCENT RIGBY:** And I was appointed NSIA
6 at the end of January 2020, and I was in the job until 30th
7 of June, I do believe, 2021.

8 **MR. GORDON CAMERON:** Okay. And now we're
9 back to you, Mr. Morrison. Can you tell us when you picked
10 up that role, and if you can just include in that account the
11 brief period during which you were replaced by Mr. MacDonald?

12 **MR. DAVID MORRISON:** Yes. I picked up the
13 role on the 1st of July 2021, and I had that role, in
14 addition to my responsibilities as Foreign and Defence Policy
15 Advisor to the Prime Minister, through -- until the 11th of
16 January 2022. The one exception was I was on a medical leave
17 from, I'm going to say, about the 18th of July until the 9th
18 of August 2021.

19 **MR. GORDON CAMERON:** Thank you very much, and
20 thank you for helping us with the accuracy of those tenures.

21 I'm now going to ask if you could briefly
22 describe the role and functions of the NSIA.

23 And it occurs to me in looking at the
24 documentation that the parties have been provided, if we
25 could call up WIT 57 again.

26 Because, Ms. Bossenmaier, at paragraph 3,
27 this is the summary of the *in-camera* hearing, and at
28 paragraph 3 there, you provided what looks like one of the

1 best descriptions. It's also in the PCO institutional
2 report, but if you could just tell the Commissioner what --
3 how you describe the three main roles of the National
4 Security and Intelligence Advisor?

5 **MS. GRETA BOSSENMAIER:** Sure. There are
6 really three main roles for the National Security and
7 Intelligence Advisor. The first one is actually the title.
8 It is to provide the Prime Minister with national security
9 and intelligence advice. And it could be advice on policy
10 issues, things that are perhaps on their way to -- for
11 Cabinet consideration also to provide that advise with
12 respect to operational issues. There could be a significant
13 security issue or incident that needs to be dealt with, or it
14 could be an operational issue.

15 The second key role, and one for which we
16 spend a lot of time on, is to not just convene but to
17 coordinate the security and intelligence community in Canada.
18 And, you know, key players would be the Service, CSE, RCMP,
19 for example.

20 And the third role is to deal effectively
21 with the NSIA's counterparts in other countries. It may not
22 be its exact match in terms of how they organize themselves,
23 but I think it's fair to say that many countries have a
24 similar type of function, so to be able to interact with your
25 counterparts in other countries. I think I referenced the
26 Five Eyes, perhaps, but not only, with other counterparts as
27 well. So in a nutshell I would sort of highlight those three
28 roles.

1 **MR. GORDON CAMERON:** Thank you.

2 And Mr. Morrison, in a section of the
3 interview that you spoke about the different roles at the
4 NSIA, you had something to say about the -- and we might be
5 able to cover off two points here, one is the other things
6 that are going on besides foreign interference when the NSIA
7 is in his or her chair, and, also, the aspects of national
8 security and intelligence advice that are weighted more to
9 national security without a big intelligence component, and
10 vice versa. Maybe you could explain that.

11 **MR. DAVID MORRISON:** Sure, thank you. And
12 follows from what Greta has just said, the focus of this
13 Commission is obviously foreign interference, which is one of
14 the important files that the National Security and
15 Intelligence Advisor deals with. Certainly in my second
16 stint, in the latter half of 2021, encompassing the entire
17 pre-writ and writ period and the aftermath, we had -- I had a
18 lot of focus on foreign interference as a member of the panel
19 of five.

20 But I wouldn't want to leave the impression
21 that the core of the role is around intelligence because
22 national security is much broader than -- and the role is
23 much broader than the flow of intelligence. So I can speak
24 to what I dealt with in the fall of 2021, which was, first
25 and foremost, the fall of Kabul and the evacuation of Embassy
26 staff and other Canadians from the country, and then
27 eventually the evacuation of Afghans with a connection to
28 Canada. That went on from the 15th of August through the

1 fall.

2 People will recall that immediately following
3 election day, came the announcement of the release of the two
4 Michaels. Well, that was building behind the scenes
5 throughout August and September with lots of involvement by
6 the National Security and Intelligence Advisor until the day
7 that they were released.

8 Another one was Ethiopia, which didn't end up
9 in an evacuation of Canadians, but very closely -- it was a
10 close-run thing. It certainly could have. So we got all
11 prepared to have to do an evacuation. The Prime Minister
12 spent a lot of time during those critical weeks doing
13 diplomacy with governments in Africa and the United Nations
14 and so on, trying to ameliorate that situation.

15 There was a summit in Washington between the
16 Prime Minister and the Mexican President that dealt with
17 migration issues; it dealt with fentanyl, which has national
18 security implications.

19 And I can go on and on. There were a couple
20 of summits that fall, the G20 and the Climate Change Summit
21 which also required the National Security and Intelligence
22 Advisor's presence, and then finally it was through that fall
23 -- throughout that fall that in the background we were privy
24 to intel about Russia building up on the border of Ukraine.
25 So that was one that wasn't public but was being worked
26 behind the scenes, and then everybody knows what happened in
27 February of 2022.

28 **MR. GORDON CAMERON:** Thank you.

1 And if I could ask the Court Operator to call
2 up CAN.DOC11, which should be the Privy Council Office
3 Institutional Report, and just scroll to the bottom of the
4 first page, because I'm going to ask, Mr. Rigby, if you could
5 comment on the support that the NSIA gets from the two
6 Secretariats that are described at the bottom of that page,
7 the Security and Intelligence Secretariat and the
8 Intelligence Assessment Secretariat, if you can describe what
9 they do and how they supported you in your role when you were
10 NSIA?

11 **MR. VINCENT RIGBY:** Absolutely.

12 So as the National Security and Intelligence
13 Advisor, I had two Secretariats underneath me, one was the
14 Security and Intelligence Secretariat, short form, S&I, and
15 then I also had IAS, which was the Intelligence Assessment
16 Secretariat.

17 IAS is basically a unit that does foreign
18 intelligence assessments, primarily. At that time it was
19 doing primarily foreign intelligence. So these are analysed
20 intelligence analysis documents on foreign issues provided
21 for a wide range of clientele around town, including right up
22 to the Prime Minister, produce documents like National
23 Intelligence Assessments and so on. So they are an
24 assessment unit providing intelligence.

25 And then the Security and Intelligence
26 Secretariat, S&I, was more of a sort of a policy operational
27 body that provided policy advice up to me, and operational
28 advice in the midst of a crisis or in the midst of a specific

1 event that I could then use to work with my counterparts
2 around town in the S&I community or directly with the Prime
3 Minister. So one piece was policy operational, the other was
4 intelligence assessment.

5 **MR. GORDON CAMERON:** Thank you.

6 Could the Court Operator find and put up CAN
7 8266?

8 **--- EXHIBIT No./PIÈCE No. CAN 8266:**

9 IAS Dissemination - Flow Chart

10 **MR. GORDON CAMERON:** which should be a
11 graphic of intelligence flow from the Intelligence Assessment
12 Secretariat through -- there we go -- through the NSIA and
13 onwards.

14 I'll ask if you, Ms. Bossenmaier, can tell us
15 what the -- looking at the very top of that graphic and
16 perhaps if the Court Operator is able to enlarge the first
17 line for people trying to read it from the room. What is the
18 Daily Foreign Intelligence Brief, and the Prime Minister's
19 Weekly Intelligence Brief?

20 **MS. GRETA BOSSENMAIER:** So those are two
21 documents that are produced by this Intelligence Assessment
22 Secretariat, the one that Mr. Rigby just spoke about.

23 If you could maybe pull it back a little bit
24 for me, just so I can see what's on the screen there?
25 Perfect, excellent.

26 So these are two reports that sort of --
27 again, as their names say, one is a daily intelligence
28 report, a foreign intelligence report, and the other is the

1 Prime Minister's weekly. So on a daily basis, the
2 Intelligence Assessment Branch pulls together a number of key
3 items that they think are relevant to a variety of
4 stakeholders, and they try to do it in a very succinct manner
5 so people will be able to see sort of what's happening on a
6 one- or two-page kind of document that are -- really the aim
7 is to provide sort of timely assessments as to what's
8 happening with these sort of pertinent things that decision-
9 makers either need to be informed about just from a
10 background perspective, or maybe informed about as a building
11 block towards something else, for example.

12 The Prime Minister's weekly is a document
13 that would go to the Prime Minister, that again would sort of
14 highlight what the most relevant and pertinent issues are,
15 assessments are, again to support broader Government of
16 Canada priorities and decision-making.

17 Mr. Rigby actually ran this branch for a
18 while, so he might actually have some additional details to
19 provide.

20 **MR. VINCENT RIGBY:** I ran the branch from
21 2008 to 2010. I was actually intimately involved in the
22 setting up of both the PMWIB and the DFIB, as they're called
23 again in short form.

24 So I think Greta's nailed it. Maybe just a
25 couple of points of clarification. Usually the daily would
26 have about seven, eight items; it depended on the day.
27 Sometimes there'd be four or five; sometimes there'd be six
28 or seven or eight or nine, just depending on how heavy the

1 intelligence was.

2 We tried to make the intelligence as
3 responsive and as relevant as it could possibly be, but one
4 important point is that a lot of the adds that ended up in
5 the DFIB were actually based on sources coming from other
6 documents. So it might be a summary of a document that CSIS
7 produced, for example, or a Five Eyes ally or CSE or whatever
8 the case may be. And so there'd be an IAS take on it
9 sometimes, other times we would just be reporting what
10 another agency reported on, so I think that's an important
11 context. And then the Prime Minister's weekly intelligence
12 brief, as Greta said, it came out once a week, obviously,
13 usually on a Friday. And it was almost like a greatest hits
14 collection of the daily foreign intelligence briefs. So they
15 take the most relevant and the most pertinent and what items
16 they thought would be of most interest to the Prime Minister
17 and put them in that document, and then that went up through
18 a separate chain to the Prime Minister directly. They had
19 different distribution lists, the two documents. The daily
20 would centre a much wider group of people and organisations
21 than the Prime Minister's weekly intelligence brief, which
22 was very focussed on the Prime Minister and a very select
23 number of Deputy Ministers around town.

24 **MR. GORDON CAMERON:** Okay. And on that point
25 about intelligence reporting and how it gets briefed up, if
26 the Court Operator could bring up CAN 5546?

27 **--- EXHIBIT No./PIÈCE No. CAN 5546:**

28 How Intelligence Reports get Actioned

1 in the GoC

2 **MR. GORDON CAMERON:** Now I think that
3 probably this graphic was considered most useful for
4 describing the difference between the path that reporting
5 takes during the period that the SITE Task Force is
6 operational and the period that it isn't, but the point I
7 wanted to ask you panelists to talk about is the difference
8 to the NSIA of what in this graphic gets called building
9 block intelligence so reports that are going to sort of go
10 and be used later, perhaps to be assembled or analysed and
11 assessed, and other intelligence that is called critical
12 intelligence, which is either urgent or significant enough to
13 require a more immediate action. And if you could just
14 describe that in the context of the types of intelligence
15 that come to the NSIA and how you decide what action should
16 be taken with it. I think perhaps, Mr. Morrison, you could
17 talk about that.

18 **MR. DAVID MORRISON:** And then I'll ask
19 Vincent to jump in. So the distinction you have made is an
20 important one. Colleagues this morning and I think
21 throughout this process have talked about the mosaic effect,
22 when one reads intel as a consumer and one is trying to put
23 together a puzzle, or a picture that will gradually come into
24 focus, so a lot intel gets put into the building block
25 basket. Intel that requires action can be of a couple of
26 kinds. One may be we need to discuss it. We need -- you
27 know, it raises questions, so that the action is you call a
28 meeting, or you call over to the service, or you talk to

1 colleagues to make certain your understanding is correct.
2 And then there's very -- very occasionally, very rarely intel
3 that I think is kind of critical and needs to be actioned
4 instantly, including at higher levels up to and including the
5 Prime Minister.

6 I would just point out in terms of this
7 scheme that is on the screen, which isn't one that -- I don't
8 know the province, but this is with I think, given that the
9 top bit talks about the writ period and the bottom bit talks
10 about the regular process, it is certainly true that intel
11 was coming to SITE and then onward to the panel, I think -- I
12 hope everybody is clear on that, on foreign interference on
13 anything that could affect the election. I just want to make
14 certain people understand that on the bottom half of the
15 document where it's regular process, that is happening
16 before, during and after an election. It's not that one new
17 thing kicks in, an additional thing, an additional set of
18 protocols kicks in, but throughout the election process, all
19 of the regular processes on the bottom half of the document
20 continue to take place.

21 **MR. GORDON CAMERON:** Okay. And on that
22 point, if the -- we see the -- on the bottom what you call
23 the -- or the graphic calls a regular process, the
24 intelligence going off to various committees, if the Court
25 Operator could call up 5547, CAN 5547?

26 **--- EXHIBIT No./PIÈCE No. CAN 5547:**

27 Governance Structure - Committees
28 pertaining to Foreign Election

1 Interference

2 **MR. GORDON CAMERON:** While it's coming up,
3 I'll just ask, this is -- this graphic you'll -- though you
4 don't see it yet, you might remember it from your nightmares.
5 It is the list of all of the committees that the NSIA has to
6 chair or be involved in, including one blanked out, the
7 public existence of which cannot even be revealed. And
8 rather than take you through all those, which are discussed
9 in your interview summary, at your in-camera examination you
10 all spoke with some focus about the particular importance of
11 the Deputy Minister's Operations Committee, DMOC. So perhaps
12 one of you and I'll open it up to the floor, so to speak, can
13 describe why that committee was of all of these other
14 committees the one that was most important to you as NSIA.

15 **MR. VINCENT RIGBY:** Maybe can I kick off?

16 **MS. GRETA BOSSENMAIER:** Yes, absolutely.

17 **MR VINCENT RIGBY:** I also have -- if I could,
18 just make a couple of comments with respect to how
19 intelligence is actioned just because of the below the line
20 where you talked about the regular process, I think there are
21 a couple of points that are really important. That graphic
22 looked great in theory point A to point B. It wasn't that
23 clean. It could often be quite messy. Didn't always go to a
24 committee. Sometimes it did go to committee. Sometimes it
25 was quite organic, it just happened naturally. Sometimes if
26 you're in the middle of a crisis, if you're in the middle of
27 a major event overseas, or a kidnapping, or something like
28 that, you'd actually be in a meeting with all kinds of

1 different people from all over the community and outside the
2 community sometimes, and a piece of intelligence would come
3 to light in the meeting, and you decide right then and there
4 if this is actionable intelligence, we should work on it. So
5 actionable intelligence could appear in very different ways,
6 and stuff that looked generally actionable wasn't always
7 actionable. And stuff that you perhaps didn't think was
8 going to be actionable did end up being actionable.

9 The other point I wanted to make was that I
10 would suggest -- my colleagues may not agree with me, but I
11 think they will that most of the intel we saw was not
12 actionable. And most of the time what we saw was
13 intelligence that was extremely useful, very helpful in terms
14 of situational awareness, building up your knowledge base,
15 connecting dots, slowly building a picture, the mosaic, or if
16 you want to use the other metaphor, the jigsaw puzzle and
17 pulling it all together, but it wasn't immediately
18 actionable. And a lot of the stuff was parked, and it just
19 wasn't actionable. It's great information, but I don't
20 really need it at this point in time. Maybe we'll come back
21 to it at a later time, but that -- that's the way it worked.

22 I think there's a sense sometimes that every
23 piece of intelligence that comes across your desk you need to
24 do something with it. And sometimes you did, sometimes you
25 didn't, but that was part of the judgment that an NSIA
26 brought to bear, looking at the intel, and going, "What do I
27 do with this? Do -- is it great just for my own knowledge
28 base? Do I share it with someone? Do I take it to the Prime

1 Minister? Do I call a meeting?" So that was part of the
2 process.

3 **MR. GORDON CAMERON:** Thanks.

4 **MR VINCENT RIGBY:** With respect to the
5 governance structure, I think David talked in the in-camera
6 interview quite extensively about the DMOC. The DMOC was a
7 particularly important committee. Happens -- I think it
8 still happens every Thursday. When I was NSIA, I think it
9 was 4:30 to 5:30 or 4 to 5, and it's basically bringing
10 together all the deputies from around the S&I community, the
11 core community of the agencies and organisations that Greta
12 mentioned, but also some others in another concentric circle
13 outside from that inner circle, to talk about matters of high
14 priority.

15 So what was -- the phrase I used to say was,
16 you know, what's keeping you up late at night, whether it's
17 from an intelligence perspective, or whether it's
18 operational, or sometimes policy. Just give me an update on
19 the memorandum to Cabinet that's going next week, or if it's
20 an operational issue, I might have turned to CSIS and say,
21 you know, what's going on with that investigation into this,
22 that, or the other, or the RCMP, whatever the case may be.
23 It was partly me pulling, but there's also a lot of pushing
24 as well, and so you expected people to come prepared and to
25 bring what I needed to know, and their colleagues needed to
26 know to the table. And so I would usually start off with a
27 bit of a brief about what I had been up to the previous week,
28 the kinds of conversations I was having with the Prime

1 Minister, always very careful what I spoke to them about in
2 terms of my conversations with the Prime Minister, but I'd
3 give them a general sense. But then we do a round table, and
4 I would literally go around every single person, or in the
5 room, or if it was on the phone, on a secure line, what do
6 you have to bring to the table this week. So you expected
7 people to bring stuff to your attention that you needed to
8 know.

9 The only other body I'd mention is the Deputy
10 Minister's Intelligence Committee, and this relates to my
11 previous point about places where we could talk about
12 intelligence and what to do about intelligence. And so I
13 created this committee because I wanted to have more
14 conversations about intelligence. I was afraid that people
15 were -- I wasn't always sure who was seeing what, and whether
16 we were all reading the same material, but also, whether we
17 were all getting the same takeaways in terms of the
18 intelligence. And, you know, was intelligence actionable?
19 Did we need to talk about what to do next? Did we need to
20 talk about sending it to the Prime Minister or Minister. So
21 the DMIC was created to try and have some of those kinds of
22 conversations. So those were two of the key bodies for me.

23 **MR. DAVID MORRISON:** Can I just -- on this
24 point of actionable/not actionable, it's very important, I
25 think, to understand that almost all intel comes with
26 caveats. So the issue area, the subject, may be very
27 alarming, but it may be the first glint you have of it, and
28 it may come with a caveat right up front that says it is from

1 a single source, uncorroborated, of unknown reliability.

2 So then you might talk about it, because it
3 is -- would be alarming if true, but until you get a little
4 more, this is the mosaic. You might kind of -- you might
5 brief it up because it's alarming. You might say this might
6 develop into something. But the caveats, including all of
7 those on the front pages of our summaries, are very, very
8 important when we're talking about intelligence.

9 **MR. GORDON CAMERON:** Thank you. And I'm
10 mindful of the time. I'm just going to finish up with two
11 issues that arose in earlier examinations but that have some
12 bearing on your evidence, panelists.

13 The first has to do with the recall of CNSB
14 23/19, and this is a question for you, Ms. Bossenmaier.

15 If the Court Operator could just quickly call
16 up for the screen, just to remind people what we're talking
17 about, CAN4729? Sorry, let's start with 4728.

18 Now you might want to turn up, Ms.
19 Bossenmaier, and all, -- sorry, could the Operator scroll
20 down a bit just so that people can see -- okay. So that's
21 the one that parties might remember was raised with the CSIS
22 panel as an intelligence report that was recalled by the
23 Director.

24 And Ms. Bossenmaier, as I think you discussed
25 -- and again, to help you, if the Court Operator could call
26 up WIT57 and scroll to paragraph 16, where Ms. Bossenmaier,
27 during the in-camera hearing addressed her recollection, or
28 thoughts at least, on this recall incident.

1 Having reviewed that, Ms. Bossenmaier, could
2 you just assist the Commissioner with your recollection or
3 absence of recollection about this incident and what your
4 thoughts about it are?

5 **MS. GRETA BOSSENMAIER:** Sure. I think the
6 most important piece, and people can read the document there,
7 I think the most important piece to -- for me to focus on is
8 that I would never, as the NSAI, instruct another agency to -
9 - would not and did not instruct another agency to change one
10 of their intelligence reports. They are responsible and had
11 the authority to -- responsibility and authority to produce
12 their reports. It is not my remit to instruct them to change
13 it and I did not instruct them to change it,

14 **MR. GORDON CAMPBELL:** Thank you. And if the
15 Court Operator then could call up 13 -- CAN13124? And it has
16 an underscore R01 on it, but I think it's the only 13124 in
17 the database. There we are.

18 **--- EXHIBIT No./PIÈCE No. CAN 13124 r01:**

19 CPC Concerns around Foreign Election
20 Interference 2021

21 **MR. GORDON CAMPBELL:** And this is a question
22 for you, Mr. Morrison, because it was raised earlier in the
23 proceedings. This is a document that postdates your term,
24 but it has an attachment to it that you authored.

25 If the Court Operator could scroll down to
26 page 16 of 19, which is an email from you, Mr. Morrison, to
27 Me Drouin.

28 And I guess the easiest way to ask about this

1 is just to ask you to tell us what this email was about and
2 what you were talking about in those three paragraphs?

3 **MR. DAVID MORRISON:** We've talked a lot today
4 about concerns that the Conservative Party of Canada had
5 about possible foreign interference in the 2021 election.

6 Following the election, the Conservative
7 Party came to SITE or PCO, I don't know which, to talk more
8 about their concerns. So this is after election day. They
9 provided information towards the end of September, in the
10 best of my recollection, Madam Charette spoke to this issue
11 this morning. The RRM and SITE Taskforce did a very deep
12 dive into their -- into the concerns that the Conservative
13 Party of Canada had raised. And then shortly before -- at
14 some point in October, the -- my colleague, Mike MacDonald
15 met with representatives of the Conservative Party to go over
16 their concerns and to discuss what we had found or what the
17 SITE Taskforce had found in response to its deep dive. And
18 that -- a lot of the elements of that deep dive are in this
19 same information package.

20 What I think I was referring to in this email
21 was that the -- after meeting with Mr. MacDonald, the
22 representatives of the Conservative Party said that they were
23 not satisfied with our response to their concerns and that
24 they were intending on making their concerns public and our
25 lack of response public, our lack of what they considered a
26 satisfactory response public. So I've said in this email
27 that we should make certain RCOMS folks are on that.

28 And then I don't actually recall writing the

1 email, but in the last two paragraphs, I think I was trying
2 to kind of honestly reflect on the concerns raised and some
3 of the difficulties that we have talked about today in
4 determining whether something is foreign interference or
5 legitimate discussion among Canadians, or legitimate
6 diplomatic activity. We've spent a lot of time, and I tried
7 in my testimony last Friday to sort of talk about what is
8 clear cut and what can be more ambiguous.

9 I think in the final -- or in the third
10 paragraph, I talk about maybe parties and SITE should get to
11 know each other a little bit better so they can build a
12 shared understanding of the online and the offline foreign
13 interference categories and so on in order to try and
14 strengthen our tool kit.

15 **MR. GORDON CAMERON:** Thank you very much, Mr.
16 Morrison. And thank you, witnesses.

17 Madam Commissioner, I think at this time of
18 day, it's best if Commission counsel hands over the
19 microphone to the parties, so I'll complete my questions
20 there.

21 **COMMISSIONER HOGUE:** Thank you.

22 Yes?

23 **MR. VINCENT RIGBY:** Sorry. I just wanted to
24 build on the point that David Morrison made, because it's an
25 absolutely critical point and it's about the caveats. And I
26 found it very interesting the way the intelligence summaries
27 are being read by Canadians, and in the press in particular,
28 that they're almost being presented as statements of fact.

1 I would encourage everybody to read the cover
2 page on those caveats every bit as carefully as they read the
3 intelligence summaries. The intelligence summaries are not
4 statements of fact. They are summaries of the intelligence
5 that we had at that time. Those are assessments. They are
6 assertions, but they are not necessarily -- they could be in
7 some cases, but they're not necessarily statements of fact.

8 So as David pointed out, there will be places
9 where you have single source intelligence, human sources with
10 uncorroborated reporting history so we don't know whether
11 they've had accurate periods or their intelligence has turned
12 out to be accurate in the past. But even intelligence
13 assessments that have taken a collection of intelligence and
14 provided an overall analysis, even those often come with
15 caveats. Initial findings, this is early investigative
16 reporting. We have to do a lot more work. We have huge
17 intelligence gaps. More needs to come.

18 So I think it's very, very important that
19 everyone understands that that's what those summaries are and
20 that whenever I read intelligence, one of the first things I
21 did was I went to the sources and saw what the intelligence
22 was based on, and then you make some of those judgements I
23 was talking about before about what you actually do with it.

24 So sorry to take your time, but I just ---

25 **COMMISSIONER HOGUE:** Thank you.

26 **MR. GORDON CAMERON:** Thank you very much.

27 **COMMISSIONER HOGUE:** Counsel for Han Dong?

28 **MS. EMILY YOUNG:** We have no questions.

1 Thank you.

2 COMMISSIONER HOGUE: Counsel, for Erin
3 O'Toole.

4 MR. THOMAS JARMYN: Thank you, Commissioner.
5 My name's Tom Jarmyn. I'm counsel for Erin O'Toole.

6 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE BY

7 MR. THOMAS JARMYN:

8 MR. THOMAS JARMYN: I've just got a few
9 questions. And the first is, I mean collectively the three
10 of you are probably -- I couldn't find three people with more
11 years of experience in the field of intelligence and
12 security. Would that be a fair statement? Like you are ---

13 MR. DAVID MORRISON: I don't ---

14 MR. THOMAS JARMYN: You are ---

15 MR. DAVID MORRISON: I don't ---

16 MR. VINCENT RIBGY: It's the grey hair.

17 MR. THOMAS JARMYN: Well, I've got them too.
18 So -- but if I characterise you as experts in
19 the field that would be an accurate....

20 MR. VINCENT RIBGY: I would say that we
21 certainly have a lot of experience. Let others judge whether
22 we're true experts or not, but ---

23 MR. THOMAS JARMYN: All right. Thank you.

24 MR. VINCENT RIBGY: --- we have a lot of
25 experience, yes.

26 MR. THOMAS JARMYN: And so you've seen a lot
27 of reporting with respect to foreign interference in Canadian
28 society and elections; is that fair?

1 **MR. DAVID MORRISON:** I would say, just to
2 calibrate things, and it shows up in some of the summaries,
3 the vast majority of intelligence that I have seen in my
4 career as a consumer does not have to do with foreign
5 interference. It has to do with all manner of things that
6 foreign governments are doing. There is a subset which -- of
7 intelligence that comes from our domestic agencies that has
8 to do with foreign interference, yes.

9 **MR. THOMAS JARMYN:** Yeah. And that parallels
10 your -- sorry. Go ahead.

11 **MR. VINCENT RIBGY:** Sorry, but I'd like to
12 make the same calibration for myself. When I was NSIA,
13 between end of January 2020 and June 2021, most of the
14 intelligence I was seeing was actually related to the
15 pandemic. That was my big issue. I lived and breathed it
16 for those 18 months that I was in the job. So there was not
17 a steady stream of intelligence coming my way that I was
18 seeing on foreign interference, and especially foreign
19 interference with respect to the electoral process and
20 elections specifically.

21 **MR. THOMAS JARMYN:** And that's what I was
22 going to say, foreign interference is a slice of a very broad
23 remit you described from Afghanistan to pandemic to cyber
24 security, et cetera?

25 **MR. VINCENT RIBGY:** Yes, that's fair.

26 **MR. THOMAS JARMYN:** But significant enough to
27 be noticeable.

28 **MR. DAVID MORRISON:** Absolutely, and very

1 significant and very important in the context of elections,
2 quite obvious.

3 **MR. THOMAS JARMYN:** Yes. And I'm not going
4 to get -- that's what I was going to say. I'm not going to
5 get into the special thresholds and the like, but it is fair
6 to say that foreign interference is a significant problem in
7 Canadian democracy in Canadian society. Is that correct?

8 **MR. VINCENT RIGBY:** I would certainly say
9 that foreign interference is a -- is an issue, but as David
10 said, it's one of many. When I was NSIA, we were focussing
11 on hostile state activities writ large, and so what hostile
12 states were up to. Foreign interference was one of the
13 tools, but there are also cyber attacks, there was also
14 espionage, all kinds of other different things that fell
15 under that rubric of hostile state activity. But yes,
16 interference, as it's defined in the *CSIS Act*, yes, it was
17 definitely an important element.

18 **MR. THOMAS JARMYN:** Yes. And that -- those
19 events also occurred in the context of elections as well? Is
20 that correct? Foreign interference events?

21 **MR. DAVID MORRISON:** Yes. Foreign -- yes,
22 foreign interference events also occur within the context of
23 elections.

24 **MR. THOMAS JARMYN:** And they have been
25 reported on and observed?

26 **MR. DAVID MORRISON:** The -- what I think we
27 have tried to say is that there is a baseline of foreign
28 interference that is going on every day in Canadian society,

1 and that may in fact be growing, and that doesn't change
2 during an electoral period.

3 **MR. THOMAS JARMYN:** And that could be both
4 state actors but also individual actors from other countries
5 attempting to achieve their own aims, be they economic or
6 other; is that correct?

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

8 **MR. THOMAS JARMYN:** Okay. Those are all my
9 questions, Commissioner. Thank you.

10 **COMMISSIONER HOGUE:** Thank you.

11 Counsel for Michael Chong.

12 **MR. GIB van ERT:** Commissioner, we don't have
13 any questions, but I understand that the Conservative Party
14 of Canada does and somehow didn't make the list. So I
15 propose to cede my time to the Conservative Party, please.

16 **COMMISSIONER HOGUE:** Okay. Next time, I
17 would like you, however, to do that before.

18 **MR. GIB van ERT:** Okay, I'm sorry about that.

19 **COMMISSIONER HOGUE:** Because that's ---

20 **MR. GIB van ERT:** We only realised ---

21 **COMMISSIONER HOGUE:** --- a bit difficult to
22 manage when ---

23 **MR. GIB van ERT:** All right. It's just ---

24 **COMMISSIONER HOGUE:** --- it's not done in
25 advance.

26 **MR. GIB van ERT:** Okay, we certainly will.

27 Thank you.

28 **COMMISSIONER HOGUE:** Thank you.

1 **MR. NANDO de LUCA:** Just one moment. Sorry,
2 I've lost my place.

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

4 **MR. NANDO de LUCA:**

5 **MR. NANDO de LUCA:** Could I please get
6 CAN 4728 called up, please. Thank you.

7 Am I correct that this is a redacted copy of
8 a CSIS national security brief that was provided to a number
9 of persons, including the NSIA?

10 **MS. GRETA BOSSENMAIER:** It is a CNSB from
11 CSIS, dated 23rd -- Number 2319, October 1st, 2019, and it
12 was intended for the distribution list that was seen there.

13 **MR. NANDO de LUCA:** Okay. And one of those
14 would have been you, Ms. Bossenmaier? Do I have the ---

15 **MS. GRETA BOSSENMAIER:** Yes.

16 **MR. NANDO de LUCA:** --- dates right?

17 **MS. GRETA BOSSENMAIER:** Yes.

18 **MR. NANDO de LUCA:** Okay. And the brief --
19 this brief was delivered during the writ period for General
20 Election 43; correct?

21 **MS. GRETA BOSSENMAIER:** Yes, the writ was
22 dropped on September 11th.

23 **MR. NANDO de LUCA:** Is the first security
24 briefing that you received or you had received in connection
25 with irregularities associated with the Don Valley North
26 Liberal nomination that took place on September 12th, 2019?

27 **MS. GRETA BOSSENMAIER:** I wouldn't be able to
28 tell you whether or not it was the first or not, I don't have

1 the summary of the dates in front of me.

2 **MR. NANDO de LUCA:** Okay. Do you recall --
3 would you be able to recall sitting here how many prior
4 briefings you had received in connection with this particular
5 issue, i.e. the nomination contest?

6 **MS. GRETA BOSSENMAIER:** I would not be able
7 to give you a firm number.

8 **MR. NANDO de LUCA:** Can you tell us, is the
9 summary of the redacted information on page 2 accurate to
10 your -- to your understanding?

11 **MS. GRETA BOSSENMAIER:** Well, I'll let the
12 text stand. I won't comment on what's underneath the
13 redactions, but I'll let the text stand.

14 **MR. NANDO de LUCA:** But you don't disagree
15 with what -- the text says there?

16 **MS. GRETA BOSSENMAIER:** I have no reason to
17 disagree with it.

18 **MR. NANDO de LUCA:** Thank you. Do any of the
19 three of you have any information that you can share in this
20 forum about the circumstances in which this national security
21 brief was recalled and corrected, if I can use that term? We
22 heard some evidence. Is there anything that you can share in
23 respect of that?

24 **MS. GRETA BOSSENMAIER:** This is the document
25 that I just -- was it not? Yes. In the -- I just spoke to
26 this document five, ten minutes ago?

27 **MR. NANDO de LUCA:** Okay. Is there any other
28 information you can provide about the circumstances in which

1 this document was corrected?

2 **MS. GRETA BOSSENMAIER:** As I stated before,
3 and I believe as the Director of the Service has also
4 commented on this in his testimony, it's his document to
5 recall and I would not and did not direct him to do so.

6 **MR. NANDO de LUCA:** Okay. Thank you, those
7 are my questions.

8 **COMMISSIONER HOGUE:** Thank you.
9 Counsel for Jenny Kwan.

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

11 **MR. SUJIT CHOUDHRY:**

12 **MR. SUJIT CHOUDHRY:** Good afternoon. My name
13 is Sujit Choudhry for the record. And my questions are
14 actually directed at Mr. Morrison today.

15 So if we could please pull up Witness 61,
16 please, or WIT 61. And if we could go to paragraph 13.

17 And so Mr. Morrison, this paragraph, if you
18 could just refresh your memory, describes your evidence. It
19 describes how there are sometimes that raw intelligence is
20 used for immediate action. And I just want to take you to
21 the one, two, three, four, five, sixth line down in this
22 paragraph where it says:

23 "The second case involved a
24 significant piece of intelligence
25 disseminated in the weeks following
26 the 2021 federal election concerning
27 potential foreign interference during
28 this election involving a specific

1 country." (As read)

2 And it says you flagged the report
3 immediately within the government. Now, I'm assuming that in
4 this public setting, you're limited in your ability to
5 discuss these details, am I right?

6 **MR. DAVID MORRISON:** In this setting, I
7 cannot say anymore than is already reflected in the
8 documents.

9 **MR. SUJIT CHOUDHRY:** So pursuant to the
10 procedure that the Commission adopted, I'm just going to pose
11 some questions that if they haven't been posed already will
12 be posed to you in camera, later, in writing.

13 So, which specific country that is involved?
14 What were the specifics of the alleged foreign interference?
15 Was the alleged or potential foreign interference actual
16 foreign interference, on further investigation? Was it
17 riding level or was it disinformation or both? As you've
18 seen, sometimes those things overlap, sometimes they're a bit
19 distinct. Was it related to a specific candidate? And was
20 that candidate elected?

21 So those are those questions. Could we go to
22 Witness 57 please.

23 **MR. SUJIT CHOUDHRY:** And paragraph 18. So,
24 Mr. Morrison, this picks up -- my questions here pick up on
25 some of the conversation we had when you were on the GAC
26 panel. You've had a number of different hats. And so, this
27 is about diplomatic responses to foreign interference. You
28 recall we began that conversation and wanted us to continue

1 it, if we could. So, if you could just scroll down a bit, if
2 you could scroll -- yes.

3 So, you talked about -- here, at this part of
4 paragraph 18, you talk about diplomatic tools short of
5 persona non grata. And you talk about raising the issues of
6 foreign interference dozens of times, including foreign
7 diplomatic notes. So, I'm just wondering if we could get a
8 little bit more detail, to the extent you're able to.

9 So, when you say you raised foreign
10 interference dozens of times, is that verbally that you
11 raised it at meetings with diplomats of foreign states or how
12 exactly does one raise this concern?

13 **MR. DAVID MORRISON:** Sure. Foreign
14 interference is something that the government takes seriously
15 and so does Global Affairs Canada. So, we have a number of
16 tools in our toolkit. You've spoken to one, and I'll come
17 back to it in a moment.

18 We have the power of issuing visas or not.
19 So, if we are concerned about the potential of a certain
20 proposed diplomat to conduct foreign interference in Canada,
21 we don't have to give a visa in the first place.

22 We have an ongoing dialogue both via our
23 embassies abroad with government counterparts in a set of
24 countries and to ambassadors and other representatives of
25 those countries here in Canada about what we consider
26 legitimate diplomatic activity and where the lines are. And
27 if those lines are crossed, what we consider foreign
28 interference.

1 And I think in the GAC panel that I
2 participated in last Friday, we tried to talk a little bit
3 about that, including referring specifically to the Vienna
4 Convention, which is operative all the time, but which we
5 take the issuing of writs, we take that as an occasion to
6 remind all diplomats about which kind of conduct is out of
7 bound -- out of bounds given their obligations under
8 international treaties, the Vienna Convention.

9 In answer to your question, we talk to
10 foreign representatives, we call them in, we call them in at
11 a junior level or a senior level or at the ambassadorial
12 level. Ministers can make calls, telephone calls. Someone
13 like myself can make a call. Vincent testified how NSIAs
14 have counterparts in every country. So, I have a counterpart
15 in every country as well. And if we have concerns -- and the
16 Foreign Minister has a counterpart in every country.

17 So, if we have concerns about foreign
18 interference, there are a number of ways to raise them in the
19 diplomatic game. There's also formal notes, which stay as
20 part of the record. And so, we deploy all of these tools
21 when we have concerns about foreign interference.

22 **MR. SUJIT CHOUDHRY:** One last question, then.
23 So, some instances of PRC foreign interference are now on the
24 record through this process. And so, the CSIS panel
25 confirmed a couple of those details, the \$230,000, the
26 pressure, the use of proxies to disinvite Chinese-Canadian
27 politicians from community events, and so forth.

28 Are those -- were those specific issues

1 raised through these communications with the People's
2 Republic of China?

3 **MR. DAVID MORRISON:** I can't speak -- right.
4 So I was going to say, I can't speak to the ---

5 **(LAUGHTER)**

6 **MR. DAVID MORRISON:** But I thank my counsel.
7 I can't speak to the specifics of privileged diplomatic
8 communications, but I can say that we have, as -- the
9 government takes foreign interference very seriously and
10 makes representations at all levels using all tools.

11 **MR. SUJIT CHOUDHRY:** Thank you, sir.

12 **COMMISSIONER HOGUE:** Thank you.

13 Counsel for RCDA.

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

15 **MR. GUILLAUME SIROIS:**

16 **MR. GUILLAUME SIROIS:** That's very helpful.
17 Good afternoon. Guillaume Sirois, counsel for the RCDA.

18 I want to talk to you about blind spots. Can
19 we talk about blind spots in the National Security
20 Intelligence perspective? Yes? Okay.

21 I want to pull, please ---

22 **COMMISSIONER HOGUE:** I'm not sure they said
23 yes.

24 **MR. GUILLAUME SIROIS:** Oh! (Laughter) I'm
25 sorry.

26 **MR. VINCENT RIGBY:** Could you define what you
27 mean by blind spots?

28 **MR. GUILLAUME SIROIS:** Exactly. I'm going to

1 pull -- to seek leave from the Commissioner to pull CAN
2 014285 please.

3 --- EXHIBIT No./PIÈCE No. CAN 14285:

4 Foreign Interference

5 So, at page -- at first page here, we see
6 it's a document that was for the Prime Minister from Mike
7 MacDonald. So, I understand Mike MacDonald is not here with
8 us today, but can any of you speak about this document?

9 **MR. DAVID MORRISON:** We don't yet know what
10 it says.

11 **MR. GUILLAUME SIROIS:** Okay.

12 **MR. VINCENT RIGBY:** I was not NSIA during
13 that period so I cannot speak to it.

14 **MS. GRETA BOSSENMAIER:** And I was retired at
15 that period.

16 **MR. DAVID MORRISON:** And I was the Deputy
17 Minister of International Trade at that period. And it
18 appears to be a PCO document so, no.

19 **Me GUILLAUME SIROIS:** OK. Madame la
20 Commissaire, j'ai reçu notification que ce document existait,
21 comme vous savez, assez tard. Je veux... je comprends que les
22 témoins ne connaissent pas nécessairement ce document, mais
23 je vais essayer de leur en parler quand même de façon
24 générale, si vous le permettez.

25 **COMMISSAIRE HOGUE:** Je pense qu'à partir du
26 moment où ils vous disent qu'ils ne connaissent pas le
27 document, vous allez devoir poser vos questions sans vous
28 appuyer sur le document, parce qu'ils ne le connaissent pas.

1 Alors, posez les questions que vous avez en
2 tête là, à ces témoins-là, et vous verrez ce qu'ils peuvent
3 vous dire ou non. Mais on peut pas suppléer à leur absence
4 de connaissance simplement en essayant d'utiliser le
5 document. Malheureusement, ça fonctionne pas comme ça.

6 **Me GUILLAUME SIROIS:** On peut descendre le
7 document dans ce cas-là, si c'est pas possible d'en parler.
8 Pardon, fermer le document. Oui, merci.

9 Disons que il y avait un document qui avait
10 été soumis au premier ministre, signé par Mike MacDonald, qui
11 disait que il y avait pas de preuve d'ingérence étrangère
12 dans le digital information ecosystem, mais qu'il y avait des
13 blind spots dans cette... dans la façon... sorry, I'll rephrase
14 my question. It's a bit challenging without the document,
15 but I'll try to rephrase to the best of my abilities.

16 So let's say there's a document similar to
17 what we just saw that says there's no evidence of broad-based
18 foreign state-directed interference campaigns in the digital
19 information ecosystems, but this hypothetical document noted
20 blind spots in determining state attribution and
21 distinguishing between foreign and domestic disinformation
22 campaigns.

23 I want -- just want to talk about blind
24 spots, as I've introduced. I know you can't speak about the
25 document, but what can you say -- tell me as NSIAs about
26 potential blind spots? Especially when you try to
27 distinguish between foreign and domestic disinformation
28 campaigns?

1 **MR. DAVID MORRISON:** I think it goes without
2 saying that the intelligence community does its utmost to
3 create a comprehensive view of the world. Does that mean the
4 intelligence community of any one country knows everything?
5 Of course not. So there are going to be intelligence gaps.

6 I would further submit that the online
7 ecosystem and the amount of information that is out there,
8 some real, some of it not, makes the entire business of
9 intelligence even more difficult.

10 So the -- we don't call the "blind spots".
11 We call them "intelligence gaps". And in almost any
12 assessment, there will be things that the intelligence
13 community knows and things that we don't know.

14 **MR. VINCENT RIGBY:** This is exactly what I
15 was saying before in terms of caveats and limitations.
16 Again, to use that metaphor of the jigsaw puzzle, you get as
17 many pieces as you possibly can to that jigsaw puzzle, but
18 you never get a complete picture, ever. There are always
19 going to be pieces missing.

20 There will be intelligence gaps and there
21 will be -- we don't call them blind spots, but there will be
22 pieces where we have to admit we don't have all the
23 information. So we make the best judgment that we possibly
24 can, but always make it clear that there are caveats attached
25 to.

26 **MR. GUILLAUME SIROIS:** And is there any way
27 to sort of give us an order of magnitude of those blind --
28 sorry, not blind spots, but intelligence gaps? How does it

1 looks from an intelligence perspective?

2 **MR. DAVID MORRISON:** It's entirely dependent
3 upon the issue area, the question being asked, the country
4 that we are talking about. We have as a -- as Canada, as the
5 executive in Canada, we have intelligence priorities that are
6 set through an annual process or it may be a biennial
7 process, so we focus on the things -- or the areas from where
8 the community consensus is that the greatest threats are
9 likely to emerge, but there are gaps in our understanding of
10 many, many countries around the world and I assume if we are
11 talking about, for example, ideologically motivated violent
12 extremism here in Canada, there are gaps in our understanding
13 of that as well.

14 You have to remember that our adversaries are
15 not keen to tell us everything that they're doing, so there's
16 going to be gaps.

17 **MR. VINCENT RIGBY:** That's why I was saying
18 before that often in an intelligence assessment you will have
19 phraseology like we judge with high confidence, medium
20 confidence, low confidence that this is the case, but that a
21 good intelligence report will explain to you why it's low,
22 high, medium confidence because we have intelligence gaps in
23 a certain area.

24 So it's not a rating, you know, 1 to 10.
25 Again, it's not a science. But you can -- you know, you
26 don't predict in the intelligence community and you don't --
27 when looking backwards, you don't say definitively this is
28 what happened, so it's -- either way, whether you're looking

1 forward or you're looking into the past, there's a lot of
2 interpretation and you take the available evidence you can
3 and piece it all together, but you are making judgments at
4 the end of the day. They are judgements. They're not
5 statements of facts, necessarily.

6 **COMMISSAIRE HOGUE:** Votre temps est écoulé,
7 Maitre Sirois.

8 **Me GUILLAUME SIROIS:** Ah, je vois ici
9 3 minutes 25, donc je me fie à ça. Je sais pas..

10 **COMMISSAIRE HOGUE:** Non, non, vous avez
11 commencé à exactement 18 h 06, il est 18 h 13. Posez une
12 dernière question. Je veux pas faire un débat à savoir... mais
13 j'ai noté l'heure à laquelle vous avez débuté.

14 **MR. GUILLAUME SIROIS:** Okay. So I'll just
15 ask my last question, then.

16 I'll try to narrow down the question that I
17 ask to help you maybe help me understand.

18 If we're talking about intelligence gaps
19 specifically regarding the determination of state attribution
20 and distinguishing between foreign and domestic
21 disinformation campaigns, what can you tell me about these
22 intelligence gaps specifically?

23 **MR. DAVID MORRISON:** I think we covered this
24 to a great extent in the last panel that I was on. I've just
25 said that the online environment presents particular
26 challenges, including with respect to whether something being
27 seen online is linked to a foreign state or to domestic
28 actors.

1 **COMMISSIONER HOGUE:** Merci.

2 Sikh Coalition?

3 So just in case, it's 6:15.

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

5 **MR. PRABJOT SINGH:**

6 **MR. PRABJOT SINGH:** Thank you, Commissioner.

7 And for the record, it's Prabhjot Singh

8 appearing on behalf of the Sikh Coalition.

9 Mr. Rigby, if you don't mind, I'm going to
10 direct my questions words you just in the interests of time.
11 I don't want to run over my six minutes.

12 I think the three of you spoke to this when
13 you were speaking to Commission counsel, but one of the
14 primary responsibilities of the NSIA is to provide advice,
15 not just feeding raw intelligence or even analysis, but
16 actually providing the Prime Minister a guidance on how to
17 act. Is that fair?

18 **MR. VINCENT RIGBY:** That's fair.

19 **MR. PRABJOT SINGH:** And in the interview
20 summary, the role of the NSIA has been described as not just
21 feeding intelligence, but providing a world view that
22 contextualizes different pieces of intelligence. Is that
23 fair?

24 **MR. VINCENT RIGBY:** That is fair.

25 **MR. PRABJOT SINGH:** And I think you would
26 agree with me based on some of your public comments that, in
27 a general sense, without getting into the weeds, a consistent
28 touchstone of the Canadian government's worldview in recent

1 years has been that India is an important partner in the
2 Pacific region, particularly as an alternative or
3 counterweight to China. Is that fair?

4 **MR. VINCENT RIGBY:** I've made public
5 statements to that effect. I wouldn't necessarily have said
6 certain things while I was a public servant, but I've said in
7 response to the publication of the Indo-Pacific Strategy the
8 strategy will be challenged if we don't manage the
9 relationship with India carefully because the west is using
10 India to a certain extent as a bulwark against China. So
11 I've said that publicly, yes.

12 **MR. PRABJOT SINGH:** And so ---

13 **MR. VINCENT RIGBY:** And that's my opinion.

14 **MR. PRABJOT SINGH:** And I think with the
15 example of the Indo-Pacific Strategy, I think there's a
16 general sense of India is not seen as a hostile state, but a
17 potential partner. Is that fair?

18 **MR. VINCENT RIGBY:** Yes, I would say that,
19 again, what I've said publicly is that India needs to be seen
20 as a potential partner, but Canada also has to balance India
21 as a potential partner with certain activities it's been
22 accused of perpetrating and how you manage that very, very
23 delicate relationship.

24 **MR. PRABJOT SINGH:** And so naturally, then,
25 given that context of policy priorities of the government
26 that are -- and the intelligence priorities that are set, an
27 NSIA's advice to the Prime Minister and subsequent responses
28 to foreign interference would reasonably differ in approach

1 to combatting foreign interference from India versus from
2 China. Is that fair?

3 And I'm not trying to get into the specifics
4 of the response, but it's natural given the difference in the
5 relationship and the policy priorities that the approach
6 would be different in some ways.

7 **MR. VINCENT RIGBY:** I think the answer to
8 that would be it depends. It'd be very difficult to make a
9 generalization in terms of how I would apply a brief to the
10 Prime Minister -- and we're getting into conjecture here,
11 right, speculation on how I might have done something with
12 the Prime Minister about how I would brief about Indian
13 versus how I'd brief about China.

14 **MR. PRABJOT SINGH:** And so not speaking about
15 you specifically or necessarily about your tenure, but about
16 the role of the NSIA as somebody providing advice to the
17 Prime Minister. And if there's two countries like India and
18 China and the government has set two different policies and
19 there's two different relationships, naturally the advice and
20 response of the government would be different depending on
21 the unique circumstances.

22 And as a current ---

23 **MR. VINCENT RIGBY:** I think it's good,
24 actually, that David jumps in.

25 I'll have something to say, but I think David
26 should go first.

27 **MR. DAVID MORRISON:** My colleagues are
28 retired, so let me take a swing at this.

1 I don't agree with the premise in your
2 question. Canada has lots of interests that it tries to
3 balance in its relationship with any one country and it is
4 highly intolerant of foreign interference. So the premise
5 that because we have currently one kind of relationship with
6 China and you're suggesting a different kind of relationship
7 with India, your premise that we would somehow pull a punch
8 on foreign interference vis a vis the Prime Minister, I just
9 don't think is accurate.

10 **MR. PRABJOT SINGH:** And so just to clarify my
11 point, that's not what I was trying to suggest. I'm not
12 trying to say that the NSIA or the government wouldn't take
13 foreign interference seriously.

14 What I'm saying is that when, for example,
15 threat reduction measures are considered, there's different
16 risks that are assessed. And so because of the nature of a
17 relationship with any unique country is going -- that -- the
18 nature of that risk and the advice that will be given differs
19 country to country, based on policy priorities, and taking
20 India and China out of the example, speaking in general terms
21 about policy decisions; is that fair?

22 **MR. DAVID MORRISON:** You are -- no, it's not
23 fair because you are assuming that foreign policy
24 considerations somehow trump national security
25 considerations. So it would depend on the exact
26 circumstances, but it is not fair to say that across time and
27 space, because we're pursuing one policy towards one country
28 and another policy towards another country, the advice would

1 be different.

2 **MR. PRABJOT SINGH:** And so, again, I'm not
3 trying to suggest that one trumps the other. I'm saying that
4 when the NSIA is providing advice to the Prime Minister, the
5 NSIA is taking in a lot of intelligence and also the policy
6 priorities that have been dictated by the government, and
7 taking in all that host of factors with each unique country
8 and relationship differently; is that fair?

9 **MR. DAVID MORRISON:** The Prime Minister gets
10 his information from a much broader range of sources than
11 just the NSIA. He -- and the NSIA gets his or her
12 information from a much broader sources -- a much broader set
13 of sources than just intelligence. And I won't take up the
14 time because the witness summaries talk about all of the
15 different places that the NSIA gets his or her information.
16 So getting around what's fair or what's not fair, I think
17 your analysis is perhaps a little too simple. It doesn't
18 reflect the reality.

19 **COMMISSIONER HOGUE:** It's going to be your
20 last question ---

21 **MR. PRABJOT SINGH:** Sure. My final question
22 ---

23 **COMMISSIONER HOGUE:** --- because your time to
24 be ---

25 **MR. PRABJOT SINGH:** Yeah. My final question,
26 what I'm getting at, and, again, not to suggest -- and I'm
27 taking Indian channel. Let's take that out of the example
28 all together. What I'm talking about and suggesting, or

1 trying to get some clarification on is the fact that policy
2 priorities of the government do influence the means or
3 tactics that will be adopted versus each unique country
4 that's perpetrating foreign interference; is that fair?

5 **MR/ DAVID MORRISON:** No.

6 **MR. PRABJOT SINGH:** Thank you. Those are all
7 my questions.

8 **COMMISSIONER HOGUE:** Thank you.
9 Human Rights Coalition?

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

11 **MS. SARAH TEICH:**

12 **MS. SARAH TEICH:** Good afternoon, or should I
13 say good evening. If we can please pull up WIT 57 and turn
14 to page 2 and specifically paragraph 3. So in this
15 paragraph, Mr. Rigby describes the NSIA to have a role in,
16 "...stakeholder engagement writ large.
17 [And] explained that the NSIA will
18 sometimes engage with domestic partners
19 like police commissioners and members
20 of the academic community."

21 Has the NSIA engaged with diaspora
22 communities as part of its stakeholder engagement role?

23 **MR. VINCENT RIGBY:** I do not recall that I
24 did specifically. My colleagues may have a different answer,
25 but I did stakeholder engagement, we did public engagements,
26 speeches, academics, the private sector. Off the top of my
27 head, I can't remember any specific diaspora engagement.

28 **MR. DAVID MORRISON:** I -- my colleagues

1 pointed out I think that on the Global Affairs Canada panel
2 that we did do engagement with diaspora communities.

3 **MS. SARAH TEICH:** Okay. If we can next
4 please pull up CAN 19496?

5 **--- EXHIBIT No./PIÈCE No. CAN 19496:**

6 People's Republic of China Political
7 Interference in Canada

8 **MS. SARAH TEICH:** This is a briefing memo
9 from the NSIA to the Prime Minister titled "People's Republic
10 of China Political Interference in Canada". It's dated June
11 29th, 2017. And if we can turn to bullet 2 on page 2?

12 This reads,

13 "PRC threat actors have clandestinely
14 and/or deceptively attempted to..."

15 I won't read out this whole section, but, you
16 know,

17 "...influence the outcomes of [the]
18 Canadian elections [...];
19 Pressure and/or influence officials
20 into taking specific stances[...];
21 [...]
22 Force Canadian residents and/or
23 citizens to return to China against
24 their will through the use of
25 intimidating and threatening
26 behaviour..."

27 Then if we can go to page 4, the final
28 sentence, it notes that,

1 "Canadians of Chinese ethnicity and
2 those who are publicly critical of PRC
3 policies are most frequently subject to
4 such threatening behaviour."

5 If we can then go to the bottom of page 5,
6 just the very last line, this reads,

7 "This is a very sensitive issue, and
8 public efforts to raise awareness
9 should remain general and not single
10 out specific countries to avoid
11 potential bilateral incidents."

12 So my question is does the NSIA make a habit
13 of recommending that the Prime Minister prioritise avoiding
14 bilateral incidents over the safety and security of
15 Canadians?

16 **MR. DAVID MORRISON:** I would say no.

17 **MS. SARAH TEICH:** Care to elaborate?

18 **MR DAVID MORRISON:** I got to that I think in
19 my answer to the previous questioners. I think it would be
20 very case specific. I would note that this is advice. I'd
21 never seen this document before. I don't think either of us
22 or any of us were NSIAs at the time. And it is advice, but
23 not something in my service that I've ever seen acted upon.

24 **MR. VINCENT RIGBY:** I would second that, and
25 I feel a little uncomfortable about commenting on a document
26 that I'm really not aware of and I didn't have the pen on.

27 **MS. GRETA BOSSENMAIER:** I would agree.

28 **MS. SARAH TEICH:** All right. Fair enough.

1 So would you agree then that Canadians would be best placed
2 to protect themselves from harassment, intimidation and/or
3 mis and disinformation if they are told which country or
4 countries specifically that the threat is emanating from?

5 **MR. DAVID MORRISON:** Yes, although it is
6 certainly my supposition that they know the Canadians that
7 are subjected to this kind of very unfortunate behaviour,
8 you've talked about threats and coercion. I think it is no
9 secret to them the countries from which it is emanating.

10 **MS. SARAH TEICH:** All right. Thank you.
11 Those are all my questions.

12 **COMMISSIONER HOGUE:** Thank you.

13 AG?

14 **MS. HELENE ROBERTSON:** We don't have any
15 comments for this panel. Thank you.

16 **COMMISSIONER HOGUE:** Any re-examination?
17 Thank you very much. You're free to go.

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

20 La séance est maintenant fermée pour la
21 journée. This hearing is now adjourned for the day.

22 --- Upon adjourning at 6:27 p.m.

23 --- La séance est ajournée à 18h27

24

25

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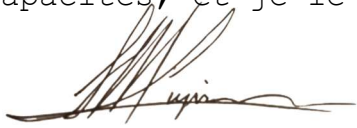
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C E R T I F I C A T I O N

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2
3 I, Sandrine Marineau-Lupien, a certified court reporter,
4 hereby certify the foregoing pages to be an accurate
5 transcription of my notes/records to the best of my skill and
6 ability, and I so swear.

7
8 Je, Sandrine Marineau-Lupien, une sténographe officielle,
9 certifie que les pages ci-hautes sont une transcription
10 conforme de mes notes/enregistrements au meilleur de mes
11 capacités, et je le jure.

12
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14 Sandrine Marineau-Lupien
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