



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

IV Appearances / Comparutions

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Malliha Wilson

The Pillar Society

Daniel Stanton

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Wade Poziomka
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Lucy Watson

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Nando de Luca

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The Chinese Communist Party's
Human Rights Violations

Neil Chantler

Erin O'Toole

Thomas W. Jarmyn
Preston Lim

Senator Yuen Pau Woo

Yuen Pau Woo

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Ottawa, Ontario

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

THE REGISTRAR: Order, please.

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

The time is 9:35 a.m.

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

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

First, good morning, everyone.

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

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

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

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

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

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

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

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

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

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

27 **--- EXHIBIT No. CAN 4495:**

28 Briefing to the Prime Minister's

1 Office on Foreign Interference
2 Threats to Canada's Democratic
3 Institutions

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

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

11 **COMMISSIONER HOGUE:** Who is ---

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

13 **MR. GUILLAUME SIROIS:** Guillaume from the
14 Russian Canadian Democratic Alliance.

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

23 ...appreciate the intent of the Commission to
24 remedy the prejudice caused by documents being submitted very
25 late last night, pushing the cross-examination to this today,
26 but since we received something at 1 o'clock in the morning,
27 the way to remedy this prejudice would be to put off the
28 whole hearing until tomorrow. And I would like to know why

1 that was not a solution.

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 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 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 **--- EXHIBIT No. CAN 4079 R01:**

25 CAN004079_R01

26 **--- EXHIBIT No. CAN 15842:**

27 Briefing to the Prime Minister's
28 Office on Foreign Interference

1 Threats to Canada's Democratic
2 Institutions

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

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

6 **COMMISSIONER HOGUE:** Well, the eclipse is at
7 3:25 here in Ottawa.

8 This is what I was told. Actually, I checked
9 this morning to make sure.

10 Well, I checked this morning about the time
11 of the eclipse, but I don't know if anybody is responsible
12 enough to go out without supervision. So let me remind you a
13 few things.

14 The break is supposed to be from -- on the
15 schedule -- well, it looks like I forgot my glasses -- 1540
16 to 1600.

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

19 **MS. ERIN DANN:** That's the -- that's the
20 hope.

21 **COMMISSIONER HOGUE:** Okay.

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

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

24 **MS. ERIN DANN:** I was going to say, we can --
25 -

26 **COMMISSIONER HOGUE:** We can try to do
27 something. I imagine there's probably many among us that
28 will like to look at this. I don't know if I should say

1 "look", but to be outside for this event.

2 I'll see what we can do.

3 Anything else?

4 **MS. SARAH TEICH:** One last comment, Madam
5 Commissioner.

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

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

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

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

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

24 **THE REGISTRAR:** We'll start with you, Ms.
25 Bossenmaier.

26 Would you please spell your name and state
27 your full name for the record, please?

28 **MS. GRETA BOSSENMAIER:** Sure. Good morning.

1 My name is Greta Bossenmaier. Last name is spelled B-o-s-s-
2 e-n-m-a-i-e-r.

3 THE REGISTRAR: Thank you.

4 --- MS. GRETA BOSSENMAIER, Affirmed:

5 THE REGISTRAR: Now your turn, Mrs. Drouin.

6 MS. NATHALIE DROUIN: [No interpretation]

7 --- MS. NATHALIE DROUIN, Affirmed:

8 THE REGISTRAR: Alors, Ms. Wilson? Affirmed
9 or would you like to be sworn?

10 MS. GINA WILSON: Affirmed.

11 THE REGISTRAR: Okay. Thank you. Do you
12 solemnly affirm that the testimony you're about to give today
13 -- actually, sorry. Start by saying your full name and spell
14 your last name for the record.

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

16 --- MS. GINA WILSON, Affirmed:

17 THE REGISTRAR: Madame Beauregard?

18 MS. MONIK BEAUREGARD: Good morning. My name
19 is Monik Beauregard.

20 THE REGISTRAR: Please spell out your name.

21 MS. MONIK BEAUREGARD: B-E-A-U-R-E-G-A-R-D.

22 Declaration, please.

23 --- MS. MONIK BEAUREGARD, Affirmed:

24 THE REGISTRAR: And Mrs. Morgan?

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

27 --- MS. MARTA MORGAN, Affirmed:

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

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

5 Ms. Morgan, Ms. Drouin, and Ms. Wilson, you
6 were interviewed by Commission Counsel on February 14th,
7 2024?

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

9 **MS. GINA WILSON:** Yes.

10 **MS. LYNDA MORGAN:** Can I please have WIT 50,
11 please, pulled up.

12 **--- EXHIBIT No. WIT 50:**

13 Interview Summary: Marta Morgan,
14 Nathalie Drouin, Gina Wilson

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

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

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

20 **MS. MARTA MORGAN:** Yes.

21 **MS. LYNDA MORGAN:** And is it accurate and do
22 you have any changes to make to it?

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

24 **MS. LYNDA MORGAN:** Accurate, no changes?

25 **MS. NATHALIE DROUIN:** Yes. No changes.

26 **MS. LYNDA MORGAN:** No changes?

27 **MS. MARTA MORGAN:** It's accurate.

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

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

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

5 **MS. MARTA MORGAN:** Yes.

6 **MS. GINA WILSON:** Yes.

7 **MS. LYNDA MORGAN:** Can I pull up WIT 60,
8 please.

9 **--- EXHIBIT No. WIT 60:**

10 *In Camera* Examination Summary:
11 Nathalie Drouin, Gina Wilson, Marta
12 Morgan, Monik Beauregard

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

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

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

20 **MS. GINA WILSON:** Yes.

21 **MS. MONIK BEAUREGARD:** Yes.

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

24 **MS. NATHALIE DROUIN:** No.

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

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

1 MS. NATHALIE DROUIN: [No interpretation]

2 MS. GINA WILSON: Yes.

3 MS. MARTA MORGAN: Yes.

4 MS. MONIK BEAUREGARD: Yes.

5 MS. LYNDA MORGAN: Thank you.

6 Can I have WIT 55, please.

7 --- EXHIBIT No. WIT 55:

8 Interview Summary: Monik Beauregard

9 MS. LYNDA MORGAN: And Ms. Beauregard, you
10 were interviewed by Commission Counsel on February 22nd,
11 2024; is that correct?

12 MS. MONIK BEAUREGARD: [No interpretation]

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

15 MS. MONIK BEAUREGARD: I have.

16 MS. LYNDA MORGAN: And is that summary
17 accurate?

18 MS. MONIK BEAUREGARD: It is.

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

22 MS. MONIK BEAUREGARD: I am.

23 MS. LYNDA MORGAN: Thank you.

24 And last one is WIT 37, please.

25 --- EXHIBIT No. WIT 37:

26 Public Summary of the Classified
27 Interview of: Global Affairs Canada
28 (Marta Morgan, Cindy Termoshuizen,

1 Philippe Lafortune, Tara Denham,
2 Gallit Dobner)

3 **MS. LYNDA MORGAN:** And Ms. Morgan, you were
4 interviewed by Commission Counsel on February 9th, 2024. Is
5 that correct?

6 **MS. MARTA MORGAN:** Yes.

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

9 **MS. MARTA MORGAN:** Yes.

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

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

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

15 **MS. MARTA MORGAN:** No.

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

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

19 **MS. LYNDA MORGAN:** Thank you. Oh, sorry, I
20 have one more -- one more housekeeping and then we'll move
21 on.

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

23 **--- EXHIBIT No. CAN.DOC 12:**

24 Interview Summary: Monik Beauregard

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

1 MS. NATHALIE DROUIN: Oui.

2 MS. LYNDA MORGAN: And can you confirm that
3 it represents PCO's evidence?

4 MS. NATHALIE DROUIN: Oui.

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

7 --- EXHIBIT No. CAN.DOC 11:

8 Institutional Report for PCO

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

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

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

23 MS. GINA WILSON: Yes.

24 MS. NATHALIE DROUIN: Yes.

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

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

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

5 **MS. MONIK BEAUREGARD:** Correct.

6 **MS. GINA WILSON:** Correct.

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

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

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

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

19 **MS. NATHALIE DROUIN:** ...Deputy Minister for
20 Justice and Deputy Attorney General of Canada.

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

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

25 **MS. MONIK BEAUREGARD:** Associate Deputy
26 Minister to Public Security. Ms. Wilson left, I took over
27 from her, and therefore I sat on the Panel as of the writ
28 period.

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

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

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

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

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

10 Report On The Assessment Of The
11 Critical Election Incident Public
12 Protocol

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

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

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

21 "...reflective of the caretaker
22 convention."

23 And Ms. Drouin, can you explain what that
24 means, please?

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

27 So the writ period is -- or we -- the
28 caretaking is a convention by which public servants and

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

8 I don't know if my colleague would like to
9 add.

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

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

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

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

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

24 And just stopping there for a moment. I
25 understand that the Panel had discussions with the Chief
26 Electoral Officer of Elections Canada before the writ
27 dropped. And if accurate, for what purpose did the Panel
28 have those discussions?

1 for a public announcement would be..."

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

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

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

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

15 **MS. LYNDY MORGAN:** If we look down at
16 subparagraph two, this references that:

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

24 And that includes in the absence of:

25 "...overriding national security [or]
26 public security reasons [informing]
27 the affected party [...] of the
28 incident directly."

1 political party; Elections Canada) of
2 the incident directly.”

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

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

14 **COMMISSIONER HOGUE:** And I see here that says
15 “agencies” in the plural, so that could be for many reasons.
16 So it could be one or the other of the agencies. Was it
17 agreed that it would be SITE -- the SITE group or the agency
18 itself that discovered the incident; do you remember?

19 **MS. NATHALIE DROUIN:** SITE is just a group of
20 experts, a working group. It doesn't have legal existence of
21 a sort. It's just a meeting of people from four
22 organizations. It could be the representative of -- the SITE
23 representative that came from one of the intelligence
24 agencies, but formally, these briefings were done by the
25 agencies themselves than by the SITE group.

26 **MS. LYNDIA MORGAN:** Thank you. If we move to
27 subparagraph three, that sets down that:

28 “The Panel will evaluate incidents to

1 determine if the threshold [...] [or]
2 informing the public has been met.”

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

9 **MS. GINA WILSON:** So the protocol outlines
10 that an independent report would be prepared assessing the
11 protocol's effectiveness, for example, how did this all work,
12 was there an opportunity to strengthen, but this was apart
13 from the Panel, so no, there was no requirement for the Panel
14 to produce a report or an action plan.

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

21 **MS. GINA WILSON:** I think what you're getting
22 at -- and I would say the Panel was not meant to referee
23 issues during the election or pronounce on pieces of
24 intelligence, per say.

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

28 So the threshold for informing the public

1 indicates that:

2 "A public announcement [will] only
3 occur if the Panel determines that an
4 incident or an accumulation of
5 incidents has occurred that threatens
6 Canada's ability to have a free and
7 fair election."

8 And some considerations are then identified
9 within the Protocol, considerations to take into account in
10 making that judgement.

11 One of the bullets includes:

12 "the degree of confidence [that]
13 officials have in the intelligence or
14 information."

15 And it notes as well, if we look at the
16 paragraph starting:

17 "Although a disruptive event or
18 interference may emanate from [a]
19 domestic and/or foreign [actor]..."

20 The protocol directs the Panel that:

21 "...as a starting point, the focus
22 should be on foreign interference."

23 How did the Panel interpret that kind of
24 explicit direction or focus in the protocol on foreign
25 interference.

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

1 Commission.

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

11 "the degree to which the incident(s)
12 undermine(s) Canadians' ability to
13 have a free and fair election;
14 the potential of [this] incident [or
15 those incidents] to [really]
16 undermine the credibility of the
17 election; and
18 the degree of confidence officials [-
19 - that we] have in the [intel that we
20 have in front of us]."

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

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

28 First of all, because there's -- there was

1 some risk that any intervention by the panel can create more
2 harm than good. It had the potential to create confusion and
3 also to be seen as interfering in a democratic exercise. And
4 we want also to make sure that we were not being seen as
5 taking a position, a partisan position, in any debate.

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

10 I know you had received those questions and
11 so that's what I wanted to put on the -- on the record this
12 morning.

13 In terms of your specific question, and we'll
14 have also the opportunity to talk about the differences
15 between this directive in '19 and the directive in '21, the
16 focus was really about foreign interference in '19. However,
17 we were also able to look at things that was happening at the
18 domestic level. But the purpose of the panel was really to
19 address foreign interference.

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

21 And in terms of the interpretation of the ---

22 **COMMISSIONER HOGUE:** Excuse me. I think
23 there's someone...

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

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

13 And so we might have a very well-established
14 source whose previous information was corroborated, but at
15 the other end of the spectrum we might have a brand new
16 source whose information has never been tested yet, so these
17 things were taken into account in our final deliberations and
18 determined how we would assess the credibility and the
19 reliability of the information we were provided.

20 **COMMISSIONER HOGUE:** So the information that
21 you were provided with came from agencies as to the
22 credibility of a source and based on prior experience?

23 **MS. MONIK BEAUREGARD:** Yes, there could be
24 multiple sources. Yes.

25 **COMMISSIONER HOGUE:** Yes. So we're informed
26 of this.

27 **MS. MONIK BEAUREGARD:** So in the report,
28 there's information on the source in the report and the

1 agency that provides us with the information will use very
2 specific language. Very often we'll see the same language
3 used to describe the source and the kind of information that
4 was obtained.

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

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

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

13 When I was speaking about the threshold
14 before making an announcement to the public, the panel
15 couldn't just make an announcement based on information
16 that's not credible or reliable, so that was a very important
17 criteria for us to determine whether -- before we make a
18 public announcement, we had to be sure about the reliability
19 of the information.

20 **MS. LYNDIA MORGAN:** And was the panel in a
21 position if you received information and had questions about
22 the degree of confidence officials had in the intelligence or
23 information, was there a pathway through which you could
24 request additional information as a panel?

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

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

28 I just had one other topic in relation to the

1 threshold. So can we pull up CAN 9823, please?

2 --- EXHIBIT No. CAN 9823:

3 Critical Election Interference Public
4 Protocol Panel - Workplan

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

7 Can you scroll down to page 3, please?

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

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

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

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

21 Can you scroll down a little bit more,
22 please?

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

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

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

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

6 However, I think it's important to say that
7 all the information and the intelligence we received were
8 always about something that was happening at the riding
9 level. So -- and it is also important to say that we did not
10 observe in '19 -- in 2019 any incident that we believe even
11 met the threshold at the riding level.

12 So even if we had conversation, we didn't
13 come to a strong conclusion as a panel whether or not it was
14 at the riding level or at the overall national level, but at
15 the end, we didn't have to resolve that question because we
16 did the test at the riding level. We were receiving
17 information at the riding level and we came to the conclusion
18 that even at the riding level, the threshold has not been
19 met.

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

21 I'll pull up one additional document, which
22 is CAN 9920.

23 **--- EXHIBIT No. CAN 9920:**

24 CEIPP - Meeting six

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

27 Let me just ask the panel generally, there's
28 a series of -- or there's a record of discussion for this

1 particular meeting. Had the panel seen this document before?
2 Did you review them as they were being prepared
3 contemporaneously?

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

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

11 "In their future deliberations, the
12 Panel agreed that potential
13 interference activities should be
14 assessed for their impact on an
15 [underlined] single national election,
16 as opposed to potential impacts on 338
17 individual elections around the
18 country."

19 Does that bullet accurately reflect the
20 panel's deliberations or -- and/or the panel's conclusion in
21 relation to this topic?

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

25 **MS. LYNDA MORGAN:** Thank you. So we've heard
26 now that the Panel's only kind of effectively operational
27 during the writ period, but I understand the Panel started
28 meeting a few months in advance of the dropping of the writ

1 in September of 2019; is that correct?

2 **MS. NATHALIE DROUIN:** Correct.

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

15 **MS. NATHALIE DROUIN:** We don't remember if we
16 met.

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

20 **MS. NATHALIE DROUIN:** Yes. Maybe just to
21 give a little bit of detail, so the meeting of the 21st was a
22 30-minute meeting that was planned, but I think that at the
23 end it didn't happen. None of us can remember whether or
24 not, and we don't have any trace of it in our respective
25 agenda.

26 **MS. LYNDA MORGAN:** And you've described
27 already that in preparation for the election the Panel
28 received some baseline briefings I take it on the threat

1 environment and trend. In the lead up to GE 43, who did the
2 Panel understand to be some of the biggest concerns or
3 threats to the election?

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

9 **MS. LYNDA MORGAN:** And in those early
10 meetings as well, in addition to receiving this baseline
11 intelligence information, I understand the Panel also spent
12 time discussing, debating, analysing the threshold and how to
13 interpret it, and also working through various hypothetical
14 scenarios; is that accurate?

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

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

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

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

1 meeting.

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

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

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

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

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

25 You talked about the baseline threat
26 briefings we received, covering a broad range of information,
27 interference activities and sources and targets, for example.
28 These threshold discussions and scenario exercises, they

1 continued. They started in the pre-writ period, and they
2 continued throughout the pre-writ period, and actually
3 increased in, I would say, frequency and our in-depth
4 understanding. We also talked about communications, and also
5 how we wanted to work during the writ period. So after the
6 writ was dropped, we then started meeting weekly until the
7 election. And, of course, the Panel was also always on call
8 during the writ period if we needed to convene as required.

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

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

22 ---

23 **MS. GRETA BOSSENMAIER:** Correct.

24 **MS. LYNDA MORGAN:** --- that you're referring
25 to?

26 **MS. GRETA BOSSENMAIER:** Yes. And also, the
27 intel products that supported those sitreps. Then,
28 basically, after we've had those discussions and those

1 briefings with the security agencies, they were actually
2 asked to leave. The clerk at the time and all of us felt it
3 very important that we were able to deliberate amongst
4 ourselves as the designated Panel of Five members. So they
5 would leave and we would have really serious considerations
6 and deliberations around what we heard, and also then how it
7 would factor into our thinking regarding threshold.

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

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

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

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

27 **MR. GIB van ERT:** If I may interrupt. Forget
28 me. It's Gib van Ert, Michael Chong. The witness appears to

1 have been reading from some notes as she gave that evidence.
2 I would ask that a copy of those notes be provided to the
3 parties in time for the cross-examination this afternoon.
4 Thank you.

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

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

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

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

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

26 **MR. GIB van ERT:** Thank you. I'll just add
27 that it is the usual way of proceeding in any judicial forum
28 where evidence is given viva voce by a witness, that if that

1 witness refreshes her memory using notes that she's brought
2 to the witness box, those are provided to the parties. I
3 have no objection to the fact that this witness has made
4 notes. She's done so clearly in a conscientious way, but we
5 are, in my submission, entitled as the parties to see those
6 notes.

7 Thank you.

8 **COMMISSIONER HOGUE:** I understand. But I
9 want to see the format of the notes before just accepting to
10 provide you those.

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

13 Thank you.

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

15 So I'll summarize my understanding of your
16 evidence thus far in terms of sources of incoming information
17 or intelligence to the panel.

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

21 **--- EXHIBIT No. CAN 9397:**

22 SITE TF SITREP - September 9, 2019

23 **MS. LYNDA MORGAN:** And we don't need to spend
24 a lot of time on this, but it shows the date, threat updates,
25 operational responses and updates. And you received these
26 every weekday during the writ period. Is that correct?

27 **MS. NATHALIE DROUIN:** Correct.

28 **MS. LYNDA MORGAN:** I do want to ask you about

1 the threat trend at the top.

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

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

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

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

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

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

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

26 **MS. LYNDA MORGAN:** And these reports were
27 received daily. Did you each receive them over the secure
28 network?

1 attend a meeting and brief the panel?

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

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

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

12 **MS. GRETA BOSSENMAIER:** The head of RRM as
13 well.

14 **MS. NATHALIE DROUIN:** The head of RRM also.
15 But the SITE members per se were represented by the head of
16 their respective agencies.

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

18 And in terms of RRM, did you also receive
19 written reports from RRM?

20 **MS. MARTA MORGAN:** Yes, we did receive -- I
21 mean, when we received our daily reports, they would often
22 refer to additional background information and then that
23 background information would -- people would get it in
24 different ways, but for myself it would normally be along
25 with the daily SITE rep.

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

27 I now want to get into some of the specific
28 incidents or information that the panel dealt with during GE

1 43 in terms of comments you're able to make publicly.

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

5 **MS. MARTA MORGAN:** Right.

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

8 So I understand that the Panel of Five
9 received intelligence about alleged irregularities in a
10 Liberal Party nomination contest in Don Valley North in
11 September 2019. Is that correct?

12 **MS. MARTA MORGAN:** Correct.

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

16 **MS. NATHALIE DROUIN:** Yes.

17 If I may, Ms. Morgan, I think that we do have
18 a very public useful summary where you have those
19 intelligence being reported.

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

22 It's CAN ---

23 **MS. NATHALIE DROUIN:** I think it can be
24 useful.

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

26 And is this the document you were thinking
27 of?

28 **--- EXHIBIT No. CAN.SUM 1:**

1 Don Valley North (DVN) Liberal Party
2 Nomination Race in 2019

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

4 **MS. LYNDIA MORGAN:** Okay. So if we can scroll
5 down to the second page, please.

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

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

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

16 **MS. LYNDIA MORGAN:** Right.

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

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

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

28 We did the evaluation of the information we

1 received, whether or not the information was reliable,
2 whether or not it was corroborated.

3 **MS. LYNDA MORGAN:** And are you able to speak
4 publicly about any of the deliberations respecting that
5 balancing exercise?

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

10 All the other elements were not corroborated.

11 And ---

12 **MS. LYNDA MORGAN:** Sorry. If I can just
13 interrupt you.

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

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

18 **MS. LYNDA MORGAN:** Okay.

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

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

27 So that was another, I think, that we are --
28 that we have looked at.

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

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

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

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

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

21 **MS. LYNDA MORGAN:** And you've touched on
22 discussions around ---

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

24 **MS. LYNDA MORGAN:** Yes.

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

28 When we discussed that in 2019, we were

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

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

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

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

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

27 **MS. NATHALIE DROUIN:** Yes.

28 **MS. LYNDA MORGAN:** Did that briefing factor

1 into the Panel's deliberations? And if so, can you explain
2 how that -- what impact that had?

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

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

7 **MS. NATHALIE DROUIN:** Okay.

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

9 **MS. NATHALIE DROUIN:** Perfect.

10 **MS. LYNDA MORGAN:** --- to describe how that
11 worked.

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

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

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

1 **MS. NATHALIE DROUIN:** Absolutely.

2 Absolutely.

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

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

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

14 **--- EXHIBIT NO. CAN 457:**

15 Critical Election Incident Public
16 Protocol - The Panel

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

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

1 Now, if I may speak somewhat about the impact
2 in follow-up to your questions about the measures that can
3 attenuate the impact of foreign interference.

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

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

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

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

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

1 information that was circulating or could the panel only
2 intervene if they first concluded that it threatened a free
3 and fair collection?

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

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

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

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

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

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

25 **MS. MARTA MORGAN:** One -- the -- under the
26 Protocol, the existing national security agencies though did
27 have the authorities to take actions as they determined
28 necessary as well during the election campaign. So there

1 were other mechanisms within the government, and I do recall
2 in one election another -- a department, you know,
3 intervening to correct some misinformation that was
4 circulating that was related to their mandate.

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

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

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

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

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

1 **MS. MONIK BEAUREGARD:** No.

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

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

6 **--- EXHIBIT No. CAN.SUM 10:**

7 People's Republic of China - Threat
8 Actors, Contact with Candidates and
9 Staff, and Funding of Threat Actors

10 **MS. LYNDA MORGAN:** And looking at this
11 document, and again, the first page, which we don't have in
12 front of us, is a very lengthy list of caveats which has been
13 reviewed in relation to this information, but was the Panel
14 made aware during the writ period of intelligence assessments
15 suggesting that there were likely at least two transfer of
16 funds approximating \$250,000 from PRC official in Canada,
17 possibly for FI-related purposes, and that were transferred
18 via an influential community leader to the staff member of a
19 2019 federal election and then to an Ontario MPP?

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

28 So I can't go with the information of what we

1 received during the writ period, but the information as
2 summarized here was arrived at over quite a period
3 continuously. And in the case of this summary, the first
4 page is very important with the cautions that are there.

5 So we have to keep in mind the note mentioned
6 at the first page.

7 My apologies for coughing.

8 If we look at the paragraph that you mention,
9 paragraph 5.

10 If you can scroll down.

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

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

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

26 **MS. LYNDIA MORGAN:** Thank you. In relation to
27 this issue, and I understand the Panel to be saying you
28 weren't presented with an overview summary to review at your

1 Panel meeting, you're getting information from SITREPs,
2 you're getting briefings, you're getting information at
3 different times. In relation to the -- this issue, is the
4 Panel able to tell us anything further about deliberations on
5 this particular issue, including why no announcement was
6 made?

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

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

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

18 **MS. LYNDA MORGAN:** Thank you. In terms of
19 the deliberations piece, do any of -- understanding you're
20 limited in terms of what you're able to say, do any of the
21 other Panel members have any comments to add in relations to
22 deliberations on this issue?

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

27 Everything was revealed, but there is some
28 information that happened during the election and some before

1 and some after. The *modus operandi* that we can see showing
2 here was part of the basic briefing that we received on the
3 kind of tactics and approaches that the Republic of China
4 might undertake to further its activities, but some specific
5 events here referenced happened afterwards.

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

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

23 Thank you.

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

26 The agencies are quite proud of their work
27 and tend to give us the information, don't hold it back. And
28 it's because the result of their data collection efforts

1 became available after the election campaign.

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

4 So I'll move on now to ask you about another
5 issue.

6 If we pull up CAN 856, please.

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

8 Email: Intelligence report relating
9 to potential PRC foreign interference
10 - Oct 2019

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

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

21 So just stopping there.

22 10:18, 2019, 6:41 p.m.

23 So that's the Friday night. On the Friday --
24 that's the Friday night, and the election's the following
25 Monday.

26 And if you scroll back up to the first page
27 again. Mr. King is describing in bullets, starting kind of
28 two from the bottom of what we're looking at, he says, "Once

1 EC" being Elections Canada:

2 "...received the information, they
3 reached out to PCO to consult
4 (discussion on reliability of
5 intelligence, etc.)"

6
7 "EC determined they wanted OCCE
8 investigations team briefed;
9 [redacted] briefed them on Saturday."

10 And Mr. King writes that,

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

13 Which is Panel of Five recipients,

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

17 He then notes that,

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

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

25 **MS. GRETA BOSSENMAIER:** I can't tell you if I
26 necessarily received this specific report, but based on this,
27 what I can tell you was leading this discussion, that I would
28 have been briefed on the Friday evening. That was our -- the

1 way that we were working, and if my staff had a document that
2 I should see, they would have briefed me on that Friday
3 evening, both on the intel report and on any caveats
4 associated with it.

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

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

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

22 **MS. LYNDA MORGAN:** Thank you. And in
23 addition to what Ms. Drouin has described as being reflected
24 in the following sitrep, are you able -- is anyone able to
25 comment on what the panel understood was done in relation to
26 the -- this issue?

27 **MS. NATHALIE DROUIN:** The only thing I can
28 say is that it was information relevant to the process, donc

1 to the conduct of the election, and therefore it was
2 submitted to the Commissioner for Elections.

3 **MS. GRETA BOSSENMAIER:** The other thing I was
4 going to add, if I may, was I the Lyall King email, it notes
5 that a separate letter for Elections Canada, then blanked
6 out, and that once Election Canada received the information,
7 they reached out to PCO to consult, again, to determine the
8 reliability of intelligence, and also, that the OCCE had been
9 briefed. So I would have been informed as well that other
10 authorities had been informed of this, so some action had
11 been taken.

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

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

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

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

6 You've certainly heard that before the 2019
7 election, Minister Gould, who was the Minister of Democratic
8 Institutions at the time, had submitted an action plan based
9 on four important pillars. So one was for the creation of
10 the Panel of Five.

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

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

25 She had -- there were conversations with
26 Clerk of the Privy Council at the time, and -- but Facebook
27 really acted on a voluntary basis true to the -- in
28 compliance with the declaration that they had signed, so it

1 wasn't on at the request of the Clerk of the Privy Council
2 but of its own volition that Facebook withdrew the...

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

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

1 assessment to the Canadian public.

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

6 **--- EXHIBIT No. CAN 3112:**

7 SITE TF SITREP: 21 October 2019

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

10 **THE REGISTRAR:** Order please.

11 The hearing is now in recess.

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

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

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

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

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

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

23 **MR. JEAN-PHILIPPE MacKAY:** Jean-Philippe
24 MacKay for the examination in-chief of the -- who are the
25 members of the Panel of Five for 2019.

26 I'm losing my French.

27 **THE REGISTRAR:** Most of them have already
28 been affirmed.

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

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

6 **MS. JANICE CHARETTE:** I'd like to be sworn,
7 please.

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

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

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

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

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

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

18 **MR. ROBERT STEWART:** Rob Stewart. S-t-e-w-a-
19 r-t.

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

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

22 **MR. FRANÇOIS DAIGLE:** François Daigle. I'd
23 like to affirm.

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

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

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

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

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

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

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

5 Could you please state your name and your
6 full name for the record?

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

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

10 **THE REGISTRAR:** Counsel, I believe you may
11 proceed.

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

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

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

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

17 P5 2021 Public Summary of In Camera
18 Examination

19 **MR. JEAN-PHILIPPE MacKAY:** So this is the *in*
20 *camera* examination summary that was prepared in relation to
21 the evidence given by the witnesses during the *in camera*
22 hearing.

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

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

25 P5 2021 Public Summary of Classified
26 Interview

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

1 Do you recall being interviewed and examined
2 *in camera* by Commission counsel?

3 **PANEL MEMBERS:** Yes.

4 **MR. JEAN-PHILIPPE MacKAY:** And have you had
5 the occasion to review the two summaries in relation to the
6 interview and the *in camera* examination?

7 **PANEL MEMBERS:** Yes.

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

11 **PANEL MEMBERS:** Yes.

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

14 **PANEL MEMBERS:** No.

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

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

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

20 I will begin by the roles that you had in
21 2021 when you participated in the activities of the Panel of
22 Five, so we can begin by Ms. Charette and then go through all
23 of the witnesses.

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

28 **MS. NATHALIE DROUIN:** At the beginning of the

1 P5, I was Deputy Minister of Justice and Attorney General of
2 Canada. Starting in August 2021, I was Secretary -- Joint
3 Secretary for the Cabinet and I remained as an observer for
4 the P5 work or deliberations.

5 **MR. ROBERT STEWART:** I was appointed Deputy
6 Minister of Public Safety in October of 2019 and I was Deputy
7 Minister of Public Safety for the work of the Panel in 2021.

8 **MR. FRANÇOIS DAIGLE:** I was appointed Deputy
9 Minister Justice for Solicitor-General of Canada, so at the
10 beginning of August, and I was part of the meetings of the
11 panel starting in...

12 **MS. MARTA MORGAN:** I was the Deputy Minister
13 of Foreign Affairs for the entire period leading up to and
14 during the panel.

15 **MR. DAVID MORRISON:** I was the Prime
16 Minister's Foreign and Defence Policy Advisor beginning in
17 early 2019. In that capacity, in -- on the 1st of July,
18 2021, I was asked to act as the National Security and
19 Intelligence Advisor, and that was the capacity that I held
20 until early 2022, so I was Acting NSIA throughout the end of
21 the run-up to the election and through the aftermath.

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

26 Madam Drouin, you became an observer at some
27 point, but in general, are there any differences to be
28 flagged in the way the two groups function, in other words,

1 between 2019 and 2021?

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

3 Yes. Well, the 2021 election happened during
4 COVID, so that's one main difference. So we were meeting
5 virtually rather than in person. So we have frequent
6 meetings, but all of the security briefings, for example,
7 were done online or remotely.

8 And as I explained this morning, briefings
9 were done by the heads of the various safety agencies or
10 intelligence agencies. But in 2021, it was representatives
11 of SITE who were -- oh, also in the presence of the heads of
12 the various intelligence agencies, but it was SITE -- the
13 SITE representatives that were giving us the briefings.

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

17 **MS. NATHALIE DROUIN:** And you might ask us
18 what the difference was between the directive in 2019 as
19 opposed to 2021.

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

23 We know the changes were made to the protocol
24 before the 2021 election, so could you explain to us what
25 these modifications were?

26 **MS. NATHALIE DROUIN:** The first modification
27 was that the 2019 protocol was developed for the 2019
28 elections, but in 2021, the protocol was made valid for any

1 election, any general election, not specifically the 2019,
2 but 2021 and any other.

3 And also, the period for which the panel
4 exercised its functions -- so in 2019, we used the pre-writ
5 period, but for the 2021 General Election was used the
6 convention, the transition convention or the Caretaker
7 Convention.

8 And the difference is that the convention
9 applies until the new government is sworn in, so not just the
10 day of the elections, but the swearing of the government. So
11 there is a difference in the time period that the -- during
12 which the P5 maintains its powers.

13 And there are also some other changes that
14 were made that didn't change the way the panel operates, that
15 is, with whom we can exchange information, as was stated. So
16 in 2021, for example, we could exchange information with the
17 Commissioner of Elections.

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

27 **MS. JANICE CHARETTE:** I would like to add
28 something.

1 **MR. JEAN-PHILIPPE MacKAY:** [No
2 interpretation]

3 **MS. JANICE CHARRETTE:** The final change that
4 I would just mention is the Protocol was clarified to
5 underline that political parties could also provide
6 information to the Panel.

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

21 And of course the 2021 election took place
22 after the events in the United States. And so the events in
23 January showed that perhaps there was another vulnerability
24 that the protocol was also trying to encompass as part of its
25 direction to us.

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

28 Madam Drouin, you mentioned the Commissioner

1 for Elections. I have the protocol before me. Just a
2 question to clarify. It's the Chief Electoral Officer. Is
3 that what you meant?

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

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

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

7 **MR. FRANÇOIS DAIGLE:** I'd like to add a point
8 on the transition -- Caretaker Convention, because we had in
9 2021, a returning government, that meant that the Caretaker
10 Convention finished, you know, once we know when the election
11 because it was returning. So as a Panel, our mandate ended
12 on the end of the Caretaker Convention, which was at the
13 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 **MR. FRANÇOIS DAIGLE:** I might start.

3 My first meeting was on the 23rd of August,
4 so I wasn't there for those January, June and July. But
5 fortunately, Counsellor Drouin, who had participated in those
6 meetings, gave me a personal briefing to bring me up to date.

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

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

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

26 **MR. JEAN-PHILIPPE MacKAY:** And I know that
27 you'll be testifying later today about your role as National
28 Security and Intelligence Advisor to the Prime Minister, but

1 was that role that you played in your normal activities
2 informed the way you approached the issues related to the
3 work of the Panel?

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

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

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

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

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

27 And we did, in the meetings leading up to,
28 and then during the writ as well, have a serious of scenario

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

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

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

19 **MS. NATHALIE DROUIN:** Yes. Ms. Morgan and I
20 knew that we had the responsibility to ensure continuity
21 between the two panels, to share our experience and
22 experience the methods and operations that we developed in
23 2019. But I'd like to add as well that the secretariat for
24 democratic institution directed by Allen Sutherland out of PCO
25 also played an important role in the transfer of knowledge
26 between the two panels.

27 **MR. JEAN-PHILIPPE MacKAY:** Question for you,
28 Madam Drouin. Does the threat picture change between 2019

1 and 1921 (sic)? Some situations might have involved a
2 particular and related to threats, interior domestic threats
3 mentioned by Mr. Sutherland, but generally speaking, was the
4 picture somewhat the same or was it different?

5 **MS. NATHALIE DROUIN:** The picture was
6 slightly different in terms of methods of operations at the
7 different countries that were involved in foreign
8 interference. There was certain changes, but I think that's
9 what's the most important is that -- to note is that because
10 we were in the COVID period, we saw a lot more risks from
11 violent extremism known as IMVE. We also noted the risk for
12 disinformation and...

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

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

27 And so what we recognized there was this was
28 an environment that was continuously evolving in terms of the

1 strategies and tactics that could be used and one that had to
2 be very mindful of.

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

6 **--- EXHIBIT No. CAN 3336:**

7 Critical Election Incident Public
8 Protocol Panel - Meeting Notes

9 **MR. JEAN-PHILLIPE MacKAY:** We can scroll down
10 slowly.

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

16 So my question to you, what is this document?
17 If you recognize it, of course, but what is this document,
18 who prepared it?

19 **MS. JANICE CHARETTE:** So perhaps I can answer
20 that.

21 So this document is not a document that the
22 Panel of Five saw during our work in the 2021 election. We
23 saw it in the context of preparing for our testimony before
24 the Commission.

25 We understand that these are notes that were
26 prepared by one of our PCO team that was in attendance at
27 these -- at our meetings and supporting them, and they are
28 meant to be kind of a summary of decisions taken but they

1 were not -- I mean, they were not shared with us during our
2 deliberations and we haven't approved them.

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

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

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

7 **MS. JANICE CHARETTE:** So at, I would say, all
8 of our meetings, as the Panel of Five there was a
9 representative, Al Sutherland, from our democratic
10 institutions team, protecting democracy team, and he was
11 there as an advisor to the panel.

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

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

28 As well, finally, Mike MacDonald from our

1 security intelligence team, he was the secretary to the
2 panel. He helped support me in my role as the Chair, and I
3 believe that are his notes.

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

7 **COMMISSIONER HOGUE:** Thank you.

8 **MS. JANICE CHARETTE:** So maybe I could just
9 add, we were talking earlier about the operation of the
10 panel.

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

23 **COMMISSIONER HOGUE:** Thank you.

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

28 **MS. NATHALIE DROUIN:** In addition to what

1 Madam Charette just explained, in other words, we received
2 intelligence reports and then we debated amongst ourselves,
3 that's exactly the same thing that occurred in 2019.

4 One of the differences was the fact that we
5 now add members that participate in hybrid fashion and the
6 members of the SITE group, and not just the leaders of the
7 agencies also participated. Those were the two major
8 differences.

9 **MR. JEAN-PHILIPPE MacKAY:** [No
10 interpretation]

11 **MS. NATHALIE DROUIN:** Excuse me for
12 interrupting. We also had access to the daily sitreps,
13 something that was -- that remained in terms of information
14 sharing.

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

21 Was it Mr. Vigneault who transmitted the
22 information to you during the meetings?

23 **MS. NATHALIE DROUIN:** He was present during
24 the meetings and participated quite actively to the briefing
25 given to us by his people.

26 **MR. JEAN-PHILIPPE MacKAY:** Last question for
27 you, Madam Drouin.

28 You were an observer during the election and

1 post-election period on the 2021 panel. Please explain to us
2 what was your role as an observer during that time period of
3 time?

4 **MS. NATHALIE DROUIN:** One of the first role
5 was simply to ensure the proper transition and continuity in
6 the membership of the panel, having been a member of the 2019
7 panel. Also, I had the opportunity to express my views, to
8 raise questions and to make suggestions, but I didn't have
9 any decision-making role in the potential decisions that
10 could be made by the Panel of Five, not being a member.

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

13 And I'll ask Ms. Morgan and Ms. Drouin, there
14 was the -- there was evidence this morning concerning the
15 development of a shared understanding of the threshold in
16 2019. And compared to 2021, was this shared understanding
17 any different with the new -- the new panel members with whom
18 you worked in 2021?

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

28 And we looked at all of these factors which

1 had to be -- which had to be assessed together, so on any
2 given incident or incidents the reach, the scale, the source,
3 the credibility of intelligence, these were all relevant
4 factors for assessing whether an incident would reach the
5 threshold of a panel announcement.

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

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

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

20 **MS. MARTA MORGAN:** I would describe it as a
21 resource that was available to us among other resources,
22 including the protocol itself, which we referred to quite
23 often, and including the intelligence and information that
24 was brought back to us.

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

28 And we won't -- you went through various

1 scenarios, so maybe this not one of them. But can you use
2 this one as an example of how you would work with the
3 scenarios and what kind of discussions you would engage in,
4 in the course of your preparation.

5 **MR. FRANCOIS DAIGLE:** I will attempt to
6 answer that.

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

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

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

24 And we'd ask our questions, saying what is
25 the event, what information do we have on the event, is it
26 really disinformation or misinformation, erroneous
27 information, false information. Is it opinion simply? What
28 are the sources of the information? Are they reliable, yes

1 or no? Is our information reliable; yes? Was it
2 corroborated, for example? Is the distribution of false
3 information coordinated? Do we have any proof? Was it
4 coordinated dissemination of false information? Does it seem
5 to be an online discussion between Canadians on a Canadian
6 site or does there seem to be any amplification that is
7 inappropriate?

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

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

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

26 So either Madam Drouin or Ms. Morgan, was
27 this -- the discussion that you had in 2019, did it also
28 occur in 2021 in discriminating between a riding at a

1 national situation?

2 **MS. NATHALIE DROUIN:** Well, the work -- the
3 deliberations in 2021 were easier and clearer, and I don't
4 think the members of the panel ever doubted that we had to
5 look at the impact at the riding level and not just a global
6 -- at the global level. The same thing -- or national level.

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

13 **MS. JANICE CHARRETTE:** Yes, I would like to
14 add.

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

27 **MR. JEAN-PHILIPPE MacKAY:** And we understand
28 that no public communication either at the national level or

1 targeted communication occurred in 2021. The panel did not
2 communicate publicly ---

3 **MS JANICE CHARETTE:** Yeah.

4 **MR JEAN-PHILIPPE MacKAY:** --- under a
5 protocol?

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

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

20 So was this a topic of conversation in 2021?
21 So faced with a situation that doesn't meet the threshold,
22 would the panel nevertheless inform or have discussions with
23 competent authorities?

24 **MS. NATHALIE DROUIN:** It was very clear for
25 the members of the Panel of Five of 2021 that the various
26 departments and agencies maintained their powers, and so had
27 tools at their disposal to correct or mitigate any given
28 situation that we were apprised of. So clearly we could have

1 conversations, we could make suggestions, and whether it be
2 the Clerk of the Privy Council in her role, she could talk
3 with some Ministers and -- in the case where we had to make
4 corrections.

5 And in 2021, I don't know if we want to
6 discuss this, but we asked ourselves what would a communique
7 from the panel look like, communication with the public, in a
8 situation where we have an incident that is still below the
9 threshold. And so we came to the conclusion that the
10 directive wouldn't allow us to do that.

11 And secondly, that the risk was that we would
12 have more negative impacts. There would be a very high risk
13 of causing more harm by doing so.
14 besoin de faire des corrections.

15 **MR. ROBERT STEWART:** Let me just say that the
16 security intelligence community is very close knit, and the
17 community coordinates very effectively, but each of the
18 principal actors has their own powers and authorities; right?
19 The RCMP, of course, operates under the principle of police
20 independence. Nobody tells them what to do. But with CSE
21 and CSIS, they have toolkits, and they can act under the
22 authority of their deputy heads up to a certain point in
23 time. They are responsible to administer out, Global Affairs
24 is in this category as well. They're responsible to
25 ministers, and so at some point, if they planned an action,
26 they would seek to inform, and maybe seek the non-disapproval
27 of a minister to ensure that they had the support to do what
28 they were empowered to do. We always thought about the

1 opportunity or the necessity in the discussion of our
2 scenarios of those powers being exercised, and in addition,
3 we thought about what would happen outside the realm of
4 government, which is the role of civil society in the media
5 and others who might choose to call out or otherwise
6 foreground the possibility of foreign interference as a
7 below-the-threshold response.

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

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

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

21 So from a process perspective, were there any
22 differences?

23 **MS. NATHALIE DROUIN:** Well, apart from the
24 distinctions that I made earlier, no, there were no other
25 modifications.

26 Now, in terms of the flow of information,
27 documents that are very secret or classified even higher do
28 not -- are not transmitted by electronic means, so I couldn't

1 receive those kinds of documents when I was working from
2 home, and so those are documents that I would be apprised of
3 when I went to the office, so I wouldn't necessarily be able
4 to see them every day, but when we had weekly meetings, then
5 I would be apprised of those documents.

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

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

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

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

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

1 but we were available and could meet anytime outside of that.

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

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

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

27 **MR. JEAN-PHILIPPE MacKAY:** Thank you. One
28 last question concerning the way that the Panel operated in

1 its meetings. Did you have any expectations from -- for the
2 heads of the agencies or the representatives of the agencies
3 to provide you with their assessment as to whether the
4 threshold was met or not in relation to a specific piece of
5 intelligence or a specific incident? Did you expect, for
6 example, Mr. Vigneault to arrive with his own conclusion
7 about the threshold?

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

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

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

26 **--- EXHIBIT No. CAN 1082:**

27 Liberal Party Representatives SITE
28 Briefing

1 **MR. JEAN-PHILIPPE MACKAY:** So we can see this
2 document is heavily redacted, so obviously there's not a lot
3 that can be said about it. But we see the title of the
4 document, Liberal Party Representatives SITE Briefing.

5 And during the writ period, were you made
6 aware that SITE briefed secret cleared Liberal Party
7 representatives?

8 **MS. JANICE CHARETTE:** So as you can see from
9 the document, this represents a briefing of the security
10 cleared -- a classified briefing of the security cleared
11 members of the Liberal Party of Canada. I think a little bit
12 further on in the document, it actually indicates who was at
13 the meeting. So it's not a full representation of the SITE
14 Task Force, I believe it was representatives of CSIS and the
15 -- with the support of the Privy Council Office.

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

27 **MR. JEAN-PHILIPPE MacKAY:** Thank you. Now,
28 I'm moving to the possible disinformation campaigns

1 concerning Mr. O'Toole, the Conservative Party of Canada, and
2 Mr. Kenny Chiu.

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

6 **MS. MARTA MORGAN:** So this issue was brought
7 to the Panel's attention as part of the daily SITREPs as soon
8 as the Rapid Response Mechanism and the SITE Task Force
9 became aware of it. We were briefed that the RRM was
10 tracking the issue and then we were briefed at our weekly
11 meetings.

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

24 The other issue was issues related to -- was
25 some news stories. They were stories that had originated in
26 Canadian -- the Canadian media ecosystem; one from the Hill
27 Times, and another one was a comment by a public commentator
28 that were then picked up and reported on in Chinese media and

1 in China, and then those stories were picked up in Chinese
2 language media targeted at Chinese-speaking Canadians. So
3 those were the two issues. We were informed of them. The
4 RRM was trying to ascertain whether those were more organic -
5 - whether this was organic interest that one might expect
6 during an election campaign, as we know that Canadians are
7 very engaged in party platforms and election issues during a
8 campaign, or whether these issues were being spread
9 inauthentically and propagated by state sponsored
10 disinformation, or other inauthentic actors.

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

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

22 **MS. MARTA MORGAN:** Yeah.

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

24 **MS. MARTA MORGAN:** Yes.

25 **COMMISSIONER HOGUE:** I understand that RRM
26 doesn't have the authority to look into private discussions
27 going on, on the -- on any of the platform. Does it mean
28 that let's say a foreign state used some proxies in these

1 private groups for entertaining the discussion, is there any
2 way that it can be identified, or is there anything that can
3 be done by RRM to try to see what is going on, or because
4 it's -- the discussion is really taking place into a private
5 setting, there is nothing that can be done?

6 **MS. MARTA MORGAN:** Well, RRM can look to see
7 using the tools that it has whether there's inauthentic
8 spread of these kinds of conversations. Are they growing, or
9 do we see them sort of growing through the ecosystem? Those
10 are the kinds of things that they look for, but very
11 challenging for RRM to look inside to look at which
12 individuals, for example, might be commenting on which
13 individual thing, and that could be problematic from a
14 perspective of free speech, given that, you know, and a
15 democracy, given that, you know, many of these chat groups
16 are conversations between Canadian citizens. So that's, you
17 know, where there are some limits and boundaries, both
18 technological, I would say, but also limits from the
19 perspective of the mandate and what the government should be
20 doing.

21 **MR. FRANÇOIS DAIGLE:** I'd like to add
22 something on the context for the decision of the panel in a
23 situation like this. So the context is an election, and an
24 election is probably the most important event in our
25 democracy every four or five years, or whenever it happens.
26 It's a time for debate, for political debate, candidates,
27 parties put forward platforms. They debate those ideas
28 vigorously, we hope. Canadians, we hope, engage in those

1 conversations. And through that, they try to influence
2 voters to vote for my platform or for somebody else's
3 platform. So and this happens in the context where freedom
4 of expression in Canada is guaranteed under our Charter.

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

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

22 So, again, I think the point of my
23 intervention really is to say that, like, a mere possibility
24 of a proxy acting isn't enough. So we have the tools that we
25 have with the limits that they bring, and what we need to do
26 is maybe improve some of those tools, but intervening in what
27 is, I think, a critical free expression of free speech in a
28 political debate is not something that we would do,

1 particularly, if there's, you know, some of the issues are
2 more opinion than fact.

3 **MR. DAVID MORRISON:** Just add a quick point.
4 Your question, Madam Justice, was about could we tell within
5 the private WeChat groups whether there were proxies
6 speaking. And the answer, for the reasons given by Marta
7 Morgan is, no, we don't have in -- we can't look into those
8 groups. And to the extent that they represent conversations
9 amongst Canadians, it's probably not appropriate anyhow. We
10 don't look into Facebook groups either. But we didn't see
11 when the discussions in those groups spilled out onto Chinese
12 language Canadian websites. There's several of them.
13 They're named in the public information. We didn't see any
14 hyping up of that information that was then circulating in
15 the public.

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

27 **COMMISSIONER HOGUE:** Thank you.

28 **MR. JEAN-PHILIPPE MacKAY:** And specifically

1 in relation to Mr. Chiu, it is mentioned in the interview
2 summary that the fact that there was a public intervention by
3 Mr. Chiu had an effect or an impact on the perspective of the
4 panel. Can you address that point briefly?

5 **MS. MARTA MORGAN:** So one of the things that
6 we looked at as a panel is when -- is whether other players
7 in the election ecosystem were addressing issues as they
8 arose, because that could mitigate the impact of issues
9 related to any kind of election threat, including
10 misinformation and disinformation. So if you look onto our
11 famous wrench, that is one of the things that we look for.
12 The RRM was monitoring that. And we did see Mr. Chiu
13 directly address the issue, which we took as a positive sign
14 that the -- that this issue was being addressed by him, and
15 that information was then being provided publicly from a
16 credible person about his actual intent. And so, you know,
17 we could see this -- you know, we talked a little bit about
18 the Buffalo Chronicle in 2019. It was media that intervened
19 when there was disinformation that was being circulated.
20 There's media civil society, political actors themselves, all
21 of these -- the ability of all of these actors to intervene
22 in an election and provide information to Canadians, all of
23 that is necessary in order to ensure a reputable election
24 process.

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

1 two meetings after the election?

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

10 At that point in time, we were also, as the
11 Panel, acknowledging that we had reached the end of our
12 mandate, because the election result was clear, the caretaker
13 period was over. And so our work, officially, as a panel,
14 was to be concluded.

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

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

24 The whole -- this whole protocol was only put
25 in place for the 2019 election. This was 2021. And so both
26 the threat and the risk environment were evolving. I think
27 we recognized that. And so how do we -- what is -- what were
28 our observations, from our perspective of the panel, about

1 our experience that might inform any further amendments or
2 changes to the protocol or to the operations of our panel,
3 whether it was going to be for us in the future or for our
4 successors, that could then feed into whoever was going to do
5 the external review, and also to the advice we might provide
6 to a government in the future.

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

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

22 I think we really found the scenario exercise
23 to have been a useful way for us to have done that and really
24 would have recommended that our colleagues would continue
25 that in the future.

26 I think we also agreed amongst us as a panel
27 that the topics of mis and disinformation are one of the most
28 challenging areas for a society to come to grips with, for

1 governments to have to deal with, and that the developments
2 in technology are going to make this even more difficult in
3 the future with the application of things like artificial
4 intelligence and deep fakes. And so this is an area where I
5 think the -- our adversaries are going to continue to develop
6 new and creative ways to exploit that, and that governments,
7 including the agencies that work in this area, the RRM, which
8 was, I think, a relatively recent creation as well in 2018,
9 and the work of the Panel had to continue to evolve at the
10 same time.

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

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

17 Was that review of all of the available
18 information that was performed after the election by the RRM
19 and SITE, was that made at the request of the Panel?

20 **MS. JANICE CHARETTE:** So there was a
21 particular set of concerns that were raised by the
22 Conservative Party of Canada to -- through their process of
23 being able to give a heads up to the SITE Taskforce. This
24 took place after the election. And so we had a brief mention
25 of it at our meeting right after the election, that there
26 were concerns that had been raised. The details of those
27 were provided subsequently. There was, I think, a very
28 thorough and in-depth effort to review carefully all of the

1 information that came from the Conservative Party. I think
2 that the members of the SITE Taskforce in 2021, I believe
3 they explained that in their testimony last week. And we see
4 -- we had access to the results of that in our briefing from
5 the SITE Taskforce in December at the conclusion, where they
6 provided as well with the draft of kind of their after-action
7 report, they had done their own reflections and lessons
8 learned exercise and were able to share that with us. And
9 this -- these reflections on kind of mis and disinformation
10 generally, erroneous information, or disinformation that's
11 spread purposefully were shared with us and we had a chance
12 to talk to the RRM members at our meeting about that, and
13 also to be briefed on the results of the conversation that
14 had taken place with the Conservative Party around these
15 issues and concerns.

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

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

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

23 **MS. JANICE CHARETTE:** Sure. So as I said
24 earlier, the protocol -- section 9 of the protocol calls for
25 a review of the operation of the protocol after an election.
26 I think this is part of the -- as well that that protocol
27 would be referred to the National Security Intelligence
28 Committee of Parliamentarians as part of the accountability.

1 And I think a commitment to learning and continuous
2 improvement that is embedded in the protocol, particularly
3 now that it is enduring through all elections.

4 We had an opportunity as members of the Panel
5 of Five, as well as many other interviewees, to contribute to
6 the review done by Mr. Rosenberg.

7 And I think we welcomed this because -- we
8 welcomed the whole exercise because, as I said earlier, the
9 protocol was new in 2019. In fact Canada, I believe, was the
10 first country to have actually attempted to do something like
11 this in the context of an election, to try to provide
12 confidence to Canadians on the integrity of the elections.
13 So it was important for us to be able to reflect on that and
14 continue to improve that. And so we had a chance to review
15 that.

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

27 All of that -- all of the results of that
28 assessment have been made public. There's a public version

1 of that, as well as a classified version of that. I think
2 that that is now under consideration by the Parliamentary
3 Committee, or the Committee of Parliamentarians, excuse me,
4 that deals with these matters.

5 This, I think, is an important input to any
6 deliberations and reflections the Government may have about
7 changes to the protocol that they may want to put in place
8 for next election. The Cabinet Director a next election. I
9 think it's also relevant to the deliberations of this
10 Commission in terms of the Part C of your mandate.

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

12 Those were my questions, Madam Commissioner.

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

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

16 This hearing is in recess until 1:45.

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

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

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

20 This sitting of the Foreign Interference
21 Commission is back in session.

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

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

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

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

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

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

28 **COMMISSIONER HOGUE:** So three things before

1 we start:

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

3 We're counting on you.

4 The second thing: I understand that the
5 parties have received a copy of Me Bossenmaier's notes. So
6 that is resolved.

7 I looked at the three documents that have
8 been sent or received by you recently, CAN 4495, CAN 4079,
9 and CAN 15842. I am told by the Commission Counsel that
10 other witnesses will discuss these documents, and that as
11 such, you will have the opportunity to cross-examine on these
12 documents.

13 That said, I understand that some of you
14 would you like to cross-examine CSIS representatives about
15 these documents. So just for you to know at the end of the
16 hearings we'll revisit the issue and if some of you still
17 have questions for CSIS about these three documents I will
18 permit these questions to be asked in writing and we'll find
19 a proper way for doing it.

20 I will limit the number of questions for
21 sure, and maybe if some of you have questions it will be good
22 idea to discuss in advance among you to maybe to find a way
23 of regrouping the questions and making sure that the -- if
24 each one has a certain number of questions and each one has
25 the same question it's not necessarily the most useful way of
26 doing it. So I wanted to let you know, and from now you do
27 what you have to do and we'll revisit the question at the end
28 of the hearings.

1 **MR. GUILLAUME SIROIS:** Guillaume Sirois,
2 counsel for the RCDA. I just wanted to point out that we
3 were not able to find the *in-camera* hearing summary for GAC,
4 for Global Affairs Canada. And I've raised this issue
5 personally with the Commission last week before the first GAC
6 witnesses, and we had GAC witnesses testify I believe on
7 Thursday, and then the SITE panels of 2019 and 2021 testified
8 on Friday. These -- this summary or summaries would have
9 been highly relevant if -- had they been produced. And I was
10 just wondering if the Commission could give any indication as
11 to when they will be produced.

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

14 **MS. NATALIA RODRIGUEZ:** GAC was not examined
15 as a department in the *in-camera* hearings. GAC witnesses
16 testified as part of the Panel of Five, but there is no
17 existing summary because there was no examination *in-camera*
18 of GAC witnesses.

19 **COMMISSIONER HOGUE:** And what about the
20 interview summary?

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

22 **COMMISSIONER HOGUE:** All right, it's already
23 in.

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

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

27 **MR. GUILLAUME SIROIS:** Exactly. And the
28 *in-camera* summary is effectively on the party database, it's

1 just in the witness summary it says that the GAC witnesses
2 have been interviewed *in-camera*. I don't have the direct
3 quote right now. We can probably look at it if you like. So
4 just that the sentence was concerning to the RDCA and wanted
5 to have some clarification. I appreciate the -- counsel's
6 clarification on that point.

7 **COMMISSIONER HOGUE:** Okay. So it's also
8 resolved.

9 **MS. SARAH TEICH:** Madam Commissioner, if I
10 may. I appreciate the time crunch and I appreciate the
11 ability to ask written questions. I still would like to put
12 my concerns on the record that the ability to ask written
13 questions without the ability to ask follow up questions is
14 not the same as the ability to cross-examine. So I reiterate
15 my concerns.

16 **COMMISSIONER HOGUE:** They are written down.
17 So nobody else has any questions?
18 That's fine. We can proceed.

19 **MS. ERIN DANN:** Cross-examination. The first
20 party is the RCDA.

21 **COMMISSIONER HOGUE:** Yes, sorry.
22 No, it's okay.

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

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

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

1 --- CROSS-EXAMINATION BY MR. GUILLAUME SIROIS:

2 **MR. GUILLAUME SIROIS:** So good afternoon.

3 I'm Guillaume Sirois, counsel for the RCDA.

4 I will be asking questions about the document
5 CAN 88, which is a report from the Digital Forensic Research
6 Lab, DFR Lab.

7 --- EXHIBIT No. CAN 88:

8 Assessing the Canadian Information
9 Environment During the 2019 Federal
10 Election: A DFRLab Report

11 **MR. GUILLAUME SIROIS:** There's the report by
12 the Atlantic Council entitled "Assessing the Canadian
13 Information Environment During the 2019 Federal Election".
14 Are you aware of this report?

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

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

18 **MR. GUILLAUME SIROIS:** Okay. But at least
19 some of you are aware.

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

25 **MS. MONIK BEAUREGARD:** Yes.

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

28 **MS. MONIK BEAUREGARD:** I don't know that it

1 was. I'm sorry.

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

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

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

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

13 Maybe it's a question for the counsel for the
14 Government of Canada, the AGC.

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

19 **MR. GUILLAUME SIROIS:** Okay. Well, I'll move
20 on, then.

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

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

27 I'll go to the fifth paragraph of the report
28 -- of that page. The DFR Lab, as we can see from the first

1 sentence, says that it observed a disproportionate volume of
2 negative content directed at Trudeau and the incumbent
3 Liberal government.

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

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

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

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

13 **MR. GUILLAUME SIROIS:** At the Prime Minister
14 and the Liberal Party ---

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

16 **MR. GUILLAUME SIROIS:** --- right?

17 **MS. MARTA MORGAN:** Yes, but primarily --
18 often at the Prime Minister personally.

19 **MR. GUILLAUME SIROIS:** And during -- when the
20 panel witnesses this -- [no interpretation].

21 **MS. MARTA MORGAN:** Well, yes. I mean, some
22 of this was related to the issue that we discussed earlier
23 this morning with respect to Buffalo News, which did post
24 stories about the Prime Minister. Others was more organic.

25 And what we saw during the election campaign
26 was that, in general, when these stories spread, we did see,
27 for example, mainline media intervene to correct the stories.

28 You know, I'm sure that it wasn't -- you

1 know, wasn't perfect, but, you know, we did see that kind of
2 information circulating. We did see some of it corrected.
3 And there was nothing other than the one that we -- that we
4 talked about this morning where it was identified to us that
5 there was the potential for sort of more spread or
6 potentially inauthentic spread.

7 **MR. GUILLAUME SIROIS:** Okay. And that brings
8 me to the question about foreign actors and how we can
9 attribute this information to such actors.

10 Same paragraph of page 4 reads that the
11 DFRLab:

12 "...could not confidently attribute
13 any of these events to the operations
14 of a foreign government."

15 This would require access to corroborating
16 evidence and technical back-end data that was not available
17 in this case.

18 So if DFRLab Canada was not able to attribute
19 this because of lack of tools or data, was the Panel of Five
20 or any other subgroup of the government such as the SITE Task
21 Force or any group that you know was in a position to make
22 this attribution?

23 **MS. MARTA MORGAN:** Well, I'm not sure that I
24 see the second sentence that you're referring to. I see the
25 first sentence. This could ---

26 **MR. GUILLAUME SIROIS:** Oh, sorry. It's the
27 second paragraph of page 4.

28 **MS. MARTA MORGAN:** Yeah, the DFRLab could not

1 confidently attribute any of these events.

2 "This could be due to broader changes
3 in the tactics of foreign actors or a
4 determination by adversarial
5 governments that coordinated
6 interference did not justify the
7 commensurate risks and costs."

8 Those sentences is what you're asking about?

9 **MR. GUILLAUME SIROIS:** Exactly.

10 **MS. MARTA MORGAN:** Yeah.

11 **MR. GUILLAUME SIROIS:** I'm wondering if the
12 panel is aware of any group in government that would have the
13 tools to make this attribution.

14 **MS. MARTA MORGAN:** Well, what I would say is
15 that there's no question that the kinds of tools and
16 techniques and strategies that are being used by foreign
17 actors in the digital environment as well as those that are
18 being used by other actors are increasingly sophisticated and
19 continually changing.

20 So one of the challenges for civil society
21 organizations but also for government in terms of capacity is
22 to continue to increase our capacity to deal with these
23 issues and track and detect these issues as those techniques
24 change. It's always -- I mean, it remains challenging.

25 It was noted, I think, in the RRM reports
26 that have been made public that this was -- it is a challenge
27 to attribute and that they need to continue to increase their
28 capability.

1 over multiple platforms and online
2 communities [which was one of the
3 DRFLab's focus in the study]. The
4 second regards the opportunism shown
5 by Russian state media in its
6 Canadian election coverage. These
7 cases, evidencing coordinated
8 trolling around nativist rhetoric and
9 amplification of domestic political
10 scandal by foreign media, most
11 resembled the Russian information
12 operations conducted against the
13 United States in 2016."

14 **MS. MARTA MORGAN:** What is your question?

15 **MR. GUILLAUME SIROIS:** Sorry. I was trying
16 to -- because in the interests of time, I was trying to focus
17 on the most important ones.

18 But -- so my question is, do I understand
19 correctly this report, in your evidence today, that although
20 it's not possible to conclusively attribute these ample cases
21 of viral misinformation and coordinated inauthentic behaviour
22 to a foreign state -- for one reason or the other it's a
23 challenge, as you said -- it does, indeed, resemble the
24 Russian information operations conducted against the United
25 States in 2016.

26 **MS. MARTA MORGAN:** I couldn't comment on this
27 conclusion by this report, as this was not a report that was
28 prepared by the Government of Canada for the Panel. So I

1 would need more information to comment on those particular
2 conclusions.

3 **MR. GUILLAUME SIROIS:** So the group that
4 could provide this information would be the DFR Lab,
5 probably, or ---

6 **MS. MARTA MORGAN:** Yes.

7 **MR. GUILLAUME SIROIS:** --- the FSE Council?

8 **MS. MARTA MORGAN:** Yes, I think so, yeah.

9 **MR. GUILLAUME SIROIS:** How can we know that
10 there was no interference in the 2019 election if no-one had
11 the tools, or at least it was a challenge to assess whether
12 ample cases of viral misinformation and coordinated,
13 inattentive behaviour originated from a foreign actor in
14 2019?

15 **MS. MONIK BEAUREGARD:** So I don't believe
16 that we said there was no indications of activity. We did
17 receive a baseline threat assessment that covered a number of
18 countries, Russia being one of them. And then the activities
19 are monitored by the intelligence agencies, national security
20 agencies before, during, and after the writ period, and they
21 were reported up to the Panel.

22 And as we testified this morning, we talked
23 about the threat trend, and the threat trend remained stable
24 and so there was ongoing monitoring of activities that were
25 reported up to the Panel.

26 **MR. GUILLAUME SIROIS:** So I understand your
27 evidence that there was some Russian -- at least foreign
28 interference, possibly Russian, at least from the document.

1 But if we don't have -- if it's that challenging to assess
2 whether disinformation campaign are linked to a foreign actor
3 such as Russia, how can we know the extent of disinformation
4 campaign?

5 **MS. NATHALIE DROUIN:** If you'll allow me, Mr.
6 Sirois, a few comments.

7 We spoke a lot of the basic briefings that
8 the panel received in 2019 and 2021, and we received
9 briefings about some countries, notably Russia. And the
10 information we had at the time was that Russia was a very
11 capable actor, especially in terms of espionage and cyber
12 activity. And in the weeks prior to the election, our
13 intelligence services through all the monitoring they were
14 doing were able to tell us that Russia had little interest in
15 Canada's elections.

16 Having said so, it doesn't mean that Russia
17 is not an active player in terms of foreign interference, but
18 Russia demonstrated little interest in Canadian elections in
19 2019 and '21.

20 **COMMISSIONER HOGUE:** Mr. Sirois, your time is
21 over. I'll let you conclude with a last question.

22 **MR. GUILLAUME SIROIS:** The conclusions that
23 you've mentioned, Mrs. Drouin, could we access those or are
24 they protected by national security confidentiality?

25 **MS. NATHALIE DROUIN:** Well, my testimony
26 exists.

27 **MR. GUILLAUME SIROIS:** But I'm talking of the
28 source of your testimony, the CSIS or CSE documents.

1 **MS. NATHALIE DROUIN:** You're asking me to
2 prove a negative here.

3 What I'm telling you is that there was not or
4 little intelligence preceding the 2019 elections and during
5 the 2019 writ period proving that Russia had an interest and
6 was active in following the elections.

7 **ME GUILLAUME SIROIS:** [No interpretation]

8 **MS. GRETA BOSSENMAIER:** I was just going to
9 add a piece to Madam Drouin's comments, in that the
10 Communications Security Establishment published, I'm going to
11 say in 2017 or '18, one of the first reports; I'm thinking
12 the first international reports, talking about threats to the
13 democratic process, which talked about threat actors and
14 activities and how various parts of society, individuals,
15 governments, et cetera, what they should be aware of. And
16 they followed up that report with at least one -- and I've
17 been retired, at least one if not two additional reports. So
18 those are public reports, they're -- I'm sure they're on
19 their website -- that provide their -- and some of their
20 analysis and assessment as to the various players and risks
21 that exist.

22 **MS. NATHALIE DROUIN:** ...everything that is
23 relevant, everything that is about what Russia could have
24 done, is in the hands of the Commission. So all the
25 information that is available is in the hands of the
26 Commission.

27 **MR. GUILLAUME SIROIS:** I will conclude on
28 this point, if you allow me, Commission. Otherwise, I will

1 ask my colleague -- I ask my friend from UCC to share 10
2 seconds with me, just so 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 **MS NATHALIE DROUIN:** I don't fully agree with
19 the premise that there -- we don't have the tools. CSE is
20 amongst the most performing players in the world in the field
21 when it comes to surveillance and I'm fully confident in the
22 information that they collect and that the information that
23 they give us is good.

24 Of course, the tools need to continue
25 improving because the strategies of those actors continue to
26 evolve, but I'm fully confident that the analysis, the
27 collection of data and the information given by CSE reflects
28 that there was no peak in Russia's activity over the 2019 and

1 '21 elections.

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

3 And thank you to my colleague.

4 **COMMISSIONER HOGUE:** So UCC?

5 **--- CROSS-EXAMINATION BY 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 MS. SARAH TEICH:**

11 **MS. SARAH TEICH:** Good afternoon.

12 Can we please pull up WIT 60. And I don't
13 believe I need leave as I won't be cross-examining on a prior
14 inconsistent statement.

15 And if we could turn to page 17,
16 paragraph 78.

17 So the summary notes that Ms. Drouin, quote:

18 "...believed that the use of the word
19 'network'..."

20 And she's referring to media reports based on
21 the paragraph immediately above:

22 "...was unfortunate, as it gives the
23 impression the individuals were
24 working in concert."

25 Do you remember saying this, Ms. Drouin?

26 **MS. NATHALIE DROUIN:** Yes.

27 **MS. SARAH TEICH:** Madam Commissioner, I would
28 like to ask for leave to pull up CAN 18756.

1 --- EXHIBIT No. CAN 18756:

2 Daily Foreign Intelligence Brief, 21
3 February 2020

4 **MS. SARAH TEICH:** This is a daily foreign
5 intelligence brief from February 2020, and we did not include
6 it in our cross-examination request as this is one of the
7 ones we received over the weekend.

8 **COMMISSIONER HOGUE:** Yeah, you can refer to
9 it.

10 **MS. SARAH TEICH:** Thank you.

11 On the first page, actually this is the only
12 page, I believe, because I think the second page is fully
13 redacted, the assessment reads:

14 "Investigations into activities
15 linked to the Canadian federal
16 election in 2019, reveal an active
17 foreign interference...network."

18 Then there's a redaction:

19 "This network [involved] the Chinese
20 [redaction] local community leaders,
21 Canadian politicians, and their
22 staff. Under broad guidance from the
23 [redacted] co-opted staff of targeted
24 politicians provide advice on China-
25 related issues and community leaders
26 facilitate the clandestine transfer
27 of funds and recruit potential
28 targets."

1 Ms. Drouin, have you seen this document
2 before?

3 **MS. NATHALIE DROUIN:** Yes, I have seen that
4 document before. It's difficult for me to see -- to say when
5 I've seen that document with the different roles I have
6 played, but I have seen that document before.

7 **MS. SARAH TEICH:** Do you recall, have you
8 seen it before giving your witness statement that I referred
9 to earlier?

10 **MS. NATHALIE DROUIN:** I have seen it
11 following the leaks and the work I have done in terms of the
12 leaks investigation.

13 **MS. SARAH TEICH:** Okay. So my question is
14 given that this document uses the term "network", and it's
15 just media, does that change your opinion on the
16 appropriateness of its use?

17 **MS. NATHALIE DROUIN:** My -- the comment that
18 you quote before are still the same. The network here
19 doesn't mean that the individuals were working in concert.

20 **MS. SARAH TEICH:** Okay.

21 Madam Commissioner, I would ask for leave
22 next to pull up CAN 4495.

23 This is a CSIS briefing to the Prime
24 Minister's Office from 2023, but it also describes briefings
25 provided to the Panel of Five in the context of the 2019
26 general election. And as we talked about earlier, this was
27 also provided only this weekend so that's why we didn't put
28 it in the request.

1 **COMMISSIONER HOGUE:** It's okay, you can refer
2 to it.

3 **MS. SARAH TEICH:** So if we go down to pages -
4 - starting at the bottom of page 3, and going into page 4,
5 the document outlines that CSIS conducted various briefings,
6 I'll just summarise this, on the subject of PRC interference,
7 and they talk about that they did briefings to the Panel of
8 Five in the context of the 2019 general election.

9 So let me just start by confirming in general
10 that the Panel did in fact receive CSIS briefings in the lead
11 up to the 2019 general election. I'm not asking on what
12 topic yet.

13 **MS. NATHALIE DROUIN:** Yeah, so it goes fast a
14 little bit. So can you repeat your question?

15 **MS. SARAH TEICH:** I just want to confirm that
16 CSIS provided briefings to the Panel of Five in the lead up
17 to the election?

18 **MS. NATHALIE DROUIN:** Yeah, CSIS did.

19 **MS. SARAH TEICH:** All right, thank you.

20 If we can scroll back up to the middle of
21 page 2. There. Perfect.

22 So here, CSIS writes:

23 "We know that the PRC clandestinely
24 and deceptively interfered in both
25 the 2019 and 2021 general elections.
26 In both cases, these F1 activities
27 were pragmatic in nature and focussed
28 primarily on supporting those viewed

1 to be either 'pro-PRC' or 'neutral'
2 on issues of interest to the PRC
3 government."

4 And they also write:

5 "...at least [18] (sic) candidates
6 and 13 staff members, were implicated
7 in PRC F1 networks....This included
8 members of multiple political
9 parties."

10 So my question for this Panel is, in the
11 Panel's briefings with CSIS in the lead up to the election,
12 did they use this sort of language, this sort of information
13 you received?

14 **MS. NATHALIE DROUIN:** The pragmatic, like it
15 depends -- it gives a lot of things here. So ---

16 **MS. SARAH TEICH:** That's true. We could
17 break it down. What about "We know"?

18 **MS. NATHALIE DROUIN:** What I do remember,
19 sorry, I don't even see....

20 **MR. BARNEY BRUCKER:** Excuse me. Can we
21 scroll up to the top of the document?

22 **MS. SARAH TEICH:** Yeah.

23 **MR. BARNEY BRUCKER:** This is -- there. Back
24 to the ---

25 **MS. NATHALIE DROUIN:** So this ---

26 **MR. BARNEY BRUCKER:** Assertions in Media
27 Reporting.

28 **MS. NATHALIE DROUIN:** Okay. So that is

1 following the leaks.

2 Thank you.

3 That is really following the leaks where a
4 briefing was prepared in order to go back to the leaks and
5 give information about what we knew and when regarding those
6 leaks. So if we talk about PRC, and we see that also in the
7 public summaries that we have sent to the Commission, that
8 the approach and the tactic of PRC is really to do some
9 pragmatic work in the sense that they are doing activities
10 when they believe it is necessary to promote their own
11 interests.

12 So this is the type of language we heard
13 regarding PRC.

14 **MS. SARAH TEICH:** Okay. So ---

15 **COMMISSIONER HOGUE:** Ms. Teich, this is going
16 to be your last question because your time is already over.

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

18 Okay. My last question is in hindsight, if
19 you had received all of this language and the briefings
20 leading up to the 2019 general election, so not just the
21 pragmatic in nature but also the level of certainty that's
22 implied from we know, would this have changed your
23 consideration of whether the threshold had or had not been
24 reached.

25 **MS. NATHALIE DROUIN:** I believe that the
26 baseline information we received before '19 and '21, and then
27 the specific issues we received was appropriate, relevant,
28 and adequate information for us to do our judgement and to

1 make our determination.

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

3 **COMMISSIONER HOGUE:** Thank you.

4 Counsel for Michael Chong.

5 **--- CROSS-EXAMINATION BY MR. GIB van ERT:**

6 **MR. GIB van ERT:** I'll ask the court operator
7 to please turn up the document at, one moment, CAN 009823.

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

9 Critical Election Interference Public
10 Protocol Panel - Workplan

11 **MR. GIB van ERT:** This is the work plan that
12 we were looking at earlier from 2019.

13 And if you'll go to page 3 of that document,
14 please.

15 This question is for Me Drouin. You've got
16 your notes on the document.

17 And scrolling down a little more, please.

18 In the middle of the page, we see:

19 "Recognizing that these decisions
20 required nuanced judgement...possible
21 (sic) considerations are...."

22 And there are the bullet list. The second
23 bullet is:

24 "To what extent has disinformation
25 been disseminated beyond specific
26 interest groups, i.e. picked up and
27 reported on by the mainstream media?"

28 My question for you, Ms. Drouin, is what do

1 you understand and what did the Panel understand by
2 mainstream media here? Is that to say English and French
3 language national outlets?

4 **MS. NATHALIE DROUIN:** So I think here it's a
5 question, and also when we were discussing about our
6 collective interpretation of the directive, of the threshold,
7 and remember this morning I talked about the wrench placemat
8 when we talked about what we should consider when we do our
9 impact evaluation. And the scale of something is one factor
10 that will determine, you know, the impact of disinformation
11 or misinformation.

12 So the fact that it's mainstream or not
13 mainstream, this is just like a way to assess the scale of
14 something. It's not about the fact that English is better
15 than another language is just a factor to assess, as I just
16 said, the scale of the disinformation.

17 **MR. GIB van ERT:** Well, is that then to
18 suggest that information -- well, let's say misinformation or
19 disinformation that doesn't reach the mainstream media, but
20 instead rests with, to use the language of this bullet point,
21 specific interest groups, so it doesn't break out of specific
22 interest groups and get to the mainstream, it just sticks in
23 the specific interest groups, is that to suggest that that
24 sort of misinformation or disinformation is less likely to
25 meet the threshold under the protocol?

26 **MS. NATHALIE DROUIN:** So the scale is only
27 one thing.

28 **MR. GIB van ERT:** Right.

1 **MS. NATHALIE DROUIN:** There's the scale.
2 There's whatever -- whether or not it's reliable, whether or
3 not it is something that is really false and that the --
4 nobody can debunk it. So there's a lot of factors ---

5 **MR. GIB van ERT:** There are other factors.

6 **MS. NATHALIE DROUIN:** --- as I went through -
7 --

8 **MR. GIB van ERT:** Yeah. And it's just this
9 one ---

10 **MS. NATHALIE DROUIN:** --- this morning but --
11 -

12 **MR. GIB van ERT:** --- that I'm exploring, but
13 I appreciate ---

14 **MS. NATHALIE DROUIN:** But ---

15 **MR. GIB van ERT:** --- that there are other --
16 -

17 **MS. NATHALIE DROUIN:** --- it's not only --
18 like, this is why the judgment was -- and I think my
19 colleague also then said that, it requires a lot of judgment,
20 context, knowledge, because it was multifactorial, if I can
21 say, if I can use that word.

22 **MR. GIB van ERT:** So ---

23 **MS. NATHALIE DROUIN:** It was not only the
24 fact that it didn't reach, for example, the mainstream media
25 ---

26 **MR. GIB van ERT:** I understand.

27 **MS. NATHALIE DROUIN:** --- that was a
28 decision-making point for the panel.

1 **MR. GIB van ERT:** So in the event that
2 something doesn't make the mainstream media, what you're
3 saying is it might still meet the threshold?

4 **MS. NATHALIE DROUIN:** It might, if all the
5 factors justify.

6 **MR. GIB van ERT:** Thank you. All right. Did
7 anyone on the panel speak Mandarin or read Mandarin?

8 **MS. NATHALIE DROUIN:** No.

9 **MR. GIB van ERT:** All right. Thank you. Me
10 Drouin, another question for you, you explained that the
11 panel didn't come to a conclusion or a consensus about
12 whether the impact of a given incident had to be considered
13 on a national basis or on a riding-by-riding basis, you
14 didn't need to determine that in the end.

15 Now if the Court Operator would turn up CAN
16 009920, we saw this earlier, Me Douin. This is the minute
17 that the PCO took, which you've since said doesn't represent
18 the actual conclusion. So if you just scroll down, please?
19 There we are. It's the second bullet.

20 Someone at PCO -- do you know who took this
21 note?

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

23 **MR. GIB van ERT:** You don't know.

24 **MS. NATHALIE DROUIN:** Just specifically, I'm
25 not sure that these are minutes. I'm not sure that this
26 would be appropriate.

27 **MR. GIB van ERT:** But if they were -- if it
28 is not minutes, did anybody take minutes?

1 **MS. NATHALIE DROUIN:** No, there was no formal
2 record that was adopted.

3 **MR. GIB van ERT:** And if I understand, you
4 say that the second bullet would be an error, that you didn't
5 decide that. So will there be a document that would
6 contradict this one?

7 **MS. NATHALIE DROUIN:** I couldn't tell you
8 considering the amount of documents.

9 First, I think that it's important we
10 analyzed, we worked on information at the riding level. Most
11 of the information that we received was in relation to
12 specific ridings and the panel still took the time to assess
13 that. And in each individual circumstance, we concluded that
14 even at the riding level, the threshold to make announcements
15 had not been met.

16 **MR. GIB van ERT:** Yes, I already had your
17 evidence, but -- on that, but I have very little time. I
18 need to continue.

19 Again, with you, Me Drouin, if I may, I want
20 to make sure I understood your evidence on the question of
21 whether or not the Han Dong allegations fell outside the
22 panel's jurisdiction. I heard you say that it was a
23 nomination contest and there was some question about that,
24 but I wasn't sure that I understood, where did the panel
25 land? Did you decide that it was outside your jurisdiction,
26 or did you decide that it was within your jurisdiction, or
27 did you not decide at all?

28 **MS. NATHALIE DROUIN:** So I think that because

1 of the follow up we have done, because of the seriousness we
2 dedicated to the matter, even if it was not clear, we act as
3 it was under the panel remit because the credibility of the
4 democratic exercise may have been at play.

5 **MR. GIB van ERT:** So took for granted that it
6 may be within your purview.

7 **MS. NATHALIE DROUIN:** Yes. Yes. Well, you
8 know that the nomination processes are not very much
9 regulated.

10 **MR. GIB van ERT:** Yes, you already explained
11 all this. And we also heard evidence from other witnesses.

12 You explained that the panel -- the fact that
13 the panel was able to advise the Liberal Party of Canada of
14 the Han Dong allegations was something that you considered to
15 be a mitigation measure, if I understood your evidence
16 correctly, a mitigation of the incident.

17 **MS. NATHALIE DROUIN:** Can you reformulate
18 that? I think ---

19 **MR. GIB van ERT:** Yes.

20 **MS. NATHALIE DROUIN:** --- you have said the
21 panel advice?

22 **MR. GIB van ERT:** Sorry, okay. So let me try
23 again. Yeah, and please correct me if I've got it wrong. I
24 thought what you had said was that the panel considered that
25 the fact that the Liberal Party could be informed, probably
26 not by the panel but by someone, of these allegations was a
27 matter that the panel regarded as being in mitigation.

28 **MS. NATHALIE DROUIN:** Yes, this is ---

1 **MR. GIB van ERT:** All right.

2 **MS. NATHALIE DROUIN:** --- what I said.

3 **MR. GIB van ERT:** And so my question for you
4 is -- well, first question, you regarded that as in
5 mitigation because having been informed of those allegations,
6 the Liberal Party could do whatever it saw fit to do with
7 those allegations.

8 **MS. NATHALIE DROUIN:** You're right.

9 **MR. GIB van ERT:** Okay. Thank you. And once
10 -- I know you met briefly after the election. At that point,
11 of course, we all knew that nothing had been done about the
12 allegations and Han Dong was now a Member of Parliament. Did
13 the panel consider, for future reference, what mitigation
14 value that information had because it didn't accomplish
15 anything in the end, of course?

16 **MS. NATHALIE DROUIN:** So I don't think we can
17 come to that conclusion. I don't think I can come to that
18 conclusion that nothing have been done. And second, with the
19 evolution of the intel, some things have been confirmed,
20 others not so, so I -- anyway, I would stay there.

21 **MR. GIB van ERT:** I take your point. Maybe I
22 go too far to say nothing had been done. Maybe there was
23 something that was done that we don't know about. My point
24 was simply that he was, of course, allowed to continue to be
25 the candidate, and then he was elected and became a member of
26 the Liberal Party Caucus and a Member of Parliament. So,
27 again, I'll -- just to rephrase the point, because you're
28 right, maybe there was something done, but did the panel

1 consider, having seen that Mr. Dong became a Member of
2 Parliament despite the allegations, did it consider what the
3 implications of that were for treating outreach to a party as
4 a mitigation factor in future?

5 **MS. NATHALIE DROUIN:** So I think it is not
6 the role of the panel to give advice to any parties in terms
7 of who can be a candidate or not.

8 **MR. GIB van ERT:** Yes. But did you have a
9 discussion about it is all I'm asking?

10 **MS. NATHALIE DROUIN:** The ---

11 **MR. GIB van ERT:** Because I quite agree, it's
12 not your role to give advice to a party. I didn't mean to
13 suggest that, but was there some discussion after the fact
14 about, all right, well, we left it to the party. Han Dong is
15 now in Parliament. How does that affect our proceedings in
16 the future? Any such discussion? Any such contemplation?

17 **MS. NATHALIE DROUIN:** Maybe one thing that I
18 need to repeat, that before the leaks, we were talking about
19 the Don Valley North issue ---

20 **MR. GIB van ERT:** Yes.

21 **MS. NATHALIE DROUIN:** --- and not the name of
22 the candidate.

23 **MR. GIB van ERT:** Right. So you didn't put
24 two and two together after the election?

25 **MS. NATHALIE DROUIN:** No.

26 **MR. GIB van ERT:** All right. Thank you very
27 much. That's very helpful.

28 **COMMISSIONER HOGUE:** Thank you.

1 Me Choudhry acting for Jenny Kwan. I'm
2 sorry. And your name is? Kakkar.

3 **--- CROSS-EXAMINATION BY MS. MANI KAKKAR:**

4 **MS. MANI KAKKAR:** Good afternoon. As the
5 Commissioner stated, Ms. Kakkar acting for Jenny Kwan MP.
6 I've got some questions for this panel that relate to what
7 you've described as the information around foreign
8 interference that you received. So you mentioned that you
9 received essentially riding level information about foreign
10 interference. And from the sitrep reports we've been able to
11 review at least, those can often be sort of small events or
12 instances. It could be a WeChat post, or a campaign event,
13 so on their own they don't look like much, but perhaps in the
14 aggregate, they may be telling a different message. How did
15 this panel review that information in the aggregate?

16 **MS. NATHALIE DROUIN:** So your question is
17 that have we been able to factor the totality of activities
18 and not looking at different incidents or activities in
19 silos. Is that -- am I ---

20 **MS. MANI KAKKAR:** That's exactly it. And to
21 tie that to sort of some of the information you were
22 receiving, for example in the SITREPs, there is a trend
23 level; right? So it often said stable week by week. And you
24 acknowledged in your testimony that you viewed it as advice.
25 If every week it said stable, but if you put three reports
26 together and you saw that perhaps that wasn't what you would
27 characterize the three weeks together, how did you aggregate
28 and assess that?

1 **MS. NATHALIE DROUIN:** So thank you for that
2 question, as it gives me the opportunity to say how difficult
3 it is to with intel because the intel comes by -- in
4 piecemeal for sure. Like, we are collecting things. And
5 this is why we have agencies like CSE, like CSIS, like the
6 SITE, to look, gather all the information, and come with an
7 assessment to make sure that we will not be focusing on only
8 one incidence and not taking into account the context in
9 which these incidents happen. So that's really the role that
10 we're expecting from the intelligence agencies helping us to
11 analyze and to receive the information.

12 The flow of information, if I may say, is
13 some sort of a pyramid. So our agencies are collecting a
14 lot, receiving a lot, putting things in, you know, an
15 aggregated way, and then flowing the information to us as
16 decision makers. So this is how the flow works, because it's
17 impossible for us to read what all analysts are reading on a
18 day in and day out.

19 **MS. MANI KAKKAR:** So do I understand
20 correctly that you then relied on your agencies to aggregate
21 the information for you and that you yourself, as a panel,
22 didn't view it that way?

23 **MS. NATHALIE DROUIN:** So that is really their
24 role. However, as we said this morning, when we were
25 receiving the daily SITREP, we were also receiving some raw
26 material that will be relevant to that SITREP. But of
27 course, like, as my role when I was Deputy Minister at
28 Justice for 2019, I was relying on the National Security

1 Committee to bring the relevant information and also provide
2 their advice on the information they were providing.

3 I don't know if my colleagues want to add on
4 that?

5 **MS. GRETA BOSSENMAIER:** I was going to, if I
6 could just compliment that. And I don't want to go into a
7 whole deep discussion around the mosaic effect, but
8 intelligence analysts and intelligence organizations will
9 talk about always trying to continue to ensure that they're
10 building an appropriate picture. And yes, they might
11 perceive a piece of intel one day and another one another
12 year, and another one from another source, some of it
13 corroborated, some not, some requiring further analysis.
14 They are skilled in looking at trends, they're skilled at
15 looking at a mosaic effect, trying to understand does this
16 piece of the puzzle fit or not? So they are experts in this.
17 And just from my own experience, looking at what was put in
18 place for the 2019 election, I think it's been stated before,
19 this was novel, it was unprecedented in terms of the amount
20 of effort, putting together a SITE panel, putting together
21 the SITE organizations, producing public documents, putting
22 the panel together. This was unprecedented.

23 So to Ms. Drouin's point, there were
24 significant efforts being applied by the intelligence
25 apparatus, by the security intelligence agencies, and by the
26 processes that were put in place to help ensure that we were
27 getting the best picture possible.

28 **MS. NATHALIE DROUIN:** And just to add, the

1 important tool that we had was asking questions. In doubts -
2 - if our understanding was not appropriate, if we feel that
3 we did not have the context, we were always able to ask for
4 further information and asking other questions.

5 **MS. MANI KAKKAR:** Okay. I think the reason
6 is that there seems to be somewhat of a disconnect between
7 the answer I'm hearing, which is that we relied on our
8 agencies to do that aggregate work for us, and some of the
9 agencies, or at least specifically the SITREP documents that
10 we've seen, where you get sort of very small -- or you get
11 daily reports that report small instances, but we haven't
12 seen, at least, information that you've received collectively
13 about what that might mean, but you're saying your agencies
14 briefed you on it, and that's the evidence you're giving?

15 **MS. NATHALIE DROUIN:** Yes.

16 **MS. MANI KAKKAR:** Okay. I'd like to move on
17 then to the next point, given my time constraints today. You
18 noted, and you often refer to in your testimony, foreign
19 governments not being able to attribute particular pieces of
20 potential FI to a foreign government, but do you agree that
21 the protocol itself is broader than that and actually refers
22 to foreign actors? If you need, I'm happy to put the
23 protocol up.

24 **MS. NATHALIE DROUIN:** Yeah.

25 **MS. MANI KAKKAR:** You agree that it refers to
26 foreign actors? It doesn't have to be governments alone?
27 Okay.

28 And you also mentioned that foreign

1 interference and the information you received happened
2 typically at the riding level, and even though in your
3 conclusions you found that all of those riding level
4 instances didn't trigger the threshold, would you then say
5 that a riding level event, if you concluded that it did
6 trigger the threshold, could actually result in a response by
7 the Panel of Five?

8 **MS. NATHALIE DROUIN:** Yes.

9 **MS. MANI KAKKAR:** Yes. Okay. The other
10 point I wanted to raise, and you have seen it in some of the
11 SITREP reports you received, is that foreign actors
12 themselves may work through domestic proxies. I wanted to
13 understand how this panel viewed essentially the work of
14 foreign actors through domestic proxies in its consideration
15 of whether a threshold was met?

16 **MS. NATHALIE DROUIN:** Yeah, that was a
17 consideration, yes, for sure.

18 **MS. MANI KAKKAR:** Could you elaborate on
19 that?

20 **MS. NATHALIE DROUIN:** Well it -- the fact
21 that a foreign actor or a specific country is using proxies
22 and we have -- let's say we have intel information that this
23 proxy is really acting on behalf of this foreign actor, this
24 is what foreign interference is about. Like, if it's covert,
25 it is -- and if it's threatening, well, this response to the
26 definition...

27 **MS. MANI KAKKAR:** Okay. So understanding
28 that on the one end that we, I think, theoretically agree

1 that it could be through a domestic proxy, your colleagues at
2 GAC and RRM last week gave testimony that it was practically
3 impossible for them to trace and understand foreign
4 interference from the Chinese, for example, in particular,
5 because they didn't know those social media platforms, they
6 didn't have agreements with those social media platforms, and
7 so getting, perhaps, what would be reliable information was
8 difficult. Were you briefed of that and how did you address
9 that issue?

10 **MS. MARTA MORGAN:** Yes, we were briefed by
11 the RRM and the SITE Taskforce about the challenges of
12 assessing information in different social media platforms and
13 we were well aware that in some cases, we had agreements,
14 there was more transparency. In some cases, what was
15 happening in the social media platforms was transparent and
16 we actually did see some of the issues around the 2021
17 Election were actually on transparent sites. But there was
18 always going to be some challenges in certain areas and we
19 were appropriately, I think, informed of where the
20 difficulties could lay.

21 **MS. MANI KAKKAR:** And were those difficulties
22 taken into account when you applied the threshold? To say
23 that you might not have reliable information in this context,
24 you may never have it, but then how do you apply the
25 threshold?

26 **MS. MARTA MORGAN:** Well I think that of
27 course we would take that into account. We knew that we
28 needed to have a very high threshold because if we, as a

1 panel, were going to make public assertions, the information
2 that we had to have needed to be reliable and we also knew
3 that there could be some challenges during an election
4 campaign, given how short it is, and given the various
5 realities of how that can be done.

6 But nonetheless, for us to make an
7 announcement to the public, we needed to have good, credible,
8 solid information. And we had seen that done when there had
9 been instances of sort of widespread foreign interference in
10 other elections in other countries. So it is not -- it -- we
11 had seen this kind of information obtained, and assessed, and
12 analyzed, and made public. So we knew that it was possible.

13 **MS. MANI KAKKAR:** I think ---

14 **COMMISSIONER HOGUE:** Your time is over, so
15 I'm going to let you conclude by a last question.

16 **MS. MANI KAKKAR:** Thank you, Commissioner.

17 I think what I want to ask specifically, just
18 to double down on this, is I appreciate that you'd seen it in
19 other countries, but what you were seeing specifically in
20 Canada were small instances of riding level potential foreign
21 interference. You had been briefed that China was a key
22 player in this interference, and you had very limited
23 reliable information coming from your agencies or the sources
24 of your information to understand that interference. And
25 that is how -- that is what you had then to apply to a very
26 high threshold in order to determine if you were going to
27 take any action at all. Am I understanding this correctly?

28 **MS. NATHALIE DROUIN:** If I may, there are

1 many elements of your question.

2 First of all, we have to make the difference
3 as to whether there was disinformation, was there a mistake
4 in the information or were there opinions that were
5 expressed. These are three situations that are very
6 different, and this is not the role of the panel to clarify
7 an interpretation, for example, on a public policy or on an
8 electoral platform. And it's not the role of the panel as
9 well to be the panel of the truth, to say what is true and
10 what isn't.

11 I'd also like to mention that Article 6 of
12 the directive states that the panel could have made an
13 announcement even if it not had been possible to attribute
14 who was behind this foreign interference. This is a chain of
15 certainties, the first one being we don't see interference,
16 foreign interference, the second being we see it, we know it,
17 but we can't state it publicly yet. And finally, at the
18 other end of the spectrum, we see it and we can give --
19 attribute it publicly.

20 But the protocol set out that we could talk
21 about foreign interference even if we couldn't attribute it
22 publicly as to where it came from precisely.

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 MR. THOMAS JARMYN:

3 **MR. THOMAS JARMYN:** Thank you, Commissioner.

4 My name's Tom Jarmyn and I'm counsel for Erin O'Toole. I
5 guess if I could get COM 122, which is the Judd report
6 brought up -- or the Judd report and then we'll go to the
7 directive, which I think is page 27.

8 And while we're doing that, I just want to
9 sort of start with the distinction that the Chief Electoral
10 Officer made during his evidence, which is that there's a
11 difference between an election which is legal and an election
12 which is free and fair. Is that accepted by the panel? In
13 other words, one that's conducted in accordance with all the
14 rule of law, but it's not free and fair. Is that a ---

15 **MS. NATHALIE DROUIN:** Well, it's an
16 interesting question. Which one is broader than the other
17 one, but the threshold we had was free and fair.

18 **MR. THOMAS JARMYN:** Yeah. And that is why,
19 in fact, the Chief Electoral Officer has -- in order to
20 achieve free and fair elections has asked for further powers
21 to regulate elections. Are you aware of that in his last --
22 in his post-election report?

23 **MS. NATHALIE DROUIN:** I know that a report
24 with recommendation have been tabled in front of the house,
25 yes.

26 **MR. THOMAS JARMYN:** Okay. And so I'm still
27 struggling with what exactly the threshold is here. And the
28 word free and fair has been used on a fairly regular basis,

1 but how do you determine what is a free and fair election?

2 **MS. NATHALIE DROUIN:** So I think you have the
3 right appendix. If you would like to go to Section 6, I
4 think that ---

5 **MR. THOMAS JARMYN:** Yes.

6 **MS. NATHALIE DROUIN:** --- that can help,
7 because this is really where we talk about the threshold. So
8 if we look at the first paragraph, so, first of all, what we
9 are looking at is incident of all accumulation of incidents
10 that can threaten Canada and it is important here, Canada's
11 ability to have a free and fair election.

12 **MR. THOMAS JARMYN:** Or I guess I don't want
13 to go through the words on the directive because what I'm
14 asking is what is the objectively observable event or thing
15 that would have to be seen in order to determine that
16 threshold had been met?

17 **MS. NATHALIE DROUIN:** Well, I think that I'm
18 always repeating things, but if you look at all the factors,
19 we were looking to see if an incident or many incidents can
20 have an impact on a free and fair election. A lot of factors
21 were taking into account. Were we talking about a single
22 incident? Were we talking about something that stick very
23 long? Are we talking about something that a lot of Canadians
24 are being affected? Are we talking about something that
25 cannot be debunked by the ecosystem? Are we talking about
26 something that only, you know, government, for example, know
27 about the source and other do not know? So those were the
28 factors. And this is why we went through a lot of scenarios,

1 to be able to look at different events, different context,
2 and play with all those different factors to determine
3 whether or not the threshold was met. And the threshold had
4 to be also interpreted in the fact that we are a democracy,
5 we have the freedom of speech, we have the freedom of
6 opinion. We are not there, we are not are not the Panel --
7 we are not there to judge whether an idea is good or not,
8 what is true or what isn't, interpretation, for example, of
9 a...

10 **MR. THOMAS JARMYN:** But we regulate free
11 speech during elections significantly; don't we?

12 **MS. NATHALIE DROUIN:** We do.

13 **MR. THOMAS JARMYN:** Like, charities are
14 prohibited from actually speaking on partisan politics.

15 **MS. NATHALIE DROUIN:** Can you repeat that?

16 **MR. THOMAS JARMYN:** A charitable organization

17 ---

18 **MS. NATHALIE DROUIN:** Yeah.

19 **MR. THOMAS JARMYN:** --- is prohibited from
20 speaking on partisan politics; is that correct? I'll leave
21 that point there.

22 Mr. Daigle in the second panel actually used
23 these words before we -- he said they would intervene. "We
24 need some reliable -- sorry, need some reliable information
25 we could test that there's something going on that needs
26 correction. A mere possibility is not enough." That speaks
27 to a degree of certainty that foreign interference is
28 occurring. Would you accept that test?

1 **MS. NATHALIE DROUIN:** Absolutely.

2 **MR. THOMAS JARMYN:** Okay.

3 **MS. NATHALIE DROUIN:** Amongst the other test,
4 yes.

5 **MR. THOMAS JARMYN:** Yeah. And that leaves me
6 to the suggestion that, in fact, embedded in this directive
7 is a very strong bias to an action. And the reason I say
8 that is that intelligence very rarely at first instance
9 allows any degree of certainty. Is that a fair statement?

10 **MS. NATHALIE DROUIN:** So I think the reason
11 why the threshold is very high, and this is because we were
12 working with intelligence, one of that is that we were
13 working with intelligence, and I think that -- and I said
14 that many times also this morning that if the panel does an
15 announcement based on something that is not substantiated,
16 not true, we can create more harms than trying to correct
17 something.

18 **MR. THOMAS JARMYN:** Yes. No, I agree, and
19 that's -- but I say that there's a very strong bias to not
20 wanting to take a step.

21 **MS. NATHALIE DROUIN:** I just don't like the
22 fact that it's a bias towards inaction. I think it was the
23 necessary threshold to make sure that the panel will act when
24 it's necessary and when the context is appropriate. One
25 thing that we should say though is that it's not because the
26 panel is not exercising its announcement, authority, or power
27 then that nothing is happening. Other agencies can -- and
28 it's important to say so. Like, for example, CSIS can do

1 threat reduction measures. Other departments -- RCMP can do
2 an investigation. Election Canada can do an investigation.
3 So all the other tools that we have in our Canadian legal
4 framework remain.

5 **MR. THOMAS JARMYN:** I acknowledge those tools
6 are there. Who's making sure that those tools are being
7 exercised and used?

8 **MS. NATHALIE DROUIN:** So there's a lot of
9 accountability mechanism in our system to make sure that
10 departments are using their legislation, their authorities
11 appropriately.

12 This Commission is also an example of the
13 type of accountability mechanism that Canada has. We -- you
14 know, ministers report to Parliament. So there's a lot of
15 mechanisms to make sure that departments act appropriately.

16 **MR. THOMAS JARMYN:** So the correction -- the
17 critical incident protocol, though, has two remedies. One,
18 the public statement, but it also says the agencies should --
19 in fact it gives direction that the agencies will inform
20 affected parties. Is that correct?

21 **MS. NATHALIE DROUIN:** Can you repeat that,
22 please?

23 **MR. THOMAS JARMYN:** It gives direction that
24 the agencies will inform affected parties.

25 **MS. NATHALIE DROUIN:** So we -- the Panel does
26 not give direction.

27 **MR. THOMAS JARMYN:** No, the Protocol directs
28 agencies that they will inform affected parties; is that

1 correct?

2 **MS. NATHALIE DROUIN:** So yeah, that -- well,
3 that is one of the difference between the directive text that
4 we have in '19 versus '21. And while it was something
5 available in '19 to brief representatives of the different
6 parties, and in fact, a lot of those briefings happened in
7 '19 and '21 to the peer representative parties, some specific
8 briefings happened, but a lot of general briefings happened
9 to those representatives in both elections.

10 **MR. THOMAS JARMYN:** With respect to specific
11 incidents, it's your evidence that the agencies, as they
12 became aware of specific incidents, were briefing the
13 political parties or affected parties in real time?

14 **MS. NATHALIE DROUIN:** What do you mean?

15 **MR. THOMAS JARMYN:** Well, it says:

16 "Barring any overriding national
17 security/public security reasons..."

18 This is in Article 5, para 2:

19 "...the agencies will inform the
20 affected party, (e.g. a candidate; a
21 political party; Elections Canada) of
22 the incident directly."

23 **MS. NATHALIE DROUIN:** Oh, okay. Can you roll
24 up a little bit?

25 So that was a process if an announcement was
26 triggered. So if we were about to do ---

27 **MR. THOMAS JARMYN:** Okay.

28 **MS. NATHALIE DROUIN:** --- an announcement

1 that was the process in which the announcement would have
2 unfold and how we would reach the relevant parties.

3 **MR. THOMAS JARMYN:** So only if you achieve
4 that level of certainty that something has happened would you
5 actually engage with the parties?

6 **MS. NATHALIE DROUIN:** So that is the process
7 if the announcement was triggered. But as you know, CSIS,
8 and with the support with PCO folks, also provided some
9 briefings before the election, during the election, and some
10 specific briefings in some occasions.

11 **MR. THOMAS JARMYN:** I'm going to look at a
12 couple of documents carrying on from the Don Valley North
13 incident.

14 So if we could look at CAN 8973.

15 **--- EXHIBIT No. CAN 8973:**

16 SITE Task Force After Action Report -
17 2019 Federal Election

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 MR. NANDO de LUCA:**

6 **MR. NANDO de LUCA:** Good afternoon. First
7 question, is it correct that each of you were on the Panel of
8 Five by virtue of your positions as deputy ministers, or in
9 the case of Ms. Bossenmaier, by virtue of being the NSIA?

10 **MS. NATHALIE DROUIN:** Yes.

11 **MS. GRETA BOSSENMAIER:** Correct.

12 **MS. GINA WILSON:** Yes.

13 **MR. NANDO de LUCA:** And each of those are
14 Governor in Council appointments?

15 **MS. NATHALIE DROUIN:** Yes.

16 **MS. GINA WILSON:** Yes.

17 **MS. GRETA BOSSENMAIER:** Correct.

18 **MR. NANDO de LUCA:** You were appointed to
19 your roles by the Prime Minister on the advice of the Clerk?

20 **MS. GINA WILSON:** Correct.

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

22 **MR. NANDO de LUCA:** And Ms. Surette, in the
23 case of the Clerk, the Clerk is appointed by way of a
24 Governor in Council appointment; is that correct?

25 **MS. JANICE CHARETTE:** Yes.

26 **MR. NANDO de LUCA:** Okay. You each served at
27 the pleasure of the Prime Minister, and serve, some of you?

28 **MS. NATHALIE DROUIN:** Yes. This is -- yeah,

1 this is the language of our commission, yes.

2 **MR. NANDO de LUCA:** Okay. And is -- are the
3 answers to those questions the same for the 2021 Panel of
4 Five, so I can maybe save myself a question?

5 **MS. NATHALIE DROUIN:** Yes, same questions.

6 **MR. NANDO de LUCA:** Okay. I believe in your
7 evidence in-Chief this morning with Ms. Morgan, you indicate
8 that you all considered the Panel of Five to be a
9 deliberative body; correct?

10 **MS. NATHALIE DROUIN:** A what?

11 **MR. NANDO de LUCA:** A deliberative body.

12 **MS. NATHALIE DROUIN:** Yeah. Yeah.

13 **MR. NANDO de LUCA:** Okay. And so much so
14 that after you had received your intelligence and security
15 briefings from the various security entities, that you had
16 asked them to leave while you deliberated internally;
17 correct?

18 **MS. NATHALIE DROUIN:** Yes.

19 **MR. NANDO de LUCA:** Okay. And did I also
20 hear correctly that no one member of the Panel had veto power
21 over the actions of the Panel?

22 **MS. NATHALIE DROUIN:** Yes, this is what we
23 said this morning. I can maybe add that -- or I fully
24 understand the question in that it can be seen that as
25 because we were acting in -- on a consensus basis it looks
26 like, you know, we were trying to find a -- [no
27 interpretation]. That was not the case. When it comes to
28 all the conversations we had had in terms of doing our

1 analysis, respective to different elements, we didn't have
2 any disagreement in terms of the threshold was met or not.

3 **MR. NANDO de LUCA:** Okay. So you were a
4 deliberative body that acted on a basis of unanimity;
5 correct?

6 **MS. NATHALIE DROUIN:** Yes.

7 **MR. NANDO de LUCA:** Okay. Would you agree
8 with me that if a deliberative body is tasked with acting
9 unanimately, and if you couple that with what is interpreted
10 to be a very high threshold before the body will act, it is
11 very difficult for that body to ultimately take action. Is
12 that correct?

13 **MS. NATHALIE DROUIN:** No. I don't think it
14 is correct. I mean, as you know, I have been an active
15 participant and a member of the two Panels. We have worked
16 very hard in terms of developing our understanding and
17 comprehension of the directive, and when we were faced to do
18 some concrete analysis, based on the intel that was showed to
19 us, we didn't have any major disagreement or we were really
20 aligned in terms of our conclusions and evaluations of the
21 situation.

22 **MR. NANDO de LUCA:** Okay. Is it correct to
23 say that in your case you basically had to get five people to
24 unanimately agree that the high threshold had been met before
25 you would take action?

26 **MS. NATHALIE DROUIN:** What I'm saying is
27 that, and this is how we operate in many other files, that
28 the benefit of those conversations was to weigh the

1 information, was to discuss the impact, and making sure that
2 we were also operating within the parameters of the
3 directive. And I would say that our conclusions were even
4 richer by those conversations than the opposite. And I would
5 not agree with any assumption that the fact that we were
6 acting in a consensus basis made kind of our conclusion not
7 relevant or so low that it was not useful for Canadians.

8 **MR. NANDO de LUCA:** I didn't say anything
9 about that. I asked you to agree with a simple question. In
10 your case, in order for -- before you would act, you would
11 have to get five people to unanimously agree that the high
12 threshold had been met. Isn't that correct?

13 **MS. NATHALIE DROUIN:** Yes, that's correct.

14 **MR. NANDO de LUCA:** Okay. Would you agree
15 with me that there's another deliberative process by which
16 you might have acted or had been charged to act, and that is
17 by majority vote, for example?

18 **MS. NATHALIE DROUIN:** Well not in the context
19 of how Deputy Minister works in other -- many, many files.

20 **MR. NANDO de LUCA:** Okay. Would you agree
21 with me -- we'll take that as a given. Would you agree with
22 me that if you did act on that basis, for example, by way of
23 a majority vote, that might have made it easier for decisions
24 to have been taken in this brief?

25 **MS. NATHALIE DROUIN:** I don't think that.

26 **MR. NANDO de LUCA:** Okay. And would it have
27 made it possible for someone who did have a disagreement to
28 register that disagreement, rather than having to act

1 unanimously?

2 **MS. NATHALIE DROUIN:** This is, like -- these
3 are very hypothetical questions. I'm trying to be as
4 transparent as possible with respect to the questions that
5 you have asked. The situations that you are presenting did
6 not arise.

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 **MS. 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.

23 This hearing is in recess until 3:35.

24 --- Upon recessing at 3:07 p.m.

25 --- Upon resuming at 3:37 p.m.

26 **THE REGISTRAR:** Order please.

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

1 --- MS. JANICE CHARETTE, Resumed:

2 --- MS. NATHALIE DROUIN, Resumed:

3 --- MR. ROBERT STEWART, Resumed:

4 --- MS. MARTA MORGAN, Resumed:

5 --- MR. FRANÇOIS DAIGLE, Resumed:

6 --- MR. DAVID MORRISON, Resumed:

7 COMMISSIONER HOGUE: So first one to have the
8 cross-examination is counsel for Erin O'Toole.

9 --- CROSS-EXAMINATION BY MR. THOMAS JARMYN:

10 MR. THOMAS JARMYN: My name's Tom Jarmyn.
11 I'm counsel for Erin O'Toole.

12 And I guess the first document we'd get
13 brought up would be COM 23, which is the protocol for the
14 2021 election. And if we could just look at that.

15 --- EXHIBIT No. COM 23

16 Cabinet Directive on the Critical
17 Election Incident Public Protocol

18 MR. THOMAS JARMYN: And I'm to gather from
19 your evidence this morning that one of the changes that was
20 made between 2019 and 2021 was the removal of the requirement
21 that there be foreign interference and that we would look at
22 interference generally, which met the particular test. Is
23 that correct?

24 MS. JANICE CHARETTE: I believe I testified,
25 yes, that in addition there was clarification made that it
26 could be -- a threat could be foreign or domestic.

27 MR. THOMAS JARMYN: Yes. And that largely
28 removed the challenge with respect to this issue of the

1 attribution of proxy actors in Canada acting for a foreign
2 government if we could trace that altogether.

3 **MS. JANICE CHARETTE:** I think I tried to give
4 testimony this morning to explain the genesis of this, which
5 had a variety of factors associated with it, including, you
6 know, IMVE, for instance. I believe I testified it'd be
7 logically motivated violent extremists as an additional
8 example, but yes, I think it's the case that we wanted to, in
9 our deliberations, make sure that in following the Cabinet
10 directive we were looking at a foreign actor or a domestic
11 actor who was working on behalf of a foreign actor.

12 **MR. THOMAS JARMYN:** And so with respect to
13 the overall mandate itself, it divided into two sets of
14 actions. There were those which were within the mandate of
15 various authorities, for example, Elections Canada, and those
16 were -- or the RCMP, and those that didn't really have a home
17 and, as a result, that's where the -- what the panel would
18 mostly focus on.

19 **MS. JANICE CHARETTE:** Well, I would actually
20 look at it the other way, sir. Which is to say, in our role
21 as the Panel, we were being provided with information by the
22 SITE Task Force on both a daily basis, as well as in our
23 weekly briefings, on the threat environment and any evidence
24 they were seeing, through intelligence or other informations,
25 about risks to the election. And then there were a number of
26 actions that were possible, including actions by the Panel as
27 set out in the protocol, or it could fall in with the remit
28 of another body, Elections Canada, or, as you said, the RCMP.

1 But the Panel exists as part of a broader ecosystem; there's
2 a shared responsibility.

3 And so I think it's not -- I would say that
4 there's a multiplicity of things that could be done, and I
5 think we tried to give you some examples this morning of
6 mitigation steps, for example, that could be taken for things
7 that don't meet the threshold of the Panel, which wouldn't
8 meet your other two tests of either the Commissioner of
9 Elections or the RCMP.

10 **Mr. THOMAS JARMYN:** And so for a matter which
11 fell within the mandate of Commissioner of Elections, for
12 example, the contribution of foreign funds to -- the
13 expenditure of foreign funds to affect the outcome of an
14 election. So we've seen reports in 2019 of a transfer of
15 \$250,000. Let's just say hypothetically we're able to
16 establish with a degree of certainty that happened; that's a
17 matter that would fall under the *Elections Act*; is that
18 correct?

19 **MS. JANICE CHARETTE:** So if I could, I think
20 a careful reading of what the summary says with respect to
21 2019, if we could come back to, because I think your -- the
22 way you just put it may not necessarily reflect -- I don't
23 think it does reflect ---

24 **MR. THOMAS JARMYN:** Okay, let's forget 2019.

25 **MS. JANICE CHARETTE:** --- but

26 **MR. THOMAS JARMYN:** Let's just go right to a
27 strict hypothetical: In a foreign nation, someone transfers
28 \$250,000 to an actor in Canada for the purposes of

1 expenditure on a Canadian election. That would be a
2 violation of the *Elections Act*.

3 **MS. JANICE CHARETTE:** It would be certainly
4 something which the Panel -- would be drawn to the attention
5 of the Panel and we would make sure that it went to the
6 responsible authorities, including possibly Elections Canada,
7 ---

8 **MR. THOMAS JARMYN:** And the ---

9 **MS. JANICE CHARETTE:** --- there may be
10 others. We did not ---

11 **MR. THOMAS JARMYN:** If we ---

12 **MS. JANICE CHARETTE:** Can I just add, sir?

13 **MR. THOMAS JARMYN:** Yes.

14 **MS. JANICE CHARETTE:** We did not see that in
15 2021.

16 **MR. THOMAS JARMYN:** Agreed, yes, you did not.

17 And if that happened, because I'm trying to
18 understand a matter where the matter falls within the remit
19 of Elections Canada but is incapable of being proved because
20 of either an intelligence to evidence challenge, or we don't
21 have an MLAT with that country in order to allow us to obtain
22 evidence. How would that be handled.

23 **MS. JANICE CHARETTE:** I'm not sure.

24 **MR. THOMAS JARMYN:** So a matter happens,
25 we've got -- it's -- clearly affects, with certainty, the
26 necessary degree of certainty, it would affect the election,
27 but it falls within the remit of Elections Canada, but it
28 can't be proved because of intelligence to evidence

1 challenges, or because we can't go to China and get the
2 evidence.

3 **MS. JANICE CHARETTE:** So acknowledging, sir,
4 that we are beyond the remit of the panel of five here, can I
5 say that in addition to the panel of five, in addition to the
6 SITE Task Force, there was an election security -- a group of
7 officials meeting to look at election security, which
8 included members of Elections Canada and the National
9 Security Establishment. And so there would be venues and
10 ways for information to be transferred between those
11 organizations that the Panel would have no knowledge or sight
12 of.

13 So in the hypothetical situation that you put
14 out, I'm going to hypothetically say there are venues and
15 mechanism to deal with that.

16 **MR. THOMAS JARMYN:** All right, thank you.

17 And with respect to the test of events that
18 -- happening, Mr. Daigle gave a very helpful sort of
19 description this morning. To use your words, Mr. Daigle, you
20 need some reliable information we could test that there's
21 something going on that needs correction. A mere possibility
22 is not enough. So that speaks to me of a degree of certainty
23 that events had happened which would trigger your
24 intervention; is that correct?

25 **MR. FRANÇOIS DAIGLE:** Yes, that's correct,
26 yeah.

27 **MR. THOMAS JARMYN:** And in your experience in
28 the intelligence field, how often does a first report,

1 intelligence report have that degree of certainty in it?

2 **MR. FRANÇOIS DAIGLE:** Well -- so we were
3 getting a lot of information. So not of -- I mean, in the
4 nature of intelligence a lot of it comes to us from before,
5 and we had a baseline of intelligence about methodologies and
6 activities to look out for. And so we would consider all of
7 that in deciding whether a threshold is, you know, a
8 threshold in a particular case was met.

9 **MR. THOMAS JARMYN:** My question is when you
10 receive -- when a first intelligence report is received, how
11 often does it contain that degree of certainty in the
12 intelligence world?

13 So let's look for example at the reports from
14 the SITE Task Force late in the election involving Mr.
15 O'Toole and Mr. Chiu, in which they suggest events are
16 happening, but we cannot, with any credibility, determine one
17 way or the other what is going on.

18 **MR. FRANÇOIS DAIGLE:** So ---

19 **MR. THOMAS JARMYN:** That was a first report.

20 **MR. FRANÇOIS DAIGLE:** --- I wouldn't agree
21 with you that -- you know, the premise of your question is
22 that there's never intelligence, or a first report of
23 intelligence is never solid enough for us to take some
24 action. And it really depends on the information, and we
25 don't rely on just the one intelligence report to consider
26 these matters.

27 **MR. THOMAS JARMYN:** So let's look at the
28 evolution of the intelligence with respect to Mr. O'Toole and

1 Mr. Chiu.

2 And Commissioner, I'd like leave to refer to
3 the three documents we discussed this morning; 4079, 14852 --
4 or 4495 and 15482, which were received late on the weekend.

5 **COMMISSIONER HOGUE:** Fine.

6 **MR. THOMAS JARMYN:** Thank you.

7 Can we bring up, first of all, CAN 4821,
8 which is a SITE Task Force Analysis dated October 25th, 2021.

9 **--- EXHIBIT No. CAN 4821:**

10 Chinese State Media and Other Online
11 Activity during GE44

12 **MR. THOMAS JARMYN:** And if we go to page 2,
13 and it talks about the purpose of the report, and it says:

14 "The purpose of this report is to
15 present a timeline of all evidence
16 available to SITE supporting our
17 observations that CPC Leader..."

18 Or, sorry, "purpose"; yes, right there, yes:

19 "...that CPC Leader Erin O'Toole,
20 former CPC MP Kenny Chiu, and the CPC
21 in general were the target of
22 online/media activities aimed
23 primarily at discouraging Chinese-
24 speaking Canadian electors from
25 supporting the CPC..."

26 Now, ahead of that, that statement is
27 actually made much more conditional than that. They are
28 attempting to draw sources. But you would agree with me

1 that's an evolution from where SITE was just four weeks prior
2 to that.

3 **MS. MARTA MORGAN:** So maybe I would weigh in
4 here, just to say that just to be clear, this is not
5 intelligence that we're looking at here. This is
6 information, that says open-source -- using open-source
7 information that's gleaned from social media accounts, et
8 cetera. So just to be clear.

9 But, yes, absolutely, as analysis evolves
10 over time, so you know, you'll see in this case that there
11 were indications, you'll see that the RRM followed those
12 indications. You'll see that there was an increase in the
13 inattention to this story, and then you'll see that this
14 story died down a week before the election date. And then
15 you'll see afterwards that further analysis can be done to
16 try and more -- ascertain with more certainty, you know,
17 whether there was inauthentic or coordinated action to
18 promote these stories.

19 **MR. THOMAS JARMYN:** And that's ---

20 **MS. MARTA MORGAN:** And that's normal.

21 **MR. THOMAS JARMYN:** --- the point that I'm
22 making, is that there was an ongoing evolution of the
23 analysis; the problem continued to be looked at.

24 And I'll skip over to the last document.

25 **MS. JANICE CHARETTE:** Mr. Jarmyn, can I
26 interject here, ---

27 **MR. THOMAS JARMYN:** Yes.

28 **MS. JANICE CHARETTE:** --- if I could:

1 So I believe I said this this morning, if I
2 didn't, I should have. But I believe I said that after the
3 election, the Conservative Party of Canada raised concerns
4 with members of the SITE Task Force, and through the
5 appropriate mechanisms and avenues to do that, and submitted
6 to us some information that they thought was important as
7 evidence of their concerns, to support their concerns.

8 And so as testified by the SITE Task Force in
9 their testimony last week, there was a lot of work and effort
10 that went into looking at that information that came from the
11 party, and this document, which is about 11 or so pages long,
12 represents, in part, not just an evolution kind of for the
13 sake of evolution, but a response to the fact that there were
14 concerns that were raised by a party, that were taken very
15 seriously by the SITE Task Force in terms of really making
16 sure we were going back -- they were going back and looking
17 at what came from the party, what they were seeing in the
18 environment, and kind of doubling down on our analysis to
19 make sure that, you know, kind of no stone unturned looking
20 at this. Is that fair?

21 **MR. THOMAS JARMYN:** Yeah -- no, and I agree
22 with that. This is -- as you say, this is an ongoing, they
23 looked at the problem further and developed a more refined
24 solution.

25 We'll look at CAN 4079_R01, which is dated
26 October 22nd, 2022.

27 **COMMISSIONER HOGUE:** Your time is over, but I
28 will let you conclude on this topic.

1 **MR. THOMAS JARMYN:** Okay, thank you.

2 And if we look at page 1 and scroll on down.

3 So right here, "Current situation":

4 "To acquiesce to PRC officials and
5 the United Front Work Department, co-
6 opted community leaders and
7 associations provided assistance in
8 fundraising [...] support [...] activity
9 is often covert, likely illegal, and
10 therefore constitutes foreign
11 interference by the PRC."

12 Large redacted section. And then:

13 "PRC officials could be emboldened in
14 their electoral interference efforts
15 by the 2021 defeat of former Richmond
16 MP Kenny Chiu."

17 There's also a further on document, 4495, of
18 February 21st, 2023, that describes these threats in even
19 more detail.

20 I guess what I'm putting to you is that the
21 more these matters are studied and further information is
22 gathered, that our agencies are able to come to a far more
23 certain conclusion than they are on the first touch during
24 the five-week election period which constituted your mandate.
25 Is that correct?

26 **MS. JANICE CHARETTE:** I think it's fair to
27 say that agencies continue to collect intelligence, collect
28 information, which could add to the picture and that the

1 documents that I believe you're referring to are both well
2 after the election, so it could be the case that new
3 information came to light. Part of the challenge for the
4 summaries that I think the Commission has or the public has
5 is that the documents that are in the summaries, which is --
6 are best -- the best effort to provide a picture of different
7 threat actors or different intelligence events contains a
8 number of caveats, including we don't know when the
9 information was collected, the nature of the source, and
10 there's quite a number of caveats. So like that, you have to
11 look at the particular cases here in order to be able to
12 really answer the question I think that you're putting.

13 **MR. THOMAS JARMYN:** And I think the point is
14 the first report often needs a great deal more work?

15 **MS. JANICE CHARETTE:** I wouldn't say that. I
16 would say that the first report stands on itself. The
17 picture can change as more information may become available.

18 **MR. THOMAS JARMYN:** Okay. Thank you.
19 Thank you, Commissioner.

20 **COMMISSIONER HOGUE:** Thank you.
21 Conservative Party?

22 **MR. NANDO de LUCA:** Madam Commissioner, in
23 the interest of efficiency, we're going to cede half of our
24 time to counsel for Ms. Kwan and half of our time to counsel
25 for Mr. Chong. Five minutes each, if that's okay.

26 **COMMISSIONER HOGUE:** Okay. Just a moment.
27 You said five minutes to counsel for Jenny Kwan?

28 **MR. NANDO de LUCA:** Yes.

1 **COMMISSIONER HOGUE:** And five minutes to
2 counsel for Michael Chong?

3 **MR. NANDO de LUCA:** Correct. Thank you.

4 **COMMISSIONER HOGUE:** Okay. So the next one
5 is counsel for Jenny Kwan.

6 **--- CROSS-EXAMINATION BY MS. MANI KAKKAR:**

7 **MS. MANI KAKKAR:** Good afternoon to the Panel
8 and to the Commissioner. My name is Ms. Kakkar. I'm counsel
9 for MP Kwan.

10 My questions for you this afternoon are
11 limited in scope to the threshold.

12 And if I could ask for COM multiple zeros 195
13 to be pulled up?

14 **--- EXHIBIT No. COM 195:**

15 Report on the assessment of the 2021
16 Critical Election Incident Public
17 Protocol

18 **MS. MANI KAKKAR:** This is the report of Mr.
19 Rosenberg that you may be familiar with as a panel.

20 And specifically scrolling down to page 37 of
21 the report, which is 38 of the PDF. Actually, I'd like to
22 start at page 36 of the report, 37 of the PDF. The second
23 paragraph below the bullet.

24 You'll see that Mr. Rosenberg raises an issue
25 here. He says that it's possible that there could be
26 examples where:

27 "...voters in one riding or in a
28 diaspora community [are] receiving

1 emails from malign actors threatening
2 that if they did not vote for a
3 particular candidate, they would
4 regret it. While this would be
5 unlikely to meet the threshold of
6 threatening the integrity of the
7 entire election, it could have an
8 effect on the voting behaviour of
9 those targeted."

10 And I'd like for each of you to answer
11 briefly, given my time constraints, whether you agree or
12 disagree with this concern that Mr. Rosenberg has stated?

13 **MS. JANICE CHARETTE:** Well I'm happy to start
14 here, if I could. So just to put this paragraph in context,
15 it's, as you said, page 36 of a long document. It is in a
16 paragraph which talks about whether or not the protocol
17 should be amended to allow for some kind of a statement to
18 the public for an incident which does not meet the high
19 threshold as set out in the directive currently. And Mr.
20 Rosenberg goes on to provide an example of doing -- of that.

21 And I think that obviously depending on the
22 fact set and the situation that we were presented with, if
23 there was examples of voters in one riding or diaspora
24 community getting these kinds of emails of this type would
25 certainly merit serious consideration by the Panel and
26 looking at what, if any, mitigation could be taken.

27 **MS. MANI KAKKAR:** As a statement though, do
28 you agree that it's possible that the panel may conclude that

1 the threshold hasn't been triggered in a situation like this?

2 **MS. JANICE CHARETTE:** You're asking a
3 hypothetical question on an example. Is it possible? Yes.
4 It's also possible that the panel could conclude differently.

5 **MS. MANI KAKKAR:** Thank you. Any other
6 members of the panel?

7 **MR. ROBERT STEWART:** Yeah, I'll just add to
8 Janice's answer to say we contemplated this kind of a
9 circumstance in the scenarios that we were shown and talked
10 about. And in some measure, we considered a situation where
11 this was an evolving behaviour to be the kind of thing that
12 would be addressed by other actors, would be noticed, would
13 be addressed by other actors. So there is not, you know, a
14 binary scenario where either it exists or doesn't exist and
15 is below or not meeting a threshold or meeting a threshold.
16 I think it's a bit of a continuum.

17 **MS. MANI KAKKAR:** So do I understand you
18 correctly to say that it's a bit of a continuum and that the
19 response is also a continuum, that there are other actors
20 that could respond outside of the Panel of Five?

21 **MR. ROBERT STEWART:** Yes.

22 **MR. MANI KAKKAR:** And so understandably,
23 you're not responsible for, and I think you've made it clear
24 you don't have the authority to advise -- or sorry, to
25 instruct any other agency. But do you agree or think that
26 the protocol for your particular panel should be amended to
27 cover this sort of situation clearly?

28 **MS. NATHALIE DROUIN:** I think this is an

1 interesting question and I think the Commission will have the
2 opportunity in the second phase of their work to discuss
3 about policy options and maybe we can address that question
4 during that stage.

5 **MS. JANICE CHARETTE:** Can I just add one
6 thing? I think the impact of foreign interference on
7 diaspora communities is a -- was a concern to the Panel, has
8 been a concern in our kind of day jobs outside of the Panel,
9 and so we were very aware that in fact, some of the most
10 difficult and injurious impacts of foreign interference are
11 on these diaspora communities. So the kind of hypothetical
12 question that you're posing I think is exactly the kind of
13 question that would be the topic of evolving policy
14 consideration. I very much agree with Madam Drouin that I
15 think it's something that deserves further consideration and
16 reflection.

17 **MS. NATHALIE DROUIN:** And just for the file,
18 we testified earlier today to say that there are several
19 mechanisms that could be used with the powers of different
20 departments, different agencies. There's the ecosystem that
21 can also correct information.

22 So I wouldn't want to give the impression
23 that because the threshold is where it is and we're not -- we
24 didn't publicly intervene that nothing was done. On the
25 contrary, there are many things that were done by the
26 different agencies.

27 **MS. MANI KAKKAR:** I appreciate your answer,
28 and I understand that there is a second phase to this, and I

1 don't necessarily want to get into policy considerations
2 here. But I would like to know if this particular panel has
3 views on whether a sliding scale approach, so the kind of
4 approach that exists for anti-terrorism, where you've got a
5 sliding scale of risk from very low, low, medium, high,
6 critical, could be adopted here to address some of those
7 concerns that you may have encountered in the 2019 and 2021
8 elections around the foreign interference faced by diaspora
9 communities and at the riding level?

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

11 ...Canadian as to the risks of foreign
12 interference. There's the committee of Parliamentarians and
13 CCOP (sic) that has produced many reports.

14 So without having a sliding scale as you
15 suggest, there's a lot of communication happening for
16 Canadians so as to raise awareness as to the fact that
17 foreign interference is present. It is more now than it was
18 20 years ago.

19 Could the tools get better? Certainly. And
20 the foreign interference practices are evolving and our way
21 of countering them and raise awareness with Canadians should
22 continue to evolve.

23 **MS. MANI KAKKAR:** Okay. I appreciate your
24 answer that there are other tools, but by way of -- there are
25 other tools available to inform the public and I appreciate
26 that response, whether it's CSIS or other agencies.

27 But it seems like the Panel of Five was
28 created for the specific purpose of considering when public

1 announcements would be necessary so to then download the
2 responsibility when those announcements would be necessary
3 when specific instances like the ones described by Mr.
4 Rosenberg occur to other agencies, do you feel like that is
5 the appropriate interpretation of the protocol, of the role
6 of the Panel of Five, and is that how you administered your
7 decisions in 2021? Is that how you applied the threshold in
8 2021 with an understanding that other agencies were
9 responsible for the kind of problem that Mr. Rosenberg
10 identifies?

11 **MS. JANICE CHARETTE:** I think we've been
12 trying our best to explain that, you know, the Cabinet
13 directive set a threshold. That threshold is what was given
14 to the panel in terms of our role, but the panel is one
15 player in a broader ecosystem of players who have a shared
16 responsibility around the whole topics of foreign
17 interference and domestic threats to the integrity of
18 elections and that the nature of the threat is evolving and
19 our response has to evolve. But because the -- and some of
20 us are not currently employed by the Government of Canada and
21 are not giving policy advice here, but I think that, you
22 know, asking the -- we can tell you about our work in 2021.
23 Our views on whether the protocol needs to change going
24 forward, I think that's a question for another forum.

25 **MS. MANI KAKKAR:** I appreciate that and I
26 think I should narrow my question, then, just to your work in
27 2021.

28 Based on your work in 2021, would you have

1 been of the view that the problem that Mr. Rosenberg raised
2 was one that your panel could not effectively address given
3 the high threshold and would have to go to another agency?

4 **MS. NATHALIE DROUIN:** The answer is clearly
5 no. When we review the various incidents, I saw the panel's
6 work at any time, did we see that we didn't have the
7 necessary tools and we gave you information about what we did
8 regarding the intelligence we received in 2021, so we never
9 felt that, for example, the ecosystem did not correct
10 information or that appropriate briefings could not be made.

11 So in 2021, we had the necessary tools to
12 take measures to mitigate the impact.

13 **MS. JANICE CHARETTE:** As well, I could add
14 that the example that Mr. Rosenberg provides, we did not see
15 during the '21 -- to be clear, we did not see activity --
16 information or intelligence of activity of this type during
17 the 2021 election.

18 **MS. MANI KAKKAR:** But you did receive sitreps
19 that often talked about sort of individual riding level
20 events that might be foreign interference; right?

21 Did you view those in the aggregate or did
22 you view them as individual events and not necessarily apply
23 the threshold to the aggregate impact of them?

24 **MS. JANICE CHARETTE:** I think the written
25 records show that we received daily sitreps, situation
26 reports, from the SITE Task Force members. In addition, I
27 believe we discussed earlier that we had a briefing by the
28 members of the SITE Task Force, an oral briefing in our

1 weekly meetings which was a chance to look not just at the
2 individual pieces of information that we were provided, but
3 to look at things both together, evolving and to have a sense
4 of what the aggregate looked at the same time.

5 So I think we look at both, would be fair to
6 say, colleagues.

7 **MS. MANI KAKKAR:** And my very last question
8 and topic for you is, really, the use of domestic proxies. I
9 understand that you refer to foreign actors which we -- when
10 asking the 2019 panel, they agreed could include non-
11 government actors. But there is a *modus operandi* of foreign
12 interference that uses domestic proxies to carry out the
13 interference.

14 Did you, in 2021, keep that in mind when
15 reviewing what might look like a domestic threat, especially
16 given that your protocol had expanded to include domestic
17 interference as well?

18 **MS. JANICE CHARETTE:** Yes, we certainly did
19 take that into consideration.

20 **MS. MANI KAKKAR:** Would you be able to
21 elaborate?

22 **MS. NATHALIE DROUIN:** I just want to add
23 because we received two questions that kind of assumed that
24 because they were Canadian proxy that that was not captured
25 on the foreign interference.

26 I don't think this is what we are saying.
27 Using Canadian proxy if they are directed by a foreign actor,
28 this is a covert action and it is foreign interference if

1 they are, you know, being some they are maligned.

2 So I don't want to give the Commission the
3 impression that because they were using domestic proxy that
4 it was not foreign interference.

5 **MS. MANI KAKKAR:** I appreciate that
6 clarification.

7 And sorry, Ms. Charette, were you saying that
8 you had considered that in the 2021 panel?

9 **MS. JANICE CHARETTE:** Yes, we did. Yeah.

10 **MS. MANI KAKKAR:** Okay. I think that those
11 are all of my questions.

12 **COMMISSIONER HOGUE:** Thank you.
13 Counsel for Michael Chong.

14 **--- CROSS-EXAMINATION BY MR. GIB van ERT:**

15 **MR. GIB van ERT:** Thank you.

16 I'll start, if I may, with Me Daigle, please.
17 You explained this morning that in respect of
18 the Kenny Chiu matter there was not enough information to
19 make a determination that a foreign state had been
20 responsible for the potential misinformation or
21 disinformation concerning that candidate. In other words,
22 attribution to the PRC was not possible. Is that right?

23 **MR. FRANÇOIS DAIGLE:** I think, yeah, Ms.
24 Morgan spoken about that, and that's -- that was the
25 conclusion that we reached.

26 **MR. GIB van ERT:** Oh, I'm sorry. My note was
27 that you had said so.

28 Well, I'm happy to direct it to Ms. Morgan as

1 well. So here's -- I'll ask the court operator to please
2 turn up COM 0023. This is the protocol from 2021.

3 And if you'll go to point 6.0, please. There
4 we are.

5 And if you'll scroll down a little further.
6 A little further still.

7 All right. Thank you.

8 So I want to take you to this passage. And
9 where I'm heading with this is, I want to put to you that
10 attribution to a foreign state is not required by the
11 protocol.

12 So I'll just show you the language here. It
13 says:

14 "A disruptive event or incidents of
15 interference may emanate from domestic
16 and/or foreign actors. Attribution of
17 interference attempts may be
18 challenging or not possible within the
19 timelines permitted by events given
20 that attempts to unduly influence the
21 election may involve misdirection and
22 disinformation. Further, it is
23 possible that foreign actors could be
24 working in collaboration with or
25 through domestic actors."

26 And this is the key point:

27 "Ultimately it is the impact of the
28 incident on Canada's ability to have a

1 free and fair election that is at issue
2 in the determination of whether the
3 threshold has been met and if a public
4 announcement is required."

5 So the question that I want to put to you is,
6 I appreciate that in the Kenny Chiu situation, the panel's
7 feeling was that attribution was impossible, but attribution
8 wasn't necessary in order to go ahead and decide to make an
9 announcement. Do you agree with that?

10 **MS. NATHALIE DROUIN:** I think I testified a
11 little bit about that earlier, that the attribution can be a
12 range, so we can have absolutely no information and for the
13 country we may have confirmation that no foreign actors is
14 behind something. We can have information, but not solid
15 enough that allows us to do a public attribution and then we
16 can further do the job that takes a lot of time and then be
17 able to do a public attribution.

18 This is what we were talking about, the
19 middle situation when we know there is a foreign actor, but
20 we don't have the time or the capacity to do a public
21 attribution.

22 **MR. FRANÇOIS DAIGLE:** And what I was
23 referring to this morning was that we need something more
24 than just the possibility that some PRC official has directed
25 the misinformation campaign.

26 **MR. GIB van ERT:** Yes.

27 **MR. FRANÇOIS DAIGLE:** And the fact that
28 there's a possibility isn't enough, so we know that the

1 methodology of the PRC used to use proxies.

2 **MR. GIB van ERT:** Yes.

3 **MR. FRANÇOIS DAIGLE:** But it's not
4 necessarily because we've seen them use it in the past that
5 they've used it in this case. We had no information. So ---

6 **MR. GIB van ERT:** I ---

7 **MR. FRANÇOIS DAIGLE:** --- we had no
8 information that they had, so we need at least some reliable
9 information, not enough to be able to attribute it publicly,
10 but we needed some information. So there's a -- you I think
11 in your questioning last week talked about, you know,
12 reasonable -- beyond a reasonable doubt. We're not building
13 a criminal case here.

14 **MR. GIB van ERT:** Right.

15 **MR. FRANÇOIS DAIGLE:** We're not looking at
16 evidence. We're looking at a totality of information and
17 intelligence gathered over time and we're trying to make the
18 best judgment we can with the information we have. But if
19 there's -- if there isn't even -- there's not enough
20 information to be able to say that there's a link there, that
21 -- I think that that would create for us some difficulty
22 because then we'd be worried about intervening what would
23 otherwise be simply a conversation among Canadians about an
24 issue that's very relevant to them.

25 **MR. GIB van ERT:** All right. So I am very
26 interested in that point about possible versus probable, and
27 I've got a note to come back to you on that very point, but I
28 want to finish on this because I don't think I've had an

1 answer yet to the point that I put to the panel, which is
2 that attribution is not required in order to exercise your
3 power under Section 7 of the directive to make a public
4 statement. If you aren't able to attribute, but you are
5 minded to make a statement anyways, you have that power. Do
6 you agree with that?

7 **MS. NATHALIE DROUIN:** We -- yeah, I agree
8 with that.

9 **MS. MARTA MORGAN:** But ---

10 **MR. GIB van ERT:** You agree. Thank you.

11 **MS. MARTA MORGAN:** --- I would say that in
12 the case of disinformation, which I think is what you're
13 referring to, we would be looking for signs of that
14 disinformation, which would include similar signs if it was
15 domestic or foreign or if it was in a grey space, which is,
16 you know, were there -- was there coordination and was there
17 inauthentic spread of the information. So the same kinds of
18 signals may be there regardless of whether it was a foreign
19 state actor or whether it was a proxy, or whether it was a
20 domestic actor that was trying to create disruption. And so
21 those would be the kinds of things from a kind of more
22 technical level that we would be looking for.

23 **MR. GIB van ERT:** And here's my concern, Ms.
24 Morgan. If the panel was of the view that it had to be able
25 to attribute, and furthermore, that it had to be able to do
26 it on the high standard that Me Daigle was mentioning, and
27 that it couldn't do so, it might feel paralyzed by that. And
28 I say that you were not required to establish any

1 attribution, and, therefore, you could have made an
2 announcement around Mr. Chiu even without attributing it to
3 China and say to the people in that riding, "There is
4 disinformation and misinformation about his policies and his
5 positions and you should be mindful of those things because
6 untruths are being spread," without even mentioning the PRC.
7 You had that power.

8 **MR. DAVID MORRISON:** Can I simply point out
9 that it was Mr. Chiu himself that gave 2 interviews to
10 English language Vancouver newspapers in early September 2021
11 that this was happening to him. So it's simply not true that
12 we needed to, as a panel, point out that erroneous
13 information was circulating about him and his foreign
14 influence registry because he was already live to it,
15 presumably, his campaign team was live to it. The MacDonald
16 Laurier Institute in Canada was live to it. He later
17 published in the Vancouver Sun talking about it. So we have
18 said several times that there is an ecosystem, and it is not
19 -- erroneous information circulates all the time, and perhaps
20 even especially in the cut and thrust of an election
21 campaign. In the case of Kenny Chiu, not only were we not
22 able to attribute it to a foreign state actor, we were pretty
23 confident that it was not unknown. The candidate himself was
24 well aware and, presumably, folks in his riding were aware as
25 well, given the ---

26 **MR. GIB van ERT:** Why did you presume that?

27 **MR. DAVID MORRISON:** Because he had ---

28 **MR. GIB van ERT:** Just because it was in an

1 English language paper? Because my suggestion to you is that
2 the people in this riding were getting the information from
3 WeChat and from Mandarin sources. And had the panel come out
4 and spoken to them in Mandarin and said -- as the panel, not
5 just as Mr. Chiu, because everyone's going to assume that Mr.
6 Chiu's going to disagree. They're not going to value that
7 very highly. You are a panel of deputy ministers and the
8 Clerk of the Privy Council, and you speak with authority.
9 You could have come out and said in Mandarin, "This
10 information is being spread. We assess it as being false.
11 Please advise yourselves accordingly and conduct yourselves
12 accordingly." And that's what you didn't do.

13 **MR. BARNEY BRUCKER:** Perhaps Mr. Morrison
14 could finish his answer before he was interrupted?

15 **MR. DAVID MORRISON:** What I was trying to get
16 at was there was every opportunity in English or in Mandarin
17 for the principals involved in the election campaign to
18 debunk any information that they considered inaccurate.
19 That's what happens in the course of an election campaign.
20 And as we have testified several times, there is an ecosystem
21 that forms part of the cut and thrust. So if -- Mr.
22 Rosenberg's document was on the screen a moment ago and he
23 talks about what happens if -- or what could potentially
24 happen if the panel speaks. Somebody else has said it is not
25 the panel's role to decide what is true and what is false.
26 And when something is out there being discussed, I think we
27 believe that the system is working.

28 **MR. GIB van ERT:** It's not the panel's role

1 to determine what is true and what is false. That's your
2 evidence, sir?

3 **MR. DAVID MORRISON:** I think the panel's role
4 is well described in the various protocols.

5 **MR. GIB van ERT:** Right.

6 **MR. FRANÇOIS DAIGLE:** Maybe, I think the --
7 what we're trying to explain here is there's lots of
8 political debate that goes on in a democracy. Canadians are
9 allowed to have disputes about a number of public policy
10 issues.

11 **MR. GIB van ERT:** Yes.

12 **MR. FRANÇOIS DAIGLE:** They're allowed to say
13 things that aren't true and debate that. And in order for us
14 to actually intervene, a non-partisan independent panel set
15 up with a directive here that we have to follow, in order for
16 us to intervene in that, you know, that exercise of freedom
17 of expression between Canadians, because we have to have at
18 least some reliable information that these aren't just a
19 bunch of Canadians having a dispute about a public policy
20 issue, but there's actually some information that somebody is
21 trying to feed that story and create some disruption here.
22 And our conclusion, as Ms. Morgan explained, was that we
23 didn't see indicators of that. We didn't see ---

24 **MR. GIB van ERT:** In Mr. Chiu's case you
25 mean?

26 **MR. FRANÇOIS DAIGLE:** Excuse me?

27 **MR. GIB van ERT:** I just want to be sure I
28 understood. You mean in Mr. Chiu's case you didn't ---

1 **MR. FRANÇOIS DAIGLE:** Yeah.

2 **MR. GIB van ERT:** --- see indicators of that?

3 Thank you.

4 **MR. FRANÇOIS DAIGLE:** Had we seen it, we
5 would have had some different considerations to take into
6 account. And we could have, depending on what the evidence
7 is, we could have made a public statement without a public
8 attribution, but we needed some evidence that this wasn't
9 just a group of Canadians having a conversation about an
10 issue, the foreign agent registry, which is a very live
11 issue. And it's ---

12 **MR. GIB van ERT:** Right. And you say that
13 the ---

14 **MR. FRANÇOIS DAIGLE:** --- still being
15 considered by ---

16 **MR. GIB van ERT:** --- the information that
17 SITE was giving you didn't meet that standard?

18 **MR. FRANÇOIS DAIGLE:** It did not meet that
19 standard. We didn't have that ---

20 **MR. GIB van ERT:** And that brings us back to
21 the standard that I wanted to talk to you about and I think
22 you wanted to talk to as well, which is what is the standard.
23 And I think what I've heard you say, Me Daigle, is that it
24 had to be probable not possible; that is to say, it had to be
25 more likely than not that this was disinformation or that it
26 met the threshold. Was that your operating standard more
27 likely than not or probable?

28 **MR. FRANÇOIS DAIGLE:** That's what -- yes,

1 that's what I think my interview summary says, that we are
2 looking for some probable -- some information that would make
3 it probable that this is interference, and that probable that
4 there is an impact on the election, which ---

5 **MR. GIB van ERT:** And that was a standard
6 that you adopted as a panel having considered the protocol
7 and interpreted it that way; right?

8 **MR. FRANÇOIS DAIGLE:** That's the way -- well,
9 I think ---

10 **MR. GIB van ERT:** Again, my point, sorry, if
11 I can clarify. My point is the protocol itself doesn't tell
12 you that the standard is more likely than not, or reasonable
13 grounds to believe, or reasonable grounds to suspect. It
14 leaves that to you to, in your judgement, determine what it
15 ought to be; right?

16 **MR. FRANÇOIS DAIGLE:** It does, yeah.

17 **MS. MARTA MORGAN:** Well, the -- right, when
18 one of the criteria is the reliability of the information and
19 as ---

20 **MR GIB van ERT:** I'm just talking about the
21 standard ---

22 **MS MARTA MORGAN:** Well ---

23 **MR GIB van ERT:** --- right now.

24 **MS MARTA MORGAN:** No, no, but the --- and as
25 ---

26 **MR. GIB van ERT:** I'm just talking about the
27 standard ---

28 **MS. MARTA MORGAN:** Well ---

1 MR. GIB van ERT: --- right now.

2 MS. MARTA MORGAN: No, but the ---

3 MR. GIB van ERT: We can't confuse the two --

4 -

5 MS. MARTA MORGAN: But the standard ---

6 MR. GIB van ERT: --- because we get off

7 track.

8 MS. MARTA MORGAN: But the ---

9 MR. GIB van ERT: I just need to pursue this
10 point of what is your standard of proof? And I've heard Me
11 Daigle say it was more likely than not. So you agree with
12 that?

13 MR. FRANÇOIS DAIGLE: We're not a court.

14 MR. GIB van ERT: But you're a lawyer, sir,
15 and presumably you were there to advise the Panel on legal
16 issues.

17 MR. FRANÇOIS DAIGLE: I was there as Deputy
18 Minister of Justice. I didn't, I think during our panel, I
19 didn't give any legal advice. But ---

20 MR. GIB van ERT: So if you thought that a
21 legal error was being made ---

22 COMMISSIONER HOGUE: Just let him finish,
23 please.

24 MR. FRANÇOIS DAIGLE: We were getting
25 information and trying to determine whether it met the
26 threshold that's described in Article 6. In deciding that,
27 we've looked at the evidence, the information and the
28 intelligence that we've received, and try -- and tested its

1 credibility.

2 So again, I mean, all I can do is say if it's
3 -- the fact that it's possible that there was interference
4 wasn't enough. We were looking for something more.

5 **MR. GIB van ERT:** Yes, I agree.

6 **MR. FRANÇOIS DAIGLE:** I described it as
7 probable because I'm a lawyer and it's a term that I'm used
8 to. But really what we did is considered all of the factors
9 that's in the wrench, all of the information in the
10 intelligence that we received, and tried to determine whether
11 we should be making -- we've met the threshold and we should
12 make a public announcement, principally because we have
13 information that Canadians don't that they should have about
14 this incident.

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

16 **MR. GIB van ERT:** And my concern, just to
17 finalize -- oh, go ahead, please.

18 **MS. NATHALIE DROUIN:** ...that CSIS told you
19 that -- how we assess an information or intelligence. Is
20 this a unique source? Has it been corroborated? Is it a
21 source that is known by the service?

22 When François talks about probability, he is
23 talking about the assessment of the quality of the
24 intelligence we are getting.

25 These are all factors that are assessed to
26 determine whether the information we're getting is rumour.
27 Sometimes we have sources who have a special interest to send
28 us this information. They're sending this information

1 because they have an interest in doing so.

2 These are all elements that we look into to
3 determine the value of the information we are getting.

4 **MR. GIB van ERT:** Yes. And just the last
5 point then. You've done an excellent job there, Me Drouin,
6 if I may say, of explaining all the considerations that you
7 have to juggle, and if you juggle all of those according to a
8 standard of is this probably PRC or is this probably
9 misinformation, my suggestion is you'll never make an
10 announcement around PRC foreign interference in the course of
11 an election, because you'll never get to that standard.

12 **MS. NATHALIE DROUIN:** So ---

13 **MR. FRANÇOIS DAIGLE:** I would disagree with
14 that. I mean, we've spent a lot of time going through a
15 number of scenarios to understand where that threshold is and
16 what kind of cases would give rise to us actually making a
17 public announcement under the protocol, and we were ready to
18 make a public announcement if we saw, you know, information
19 that, you know, that told us that something needed to be
20 corrected. We were prepared to do that, but we simply didn't
21 see enough information, or any information that would have us
22 conclude that we've reached the protocol. But we were
23 prepared to do that if we had to.

24 **MR. GIB van ERT:** Thank you. That's very
25 helpful. Thank you very much.

26 **COMMISSIONER HOGUE:** Thank you.

27 Human Rights Coalition?

28 **--- CROSS-EXAMINATION BY MS. SARAH TEICH:**

1 **MS. SARAH TEICH:** Good afternoon. I want to
2 jump off on some of the points that were just raised about
3 threshold, and sliding scales, and particularly my colleague
4 spoke about the potential for making an announcement just to
5 the riding of -- Kenny Chiu's riding. Has the Panel also
6 considered the possibility of making a targeted announcement
7 to particular diaspora communities that are more vulnerable
8 to foreign interference?

9 **MS. JANICE CHARETTE:** I know that we did
10 discuss the possibility of making an announcement about
11 information or intelligence that didn't reach the threshold.
12 I think Madam Drouin testified this morning that at the end,
13 we agreed that our threshold was not below the -- was as
14 asset out here in terms of the below the threshold of free
15 and fair election.

16 We were also prepared to look at a riding
17 level. Did we look at -- I think a riding or a group of
18 ridings, in terms of an affected community, I think that was
19 incorporated in our deliberations and our discussions, yes.

20 **MS. SARAH TEICH:** Okay. And you decided ---

21 **MS. JANICE CHARETTE:** Sorry, I had to work my
22 way through to that.

23 **MS. SARAH TEICH:** No, I appreciate that. And
24 you decided to not do that?

25 **MS. NATHALIE DROUIN:** No, I shouldn't say
26 that. I think we have decided that we cannot issue an
27 announcement if it's under the threshold. But I don't think
28 we came to the conclusion that, if I may say, if it's only a

1 community, or group of communities, in only one or two
2 ridings, there's nothing we can do. This is not our
3 conclusion. Our conclusion is that we could not do any
4 announcement under the threshold. But our conclusion is not
5 that if it's only a community, it's necessary under the
6 threshold. Other elements were necessary to evaluate to come
7 to a conclusion on the impact.

8 **MS. SARAH TEICH:** All right.

9 **MR. DAVID MORRISON:** I think just as a
10 reminder, because it's already been testified to in this
11 panel, there was a lot of public education that went on by
12 the various agencies of the Canadian Government about foreign
13 interference and who was -- who we considered to be most at
14 risk and so on.

15 **MS. SARAH TEICH:** That's true. We heard
16 about that in earlier days of the hearing. But to the best
17 of my recollection, a lot of those educational materials were
18 general in nature and not offered in a variety of languages.
19 So I would suggest that that's not necessarily what I'm
20 asking. And I -- maybe I should relate this back actually to
21 the sliding scale concept that we spoke about.

22 So in hypothetical, where the threshold isn't
23 met, but there's some evidence of something going on, in your
24 opinion, do you think it would have been valuable to make
25 some sort of targeted announcement specifically to Chinese
26 speaking voters for example, in order to build community
27 resilience against some of these threats?

28 **MR. ROBERT STEWART:** I think -- I mean, we're

1 really talking about a hypothetical here of a very rarified
2 sort. And so without trying to repeat what my colleagues
3 have already said, we had a lot of information in front of
4 us, we never adjudicated the threshold coming close to being
5 met in either an individual level riding, or at a national
6 scale. Therefore we did not contemplate the modus, the
7 modes, or possible means of communication in any individual
8 circumstance.

9 **MS. NATHALIE DROUIN:** Maybe one thing, that
10 if the threat is real and it's -- it doesn't hit the
11 threshold in terms of the impact, CSIS can always do a threat
12 reduction measure, and they have done that during the
13 election, pre-election, post-election. So it's an instrument
14 that CSIS can do if the threat is real and during the
15 election, if the impact has not been to the level to hit the
16 threshold.

17 **MS. SARA TEICH:** All right. I don't have any
18 further questions. Thank you.

19 **COMMISSIONER HOGUE:** Thank you.

20 Counsel for the Sikh Coalition?

21 **--- CROSS-EXAMINATION BY MR. PRABJOT SINGH:**

22 **MR. PRABJOT SINGH:** Good afternoon,
23 panelists.

24 Ms. Morgan, if I can start with you, the
25 Commission heard evidence last week about the Rapid Response
26 Mechanism's observations made in 2021 regarding polarizing
27 disinformation that originated in India. Can you tell the
28 Commission about any deliberation or steps taken by the Panel

1 to consider the impacts or the threat of that specific wave
2 of disinformation?

3 **MS. MARTA MORGAN:** That would have been a
4 brief to us as important context for what potentially could
5 have happened during the writ period. But I do not recall
6 RRM briefing on specific issues related to India in the
7 online environment during the writ period in 2021. But we
8 would have been briefed on -- from a contextual perspective
9 on that because we were aware that that sort of thing could
10 arise in Canada, and that as a panel, we needed to be
11 prepared for that.

12 **MR. PRABJOT SINGH:** So just to clarify that
13 answer, so in terms of the information or intelligence that
14 was provided to the Panel, there were no warnings or
15 briefings about the threat of Indian disinformation in the
16 election?

17 **MS. MARTA MORGAN:** Oh no. That's not what I
18 was saying at all. Actually the opposite. What I was saying
19 is that as you noted, we had a number of meetings prior to
20 the election itself, and in those briefings, we were briefed
21 from a situational perspective on threats from multiple
22 different actors, both sort of the in person, the person-
23 to-person, foreign interference, potential for disinformation
24 online, et cetera.

25 So not the kind of threat but also potential
26 origins, including what might happen from various potential
27 countries, including India.

28 **MR. PRABJOT SINGH:** And so what it sounds

1 like is that was a generalised briefing about the
2 possibilities or potential of a threat ---

3 **MS. MARTA MORGAN:** That's right ---

4 **MR. PRABJOT SINGH:** To reframe my question.
5 I'm asking if the Panel considered specific instances where
6 threats constituted by Indian disinformation?

7 **MS. MARTA MORGAN:** Not during the writ
8 period.

9 **MR. PRABJOT SINGH:** Thank you. And the ---

10 **MS. NATHALIE DROUIN:** Because there was no
11 information.

12 **MS. MARTA MORGAN:** Because there was no
13 information suggesting that there was disinformation or
14 originating from that source in the Canadian information
15 ecosphere during that period.

16 **MR. PRABJOT SINGH:** And so that leads me to
17 my next question, is that the RRM did identify some
18 vulnerabilities and some gaps in the methodology to actually
19 understand or comprehend the information ecosystems
20 originating in places like India and their impacts on
21 diaspora communities. So was any further investigational
22 work done to address that vulnerability, or was that a gap
23 that went unchecked during the electoral period?

24 **MS. MARTA MORGAN:** Is there a particular
25 document that you're referring to that you could refer us to
26 on that?

27 **MR. PRABJOT SINGH:** No, there's no -- I'm
28 asking the question if those briefings occurred or if there

1 was any attempts by the Panel to address any gaps. So we've
2 spoken at length about the targeting of diaspora communities,
3 the impacts of disinformation on diaspora communities. So
4 I'm trying to understand and help the Commission understand
5 whether the Panel was actually equipped or did any work to
6 identify those gaps and fill that gap.

7 **MS. MARTA MORGAN:** The RRM is always working
8 to improve its capacity, including working with outside
9 players contracting, working with civil society who has
10 expertise in this area. So there's always an ongoing attempt
11 to fill the gaps that are identified.

12 **MR. PRABJOT SINGH:** So in your understanding,
13 that gap remains in terms of understanding Indian
14 disinformation in the information ecosystem?

15 **MS. MARTA MORGAN:** That's not what I'm
16 saying.

17 **MS. NATHALIE DROUIN:** Yeah, if I may. The
18 intel we receive about different foreign actors about their
19 intent, and the mechanisms they are using, and the approaches
20 they are using to do some foreign interference activities in
21 Canada, that intel was not coming from RRM, it was coming
22 from CSIS and CSE, in particular, in terms of what they know,
23 the activities they are seeing with all their surveillance
24 work. So this were the two main agencies feeding us in terms
25 of seeing the level of foreign interference that a foreign
26 actor can do.

27 Like RRM is not there to see pattern in terms
28 of how they operate. They can follow a specific media and

1 look at, you know, how it is authenticated, who is speaking
2 up on it, but they are not looking at trends, a trend in
3 terms of foreign actors', you know, activities, and things
4 like that. So I think that we have to make sure that we
5 understand the role of all our organisations here.

6 **MR. PRABJOT SINGH:** So based on those
7 briefings that were provided about Indian disinformation by
8 CSIS or any other agencies, did the Panel conduct any
9 deliberations or conversations about assessing a threat and
10 considering an announcement to counteract Indian
11 disinformation in any electoral ridings in Canada?

12 **MS. JANICE CHARETTE:** I think what my
13 colleagues -- I'm going try it this time. So we were briefed
14 by the SITE Task Force at the outset of our work around
15 capabilities of foreign actors and some of the tools that
16 they would possibly use. When we entered into the election
17 campaign itself, we were being briefed on activities and the
18 intelligence or information that was coming about how those
19 capabilities or those tools were being deployed. And I do
20 not believe during the 2021 election that we saw evidence of
21 Government of India using those tools in the campaign.

22 **MR. PRABJOT SINGH:** Thank you for that clear,
23 direct answer.

24 So we've heard from colleagues at CSIS and
25 the SITE Task Force last week that India targeted individual
26 ridings or specific candidates in the 2021 elections. Was
27 the Panel provided with specific details about those threats,
28 and did it consider any action or a public announcement

1 emanating from that threat?

2 **MS. NATHALIE DROUIN:** If we can put the
3 country specific public summary I think that can help us ---

4 **MR. PRABJOT SINGH:** Sure. I believe that'll
5 be ---

6 **MS. NATHALIE DROUIN:** --- in terms of what is
7 ---

8 **MR. PRABJOT SINGH:** --- CAN.SUM 12.

9 **MS. NATHALIE DROUIN:** --- in the public
10 domain and what we can discuss in this forum.

11 And if my recollection is good, I don't think
12 that we have a specific topic of public summary relative to -
13 --

14 **MR. PRABJOT SINGH:** Sorry. Mr. Operator, I
15 think it might be CAN.SUM 7, actually.

16 **--- EXHIBIT No. CAN.SUM 7:**

17 Country Summary: India

18 **MR. PRABJOT SINGH:** Sorry, if you could just
19 -- one second. No. Yeah, that's fine. If we can scroll
20 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 MR. GUILLAUME SIROIS:**

6 **MR. GUILLAUME SIROIS:** Mr. Morrison, you
7 testified that around September 9 to 12, the Panel of Five
8 was preoccupied with the Chinese disinformation campaign.
9 That was the disinformation campaign targeting Kenny Chiu; is
10 that right?

11 **MR. DAVID MORRISON:** Yes.

12 **MR. GUILLAUME SIROIS:** Okay. What the ---

13 **MR. DAVID MORRISON:** All -- it was the -- it
14 was the information that may have been inaccurate that was
15 circulating around that time. It was about the foreign agent
16 registry and it was about the Conservative Party of Canada
17 and Erin O'Toole's platform and folks in media organisations
18 were commenting on it in that time period.

19 **MS. JANICE CHARETTE:** May I also suggest to
20 you, sir, that the term "preoccupied" I think it's fair to
21 say that we were following closely, but we were following a
22 lot of things closely on a day-by-day basis throughout the
23 election campaign.

24 **MR. GUILLAUME SIROIS:** Okay. Was it - were
25 potential Russian disinformation campaigns as closely as the
26 one on the Chinese media.

27 **MR. DAVID MORRISON:** I think it's fair to say
28 we would have followed any campaign of mis -- or

1 disinformation equally closely given the potential impact on
2 the election campaign.

3 **MR. GUILLAUME SIROIS:** This is not a
4 hypothetical question. Between 9 -- September 9th and 15,
5 was the panel monitoring the same way that to
6 disinformation...

7 **MR. DAVID MORRISON:** The Panel itself does
8 not surveil information. We receive reports from the SITE
9 Task Force ---

10 **MR. GUILLAUME SIROIS:** All of ---

11 **MR. DAVID MORRISON:** Can I finish, please?

12 **COMMISSIONER HOGUE:** Let him finish.

13 **MR. DAVID MORRISON:** The daily SITREPs from
14 SITE are available for everyone. They did not, to the best
15 of my recollection, flag any activity by Russia that required
16 follow up by the Panel.

17 **MR. GUILLAUME SIROIS:** In short, no? Okay,
18 I'll move on because it's ---

19 **MS. NATHALIE DROUIN:** So, we took seriously
20 everything that was shown to us. We, as I said this morning,
21 we knew and we still know about Russia capabilities,
22 especially when it comes to espionage and cyberactivity. And
23 our intelligence agencies were following the interest that
24 Russia was demonstrating into our electoral exercises. And
25 we haven't been informed of any specific activities they were
26 doing in the 2021 election.

27 **MR. GUILLAUME SIROIS:** Thank you.

28 [No interpretation]

1 **MR. GUILLAUME SIROIS:** So, yes. This is the
2 RRM Weekly Trend Analysis for the week of September 9 to 15.
3 I would like to go to page 2 please.

4 So, we don't know a lot about this firm
5 Yonder, we don't have many documents about it, but we do have
6 this very sort of summary, very short summary, that says,
7 among other things:

8 "It appears that both Chinese and
9 Russian [...] state-aligned accounts
10 generally show low levels of
11 engagement overall, often single
12 accounts and only a few Tweets."

13 Do you see that?

14 **MS. MARTA MORGAN:** Yes.

15 **MR. GUILLAUME SIROIS:** Do you know what the
16 Yonder firm meant by "generally", "overall", or "often"?

17 **MS. MARTA MORGAN:** That would be a question
18 that would be better put to either them or to the experts at
19 the RRM.

20 **MR. GUILLAUME SIROIS:** Okay. But would you
21 agree, just reading this, that it's difficult to understand
22 the scope of these disinformation campaigns with these
23 qualitatatives?

24 **MS. MARTA MORGAN:** Well, I would say that it
25 notes that they generally show low levels of engagement
26 overall, and that would probably explain why information in
27 this particular paragraph was not included in the daily
28 reports to us, which included information that we needed to

1 be aware of at that time because there was potentially an
2 issue that we needed to be aware of.

3 So, I would interpret that as being a low
4 level of engagement, and therefore something to keep
5 monitoring, but not something -- not an issue of concern at
6 that time.

7 **MR. GUILLAUME SIROIS:** But you were informed
8 of Chinese disinformation campaign, were you not?

9 **MS. MARTA MORGAN:** We were informed that
10 there were concerns about information that was being shared
11 both in Chinese-Canadian media sites and through WeChat, yes.
12 We had been informed about that, absolutely.

13 **MR. FRANÇOIS DAIGLE:** But to characterize it
14 as a disinformation campaign is, I think, erroneous.

15 **MS. MARTA MORGAN:** Well -- and also, this
16 does -- this is talking specifically about Chinese and
17 Russian state and state-aligned accounts, so, you know, I do
18 think that this would be a question better put to the experts
19 in terms of how two things align.

20 But my reading of this, in terms of the
21 Russian intervention, is that at least for the accounts that
22 they were monitoring, there was low levels of engagement.
23 That doesn't mean there was something -- wasn't something
24 else going on somewhere else, but ---

25 **MS. NATHALIE DROUIN:** And just maybe to add
26 on -- we just had a previous conversation about other
27 incidents where we said that in those incidents, I'm talking
28 about here the O'Toole and Kenny Chiu incidents, in both

1 cases, we said that we have not seen any direction or
2 amplification coming directly from PRC. So, I think that
3 this is completely aligned with what we are saying here.

4 **MR. GUILLAUME SIROIS:** But we did confirm
5 earlier that you -- the Panel of Five was informed by a
6 potential Chinese influence campaign. It was possibly
7 directed by the PRC or influenced by the PRC.

8 My question is just why was it informed --
9 why was the Panel of Five informed of this Chinese
10 disinformation campaign and not the Russian disinformation
11 campaign circulating online if the firm that was contracted
12 to monitor social media by GAC identified both threats as
13 being the same?

14 **MS. MARTA MORGAN:** Could I just say that GAC
15 contracted and worked with a number of different firms. GAC
16 also -- the RRM also had its own capacity and the RRM also
17 worked with civil society. So, the information that we were
18 getting as a Panel was coming from multiple sources that were
19 collected and analyzed by Global Affairs.

20 So, this particular statement, I don't think,
21 is making the conclusion that you're trying to draw. We were
22 not brought information about a Russian disinformation
23 attempts during the campaign in the online ecosystem because
24 it wasn't seen by the SITE Task Force at that time during the
25 writ.

26 **MS. NATHALIE DROUIN:** If I can go back on
27 what you said earlier, Marta, about the fact that when it
28 comes to those foreign actors, yes, we do collect our own

1 intel, but we also work with allies, and the Five Eyes in
2 particular, and they're also there to help us seeing things
3 in terms of foreign actors' activities. So, the assessment
4 is based on what we are seeing, but what others are seeing
5 regarding us.

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

7 **MS. NATHALIE DROUIN:** Yes, but the Five Eyes
8 can have intelligence on the intentions of foreign actors.

9 **MR. GUILLAUME SIROIS:** With respect, Ms.
10 Drouin, we are not talking about the fact that the
11 disinformation campaign from Russia was similar to the
12 disinformation campaign from China.

13 My question is this. Why was the Panel of
14 Five never informed of this?

15 **MS. MARTA MORGAN:** The Panel of Five -- the
16 RRM has multiple sources that it uses, and if you look even a
17 little bit further down on this page, you'll see that the
18 media ecosystem observatory found that Chinese interests have
19 become more visible in this reporting period. So, the RRM
20 was getting analysis and input from a variety of sources and
21 its own capacity.

22 So, I would just say that one particular
23 source, that's being mentioned here, is not conclusive and
24 would not have been conclusive in terms of the information
25 that they were providing us.

26 Should they have seen evidence of
27 disinformation -- state-sponsored disinformation by Russia
28 during the writ period, I'm confident that they would have

1 brought that information to us and we would have taken it
2 very seriously because it was absolutely one of the issues
3 that we were looking for and it was something that we had
4 seen in other countries. We had seen Russian state sponsored
5 disinformation in the United States, and Germany, and France
6 that had all been made public. So it was something that we
7 clearly were paying close attention to.

8 **MR. ROBERT STEWART:** If I might add, I think
9 we are being very clear that we did not observe or were
10 notified of any evidence of a Russian concerted
11 disinformation campaign during the campaign, which is not to
12 say that it does not happen in a more general context. And
13 indeed, since the war started in Ukraine, Russia's illegal
14 war, we have had a constant surveillance and notification
15 where we see Russian disinformation.

16 **MR. GUILLAUME SIROIS:** Just for the sake of
17 time, I'll continue with the other points in my paragraph.

18 Mr. Morrison, you also testified that the
19 WeChat disinformation campaign, you know, or influence
20 campaign, whatever you want to call it, sort of decreased
21 around September 12th, you said? Okay. So this report
22 again, sorry to draw your attention back to it, it's like the
23 third sentence, approximately -- sorry. Yeah, it's the
24 second sentence. Sorry about that. So it says:

25 "The firm has seen less engagement
26 from accounts that generally amplify
27 Chinese state sources..."

28 This seemed to confirm your testimony that --

1 this report was issued on September 15th, approximately, so
2 this seemed to confirm your testimony that Chinese
3 disinformation influence campaigns seem to be decreasing
4 during that week; right?

5 **MR. DAVID MORRISON:** That's not what that
6 sentence says. I did make a statement this morning that put
7 time parameters around the activity that we saw in relation
8 to Mr. O'Toole and Mr. Chiu. But I think what that statement
9 is saying is something a little bit different.

10 **MR. GUILLAUME SIROIS:** Could you explain the
11 difference?

12 **MR. DAVID MORRISON:** The sentence is:
13 "The firm has seen less engagement
14 from accounts that generally amplify
15 Chinese state sources, but more
16 engagement from accounts that
17 generally amplify Russian state
18 sources."

19 **MR. GUILLAUME SIROIS:** And for now I'm just
20 asking for the first part of that sentence, concerning
21 Chinese state sources, just to be clear.

22 **COMMISSIONER HOGUE:** But I think you cannot
23 just cut in the middle. You have to read the whole sentence.

24 **MR. GUILLAUME SIROIS:** Absolutely. I just
25 wanted to direct the witness' attention to what part I was
26 most interested with. And I will go to the second part right
27 after that for sure.

28 **MR. DAVID MORRISON:** So my point is that this

1 talks about Chinese state sources and we have been, I think,
2 testifying at some length that we could not make links,
3 necessarily, with Chinese state sources, and that's why I'm
4 questioning your line of questioning.

5 **MR. GUILLAUME SIROIS:** So this summary does
6 not make any attribution either. It just says that:

7 "...accounts that generally amplify
8 Chinese state sources..."

9 It doesn't state anything about attribution
10 apart from that. But it seems -- I'm just trying to
11 corroborate your testimony with the document.

12 **MR. DAVID MORRISON:** I'm sorry. I've lost
13 track of your question.

14 **MR. GUILLAUME SIROIS:** I'm -- you disagreed
15 that this sentence corroborates your testimony today, this
16 morning, that accounts that generally amplify Chinese state
17 sources decreased during the period of September 9th to
18 September 15th, 2021?

19 **MR. DAVID MORRISON:** I don't know whether --
20 I was testifying this morning to the fact that on the three
21 or four Chinese language media outlets that are specified in
22 one of the summaries, that the -- there was no new
23 information about either Kenny Chiu or Erin O'Toole and the
24 wider Conservative Party of Canada platform after about the
25 12th of September. There was -- you could still search for
26 it, but there was nothing new that happened. So I still am -
27 - I'm not clear at all whether those news outlets that I was
28 referring to fit the category of generally amplifying Chinese

1 state sources.

2 **MR. GUILLAUME SIROIS:** Well I certainly agree
3 with you that this sentence is extremely vague and it's hard
4 to piece the puzzle together. And I won't argue with you on
5 that.

6 Now I want to move on with the second part of
7 the sentence, which says that there has been:

8 "...more engagement from accounts that
9 generally amplified Russian state
10 sources."

11 So here we have a Chinese disinformation
12 campaign that seems to be decreasing during that period and a
13 Russian disinformation campaign that seems to be increasing.

14 I know there are multiple sources that the
15 government relies on to determine whether there is foreign
16 influence, but why is it that information hasn't been
17 communicated to the Panel of Five?

18 **MR. DAVID MORRISON:** So your contention is
19 that it's a Chinese state disinformation campaign and a
20 Russian state disinformation campaign. That's not what the
21 report says. And as my colleague, Ms. Morgan, has just
22 explained, SITE integrated a whole range of inputs into the
23 reporting that they gave us. And again, we didn't see this
24 particular document, we didn't see the raw RRM materials, but
25 SITE did not brief us on any online Russian activity of
26 concern. And as Ms. Charette pointed out, the final SITE
27 report of the 17th of December 2021 also did not alert us to
28 any concerning Russian online information.

1 **MR. GUILLAUME SIROIS:** So do I understand
2 your testimony correctly that disinformation concerning
3 increase in engagement from accounts that generally amplify
4 Russian state sources had been filtered out, either by RRM
5 Canada or by the SITE taskforce?

6 **MR. MARTA MORGAN:** The SITE Taskforce -- RRM
7 Canada fed into the SITE Taskforce and the SITE Taskforce
8 provided us with information on a daily basis of issues of
9 concern, of issues that they had judged to be issues that we
10 should be aware of. And they had a threshold for determining
11 what that was, and they did not see, throughout the election
12 campaign, concern around state sponsored disinformation from
13 Russia in the Canadian election ecosystem during the writ
14 period. We did not see that raised to our attention because
15 it -- from their perspective, knowing what they did, and the
16 analysis that they had at their command, this was not an
17 issue at that moment that the Panel of Five needed to be
18 apprised of. If they had believed that it was, they would
19 have certainly included it and told us.

20 **MR. GUILLAUME SIROIS:** So it has been
21 filtered out? That's my question. Yes or no?

22 **MR. MARTA MORGAN:** The SITE Taskforce and RRM
23 analyzed on a daily basis what information the panel needed
24 to know and issues that they thought were potentially issues
25 that we would need to pay attention to because they were
26 emerging or issues of concern, and they did not flag these
27 issues to us. And I think that's a question of professional
28 judgement on their part, which we respected.

1 **MR. FRANÇOIS DAIGLE:** And you should ask -- I
2 mean, if you're so concerned about that, you should ask the
3 question to those who made the decision not to brief us on
4 it. But they've -- but they were told, "Brief us on
5 everything that's important and relevant." And so that
6 didn't come to us.

7 **MR. GUILLAUME SIROIS:** Mr. Daigle, I'm not
8 really worried about this. I am, but it's really the members
9 of the Russian and Ukrainian diaspora who are worried about
10 this. And I think it's worrisome to see this document, a
11 document that talks about potential inference from Russia.

12 **COMMISSIONER HOGUE:** We would not argue with
13 the witness. We would ask them question.

14 **MR. GUILLAUME SIROIS:** So my question would
15 be, how can you reassure members of the Russian diaspora when
16 they see such information that wasn't communicated to the
17 general public or to the panel?

18 **MS. NATHALIE DROUIN:** If I may, my colleague
19 talked about activities that we continue to witness today
20 coming from Russia, especially following the invasion of
21 Ukraine.

22 Panel members were briefed in 2019 and 2021
23 on Russia's capacities on their objectives to attack
24 democracies across the world. These are things that we are
25 witnessing regularly, attacks against Canada and other
26 democracies.

27 ...specific interests. We're not saying that
28 Russia was not active. We didn't see a specific interest in

1 the 2019 and 2021 elections.

2 [No interpretation], so we haven't seen a
3 spike from Russia in 2021 election. Having said that, that
4 doesn't mean that Russia is not doing some campaign, as I
5 said, sometime to -- trying o undermine democracies around
6 the world.

7 **MR. GUILLAUME SIROIS:** That that's my last
8 question.

9 **COMMISSIONER HOGUE:** [No interpretation]

10 **MR. GUILLAUME SIROIS:**

11 Does it take a spike [no interpretation]?

12 **MS. NATHALIE DROUIN:** Foreign interference,
13 we always have to fight foreign interference and that is what
14 the organizations and the Canadian government do. That's why
15 we also work to improve the legislative framework to fight
16 foreign interference. We want to work on raising awareness,
17 we want to work with the ecosystem and the different
18 platforms to better equip Canadians to face that.

19 But during an election, we really look at the
20 activities that are aiming to influence the results of an
21 election, the impact on the result of an election. So that
22 is why we look at the activities that aim, that target the
23 democratic exercise that we're talking about.

24 **MS. JANICE CHARETTE:** And I could just say,
25 the answer to your question is no. The protocol is very
26 clear. It says an incident or an accumulation of incidents.
27 Those are the words that we would have focussed on in doing
28 our work as the panel.

1 affirmed, please.

2 **THE REGISTRAR:** Yes. I believe both have
3 been sworn and affirmed already.

4 So Mr. Rigby, could you please identify if
5 you'd like to be sworn or affirmed?

6 **MR. VINCENT RIGBY:** Affirmed is fine.

7 **THE REGISTRAR:** Okay. And could you please
8 state your name and spell your last name for the record.

9 **MR. VINCENT RIGBY:** Vincent Rigby. My last
10 name is spelled R-I-G-B-Y.

11 --- VINCENT RIGBY, Affirmed:

12 --- EXAMINATION IN-CHIEF BY MR. GORDON CAMERON:

13 **MR. GORDON CAMERON:** Witnesses, we have a bit
14 of housekeeping, some documents to adopt, and it's -- not all
15 the people match up today with all the documents we're
16 adopting so we're going to have to keep our eye on the ball
17 here.

18 The first one, if we could have WIT 61 called
19 up.

20 --- EXHIBIT No. WIT 61:

21 Interview Summary of V. Rigby, D.

22 Morrison, M. Macdonald and M. Green

23 **MR. GORDON CAMERON:** Panelists, this is an
24 interview summary of an interview with two of you, Mr. Rigby,
25 and Mr. Morrison. Ms. Bossenmaier, you were not there. And
26 there were two others at the interview who are not here.

27 So I'll put it this way to you, Mr. Morrison,
28 and Mr. Rigby, insofar as the information in that document,

1 the interview summary, can be made public, is this summary
2 accurate in respect of the contributions that you two made to
3 that interview?

4 **MR. DAVID MORRISON:** It is as far as my
5 contributions are concerned.

6 **MR. GORDON CAMERON:** And Mr. Rigby?

7 **MR. VINCENT RIBGY:** It is the same
8 submissions.

9 **MR. GORDON CAMERON:** Thank you. And do you
10 adopt it as part of your evidence before the Commission
11 today?

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

13 **MR. VINCENT RIBGY:** Yes.

14 **MR. GORDON CAMERON:** Thank you. And
15 Madam Commissioner will have the other people from that
16 interview adopt that evidence by affidavit.

17 And in respect of the next document, WIT 57,
18 could we call that up, please.

19 **--- EXHIBIT No. WIT 57:**

20 NSIA Public Summary of Examination

21 **MR. GORDON CAMERON:** This is an *in-camera*
22 examination summary of all three of you, and Mr. Mike
23 MacDonald, who isn't here today. So I can pose this question
24 to all three of you. Insofar as the information in this
25 *in-camera* examination summary is -- can be made public, is it
26 an accurate -- is it accurate in respect of the evidence that
27 each of you provided at the *in-camera* hearing?

28 **MS. GRETA BOSSENMAIER:** It is.

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

2 **MR. VINCENT RIBGY:** Yes.

3 **MR. GORDON CAMERON:** Thank you. And do you
4 adopt it as part of your evidence before the Commission
5 today?

6 **MR. DAVID MORRISON:** Yes.

7 **MR. VINCENT RIBGY:** Yes.

8 **MR. GORDON CAMERON:** Thank you.

9 Each of you was in the position of being the
10 National Security and Intelligence Advisor to the Prime
11 Minister at least one period of time, some of you more than
12 once.

13 So I'll try to do this sequentially and begin
14 with you, Ms. Bossenmaier. Can you tell us the dates during
15 which you held the appointment as the National Security and
16 Intelligence Advisor?

17 **MS. GRETA BOSSENMAIER:** Sure. I was the
18 National Security and Intelligence Advisor from spring 2018
19 until early December 2019.

20 **MR. GORDON CAMERON:** Okay. And then I'm
21 going to switch to you, Mr. Morrison, to pick up just a tag
22 end. Do I understand that you had a brief period after
23 Ms. Bossenmaier's terms as acting NSIA?

24 **MR. DAVID MORRISON:** That is correct, in --
25 from when Greta left in early December of 2019 until Vincent
26 was appointed at the end of January 2020.

27 **MR. GORDON CAMERON:** Okay. And I'll pick it
28 up there again with you, Mr. Rigby. Can you tell us when you

1 were the National Security and Intelligence Advisor?

2 **MR. VINCENT RIBGY:** And I was appointed NSIA
3 at the end of January 2020, and I was in the job until 30th
4 of June, I do believe, 2021.

5 **MR. GORDON CAMERON:** Okay. And now we're
6 back to you, Mr. Morrison. Can you tell us when you picked
7 up that role, and if you can just include in that account the
8 brief period during which you were replaced by Mr. MacDonald?

9 **MR. DAVID MORRISON:** Yes. I picked up the
10 role on the 1st of July 2021, and I had that role, in
11 addition to my responsibilities as Foreign and Defence Policy
12 Advisor to the Prime Minister, through -- until the 11th of
13 January 2022. The one exception was I was on a medical leave
14 from, I'm going to say, about the 18th of July until the 9th
15 of August 2021.

16 **MR. GORDON CAMERON:** Thank you very much, and
17 thank you for helping us with the accuracy of those tenures.

18 I'm now going to ask if you could briefly
19 describe the role and functions of the NSIA.

20 And it occurs to me in looking at the
21 documentation that the parties have been provided, if we
22 could call up WIT 57 again.

23 Because, Ms. Bossenmaier, at paragraph 3,
24 this is the summary of the *in-camera* hearing, and at
25 paragraph 3 there, you provided what looks like one of the
26 best descriptions. It's also in the PCO institutional
27 report, but if you could just tell the Commissioner what --
28 how you describe the three main roles of the National

1 Security and Intelligence Advisor?

2 **MS. GRETA BOSSENMAIER:** Sure. There are
3 really three main roles for the National Security and
4 Intelligence Advisor. The first one is actually the title.
5 It is to provide the Prime Minister with national security
6 and intelligence advice. And it could be advice on policy
7 issues, things that are perhaps on their way to -- for
8 Cabinet consideration also to provide that advice with
9 respect to operational issues. There could be a significant
10 security issue or incident that needs to be dealt with, or it
11 could be an operational issue.

12 The second key role, and one for which we
13 spend a lot of time on, is to not just convene but to
14 coordinate the security and intelligence community in Canada.
15 And, you know, key players would be the Service, CSE, RCMP,
16 for example.

17 And the third role is to deal effectively
18 with the NSIA's counterparts in other countries. It may not
19 be its exact match in terms of how they organize themselves,
20 but I think it's fair to say that many countries have a
21 similar type of function, so to be able to interact with your
22 counterparts in other countries. I think I referenced the
23 Five Eyes, perhaps, but not only, with other counterparts as
24 well. So in a nutshell I would sort of highlight those three
25 roles.

26 **MR. GORDON CAMERON:** Thank you.

27 And Mr. Morrison, in a section of the
28 interview that you spoke about the different roles at the

1 NSIA, you had something to say about the -- and we might be
2 able to cover off two points here, one is the other things
3 that are going on besides foreign interference when the NSIA
4 is in his or her chair, and, also, the aspects of national
5 security and intelligence advice that are weighted more to
6 national security without a big intelligence component, and
7 vice versa. Maybe you could explain that.

8 **MR. DAVID MORRISON:** Sure, thank you. And
9 follows from what Greta has just said, the focus of this
10 Commission is obviously foreign interference, which is one of
11 the important files that the National Security and
12 Intelligence Advisor deals with. Certainly in my second
13 stint, in the latter half of 2021, encompassing the entire
14 pre-writ and writ period and the aftermath, we had -- I had a
15 lot of focus on foreign interference as a member of the panel
16 of five.

17 But I wouldn't want to leave the impression
18 that the core of the role is around intelligence because
19 national security is much broader than -- and the role is
20 much broader than the flow of intelligence. So I can speak
21 to what I dealt with in the fall of 2021, which was, first
22 and foremost, the fall of Kabul and the evacuation of Embassy
23 staff and other Canadians from the country, and then
24 eventually the evacuation of Afghans with a connection to
25 Canada. That went on from the 15th of August through the
26 fall.

27 People will recall that immediately following
28 election day, came the announcement of the release of the two

1 Michaels. Well, that was building behind the scenes
2 throughout August and September with lots of involvement by
3 the National Security and Intelligence Advisor until the day
4 that they were released.

5 Another one was Ethiopia, which didn't end up
6 in an evacuation of Canadians, but very closely -- it was a
7 close-run thing. It certainly could have. So we got all
8 prepared to have to do an evacuation. The Prime Minister
9 spent a lot of time during those critical weeks doing
10 diplomacy with governments in Africa and the United Nations
11 and so on, trying to ameliorate that situation.

12 There was a summit in Washington between the
13 Prime Minister and the Mexican President that dealt with
14 migration issues; it dealt with fentanyl, which has national
15 security implications.

16 And I can go on and on. There were a couple
17 of summits that fall, the G20 and the Climate Change Summit
18 which also required the National Security and Intelligence
19 Advisor's presence, and then finally it was through that fall
20 -- throughout that fall that in the background we were privy
21 to intel about Russia building up on the border of Ukraine.
22 So that was one that wasn't public but was being worked
23 behind the scenes, and then everybody knows what happened in
24 February of 2022.

25 **MR. GORDON CAMERON:** Thank you.

26 And if I could ask the Court Operator to call
27 up CAN.DOC11, which should be the Privy Council Office
28 Institutional Report, and just scroll to the bottom of the

1 first page, because I'm going to ask, Mr. Rigby, if you could
2 comment on the support that the NSIA gets from the two
3 Secretariats that are described at the bottom of that page,
4 the Security and Intelligence Secretariat and the
5 Intelligence Assessment Secretariat, if you can describe what
6 they do and how they supported you in your role when you were
7 NSIA?

8 **MR. VINCENT RIGBY:** Absolutely.

9 So as the National Security and Intelligence
10 Advisor, I had two Secretariats underneath me, one was the
11 Security and Intelligence Secretariat, short form, S&I, and
12 then I also had IAS, which was the Intelligence Assessment
13 Secretariat.

14 IAS is basically a unit that does foreign
15 intelligence assessments, primarily. At that time it was
16 doing primarily foreign intelligence. So these are analysed
17 intelligence analysis documents on foreign issues provided
18 for a wide range of clientele around town, including right up
19 to the Prime Minister, produce documents like National
20 Intelligence Assessments and so on. So they are an
21 assessment unit providing intelligence.

22 And then the Security and Intelligence
23 Secretariat, S&I, was more of a sort of a policy operational
24 body that provided policy advice up to me, and operational
25 advice in the midst of a crisis or in the midst of a specific
26 event that I could then use to work with my counterparts
27 around town in the S&I community or directly with the Prime
28 Minister. So one piece was policy operational, the other was

1 intelligence assessment.

2 **MR. GORDON CAMERON:** Thank you.

3 Could the Court Operator find and put up CAN
4 8266?

5 **--- EXHIBIT No. CAN 8266:**

6 IAS Dissemination - Flow Chart

7 **MR. GORDON CAMERON:** which should be a
8 graphic of intelligence flow from the Intelligence Assessment
9 Secretariat through -- there we go -- through the NSIA and
10 onwards.

11 I'll ask if you, Ms. Bossenmaier, can tell us
12 what the -- looking at the very top of that graphic and
13 perhaps if the Court Operator is able to enlarge the first
14 line for people trying to read it from the room. What is the
15 Daily Foreign Intelligence Brief, and the Prime Minister's
16 Weekly Intelligence Brief?

17 **MS. GRETA BOSSENMAIER:** So those are two
18 documents that are produced by this Intelligence Assessment
19 Secretariat, the one that Mr. Rigby just spoke about.

20 If you could maybe pull it back a little bit
21 for me, just so I can see what's on the screen there?
22 Perfect, excellent.

23 So these are two reports that sort of --
24 again, as their names say, one is a daily intelligence
25 report, a foreign intelligence report, and the other is the
26 Prime Minister's weekly. So on a daily basis, the
27 Intelligence Assessment Branch pulls together a number of key
28 items that they think are relevant to a variety of

1 stakeholders, and they try to do it in a very succinct manner
2 so people will be able to see sort of what's happening on a
3 one- or two-page kind of document that are -- really the aim
4 is to provide sort of timely assessments as to what's
5 happening with these sort of pertinent things that decision-
6 makers either need to be informed about just from a
7 background perspective, or maybe informed about as a building
8 block towards something else, for example.

9 The Prime Minister's weekly is a document
10 that would go to the Prime Minister, that again would sort of
11 highlight what the most relevant and pertinent issues are,
12 assessments are, again to support broader Government of
13 Canada priorities and decision-making.

14 Mr. Rigby actually ran this branch for a
15 while, so he might actually have some additional details to
16 provide.

17 **MR. VINCENT RIGBY:** I ran the branch from
18 2008 to 2010. I was actually intimately involved in the
19 setting up of both the PMWIB and the DFIB, as they're called
20 again in short form.

21 So I think Greta's nailed it. Maybe just a
22 couple of points of clarification. Usually the daily would
23 have about seven, eight items; it depended on the day.
24 Sometimes there'd be four or five; sometimes there'd be six
25 or seven or eight or nine, just depending on how heavy the
26 intelligence was.

27 We tried to make the intelligence as
28 responsive and as relevant as it could possibly be, but one

1 important point is that a lot of the adds that ended up in
2 the DFIB were actually based on sources coming from other
3 documents. So it might be a summary of a document that CSIS
4 produced, for example, or a Five Eyes ally or CSE or whatever
5 the case may be. And so there'd be an IAS take on it
6 sometimes, other times we would just be reporting what
7 another agency reported on, so I think that's an important
8 context. And then the Prime Minister's weekly intelligence
9 brief, as Greta said, it came out once a week, obviously,
10 usually on a Friday. And it was almost like a greatest hits
11 collection of the daily foreign intelligence briefs. So they
12 take the most relevant and the most pertinent and what items
13 they thought would be of most interest to the Prime Minister
14 and put them in that document, and then that went up through
15 a separate chain to the Prime Minister directly. They had
16 different distribution lists, the two documents. The daily
17 would centre a much wider group of people and organisations
18 than the Prime Minister's weekly intelligence brief, which
19 was very focussed on the Prime Minister and a very select
20 number of Deputy Ministers around town.

21 **MR. GORDON CAMERON:** Okay. And on that point
22 about intelligence reporting and how it gets briefed up, if
23 the Court Operator could bring up CAN 5546?

24 **--- EXHIBIT No. CAN 5546:**

25 How Intelligence Reports get Actioned
26 in the GoC

27 **MR. GORDON CAMERON:** Now I think that
28 probably this graphic was considered most useful for

1 describing the difference between the path that reporting
2 takes during the period that the SITE Task Force is
3 operational and the period that it isn't, but the point I
4 wanted to ask you panelists to talk about is the difference
5 to the NSIA of what in this graphic gets called building
6 block intelligence so reports that are going to sort of go
7 and be used later, perhaps to be assembled or analysed and
8 assessed, and other intelligence that is called critical
9 intelligence, which is either urgent or significant enough to
10 require a more immediate action. And if you could just
11 describe that in the context of the types of intelligence
12 that come to the NSIA and how you decide what action should
13 be taken with it. I think perhaps, Mr. Morrison, you could
14 talk about that.

15 **MR. DAVID MORRISON:** And then I'll ask
16 Vincent to jump in. So the distinction you have made is an
17 important one. Colleagues this morning and I think
18 throughout this process have talked about the mosaic effect,
19 when one reads intel as a consumer and one is trying to put
20 together a puzzle, or a picture that will gradually come into
21 focus, so a lot intel gets put into the building block
22 basket. Intel that requires action can be of a couple of
23 kinds. One may be we need to discuss it. We need -- you
24 know, it raises questions, so that the action is you call a
25 meeting, or you call over to the service, or you talk to
26 colleagues to make certain your understanding is correct.
27 And then there's very -- very occasionally, very rarely intel
28 that I think is kind of critical and needs to be actioned

1 instantly, including at higher levels up to and including the
2 Prime Minister.

3 I would just point out in terms of this
4 scheme that is on the screen, which isn't one that -- I don't
5 know the province, but this is with I think, given that the
6 top bit talks about the writ period and the bottom bit talks
7 about the regular process, it is certainly true that intel
8 was coming to SITE and then onward to the panel, I think -- I
9 hope everybody is clear on that, on foreign interference on
10 anything that could affect the election. I just want to make
11 certain people understand that on the bottom half of the
12 document where it's regular process, that is happening
13 before, during and after an election. It's not that one new
14 thing kicks in, an additional thing, an additional set of
15 protocols kicks in, but throughout the election process, all
16 of the regular processes on the bottom half of the document
17 continue to take place.

18 **MR. GORDON CAMERON:** Okay. And on that
19 point, if the -- we see the -- on the bottom what you call
20 the -- or the graphic calls a regular process, the
21 intelligence going off to various committees, if the Court
22 Operator could call up 5547, CAN 5547?

23 **--- EXHIBIT No. CAN 5547:**

24 Governance Structure - Committees
25 pertaining to Foreign Election
26 Interference

27 **MR. GORDON CAMERON:** While it's coming up,
28 I'll just ask, this is -- this graphic you'll -- though you

1 don't see it yet, you might remember it from your nightmares.
2 It is the list of all of the committees that the NSIA has to
3 chair or be involved in, including one blanked out, the
4 public existence of which cannot even be revealed. And
5 rather than take you through all those, which are discussed
6 in your interview summary, at your in-camera examination you
7 all spoke with some focus about the particular importance of
8 the Deputy Minister's Operations Committee, DMOC. So perhaps
9 one of you and I'll open it up to the floor, so to speak, can
10 describe why that committee was of all of these other
11 committees the one that was most important to you as NSIA.

12 **MR. VINCENT RIGBY:** Maybe can I kick off?

13 **MS. GRETA BOSSENMAIER:** Yes, absolutely.

14 **MR VINCENT RIGBY:** I also have -- if I could,
15 just make a couple of comments with respect to how
16 intelligence is actioned just because of the below the line
17 where you talked about the regular process, I think there are
18 a couple of points that are really important. That graphic
19 looked great in theory point A to point B. It wasn't that
20 clean. It could often be quite messy. Didn't always go to a
21 committee. Sometimes it did go to committee. Sometimes it
22 was quite organic, it just happened naturally. Sometimes if
23 you're in the middle of a crisis, if you're in the middle of
24 a major event overseas, or a kidnapping, or something like
25 that, you'd actually be in a meeting with all kinds of
26 different people from all over the community and outside the
27 community sometimes, and a piece of intelligence would come
28 to light in the meeting, and you decide right then and there

1 if this is actionable intelligence, we should work on it. So
2 actionable intelligence could appear in very different ways,
3 and stuff that looked generally actionable wasn't always
4 actionable. And stuff that you perhaps didn't think was
5 going to be actionable did end up being actionable.

6 The other point I wanted to make was that I
7 would suggest -- my colleagues may not agree with me, but I
8 think they will that most of the intel we saw was not
9 actionable. And most of the time what we saw was
10 intelligence that was extremely useful, very helpful in terms
11 of situational awareness, building up your knowledge base,
12 connecting dots, slowly building a picture, the mosaic, or if
13 you want to use the other metaphor, the jigsaw puzzle and
14 pulling it all together, but it wasn't immediately
15 actionable. And a lot of the stuff was parked, and it just
16 wasn't actionable. It's great information, but I don't
17 really need it at this point in time. Maybe we'll come back
18 to it at a later time, but that -- that's the way it worked.

19 I think there's a sense sometimes that every
20 piece of intelligence that comes across your desk you need to
21 do something with it. And sometimes you did, sometimes you
22 didn't, but that was part of the judgment that an NSIA
23 brought to bear, looking at the intel, and going, "What do I
24 do with this? Do -- is it great just for my own knowledge
25 base? Do I share it with someone? Do I take it to the Prime
26 Minister? Do I call a meeting?" So that was part of the
27 process.

28 **MR. GORDON CAMERON:** Thanks.

1 **MR VINCENT RIGBY:** With respect to the
2 governance structure, I think David talked in the in-camera
3 interview quite extensively about the DMOC. The DMOC was a
4 particularly important committee. Happens -- I think it
5 still happens every Thursday. When I was NSIA, I think it
6 was 4:30 to 5:30 or 4 to 5, and it's basically bringing
7 together all the deputies from around the S&I community, the
8 core community of the agencies and organisations that Greta
9 mentioned, but also some others in another concentric circle
10 outside from that inner circle, to talk about matters of high
11 priority.

12 So what was -- the phrase I used to say was,
13 you know, what's keeping you up late at night, whether it's
14 from an intelligence perspective, or whether it's
15 operational, or sometimes policy. Just give me an update on
16 the memorandum to Cabinet that's going next week, or if it's
17 an operational issue, I might have turned to CSIS and say,
18 you know, what's going on with that investigation into this,
19 that, or the other, or the RCMP, whatever the case may be.
20 It was partly me pulling, but there's also a lot of pushing
21 as well, and so you expected people to come prepared and to
22 bring what I needed to know, and their colleagues needed to
23 know to the table. And so I would usually start off with a
24 bit of a brief about what I had been up to the previous week,
25 the kinds of conversations I was having with the Prime
26 Minister, always very careful what I spoke to them about in
27 terms of my conversations with the Prime Minister, but I'd
28 give them a general sense. But then we do a round table, and

1 I would literally go around every single person, or in the
2 room, or if it was on the phone, on a secure line, what do
3 you have to bring to the table this week. So you expected
4 people to bring stuff to your attention that you needed to
5 know.

6 The only other body I'd mention is the Deputy
7 Minister's Intelligence Committee, and this relates to my
8 previous point about places where we could talk about
9 intelligence and what to do about intelligence. And so I
10 created this committee because I wanted to have more
11 conversations about intelligence. I was afraid that people
12 were -- I wasn't always sure who was seeing what, and whether
13 we were all reading the same material, but also, whether we
14 were all getting the same takeaways in terms of the
15 intelligence. And, you know, was intelligence actionable?
16 Did we need to talk about what to do next? Did we need to
17 talk about sending it to the Prime Minister or Minister. So
18 the DMIC was created to try and have some of those kinds of
19 conversations. So those were two of the key bodies for me.

20 **MR. DAVID MORRISON:** Can I just -- on this
21 point of actionable/not actionable, it's very important, I
22 think, to understand that almost all intel comes with
23 caveats. So the issue area, the subject, may be very
24 alarming, but it may be the first glint you have of it, and
25 it may come with a caveat right up front that says it is from
26 a single source, uncorroborated, of unknown reliability.

27 So then you might talk about it, because it
28 is -- would be alarming if true, but until you get a little

1 more, this is the mosaic. You might kind of -- you might
2 brief it up because it's alarming. You might say this might
3 develop into something. But the caveats, including all of
4 those on the front pages of our summaries, are very, very
5 important when we're talking about intelligence.

6 **MR. GORDON CAMERON:** Thank you. And I'm
7 mindful of the time. I'm just going to finish up with two
8 issues that arose in earlier examinations but that have some
9 bearing on your evidence, panelists.

10 The first has to do with the recall of CNSB
11 23/19, and this is a question for you, Ms. Bossenmaier.

12 If the Court Operator could just quickly call
13 up for the screen, just to remind people what we're talking
14 about, CAN4729? Sorry, let's start with 4728.

15 **--- EXHIBIT No. CAN 4728:**

16 Foreign Interference in the 2019
17 Federal Campaign of Dong Han - CNSB
18 23/19

19 **MR. GORDON CAMERON:** Now you might want to
20 turn up, Ms. Bossenmaier, and all, -- sorry, could the
21 Operator scroll down a bit just so that people can see --
22 okay. So that's the one that parties might remember was
23 raised with the CSIS panel as an intelligence report that was
24 recalled by the Director.

25 And Ms. Bossenmaier, as I think you discussed
26 -- and again, to help you, if the Court Operator could call
27 up WIT57 and scroll to paragraph 16, where Ms. Bossenmaier,
28 during the in-camera hearing addressed her recollection, or

1 thoughts at least, on this recall incident.

2 Having reviewed that, Ms. Bossenmaier, could
3 you just assist the Commissioner with your recollection or
4 absence of recollection about this incident and what your
5 thoughts about it are?

6 **MS. GRETA BOSSENMAIER:** Sure. I think the
7 most important piece, and people can read the document there,
8 I think the most important piece to -- for me to focus on is
9 that I would never, as the NSAI, instruct another agency to -
10 - would not and did not instruct another agency to change one
11 of their intelligence reports. They are responsible and had
12 the authority to -- responsibility and authority to produce
13 their reports. It is not my remit to instruct them to change
14 it and I did not instruct them to change it,

15 **MR. GORDON CAMPBELL:** Thank you. And if the
16 Court Operator then could call up 13 -- CAN13124? And it has
17 an underscore R01 on it, but I think it's the only 13124 in
18 the database. There we are.

19 **--- EXHIBIT No. CAN 13124 r01:**

20 CPC Concerns around Foreign Election
21 Interference 2021

22 **MR. GORDON CAMPBELL:** And this is a question
23 for you, Mr. Morrison, because it was raised earlier in the
24 proceedings. This is a document that postdates your term,
25 but it has an attachment to it that you authored.

26 If the Court Operator could scroll down to
27 page 16 of 19, which is an email from you, Mr. Morrison, to
28 Me Drouin.

1 And I guess the easiest way to ask about this
2 is just to ask you to tell us what this email was about and
3 what you were talking about in those three paragraphs?

4 **MR. DAVID MORRISON:** We've talked a lot today
5 about concerns that the Conservative Party of Canada had
6 about possible foreign interference in the 2021 election.

7 Following the election, the Conservative
8 Party came to SITE or PCO, I don't know which, to talk more
9 about their concerns. So this is after election day. They
10 provided information towards the end of September, in the
11 best of my recollection, Madam Charette spoke to this issue
12 this morning. The RRM and SITE Taskforce did a very deep
13 dive into their -- into the concerns that the Conservative
14 Party of Canada had raised. And then shortly before -- at
15 some point in October, the -- my colleague, Mike MacDonald
16 met with representatives of the Conservative Party to go over
17 their concerns and to discuss what we had found or what the
18 SITE Taskforce had found in response to its deep dive. And
19 that -- a lot of the elements of that deep dive are in this
20 same information package.

21 What I think I was referring to in this email
22 was that the -- after meeting with Mr. MacDonald, the
23 representatives of the Conservative Party said that they were
24 not satisfied with our response to their concerns and that
25 they were intending on making their concerns public and our
26 lack of response public, our lack of what they considered a
27 satisfactory response public. So I've said in this email
28 that we should make certain RCOMS folks are on that.

1 And then I don't actually recall writing the
2 email, but in the last two paragraphs, I think I was trying
3 to kind of honestly reflect on the concerns raised and some
4 of the difficulties that we have talked about today in
5 determining whether something is foreign interference or
6 legitimate discussion among Canadians, or legitimate
7 diplomatic activity. We've spent a lot of time, and I tried
8 in my testimony last Friday to sort of talk about what is
9 clear cut and what can be more ambiguous.

10 I think in the final -- or in the third
11 paragraph, I talk about maybe parties and SITE should get to
12 know each other a little bit better so they can build a
13 shared understanding of the online and the offline foreign
14 interference categories and so on in order to try and
15 strengthen our tool kit.

16 **MR. GORDON CAMERON:** Thank you very much, Mr.
17 Morrison. And thank you, witnesses.

18 Madam Commissioner, I think at this time of
19 day, it's best if Commission counsel hands over the
20 microphone to the parties, so I'll complete my questions
21 there.

22 **COMMISSIONER HOGUE:** Thank you.

23 Yes?

24 **MR. VINCENT RIGBY:** Sorry. I just wanted to
25 build on the point that David Morrison made, because it's an
26 absolutely critical point and it's about the caveats. And I
27 found it very interesting the way the intelligence summaries
28 are being read by Canadians, and in the press in particular,

1 that they're almost being presented as statements of fact.

2 I would encourage everybody to read the cover
3 page on those caveats every bit as carefully as they read the
4 intelligence summaries. The intelligence summaries are not
5 statements of fact. They are summaries of the intelligence
6 that we had at that time. Those are assessments. They are
7 assertions, but they are not necessarily -- they could be in
8 some cases, but they're not necessarily statements of fact.

9 So as David pointed out, there will be places
10 where you have single source intelligence, human sources with
11 uncorroborated reporting history so we don't know whether
12 they've had accurate periods or their intelligence has turned
13 out to be accurate in the past. But even intelligence
14 assessments that have taken a collection of intelligence and
15 provided an overall analysis, even those often come with
16 caveats. Initial findings, this is early investigative
17 reporting. We have to do a lot more work. We have huge
18 intelligence gaps. More needs to come.

19 So I think it's very, very important that
20 everyone understands that that's what those summaries are and
21 that whenever I read intelligence, one of the first things I
22 did was I went to the sources and saw what the intelligence
23 was based on, and then you make some of those judgements I
24 was talking about before about what you actually do with it.

25 So sorry to take your time, but I just ---

26 **COMMISSIONER HOGUE:** Thank you.

27 **MR. GORDON CAMERON:** Thank you very much.

28 **COMMISSIONER HOGUE:** Counsel for Han Dong?

1 **MS. EMILY YOUNG:** We have no questions.

2 Thank you.

3 **COMMISSIONER HOGUE:** Counsel, for Erin
4 O'Toole.

5 **MR. THOMAS JARMYN:** Thank you, Commissioner.
6 My name's Tom Jarmyn. I'm counsel for Erin O'Toole.

7 **--- CROSS-EXAMINATION BY 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 RIBGY:** 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 MR. NANDO de LUCA:**

4 **MR. NANDO de LUCA:** Could I please get
5 CAN 4728 called up, please. Thank you.

6 Am I correct that this is a redacted copy of
7 a CSIS national security brief that was provided to a number
8 of persons, including the NSIA?

9 **MS. GRETA BOSSENMAIER:** It is a CNSB from
10 CSIS, dated 23rd -- Number 2319, October 1st, 2019, and it
11 was intended for the distribution list that was seen there.

12 **MR. NANDO de LUCA:** Okay. And one of those
13 would have been you, Ms. Bossenmaier? Do I have the ---

14 **MS. GRETA BOSSENMAIER:** Yes.

15 **MR. NANDO de LUCA:** --- dates right?

16 **MS. GRETA BOSSENMAIER:** Yes.

17 **MR. NANDO de LUCA:** Okay. And the brief --
18 this brief was delivered during the writ period for General
19 Election 43; correct?

20 **MS. GRETA BOSSENMAIER:** Yes, the writ was
21 dropped on September 11th.

22 **MR. NANDO de LUCA:** Is the first security
23 briefing that you received or you had received in connection
24 with irregularities associated with the Don Valley North
25 Liberal nomination that took place on September 12th, 2019?

26 **MS. GRETA BOSSENMAIER:** I wouldn't be able to
27 tell you whether or not it was the first or not, I don't have
28 the summary of the dates in front of me.

1 **MR. NANDO de LUCA:** Okay. Do you recall --
2 would you be able to recall sitting here how many prior
3 briefings you had received in connection with this particular
4 issue, i.e. the nomination contest?

5 **MS. GRETA BOSSENMAIER:** I would not be able
6 to give you a firm number.

7 **MR. NANDO de LUCA:** Can you tell us, is the
8 summary of the redacted information on page 2 accurate to
9 your -- to your understanding?

10 **MS. GRETA BOSSENMAIER:** Well, I'll let the
11 text stand. I won't comment on what's underneath the
12 redactions, but I'll let the text stand.

13 **MR. NANDO de LUCA:** But you don't disagree
14 with what -- the text says there?

15 **MS. GRETA BOSSENMAIER:** I have no reason to
16 disagree with it.

17 **MR. NANDO de LUCA:** Thank you. Do any of the
18 three of you have any information that you can share in this
19 forum about the circumstances in which this national security
20 brief was recalled and corrected, if I can use that term? We
21 heard some evidence. Is there anything that you can share in
22 respect of that?

23 **MS. GRETA BOSSENMAIER:** This is the document
24 that I just -- was it not? Yes. In the -- I just spoke to
25 this document five, ten minutes ago?

26 **MR. NANDO de LUCA:** Okay. Is there any other
27 information you can provide about the circumstances in which
28 this document was corrected?

1 **MS. GRETA BOSSENMAIER:** As I stated before,
2 and I believe as the Director of the Service has also
3 commented on this in his testimony, it's his document to
4 recall and I would not and did not direct him to do so.

5 **MR. NANDO de LUCA:** Okay. Thank you, those
6 are my questions.

7 **COMMISSIONER HOGUE:** Thank you.
8 Counsel for Jenny Kwan.

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

10 **MR. SUJIT CHOUDHRY:** Good afternoon. My name
11 is Sujit Choudhry for the record. And my questions are
12 actually directed at Mr. Morrison today.

13 So if we could please pull up Witness 61,
14 please, or WIT 61. And if we could go to paragraph 13.

15 And so Mr. Morrison, this paragraph, if you
16 could just refresh your memory, describes your evidence. It
17 describes how there are sometimes that raw intelligence is
18 used for immediate action. And I just want to take you to
19 the one, two, three, four, five, sixth line down in this
20 paragraph where it says:

21 "The second case involved a
22 significant piece of intelligence
23 disseminated in the weeks following
24 the 2021 federal election concerning
25 potential foreign interference during
26 this election involving a specific
27 country." (As read)

28 And it says you flagged the report

1 immediately within the government. Now, I'm assuming that in
2 this public setting, you're limited in your ability to
3 discuss these details, am I right?

4 **MR. DAVID MORRISON:** In this setting, I
5 cannot say anymore than is already reflected in the
6 documents.

7 **MR. SUJIT CHOUDHRY:** So pursuant to the
8 procedure that the Commission adopted, I'm just going to pose
9 some questions that if they haven't been posed already will
10 be posed to you in camera, later, in writing.

11 So, which specific country that is involved?
12 What were the specifics of the alleged foreign interference?
13 Was the alleged or potential foreign interference actual
14 foreign interference, on further investigation? Was it
15 riding level or was it disinformation or both? As you've
16 seen, sometimes those things overlap, sometimes they're a bit
17 distinct. Was it related to a specific candidate? And was
18 that candidate elected?

19 So those are those questions. Could we go to
20 Witness 57 please.

21 **MR. SUJIT CHOUDHRY:** And paragraph 18. So,
22 Mr. Morrison, this picks up -- my questions here pick up on
23 some of the conversation we had when you were on the GAC
24 panel. You've had a number of different hats. And so, this
25 is about diplomatic responses to foreign interference. You
26 recall we began that conversation and wanted us to continue
27 it, if we could. So, if you could just scroll down a bit, if
28 you could scroll -- yes.

1 So, you talked about -- here, at this part of
2 paragraph 18, you talk about diplomatic tools short of
3 persona non grata. And you talk about raising the issues of
4 foreign interference dozens of times, including foreign
5 diplomatic notes. So, I'm just wondering if we could get a
6 little bit more detail, to the extent you're able to.

7 So, when you say you raised foreign
8 interference dozens of times, is that verbally that you
9 raised it at meetings with diplomats of foreign states or how
10 exactly does one raise this concern?

11 **MR. DAVID MORRISON:** Sure. Foreign
12 interference is something that the government takes seriously
13 and so does Global Affairs Canada. So, we have a number of
14 tools in our toolkit. You've spoken to one, and I'll come
15 back to it in a moment.

16 We have the power of issuing visas or not.
17 So, if we are concerned about the potential of a certain
18 proposed diplomat to conduct foreign interference in Canada,
19 we don't have to give a visa in the first place.

20 We have an ongoing dialogue both via our
21 embassies abroad with government counterparts in a set of
22 countries and to ambassadors and other representatives of
23 those countries here in Canada about what we consider
24 legitimate diplomatic activity and where the lines are. And
25 if those lines are crossed, what we consider foreign
26 interference.

27 And I think in the GAC panel that I
28 participated in last Friday, we tried to talk a little bit

1 about that, including referring specifically to the Vienna
2 Convention, which is operative all the time, but which we
3 take the issuing of writs, we take that as an occasion to
4 remind all diplomats about which kind of conduct is out of
5 bound -- out of bounds given their obligations under
6 international treaties, the Vienna Convention.

7 In answer to your question, we talk to
8 foreign representatives, we call them in, we call them in at
9 a junior level or a senior level or at the ambassadorial
10 level. Ministers can make calls, telephone calls. Someone
11 like myself can make a call. Vincent testified how NSIAs
12 have counterparts in every country. So, I have a counterpart
13 in every country as well. And if we have concerns -- and the
14 Foreign Minister has a counterpart in every country.

15 So, if we have concerns about foreign
16 interference, there are a number of ways to raise them in the
17 diplomatic game. There's also formal notes, which stay as
18 part of the record. And so, we deploy all of these tools
19 when we have concerns about foreign interference.

20 **MR. SUJIT CHOUDHRY:** One last question, then.
21 So, some instances of PRC foreign interference are now on the
22 record through this process. And so, the CSIS panel
23 confirmed a couple of those details, the \$230,000, the
24 pressure, the use of proxies to disinvite Chinese-Canadian
25 politicians from community events, and so forth.

26 Are those -- were those specific issues
27 raised through these communications with the People's
28 Republic of China?

1 Foreign Interference

2 So, at page -- at first page here, we see
3 it's a document that was for the Prime Minister from Mike
4 MacDonald. So, I understand Mike MacDonald is not here with
5 us today, but can any of you speak about this document?

6 **MR. DAVID MORRISON:** We don't yet know what
7 it says.

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

9 **MR. VINCENT RIGBY:** I was not NSIA during
10 that period so I cannot speak to it.

11 **MS. GRETA BOSSENMAIER:** And I was retired at
12 that period.

13 **MR. DAVID MORRISON:** And I was the Deputy
14 Minister of International Trade at that period. And it
15 appears to be a PCO document so, no.

16 **MR. GUILLAUME SIROIS:** Madam Commissioner, I
17 just got notification quite late that this document existed.
18 I understand that the witnesses don't necessarily know this
19 document, but I will try to talk about this document in a
20 general fashion.

21 **COMMISSIONER HOGUE:** Well, if they tell you
22 that they don't know the document, you'll have to ask your
23 questions without the use of this document because they don't
24 know this document.

25 So ask the questions you have in mind to
26 these witnesses and you'll see what they can answer or not.
27 But we can't replace their absence of knowledge by trying to
28 use the document. Unfortunately, it doesn't work that way.

1 **MR. GUILLAUME SIROIS:** In that case, we can
2 close the document if we can't talk about it.

3 And let's say there was a document that was
4 given to the Prime Minister signed by Mike MacDonald that was
5 saying or stating that there were no -- there was no evidence
6 of foreign interference in the digital information ecosystem,
7 but that there some blind spots -- sorry, I'll rephrase my
8 question. It's a bit challenging without the document, but
9 I'll try to rephrase to the best of my abilities.

10 So let's say there's a document similar to
11 what we just saw that says there's no evidence of broad-based
12 foreign state-directed interference campaigns in the digital
13 information ecosystems, but this hypothetical document noted
14 blind spots in determining state attribution and
15 distinguishing between foreign and domestic disinformation
16 campaigns.

17 I want -- just want to talk about blind
18 spots, as I've introduced. I know you can't speak about the
19 document, but what can you say -- tell me as NSIAs about
20 potential blind spots? Especially when you try to
21 distinguish between foreign and domestic disinformation
22 campaigns?

23 **MR. DAVID MORRISON:** I think it goes without
24 saying that the intelligence community does its utmost to
25 create a comprehensive view of the world. Does that mean the
26 intelligence community of any one country knows everything?
27 Of course not. So there are going to be intelligence gaps.

28 I would further submit that the online

1 ecosystem and the amount of information that is out there,
2 some real, some of it not, makes the entire business of
3 intelligence even more difficult.

4 So the -- we don't call the "blind spots".
5 We call them "intelligence gaps". And in almost any
6 assessment, there will be things that the intelligence
7 community knows and things that we don't know.

8 **MR. VINCENT RIGBY:** This is exactly what I
9 was saying before in terms of caveats and limitations.
10 Again, to use that metaphor of the jigsaw puzzle, you get as
11 many pieces as you possibly can to that jigsaw puzzle, but
12 you never get a complete picture, ever. There are always
13 going to be pieces missing.

14 There will be intelligence gaps and there
15 will be -- we don't call them blind spots, but there will be
16 pieces where we have to admit we don't have all the
17 information. So we make the best judgment that we possibly
18 can, but always make it clear that there are caveats attached
19 to.

20 **MR. GUILLAUME SIROIS:** And is there any way
21 to sort of give us an order of magnitude of those blind --
22 sorry, not blind spots, but intelligence gaps? How does it
23 look from an intelligence perspective?

24 **MR. DAVID MORRISON:** It's entirely dependent
25 upon the issue area, the question being asked, the country
26 that we are talking about. We have as a -- as Canada, as the
27 executive in Canada, we have intelligence priorities that are
28 set through an annual process or it may be a biennial

1 process, so we focus on the things -- or the areas from where
2 the community consensus is that the greatest threats are
3 likely to emerge, but there are gaps in our understanding of
4 many, many countries around the world and I assume if we are
5 talking about, for example, ideologically motivated violent
6 extremism here in Canada, there are gaps in our understanding
7 of that as well.

8 You have to remember that our adversaries are
9 not keen to tell us everything that they're doing, so there's
10 going to be gaps.

11 **MR. VINCENT RIGBY:** That's why I was saying
12 before that often in an intelligence assessment you will have
13 phraseology like we judge with high confidence, medium
14 confidence, low confidence that this is the case, but that a
15 good intelligence report will explain to you why it's low,
16 high, medium confidence because we have intelligence gaps in
17 a certain area.

18 So it's not a rating, you know, 1 to 10.
19 Again, it's not a science. But you can -- you know, you
20 don't predict in the intelligence community and you don't --
21 when looking backwards, you don't say definitively this is
22 what happened, so it's -- either way, whether you're looking
23 forward or you're looking into the past, there's a lot of
24 interpretation and you take the available evidence you can
25 and piece it all together, but you are making judgments at
26 the end of the day. They are judgements. They're not
27 statements of facts, necessarily.

28 **COMMISSIONER HOGUE:** [No interpretation]

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

2 **COMMISSIONER HOGUE:** I took note of the time
3 when you started. Go ahead and ask your last question.

4 **MR. GUILLAUME SIROIS:** Okay. So I'll just
5 ask my last question, then.

6 I'll try to narrow down the question that I
7 ask to help you maybe help me understand.

8 If we're talking about intelligence gaps
9 specifically regarding the determination of state attribution
10 and distinguishing between foreign and domestic
11 disinformation campaigns, what can you tell me about these
12 intelligence gaps specifically?

13 **MR. DAVID MORRISON:** I think we covered this
14 to a great extent in the last panel that I was on. I've just
15 said that the online environment presents particular
16 challenges, including with respect to whether something being
17 seen online is linked to a foreign state or to domestic
18 actors.

19 **COMMISSIONER HOGUE:** Merci.

20 Sikh Coalition?

21 So just in case, it's 6:15.

22 **--- CROSS-EXAMINATION BY MR. PRABJOT SINGH:**

23 **MR. PRABJOT SINGH:** Thank you, Commissioner.

24 And for the record, it's Prabjot Singh
25 appearing on behalf of the Sikh Coalition.

26 Mr. Rigby, if you don't mind, I'm going to
27 direct my questions words you just in the interests of time.
28 I don't want to run over my six minutes.

1 I think the three of you spoke to this when
2 you were speaking to Commission counsel, but one of the
3 primary responsibilities of the NSIA is to provide advice,
4 not just feeding raw intelligence or even analysis, but
5 actually providing the Prime Minister a guidance on how to
6 act. Is that fair?

7 **MR. VINCENT RIGBY:** That's fair.

8 **MR. PRABJOT SINGH:** And in the interview
9 summary, the role of the NSIA has been described as not just
10 feeding intelligence, but providing a world view that
11 contextualizes different pieces of intelligence. Is that
12 fair?

13 **MR. VINCENT RIGBY:** That is fair.

14 **MR. PRABJOT SINGH:** And I think you would
15 agree with me based on some of your public comments that, in
16 a general sense, without getting into the weeds, a consistent
17 touchstone of the Canadian government's worldview in recent
18 years has been that India is an important partner in the
19 Pacific region, particularly as an alternative or
20 counterweight to China. Is that fair?

21 **MR. VINCENT RIGBY:** I've made public
22 statements to that effect. I wouldn't necessarily have said
23 certain things while I was a public servant, but I've said in
24 response to the publication of the Indo-Pacific Strategy the
25 strategy will be challenged if we don't manage the
26 relationship with India carefully because the west is using
27 India to a certain extent as a bulwark against China. So
28 I've said that publicly, yes.

1 **MR. PRABJOT SINGH:** And so ---

2 **MR. VINCENT RIGBY:** And that's my opinion.

3 **MR. PRABJOT SINGH:** And I think with the
4 example of the Indo-Pacific Strategy, I think there's a
5 general sense of India is not seen as a hostile state, but a
6 potential partner. Is that fair?

7 **MR. VINCENT RIGBY:** Yes, I would say that,
8 again, what I've said publicly is that India needs to be seen
9 as a potential partner, but Canada also has to balance India
10 as a potential partner with certain activities it's been
11 accused of perpetrating and how you manage that very, very
12 delicate relationship.

13 **MR. PRABJOT SINGH:** And so naturally, then,
14 given that context of policy priorities of the government
15 that are -- and the intelligence priorities that are set, an
16 NSIA's advice to the Prime Minister and subsequent responses
17 to foreign interference would reasonably differ in approach
18 to combatting foreign interference from India versus from
19 China. Is that fair?

20 And I'm not trying to get into the specifics
21 of the response, but it's natural given the difference in the
22 relationship and the policy priorities that the approach
23 would be different in some ways.

24 **MR. VINCENT RIGBY:** I think the answer to
25 that would be it depends. It'd be very difficult to make a
26 generalization in terms of how I would apply a brief to the
27 Prime Minister -- and we're getting into conjecture here,
28 right, speculation on how I might have done something with

1 the Prime Minister about how I would brief about Indian
2 versus how I'd brief about China.

3 **MR. PRABJOT SINGH:** And so not speaking about
4 you specifically or necessarily about your tenure, but about
5 the role of the NSIA as somebody providing advice to the
6 Prime Minister. And if there's two countries like India and
7 China and the government has set two different policies and
8 there's two different relationships, naturally the advice and
9 response of the government would be different depending on
10 the unique circumstances.

11 And as a current ---

12 **MR. VINCENT RIGBY:** I think it's good,
13 actually, that David jumps in.

14 I'll have something to say, but I think David
15 should go first.

16 **MR. DAVID MORRISON:** My colleagues are
17 retired, so let me take a swing at this.

18 I don't agree with the premise in your
19 question. Canada has lots of interests that it tries to
20 balance in its relationship with any one country and it is
21 highly intolerant of foreign interference. So the premise
22 that because we have currently one kind of relationship with
23 China and you're suggesting a different kind of relationship
24 with India, your premise that we would somehow pull a punch
25 on foreign interference vis a vis the Prime Minister, I just
26 don't think is accurate.

27 **MR. PRABJOT SINGH:** And so just to clarify my
28 point, that's not what I was trying to suggest. I'm not

1 trying to say that the NSIA or the government wouldn't take
2 foreign interference seriously.

3 What I'm saying is that when, for example,
4 threat reduction measures are considered, there's different
5 risks that are assessed. And so because of the nature of a
6 relationship with any unique country is going -- that -- the
7 nature of that risk and the advice that will be given differs
8 country to country, based on policy priorities, and taking
9 India and China out of the example, speaking in general terms
10 about policy decisions; is that fair?

11 **MR. DAVID MORRISON:** You are -- no, it's not
12 fair because you are assuming that foreign policy
13 considerations somehow trump national security
14 considerations. So it would depend on the exact
15 circumstances, but it is not fair to say that across time and
16 space, because we're pursuing one policy towards one country
17 and another policy towards another country, the advice would
18 be different.

19 **MR. PRABJOT SINGH:** And so, again, I'm not
20 trying to suggest that one trumps the other. I'm saying that
21 when the NSIA is providing advice to the Prime Minister, the
22 NSIA is taking in a lot of intelligence and also the policy
23 priorities that have been dictated by the government, and
24 taking in all that host of factors with each unique country
25 and relationship differently; is that fair?

26 **MR. DAVID MORRISON:** The Prime Minister gets
27 his information from a much broader range of sources than
28 just the NSIA. He -- and the NSIA gets his or her

1 information from a much broader sources -- a much broader set
2 of sources than just intelligence. And I won't take up the
3 time because the witness summaries talk about all of the
4 different places that the NSIA gets his or her information.
5 So getting around what's fair or what's not fair, I think
6 your analysis is perhaps a little too simple. It doesn't
7 reflect the reality.

8 **COMMISSIONER HOGUE:** It's going to be your
9 last question ---

10 **MR. PRABJOT SINGH:** Sure. My final question
11 ---

12 **COMMISSIONER HOGUE:** --- because your time to
13 be ---

14 **MR. PRABJOT SINGH:** Yeah. My final question,
15 what I'm getting at, and, again, not to suggest -- and I'm
16 taking Indian channel. Let's take that out of the example
17 all together. What I'm talking about and suggesting, or
18 trying to get some clarification on is the fact that policy
19 priorities of the government do influence the means or
20 tactics that will be adopted versus each unique country
21 that's perpetrating foreign interference; is that fair?

22 **MR/ DAVID MORRISON:** No.

23 **MR. PRABJOT SINGH:** Thank you. Those are all
24 my questions.

25 **COMMISSIONER HOGUE:** Thank you.
26 Human Rights Coalition?

27 **--- CROSS-EXAMINATION BY MS. SARAH TEICH:**

28 **MS. SARAH TEICH:** Good afternoon, or should I

1 say good evening. If we can please pull up WIT 57 and turn
2 to page 2 and specifically paragraph 3. So in this
3 paragraph, Mr. Rigby describes the NSIA to have a role in,
4 "...stakeholder engagement writ large.
5 [And] explained that the NSIA will
6 sometimes engage with domestic partners
7 like police commissioners and members
8 of the academic community."

9 Has the NSIA engaged with diaspora
10 communities as part of its stakeholder engagement role?

11 **MR. VINCENT RIGBY:** I do not recall that I
12 did specifically. My colleagues may have a different answer,
13 but I did stakeholder engagement, we did public engagements,
14 speeches, academics, the private sector. Off the top of my
15 head, I can't remember any specific diaspora engagement.

16 **MR. DAVID MORRISON:** I -- my colleagues
17 pointed out I think that on the Global Affairs Canada panel
18 that we did do engagement with diaspora communities.

19 **MS. SARAH TEICH:** Okay. If we can next
20 please pull up CAN 19496?

21 **--- EXHIBIT No. CAN 19496:**

22 People's Republic of China Political
23 Interference in Canada

24 **MS. SARAH TEICH:** This is a briefing memo
25 from the NSIA to the Prime Minister titled "People's Republic
26 of China Political Interference in Canada". It's dated June
27 29th, 2017. And if we can turn to bullet 2 on page 2?

28 This reads,

1 "PRC threat actors have clandestinely
2 and/or deceptively attempted to..."

3 I won't read out this whole section, but, you
4 know,

5 "...influence the outcomes of [the]
6 Canadian elections [...];
7 Pressure and/or influence officials
8 into taking specific stances[...];
9 [...]
10 Force Canadian residents and/or
11 citizens to return to China against
12 their will through the use of
13 intimidating and threatening
14 behaviour..."

15 Then if we can go to page 4, the final
16 sentence, it notes that,

17 "Canadians of Chinese ethnicity and
18 those who are publicly critical of PRC
19 policies are most frequently subject to
20 such threatening behaviour."

21 If we can then go to the bottom of page 5,
22 just the very last line, this reads,

23 "This is a very sensitive issue, and
24 public efforts to raise awareness
25 should remain general and not single
26 out specific countries to avoid
27 potential bilateral incidents."

28 So my question is does the NSIA make a habit

1 of recommending that the Prime Minister prioritise avoiding
2 bilateral incidents over the safety and security of
3 Canadians?

4 **MR. DAVID MORRISON:** I would say no.

5 **MS. SARAH TEICH:** Care to elaborate?

6 **MR. DAVID MORRISON:** I got to that I think in
7 my answer to the previous questioners. I think it would be
8 very case specific. I would note that this is advice. I'd
9 never seen this document before. I don't think either of us
10 or any of us were NSIAs at the time. And it is advice, but
11 not something in my service that I've ever seen acted upon.

12 **MR. VINCENT RIGBY:** I would second that, and
13 I feel a little uncomfortable about commenting on a document
14 that I'm really not aware of and I didn't have the pen on.

15 **MS. GRETA BOSSENMAIER:** I would agree.

16 **MS. SARAH TEICH:** All right. Fair enough.
17 So would you agree then that Canadians would be best placed
18 to protect themselves from harassment, intimidation and/or
19 mis and disinformation if they are told which country or
20 countries specifically that the threat is emanating from?

21 **MR. DAVID MORRISON:** Yes, although it is
22 certainly my supposition that they know the Canadians that
23 are subjected to this kind of very unfortunate behaviour,
24 you've talked about threats and coercion. I think it is no
25 secret to them the countries from which it is emanating.

26 **MS. SARAH TEICH:** All right. Thank you.
27 Those are all my questions.

28 **COMMISSIONER HOGUE:** Thank you.

1 AG?

2 **MS. HELENE ROBERTSON:** We don't have any
3 comments for this panel. Thank you.

4 **COMMISSIONER HOGUE:** Any re-examination?
5 Thank you very much. You're free to go.

6 **THE REGISTRAR:** Order please.

7 This hearing is now adjourned for the day.

8 --- Upon adjourning at 6:27 p.m.

9

10 **C E R T I F I C A T I O N**

11

12 I, Sandrine Marineau-Lupien, a certified court reporter,
13 hereby certify the foregoing pages to be an accurate
14 transcription of my notes/records to the best of my skill and
15 ability, and I so swear.

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19 Sandrine Marineau-Lupien

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