



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

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

**Public Hearing**

**Audience publique**

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

**VOLUME 12**

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K1A 0N4

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Commission Counsel / Avocat(e)s de la commission	Gordon Cameron Erin Dann Matthew Ferguson Hubert Forget Howard Krongold Hannah Lazare Jean-Philippe MacKay Kate McGrann Lynda Morgan Siobhan Morris Annie-Claude Poirier Gabriel Poliquin Natalia Rodriguez Guillaume Rondeau Nicolas Saint-Amour Daniel Sheppard Maia Tsurumi Leila Ghahhary Emily McBain-Ashfield Hamza Mohamadhossen
Commission Research Council / Conseil de la recherche de la commission	Geneviève Cartier Nomi Claire Lazar Lori Turnbull Leah West
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### III

## Appearances / Comparutions

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

## IV Appearances / Comparutions

Churchill Society

Malliha Wilson

The Pillar Society

Daniel Stanton

Democracy Watch

Wade Poziomka  
Nick Papageorge

Canada's NDP

Lucy Watson

Conservative Party of Canada

Nando de Luca

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

Neil Chantler

Erin O'Toole

Thomas W. Jarmyn  
Preston Lim

Senator Yuen Pau Woo

Yuen Pau Woo

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Ottawa, Ontario

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

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

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

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

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

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

First, good morning, everyone.

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

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

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

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

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

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

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

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

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

1 these witnesses for further cross-examination.

2 **--- EXHIBIT No./PIÈCE No. CAN 4495:**

3 Briefing to the Prime Minister's  
4 Office on Foreign Interference  
5 Threats to Canada's Democratic  
6 Institutions

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

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

14 **COMMISSIONER HOGUE:** Who is ---

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

16 **MR. GUILLAUME SIROIS:** Guillaume from the  
17 Russian Canadian Democratic Alliance.

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

26 **Me GUILLAUME SIROIS:** L'Alliance apprécie la  
27 tentative de la Commission de remédier au préjudice causé par  
28 les documents qui ont été soumis très tard hier soir en

1 repoussant les contre-interrogatoires à cet après-midi, mais  
2 comme l'avait souligné l'Alliance dans son courriel envoyé à  
3 1 heure du matin aujourd'hui, la façon de remédier à ce  
4 préjudice était de repousser les audiences à demain et  
5 l'Alliance aimerait avoir une explication de pourquoi, ça, ça  
6 n'a pas été fait.

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

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

20 I think there's other options and the one  
21 that I'm implementing, I think, is reasonable in that  
22 context.

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

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

26 Just in respect of my colleague's reference  
27 to document 4495, the point that you're reserving on, I just  
28 want to add that that truly is a remarkable document and it

1 would be of assistance to the parties to know whether  
2 Commission counsel have had the opportunity to examine on  
3 that document *in camera*.

4 We got the document on Saturday, I gather. I  
5 didn't see it till Sunday. But as you consider whether or  
6 not to recall witnesses as my colleague has asked you to do,  
7 I would appreciate if you could also advise the parties  
8 whether or not this document was available to the Commission  
9 itself when they were conducting their own examinations  
10 earlier.

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

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

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

19 **MR. THOMAS JARMYN:** Commissioner, Tom Jarmyn  
20 for Erin O'Toole.

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

28 Thank you.

1 --- EXHIBIT No./PIÈCE No. CAN 4079 R01:

2 CAN004079\_R01

3 --- EXHIBIT No./PIÈCE No. CAN 15842:

4 Briefing to the Prime Minister's  
5 Office on Foreign Interference  
6 Threats to Canada's Democratic  
7 Institutions

8 **COMMISSIONER HOGUE:** So it's written down.  
9 Any other comments or requests or anything?  
10 Oui? Bonjour.

11 **MS. ERIN DANN:** (OFF MICROPHONE/HORS  
12 MICROPHONE)

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

15 This is what I was told. Actually, I checked  
16 this morning to make sure.

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

22 En principe, la pause est de 15 h 30 à... non,  
23 je m'excuse. Bon, je vois que j'ai oublié mes lunettes, en  
24 plus. Ah, c'est parce que la pause est prévue seulement for  
25 5 minutes.

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

28 **MS. ERIN DANN:** That's the -- that's the

1 hope.

2 **COMMISSIONER HOGUE:** Okay.

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

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

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

6 -

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

11 I'll see what we can do.

12 Anything else?

13 **MS. SARAH TEICH:** One last comment, Madam  
14 Commissioner.

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

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

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

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



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

5                   **THE REGISTRAR:** We'll start with you, Ms.  
 6 Bossenmaier.

7                   Would you please spell your name and state  
 8 your full name for the record, please?

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

12                   **THE REGISTRAR:** Thank you.

13 **--- MS. GRETA BOSSENMAIER, Affirmed/Sous affirmation**

14 **solennelle:**

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

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

17                   **LA GREFFIÈRE:** Bon matin.

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

21 **--- MME NATHALIE DROUIN, Affirmed/Sous affirmation**

22 **solennelle:**

23                   **LE GREFFIER:** Merci beaucoup.

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

26                   **Mme GINA WILSON:** Affirmed.

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

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

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

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

5 **LE GREFFIER:** Madame Beauregard:

6 **Mme MONIK BEAUREGARD:** Oui. Bonjour, mon nom  
7 est Monik Beauregard.

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

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

11 **LE GREFFIER:** Voulez-vous affirmer  
12 solennellement...

13 **Mme MONIK BEAUREGARD:** Affirmation.

14 **LE GREFFIER:** Pas de problème.

15 **--- MME MONIK BEAUREGARD, Affirmed/Sous affirmation**  
16 **solennelle:**

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

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

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

21 **--- EXAMINATION IN-CHIEF BY/INTERRGATOIRE EN CHEF BY**  
22 **MS. LYNDA MORGAN:**

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

27 Ms. Morgan, Ms. Drouin, and Ms. Wilson, you  
28 were interviewed by Commission Counsel on February 14th,

1 2024?

2 MS. NATHALIE DROUIN: Exactement.

3 MS. GINA WILSON: Yes.

4 MS. LYNDA MORGAN: Can I please have WIT 50,  
5 please, pulled up.

6 --- EXHIBIT No./PIÈCE No. WIT 50:

7 Interview Summary: Marta Morgan,  
8 Nathalie Drouin, Gina Wilson

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

12 MS. NATHALIE DROUIN: Oui.

13 MS. GINA WILSON: Yes.

14 MS. MARTA MORGAN: Yes.

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

17 MS. NATHALIE DROUIN: Oui.

18 MS. LYNDA MORGAN: Accurate, no changes?

19 MS. NATHALIE DROUIN: Yes. No changes.

20 MS. LYNDA MORGAN: No changes?

21 MS. MARTA MORGAN: It's accurate.

22 MS. GINA WILSON: No changes.

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

26 MS. NATHALIE DROUIN: Absolutely.

27 MS. MARTA MORGAN: Yes.

28 MS. GINA WILSON: Yes.

1 MS. LYNDA MORGAN: Can I pull up WIT 60,  
2 please.

3 --- EXHIBIT No./PIÈCE No. WIT 60:

4 In Camera Examination Summary:  
5 Nathalie Drouin, Gina Wilson, Marta  
6 Morgan, Monik Beauregard

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

12 MS. NATHALIE DROUIN: Oui.

13 MS. MARTA MORGAN: Yes.

14 MS. GINA WILSON: Yes.

15 MS. MONIK BEAUREGARD: Yes.

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

18 MS. NATHALIE DROUIN: No.

19 MS. GINA WILSON: No change.

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

23 MS. NATHALIE DROUIN: Oui.

24 MS. GINA WILSON: Yes.

25 MS. MARTA MORGAN: Yes.

26 MS. MONIK BEAUREGARD: Yes.

27 MS. LYNDA MORGAN: Thank you.

28 Can I have WIT 55, please.

1 --- EXHIBIT No./PIÈCE No. WIT 55:

2 Interview Summary: Monik Beauregard

3 **MS. LYNDA MORGAN:** And Ms. Beauregard, you  
4 were interviewed by Commission Counsel on February 22nd,  
5 2024; is that correct?

6 **MS. MONIK BEAUREGARD:** Oui.

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

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

10 **MS. LYNDA MORGAN:** And is that summary  
11 accurate?

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

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

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

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

18 And last one is WIT 37, please.

19 --- EXHIBIT No./PIÈCE No. WIT 37:

20 Public Summary of the Classified  
21 Interview of: Global Affairs Canada  
22 (Marta Morgan, Cindy Termoshuizen,  
23 Philippe Lafortune, Tara Denham,  
24 Gallit Dobner)

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

28 **MS. MARTA MORGAN:** Yes.

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

3                   **MS. MARTA MORGAN:** Yes.

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

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

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

9                   **MS. MARTA MORGAN:** No.

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

12                  **MS. MARTA MORGAN:** Yes.

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

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

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

18   Interview Summary: Monik Beauregard

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

23                                 **MS. NATHALIE DROUIN:** Oui.

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

26                                 **MS. NATHALIE DROUIN:** Oui.

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

1 --- EXHIBIT No./PIÈCE No. CAN.DOC 11:

2 Institutional Report for PCO

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

7 So the Cabinet directive establishing the  
8 Critical Election Incident Public Protocol sets out  
9 government expectations with respect to general elections or  
10 principles to guide the process for informing the public of  
11 an event that would threaten Canada's ability to have a free  
12 and fair election.

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

17 **MS. GINA WILSON:** Yes.

18 **MS. NATHALIE DROUIN:** Yes.

19 **MS. LYNDA MORGAN:** And the Panel was composed  
20 of five senior public servants, Clerk of the Privy Council  
21 Office; the National and Security and Intelligence Advisor to  
22 the Prime Minister; the Deputy Minister of Justice and Deputy  
23 Attorney General; fourth, the Deputy Minister of Foreign  
24 Affairs, and fifth, the Deputy Minister of Public Safety. Is  
25 that correct?

26 **MS. NATHALIE DROUIN:** Correct.

27 **MS. MONIK BEAUREGARD:** Correct.

28 **MS. GINA WILSON:** Correct.

1                   **MS. LYNDA MORGAN:** And can each of you  
2 briefly set out, or explain to the Commission, your role at  
3 the time that you sat on the Panel, and if you weren't  
4 sitting on the Panel for the entirety of the writ period of  
5 2019, if you could describe that timeframe as well, please?

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

7                   **MS. GRETA BOSSENMAIER:** Thank you. During  
8 the time of this Panel, I was the Prime Minister's National  
9 Security and Intelligence Advisor, a position that I started  
10 in the spring of 2018, and then retired in early  
11 December 2019.

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

13                   **MS. NATHALIE DROUIN:** Au moment du Panel  
14 2019, j'étais sous-ministre à la Justice et sous-procureure  
15 générale du Canada.

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

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

20                   **MS. MONIK BEAUREGARD:** J'étais sous-ministre  
21 déléguée à la Sécurité publique et au départ de madame  
22 Wilson, j'ai pris la relève, et donc, j'ai siégé sur le Panel  
23 à partir de la période du writ.

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

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

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

28                   I'm going to pull up the protocol from 2019.



1 We know that it changed in 2021. So if we can pull up  
2 COM 122, please. And scroll down to page 27 once this loads,  
3 please.

4 --- EXHIBIT No./PIÈCE No. COM 122:

5 Report On The Assessment Of The  
6 Critical Election Incident Public  
7 Protocol

8 **MS. LYNDA MORGAN:** So this is the Cabinet  
9 Directive on the Critical Incident -- Critical Election  
10 Incident Public Protocol. We can see that it's the 2019  
11 version.

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

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

16 "...reflective of the caretaker  
17 convention."

18 And Ms. Drouin, can you explain what that  
19 means, please?

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

22 So the writ period is -- or we -- the  
23 caretaking is a convention by which public servants and  
24 decisionmakers, Ministers, need to exercise constraints. And  
25 the reason of that is that the Parliament is dissolved and  
26 then not accountable to the public. So what it means is that  
27 only urgent matters and routine matters can be dealt with.  
28 And this is the reason why the Panel of Five only exercise

1 during the writ period, as outside of the writ period normal  
2 authorities can be exercised by departments and by Ministers.

3 I don't know if my colleague would like to  
4 add.

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

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

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

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

13 "...a limited mandate. It [is]  
14 only...initiated to respond to  
15 incidents that occur within the writ  
16 period and that do not fall within  
17 Elections Canada's [area] of  
18 responsibility..."

19 And just stopping there for a moment. I  
20 understand that the Panel had discussions with the Chief  
21 Electoral Officer of Elections Canada before the writ  
22 dropped. And if accurate, for what purpose did the Panel  
23 have those discussions?

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

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

5           **MS. GINA WILSON:** In the early meetings of  
6 the Panel of Five 2019, there was a meeting with Elections  
7 Canada to essentially outline what we were responsible for  
8 and what we understood our role to be, and just to engage  
9 with the Elections Canada officials to ensure that there was  
10 no overlap and to make sure that that was understood by all.

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

16           **MS. GINA WILSON:** No.

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

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

20           **MS. LYNDA MORGAN:** And if we can scroll down,  
21 please? Starting at -- so process here. And so the  
22 paragraph starts:

23                           "During the writ period, the protocol  
24                           for a public announcement would be..."

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

27                           "...regular briefings to the Panel on  
28                           emerging national security

1                   developments and [...] threats to [...]  
2                   integrity of the election.”

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

5                   **MS. NATHALIE DROUIN:** Yes. We received  
6 preliminary briefings with baseline information from the SITE  
7 Taskforce on threats and trends, but also potential foreign  
8 interference tactics and general briefings on countries that  
9 may engage in FI activity.

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

12                                “If the head of a national security  
13 agency [...] become[s] aware of  
14 interference in the 2019 General  
15 Election, [that] they will, in  
16 consultation with each other,  
17 consider all options to effectively  
18 address the interference.”

19                   And that includes in the absence of:

20                                “...overriding national security [or]  
21 public security reasons [informing]  
22 the affected party [...] of the  
23 incident directly.”

24                   So when we look at this step, was the  
25 National Security Agency meant to make that decision alone,  
26 being the decision to consider all options to effectively  
27 address the interference or notify parties? Or were they to  
28 do that with the instruction or direction of the Panel?

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

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

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

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

20                   If we look at the wording of the protocol,  
21 the last part of paragraph two:

22                   "Barring any overriding national  
23 security/public security reasons, the  
24 agencies will inform the affected  
25 party ([i.e., a candidate; a  
26 political party; Elections Canada) of  
27 the incident directly."

28                   Est-ce que je dois comprendre de ça que le

1 Panel of Five... il était convenu que le Panel of Five  
2 n'interviendrait pas à cet égard-là, ou est-ce que c'est  
3 quelque chose qui devait se faire en collaboration?

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

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

18 **Mme NATHALIE DROUIN:** Ben, en fait, SITE est  
19 pas... c'est un groupe d'experts, un groupe de travail. Ce  
20 n'est pas une reconnaissance juridique. C'est un  
21 regroupement de quatre organisations. Donc, ça pouvait être  
22 le représentant de SITE, par exemple, qui arrivait du Service  
23 de renseignement. Mais les... formellement, les briefings  
24 étaient plus faits par les agences que par le groupe  
25 d'experts.

26 **COMMISSAIRE HOGUE:** Merci.

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

1 "The Panel will evaluate incidents to  
2 determine if the threshold [...] [or]  
3 informing the public has been met."

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

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

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

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

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

1           So the threshold for informing the public  
2 indicates that:

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

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

12                   One of the bullets includes:

13                           “the degree of confidence [that]  
14 officials have in the intelligence or  
15 information.”

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

18                           “Although a disruptive event or  
19 interference may emanate from [a]  
20 domestic and/or foreign [actor]...”

21           The protocol directs the Panel that:

22                           “...as a starting point, the focus  
23 should be on foreign interference.”

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

27                   **MS. NATHALIE DROUIN:** Ms. Morgan, if you  
28 allow me, I would like to talk a little bit about the



1 threshold as I think that this is really relevant for the  
2 Commission.

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

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

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

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

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

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

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

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

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

22 And in terms of the interpretation of the ---

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

25 **Mme MONIK BEAUREGARD:** Mais si je peux me  
26 permettre, je voudrais adresser le troisième critère en ce  
27 qui a trait au seuil du protocole et juste pour ajouter que...  
28 pour parler un petit peu une minute du renseignement, qui

1 peut être à la fois très utile, mais qui peut aussi être très  
2 incomplet, et donc, cet élément de considération était  
3 essentiel pour nous.

4 Nous recevions des rapports de renseignement  
5 qui... effectivement, c'était des informations partielles, et  
6 donc, nous devions évaluer à la lumière de nos connaissances  
7 en général ce qu'on pouvait déjà avoir comme connaissances  
8 sur un acteur donné, des informations qu'on recevait qui  
9 étaient toutes finalement très partielles. C'est très rare  
10 qu'on puisse agir sur le contenu d'un seul rapport -- in  
11 terms of being actionable intelligence.

12 Et donc, c'est important de mentionner que  
13 ces rapports nous viennent avec des « caveats », avec des  
14 notes importantes sur la source qui fournit l'information,  
15 que ce soit une source humaine ou une source digitale, et ces  
16 notes sont absolument importantes à considérer. Elles sont là  
17 pour une très bonne raison et elles sont là pour que le  
18 panel, dans nos libérations, qu'on tienne compte de ces  
19 « caveats ». Et ça pouvait très bien être, par exemple, une  
20 source très bien établie dont les informations précédentes  
21 avaient été corroborées et ça peut aller jusqu'à l'autre bout  
22 du spectrum où c'est une nouvelle source dont les  
23 informations n'ont pas encore été testées.

24 Donc, tout ça entrainait dans la délibération  
25 sur... et qui, en bout de ligne, déterminait la confiance qu'on  
26 pouvait avoir sur la crédibilité et la fiabilité de  
27 l'information qui était fournie.

28 **COMMISSAIRE HOGUE:** Et les informa... I'm

1       sorry.

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

6                   **Mme MONIK BEAUREGARD:** C'était des  
7       informations de plusieurs sources.

8                   **COMMISSAIRE HOGUE:** Alors, elles vous  
9       informent de ça.

10                  **Mme MONIK BEAUREGARD:** C'est ça. Donc, dans  
11       les rapports, il y a une note d'information sur la source et  
12       l'agence qui nous fournit un rapport de renseignement va  
13       utiliser un langage très spécifique et quand même assez  
14       générique, c'est souvent le même langage qu'on va voir pour  
15       décrire une source et pour décrire l'information qui a été  
16       obtenue.

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

21                  **Mme MONIK BEAUREGARD:** Absolument. Et ça  
22       rentre dans le contexte de ce qu'on peut déjà savoir sur un  
23       acteur donné, sur... d'informations précédentes qui nous ont  
24       été fournies.

25                  **COMMISSAIRE HOGUE:** Merci.

26                  **Mme NATHALIE DROUIN:** Si je peux juste me  
27       permettre d'ajouter. Ce que vient de dire ma collègue est  
28       extrêmement important. Quand je vous parlais du seuil pour

1 faire une annonce, comme nous sommes dans une société de  
2 droit, le panel ne pouvait pas se permettre de faire une  
3 annonce sur des informations qui n'étaient pas fiables. Donc,  
4 c'était vraiment un élément important pour déterminer si, oui  
5 ou non, on peut faire une annonce qui peut avoir des impacts  
6 importants.

7 **COMMISSAIRE HOGUE:** Merci.

8 **MS. LYNDA MORGAN:** And was the panel in a  
9 position if you received information and had questions about  
10 the degree of confidence officials had in the intelligence or  
11 information, was there a pathway through which you could  
12 request additional information as a panel?

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

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

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

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

19 Critical Election Interference Public  
20 Protocol Panel - Workplan

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

23 Can you scroll down to page 3, please?

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

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

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

3 Can you scroll down a little bit more,  
4 please?

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

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

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

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

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

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

1 met.

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

3 I'll pull up one additional document, which  
4 is CAN 9920.

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

6 CEIPP - Meeting six

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

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

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

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

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

1 country."

2 Does that bullet accurately reflect the  
3 panel's deliberations or -- and/or the panel's conclusion in  
4 relation to this topic?

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

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

13 **MS. NATHALIE DROUIN:** Correct.

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

26 **MS. NATHALIE DROUIN:** We don't remember if we  
27 met.

28 **MS. LYNDA MORGAN:** Okay. And apart from that



1 particular meeting, does the table appear accurate to you in  
2 terms of the frequency of meetings?

3 **MS. NATHALIE DROUIN:** Yes. Maybe just to  
4 give a little bit of detail, so the meeting of the 21<sup>st</sup> was a  
5 30-minute meeting that was planned, but I think that at the  
6 end it didn't happen. None of us can remember whether or  
7 not, and we don't have any trace of it in our respective  
8 agenda.

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

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

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

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

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

28 **MS. LYNDA MORGAN:** And what was the purpose

1 of reviewing the hypothetical scenarios?

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

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

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

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

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

24 **MS. GRETA BOSSENMAIER:** Sure. And if you'll  
25 allow me, I just would like to reinforce that we did hold a  
26 number of these preparatory meetings that began at the end of  
27 May 2019. And I just stress that because these meetings  
28 truly were foundational in nature for us, and they proved to

1 be a very effective forum for us to develop and ensure we had  
2 a common understanding among us, and as you also referenced,  
3 the Elections Commissioner. So we reviewed things, again,  
4 like, the mandate. We reviewed the protocol in detail. We  
5 looked at the role of the Panel and key partners, including  
6 those in the security and intelligence community and others,  
7 again, like, Elections Commissioner and Elections Canada.

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

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

1 cetera. And their briefings would complement the daily  
2 amalgamated multi-source intel SITE reports, so reports from  
3 the SITE team, and we were ---

4 **MS. LYNDA MORGAN:** And are those the sitreps  
5 ---

6 **MS. GRETA BOSSENMAIER:** Correct.

7 **MS. LYNDA MORGAN:** --- that you're referring  
8 to?

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

19 So as I mentioned, the threshold discussions  
20 were of continuing ongoing focus for our deliberations,  
21 started pre-writ and then continued during the writ period.  
22 I think there's already been discussion around the scenarios  
23 and the table talk exercises. Again, those looked at  
24 everything from the types of potential interference, the  
25 sources, the implications, et cetera. So those formed a  
26 really important part of our meetings throughout the writ  
27 period. And then we would often conclude with a bit of a  
28 general discussion, and also identifying issues that we

1 wanted further follow-up on, or particular things we would  
2 like to further reflect upon. So there could be something  
3 coming out of that saying we'd like another briefing on this,  
4 or further discussion on this type of topic, or new topic at  
5 our next meeting. A bit of a déroulement of the meetings.

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

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

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

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

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

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

27 **COMMISSIONER HOGUE:** Okay. So it's note that  
28 you have taken in your review of your file and the notes you

1 may have taken in the past and ---

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

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

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

18 Thank you.

19 **COMMISSIONER HOGUE:** I understand. But I  
20 want to see the format of the notes before just accepting to  
21 provide you those.

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

24 Thank you.

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

26 So I'll summarize my understanding of your  
27 evidence thus far in terms of sources of incoming information  
28 or intelligence to the panel.

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

4 --- EXHIBIT No./PIÈCE No. CAN 9397:

5                           SITE TF SITREP - September 9, 2019

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

10           **MS. NATHALIE DROUIN:** Correct.

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

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

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

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

28                           So it was an important factor in terms of

1 assessing on a daily basis what the overall threat level was.

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

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

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

9 **MS. LYNDA MORGAN:** And these reports were  
10 received daily. Did you each receive them over the secure  
11 network?

12 **MS. MONIK BEAUREGARD:** Yes.

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

16 **MS. GRETA BOSSENMAIER:** Correct.

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

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

23 **MS. LYNDA MORGAN:** Okay. So an electronic  
24 delivery or effectively a hand delivery of intelligence  
25 products?

26 **MS. GRETA BOSSENMAIER:** Right. Respecting  
27 the classification of the material.

28 **MS. LYNDA MORGAN:** And was the panel able to



1 request further or follow-up underlying intelligence reports  
2 if they were of interest?

3 **MS. GRETA BOSSENMAIER:** We always had the  
4 ability to request more information.

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

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

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

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

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

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

23 **MS. GRETA BOSSENMAIER:** The head of RRM as  
24 well.

25 **MS. NATHALIE DROUIN:** The head of RRM also.  
26 But the SITE members per se were represented by the head of  
27 their respective agencies.

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

1                   And in terms of RRM, did you also receive  
2 written reports from RRM?

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

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

10                   I now want to get into some of the specific  
11 incidents or information that the panel dealt with during GE  
12 43 in terms of comments you're able to make publicly.

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

16                   **MS. MARTA MORGAN:** Right.

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

19                   So I understand that the Panel of Five  
20 received intelligence about alleged irregularities in a  
21 Liberal Party nomination contest in Don Valley North in  
22 September 2019. Is that correct?

23                   **MS. MARTA MORGAN:** Correct.

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

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

28                   If I may, Ms. Morgan, I think that we do have

1 a very public useful summary where you have those  
2 intelligence being reported.

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

5 It's CAN ---

6 **MS. NATHALIE DROUIN:** I think it can be  
7 useful.

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

9 And is this the document you were thinking  
10 of?

11 --- EXHIBIT No./PIÈCE No. CAN.SUM 1:

12 Don Valley North (DVN) Liberal Party  
13 Nomination Race in 2019

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

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

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

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

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

27 **MS. LYNDA MORGAN:** Right.

28 **MS. NATHALIE DROUIN:** So what I can tell you

1 is that, yes, the panel received some information. We  
2 discussed very seriously this piece of intel.

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

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

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

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

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

21 All the other elements were not corroborated.

22 And ---

23 **MS. LYNDA MORGAN:** Sorry. If I can just  
24 interrupt you.

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

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

1                   **MS. LYNDA MORGAN:** Okay.

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

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

10                   So that was another, I think, that we are --  
11 that we have looked at.

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

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

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

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

27                   **MS. NATHALIE DROUIN:** Because some of the  
28 intel had some funding allegations. And as I just said,

1 Elections Canada and the Commissioners do have jurisdiction  
2 when it comes to potential irregularities when it comes to  
3 funding.

4 **MS. LYNDA MORGAN:** And you've touched on  
5 discussions around ---

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

7 **MS. LYNDA MORGAN:** Yes.

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

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

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

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

28 However, you know, it was something that can

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

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

10 **MS. NATHALIE DROUIN:** Yes.

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

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

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

18 **MS. NATHALIE DROUIN:** Okay.

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

20 **MS. NATHALIE DROUIN:** Perfect.

21 **MS. LYNDA MORGAN:** --- to describe how that  
22 worked.

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

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

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

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

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

19           **MS. LYNDA MORGAN:** I can pull up the famous  
20 wrench, which is the CAN 457.

21           **--- EXHIBIT NO./PIÈCE NO. CAN 457:**

22                                   Critical Election Incident Public  
23                                   Protocol - The Panel

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



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

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

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

1 reproduisait à l'extérieur du Canada? Donc, ce sont tous des  
2 facteurs que l'on regardait pour mesurer l'impact.

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

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

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

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

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

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

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

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

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

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

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

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

1 avoir des discussions, faire des suggestions avec un  
2 ministère.

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

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

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

18 **MS. MONIK BEAUREGARD:** No.

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

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

23 **--- EXHIBIT No./PIÈCE No. CAN.SUM 10:**

24 People's Republic of China - Threat  
25 Actors, Contact with Candidates and  
26 Staff, and Funding of Threat Actors

27 **MS. LYNDA MORGAN:** And looking at this  
28 document, and again, the first page, which we don't have in

1 front of us, is a very lengthy list of caveats which has been  
2 reviewed in relation to this information, but was the Panel  
3 made aware during the writ period of intelligence assessments  
4 suggesting that there were likely at least two transfer of  
5 funds approximating \$250,000 from PRC official in Canada,  
6 possibly for FI-related purposes, and that were transferred  
7 via an influential community leader to the staff member of a  
8 2019 federal election and then to an Ontario MPP?

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

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

24 If you can scroll down.

25 There is a lot of ambiguity here in this  
26 paragraph. Donc, il y avait quand même une absence de  
27 certitude. Ce que je peux dire, c'est que nous étions au  
28 courant qu'il y avait des allégations de soutien financier

1       pour certains candidats et que, comme toute autre information  
2       qui avait été apportée au Panel à ce moment-là, on demandait  
3       aux agences de continuer à examiner la situation de très  
4       près.

5                        Mais comme encore une fois on peut voir selon  
6       le langage, et je vous réfèrerais au témoignage du directeur  
7       du SCRS la semaine dernière où il a dit que les mots qui ont  
8       été choisis pour ce résumé ont été très soigneusement  
9       choisis, on voit encore une fois que transpire une certaine  
10      ambigüité par rapport à l'analyse ou par rapport aux  
11      activités qui se déroulaient avant, pendant et après le writ.

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

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

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

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

4                   **MS. LYNDY MORGAN:** Thank you. In terms of  
5 the deliberations piece, do any of -- understanding you're  
6 limited in terms of what you're able to say, do any of the  
7 other Panel members have any comments to add in relations to  
8 deliberations on this issue?

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

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

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

1                   **COMMISSAIRE HOGUE:** Et je veux juste  
2 m'assurer de bien comprendre. Lorsque vous dites des  
3 informations sont arrivées après que les brefs... les writs  
4 soient... à l'extérieur de la période des brefs, c'est pas  
5 nécessairement parce que l'information était disponible mais  
6 elle ne vous a pas été communiquée, c'est parce que, ce que  
7 vous dites, c'est les agences continuent leur travail  
8 habituel d'enquête, et donc, au fur et à mesure que leur  
9 travail progresse, des nouveaux éléments peuvent apparaître,  
10 et donc, vous sont communiqués éventuellement ou  
11 ultérieurement.

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

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

20                   So I'll move on now to ask you about another  
21 issue.

22                   If we pull up CAN 856, please.

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

24                   Email: Intelligence report relating  
25                   to potential PRC foreign interference  
26                   - Oct 2019

27                   **MS. LYNDA MORGAN:** So this email is described  
28 as relating to an intelligence report relating to potential



1 PRC foreign interference. And if we scroll down. This is an  
2 email from Lyall King, who was the Chair of the SITE Task  
3 Force in 2019, and he is tracking the information flow in  
4 this email in relation to the intelligence report that's  
5 described.

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

9 So just stopping there.

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

11 So that's the Friday night. On the Friday --  
12 that's the Friday night, and the election's the following  
13 Monday.

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

18 "...received the information, they  
19 reached out to PCO to consult  
20 (discussion on reliability of  
21 intelligence, etc.)"

22  
23 "EC determined they wanted OCCE  
24 investigations team briefed;  
25 [redacted] briefed them on Saturday."

26 And Mr. King writes that,

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

1 Which is Panel of Five recipients,  
2 "...it is unclear who actually saw  
3 the material at what time (still not  
4 clear)."

5 He then notes that,  
6 "Presumably since [NSIA saw -- or  
7 since] NSIA had the information  
8 Friday, she could have convened a  
9 discussion if she felt it were  
10 necessary."

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

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

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

24 **Mme NATHALIE DROUIN:** Je ne pense pas avoir  
25 reçu le courriel; par contre, l'information dont il est  
26 question ici a été reproduite dans le daily SitRep d'octobre,  
27 du 21 octobre, et on voit aussi dans ce SitRep-là que  
28 l'information était pertinente et sous la juridiction du

1 commissaire à l'élection et a été transféré au commissaire à  
2 l'élection. Et tous les membres du Panel recevaient le daily  
3 SitRep.

4 **Mme MONIK BEAUREGARD:** Oui. Dans mon cas, je  
5 ne l'aurais pas reçu le vendredi soir parce qu'il aurait  
6 fallu qu'il soit imprimé pour que je puisse le lire et de la  
7 manière qu'on était établi à la Sécurité publique, c'était  
8 pas... it wasn't conducive for me to receive late in the day  
9 because they had to be printed out and put into packages and  
10 delivered to me, so I would have seen that on the Monday.

11 **MS. LYNDA MORGAN:** Thank you. And in  
12 addition to what Ms. Drouin has described as being reflected  
13 in the following sitrep, are you able -- is anyone able to  
14 comment on what the panel understood was done in relation to  
15 the -- this issue?

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

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

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

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

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

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

23                   Vous avez certainement vu qu'avant les  
24 élections de 2019, la ministre Gould, qui était la ministre  
25 des Institutions démocratiques à l'époque, avait déposé un  
26 plan d'action qui était fondé sur quatre piliers importants,  
27 dont le pilier pour la création du Panel of 4... of 5, pardon,  
28 mais dans le cadre de ces travaux-là, il y a également une

1 déclaration qui a été signée avec des grandes plateformes,  
2 dont Facebook, Google, Microsoft et Twitter, et c'était une  
3 déclaration volontaire qui permettait finalement ou donnait  
4 la responsabilité à ces grandes plateformes-là de retirer de  
5 leurs plateformes des informations qui pouvaient être fausses  
6 ou trompeuses. Et la déclaration a vraiment un élément ou un  
7 aspect très, très précis sur la mauvaise représentation d'un  
8 individu à titre d'exemple.

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

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

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

25 **MS. MARTA MORGAN:** So if I may, the -- as you  
26 know from my testimony that you received at the Commission  
27 last Friday, the Rapid Response Mechanism which was housed at  
28 GAC was monitoring the social media and information ecosystem

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

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

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

27 SITE TF SITREP: 21 October 2019

28 **COMMISSIONER HOGUE:** Thank you. So we'll

1 take a short break. Five minutes?

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

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

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

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

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

9 --- La séance est reprise à 11 h 20

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

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

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

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

19 **COMMISSAIRE HOGUE:** So, c'est vous, Maitre  
20 MacKay qui...

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

22 **COMMISSAIRE HOGUE:** ...interrogez? Alors, vous  
23 pouvez y aller.

24 **Me JEAN-PHILIPPE MacKAY:** Bonjour, Madame la  
25 commissaire.

26 Alors, Jean-Philippe MacKay pour la  
27 Commission. Aux fins de l'interrogatoire des témoins du  
28 groupe d'experts de 2021 -- ce qui est connu comme le Panel of

1 5, en anglais.

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

5 **LE GREFFIER:** Y'a pas de problème.  
6 Certainement.

7 J'imagine qu'on a déjà la plupart qui ont  
8 déjà été assermentés.

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

12 **LE GREFFIER:** OK. Et madame Charette aussi,  
13 j'imagine?

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

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

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

18 **MS. JANICE CHARETTE:** I'd like to be sworn,  
19 please.

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

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

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

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

27 Mr. Stewart, would you like to be sworn or  
28 affirmed?



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

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

4                   **MR. ROBERT STEWART:** Rob Stewart. S-t-e-w-a-  
5 r-t.

6                   **--- MR. ROBERT STEWART, Sworn/Assermenté:**

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

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

10                   **LE GREFFIER:** Merci.

11                   **--- M. FRANÇOIS DAIGLE, Affirmed/Sous Affirmation solennelle**

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

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

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

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

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

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

20                   Could you please state your name and your  
21 full name for the record?

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

24                   **--- MR. DAVID MORRISON, Sworn/Assermenté:**

25                   **THE REGISTRAR:** Counsel, I believe you may  
26 proceed.

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

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

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

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

4 **--- EXHIBIT No./PIÈCE No. WIT 53:**

5 P5 2021 Public Summary of In Camera  
6 Examination

7 **MR. JEAN-PHILIPPE MacKAY:** So this is the *in*  
8 *camera* examination summary that was prepared in relation to  
9 the evidence given by the witnesses during the *in camera*  
10 hearing.

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

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

13 P5 2021 Public Summary of Classified  
14 Interview

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

17 Do you recall being interviewed and examined  
18 *in camera* by Commission counsel?

19 **PANEL MEMBERS:** Yes.

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

23 **PANEL MEMBERS:** Yes.

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

27 **PANEL MEMBERS:** Yes.

28 **MR. JEAN-PHILIPPE MacKAY:** Do you have any

1 changes to make to the summaries today?

2 **PANEL MEMBERS:** No.

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

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

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

8 I will begin by the roles that you had in  
9 2021 when you participated in the activities of the Panel of  
10 Five, so we can begin by Ms. Charette and then go through all  
11 of the witnesses.

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

13 I was appointed as the Interim Clerk of the  
14 Privy Council in March of 2021 and it was in that capacity  
15 that I served as the Chair of the Panel of Five for the 2021  
16 election, also known as GE 44.

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

23 **MR. ROBERT STEWART:** I was appointed Deputy  
24 Minister of Public Safety in October of 2019 and I was Deputy  
25 Minister of Public Safety for the work of the Panel in 2021.

26 **M. FRANÇOIS DAIGLE:** J'ai été nommé sous-  
27 ministre à la Justice et sous-procureur général du Canada  
28 après le départ de Me Drouin, donc en début août, et j'ai

1 participé aux réunions du Panel à partir de la réunion du  
2 23 août.

3 **MS. MARTA MORGAN:** I was the Deputy Minister  
4 of Foreign Affairs for the entire period leading up to and  
5 during the panel.

6 **MR. DAVID MORRISON:** I was the Prime  
7 Minister's Foreign and Defence Policy Advisor beginning in  
8 early 2019. In that capacity, in -- on the 1st of July,  
9 2021, I was asked to act as the National Security and  
10 Intelligence Advisor, and that was the capacity that I held  
11 until early 2022, so I was Acting NSIA throughout the end of  
12 the run-up to the election and through the aftermath.

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

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

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

1 exemple étaient souvent en ligne.

2 Et ce matin, j'ai expliqué que les breffages  
3 étaient donnés par les premiers dirigeants des agences de  
4 sécurité et de renseignement; dans le cadre des travaux de  
5 2021, c'était les représentants de SITE vraiment qui nous...  
6 toujours en présence des dirigeants des organismes, mais  
7 c'était les représentants de SITE qui nous offraient nos  
8 briefings en matière de renseignement.

9 Je sais pas si...

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

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

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

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

24 **Mme NATHALIE DROUIN:** La première  
25 modification, c'est que le protocole de 2019 était... a  
26 vraiment été fait pour les élections de 2019, alors qu'en  
27 2021, on a rendu le protocole bon pour toute élection  
28 générale, donc non pas seulement pour 2019, mais aussi 2021.

1           On est venu également clarifier la période  
2 pour laquelle le Panel exerçait ses fonctions. On utilise la  
3 campagne électorale ou le pre-writ, le writ period en 2019,  
4 alors qu'on utilise la convention de transition pour la  
5 directive de 2021.

6           La distinction entre les deux, c'est que la  
7 convention de transition s'applique jusqu'à ce qu'un  
8 gouvernement soit nommé, non pas justement à la journée de  
9 l'élection, donc il y a une différence en termes temporels  
10 qui pouvait exister. Donc, c'est une des différences entre  
11 2019 et 2021.

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

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

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

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

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

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

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

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

27                   Madame Drouin, vous avez mentionné le  
28 commissaire aux élections, mais j'ai le protocole devant moi,

1 simplement pour clarifier, c'est le directeur général des  
2 élections.

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

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

6 **Mme NATHALIE DROUIN:** Exactement.

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

8 **Mme NATHALIE DROUIN:** Oui.

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

10 **MS. NATHALIE DROUIN:** Je pense que Me Daigle  
11 voulait...

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

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

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

27 **MS. JANICE CHARETTE:** I think what the  
28 addition meant was that the scope of our work was clearly



1 defined to include any threat to the ability of Canadians to  
2 have a free and fair election that would come from a domestic  
3 source, or perhaps a domestic source working on behalf of a  
4 foreign actor was explicitly within the scope of our work.  
5 And so the work of the members of the SITE Task Force, the  
6 information they were collecting and then providing to us,  
7 was informed by that broadened scope.

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

9 After the election in 2019, there was a  
10 review of the operation of the Panel conducted by Mr. Judd.  
11 Can you briefly describe the relevant recommendations from  
12 the Judd Report, and whether or not they were implemented for  
13 the election in 2021?

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

24 So Mr. Judd's report contained a number of  
25 recommendations that were then reflected in the changes to  
26 the Protocol. Clarity with respect to the caretaker period,  
27 for instance, given that some of the events could have -- if  
28 there was to be a change in government, for example, in the

1 period between the election and the swearing in of a new  
2 government, that would continue to be the caretaker period.  
3 And for clarity's sake, then the Panel's operations would  
4 continue until there was a new government. As Mr. Daigle  
5 said, in 2021, we had a returning government that was clear,  
6 and so the Panel's work finished at the time of the election.

7 He also suggested that there be clarity with  
8 respect to the inclusion of domestic actors as well as  
9 foreign. So I think the recommendations of Mr. Judd were  
10 reflected in the changes to the Protocol.

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

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

27 And the second was Mr. Judd did discuss  
28 whether or not the composition of the Panel of Five should be

1 changed, and in fact, the government retained the composition  
2 that you see here today.

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

4 I'll ask the registrar to pull up CAN.DOC 11,  
5 please.

6 And this is the institutional report from the  
7 Privy Council Office.

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

11 We see here a list of Panel meetings that  
12 occurred in relation to the 44th election. We see -- so that  
13 some meetings occurred before the writ period, some meetings  
14 occurred during the writ period, and we have two meetings  
15 after the writ period. And also, we see in this document, on  
16 July 12<sup>th</sup>, and on other days, discussions in the summary  
17 column about the threshold discussion scenario exercise and  
18 also threat landscape update or threat landscape briefing.

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

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

28 Just to be clear, you know, through the

1 beginning of 2021 and into the summer we were in kind of a  
2 progressive education mode, where we started by socializing  
3 amongst ourselves the role of the Panel, lessons learned, and  
4 the recommendations of the Judd Report, which we've just  
5 spoken to.

6 As we reached the summertime and the  
7 possibility that an election might be called seemed more  
8 present, we began to focus more centrally on what our role  
9 would be, including various dimensions of it, operations and  
10 communications, the role of the SITE Taskforce.

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

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

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

1 for us.

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

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

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

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

26 **MR. DAVID MORRISON:** I was generally aware of  
27 the issues because of the other role I described that I held  
28 within the Privy Council Office in the first half of 2021,

1 and then I was formally onboarded in July and was given a  
2 package to read, and I asked questions, and then fully  
3 participated in the meetings from then on.

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

10 **MR. DAVID MORRISON:** Absolutely.

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

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

22 We had an opportunity, as Mr. Stewart  
23 described, to make sure that we had a foundational briefing  
24 and understanding of the threat and risk environment along  
25 the vectors that Mr. Stewart described, of the kind of where  
26 the threats and risks could come from, capabilities of  
27 various actors.

28 We had an opportunity as well to discuss and

1 provide direction to members of the SITE Taskforce about  
2 intelligence requirements or information requirements that we  
3 thought we might have in order to be able to discharge our  
4 function when we got to the election.

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

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

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

25 **Mme NATHALIE DROUIN:** Exactement. Donc,  
26 madame Morgan et moi savions qu'on avait la responsabilité  
27 d'assurer cette continuité pis d'amener une expérience..  
28 l'expertise et les façons de faire qui avaient été

1 développées en 2019. Mais je voudrais aussi ajouter que le  
2 Secrétariat aux institutions démocratiques, qui est dirigé  
3 par Allen Sutherland, a aussi joué un rôle important dans le  
4 transfert des connaissances.

5 **Me JEAN-PHILIPPE MacKAY:** Et question pour  
6 vous, Madame Drouin, est-ce que le portrait de la menace ou  
7 des menaces était différent en 2021 par rapport à 2019? On  
8 comprend qu'il y avait des situations qui avaient évolué,  
9 notamment en lien avec les menaces domestiques qui ont été  
10 mentionnées un peu plus tôt par monsieur Stewart, mais de  
11 manière générale, est-ce que le portrait était différent en  
12 2021?

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

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

24 **MR. JEAN-PHILIPPE MacKAY:** And my questions  
25 now turn to this topic of online -- the threat online. So  
26 was that part of the discussions you had prior to the writ  
27 period in preparing for the election period, the threats that  
28 could appear online in relation to disinformation for



1 example?

2 **MS. MARTA MORGAN:** Yes. That was an  
3 important part of our preparation. I mean, I think we'd seen  
4 an evolution over a number of years of the threat situation  
5 and the online -- in the online environment. That was one of  
6 the reasons prior to 2019 that we had established the Rapid  
7 Response Mechanism, but we also had the CSE, who was looking  
8 at different capabilities that countries had in terms of  
9 cyber attacks and that sort of thing.

10 And so what we recognized there was this was  
11 an environment that was continuously evolving in terms of the  
12 strategies and tactics that could be used and one that had to  
13 be very mindful of.

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

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

18 Critical Election Incident Public  
19 Protocol Panel - Meeting Notes

20 **MR. JEAN-PHILIPPE MacKAY:** We can scroll down  
21 slowly.

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

27 So my question to you, what is this document?  
28 If you recognize it, of course, but what is this document,

1 who prepared it?

2 **MS. JANICE CHARETTE:** So perhaps I can answer  
3 that.

4 So this document is not a document that the  
5 Panel of Five saw during our work in the 2021 election. We  
6 saw it in the context of preparing for our testimony before  
7 the Commission.

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

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

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

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

18 **MS. JANICE CHARETTE:** So at, I would say, all  
19 of our meetings, as the Panel of Five there was a  
20 representative, Al Sutherland, from our democratic  
21 institutions team, protecting democracy team, and he was  
22 there as an advisor to the panel.

23 He was the -- he was the supporter of the  
24 team that basically helped to draft the protocol. As well,  
25 he had drafted the -- another document, which is an agreement  
26 with the social media platforms, in terms of integrity in the  
27 social media space during an election. And he was able to  
28 bring that information and that -- and the awareness of

1 interactions with the social media companies and inform our  
2 deliberations about that.

3 We had a communications advisor, Ken  
4 MacKillop, who was a PCO individual as well, because we were  
5 mindful of, as the panel, should it come to the point where  
6 we had to make a public announcement or any communications  
7 that would happen related to the work of the panel that this  
8 would be done in a particularly sensitive time and we were  
9 looking for expert communication support, and that was Mr.  
10 MacKillop's role.

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

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

18 **COMMISSIONER HOGUE:** Thank you.

19 **MS. JANICE CHARETTE:** So maybe I could just  
20 add, we were talking earlier about the operation of the  
21 panel.

22 So in the context of an actual meeting, we  
23 would start a meeting with a briefing by the leads of the  
24 SITE Task Force, the heads of CSIS and CSE, the lead for the  
25 Rapid Response Mechanism and a senior representative of the  
26 RCMP. We'd have a chance to hear from them individually, ask  
27 questions, ask follow-up, hear from Al Sutherland and Mike  
28 MacDonald in terms of any information that they would bring

1 to us. But as the Panel of Five, we asked the SITE  
2 representatives to leave and we deliberated just amongst  
3 ourselves in terms of whether or not any of the information  
4 or intelligence that was brought to us during the election  
5 met the threshold, and I know we'll come to that.

6 **COMMISSIONER HOGUE:** Thank you.

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

12 **Mme NATHALIE DROUIN:** En termes de ce que  
13 madame Charette vient d'expliquer, c'est-à-dire qu'on  
14 recevait l'intelligence et ensuite on délibérait entre les  
15 membres, c'est exactement la même chose qui s'est déroulée en  
16 2019. L'une des différences, comme je l'ai mentionné tantôt,  
17 c'était le fait qu'on avait des membres qui participaient de  
18 façon hybride, puis on avait directement les membres de SITE  
19 et non pas juste les premiers dirigeants des agences de  
20 renseignement.

21 Donc, c'était principalement les grandes  
22 différentes.

23 **Me JEAN-PHILIPPE MacKAY:** Et sur ce point de  
24 la...

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

1                   **Me JEAN-PHILIPPE MacKAY:** Et les breffages  
2 qui vous étaient donnés oralement par certains représentants  
3 d'agences de renseignement, pour ce qui est du SCRS, on voit  
4 dans les notes, qui sont toujours à l'écran, que le directeur  
5 du Service donnait ou vous transmettait les renseignements et  
6 on comprend que monsieur Vigneault ne participait pas aux  
7 activités quotidiennes du groupe SITE.

8                   Est-ce que c'était monsieur Vigneault qui  
9 vous transmettait les renseignements pour le SCRS lors des  
10 rencontres du Panel?

11                   **Mme NATHALIE DROUIN:** Il était présent lors  
12 des rencontres et participait très activement aux breffages  
13 qui étaient donnés aux membres.

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

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

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

1           And I'll ask Ms. Morgan and Ms. Drouin, there  
2 was the -- there was evidence this morning concerning the  
3 development of a shared understanding of the threshold in  
4 2019. And compared to 2021, was this shared understanding  
5 any different with the new -- the new panel members with whom  
6 you worked in 2021?

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

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

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

28           And so I think this is very good summary,

1 actually, of how we sort of looked at issues as they arose.

2 **MR. JEAN-PHILIPPE MacKAY:** And would you use  
3 this placemat that we're looking at at this moment in  
4 relation to all incidents that would be brought to your  
5 attention during the writ period -- would you use that as a  
6 tool systematically when you were looking at the various  
7 situations brought to your attention?

8 **MS. MARTA MORGAN:** I would describe it as a  
9 resource that was available to us among other resources,  
10 including the protocol itself, which we referred to quite  
11 often, and including the intelligence and information that  
12 was brought back to us.

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

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

21 **MR. FRANCOIS DAIGLE:** Je vais tenter de  
22 répondre à la question.

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

28 Ici, je pense, dans le document, il y en a

1 trois différents scénarios. Moi, j'avais regardé le premier,  
2 mais juste pour vous donner un exemple du genre de  
3 discussions qu'on avait, le premier scénario, si vous allez  
4 au scénario 1 là, « Toronto troubles », the scenario is about  
5 the chief electoral officer recommending that we postpone the  
6 election in some ridings because there's some concerns about  
7 the spread of COVID and that kind of -- and then you'll see  
8 that there's some injects, three injects, different  
9 information that comes to us.

10 Donc, nous, on prenait cette information-là  
11 puis on appliquait... moi, c'était un outil là, la clé de  
12 molette, c'était un outil qu'on utilisait dans les scénarios,  
13 qu'on utilisait à chacune de nos réunions.

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

28 Donc, chacun de ces scénarios-là nous amenait



1 à se poser ce genre de questions là pour qu'on puisse arriver  
2 à un consensus sur qu'est-ce qui est pertinent, qu'est-ce qui  
3 est moins pertinente, puis madame Morgan a passé les critères  
4 qui se retrouvent dans le document, mais on regardait aussi  
5 les questions de crédibilité, de pertinence, l'ampleur de  
6 l'évènement ou la durée de l'évènement : est-ce que c'est un  
7 évènement ou c'est un évènement qui persiste? Est-ce qu'on...  
8 il y a eu une tentative de corriger l'information puis,  
9 malgré la tentative de correction, la mésinformation continue  
10 ou persiste?

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

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

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

27 **Mme NATHALIE DROUIN:** Forts de l'expérience  
28 de 2019 avec les conversations qu'on avait eues, les travaux

1 de 2021 étaient plus faciles, plus claires, et je pense que  
2 les membres du Panel n'ont jamais douté qu'on devait regarder  
3 l'impact au niveau des comtés, des circonscriptions, et non  
4 pas juste de façon globale.

5                   Même situation en 2021 qu'en 2019 : toutes  
6 les informations que l'on a reçues étaient des informations  
7 qui étaient relatives à des comtés en particulier, donc nos  
8 travaux étaient toujours basés, étant donné les faits devant  
9 nous, sur des impacts qui pouvaient avoir lieu au niveau  
10 d'une circonscription en particulier. Donc, on n'avait pas  
11 besoin de voir une conséquence sur les quelques 300  
12 circonscriptions pour faire une détermination.

13                   **Me JEAN-PHILIPPE MacKAY:** Et on comprend...

14                   Oh! Excusez-moi.

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

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

1                   **MR. JEAN-PHILIPPE MacKAY:** And we understand  
2 that no public communication either at the national level or  
3 targeted communication occurred in 2021. The panel did not  
4 communicate publicly ---

5                   **MS JANICE CHARETTE:** Yeah.

6                   **MR JEAN-PHILIPPE MacKAY:** --- under a  
7 protocol?

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

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

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

1                   **Mme NATHALIE DROUIN:** Je pense que c'était  
2 très clair pour les membres en 2021 que, malgré les travaux  
3 du Panel des 5, les différents ministères et agences  
4 retenaient leurs autorités, et donc, avaient certains outils  
5 à leur disposition pour venir corriger ou mitiger une  
6 situation. C'était donc clair qu'on pouvait avoir des  
7 conversations, des suggestions, on pouvait... que ce soit la  
8 greffière, dans son rôle de greffière, pouvait parler avec  
9 certains sous-ministres dans l'éventualité où on aurait  
10 besoin de faire des corrections.

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

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

22                   **M. ROBERT STEWART:** Je voudrais ajouter  
23 quelque chose.

24                   Let me just say that the security  
25 intelligence community is very close knit, and the community  
26 coordinates very effectively, but each of the principal  
27 actors has their own powers and authorities; right? The  
28 RCMP, of course, operates under the principle of police

1 independence. Nobody tells them what to do. But with CSE  
2 and CSIS, they have toolkits, and they can act under the  
3 authority of their deputy heads up to a certain point in  
4 time. They are responsible to administer out, Global Affairs  
5 is in this category as well. They're responsible to  
6 ministers, and so at some point, if they planned an action,  
7 they would seek to inform, and maybe seek the non-disapproval  
8 of a minister to ensure that they had the support to do what  
9 they were empowered to do. We always thought about the  
10 opportunity or the necessity in the discussion of our  
11 scenarios of those powers being exercised, and in addition,  
12 we thought about what would happen outside the realm of  
13 government, which is the role of civil society in the media  
14 and others who might choose to call out or otherwise  
15 foreground the possibility of foreign interference as a  
16 below-the-threshold response.

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

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

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

25 **Mme NATHALIE DROUIN:** C'était dans le cadre  
26 des travaux sur le développement d'une approche  
27 communicationnelle.

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

1                   Donc, maintenant, on passe à la période  
2 électorale.

3                   Madame Drouin, puisque vous étiez... ou Madame  
4 Morgan, puisque vous étiez présentes en 2019, est-ce que la  
5 manière dont le Panel a fonctionné pendant la période  
6 électoral était différente en 2021 qu'en 2019? Et je pense  
7 notamment à la circulation du renseignement, la manière dont  
8 le renseignement vous était apporté, les documents qui vous  
9 étaient disponibles, les breffages verbaux, et cetera, donc  
10 sur le plan processuel, est-ce que la situation était  
11 différente en 2021 qu'en 2019?

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

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

27                   **MS. NATHALIE DROUIN:** Ça arrivait souvent,  
28 d'ailleurs, pas nécessairement dans les cadres des travaux du

1 Panel, mais c'est arrivé durant la pandémie. C'est toujours  
2 l'opportunité du conseiller en sécurité nationale du premier  
3 ministre ou de la greffière de convoquer une réunion  
4 d'urgence afin qu'on prenne connaissance de documents.

5 Peut-être mon collègue avait probablement le  
6 bénéfice... moins le bénéfice que moi-même de travailler de la  
7 maison étant donné ses fonctions, donc il avait accès à  
8 l'information de façon plus régulière.

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

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

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

26 **MR. ROBERT STEWART:** And just to add. Many  
27 of us were in the position of receiving intelligence on a  
28 continuing basis throughout the pandemic, and throughout the

1 duration of the election, pertaining to other events. And of  
2 course there were other events of quite significant  
3 importance in the national security context, notably  
4 Afghanistan.

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

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

28 **MS. JANICE CHARETTE:** Mr. Vigneault, and



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

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

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

18 **--- EXHIBIT No./PIÈCE No. CAN 1082:**

19 Liberal Party Representatives SITE  
20 Briefing

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 **COMMISSIONER HOGUE:** Thank you.

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

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

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

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

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



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

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

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

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

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

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

1 you came up with?

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4 Those were my questions, Madam Commissioner.

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

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

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

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

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

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

14 --- La séance est reprise à 13h43

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

17 This sitting of the Foreign Interference  
18 Commission is back in session. Cette séance de la Commission  
19 sur l'ingérence étrangère a repris.

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

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

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

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

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

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

26 **COMMISSIONER HOGUE:** So three things before  
27 we start:

28 La plus importante, Maitre Manseau, vous êtes

1 en charge de faire signe si jamais on passe tout droit à  
2 3 h 15. Alors, on va compter sur vous.

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

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

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

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

28 **MR. GUILLAUME SIROIS:** Guillaume Sirois,

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

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

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

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

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

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

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

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

26 **MR. GUILLAUME SIROIS:** Exactly. And the  
27 *in-camera* summary is effectively on the party database, it's  
28 just in the witness summary it says that the GAC witnesses



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20 **MR. GUILLAUME SIROIS:** And during -- when the  
21 panel witnesses this -- je vais poser ma question en  
22 français.

23 Est-ce que l'écosystème était en mesure de  
24 corriger l'information?

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

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

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

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

14           Same paragraph of page 4 reads that the  
15 DFRLab:

16                   "...could not confidently attribute  
17                   any of these events to the operations  
18                   of a foreign government."

19           This would require access to corroborating  
20 evidence and technical back-end data that was not available  
21 in this case.

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

27           **MS. MARTA MORGAN:** Well, I'm not sure that I  
28 see the second sentence that you're referring to. I see the

1 first sentence. This could ---

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

4 **MS. MARTA MORGAN:** Yeah, the DFRLab could not  
5 confidently attribute any of these events.

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

12 Those sentences is what you're asking about?

13 **MR. GUILLAUME SIROIS:** Exactly.

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

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

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

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

1           It was noted, I think, in the RRM reports  
2 that have been made public that this was -- it is a challenge  
3 to attribute and that they need to continue to increase their  
4 capability.

5           And one of the things that they do for that  
6 reason is to work with outside organizations in order to  
7 buttress and augment their capacity, particularly during  
8 election campaigns, given the importance of that time period  
9 to us.

10           **MR. GUILLAUME SIROIS:** And so I understand  
11 you saying that it's a significant challenge for the  
12 government, but I'm wondering, if I understand correctly,  
13 that today it's still an open question whether these ample  
14 cases of disinformation and coordinated in authentic  
15 behaviour discussed here originated from a foreign country.  
16 Is it still an open question?

17           **MS. MARTA MORGAN:** Well, I mean, I think that  
18 the reports have been pretty clear that it could not be  
19 determined that these cases were the result of foreign  
20 disinformation, in other words, that they were either  
21 coordinated or amplified in an authentic way by a foreign  
22 government. It could not be determined.

23           It is possible, but it cannot be determined  
24 to a degree of reliability or certainty.

25           **MR. GUILLAUME SIROIS:** Okay. I want to go  
26 the last paragraph of page 10 now, please.

27           And this one I will read in full because it's  
28 significantly important:

1 "Over the course of its analysis, the  
2 DFRLab focused on two case studies.  
3 The first regards the interchange of  
4 virulent, anti-immigrant hate speech  
5 over multiple platforms and online  
6 communities [which was one of the  
7 DFRLab's focus in the study]. The  
8 second regards the opportunism shown  
9 by Russian state media in its  
10 Canadian election coverage. These  
11 cases, evidencing coordinated  
12 trolling around nativist rhetoric and  
13 amplification of domestic political  
14 scandal by foreign media, most  
15 resembled the Russian information  
16 operations conducted against the  
17 United States in 2016."

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

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

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



1 States in 2016.

2 **MS. MARTA MORGAN:** I couldn't comment on this  
3 conclusion by this report, as this was not a report that was  
4 prepared by the Government of Canada for the Panel. So I  
5 would need more information to comment on those particular  
6 conclusions.

7 **MR. GUILLAUME SIROIS:** So the group that  
8 could provide this information would be the DFR Lab,  
9 probably, or ---

10 **MS. MARTA MORGAN:** Yes.

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

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

13 **MR. GUILLAUME SIROIS:** How can we know that  
14 there was no interference in the 2019 election if no-one had  
15 the tools, or at least it was a challenge to assess whether  
16 ample cases of viral misinformation and coordinated,  
17 inattentive behaviour originated from a foreign actor in  
18 2019?

19 **MS. MONIK BEAUREGARD:** So I don't believe  
20 that we said there was no indications of activity. We did  
21 receive a baseline threat assessment that covered a number of  
22 countries, Russia being one of them. And then the activities  
23 are monitored by the intelligence agencies, national security  
24 agencies before, during, and after the writ period, and they  
25 were reported up to the Panel.

26 And as we testified this morning, we talked  
27 about the threat trend, and the threat trend remained stable  
28 and so there was ongoing monitoring of activities that were

1 reported up to the Panel.

2 **MR. GUILLAUME SIROIS:** So I understand your  
3 evidence that there was some Russian -- at least foreign  
4 interference, possibly Russian, at least from the document.  
5 But if we don't have -- if it's that challenging to assess  
6 whether disinformation campaign are linked to a foreign actor  
7 such as Russia, how can we know the extent of disinformation  
8 campaign?

9 **ME NATHALIE DROUIN :** Si vous me permettez,  
10 maître Sirois, quelques petits commentaires. On a parlé  
11 beaucoup des breffage de base, que le panel a reçu en 2019 et  
12 en 2021. Et on a reçu des breffages relativement à certains  
13 pays, dont la Russie. Une information qu'on avait à l'époque,  
14 c'était que la Russie était un acteur extrêmement capable,  
15 surtout en matière d'espionnage et de cyberactivité. Et même  
16 dans les semaines précédant l'élection, nos services de  
17 renseignements, CSI en particulier, par tous les suivis  
18 qu'ils faisaient, étaient capable de nous démontrer que la  
19 Russie avait peu d'intérêt dans les élections du Canada.

20 Ceci étant dit, ça ne veut pas dire que la  
21 Russie n'est pas un joueur actif en matière d'ingérence  
22 étrangère. Mais la Russie a démontré peu d'intérêt dans les  
23 élections 2019, ainsi que dans les élections 2021.

24 **COMMISSAIRE HOGUE :** Maître Sirois, votre  
25 temps est écoulé, alors je vais vous permettre de conclure,  
26 par ailleurs, si vous avez une question pour conclusion.

27 **ME GUILLAUME SIROIS:** Les conclusions dont  
28 vous mentionnez, madame Drouin, est-ce que c'est possible d'y

1 avoir accès, ou c'est protégé par la confidentialité de la  
2 Sécurité Nationale ?

3 **ME NATHALIE DROUIN** : Ben, mon témoignage en  
4 fait foi.

5 **ME GUILLAUME SIROIS** : Vous avez parlé de la  
6 source de votre témoignage. Les documents même de CSI ou de  
7 CIIS.

8 **ME NATHALIE DROUIN** : Juste un instant. Vous  
9 demandez de prouver le négatif. Ce que je vous dis, c'est  
10 qu'il n'y avait pas ou peu d'intelligence, précédant la  
11 période électorale 2019 et durant la période électorale 2019,  
12 à l'effet que la Russie avait un intérêt et était active dans  
13 le suivi des élections.

14 **ME GUILLAUME SIROIS** : Je laisse... allez-y.

15 **MS. GRETA BOSSENMAIER**: I was just going to  
16 add a piece to Madam Drouin's comments, in that the  
17 Communications Security Establishment published, I'm going to  
18 say in 2017 or '18, one of the first reports; I'm thinking  
19 the first international reports, talking about threats to the  
20 democratic process, which talked about threat actors and  
21 activities and how various parts of society, individuals,  
22 governments, et cetera, what they should be aware of. And  
23 they followed up that report with at least one -- and I've  
24 been retired, at least one if not two additional reports. So  
25 those are public reports, they're -- I'm sure they're on  
26 their website -- that provide their -- and some of their  
27 analysis and assessment as to the various players and risks  
28 that exist.

1           **ME NATHALIE DROUIN** : Si je peux juste me  
2 permettre, j'aurais dû dire que tout ce qui est pertinent,  
3 tout ce qui relève de ce que la Russie aurait pu faire, est  
4 entre les mains de la Commission. Donc, toute l'information  
5 disponible est entre les mains de la Commission.

6           **ME GUILLAUME SIROIS** : Je vais conclure sur ce  
7 point. Je veux juste, et si vous permettez, madame la  
8 commissaire, et sinon je vais demander à mon confrère... I  
9 ask my friend from UCC to share 10 seconds with me, just so  
10 that I can conclude this.

11           **MR. JON DOODY**: No problem.

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

13           **COMMISSIONER HOGUE**: It's going to be  
14 deducted from your time.

15           **MR. GUILLAUME SIROIS**: Yeah, of course.

16           Yes, I just want to -- I'm putting to you  
17 that our National Security Establishment concluded that  
18 Russia did not have an intent to interfere in our elections,  
19 not because -- only because they could not observe this. But  
20 we have multiple indications that Russia had a serious intent  
21 at interfering in the 2019, and later the 2021, elections,  
22 but we just don't have the tools to investigate this and be  
23 sure that there was no interference by Russia in these  
24 elections, although there are significant indications that  
25 there was.

26           **ME NATHALIE DROUIN** : Pas tout à fait d'accord  
27 avec la prémisse qu'il n'y a pas d'outils, CSI est parmi les  
28 joueurs les plus performants à travers le monde, en termes de

1 surveillance. Et j'ai tout à fait confiance des... de  
2 l'information qu'ils collectent. Et l'information qu'ils nous  
3 transmettent. Évidemment que les outils doivent continuer à  
4 s'améliorer puisque les stratégies des acteurs continuent à  
5 évoluer. Mais je suis tout à fait confiante que les analyses,  
6 les collectes et l'information que CSI nous a transmise  
7 reflète finalement qu'il n'y a pas eu de pics dans les  
8 activités de la Russie sur les élections de 2019 et 2021.

9 **ME GUILLAUME SIROIS** : Merci madame Drouin.  
10 Merci madame la commissaire.

11 **COMMISSIONER HOGUE** : So UCC?

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

13 **MR. JON DOODY**:

14 **MR. JON DOODY** : Good afternoon. I'm Jon  
15 Doody, counsel for the Ukranian-Canadian Congress.

16 We've heard that Russian's foreign  
17 interference in the American 2016 election was a concern  
18 leading up to Canada's 2019 general election. This was a  
19 concern that the Panel had as well, I assume?

20 **MS. NATHALIE DROUIN** : Yes.

21 **MR. JON DOODY** : Did that concern increase or  
22 decrease during the writ period, or did it remain the same as  
23 it began?

24 **MS. NATHALIE DROUIN** : It decreased. The  
25 concern was based on what we have seen across the world, and  
26 then it decreased following the updated intelligence.

27 **MR. JON DOODY** : In the public witness --  
28 sorry; the Public Interview Witness Summary, Ms. Morgan, you

1 indicate that the Panel was given information on Russia and  
2 its ability to engage in cyber attacks and conduct  
3 disinformation campaigns on social media. When was the Panel  
4 given that information, if you remember?

5 **MS. MARTA MORGAN:** Well, as we noted this  
6 morning, the Panel received briefings prior to the election  
7 period itself on the -- on the threat environment, and that's  
8 really about the capabilities and the intent of foreign  
9 actors who may be either able or intend to intervene in the  
10 Canadian election. So we looked at a whole variety of  
11 information, including that.

12 **MR. JON DOODY:** So this was provided before  
13 the writ period?

14 **MS. MARTA MORGAN:** Yes.

15 **MR. JON DOODY:** And we've heard that the  
16 threshold for the Panel to act was high. And so if you can  
17 answer this, did the Panel see any activity from Russia that  
18 may not have risen to the threshold but nonetheless was a  
19 concern the Panel was made aware of?

20 **MS. MARTA MORGAN:** I believe there -- in one  
21 of the RRM reports there was a note that some Russian media  
22 were covering the Canadian election campaign, which I think  
23 is what's referred to in this report here. But other than  
24 that, I don't recall during the election campaign being  
25 brought any information related to Russian activity in the  
26 Canadian information ecosystem.

27 **MR. JON DOODY:** And then, finally, would it  
28 be fair to say that while the Panel did not identify any

1 incidents of Russian foreign interference during the 2019  
2 general election, it's entirely possible that it did occur  
3 and simply wasn't recognized?

4 **MS. MARTA MORGAN:** Well, you know following  
5 up on Madam Drouin's comments, our intelligence and our Rapid  
6 Response Mechanism work very closely with allies, and we --  
7 you know, we have access to information that they might have.  
8 The RRM, in particular, works closely with all of the G7  
9 countries and works with social media outlets and works with  
10 civil society organisations that monitor elections. So it's  
11 always possible, but certainly we did not see it and neither  
12 did any of the organisations that we were working with  
13 outside of government see it at that time.

14 **MR. JON DOODY:** Thank you. Those are all my  
15 questions.

16 **COMMISSIONER HOGUE:** Thank you.

17 Next one is Human Rights Coalition.

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

19 **MS. SARAH TEICH:**

20 **MS. SARAH TEICH:** Good afternoon.

21 Can we please pull up WIT 60. And I don't  
22 believe I need leave as I won't be cross-examining on a prior  
23 inconsistent statement.

24 And if we could turn to page 17,  
25 paragraph 78.

26 So the summary notes that Ms. Drouin, quote:

27 "...believed that the use of the word  
28 'network'..."

1           And she's referring to media reports based on  
2 the paragraph immediately above:

3                   "...was unfortunate, as it gives the  
4 impression the individuals were  
5 working in concert."

6           Do you remember saying this, Ms. Drouin?

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

8           **MS. SARAH TEICH:** Madam Commissioner, I would  
9 like to ask for leave to pull up CAN 18756.

10           **--- EXHIBIT No./PIÈCE No. CAN 18756:**

11                   Daily Foreign Intelligence Brief, 21  
12                   February 2020

13           **MS. SARAH TEICH:** This is a daily foreign  
14 intelligence brief from February 2020, and we did not include  
15 it in our cross-examination request as this is one of the  
16 ones we received over the weekend.

17           **COMMISSIONER HOGUE:** Yeah, you can refer to  
18 it.

19           **MS. SARAH TEICH:** Thank you.

20           On the first page, actually this is the only  
21 page, I believe, because I think the second page is fully  
22 redacted, the assessment reads:

23                   "Investigations into activities  
24 linked to the Canadian federal  
25 election in 2019, reveal an active  
26 foreign interference...network."

27           Then there's a redaction:

28                   "This network [involved] the Chinese



1 [redaction] local community leaders,  
2 Canadian politicians, and their  
3 staff. Under broad guidance from the  
4 [redacted] co-opted staff of targeted  
5 politicians provide advice on China-  
6 related issues and community leaders  
7 facilitate the clandestine transfer  
8 of funds and recruit potential  
9 targets."

10 Ms. Drouin, have you seen this document  
11 before?

12 **MS. NATHALIE DROUIN:** Yes, I have seen that  
13 document before. It's difficult for me to see -- to say when  
14 I've seen that document with the different roles I have  
15 played, but I have seen that document before.

16 **MS. SARAH TEICH:** Do you recall, have you  
17 seen it before giving your witness statement that I referred  
18 to earlier?

19 **MS. NATHALIE DROUIN:** I have seen it  
20 following the leaks and the work I have done in terms of the  
21 leaks investigation.

22 **MS. SARAH TEICH:** Okay. So my question is  
23 given that this document uses the term "network", and it's  
24 just media, does that change your opinion on the  
25 appropriateness of its use?

26 **MS. NATHALIE DROUIN:** My -- the comment that  
27 you quote before are still the same. The network here  
28 doesn't mean that the individuals were working in concert.

1                   **MS. SARAH TEICH:** Okay.

2                   Madam Commissioner, I would ask for leave  
3 next to pull up CAN 4495.

4                   This is a CSIS briefing to the Prime  
5 Minister's Office from 2023, but it also describes briefings  
6 provided to the Panel of Five in the context of the 2019  
7 general election. And as we talked about earlier, this was  
8 also provided only this weekend so that's why we didn't put  
9 it in the request.

10                  **COMMISSIONER HOGUE:** It's okay, you can refer  
11 to it.

12                  **MS. SARAH TEICH:** So if we go down to pages -  
13 - starting at the bottom of page 3, and going into page 4,  
14 the document outlines that CSIS conducted various briefings,  
15 I'll just summarise this, on the subject of PRC interference,  
16 and they talk about that they did briefings to the Panel of  
17 Five in the context of the 2019 general election.

18                  So let me just start by confirming in general  
19 that the Panel did in fact receive CSIS briefings in the lead  
20 up to the 2019 general election. I'm not asking on what  
21 topic yet.

22                  **MS. NATHALIE DROUIN:** Yeah, so it goes fast a  
23 little bit. So can you repeat your question?

24                  **MS. SARAH TEICH:** I just want to confirm that  
25 CSIS provided briefings to the Panel of Five in the lead up  
26 to the election?

27                  **MS. NATHALIE DROUIN:** Yeah, CSIS did.

28                  **MS. SARAH TEICH:** All right, thank you.

1                   If we can scroll back up to the middle of  
2 page 2. There. Perfect.

3                   So here, CSIS writes:

4                   "We know that the PRC clandestinely  
5 and deceptively interfered in both  
6 the 2019 and 2021 general elections.  
7 In both cases, these F1 activities  
8 were pragmatic in nature and focussed  
9 primarily on supporting those viewed  
10 to be either 'pro-PRC' or 'neutral'  
11 on issues of interest to the PRC  
12 government."

13                  And they also write:

14                  "...at least [18] (sic) candidates  
15 and 13 staff members, were implicated  
16 in PRC F1 networks....This included  
17 members of multiple political  
18 parties."

19                  So my question for this Panel is, in the  
20 Panel's briefings with CSIS in the lead up to the election,  
21 did they use this sort of language, this sort of information  
22 you received?

23                  **MS. NATHALIE DROUIN:** The pragmatic, like it  
24 depends -- it gives a lot of things here. So ---

25                  **MS. SARAH TEICH:** That's true. We could  
26 break it down. What about "We know"?

27                  **MS. NATHALIE DROUIN:** What I do remember,  
28 sorry, I don't even see....

1                   **MR. BARNEY BRUCKER:** Excuse me. Can we  
2 scroll up to the top of the document?

3                   **MS. SARAH TEICH:** Yeah.

4                   **MR. BARNEY BRUCKER:** This is -- there. Back  
5 to the ---

6                   **MS. NATHALIE DROUIN:** So this ---

7                   **MR. BARNEY BRUCKER:** Assertions in Media  
8 Reporting.

9                   **MS. NATHALIE DROUIN:** Okay. So that is  
10 following the leaks.

11                                 Thank you.

12                                 That is really following the leaks where a  
13 briefing was prepared in order to go back to the leaks and  
14 give information about what we knew and when regarding those  
15 leaks. So if we talk about PRC, and we see that also in the  
16 public summaries that we have sent to the Commission, that  
17 the approach and the tactic of PRC is really to do some  
18 pragmatic work in the sense that they are doing activities  
19 when they believe it is necessary to promote their own  
20 interests.

21                                 So this is the type of language we heard  
22 regarding PRC.

23                   **MS. SARAH TEICH:** Okay. So ---

24                   **COMMISSIONER HOGUE:** Ms. Teich, this is going  
25 to be your last question because your time is already over.

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

27                                 Okay. My last question is in hindsight, if  
28 you had received all of this language and the briefings

1 leading up to the 2019 general election, so not just the  
2 pragmatic in nature but also the level of certainty that's  
3 implied from we know, would this have changed your  
4 consideration of whether the threshold had or had not been  
5 reached.

6 **MS. NATHALIE DROUIN:** I believe that the  
7 baseline information we received before '19 and '21, and then  
8 the specific issues we received was appropriate, relevant,  
9 and adequate information for us to do our judgement and to  
10 make our determination.

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

12 **COMMISSIONER HOGUE:** Thank you.

13 Counsel for Michael Chong.

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

15 **MR. GIB van ERT:**

16 **MR. GIB van ERT:** I'll ask the court operator  
17 to please turn up the document at, one moment, CAN 009823.

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

19 Critical Election Interference Public  
20 Protocol Panel - Workplan

21 **MR. GIB van ERT:** This is the work plan that  
22 we were looking at earlier from 2019.

23 And if you'll go to page 3 of that document,  
24 please.

25 This question is for Me Drouin. You've got  
26 your notes on the document.

27 And scrolling down a little more, please.

28 In the middle of the page, we see:

1 "Recognizing that these decisions  
2 required nuanced judgement...possible  
3 (sic) considerations are...."

4 And there are the bullet list. The second  
5 bullet is:

6 "To what extent has disinformation  
7 been disseminated beyond specific  
8 interest groups, i.e. picked up and  
9 reported on by the mainstream media?"

10 My question for you, Me Drouin, is what do  
11 you understand and what did the Panel understand by  
12 mainstream media here? Is that to say English and French  
13 language national outlets?

14 **MS. NATHALIE DROUIN:** So I think here it's a  
15 question, and also when we were discussing about our  
16 collective interpretation of the directive, of the threshold,  
17 and remember this morning I talked about the wrench placemat  
18 when we talked about what we should consider when we do our  
19 impact evaluation. And the scale of something is one factor  
20 that will determine, you know, the impact of disinformation  
21 or misinformation.

22 So the fact that it's mainstream or not  
23 mainstream, this is just like a way to assess the scale of  
24 something. It's not about the fact that English is better  
25 than another language is just a factor to assess, as I just  
26 said, the scale of the disinformation.

27 **MR. GIB van ERT:** Well, is that then to  
28 suggest that information -- well, let's say misinformation or

1 disinformation that doesn't reach the mainstream media, but  
2 instead rests with, to use the language of this bullet point,  
3 specific interest groups, so it doesn't break out of specific  
4 interest groups and get to the mainstream, it just sticks in  
5 the specific interest groups, is that to suggest that that  
6 sort of misinformation or disinformation is less likely to  
7 meet the threshold under the protocol?

8 **MS. NATHALIE DROUIN:** So the scale is only  
9 one thing.

10 **MR. GIB van ERT:** Right.

11 **MS. NATHALIE DROUIN:** There's the scale.  
12 There's whatever -- whether or not it's reliable, whether or  
13 not it is something that is really false and that the --  
14 nobody can debunk it. So there's a lot of factors ---

15 **MR. GIB van ERT:** There are other factors.

16 **MS. NATHALIE DROUIN:** --- as I went through -  
17 --

18 **MR. GIB van ERT:** Yeah. And it's just this  
19 one ---

20 **MS. NATHALIE DROUIN:** --- this morning but --

21 -

22 **MR. GIB van ERT:** --- that I'm exploring, but  
23 I appreciate ---

24 **MS. NATHALIE DROUIN:** But ---

25 **MR. GIB van ERT:** --- that there are other --  
26 -

27 **MS. NATHALIE DROUIN:** --- it's not only --  
28 like, this is why the judgment was -- and I think my

1 colleague also then said that, it requires a lot of judgment,  
2 context, knowledge, because it was multifactorial, if I can  
3 say, if I can use that word.

4 **MR. GIB van ERT:** So ---

5 **MS. NATHALIE DROUIN:** It was not only the  
6 fact that it didn't reach, for example, the mainstream media  
7 ---

8 **MR. GIB van ERT:** I understand.

9 **MS. NATHALIE DROUIN:** --- that was a  
10 decision-making point for the panel.

11 **MR. GIB van ERT:** So in the event that  
12 something doesn't make the mainstream media, what you're  
13 saying is it might still meet the threshold?

14 **MS. NATHALIE DROUIN:** It might, if all the  
15 factors justify.

16 **MR. GIB van ERT:** Thank you. All right. Did  
17 anyone on the panel speak Mandarin or read Mandarin?

18 **MS. NATHALIE DROUIN:** No.

19 **MR. GIB van ERT:** All right. Thank you. Me  
20 Drouin, another question for you, you explained that the  
21 panel didn't come to a conclusion or a consensus about  
22 whether the impact of a given incident had to be considered  
23 on a national basis or on a riding-by-riding basis, you  
24 didn't need to determine that in the end.

25 Now if the Court Operator would turn up CAN  
26 009920, we saw this earlier, Me Douin. This is the minute  
27 that the PCO took, which you've since said doesn't represent  
28 the actual conclusion. So if you just scroll down, please?



1 There we are. It's the second bullet.

2 Someone at PCO -- do you know who took this  
3 note?

4 **MS. NATHALIE DROUIN:** Je pense que c'était  
5 dans le secrétariat de FDP, mais...

6 **Me GIB van ERT:** Donc, quelqu'un. Vous ne  
7 savez pas.

8 **Mme NATHALIE DROUIN:** On ne savait pas, mais  
9 peut-être juste une précision, on dit « minutes », je ne suis  
10 pas sûr que c'est des « minutes », des « minutes »... un compte  
11 rendu aurait fait l'objet d'adoption par les membres...

12 **Me GIB van ERT:** Oui, j'ai déjà entendu votre  
13 preuve là-dessus. La question alors... en fait, ma prochaine  
14 question, c'était : est-ce qu'il y a quelqu'un qui a pris des  
15 minutes? Si c'est pas ça, est-ce qu'il y a quelqu'un qui a  
16 pris des minutes?

17 **Mme NATHALIE DROUIN:** Il n'y a pas de  
18 processus de minutes, de compte rendu formel avec adoption.  
19 Non.

20 **Me GIB van ERT:** D'accord. D'accord.

21 Et puis, vous êtes en train de dire, si j'ai  
22 bien compris, que le deuxième *bullet point* là est une erreur,  
23 que vous n'avez pas décidé cela. Et alors, ma question,  
24 c'est : est-ce qu'il y a un document contemporain qui  
25 contredit ce document-ci?

26 **Mme NATHALIE DROUIN:** Ben, je ne pourrais pas  
27 vous dire là avec la quantité de documents, mais moi, ce que  
28 je vous dis, premièrement, je pense que c'est important que

1 l'on a fait les analyses, les travaux, au niveau des  
2 circonscriptions. La plupart des informations qui nous ont  
3 été relayées durant la période électorale concernaient des  
4 circonscriptions particulières et le Panel a quand même pris  
5 le temps de les évaluer et dans chacune de ces circonstances-  
6 là, on est arrivés à la conclusion que, même au niveau du  
7 comté, donc même au niveau de la circonscription..

8 **Me GIB van ERT:** Oui.

9 **Mme NATHALIE DROUIN:** ...le seuil pour faire  
10 des annonces n'avait pas été rencontré.

11 **Me GIB van ERT:** Maitre, je m'excuse, j'ai  
12 déjà eu votre preuve là-dessus, vous l'avez déjà dit et j'ai  
13 très peu de temps, donc je vais continuer.

14 Again, with you, Me Drouin, if I may, I want  
15 to make sure I understood your evidence on the question of  
16 whether or not the Han Dong allegations fell outside the  
17 panel's jurisdiction. I heard you say that it was a  
18 nomination contest and there was some question about that,  
19 but I wasn't sure that I understood, where did the panel  
20 land? Did you decide that it was outside your jurisdiction,  
21 or did you decide that it was within your jurisdiction, or  
22 did you not decide at all?

23 **MS. NATHALIE DROUIN:** So I think that because  
24 of the follow up we have done, because of the seriousness we  
25 dedicated to the matter, even if it was not clear, we act as  
26 it was under the panel remit because the credibility of the  
27 democratic exercise may have been at play.

28 **MR. GIB van ERT:** Vous avez pris pour acquis

1 que vous aviez le pouvoir s'il y avait besoin.

2 **Mme NATHALIE DROUIN:** Exact.

3 **Me GIB van ERT:** Merci.

4 **Mme NATHALIE DROUIN:** Juste avec les limites  
5 que... vous, savez, les processus de nomination ne sont pas...

6 **Me GIB van ERT:** Oui.

7 **Mme NATHALIE DROUIN:** ...règlementés...

8 **Me GIB van ERT:** Oui.

9 **Mme NATHALIE DROUIN:** ...du tout par...

10 **Me GIB van ERT:** Vous l'avez déjà expliqué.

11 En fait, on a eu de la preuve d'autres témoins là-dessus  
12 aussi, oui.

13 Et puis dernièrement... you explained that the  
14 panel -- the fact that the panel was able to advise the  
15 Liberal Party of Canada of the Han Dong allegations was  
16 something that you considered to be a mitigation measure, if  
17 I understood your evidence correctly, a mitigation of the  
18 incident.

19 **MS. NATHALIE DROUIN:** Can you reformulate  
20 that? I think ---

21 **MR. GIB van ERT:** Yes.

22 **MS. NATHALIE DROUIN:** --- you have said the  
23 panel advice?

24 **MR. GIB van ERT:** Sorry, okay. So let me try  
25 again. Yeah, and please correct me if I've got it wrong. I  
26 thought what you had said was that the panel considered that  
27 the fact that the Liberal Party could be informed, probably  
28 not by the panel but by someone, of these allegations was a

1 matter that the panel regarded as being in mitigation.

2 **MS. NATHALIE DROUIN:** Yes, this is ---

3 **MR. GIB van ERT:** All right.

4 **MS. NATHALIE DROUIN:** --- what I said.

5 **MR. GIB van ERT:** And so my question for you  
6 is -- well, first question, you regarded that as in  
7 mitigation because having been informed of those allegations,  
8 the Liberal Party could do whatever it saw fit to do with  
9 those allegations.

10 **MS. NATHALIE DROUIN:** You're right.

11 **MR. GIB van ERT:** Okay. Thank you. And once  
12 -- I know you met briefly after the election. At that point,  
13 of course, we all knew that nothing had been done about the  
14 allegations and Han Dong was now a Member of Parliament. Did  
15 the panel consider, for future reference, what mitigation  
16 value that information had because it didn't accomplish  
17 anything in the end, of course?

18 **MS. NATHALIE DROUIN:** So I don't think we can  
19 come to that conclusion. I don't think I can come to that  
20 conclusion that nothing have been done. And second, with the  
21 evolution of the intel, some things have been confirmed,  
22 others not so, so I -- anyway, I would stay there.

23 **MR. GIB van ERT:** I take your point. Maybe I  
24 go too far to say nothing had been done. Maybe there was  
25 something that was done that we don't know about. My point  
26 was simply that he was, of course, allowed to continue to be  
27 the candidate, and then he was elected and became a member of  
28 the Liberal Party Caucus and a Member of Parliament. So,

1 again, I'll -- just to rephrase the point, because you're  
2 right, maybe there was something done, but did the panel  
3 consider, having seen that Mr. Dong became a Member of  
4 Parliament despite the allegations, did it consider what the  
5 implications of that were for treating outreach to a party as  
6 a mitigation factor in future?

7 **MS. NATHALIE DROUIN:** So I think it is not  
8 the role of the panel to give advice to any parties in terms  
9 of who can be a candidate or not.

10 **MR. GIB van ERT:** Yes. But did you have a  
11 discussion about it is all I'm asking?

12 **MS. NATHALIE DROUIN:** The ---

13 **MR. GIB van ERT:** Because I quite agree, it's  
14 not your role to give advice to a party. I didn't mean to  
15 suggest that, but was there some discussion after the fact  
16 about, all right, well, we left it to the party. Han Dong is  
17 now in Parliament. How does that affect our proceedings in  
18 the future? Any such discussion? Any such contemplation?

19 **MS. NATHALIE DROUIN:** Maybe one thing that I  
20 need to repeat, that before the leaks, we were talking about  
21 the Don Valley North issue ---

22 **MR. GIB van ERT:** Yes.

23 **MS. NATHALIE DROUIN:** --- and not the name of  
24 the candidate.

25 **MR. GIB van ERT:** Right. So you didn't put  
26 two and two together after the election?

27 **MS. NATHALIE DROUIN:** No.

28 **MR. GIB van ERT:** All right. Thank you very

1 much. That's very helpful.

2 **COMMISSIONER HOGUE:** Thank you.

3 Me Choudhry acting for Jenny Kwan. I'm  
4 sorry. And your name is? Kakkar.

5 **--- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MS. MANI**

6 **KAKKAR:**

7 **MS. MANI KAKKAR:** Good afternoon. As the  
8 Commissioner stated, Ms. Kakkar acting for Jenny Kwan MP.  
9 I've got some questions for this panel that relate to what  
10 you've described as the information around foreign  
11 interference that you received. So you mentioned that you  
12 received essentially riding level information about foreign  
13 interference. And from the sitrep reports we've been able to  
14 review at least, those can often be sort of small events or  
15 instances. It could be a WeChat post, or a campaign event,  
16 so on their own they don't look like much, but perhaps in the  
17 aggregate, they may be telling a different message. How did  
18 this panel review that information in the aggregate?

19 **MS. NATHALIE DROUIN:** So your question is  
20 that have we been able to factor the totality of activities  
21 and not looking at different incidents or activities in  
22 silos. Is that -- am I ---

23 **MS. MANI KAKKAR:** That's exactly it. And to  
24 tie that to sort of some of the information you were  
25 receiving, for example in the SITREPs, there is a trend  
26 level; right? So it often said stable week by week. And you  
27 acknowledged in your testimony that you viewed it as advice.  
28 If every week it said stable, but if you put three reports

1 together and you saw that perhaps that wasn't what you would  
2 characterize the three weeks together, how did you aggregate  
3 and assess that?

4 **MS. NATHALIE DROUIN:** So thank you for that  
5 question, as it gives me the opportunity to say how difficult  
6 it is to with intel because the intel comes by -- in  
7 piecemeal for sure. Like, we are collecting things. And  
8 this is why we have agencies like CSE, like CSIS, like the  
9 SITE, to look, gather all the information, and come with an  
10 assessment to make sure that we will not be focusing on only  
11 one incidence and not taking into account the context in  
12 which these incidents happen. So that's really the role that  
13 we're expecting from the intelligence agencies helping us to  
14 analyze and to receive the information.

15 The flow of information, if I may say, is  
16 some sort of a pyramid. So our agencies are collecting a  
17 lot, receiving a lot, putting things in, you know, an  
18 aggregated way, and then flowing the information to us as  
19 decision makers. So this is how the flow works, because it's  
20 impossible for us to read what all analysts are reading on a  
21 day in and day out.

22 **MS. MANI KAKKAR:** So do I understand  
23 correctly that you then relied on your agencies to aggregate  
24 the information for you and that you yourself, as a panel,  
25 didn't view it that way?

26 **MS. NATHALIE DROUIN:** So that is really their  
27 role. However, as we said this morning, when we were  
28 receiving the daily SITREP, we were also receiving some raw

1 material that will be relevant to that SITREP. But of  
2 course, like, as my role when I was Deputy Minister at  
3 Justice for 2019, I was relying on the National Security  
4 Committee to bring the relevant information and also provide  
5 their advice on the information they were providing.

6 I don't know if my colleagues want to add on  
7 that?

8 **MS. GRETA BOSSENMAIER:** I was going to, if I  
9 could just compliment that. And I don't want to go into a  
10 whole deep discussion around the mosaic effect, but  
11 intelligence analysts and intelligence organizations will  
12 talk about always trying to continue to ensure that they're  
13 building an appropriate picture. And yes, they might  
14 perceive a piece of intel one day and another one another  
15 year, and another one from another source, some of it  
16 corroborated, some not, some requiring further analysis.  
17 They are skilled in looking at trends, they're skilled at  
18 looking at a mosaic effect, trying to understand does this  
19 piece of the puzzle fit or not? So they are experts in this.  
20 And just from my own experience, looking at what was put in  
21 place for the 2019 election, I think it's been stated before,  
22 this was novel, it was unprecedented in terms of the amount  
23 of effort, putting together a SITE panel, putting together  
24 the SITE organizations, producing public documents, putting  
25 the panel together. This was unprecedented.

26 So to Ms. Drouin's point, there were  
27 significant efforts being applied by the intelligence  
28 apparatus, by the security intelligence agencies, and by the



1 processes that were put in place to help ensure that we were  
2 getting the best picture possible.

3 **MS. NATHALIE DROUIN:** And just to add, the  
4 important tool that we had was asking questions. In doubts -  
5 - if our understanding was not appropriate, if we feel that  
6 we did not have the context, we were always able to ask for  
7 further information and asking other questions.

8 **MS. MANI KAKKAR:** Okay. I think the reason  
9 is that there seems to be somewhat of a disconnect between  
10 the answer I'm hearing, which is that we relied on our  
11 agencies to do that aggregate work for us, and some of the  
12 agencies, or at least specifically the SITREP documents that  
13 we've seen, where you get sort of very small -- or you get  
14 daily reports that report small instances, but we haven't  
15 seen, at least, information that you've received collectively  
16 about what that might mean, but you're saying your agencies  
17 briefed you on it, and that's the evidence you're giving?

18 **MS. NATHALIE DROUIN:** Yes.

19 **MS. MANI KAKKAR:** Okay. I'd like to move on  
20 then to the next point, given my time constraints today. You  
21 noted, and you often refer to in your testimony, foreign  
22 governments not being able to attribute particular pieces of  
23 potential FI to a foreign government, but do you agree that  
24 the protocol itself is broader than that and actually refers  
25 to foreign actors? If you need, I'm happy to put the  
26 protocol up.

27 **MS. NATHALIE DROUIN:** Yeah.

28 **MS. MANI KAKKAR:** You agree that it refers to

1 foreign actors? It doesn't have to be governments alone?  
2 Okay.

3 And you also mentioned that foreign  
4 interference and the information you received happened  
5 typically at the riding level, and even though in your  
6 conclusions you found that all of those riding level  
7 instances didn't trigger the threshold, would you then say  
8 that a riding level event, if you concluded that it did  
9 trigger the threshold, could actually result in a response by  
10 the Panel of Five?

11 **MS. NATHALIE DROUIN:** Yes.

12 **MS. MANI KAKKAR:** Yes. Okay. The other  
13 point I wanted to raise, and you have seen it in some of the  
14 SITREP reports you received, is that foreign actors  
15 themselves may work through domestic proxies. I wanted to  
16 understand how this panel viewed essentially the work of  
17 foreign actors through domestic proxies in its consideration  
18 of whether a threshold was met?

19 **MS. NATHALIE DROUIN:** Yeah, that was a  
20 consideration, yes, for sure.

21 **MS. MANI KAKKAR:** Could you elaborate on  
22 that?

23 **MS. NATHALIE DROUIN:** Well it -- the fact  
24 that a foreign actor or a specific country is using proxies  
25 and we have -- let's say we have intel information that this  
26 proxy is really acting on behalf of this foreign actor, this  
27 is what foreign interference is about. Like, if it's covert,  
28 it is -- si c'est trompeur et si c'est menaçant, ça répond à

1 la définition d'ingérence étrangère.

2 **MS. MANI KAKKAR:** Okay. So understanding  
3 that on the one end that we, I think, theoretically agree  
4 that it could be through a domestic proxy, your colleagues at  
5 GAC and RRM last week gave testimony that it was practically  
6 impossible for them to trace and understand foreign  
7 interference from the Chinese, for example, in particular,  
8 because they didn't know those social media platforms, they  
9 didn't have agreements with those social media platforms, and  
10 so getting, perhaps, what would be reliable information was  
11 difficult. Were you briefed of that and how did you address  
12 that issue?

13 **MS. MARTA MORGAN:** Yes, we were briefed by  
14 the RRM and the SITE Taskforce about the challenges of  
15 assessing information in different social media platforms and  
16 we were well aware that in some cases, we had agreements,  
17 there was more transparency. In some cases, what was  
18 happening in the social media platforms was transparent and  
19 we actually did see some of the issues around the 2021  
20 Election were actually on transparent sites. But there was  
21 always going to be some challenges in certain areas and we  
22 were appropriately, I think, informed of where the  
23 difficulties could lay.

24 **MS. MANI KAKKAR:** And were those difficulties  
25 taken into account when you applied the threshold? To say  
26 that you might not have reliable information in this context,  
27 you may never have it, but then how do you apply the  
28 threshold?

1           **MS. MARTA MORGAN:** Well I think that of  
2 course we would take that into account. We knew that we  
3 needed to have a very high threshold because if we, as a  
4 panel, were going to make public assertions, the information  
5 that we had to have needed to be reliable and we also knew  
6 that there could be some challenges during an election  
7 campaign, given how short it is, and given the various  
8 realities of how that can be done.

9           But nonetheless, for us to make an  
10 announcement to the public, we needed to have good, credible,  
11 solid information. And we had seen that done when there had  
12 been instances of sort of widespread foreign interference in  
13 other elections in other countries. So it is not -- it -- we  
14 had seen this kind of information obtained, and assessed, and  
15 analyzed, and made public. So we knew that it was possible.

16           **MS. MANI KAKKAR:** I think ---

17           **COMMISSIONER HOGUE:** Your time is over, so  
18 I'm going to let you conclude by a last question.

19           **MS. MANI KAKKAR:** Thank you, Commissioner.

20           I think what I want to ask specifically, just  
21 to double down on this, is I appreciate that you'd seen it in  
22 other countries, but what you were seeing specifically in  
23 Canada were small instances of riding level potential foreign  
24 interference. You had been briefed that China was a key  
25 player in this interference, and you had very limited  
26 reliable information coming from your agencies or the sources  
27 of your information to understand that interference. And  
28 that is how -- that is what you had then to apply to a very

1 high threshold in order to determine if you were going to  
2 take any action at all. Am I understanding this correctly?

3 **MS. NATHALIE DROUIN:** Si vous me permettez,  
4 plusieurs éléments dans votre question. Premièrement, il faut  
5 faire la différence entre est-ce qu'il y avait de la  
6 désinformation, est-ce qu'il y avait des informations  
7 erronées ou il y avait des opinions qui étaient exprimées, et  
8 c'est trois situations très différentes. Et c'est pas le rôle  
9 du Panel de venir clarifier une interprétation, par exemple  
10 sur une politique publique ou sur une plateforme électorale.  
11 C'est pas le rôle du Panel également d'être le Panel de la  
12 vérité et de venir dire qu'est-ce qui est vrai et qu'est-ce  
13 qui n'est pas vrai.

14 Puis j'aimerais aussi mentionner que  
15 l'article 6 de la directive précise que le Panel aurait pu  
16 faire une annonce, même s'il n'avait pas été dans la  
17 possibilité de faire une attribution publique sur qui était  
18 derrière, par exemple l'ingérence étrangère. Donc, c'est une  
19 chaîne de certitudes où la première, c'est : on ne voit pas  
20 d'ingérence étrangère; la deuxième, c'est : on la voit, on la  
21 sait, mais c'est... on n'est pas capable de le dire encore  
22 publiquement; et finalement, à l'autre bout du spectrum,  
23 c'est : on la voit, on la sait, et on peut faire une  
24 attribution publique.

25 Mais la directive, le protocole prévoyait  
26 qu'on aurait pu parler d'ingérence étrangère, même si on  
27 avait été dans l'incapacité de nommer ou de faire une  
28 attribution publique de où ça venait précisément.

1           **MS MANI KAKKAR:** Thank you, Commissioner.

2           **COMMISSIONER HOGUE:** Thank you.

3           Counsel for Han Dong?

4           **MS. EMILY YOUNG:** We have no questions.

5           Thank you.

6           **COMMISSIONER HOGUE:** Counsel for Erin

7           O'Toole?

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

9           **MR. THOMAS JARMYN:**

10           **MR. THOMAS JARMYN:** Thank you, Commissioner.

11           My name's Tom Jarmyn and I'm counsel for Erin O'Toole. I  
12           guess if I could get COM 122, which is the Judd report  
13           brought up -- or the Judd report and then we'll go to the  
14           directive, which I think is page 27.

15                         And while we're doing that, I just want to  
16           sort of start with the distinction that the Chief Electoral  
17           Officer made during his evidence, which is that there's a  
18           difference between an election which is legal and an election  
19           which is free and fair. Is that accepted by the panel? In  
20           other words, one that's conducted in accordance with all the  
21           rule of law, but it's not free and fair. Is that a ---

22           **MS. NATHALIE DROUIN:** Well, it's an  
23           interesting question. Which one is broader than the other  
24           one, but the threshold we had was free and fair.

25           **MR. THOMAS JARMYN:** Yeah. And that is why,  
26           in fact, the Chief Electoral Officer has -- in order to  
27           achieve free and fair elections has asked for further powers  
28           to regulate elections. Are you aware of that in his last --

1 in his post-election report?

2 **MS. NATHALIE DROUIN:** I know that a report  
3 with recommendation have been tabled in front of the house,  
4 yes.

5 **MR. THOMAS JARMYN:** Okay. And so I'm still  
6 struggling with what exactly the threshold is here. And the  
7 word free and fair has been used on a fairly regular basis,  
8 but how do you determine what is a free and fair election?

9 **MS. NATHALIE DROUIN:** So I think you have the  
10 right appendix. If you would like to go to Section 6, I  
11 think that ---

12 **MR. THOMAS JARMYN:** Yes.

13 **MS. NATHALIE DROUIN:** --- that can help,  
14 because this is really where we talk about the threshold. So  
15 if we look at the first paragraph, so, first of all, what we  
16 are looking at is incident of all accumulation of incidents  
17 that can threaten Canada and it is important here, Canada's  
18 ability to have a free and fair election.

19 **MR. THOMAS JARMYN:** Or I guess I don't want  
20 to go through the words on the directive because what I'm  
21 asking is what is the objectively observable event or thing  
22 that would have to be seen in order to determine that  
23 threshold had been met?

24 **MS. NATHALIE DROUIN:** Well, I think that I'm  
25 always repeating things, but if you look at all the factors,  
26 we were looking to see if an incident or many incidents can  
27 have an impact on a free and fair election. A lot of factors  
28 were taking into account. Were we talking about a single

1 incident? Were we talking about something that stick very  
2 long? Are we talking about something that a lot of Canadians  
3 are being affected? Are we talking about something that  
4 cannot be debunked by the ecosystem? Are we talking about  
5 something that only, you know, government, for example, know  
6 about the source and other do not know? So those were the  
7 factors. And this is why we went through a lot of scenarios,  
8 to be able to look at different events, different context,  
9 and play with all those different factors to determine  
10 whether or not the threshold was met. And the threshold had  
11 to be also interpreted in the fact that we are a democracy,  
12 we have the freedom of speech, we have the freedom of  
13 opinion. We are not there, we are not are not the Panel, on  
14 n'est pas un panel d'arbitres pour déterminer qu'est-ce qui  
15 est une bonne idée, qu'est-ce qui est une idée qui est moins  
16 bonne, qu'est-ce qui est vrai, qu'est-ce qui n'est pas vrai  
17 sur l'interprétation, par exemple, d'une plateforme  
18 électorale.

19 **MR. THOMAS JARMYN:** But we regulate free  
20 speech during elections significantly; don't we?

21 **MS. NATHALIE DROUIN:** We do.

22 **MR. THOMAS JARMYN:** Like, charities are  
23 prohibited from actually speaking on partisan politics.

24 **MS. NATHALIE DROUIN:** Can you repeat that?

25 **MR. THOMAS JARMYN:** A charitable organization

26 ---

27 **MS. NATHALIE DROUIN:** Yeah.

28 **MR. THOMAS JARMYN:** --- is prohibited from



1 speaking on partisan politics; is that correct? I'll leave  
2 that point there.

3 Mr. Daigle in the second panel actually used  
4 these words before we -- he said they would intervene. "We  
5 need some reliable -- sorry, need some reliable information  
6 we could test that there's something going on that needs  
7 correction. A mere possibility is not enough." That speaks  
8 to a degree of certainty that foreign interference is  
9 occurring. Would you accept that test?

10 **MS. NATHALIE DROUIN:** Absolutely.

11 **MR. THOMAS JARMYN:** Okay.

12 **MS. NATHALIE DROUIN:** Amongst the other test,  
13 yes.

14 **MR. THOMAS JARMYN:** Yeah. And that leaves me  
15 to the suggestion that, in fact, embedded in this directive  
16 is a very strong bias to an action. And the reason I say  
17 that is that intelligence very rarely at first instance  
18 allows any degree of certainty. Is that a fair statement?

19 **MS. NATHALIE DROUIN:** So I think the reason  
20 why the threshold is very high, and this is because we were  
21 working with intelligence, one of that is that we were  
22 working with intelligence, and I think that -- and I said  
23 that many times also this morning that if the panel does an  
24 announcement based on something that is not substantiated,  
25 not true, we can create more harms than trying to correct  
26 something.

27 **MR. THOMAS JARMYN:** Yes. No, I agree, and  
28 that's -- but I say that there's a very strong bias to not

1 wanting to take a step.

2 **MS. NATHALIE DROUIN:** I just don't like the  
3 fact that it's a bias towards inaction. I think it was the  
4 necessary threshold to make sure that the panel will act when  
5 it's necessary and when the context is appropriate. One  
6 thing that we should say though is that it's not because the  
7 panel is not exercising its announcement, authority, or power  
8 then that nothing is happening. Other agencies can -- and  
9 it's important to say so. Like, for example, CSIS can do  
10 threat reduction measures. Other departments -- RCMP can do  
11 an investigation. Election Canada can do an investigation.  
12 So all the other tools that we have in our Canadian legal  
13 framework remain.

14 **MR. THOMAS JARMYN:** I acknowledge those tools  
15 are there. Who's making sure that those tools are being  
16 exercised and used?

17 **MS. NATHALIE DROUIN:** So there's a lot of  
18 accountability mechanism in our system to make sure that  
19 departments are using their legislation, their authorities  
20 appropriately.

21 This Commission is also an example of the  
22 type of accountability mechanism that Canada has. We -- you  
23 know, ministers report to Parliament. So there's a lot of  
24 mechanisms to make sure that departments act appropriately.

25 **MR. THOMAS JARMYN:** So the correction -- the  
26 critical incident protocol, though, has two remedies. One,  
27 the public statement, but it also says the agencies should --  
28 in fact it gives direction that the agencies will inform

1 affected parties. Is that correct?

2 **MS. NATHALIE DROUIN:** Can you repeat that,  
3 please?

4 **MR. THOMAS JARMYN:** It gives direction that  
5 the agencies will inform affected parties.

6 **MS. NATHALIE DROUIN:** So we -- the Panel does  
7 not give direction.

8 **MR. THOMAS JARMYN:** No, the Protocol directs  
9 agencies that they will inform affected parties; is that  
10 correct?

11 **MS. NATHALIE DROUIN:** So yeah, that -- well,  
12 that is one of the difference between the directive text that  
13 we have in '19 versus '21. And while it was something  
14 available in '19 to brief representatives of the different  
15 parties, and in fact, a lot of those briefings happened in  
16 '19 and '21 to the peer representative parties, some specific  
17 briefings happened, but a lot of general briefings happened  
18 to those representatives in both elections.

19 **MR. THOMAS JARMYN:** With respect to specific  
20 incidents, it's your evidence that the agencies, as they  
21 became aware of specific incidents, were briefing the  
22 political parties or affected parties in real time?

23 **MS. NATHALIE DROUIN:** What do you mean?

24 **MR. THOMAS JARMYN:** Well, it says:

25 "Barring any overriding national  
26 security/public security reasons..."

27 This is in Article 5, para 2:

28 "...the agencies will inform the

1 affected party, (e.g. a candidate; a  
2 political party; Elections Canada) of  
3 the incident directly."

4 **MS. NATHALIE DROUIN:** Oh, okay. Can you roll  
5 up a little bit?

6 So that was a process if an announcement was  
7 triggered. So if we were about to do ---

8 **MR. THOMAS JARMYN:** Okay.

9 **MS. NATHALIE DROUIN:** --- an announcement  
10 that was the process in which the announcement would have  
11 unfold and how we would reach the relevant parties.

12 **MR. THOMAS JARMYN:** So only if you achieve  
13 that level of certainty that something has happened would you  
14 actually engage with the parties?

15 **MS. NATHALIE DROUIN:** So that is the process  
16 if the announcement was triggered. But as you know, CSIS,  
17 and with the support with PCO folks, also provided some  
18 briefings before the election, during the election, and some  
19 specific briefings in some occasions.

20 **MR. THOMAS JARMYN:** I'm going to look at a  
21 couple of documents carrying on from the Don Valley North  
22 incident.

23 So if we could look at CAN 8973.

24 **--- EXHIBIT No./PIÈCE No. CAN 8973:**

25 SITE Task Force After Action Report -  
26 2019 Federal Election

27 **COMMISSIONER HOGUE:** It will be your last  
28 line of questioning.

1           **MR. THOMAS JARMYN:** And if you go to page 12  
2 at the top, and then page 13 at the bottom.

3           And this is a report that's prepared in  
4 August 2020, so many months after and with a -- an  
5 opportunity to gather further information.

6           And if you carry on down.

7           So this is a discussion about....

8           Further on down. Further. Yes.

9           So you've got the discussion with respect to  
10 foreign interference and China's interference in the  
11 election. It's fair to say that the -- that is somewhat more  
12 conclusive than you would have arrived at during the election  
13 itself as a Panel?

14           **MS. NATHALIE DROUIN:** What are you referring  
15 it exactly?

16           **MR. THOMAS JARMYN:** Initial assessment --  
17 sorry:

18                   "However, SITE TF did observe foreign  
19 interference activities targeting  
20 certain ridings and candidates in  
21 relation to the election, directed  
22 largely from China, and to a lesser  
23 extent, from India and Pakistan..."

24           **MS. NATHALIE DROUIN:** I think that this is  
25 aligned with our conclusion. We didn't say that we didn't  
26 see any foreign interference. This not what we have said.  
27 As I testified this morning, we look at intel we receive at  
28 the riding level, but both SITE, and it was not for SITE to

1 do the Panel's determination, but both SITE and the Panel  
2 came to the same conclusion that overall the intel we have  
3 seen, the incidents we have seen didn't change the outcome of  
4 the election.

5 **MR. THOMAS JARMYN:** So it's not that foreign  
6 interference didn't happen, it's that it didn't happen to a  
7 sufficient of degree in order to cause you to want to do  
8 something about it?

9 **MS. NATHALIE DROUIN:** And that it -- yeah.

10 **MR. THOMAS JARMYN:** Okay, thank you.

11 Thank you, Commissioner.

12 **COMMISSIONER HOGUE:** Thank you.

13 Conservative Party.

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

15 **MR. NANDO de LUCA:**

16 **MR. NANDO de LUCA:** Good afternoon. First  
17 question, is it correct that each of you were on the Panel of  
18 Five by virtue of your positions as deputy ministers, or in  
19 the case of Ms. Bossenmaier, by virtue of being the NSIA?

20 **MS. NATHALIE DROUIN:** Yes.

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

22 **MS. GINA WILSON:** Yes.

23 **MR. NANDO de LUCA:** And each of those are  
24 Governor in Council appointments?

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

26 **MS. GINA WILSON:** Yes.

27 **MS. GRETA BOSSENMAIER:** Correct.

28 **MR. NANDO de LUCA:** You were appointed to

1 your roles by the Prime Minister on the advice of the Clerk?

2 **MS. GINA WILSON:** Correct.

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

4 **MR. NANDO de LUCA:** And Ms. Surette, in the  
5 case of the Clerk, the Clerk is appointed by way of a  
6 Governor in Council appointment; is that correct?

7 **MS. JANICE CHARETTE:** Yes.

8 **MR. NANDO de LUCA:** Okay. You each served at  
9 the pleasure of the Prime Minister, and serve, some of you?

10 **MS. NATHALIE DROUIN:** Yes. This is -- yeah,  
11 this is the language of our commission, yes.

12 **MR. NANDO de LUCA:** Okay. And is -- are the  
13 answers to those questions the same for the 2021 Panel of  
14 Five, so I can maybe save myself a question?

15 **MS. NATHALIE DROUIN:** Yes, same questions.

16 **MR. NANDO de LUCA:** Okay. I believe in your  
17 evidence in-Chief this morning with Ms. Morgan, you indicate  
18 that you all considered the Panel of Five to be a  
19 deliberative body; correct?

20 **MS. NATHALIE DROUIN:** A what?

21 **MR. NANDO de LUCA:** A deliberative body.

22 **MS. NATHALIE DROUIN:** Yeah. Yeah.

23 **MR. NANDO de LUCA:** Okay. And so much so  
24 that after you had received your intelligence and security  
25 briefings from the various security entities, that you had  
26 asked them to leave while you deliberated internally;  
27 correct?

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

1           **MR. NANDO de LUCA:** Okay. And did I also  
2 hear correctly that no one member of the Panel had veto power  
3 over the actions of the Panel?

4           **MS. NATHALIE DROUIN:** Yes, this is what we  
5 said this morning. I can maybe add that -- or I fully  
6 understand the question in that it can be seen that as  
7 because we were acting in -- on a consensus basis it looks  
8 like, you know, we were trying to find a -- le plus bas  
9 dénominateur. That was not the case. When it comes to all  
10 the conversations we had had in terms of doing our analysis,  
11 respective to different elements, we didn't have any  
12 disagreement in terms of the threshold was met or not.

13           **MR. NANDO de LUCA:** Okay. So you were a  
14 deliberative body that acted on a basis of unanimity;  
15 correct?

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

17           **MR. NANDO de LUCA:** Okay. Would you agree  
18 with me that if a deliberative body is tasked with acting  
19 unanimously, and if you couple that with what is interpreted  
20 to be a very high threshold before the body will act, it is  
21 very difficult for that body to ultimately take action. Is  
22 that correct?

23           **MS. NATHALIE DROUIN:** No. I don't think it  
24 is correct. I mean, as you know, I have been an active  
25 participant and a member of the two Panels. We have worked  
26 very hard in terms of developing our understanding and  
27 comprehension of the directive, and when we were faced to do  
28 some concrete analysis, based on the intel that was showed to



1 us, we didn't have any major disagreement or we were really  
2 aligned in terms of our conclusions and evaluations of the  
3 situation.

4 **MR. NANDO de LUCA:** Okay. Is it correct to  
5 say that in your case you basically had to get five people to  
6 unanimously agree that the high threshold had been met before  
7 you would take action?

8 **MS. NATHALIE DROUIN:** What I'm saying is  
9 that, and this is how we operate in many other files, that  
10 the benefit of those conversations was to weigh the  
11 information, was to discuss the impact, and making sure that  
12 we were also operating within the parameters of the  
13 directive. And I would say that our conclusions were even  
14 richer by those conversations than the opposite. And I would  
15 not agree with any assumption that the fact that we were  
16 acting in a consensus basis made kind of our conclusion not  
17 relevant or so low that it was not useful for Canadians.

18 **MR. NANDO de LUCA:** I didn't say anything  
19 about that. I asked you to agree with a simple question. In  
20 your case, in order for -- before you would act, you would  
21 have to get five people to unanimously agree that the high  
22 threshold had been met. Isn't that correct?

23 **MS. NATHALIE DROUIN:** Yes, that's correct.

24 **MR. NANDO de LUCA:** Okay. Would you agree  
25 with me that there's another deliberative process by which  
26 you might have acted or had been charged to act, and that is  
27 by majority vote, for example?

28 **MS. NATHALIE DROUIN:** Well not in the context

1 of how Deputy Minister works in other -- many, many files.

2 **MR. NANDO de LUCA:** Okay. Would you agree  
3 with me -- we'll take that as a given. Would you agree with  
4 me that if you did act on that basis, for example, by way of  
5 a majority vote, that might have made it easier for decisions  
6 to have been taken in this brief?

7 **MS. NATHALIE DROUIN:** I don't think that.

8 **MR. NANDO de LUCA:** Okay. And would it have  
9 made it possible for someone who did have a disagreement to  
10 register that disagreement, rather than having to act  
11 unilaterally?

12 **MS. NATHALIE DROUIN:** This is, like, -- c'est  
13 des questions vraiment hypothétiques. J'essaie de vraiment  
14 être transparente sur comment le processus s'est déroulé. Et  
15 les questions que vous posez ne se sont pas présentées.

16 **MR. NANDO de LUCA:** Thank you. Can you tell  
17 me -- can I have COM122 pulled up, please? Bottom of page  
18 13, top of 14.

19 This is the report that we've been referring  
20 to. And this, you'll agree, sets out or reflects the Panel  
21 of Five's mandate for the 2019 election? Is that correct?

22 **MS. NATHALIE DROUIN:** Yes.

23 **MS. NANDO de LUCA:** Among other things?

24 **MS. NATHALIE DROUIN:** Yes.

25 **MR. NANDO de LUCA:** Okay. Is it true -- am I  
26 correct that the mandate specifies that the core question is  
27 the impact of an incident on Canada's ability to have a free  
28 and fair election? Correct?

1                   **MS. NATHALIE DROUIN:** Correct.

2                   **MR. NANDO de LUCA:** And can you further  
3 confirm that the mandate states that the question for the  
4 Panel's determination in deciding whether to act was whether  
5 incidents threatened Canada's ability to have a free and fair  
6 election?

7                   **MS. NATHALIE DROUIN:** Sorry, what are you  
8 referring to?

9                   **MR. NANDO de LUCA:** Bottom of 13.

10                                   "...a public announcement during the  
11 writ period would only occur if the  
12 Panel determines that an incident or  
13 an accumulation of incidents has  
14 occurred and threatens Canada's  
15 ability to have a free and fair  
16 election."

17                                   Correct?

18                   **MS. NATHALIE DROUIN:** Correct. And then as I  
19 explained a couple of times now, you have the list of ---

20                   **MR. NANDO de LUCA:** Right.

21                   **MS. NATHALIE DROUIN:** --- factors that we  
22 need ---

23                   **MR. NANDO de LUCA:** Considerations.

24                   **MS. NATHALIE DROUIN:** --- to take into  
25 account.

26                   **MR. NANDO de LUCA:** Right. Will you agree  
27 with me that the test is not whether one or more incidents  
28 have actually impaired Canada's ability to have a free and

1 fair election, but rather, whether those acts threatened  
2 Canada's ability to have a free and fair election?

3 **MS. NATHALIE DROUIN:** Yeah, if you go down a  
4 little bit, then the paragraph that starts with "Third," and  
5 then you have the sentence:

6 "Ultimately, it is the impact of the  
7 incident on Canada's ability to have  
8 a free and fair election that is at  
9 issue in the determination..."

10 **MR. NANDO de LUCA:** Right. Canada's ability  
11 to. It doesn't require an actual impairment; correct?

12 **MS. NATHALIE DROUIN:** It requires an impact.

13 **MR. NANDO de LUCA:** Would you agree with me  
14 that the threshold of an actual impairment is higher than a  
15 threatened impairment?

16 **MS. NATHALIE DROUIN:** Well the test here was  
17 the impact on the ability to have a fair and free election.

18 **MR. NANDO de LUCA:** In retrospect, can you  
19 say, sitting here today, that there were not incidents of  
20 foreign interference that threatened Canada's ability to have  
21 free and fair elections in 2019?

22 **MS. NATHALIE DROUIN:** What we say, as I said  
23 previously, is that we have seen some foreign interference  
24 activities, but we have seen nothing that impacts the rights  
25 of Canadians to have a free and fair election.

26 **MR. NANDO de LUCA:** Do you agree that every  
27 voters' vote in Canada in a federal election matters?

28 **MS. NATHALIE DROUIN:** Absolutely.

1                   **MR. NANDO de LUCA:** And do you also agree  
2 that it also matters if even one vote is jeopardized,  
3 suppressed, or threatened because of evidence of foreign  
4 interference that you may have before you?

5                   **MS. NATHALIE DROUIN:** I agree with that.

6                   **MR. NANDO de LUCA:** Okay. Can I please get  
7 CAN.SUM10 called up, please?

8                   So this is a summary report that was  
9 prepared, subject to all the caveats that we saw on page 1  
10 that were discussed.

11                   I wasn't clear on your evidence this morning.

12                   Can we scroll to paragraph 5 on page 2?

13                   Can I get you to tell the Commission which of  
14 the intelligence facts that are summarized in that paragraph  
15 were you, as a body, made aware of by or before GE43, which  
16 took place on October 21, 2019?

17                   So let's just go through -- there's a number  
18 of facts here. Can you tell us which ones you knew by the  
19 time of the election? Because your evidence this morning  
20 suggested that some you knew before, some you knew after. So  
21 I'm asking you, which of the facts in five did you know by  
22 the election date?

23                   **MS. NATHALIE DROUIN:** I will talk for myself,  
24 but others will add.

25                   So the intel about the potential implication  
26 of 11 candidates, the intel about that, ---

27                   **MR. NANDO de LUCA:** Sorry, can we do it this  
28 way? Sorry. Let's do it by paragraph -- by sentence. The

1 first sentence ---

2 **MS. NATHALIE DROUIN:** I don't know if I'll be  
3 able ---

4 **MR. NANDO de LUCA:** Okay.

5 **MS. NATHALIE DROUIN:** --- to do by paragraph.  
6 So I will tell you what I can tell ---

7 **MR. NANDO de LUCA:** Okay.

8 **MS. NATHALIE DROUIN:** --- in this forum.  
9 So I knew about intel regarding financial  
10 kind of tactics, using PRC officials in Canada. I didn't  
11 know about the fact that it was going through potentially 11  
12 candidates. That report regarding this intel came after the  
13 election.

14 **MR. NANDO de LUCA:** Can I ask you this  
15 question? Did you know by the time of the election that  
16 there had been at least two transfers of funds approximating  
17 \$250,000 from the PRC officials in Canada?

18 **MS. NATHALIE DROUIN:** I don't recall  
19 receiving that level of granularities, that level of detail.

20 **MR. NANDO de LUCA:** Do you recall receiving  
21 information that there was some amount of funds that had been  
22 transferred from PRC officials in Canada?

23 **MS. NATHALIE DROUIN:** As I said, I remember  
24 hearing about the tactics of using a financial channel or  
25 conduit, using proxies, to support some candidates.

26 **MR. NANDO de LUCA:** Okay. Last question. As  
27 best as I can tell, based on the information that you've  
28 provided, as of the election date, October 21, 2019, the

1 Panel had information that there was at least the possibility  
2 of two transfers of funds from PRC officials in Canada and  
3 you didn't think that that goes to the level of posing a  
4 threat to the integrity of the election in Canada? Is that  
5 fair?

6 **MS. NATHALIE DROUIN:** No, that's not fair.  
7 Especially that when it comes to potential illegal financing  
8 systems or channels, this is really under the jurisdiction of  
9 the Office of the Commissioner of Elections. And I think  
10 that we have said that, and others too, that this information  
11 was relayed to this body.

12 **MR. NANDO de LUCA:** So in your view, they --  
13 if the evidence was concrete, they should have done something  
14 about it?

15 **MS. NATHALIE DROUIN:** If the intel was, you  
16 know, allowed to develop some evidence and to prove some  
17 offences, yes, I believe that the due course of action would  
18 have happened.

19 **MR. NANDO de LUCA:** Thank you very much.

20 **COMMISSIONER HOGUE:** Thank you.

21 AG?

22 **MS. HELENE ROBERTSON:** We have no questions.  
23 Thank you.

24 **COMMISSIONER HOGUE:** Re-examination?

25 **MS. LYNDIA MORGAN:** No, thank you.

26 **COMMISSIONER HOGUE:** It's 3:05. We cannot  
27 force the eclipse to happen before, so what I suggest is  
28 we'll make sure the next witnesses will be here, and we'll

1 start at -- it's at 3:25. If we can, I suggest 3:30. If  
2 it's not over yet, then no later than 3:35.

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

5 This hearing is in recess until 1:35. La  
6 séance est en pause jusqu'à 15 h 35.

7 --- Upon recessing at 3:07 p.m./

8 --- La séance est suspendue à 15 h 07

9 --- Upon resuming at 3:37 p.m./

10 --- La séance est reprise à 15 h 37

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

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

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

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

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

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

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

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

22 **COMMISSIONER HOGUE:** So first one to have the  
23 cross-examination is counsel for Erin O'Toole.

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

25 **MR. THOMAS JARMYN:**

26 **MR. THOMAS JARMYN:** My name's Tom Jarmyn.  
27 I'm counsel for Erin O'Toole.

28 And I guess the first document we'd get



1 brought up would be COM 23, which is the protocol for the  
2 2021 election. And if we could just look at that.

3 --- EXHIBIT No./PIÈCE No. COM 23

4 Cabinet Directive on the Critical  
5 Election Incident Public Protocol

6 **MR. THOMAS JARMYN:** And I'm to gather from  
7 your evidence this morning that one of the changes that was  
8 made between 2019 and 2021 was the removal of the requirement  
9 that there be foreign interference and that we would look at  
10 interference generally, which met the particular test. Is  
11 that correct?

12 **MS. JANICE CHARETTE:** I believe I testified,  
13 yes, that in addition there was clarification made that it  
14 could be -- a threat could be foreign or domestic.

15 **MR. THOMAS JARMYN:** Yes. And that largely  
16 removed the challenge with respect to this issue of the  
17 attribution of proxy actors in Canada acting for a foreign  
18 government if we could trace that altogether.

19 **MS. JANICE CHARETTE:** I think I tried to give  
20 testimony this morning to explain the genesis of this, which  
21 had a variety of factors associated with it, including, you  
22 know, IMVE, for instance. I believe I testified it'd be  
23 logically motivated violent extremists as an additional  
24 example, but yes, I think it's the case that we wanted to, in  
25 our deliberations, make sure that in following the Cabinet  
26 directive we were looking at a foreign actor or a domestic  
27 actor who was working on behalf of a foreign actor.

28 **MR. THOMAS JARMYN:** And so with respect to

1 the overall mandate itself, it divided into two sets of  
2 actions. There were those which were within the mandate of  
3 various authorities, for example, Elections Canada, and those  
4 were -- or the RCMP, and those that didn't really have a home  
5 and, as a result, that's where the -- what the panel would  
6 mostly focus on.

7 **MS. JANICE CHARETTE:** Well, I would actually  
8 look at it the other way, sir. Which is to say, in our role  
9 as the Panel, we were being provided with information by the  
10 SITE Task Force on both a daily basis, as well as in our  
11 weekly briefings, on the threat environment and any evidence  
12 they were seeing, through intelligence or other informations,  
13 about risks to the election. And then there were a number of  
14 actions that were possible, including actions by the Panel as  
15 set out in the protocol, or it could fall in with the remit  
16 of another body, Elections Canada, or, as you said, the RCMP.  
17 But the Panel exists as part of a broader ecosystem; there's  
18 a shared responsibility.

19 And so I think it's not -- I would say that  
20 there's a multiplicity of things that could be done, and I  
21 think we tried to give you some examples this morning of  
22 mitigation steps, for example, that could be taken for things  
23 that don't meet the threshold of the Panel, which wouldn't  
24 meet your other two tests of either the Commissioner of  
25 Elections or the RCMP.

26 **Mr. THOMAS JARMYN:** And so for a matter which  
27 fell within the mandate of Commissioner of Elections, for  
28 example, the contribution of foreign funds to -- the

1 expenditure of foreign funds to affect the outcome of an  
2 election. So we've seen reports in 2019 of a transfer of  
3 \$250,000. Let's just say hypothetically we're able to  
4 establish with a degree of certainty that happened; that's a  
5 matter that would fall under the *Elections Act*; is that  
6 correct?

7 **MS. JANICE CHARETTE:** So if I could, I think  
8 a careful reading of what the summary says with respect to  
9 2019, if we could come back to, because I think your -- the  
10 way you just put it may not necessarily reflect -- I don't  
11 think it does reflect ---

12 **MR. THOMAS JARMYN:** Okay, let's forget 2019.

13 **MS. JANICE CHARETTE:** --- but

14 **MR. THOMAS JARMYN:** Let's just go right to a  
15 strict hypothetical: In a foreign nation, someone transfers  
16 \$250,000 to an actor in Canada for the purposes of  
17 expenditure on a Canadian election. That would be a  
18 violation of the *Elections Act*.

19 **MS. JANICE CHARETTE:** It would be certainly  
20 something which the Panel -- would be drawn to the attention  
21 of the Panel and we would make sure that it went to the  
22 responsible authorities, including possibly Elections Canada,  
23 ---

24 **MR. THOMAS JARMYN:** And the ---

25 **MS. JANICE CHARETTE:** --- there may be  
26 others. We did not ---

27 **MR. THOMAS JARMYN:** If we ---

28 **MS. JANICE CHARETTE:** Can I just add, sir?

1                   **MR. THOMAS JARMYN:** Yes.

2                   **MS. JANICE CHARETTE:** We did not see that in  
3 2021.

4                   **MR. THOMAS JARMYN:** Agreed, yes, you did not.  
5                   And if that happened, because I'm trying to  
6 understand a matter where the matter falls within the remit  
7 of Elections Canada but is incapable of being proved because  
8 of either an intelligence to evidence challenge, or we don't  
9 have an MLAT with that country in order to allow us to obtain  
10 evidence. How would that be handled.

11                   **MS. JANICE CHARETTE:** I'm not sure.

12                   **MR. THOMAS JARMYN:** So a matter happens,  
13 we've got -- it's -- clearly affects, with certainty, the  
14 necessary degree of certainty, it would affect the election,  
15 but it falls within the remit of Elections Canada, but it  
16 can't be proved because of intelligence to evidence  
17 challenges, or because we can't go to China and get the  
18 evidence.

19                   **MS. JANICE CHARETTE:** So acknowledging, sir,  
20 that we are beyond the remit of the panel of five here, can I  
21 say that in addition to the panel of five, in addition to the  
22 SITE Task Force, there was an election security -- a group of  
23 officials meeting to look at election security, which  
24 included members of Elections Canada and the National  
25 Security Establishment. And so there would be venues and  
26 ways for information to be transferred between those  
27 organizations that the Panel would have no knowledge or sight  
28 of.

1           So in the hypothetical situation that you put  
2 out, I'm going to hypothetically say there are venues and  
3 mechanism to deal with that.

4           **MR. THOMAS JARMYN:** All right, thank you.

5           And with respect to the test of events that  
6 -- happening, Mr. Daigle gave a very helpful sort of  
7 description this morning. To use your words, Mr. Daigle, you  
8 need some reliable information we could test that there's  
9 something going on that needs correction. A mere possibility  
10 is not enough. So that speaks to me of a degree of certainty  
11 that events had happened which would trigger your  
12 intervention; is that correct?

13           **MR. FRANÇOIS DAIGLE:** Yes, that's correct,  
14 yeah.

15           **MR. THOMAS JARMYN:** And in your experience in  
16 the intelligence field, how often does a first report,  
17 intelligence report have that degree of certainty in it?

18           **MR. FRANÇOIS DAIGLE:** Well -- so we were  
19 getting a lot of information. So not of -- I mean, in the  
20 nature of intelligence a lot of it comes to us from before,  
21 and we had a baseline of intelligence about methodologies and  
22 activities to look out for. And so we would consider all of  
23 that in deciding whether a threshold is, you know, a  
24 threshold in a particular case was met.

25           **MR. THOMAS JARMYN:** My question is when you  
26 receive -- when a first intelligence report is received, how  
27 often does it contain that degree of certainty in the  
28 intelligence world?

1           So let's look for example at the reports from  
2 the SITE Task Force late in the election involving Mr.  
3 O'Toole and Mr. Chiu, in which they suggest events are  
4 happening, but we cannot, with any credibility, determine one  
5 way or the other what is going on.

6           **MR. FRANÇOIS DAIGLE:** So ---

7           **MR. THOMAS JARMYN:** That was a first report.

8           **MR. FRANÇOIS DAIGLE:** --- I wouldn't agree  
9 with you that -- you know, the premise of your question is  
10 that there's never intelligence, or a first report of  
11 intelligence is never solid enough for us to take some  
12 action. And it really depends on the information, and we  
13 don't rely on just the one intelligence report to consider  
14 these matters.

15           **MR. THOMAS JARMYN:** So let's look at the  
16 evolution of the intelligence with respect to Mr. O'Toole and  
17 Mr. Chiu.

18           And Commissioner, I'd like leave to refer to  
19 the three documents we discussed this morning; 4079, 14852 --  
20 or 4495 and 15482, which were received late on the weekend.

21           **COMMISSIONER HOGUE:** Fine.

22           **MR. THOMAS JARMYN:** Thank you.

23           Can we bring up, first of all, CAN 4821,  
24 which is a SITE Task Force Analysis dated October 25<sup>th</sup>, 2021.

25           **--- EXHIBIT No./PIÈCE No. CAN 4821:**

26                           Chinese State Media and Other Online  
27                           Activity during GE44

28           **MR. THOMAS JARMYN:** And if we go to page 2,

1 and it talks about the purpose of the report, and it says:

2 "The purpose of this report is to  
3 present a timeline of all evidence  
4 available to SITE supporting our  
5 observations that CPC Leader..."

6 Or, sorry, "purpose"; yes, right there, yes:

7 "...that CPC Leader Erin O'Toole,  
8 former CPC MP Kenny Chiu, and the CPC  
9 in general were the target of  
10 online/media activities aimed  
11 primarily at discouraging Chinese-  
12 speaking Canadian electors from  
13 supporting the CPC..."

14 Now, ahead of that, that statement is  
15 actually made much more conditional than that. They are  
16 attempting to draw sources. But you would agree with me  
17 that's an evolution from where SITE was just four weeks prior  
18 to that.

19 **MS. MARTA MORGAN:** So maybe I would weigh in  
20 here, just to say that just to be clear, this is not  
21 intelligence that we're looking at here. This is  
22 information, that says open-source -- using open-source  
23 information that's gleaned from social media accounts, et  
24 cetera. So just to be clear.

25 But, yes, absolutely, as analysis evolves  
26 over time, so you know, you'll see in this case that there  
27 were indications, you'll see that the RRM followed those  
28 indications. You'll see that there was an increase in the

1 inattention to this story, and then you'll see that this  
2 story died down a week before the election date. And then  
3 you'll see afterwards that further analysis can be done to  
4 try and more -- ascertain with more certainty, you know,  
5 whether there was inauthentic or coordinated action to  
6 promote these stories.

7 **MR. THOMAS JARMYN:** And that's ---

8 **MS. MARTA MORGAN:** And that's normal.

9 **MR. THOMAS JARMYN:** --- the point that I'm  
10 making, is that there was an ongoing evolution of the  
11 analysis; the problem continued to be looked at.

12 And I'll skip over to the last document.

13 **MS. JANICE CHARETTE:** Mr. Jarmyn, can I  
14 interject here, ---

15 **MR. THOMAS JARMYN:** Yes.

16 **MS. JANICE CHARETTE:** --- if I could:

17 So I believe I said this this morning, if I  
18 didn't, I should have. But I believe I said that after the  
19 election, the Conservative Party of Canada raised concerns  
20 with members of the SITE Task Force, and through the  
21 appropriate mechanisms and avenues to do that, and submitted  
22 to us some information that they thought was important as  
23 evidence of their concerns, to support their concerns.

24 And so as testified by the SITE Task Force in  
25 their testimony last week, there was a lot of work and effort  
26 that went into looking at that information that came from the  
27 party, and this document, which is about 11 or so pages long,  
28 represents, in part, not just an evolution kind of for the



1       sake of evolution, but a response to the fact that there were  
2       concerns that were raised by a party, that were taken very  
3       seriously by the SITE Task Force in terms of really making  
4       sure we were going back -- they were going back and looking  
5       at what came from the party, what they were seeing in the  
6       environment, and kind of doubling down on our analysis to  
7       make sure that, you know, kind of no stone unturned looking  
8       at this. Is that fair?

9                   **MR. THOMAS JARMYN:** Yeah -- no, and I agree  
10       with that. This is -- as you say, this is an ongoing, they  
11       looked at the problem further and developed a more refined  
12       solution.

13                   We'll look at CAN 4079\_R01, which is dated  
14       October 22<sup>nd</sup>, 2022.

15                   **COMMISSIONER HOGUE:** Your time is over, but I  
16       will let you conclude on this topic.

17                   **MR. THOMAS JARMYN:** Okay, thank you.

18                   And if we look at page 1 and scroll on down.  
19       So right here, "Current situation":

20                   "To acquiesce to PRC officials and  
21                   the United Front Work Department, co-  
22                   opted community leaders and  
23                   associations provided assistance in  
24                   fundraising [...] support [...] activity  
25                   is often covert, likely illegal, and  
26                   therefore constitutes foreign  
27                   interference by the PRC."

28                   Large redacted section. And then:

1 "PRC officials could be emboldened in  
2 their electoral interference efforts  
3 by the 2021 defeat of former Richmond  
4 MP Kenny Chiu."

5 There's also a further on document, 4495, of  
6 February 21<sup>st</sup>, 2023, that describes these threats in even  
7 more detail.

8 I guess what I'm putting to you is that the  
9 more these matters are studied and further information is  
10 gathered, that our agencies are able to come to a far more  
11 certain conclusion than they are on the first touch during  
12 the five-week election period which constituted your mandate.  
13 Is that correct?

14 **MS. JANICE CHARETTE:** I think it's fair to  
15 say that agencies continue to collect intelligence, collect  
16 information, which could add to the picture and that the  
17 documents that I believe you're referring to are both well  
18 after the election, so it could be the case that new  
19 information came to light. Part of the challenge for the  
20 summaries that I think the Commission has or the public has  
21 is that the documents that are in the summaries, which is --  
22 are best -- the best effort to provide a picture of different  
23 threat actors or different intelligence events contains a  
24 number of caveats, including we don't know when the  
25 information was collected, the nature of the source, and  
26 there's quite a number of caveats. So like that, you have to  
27 look at the particular cases here in order to be able to  
28 really answer the question I think that you're putting.

1           **MR. THOMAS JARMYN:** And I think the point is  
2 the first report often needs a great deal more work?

3           **MS. JANICE CHARETTE:** I wouldn't say that. I  
4 would say that the first report stands on itself. The  
5 picture can change as more information may become available.

6           **MR. THOMAS JARMYN:** Okay. Thank you.  
7 Thank you, Commissioner.

8           **COMMISSIONER HOGUE:** Thank you.  
9 Conservative Party?

10          **MR. NANDO de LUCA:** Madam Commissioner, in  
11 the interest of efficiency, we're going to cede half of our  
12 time to counsel for Ms. Kwan and half of our time to counsel  
13 for Mr. Chong. Five minutes each, if that's okay.

14          **COMMISSIONER HOGUE:** Okay. Just a moment.  
15 You said five minutes to counsel for Jenny Kwan?

16          **MR. NANDO de LUCA:** Yes.

17          **COMMISSIONER HOGUE:** And five minutes to  
18 counsel for Michael Chong?

19          **MR. NANDO de LUCA:** Correct. Thank you.

20          **COMMISSIONER HOGUE:** Okay. So the next one  
21 is counsel for Jenny Kwan.

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

23          **MS. MANI KAKKAR:**

24                   **MS. MANI KAKKAR:** Good afternoon to the Panel  
25 and to the Commissioner. My name is Ms. Kakkar. I'm counsel  
26 for MP Kwan.

27                   My questions for you this afternoon are  
28 limited in scope to the threshold.

1                   And if I could ask for COM multiple zeros 195  
2 to be pulled up?

3                   **--- EXHIBIT No./PIÈCE No. COM 195:**

4                                   Report on the assessment of the 2021  
5                                   Critical Election Incident Public  
6                                   Protocol

7                   **MS. MANI KAKKAR:** This is the report of Mr.  
8 Rosenberg that you may be familiar with as a panel.

9                                   And specifically scrolling down to page 37 of  
10 the report, which is 38 of the PDF. Actually, I'd like to  
11 start at page 36 of the report, 37 of the PDF. The second  
12 paragraph below the bullet.

13                                   You'll see that Mr. Rosenberg raises an issue  
14 here. He says that it's possible that there could be  
15 examples where:

16   "...voters in one riding or in a  
17 diaspora community [are] receiving  
18 emails from malign actors threatening  
19 that if they did not vote for a  
20 particular candidate, they would  
21 regret it. While this would be  
22 unlikely to meet the threshold of  
23 threatening the integrity of the  
24 entire election, it could have an  
25 effect on the voting behaviour of  
26 those targeted."

27                                   And I'd like for each of you to answer  
28 briefly, given my time constraints, whether you agree or

1 disagree with this concern that Mr. Rosenberg has stated?

2 **MS. JANICE CHARETTE:** Well I'm happy to start  
3 here, if I could. So just to put this paragraph in context,  
4 it's, as you said, page 36 of a long document. It is in a  
5 paragraph which talks about whether or not the protocol  
6 should be amended to allow for some kind of a statement to  
7 the public for an incident which does not meet the high  
8 threshold as set out in the directive currently. And Mr.  
9 Rosenberg goes on to provide an example of doing -- of that.

10 And I think that obviously depending on the  
11 fact set and the situation that we were presented with, if  
12 there was examples of voters in one riding or diaspora  
13 community getting these kinds of emails of this type would  
14 certainly merit serious consideration by the Panel and  
15 looking at what, if any, mitigation could be taken.

16 **MS. MANI KAKKAR:** As a statement though, do  
17 you agree that it's possible that the panel may conclude that  
18 the threshold hasn't been triggered in a situation like this?

19 **MS. JANICE CHARETTE:** You're asking a  
20 hypothetical question on an example. Is it possible? Yes.  
21 It's also possible that the panel could conclude differently.

22 **MS. MANI KAKKAR:** Thank you. Any other  
23 members of the panel?

24 **MR. ROBERT STEWART:** Yeah, I'll just add to  
25 Janice's answer to say we contemplated this kind of a  
26 circumstance in the scenarios that we were shown and talked  
27 about. And in some measure, we considered a situation where  
28 this was an evolving behaviour to be the kind of thing that

1 would be addressed by other actors, would be noticed, would  
2 be addressed by other actors. So there is not, you know, a  
3 binary scenario where either it exists or doesn't exist and  
4 is below or not meeting a threshold or meeting a threshold.  
5 I think it's a bit of a continuum.

6 **MS. MANI KAKKAR:** So do I understand you  
7 correctly to say that it's a bit of a continuum and that the  
8 response is also a continuum, that there are other actors  
9 that could respond outside of the Panel of Five?

10 **MR. ROBERT STEWART:** Yes.

11 **MR. MANI KAKKAR:** And so understandably,  
12 you're not responsible for, and I think you've made it clear  
13 you don't have the authority to advise -- or sorry, to  
14 instruct any other agency. But do you agree or think that  
15 the protocol for your particular panel should be amended to  
16 cover this sort of situation clearly?

17 **MS. NATHALIE DROUIN:** I think this is an  
18 interesting question and I think the Commission will have the  
19 opportunity in the second phase of their work to discuss  
20 about policy options and maybe we can address that question  
21 during that stage.

22 **MS. JANICE CHARETTE:** Can I just add one  
23 thing? I think the impact of foreign interference on  
24 diaspora communities is a -- was a concern to the Panel, has  
25 been a concern in our kind of day jobs outside of the Panel,  
26 and so we were very aware that in fact, some of the most  
27 difficult and injurious impacts of foreign interference are  
28 on these diaspora communities. So the kind of hypothetical

1 question that you're posting I think is exactly the kind of  
2 question that would be the topic of evolving policy  
3 consideration. I very much agree with Madam Drouin that I  
4 think it's something that deserves further consideration and  
5 reflection.

6 **Mme NATHALIE DROUIN:** Et juste pour le  
7 dossier, on a témoigné plus tôt aujourd'hui que il y avait  
8 quand même plusieurs autres mécanismes qui pouvaient être  
9 utilisés. Il y avait les pouvoirs des différents ministères,  
10 des différentes agences, il y a l'écosystème qui peut  
11 corriger également une information.

12 Donc, je voudrais pas donner l'impression que  
13 parce que on... le seuil est à ce niveau et que on n'est pas  
14 publiquement intervenu, alors que le seuil était pas  
15 rencontré, que rien ne s'est fait. Au contraire, il y a  
16 énormément de choses qui ont pu être faites par les  
17 différentes agences.

18 **MS. MANI KAKKAR:** I appreciate your answer,  
19 and I understand that there is a second phase to this, and I  
20 don't necessarily want to get into policy considerations  
21 here. But I would like to know if this particular panel has  
22 views on whether a sliding scale approach, so the kind of  
23 approach that exists for anti-terrorism, where you've got a  
24 sliding scale of risk from very low, low, medium, high,  
25 critical, could be adopted here to address some of those  
26 concerns that you may have encountered in the 2019 and 2021  
27 elections around the foreign interference faced by diaspora  
28 communities and at the riding level?

1                   **Mme NATHALIE DROUIN:** Peut-être c'est  
2 important, on n'a pas eu l'occasion de le dire assez, mais le  
3 Gouvernement du Canada a publié énormément de documents  
4 récemment, depuis 2019, principalement le Plan d'actions pour  
5 le maintien d'une saine démocratie, qui avait été présenté  
6 par la ministre Gould à l'époque.

7                   Il y a des documents qui ont été présentés  
8 par CSIS. Le directeur lui-même donne des conférences très  
9 régulièrement et même des conférences qui s'adressent à des  
10 communautés en particulier. Il y a CSC également qui produit  
11 des documents pour alerter, informer, sensibiliser les  
12 Canadiens au risque de l'ingérence étrangère.

13                   Il y a le Comité des parlementaires, donc  
14 connu sous l'acronyme NSICOP, qui a produit énormément de  
15 rapports. Aussi, donc, sans qu'il y ait d'échelle, comme  
16 vous le suggérez, il y a beaucoup de communication qui se  
17 fait au grand... au niveau des... pour les Canadiens afin de les  
18 sensibiliser au fait que l'ingérence étrangère, oui, elle est  
19 présente, elle est plus présente maintenant qu'elle l'était,  
20 par exemple, il y a une vingtaine d'années.

21                   Est-ce que les outils peuvent s'améliorer?  
22 Certainement. Les pratiques d'ingérence étrangère évoluent,  
23 nos façons de faire aussi pour sensibiliser les Canadiens  
24 doivent continuer à évoluer.

25                   **MS. MANI KAKKAR:** Okay. I appreciate your  
26 answer that there are other tools, but by way of -- there are  
27 other tools available to inform the public and I appreciate  
28 that response, whether it's CSIS or other agencies.



1           But it seems like the Panel of Five was  
2           created for the specific purpose of considering when public  
3           announcements would be necessary so to then download the  
4           responsibility when those announcements would be necessary  
5           when specific instances like the ones described by Mr.  
6           Rosenberg occur to other agencies, do you feel like that is  
7           the appropriate interpretation of the protocol, of the role  
8           of the Panel of Five, and is that how you administered your  
9           decisions in 2021? Is that how you applied the threshold in  
10          2021 with an understanding that other agencies were  
11          responsible for the kind of problem that Mr. Rosenberg  
12          identifies?

13                   **MS. JANICE CHARETTE:** I think we've been  
14          trying our best to explain that, you know, the Cabinet  
15          directive set a threshold. That threshold is what was given  
16          to the panel in terms of our role, but the panel is one  
17          player in a broader ecosystem of players who have a shared  
18          responsibility around the whole topics of foreign  
19          interference and domestic threats to the integrity of  
20          elections and that the nature of the threat is evolving and  
21          our response has to evolve. But because the -- and some of  
22          us are not currently employed by the Government of Canada and  
23          are not giving policy advice here, but I think that, you  
24          know, asking the -- we can tell you about our work in 2021.  
25          Our views on whether the protocol needs to change going  
26          forward, I think that's a question for another forum.

27                   **MS. MANI KAKKAR:** I appreciate that and I  
28          think I should narrow my question, then, just to your work in

1 2021.

2 Based on your work in 2021, would you have  
3 been of the view that the problem that Mr. Rosenberg raised  
4 was one that your panel could not effectively address given  
5 the high threshold and would have to go to another agency?

6 **Mme NATHALIE DROUIN:** La réponse à ça, c'est  
7 clairement non. Quand on regarde les différents incidents que  
8 j'ai pu voir le Panel à l'œuvre, en aucun moment on a senti  
9 qu'on n'avait pas les outils nécessaires. On vous a donné  
10 plusieurs informations, plusieurs indications sur ce qui a  
11 été fait par rapport aux éléments qui nous ont été soumis en  
12 2021, donc on n'a jamais senti que l'écosystème, par exemple,  
13 ne corrigeait pas une information, que les breffages  
14 appropriés ne pouvaient être données.

15 Donc, dans les situations auxquelles on a été  
16 confrontés en 2021, on avait les outils nécessaires pour  
17 prendre des mesures pour mitiger les impacts.

18 **MS. JANICE CHARETTE:** As well, I could add  
19 that the example that Mr. Rosenberg provides, we did not see  
20 during the '21 -- to be clear, we did not see activity --  
21 information or intelligence of activity of this type during  
22 the 2021 election.

23 **MS. MANI KAKKAR:** But you did receive sitreps  
24 that often talked about sort of individual riding level  
25 events that might be foreign interference; right?

26 Did you view those in the aggregate or did  
27 you view them as individual events and not necessarily apply  
28 the threshold to the aggregate impact of them?

1                   **MS. JANICE CHARETTE:** I think the written  
2 records show that we received daily sitreps, situation  
3 reports, from the SITE Task Force members. In addition, I  
4 believe we discussed earlier that we had a briefing by the  
5 members of the SITE Task Force, an oral briefing in our  
6 weekly meetings which was a chance to look not just at the  
7 individual pieces of information that we were provided, but  
8 to look at things both together, evolving and to have a sense  
9 of what the aggregate looked at the same time.

10                   So I think we look at both, would be fair to  
11 say, colleagues.

12                   **MS. MANI KAKKAR:** And my very last question  
13 and topic for you is, really, the use of domestic proxies. I  
14 understand that you refer to foreign actors which we -- when  
15 asking the 2019 panel, they agreed could include non-  
16 government actors. But there is a *modus operandi* of foreign  
17 interference that uses domestic proxies to carry out the  
18 interference.

19                   Did you, in 2021, keep that in mind when  
20 reviewing what might look like a domestic threat, especially  
21 given that your protocol had expanded to include domestic  
22 interference as well?

23                   **MS. JANICE CHARETTE:** Yes, we certainly did  
24 take that into consideration.

25                   **MS. MANI KAKKAR:** Would you be able to  
26 elaborate?

27                   **MS. NATHALIE DROUIN:** I just want to add  
28 because we received two questions that kind of assumed that

1 because they were Canadian proxy that that was not captured  
2 on the foreign interference.

3 I don't think this is what we are saying.  
4 Using Canadian proxy if they are directed by a foreign actor,  
5 this is a covert action and it is foreign interference if  
6 they are, you know, being some they are maligned.

7 So I don't want to give the Commission the  
8 impression that because they were using domestic proxy that  
9 it was not foreign interference.

10 **MS. MANI KAKKAR:** I appreciate that  
11 clarification.

12 And sorry, Ms. Charette, were you saying that  
13 you had considered that in the 2021 panel?

14 **MS. JANICE CHARETTE:** Yes, we did. Yeah.

15 **MS. MANI KAKKAR:** Okay. I think that those  
16 are all of my questions.

17 **COMMISSIONER HOGUE:** Thank you.

18 Counsel for Michael Chong.

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

20 **MR. GIB van ERT:**

21 **MR. GIB van ERT:** Thank you.

22 I'll start, if I may, with Me Daigle, please.

23 You explained this morning that in respect of  
24 the Kenny Chiu matter there was not enough information to  
25 make a determination that a foreign state had been  
26 responsible for the potential misinformation or  
27 disinformation concerning that candidate. In other words,  
28 attribution to the PRC was not possible. Is that right?

1                   **MR. FRANÇOIS DAIGLE:** I think, yeah, Ms.  
2 Morgan spoken about that, and that's -- that was the  
3 conclusion that we reached.

4                   **MR. GIB van ERT:** Oh, I'm sorry. My note was  
5 that you had said so.

6                   Well, I'm happy to direct it to Ms. Morgan as  
7 well. So here's -- I'll ask the court operator to please  
8 turn up COM 0023. This is the protocol from 2021.

9                   And if you'll go to point 6.0, please. There  
10 we are.

11                   And if you'll scroll down a little further.  
12 A little further still.

13                   All right. Thank you.

14                   So I want to take you to this passage. And  
15 where I'm heading with this is, I want to put to you that  
16 attribution to a foreign state is not required by the  
17 protocol.

18                   So I'll just show you the language here. It  
19 says:

20                   "A disruptive event or incidents of  
21 interference may emanate from domestic  
22 and/or foreign actors. Attribution of  
23 interference attempts may be  
24 challenging or not possible within the  
25 timelines permitted by events given  
26 that attempts to unduly influence the  
27 election may involve misdirection and  
28 disinformation. Further, it is

1 possible that foreign actors could be  
2 working in collaboration with or  
3 through domestic actors."

4 And this is the key point:

5 "Ultimately it is the impact of the  
6 incident on Canada's ability to have a  
7 free and fair election that is at issue  
8 in the determination of whether the  
9 threshold has been met and if a public  
10 announcement is required."

11 So the question that I want to put to you is,  
12 I appreciate that in the Kenny Chiu situation, the panel's  
13 feeling was that attribution was impossible, but attribution  
14 wasn't necessary in order to go ahead and decide to make an  
15 announcement. Do you agree with that?

16 **MS. NATHALIE DROUIN:** I think I testified a  
17 little bit about that earlier, that the attribution can be a  
18 range, so we can have absolutely no information and for the  
19 country we may have confirmation that no foreign actors is  
20 behind something. We can have information, but not solid  
21 enough that allows us to do a public attribution and then we  
22 can further do the job that takes a lot of time and then be  
23 able to do a public attribution.

24 This is what we were talking about, the  
25 middle situation when we know there is a foreign actor, but  
26 we don't have the time or the capacity to do a public  
27 attribution.

28 **MR. FRANÇOIS DAIGLE:** And what I was

1 referring to this morning was that we need something more  
2 than just the possibility that some PRC official has directed  
3 the misinformation campaign.

4 **MR. GIB van ERT:** Yes.

5 **MR. FRANÇOIS DAIGLE:** And the fact that  
6 there's a possibility isn't enough, so we know that the  
7 methodology of the PRC used to use proxies.

8 **MR. GIB van ERT:** Yes.

9 **MR. FRANÇOIS DAIGLE:** But it's not  
10 necessarily because we've seen them use it in the past that  
11 they've used it in this case. We had no information. So ---

12 **MR. GIB van ERT:** I ---

13 **MR. FRANÇOIS DAIGLE:** --- we had no  
14 information that they had, so we need at least some reliable  
15 information, not enough to be able to attribute it publicly,  
16 but we needed some information. So there's a -- you I think  
17 in your questioning last week talked about, you know,  
18 reasonable -- beyond a reasonable doubt. We're not building  
19 a criminal case here.

20 **MR. GIB van ERT:** Right.

21 **MR. FRANÇOIS DAIGLE:** We're not looking at  
22 evidence. We're looking at a totality of information and  
23 intelligence gathered over time and we're trying to make the  
24 best judgment we can with the information we have. But if  
25 there's -- if there isn't even -- there's not enough  
26 information to be able to say that there's a link there, that  
27 -- I think that that would create for us some difficulty  
28 because then we'd be worried about intervening what would

1 otherwise be simply a conversation among Canadians about an  
2 issue that's very relevant to them.

3 **MR. GIB van ERT:** All right. So I am very  
4 interested in that point about possible versus probable, and  
5 I've got a note to come back to you on that very point, but I  
6 want to finish on this because I don't think I've had an  
7 answer yet to the point that I put to the panel, which is  
8 that attribution is not required in order to exercise your  
9 power under Section 7 of the directive to make a public  
10 statement. If you aren't able to attribute, but you are  
11 minded to make a statement anyways, you have that power. Do  
12 you agree with that?

13 **MS. NATHALIE DROUIN:** We -- yeah, I agree  
14 with that.

15 **MS. MARTA MORGAN:** But ---

16 **MR. GIB van ERT:** You agree. Thank you.

17 **MS. MARTA MORGAN:** --- I would say that in  
18 the case of disinformation, which I think is what you're  
19 referring to, we would be looking for signs of that  
20 disinformation, which would include similar signs if it was  
21 domestic or foreign or if it was in a grey space, which is,  
22 you know, were there -- was there coordination and was there  
23 inauthentic spread of the information. So the same kinds of  
24 signals may be there regardless of whether it was a foreign  
25 state actor or whether it was a proxy, or whether it was a  
26 domestic actor that was trying to create disruption. And so  
27 those would be the kinds of things from a kind of more  
28 technical level that we would be looking for.



1           **MR. GIB van ERT:** And here's my concern, Ms.  
2 Morgan. If the panel was of the view that it had to be able  
3 to attribute, and furthermore, that it had to be able to do  
4 it on the high standard that Me Daigle was mentioning, and  
5 that it couldn't do so, it might feel paralyzed by that. And  
6 I say that you were not required to establish any  
7 attribution, and, therefore, you could have made an  
8 announcement around Mr. Chiu even without attributing it to  
9 China and say to the people in that riding, "There is  
10 disinformation and misinformation about his policies and his  
11 positions and you should be mindful of those things because  
12 untruths are being spread," without even mentioning the PRC.  
13 You had that power.

14           **MR. DAVID MORRISON:** Can I simply point out  
15 that it was Mr. Chiu himself that gave 2 interviews to  
16 English language Vancouver newspapers in early September 2021  
17 that this was happening to him. So it's simply not true that  
18 we needed to, as a panel, point out that erroneous  
19 information was circulating about him and his foreign  
20 influence registry because he was already live to it,  
21 presumably, his campaign team was live to it. The MacDonald  
22 Laurier Institute in Canada was live to it. He later  
23 published in the Vancouver Sun talking about it. So we have  
24 said several times that there is an ecosystem, and it is not  
25 -- erroneous information circulates all the time, and perhaps  
26 even especially in the cut and thrust of an election  
27 campaign. In the case of Kenny Chiu, not only were we not  
28 able to attribute it to a foreign state actor, we were pretty

1 confident that it was not unknown. The candidate himself was  
2 well aware and, presumably, folks in his riding were aware as  
3 well, given the ---

4 **MR. GIB van ERT:** Why did you presume that?

5 **MR. DAVID MORRISON:** Because he had ---

6 **MR. GIB van ERT:** Just because it was in an  
7 English language paper? Because my suggestion to you is that  
8 the people in this riding were getting the information from  
9 WeChat and from Mandarin sources. And had the panel come out  
10 and spoken to them in Mandarin and said -- as the panel, not  
11 just as Mr. Chiu, because everyone's going to assume that Mr.  
12 Chiu's going to disagree. They're not going to value that  
13 very highly. You are a panel of deputy ministers and the  
14 Clerk of the Privy Council, and you speak with authority.  
15 You could have come out and said in Mandarin, "This  
16 information is being spread. We assess it as being false.  
17 Please advise yourselves accordingly and conduct yourselves  
18 accordingly." And that's what you didn't do.

19 **MR. BARNEY BRUCKER:** Perhaps Mr. Morrison  
20 could finish his answer before he was interrupted?

21 **MR. DAVID MORRISON:** What I was trying to get  
22 at was there was every opportunity in English or in Mandarin  
23 for the principals involved in the election campaign to  
24 debunk any information that they considered inaccurate.  
25 That's what happens in the course of an election campaign.  
26 And as we have testified several times, there is an ecosystem  
27 that forms part of the cut and thrust. So if -- Mr.  
28 Rosenberg's document was on the screen a moment ago and he

1 talks about what happens if -- or what could potentially  
2 happen if the panel speaks. Somebody else has said it is not  
3 the panel's role to decide what is true and what is false.  
4 And when something is out there being discussed, I think we  
5 believe that the system is working.

6 **MR. GIB van ERT:** It's not the panel's role  
7 to determine what is true and what is false. That's your  
8 evidence, sir?

9 **MR. DAVID MORRISON:** I think the panel's role  
10 is well described in the various protocols.

11 **MR. GIB van ERT:** Right.

12 **MR. FRANÇOIS DAIGLE:** Maybe, I think the --  
13 what we're trying to explain here is there's lots of  
14 political debate that goes on in a democracy. Canadians are  
15 allowed to have disputes about a number of public policy  
16 issues.

17 **MR. GIB van ERT:** Yes.

18 **MR. FRANÇOIS DAIGLE:** They're allowed to say  
19 things that aren't true and debate that. And in order for us  
20 to actually intervene, a non-partisan independent panel set  
21 up with a directive here that we have to follow, in order for  
22 us to intervene in that, you know, that exercise of freedom  
23 of expression between Canadians, because we have to have at  
24 least some reliable information that these aren't just a  
25 bunch of Canadians having a dispute about a public policy  
26 issue, but there's actually some information that somebody is  
27 trying to feed that story and create some disruption here.  
28 And our conclusion, as Ms. Morgan explained, was that we

1 didn't see indicators of that. We didn't see ---

2 **MR. GIB van ERT:** In Mr. Chiu's case you  
3 mean?

4 **MR. FRANÇOIS DAIGLE:** Excuse me?

5 **MR. GIB van ERT:** I just want to be sure I  
6 understood. You mean in Mr. Chiu's case you didn't ---

7 **MR. FRANÇOIS DAIGLE:** Yeah.

8 **MR. GIB van ERT:** --- see indicators of that?  
9 Thank you.

10 **MR. FRANÇOIS DAIGLE:** Had we seen it, we  
11 would have had some different considerations to take into  
12 account. And we could have, depending on what the evidence  
13 is, we could have made a public statement without a public  
14 attribution, but we needed some evidence that this wasn't  
15 just a group of Canadians having a conversation about an  
16 issue, the foreign agent registry, which is a very live  
17 issue. And it's ---

18 **MR. GIB van ERT:** Right. And you say that  
19 the ---

20 **MR. FRANÇOIS DAIGLE:** --- still being  
21 considered by ---

22 **MR. GIB van ERT:** --- the information that  
23 SITE was giving you didn't meet that standard?

24 **MR. FRANÇOIS DAIGLE:** It did not meet that  
25 standard. We didn't have that ---

26 **MR. GIB van ERT:** And that brings us back to  
27 the standard that I wanted to talk to you about and I think  
28 you wanted to talk to as well, which is what is the standard.

1 And I think what I've heard you say, Me Daigle, is that it  
2 had to be probable not possible; that is to say, it had to be  
3 more likely than not that this was disinformation or that it  
4 met the threshold. Was that your operating standard more  
5 likely than not or probable?

6 **MR. FRANÇOIS DAIGLE:** That's what -- yes,  
7 that's what I think my interview summary says, that we are  
8 looking for some probable -- some information that would make  
9 it probable that this is interference, and that probable that  
10 there is an impact on the election, which ---

11 **MR. GIB van ERT:** And that was a standard  
12 that you adopted as a panel having considered the protocol  
13 and interpreted it that way; right?

14 **MR. FRANÇOIS DAIGLE:** That's the way -- well,  
15 I think ---

16 **MR. GIB van ERT:** Again, my point, sorry, if  
17 I can clarify. My point is the protocol itself doesn't tell  
18 you that the standard is more likely than not, or reasonable  
19 grounds to believe, or reasonable grounds to suspect. It  
20 leaves that to you to, in your judgement, determine what it  
21 ought to be; right?

22 **MR. FRANÇOIS DAIGLE:** It does, yeah.

23 **MS. MARTA MORGAN:** Well, the -- right, when  
24 one of the criteria is the reliability of the information and  
25 as ---

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, no, but the --- and as

3 ---

4 MR. GIB van ERT: I'm just talking about the  
5 standard ---

6 MS. MARTA MORGAN: Well ---

7 MR. GIB van ERT: --- right now.

8 MS. MARTA MORGAN: No, but the ---

9 MR. GIB van ERT: We can't confuse the two --

10 -

11 MS. MARTA MORGAN: But the standard ---

12 MR. GIB van ERT: --- because we get off

13 track.

14 MS. MARTA MORGAN: But the ---

15 MR. GIB van ERT: I just need to pursue this  
16 point of what is your standard of proof? And I've heard Me  
17 Daigle say it was more likely than not. So you agree with  
18 that?

19 MR. FRANÇOIS DAIGLE: We're not a court.

20 MR. GIB van ERT: But you're a lawyer, sir,  
21 and presumably you were there to advise the Panel on legal  
22 issues.

23 MR. FRANÇOIS DAIGLE: I was there as Deputy  
24 Minister of Justice. I didn't, I think during our panel, I  
25 didn't give any legal advice. But ---

26 MR. GIB van ERT: So if you thought that a  
27 legal error was being made ---

28 COMMISSIONER HOGUE: Just let him finish,

1 please.

2 **MR. FRANÇOIS DAIGLE:** We were getting  
3 information and trying to determine whether it met the  
4 threshold that's described in Article 6. In deciding that,  
5 we've looked at the evidence, the information and the  
6 intelligence that we've received, and try -- and tested its  
7 credibility.

8 So again, I mean, all I can do is say if it's  
9 -- the fact that it's possible that there was interference  
10 wasn't enough. We were looking for something more.

11 **MR. GIB van ERT:** Yes, I agree.

12 **MR. FRANÇOIS DAIGLE:** I described it as  
13 probable because I'm a lawyer and it's a term that I'm used  
14 to. But really what we did is considered all of the factors  
15 that's in the wrench, all of the information in the  
16 intelligence that we received, and tried to determine whether  
17 we should be making -- we've met the threshold and we should  
18 make a public announcement, principally because we have  
19 information that Canadians don't that they should have about  
20 this incident.

21 **Mme NATHALIE DROUIN:** Si vous me permettez?

22 **MR. GIB van ERT:** And my concern, just to  
23 finalize -- oh, go ahead, please.

24 **Mme NATHALIE DROUIN:** Je suis convaincue que  
25 le Service de renseignement vous ont parlé de comment on  
26 évalue une information, un renseignement. Donc, est-ce que  
27 c'est une source unique? Est-ce que c'est corroboré? Est-ce  
28 que c'est une source qui est connue du Service?

1           Donc, la... quand François parle de  
2 probabilité, on... il parle vraiment de l'évaluation de la  
3 qualité de l'intelligence que l'on reçoit.

4           Donc, ce sont tous des facteurs qui sont  
5 regardés pour déterminer si l'information que l'on reçoit est  
6 vraiment de l'ordre de la rumeur ou même des fois on peut  
7 avoir des témoins qui sont des témoins qui... pas des témoins,  
8 des sources, pardon, qui sont des sources qui ont un intérêt  
9 à nous faire passer cette information-là. Donc, ils nous  
10 font passer l'information parce qu'ils ont un intérêt à le  
11 faire.

12           Donc, ce sont tous des éléments que l'on  
13 regarde pour déterminer la valeur de renseignement que l'on  
14 reçoit.

15           **MR. GIB van ERT:** Yes. And just the last  
16 point then. You've done an excellent job there, Me Drouin,  
17 if I may say, of explaining all the considerations that you  
18 have to juggle, and if you juggle all of those according to a  
19 standard of is this probably PRC or is this probably  
20 misinformation, my suggestion is you'll never make an  
21 announcement around PRC foreign interference in the course of  
22 an election, because you'll never get to that standard.

23           **MS. NATHALIE DROUIN:** So ---

24           **MR. FRANÇOIS DAIGLE:** I would disagree with  
25 that. I mean, we've spent a lot of time going through a  
26 number of scenarios to understand where that threshold is and  
27 what kind of cases would give rise to us actually making a  
28 public announcement under the protocol, and we were ready to



1 make a public announcement if we saw, you know, information  
2 that, you know, that told us that something needed to be  
3 corrected. We were prepared to do that, but we simply didn't  
4 see enough information, or any information that would have us  
5 conclude that we've reached the protocol. But we were  
6 prepared to do that if we had to.

7 **MR. GIB van ERT:** Thank you. That's very  
8 helpful. Thank you very much.

9 **COMMISSIONER HOGUE:** Thank you.

10 Human Rights Coalition?

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

12 **MS. SARAH TEICH:**

13 **MS. SARAH TEICH:** Good afternoon. I want to  
14 jump off on some of the points that were just raised about  
15 threshold, and sliding scales, and particularly my colleague  
16 spoke about the potential for making an announcement just to  
17 the riding of -- Kenny Chiu's riding. Has the Panel also  
18 considered the possibility of making a targeted announcement  
19 to particular diaspora communities that are more vulnerable  
20 to foreign interference?

21 **MS. JANICE CHARETTE:** I know that we did  
22 discuss the possibility of making an announcement about  
23 information or intelligence that didn't reach the threshold.  
24 I think Madam Drouin testified this morning that at the end,  
25 we agreed that our threshold was not below the -- was as  
26 asset out here in terms of the below the threshold of free  
27 and fair election.

28 We were also prepared to look at a riding

1 level. Did we look at -- I think a riding or a group of  
2 ridings, in terms of an affected community, I think that was  
3 incorporated in our deliberations and our discussions, yes.

4 **MS. SARAH TEICH:** Okay. And you decided ---

5 **MS. JANICE CHARETTE:** Sorry, I had to work my  
6 way through to that.

7 **MS. SARAH TEICH:** No, I appreciate that. And  
8 you decided to not do that?

9 **MS. NATHALIE DROUIN:** No, I shouldn't say  
10 that. I think we have decided that we cannot issue an  
11 announcement if it's under the threshold. But I don't think  
12 we came to the conclusion that, if I may say, if it's only a  
13 community, or group of communities, in only one or two  
14 ridings, there's nothing we can do. This is not our  
15 conclusion. Our conclusion is that we could not do any  
16 announcement under the threshold. But our conclusion is not  
17 that if it's only a community, it's necessary under the  
18 threshold. Other elements were necessary to evaluate to come  
19 to a conclusion on the impact.

20 **MS. SARAH TEICH:** All right.

21 **MR. DAVID MORRISON:** I think just as a  
22 reminder, because it's already been testified to in this  
23 panel, there was a lot of public education that went on by  
24 the various agencies of the Canadian Government about foreign  
25 interference and who was -- who we considered to be most at  
26 risk and so on.

27 **MS. SARAH TEICH:** That's true. We heard  
28 about that in earlier days of the hearing. But to the best

1 of my recollection, a lot of those educational materials were  
2 general in nature and not offered in a variety of languages.  
3 So I would suggest that that's not necessarily what I'm  
4 asking. And I -- maybe I should relate this back actually to  
5 the sliding scale concept that we spoke about.

6 So in hypothetical, where the threshold isn't  
7 met, but there's some evidence of something going on, in your  
8 opinion, do you think it would have been valuable to make  
9 some sort of targeted announcement specifically to Chinese  
10 speaking voters for example, in order to build community  
11 resilience against some of these threats?

12 **MR. ROBERT STEWART:** I think -- I mean, we're  
13 really talking about a hypothetical here of a very rarified  
14 sort. And so without trying to repeat what my colleagues  
15 have already said, we had a lot of information in front of  
16 us, we never adjudicated the threshold coming close to being  
17 met in either an individual level riding, or at a national  
18 scale. Therefore we did not contemplate the modus, the  
19 modes, or possible means of communication in any individual  
20 circumstance.

21 **MS. NATHALIE DROUIN:** Maybe one thing, that  
22 if the threat is real and it's -- it doesn't hit the  
23 threshold in terms of the impact, CSIS can always do a threat  
24 reduction measure, and they have done that during the  
25 election, pre-election, post-election. So it's an instrument  
26 that CSIS can do if the threat is real and during the  
27 election, if the impact has not been to the level to hit the  
28 threshold.

1           **MS. SARA TEICH:** All right. I don't have any  
2 further questions. Thank you.

3           **COMMISSIONER HOGUE:** Thank you.

4           Counsel for the Sikh Coalition?

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

6           **MR. PRABJOT SINGH:**

7                   **MR. PRABJOT SINGH:** Good afternoon,  
8 panelists.

9                   Ms. Morgan, if I can start with you, the  
10 Commission heard evidence last week about the Rapid Response  
11 Mechanism's observations made in 2021 regarding polarizing  
12 disinformation that originated in India. Can you tell the  
13 Commission about any deliberation or steps taken by the Panel  
14 to consider the impacts or the threat of that specific wave  
15 of disinformation?

16                   **MS. MARTA MORGAN:** That would have been a  
17 brief to us as important context for what potentially could  
18 have happened during the writ period. But I do not recall  
19 RRM briefing on specific issues related to India in the  
20 online environment during the writ period in 2021. But we  
21 would have been briefed on -- from a contextual perspective  
22 on that because we were aware that that sort of thing could  
23 arise in Canada, and that as a panel, we needed to be  
24 prepared for that.

25                   **MR. PRABJOT SINGH:** So just to clarify that  
26 answer, so in terms of the information or intelligence that  
27 was provided to the Panel, there were no warnings or  
28 briefings about the threat of Indian disinformation in the

1 election?

2 **MS. MARTA MORGAN:** Oh no. That's not what I  
3 was saying at all. Actually the opposite. What I was saying  
4 is that as you noted, we had a number of meetings prior to  
5 the election itself, and in those briefings, we were briefed  
6 from a situational perspective on threats from multiple  
7 different actors, both sort of the in person, the person-  
8 to-person, foreign interference, potential for disinformation  
9 online, et cetera.

10 So not the kind of threat but also potential  
11 origins, including what might happen from various potential  
12 countries, including India.

13 **MR. PRABJOT SINGH:** And so what it sounds  
14 like is that was a generalised briefing about the  
15 possibilities or potential of a threat ---

16 **MS. MARTA MORGAN:** That's right ---

17 **MR. PRABJOT SINGH:** To reframe my question.  
18 I'm asking if the Panel considered specific instances where  
19 threats constituted by Indian disinformation?

20 **MS. MARTA MORGAN:** Not during the writ  
21 period.

22 **MR. PRABJOT SINGH:** Thank you. And the ---

23 **MS. NATHALIE DROUIN:** Because there was no  
24 information.

25 **MS. MARTA MORGAN:** Because there was no  
26 information suggesting that there was disinformation or  
27 originating from that source in the Canadian information  
28 ecosphere during that period.

1           **MR. PRABJOT SINGH:** And so that leads me to  
2 my next question, is that the RRM did identify some  
3 vulnerabilities and some gaps in the methodology to actually  
4 understand or comprehend the information ecosystems  
5 originating in places like India and their impacts on  
6 diaspora communities. So was any further investigational  
7 work done to address that vulnerability, or was that a gap  
8 that went unchecked during the electoral period?

9           **MS. MARTA MORGAN:** Is there a particular  
10 document that you're referring to that you could refer us to  
11 on that?

12           **MR. PRABJOT SINGH:** No, there's no -- I'm  
13 asking the question if those briefings occurred or if there  
14 was any attempts by the Panel to address any gaps. So we've  
15 spoken at length about the targeting of diaspora communities,  
16 the impacts of disinformation on diaspora communities. So  
17 I'm trying to understand and help the Commission understand  
18 whether the Panel was actually equipped or did any work to  
19 identify those gaps and fill that gap.

20           **MS. MARTA MORGAN:** The RRM is always working  
21 to improve its capacity, including working with outside  
22 players contracting, working with civil society who has  
23 expertise in this area. So there's always an ongoing attempt  
24 to fill the gaps that are identified.

25           **MR. PRABJOT SINGH:** So in your understanding,  
26 that gap remains in terms of understanding Indian  
27 disinformation in the information ecosystem?

28           **MS. MARTA MORGAN:** That's not what I'm

1 saying.

2 **MS. NATHALIE DROUIN:** Yeah, if I may. The  
3 intel we receive about different foreign actors about their  
4 intent, and the mechanisms they are using, and the approaches  
5 they are using to do some foreign interference activities in  
6 Canada, that intel was not coming from RRM, it was coming  
7 from CSIS and CSE, in particular, in terms of what they know,  
8 the activities they are seeing with all their surveillance  
9 work. So this were the two main agencies feeding us in terms  
10 of seeing the level of foreign interference that a foreign  
11 actor can do.

12 Like RRM is not there to see pattern in terms  
13 of how they operate. They can follow a specific media and  
14 look at, you know, how it is authenticated, who is speaking  
15 up on it, but they are not looking at trends, a trend in  
16 terms of foreign actors', you know, activities, and things  
17 like that. So I think that we have to make sure that we  
18 understand the role of all our organisations here.

19 **MR. PRABJOT SINGH:** So based on those  
20 briefings that were provided about Indian disinformation by  
21 CSIS or any other agencies, did the Panel conduct any  
22 deliberations or conversations about assessing a threat and  
23 considering an announcement to counteract Indian  
24 disinformation in any electoral ridings in Canada?

25 **MS. JANICE CHARETTE:** I think what my  
26 colleagues -- I'm going try it this time. So we were briefed  
27 by the SITE Task Force at the outset of our work around  
28 capabilities of foreign actors and some of the tools that

1 they would possibly use. When we entered into the election  
2 campaign itself, we were being briefed on activities and the  
3 intelligence or information that was coming about how those  
4 capabilities or those tools were being deployed. And I do  
5 not believe during the 2021 election that we saw evidence of  
6 Government of India using those tools in the campaign.

7 **MR. PRABJOT SINGH:** Thank you for that clear,  
8 direct answer.

9 So we've heard from colleagues at CSIS and  
10 the SITE Task Force last week that India targeted individual  
11 ridings or specific candidates in the 2021 elections. Was  
12 the Panel provided with specific details about those threats,  
13 and did it consider any action or a public announcement  
14 emanating from that threat?

15 **MS. NATHALIE DROUIN:** If we can put the  
16 country specific public summary I think that can help us ---

17 **MR. PRABJOT SINGH:** Sure. I believe that'll  
18 be ---

19 **MS. NATHALIE DROUIN:** --- in terms of what is  
20 ---

21 **MR. PRABJOT SINGH:** --- CAN.SUM 12.

22 **MS. NATHALIE DROUIN:** --- in the public  
23 domain and what we can discuss in this forum.

24 And if my recollection is good, I don't think  
25 that we have a specific topic of public summary relative to -  
26 --

27 **MR. PRABJOT SINGH:** Sorry. Mr. Operator, I  
28 think it might be CAN.SUM 7, actually.



1 --- EXHIBIT No./PIÈCE No. CAN.SUM 7:

2 Country Summary: India

3 **MR. PRABJOT SINGH:** Sorry, if you could just  
4 -- one second. No. Yeah, that's fine. If we can scroll  
5 down. If you can scroll down. A little bit further:

6 "A body of intelligence indicates  
7 that...proxy agents may have  
8 attempted to interfere in democratic  
9 processes...including through the  
10 clandestine provision of illicit  
11 financial support to  
12 various...politicians..."

13 Were these -- any of these specific threats  
14 considered by the Panel?

15 **MR. DAVID MORRISON:** Let me just say that I  
16 think the public summary speaks for itself, and everything  
17 else that we had to say as a Panel was conveyed to the  
18 Commission in the *in-camera* hearings.

19 **MR. PRABJOT SINGH:** Yeah, and so that's  
20 totally fine, that's what I'm looking for. If there is  
21 information that can't be provided in a public setting if you  
22 can note that and Madam Commissioner and Commission Counsel  
23 can determine if any follow up is required *in-camera*.

24 So is -- am I to take it ---

25 **COMMISSIONER HOGUE:** I said we would work --  
26 if a question cannot be answered in this forum, then the  
27 question is written down and we'll follow up after the  
28 hearings.

1           **MR. PRABJOT SINGH:** Okay.

2           **COMMISSIONER HOGUE:** If there's a need to ---

3           **MR. PRABJOT SINGH:** Yeah. So I'll reframe my  
4 question with that kind of background knowledge, that if  
5 there is information that can't be shared in this public  
6 setting, you're free to inform the Commission that you're not  
7 able to answer and Madam Commissioner can see if there's any  
8 follow up that's required.

9                         So did Panel -- the Panel specific  
10 investigate or assess disinformation threats emanating from  
11 India during the electoral period?

12           **MR. ROBERT STEWART:** I think we've answered  
13 that already and said no on disinformation.

14           **MR. PRABJOT SINGH:** Yeah. And were there  
15 specific threats on specific ridings that were considered by  
16 the Panel?

17           **MR. ROBERT STEWART:** And the answer to that  
18 is no, as well. And for clarity, the country summaries to  
19 which we've referred include a body of intelligence that is  
20 accumulated over a much longer period of time, including up  
21 to clearly close to the present day.

22           **MR. PRABJOT SINGH:** Okay. And so just to  
23 clarify, so your answer isn't that you're not able to answer,  
24 your answer is that there were no specific threats or targets  
25 of any individual campaigns that were even looked at by the  
26 Panel.

27           **MR. ROBERT STEWART:** We were not informed of  
28 any particular activity in ridings that are in the subject to

1 which you refer ---

2 MR. PRABJOT SINGH: And were there any ---

3 MR. ROBERT STEWART: --- during our Panel  
4 process during the writ period.

5 MR. PRABJOT SINGH: Okay, thank you. That  
6 was very helpful. And were there any investigations or  
7 threats about funding coming from Indian sources to any  
8 campaigns?

9 MR. ROBERT STEWART: Not that were brought to  
10 our attention.

11 MR. PRABJOT SINGH: Thank you. Those are all  
12 my questions.

13 COMMISSIONER HOGUE: Thank you.

14 RCDA. And you're having 10 minutes from UCC.

15 MR. GUILLAUME SIROIS: Bonsoir from the RCDA.  
16 And I want to talk -- thank my friend from UCC for granting  
17 his time to the RCDA for this cross-examination.

18 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE BY

19 MR. GUILLAUME SIROIS:

20 MR. GUILLAUME SIROIS: Mr. Morrison, you  
21 testified that around September 9 to 12, the Panel of Five  
22 was preoccupied with the Chinese disinformation campaign.  
23 That was the disinformation campaign targeting Kenny Chiu; is  
24 that right?

25 MR. DAVID MORRISON: Yes.

26 MR. GUILLAUME SIROIS: Okay. What the ---

27 MR. DAVID MORRISON: All -- it was the -- it  
28 was the information that may have been inaccurate that was

1 circulating around that time. It was about the foreign agent  
2 registry and it was about the Conservative Party of Canada  
3 and Erin O'Toole's platform and folks in media organisations  
4 were commenting on it in that time period.

5 **MS. JANICE CHARETTE:** May I also suggest to  
6 you, sir, that the term "preoccupied" I think it's fair to  
7 say that we were following closely, but we were following a  
8 lot of things closely on a day-by-day basis throughout the  
9 election campaign.

10 **MR. GUILLAUME SIROIS:** Okay. Was it - were  
11 potential Russian disinformation campaigns as closely as the  
12 one on the Chinese media.

13 **MR. DAVID MORRISON:** I think it's fair to say  
14 we would have followed any campaign of mis -- or  
15 disinformation equally closely given the potential impact on  
16 the election campaign.

17 **Me GUILLAUME SIROIS:** Ce n'est pas... ce  
18 n'était pas une question hypothétique. Je demande au moment  
19 des faits, entre septembre 9 et 15 environ, est-ce que le  
20 Panel surveillait de la même façon une campagne de  
21 désinformation russe qu'une campagne de désinformation  
22 chinoise? C'est oui ou non.

23 **MR. DAVID MORRISON:** The Panel itself does  
24 not surveil information. We receive reports from the SITE  
25 Task Force ---

26 **MR. GUILLAUME SIROIS:** All of ---

27 **MR. DAVID MORRISON:** Can I finish, please?

28 **COMMISSIONER HOGUE:** Let him finish.

1           **MR. DAVID MORRISON:** The daily SITREPs from  
2 SITE are available for everyone. They did not, to the best  
3 of my recollection, flag any activity by Russia that required  
4 follow up by the Panel.

5           **MR. GUILLAUME SIROIS:** In short, no? Okay,  
6 I'll move on because it's ---

7           **MS. NATHALIE DROUIN:** So, we took seriously  
8 everything that was shown to us. We, as I said this morning,  
9 we knew and we still know about Russia capabilities,  
10 especially when it comes to espionage and cyberactivity. And  
11 our intelligence agencies were following the interest that  
12 Russia was demonstrating into our electoral exercises. And  
13 we haven't been informed of any specific activities they were  
14 doing in the 2021 election.

15           **MR. GUILLAUME SIROIS:** Thank you. C'est  
16 vraiment utile, Maitre Drouin.

17           **MS. JANICE CHARRETTE:** And I can probably  
18 point out to you, just in the After Action Report that was  
19 prepared by the Security and Intelligence Threats to  
20 Elections Task Force dated December the 17<sup>th</sup>, under Summary  
21 of Key Observations, it contains a statement:

22                           "Other state actors (Russia, [...] were  
23                           not observed engaging in activities  
24                           threatening Canada's GE44."

25           **Me GUILLAUME SIROIS:** Merci. Ça l'aide  
26 aussi.

27                           I would like to pull CAN, three zero, 134.  
28 Well, CAN 000134.

1 --- EXHIBIT No./PIÈCE No. CAN 134:

2 RRM Canada Weekly Trend Analysis

3 **Me GUILLAUME SIROIS:** Do you recall the  
4 Weekly Trends Analysis prepared by the RRM? Does it ring any  
5 bell? This was prepared for the SITE Task Force, I know, but  
6 I also know that the SITE Task Force wasn't supposed to  
7 filter any information, so that's why I'm going to be asking  
8 you questions about this.

9 **MS. JANICE CHARRETTE:** So, this report was  
10 not a report shared with the Panel. It may be the case that  
11 the information that's in there is information that went via  
12 the SITE Task Force into our briefings. It depends on the  
13 particular points you're about to make, sir.

14 **MR. GUILLAUME SIROIS:** Yes, I'm getting to  
15 that. And do you recall, by any chance, the firm Yonder,  
16 that the GAC or RRM Canada contracted to monitor social media  
17 platforms?

18 **MS. MARTA MORGAN:** Yes, they did.

19 **MR. GUILLAUME SIROIS:** So, yes. This is the  
20 RRM Weekly Trend Analysis for the week of September 9 to 15.  
21 I would like to go to page 2 please.

22 So, we don't know a lot about this firm  
23 Yonder, we don't have many documents about it, but we do have  
24 this very sort of summary, very short summary, that says,  
25 among other things:

26 "It appears that both Chinese and  
27 Russian [...] state-aligned accounts  
28 generally show low levels of

1 engagement overall, often single  
2 accounts and only a few Tweets."

3 Do you see that?

4 **MS. MARTA MORGAN:** Yes.

5 **MR. GUILLAUME SIROIS:** Do you know what the  
6 Yonder firm meant by "generally", "overall", or "often"?

7 **MS. MARTA MORGAN:** That would be a question  
8 that would be better put to either them or to the experts at  
9 the RRM.

10 **MR. GUILLAUME SIROIS:** Okay. But would you  
11 agree, just reading this, that it's difficult to understand  
12 the scope of these disinformation campaigns with these  
13 qualitatatives?

14 **MS. MARTA MORGAN:** Well, I would say that it  
15 notes that they generally show low levels of engagement  
16 overall, and that would probably explain why information in  
17 this particular paragraph was not included in the daily  
18 reports to us, which included information that we needed to  
19 be aware of at that time because there was potentially an  
20 issue that we needed to be aware of.

21 So, I would interpret that as being a low  
22 level of engagement, and therefore something to keep  
23 monitoring, but not something -- not an issue of concern at  
24 that time.

25 **MR. GUILLAUME SIROIS:** But you were informed  
26 of Chinese disinformation campaign, were you not?

27 **MS. MARTA MORGAN:** We were informed that  
28 there were concerns about information that was being shared

1 both in Chinese-Canadian media sites and through WeChat, yes.  
2 We had been informed about that, absolutely.

3 **MR. FRANÇOIS DAIGLE:** But to characterize it  
4 as a disinformation campaign is, I think, erroneous.

5 **MS. MARTA MORGAN:** Well -- and also, this  
6 does -- this is talking specifically about Chinese and  
7 Russian state and state-aligned accounts, so, you know, I do  
8 think that this would be a question better put to the experts  
9 in terms of how two things align.

10 But my reading of this, in terms of the  
11 Russian intervention, is that at least for the accounts that  
12 they were monitoring, there was low levels of engagement.  
13 That doesn't mean there was something -- wasn't something  
14 else going on somewhere else, but ---

15 **MS. NATHALIE DROUIN:** And just maybe to add  
16 on -- we just had a previous conversation about other  
17 incidents where we said that in those incidents, I'm talking  
18 about here the O'Toole and Kenny Chiu incidents, in both  
19 cases, we said that we have not seen any direction or  
20 amplification coming directly from PRC. So, I think that  
21 this is completely aligned with what we are saying here.

22 **MR. GUILLAUME SIROIS:** But we did confirm  
23 earlier that you -- the Panel of Five was informed by a  
24 potential Chinese influence campaign. It was possibly  
25 directed by the PRC or influenced by the PRC.

26 My question is just why was it informed --  
27 why was the Panel of Five informed of this Chinese  
28 disinformation campaign and not the Russian disinformation



1 campaign circulating online if the firm that was contracted  
2 to monitor social media by GAC identified both threats as  
3 being the same?

4 **MS. MARTA MORGAN:** Could I just say that GAC  
5 contracted and worked with a number of different firms. GAC  
6 also -- the RRM also had its own capacity and the RRM also  
7 worked with civil society. So, the information that we were  
8 getting as a Panel was coming from multiple sources that were  
9 collected and analyzed by Global Affairs.

10 So, this particular statement, I don't think,  
11 is making the conclusion that you're trying to draw. We were  
12 not brought information about a Russian disinformation  
13 attempts during the campaign in the online ecosystem because  
14 it wasn't seen by the SITE Task Force at that time during the  
15 writ.

16 **MS. NATHALIE DROUIN:** If I can go back on  
17 what you said earlier, Marta, about the fact that when it  
18 comes to those foreign actors, yes, we do collect our own  
19 intel, but we also work with allies, and the Five Eyes in  
20 particular, and they're also there to help us seeing things  
21 in terms of foreign actors' activities. So, the assessment  
22 is based on what we are seeing, but what others are seeing  
23 regarding us.

24 **Me GUILLAUME SIROIS:** Mais, Maitre Drouin, on  
25 s'entend que Five Eyes ne surveille pas les réseaux sociaux  
26 de Canadiens, n'est-ce pas?

27 **Mme NATHALIE DROUIN:** Non, mais les Five Eyes  
28 peuvent toutefois avoir accès à de l'intelligence sur les

1 intentions des acteurs étrangers.

2 **Me GUILLAUME SIROIS:** On parle pas des  
3 intentions... avec respect, Maitre Drouin, on parle pas des  
4 intentions ici, on parle que la firme qui surveille les  
5 réseaux sociaux a remarqué que la campagne russe était la  
6 même... la campagne de désinformation russe...

7 **Mme NATHALIE DROUIN:** Je vais vous donner des  
8 exemples.

9 **Me GUILLAUME SIROIS:** ... était la même que la  
10 campagne de désinformation chinoise. Les deux sont  
11 identifiées comme étant basses, ça, je change pas, mais ma  
12 question, c'est pourquoi le Panel de cinq n'a jamais été  
13 informé de ce fait?

14 **MS. MARTA MORGAN:** The Panel of Five -- the  
15 RRM has multiple sources that it uses, and if you look even a  
16 little bit further down on this page, you'll see that the  
17 media ecosystem observatory found that Chinese interests have  
18 become more visible in this reporting period. So, the RRM  
19 was getting analysis and input from a variety of sources and  
20 its own capacity.

21 So, I would just say that one particular  
22 source, that's being mentioned here, is not conclusive and  
23 would not have been conclusive in terms of the information  
24 that they were providing us.

25 Should they have seen evidence of  
26 disinformation -- state-sponsored disinformation by Russia  
27 during the writ period, I'm confident that they would have  
28 brought that information to us and we would have taken it

1 very seriously because it was absolutely one of the issues  
2 that we were looking for and it was something that we had  
3 seen in other countries. We had seen Russian state sponsored  
4 disinformation in the United States, and Germany, and France  
5 that had all been made public. So it was something that we  
6 clearly were paying close attention to.

7 **MR. ROBERT STEWART:** If I might add, I think  
8 we are being very clear that we did not observe or were  
9 notified of any evidence of a Russian concerted  
10 disinformation campaign during the campaign, which is not to  
11 say that it does not happen in a more general context. And  
12 indeed, since the war started in Ukraine, Russia's illegal  
13 war, we have had a constant surveillance and notification  
14 where we see Russian disinformation.

15 **Me GUILLAUME SIROIS:** OK. Juste dans  
16 l'intérêt du temps, je vais revenir... je vais continuer sur  
17 d'autres points qui sont encore dans le même paragraphe.

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 12<sup>th</sup>, 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 15<sup>th</sup>, 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 9<sup>th</sup> to  
18 September 15<sup>th</sup>, 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 12<sup>th</sup> 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 17<sup>th</sup> 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                   **Me GUILLAUME SIROIS:** Ben, Maitre Daigle,  
8 c'est pas moi qui est préoccupé tant que ça. Oui, je le  
9 suis, mais c'est surtout les membres de la diaspora russe et  
10 les membres de la diaspora ukrainienne qui ont gentiment cédé  
11 mon temps... leur temps à moi aujourd'hui. Et je trouve ça  
12 inquiétant de voir ce document-là, et eux autres aussi  
13 trouvent ça très inquiétant de voir ce document-là qui parle  
14 d'ingérence potentielle de la Russie...

15                   **COMMISSAIRE HOGUE:** Maitre Sirois, on  
16 n'argumente pas avec un témoin, on lui pose des questions.

17                   **Me GUILLAUME SIROIS:** Ma question c'est  
18 qu'est-ce que vous pouvez dire aux membres de la diaspora  
19 russe et ukrainienne pour les rassurer lorsqu'ils voient ce  
20 genre d'information qui n'a pas été communiqué au Panel de  
21 cinq?

22                   **Mme NATHALIE DROUIN:** Si vous me permettez,  
23 mon collègue tantôt a parlé des activités que l'on voit  
24 encore en ce moment de la Russie, surtout à la suite de  
25 l'invasion de l'Ukraine.

26                   Les membres du Panel ont été briefés en 2019  
27 et en 2021 sur les capacités de la Russie, sur leurs  
28 objectifs afin d'attaquer les démocraties à travers le monde.



1 C'est des choses que l'on voit sur une base régulière contre  
2 le Canada et contre d'autres démocraties.

3 Je pense que la conclusion auquel on doit en  
4 arriver, c'est que on n'a pas vu d'intérêt particulier. Ça  
5 veut pas dire que la Russie n'est pas active. On n'a pas vu  
6 d'intérêt particulier dans les élections de 2019 et de 2021,  
7 dans notre langage, on parle de « spike », so we haven't seen  
8 a spike from Russia in 2021 election. Having said that, that  
9 doesn't mean that Russia is not doing some campaign, as I  
10 said, sometime to -- trying o undermine democracies around  
11 the world.

12 **MR. GUILLAUME SIROIS:** That that's my last  
13 question.

14 **COMMISSAIRE HOGUE:** Oui, dernière.

15 **Me GUILLAUME SIROIS:** Merci, Madame la  
16 commissaire.

17 Does it take a spike pour faire une annonce,  
18 pour que le Panel de 5 fasse une annonce publique?

19 **Mme NATHALIE DROUIN:** L'ingérence étrangère,  
20 il faut toujours lutter contre l'ingérence étrangère et c'est  
21 ce que les organismes puis que le gouvernement du Canada  
22 fait, c'est pour ça qu'on travaille aussi à améliorer le  
23 cadre législatif pour mieux lutter contre l'ingérence  
24 étrangère, on veut travailler sur la sensibilisation, on veut  
25 travailler avec l'écosystème, dont les plateformes pour mieux  
26 équiper les Canadiens, mais en période électorale, on regarde  
27 vraiment les activités qui sont là pour influencer les  
28 résultats d'une élection, l'impact sur les résultats d'une

1       élection, et donc, c'est pour ça qu'on regarde les activités  
2       qui sont accrues, qui sont visées vraiment sur l'exercice  
3       démocratique qu'on est en train de surveiller.

4                   **MS. JANICE CHARETTE:** And I could just say --  
5       -

6                   **MR. GUILLAUME SIROIS:** Oui.

7                   **MS JANICE CHARETTE:** --- the answer to your  
8       question is no. The protocol is very clear. It says an  
9       incident or an accumulation of incidents. Those are the  
10      words that we would have focussed on in doing our work as the  
11      panel.

12                  **MR. GUILLAUME SIROIS:** Mon temps est écoulé,  
13      mais merci, Madame la commissaire.

14                  **COMMISSIONER HOGUE:** AG?

15                  **Me GUILLAUME SIROIS:** Merci les panélistes.

16                  **COMMISSAIRE HOGUE:** AG?

17                  **MR BARNEY BRUCKER:** No questions,  
18      Commissioner.

19                  **COMMISSIONER HOGUE:** Re-examination?

20                  So thank you all. You are free to go.

21                  On va avoir les nouveaux témoins, on fait ça  
22      le plus rapidement possible. Alors, restez tous autour.

23                  It's not a real break. It's only to welcome  
24      the new witnesses.

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

27                  This hearing is in recess for five minutes.  
28      La séance est en pause jusqu'à cinq minutes.

1 --- Upon recessing at 5:02 p.m.

2 --- La séance est suspendue à 17 h 02

3 --- Upon resuming at 5:13 p.m./

4 --- La séance est reprise à 17h13

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

7 This sitting of the Foreign Interference  
8 Commission is back in session. Cette séance de la Commission  
9 sur l'ingérence étrangère a reprise.

10 **--- MS. GRETA BOSSENMAIER, Resumed/Sous la même affirmation:**

11 **--- MR. DAVID MORRISON, Resumed/Sous la même affirmation:**

12 **COMMISSIONER HOGUE:** Mr. Cameron, you can go.

13 **MR. GORDON CAMERON:** Good afternoon,  
14 Madam Commissioner. Gordon Cameron for Commission counsel.

15 We have for you next, and the last panel for  
16 today, a panel of former National Security and Intelligence  
17 advisors.

18 And could I have the witnesses sworn or  
19 affirmed, please.

20 **THE REGISTRAR:** Yes. I believe both have  
21 been sworn and affirmed already.

22 So Mr. Rigby, could you please identify if  
23 you'd like to be sworn or affirmed?

24 **MR. VINCENT RIBGY:** Affirmed is fine.

25 **THE REGISTRAR:** Okay. And could you please  
26 state your name and spell your last name for the record.

27 **MR. VINCENT RIBGY:** Vincent Rigby. My last  
28 name is spelled R-I-G-B-Y.

1 --- VINCENT RIGBY, Affirmed/Sous affirmation solennelle :

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

3 MR. GORDON CAMERON:

4 MR. GORDON CAMERON: Witnesses, we have a bit  
5 of housekeeping, some documents to adopt, and it's -- not all  
6 the people match up today with all the documents we're  
7 adopting so we're going to have to keep our eye on the ball  
8 here.

9 The first one, if we could have WIT 61 called  
10 up.

11 --- EXHIBIT No./PIÈCE No. WIT 61:

12 Interview Summary of V. Rigby, D.

13 Morrison, M. Macdonald and M. Green

14 MR. GORDON CAMERON: Panelists, this is an  
15 interview summary of an interview with two of you, Mr. Rigby,  
16 and Mr. Morrison. Ms. Bossenmaier, you were not there. And  
17 there were two others at the interview who are not here.

18 So I'll put it this way to you, Mr. Morrison,  
19 and Mr. Rigby, insofar as the information in that document,  
20 the interview summary, can be made public, is this summary  
21 accurate in respect of the contributions that you two made to  
22 that interview?

23 MR. DAVID MORRISON: It is as far as my  
24 contributions are concerned.

25 MR. GORDON CAMERON: And Mr. Rigby?

26 MR. VINCENT RIGBY: It is the same  
27 submissions.

28 MR. GORDON CAMERON: Thank you. And do you

1 adopt it as part of your evidence before the Commission  
2 today?

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

4 **MR. VINCENT RIBGY:** Yes.

5 **MR. GORDON CAMERON:** Thank you. And  
6 Madam Commissioner will have the other people from that  
7 interview adopt that evidence by affidavit.

8 And in respect of the next document, WIT 57,  
9 could we call that up, please.

10 **--- EXHIBIT No./PIÈCE No. WIT 57:**

11 NSIA Public Summary of Examination

12 **MR. GORDON CAMERON:** This is an *in-camera*  
13 examination summary of all three of you, and Mr. Mike  
14 MacDonald, who isn't here today. So I can pose this question  
15 to all three of you. Insofar as the information in this  
16 *in-camera* examination summary is -- can be made public, is it  
17 an accurate -- is it accurate in respect of the evidence that  
18 each of you provided at the *in-camera* hearing?

19 **MS. GRETA BOSSENMAIER:** It is.

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

21 **MR. VINCENT RIBGY:** Yes.

22 **MR. GORDON CAMERON:** Thank you. And do you  
23 adopt it as part of your evidence before the Commission  
24 today?

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

26 **MR. VINCENT RIBGY:** Yes.

27 **MR. GORDON CAMERON:** Thank you.

28 Each of you was in the position of being the

1 National Security and Intelligence Advisor to the Prime  
2 Minister at least one period of time, some of you more than  
3 once.

4 So I'll try to do this sequentially and begin  
5 with you, Ms. Bossenmaier. Can you tell us the dates during  
6 which you held the appointment as the National Security and  
7 Intelligence Advisor?

8 **MS. GRETA BOSSENMAIER:** Sure. I was the  
9 National Security and Intelligence Advisor from spring 2018  
10 until early December 2019.

11 **MR. GORDON CAMERON:** Okay. And then I'm  
12 going to switch to you, Mr. Morrison, to pick up just a tag  
13 end. Do I understand that you had a brief period after  
14 Ms. Bossenmaier's terms as acting NSIA?

15 **MR. DAVID MORRISON:** That is correct, in --  
16 from when Greta left in early December of 2019 until Vincent  
17 was appointed at the end of January 2020.

18 **MR. GORDON CAMERON:** Okay. And I'll pick it  
19 up there again with you, Mr. Rigby. Can you tell us when you  
20 were the National Security and Intelligence Advisor?

21 **MR. VINCENT RIBGY:** And I was appointed NSIA  
22 at the end of January 2020, and I was in the job until 30th  
23 of June, I do believe, 2021.

24 **MR. GORDON CAMERON:** Okay. And now we're  
25 back to you, Mr. Morrison. Can you tell us when you picked  
26 up that role, and if you can just include in that account the  
27 brief period during which you were replaced by Mr. MacDonald?

28 **MR. DAVID MORRISON:** Yes. I picked up the

1 role on the 1st of July 2021, and I had that role, in  
2 addition to my responsibilities as Foreign and Defence Policy  
3 Advisor to the Prime Minister, through -- until the 11th of  
4 January 2022. The one exception was I was on a medical leave  
5 from, I'm going to say, about the 18th of July until the 9th  
6 of August 2021.

7 **MR. GORDON CAMERON:** Thank you very much, and  
8 thank you for helping us with the accuracy of those tenures.

9 I'm now going to ask if you could briefly  
10 describe the role and functions of the NSIA.

11 And it occurs to me in looking at the  
12 documentation that the parties have been provided, if we  
13 could call up WIT 57 again.

14 Because, Ms. Bossenmaier, at paragraph 3,  
15 this is the summary of the *in-camera* hearing, and at  
16 paragraph 3 there, you provided what looks like one of the  
17 best descriptions. It's also in the PCO institutional  
18 report, but if you could just tell the Commissioner what --  
19 how you describe the three main roles of the National  
20 Security and Intelligence Advisor?

21 **MS. GRETA BOSSENMAIER:** Sure. There are  
22 really three main roles for the National Security and  
23 Intelligence Advisor. The first one is actually the title.  
24 It is to provide the Prime Minister with national security  
25 and intelligence advice. And it could be advice on policy  
26 issues, things that are perhaps on their way to -- for  
27 Cabinet consideration also to provide that advice with  
28 respect to operational issues. There could be a significant

1 security issue or incident that needs to be dealt with, or it  
2 could be an operational issue.

3 The second key role, and one for which we  
4 spend a lot of time on, is to not just convene but to  
5 coordinate the security and intelligence community in Canada.  
6 And, you know, key players would be the Service, CSE, RCMP,  
7 for example.

8 And the third role is to deal effectively  
9 with the NSIA's counterparts in other countries. It may not  
10 be its exact match in terms of how they organize themselves,  
11 but I think it's fair to say that many countries have a  
12 similar type of function, so to be able to interact with your  
13 counterparts in other countries. I think I referenced the  
14 Five Eyes, perhaps, but not only, with other counterparts as  
15 well. So in a nutshell I would sort of highlight those three  
16 roles.

17 **MR. GORDON CAMERON:** Thank you.

18 And Mr. Morrison, in a section of the  
19 interview that you spoke about the different roles at the  
20 NSIA, you had something to say about the -- and we might be  
21 able to cover off two points here, one is the other things  
22 that are going on besides foreign interference when the NSIA  
23 is in his or her chair, and, also, the aspects of national  
24 security and intelligence advice that are weighted more to  
25 national security without a big intelligence component, and  
26 vice versa. Maybe you could explain that.

27 **MR. DAVID MORRISON:** Sure, thank you. And  
28 follows from what Greta has just said, the focus of this



1 Commission is obviously foreign interference, which is one of  
2 the important files that the National Security and  
3 Intelligence Advisor deals with. Certainly in my second  
4 stint, in the latter half of 2021, encompassing the entire  
5 pre-writ and writ period and the aftermath, we had -- I had a  
6 lot of focus on foreign interference as a member of the panel  
7 of five.

8           But I wouldn't want to leave the impression  
9 that the core of the role is around intelligence because  
10 national security is much broader than -- and the role is  
11 much broader than the flow of intelligence. So I can speak  
12 to what I dealt with in the fall of 2021, which was, first  
13 and foremost, the fall of Kabul and the evacuation of Embassy  
14 staff and other Canadians from the country, and then  
15 eventually the evacuation of Afghans with a connection to  
16 Canada. That went on from the 15<sup>th</sup> of August through the  
17 fall.

18           People will recall that immediately following  
19 election day, came the announcement of the release of the two  
20 Michaels. Well, that was building behind the scenes  
21 throughout August and September with lots of involvement by  
22 the National Security and Intelligence Advisor until the day  
23 that they were released.

24           Another one was Ethiopia, which didn't end up  
25 in an evacuation of Canadians, but very closely -- it was a  
26 close-run thing. It certainly could have. So we got all  
27 prepared to have to do an evacuation. The Prime Minister  
28 spent a lot of time during those critical weeks doing

1       diplomacy with governments in Africa and the United Nations  
2       and so on, trying to ameliorate that situation.

3                 There was a summit in Washington between the  
4       Prime Minister and the Mexican President that dealt with  
5       migration issues; it dealt with fentanyl, which has national  
6       security implications.

7                 And I can go on and on. There were a couple  
8       of summits that fall, the G20 and the Climate Change Summit  
9       which also required the National Security and Intelligence  
10      Advisor's presence, and then finally it was through that fall  
11      -- throughout that fall that in the background we were privy  
12      to intel about Russia building up on the border of Ukraine.  
13      So that was one that wasn't public but was being worked  
14      behind the scenes, and then everybody knows what happened in  
15      February of 2022.

16                **MR. GORDON CAMERON:** Thank you.

17                And if I could ask the Court Operator to call  
18      up CAN.DOC11, which should be the Privy Council Office  
19      Institutional Report, and just scroll to the bottom of the  
20      first page, because I'm going to ask, Mr. Rigby, if you could  
21      comment on the support that the NSIA gets from the two  
22      Secretariats that are described at the bottom of that page,  
23      the Security and Intelligence Secretariat and the  
24      Intelligence Assessment Secretariat, if you can describe what  
25      they do and how they supported you in your role when you were  
26      NSIA?

27                **MR. VINCENT RIGBY:** Absolutely.

28                So as the National Security and Intelligence

1 Advisor, I had two Secretariats underneath me, one was the  
2 Security and Intelligence Secretariat, short form, S&I, and  
3 then I also had IAS, which was the Intelligence Assessment  
4 Secretariat.

5 IAS is basically a unit that does foreign  
6 intelligence assessments, primarily. At that time it was  
7 doing primarily foreign intelligence. So these are analysed  
8 intelligence analysis documents on foreign issues provided  
9 for a wide range of clientele around town, including right up  
10 to the Prime Minister, produce documents like National  
11 Intelligence Assessments and so on. So they are an  
12 assessment unit providing intelligence.

13 And then the Security and Intelligence  
14 Secretariat, S&I, was more of a sort of a policy operational  
15 body that provided policy advice up to me, and operational  
16 advice in the midst of a crisis or in the midst of a specific  
17 event that I could then use to work with my counterparts  
18 around town in the S&I community or directly with the Prime  
19 Minister. So one piece was policy operational, the other was  
20 intelligence assessment.

21 **MR. GORDON CAMERON:** Thank you.

22 Could the Court Operator find and put up CAN  
23 8266?

24 **--- EXHIBIT No./PIÈCE No. CAN 8266:**

25 IAS Dissemination - Flow Chart

26 **MR. GORDON CAMERON:** which should be a  
27 graphic of intelligence flow from the Intelligence Assessment  
28 Secretariat through -- there we go -- through the NSIA and

1       onwards.

2                       I'll ask if you, Ms. Bossenmaier, can tell us  
3 what the -- looking at the very top of that graphic and  
4 perhaps if the Court Operator is able to enlarge the first  
5 line for people trying to read it from the room. What is the  
6 Daily Foreign Intelligence Brief, and the Prime Minister's  
7 Weekly Intelligence Brief?

8                       **MS. GRETA BOSSENMAIER:** So those are two  
9 documents that are produced by this Intelligence Assessment  
10 Secretariat, the one that Mr. Rigby just spoke about.

11                      If you could maybe pull it back a little bit  
12 for me, just so I can see what's on the screen there?  
13 Perfect, excellent.

14                      So these are two reports that sort of --  
15 again, as their names say, one is a daily intelligence  
16 report, a foreign intelligence report, and the other is the  
17 Prime Minister's weekly. So on a daily basis, the  
18 Intelligence Assessment Branch pulls together a number of key  
19 items that they think are relevant to a variety of  
20 stakeholders, and they try to do it in a very succinct manner  
21 so people will be able to see sort of what's happening on a  
22 one- or two-page kind of document that are -- really the aim  
23 is to provide sort of timely assessments as to what's  
24 happening with these sort of pertinent things that decision-  
25 makers either need to be informed about just from a  
26 background perspective, or maybe informed about as a building  
27 block towards something else, for example.

28                      The Prime Minister's weekly is a document

1 that would go to the Prime Minister, that again would sort of  
2 highlight what the most relevant and pertinent issues are,  
3 assessments are, again to support broader Government of  
4 Canada priorities and decision-making.

5 Mr. Rigby actually ran this branch for a  
6 while, so he might actually have some additional details to  
7 provide.

8 **MR. VINCENT RIGBY:** I ran the branch from  
9 2008 to 2010. I was actually intimately involved in the  
10 setting up of both the PMWIB and the DFIB, as they're called  
11 again in short form.

12 So I think Greta's nailed it. Maybe just a  
13 couple of points of clarification. Usually the daily would  
14 have about seven, eight items; it depended on the day.  
15 Sometimes there'd be four or five; sometimes there'd be six  
16 or seven or eight or nine, just depending on how heavy the  
17 intelligence was.

18 We tried to make the intelligence as  
19 responsive and as relevant as it could possibly be, but one  
20 important point is that a lot of the adds that ended up in  
21 the DFIB were actually based on sources coming from other  
22 documents. So it might be a summary of a document that CSIS  
23 produced, for example, or a Five Eyes ally or CSE or whatever  
24 the case may be. And so there'd be an IAS take on it  
25 sometimes, other times we would just be reporting what  
26 another agency reported on, so I think that's an important  
27 context. And then the Prime Minister's weekly intelligence  
28 brief, as Greta said, it came out once a week, obviously,

1 usually on a Friday. And it was almost like a greatest hits  
2 collection of the daily foreign intelligence briefs. So they  
3 take the most relevant and the most pertinent and what items  
4 they thought would be of most interest to the Prime Minister  
5 and put them in that document, and then that went up through  
6 a separate chain to the Prime Minister directly. They had  
7 different distribution lists, the two documents. The daily  
8 would centre a much wider group of people and organisations  
9 than the Prime Minister's weekly intelligence brief, which  
10 was very focussed on the Prime Minister and a very select  
11 number of Deputy Ministers around town.

12 **MR. GORDON CAMERON:** Okay. And on that point  
13 about intelligence reporting and how it gets briefed up, if  
14 the Court Operator could bring up CAN 5546?

15 **--- EXHIBIT No./PIÈCE No. CAN 5546:**

16 How Intelligence Reports get Actioned  
17 in the GoC

18 **MR. GORDON CAMERON:** Now I think that  
19 probably this graphic was considered most useful for  
20 describing the difference between the path that reporting  
21 takes during the period that the SITE Task Force is  
22 operational and the period that it isn't, but the point I  
23 wanted to ask you panelists to talk about is the difference  
24 to the NSIA of what in this graphic gets called building  
25 block intelligence so reports that are going to sort of go  
26 and be used later, perhaps to be assembled or analysed and  
27 assessed, and other intelligence that is called critical  
28 intelligence, which is either urgent or significant enough to

1 require a more immediate action. And if you could just  
2 describe that in the context of the types of intelligence  
3 that come to the NSIA and how you decide what action should  
4 be taken with it. I think perhaps, Mr. Morrison, you could  
5 talk about that.

6 **MR. DAVID MORRISON:** And then I'll ask  
7 Vincent to jump in. So the distinction you have made is an  
8 important one. Colleagues this morning and I think  
9 throughout this process have talked about the mosaic effect,  
10 when one reads intel as a consumer and one is trying to put  
11 together a puzzle, or a picture that will gradually come into  
12 focus, so a lot intel gets put into the building block  
13 basket. Intel that requires action can be of a couple of  
14 kinds. One may be we need to discuss it. We need -- you  
15 know, it raises questions, so that the action is you call a  
16 meeting, or you call over to the service, or you talk to  
17 colleagues to make certain your understanding is correct.  
18 And then there's very -- very occasionally, very rarely intel  
19 that I think is kind of critical and needs to be actioned  
20 instantly, including at higher levels up to and including the  
21 Prime Minister.

22 I would just point out in terms of this  
23 scheme that is on the screen, which isn't one that -- I don't  
24 know the province, but this is with I think, given that the  
25 top bit talks about the writ period and the bottom bit talks  
26 about the regular process, it is certainly true that intel  
27 was coming to SITE and then onward to the panel, I think -- I  
28 hope everybody is clear on that, on foreign interference on

1 anything that could affect the election. I just want to make  
2 certain people understand that on the bottom half of the  
3 document where it's regular process, that is happening  
4 before, during and after an election. It's not that one new  
5 thing kicks in, an additional thing, an additional set of  
6 protocols kicks in, but throughout the election process, all  
7 of the regular processes on the bottom half of the document  
8 continue to take place.

9 **MR. GORDON CAMERON:** Okay. And on that  
10 point, if the -- we see the -- on the bottom what you call  
11 the -- or the graphic calls a regular process, the  
12 intelligence going off to various committees, if the Court  
13 Operator could call up 5547, CAN 5547?

14 **--- EXHIBIT No./PIÈCE No. CAN 5547:**

15 Governance Structure - Committees  
16 pertaining to Foreign Election  
17 Interference

18 **MR. GORDON CAMERON:** While it's coming up,  
19 I'll just ask, this is -- this graphic you'll -- though you  
20 don't see it yet, you might remember it from your nightmares.  
21 It is the list of all of the committees that the NSIA has to  
22 chair or be involved in, including one blanked out, the  
23 public existence of which cannot even be revealed. And  
24 rather than take you through all those, which are discussed  
25 in your interview summary, at your in-camera examination you  
26 all spoke with some focus about the particular importance of  
27 the Deputy Minister's Operations Committee, DMOC. So perhaps  
28 one of you and I'll open it up to the floor, so to speak, can



1 describe why that committee was of all of these other  
2 committees the one that was most important to you as NSIA.

3 **MR. VINCENT RIGBY:** Maybe can I kick off?

4 **MS. GRETA BOSSENMAIER:** Yes, absolutely.

5 **MR VINCENT RIGBY:** I also have -- if I could,  
6 just make a couple of comments with respect to how  
7 intelligence is actioned just because of the below the line  
8 where you talked about the regular process, I think there are  
9 a couple of points that are really important. That graphic  
10 looked great in theory point A to point B. It wasn't that  
11 clean. It could often be quite messy. Didn't always go to a  
12 committee. Sometimes it did go to committee. Sometimes it  
13 was quite organic, it just happened naturally. Sometimes if  
14 you're in the middle of a crisis, if you're in the middle of  
15 a major event overseas, or a kidnapping, or something like  
16 that, you'd actually be in a meeting with all kinds of  
17 different people from all over the community and outside the  
18 community sometimes, and a piece of intelligence would come  
19 to light in the meeting, and you decide right then and there  
20 if this is actionable intelligence, we should work on it. So  
21 actionable intelligence could appear in very different ways,  
22 and stuff that looked generally actionable wasn't always  
23 actionable. And stuff that you perhaps didn't think was  
24 going to be actionable did end up being actionable.

25 The other point I wanted to make was that I  
26 would suggest -- my colleagues may not agree with me, but I  
27 think they will that most of the intel we saw was not  
28 actionable. And most of the time what we saw was

1 intelligence that was extremely useful, very helpful in terms  
2 of situational awareness, building up your knowledge base,  
3 connecting dots, slowly building a picture, the mosaic, or if  
4 you want to use the other metaphor, the jigsaw puzzle and  
5 pulling it all together, but it wasn't immediately  
6 actionable. And a lot of the stuff was parked, and it just  
7 wasn't actionable. It's great information, but I don't  
8 really need it at this point in time. Maybe we'll come back  
9 to it at a later time, but that -- that's the way it worked.

10 I think there's a sense sometimes that every  
11 piece of intelligence that comes across your desk you need to  
12 do something with it. And sometimes you did, sometimes you  
13 didn't, but that was part of the judgment that an NSIA  
14 brought to bear, looking at the intel, and going, "What do I  
15 do with this? Do -- is it great just for my own knowledge  
16 base? Do I share it with someone? Do I take it to the Prime  
17 Minister? Do I call a meeting?" So that was part of the  
18 process.

19 **MR. GORDON CAMERON:** Thanks.

20 **MR VINCENT RIGBY:** With respect to the  
21 governance structure, I think David talked in the in-camera  
22 interview quite extensively about the DMOC. The DMOC was a  
23 particularly important committee. Happens -- I think it  
24 still happens every Thursday. When I was NSIA, I think it  
25 was 4:30 to 5:30 or 4 to 5, and it's basically bringing  
26 together all the deputies from around the S&I community, the  
27 core community of the agencies and organisations that Greta  
28 mentioned, but also some others in another concentric circle

1 outside from that inner circle, to talk about matters of high  
2 priority.

3           So what was -- the phrase I used to say was,  
4 you know, what's keeping you up late at night, whether it's  
5 from an intelligence perspective, or whether it's  
6 operational, or sometimes policy. Just give me an update on  
7 the memorandum to Cabinet that's going next week, or if it's  
8 an operational issue, I might have turned to CSIS and say,  
9 you know, what's going on with that investigation into this,  
10 that, or the other, or the RCMP, whatever the case may be.  
11 It was partly me pulling, but there's also a lot of pushing  
12 as well, and so you expected people to come prepared and to  
13 bring what I needed to know, and their colleagues needed to  
14 know to the table. And so I would usually start off with a  
15 bit of a brief about what I had been up to the previous week,  
16 the kinds of conversations I was having with the Prime  
17 Minister, always very careful what I spoke to them about in  
18 terms of my conversations with the Prime Minister, but I'd  
19 give them a general sense. But then we do a round table, and  
20 I would literally go around every single person, or in the  
21 room, or if it was on the phone, on a secure line, what do  
22 you have to bring to the table this week. So you expected  
23 people to bring stuff to your attention that you needed to  
24 know.

25           The only other body I'd mention is the Deputy  
26 Minister's Intelligence Committee, and this relates to my  
27 previous point about places where we could talk about  
28 intelligence and what to do about intelligence. And so I

1 created this committee because I wanted to have more  
2 conversations about intelligence. I was afraid that people  
3 were -- I wasn't always sure who was seeing what, and whether  
4 we were all reading the same material, but also, whether we  
5 were all getting the same takeaways in terms of the  
6 intelligence. And, you know, was intelligence actionable?  
7 Did we need to talk about what to do next? Did we need to  
8 talk about sending it to the Prime Minister or Minister. So  
9 the DMIC was created to try and have some of those kinds of  
10 conversations. So those were two of the key bodies for me.

11 **MR. DAVID MORRISON:** Can I just -- on this  
12 point of actionable/not actionable, it's very important, I  
13 think, to understand that almost all intel comes with  
14 caveats. So the issue area, the subject, may be very  
15 alarming, but it may be the first glint you have of it, and  
16 it may come with a caveat right up front that says it is from  
17 a single source, uncorroborated, of unknown reliability.

18 So then you might talk about it, because it  
19 is -- would be alarming if true, but until you get a little  
20 more, this is the mosaic. You might kind of -- you might  
21 brief it up because it's alarming. You might say this might  
22 develop into something. But the caveats, including all of  
23 those on the front pages of our summaries, are very, very  
24 important when we're talking about intelligence.

25 **MR. GORDON CAMERON:** Thank you. And I'm  
26 mindful of the time. I'm just going to finish up with two  
27 issues that arose in earlier examinations but that have some  
28 bearing on your evidence, panelists.

1           The first has to do with the recall of CNSB  
2 23/19, and this is a question for you, Ms. Bossenmaier.

3           If the Court Operator could just quickly call  
4 up for the screen, just to remind people what we're talking  
5 about, CAN4729? Sorry, let's start with 4728.

6 **--- EXHIBIT No./PIÈCE No. CAN 4728:**

7           Foreign Interference in the 2019  
8           Federal Campaign of Dong Han - CNSB  
9           23/19

10           **MR. GORDON CAMERON:** Now you might want to  
11 turn up, Ms. Bossenmaier, and all, -- sorry, could the  
12 Operator scroll down a bit just so that people can see --  
13 okay. So that's the one that parties might remember was  
14 raised with the CSIS panel as an intelligence report that was  
15 recalled by the Director.

16           And Ms. Bossenmaier, as I think you discussed  
17 -- and again, to help you, if the Court Operator could call  
18 up WIT57 and scroll to paragraph 16, where Ms. Bossenmaier,  
19 during the in-camera hearing addressed her recollection, or  
20 thoughts at least, on this recall incident.

21           Having reviewed that, Ms. Bossenmaier, could  
22 you just assist the Commissioner with your recollection or  
23 absence of recollection about this incident and what your  
24 thoughts about it are?

25           **MS. GRETA BOSSENMAIER:** Sure. I think the  
26 most important piece, and people can read the document there,  
27 I think the most important piece to -- for me to focus on is  
28 that I would never, as the NSAI, instruct another agency to -

1 - would not and did not instruct another agency to change one  
2 of their intelligence reports. They are responsible and had  
3 the authority to -- responsibility and authority to produce  
4 their reports. It is not my remit to instruct them to change  
5 it and I did not instruct them to change it,

6 **MR. GORDON CAMPBELL:** Thank you. And if the  
7 Court Operator then could call up 13 -- CAN13124? And it has  
8 an underscore R01 on it, but I think it's the only 13124 in  
9 the database. There we are.

10 **--- EXHIBIT No./PIECE No. CAN 13124 r01:**

11 CPC Concerns around Foreign Election  
12 Interference 2021

13 **MR. GORDON CAMPBELL:** And this is a question  
14 for you, Mr. Morrison, because it was raised earlier in the  
15 proceedings. This is a document that postdates your term,  
16 but it has an attachment to it that you authored.

17 If the Court Operator could scroll down to  
18 page 16 of 19, which is an email from you, Mr. Morrison, to  
19 Me Drouin.

20 And I guess the easiest way to ask about this  
21 is just to ask you to tell us what this email was about and  
22 what you were talking about in those three paragraphs?

23 **MR. DAVID MORRISON:** We've talked a lot today  
24 about concerns that the Conservative Party of Canada had  
25 about possible foreign interference in the 2021 election.

26 Following the election, the Conservative  
27 Party came to SITE or PCO, I don't know which, to talk more  
28 about their concerns. So this is after election day. They

1 provided information towards the end of September, in the  
2 best of my recollection, Madam Charette spoke to this issue  
3 this morning. The RRM and SITE Taskforce did a very deep  
4 dive into their -- into the concerns that the Conservative  
5 Party of Canada had raised. And then shortly before -- at  
6 some point in October, the -- my colleague, Mike MacDonald  
7 met with representatives of the Conservative Party to go over  
8 their concerns and to discuss what we had found or what the  
9 SITE Taskforce had found in response to its deep dive. And  
10 that -- a lot of the elements of that deep dive are in this  
11 same information package.

12 What I think I was referring to in this email  
13 was that the -- after meeting with Mr. MacDonald, the  
14 representatives of the Conservative Party said that they were  
15 not satisfied with our response to their concerns and that  
16 they were intending on making their concerns public and our  
17 lack of response public, our lack of what they considered a  
18 satisfactory response public. So I've said in this email  
19 that we should make certain RCOMS folks are on that.

20 And then I don't actually recall writing the  
21 email, but in the last two paragraphs, I think I was trying  
22 to kind of honestly reflect on the concerns raised and some  
23 of the difficulties that we have talked about today in  
24 determining whether something is foreign interference or  
25 legitimate discussion among Canadians, or legitimate  
26 diplomatic activity. We've spent a lot of time, and I tried  
27 in my testimony last Friday to sort of talk about what is  
28 clear cut and what can be more ambiguous.

1 I think in the final -- or in the third  
2 paragraph, I talk about maybe parties and SITE should get to  
3 know each other a little bit better so they can build a  
4 shared understanding of the online and the offline foreign  
5 interference categories and so on in order to try and  
6 strengthen our tool kit.

7 **MR. GORDON CAMERON:** Thank you very much, Mr.  
8 Morrison. And thank you, witnesses.

9 Madam Commissioner, I think at this time of  
10 day, it's best if Commission counsel hands over the  
11 microphone to the parties, so I'll complete my questions  
12 there.

13 **COMMISSIONER HOGUE:** Thank you.

14 Yes?

15 **MR. VINCENT RIGBY:** Sorry. I just wanted to  
16 build on the point that David Morrison made, because it's an  
17 absolutely critical point and it's about the caveats. And I  
18 found it very interesting the way the intelligence summaries  
19 are being read by Canadians, and in the press in particular,  
20 that they're almost being presented as statements of fact.

21 I would encourage everybody to read the cover  
22 page on those caveats every bit as carefully as they read the  
23 intelligence summaries. The intelligence summaries are not  
24 statements of fact. They are summaries of the intelligence  
25 that we had at that time. Those are assessments. They are  
26 assertions, but they are not necessarily -- they could be in  
27 some cases, but they're not necessarily statements of fact.

28 So as David pointed out, there will be places



1 where you have single source intelligence, human sources with  
2 uncorroborated reporting history so we don't know whether  
3 they've had accurate periods or their intelligence has turned  
4 out to be accurate in the past. But even intelligence  
5 assessments that have taken a collection of intelligence and  
6 provided an overall analysis, even those often come with  
7 caveats. Initial findings, this is early investigative  
8 reporting. We have to do a lot more work. We have huge  
9 intelligence gaps. More needs to come.

10 So I think it's very, very important that  
11 everyone understands that that's what those summaries are and  
12 that whenever I read intelligence, one of the first things I  
13 did was I went to the sources and saw what the intelligence  
14 was based on, and then you make some of those judgements I  
15 was talking about before about what you actually do with it.

16 So sorry to take your time, but I just ---

17 **COMMISSIONER HOGUE:** Thank you.

18 **MR. GORDON CAMERON:** Thank you very much.

19 **COMMISSIONER HOGUE:** Counsel for Han Dong?

20 **MS. EMILY YOUNG:** We have no questions.

21 Thank you.

22 **COMMISSIONER HOGUE:** Counsel, for Erin  
23 O'Toole.

24 **MR. THOMAS JARMYN:** Thank you, Commissioner.  
25 My name's Tom Jarmyn. I'm counsel for Erin O'Toole.

26 **--- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE BY**

27 **MR. THOMAS JARMYN:**

28 **MR. THOMAS JARMYN:** I've just got a few

1 questions. And the first is, I mean collectively the three  
2 of you are probably -- I couldn't find three people with more  
3 years of experience in the field of intelligence and  
4 security. Would that be a fair statement? Like you are ---

5 **MR. DAVID MORRISON:** I don't ---

6 **MR. THOMAS JARMYN:** You are ---

7 **MR. DAVID MORRISON:** I don't ---

8 **MR. VINCENT RIBGY:** It's the grey hair.

9 **MR. THOMAS JARMYN:** Well, I've got them too.

10 So -- but if I characterise you as experts in  
11 the field that would be an accurate....

12 **MR. VINCENT RIBGY:** I would say that we  
13 certainly have a lot of experience. Let others judge whether  
14 we're true experts or not, but ---

15 **MR. THOMAS JARMYN:** All right. Thank you.

16 **MR. VINCENT RIBGY:** --- we have a lot of  
17 experience, yes.

18 **MR. THOMAS JARMYN:** And so you've seen a lot  
19 of reporting with respect to foreign interference in Canadian  
20 society and elections; is that fair?

21 **MR. DAVID MORRISON:** I would say, just to  
22 calibrate things, and it shows up in some of the summaries,  
23 the vast majority of intelligence that I have seen in my  
24 career as a consumer does not have to do with foreign  
25 interference. It has to do with all manner of things that  
26 foreign governments are doing. There is a subset which -- of  
27 intelligence that comes from our domestic agencies that has  
28 to do with foreign interference, yes.

1           **MR. THOMAS JARMYN:** Yeah. And that parallels  
2 your -- sorry. Go ahead.

3           **MR. VINCENT RIBGY:** Sorry, but I'd like to  
4 make the same calibration for myself. When I was NSIA,  
5 between end of January 2020 and June 2021, most of the  
6 intelligence I was seeing was actually related to the  
7 pandemic. That was my big issue. I lived and breathed it  
8 for those 18 months that I was in the job. So there was not  
9 a steady stream of intelligence coming my way that I was  
10 seeing on foreign interference, and especially foreign  
11 interference with respect to the electoral process and  
12 elections specifically.

13           **MR. THOMAS JARMYN:** And that's what I was  
14 going to say, foreign interference is a slice of a very broad  
15 remit you described from Afghanistan to pandemic to cyber  
16 security, et cetera?

17           **MR. VINCENT RIBGY:** Yes, that's fair.

18           **MR. THOMAS JARMYN:** But significant enough to  
19 be noticeable.

20           **MR. DAVID MORRISON:** Absolutely, and very  
21 significant and very important in the context of elections,  
22 quite obvious.

23           **MR. THOMAS JARMYN:** Yes. And I'm not going  
24 to get -- that's what I was going to say. I'm not going to  
25 get into the special thresholds and the like, but it is fair  
26 to say that foreign interference is a significant problem in  
27 Canadian democracy in Canadian society. Is that correct?

28           **MR. VINCENT RIBGY:** I would certainly say

1 that foreign interference is a -- is an issue, but as David  
2 said, it's one of many. When I was NSIA, we were focussing  
3 on hostile state activities writ large, and so what hostile  
4 states were up to. Foreign interference was one of the  
5 tools, but there are also cyber attacks, there was also  
6 espionage, all kinds of other different things that fell  
7 under that rubric of hostile state activity. But yes,  
8 interference, as it's defined in the *CSIS Act*, yes, it was  
9 definitely an important element.

10 **MR. THOMAS JARMYN:** Yes. And that -- those  
11 events also occurred in the context of elections as well? Is  
12 that correct? Foreign interference events?

13 **MR. DAVID MORRISON:** Yes. Foreign -- yes,  
14 foreign interference events also occur within the context of  
15 elections.

16 **MR. THOMAS JARMYN:** And they have been  
17 reported on and observed?

18 **MR. DAVID MORRISON:** The -- what I think we  
19 have tried to say is that there is a baseline of foreign  
20 interference that is going on every day in Canadian society,  
21 and that may in fact be growing, and that doesn't change  
22 during an electoral period.

23 **MR. THOMAS JARMYN:** And that could be both  
24 state actors but also individual actors from other countries  
25 attempting to achieve their own aims, be they economic or  
26 other; is that correct?

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

28 **MR. THOMAS JARMYN:** Okay. Those are all my

1 questions, Commissioner. Thank you.

2 **COMMISSIONER HOGUE:** Thank you.

3 Counsel for Michael Chong.

4 **MR. GIB van ERT:** Commissioner, we don't have  
5 any questions, but I understand that the Conservative Party  
6 of Canada does and somehow didn't make the list. So I  
7 propose to cede my time to the Conservative Party, please.

8 **COMMISSIONER HOGUE:** Okay. Next time, I  
9 would like you, however, to do that before.

10 **MR. GIB van ERT:** Okay, I'm sorry about that.

11 **COMMISSIONER HOGUE:** Because that's ---

12 **MR. GIB van ERT:** We only realised ---

13 **COMMISSIONER HOGUE:** --- a bit difficult to  
14 manage when ---

15 **MR. GIB van ERT:** All right. It's just ---

16 **COMMISSIONER HOGUE:** --- it's not done in  
17 advance.

18 **MR. GIB van ERT:** Okay, we certainly will.

19 Thank you.

20 **COMMISSIONER HOGUE:** Thank you.

21 **MR. NANDO de LUCA:** Just one moment. Sorry,  
22 I've lost my place.

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

24 **MR. NANDO de LUCA:**

25 **MR. NANDO de LUCA:** Could I please get  
26 CAN 4728 called up, please. Thank you.

27 Am I correct that this is a redacted copy of  
28 a CSIS national security brief that was provided to a number

1 of persons, including the NSIA?

2 **MS. GRETA BOSSENMAIER:** It is a CNSB from  
3 CSIS, dated 23rd -- Number 2319, October 1st, 2019, and it  
4 was intended for the distribution list that was seen there.

5 **MR. NANDO de LUCA:** Okay. And one of those  
6 would have been you, Ms. Bossenmaier? Do I have the ---

7 **MS. GRETA BOSSENMAIER:** Yes.

8 **MR. NANDO de LUCA:** --- dates right?

9 **MS. GRETA BOSSENMAIER:** Yes.

10 **MR. NANDO de LUCA:** Okay. And the brief --  
11 this brief was delivered during the writ period for General  
12 Election 43; correct?

13 **MS. GRETA BOSSENMAIER:** Yes, the writ was  
14 dropped on September 11th.

15 **MR. NANDO de LUCA:** Is the first security  
16 briefing that you received or you had received in connection  
17 with irregularities associated with the Don Valley North  
18 Liberal nomination that took place on September 12th, 2019?

19 **MS. GRETA BOSSENMAIER:** I wouldn't be able to  
20 tell you whether or not it was the first or not, I don't have  
21 the summary of the dates in front of me.

22 **MR. NANDO de LUCA:** Okay. Do you recall --  
23 would you be able to recall sitting here how many prior  
24 briefings you had received in connection with this particular  
25 issue, i.e. the nomination contest?

26 **MS. GRETA BOSSENMAIER:** I would not be able  
27 to give you a firm number.

28 **MR. NANDO de LUCA:** Can you tell us, is the

1 summary of the redacted information on page 2 accurate to  
2 your -- to your understanding?

3 **MS. GRETA BOSSENMAIER:** Well, I'll let the  
4 text stand. I won't comment on what's underneath the  
5 redactions, but I'll let the text stand.

6 **MR. NANDO de LUCA:** But you don't disagree  
7 with what -- the text says there?

8 **MS. GRETA BOSSENMAIER:** I have no reason to  
9 disagree with it.

10 **MR. NANDO de LUCA:** Thank you. Do any of the  
11 three of you have any information that you can share in this  
12 forum about the circumstances in which this national security  
13 brief was recalled and corrected, if I can use that term? We  
14 heard some evidence. Is there anything that you can share in  
15 respect of that?

16 **MS. GRETA BOSSENMAIER:** This is the document  
17 that I just -- was it not? Yes. In the -- I just spoke to  
18 this document five, ten minutes ago?

19 **MR. NANDO de LUCA:** Okay. Is there any other  
20 information you can provide about the circumstances in which  
21 this document was corrected?

22 **MS. GRETA BOSSENMAIER:** As I stated before,  
23 and I believe as the Director of the Service has also  
24 commented on this in his testimony, it's his document to  
25 recall and I would not and did not direct him to do so.

26 **MR. NANDO de LUCA:** Okay. Thank you, those  
27 are my questions.

28 **COMMISSIONER HOGUE:** Thank you.

1 Counsel for Jenny Kwan.

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

3 MR. SUJIT CHOUDHRY:

4 MR. SUJIT CHOUDHRY: Good afternoon. My name  
5 is Sujit Choudhry for the record. And my questions are  
6 actually directed at Mr. Morrison today.

7 So if we could please pull up Witness 61,  
8 please, or WIT 61. And if we could go to paragraph 13.

9 And so Mr. Morrison, this paragraph, if you  
10 could just refresh your memory, describes your evidence. It  
11 describes how there are sometimes that raw intelligence is  
12 used for immediate action. And I just want to take you to  
13 the one, two, three, four, five, sixth line down in this  
14 paragraph where it says:

15 "The second case involved a  
16 significant piece of intelligence  
17 disseminated in the weeks following  
18 the 2021 federal election concerning  
19 potential foreign interference during  
20 this election involving a specific  
21 country." (As read)

22 And it says you flagged the report  
23 immediately within the government. Now, I'm assuming that in  
24 this public setting, you're limited in your ability to  
25 discuss these details, am I right?

26 MR. DAVID MORRISON: In this setting, I  
27 cannot say anymore than is already reflected in the  
28 documents.



1                   **MR. SUJIT CHOUDHRY:** So pursuant to the  
2 procedure that the Commission adopted, I'm just going to pose  
3 some questions that if they haven't been posed already will  
4 be posed to you in camera, later, in writing.

5                   So, which specific country that is involved?  
6 What were the specifics of the alleged foreign interference?  
7 Was the alleged or potential foreign interference actual  
8 foreign interference, on further investigation? Was it  
9 riding level or was it disinformation or both? As you've  
10 seen, sometimes those things overlap, sometimes they're a bit  
11 distinct. Was it related to a specific candidate? And was  
12 that candidate elected?

13                   So those are those questions. Could we go to  
14 Witness 57 please.

15                   **MR. SUJIT CHOUDHRY:** And paragraph 18. So,  
16 Mr. Morrison, this picks up -- my questions here pick up on  
17 some of the conversation we had when you were on the GAC  
18 panel. You've had a number of different hats. And so, this  
19 is about diplomatic responses to foreign interference. You  
20 recall we began that conversation and wanted us to continue  
21 it, if we could. So, if you could just scroll down a bit, if  
22 you could scroll -- yes.

23                   So, you talked about -- here, at this part of  
24 paragraph 18, you talk about diplomatic tools short of  
25 persona non grata. And you talk about raising the issues of  
26 foreign interference dozens of times, including foreign  
27 diplomatic notes. So, I'm just wondering if we could get a  
28 little bit more detail, to the extent you're able to.

1           So, when you say you raised foreign  
2 interference dozens of times, is that verbally that you  
3 raised it at meetings with diplomats of foreign states or how  
4 exactly does one raise this concern?

5           **MR. DAVID MORRISON:** Sure. Foreign  
6 interference is something that the government takes seriously  
7 and so does Global Affairs Canada. So, we have a number of  
8 tools in our toolkit. You've spoken to one, and I'll come  
9 back to it in a moment.

10           We have the power of issuing visas or not.  
11 So, if we are concerned about the potential of a certain  
12 proposed diplomat to conduct foreign interference in Canada,  
13 we don't have to give a visa in the first place.

14           We have an ongoing dialogue both via our  
15 embassies abroad with government counterparts in a set of  
16 countries and to ambassadors and other representatives of  
17 those countries here in Canada about what we consider  
18 legitimate diplomatic activity and where the lines are. And  
19 if those lines are crossed, what we consider foreign  
20 interference.

21           And I think in the GAC panel that I  
22 participated in last Friday, we tried to talk a little bit  
23 about that, including referring specifically to the Vienna  
24 Convention, which is operative all the time, but which we  
25 take the issuing of writs, we take that as an occasion to  
26 remind all diplomats about which kind of conduct is out of  
27 bound -- out of bounds given their obligations under  
28 international treaties, the Vienna Convention.

1           In answer to your question, we talk to  
2 foreign representatives, we call them in, we call them in at  
3 a junior level or a senior level or at the ambassadorial  
4 level. Ministers can make calls, telephone calls. Someone  
5 like myself can make a call. Vincent testified how NSIAs  
6 have counterparts in every country. So, I have a counterpart  
7 in every country as well. And if we have concerns -- and the  
8 Foreign Minister has a counterpart in every country.

9           So, if we have concerns about foreign  
10 interference, there are a number of ways to raise them in the  
11 diplomatic game. There's also formal notes, which stay as  
12 part of the record. And so, we deploy all of these tools  
13 when we have concerns about foreign interference.

14           **MR. SUJIT CHOUDHRY:** One last question, then.  
15 So, some instances of PRC foreign interference are now on the  
16 record through this process. And so, the CSIS panel  
17 confirmed a couple of those details, the \$230,000, the  
18 pressure, the use of proxies to disinvite Chinese-Canadian  
19 politicians from community events, and so forth.

20           Are those -- were those specific issues  
21 raised through these communications with the People's  
22 Republic of China?

23           **MR. DAVID MORRISON:** I can't speak -- right.  
24 So I was going to say, I can't speak to the ---

25           **(LAUGHTER)**

26           **MR. DAVID MORRISON:** But I thank my counsel.  
27 I can't speak to the specifics of privileged diplomatic  
28 communications, but I can say that we have, as -- the

1 government takes foreign interference very seriously and  
2 makes representations at all levels using all tools.

3 **MR. SUJIT CHOUDHRY:** Thank you, sir.

4 **COMMISSIONER HOGUE:** Thank you.

5 Counsel for RCDA.

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

7 **MR. GUILLAUME SIROIS:**

8 **MR. GUILLAUME SIROIS:** That's very helpful.  
9 Good afternoon. Guillaume Sirois, counsel for the RCDA.

10 I want to talk to you about blind spots. Can  
11 we talk about blind spots in the National Security  
12 Intelligence perspective? Yes? Okay.

13 I want to pull, please ---

14 **COMMISSIONER HOGUE:** I'm not sure they said  
15 yes.

16 **MR. GUILLAUME SIROIS:** Oh! (Laughter) I'm  
17 sorry.

18 **MR. VINCENT RIGBY:** Could you define what you  
19 mean by blind spots?

20 **MR. GUILLAUME SIROIS:** Exactly. I'm going to  
21 pull -- to seek leave from the Commissioner to pull CAN  
22 014285 please.

23 **--- EXHIBIT No./PIÈCE No. CAN 14285:**

24 Foreign Interference

25 So, at page -- at first page here, we see  
26 it's a document that was for the Prime Minister from Mike  
27 MacDonald. So, I understand Mike MacDonald is not here with  
28 us today, but can any of you speak about this document?

1                   **MR. DAVID MORRISON:** We don't yet know what  
2 it says.

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

4                   **MR. VINCENT RIGBY:** I was not NSIA during  
5 that period so I cannot speak to it.

6                   **MS. GRETA BOSSENMAIER:** And I was retired at  
7 that period.

8                   **MR. DAVID MORRISON:** And I was the Deputy  
9 Minister of International Trade at that period. And it  
10 appears to be a PCO document so, no.

11                   **Me GUILLAUME SIROIS:** OK. Madame la  
12 Commissaire, j'ai reçu notification que ce document existait,  
13 comme vous savez, assez tard. Je veux... je comprends que les  
14 témoins ne connaissent pas nécessairement ce document, mais  
15 je vais essayer de leur en parler quand même de façon  
16 générale, si vous le permettez.

17                   **COMMISSAIRE HOGUE:** Je pense qu'à partir du  
18 moment où ils vous disent qu'ils ne connaissent pas le  
19 document, vous allez devoir poser vos questions sans vous  
20 appuyer sur le document, parce qu'ils ne le connaissent pas.

21                   Alors, posez les questions que vous avez en  
22 tête là, à ces témoins-là, et vous verrez ce qu'ils peuvent  
23 vous dire ou non. Mais on peut pas suppléer à leur absence  
24 de connaissance simplement en essayant d'utiliser le  
25 document. Malheureusement, ça fonctionne pas comme ça.

26                   **Me GUILLAUME SIROIS:** On peut descendre le  
27 document dans ce cas-là, si c'est pas possible d'en parler.  
28 Pardon, fermer le document. Oui, merci.

1           Disons que il y avait un document qui avait  
2 été soumis au premier ministre, signé par Mike MacDonald, qui  
3 disait que il y avait pas de preuve d'ingérence étrangère  
4 dans le digital information ecosystem, mais qu'il y avait des  
5 blind spots dans cette... dans la façon... sorry, I'll rephrase  
6 my question. It's a bit challenging without the document,  
7 but I'll try to rephrase to the best of my abilities.

8           So let's say there's a document similar to  
9 what we just saw that says there's no evidence of broad-based  
10 foreign state-directed interference campaigns in the digital  
11 information ecosystems, but this hypothetical document noted  
12 blind spots in determining state attribution and  
13 distinguishing between foreign and domestic disinformation  
14 campaigns.

15           I want -- just want to talk about blind  
16 spots, as I've introduced. I know you can't speak about the  
17 document, but what can you say -- tell me as NSIAs about  
18 potential blind spots? Especially when you try to  
19 distinguish between foreign and domestic disinformation  
20 campaigns?

21           **MR. DAVID MORRISON:** I think it goes without  
22 saying that the intelligence community does its utmost to  
23 create a comprehensive view of the world. Does that mean the  
24 intelligence community of any one country knows everything?  
25 Of course not. So there are going to be intelligence gaps.

26           I would further submit that the online  
27 ecosystem and the amount of information that is out there,  
28 some real, some of it not, makes the entire business of

1 intelligence even more difficult.

2 So the -- we don't call the "blind spots".  
3 We call them "intelligence gaps". And in almost any  
4 assessment, there will be things that the intelligence  
5 community knows and things that we don't know.

6 **MR. VINCENT RIGBY:** This is exactly what I  
7 was saying before in terms of caveats and limitations.  
8 Again, to use that metaphor of the jigsaw puzzle, you get as  
9 many pieces as you possibly can to that jigsaw puzzle, but  
10 you never get a complete picture, ever. There are always  
11 going to be pieces missing.

12 There will be intelligence gaps and there  
13 will be -- we don't call them blind spots, but there will be  
14 pieces where we have to admit we don't have all the  
15 information. So we make the best judgment that we possibly  
16 can, but always make it clear that there are caveats attached  
17 to.

18 **MR. GUILLAUME SIROIS:** And is there any way  
19 to sort of give us an order of magnitude of those blind --  
20 sorry, not blind spots, but intelligence gaps? How does it  
21 look from an intelligence perspective?

22 **MR. DAVID MORRISON:** It's entirely dependent  
23 upon the issue area, the question being asked, the country  
24 that we are talking about. We have as a -- as Canada, as the  
25 executive in Canada, we have intelligence priorities that are  
26 set through an annual process or it may be a biennial  
27 process, so we focus on the things -- or the areas from where  
28 the community consensus is that the greatest threats are

1 likely to emerge, but there are gaps in our understanding of  
2 many, many countries around the world and I assume if we are  
3 talking about, for example, ideologically motivated violent  
4 extremism here in Canada, there are gaps in our understanding  
5 of that as well.

6 You have to remember that our adversaries are  
7 not keen to tell us everything that they're doing, so there's  
8 going to be gaps.

9 **MR. VINCENT RIGBY:** That's why I was saying  
10 before that often in an intelligence assessment you will have  
11 phraseology like we judge with high confidence, medium  
12 confidence, low confidence that this is the case, but that a  
13 good intelligence report will explain to you why it's low,  
14 high, medium confidence because we have intelligence gaps in  
15 a certain area.

16 So it's not a rating, you know, 1 to 10.  
17 Again, it's not a science. But you can -- you know, you  
18 don't predict in the intelligence community and you don't --  
19 when looking backwards, you don't say definitively this is  
20 what happened, so it's -- either way, whether you're looking  
21 forward or you're looking into the past, there's a lot of  
22 interpretation and you take the available evidence you can  
23 and piece it all together, but you are making judgments at  
24 the end of the day. They are judgements. They're not  
25 statements of facts, necessarily.

26 **COMMISSAIRE HOGUE:** Votre temps est écoulé,  
27 Maitre Sirois.

28 **Me GUILLAUME SIROIS:** Ah, je vois ici



1 3 minutes 25, donc je me fie à ça. Je sais pas...

2 **COMMISSAIRE HOGUE:** Non, non, vous avez  
3 commencé à exactement 18 h 06, il est 18 h 13. Posez une  
4 dernière question. Je veux pas faire un débat à savoir... mais  
5 j'ai noté l'heure à laquelle vous avez débuté.

6 **MR. GUILLAUME SIROIS:** Okay. So I'll just  
7 ask my last question, then.

8 I'll try to narrow down the question that I  
9 ask to help you maybe help me understand.

10 If we're talking about intelligence gaps  
11 specifically regarding the determination of state attribution  
12 and distinguishing between foreign and domestic  
13 disinformation campaigns, what can you tell me about these  
14 intelligence gaps specifically?

15 **MR. DAVID MORRISON:** I think we covered this  
16 to a great extent in the last panel that I was on. I've just  
17 said that the online environment presents particular  
18 challenges, including with respect to whether something being  
19 seen online is linked to a foreign state or to domestic  
20 actors.

21 **COMMISSIONER HOGUE:** Merci.

22 Sikh Coalition?

23 So just in case, it's 6:15.

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

25 **MR. PRABJOT SINGH:**

26 **MR. PRABJOT SINGH:** Thank you, Commissioner.

27 And for the record, it's Prabjot Singh

28 appearing on behalf of the Sikh Coalition.

1           Mr. Rigby, if you don't mind, I'm going to  
2 direct my questions words you just in the interests of time.  
3 I don't want to run over my six minutes.

4           I think the three of you spoke to this when  
5 you were speaking to Commission counsel, but one of the  
6 primary responsibilities of the NSIA is to provide advice,  
7 not just feeding raw intelligence or even analysis, but  
8 actually providing the Prime Minister a guidance on how to  
9 act. Is that fair?

10           **MR. VINCENT RIGBY:** That's fair.

11           **MR. PRABJOT SINGH:** And in the interview  
12 summary, the role of the NSIA has been described as not just  
13 feeding intelligence, but providing a world view that  
14 contextualizes different pieces of intelligence. Is that  
15 fair?

16           **MR. VINCENT RIGBY:** That is fair.

17           **MR. PRABJOT SINGH:** And I think you would  
18 agree with me based on some of your public comments that, in  
19 a general sense, without getting into the weeds, a consistent  
20 touchstone of the Canadian government's worldview in recent  
21 years has been that India is an important partner in the  
22 Pacific region, particularly as an alternative or  
23 counterweight to China. Is that fair?

24           **MR. VINCENT RIGBY:** I've made public  
25 statements to that effect. I wouldn't necessarily have said  
26 certain things while I was a public servant, but I've said in  
27 response to the publication of the Indo-Pacific Strategy the  
28 strategy will be challenged if we don't manage the

1 relationship with India carefully because the west is using  
2 India to a certain extent as a bulwark against China. So  
3 I've said that publicly, yes.

4 **MR. PRABJOT SINGH:** And so ---

5 **MR. VINCENT RIGBY:** And that's my opinion.

6 **MR. PRABJOT SINGH:** And I think with the  
7 example of the Indo-Pacific Strategy, I think there's a  
8 general sense of India is not seen as a hostile state, but a  
9 potential partner. Is that fair?

10 **MR. VINCENT RIGBY:** Yes, I would say that,  
11 again, what I've said publicly is that India needs to be seen  
12 as a potential partner, but Canada also has to balance India  
13 as a potential partner with certain activities it's been  
14 accused of perpetrating and how you manage that very, very  
15 delicate relationship.

16 **MR. PRABJOT SINGH:** And so naturally, then,  
17 given that context of policy priorities of the government  
18 that are -- and the intelligence priorities that are set, an  
19 NSIA's advice to the Prime Minister and subsequent responses  
20 to foreign interference would reasonably differ in approach  
21 to combatting foreign interference from India versus from  
22 China. Is that fair?

23 And I'm not trying to get into the specifics  
24 of the response, but it's natural given the difference in the  
25 relationship and the policy priorities that the approach  
26 would be different in some ways.

27 **MR. VINCENT RIGBY:** I think the answer to  
28 that would be it depends. It'd be very difficult to make a

1 generalization in terms of how I would apply a brief to the  
2 Prime Minister -- and we're getting into conjecture here,  
3 right, speculation on how I might have done something with  
4 the Prime Minister about how I would brief about Indian  
5 versus how I'd brief about China.

6 **MR. PRABJOT SINGH:** And so not speaking about  
7 you specifically or necessarily about your tenure, but about  
8 the role of the NSIA as somebody providing advice to the  
9 Prime Minister. And if there's two countries like India and  
10 China and the government has set two different policies and  
11 there's two different relationships, naturally the advice and  
12 response of the government would be different depending on  
13 the unique circumstances.

14 And as a current ---

15 **MR. VINCENT RIGBY:** I think it's good,  
16 actually, that David jumps in.

17 I'll have something to say, but I think David  
18 should go first.

19 **MR. DAVID MORRISON:** My colleagues are  
20 retired, so let me take a swing at this.

21 I don't agree with the premise in your  
22 question. Canada has lots of interests that it tries to  
23 balance in its relationship with any one country and it is  
24 highly intolerant of foreign interference. So the premise  
25 that because we have currently one kind of relationship with  
26 China and you're suggesting a different kind of relationship  
27 with India, your premise that we would somehow pull a punch  
28 on foreign interference vis a vis the Prime Minister, I just

1 don't think is accurate.

2 **MR. PRABJOT SINGH:** And so just to clarify my  
3 point, that's not what I was trying to suggest. I'm not  
4 trying to say that the NSIA or the government wouldn't take  
5 foreign interference seriously.

6 What I'm saying is that when, for example,  
7 threat reduction measures are considered, there's different  
8 risks that are assessed. And so because of the nature of a  
9 relationship with any unique country is going -- that -- the  
10 nature of that risk and the advice that will be given differs  
11 country to country, based on policy priorities, and taking  
12 India and China out of the example, speaking in general terms  
13 about policy decisions; is that fair?

14 **MR. DAVID MORRISON:** You are -- no, it's not  
15 fair because you are assuming that foreign policy  
16 considerations somehow trump national security  
17 considerations. So it would depend on the exact  
18 circumstances, but it is not fair to say that across time and  
19 space, because we're pursuing one policy towards one country  
20 and another policy towards another country, the advice would  
21 be different.

22 **MR. PRABJOT SINGH:** And so, again, I'm not  
23 trying to suggest that one trumps the other. I'm saying that  
24 when the NSIA is providing advice to the Prime Minister, the  
25 NSIA is taking in a lot of intelligence and also the policy  
26 priorities that have been dictated by the government, and  
27 taking in all that host of factors with each unique country  
28 and relationship differently; is that fair?

1           **MR. DAVID MORRISON:** The Prime Minister gets  
2 his information from a much broader range of sources than  
3 just the NSIA. He -- and the NSIA gets his or her  
4 information from a much broader sources -- a much broader set  
5 of sources than just intelligence. And I won't take up the  
6 time because the witness summaries talk about all of the  
7 different places that the NSIA gets his or her information.  
8 So getting around what's fair or what's not fair, I think  
9 your analysis is perhaps a little too simple. It doesn't  
10 reflect the reality.

11           **COMMISSIONER HOGUE:** It's going to be your  
12 last question ---

13           **MR. PRABJOT SINGH:** Sure. My final question  
14 ---

15           **COMMISSIONER HOGUE:** --- because your time to  
16 be ---

17           **MR. PRABJOT SINGH:** Yeah. My final question,  
18 what I'm getting at, and, again, not to suggest -- and I'm  
19 taking Indian channel. Let's take that out of the example  
20 all together. What I'm talking about and suggesting, or  
21 trying to get some clarification on is the fact that policy  
22 priorities of the government do influence the means or  
23 tactics that will be adopted versus each unique country  
24 that's perpetrating foreign interference; is that fair?

25           **MR/ DAVID MORRISON:** No.

26           **MR. PRABJOT SINGH:** Thank you. Those are all  
27 my questions.

28           **COMMISSIONER HOGUE:** Thank you.

1 Human Rights Coalition?

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

3 MS. SARAH TEICH:

4 MS. SARAH TEICH: Good afternoon, or should I  
5 say good evening. If we can please pull up WIT 57 and turn  
6 to page 2 and specifically paragraph 3. So in this  
7 paragraph, Mr. Rigby describes the NSIA to have a role in,  
8 "...stakeholder engagement writ large.  
9 [And] explained that the NSIA will  
10 sometimes engage with domestic partners  
11 like police commissioners and members  
12 of the academic community."

13 Has the NSIA engaged with diaspora  
14 communities as part of its stakeholder engagement role?

15 MR. VINCENT RIGBY: I do not recall that I  
16 did specifically. My colleagues may have a different answer,  
17 but I did stakeholder engagement, we did public engagements,  
18 speeches, academics, the private sector. Off the top of my  
19 head, I can't remember any specific diaspora engagement.

20 MR. DAVID MORRISON: I -- my colleagues  
21 pointed out I think that on the Global Affairs Canada panel  
22 that we did do engagement with diaspora communities.

23 MS. SARAH TEICH: Okay. If we can next  
24 please pull up CAN 19496?

25 --- EXHIBIT No./PIÈCE No. CAN 19496:

26 People's Republic of China Political  
27 Interference in Canada

28 MS. SARAH TEICH: This is a briefing memo

1 from the NSIA to the Prime Minister titled "People's Republic  
2 of China Political Interference in Canada". It's dated June  
3 29<sup>th</sup>, 2017. And if we can turn to bullet 2 on page 2?

4 This reads,

5 "PRC threat actors have clandestinely  
6 and/or deceptively attempted to..."

7 I won't read out this whole section, but, you  
8 know,

9 "...influence the outcomes of [the]  
10 Canadian elections [...];  
11 Pressure and/or influence officials  
12 into taking specific stances[...];  
13 [...]

14 Force Canadian residents and/or  
15 citizens to return to China against  
16 their will through the use of  
17 intimidating and threatening  
18 behaviour..."

19 Then if we can go to page 4, the final  
20 sentence, it notes that,

21 "Canadians of Chinese ethnicity and  
22 those who are publicly critical of PRC  
23 policies are most frequently subject to  
24 such threatening behaviour."

25 If we can then go to the bottom of page 5,  
26 just the very last line, this reads,

27 "This is a very sensitive issue, and  
28 public efforts to raise awareness



1                   should remain general and not single  
2                   out specific countries to avoid  
3                   potential bilateral incidents."

4                   So my question is does the NSIA make a habit  
5 of recommending that the Prime Minister prioritise avoiding  
6 bilateral incidents over the safety and security of  
7 Canadians?

8                   **MR. DAVID MORRISON:** I would say no.

9                   **MS. SARAH TEICH:** Care to elaborate?

10                  **MR DAVID MORRISON:** I got to that I think in  
11 my answer to the previous questioners. I think it would be  
12 very case specific. I would note that this is advice. I'd  
13 never seen this document before. I don't think either of us  
14 or any of us were NSIAs at the time. And it is advice, but  
15 not something in my service that I've ever seen acted upon.

16                  **MR. VINCENT RIGBY:** I would second that, and  
17 I feel a little uncomfortable about commenting on a document  
18 that I'm really not aware of and I didn't have the pen on.

19                  **MS. GRETA BOSSENMAIER:** I would agree.

20                  **MS. SARAH TEICH:** All right. Fair enough.  
21 So would you agree then that Canadians would be best placed  
22 to protect themselves from harassment, intimidation and/or  
23 mis and disinformation if they are told which country or  
24 countries specifically that the threat is emanating from?

25                  **MR. DAVID MORRISON:** Yes, although it is  
26 certainly my supposition that they know the Canadians that  
27 are subjected to this kind of very unfortunate behaviour,  
28 you've talked about threats and coercion. I think it is no

1 secret to them the countries from which it is emanating.

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

3 Those are all my questions.

4 **COMMISSIONER HOGUE:** Thank you.

5 AG?

6 **MS. HELENE ROBERTSON:** We don't have any  
7 comments for this panel. Thank you.

8 **COMMISSIONER HOGUE:** Any re-examination?

9 Thank you very much. You're free to go.

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

12 La séance est maintenant fermée pour la  
13 journée. This hearing is now adjourned for the day.

14 --- Upon adjourning at 6:27 p.m.

15 --- La séance est ajournée à 18h27

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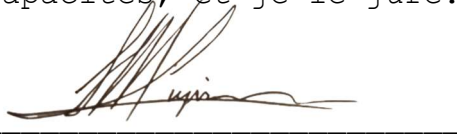
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C E R T I F I C A T I O N

I, Sandrine Marineau-Lupien, a certified court reporter,  
hereby certify the foregoing pages to be an accurate  
transcription of my notes/records to the best of my skill and  
ability, and I so swear.

Je, Sandrine Marineau-Lupien, une sténographe officielle,  
certifie que les pages ci-hauts sont une transcription  
conforme de mes notes/enregistrements au meilleur de mes  
capacités, et je le jure.



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Sandrine Marineau-Lupien