



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

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

Public Hearing

Audience publique

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

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Jenny Kwan	Sujit Choudhry Mani Kakkar

IV Appearances / Comparutions

Churchill Society

Malliha Wilson

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Human Rights Violations

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Ottawa, Ontario

--- Upon commencing on Tuesday, April 9, 2024 at 9:31 a.m.

--- L'audience débute le mardi 9 avril 2024 à 9 h 31

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 9:31. Il est 9 h 31.

COMMISSIONER HOGUE: Good morning. I hope you slept.

Alors, vous pouvez commencer, Me Chaudhury. Bonjour à tout le monde.

MS. SHANTONA CHAUDHURY: Good morning, Commissioner. Shantona Chaudhury, lead Commission Counsel.

Our witnesses this morning are, once again, Janice Charette and Madam Nathalie Drouin. May I have the witnesses sworn or affirmed.

THE REGISTRAR: I guess same as yesterday? I guess you'll be sworn today?

MS. JANICE CHARETTE: My name is Janice Charette, C-H-A-R-E-T-T-E, and I'd like to be sworn please.

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

MS. JANICE CHARETTE: Janice Charette, C-H-A-R-E-T-T-E.

1 --- MS. JANICE CHARETTE, Sworn/Assermentée:

2 THE REGISTRAR: And same for you, Ms. Drouin.

3 Mme NATHALIE DROUIN: Oui. Bonjour. Mon nom
4 est Nathalie Drouin - D-R-O-U-I-N, et je voudrais une
5 affirmation solennelle.

6 --- MME NATHALIE DROUIN, Affirmed/Sous Affirmation

7 Solennelle:

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

9 MS. SHANTONA CHAUDHURY:

10 MS. SHANTONA CHAUDHURY: So I'll just begin
11 with the note about the scope of this examination. So as we
12 all know, you were here yesterday, you were both here
13 yesterday testifying in your capacity as members of the Panel
14 of Five. So what we're dealing with today in the next
15 45 minutes is what I think you referred to yesterday as your
16 day jobs, so in your roles as Clerk and Deputy Clerk of the
17 Privy Council.

18 Et, Madame Drouin, je vais probablement poser
19 la plupart de mes questions en anglais, mais sentez-vous
20 libre toujours de répondre dans la langue de votre choix.

21 Mme NATHALIE DROUIN: Merci beaucoup.

22 Me SHANTONA CHAUDHURY: Parfait.

23 So we'll begin with the routine housekeeping.
24 Mr. Clerk, can I just have WIT 51 pulled up, please.

25 --- EXHIBIT No./PIÈCE No. WIT 51:

26 Public Interview Summary: Janice
27 Charette, Nathalie Drouin, Jody
28 Thomas

1 **Me SHANTONA CHAUDHURY:** So Ms. Charette and
2 Madame Drouin will recall being interviewed, along with your
3 former colleague, Ms. Jody Thomas, on February 15th, 2024?

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

5 **MS. JANICE CHARETTE:** Yes.

6 **MS. SHANTONA CHAUDHURY:** Parfait. And we'll
7 do this quickly. Can you each confirm that you've reviewed
8 the summary of that interview, that the summary is accurate,
9 and that you adopt it as part of your evidence before the
10 Commission?

11 **MS. JANICE CHARETTE:** Yes.

12 **MS. NATHALIE DROUIN:** Oui.

13 **MS. SHANTONA CHAUDHURY:** Perfect. Then just
14 for the record, Ms. Thomas is going to adopt her evidence by
15 way of affidavit.

16 So then we'll go to WIT 56, please,
17 Mr. Clerk.

18 **--- EXHIBIT No./PIÈCE No. WIT 56:**

19 J. Charette Public Summary of In
20 Camera Examination

21 **MS. SHANTONA CHAUDHURY:** Ms. Charette, this
22 is the summary of your *in-camera* examination. So you'll
23 recall being examined by Commission Counsel in an *in-camera*
24 hearing held earlier this year. Once again, can you confirm
25 that you reviewed the summary of that examination, that the
26 summary is accurate, and that you adopt it as part of your
27 evidence before the Commission?

28 **MS. JANICE CHARETTE:** I do.

1 **MS. SHANTONA CHAUDHURY:** Okay. One last
2 matter, which is the Privy Council Institutional Report
3 that's been referred to several times, but not officially
4 adopted into evidence.

5 So that's CAN.DOC 11, please, Mr. Clerk, for
6 the English version. For the French version -- for the
7 record, the French version is CAN.DOC 12.

8 So Madam Drouin, this would be for you.
9 You're aware that PCO has prepared an IR for filing with the
10 Commission. Can you confirm that you've reviewed it and that
11 it represents part of PCO's evidence?

12 **MS. NATHALIE DROUIN:** Oui.

13 **MS. SHANTONA CHAUDHURY:** Perfect.

14 Okay. We'll then go to background questions,
15 but we don't need to go through your backgrounds in any
16 detail, given that we spoke about them a bit yesterday.

17 Ms. Charette, though, I did want to ask you,
18 you actually served as Privy -- Clerk of the Privy Council
19 twice. Is that right?

20 **MS. JANICE CHARETTE:** That's correct.

21 **MS. SHANTONA CHAUDHURY:** Okay. Can you take
22 us through that part of your history?

23 **MS. JANICE CHARETTE:** Okay. I was first -- I
24 was named first as Clerk of the Privy Council in October of
25 2014 by Prime Minister Harper, and I served in that role
26 until January of 2016. I then went to the United Kingdom as
27 our High Commissioner. I was asked by Prime Minister Trudeau
28 to come back as the Interim Clerk of the Privy Council to

1 replace my colleague, the Honourable Senator Ian Shugart, who
2 unfortunately had fallen ill. So I took up that role in
3 March of 2021. I'm almost trying to make sure of my dates
4 right here. March of 2021. And then Ian chose to retire and
5 I was named again as the Clerk of the Privy Council in May of
6 2022, and I served in that role until June of 2023, when I
7 retired from the public service.

8 **MS. SHANTONA CHAUDHURY:** Thank you.

9 Et, Madam Drouin, we know that you were for
10 the period of time that's under examination in these
11 hearings, you were Deputy Clerk of the Privy Council. First,
12 you were Deputy Minister of Justice and Attorney General,
13 then Deputy Clerk of the Privy Council, and I understand that
14 you've recently also taken on the role of NSIA.

15 is that correct?

16 **MS. NATHALIE DROUIN:** Correct.

17 **MS. SHANTONA CHAUDHURY:** Okay. And that
18 would have been January 2024?

19 **MS. NATHALIE DROUIN:** Exact.

20 **MS. SHANTONA CHAUDHURY:** Perfect. Okay. The
21 first broad topic we're going to address today is essentially
22 just some questions helping us understand the structure and
23 function of PCO.

24 Ms. Charette, I'll start with you, just
25 explaining for the Commission, please, the role of the Clerk
26 of the Privy Council?

27 **MS. JANICE CHARETTE:** So the role of the
28 Clerk of the Privy Council is the Deputy Head of the

1 Department of the Privy Council. And in that respect, the
2 Deputy Minister to the Prime Minister. And the Privy Council
3 Office also supports a number of other Ministers. The
4 Minister of Intergovernmental Affairs, Government House
5 Leader, Minister of Democratic Institutions as examples.
6 That's not a complete list. So the Prime Minister and
7 Ministers are supported by the Privy Council Office.

8 As the clerk, my focus really is the Prime
9 Minister, in that constellation of Ministers.

10 And in that regard, my responsibilities are
11 to make sure that issues that are under the responsibility of
12 the Prime Minister, he receives information, advice,
13 recommendations, and that his decisions are implemented. So
14 issues that are on the desk of the Prime Minister are on my
15 desk.

16 Part of my responsibilities in this respect
17 are you can imagine the Government of Canada is a large
18 enterprise. Information produced by departments and agencies
19 across the spectrum is to identify those issues that, in
20 conversation with him and his office, what are the most
21 important? What does he need to focus on and therefore what
22 do I need to focus on?

23 Second role is the Secretary to the Cabinet.
24 In that respect, the Prime Minister establishes a decision-
25 making process for his government, Cabinet, and a series of
26 Cabinet committees, and the Privy Council Office functions as
27 the Secretariat for those -- for the Cabinet and those
28 committees. So we support the setting of agendas, the

1 distribution of documents, taking of minutes, recording of
2 decisions, and then working -- I would say both wearing the
3 Deputy Minister to the Prime Minister and the Secretary to
4 the Cabinet. Really trying to help to coordinate across that
5 broad spectrum of departments and agencies in order to help
6 the government to design and implement its agenda.

7 The third hat, which is the head of the
8 public service, so the public service in Canada is, in the
9 Westminster tradition, a non-partisan permanent public
10 service. What that means is that the public service has a
11 responsibility to loyally support the government of the day.
12 We do not change with governments. We have a responsibility
13 to serve the government of the day, to provide them with our
14 best advice, and implement the decisions that they take.

15 As the clerk in this respect, the head of the
16 public service, I might have priorities for the public
17 service as the kind of lead steward of the institution. For
18 example, you know, building an exclusive public service,
19 which makes the best of diversity in Canada and tries to
20 improve representation and combat racism and discrimination
21 in the public service, as an example.

22 So there's those three.

23 I might just say one thing, which I don't
24 think I referred to in any of my prior testimony, and that is
25 that the Clerk of the Privy Council is a Deputy Minister and
26 they're, to use an expression probably more in your field
27 than mine is *prima inter pares*. And so first among equals.
28 Deputy Ministers maybe can be like a multinational

1 organization. The Clerk of the Privy Council sits atop a
2 group of Deputy Ministers, each who have responsibilities
3 supporting a Minister, and part my job with the support of
4 the Deputy Clerk, who you will hear from shortly, is to work
5 with that community, not to take on their jobs, but to work
6 with that community to coordinate and share information and
7 implement decisions.

8 **MS. SHANTONA CHAUDHURY:** Thank you. There's
9 a lot in that answer. We may go back to some of it.

10 But first, I'll just -- et Madame Drouin,
11 pouvez-vous nous expliquer le rôle de la sous-greffière?

12 **Mme NATHALIE DROUIN:** De façon générale, le
13 sous-greffier ou la sous-greffière supporte la greffière dans
14 les trois rôles que madame Charette vient de présenter.

15 J'assurais aussi la coordination de certains
16 dossier horizontaux que la greffière pouvait me demander de
17 faire. La supervision directe du Bureau du Conseil privé,
18 donc, du ministère qui est le Bureau du Conseil privé.
19 J'offrais également un support à la communauté des sous-
20 ministres, principalement les sous-ministres associés de
21 l'ensemble des ministères.

22 Et finalement, je faisais aussi ce qu'on
23 appelle la gestion des enjeux, issue management, sur des
24 dossiers spécifiques d'envergure, telle que le convoi, par
25 exemple, ou le conflit de relations de travail avec les
26 employés fédéraux l'année dernière.

27 **MS. SHANTONA CHAUDHURY:** Madam Charette, you
28 mentioned that part of your role is coordinating information

1 flow, and also deciding, or identifying is a better word for
2 it, the issues that are the most important that need to be on
3 the Prime Minister's desk.

4 In the space that we're talking about today,
5 which is foreign interference, can you explain how that role
6 intersects with that of the NSAI? So they're two direct
7 reports to the Prime Minister. How do they work together?

8 **MS. NATALIA RODRIGUEZ:** And sorry, before you
9 answer this -- Natalia Rodriguez, Commission Counsel. I've
10 just been reminded by the interpreters that everyone should
11 try and speak a little bit more slowly to help in their job.
12 Thank you very much.

13 **COMMISSIONER HOGUE:** Thank you.

14 **MS. JANICE CHARETTE:** A good reminder. Thank
15 you.

16 So the Clerk of the Privy Council is the
17 Deputy Head of the organization. The National Security and
18 Intelligence Advisor to the Prime Minister reports to the
19 Clerk but has the ability to go directly to the Prime
20 Minister if there are matters of urgency or import. So you
21 can imagine, given the nature of their responsibility as the
22 National Security and Intelligence Advisor, from time to time
23 there might be things that come up and you don't want to
24 necessarily have to go through a chain of command. You want
25 to be able to have direct access to the Prime Minister and to
26 provide that kind of direct information and advice.

27 Usually what happens is the NSIA, the
28 National Security Intelligence Advisor, would either go

1 through the Clerk, if time permits, or make sure that that is
2 happening at the same time, if not as quickly as possible
3 afterwards, so the Clerk is aware. If an issue is that
4 important it has to go to the Prime Minister, then the Clerk
5 should also be made aware relatively quickly of the same
6 thing. So I hope that kind of answers your question.

7 So either the Clerk or the National Security
8 and Intelligence Advisor can bring information to the
9 attention of the Prime Minister, and I'm happy to talk more
10 about kind of how we do that and how we kind of decide what
11 of all of the information that we have access to we take to
12 him.

13 **MS. SHANTONA CHAUDHURY:** Okay. Well I'll
14 start by talking about how information comes to you.

15 **MS. JANICE CHARETTE:** Right.

16 **Ms. SHANTONA CHAUDHURY:** So how does the
17 Clerk receive intelligence?

18 **MS. JANICE CHARETTE:** So I think you've heard
19 from other witnesses in testimony just the volume of what is
20 described as intelligence products. People have given
21 estimates of tens of thousands of products that are produced
22 in the course of a year. And intelligence is a broad term.
23 It could cover kind of geopolitical developments, it could
24 cover military issues, terrorism, ideologically motivated
25 violent extremism, a trade issue, it could cover cyber risks.
26 So it's a broad continuum, including foreign interference.
27 So part of the job in this respect is to separate out of all
28 of that kind of what's the most important?

1 And so we receive a broad variety of
2 information, either through -- directly from the agencies, if
3 they identify it's of a sufficient import, the Security and
4 Intelligence Group within the Privy Council Office that works
5 for the National Security Advisor would provide products on a
6 regular basis. For example, I would get a daily bulletin
7 which would contain a curated amount of information on topics
8 selected from that broad universe that I just described.

9 **COMMISSIONER HOGUE:** I've got a question. I
10 know it's going to be a difficult one to answer, but can you
11 just give us an idea of when you're speaking about a large
12 volume, what you're talking about in terms of the
13 intelligence you're receiving, let's say weekly?

14 **MS. JANICE CHARETTE:** I'll try to do that
15 maybe at the end, Commissioner, ---

16 **COMMISSIONER HOGUE:** Okay.

17 **MS. JANICE CHARETTE:** --- if that's okay?

18 **COMMISSIONER HOGUE:** Perfect.

19 **MS. JANICE CHARETTE:** I'll kind of give you
20 the ---

21 **COMMISSIONER HOGUE:** Perfect.

22 **MS. JANICE CHARETTE:** --- components and then
23 try and give you a kind of how much does that add up to.

24 **COMMISSIONER HOGUE:** Perfect.

25 **MS. JANICE CHARETTE:** So you have a daily.
26 That's the easy one. That's one page double sided. So
27 that's every day you get that particular product.

28 On a weekly basis, there is a weekly product

1 that's produced by the Privy Council Office, which basically
2 draws from the, kind of the most important pieces out of the
3 dailies. That's also one page double sided. So those are
4 two very focused products.

5 In addition to that, I would get a package of
6 highly classified intelligence that one of our client
7 relations officers would bring to me, and sit with me while I
8 read it. That would be a package which the -- we call them
9 CROs. The CRO would identify working with potentially the
10 National Security Advisor, or other members of NSIA security
11 and intelligence team that were kind of things that I should
12 be aware of because they were topical. For example, the
13 situation in Haiti. There may be particular pieces of
14 intelligence relevant to that conflict. Or the Russian-
15 Ukraine situation. That would be examples. So it's kind of
16 topical issues that are current that are the focus of kind of
17 discussions and deliberations within the government, or
18 anything which was named to me. So the clerk should see
19 this; right? We've seen some named distributions on some of
20 the intelligence spots.

21 In addition to that, I would get a weekly
22 package, which I would describe as kind of for situational
23 awareness. And that -- so the CRO package could vary. I
24 would say that would take me about 45 minutes to an hour to
25 read, and then at various points in the week I could have
26 additional products brought to me. At the end of the week, I
27 would get kind of a situational awareness. That could be
28 products that came from Canadian agencies, either raw

1 intelligence, more likely assessed products, kind of products
2 that have analysed a body of intelligence, or products that
3 come from our Five Eyes partners. And that could be a
4 package of upwards to 20 or 25 products that would take a
5 couple of hours to read, so we're probably talking about 150
6 pages or so, and that is curated.

7 In addition to that, at any point in time,
8 the National Security Intelligence Advisor or any of the
9 heads of agencies may send something to me directly for my
10 attention. So that gives you a sense of the broad scant. I
11 didn't -- I did not read all of it to the same degree. You
12 can imagine I triaged as well, things that had my name on
13 them, particular attention, drawn to my attention by the NSIA
14 or one of the agency heads for my information or for action.
15 Those are the ones that I would pay particular attention to.
16 The situational awareness is part of kind of my overall
17 understanding about what's going on in the world, and that
18 was kind of -- I would try and make my way through as much of
19 that as I could on a weekly basis, but all of that would take
20 many hours in a week to go through all of that.

21 And so part of the job then is to figure out
22 of all of this information, what, if anything, needs to go to
23 the Prime Minister. The Prime Minister -- of all the
24 products that I just mentioned, I think if you read the Prime
25 Minister's Office institutional report, they give you a
26 summary of the information provided to the Prime Minister.
27 My responsibility, I thought, he received the weekly bulletin
28 from the intelligence assessment group within the Privy

1 Council Office. My responsibility was if I saw anything in
2 that that I thought he needed to pay attention to, I would
3 not assume that he read everything that he was sent. I would
4 draw his attention particularly to that.

5 **MS. SHANTONA CHAUDHURY:** Just before we
6 continue on with that thought, Mme Drouin, would you also
7 receive all of the intelligence that goes to the clerk or a
8 subset thereof, or how does that work?

9 **Mme NATHALIE DROUIN:** Je recevais les mêmes
10 documents que la greffière recevait, je n'en prenais pas
11 nécessairement connaissance en même temps. Nos disponibilités
12 de lecture, par exemple, avec le CRO était différent, et je
13 devais moi aussi faire un triage par rapport à ce que je
14 recevais, et je me concentrais surtout sur les évaluations
15 hebdomadaires plutôt que les évaluations quotidiennes, ainsi
16 que l'intelligence qui était au soutien de ces évaluations-
17 là.

18 Si je peux faire une comparaison pour un peu
19 illustrer la question de la commissaire, dans mon rôle
20 maintenant, je reçois un set d'informations qui est
21 substantiellement différent en termes de volume, donc si je
22 peux juste montrer ce que je reçois au quotidien, c'est à peu
23 près comme ça, donc dans une semaine, c'est à peu près comme
24 ça au niveau de la quantité de documents d'intelligence et le
25 rôle, donc, de la conseillère en sécurité nationale, c'est de
26 faire ce tri-là avec ses professionnels pour le bénéfice du
27 greffier ou de la greffière.

28 **COMMISSAIRE HOGUE:** Pour préciser, vous avez

1 mentionné à peu près un pouce et demi simplement parce qu'il
2 y a des notes sténographiques?

3 **Mme NATHALIE DROUIN:** Oui, merci.

4 **COMMISSAIRE HOGUE:** Alors, à peu près un
5 pouce et demi quotidiennement?

6 **Mme NATHALIE DROUIN:** Oui.

7 **COMMISSAIRE HOGUE:** Et évidemment, à la fin
8 de la semaine, on parle de probablement sept, huit, neuf..

9 **Mme NATHALIE DROUIN:** Neuf pouces, oui.

10 **COMMISSAIRE HOGUE:** ...dix pouces de documents..

11 **Mme NATHALIE DROUIN:** Oui.

12 **COMMISSAIRE HOGUE:** ...hebdomadairement.

13 **Mme NATHALIE DROUIN:** Oui.

14 **COMMISSAIRE HOGUE:** Merci.

15 **Mme JANICE CHARETTE:** Aussi, si je peux
16 ajouter, nous parlions des produits d'intelligence en papier.
17 Il y a aussi des discussions entre les sous-ministres,
18 particulièrement entre moi, en tant que greffière, avec le
19 National Security and Intelligence Advisor d'une façon orale.

20 One of the tactics that I employ to try to
21 cope with the volume of information was I set up a weekly
22 oral briefing when time permitted in my schedule with the
23 team from the Intelligence Assessment Secretariate in order
24 to be able to kind of have a more in-depth discussion in a
25 particular area, and I would try and vary those topics
26 depending on what was going on. If there was a G7 summit
27 coming up, for instance, we would talk about those issues,
28 particular conflict. So an attempt to kind of stay on top of

1 the situational awareness, in addition to the written
2 products, we also had the opportunity for oral briefings.

3 **Mme NATHALIE DROUIN:** Juste, les travaux de
4 cette commission concernent l'ingérence étrangère, mais le
5 contenu de l'intelligence qu'on reçoit n'était pas uniquement
6 sur l'ingérence étrangère, ça, c'est vraiment une sous-
7 catégorie de l'intelligence que l'on peut... des rapports
8 d'intelligence que l'on peut recevoir, mais c'est pas une
9 catégorie, c'est-à-dire j'ai pas un document en particulier
10 qui dit « voici de l'intelligence en matière d'ingérence
11 étrangère », c'est à travers l'ensemble des informations que
12 l'on reçoit.

13 **Me SHANTONA CHAUDHURY:** Je ne sais pas si
14 vous pouvez répondre à cette question, mais est-ce que vous
15 pouvez estimer la proportion de l'intelligence qui a rapport
16 avec l'ingérence étrangère?

17 **Mme NATHALIE DROUIN:** C'est difficile parce
18 que ça peut varier. Dans le cadre des conflits mondiaux en ce
19 moment, il y a beaucoup plus de rapports à cet égard-là,
20 durant la pandémie, il y avait beaucoup plus de rapports
21 relativement à la pandémie, donc c'est vraiment très, très
22 contextuel.

23 **Me SHANTONA CHAUDHURY:** Parfait.

24 **MS. JANICE CHARETTE:** I think that's one of
25 the reasons why -- yesterday we talked about our
26 responsibilities as the Panel of Five. I think, for me, it
27 shows during the election campaign we had a focus level of
28 attention on this topic in particular with a daily bulletin

1 about foreign interference dedicated to a group of Deputy
2 Ministers. So that shows you kind of by comparison we would
3 get bits and pieces through the course of a day, or a week in
4 a package. This was daily focus during the election campaign
5 given our responsibilities under the protocol, just to try
6 and show the differences.

7 **MS. SHANTONA CHAUDHURY:** And will that be
8 because during an election period, foreign interference was a
9 focus?

10 **MS. JANICE CHARETTE:** Because we had
11 responsibilities under the protocol to be monitoring and
12 meeting as the Panel of Five if we identified something that
13 we thought needed to be addressed.

14 **MS. SHANTONA CHAUDHURY:** Okay. So amidst
15 this fairly massive volume of information, what's the path
16 for intelligence to go up to the Prime Minister? How is it
17 decided that something is important enough for the Prime
18 Minister to see it? And is that always the clerk making the
19 decision, the NSIA making the decision, or the intelligence
20 agencies themselves? Can you explain that?

21 **MS. JANICE CHARETTE:** Of course. So as I
22 said, the Prime Minister gets a weekly product that goes to
23 him through the auspices of the security and intelligence
24 group within the PCO. That's a product which situational
25 awareness, he may or may not have time to read it all. If
26 there's anything in particular in there, my responsibility,
27 or the NSIA's responsibility to say this one in particular,
28 or this issue in particular you should be aware of this, you

1 should be on top of this. He may have other products which
2 are identified to him either by myself or the National
3 Security and Intelligence Advisor. In the course of our
4 readings, we would bring those things to him. He may or may
5 not get a small part of a reading package as part of that,
6 which could come either from myself, the NSIA, or from his
7 office who also has a feed of intelligence products to them.

8 I'd say that might be useful to describe. So
9 how do we -- I mean, part of the judgment call, every day for
10 a Deputy Minister, is what information do you provide to your
11 Minister, in my case the Prime Minister, given his broad
12 range of responsibilities. What information do you give him
13 out of all of this? And so I try to think about the criteria
14 that I was using to do this. And so I would say there were
15 kind of three areas in this space in respect of kind of
16 intelligence, including foreign interference.

17 The first is for his situational awareness.
18 So I might say to him, here's a product that I think would be
19 of interest to you, or here is a situation that I think you
20 need to understand the evolution of, and so information in
21 this space and others for situational awareness.

22 Secondly, if there's a particular policy
23 issue that's under review or deliberation, I might say here
24 is some information, or product him access to officials who
25 can provide him with briefing on a certain set of kind of
26 background information and analysis that will support the
27 policy deliberations that might take place, either in a
28 Cabinet or with him and a subgroup of Ministers.

1 And third would be probably of all of this
2 the smallest percentage of all of this is information that
3 has to go to him, either for a decision that he's going to
4 take, an action he's going to take, or a specific purpose,
5 he's going to a meeting with another -- a leader of another
6 country, here's a particular issue that the community as
7 vetted by myself and the National Security Advisor think that
8 you should be aware of and possibly briefed.

9 **MS. ERIN DANN:** And I'm sorry to interrupt
10 one more time. The interpreters are ---

11 **COMMISSIONER HOGUE:** Slow.

12 **MS. ERIN DANN:** --- just signaling to us that
13 it would be most helpful if we could ---

14 **COMMISSIONER HOGUE:** Slow.

15 **MS. ERIN DANN:** --- slow down a little bit.
16 Thank you very much.

17 **MS. SHANTONA CHAUDHURY:** I think we're
18 probably all guilty of that.

19 **MS. JANICE CHARETTE:** I get excited.

20 **MS. SHANTONA CHAUDHURY:** Apparently.

21 **MS. JANICE CHARETTE:** I apologise.

22 **MS. SHANTONA CHAUDHURY:** Would it always be
23 clear to the Prime Minister, would you make it clear to the
24 Prime Minister for which of those purposes he was receiving
25 the intelligence?

26 **MS. JANICE CHARETTE:** No, I was trying to
27 provide a sense of how I would do the triage, which is what
28 every deputy has to do in terms of figuring out of all the

1 information you have access to what needs to go when. And so
2 you're looking at kind of those criteria, and is the
3 information, is it timely, is the information, like is it
4 mature, is kind of comprehensive, is it complete, has it been
5 analysed, is there a particular action that's necessary?

6 So it -- there's a number of things that goes
7 into that daily judgement. I think that, you know, that's
8 something that you develop -- I was a deputy minister for
9 almost 20 years, so it's something that you hone over time.

10 **MS. SHANTONA CHAUDHURY:** But at the point at
11 which you provide the information to the Prime Minister,
12 would you make it clear to him for what purpose it was being
13 provided? So for a decision versus for situational
14 awareness, for instance?

15 **MS. JANICE CHARETTE:** So we were providing
16 him with written notes. The top of every note to the Prime
17 Minister will say "for information" or "for a decision". I
18 may provide him with -- for example, in the case of that
19 weekly bulletin we were describing, I might draw that to his
20 attention in a meeting that I might be having with him. So
21 not -- I would say that if I was presenting to him for action
22 or decision that was clear.

23 **MS. NATHALIE DROUIN:** Si je peux me
24 permettre...

25 **Me SHANTONA CHAUDHURY:** Bien sûr.

26 **Mme NATHALIE DROUIN:** ...le contexte aussi
27 aide. Par exemple, si nous offrons un breffage au premier
28 ministre avant qu'il ait une conversation avec un dirigeant

1 d'un autre pays, c'est clair que c'est pour son information
2 avant qu'il puisse parler au dirigeant en question. Si on
3 offre de l'information alors qu'on est en train de
4 développer, par exemple, un mémoire au Cabinet, l'information
5 est vraiment pour les fins du développement de la politique.

6 Donc, le contexte dans lequel on donne
7 l'information est une indication pour le premier ministre de
8 l'utilité de l'information que l'on donne.

9 **Me SHANTONA CHAUDHURY:** Parfait.

10 Okay. I'm going to take you now to an
11 example of when it was decided that something was important
12 enough to not only bring to the Prime Minister's attention
13 but to brief him specifically. And that's a fall 2022
14 briefing to the Prime Minister on foreign interference. This
15 is discussed, for the record, at the -- your interview
16 summary, WIT 51, paragraph 36 and 37.

17 So Mr. Clerk, that may be helpful for the
18 witnesses to see.

19 But Ms. Charette, I'll ask you to take us
20 through the chronology of this, because I understand there
21 were actually three separate meetings, one which was with, I
22 believe, officials only; one to the PMO; and then one to the
23 PM.

24 **MS. JANICE CHARETTE:** Right. So the first
25 meeting in this series is a meeting that took place on
26 September the 13th. As you will see in the summary, it took
27 place with the Director of CSIS, Mr. Vigneault, and one of
28 his team members, I think it was Madam Henderson.

1 So the NSIA and myself were briefed by the
2 head of the Service, and it was a opportunity for us to have,
3 just kind of a -- kind of an overall update on the threat and
4 risk environment with respect to foreign interference. We
5 had a discussion about kind of the -- what -- the steps that
6 CSIS was taking within their own mandate to deal with these
7 threats. We were having a conversation about some of the
8 other tools in the toolkit where there had been conversations
9 and deliberations about, for example, the changes to the *CSIS*
10 *Act*, which had been under discussion for sometime. So what
11 were some of the things that CSIS was doing and what were
12 some of the things that, with additional tools, CSIS could do
13 to address the risk?

14 And then we had an update from the Director
15 on some particular cases that were of -- particularly with
16 respect to parliamentarians, and examples of hostile state
17 actor activity that he thought were timely to bring to our
18 attention. That meeting happens about -- as I said,
19 September the 13th.

20 As a follow-up to that, there was a briefing
21 which the National Security and Intelligence Advisor then --
22 so the NSIA and myself come out of that briefing with the
23 Director and we think there is a body of information here
24 that we think it's time for an update, a situational
25 awareness update to be proceeding forward, using my kind of
26 lexicon.

27 The next step is the NSIA briefs the Prime
28 Minister's Office so that they also can have access to that

1 information. It's not a -- and the Director participates in
2 that briefing. So they get kind of a mirror of the briefing
3 that we have had with the Director.

4 And then the third in the series is the
5 briefing that took place, as shown here, on the 27th of
6 October. This is a briefing that took place, again, the
7 NSIA, the Clerk, the Director of CSIS, with the Prime
8 Minister, and members of his team. There were other PCO
9 officials, I believe, in attendance at that.

10 And we ran through the same kind of three
11 parts of the agenda. It was an opportunity to provide an
12 update to the Prime Minister on the kind of the threat
13 environment that we were seeing on the part of various of our
14 threat actors that were known in this environment; an
15 up-to-date for the Prime Minister on steps that CSIS had
16 taken, defensive briefings that they had done, for example;
17 and an update on some of the other areas where -- kind of
18 input to the policy deliberation process again, where it
19 would be helpful to think about new tools in the toolkit, so
20 an opportunity for an exchange in dialogue about that; and
21 then again, for the Prime Minister, a briefing on particular
22 cases for his situational awareness.

23 I -- there was no actions or decisions that
24 were brought to the Prime Minister in the context of that
25 briefing on specific cases.

26 **MS. SHANTONA CHAUDHURY:** Okay. I'm just
27 going to stop you there and ask the clerk to bring up
28 document CAN 015842.

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

2 Briefing to the PM on Foreign
3 Interference Threats to Canada's
4 Democratic Institution

5 **MS. SHANTONA CHAUDHURY:** So Ms. Charette,
6 these are notes for a briefing to the Prime Minister on FI.
7 They're dated October 26, 2022. For the briefing, I assume
8 that it was delivered on October 27th. We don't have time to
9 go through these notes in any detail here.

10 But Mr. Clerk, I'll just ask you for the
11 benefit of everyone here to scroll through briefly these
12 notes.

13 And I understand you've had an opportunity to
14 review them. Are they an accurate description of the
15 information that was provided to the Prime Minister that day?

16 **MS. JANICE CHARETTE:** Not exactly. So let me
17 just -- let me start with a broader caveat because I think
18 the Commission has been provided in a number of cases with
19 what we describe as talking points or speaking notes or a
20 briefing like this. These are notes that would have been
21 provided to the Director.

22 As deputy ministers, we would receive these
23 as input to a meeting that we might be participating in. So
24 briefing notes or talking points to guide the discussion for
25 a, in this case, a briefing with the Prime Minister. It --
26 they are not verbatim. The Deputy Minister would very rarely
27 deliver this as a -- it's not a speech, it's not -- this is a
28 tool for, or input for the Director to use in this case, but

1 a deputy to use in the context of a briefing. A guide. Some
2 information from your team. And then the deputy, in this
3 case the Director, would choose kind of to follow the
4 outline. They may cover some, but not all of the topics, and
5 the individual can also choose to add information which is
6 not in the talking points. All to say don't read this as
7 this is what the Director said.

8 As well, this is a briefing with another --
9 with, in this case, the Prime Minister. And so it's very
10 much a two-way dialogue. He can ask questions. Other -- I
11 could ask questions. The National Security Advisor, his
12 office, my ask questions. So it's a bit more of a free-
13 flowing conversation than the Director reading a set of notes
14 and the Prime Minister hearing it.

15 That being said, looking at these notes, it
16 is fair to say that the kind of the broad topics that I
17 discussed, an update on the kind of behaviour of threat
18 actors and some specific cases, were drawn to the attention
19 of the Prime Minister. And an update on some of CSIS
20 activities and the toolkit that's available, that is
21 reflected in the notes. What is not in the notes is
22 information about specific cases, some of which may have been
23 redacted for the purposes of national security.

24 **MS. SHANTONA CHAUDHURY:** Thank you. The next
25 document I'm going to take you to is CAN 001082. So this is
26 a document representing something that happened in the 2021
27 election, and we understand that on the basis of this
28 document there was a briefing delivered in -- during the

1 election to cleared representatives of the Liberal Party.

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

3 **MS. SHANTONA CHAUDHURY:** Ms. Charette, can
4 you tell us -- what can you tell us about this briefing in
5 this context? Were you made aware of this briefing and the
6 content of it?

7 **MS. JANICE CHARETTE:** So I believe I spoke
8 about this briefing yesterday in my capacity as a member of
9 the Panel of Five. So this briefing happened during the 2021
10 election. This was a briefing that was done by members of
11 the service along with the Privy Council Office to the
12 cleared representative of the Liberal Party of Canada. It
13 was a classified briefing that was provided on a matter that
14 was relevant to that particular party. The Panel of Five, in
15 my capacity, I was sitting as a member of the Panel of Five
16 was made aware of the matter that was developing. One of the
17 things that I had a chance to -- thank you -- one of the
18 things I had a chance to do was as we were hearing about this
19 on the Panel of Five, I also have as I -- we talked about
20 yesterday, we retained all of our kind of powers and
21 authorities as Deputy Ministers. And so when we were hearing
22 about this matter in the Panel of Five, I asked the Director
23 of CSIS what, if any, mitigation options could be taken. He
24 and I had a meeting outside of the Panel of Five in which we
25 discussed some of the things that could be done. And in the
26 end, it was agreed that this briefing would take place.

27 The Panel of Five was informed afterwards
28 about the briefing having taken place. The Panel of Five

1 continued to follow this matter within our deliberations.
2 And as I said yesterday, at no point did this matter reach
3 the threshold in the minds of the Panel in terms of something
4 which impaired the ability of Canadians to have a free and
5 fair election. I did not -- and this is your question, I did
6 not brief the Prime Minister on this, either during the
7 election or after the election. And, in fact, the -- I
8 believe the first briefing of the Prime Minister on this took
9 place not until 2023.

10 **MS. SHANTONA CHAUDHURY:** Okay.

11 **MS. JANICE CHARETTE:** --- by the Privy
12 Council Office.

13 **MS. SHANTONA CHAUDHURY:** Briefing by the
14 Privy Council Office?

15 **MS. JANICE CHARETTE:** That's right.

16 **MS. SHANTONA CHAUDHURY:** Okay. Sticking with
17 the 2021 election, I'm going to ask the clerk to bring up CAN
18 013124_R01.

19 **COMMISSIONER HOGUE:** I just have one
20 question.

21 **MS. SHANTONA CHAUDHURY:** Oh, excusez-moi.

22 **COMMISSIONER HOGUE:** You said he was only
23 briefed, the Prime Minister was only briefed in 2023 by the -
24 --

25 **MS. JANICE CHARETTE:** Privy Council Office.

26 **COMMISSIONER HOGUE:** --- by the Privy
27 Council. So are you aware of any other briefings that may
28 have taken place ---

1 **MS. JANICE CHARETTE:** So ---

2 **COMMISSIONER HOGUE:** --- and offered by
3 someone else to the PM?

4 **MS. JANICE CHARETTE:** I would have been aware
5 of that. I have not ---

6 **COMMISSIONER HOGUE:** You would have been
7 aware?

8 **MS. JANICE CHARETTE:** Not in the public
9 service. He many have had other briefings through the
10 Liberal Party, because as you see, this is a Liberal Party
11 brief. I think you will be meeting with other
12 representatives who will be able to speak to that. But as
13 the clerk, in my capacity as the -- as his Deputy Minister, I
14 did not take this information and brief it to the Prime
15 Minister, either during or after the -- or in the period
16 after the election, until -- as I said, not until 2023 where,
17 at that point in time I would say -- I got to be careful what
18 I'm allowed to say here -- I believe that the situation had
19 evolved, and it was for that reason that there was a
20 subsequent briefing done.

21 **COMMISSIONER HOGUE:** Thank you.

22 **MS. SHANTONA CHAUDHURY:** So if we look now at
23 briefly CAN 013 ---

24 **MS. JANICE CHARETTE:** Oh, yeah.

25 **MS. SHANTONA CHAUDHURY:** --- 1342, it's in
26 front of us now. So scroll down a little bit, Mr. Clerk, to
27 the next page and we'll all recognise this document now.
28 This is having to do with concerns brought by the

1 Conservative Party after the 2021 election relating to mis
2 and disinformation.

3 So, Ms. Charette, the document that we see
4 here is a memo from the NSIA at the time, Jody Thomas, to
5 you, dated I believe March 28th, 2023. Can you explain the
6 purpose of this memo? Why is a memo being provided to you on
7 this at that time?

8 **MS. JANICE CHARETTE:** Okay. So as you said,
9 pointed out, this memo was provided to me in 2023. At that
10 point, there had been -- in March of 2023, at that point,
11 there had been a media article containing comments by Mr.
12 Walied Soliman about the concerns raised by the Conservative
13 Party of Canada, which we discussed yesterday, after the
14 conclusion of the 2021 election that were analysed and
15 assessed by SITE, and where there was a follow-up briefing
16 and reporting to the Conservative Party about those. He went
17 public about those in the spring of 2023.

18 At that point in time, I asked that my
19 officials would go back and remind me -- this was almost two
20 years. A lot of things happen in two years. I asked my
21 officials to go back and remind me what was the nature of the
22 concerns that the Conservative Party of Canada raised, what
23 specifically had been done about those, and what, if
24 anything, more could they tell me about that at this point in
25 time.

26 So you see an information note here to me
27 from the National Security and Intelligence Advisor, which
28 explains what happened in 2021 in terms of the concerns that

1 were raised, the process that was followed, in terms of the
2 assessment, the communications of that, and then a heads up
3 that it was expected that this issue may resurface again in
4 one of the Parliamentary committees.

5 Then it goes through in background a little
6 bit more detail on that and contains a number of tabs of
7 attachments to that, including the email that was submitted
8 by the Chief of Staff to the then leader of the Conservative
9 Party with the additional information that they had provided
10 to us after the election. You'll see it's I think dated the
11 30th of September. Then I was provided with an -- in the
12 second tab a summary of the assessment that we spoke about
13 yesterday that had been done by the SITE Task Force. This
14 was a body of work that was done over a course of
15 approximately three weeks, which was summarised in this
16 three-page document, which was provided to me. A longer
17 document I think is also available. We talked about
18 yesterday kind of 11 page. And then at tabs C, it provides a
19 summary of the information that was known at the time of the
20 briefing to report back to the Conservative Party about the
21 findings of that assessment. And the last tab is the
22 speaking points I believe that were developed for the
23 conversation that took place and where that debriefing on the
24 results of the SITE assessment were done with the
25 Conservative Party.

26 **MS. SHANTONA CHAUDHURY:** Okay. Were there
27 any particular steps for you to take following the receipt of
28 this memo?

1 MS. JANICE CHARETTE: --- I was there.

2 MS. SHANTONA CHAUDHURY: Oh, you were? You
3 were. I'm sorry ---

4 MS. JANICE CHARETTE: Yeah.

5 MS. SHANTONA CHAUDHURY: --- you were, of
6 course.

7 MS. JANICE CHARETTE: Yeah. So, no, I did
8 not advise the Prime Minister at the time of this. I -- at
9 the time, with the -- this was information and analysis that
10 was occurring in the context of the Panel of Five. The Panel
11 of Five did not find that there was information which caused
12 us to make a public announcement under the directive and the
13 protocol. I didn't think that there was any information that
14 required his action, and he was generally aware of the
15 situation in terms of the capabilities here, so I didn't
16 think there was anything new to bring to his attention.

17 MS. SHANTONA CHAUDHURY: Okay. Finally, the
18 last topic I would like to ask you about briefly is a meeting
19 that happened in 2023. So, Mr. Clerk, if we can go to CAN
20 017676?

21 --- EXHIBIT No./PIÈCE No. CAN 17676:

22 Handwritten Notes of B. Clow &
23 Meeting Invitation

24 MS. SHANTONA CHAUDHURY: And if you'll just
25 scroll down to the second page, Mr. Clerk? So as I said,
26 this is a meeting that happens in 2023. This was after some
27 -- there have been some media leaks, obviously, on the topic
28 of foreign interference and what's discussed in this meeting

1 appears to be a lot having to do with the elections and
2 things happening prior to that.

3 So the date is May 18th, the participants, we
4 have four Ministers there, Ministers Blair, LeBlanc, Joly,
5 and Mendicino, and then an array of both PMO staffers and
6 officials. It starts with "Clerk intro".

7 So Ms. Charette, again, I'll just ask you to
8 explain what was going on in this meeting on the basis of
9 these notes?

10 **MS. JANICE CHARETTE:** As you pointed out, the
11 time frame for this meeting was the 18th of May. At this
12 point in time, there was a fair degree of public attention,
13 media attention, attention in Parliament, to the matters of
14 foreign interference. And so the Prime Minister asked that
15 four Ministers, the four Ministers you see here, Ministers
16 Blair, LeBlanc, Joly, and Mendicino be read in, be briefed,
17 on the current body of knowledge and understanding in the
18 security and intelligence community around two particular --
19 the activities of two particular state actors. In this case,
20 this briefing was about the deep dive that happens, you can
21 see it kind of half way down the page, starts with the PRC,
22 the People's Republic of China.

23 Before we get to that, you see a briefing
24 that's taking place led by the Service. So it would have
25 been Madam Giles, with subject matter experts who came in and
26 who would have provided some context for a group of Ministers
27 who haven't -- don't have the same level of knowledge and
28 understanding. So kind of, "Here is a sense, Ministers, of

1 the kinds of capabilities that we believe hostile state
2 actors have, and what their intentions are, and what actions
3 we have seen. Some examples of that, of what we have seen in
4 the past," you see 2019 there, for example.

5 And then there goes into a more comprehensive
6 review of the particular actions and our body of knowledge
7 with respect to the capabilities, intentions, and activities
8 of the PRC in respect of foreign interference. We see a
9 discussion of particular cases, some of which have been in
10 the media. So there was Ministers were reading things in the
11 newspapers and this was an opportunity for the intelligence
12 community to be able to inform Ministers about what they had
13 seen in the intelligence as opposed to necessarily what was
14 being reported in the newspapers and to discuss -- Ministers
15 had a chance to talk about what the impact is on Canada, on
16 the public interest in Canada, the impact on diaspora
17 communities in Canada, lots of questions in there.

18 Again, this was a briefing, not a speech
19 delivered. There was a very substantial solid brief that was
20 provided to these Ministers for their awareness and
21 understanding and an opportunity to ask questions, and you
22 see some back and forth I think in these notes, which I
23 believe are the notes prepared by one of the Deputy Chiefs of
24 Staff to the Prime Minister.

25 And so there was also an opportunity in the
26 same briefing for Ministers to be -- to have explained to
27 them what the existing tool kit is, because part of the
28 objective here was in addition to them just having a

1 situational awareness, the expectation would be that they
2 would then have a follow-along conversation and be in a
3 position, if need be, to talk to the Prime Minister about
4 what action, if any, the Government of Canada should be
5 taking on the policy side or in any other front.

6 **MS. SHANTONA CHAUDHURY:** Well, I think our
7 time is up, so in the interest of time, we're going to leave
8 that on a cliff hanger and see what happened next, if
9 anything.

10 **COMMISSIONER HOGUE:** Thank you.

11 So the first counsel, it's counsel for Erin
12 O'Toole.

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

14 **MR. THOMAS JARMYN:**

15 **MR. THOMAS JARMYN:** Thank you, Commissioner.
16 Good morning. My name is Tom Jarmyn. I'm
17 counsel for Erin O'Toole.

18 The first question I'd like to ask is, so if
19 -- how does the Director get on the calendar for briefing
20 with PMO staff?

21 **MS. JANICE CHARETTE:** So it could happen one
22 of two ways. The Director of CSIS may suggest to the
23 National Security Advisor, or to the Clerk, that he has
24 information that he thinks would be appropriate to brief to
25 PMO staff. That would be -- usually it would be to the Prime
26 Minister, and then there would be kind of a pre-brief of PMO
27 staff so they have the same level of information.

28 Normally in those instances, it would be

1 expected, and it would be my expectation certainly, that the
2 Director of CSIS would have already informed his Minister,
3 the Minister of Public Safety, before that would happen.

4 Alternatively, there could be a request from
5 the Prime Minister's Office for a briefing that would go
6 through either the National Security Advisor or myself, and
7 one of us, if not both of us, would usually attend one of
8 those briefings.

9 **MR. THOMAS JARMYN:** So the usual course of
10 business is that the request is funneled to the Director
11 either through the DMO or through you, and ultimately the
12 Clerk or the NSIA is usually informed of these things before
13 they happen?

14 **MS. JANICE CHARETTE:** And -- yes. And would
15 participate.

16 **MR. THOMAS JARMYN:** And if you don't attend,
17 someone from your staff would have attended?

18 **MS. JANICE CHARETTE:** Including the National
19 Security Intelligence Advisor.

20 **MR. THOMAS JARMYN:** Yeah. I'd like to take
21 you to CAN004495. And this is entitled *Briefing to the Prime*
22 *Minister's Office on Foreign Interference Threats to Canada's*
23 *Democratic Institutions.*

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

25 **MR. THOMAS JARMYN:** And I'm inferring that
26 this is a note prepared by CSIS for the Director to speak to
27 PMO?

28 **MS. JANICE CHARETTE:** That's what it looks

1 like to me, yes.

2 **MR. THOMAS JARMYN:** And accepting your point
3 that these are speaking notes, not verbatim notes or a
4 transcript by any means, but generally, in your experience,
5 Deputies tend to follow their speaking notes?

6 **MS. JANICE CHARETTE:** I did not say that,
7 sir. I said ---

8 **MR. THOMAS JARMYN:** Okay. That's what I'm
9 asking.

10 **MS. JANICE CHARETTE:** It's an outline.

11 **MR. THOMAS JARMYN:** Yeah.

12 **MS. JANICE CHARETTE:** It's information that's
13 available. But ultimately, the Director would have chosen
14 what he would have briefed on and what words he would have
15 used, including what nuance, or in the words of intelligence,
16 what caveats he may have offered as he was going through.

17 **MR. THOMAS JARMYN:** And, you know, early on
18 in the process, obviously, if a question sort of went in a
19 different direction, then maybe it's possible the matter
20 doesn't get covered in any ---

21 **MS. JANICE CHARETTE:** If either something
22 didn't get covered, or something did that wasn't necessarily
23 in the speaking notes.

24 **MR. THOMAS JARMYN:** I'd like to scroll down
25 to the -- page 3. Further. Further. Just a little further,
26 please. Just up. Sorry. Thank you.

27 And so here's a provision that discusses in
28 response, it appears, to media stories related to Vancouver-

1 East, the Service's current assessment with respect to what
2 happened in the 2021 Election.

3 And it appears to be significantly, more to
4 use your words, mature and complete than the analysis we were
5 seeing during the election itself. Is that a fair statement?

6 **MS. JANICE CHARETTE:** So can I just go scroll
7 up a little bit?

8 **MR. THOMAS JARMYN:** Sure. Scroll up, please.

9 **MS. JANICE CHARETTE:** Just to give you some
10 context, if I could.

11 **MR. THOMAS JARMYN:** Yeah.

12 **MS. JANICE CHARETTE:** So on page 2, you see
13 that this section of the note -- a little bit more. A little
14 bit more. There we go.

15 So this section of the note is entitled
16 "Assertions in Media Reporting".

17 **MR. THOMAS JARMYN:** Yes.

18 **MS. JANICE CHARETTE:** And so this is a
19 combination of information, some of which is related to how
20 the media was reporting things, in addition to then some
21 commentary about what the Service did or did not know, or did
22 not say about that.

23 **MR. THOMAS JARMYN:** Yes.

24 **MS. JANICE CHARETTE:** So the particular
25 paragraph you're pointing me to, just to -- now we go back
26 down.

27 **MR. THOMAS JARMYN:** Yes, please.

28 **MS. JANICE CHARETTE:** Thank you very much,

1 sir.

2 Is this the paragraph which it starts
3 redacted and then "the timing of these efforts"?

4 **MR. THOMAS JARMYN:** So that whole --
5 actually, right at the beginning:

6 "We also observed online [...] media
7 activities aimed at discouraging
8 Canadians, particularly of Chinese
9 heritage, from supporting the
10 Conservative Party, leader Erin
11 O'Toole, and particularly Steveston-
12 Richmond East candidate Kenny Chiu."

13 A large redacted portion. And then the
14 analysis:

15 "...the timing of these efforts [...] with Conservative polling
16 improvements; the similarities in
17 language with [activities] published
18 by PRC state media; and [...] partnership agreements between these
19 Canada-based [entities] and PRC
20 entities; all suggest these efforts
21 were orchestrated or directed by the
22 PRC."
23
24

25 That appears to be a significantly more
26 mature conclusion than was posed to the Panel of Five or
27 anyone in SITE during the 2021 Election.

28 **MS. JANICE CHARETTE:** I think that, as I

1 said, this does not necessarily represent -- I should start
2 with, sir, I apologize, I didn't say at the beginning, I was
3 not at this briefing. This is a briefing that was attended -
4 --

5 **MR. THOMAS JARMYN:** Yeah.

6 **MS. JANICE CHARETTE:** --- by the National
7 Security and Intelligence Advisor. So ---

8 **MR. THOMAS JARMYN:** And that would be Ms.
9 Thomas?

10 **MS. JANICE CHARETTE:** Ms. Thomas.

11 **MR. THOMAS JARMYN:** Thank you.

12 **MS. JANICE CHARETTE:** That's correct. What I
13 can say is that so the information that's here may not
14 necessarily reflect what the Director actually said. And so,
15 I think that -- I don't want to put words in the mouth of the
16 Director -- these are -- these were talking points prepared
17 and briefing points prepared for him.

18 I would go back to the information that was
19 provided in the country and topic summaries on this matter
20 and the information that I have previously testified about,
21 the state of knowledge around the efforts on mis and
22 disinformation. We had a conversation yesterday about this
23 at some length, so if there's any particular questions, I'm
24 happy to ---

25 **MR. THOMAS JARMYN:** So the Director actually
26 would be the person who is best positioned to say what he
27 said during this meeting.

28 **MS. JANICE CHARETTE:** That's correct.

1 **MR. THOMAS JARMYN:** And would he have -- he
2 would have had a staff member accompany him as a general
3 rule?

4 **MS. JANICE CHARETTE:** I think that's
5 situationally dependent. If he wanted to have an expert
6 along, sometimes he would come by himself, but not always.

7 **MR. THOMAS JARMYN:** And would you have been
8 made aware of these speaking notes prior to the briefing?

9 **MS. JANICE CHARETTE:** I would not have been
10 made aware of the speaking notes. I would have been aware --
11 the National Security Intelligence Advisor would have given
12 me likely a heads up that the briefing was going to be taking
13 place and I would have gotten a debrief from her on kind of
14 the overall topics covered as part of our back and forth on
15 kind of keeping each other in the loop on what was being
16 discussed.

17 The timeframe here, the 21st of February, and
18 the numerous references to media reporting and unauthorized
19 releases of classified information illustrate to you the
20 context that this was taking place. There was a lot of
21 attention going on here and a request to be informed about
22 who knew what.

23 **MR. THOMAS JARMYN:** All right. Thank you.
24 I see my time's run out, so thank you.

25 **COMMISSIONER HOGUE:** Thank you.
26 Counsel for the Conservative Party.

27 **MR. NANDO de LUCA:** If you could give me one
28 second, please.

1 --- CROSS-EXAMINATION BY / CONTRE-INTERROGATOIRE PAR

2 MR. NANDO de LUCA:

3 MR. NANDO de LUCA: Can I have CAN 004728
4 called up, please?

5 And this is a CSIS national security briefing
6 -- do you have it up? Yeah. Prepared on October 1, 2019
7 regarding foreign interference by the PRC in the federal
8 campaign of Han Dong.

9 It's addressed to a great number of
10 individuals and bodies, including the Clerk for the Privy
11 Council and the Deputy Clerk. Did each of you review this
12 briefing on or about October 1, 2019?

13 MS. JANICE CHARETTE: I did not. I was not
14 in the role at that time.

15 MR. NANDO de LUCA: How about you, Ms.
16 Drouin?

17 MS. NATHALIE DROUIN: I was not Deputy Clerk.
18 Also, October 1 I was, however, a member of
19 the Panel of Five.

20 MR. NANDO de LUCA: Okay. And do you
21 otherwise know if the Clerk or Deputy Clerk at the time
22 received a copy of this briefing?

23 MS. NATHALIE DROUIN: Except from what is
24 being said at the top of this document, I cannot confirm
25 anything else.

26 MR. NANDO de LUCA: Okay. And do you --
27 would you know if the Clerk or Deputy Clerk at the time would
28 have made the PMO -- the PM or the PMO aware of the contents

1 of this briefing?

2 **MS. NATHALIE DROUIN:** So you know, I'm now
3 going to testify in terms of a member of the Panel '19.

4 No PMO or PM briefing in terms of intel
5 regarding Don Valley North happened during the writ period in
6 '19.

7 **MR. NANDO de LUCA:** Okay. But you can't tell
8 us whether any briefing emanated from the PCO Office to the
9 PM in respect of this briefing.

10 **MS. NATHALIE DROUIN:** Well, I am not aware
11 and as a member of the Panel of Five -- and if you look at
12 the PMO institutional report in terms of the briefing,
13 there's no briefing from PCO and also from the PCO
14 institutional office -- no briefing from PCO to the PM during
15 the writ period.

16 **MR. NANDO de LUCA:** Okay. Can I have WIT35
17 called up? And in particular, I'd like to draw the
18 witnesses' attention to the bottom of page 4, top of page 5.

19 And while you're looking at that, we heard
20 evidence from the CSIS witnesses that some time after 2022,
21 there was a meeting between a CSIS agent and PMO staff, the
22 PM, the Prime Minister, the Clerk of the Privy Council, the
23 NSIA and the CSIS Director and that the purpose of the
24 meeting, as is stated there, was to discuss after the media
25 leaks all intelligence regarding Han Dong.

26 And I believe you may have mentioned this or
27 referenced this, Ms. Charette, in your evidence just now.

28 And as a result of that meeting, CSIS

1 actually recalled or corrected its previous assessment of the
2 PRC foreign interference assessment. And ---

3 **MS. JANICE CHARETTE:** I'm sorry. Can you --
4 we're on page 4 of a document.

5 **MR. NANDO de LUCA:** Right.

6 **MS. JANICE CHARETTE:** If you wouldn't mind,
7 can we go back to the beginning just so I know who we're
8 talking about here?

9 I believe I do, but just so I can ---

10 **MR. NANDO de LUCA:** Sure. Yeah, go ahead.

11 **MS. JANICE CHARETTE:** Thank you.

12 So can we go to page 1 for me, please?

13 Thank you.

14 ADR Director witnesses. Thank you very much.

15 And then back to the bottom of page 3.

16 Page 4, sir, did you say?

17 **MR. NANDO de LUCA:** Page 4, yeah.

18 **MS. JANICE CHARETTE:** Okay. And it's
19 describing a briefing that took place in 2022.

20 Your point, please?

21 **MR. NANDO de LUCA:** I believe it says some
22 time after 2022 in the words of the document, so presumably
23 2023 or 2024.

24 **MS. JANICE CHARETTE:** Keep going, please.

25 Okay. Your question, sir. Thank you.

26 **MR. NANDO de LUCA:** And I believe -- am I
27 correct that in your evidence in-chief you indicated that you
28 or someone from the PCO Office actually attended that

1 meeting?

2 **MS. JANICE CHARETTE:** I was at this briefing
3 that's described here as a post-2022 meeting.

4 **MR. NANDO de LUCA:** Okay. And are you able
5 to disclose what advice you gave the PM or the PMO as a
6 result of this meeting?

7 **MS. JANICE CHARETTE:** The -- your question
8 touches on a particularly sensitive word in your question,
9 which is the question of "advice". And so the -- so there's
10 two things here.

11 One of them is this is, as you're aware, a
12 highly classified matter. There is a summary on this topic
13 of Mr. Dong in the summary -- the country and topic summaries
14 that have been provided.

15 As to which -- what advice in particular I
16 would have provided in this meeting ---

17 **MR. NANDO de LUCA:** Or as a result of this
18 meeting.

19 **MS. JANICE CHARETTE:** Or as a result of this
20 meeting, I'll have a caveat and then I'll have an answer.
21 How's that?

22 **MR. NANDO de LUCA:** Sure.

23 **MS. JANICE CHARETTE:** So the caveat is,
24 traditionally the matter of advice between a Deputy Minister
25 and a Minister is a highly privileged space. My job is to
26 provide advice. Ultimately, the accountable office holder,
27 in this case the Prime Minister, can make his decisions. And
28 so the idea of -- my advice is privileged to him. He makes

1 whatever decision he wants. And then I am responsible for
2 overseeing the implementation of that decision whether I said
3 no or yes.

4 So it's a privileged space to be able to
5 preserve for the Prime Minister and for Ministers the ability
6 to make their own decisions as appropriate.

7 And so I'm not going to talk about advice,
8 but I can tell you that this meeting, there were no actions
9 or decisions required of the Prime Minister.

10 **MR. NANDO de LUCA:** Okay. Without getting
11 into it, I take it from your answer, did you give advice one
12 way or the other without disclosing what it was?

13 **MS. JANICE CHARETTE:** There were no decisions
14 or actions requiring my advice in this meeting.

15 **MR. NANDO de LUCA:** So the answer to that is
16 no.

17 **MS. JANICE CHARETTE:** Correct.

18 **MR. NANDO de LUCA:** Thank you. Those are my
19 questions.

20 **COMMISSIONER HOGUE:** Thank you.

21 Jenny Kwan's counsel.

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

23 **MR. SUJIT CHOUDHRY:**

24 **MR. SUJIT CHOUDHRY:** Good morning. My name
25 is Sujit Choudhry. I'm counsel to Jenny Kwan, Member of
26 Parliament for Vancouver East.

27 Could I please ask that document CAN 4495 be
28 called up again? It's the one that counsel for Mr. O'Toole

1 also had called up.

2 And could we -- if we could please, I'd like
3 to take the panel to page 5. And there is -- if you could
4 scroll down, yes, Conclusion.

5 If you could put the conclusion at the top of
6 the page there.

7 So I guess I have a question to the panel,
8 and I understand all the caveats about what these are, what
9 they aren't and so forth. But what I'd like to take you
10 through are some of the points that are advanced in these
11 talking points and, based on your current roles or former
12 roles, ask for your views of some of the statements made here
13 because these are quite deliberate points that are made. So
14 the first is -- the first bullet point it says,

15 "Better protecting Canadian democratic
16 institutions against [foreign
17 interference] will require a shift in
18 the Government's perspective and [...]
19 willingness to take decisive action and
20 impose consequences on perpetrators."

21 So as I read that, and I'd ask for your
22 reactions, it suggests that they -- to do more, to protect
23 against foreign interference will require a change and a
24 willingness to do something that impliedly is not being done,
25 which is to take decisive action and impose consequences. So
26 I'm wondering if you agree with that statement, and if not,
27 why?

28 **MS. JANICE CHARETTE:** So just to repeat the

1 caveats, just to say briefing note for ---

2 **MR. SUJIT CHOUDHURY:** Sure.

3 **MS. JANICE CHARETTE:** --- a meeting to be ---

4 **MR. SUJIT CHOUDHURY:** Of course.

5 **MS. JANICE CHARETTE:** So it was written by
6 not the director. It was written by someone for the director
7 for a meeting I wasn't at. Given all of that. I guess what
8 I would say is, as I think you've heard from us on a few
9 occasions, the nature of a threat from foreign interference
10 is a real threat to this country, and it is a threat which is
11 evolving. Our ability and our knowledge of that threat is
12 growing, and as are the capabilities of those who seek to
13 disrupt and to interfere, whether it's in our economy, our
14 society, or our democratic processes. So your premise --
15 your question said, you know -- your inference in this is the
16 government is not. I would say government has not yet taken
17 all the actions because, in fact, this is an area where the
18 policy approach of the government and the toolkit of the
19 government has evolved, starting with, and we can go through
20 the long list of steps ---

21 **MR. SUJIT CHOUDHURY:** Right.

22 **MS. JANICE CHARETTE:** --- the government has
23 already taken, and there are a number of actions which are
24 continuing in term -- that have taken place even since I
25 retired at the end of June, and which are still under
26 discussion and deliberation and in consultation with
27 communities.

28 **MR. SUJIT CHOUDHURY:** So my time's limited.

1 So there's two more bullets I'd like to take you to ---

2 **MS. JANICE CHARETTE:** Of course.

3 **MR. SUJIT CHOUDHURY:** --- if I may. So and
4 this is also for Me Drouin as well. I didn't mean to direct
5 it just to Mme Charette. So ---

6 **MS. NATHALIE DROUIN:** Merci.

7 **MR. SUJIT CHOUDHURY:** --- so for bullet two,
8 it says,

9 "State actors are able to conduct
10 [foreign interference] successfully
11 in Canada..."

12 So it's successful foreign interference is
13 that assertion,

14 "...because there are few legal of
15 political consequences. [Therefore,
16 foreign interference] is low-risk and
17 high-reward."

18 As within our constraints of time, do you
19 agree with that statement, and if not, why?

20 **MS. NATHALIE DROUIN:** So I -- first of all, I
21 do not agree with that statement. I don't know if that
22 statement was also shared at the time with the Prime
23 Minister.

24 **MS. JANICE CHARETTE:** His office.

25 **MS. NATHALIE DROUIN:** And his office.

26 **MS. JANICE CHARETTE:** Right.

27 **MS. NATHALIE DROUIN:** One thing that I think
28 we should look at, and I discussed that a little bit

1 yesterday, is foreign interference is evolving. Since 2016 a
2 lot of things have been done, the action plan to address
3 foreign interference, for example, the NSICOP committee, the
4 NSIRA committee. So a lot of things have been done. Whether
5 or not other things need to be done in terms of, for example,
6 doing a modernisation of the *CSIS Act*, this is something that
7 can be looked at and will be discussed with the Commissioner
8 in the next phase. So, yes, for sure, we -- as I said
9 yesterday, FI evolves, and our tools need to evolve.

10 One thing that I would like to say is here
11 the expression "successfully" can be seen as it means
12 impactfully, if that word's ---

13 **MS. JANICE CHARETTE:** Yeah, but ---

14 **MS. NATHALIE DROUIN:** --- that word exists.

15 **MR. SUJIT CHOUDHURY:** Well, it exists now.

16 **MS. NATHALIE DROUIN:** Parfait. And we should
17 not confuse the two. I think we have said, and we repeat
18 that FI exist in Canada, and we have said also that we
19 haven't seen that those attempt and activities of FI had a
20 impact in the two election. So we need to make the
21 difference between FI activities, they are happening and we
22 are not denying that, we are monitoring that, but the impact,
23 this is not what we are talking about here.

24 **MR. SUJIT CHOUDHURY:** Okay. Commissioner,
25 with leave, there is one final bullet point. May I have your
26 permission to put it to them?

27 **COMMISSIONER HOGUE:** Yes.

28 **MR. SUJIT CHOUDHURY:** Thank you. If you

1 could put -- oh, please scroll down to page 6. And so I just
2 want to take you to the final bullet point here. It says,
3 "Until foreign interference is viewed
4 as an existential threat to Canadian
5 democracy..."

6 And this is a bullet point that's appeared in
7 other documents that we have -- that have been produced,
8 "...and governments forcibly and
9 actively respond, these threats will
10 persist."

11 So the implication again on an ordinary
12 reading is it's not viewed yet as an existential threat. And
13 because it isn't being viewed as an existential threat and
14 therefore governments are not responding forcefully and
15 actively, the threats are persisting. So I'm wondering,
16 again, for either member of the panel, what your reaction is
17 to that bullet point.

18 **Mme NATHALIE DROUIN:** Si je peux me
19 permettre, je l'ai dit à plusieurs reprises hier aussi,
20 plusieurs documents ont été publiés, hein, sur l'ingérence
21 étrangère, la menace, plusieurs breffages aussi ont été
22 offerts aux partis politiques. Est-ce que ça résonnait
23 vraiment chez les Canadiens, les mises en garde qui ont été
24 données? Peut-être qu'on peut se poser la question et peut-
25 être que ce que l'on vit présentement, l'exercice de la
26 Commission contribue à un éveil du Canada et des Canadiens
27 sur la menace de l'ingérence étrangère et c'est peut-être une
28 des opportunités que nous donne l'exercice présentement.

1 **MR. SUJIT CHOUDHURY:** Okay. Well, I think
2 I'm out of time. Thank you very much.

3 **COMMISSIONER HOGUE:** Thank you.

4 So counsel for Michael Chong?

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

6 **MR. FRASER HARLAND:**

7 **MR. FRASER HARLAND:** Good morning,
8 Commissioner. I'm Fraser Harland, counsel for Michael Chong.
9 I just had a couple questions to understand the relationship
10 between the clerk of the Privy Council and deputy ministers.
11 Ms. Charette, I believe you described one of the clerk's
12 roles as head of Canada's public -- federal public service;
13 is that right?

14 **MS. JANICE CHARETTE:** That was correct.

15 **MR. FRASER HARLAND:** And you spoke about one
16 of the roles of clerk as first among equals in the group of
17 deputy ministers; is that ---

18 **MS. JANICE CHARETTE:** That's how I would
19 describe the role.

20 **MR. FRASER HARLAND:** Okay. And so is it
21 right that the clerk coordinates and manages all of the other
22 deputy ministers as part of that role?

23 **MS. JANICE CHARETTE:** The clerk works with
24 the community. I would say we -- I work with my team in the
25 Privy Council Office to coordinate the work across
26 departments and agencies. I have a number of mechanisms
27 available to me as the clerk with deputy ministers to form
28 committees, for example, to do a -- you see a host of them in

1 the National Security and Intelligence space, to coordinate
2 work across groups of deputy ministers. Manage deputy
3 ministers, I think that might be -- we work as colleagues.
4 We are working together to try and help, as I said earlier,
5 to help the government to develop and implement its agenda
6 and manage issues that come up in the course of governing a
7 complicated piece of a country.

8 **MR. FRASER HARLAND:** Fair enough. In that
9 work as colleagues, if there is a disagreement between two
10 deputy ministers, would the clerk be expected or involved in
11 helping to resolve such a disagreement?

12 **MS. JANICE CHARETTE:** That is one of the
13 roles that myself as the clerk, the deputy clerk, or other
14 deputy secretaries who hold the rank of deputy minister
15 within the Privy Council Office, there's a series of deputy
16 secretaries, the NSIA, so if there's a disagreement,
17 depending on the nature of the disagreement, that might be
18 something where we would bring people together, attempt to
19 share information, see where the points of agreement and
20 disagreement are, and offer to try to figure out a way
21 forward. That is one of the things that we do.

22 **MS. NATHALIE DROUIN:** If I may, disagreements
23 between two DMs is something that I don't see very often. I
24 see that but very often. What I see though is disagreement
25 in terms of the way forward on a piece of policy, for
26 example, and that is because their respective ministers may
27 have different views regarding the way forward. And this is
28 the role of PCO as a central agency to try to align sometime

1 those different views and to give the best advice to the
2 Prime Minister on, you know, what should be the outcome at
3 the end of the day.

4 **MS. JANICE CHARETTE:** Can I just add a
5 thought on this, if I could? We are a community of
6 professionals. We have -- many of us have worked our entire
7 careers in the public service. Part of my -- part of what I
8 saw my responsibilities as clerk is to actually encourage
9 healthy debate and discussion amongst deputy ministers. We
10 don't all come to the table thinking the same thing. We come
11 from different backgrounds, we have different mandates and
12 responsibilities, we have different kind of knowledge and
13 experience, we come as individuals with a diverse background.

14 And so as a Clerk, I actually want to see and
15 want to encourage a community of deputy ministers which feel
16 comfortable to have healthy debate and discussion about
17 ideas, about issues that are before us.

18 **MR. FRASER HARLAND:** That's helpful. I guess
19 I wonder if -- I imagine there are scenarios when some parts
20 of a disagreement can be resolved but there is others where
21 there remains a disagreement. At the end of the day, is it
22 the Clerk who would have to say, "This is the direction we're
23 going"? It's part of the Clerk's role to sort of take charge
24 and say, "This is the decision that we're going to make in
25 this particular situation"? "I've heard X and I've heard Y,
26 and this is the direction that we have to move on this
27 issue."

28 **MS. JANICE CHARETTE:** It's very fact -- it

1 depends on the facts that you're talking about. That is one
2 option, or I could suggest that perhaps, as Madam Drouin
3 suggested, the disagreement could be about reflecting the
4 positions of two ministers coming together on a topic. There
5 could be a meeting of ministers that might have to be held.
6 So there's a number of different kind of avenues, including,
7 you know, one of the tools available would be for me to kind
8 of decide, but that would be only one of many, many different
9 options in terms of trying to come to an agreement.

10 **MR. FRASER HARLAND:** But it is an option
11 available to you, and if you do decide that would be
12 something that the deputy ministers would have to respect.
13 Is that right?

14 **MS. JANICE CHARETTE:** In fact ---

15 **MS. NATHALIE DROUIN:** I will -- I think that
16 Madam Charette described her roles in three things. And when
17 it comes to managing the government, for example, let's talk
18 about whether or not we remain an organisation with hybrid
19 workplace. A lot of debates ---

20 **MS. JANICE CHARETTE:** Oh, yes.

21 **MS. NATHALIE DROUIN:** --- happen, different
22 views amongst DMs. That is about the management of
23 government. At the end of the day, she had the final word on
24 that, for sure, because it's about how we manage us as an
25 organisation.

26 But when it comes to policies and views on
27 the way forward, this is most of time not only about a DM
28 function, it's about the ministers' views. So PMO will -- PM

1 will be also involved, PMO will also be involved. So it's
2 trying to bring, as we use this language, bring the town
3 together and find the best way forward. Like it's not that
4 binary when it comes to policies and views.

5 **MR. FRASER HARLAND:** Fair enough. Just --
6 Ms. Charette, when I posed the question, it sounded like you
7 were about to give an answer and ---

8 **MS. NATHALIE DROUIN:** Oh, sorry.

9 **MS. JANICE CHARETTE:** No, no.

10 **MR. FRASER HARLAND:** --- Madam Drouin
11 interrupted, so I just wanted to make sure you had an ---

12 **MS. JANICE CHARETTE:** No. Thank you.

13 **MR. FRASER HARLAND:** Okay. Those are my
14 questions. Thank you very much.

15 **MS. JANICE CHARETTE:** Thank you.

16 **COMMISSIONER HOGUE:** Thank you.

17 Human Rights Coalition?

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

19 **MS. HANNAH TAYLOR:**

20 **MS. HANNAH TAYLOR:** Good morning.

21 **MS. JANICE CHARETTE:** Good morning.

22 **MS. HANNAH TAYLOR:** Good morning. So this
23 morning, you've talked about how in your roles as Clerk and
24 Deputy Clerk you receive a certain amount of information and
25 intelligence, and it sounds like a large amount, on a weekly
26 basis. And then during the election period, that includes a
27 daily bulletin focussed on foreign interference. Then
28 alongside the NSIA, you decide what, if anything, needs to be

1 brought to the Prime Minister's attention. Is that an
2 accurate, like, summary?

3 **MS. JANICE CHARETTE:** Yes, with, again,
4 sorry, a caveat. So you describe two different periods, and
5 so I just will point out the period of the election is
6 different than when there is a government in power with a
7 Parliament that's sitting that can hold the government to
8 would account. And that period of the election is what's
9 called the Caretaker Convention, and so we exercise the
10 convention of restraint, that is the convention in
11 Westminster democracies.

12 And Prime Minister retains all of his
13 functions as the Prime Minister; he is also full time on the
14 campaign trail. And so I would say that the way I would look
15 at information during a campaign, recognising that the
16 ability of the government to make decisions or take actions
17 is subject to the convention of restraint, would be more
18 limited than it would be on a day-to-day basis when
19 government is outside of the caretaker period. I hope that -
20 --

21 **MS. HANNAH TAYLOR:** No, certainly. Thank
22 you, Ms. Charette.

23 And this is a question for both or either of
24 you, Ms. Charette or Ms. Drouin. Surrounding the 2021
25 election, did the intelligence products and information you
26 received include information about foreign interference as it
27 related or relates to diaspora communities, targeted diaspora
28 communities?

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

2 **MS. HANNAH TAYLOR:** Okay. Would you be able
3 to tell me about how much of the information you received
4 focussed on that issue?

5 **MS. NATHALIE DROUIN:** So -- no. I cannot
6 tell you how much, however, I can assure you that what was
7 published, if I may use that term, or produced by the Agency,
8 everything has been shared with the Commission.

9 **MS. HANNAH TAYLOR:** Okay. And was any of
10 this information brought to the attention of the Prime
11 Minister?

12 **MS. NATHALIE DROUIN:** So I didn't understand.

13 **MS. JANICE CHARETTE:** In the 2021 election, I
14 did not brief the Prime Minister on matters related to
15 foreign interference.

16 **MS. HANNAH TAYLOR:** Okay. And in your role,
17 Ms. Drouin, you wouldn't have ---

18 **MS. NATHALIE DROUIN:** Same thing. No.

19 **MS. HANNAH TAYLOR:** Okay. Thank you.

20 **COMMISSIONER HOGUE:** Thank you.

21 UCC?

22 **MR. JON DOODY:** No questions, Commissioner.

23 **COMMISSIONER HOGUE:** RCDA?

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

25 **MR. GUILLAUME SIROIS:**

26 **MR. GUILLAUME SIROIS:** Bon matin.

27 **MS. NATHALIE DROUIN:** Bon matin.

28 **MS. JANICE CHARETTE:** Bon matin.

1 **MR. GUILLAUME SIROIS:** Guillaume Sirois,
2 avocat pour l'Alliance canadienne démocrat... l'Alliance
3 démocratique des canadiens russes.

4 J'aimerais demander l'autorisation de la
5 Commissaire de montre le document CAN 014285.

6 It's CAN 014285.

7 It's a document that -- C'est un document que
8 j'ai essayé de montrer hier, NSIA, et un des témoins a
9 mentionné que c'était un document qui semblait être préparé
10 par le Bureau du Conseil privé.

11 Pour voir si je peux le présenter, j'aimerais
12 savoir si c'est vraiment un document qui a été préparé par le
13 Bureau du Conseil privé.

14 **COMMISSAIRE HOGUE:** Vous pouvez le présenter.

15 **Me GUILLAUME SIROIS:** Et en passant, j'ai
16 demandé... j'ai soulevé ceci hier soir après le témoignage
17 devant les témoins...

18 **COMMISSAIRE HOGUE:** D'accord.

19 **Me GUILLAUME SIROIS:** ...avec la Commission.
20 Est-ce que vous pouvez...

21 **Mme JANICE CHARETTE:** Excusez-moi, j'ai pas
22 écouté la question..

23 **Me GUILLAUME SIROIS:** Oui. Désolé. C'était
24 surtout adressé à Madame la commissaire, mais pouvez-vous,
25 s'il vous plait, juste confirmer que c'est un document qui
26 semble provenir du Bureau du Conseil privé ou qui a été
27 produit par le Bureau du Conseil privé?

28 **Mme JANICE CHARETTE:** Oui, c'est un exemple

1 d'une note de breffage qui a été préparée par le Bureau du
2 Conseil privé. Dans ce cas, c'est la conseillère à la
3 Sécurité nationale de renseignement du premier ministre. Le
4 but de cette note, c'était pour l'information du premier
5 ministre.

6 **Me GUILLAUME SIROIS:** Est-ce que vous avez
7 connaissance de cette note particulière?

8 **MS. JANICE CHARETTE:** I have refamiliarized
9 myself with this note in the context of my preparations for
10 my testimony.

11 **MR. GUILLAUME SIROIS:** OK. Super.

12 Donc, comme on voit, c'est une note qui a été
13 préparée pour... à l'intention du premier ministre le
14 30 novembre 2022 par Me MacDonald.

15 On peut descendre un peu plus bas, s'il vous
16 plait. J'aimerais aller à la page 3, en fait.

17 Donc, ici au début de la page 3, on voit :
18 « What Was Known & When ».

19 **Mme NATHALIE DROUIN:** Oui.

20 **Me GUILLAUME SIROIS:** Donc, ce qui était
21 connu, et j'imagine que c'est un peu pour informer et mettre
22 à jour le premier ministre en 2022 de ce qui s'est passée par
23 rapport à l'ingérence étrangère. C'est bien ça?

24 **Mme NATHALIE DROUIN:** Si je peux peut-être
25 préciser, ce document-là a été vraiment préparé à la suite de
26 ce qui a été sorti dans les médias et où la question... en
27 fait, la question même qui était dans les médias, c'est : Qui
28 savait quoi, quand, hein? C'était ça, la question. Et donc,

1 le premier ministre se posait la même question, à savoir :
2 « Moi, j'ai appris ça quand? Qu'est-ce qui est nouveau pour
3 moi? » Donc, c'était vraiment dans le cadre... dans le but de
4 répondre à ça que ce document-là a été produit.

5 **Me GUILLAUME SIROIS:** Merci.

6 J'aimerais...

7 **Mme JANICE CHARETTE:** Vous ferez attention
8 ici, c'est sur l'élection de 2019. J'ai entendu dire « 21 ».

9 **Me GUILLAUME SIROIS:** OK.

10 **Mme JANICE CHARETTE:** Alors, juste pour être
11 certaine que cette note relève de l'élection de 2019.

12 **Me GUILLAUME SIROIS:** Mais si je ne me trompe
13 pas, il y a une mention de 2019, mais on peut aller voir dans
14 le document juste pour confirmer.

15 On peut descendre un petit peu, s'il vous
16 plait? On peut descendre encore? Oui, ici. Merci.

17 D'accord. Donc, on voit... en fait, peut-être
18 que ça ne parlait pas spécifiquement de 2021, mais on parle
19 de « These conclusions stand today (2022) ». Donc, j'imagine
20 que les problèmes qu'il avait mentionnés sont probablement
21 applicables aussi à l'élection de 2021.

22 **Mme NATHALIE DROUIN:** Ben...

23 **Me GUILLAUME SIROIS:** Ou... non?

24 **Mme NATHALIE DROUIN:** En fait, c'est... on l'a
25 dit à plusieurs reprises, les documents ou l'information qui
26 nous provient des agences de renseignement, c'est un
27 continuum, et donc, l'objectif de la note, c'était de savoir
28 qu'est-ce qu'on savait en 2019, par rapport aux élections de

1 2019, et qu'est-ce qu'on sait aussi maintenant.

2 Et c'est dans ce cadre-là que vous avez, de
3 la part de la conseillère en sécurité nationale, Jody Thomas,
4 une évaluation à l'effet que ces conclusions-là tiennent
5 encore avec la mise à jour de toute l'information que l'on
6 connaît maintenant.

7 **Mme JANICE CHARETTE:** En lien avec les
8 paragraphes qui sont intérieur de cette conclusion. Si on
9 peut regarder les paragraphes qui sont avant cette
10 conclusion.

11 **Me GUILLAUME SIROIS:** Oui, je comprends.
12 Donc, un des paragraphes, justement, c'est le deuxième point
13 qu'on voit ici, qu'on note des points morts, « blind
14 sports », en déterminant l'attribution étatique et en faisant
15 une distinction entre la désinformation étrangère ou
16 domestique.

17 J'ai pas nécessairement une question sur ce
18 point-là, mais j'aimerais monter un peu plus haut. Je vais
19 juste porter votre attention là-dessus. Et j'aimerais
20 remonter un peu le document à la page précédente, s'il vous
21 plait. Oui, OK. Donc, c'est le 6 juillet 2020. Premier
22 point en dessous, on voit :

23 « Les activités d'ingérence étrangère
24 ont été dirigées par la Chine et, à
25 une moins grande mesure, par l'Inde
26 et le Pakistan. » (Tel que lu)

27 Ma question, c'est pourquoi la Russie n'est
28 pas mentionnée ici? Est-ce que c'est possible que ça soit un

1 des « blind spots » qui est mentionné dans... quelques points
2 plus bas?

3 **Mme NATHALIE DROUIN:** Non. Les... la... vous
4 avez vu à quel point on reçoit beaucoup d'information sur une
5 base quotidienne et hebdomadaire. On savait que la Russie a...
6 ou, on sait que la Russie a des capacités, mais on avait
7 aucune information nous disant que la Russie avait un intérêt
8 dans des circonscriptions particulières ou sur les élections
9 en général de 2019.

10 **Me GUILLAUME SIROIS:** OK. Mon temps est
11 écoulé, malheureusement, mais je vous remercie pour votre
12 temps.

13 **COMMISSIONER HOGUE:** Counsel for Han Dong?

14 **MS. EMILY YOUNG:** We have no questions.

15 Thank you.

16 **COMMISSIONER HOGUE:** No questions.

17 AG?

18 **MR. GREGORY TZEMENAKIS:** We have no

19 questions. Thank you.

20 **COMMISSIONER HOGUE:** Re-examination, Me

21 Chaudhury?

22 **MS. SHANTONA CHAUDHURY:** No re-examination.

23 **COMMISSIONER HOGUE:** So we are in advance 15
24 minutes.

25 **MS. JANICE CHARETTE:** It's because I spoke
26 too ---

27 **COMMISSAIRE HOGUE:** Oui, c'est ça.

28 **Mme JANICE CHARETTE:** J'ai parlé trop vite.

1 **COMMISSIONER HOGUE:** It's a gift. Thank you
2 very much.

3 **MS. JANICE CHARETTE:** Thank you.

4 **COMMISSIONER HOGUE:** And I suggest we'll take
5 the break right away and we'll come back at 11:15.

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

8 This hearing is in recess until 11:15. La
9 séance est en pause jusqu'à 11 h 15.

10 --- Upon recessing at 11:00 a.m./

11 --- La séance est suspendue à 11 h 00

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

13 --- La séance est reprise à 11 h 20

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

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

19 **MS. ERIN DANN:** Morning, Commissioner. Good
20 morning. It's Erin Dann, Commission counsel. Our next
21 witnesses are Mr. Stewart and Mr. Rochon. Can the witnesses
22 be sworn, please?

23 **THE REGISTRAR:** Mr. Stewart, could you please
24 state your name and spell your last name for the record,
25 please?

26 **MR. ROB STEWART:** Rob Stewart. S-T-E-W-A-R-
27 T.

28 --- MR. ROB STEWART, Sworn/Assertmenté:

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

2 And, Monsieur Rochon, en français?

3 **MR. DOMINIC ROCHON:** Either way.

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

6 **MR. DOMINIC ROCHON:** Dominic Rochon. R-O-C-
7 H-O-N.

8 **--- MR. DOMINIC ROCHON, Sworn/Assertmenté:**

9 **THE REGISTRAR:** Thank you very much.
10 Counsel, you may proceed.

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

12 **MS. ERIN DANN:**

13 **MS. ERIN DANN:** Thank you. Good morning.
14 We'll start off with just a few housekeeping matters. You
15 were interviewed together by Commission counsel on February
16 6th, 2024.

17 And if I could just ask the Court Operator to
18 bring up WIT 59?

19 **--- EXHIBIT No./PIÈCE No. WIT 59:**

20 R. Stewart and D. Rochon (Public
21 Safety) Public Summary of Classified
22 Interview

23 **MS. ERIN DANN:** Have you had a chance to
24 review this publicly disclosable summary of that interview?

25 **MR. ROB STEWART:** I have.

26 **MR. DOMINIC ROCHON:** So have I.

27 **MS. ERIN DANN:** And is it accurate?

28 **MR. ROB STEWART:** Yes.

1 **MR. DOMINIC ROCHON:** It is.

2 **MS. ERIN DANN:** And are you prepared to adopt
3 the contents as part of your evidence before the Commission?

4 **MR. ROB STEWART:** Yes.

5 **MR. DOMINIC ROCHON:** Yes.

6 **MS. ERIN DANN:** Next we'll bring up WIT 54.

7 **--- EXHIBIT No./PIÈCE No. WIT 54:**

8 In Camera Examination Summary Rob
9 Stewart

10 **MS. ERIN DANN:** Mr. Stewart, I'll direct
11 these questions to you. You were examined, I understand, by
12 Commission counsel in-camera? Is that right?

13 **MR. ROB STEWART:** That's right.

14 **MS. ERIN DANN:** And have you had a chance to
15 review the document before you, which is a publicly
16 disclosable summary of that examination?

17 **MR. ROB STEWART:** I have.

18 **MS. ERIN DANN:** And is it accurate?

19 **MR. ROB STEWART:** Yes.

20 **MS. ERIN DANN:** And are you prepared to adopt
21 the contents of that summary as part of your evidence before
22 the Commission?

23 **MR. ROB STEWART:** Yes.

24 **MS. ERIN DANN:** Thank you. The final piece
25 of housekeeping is the Institutional Report prepared by
26 Public Safety.

27 And for the record, that is CAN.DOC 15, and
28 CAN.DOC 16 is the French version.

1 --- EXHIBIT No./PIÈCE No. CAN.DOC 15:

2 Public Safety (PS) Institutional
3 Report

4 --- EXHIBIT No./PIÈCE No. CAN.DOC 16:

5 Sécurité Publique Canada (SP) Rapport
6 Institutionnel

7 **MS. ERIN DANN:** Those -- the Institutional
8 Report will be going in by way of affidavit, which I believe
9 is now in the database as CAN.DOC -- you don't need to pull
10 this up, Mr. Operator, but CAN.DOC 9.001, for the benefit of
11 the parties and participants.

12 --- EXHIBIT No./PIÈCE No. CAN.DOC 9.001:

13 Affidavit of Samantha Maislin
14 Dickson, Assistant Deputy Minister
15 for the Public Safety, Defence and
16 Immigration Portfolio at the
17 Department of Justice, attaching the
18 Unclassified Department of Justice
19 Institutional Report (EN and FR)

20 **MS. ERIN DANN:** So I understand that Public
21 Safety -- the Public Safety portfolio is composed of the
22 Department of Public Safety and Emergency Preparedness, along
23 with five agencies: the RCMP; the Canadian Border -- Canada
24 Border Services Agency; CSIS; Correctional Service of Canada;
25 and the Parole Board of Canada. Is that right?

26 **MR. ROB STEWART:** That is correct. Plus a
27 few small review agencies.

28 **MS. ERIC DANN:** Thank you. And Mr. Stewart,

1 we'll start with you. Can you identify your role -- sorry,
2 let me begin here. I know we heard from you yesterday, but I
3 understand that you were the Deputy Minister of Public Safety
4 from December of 2019 to October 2022. Have I got that
5 right?

6 **MR. ROB STEWART:** That's correct.

7 **MS. ERIC DANN:** And can you briefly describe
8 that role and your primary functions as Deputy Minister of
9 Public Safety?

10 **MR. ROB STEWART:** My primary function as a
11 Deputy Minister, is of course to support the Minister, who is
12 the Deputy Head of Public Safety as a department and also the
13 Minister responsible for all of the agencies. So in that
14 context, I delivered advice and support to the Minister on
15 matters that were directed by Public Safety on behalf of the
16 portfolio, and as well on issues arising within the
17 portfolio, as the occasion required.

18 **MS. ERIN DANN:** Thank you. We'll get back to
19 some of your other roles, Mr. Stewart, or other parts of that
20 job.

21 Mr. Rochon, just turning to you for a moment,
22 you were the Senior Assistant Deputy Minister, National and
23 Cyber Security Branch from October 19th, 2019 until December
24 31st, 2022? Is that right?

25 **MR. DOMINIC ROCHON:** Sorry, did you say
26 December 31st? No, it was October to October.

27 **MS. ERIN DANN:** October to October.

28 **MR. DOMINIC ROCHON:** Yeah.

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

2 **MR. DOMINIC ROCHON:** But that's otherwise
3 correct.

4 **MS. ERIN DANN:** October 2019 to October 2022?

5 **MR. DOMINIC ROCHON:** Correct.

6 **MS. ERIN DANN:** Right. And what is the
7 National and Cyber Security Branch?

8 **MR. DOMINIC ROCHON:** It's a branch
9 responsible for -- well, in my tenure, it was responsible for
10 National Security policy, National Security operations from a
11 coordination perspective, Cyber Security policy, and Critical
12 Infrastructure.

13 **MS. ERIN DANN:** Mr. Stewart, returning to
14 you, can you describe the relationship between the Deputy
15 Minister of Public Safety and the heads of the agencies that
16 fall within the Public Safety portfolio? And for our
17 purposes, or the Commission purposes, I think it would be
18 most helpful to focus on CSIS and the RCMP.

19 **MR. ROB STEWART:** The relationship was
20 largely one of colleagues reporting to the same boss. And we
21 had, as colleagues, matters of common concern. They
22 differed, of course, between the RCMP and CSIS. The RCMP is
23 largely in the business of combating crime and CSIS is, of
24 course, a national security institution. But we had
25 collective concerns when it came to issues like foreign
26 interference, which we would discuss.

27 **MS. ERIN DANN:** And am I right that there's
28 no sort of reporting relationship between the agencies and

1 the Deputy Minister?

2 **MR. ROB STEWART:** That's correct. I exercise
3 no formal authority over any of the portfolio agencies.
4 Public Safety as an institution coordinates policy,
5 particularly where it concerns changes to law or regulation,
6 or Ministerial Directives, and it also does a standard
7 reporting on behalf of the portfolio, which includes things
8 like tabling of Departmental Reports in Parliament.

9 **MS. ERIN DANN:** And so for sort of practical
10 purposes, Public Safety would not be directing, for example,
11 the RCMP or CSIS to take out particular investigative steps
12 in the case of the RCMP for example or particular actions?
13 There's no direction from Public Safety to CSIS in terms of
14 its operations?

15 **MR. ROB STEWART:** There's no direction to
16 CSIS, and of course the RCMP operates under the principle of
17 police independence.

18 **MS. ERIN DANN:** I understand during your
19 tenure, Mr. Stewart and Mr. Rochon, at Public Safety, there
20 was no specific group or committee within Public Safety that
21 focused exclusively on foreign interference? Is that fair?

22 **MR. ROB STEWART:** That is correct.

23 **MS. ERIN DANN:** And at the relevant time,
24 public service understood foreign interference as a subset,
25 if I can call it that, of a sort of broader concept of
26 hostile activity by state actors? Is that right?

27 **MR. ROB STEWART:** That is absolutely correct.

28 **MS. ERIN DANN:** And we heard this term

1 yesterday and earlier in the proceedings, the hostile
2 activity of state actors. Can you help us understand that
3 concept and how it relates to foreign interference from the
4 perspective of Public Safety?

5 **MR. ROB STEWART:** Certainly. Foreign
6 interference is a subset of activities that are undertaken by
7 hostile states, which can also include hostile cyber
8 activity, activity that is directed at undermining Canadian -
9 - the activities of our citizens, that's foreign
10 interference, but also crime and a variety of other things
11 like research security where, you know, they're undertaking
12 activities that are contrary to the national interests of
13 Canada.

14 **MS. ERIN DANN:** And can I ask the Court
15 Operator to bring up CAN 3326?

16 **--- EXHIBIT No./PIÈCE No. CAN 3326:**

17 Letter from Public Safety Minister

18 **MS. ERIN DANN:** This is a letter dated
19 December 18th, 2020. Then Minister of Public Safety, Bill
20 Blair. Do you recognize this letter?

21 **MR. ROB STEWART:** I do.

22 **MS. ERIN DANN:** Right. And did you have any
23 involvement in the development -- this is a letter to
24 Parliamentarians. Did you have any involvement in the
25 development or preparation of the letter?

26 **MR. ROB STEWART:** Mr. Rochon's staff wrote
27 the letter.

28 **MS. ERIN DANN:** And it starts, if we look at

1 the last paragraph on the first page, it begins:

2 "We understand foreign interference
3 to be hostile activity undertaken by
4 foreign states that is purposely
5 covert, malign, clandestine, and
6 deceptive. It can include threats,
7 harassment, and intimidation."

8 And it goes on from there in terms of
9 describing foreign interference.

10 But is this is a sort of fair definition or
11 consistent with the way that Public Safety interpreted
12 foreign interference or hostile activities by state actors?

13 **MR. ROB STEWART:** Yes, it is.

14 **MS. ERIN DANN:** And what was the purpose of
15 this, perhaps you can help us understand the purpose of this
16 letter and what it was directed at achieving ---

17 **MR. ROB STEWART:** Well ---

18 **MS. ERIN DANN:** --- either ---

19 **MR. ROB STEWART:** You go ahead.

20 **MR. DOMINIC ROCHON:** Okay. So maybe -- as we
21 arrived in our tenure, roughly October 2019, December 2019,
22 there were already reports being written, policy work
23 underway with regard to foreign interference. National
24 security review bodies were writing about foreign
25 interference. I believe CSIS already in their annual report
26 was starting to reference foreign interference. So from a
27 policy perspective it was topical.

28 And throughout the first year of my tenure

1 there, certainly the National Security Policy Group under me
2 was looking at understanding what are the forms of foreign
3 interference, and that's where we came up with a broader
4 definition of hostile activities and state actors and looking
5 at the different types of activities that would be occurring
6 from those hostile state actors, and then understanding what
7 tools are available in the toolkit to address those.

8 And so this letter gave us an opportunity for
9 our minister at the time to communicate with other members of
10 Parliament to, of course, increase awareness with regard to
11 the issue and the toolkit that we had at play and the policy
12 work that was needed to progress and continue to address this
13 increasing issue.

14 **MS. ERIN DANN:** And can you speak to any of
15 the policy or legislative developments in regard to this
16 issue that were occurring during your tenure?

17 **MR. ROB STEWART:** Yes, certainly. So in the
18 context of the concept of HASA or hostile activities as state
19 actors, we were developing a set of proposals and actions
20 that the government could potentially take to mitigate the
21 threat, and they included a suite of communications tools.

22 And this letter, in a sense, manifests the
23 view that the communications and the public awareness are one
24 of the key defences against foreign interference, but we also
25 were looking at issues of governance within the system of the
26 flow of information, coordination and responses. We were
27 looking at the issue of toolkit, and at the end of the day,
28 communications that we would -- that the government would be

1 undertaking to speak to issues when they arose.

2 **MS. ERIN DANN:** And can you speak to -- I
3 understand developing, you were looking at the sort of the
4 nature of the threat and the tools to respond. Can you speak
5 at all to the evolution of hostile activities of state actors
6 or foreign interference, particularly in the years that we're
7 talking about, after the 2019 general election and moving
8 into the 2021 general election? Can you speak at all about
9 any changes or evolution that you saw in terms of that threat
10 environment?

11 **MR. ROB STEWART:** I'll speak, and then
12 Mr. Rochon can join me. As a general matter, I would say
13 that we saw an increase over that period of time in the
14 prevalence of efforts at foreign interference. And I'll
15 distinguish between efforts and outcomes because in many
16 cases it was either seen and mitigated or it was just
17 ineffective, but in terms of the information we were
18 receiving, I would say that, and in particular as it pertains
19 to China, we were seeing a steady increase in the amount of
20 activity that was going on.

21 **MR. DOMINIC ROCHON:** Maybe I'll just add one
22 little nuance. Of course, so there is foreign interference
23 specifically related to democratic events for which there was
24 policy evolutions that you've been speaking about in this
25 Commission now, and it was more the purview of PCO democratic
26 institutions that were leaning on those policy developments
27 and the introduction of a SITE team, for example, the
28 introduction of RRM. So there was an evolution from a policy

1 perspective there.

2 And then from within Public Safety, we were
3 looking at what other tools may be available, but also
4 looking at the authorities that exist to counter foreign
5 interference within the various bodies that you've been
6 introducing witnesses to. For example, CSE has cyber
7 activities that they can engage in. You have CSIS that can
8 counter foreign interference under their authorities with the
9 *CSIS Act*. You've got the RCMP and what they can do with
10 regard to the *Criminal Code*.

11 So typically, we coordinate the community to
12 ask questions about what are we seeing, and as Mr. Stewart
13 just pointed out, we were seeing an increase in reporting
14 with regard to the types of activities that existed and then
15 we were having conversations within Public Safety about what
16 policy work is required.

17 **MS. ERIN DANN:** And so you spoke about sort
18 of the increase in prevalence at least with attempts, if not
19 successful attempts, necessarily. Can you speak to the
20 nature of the types of interference or the nature of the
21 threats? Was there an evolution there? For example, did
22 anything change as a result of COVID-19 or were you seeing
23 different forms of threats?

24 **MR. ROB STEWART:** I would have a hard time
25 saying that there was any particular form of threat that took
26 precedence or occurred in a more prevalent way. There is a
27 variety of forms of foreign interference that are undertaken
28 by hostile actors, as mentioned in this document that

1 Minister Blair sent to parliamentarians. There can be
2 threats, harassment, coercion, intimidation, influence of
3 various forms. It can vary, but the -- in general, the
4 reporting we were receiving demonstrated all of them.

5 **MS. ERIN DANN:** And we've heard a lot
6 yesterday and throughout the hearings about sort of malign
7 online activity. Was that something that Public Safety was
8 observing, foreign interference or attempts at foreign
9 interference through online activity, whether misinformation,
10 disinformation, cyber attacks, those -- things of that sort?

11 **MR. ROB STEWART:** Yes, the use of, obviously,
12 communications technologies and networks, like WeChat, are
13 subject to that kind of abuse. Disinformation and
14 misinformation is a broader category threat to the wellbeing
15 of Canadians, just to note, because it emanates from other
16 sources other than just state actors. But yes, it's in the
17 toolkit, absolutely.

18 **MR. DOMINIC ROCHON:** Maybe I would just add,
19 the difficulty here is from a Public Safety perspective we're
20 looking at issues with regard to cyber security, economic
21 security, terrorism related threats, information
22 mis/disinformation was another theme that was emerging. And
23 they're not all neatly boxed away. They all sort of
24 intertwine and overlap. So hence why our attempt to sort of
25 capture hostile activities as a state actor as one bucket of
26 things for which we could apply a policy lens, but clearly
27 there are other factors that come into play across all of
28 those. And we were seeing, you know, different evolutions

1 across all of those themes.

2 **MS. ERIN DANN:** All right. I want to move on
3 to sort of the flow of information and intelligence at Public
4 Safety.

5 My understanding in reviewing your -- the
6 summaries that we've spoken to earlier today, is that Public
7 Safety is a large consumer of intelligence, not a producer of
8 intelligence. Is that fair?

9 **MR. ROB STEWART:** That's how we would concede
10 it.

11 **MS. ERIN DANN:** And Mr. Stewart, I think you
12 described in one of the interviews the flow of intelligence
13 information to Public Safety as a river. It's a large volume
14 of material that Public Safety receives?

15 **MR. ROB STEWART:** Indeed.

16 **MS. ERIN DANN:** And what percentage -- I know
17 you can't probably put a precise number on this, but what
18 percentage of that intelligence relates to foreign
19 interference? Is it a majority, less than half, less than a
20 quarter? Do you -- can you put the -- a rough estimate?

21 **MR. ROB STEWART:** I have estimated it as less
22 than a quarter. I don't have a clear and direct memory.

23 **MS. ERIN DANN:** I want to talk about why
24 Public Safety receives intelligence information, and also,
25 how that information is managed within Public Safety.

26 Mr. Rochon, at paragraph 9 of your interview
27 -- of the interview summary, you explain that Public Safety
28 consumes intelligence from a context or policy perspective,

1 not an action or operational perspective.

2 Can you elaborate on that and explain what
3 that means?

4 **MR. ROB STEWART:** Certainly. I think from a
5 contextual perspective, as you can appreciate, we sit at a
6 place within the security and intelligence community where
7 we're having conversations with all the various members in
8 that community to understand whether or not they have the
9 appropriate authorities, the appropriate policies and
10 wherewithal to actually counter threats and address matters
11 of national security. And our role is primarily one of
12 writing policy or supporting those departments and agencies
13 in getting additional authorities, or amending their
14 authorities if there are gaps.

15 So in order for us to be able to understand
16 how to do that appropriately, we need access to intelligence.

17 I will point, however, that of course we do
18 have certain delegated authorities from the Minister to do
19 certain operational things: the *Secure Air Travel Act*, where
20 we have to list -- we're responsible for the list of
21 terrorist entities. So there are certain things for which we
22 have operational actions, but there's never something that is
23 a direct action onto an intelligence report. So an
24 intelligence report, when we see it, particularly a raw
25 intelligence report, is always contextual in order for us to
26 understand how to better support the policy that we're doing.

27 That's mainly how I'd frame it.

28 **MS. ERIN DANN:** And so you ---

1 **COMMISSIONER HOGUE:** You ---

2 **MS. ERIN DANN:** I'm sorry.

3 **COMMISSIONER HOGUE:** You mean no action is
4 expected from ---

5 **MR. DOMINIC ROCHON:** Correct. There's no
6 expectation ---

7 **COMMISSIONER HOGUE:** --- Public Safety?

8 **MR. DOMINIC ROCHON:** Correct. So unlike in
9 the U.S., our counterparts at Homeland Security actually have
10 action taskforces that do something about it. If there's
11 something happening in a cyberspace that would help for Cyber
12 Policy, we need to be aware of the types of threats happening
13 in cyber.

14 The operational arm of Cyber Activity is the
15 Communications Security Establishment.

16 **COMMISSIONER HOGUE:** I see.

17 **MR. DOMINIC ROCHON:** But Public Safety would
18 be responsible for the overall policy, writing a strategy for
19 the Government. We would be lead on that. But of course,
20 policy doesn't happen without a hand-in-hand -- hand-in-glove
21 interaction with the operational departments and agencies.
22 Hence why we need to see intelligence to understand the
23 operational challenges and the actual reality of what they're
24 seeing and facing so that we can better do policy.

25 **COMMISSIONER HOGUE:** Thank you.

26 **MR. ROB STEWART:** We will talk about the
27 committees, I assume?

28 **MS. ERIN DANN:** We will talk about the

1 committees, but please, Mr. Stewart, if one applies right
2 now, perhaps we can go directly to that? I know we heard
3 yesterday that in your capacity as Deputy Minister, you sat
4 on the DMOC, Deputy Minister Operations Committee. Does that
5 -- perhaps you can explain your role on that? Or if there is
6 another committee you were thinking of?

7 **MR. ROB STEWART:** Well indeed, there was. I
8 think it's worth putting a little bit more of a frame around
9 this, in the sense that, as an institution, Public Safety
10 sits at the center of a couple of webs. One is the portfolio
11 web of institutions, where we are, you know, sort of engaged
12 in supporting their agendas in the broader context,
13 particularly as it pertains to things that are going through
14 Parliament. And then there's the broader context, which is
15 the security and intelligence community.

16 And in that context, Public Safety does have
17 a convening role. It has the role of chairing committees on
18 which matters of policy and operations are discussed. It
19 does not translate into direct responsibility for operational
20 activity, except in a couple of areas.

21 But for the most part, we are plugged into
22 and party to discussions at the Deputy Minister level and at
23 the Assistant Deputy Minister level that involve dealing with
24 issues where, you know, action is required. Deputy Minister
25 Operations Committee is one of them, Deputy Ministers of
26 National Security is another. And that's one that deals
27 largely with policy matters.

28 And then at the ADM level, I'll leave it to

1 Mr. Rochon to mention a couple, perhaps.

2 **MR. DOMINIC ROCHON:** Yeah, we -- well, again,
3 we can get into it. I'm not going to get into the alphabet
4 soup of committees that we have.

5 Maybe one other example that I think would be
6 relevant is in the realm of economic security. So there's a
7 National Security Review that is done with regard to the
8 *Investment Canada Act*. Public Safety has a key role in that,
9 and so we would need access to intelligence to understand
10 exactly whether or not there's a threat and to bring to bear
11 a decision with regard to whether or not there's an action
12 required when we see a nefarious actor involved in a
13 potential investment.

14 **MS. ERIN DANN:** Thank you very much. And
15 just for the benefit of everyone, the various committees that
16 you've spoken about are included information -- more
17 information on those are included in the interview summaries
18 at page 6 of the -- of WIT 59 and at page 6 also of WIT 54.

19 I think, Mr. Rochon, you had -- you answered
20 my -- in answering the Commissioner's question, you answered
21 my follow up question, which was about the phrase you used,
22 "action on". And as I understand it, your answer to the
23 Commissioner that there was not an expectation in sort -- in
24 Public Safety receiving this information that you would take
25 a particular action -- particular action or specific response
26 to, as you say, a specific raw intelligence report or other
27 intelligence product you received? Is that right?

28 **MR. DOMINIC ROCHON:** Correct. There wouldn't

1 have been an expectation from any of the producers of the
2 intelligence that we, Public Safety, would be doing something
3 specific on a piece of intelligence, other than consuming it
4 for our understanding in order to better inform the policy
5 work that we were involved in.

6 **MR. ROB STEWART:** And facilitating access of
7 the agencies, in particular CSIS, where required, to the
8 Minister, such that, you know, they could give advice and the
9 Minister could act appropriately.

10 **MS. ERIN DANN:** Understood. Turning to the
11 management of that river of intelligence that's coming to
12 Public Safety, Mr. Rochon, you mentioned the National
13 Security Operations Directorate generally acts as a keeper of
14 intelligence within Public Safety. What is the NSOD and
15 what's the relationship with the NS -- NCSB that we spoke
16 about earlier?

17 **MR. DOMINIC ROCHON:** So the National Security
18 branch, the National Security and Cyber Branch, is the branch
19 underneath the responsibility that I had as the ADM -- senior
20 ADM of National Cyber Security.

21 Underneath that, there were four
22 directorates. One of the directorates was the National
23 Security Operations Directorate. That directorate had
24 responsibility with regard to *Investment Canada Act* national
25 security operations, for example. It had responsibilities
26 with regard to tracking the aforementioned *Secure Air Travel*
27 *Act* activity, but it also had the responsibility of looking
28 at intelligence as it flowed into the department.

1 They are the ones that had access to secure
2 areas, secure systems, and therefore access to the flow of
3 information that exists within the security and intelligence
4 community.

5 And I think even you heard Ms. Charette this
6 morning explaining that that flow is rather vast. We have a
7 very large number of producers of intelligence throughout the
8 Federal Government, and indeed throughout the community when
9 you include also our allies.

10 So you have CSIS, CSE primarily, ITAC, RCMP,
11 DND, PCO, Intelligence Assessment Secretariat, and all of
12 their equivalents across all the Five Eyes and other partners
13 who are all producing daily products. And so there's a
14 significant amount of information available on a vast amount
15 of threats. And that covers obviously not just foreign
16 interference. As Mr. Stewart pointed out, that's just a
17 small subset of the enormous amount of information and
18 intelligence that is produced.

19 **MS. ERIN DANN:** And how would information
20 from that vast sort of array that's coming in, who decides or
21 how is it decided what is of interest to the two of you, or
22 to others in the office, and how does that -- how is that
23 triaged, flagged, or delivered for your review?

24 **MR. DOMINIC ROCHON:** So I would look at it in
25 two ways. First of all, the producers of the intelligence,
26 CSE, CSIS, and I think you probably would have heard this
27 from testimony from people representing those departments and
28 agencies, they would produce something but seek feedback in

1 order to ascertain whether or not it was actually dealing
2 with issues that were of importance to their clients.

3 So there would be times where CSIS, CSE, or
4 others would say, "This is of interest. We want to make sure
5 Public Safety sees this." And they could actually name me,
6 or the Deputy Minister, or indeed the Minister, on a
7 particular product.

8 In the absence of that very specific
9 provision, provision of intelligence, the National Security
10 Operations Directorate would, themselves, look through the
11 amount of intelligence that existed through systems in order
12 to see what would be of interest.

13 So clearly if we were dealing with economic
14 security issues, or cyber security issues, or indeed hostile
15 activities from state actors, they would pick out
16 assessments, or sometimes pieces of raw intelligence that
17 were of interest, and they would then -- they would produce
18 that and come up with a list of those intelligence products,
19 put them in a folder. And during my tenure, that folder
20 would come up to me twice a week. And typically I would look
21 through that and request that that same folder be produced
22 for the Deputy Minister.

23 **MS. ERIN DANN:** And would there also be a
24 folder prepared for the Minister ---

25 **MR. DOMINIC ROCHON:** Yes.

26 **MS. ERIN DANN:** --- by that group?

27 **MR. DOMINIC ROCHON:** It would -- it would
28 normally be a subset. That folder would include anything

1 that was specifically directed or asked to be given to the
2 Minister, and CSIS would be the ones in particular that would
3 produce something that they would want to be brought to the
4 attention of the Minister and it would be more convenient to
5 have that flow through our National Security Operations
6 Directorate because we had access to the Minister, we were in
7 the same building.

8 Typically, we would then produce that more
9 for the Minister's office and it would be up to the
10 Minister's office then to provide us with feedback to say --
11 and it will depend on the Minister's office, in my
12 experience. They would then say, "Too much, too little, do
13 you have something about this?"

14 So there could be a way of saying, "We'd like
15 to see more about something", but it would be at the
16 discretion of the Minister's office and it wouldn't be
17 happening, necessarily, through the ADM or the Deputy
18 Minister.

19 **MR. ROB STEWART:** And there's an asterisk
20 we've got to put on this, which is called COVID.

21 So in the COVID period for which our tenure
22 largely overlapped, circumstances did vary and the Minister
23 was not very often in Ottawa. More so towards the latter
24 part of the period than at the beginning, certainly, and
25 operated out of Toronto. And in that case, what we would be
26 doing would we would be collating information or deciding
27 what, you know, we thought the Minister needed to see in
28 conjunction with -- of course, with CSIS, and sending it to

1 the Minister via the CSIS office in Toronto.

2 And at that point, he could either go into
3 the CSIS office or it could be delivered to his house, you
4 know, in a secure way with someone waiting to take it away
5 after he'd read it. And that happened quite frequently.

6 **MS. ERIN DANN:** And was there any change to
7 what the Minister received during a writ period?

8 So in the lead-up to the 2021 election, would
9 there be a difference in sort of what information in the
10 information flow to the Minister during that period?

11 **MR. DOMINIC ROCHON:** I don't think anything
12 would flow during that period.

13 **MR. ROB STEWART:** We would have suspended all
14 advice and flow of information to the Minister unless it were
15 absolutely necessary for decision-making purposes, which is
16 on an exceptional basis.

17 **MS. ERIN DANN:** And just one final point on
18 the -- on information flow.

19 Do I understand correctly that during your
20 tenures there was no way within Public Safety to track who
21 had seen a particular intelligence product?

22 **MR. ROB STEWART:** Again I would use the COVID
23 asterisk here. We were, prior to COVID, when we had many
24 people in the office every day, able to support a more
25 effective record-keeping regime.

26 When we got into the COVID period, we were
27 prioritizing action and the flow of information over the
28 matter of, you know, detailed record-keeping, so we did not

1 keep a log of the specific pieces of information that were
2 going to the Minister.

3 They would have been the same, largely
4 speaking, as the pieces of information I saw, so I can attest
5 to the fact that, you know, his office was provided with
6 similar information to what I and Dom were seeing.

7 **MS. ERIN DANN:** But was there a way that
8 tracked what you and Mr. Rochon received?

9 **MR. ROB STEWART:** Not in a detailed form. Of
10 course, we were being tracked at the other end of things,
11 right. CSIS was keeping a track of the record numbers of the
12 things that they were sending to us, but if it -- if the
13 question is directed as to having a detailed understanding of
14 what was consumed, it does not exist for the COVID period.

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

16 And then turning just to the last topic as
17 our time winds down here, both of you came into your
18 positions shortly after or right after the 2019 General
19 Election. Were you briefed on any intelligence or
20 assessments in relation to foreign interference in your role
21 at Public Safety?

22 **MR. ROB STEWART:** Yes. I would say that CSIS
23 was very eager to tell us about the things that they were
24 concerned about and we would have been briefed on a
25 progressive basis over time with the various reports and
26 assessments that CSIS and others were producing. It was in
27 the natural scheme of things.

28 **MS. ERIN DANN:** And in particular to one of

1 the topics that we've seen here today, it's CAN.SUM 1, this
2 relates to allegations of foreign interference in the Don
3 Valley North nomination race.

4 Mr. Stewart, you indicated -- or we heard
5 yesterday that you participated in the DMOC committee. I
6 understand that, on occasion, that committee would have --
7 would examine or discuss issues of foreign interference and
8 that one of those issues related to the Don Valley North
9 nomination in 2019. Is that right?

10 **MR. ROB STEWART:** Not at the DMOC table at
11 that point in time. I think, you know, the election had come
12 and gone. This material appeared and was gathered
13 subsequently and -- because it wasn't visible, as I
14 understand it, to the Panel of Five that existed at that
15 time.

16 And it wasn't a DMOC issue because DMOC
17 issues were taken up as matters of operational immediate
18 concern. It was definitely noted in the broader context of
19 discussions around foreign interference and was a reference
20 point, certainly, in the preparation of the panel for 2021.

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

22 I'm sorry I had that point wrong.

23 And just in terms of the participation of
24 Public Safety on DMOC, we heard yesterday that there was sort
25 of pushing and pulling that happened at those DMOC meetings,
26 that the NSAI expected would give an update and expected
27 people to bring to attention what others needed to know.

28 Given that Public Safety didn't have a

1 particular operational role and wasn't a producer of
2 intelligence, can you help us understand your role on that
3 committee and speak to any other intergovernmental committees
4 that we didn't touch on earlier?

5 **MR. ROB STEWART:** I would describe the role
6 of the Public Safety Deputy Minister on the DMOC committee as
7 being a role of -- I don't want to call it observer, but
8 there for awareness.

9 Where we brought things to the attention of
10 the committee would be things that were perhaps going to
11 Cabinet in the near future or, you know, issues that were
12 surfacing that we were briefing on, but otherwise, I think we
13 were there to be aware of the operational activities of other
14 members of that committee.

15 **MR. DOMINIC ROCHON:** Maybe if I could just
16 elaborate.

17 So I was not a member of DMOC and it was
18 during our -- during my tenure at Public Safety, it was
19 exclusive to Deputy Ministers' participation. However, I did
20 co-chair a committee that was supportive of DMOC called the
21 Assistant Deputy Ministers' National Security Operations
22 Committee.

23 I co-chaired that with my counterpart in the
24 Privy Council Office Security and Intelligence Secretariat,
25 who was also, coincidentally, the Secretariat for the DMOC
26 committee.

27 At the ADM National Security Operations
28 Committee, we would meet weekly and typically, as the chair,

1 I would go around the table and it would have members of
2 every department and agency that had a role to play with
3 regard to security and intelligence, so not just your classic
4 RCMPs, CSEs, CSISes, but you would have the Public Health
5 Agency there, you would have Transport Canada there. Anyone
6 that might have a role to play with regard to national
7 security.

8 And once a week, we would get together and
9 have a conversation about what we were seeing in the threat
10 landscape.

11 We wouldn't necessarily speak about specific
12 pieces of raw intelligence. It would be an opportunity for
13 each department and agency to discuss what they were seeing.

14 And again, Public Safety's role, which is my
15 point here, is more one of awareness and one of convening and
16 coordinating the community.

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

18 Those are my questions.

19 **COMMISSIONER HOGUE:** Thank you.

20 So cross-examination. The first counsel is
21 counsel for RCDA.

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

23 **MR. GUILLAUME SIROIS:**

24 **MR. GUILLAUME SIROIS:** Good morning. I'm
25 Guillaume Sirois, counsel for the RCDA.

26 Just to go briefly back on your testimony
27 this morning, I believe you mentioned that operations and
28 Public Safety work hand in glove. Is that -- do you recall

1 saying this?

2 **MR. DOMINIC ROCHON:** Operations in Public
3 Safety? What do you mean by that?

4 **MR. GUILLAUME SIROIS:** That you, Public
5 Safety, work hand in gloves with the operations side to
6 develop public policy and so on.

7 **MR. DOMINIC ROCHON:** So yeah, I would
8 characterize it as national security. The security and
9 intelligence community has operators, and in our case we were
10 more of a policymaker. But in order to understand -- like
11 with any policy work, there's an inherent tension with the
12 people that are actually doing the operations and we need to
13 understand those operations because, ultimately, we're making
14 policy for them. So it doesn't make any sense to do
15 something without understanding what they're doing, hence why
16 my hand in glove comment.

17 **MR. GUILLAUME SIROIS:** Excellent. Yes,
18 that's -- I wanted to talk to you about -- little bit about
19 operations and what you were aware of. That's why I'm
20 asking. So I would like to discuss about the document CAN
21 008045, please. It's a RCMP Ministerial Briefing dated April
22 20, 2023.

23 **--- EXHIBIT No./PIÈCE No. CAN 8045:**

24 RCMP Ministerial Briefing 2023-04-20

25 **MR. DOMINIC ROCHON:** M'hm.

26 **MR. GUILLAUME SIROIS:** If we can go at page
27 13, please, at the bottom of the page. Yeah. Yes, exactly.
28 Thank you.

1 So it says here state specific threats.
2 There's a question that I understand is to prepare the RCMP
3 for potential questions about foreign interference. And the
4 question is,

5 "Is the RCMP aware of specific
6 countries conducting foreign
7 interference activities in Canada?"

8 And the bullet -- first bullet point here
9 says,

10 "While the RCMP is aware of threats
11 emanating from countries including
12 the Russian Federation, Iran and the
13 [PRC], I want to underline that it
14 does not target any particular
15 country or government in its
16 investigations."

17 So my questions, obviously, will concern the
18 Russian Federation part of that sentence. Was Public Safety
19 aware of any threats coming from the Russian Federation with
20 respect to foreign interference?

21 **MR. ROB STEWART:** Maybe I'll answer that.
22 Absolutely, in the sense of over time, and going back in time
23 -- this is 2023, which is post our tenure, just to note, but
24 is consistent with information and the understanding we had
25 prior to that date. But over time, there has been a concern
26 about the threat posed by the Russian Federation in terms of
27 disinformation and foreign interference, such that it is the
28 subject of intelligence reporting.

1 **MR. GUILLAUME SIROIS:** And it was not just a
2 concern, but the -- you heard that there was things happening
3 on the ground; right? It's not just a general concern. RCMP
4 is witnessing threats and that's what you heard through your
5 -- their reports; right?

6 **MR. ROB STEWART:** Threats.

7 **MR. GUILLAUME SIROIS:** Yes.

8 **MR. ROB STEWART:** By which I take to mean,
9 you know, activity, which is possibly having the effect of
10 foreign interference, but otherwise, you know, just covert
11 and clandestine and, you know, with the intention of
12 achieving a goal that the Russians would prefer we not know
13 about.

14 **MR. GUILLAUME SIROIS:** Okay. And would those
15 apply to the general election of 2019 and 2021 as well?

16 **MR. ROB STEWART:** I believe we answered that
17 question yesterday. No is the conclusion that was reached by
18 the SITE Task Force. There was no apparent manifestation of
19 a particular Russian threat of foreign interference in those
20 contexts, and we were watching very closely, of course,
21 through the SITE Task Force.

22 **MR. GUILLAUME SIROIS:** Okay. I would -- in
23 fact, this -- I would like to pull TRN 10, please, at page
24 82. While the document's being pulled, it's the transcript
25 of the hearings of the RCMP. So we can go, please, at page
26 82. So here is the cross-examination of Matthew Johnson on
27 the Government of Canada. He's taking the RCMP back to a
28 question asked by the European Canadian Congress, asked

1 whether you were -- the RCMP was aware of Russian engaging in
2 foreign interference. They said that they had no information
3 about Russian foreign interference. Can we go down a little
4 bit? And they ask about the SITE Task Force, for instance,
5 which relate to, obviously, the elections. And Michael
6 Duheme says,

7 "Writ large, at the larger -- so I
8 want a caveat here, I was referring
9 to 43, 44; right? But writ large, at
10 the larger perspective, yeah, we know
11 that there is some form of
12 interference being done by Russia.
13 And this is from the numerous meeting
14 that I have gone to at the DM
15 levels." (As read)

16 So that's basically the same thing you're
17 saying here is that there is no foreign interference during
18 the two elections, but there's generally foreign interference
19 by Russia; is that right?

20 **MR. ROB STEWART:** I would agree with the
21 Commissioner.

22 **MR. GUILLAUME SIROIS:** And isn't it strange
23 that Russia would stop interfering with Canadian democratic
24 institutions only during the two general elections, but
25 conduct such indifference at large?

26 **MR. ROB STEWART:** That's a hypothetical
27 question. Whether or not a foreign state chooses to
28 interfere in an election is a discretionary matter. And if

1 you're trying to on the whole be covert and clandestine, it
2 may be the wrong time to do so.

3 **MR. GUILLAUME SIROIS:** I'm out of time, but I
4 thank you for your time.

5 **COMMISSIONER HOGUE:** Thank you.

6 Next one is UCC?

7 **MR. JON DOODY:** No questions, Commissioner.

8 **COMMISSIONER HOGUE:** No question.

9 Human Rights Coalition?

10 **MS. HANNAH TAYLOR:** No questions, Madam
11 Commissioner.

12 **COMMISSIONER HOGUE:** Counsel for Jenny Kwan?

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

14 **MS. MANI KAKKAR:**

15 **MS. MANI KAKKAR:** Thank you, Commissioner,
16 and good afternoon to the panel. I have one very simple
17 question for you. In your witness summary, you mention that
18 there was no definition of foreign interference at public
19 safety. However, in your testimony this morning, you looked
20 at a letter with Ms. Dann which did incorporate a definition,
21 and so I just wanted to understand which of those statements
22 is accurate or how they work together.

23 **MR. ROB STEWART:** A simple question. Thank
24 you. Well, I think I'd differentiate between the sort of
25 definition in the dictionary sense of the word, which is the
26 covert, clandestine, malign part of it and foreign
27 interference as a concept, where I wanted to strike the
28 broader kind of reference point to the way in which it

1 manifests itself and its goals, which are not strictly of
2 course, a difference in our democratic institutions, but in
3 our communities through our institutions, our economic
4 institutions and businesses and, indeed, cyber. So there are
5 many ways in which I would see foreign interference
6 manifesting itself, and that may be my best explanation as to
7 why I was in the interview summary trying to strike a broader
8 note.

9 **MS. MANI KAKKAR:** That answer makes me feel
10 like my question was simple enough but thank you so much.

11 **COMMISSIONER HOGUE:** Counsel for Michael
12 Chong?

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

14 **MR. FRASER HARLAND:**

15 **MR. FRASER HARLAND:** Good afternoon. Just a
16 couple of short questions as well, I think. We heard
17 evidence from you that public safety is not playing an
18 operational role and it -- except with very specific
19 exceptions like the *Secure Air Travel Act*. Operations is for
20 the agencies and not for the department; is that fair?

21 **MR. ROB STEWART:** It's fair.

22 **MR. FRASER HARLAND:** But, Mr. Stewart, I
23 think you also said that public safety provides CSIS access
24 to the minister as necessary, so that he can act. I was just
25 wondering, if the department isn't acting but the minister
26 is, I just want to clarify what you mean by what kind of
27 actions the minister would be taking on the advice of
28 intelligence from CSIS.

1 **MR. ROB STEWART:** Well, couple of things.
2 Physically, we provide the space -- provided the space. The
3 minister is, when in Ottawa, in his departmental office is
4 resident in the building Public Safety occupies, so we
5 provide the secure space, which would allow for either a
6 virtual or a in-person briefing by the CSIS director and his
7 staff. So that's one level of it. We also convey documents
8 as required. We -- we'll -- we'd undertake to ensure that
9 the minister's staff were aware that CSIS was seeking, you
10 know, to brief on an issue. So we were facilitating, in
11 large measure, the flow of information from CSIS and other
12 intelligence agencies to the minister. We were not acting as
13 an agent on behalf of the -- of CSIS in terms of seeking any
14 formal authority or decision, other than through the form of
15 warrants, where when CSIS seeks a warrant from the federal
16 court, the rules of the system require us to review it and
17 put a cover note on it, explaining what is being sought, and
18 I review it, I sign off, and it goes to the minister after
19 that.

20 **MR. FRASER HARLAND:** Okay. Thank you.
21 That's all.

22 **COMMISSIONER HOGUE:** Thank you.
23 Counsel for Han Dong?

24 **MS. EMILY YOUNG:** No questions. Thank you.

25 **COMMISSIONER HOGUE:** Conservative Party?

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

27 **MR. NANDO de LUCA:**

28 **MR. NANDO de LUCA:** Thank you. Can I have

1 CAN 4728 called up, please?

2 And gentlemen, this is a CSIS national
3 security brief prepared on October 1, 2019, regarding foreign
4 interference by the People's Republic of China and the
5 federal campaign of Han Dong, and it's addressed to a great
6 number of individuals, including the Associate Deputy
7 Minister of Public Safety.

8 And can I ask, who would that have been? Who
9 would the ADM have been at this point on October 1 of 2019?

10 **MR. ROB STEWART:** The associate would have
11 been Monik Beauregard, who was on the Panel of 2019
12 yesterday.

13 **MR. NANDO de LUCA:** Okay. And can you
14 confirm that she would have received this briefing at the
15 time that it was prepared?

16 **MR. ROB STEWART:** Sorry. No.

17 **MR. NANDO de LUCA:** Why not?

18 **MR. ROB STEWART:** I wasn't there.

19 **MR. NANDO de LUCA:** Okay. And can you give
20 the Commissioner a sense as to why the ADM for Public Safety
21 would have been a recipient or a consumer of this briefing?

22 **MR. ROB STEWART:** I think the answer to that
23 question is in the general course Public Safety is in the
24 flow of information as it pertains to matters of foreign
25 interference, and this is a particular notable one.

26 **MR. NANDO de LUCA:** Okay. And would it have

27 ---

28 **MR. DOMINIC ROCHON:** Can I just make a

1 clarification? Because you keep using the word "ADM", just
2 so that -- her title was Associate Deputy Minister. So she
3 was in the deputy ranks not an Assistant Deputy Minister,
4 which would have been my level. Right?

5 **MR. NANDO de LUCA:** Thank you.

6 **MR. ROB STEWART:** And to further clarify, she
7 would have been the Acting Deputy Minister.

8 **MR. DOMINIC ROCHON:** At times she would have
9 been Acting Deputy Minister.

10 **MR. NANDO de LUCA:** Thank you for the
11 clarification. Can you tell me, would it have been part of
12 the Minister of Public Safety's mandate, or that of his
13 Ministry, to consult with the PM or the PMO or even the PCO
14 in connection with the intelligence reflected in this type of
15 briefing?

16 **MR. ROB STEWART:** It is at the discretion of
17 the Minister to choose to do what he see -- he or she sees
18 necessary given the information that's provided to them. It
19 is not a requirement of the mandate of the Minister to do so.

20 **MR. NANDO de LUCA:** Okay. And can you tell
21 me with respect to this particular briefing what if any
22 action the Minister or members of his Ministry took in
23 connection with the intelligence that was contained herein?

24 **MR. ROB STEWART:** Sorry. No.

25 **MR. NANDO de LUCA:** Why not?

26 **MR. ROB STEWART:** I was not there at the
27 time.

28 **MR. NANDO de LUCA:** Sir?

1 **MR. DOMINIC ROCHON:** Nor was I.

2 **MR. NANDO de LUCA:** Thank you. Those are my
3 questions.

4 **COMMISSIONER HOGUE:** Thank you.

5 AG, do you have any questions?

6 **MR. MATTHEW JOHNSON:** (Off microphone/hors
7 microphone)

8 **COMMISSIONER HOGUE:** Yes, I'm sorry, I was
9 too quick. You're right.

10 Counsel for Erin O'Toole.

11 **MR. THOMAS JARMYN:** Pretty sure I have no
12 questions. Thank you.

13 **COMMISSIONER HOGUE:** That's the reason why
14 I....

15 **MR. MATTHEW JOHNSON:** And that makes it my
16 turn, Madam Commissioner. And I'll confirm that the AGC also
17 has no questions.

18 **COMMISSIONER HOGUE:** Any re-examination?

19 **MS. ERIN DANN:** No, thank you.

20 **COMMISSIONER HOGUE:** So it's 12:15. We'll
21 break for lunch. I suggest, though, that we come back before
22 2:20. The schedule provides for -- yes, at 2:20. So we'll
23 come back at ---

24 **MS. ERIN DANN:** Two o'clock.

25 **COMMISSIONER HOGUE:** --- at two o'clock
26 instead of two-twenty.

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

1 The hearing is now recessed until two
2 o'clock. La séance est maintenant pause jusqu'à deux heures.

3 --- Upon recessing at 12:14 p.m./

4 --- La séance est suspendue à 12h14

5 --- Upon resuming at 2:24 p.m./

6 --- La séance est reprise à 14 h 24

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

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

12 **COMMISSIONER HOGUE:** Good afternoon. Sorry
13 for the delay. There was some housekeeping to do.

14 Me Chaudhury?

15 **MS. SHANTONA CHAUDHURY:** Good afternoon,
16 Commissioner. Our witnesses this afternoon after four
17 members of the staff from the Prime Minister's Office. May I
18 ask the witnesses be sworn or affirmed?

19 **THE REGISTRAR:** Starting with you, Ms.
20 Telford, would you want to be sworn or affirmed?

21 **MS. KATHERINE TELFORD:** Affirmed.

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

24 **MS. KATHERINE TELFORD:** Katherine Telford, T-
25 e-l-f-o-r-d.

26 **--- MS. KATHERINE TELFORD, Affirmed/Sous affirmation**
27 **solennelle:**

28 **THE REGISTRAR:** And starting with you, do you

1 want to be sworn or affirmed?

2 MR. JEREMY BROADHURST: Affirmed, please.

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

5 MR. JEREMY BROADHURST: It's Jeremy
6 Broadhurst. B-r-o-a-d-h-u-r-s-t.

7 **--- MR. JEREMY BROADHURST, Affirmed/Sous affirmation**
8 **solennelle:**

9 THE REGISTRAR: And Mr. Clow?

10 MR. BRIAN CLOW: I will affirm.

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

13 MR. BRIAN CLOW: Brian Clow, C-l-o-w.

14 **--- MR. BRIAN CLOW, Affirmed/Sous affirmation solennelle:**

15 THE REGISTRAR: Mr. Travers?

16 MR. PATRICK TRAVERS: Affirm.

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

19 MR. PATRICK TRAVERS: Patrick Travers, T-r-a-
20 v-e-r-s.

21 **--- MR. PATRICK TRAVERS, Affirmed/Sous affirmation**
22 **solennelle:**

23 THE REGISTRAR: Counsel, you may proceed.

24 MS. SHANTONA CHAUDHURY: Thank you.

25 **--- EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN-CHEF PAR**
26 **MS. SHANTONA CHAUDHURY:**

27 MS. SHANTONA CHAUDHURY: So witnesses, we'll
28 begin with the routine housekeeping that we normally have to

1 go through, starting with Mr. Clerk, can you please pull up
2 WIT 69, which is the public version of the PMO's interview
3 summary.

4 --- EXHIBIT No./PIÈCE No. WIT 69:

5 Katie Telford, Jeremy Broadhurst,
6 Brian Clow, Patrick Travers Public
7 Interview Summary

8 **MS. SHANTONA CHAUDHURY:** So I'll just ask
9 each of you to confirm that you recall being interviewed by
10 Commission counsel on February 21st, 2024?

11 **PANEL MEMBERS:** Yes.

12 **MS. SHANTONA CHAUDHURY:** Thank you.

13 And can you each confirm that you've reviewed
14 the summary of that interview, that the summary is accurate
15 and that you adopt it as part of your evidence before the
16 Commission?

17 **PANEL MEMBERS:** Yes.

18 **MS. SHANTONA CHAUDHURY:** Thank you.

19 Mr. Clerk, you can take that one down, and
20 please pull up WIT 68.

21 --- EXHIBIT No./PIÈCE No. WIT 68:

22 K. Telford J. Broadhurst B. Clow and
23 P. Travers Public Summary of In
24 Camera Examination

25 **MS. SHANTONA CHAUDHURY:** So this is the
26 public version of the *in camera* examination held earlier this
27 year.

28 So witnesses, again, I'll ask you to confirm

1 that you recall being examined *in camera* by Commission
2 counsel?

3 **PANEL MEMBERS:** Yes.

4 **MS. SHANTONA CHAUDHURY:** And that you've
5 reviewed the summary of this examination, that the summary is
6 accurate and that you adopt it as part of your evidence.

7 **PANEL MEMBERS:** Yes.

8 **MS. SHANTONA CHAUDHURY:** Perfect.

9 Last, but not least, the PMO institutional
10 report, so let's do this through Ms. Telford.

11 Mr. Clerk, can you bring up CAN.DOC 13,
12 please.

13 So this is another one that's been referred
14 to, but not yet officially introduced. Ms. Telford, you're
15 aware that the PMO prepared an institutional report for
16 filing with the Commission. Can you confirm that you've
17 reviewed it and that it represents part of the PMO's
18 evidence?

19 **MS. KATHERINE TELFORD:** Yes.

20 **MS. SHANTONA CHAUDHURY:** Perfect.

21 And then for the record, the French version
22 of that institutional report is CAN.DOC 14.

23 **--- EXHIBIT NO./PIÉCE NO. CAN.DOC 14:**

24 Cabinet du Premier Ministre (CPM)

25 Rapport Institutionnel

26 **MS. SHANTONA CHAUDHURY:** Okay. To start off
27 with, can you each briefly describe your roles at PMO during
28 the time period that is relevant to the Commission to now?

1 So starting with you, Ms. Telford.

2 **MS. KATHERINE TELFORD:** I have served as the
3 Chief of Staff to the Prime Minister since we formed
4 government in 2015, with the exception of two periods where I
5 was on an unpaid leave during the writ periods of 2019 and
6 2021 elections.

7 **MS. SHANTONA CHAUDHURY:** Thank you.
8 Mr. Travers?

9 **MR. PATRICK TRAVERS:** Yes. From early 2016
10 to fall 2020, I served as an advisor on the PMO Policy Team.
11 From fall 2020 onwards, I've been Senior Global Affairs
12 Advisor with responsibility for international issues.

13 **MS. SHANTONA CHAUDHURY:** Okay. And am I
14 correct that you were, during the writ period, on the
15 Caretaker Team?

16 **MR. PATRICK TRAVERS:** On the Caretaker Team
17 in both writ periods.

18 **MS. SHANTONA CHAUDHURY:** Okay. So that means
19 remaining at PMO not out on the campaign?

20 **MR. PATRICK TRAVERS:** Correct.

21 **MS. SHANTONA CHAUDHURY:** Thank you.
22 Mr. Clow?

23 **MR. BRIAN CLOW:** Since the 2021 election, I
24 have been Deputy Chief of Staff. Prior to that, I was
25 Executive Director Issues Management Parliamentary Affairs
26 and Canada/U.S. Relations. And prior to the 2019 election, I
27 was solely focussed on Canada/U.S. relations. I also took
28 unpaid leaves during the last two elections.

1 **MS. SHANTONA CHAUDHURY:** Thank you.

2 Mr. Broadhurst.

3 **MR. JEREMY BROADHURST:** In 2019, I was Chief
4 of Staff to Chrystia Freeland, who was Minister of Foreign
5 Affairs. I went with her to Intergovernmental Affairs and
6 Finance as she moved on.

7 I took unpaid leave absence in 2019 to be the
8 National Campaign Director of the Liberal Party of Canada.
9 And again, in the summer of 2021, to be a senior official on
10 that -- on the Liberal Party campaign team in that election
11 campaign. I then returned to the PMO after that election
12 campaign as a senior advisor.

13 **MS. SHANTONA CHAUDHURY:** Thank you.
14 Witnesses, as you know, one of the topics that this
15 Commission is examining is the flow of information and flow
16 of intelligence.

17 So can I ask you to -- probably this is best
18 addressed to Ms. Telford. Can you explain how the PMO
19 receives intelligence?

20 **MS. KATHERINE TELFORD:** So this has evolved
21 over time due to events, due to different NSIAs, National
22 Security and Intelligence Advisors, but I think it's
23 important to note that throughout members of the Prime
24 Minister's Office's we are consumers of intelligence only,
25 and we receive the intelligence that we do receive, and any
26 briefings associated to that intelligence from the Privy
27 Council Office. They may at times bring in members from
28 other departments or agencies, but they would be the ones

1 making those decisions as to who attends the briefings and
2 putting together the agendas for such briefings, though
3 sometimes we'll ask for things.

4 In addition -- and they will determine
5 whether that's something they can or can't provide. The
6 National Security and Intelligence Advisor reports directly
7 to the Prime Minister, and will also go directly to the Prime
8 Minister and brief him sometimes directly, sometimes directly
9 alongside me, and sometimes alongside other staff.

10 We also receive some paper products. We used
11 to receive more of them on a more regular basis in the early
12 years. And in kind of general terms, I would divide things
13 up into sort of three different periods. One was pre
14 pandemic, then there was the pandemic, and then there has
15 been since the leaks where we've seen significant changes,
16 though there have been some more minor changes over time,
17 just as we've all learned each other a bit.

18 In the earlier days, we received daily,
19 oftentimes daily products, as well as weekly products that
20 would summarise the daily products, and then we would receive
21 specific intelligence on specific events when they arose. So
22 we would get specific briefings on, for example, when the
23 "Two Michaels" were arbitrarily detained, when there was an
24 invasion of Ukraine, and prior to that invasion, when PS752
25 was shot down. There have been a number of instances where
26 we have received briefings on those topics beyond sort of the
27 topical summaries that we would receive.

28 And then in the pandemic period, it obviously

1 became much more complicated, particularly during the strict
2 lockdowns. So we received with far less frequency the paper
3 products, and -- but if something ever needed to get to us
4 there were numerous ways that information could get to us and
5 of course to the Prime Minister. And the National Security
6 and Intelligence Advisor always had ways, including having
7 client relations officers at times come to my home, or going
8 into the office.

9 And then post leaks, we watched the National
10 Security and Intelligence Advisor take further steps to make
11 the processes even more rigorous in terms of tracking
12 information.

13 As well, I would say post pandemic for a
14 variety of reasons, including just events going on in the
15 world and the number of them that involved the need to see
16 intelligence, we see a lot more raw intelligence in these
17 last couple of years than we did in the early years of
18 government.

19 **MS. SHANTONA CHAUDHURY:** And when you say you
20 received more raw intelligence, are you differentiating that
21 from assessed intelligence or ---

22 **MS. KATHERINE TELFORD:** I'm differentiating
23 that from the sort of daily and weekly products, which would
24 be a mixture. Sometimes those products would include open
25 source information. They were summaries of sort of what was
26 going on in the world, though they would sometimes include
27 some intelligence within them as well. But they'd be
28 referenced as opposed to including any source material.

1 **MS. SHANTONA CHAUDHURY:** Okay. And you
2 mentioned that you've been receiving fewer and fewer paper
3 products over time. When you receive paper products are you
4 always able to read them?

5 **MS. KATHERINE TELFORD:** No, because we could
6 only read them in certain places given the classified nature
7 of them. So sometimes, especially if we're on the road for a
8 period of time travelling internationally, or domestically
9 for that matter, or days like today, it's more complicated to
10 follow the daily summaries as they were in those early years.
11 I would be particularly reliant on weekly summaries and
12 sometimes even have to catch up with them with time.

13 But I never relied on those products as a
14 way, and I don't believe anyone did, relied on those products
15 as a way of briefing us on any specific issue. They were
16 more interesting things that were doing on in the world at
17 the time and a way of keeping us abreast of an election, for
18 example, that had happened somewhere in the world and letting
19 us know what it meant in a couple of paragraphs, if that.

20 **MS. SHANTONA CHAUDHURY:** Okay. So you've
21 sort of described these three time periods, pre pandemic,
22 then the pandemic, which changes a lot of things in terms of
23 how information is conveyed generally, and then post leaks.

24 There is one other period that we could talk
25 about which is the caretaker period. So Mr. Travers, I think
26 I'll ask you to address that.

27 **MR. PATRICK TRAVERS:** Absolutely. During an
28 election the government operates with restraint for the

1 convention or the Caretaker Convention, which means that
2 necessary business, it can be routine or urgent, does
3 continue, but everything else is restrained per the election
4 period. There is a scaled down PMO during that time that
5 works closely with PCO for the purpose of supporting the
6 Prime Minister in his role as Prime Minister should the need
7 arise.

8 One of the reasons that I would stay behind
9 is international events and crises are the kinds of things
10 that might require government attention. During that time,
11 there was a limited flow of information that would proceed
12 according to normal procedures, but everything was restrained
13 because of convention.

14 **MS. SHANTONA CHAUDHURY:** Okay. So
15 essentially you receive what is urgent or what would require
16 urgent attention, despite the fact that it's the caretaker
17 period?

18 **MR. PATRICK TRAVERS:** Correct.

19 **MS. SHANTONA CHAUDHURY:** So that's the flow
20 of intel into PMO. Now, once the intelligence comes into
21 PMO, what role, if any, do you play in providing that
22 intelligence to the Prime Minister?

23 **MS. KATHERINE TELFORD:** I'll take first crack
24 at that anyways. The -- as I mentioned earlier, the NSIA can
25 and does brief the Prime Minister directly. We will often
26 look at intelligence that we will see ahead of him, not
27 always but sometimes, and we will ensure in talking to the
28 client relations officer, who will be sitting opposite us as

1 we read the documents, has the Prime Minister seen this
2 document yet, and if not, this is one that we think should go
3 to him. And he will then flag that back to the NSIA if they
4 haven't already flagged that as a document that's going to
5 the Prime Minister.

6 We will also sometimes, though not always,
7 have a briefing with officials that they will request to
8 brief us on something ahead of them meeting with the Prime
9 Minister. I sometimes view it almost as a bit of a pre-brief
10 because they can -- we can sometimes anticipate or at least
11 it gives us first run at what some of the questions might be
12 coming from fresh eyes in our office. And though oftentimes
13 I will get briefed right alongside the Prime Minister and
14 receive documents in concurrence with him.

15 **MS. SHANTONA CHAUDHURY:** Okay.

16 **MR. BRIAN CLOW:** I would just add, the key
17 point we would make is when information needs to get from
18 officials to the Prime Minister it gets to him, and it's not
19 generally through paper. If there's something serious that
20 senior officials, the Clerk, the NSIA, the Director of CSIS,
21 if they want the Prime Minister to know something, they call
22 us, they organize a briefing, they come see us. Some way or
23 another they will tell us that information. If it's of that
24 level of importance, it's not going to be paper alone.

25 **MS. SHANTONA CHAUDHURY:** Okay. And it would
26 generally be the NSIA?

27 **MR. BRIAN CLOW:** NSIA, Clerk, Director of
28 CSIS would be the main three, ---

1 **MS. SHANTONA CHAUDHURY:** The three?

2 **MR. BRIAN CLOW:** --- I would say.

3 **MS. SHANTONA CHAUDHURY:** Okay. Ms. Telford,
4 in your examination -- I'm going to take you back to
5 something you mentioned in your examination, which is that
6 when it comes to intelligence, you've described PMO as having
7 a challenge function with respect to intelligence. Can you
8 explain what you meant by that?

9 **MS. KATHERINE TELFORD:** So as I said at the
10 outset, we are consumers of this information. And so I
11 believe it's our responsibility in seeing it to ask as many
12 questions as we can about it, at times challenge it, we have
13 come across errors at times, and ensure that, you know,
14 appropriate validation has happened. And sometimes we can
15 also bring information and shed light on it that might cause
16 officials to look at something a little differently.

17 **MS. SHANTONA CHAUDHURY:** Okay. Mr. Clerk, if
18 you can just bring up WIT 68, please? This is the interview
19 summary. Or the examination summary, I'm sorry. So scroll
20 down to paragraph 20, please. There we go.

21 So in this section, Ms. Telford, I'm going to
22 take you to sort of two examples of what may be this
23 challenge function. The first one is down at paragraph 23.
24 I think you mentioned here that one context in which PMO
25 requires or receives intelligence is with respect to security
26 clearances for MPs who may wish to be appointed to Cabinet or
27 to -- as Parliamentary Secretaries.

28 Can you elaborate a bit on how the challenge

1 function may play out in that context?

2 **MS. KATHERINE TELFORD:** So in this paragraph,
3 it references -- so MPs go through security clearances,
4 whether it's to be on NSICOP, whether it's become a
5 Parliamentary Secretary, or to become a Minister. And flags
6 will sometimes be raised, and flags can be any number of
7 things. The individual who is going through the clearance
8 process rarely has the opportunity to know what the flags
9 are, or to be able to challenge them, which is where we in
10 particular see a responsibility to ensure that if a
11 politician, an elected official's career is going to be
12 impact, which if flags come up such that they cannot take on
13 a role, it's impacting their career, we need to challenge
14 that and just ensure that there is appropriate and enough
15 kind of validation and substantiated information behind those
16 flags.

17 And there was one instance that's referenced
18 here where there was a mistake made where there was a threat
19 linked to an MP that didn't seem right, and so we asked
20 officials to please go and do whatever work they could to
21 further substantiate that and verify that. And to the credit
22 of the officials involved, they went and they worked through
23 the night and they came to us the next day and reversed their
24 assessment because they had made a mistake in how they were
25 looking at the information, which I think it was really
26 important, because if we had not done that -- and it taught
27 us not to have blind faith in -- or first blush pressed in
28 the information that we would see, because we watched that

1 reversal of the assessment happen and it would have had a
2 significant impact on this person's career.

3 Having said that, I cannot think of a time
4 where we have not deferred, ultimately, to an assessment that
5 is made that hasn't been reversed to any assessment given to
6 us by officials.

7 **MS. SHANTONA CHAUDHURY:** So the role is to
8 question; not to overpower?

9 **MS. KATHERINE TELFORD:** Correct.

10 **MS. SHANTONA CHAUDHURY:** Okay. You mentioned
11 sometimes having to correct intelligence. So I'll just take
12 you to another document which may be an example of this.

13 Mr. Clerk, can you pull up CAN 18009?

14 **--- EXHIBIT No./PIÈCE No. CAN 18009:**

15 Handwritten Notes of B. Clow

16 **MS. SHANTONA CHAUDHURY:** While you're doing
17 that, I'll just pause here. Obviously I should have
18 mentioned this at the outset, but we're obviously talking a
19 lot about -- about a lot of the things in this examination
20 that have classified information behind them, and if ever a
21 question is asked which leads too close to the classified
22 information, you just say that it will and counsel will move
23 on to the next question. It's a protocol that we've
24 developed in the Commission here.

25 So this is skipping very, very, way ahead in
26 technology here, but this -- this is -- I think refers to a
27 meeting that took place on March 19th or 20th.

28 **MR. BRIAN CLOW:** These are my notes from a

1 meeting on March 20th. I wrote the wrong date down. It was
2 the Prime Minister, Director of CSIS, the NSAI, the Clerk,
3 three of us, not Patrick, and you see the word "analyst"
4 because a CSIS analyst was brought in to directly discuss
5 with us a lot of the intelligence.

6 To situate ourselves, this is March 20th,
7 2023. Well after and many months into the media leaks. So
8 this was one example of a briefing and discussion with the
9 Prime Minister where, in this particular meeting, my
10 recollection is there wasn't new information presented. It
11 was a deep dive into a few different topics, including Don
12 Valley North. And it was -- there was a back and forth where
13 we questioned some of what was being told to us. And these
14 notes, if you scroll down, show some of those examples.

15 I'd particularly point out -- if you scroll
16 up a little bit more -- the reference to *Charter* rights as
17 one example. A reference to the Prime Minister identifying
18 no June 2019 meeting is another example.

19 We have to be careful what we get into here.
20 As you can see a lot of this is redacted and we're not able
21 to fully tell the story of what was discussed in this
22 meeting. But *Charter* rights, no June 2019 meeting, there
23 were -- there was specific information presented to us that
24 we believe was wrong. And in the case of the meeting with
25 the Prime Minister, definitely wrong. And so we pointed that
26 out to officials.

27 **MS. SHANTONA CHAUDHURY:** Thank you, Mr.
28 Clerk. You can take that one down. We're going to stay here

1 on the topic of 2019. Actually, before we do that -- well,
2 this is still 2019, but Mr. Clerk, can you pull up CAN004727?
3 And scroll down to page 2, please.

4 --- EXHIBIT No./PIÈCE No. CAN 4727:

5 FW: DIR briefing to PM - Follow-ups

6 **MS. SHANTONA CHAUDHURY:** So this is an
7 internal email between -- well, it's pretty redacted, but
8 unnamed CSIS representatives.

9 And if you scroll down just a little bit
10 more, Mr. Clerk, you'll see what we can see of this exchange
11 here.

12 "PM/PMO commented on [blank] which
13 contains the following comment:
14 [blank]."

15 And then we have something that is attached
16 that had been prepared earlier, but then on feedback from
17 PMO, it appears to have been modified.

18 Does that reflect a change being made
19 pursuant to what we just talked about, to your knowledge?

20 **MR. BRIAN CLOW:** So we only saw this email
21 exchange in the last few weeks in preparation for the
22 appearance here. It does appear to flow from that meeting we
23 just discussed and I am speculating to a certain extent, but
24 it looks like there was a discussion amongst CSIS about the
25 inaccuracies we pointed out in the underlying intelligence.

26 **MS. SHANTONA CHAUDHURY:** That's right. Okay.
27 Thank you. That's -- I realize that it's not your document
28 and that it's fairly redacted here, but I just wanted to draw

1 that link.

2 Thank you, that's enough. Okay. Mr. Clerk,
3 can you now pull up CAN005461, please?

4 --- EXHIBIT No./PIÈCE No. CAN 5461:

5 FI Efforts against Dong Han

6 **MS. SHANTONA CHAUDHURY:** So the next topic
7 that we're addressing here, witnesses, is allegations of
8 irregularities in the DVN nomination race in the 2019
9 election.

10 So what we have here is a document that's
11 been seen in various forms over the last few days in the
12 Commission. And as you know, it represents a briefing that
13 was given to security cleared representatives of the Liberal
14 Party on September 28th, 2019.

15 We know that much has happened. We don't
16 know thus far in the record much about what happened after
17 that.

18 So Mr. Broadhurst, I think you're probably
19 best placed to take us through what unfolded from there?

20 **MR. JEREMY BROADHURST:** Sure. So as you
21 said, there were Liberal Party representatives who were
22 cleared to the secret level as part of the new protocols that
23 were put in place for the 2019 election campaign that allowed
24 intelligence, National Security officials to talk with the
25 parties and highlight possible concerns that would come up.
26 Two individuals from the Liberal Party went and had a meeting
27 with intelligence officials where they were provided with
28 information concerning potential irregularities in -- that

1 took place around the nomination, the Liberal nomination for
2 the seat at Don Valley East -- sorry, North. I was not one
3 of those individuals, but I did have from -- I still had my
4 top-secret clearance that I had as with my job at Foreign
5 Affairs, and we had pre-discussed with security officials
6 that in the event that something like this happened and those
7 cleared Liberal representatives for people to talk to me
8 about it. I -- so I did talk to them. They gave me the
9 information that they had received from the intelligence
10 officials at that meeting.

11 I contacted senior public servants in the PCO
12 to sort of make sure I was understanding the information
13 correctly that had been given to see if there was any
14 additional context or information that they wanted to share,
15 and then I determined that this was something that did need
16 to be brought to the attention of the Prime Minister, and I
17 looked for the earliest opportunity to do that. I believe
18 the briefing had taken place on sort of a Friday during a
19 national campaign. Obviously, the Prime Minister is on the
20 road most days, but he was going to be returning to the
21 national capital region that weekend, and I was able to brief
22 him on the substance of -- that had been shared with us on
23 the Sunday.

24 **MS. SHANTONA CHAUDHURY:** Okay. That was
25 pretty impressive from memory. I'll just ask the clerk to
26 pull up the witness summary again, please. So that would be
27 witness summary 68 and scroll down to paragraph 26. So
28 that's the point in your summary where this issue is

1 discussed, Mr. Broadhurst. So let me ask you this, why did
2 you consider it necessary to brief the PM on this?

3 **MR. JEREMY BROADHURST:** We were being
4 presented with information from intelligence reporting that
5 suggested that there could have been irregularities in the
6 nomination process, the Liberal Party's nomination process
7 for one of our candidates in the general election. That is
8 important enough for me to think that the leader of the party
9 should be aware of them and making determination about if
10 there was any action that he felt it was appropriate to take.
11 I provided him with the information based on the information
12 that we had at that time, and based on what I thought was --
13 should be an extremely high bar for overturning a democratic
14 result, I had recommended to the Prime Minister that no
15 action be taken. I did that after -- in addition to having,
16 you know, received this information from intelligence
17 officials. I made sure that we did a review of our own
18 process to see if Liberal Party officials at the nomination
19 meeting had reported any irregularities. If there had been --
20 -- you know, in these nomination meetings, there is a process
21 for different camps to challenge the legitimacy of voters who
22 present themselves to vote. It's -- I wanted to see if there
23 was an abnormal amount of challenges that were made at that
24 place or if there was any sort of irregularities on that
25 side.

26 We also, within the rules of the Liberal
27 Party, have a process for contestants in a nomination to
28 challenge the validity of the entire meeting. They can -- if

1 they think that there's widespread administrative problems,
2 or, you know, if the meeting was conducted inappropriately,
3 or, you know, anything like that, they have a chance to
4 challenge it. We have a quasi-judicial body within the
5 Liberal Party that would review the evidence and, you know,
6 pass judgment on that, and it has been used a number of times
7 over the years. No one brought any such challenge in this
8 case. There were no abnormal amount of challenges. There
9 were no irregularities cited. We talked to the experienced
10 Liberal Party volunteer who ran the meeting to see if there
11 was anything out of the usual. It was a hotly contested
12 nomination. It was busy, but there was nothing that stood
13 out as abnormal, irregular or out of sort.

14 So based on that and based on the fact that,
15 at this point, there was intelligence reporting but there was
16 no -- there were a lot of gaps and questions that remained,
17 and, you know, hundreds of people have come out to express
18 their democratic will, I thought that the bar for overturning
19 that, especially since we would have no means to discuss
20 anything, as it was based on intelligence reporting, that
21 that bar should be extremely high. And so I made that
22 recommendation to the Prime Minister while presenting
23 everything that we had learned on that and he decided at that
24 time that there was no action for him to take. And,
25 obviously, we knew we would be hearing more about this if
26 there was more -- there was going to be more intelligence
27 reporting, but at that time, there was nothing to do.

28 And I should also point out that intelligence

1 officials as they had provided the information, at no point
2 did they make a recommendation. They wanted us to be aware
3 that this allegation was out there, but they weren't making a
4 recommendation that the party should do anything. They
5 weren't advising that the Prime Minister should take any
6 specific actions. They just wanted us to have the
7 information that they had at that time.

8 **MS. SHANTONA CHAUDHURY:** Is that something
9 that you would have expected them to do the intelligence
10 agencies?

11 **MR. JEREMY BROADHURST:** So this was a new
12 process. Obviously, it had never happened before. It was
13 something that our government had put in place to try to
14 address the growing concerns around foreign interference that
15 were taking place around the world, and wanted -- we wanted a
16 mechanism where there could be an interaction between
17 political parties and intelligence national security
18 officials. So it was a brand new process. It was a little
19 bit difficult -- or it was, you know, we didn't know how it
20 was going to play out, but it would have been very, very
21 surprising to me, and I'd been somewhat welded in, you know,
22 some of the work around the creation of this, it would have
23 been very surprising to me if intelligence officials had felt
24 it was their place to advise a party about whether or not to
25 drop candidates on something. This -- that was not set up to
26 be a vetting process for parties. This was meant to be an
27 information exchange and parties -- you know, it's not the
28 place of intelligence officials to make that kind of

1 recommendation. And I think I -- you know, from the director
2 of CSIS on that and many people would agree with that
3 assessment or have agreed publicly with that assessment.

4 **MS. SHANTONA CHAUDHURY:** Okay. So let's
5 leave 2019 now, and I appreciate that we're flying ---

6 **COMMISSIONER HOGUE:** Sorry, one question.

7 **MS. SHANTONA CHAUDHURY:** Oh ---

8 **COMMISSIONER HOGUE:** No, it's okay. You just
9 said that there were gaps actually that were remaining at the
10 time. Did you ask anyone to look more deeply into the issue
11 at the time?

12 **MR. JEREMY BROADHURST:** When I consulted with
13 the security officials after the briefing that the party rep
14 said I wanted to try to get an understanding of, you know --
15 this was reporting that -- an allegation that there was
16 perhaps a plan to do something. And so I asked if there were
17 specifics, you know, I think there's enough data to be able
18 to say that -- I mean, this was about, you know, whether or
19 not some people who shouldn't have been able to vote in the
20 nomination were bussed to the nomination and voted illegally.
21 I asked for, you know, were there evidence of the buses?
22 Were there people -- were there names that they could point
23 us to, to help evaluate whether or not -- that, you know that
24 we had inappropriate -- you know, people who were not
25 otherwise allowed to vote, vote.

26 At that time, I was not provided with any
27 such information. And, you know, I could understand that.
28 That intelligence reporting is not -- was not being presented

1 to us as an indictment. It was not being presented to us as
2 here's the truth. It was just this allegation exists. It
3 has enough credibility that we're sharing it with you, but we
4 can't point to, you know, here's a voter that voted
5 illegally. They couldn't point to a picture of a bus that
6 had showed up and said, "That's the bus we're talking about.
7 Anybody on that bus was a problem." So this was, at that
8 moment in time, this is what could have been shared with us,
9 and we did our best to sort of assess whether we could,
10 because of that information, see -- sorry, see something
11 inappropriate and we could not.

12 **COMMISSIONER HOGUE:** Okay. But just to make
13 sure I understand your ---

14 **MR. JEREMY BROADHURST:** Sure. Sorry.

15 **COMMISSIONER HOGUE:** --- answer properly, I
16 gather that your -- you had not ask anyone to check any of
17 these things at that point in time? You just ---

18 **MR. JEREMY BROADHURST:** No, no ---

19 **COMMISSIONER HOGUE:** --- receive the
20 information. You ---

21 **MR. JEREMY BROADHURST:** Correct.

22 **COMMISSIONER HOGUE:** --- use it to inform the
23 Prime Minister, but you didn't ask for any additional
24 information at this point.

25 **MR. JEREMY BROADHURST:** I did not, no. And
26 beyond sort of pushing to see if there was more that could be
27 provided, as -- at that point as a -- somebody running a
28 national political campaign, it would have been, I think,

1 inappropriate for me to give direction to public servants on
2 how they should do their job.

3 **COMMISSIONER HOGUE:** Okay. But you didn't
4 ask neither anybody within your Party to do that.

5 **MR. JEREMY BROADHURST:** We examined our own
6 nomination process to see like with this information in mind
7 whether anything stood out as irregular. And based on that
8 review, we saw nothing that stood out as irregular.

9 And having done a lot of these nominations,
10 you do sometimes see irregularities, and -- but it's -- you
11 know, at the end of the day, there's a limit to what the
12 Party can do. We're not a forensic organization, right.

13 We reviewed the conduct of the meeting, we
14 reviewed whether or not there had been complaints about the
15 meeting. At that point, you know, without more specifics, I
16 did not feel there was anything the party could do.

17 **COMMISSIONER HOGUE:** Okay. Thank you.

18 **MS. SHANTONA CHAUDHURY:** So just so that's
19 completely clear for the record, you did ask questions at the
20 time within the Party ---

21 **MR. JEREMY BROADHURST:** Absolutely.

22 **MS. SHANTONA CHAUDHURY:** --- but you did not
23 ask for further intelligence.

24 **MR. JEREMY BROADHURST:** Correct.

25 **MS. SHANTONA CHAUDHURY:** Okay.

26 **MR. JEREMY BROADHURST:** No, I had asked the
27 intelligence officials whether there was anything more that
28 could be shared at this time, and there was not. I felt we

1 took every step we could at the Party's end, bearing in mind
2 I was under an obligation not to reveal to anybody else,
3 including the people I was asking questions of, the subject
4 matter of the intelligence reports. So I could only ask
5 general questions about the conduct of the meetings, but I
6 was satisfied from those answers that there was no alarming
7 event that suddenly made sense in light of these intelligence
8 reports.

9 **MS. SHANTONA CHAUDHURY:** So now let's leave
10 2019 -- a few minutes off schedule, but that's fine -- and
11 move to 2021.

12 So Mr. Clerk, I'll ask you to pull up CAN
13 001082.

14 So this is a similar-looking document. So
15 this is a briefing that was given to the security cleared
16 Liberal Party representatives in 2021. I believe the day of
17 the briefing was around September 12th, 2021.

18 Mr. Broadhurst, again, I think you're
19 probably best placed to tell us what you are able to tell us
20 based on the materials that are available in this forum what
21 happened there.

22 **MR. JEREMY BROADHURST:** So this was, again,
23 part of the similar process that had been set up that allowed
24 intelligence officials to reveal certain intelligence
25 reporting to political parties during an election campaign.
26 In this case, a foreign interference matter was brought to
27 the attention of the Liberal Party.

28 There was no action required. There was no

1 action requested or follow-up requested. And this was very -
2 - this was very late in the campaign. I think this document
3 is dated September 11. The election date itself was
4 September 20th.

5 **MS. SHANTONA CHAUDHURY:** Sorry, Mr.
6 Broadhurst. I'm just going to stop you there ---

7 **MR. JEREMY BROADHURST:** Yes.

8 **MS. SHANTONA CHAUDHURY:** --- and ask the
9 clerk to scroll down a little bit so we can see a little bit
10 more of what is on this document.

11 There's not much, but just for the record.

12 Thank you. Please go on.

13 **MR. JEREMY BROADHURST:** So in this case, as
14 this was information -- really, a briefing of information
15 that had no need for follow-up at that time, I -- had the
16 Prime Minister been accessible to me in that final week, I
17 would have shared this information to him, but he was on the
18 road for the entire week. The end of a campaign is a -- what
19 we sometimes refer to as a sprint, multiple cities over the
20 course of the final days.

21 I looked logistically to see if there was a
22 way that we could, you know, carve out some time for us to
23 talk. It did not seem to be, so I made the determination
24 that I would share this information post-election day at the
25 earliest convenience, which was done.

26 **MS. SHANTONA CHAUDHURY:** Okay. So you did
27 not advise the PM of this during the election, but you did so
28 after.

1 Okay. Just looking at the part of this
2 document that's up on the screen right now where it says:

3 "Importantly, we regret to have to
4 inform you of this activity and
5 understand the difficulties
6 associated with the limitations on
7 what you can do with it. It's being
8 provided for awareness based on your
9 judgment."

10 I'm wondering if you can comment a little bit
11 on that paragraph and what it means to you when you receive
12 this kind of information.

13 **MR. JEREMY BROADHURST:** Well, I think that,
14 again in this process, which even in 2021, while it had been
15 in the second -- this was its second general election, was
16 still relatively new. There were sort of efforts made, I
17 think appropriately, by the intelligence community to try to
18 help the parties understand why the information was being
19 given and then the limitations with which those
20 representatives -- what they could do with that information
21 given that it was based on intelligence reporting that
22 normally would not be generally provided to the public.

23 And so I think this paragraph -- I mean, it's
24 a little bit difficult with the redactions, but I think this
25 is just sort of saying from the intelligence community, over
26 to you, but remember the restrictions that are involved here.
27 We are not giving you any recommendations. This is on your
28 judgment.

1 **MS. SHANTONA CHAUDHURY:** Thank you, Mr.
2 Clerk. You can take that one down.

3 So I'm going to take you to a couple of
4 incidents from the -- I call it incidents, but things that
5 happened in the 2021 elections for which there have been
6 topical summaries provided to the Commission. And so we'll
7 do this with reference to those specific topical summaries.

8 The first one is CAN.SUM 4, please.

9 So this document describes a number of,
10 again, incidents or allegations of mis and disinformation
11 about the Conservative Party, its leader, Erin O'Toole, and
12 MP candidate Kenny Chiu.

13 My question at this point is, is this
14 something that you were aware of during the 2021 election?

15 **MR. JEREMY BROADHURST:** During the 2021
16 election, I was not aware of allegations of, you know, any
17 kind of foreign -- like any foreign state propagating this
18 kind of misinformation or disinformation.

19 I would say, however, that the topic of the
20 Conservative Party of Canada's electoral platform
21 specifically as it related to China was a widely-discussed
22 topic from a year before the campaign, throughout the
23 campaign and its impact and its -- and how it was being
24 received specifically by the Canadian Chinese communities
25 across the country and the impact it was -- you know, that
26 people were theorizing about what it would have on the
27 election campaign, that was a well-known and public debate
28 that was happening and that was -- we were observing having

1 significant impact on the electorate.

2 **MS. SHANTONA CHAUDHURY:** Okay. Mr. Clerk,
3 you can take that one down and now pull up -- oh, I'm sorry,
4 Mr. Clow.

5 **MR. BRIAN CLOW:** To answer your question, we
6 learned about the Conservative claims almost immediately
7 after the election because they made them public.

8 But I do want to scroll down to the bottom of
9 that page because I think there's a really important point
10 here.

11 So this is from the intelligence community,
12 from CSIS, and the facts matter here. There's a lot of
13 people claiming that this disinformation is -- alleged
14 disinformation is confirmed to come from the PRC, but this
15 document at the very bottom says, "No PRC state direction of
16 the incident was detected or reported." And I think that's
17 an important fact that is understood by observers.

18 **MR. JEREMY BROADHURST:** And the controversy
19 around the policy proposals of the Conservative Party of
20 Canada were playing out in mainstream media. There were
21 think pieces being published. There were, in some cases,
22 Conservative Party sources were contributing to the pieces,
23 saying this is actually going to be a positive electoral
24 move, but it was -- it just -- it is not something that was
25 contained only within, you know, whether it's WeChat or
26 certain English language Chinese media, this was a very, I
27 would call it a very central element of the 2021 election
28 campaign.

1 **MS. SHANTONA CHAUDHURY:** Any further comments
2 before I pull up the next one?

3 **MR. JEREMY BROADHURST:** I'll leave it at that
4 for now, I think.

5 **MS. SHANTONA CHAUDHURY:** Okay.

6 So Mr. Clerk, can you please pull up
7 CAN.SUM 13. Scroll down a little bit, please, until we get
8 to -- past the page of very important caveats.

9 So here we have -- this one is titled,
10 essentially, PRC Expressed Partisan Preferences in the 2019
11 and 2021 General Elections. We see it at paragraph 3 there,
12 it talks about in 2019, certain PRC officials expressing
13 political preferences, and describes them as:

14 "...party agnostic and opportunistic
15 at a riding level."

16 If we go down to paragraph 4, it says:

17 "In 2021, there was reporting that
18 some individual PRC officials in
19 Canada made comments expressing a
20 preference for a Liberal Party
21 minority government."

22 So again, my question to you is, is this
23 something of which you were aware during the 2021 election?

24 **MS. KATHERINE TELFORD:** We were not. And I
25 would just go further to say it was surprising to us when we
26 were learning this much, much later this -- that this
27 intelligence existed, given the state of relations between
28 the two countries at the time going into both of those writ

1 periods.

2 And Patrick, of course, was dealing the
3 closest with it, but we were all actively working on trying
4 to get the Two Michaels home to Canada. We were rallying
5 countries around the world to show up alongside Canada in
6 courthouses in China to -- in support of the Two Michaels who
7 had been arbitrarily detained. So it didn't add up for us
8 when we did see this as something we would've conceived of at
9 the time.

10 I don't know if you want to add anything,
11 Patrick.

12 **MR. PATRICK TRAVERS:** No. As the Senior
13 Global Affairs Advisor, I would have been very surprised to
14 see this. As Katie has said, we were in the middle of a
15 widespread global campaign to get the Two Michaels home and
16 to deal with China's behaviour. Relationship was very tense,
17 and rightly so because we were defending Canadians. So this
18 would have been very surprising.

19 **MS. SHANTONA CHAUDHURY:** You mentioned, Ms. -
20 - oh, I'm sorry. Mr. Broadhurst?

21 **MR. JEREMY BROADHURST:** Sorry. I was just
22 going to say, I think it is worth noting also, seeing the
23 language of the summary, we're talking about PRC officials in
24 Canada. That's what it is limited to in terms of this
25 summary.

26 **MS. SHANTONA CHAUDHURY:** Correct.

27 Ms. Telford, you mentioned that when you
28 learned of this much, much later, are you able to say when

1 you learned of this?

2 **MS. KATHERINE TELFORD:** I believe this was
3 after the leaks. This was one of the many things ---

4 **MR. BRIAN CLOW:** It's when it was first
5 reported in the media.

6 **MS. SHANTONA CHAUDHURY:** Okay.

7 **MR. PATRICK TRAVERS:** Then there were further
8 discussions.

9 **MS. SHANTONA CHAUDHURY:** Okay. Thank you.
10 Mr. Clerk, you can take that one down now.

11 So we're going now to some specific briefings
12 on foreign interference that were given, I think we can say,
13 before the leaks and then after the leaks.

14 So starting just with, this probably won't
15 take very long, CAN 10803.

16 **--- EXHIBIT No./PIÈCE No. CAN 10803:**

17 Handwritten Notes of K. Telford

18 **MS. SHANTONA CHAUDHURY:** So scroll down a
19 little bit until we can see some text.

20 Ms. Telford, I believe these are your notes.
21 Are you able to, A, tell us the approximate date of that --
22 of these notes and what they would have been about?

23 **MS. KATHERINE TELFORD:** It -- we believe they
24 were from 2018, a briefing with Minister Gould, who was
25 working on the whole of government plan to protect our
26 democracy, which led to the creation of the Panel and SITE
27 and many more measures, actually. And yes, that's a scribble
28 on the left that says that there were four women and seven

1 men in the room because I used to track that in meetings.

2 **MS. SHANTONA CHAUDHURY:** Okay. And sorry,
3 just -- you said you believe that, so I take it from that you
4 don't recall this meeting specifically.

5 **MS. KATHERINE TELFORD:** I do not.

6 **MS. SHANTONA CHAUDHURY:** You can take that
7 one down. Thank you, Mr. Clerk. The next one is CAN.DOC 13,
8 please. Apparently it's not. It is -- oh, no, I'm sorry.
9 We don't have notes for this one, it's just referred to at
10 page 9 of this briefing.

11 So this is a briefing that took place.

12 If you can scroll down to page 9, you'll see
13 the little notation I was talking about.

14 A briefing that took place on February 9th,
15 2021. So Mr. Travers, I believe you were at that briefing?

16 **MR. PATRICK TRAVERS:** I was.

17 **MS. SHANTONA CHAUDHURY:** And Ms. Telford as
18 well?

19 **MR. PATRICK TRAVERS:** It wasn't uncommon at
20 that point that the Prime Minister would be getting thematic
21 briefings on important topics in the national security space.
22 My recollection of the briefing is that it was a broad
23 discussion of the status of foreign interference. It covered
24 a range of states. It also covered a range of tactics that
25 they employ with respect to foreign interference. And I
26 remember that Don Valley North was raised as an example. It
27 was a very broad update on foreign interference.

28 **MS. SHANTONA CHAUDHURY:** Okay.

1 You can take that one down, Mr. Clerk. The
2 next one, so the document I'm going to ask you to pull up,
3 Mr. Clerk, is CAN 017998.

4 **--- EXHIBIT No./PIÈCE No. CAN 17998:**

5 Handwritten Notes of B. Clow &
6 Meeting Invitation

7 **MS. SHANTONA CHAUDHURY:** And Witnesses, to
8 situate you, this a meeting or a series of meetings that took
9 place in the fall of 2022. So we've heard some evidence on
10 this already from the Clerk of the Privy Council, and she
11 explained that there were actually three separate meetings.
12 One was on September 13th between officials, and then there
13 was a September 28th briefing to PMO, and that was followed
14 by an October 27th briefing to the Prime Minister.

15 So the document I've pulled up now is --
16 again, I think these are your notes, Mr. Clow ---

17 **MR. BRIAN CLOW:** Yes.

18 **MS. SHANTONA CHAUDHURY:** --- from this
19 meeting on September 28th. So I'll ask you to take us
20 through them. Who was present? What was it about?

21 **MR. BRIAN CLOW:** So I'll start by saying I
22 said earlier when officials want us or the Prime Minister to
23 be aware of something they deem of a significant level they
24 cause a briefing to happen or they otherwise will come and
25 talk to us. This is an example of that.

26 So a few days before September 28th in 2022,
27 officials reached out through the office of the NSIA,
28 specifically to me and Patrick, and said, "We want to talk to

1 you and inform you of a few foreign interference related
2 situations."

3 The first example, which we can actually talk
4 about, it's here unredacted. There were -- so the first item
5 they walked us through there were a series of invitations
6 issued from the Chinese Ambassador to Canada to several
7 ministers to have a meeting in Montreal. The meeting was --
8 were proposed to take place at a business, so it would have
9 been the business, the Chinese Ambassador, and the ministers.

10 CSIS became aware of this, and informed us
11 that they would be approaching the ministers and cautioning
12 them that this is Chinese tradecraft. This is the type of
13 thing that they might do to try to get a person in a
14 comfortable environment.

15 So they told us about this. We said and we
16 asked, "What are you proposing to do about it?". They told
17 us they would be communicating with the ministers. My
18 understanding is, and I obtained this knowledge very
19 recently, the meetings never happened and I don't believe
20 they were going to happen. But this is an example of the
21 type of thing they would inform us of.

22 The rest of the meeting, which I'm not able
23 to get into specifics about, was also foreign interference
24 related, but it was not federal foreign interference related.

25 **MS. SHANTONA CHAUDHURY:** That's helpful.

26 Thank you, Mr. Clerk. You can take that one
27 down and then we'll just pull up, briefly, CAN 015842.

28 So these we understand to be briefing notes

1 that were prepared for the CSIS Director for the meeting of
2 October 27th, 2022, which was a briefing at this point then
3 to the Prime Minister.

4 And if you can just scroll down again quite
5 quickly.

6 Again, we heard some evidence from the Clerk
7 on this this morning, but having looked at this document, and
8 I assume you've reviewed it before as I'm scrolling through
9 it right here, but does this represent your recollection of
10 what took place at that meeting?

11 **MR. BRIAN CLOW:** So the short answer is no.
12 These bullet points, which we only saw in -- again, in
13 preparation for the appearance here, have very little
14 resemblance to what the Prime Minister was told in that
15 briefing of October 27th. Some of the topics in that
16 October 27th briefing matched the briefing that Patrick and I
17 received in late September, a month earlier. As I said,
18 these were not federal election foreign interference related.

19 So the answer's no, a lot of this information
20 was not specifically presented to the Prime Minister in that
21 briefing.

22 **MR. JEREMY BROADHURST:** I think it's worth
23 noting, I mean, just the format of this note and everything,
24 I mean this is not what an assessed intelligence briefing
25 note looks like; right? These are talking points that
26 haven't gone through any kind of vetting process. They
27 haven't gone through any sign off or approval process. These
28 types of -- this stuff has never been said to us, so whoever

1 these were being prepared for, they chose not to read them or
2 follow them, and we've never heard language like the stuff
3 that is in this document. So for what it's worth.

4 **MS. SHANTONA CHAUDHURY:** Okay.

5 **COMMISSIONER HOGUE:** Okay. Can you go back
6 at the top, please? I just want to see. Okay. Thank you.

7 **MS. SHANTONA CHAUDHURY:** Mr. Clerk, the next
8 one I'd like to look at briefly is CAN4079. So if we can
9 scroll through that one, sort of slowly so that the witnesses
10 can process it?

11 This one also seems to be a document relating
12 to the briefing that took place that date. Are you able to
13 say whether this represents information that you believe was
14 conveyed on October 27th?

15 **MR. BRIAN CLOW:** Generally speaking, this
16 does not resemble what the Prime Minister was told on the
17 27th.

18 **MS. SHANTONA CHAUDHURY:** Okay.

19 **MR. BRIAN CLOW:** Yes, China was very much a
20 part of that briefing, but not the specific information
21 you're seeing here.

22 **MS. SHANTONA CHAUDHURY:** Okay. Then the last
23 document we'll pull up on this topic is CAN009803.

24 **--- EXHIBIT No./PIÈCE No. CAN 9803:**

25 Handwritten Notes of K. Telford

26 **MS. SHANTONA CHAUDHURY:** So again, these are
27 some handwritten notes. And this time I believe they're your
28 notes, Ms. Telford?

1 **MS. KATHERINE TELFORD:** They are.

2 **MS. SHANTONA CHAUDHURY:** Okay. What can you
3 tell us about what you may have been writing or trying to
4 write in these notes?

5 **MS. KATHERINE TELFORD:** So the parts of this
6 that I do recollect and can expand on, I think, you know, to
7 the right, you can see that I'm referencing that there were
8 three different cases that were being discussed. And the
9 "bragging is not doing" was a source of some conversation,
10 that you can have intelligence where someone might be saying
11 that they're doing something, which doesn't actually mean
12 that they have done it, was something that we were being
13 briefed on and had some conversation around.

14 We were obviously talking about the threshold
15 for interference as well in any number of things that we were
16 talking about. We already talked earlier about how there can
17 sometimes be incorrect analysis or intelligence that we see.

18 But to be honest, I can't put it all
19 together, both because of the classified nature of the
20 briefing, but also because I am not entirely certain what I
21 have down there.

22 **MS. SHANTONA CHAUDHURY:** Okay. And the line
23 that says, "amplifying CPC narrative", do you have any
24 recollection of what that may have been about?

25 **MS. KATHERINE TELFORD:** Not really. Looking
26 back and putting it together with some of the other
27 information that we have from -- including Mr. Clow's notes,
28 I believe it -- I'm actually referring to the Chinese

1 Communist Party there.

2 **MS. SHANTONA CHAUDHURY:** So the CCP ---

3 **MS. KATHERINE TELFORD:** It could be. Yes.

4 **MS. SHANTONA CHAUDHURY:** Okay. So we can
5 take that one down.

6 And now we're going to move into some
7 briefings that happened in the post-leak period. I'm sure
8 there were a number, but we'll only go through a few of them.

9 So the first one, Mr. Clerk, I'll ask you to
10 bring up CAN004495.

11 The date of this briefing or meeting is
12 February 21st, 2023, I believe.

13 And once again, I'll ask you to go through it
14 fairly quickly so the witnesses get an idea what the document
15 is about, and then I'm going to pull up another one.

16 Okay. I think we can probably take that one
17 down now. And I'll ask you to pull up CAN017675.

18 **--- EXHIBIT No./PIÈCE No. CAN 17675:**

19 Handwritten Notes of B. Clow &
20 Meeting Invitation

21 **MS. SHANTONA CHAUDHURY:** And scroll down to
22 the second page of that document.

23 So here we go. I think, Mr. Clow, these are,
24 again, your notes. And they're from this meeting that
25 happened on February 23rd, 2023. And given that they are
26 your notes, I'll ask you to take us through them in some
27 detail.

28 **MR. BRIAN CLOW:** So to situate ourselves

1 again, this is -- the media leaks are well underway at this
2 point. The Globe and Mail had a very big story just a few
3 days before that.

4 So similar to the March 2023 meeting where
5 officials met with the Prime Minister to do a deep dive on
6 what had appeared in the media, this was the staff version of
7 that. So Jeremy and I had been approached by the NSIA, we
8 met with the NSIA, we met with the Director of CSIS, and we
9 talked through what had appeared in the media and additional
10 intelligence.

11 Again, there are no recommendations here.
12 There was no really new information here, but we discussed
13 things like what was true, what was not in the media, how --
14 we looked at the flow of information. You'll see some notes
15 at the bottom here. JT is Jody Thomas.

16 "will do better on flagging [...] what
17 should be read."

18 There's an acknowledgement very much so at
19 this point that given a whole bunch of information is
20 appearing in the media that we had not seen, that's obviously
21 something that was being considered and looked at.

22 I'll point out:

23 "DV - did not make that advice, would
24 never have."

25 That, I believe, is a reference to the
26 Director of CSIS stating that he made no recommendation --
27 CSIS made no recommendation in the Don Valley North situation
28 when it presented information to the Liberal Party in 2019.

1 But again, you see here what type of meeting
2 this was. Jody Thomas, in that discussion, I wrote down
3 we're:

4 "examining policy advice on whether
5 to recommend to pol[itical] leaders
6 to take action."

7 There was no decision in that meeting. It
8 was that type of discussion and reflection was going on.

9 What I will add in relation to the speaking
10 points that you just showed and which became a big news story
11 here in Ottawa yesterday, once again, most of the information
12 in that document was not -- that briefing note which was for
13 the CSIS Director, most of what was in that document was not
14 relayed to us in that meeting, particularly the very stark
15 conclusions at the bottom of the document. So it again
16 speaks to a briefing note presented to somebody who is
17 briefing us does not necessarily mean that the person
18 briefing chooses to actually relay that information.

19 **MR. JEREMY BROADHURST:** Could I add just one
20 thing? I mean, at the time the leaks were happening, I mean,
21 what happens with the leaks is that pieces of intelligence
22 were again sort of taken out of context and put out there.
23 That was happening for us in the same way that it was
24 happening for the general public. We were learning things in
25 these leaks. We wanted to try to work with the intelligence
26 agencies to recreate the mosaic of information that usually
27 surrounds intelligence, other pieces of intelligence,
28 context, and the sources, all that kind of stuff, to

1 understand what's the full story, what's the full picture
2 that we can have here? You don't get that with the leak.

3 And, I mean, the speaking points, I mean,
4 it's like they're -- I'm not sure why they would have been
5 prepared for this meeting, because this meeting was always
6 supposed to be about the intelligence officials working with
7 us to help us better understand the context of the
8 information that was now out in public. That context which,
9 of course, wasn't included in the leaks, but, you know, it
10 was the only way to sort of properly understand it.

11 **MS. SHANTONA CHAUDHURY:** Okay. And if we can
12 just scroll down to the rest of that document so it's up on
13 the screen?

14 Sorry, Mr. Clow, did I interrupt you? You
15 were about to say something?

16 **MR. BRIAN CLOW:** I was going to make a point
17 about another note, but I'm happy to speak about this one as
18 well.

19 **MS. SHANTONA CHAUDHURY:** Okay. There's just
20 the last paragraph that we didn't touch here. Mr. Clow, can
21 you give us your recollection of I believe what Mr. Vigneault
22 was -- had said there?

23 **MR. BRIAN CLOW:** So because in this meeting,
24 amongst other meetings, we were digging into what was in the
25 media, my recollection is this is the CSIS Director
26 confirming that the allegations about 11 candidates had not
27 been briefed up to a certain level until media began asking
28 questions about it.

1 And similarly, if you scroll back up, there's
2 a confirmation from the CSIS Director where it starts with
3 250,000. There was a lot of media reporting that either said
4 or implied that \$250,000 went directly to candidates, and the
5 CSIS Director confirmed there -- it had already been
6 confirmed to us, but confirmed once again, there was no
7 conclusion of that by CSIS.

8 **MS. SHANTONA CHAUDHURY:** Okay. I think
9 that's probably good for that document.

10 The next briefing I was going to take you to
11 was March 20th, but I think we covered it earlier on in a
12 different context talking about the challenge function, so
13 let's go to March 28th. Mr. Clerk, that's CAN 017672.

14 Oh, we seem to be missing a CAN 017672.
15 Should we take a minute? I do want to bring this document
16 up, so let's just take a minute and make sure that the clerk
17 has the document.

18 **COMMISSIONER HOGUE:** We'll go to ---

19 **MS. SHANTONA CHAUDHURY:** Just probably in one
20 minute. Thank you.

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

23 This hearing will be recessed for five
24 minutes.

25 --- Upon recessing at 3:25 p.m./

26 --- La séance est suspendue à 15 h 25

27 --- Upon resuming at 3:32 p.m./

28 --- La séance est reprise à 15 h 32

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

3 This sitting of the Foreign Interference
4 Commission is back in session. Cette séance de la Commission
5 sur l'ingérence étrangère a repris.

6 --- MS. KATHERINE TELFORD, Resumed/ Sous la même affirmation:

7 --- MR. JEREMY BROADHURST, Resumed/ Sous la même affirmation:

8 --- MR. BRIAN CHOW, Resumed/ Sous la même affirmation:

9 --- MS. PATRICIA TRAVERS, Resumed/ Sous la même affirmation:

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

11 MS. SHANTONA CHAUDHURY (cont'd/suite):

12 **COMMISSIONER HOGUE:** The lost document has
13 been found?

14 **MS. SHANTONA CHAUDHURY:** It has been.
15 Apologies, Commissioner, you can dock that from my time.

16 So the document -- actually, there's two, so
17 I'll ask you to bring up the first one, Mr. Clerk, and then
18 I'll ask you to bring up the second one in short succession.
19 So the first one is 19497, please.

20 --- EXHIBIT No./PIÈCE No. CAN 19497:

21 Handwritten Notes of B. Clow

22 **MS. SHANTONA CHAUDHURY:** Okay. So you'll see
23 there a textbox that says,

24 "Briefing on intelligence report
25 relating to allegations in media that
26 Han Dong advised the PRC to extend the
27 detention of the "Two Michaels"

28 That's a summary of the intelligence that was

1 redacted on that page. Then, Mr. Clerk, the next one is
2 19498.

3 --- EXHIBIT No./PIÈCE No. CAN 19498:

4 Handwritten Notes of B. Clow

5 **MS. SHANTONA CHAUDHURY:** So, again, these are
6 pages from Mr. Clow's notebook, and that document when it's
7 pulled up will show some notes taken that day.

8 So, Mr. Clow, I'll ask you to again explain
9 what the discussion being had here was, and in particular,
10 the lines that refer to want CSIS not to have final say, need
11 to understand, and then options to declassify.

12 **MR. BRIAN CLOW:** So the first document you
13 showed entirely redacted were my notes of reviewing the so-
14 called transcript of the conversation between Han Dong about
15 which included the very significant and explosive allegation
16 that Han Dong had asked a Chinese official to delay the
17 release of the Two Michaels. Media started asking us about
18 that in late February, early March 2023. We immediately
19 tried to figure out what the facts were. I will point out,
20 once again, we had not heard about this until the media began
21 asking questions. Here, this is now a month later, when
22 after the story had been published, and Han Dong has stepped
23 aside to clear his name, and we had a number of conversations
24 about how we can get the truth out about this document, so
25 that it could be known that Han Dong did not actually
26 advocate for the delay of the release of the Two Michaels.
27 So when you see me say options to declassify, it's because we
28 were having a discussion. I don't specifically remember who

1 was in the meeting, but the NSIA was certainly there. We are
2 asking ourselves and officials are also asking, is there a
3 way to put this information out in the public. At this time,
4 the conclusion was, no, this -- it's -- it cannot be made
5 public, so we couldn't actually in a clear way defend Han
6 Dong against this allegation, which was wrong.

7 Want CSIS to not have final say, again, it's
8 the same version -- a version of the same thing that if a
9 document is leaked to the media, it appears in the news, that
10 can't be the last word. There should be a way to get more
11 facts out so a person can defend themselves and so Canadians
12 can know the truth. So that's what these notes reflect.

13 **COMMISSIONER HOGUE:** Pardon me. Just has
14 been briefed. To whom did you refer?

15 **MR. BRIAN CLOW:** I'm not sure what that
16 refers to.

17 **COMMISSIONER HOGUE:** And just at the top, is
18 it David, David that ---

19 **MR. BRIAN CLOW:** I'm also not sure. Clearly,
20 I'm writing these notes very quickly. It could be David
21 McGuinty. It could be David Morrison. Those are -- David
22 McGuinty is chair of NSICOP, David Morrison as former NSIA
23 and at that point Deputy Minister of Foreign Affairs. It
24 could be that we were wanting to discuss with one or both of
25 them, but I am speculating. At this point, I don't remember.

26 **COMMISSIONER HOGUE:** And you don't recall
27 whether there have been any discussion about David? No?

28 **MR. BRIAN CLOW:** I don't. I don't recall

1 what that refers to.

2 **COMMISSIONER HOGUE:** And you don't know
3 neither if has been briefed refer to David?

4 **MR. BRIAN CLOW:** I don't. I don't recall.

5 **COMMISSIONER HOGUE:** Okay. Thank you.

6 **MS. SHANTONA CHAUDHURY:** Mr. Clerk, you can
7 take that one down and pull up CAN 017676. So this is the
8 last document I'll be asking you about today. It -- these
9 are notes from a meeting that happened on May 18th, 2023.
10 Mr. Clerk, if you can just scroll down to the page where we
11 can see things? Okay. There we go. So we heard some
12 evidence again from the clerk this morning about this
13 meeting, but, Mr. Clow, these are your notes, so I'll again
14 ask you to go through them and help the Commission
15 understand, in our remaining, I think it's about three
16 minutes, what was going on in this meeting, who was there and
17 what was being said and why?

18 **Mr. BRIAN CLOW:** So this is a similar kind of
19 meeting to earlier meetings I talked about, well after the
20 media leaks and media stories. This meeting specifically was
21 for several Ministers; you see Minister Blair, Leblanc, Joly,
22 and Mendicino. The Prime Minister wanted to -- he and Lee
23 were getting frequent updates on what was appearing in the
24 media, what was true, what was not true. And Prime Minister
25 wanted to ensure those four Ministers were also just as up to
26 speed as we were. All of them were to significant extent,
27 but so much information was coming out so fast, this meeting
28 was organized to go through many of the different allegations

1 that were in the media.

2 **MS. SHANTONA CHAUDHURY:** Okay. So I think
3 we'll see here around the middle of the page, "Indian FI in
4 2019," something, something, "some" and "opportunistic"
5 "Pakistani - some in 2019," and then "Russia, Iran."

6 And then the next part says, "No threats of
7 physical harm to MPs or families, would cross line." Then
8 there's a part about -- and again, this seems to be referring
9 to the PRC's potential partisan preferences.

10 **MR. BRIAN CLOW:** Right.

11 **MS. SHANTONA CHAUDHURY:** Scroll down again,
12 "Not coordinated across [the] country, ridings/individuals.
13 WeChat. Goes through 11 candidates."

14 So essentially, you're saying this was a
15 briefing to get the Ministers up to speed?

16 **MR. BRIAN CLOW:** Exactly. And to also
17 discuss, as we constantly were at that time, what could we be
18 doing about this; what should we be doing, are there actions
19 that should be taken; is there options to make any of this
20 information public? You'll note that I note Marco Mendicino
21 stated that we did not report or assess that Don suggested
22 not releasing the two Michaels. That's another example where
23 that was confirmed to us internally, but we were not able to
24 say that publicly at that time.

25 I will note the first section of notes up
26 there, that's me noting down what CSIS officials are telling
27 us, and a lot of that information we had been presented in
28 some other way, but it could have been the first time some of

1 those Ministers were learning some of those specific details.

2 **MS. SHANTONA CHAUDHURY:** Thank you.

3 I believe that's all my time, so those are
4 all my questions for today.

5 **COMMISSIONER HOGUE:** Thank you.

6 It's 3:39, so we'll take the break; 20-
7 minutes break. So we'll come back at 4:00.

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

10 This hearing is in recess until 4 o'clock.

11 La séance est en pause jusqu'à quatre heures.

12 --- Upon recessing at 3:40 p.m./

13 --- La séance est suspendue à 15 h 40

14 --- Upon resuming at 4:05 p.m./

15 --- La séance est reprise à 16 h 05

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

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

21 **MS. KATHERINE TELFORD, Resumed/Sous la même affirmation:**

22 **MR. JEREMY BROADHURST, Resumed/Sous la même affirmation:**

23 **MR. BRIAN CLOW, Resumed/Sous la même affirmation:**

24 **MR. PATRICK TRAVERS, Resumed/Sous la même affirmation:**

25 **COMMISSIONER HOGUE:** Just before we start, I
26 have been informed that some parties would like David
27 Vigneault to be recalled as a witness to be questioned on a
28 document that was not available at the time he testified.

1 I will hear the parties' representations
2 after the cross-examinations. So make sure if you have to
3 get instruction, to receive these instructions between now
4 and then because, as you know, tomorrow is our last day. In
5 principle.

6 You can go -- oh, no, it's the cross-
7 examination. I'm sorry. It's counsel for Han Dong.

8 (SHORT PAUSE/COURTE PAUSE)

9 MS. EMILY YOUNG: Good afternoon, witnesses.
10 And good afternoon, Madam Commissioner.

11 COMMISSIONER HOGUE: Good afternoon.

12 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR

13 MS. EMILY YOUNG:

14 MS. EMILY YOUNG: my name is Emily Young; I'm
15 counsel to Han Dong. And we just want to go into a little
16 bit more detail on a few of the matters you discussed with
17 Ms. Chaudhury earlier.

18 Starting with Mr. Broadhurst; you've spoken
19 about the practice of busing potential voters to nomination
20 meetings in your interview and testimony before the
21 Commission, and this was, of course, in the context of
22 intelligence that referred to allegations around busing in
23 the 2019 nomination race in Don Valley North. Do you recall
24 that?

25 MR. JEREMY BROADHURST: I do.

26 MS. EMILY YOUNG: In your interview, you
27 described busing potential voters to a nomination vote as
28 common practice. Is that right?

1 **MR. JEREMY BROADHURST:** That is correct.

2 **MS. EMILY YOUNG:** It's fair to say the
3 objective of bussing or providing other transportation to
4 voters is to make it as easy as possible for party members to
5 vote in a nomination contest?

6 **MR. JEREMY BROADHURST:** Correct.

7 **MS. EMILY YOUNG:** And this is especially
8 important for voters who might have difficulty getting to the
9 poles, like seniors or students?

10 **MR. JEREMY BROADHURST:** Yes. I can think of
11 other examples as well, but those would be two primary ones.

12 **MS. EMILY YOUNG:** So it's normal to see
13 bussing, other forms of group transportation, in the
14 nomination contest?

15 **MR. JEREMY BROADHURST:** In a contested
16 nomination, would not surprise me at all to see busses or
17 other forms of transportation.

18 **MS. EMILY YOUNG:** Right. And there's nothing
19 contrary to the applicable party rules about bussing
20 potential voters in itself?

21 **MR. JEREMY BROADHURST:** Well if the bussing
22 is being arranged by one of the candidates, they would -- it
23 would be an expense related to their nomination. At the end
24 of the nomination campaign, they would have to -- they file
25 an audited expense return and it would obviously have to be
26 accounted for.

27 It is not unusual for -- or not unheard of,
28 certainly, for other groups to provide bussing. For example,

1 I can think of examples where if a riding has a significant
2 post-secondary, you know, institution in it, a young Liberal
3 club on the campus might provide bussing for anybody to go to
4 the nomination -- like, you know, not -- irregardless (*sic*)
5 of who they intended to support as a way of encouraging
6 student voting, for example, in a nomination.

7 But if it is being organized by the
8 contestants in order to be their -- you know, who they
9 believe to be their supporters, they should account for the
10 expense of it.

11 **MS. EMILY YOUNG:** Okay. And that would be
12 done in the ordinary course?

13 **MR. JEREMY BROADHURST:** Correct.

14 **MS. EMILY YOUNG:** And this question is more
15 so directed towards Ms. Telford, given the discussion that
16 you've had about the challenge function to intelligence and
17 the importance of context in understanding intelligence.

18 Is it fair to say that the fact that bussing
19 is a common practice in nomination campaigns is political
20 context about how nominations work that intelligence agencies
21 might not be fully aware of?

22 **MS. KATHERINE TELFORD:** I'm not sure I can
23 speak to the specifics of our conversations, but we certainly
24 do have conversations and back and forth around political
25 context. And obviously we certainly talked about this.

26 **MS. EMILY YOUNG:** Right. And so the point
27 I'm trying to make is that the intelligence agencies might
28 not have that context before speaking to somebody like you

1 about that?

2 **MS. KATHERINE TELFORD:** We have certainly
3 discussed with some of the senior security officials that
4 there is more learning to do as it relates to political
5 processes, and we've tried to help with some of that
6 clarification where it makes sense, and I'm sure other party
7 representatives have too at various points.

8 **MS. EMILY YOUNG:** And this type of political
9 context about, you know, the commonplace nature of using
10 busses and other forms of transportation in a nomination
11 race, is it fair to say that this is context that the media
12 and the public more broadly might also not know about how
13 nominations actually work on the ground?

14 **MS. KATHERINE TELFORD:** I can't speak for
15 everyone on that, but I think generally speaking, that is
16 true. Nominations are not widely understood processes.
17 They're slightly different in different parties. Very
18 contested nominations in particular are different than
19 nominations that might happen that are less competitive,
20 where there are multiple candidates, urban versus rural.
21 Like, there's all kinds of different things that come into
22 play in nominations.

23 **MS. EMILY YOUNG:** Okay. And so would it be
24 fair to say that this lack of understanding about the
25 nomination process could contribute to misunderstanding
26 something that's a normal part of that process as something
27 that is nefarious?

28 **MS. KATHERINE TELFORD:** I think that's

1 possible.

2 **MS. EMILY YOUNG:** Okay. And for Mr.
3 Broadhurst again, a couple of questions about the Liberal
4 Party rules that were in effect in 2019.

5 Am I right that those who are 14 years or
6 older could become members of the Liberal Party and vote in a
7 nomination contest?

8 **MS. JEREMY BROADHURST:** That's correct. We
9 refer to them as registered Liberals. Yes.

10 **MS. EMILY YOUNG:** And the party allows these,
11 perhaps you might call them youth members, to join partly to
12 promote engagement?

13 **MS. JEREMY BROADHURST:** That's correct. It
14 is a deliberate policy choice of the Liberal Party that's
15 been validated through votes and conventions and stuff like
16 that to have a larger voting pool than is allowed just in an
17 *Elections Act*, you know, in a general election campaign.

18 **MS. EMILY YOUNG:** And in order to vote in a
19 nomination contest in any given riding, a potential voter has
20 to show proof that they are a resident of that riding?

21 **MR. JEREMY BROADHURST:** That is correct.

22 **MS. EMILY YOUNG:** So that's not a requirement
23 that a potential voter be a Canadian citizen in order to
24 vote?

25 **MR. JEREMY BROADHURST:** That is correct.

26 **MS. EMILY YOUNG:** It's about where the
27 potential voter lives?

28 **MR. JEREMY BROADHURST:** Correct.

1 **MS. EMILY YOUNG:** And it's not a requirement
2 about where that potential voter might go to school, for
3 example?

4 **MR. JEREMY BROADHURST:** Correct. One might
5 imagine going to a school and not -- which is in one riding
6 and living in a different riding, especially in an urban
7 environment.

8 **MS. EMILY YOUNG:** So you've given evidence
9 earlier today that the Liberal Party didn't uncover anything
10 unusual about the 2019 nomination contest in Don Valley North
11 when you asked some of your staff to look into it further?
12 Is that fair?

13 **MR. JEREMY BROADHURST:** Yeah, there were no
14 reported irregularities, there were no widespread challenges
15 at the meeting, the meeting was efficiently run, no one
16 challenged the conduct of the meeting or the outcomes after
17 the fact.

18 **MS. EMILY YOUNG:** Including Mr. Dong's
19 appointment, Ms. Bang-Gu Jiang?

20 **MS. JEREMY BROADHURST:** Correct.

21 **MS. EMILY YOUNG:** So now I'll turn to a
22 couple of brief questions about the allegations in the media
23 around the Two Michaels issue, I think we can call it. And
24 these are mainly for Mr. Clow because he takes such diligent
25 notes.

26 So Mr. Clow, you gave evidence that there was
27 a meeting on March 28th, 2023 about allegations in the media,
28 including the Two Michaels allegation; correct?

1 **MR. BRIAN CLOW:** Correct. It was one of
2 several meetings on the topic, or where it came up.

3 **MS. EMILY YOUNG:** And in either your
4 interview or previous *in-camera* testimony, you gave evidence
5 that there actually was no transcript of the call that was
6 the subject of the media allegations. It was just a summary.
7 Is that right?

8 **MR. BRIAN CLOW:** That's right. That's what I
9 said.

10 **MS. EMILY YOUNG:** And I take it that summary
11 was in English?

12 **MR. BRIAN CLOW:** Yes.

13 **MS. EMILY YOUNG:** And so that's why Ms.
14 Telford would have explained to the Commissioner earlier that
15 there were some concerns about the translation that would
16 have occurred from Mandarin to English in preparing that
17 summary?

18 **MS. KATHERINE TELFORD:** Yes. And some of
19 those questions I believe were publicly raised.

20 **MS. EMILY YOUNG:** And the concerns about the
21 translation issue were never resolved?

22 **MS. KATHERINE TELFORD:** They were not.

23 **Ms. EMILY YOUNG:** Mr. Clow, you described in
24 your earlier testimony the reporting of the Two Michaels
25 allegation as explosive and you said that the reporting did
26 not accurately reflect the intelligence about the call. Is
27 that fair?

28 **MR. BRIAN CLOW:** Yes.

1 **MS. EMILY YOUNG:** Throughout these hearings,
2 we've heard testimony from a number of witnesses, including a
3 CSIS Director, Deputy Ministers, senior public servants about
4 the significant limits on the reliability of intelligence.
5 How depending on the sourcing of the intelligence,
6 corroboration of the intelligence, it might be much more or
7 less reliable.

8 Is it fair to say that when we're considering
9 intelligence, it has to be considered in light of these
10 limitations? I'll direct that to Mr. Clow.

11 **MR. BRIAN CLOW:** I would agree with that,
12 yes.

13 **MS. EMILY YOUNG:** So Mr. Clow, what you have
14 said before the Commission is that the media coverage on the
15 Two Michaels issue was not even an accurate reflection of
16 what was in the intelligence on this matter?

17 **MR. BRIAN CLOW:** That is my belief and
18 understanding, yes.

19 **MS. EMILY YOUNG:** And you gave evidence
20 earlier that you and your team even had some discussions
21 about whether materials should be declassified to correct
22 what had been reported in the media? Is that right?

23 **MR. BRIAN CLOW:** Yes.

24 **MS. EMILY YOUNG:** And that was because the
25 allegation that Mr. Dong had advised a senior Chinese
26 diplomat in February 2021 that Beijing should off on freeing
27 the Two Michaels was not true?

28 **MR. BRIAN CLOW:** That is my view, and I

1 believe that's reflected in the public summary that's been
2 released.

3 **MS. EMILY YOUNG:** And until this Commission,
4 you weren't able to make this known publicly?

5 **MR. BRIAN CLOW:** Correct.

6 **MS. EMILY YOUNG:** Okay. Those are our
7 questions. Thank you.

8 **COMMISSIONER HOGUE:** Thank you.

9 Next one is counsel for Michael Chong.

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

11 **MR. GIB van ERT:**

12 **MR. GIB van ERT:** Thank you, Commissioner.

13 I'll start with Mr. Broadhurst, please, and
14 I'll ask that we -- just before I turn up the document, I
15 want to ask you some questions to understand better what you
16 told the Prime Minister at that meeting in late September
17 2019, but I want to take great care that we don't stumble
18 into anything that you're not able to say in this forum. And
19 I think the way to help you with that is to show you the
20 document that Ms. Chaudhury showed you earlier, which is CAN
21 005461.

22 So I'll ask that that be pulled up and just
23 stop there for the moment.

24 So you'll recall, and it says there on the
25 corner of the document, "These are notes for briefing from
26 the SITE TF to the secret cleared Liberal Party
27 representatives." And you've already explained that those
28 representatives then came and spoke to you and you passed it

1 on to the Prime Minister.

2 So what I'm proposing is that I'm going to go
3 through each of these points and if you can confirm or
4 explain whether or not these were things that you passed on
5 to the Prime Minister.

6 So starting with the first one, allegations
7 of foreign interference by China in Don Valley North Liberal
8 nomination contest. I think we already have that. You
9 passed that on.

10 **MR. JEREMY BROADHURST:** That there were
11 allegations -- yes.

12 **MR. GIB van ERT:** Thank you.

13 The next point, you can see there's a summary
14 here, and the summary says, "Buses being used in support of
15 Mr. Dong at the direction of PRC officials in Canada."

16 So did you advise the Prime Minister that
17 these buses were alleged to be at the direction of PRC
18 officials in Canada?

19 **MR. FREDERICK SCHUMANN:** Just before the
20 witness answers, the question is assuming that the bullet
21 point in the document was conveyed to Mr. Broadhurst and that
22 he had it to convey to the Prime Minister, so perhaps my
23 friend could first ask the witness whether he learned of that
24 piece of information that's in the document that's being
25 shown to the witness.

26 **MR. GIB van ERT:** Well, I think that's
27 exactly the exercise I'm engaged in, so please, Mr.
28 Broadhurst, let us know, did you know this and, if so, did

1 you pass it on to the Prime Minister?

2 **MR. JEREMY BROADHURST:** You used one alleged.
3 I would have used two allegeds.

4 **MR. GIB van ERT:** All right.

5 **MR. JEREMY BROADHURST:** That the alleged
6 buses were alleged to have been provided by PRC.

7 The nature of the information was that there
8 was a concern that this plan existed, but at that time no one
9 was able to say conclusively, or at least no one was able to
10 say me or the other cleared representatives, yes, these are
11 the buses that we're talking about and yes, these buses were
12 provided by PRC officials in Canada.

13 **MR. GIB van ERT:** Understood. Thank you.

14 And I had your first point already about the
15 buses. I wanted to be sure about the second part, which is
16 that the allegation was that they were at the direction of
17 PRC officials ---

18 **MR. JEREMY BROADHURST:** Right.

19 **MR. GIB van ERT:** --- in Canada.

20 Thank you.

21 Going down, please, in the document. There
22 we are.

23 Again -- and I know what your counsel said
24 and I take that point. So this document is indicating that
25 part of the briefing was that there was an assessment that
26 the allegations are consistent with PRC foreign interference
27 activity in GTA.

28 So again, my question for you is, is that

1 something that you briefed the Prime Minister about?

2 **MR. JEREMY BROADHURST:** Yes, but what I would
3 point out here, I think is an important distinction, is it
4 says that it is consistent with PRC foreign interference
5 activity in the GTA. It does not say foreign interference
6 activity with respect to election campaigns.

7 **MR. GIB van ERT:** Right.

8 **MR. JEREMY BROADHURST:** There are other forms
9 of foreign interference, obviously, and so that -- that -- I
10 would make that very clear as a distinction.

11 **MR. GIB van ERT:** Understood. Thank you.

12 The next bullet point, in fact, we're there.

13 "PRC interference in the GTA likely
14 relies on a densely connected network
15 of PRC-linked individuals."

16 So my question is, did you advise the Prime
17 Minister or did you know and then advise the Prime Minister
18 about this allegation of a densely connected network of PRC
19 linked individuals?

20 **MR. JEREMY BROADHURST:** I would say that this
21 was not part of the information that we had, not get into a
22 network of individuals, so I'll leave it at that. I would
23 say no to that question.

24 **MR. GIB van ERT:** Thank you.

25 And then the next bullet point -- maybe
26 scroll up just a little so that we can all see it a bit
27 better. There we are.

28 This interference network -- so I've heard

1 what you said. Maybe it's the same answer, but I'll go ahead
2 and ask the question.

3 You see what it's saying here is that the
4 network is centred on four communities' candidates, staffers
5 including campaign officials, local community members and
6 some kind of PRC official.

7 So my question for you again is, had you been
8 told that and did you pass that on to the Prime Minister?

9 **MR. JEREMY BROADHURST:** Again, I would say no
10 because we did not talk about a network of individuals at
11 this time. This was really centred on the specific
12 allegation around buses being provided by PRC officials.

13 **MR. GIB van ERT:** Right. So no, you didn't
14 pass it to the Prime Minister, but also no, you didn't know
15 this? Is that right?

16 **MR. JEREMY BROADHURST:** It was not part of
17 the information relayed at that time. It was not -- it was
18 not how the information was presented.

19 **MR. GIB van ERT:** By Mr. Ismael, if I recall
20 correctly.

21 **MR. JEREMY BROADHURST:** Right. Also when I
22 talked to other intelligence officials, it may be helpful for
23 me to say, I mean, the way it was presented was that there
24 was a belief that there are PRC officials in Canada who have
25 the ability to activate a network of foreign students one way
26 or another and that there was a fear that that was being used
27 in this case.

28 There was no mention of a broader network of

1 individuals involved in the activity.

2 **MR. GIB van ERT:** Understood. All right.

3 Thank you.

4 And I'm done with that document. Thank you
5 very much.

6 My next question is for Ms. Telford.

7 A few days ago, Madam Tessier, the Director
8 of Operations -- Deputy Director of Operations for CSIS, was
9 here. And she gave evidence that the service had wanted to
10 conduct defensive briefings of Members of Parliament even
11 before the 43rd General Election. And I asked some questions
12 about that and eventually I was told that the service didn't
13 require the government's permission to do that, but would
14 have needed help from the government in coordinating these
15 briefings.

16 And so my question for you is, did the
17 service ask for the PMO's help, your help or your colleagues'
18 help, to arrange for defensive briefings of MPs prior to the
19 43rd General Election?

20 **MS. KATHERINE TELFORD:** I don't recall an ask
21 for any assistance on that front because I think we would
22 have -- and there's many examples of it. We would have
23 encouraged and welcomed more transparency with Members of
24 Parliament, and there's a number of examples of where we have
25 encouraged and welcomed that from the agency.

26 **MR. GIB van ERT:** All right. And do any of
27 your colleagues recall receiving such a request from the
28 service?

1 **MR. JEREMY BROADHURST:** No.

2 **MR. GIB van ERT:** All right. Thank you.

3 My next question is for Mr. Clow, and this
4 has to do with some evidence you gave in your briefing --
5 sorry, in the witness summary about the Buffalo Chronicle.

6 I can pull it up if it's helpful. In fact,
7 why don't we go ahead? It's WIT 069, please.

8 If you'll go, Mr. Court Operator, to
9 paragraph 54, please.

10 Thank you.

11 And I'll just read it to you to remind you,
12 Mr. Clow. It says that you emphasized what you "considered
13 to be the seriousness of the Buffalo Chronicle article", and
14 we've heard evidence about that already. And then:

15 "In his view [in your view], this
16 incident was an obvious example of
17 foreign interference, but because it
18 could not be directly attributed to a
19 foreign state, the government had no
20 available response."

21 So a few questions about that.

22 Firstly, obvious to whom? Because from the
23 evidence that we have seen so far, it doesn't appear to have
24 been obvious to the SITE Task Force or to the Panel of Five.
25 I'm not even sure that it was obvious to the service. A
26 little harder for us to know that for reasons that we all
27 appreciate.

28 But what do you mean when you say it was

1 obvious? Obvious to whom?

2 **MR. BRIAN CLOW:** I think it's obvious to
3 anyone who saw what was happening. And this actually has
4 come up in testimony and folks were aware of it.

5 The SITE Task Force, CSIS, others, PCO were
6 aware of this website which was based in the United States
7 and was publishing complete lies about the Prime Minister.
8 And these articles were getting spread and shared thousands
9 of times during the election, so that's why I think it was
10 obvious.

11 **MR. GIB van ERT:** Right. Well, and I am
12 aware of the fact -- we have heard the evidence that it was
13 in the United States and these articles were being published
14 and they were nonsense. We have all that.

15 But the assertion here is that it was
16 obviously foreign interference, right, and we know that
17 someone telling lies in a foreign country is not necessarily
18 foreign interference for the purposes of our Commission,
19 right.

20 So let me ask you this. You have also said
21 that it could not be directly attributed to a foreign state,
22 but isn't it true that it couldn't be attributed to a foreign
23 state directly or indirectly?

24 **MR. BRIAN CLOW:** The conclusion of officials
25 was they were not able to attribute it to a foreign state.

26 **MR. GIB van ERT:** Right. Not -- it's not a
27 question of directness or indirectness, it just couldn't be
28 attributed?

1 **MR. BRIAN CLOW:** They could not reach their
2 conclusion.

3 **MR. GIB van ERT:** Yes. All right, and then
4 finally, you say here the government had no available
5 response. But we've had Mr. Sutherland's evidence that --
6 and that there was an arrangement with American social media
7 companies, Facebook in particular, and that at the direction
8 of the Clerk of the Privy Council, Mr. Sutherland reached out
9 to Facebook and Facebook suppressed the story. So that was a
10 government response that was available and it was actually
11 exercised. Do you agree?

12 **MR. BRIAN CLOW:** And I learned of that from
13 Mr. Sutherland's testimony here.

14 **MR. GIB van ERT:** Thank you. Those are my
15 questions.

16 **COMMISSIONER HOGUE:** Thank you.

17 Next one is counsel for Jenny Kwan.

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

19 **MR. SUJIT CHOUDHRY:**

20 **MR. SUJIT CHOUDHRY:** Good morning. Good
21 afternoon, sorry. My name is Sujit Choudhry, and I'm counsel
22 to Jenny Kwan, Member of Parliament for Vancouver East.

23 So I'd first like to go back over some of the
24 -- your testimony earlier this afternoon, and this is sort of
25 a machinery of government or information flow issue because
26 this is one of the components of this phase of the
27 Commission's work. And so it's about kind of untangling or
28 clarifying the relationship between the Clerk, the NSIA, the

1 CSIS Director, the PMO, and the Prime Minister. And --
2 because there's lots of different entities at the apex of the
3 federal executive involved in matters of intelligence and
4 foreign interference.

5 And so what I thought I heard today, and I'm
6 sorry I don't have a transcript, so I want to go over it
7 again, is can the CSIS -- if the CSIS Director wants to brief
8 the Prime Minister or the Prime Minister's Office, that
9 request can be made through the PMO, through the Clerk,
10 through the NSIA, all of the above, some of them. If someone
11 could just confirm how that works I'd be grateful.

12 **MS. KATHERINE TELFORD:** I think it would be
13 customary and our regular experience for the CSIS Director to
14 work that out with the NSIA, who would come to us. And I
15 can't think of a time that if there's ever a request to brief
16 the Prime Minister or any of us that that doesn't happen.

17 **MR. SUJIT CHOUDHRY:** And I've noticed that in
18 -- sometimes the CSIS Director has met with the Prime
19 Minister directly with -- and he might be supported by his
20 team. In other cases, the CSIS Director might meet just with
21 the PMO and senior members of the bureaucracy. Can you help
22 to explain when one or the other happens?

23 **MS. KATHERINE TELFORD:** When he brings his
24 team or doesn't?

25 **MR. SUJIT CHOUDHRY:** Or, sorry, to clarify,
26 when the meeting would just be with the PMO, so members of
27 this, for example, this panel or other colleagues, or would
28 actually involved the Prime Minister himself.

1 **MS. KATHERINE TELFORD:** So as I mentioned
2 earlier, the Prime Minister -- if ever the - any senior
3 official wanted to brief the Prime Minister, particularly the
4 ones you are mentioning, that would be arranged right away.
5 And there are times, however, where they will come and ask to
6 brief any combination of us, depending on the issue or who's
7 around. Sometimes some of us are on the road with the Prime
8 Minister and others of us are back at the office, and so they
9 want to take us through what's coming because it can't be
10 scheduled with the Prime Minister until his return or
11 something else. And it's almost like a bit of a
12 pre-briefing, and you've seen that in some of the outlines of
13 the meeting dates, where you can see that staff met with
14 officials and then there's a subsequent meeting with the
15 Prime Minister.

16 **MR. SUJIT CHOUDHRY:** Okay, great. So then on
17 that topic, I'd like to take you to a document that I think
18 you've been -- we've been discussing. It's CAN 4495.

19 And I think this question is for Mr. Clow
20 because he seems to take extremely careful notes. And so
21 Mr. Clow, I'm sorry, but I need to -- I -- we've heard from
22 other witnesses and I think from the panel as well that these
23 are talking points, they're not necessarily a memo. They
24 don't necessarily reflect what was said, and you've pointed
25 that out.

26 There's a little bit here that I just wanted
27 to take you through, and I'm sorry I have to do this. It's
28 on -- if you start on page 5. If you go down to Conclusions.

1 There's a number -- there's sort of three bullet pointed
2 conclusions here. So maybe if you could just familiarise
3 yourself with them.

4 **MR. BRIAN CLOW:** Yeah.

5 **MR. SUJIT CHOUDHRY:** And then -- yeah.

6 **MR. BRIAN CLOW:** Yeah, I've seen these.

7 **MR. SUJIT CHOUDHRY:** And then there's two
8 bullet pointed....

9 You can go to the next page.

10 And to the best of your recollection, were
11 these bullet points, were these discussed by the Director
12 or....?

13 **MR. BRIAN CLOW:** No. These very specifically
14 were not related to us in that briefing.

15 **MR. SUJIT CHOUDHRY:** Okay. And then finally,
16 I have a question. I think it's probably best directed at
17 Mr. Travers. And so we've had -- Deputy Minister Morrison
18 has testified a couple of times, and I think what we've
19 established through his testimony is that the -- that foreign
20 interference in the form of support to a candidate or a party
21 violates international legal obligations that states that
22 have towards Canada, it violates domestic law, and that there
23 are -- he -- kind of the way he put it there have been --
24 it's been raised dozens of times with foreign states, there
25 have been several diplomatic notes, is what he said.

26 Are you able to -- we weren't aware of any of
27 this until his testimony, and we're wondering if you're able
28 to shed light at all on the ways in which Canada

1 diplomatically engages states that are interfering in
2 Canadian politics?

3 **MR. PATRICK TRAVERS:** So I'm not an
4 international lawyer, but certainly the Deputy Minister's
5 articulation of the conventions that guide appropriate
6 diplomatic activities seems accurate to me. While being
7 careful about the details to which we might speak in a
8 setting like this, I will say that this government has been
9 quite public since 2016 about the threat that certain states
10 pose to democracies around the world, including Canada.
11 We've taken a series of measures in Canada to protect our
12 democracy, and we do not shy away from articulating the
13 importance of not interfering in democracy to international
14 partners.

15 **MR. SUJIT CHOUDHRY:** I think that concludes
16 my questions. Thank you.

17 **COMMISSIONER HOGUE:** Thank you.

18 Mr. De Luca for the Conservative Party.

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

20 **MR. NANDO de LUCA:**

21 **MR. NANDO de LUCA:** Good afternoon.

22 This is a question for the panel. Am I
23 correct that in your roles in the PMO's, or the Prime
24 Minister's Office, you each have security clearances as
25 necessary to be briefed on the most serious matters of
26 national security, including foreign interference in Canada
27 elections?

28 **MS. KATHERINE TELFORD:** Yes.

1 **MR. JEREMY BROADHURST:** Yes.

2 **MR. PATRICK TRAVERS:** Yes.

3 **MR. BRIAN CLOW:** Yes.

4 **MR. NANDO de LUCA:** And in -- did I
5 understand correctly that in addition to your roles in the
6 Prime Minister's Office your evidence is that you each took
7 leaves of absence from your government jobs in order to
8 support the Liberal Party of Canada at campaigns in the 2019
9 and 2021 elections?

10 **MR. BRIAN CLOW:** Yes.

11 **MR. JEREMY BROADHURST:** Patrick ---

12 **MR. PATRICK TRAVERS:** I didn't.

13 **MR. JEREMY BROADHURST:** Patrick did not.

14 **MR. PATRICK TRAVERS:** I am the exception. I
15 did not.

16 **MR. NANDO de LUCA:** Sorry?

17 **MR. PATRICK TRAVERS:** I am the exception. I
18 did not take a leave of absence. I remained in the Prime
19 Minister's Office during both election periods.

20 **MR. NANDO de LUCA:** Okay. Thanks for that
21 clarification.

22 And for the three that did, to be clear, your
23 leaves of absence and your jobs during your leaves of absence
24 would have been hopefully to re-elect Liberal candidates, and
25 in particular, that included the Prime Minister?

26 **MR. BRIAN CLOW:** Yes.

27 **MR. JEREMY BROADHURST:** Yes.

28 **MR. NANDO de LUCA:** Okay. And during your

1 leaves of absence, for those of you who took leaves of
2 absences, did any of you during those writ periods have
3 occasion to speak to or communicate with the Clerk or other
4 members of the, sorry, with the Clerk or other members of the
5 PCO relating to government business?

6 **MR. BRIAN CLOW:** Not in my case.

7 **MS. KATHERINE TELFORD:** No.

8 **MR. JEREMY BROADHURST:** I have already said
9 that I spoke to officials with respect to the information
10 provided to the party ---

11 **MR. NANDO de LUCA:** Sorry ---

12 **MR. JEREMY BROADHURST:** --- by the SITE -- by
13 the -- by the SITE Task Force. That I clarified with
14 officials just to ensure that we had accurate information
15 that was being conveyed to the party pursuant to the
16 Protocol.

17 **MR. NANDO de LUCA:** And this was in relation
18 to the Han Dong allegations ---

19 **MR. JEREMY BROADHURST:** Correct.

20 **MR. NANDO de LUCA:** --- in 2019?

21 **MR. JEREMY BROADHURST:** Right.

22 **MR. NANDO de LUCA:** Okay. So can I get
23 CAN.DOC 13 pulled up again.

24 And I'm going to see if I can skip some of
25 these questions because I think they've already been covered
26 off. But just for reference, Mr. Broadhurst, you indicated
27 that after the information was communicated, which originally
28 emanated from CSIS to Mr. Ishmael, then relayed to you, you

1 were the one that were charged with and did actually brief
2 the Prime Minister. Is that correct?

3 **MR. JEREMY BROADHURST:** Correct.

4 **MR. NANDO de LUCA:** Okay. And was there
5 anyone else present in that meeting?

6 **MR. JEREMY BROADHURST:** No, there was not.

7 **MR. NANDO de LUCA:** Okay. And would that
8 meeting have involved any sort of paperwork, document,
9 whether electric or hard copy?

10 **MR. JEREMY BROADHURST:** No.

11 **MR. NANDO de LUCA:** It was entirely verbal?

12 **MR. JEREMY BROADHURST:** Correct.

13 **MR. NANDO de LUCA:** Okay.

14 **MR. JEREMY BROADHURST:** We did not have -- we
15 never received any paper.

16 **MR. NANDO de LUCA:** Right. But you didn't
17 prepare any notes for your meeting?

18 **MR. JEREMY BROADHURST:** I did not.

19 **MR. NANDO de LUCA:** Okay. The Prime Minister
20 take any notes?

21 **MR. JEREMY BROADHURST:** No, he did not.

22 **MR. NANDO de LUCA:** Okay.

23 **MR. JEREMY BROADHURST:** Again, given it was
24 confidential information, ---

25 **MR. NANDO de LUCA:** Fair enough.

26 **MR. JEREMY BROADHURST:** --- I don't think
27 that was appropriate.

28 **MR. NANDO de LUCA:** And at the time you had

1 your discussion with the Prime Minister, did the allegation
2 regarding these -- the allegations regarding the busses that
3 had been provided come up?

4 **MR. JEREMY BROADHURST:** Yes.

5 **MR. NANDO de LUCA:** Okay. Did you have any
6 discussion as to who might have paid for these busses?

7 **MR. JEREMY BROADHURST:** I provided the Prime
8 Minister with the information that we had been provided for,
9 which was there was intelligence reporting which suggested
10 that perhaps a PRC official in Canada had provided the
11 busses.

12 **MR. NANDO de LUCA:** Okay. And that -- to
13 your understanding, that would not have been within the rules
14 of either the Liberal Party or the laws of Canada? Is that
15 correct?

16 **MR. JEREMY BROADHURST:** That would have
17 violated a number of things, yes. Both the -- well, as you
18 say, the laws of Canada and our own internal rules.

19 **MR. NANDO de LUCA:** Okay. And did you, in
20 your discussions with the Prime Minister, or perhaps in your
21 own deliberations, did you consider who else might have paid
22 for those busses?

23 **MR. JEREMY BROADHURST:** Well first of all, if
24 busses in fact existed.

25 **MR. NANDO de LUCA:** Right.

26 **MR. JEREMY BROADHURST:** Right? Which had not
27 been established at that point. I mean -- so I'm not sure I
28 understand the question. Perhaps you can ---

1 **MR. NANDO de LUCA:** Okay. So the issues of
2 busses came out, the allegation that busses had been provided
3 to bus these foreign students to vote in the nomination
4 contest, and that had been an allegation that had been
5 relayed to you; correct?

6 **MR. JEREMY BROADHURST:** Correct. Right.

7 **MR. NANDO de LUCA:** And you relayed that to
8 the Prime Minister?

9 **MR. JEREMY BROADHURST:** Correct.

10 **MR. NANDO de LUCA:** So my question to you is,
11 did either you alone, or with the Prime Minister, consider
12 who might have paid for those busses if they were in fact --
13 if they had in fact been used, and assuming it wasn't the
14 PRC?

15 **MR. JEREMY BROADHURST:** Right. Well busses -
16 - as I testified before, busses at a nomination meeting are
17 not an unusual thing. They could be paid for by the
18 candidates themselves. They could be paid for by -- a
19 collection of voters could get together and decide to rent a
20 bus. They could be paid for a young Liberal club, or a
21 student union, or even a school itself if they wanted to
22 encourage it.

23 The fact that the bus was, you say, carrying
24 foreign students, I mean, they -- there was nothing
25 inherently wrong with transporting foreign students. Foreign
26 students were able to vote if they had properly registered as
27 Liberals in the nomination, if they were residents in the
28 riding.

1 So the matter of who was on the bus was not
2 as relevant as, like, was the bus properly or improperly paid
3 for. And we didn't have even evidence that we were talking
4 about an actual real bus.

5 **MS. NATALIA RODRIGUEZ:** Madam Commissioner,
6 I'm sorry to interrupt. I'm just being told by the
7 interpreters that everybody needs to speak a little bit more
8 slowly. Thank you.

9 **MR. JEREMY BROADHURST:** Sorry.

10 **COMMISSIONER HOGUE:** Thank you.

11 **MR. NANDO de LUCA:** Thank you.

12 So let me see if I can put it this way. At
13 any point after you received the information from Mr.
14 Ishmael, either alone or with the -- at the direction of the
15 Prime Minister, did you attempt, or did anyone else in the
16 Liberal Party attempt to ascertain, A, if there was a bus,
17 one or more busses, and B, who paid for them?

18 **MR. JEREMY BROADHURST:** There were busses at
19 the nomination.

20 **MR. NANDO de LUCA:** Right.

21 **MR. JEREMY BROADHURST:** That is a usual
22 course of events.

23 **MR. NANDO de LUCA:** We've heard that.

24 **MR. JEREMY BROADHURST:** Nobody would have
25 taken account of how many busses. That's ---

26 **MR. NANDO de LUCA:** Right.

27 **MR. JEREMY BROADHURST:** That's sort of
28 irrelevant.

1 We were limited in terms of the types of
2 questioning we could do by the fact that we could not reveal
3 the intelligence at this point. But no one was suggesting
4 that there was bussing in of people who shouldn't have been
5 voting, and no one challenged any of the voters, and at the
6 end of the day, individuals would need to, if they pass a
7 certain threshold of expenses, they need to file an audited
8 return, and that would reveal if they paid for the busses,
9 and then -- otherwise, I mean, as I said, there could be
10 other parties who paid for transportation for people to go to
11 the polls.

12 **MR. NANDO de LUCA:** Okay. So it sounds like
13 the answer to my question is no, you didn't ---

14 **MR. JEREMY BROADHURST:** No, I don't think
15 that's right.

16 **MR. NANDO de LUCA:** Okay. Well I'll ask it
17 again. Did you try to ascertain who paid for the busses that
18 you understood were in issue as a result of that briefing?

19 **MR. JEREMY BROADHURST:** I did not have
20 information that there -- like, I did not have a bus that I
21 could point to to say who paid for that bus.

22 **MR. NANDO de LUCA:** You just told me that
23 there wasn't an issue that there were busses.

24 **MR. JEREMY BROADHURST:** Right. There's not
25 an issue that there's busses. But if you're trying to say an
26 allegation is this bus was inappropriately paid for by a PRC
27 official, I need to know which bus we're talking about.

28 **MR. NANDO de LUCA:** That's not the question I

1 asked you, sir. I have your evidence. So ---

2 **MR. JEREMY BROADHURST:** I don't think you do.

3 I don't ---

4 **MR. NANDO de LUCA:** Well, the record will
5 reflect it.

6 So I'm going to ask you this. Let's assume,
7 giving the timing of the intelligence as it had been relayed
8 to Mr. Ishmael, then to you, and then to the Prime Minister,
9 we're talking some time by the time the Prime Minister got
10 it, was either at the end of September, beginning of October
11 2019; correct?

12 **MR. JEREMY BROADHURST:** It was two days after
13 the Liberal Party members were briefed.

14 **MR. NANDO de LUCA:** Okay. So can you give us
15 a sense? The briefing document suggests that it was
16 communicated to Mr. Ishmael on September 28th or 29th.

17 **MR. JEREMY BROADHURST:** The 28th is a Friday
18 and I briefed the Prime Minister on the Sunday.

19 **MR. NANDO de LUCA:** Okay. So is that -- is
20 my math correct? That's October 1st?

21 **MR. JEREMY BROADHURST:** I would say it's the
22 30th of September.

23 **MR. NANDO de LUCA:** Thirty (30) days in
24 September.

25 **MR. JEREMY BROADHURST:** Sorry?

26 **MR. NANDO de LUCA:** Thirty (30) days in
27 September.

28 **MR. JEREMY BROADHURST:** Right. So if the

1 28th is Friday, ---

2 MR. NANDO de LUCA: Yeah.

3 MR. JEREMY BROADHURST: --- Sunday would be
4 the 30th.

5 MR. NANDO de LUCA: Okay. So ---

6 MR. JEREMY BROADHURST: I think. I don't
7 have a calendar in front of me, so.

8 MR. NANDO de LUCA: That's fine. Not
9 terribly important.

10 Am I correct -- let's assume that it was
11 September 30th. Am I correct that had you, and I'm not
12 saying you did, had you, in either your own deliberations or
13 as a result of your consultation with the Prime Minister
14 decided for some reason that Mr. Dong had to be removed as
15 the Liberal nominee, am I correct that there wouldn't have
16 been enough time for the Liberal Party to submit another
17 candidate for that riding?

18 MR. JEREMY BROADHURST: I don't think that is
19 correct, but I would have to go back -- there are specific
20 timelines ---

21 MR. NANDO de LUCA: Right.

22 MR. JEREMY BROADHURST: --- for removal of a
23 name from a ballot.

24 MR. NANDO de LUCA: Right.

25 MR. JEREMY BROADHURST: I think we were still
26 on the outside ability to do that, but I could be wrong on
27 the math on that front.

28 MR. NANDO de LUCA: My understanding, it's 21

1 days, and the election was on October 21.

2 **MR. JEREMY BROADHURST:** Right. So I mean, we
3 could have. But, also, there were other options, which is
4 you can disavow a candidate; right? You can -- they're going
5 to appear as a Liberal candidate, but you want to make clear
6 to the public that they will not sit as a Liberal in caucus.
7 You go out and you let the world know that. I mean, that is
8 an option available to you. And we have actually done that
9 in recent election campaigns.

10 **MR. NANDO de LUCA:** Thank you.

11 Mr. Clow, this question is for you. I don't
12 have a lot of time left. In your evidence earlier, you made
13 reference to the -- and we saw some notes. You made
14 reference to your notes regarding the so-called transcript of
15 the intelligence brief. And along with the other things you
16 said, from my understanding is that you didn't review an
17 actual transcript? It was a summary that someone had
18 prepared?

19 **MR. BRIAN CLOW:** What I reviewed, to my
20 understanding, is the only document that existed about this
21 matter. There's only one.

22 **MR. NANDO de LUCA:** Right.

23 **MR. BRIAN CLOW:** And it, in my opinion, is a
24 summary, not a transcript.

25 **MR. NANDO de LUCA:** A summary of what, sir?

26 **MR. BRIAN CLOW:** Of an ---

27 **MR. FREDERICK SCHUMANN:** Just before the
28 witness answers, I would remind him not to provide classified

1 information that is not already in the public summary.

2 **MR. BRIAN CLOW:** I think I can answer the
3 question, which is a summary of the -- it related directly to
4 the public summary that has been issued to this Commission in
5 recent weeks, relating to the allegation and media reports
6 that Han Dong supposedly called for the Two Michaels not to
7 be released. That's what it was about.

8 **MR. NANDO de LUCA:** Last question, Mr. Clow,
9 for you. Can you tell us whether, to your understanding,
10 there exists a recording of that -- of the communication that
11 gave rise to these allegations?

12 **MR. BRIAN CLOW:** I'll need to seek guidance
13 of whether I can answer that question.

14 **MR. NANDO de LUCA:** Is there a recording of
15 the intercepted communication between Mr. Dong and the, what
16 we understand to be a high level Chinese official?

17 **MR. FREDERICK SCHUMANN:** I'm happy to take
18 the question under advisement.

19 **MR. NANDO de LUCA:** Sorry. Again?

20 **MR. FREDERICK SCHUMANN:** I'm happy to take
21 the question and consider whether an answer can be given.

22 **MR. NANDO de LUCA:** Thank you. Those are my
23 questions. Thank you.

24 **COMMISSIONER HOGUE:** Thank you.

25 **MR. NANDO de LUCA:** Thank you, panel.

26 **COMMISSIONER HOGUE:** Counsel for the Sikh
27 Coalition. Mr. Singh.

28 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR

1 **MR. PRABJOT SINGH:**

2 **MR. PRABJOT SINGH:** Thank you, Commissioner.

3 Good afternoon to the panelists. My name is
4 Prabjot Singh. I'm appearing as counsel on behalf of the
5 Sikh Coalition.

6 So, Ms. Telford, I have a few questions for
7 yourself, and then a couple for you, Mr. Clow.

8 So, Ms. Telford, you've been with the PMO
9 consistently since 2015, and naturally you would have seen
10 foreign interference activity and the evolution of foreign
11 interference activity in Canada over that time period.

12 Based on your time with the PMO, I think
13 you'd agree that India's foreign interference activity has
14 increased since that time, is that fair?

15 **MS. KATHERINE TELFORD:** Can we look to the
16 summary, the public summary, in terms of what we can say on
17 this?

18 **Mr. FREDERICK SCHUMANN:** Yes, I would
19 certainly ask that Ms. Telford be allowed to refer to the
20 public summary.

21 **MR. PRABJOT SINGH:** You know, I don't want to
22 spend too much time on this. If you're not able to answer
23 this question for national security reasons, then we can move
24 on.

25 Is that the case?

26 **MS. KATHERINE TELFORD:** I think that's the
27 case.

28 **MR. PRABJOT SINGH:** Mr. Operator, can we

1 bring up CAN015842?

2 So my understanding is that this is a
3 briefing to the Prime Minister that was produced or given in
4 October 2022. Was this briefing or this information --
5 actually, before that, we can scroll down, actually, to the
6 specific section? I believe it's on page 2 at the top.
7 Yeah, right there.

8 So section is redacted and replaced with
9 "Government of India officials" without specifying whom. And
10 goes on to say that India:

11 "...[uses] Canada-based proxies, both
12 witting and unwitting, to covertly
13 influence Canadian elected officials,
14 members of the Indian diaspora, and
15 local cultural media outlets."

16 And it goes on to say that:

17 "...Indian officials and their
18 proxies may also...specifically
19 [target] non-Indo-Canadian
20 politicians to advance pro-[Indian]
21 positions."

22 Was this information conveyed to staff at the
23 PMO, or the PM himself?

24 **MR. BRIAN CLOW:** So this document came up
25 earlier, and I testified that the specifics of what's in here
26 were not directly relayed to the Prime Minister in that
27 briefing, but the topic of India did come up in that
28 briefing.

1 **MR. PRABJOT SINGH:** And so was this specific
2 information about the nature of Indian foreign interference
3 conveyed to any members of the staff on the panel, in this
4 level of detail?

5 **MR. BRIAN CLOW:** At any time you mean, or in
6 this briefing?

7 **MR. PRABJOT SINGH:** At any time.

8 **MR. FREDERICK SCHUMANN:** Well, I think before
9 the witness answers, it may only be -- it may only be
10 possible for him to answer in relation to this specific
11 briefing.

12 **MR. PRABJOT SINGH:** Sure.

13 **MR. BRIAN CLOW:** In the specific briefing,
14 the Prime Minister was briefed on specific cases, and that
15 included -- I'm going by memory here, one, possibly two
16 India-related foreign interference matters.

17 **MR. PRABJOT SINGH:** And are you able to delve
18 into the details of those specific instances that were
19 reported?

20 **MR. BRIAN CLOW:** I don't believe I am.

21 **MR. PRABJOT SINGH:** Ms. Telford, did you ever
22 hear reports or complaints from members of the Liberal Caucus
23 outlining observations of foreign interference in their
24 ridings and in their communities?

25 **MS. KATHERINE TELFORD:** I've certainly had
26 conversations with Caucus members on the subject.

27 **MR. PRABJOT SINGH:** So there have been
28 concerns that were raised and observations by members of the

1 Liberal Caucus that were brought to the PMO?

2 **MS. KATHERINE TELFORD:** Yes.

3 **MR. PRABJOT SINGH:** And are you able to
4 advise on any follow-up actions or reporting that were done
5 as a result?

6 **MS. KATHERINE TELFORD:** I have passed on that
7 information -- to the extent that there's information to pass
8 on or even flags or cautions, I have passed that on to
9 appropriate security officials.

10 **MR. PRABJOT SINGH:** And is it your
11 understanding that it's been Liberal and NDP representatives
12 have been the most targeted or impacted by negative Indian
13 disinformation, particularly the baseless allegations that
14 they are so-called extremists?

15 **MS. KATHERINE TELFORD:** I don't think I can
16 speak to that.

17 **MR. PRABJOT SINGH:** So just in terms of your
18 observations, would you agree that it's been Liberal and NDP
19 representatives that have been targeted by Indian media
20 claims that they are so-called extremists or supposedly
21 sympathetic to extremism?

22 **MS. KATHERINE TELFORD:** I don't think I can
23 get into specific individuals.

24 **MR. PRABJOT SINGH:** In terms of -- so I'm not
25 asking for classified information. In terms of your
26 observations as a political staffer, is it the case that it's
27 members of the Liberal and NDP Caucus that have been targeted
28 by these allegations by open-source public media from India?

1 **MS. KATHERINE TELFORD:** I think we have
2 certainly heard members from both of those parties speak
3 publicly to that.

4 **MR. PRABJOT SINGH:** And Mr. Operator, can we
5 move to CAN017676?

6 And Mr. Clow, if we scroll down to page 2, I
7 believe, Mr. Clow, I believe these are handwritten notes from
8 a meeting on May 18th, 2023; is that correct?

9 **MR. BRIAN CLOW:** That's right.

10 **MR. PRABJOT SINGH:** And so in your
11 handwriting it says -- it makes mention of Indian foreign
12 interference in 2019, and in quotes specifically it says,
13 "Same" and it says "Opportunistic".

14 **MR. BRIAN CLOW:** I think the first word is
15 "Some".

16 **MR. PRABJOT SINGH:** Sorry?

17 **MR. BRIAN CLOW:** The first word is "Some".

18 **MR. PRABJOT SINGH:** "Some," okay. So "Some"
19 and "Opportunistic".

20 Can you expand on what you meant by those
21 phrases and why they were quoted that way?

22 **MR. BRIAN CLOW:** So when this came up earlier
23 and I explained that this was me noting down the key points
24 that were being relayed to Ministers about foreign
25 interference in the 2019 to '21 elections, and that included
26 some updates on -- as it related to India. I don't remember
27 the details beyond that.

28 My interpretation of my own notes is that I

1 wrote down "Some" because the CSIS officials would have said
2 there was "Some" Indian foreign interference in those
3 elections and would have described their tactics and efforts
4 as "Opportunistic".

5 **MR. PRABJOT SINGH:** Can you expand a little
6 bit on what "Opportunistic" suggests or ---

7 **MR. BRIAN CLOW:** I'm not able to expand. A
8 CSIS official would have to.

9 **MR. PRABJOT SINGH:** And if we can move to CAN
10 17997.

11 **--- EXHIBIT No./PIÈCE No. CAN 17997:**

12 Handwritten Notes of B. Clow

13 **MR. PRABJOT SINGH:** So I believe this is a
14 handwritten note from a meeting on June 29th. Can you
15 confirm what year this meeting was?

16 **MR. BRIAN CLOW:** This was 2023.

17 **MR. PRABJOT SINGH:** Okay. And can we scroll
18 down? A little bit further; I believe it might be the next
19 page. A little bit further. Right there.

20 So there's a note here that says, "PM -
21 India." Does that mean that the Prime Minister requested
22 information about Indian foreign interference at that time?

23 **MR. BRIAN CLOW:** This was a briefing. So as
24 we've testified before, the Prime Minister is briefed by
25 officials when they feel they need to tell him something.

26 For some context, the Chong reference, this
27 was a few days before it was made public by the RRM that
28 there was another disinformation campaign about Mr. Chong. I

1 don't recall what the India update was in that meeting.

2 **MR. PRABJOT SINGH:** Okay. And there's a note
3 that says, "Public inquiry will illuminate some issues." Can
4 you expand on what that means?

5 **MR. BRIAN CLOW:** So at this stage, while it
6 had not been announced, there were active discussions with
7 the opposition parties about holding a public inquiry, so we
8 were discussing the public inquiry and I think that's simply
9 a statement that this public inquiry would illuminate foreign
10 interference issues.

11 **MR. PRABJOT SINGH:** Specifically ---

12 **MR. BRIAN CLOW:** I don't recall the specifics
13 of why ---

14 **MR. PRABJOT SINGH:** And is it specifically in
15 reference to India?

16 **MR. BRIAN CLOW:** I don't recall.

17 **MR. PRABJOT SINGH:** Okay. And my final
18 question to all members of the panel: We've heard a lot of
19 evidence over the past couple of weeks about the difficulty
20 in detecting disinformation and foreign interference
21 activity, and understanding how this translates into impacts
22 on communities and voting patterns. And this is especially
23 the case when dealing with distinct cultural groups and
24 racialized minorities that access different modes of -- modes
25 and types of media; who speak different languages and are
26 vulnerable, particularly to coercion by proxies. Would you
27 agree that more needs to have been done and needs to be done
28 to understand the unique mechanics and impacts of foreign

1 interference on diaspora communities?

2 **MR. JEREMY BROADHURST:** I'll start.

3 I would say it's been a huge preoccupation
4 for the government. You know, when we came in in 2105, there
5 was really no infrastructure around this idea of, you know,
6 foreign interference in election campaigns. We've tried to
7 build it up in a way that allows for sharing of information,
8 specifically to help, in a lot of cases, groups that are
9 being targeted by this foreign interference.

10 I think we've also seen that there is a
11 tendency that we have to work against that casts doubt on the
12 actions of particularly non-White communities in -- and makes
13 them more vulnerable to charges of foreign interference and
14 doubts their ability to fully participate in our democracy.
15 And you have to get the balance right on this stuff that
16 you're not going too far in sort of othering a group and sort
17 of suggesting that, you know, people, recent -- you know, new
18 Canadians, recent immigrants are going to be proxies for
19 undermining Canadian democracy and so you have to sort of get
20 that balance between protecting people who could be
21 vulnerable but also don't fall for a trope that says that
22 some people aren't ready to be participating in our
23 democracy.

24 **MR. PRABJOT SINGH:** Would any other members
25 of the panel like to also contribute to that?

26 **MS. KATHERINE TELFORD:** I think it's
27 something we've actually spent a fair bit of time talking and
28 thinking about and I imagine the Commission and many more

1 beyond that are going to keep thinking about and putting the
2 work in. I believe that security -- the senior security
3 officials we work with have also been seized with what they
4 need to do, as many organizations have, to ensure inclusion
5 is part of their thinking and it's why diversity -- going
6 back to, I think, one of your first questions, why diversity
7 in our -- in Parliament is so important because we have seen
8 Members of Parliament being able to bring forward experiences
9 from their communities that have informed officials and
10 agencies throughout this town. But there's a lot of work to
11 still do.

12 **MR. PRABJOT SINGH:** Sorry, Madam
13 Commissioner, just to clarify, this is my final question.

14 So would you agree that there are still
15 vulnerabilities in Canada's national security architecture
16 that leaves diaspora communities vulnerable and there's work
17 to be done on that front?

18 **MS. KATHERINE TELFORD:** I have immense faith
19 in our institutions and in the senior officials who are
20 governing them that I have -- that I have worked with and
21 gotten to know. But do I think there is more work to do in
22 what is an evolving threat environment? Absolutely.

23 And you know, we've evolved and added to our
24 work and learned from our work over the course of the time
25 that we've been in government.

26 There were no mechanisms like the ones we've
27 been talking about much of the time today before our
28 government was in government ranging from, you know, NSICOP

1 to NSIRA. And I know all the acronyms we could go through,
2 but there are -- the panel itself, the SITE Task Force and so
3 on, and the reviews of that work. There -- all of these
4 things came about in the last number of years and partly
5 because we've seen threats around the world, partly because
6 it needed to be done and it hadn't been done before.

7 And will there need to be more done in the
8 future? Absolutely. And I know that's part of the work
9 that's going to be considered.

10 **MR. PRABJOT SINGH:** Thank you. Those are all
11 my questions.

12 **COMMISSIONER HOGUE:** Thank you.

13 Mr. Sirois for RCDA?

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

15 **MR. GUILLAUME SIROIS:**

16 **MR. GUILLAUME SIROIS:** Good afternoon.
17 Guillaume Sirois for the Russian Canadian Democratic
18 Alliance.

19 I see the timer is resetting or -- somehow,
20 but ---

21 **COMMISSIONER HOGUE:** It's 5 o'clock, so.

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

23 My questions will be mostly directed to Mr.
24 Broadhurst, but I invite the other panelists to jump in if
25 they have any other comments or clarifications to provide.

26 Mr. Broadhurst, during the 2019 General
27 Election you were national director of the Liberal campaign;
28 correct?

1 **MR. JEREMY BROADHURST:** Correct.

2 **MR. GUILLAUME SIROIS:** And was the result of
3 this election the one you were expecting?

4 **MR. JEREMY BROADHURST:** I would have hoped
5 for better. One always hopes for better, but you know, it's
6 hard to tell at the start of a campaign how it's going to
7 play out. I try to refrain from predictions until, you know,
8 the votes are in.

9 **MR. GUILLAUME SIROIS:** But the Liberal
10 government lost 20 seats and the majority it had claimed in
11 2015; right?

12 **MR. JEREMY BROADHURST:** Sorry? I didn't get
13 that.

14 **MR. GUILLAUME SIROIS:** The Liberal government
15 lost 20 seats and the majority it had claimed ---

16 **MR. JEREMY BROADHURST:** Correct.

17 **MR. GUILLAUME SIROIS:** --- in 2015.

18 **MR. JEREMY BROADHURST:** Yes.

19 **MR. GUILLAUME SIROIS:** Okay. And to what do
20 you attribute this result?

21 **MR. JEREMY BROADHURST:** I think there's -- I
22 think there are a lot of reasons that Canadians cast their
23 votes, right. I think there's -- it is very difficult to
24 boil it down to one thing or the other.

25 Obviously, over the course of that campaign,
26 we were dealing with issues related to SNC Lavalin at the
27 start of the campaign and, you know, there were a series of
28 events that happened throughout the campaign. It -- you

1 know, we were playing defence in a lot of those cases.

2 At the same time, in the 2019 campaign, you
3 know, I did think that we were able to put forward a set of
4 robust policy positions that was -- you know, did get some
5 traction with Canadians and our opponents did not have -- you
6 know, weren't able to capitalize on our rough moments and so
7 we lost some seats, but we were able to hang onto a majority.

8 But I mean, it's a really hard question to
9 answer in a minute here, so there are many factors, right.
10 Many factors.

11 **MR. GUILLAUME SIROIS:** I want to go to CAN
12 88, please. The court reporter can show it on the screen.

13 This is a report from the Digital Forensic
14 Research Lab, also known as the DRF Lab, of the Atlantic
15 Council entitled "Assessing the Canadian Information
16 Environment During the 2019 Federal Election".

17 And are you aware of this report?

18 **MR. JEREMY BROADHURST:** I have seen it. I
19 could not speak knowledgeably about its content.

20 **MR. GUILLAUME SIROIS:** And so you've seen it
21 in the preparation of this testimony today or in another
22 context?

23 **MR. JEREMY BROADHURST:** I think it was with
24 respect to this Inquiry that at some point this document had
25 been pulled up.

26 **MR. GUILLAUME SIROIS:** Okay. So I'm going to
27 go to page 3 just as an introduction to the report so that
28 we're all on the same page. At third paragraph, we see that

1 this is a forensic analysis of some of the Canadian
2 environment ecosystem in the month before and three months
3 following the 2019 federal election.

4 I want to also point out some limitations to
5 this study. At paragraph 3, it talks that the research
6 focuses only on Pinterest and Reddit and not other platforms
7 like Facebook. At paragraph 4, it says that the analysis
8 focused only on the Anglophone information environment.

9 And at paragraph 4 again, we see that the
10 analysis only concentrates on content related to the Liberal
11 Party and Conservative Party.

12 And my question is, with these caveats, I
13 believe it's fair to say that it's not an exhaustive analysis
14 but, rather, an analysis on a relatively small portion of the
15 Canadian information ecosystem just by reading this.

16 **MR. JEREMY BROADHURST:** I don't think I can
17 really speak knowledgeably at all about this. I'm not even
18 sure what the objective of the study is.

19 **MR. GUILLAUME SIROIS:** Well, I just pointed
20 it out. It was a forensic analysis of some of the Canadian
21 information ecosystem in the month before and three months
22 following the 2019 federal election.

23 **MR. JEREMY BROADHURST:** I'm not smart enough
24 to understand that. I'm just not sure if this is trying to
25 analyze the election or trying to analyze the environment in
26 which the election was taking place.

27 **MR. GUILLAUME SIROIS:** Disinformation on the
28 internet.

1 **MR. JEREMY BROADHURST:** Okay.

2 **MR. GUILLAUME SIROIS:** Yeah.

3 **MR. JEREMY BROADHURST:** All right.

4 **MR. GUILLAUME SIROIS:** That's the purpose of
5 this study, so that's why I'm highlighting the ---

6 **MR. JEREMY BROADHURST:** From what you
7 described and what you read, it seems like a pretty small
8 sample of the threat environment.

9 **MR. GUILLAUME SIROIS:** Okay. I want to go at
10 the last paragraph of page 3, if possible.

11 This paragraph notes that the DFR Lab
12 observed a disproportionate volume of negative content
13 directed at Trudeau and the incumbent Liberal government and
14 that anti-Trudeau hashtags such as "Trudeau must go" briefly
15 exceeded the volume and intensity of hashtags targeting any
16 political figure associated with the Conservative, Bloc
17 Quebecois, Democratic -- New Democratic and Green Parties.

18 Were you aware of this during the 2019
19 election?

20 **MR. JEREMY BROADHURST:** I can tell you it
21 certainly felt that way sometimes during the 2019 election.

22 I wouldn't have been able to point to any
23 kind of analysis at that time that would have backed that up,
24 but it doesn't surprise me that that's the finding.

25 **MR. GUILLAUME SIROIS:** And I want to go at
26 the last paragraph of page 10, please.

27 So over the -- this last paragraph, the first
28 sentence says:

1 "Over the course of its analysis, the
2 DFR Lab 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. The second regards the
7 opportunism shown by Russian state
8 media in its Canadian election
9 coverage."

10 First, the interchange of virulent anti-
11 immigrant hate speech over multiple platforms and online
12 communities. Is this something that you felt like was
13 happening as well? Is it the same in one situation?

14 **MR. JEREMY BROADHURST:** I think that we were
15 -- we were seeing growth of hate speech, political hate
16 speech online and otherwise through both 2019 and 2021 and
17 that there were perhaps for the first time in a while parties
18 within Canada -- in the Canadian ecosystem who were prepared
19 to try to harness that hate and that -- you know, that --
20 those anxieties for their own political gain, so that's -- it
21 doesn't surprise me that a study of the online environment
22 would reflect society writ large at that point.

23 **MR. GUILLAUME SIROIS:** Specifically during
24 the 2019 election there was an increase?

25 **MR. JEREMY BROADHURST:** I think we were, you
26 know, in an environment where it was increasing, yes.

27 **MR. GUILLAUME SIROIS:** And would you agree
28 with the report, the last sentence of this paragraph, that

1 it:

2 "...resembled the Russian information
3 operations conducted against the
4 United States in 2016."

5 **MR. JEREMY BROADHURST:** I don't want to
6 classify myself off as an expert on that. It -- there -- as
7 a layperson in the political field, I would say yeah, I mean,
8 there's -- there -- the -- a similar -- you know, seeing what
9 the United States was going through, where those same sort of
10 prejudices and hatreds were being mobilised for political
11 purposes, we'd seen that happen in Canada, there were
12 similarities. Obviously, there have been pretty widespread
13 accusations about Russian interference in the 2016 American
14 election campaign, you know, a host of things have been
15 written about that. To the extent that it was being --
16 similar feelings were being pushed by, you know, Russian
17 information operations, I have not seen specific evidence of
18 that. I would not be surprised to know that there was
19 evidence of that, however.

20 **MR. GUILLAUME SIROIS:** Okay. And that's
21 interesting.

22 I want to go now at -- further down, please,
23 at page 15, under the heading Opportunism by Russian State
24 Broadcasters. It's a bit further down.

25 So now, what we've just seen is sort of hate
26 speech/anti-immigrant campaign that hasn't been attributed to
27 Russia officially. But now we're talking about Russian state
28 broadcasters, specifically, which, like, it's presumably

1 linked with Russia.

2 I want to -- in the second paragraph we talk
3 about the unfortunate "Blackface" situation, which I'm sure
4 you'll recall. The report says here that although
5 international coverage of the event was generally accurate
6 and balanced, Russian media leaned heavily into
7 editorialization.

8 The report further says that this appearance
9 -- that this appear -- this:

10 "...appeared to be the latest move in
11 a concerted anti Trudeau editorial
12 campaign that had gained steam since
13 RT [Russia Today] had named
14 Trudeau...earlier to its list of 'Top
15 10 Russophobes of 2018'."

16 My question is, do you notice -- did you
17 notice at the time of the 2019 election, or prior to this
18 election, since 2018, maybe, that there was a concerted anti
19 Trudeau editorial campaign from Russian media that had gained
20 steam?

21 **MR. JEREMY BROADHURST:** We have often been
22 advised that, you know, there are efforts made by Russia, not
23 necessarily directed with any kind of outcome in mind other
24 than the undermining of democracy and the destabilisation of
25 the democratic processes. This seems almost consistent with
26 that, and it is -- in some cases, it's kind of -- it's almost
27 infantile in its language and content, but what they often
28 are trying to do is just bring discredit into the system and

1 undermine democracy. That's a lot of what people would say
2 about the 2016 American race as well.

3 I mean, it is -- you know, somebody was
4 earlier saying just because something's interfering from a
5 foreign country doesn't make it foreign interference. I
6 would actually disagree with that, but it's sometimes hard to
7 see the state apparatus that may be pushing something. And
8 in some cases, it may not be a state apparatus, it might be
9 ideologically aligned groups around the world, it might --
10 you know, it's hard to say.

11 So again, I can't speak knowledgeably to
12 specific Russian efforts, but I would say this kind of
13 operation is specifically why there is such great concern
14 about the rapid spread of misinformation and disinformation
15 in election campaigns and why we have been working both
16 domestically and with our international partners to set up
17 rapid response mechanisms to try to catch these things before
18 they go viral to try to help, you know, separate legitimate
19 political debate from baseless allegations.

20 I think maybe I'll stop there.

21 **MR. GUILLAUME SIROIS:** I appreciate your
22 answer, thank you. And ---

23 **COMMISSAIRE HOGUE:** Votre temps est écoulé de
24 déjà plus de 2 minutes.

25 **MR. GUILLAUME SIROIS:** I'm sorry. Counsel
26 for the UCC had to leave, and he told me, and I forwarded the
27 email to Commission Counsel that he was generous enough to
28 provide me with his ---

1 **COMMISSIONER HOGUE:** So he's giving you his
2 10 minutes?

3 **MR. GUILLAUME SIROIS:** Exactly. He had to
4 leave personally for another engagement.

5 **COMMISSIONER HOGUE:** Okay.

6 **MR. GUILLAUME SIROIS:** Thank you.

7 **COMMISSIONER HOGUE:** So you have another
8 10 minutes. You have until 5:20.

9 **MR. GUILLAUME SIROIS:** Yeah, thank you.

10 Okay. So to come back just to your last
11 answer, I understand you saying as the Russian state media
12 aims at amplifying divisive content, generally, not only
13 targeted to Prime Minister Trudeau or the Liberal Party, but
14 this paragraph only seems to indicate that there was a more
15 focussed approach against Prime Minister Trudeau than the
16 rest of the political ecosystem.

17 **MR. JEREMY BROADHURST:** Yeah, as I say, I
18 have not seen any kind of analysis like that on the
19 government side, but it -- you know, it doesn't shock me that
20 this would be a conclusion that somebody could reach.

21 **MR. GUILLAUME SIROIS:** But it's not something
22 you witnessed independently prior to hearing this today with
23 me. It's not something you could testify yourself about.

24 **MR. JEREMY BROADHURST:** I -- well, I think
25 that a large part of what we have been concerned about is
26 these types of operations undermining our democratic
27 institutions. So it's -- I -- nothing here is shocking or
28 surprising or nothing that I would take great issue with,

1 like in terms of I think this is wrong. No, I -- this
2 generally sounds like the kind of thing that we're worried
3 about.

4 **MR. GUILLAUME SIROIS:** Okay. Finally, I will
5 be done after that with this document. I want to go with --
6 at the first paragraph of page 16, please.

7 We see a mention about an article published
8 by Sputnik International, which is similar to Russia Today,
9 another Russian state media, that published a story about
10 Alberta separatism on October 20, 2019, so one day before the
11 federal election. And the report mentions that the article
12 used coded language, for example:

13 "Trudeau's 'globalist' agenda,
14 Trudeau's climate change
15 'rhetoric'..."

16 Which is a language that's:

17 "...popular among ideologically
18 motivated extremist activists."

19 And:

20 "Given the timing of the piece, this
21 was likely an attempt to circumvent
22 political advertising restrictions
23 imposed by the EMA on foreign media
24 outlets."

25 Were you aware of this news article at the
26 time of the federal election?

27 **MR. JEREMY BROADHURST:** I -- October 20, 2019
28 was election day ---

1 **MR. GUILLAUME SIROIS:** There was a lot going
2 on.

3 **MR. JEREMY BROADHURST:** --- was it not?

4 **MR. GUILLAUME SIROIS:** It was the day before.
5 Yeah.

6 **MR. JEREMY BROADHURST:** Oh, one day. Okay.
7 Oh, sorry, there it is, one day.

8 **MR. GUILLAUME SIROIS:** Yeah.

9 **MR. JEREMY BROADHURST:** I don't -- I don't
10 think I was aware of this at the date -- at the time, no.

11 **MR. GUILLAUME SIROIS:** Okay. And given the
12 information I presented to you today, do you think it could
13 have influenced voter decisions?

14 **MR. JEREMY BROADHURST:** It's hard to say.
15 This is the danger of a disinformation campaign. It
16 presented as a legitimate news source as it jumps from
17 platform to platform. As it starts appearing in people's,
18 you know, social media feeds, people will treat it like a
19 legitimate news story, and even though it might be baseless
20 propaganda. So yes, you worry about this influencing, you
21 know, influencing campaigns when it's, you know, obviously
22 factually inaccurate material.

23 **MR. GUILLAUME SIROIS:** So is your answer that
24 yes, you worry about that, or yes, it may have influenced
25 some votes?

26 **MR. JEREMY BROADHURST:** Yes, I worry about
27 that. I have no evidence around, that I can speak to, about
28 it influencing this campaign. And I would reiterate, like I

1 do take the, you know, findings of our intelligence community
2 and the things that we put in place. And I think despite
3 attempts that we ended up having free and fair elections that
4 were -- where the outcomes were legitimate, but I think all
5 of these pieces tell -- show you why you need to continue to
6 be vigilant and why we have to up our abilities.

7 **MR. GUILLAUME SIROIS:** And do you have the
8 same worry as to whether disinformation contributed to the
9 Federal Liberal Party losing its majority in 2019?

10 **MR. JEREMY BROADHURST:** No, I'm not concerned
11 that this ultimately had an impact on the outcome, but I am
12 concerned that this type of thing exists, and I could imagine
13 scenarios where it would impact the outcome. But I don't
14 think that there's evidence in this case to support saying
15 that our campaign was undermined to that extent.

16 **MR. GUILLAUME SIROIS:** So I think we can
17 certainly agree that the evidence, at least very limited, but
18 as you've noted -- as I've presented earlier today, this is a
19 very limited forensic analysis.

20 Do you believe that with more research on
21 this, more forensic analysis like this one on other platforms
22 in the Francophonico (*sic*) system focusing on other parties,
23 like the People's Party of Canada, might we find enough
24 evidence to support that there was actually an impact on the
25 election?

26 **MR. JEREMY BROADHURST:** I encourage all study
27 in the area. I think the government's job is to make sure
28 that it has the ability to assess and add visibility of these

1 types of efforts. So that's what I think that we need to
2 focus on on the government side. But it is -- because that
3 ability to monitor all the different platforms, social media
4 platforms around the world to capture this stuff, that's a
5 strength that needs to be enhanced in Canada.

6 **MR. GUILLAUME SIROIS:** And do you think that
7 Canada has that ability right now to make this sort of
8 assessment if, for instance, it contracted out this specific
9 analysis?

10 **MR. JEREMY BROADHURST:** I couldn't speak
11 knowledgeably to that. I don't know if -- I don't know the
12 answer to that.

13 **COMMISSIONER HOGUE:** And I think we'll look
14 into this issue in the next phase.

15 **MR. GUILLAUME SIROIS:** Well I believe it
16 would concern the 2019 Federal Election, but I ---

17 **COMMISSIONER HOGUE:** Thank you.

18 **MR. GUILLAUME SIROIS:** I've noted your
19 comment. Thank you.

20 **COMMISSIONER HOGUE:** Next one is Erin
21 O'Toole. Counsel for Erin O'Toole.

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

23 **MR. THOMAS JARMYN:**

24 **MR. THOMAS JARMYN:** Hi, my name is Tom
25 Jarmyn. I'm counsel for Erin O'Toole.

26 I guess if we could bring up CAN17675?

27 And the first page there, that's from you,

28 Mr. Clow? Is that correct?

1 **MR. BRIAN CLOW:** Yes.

2 **MR. THOMAS JARMYN:** And it's basically the
3 meeting invite with respect to a meeting that was carried out
4 in PMO on February 23rd -- or sorry, February 23rd of 2023?

5 **MR. BRIAN CLOW:** That's correct.

6 **MR. THOMAS JARMYN:** And the attendees listed
7 there as required attendees, did they all attend?

8 **MR. BRIAN CLOW:** Some of them attended. It
9 was me and Jeremy Broadhurst from PMO. I don't believe
10 Patrick was there.

11 **MR. PATRICK TRAVERS:** I don't recall.

12 **MR. THOMAS JARMYN:** Thank you.

13 **MR. BRIAN CLOW:** And there was Jody Thomas
14 and David Vigneault, the senior officials, discussing with
15 us.

16 **MR. THOMAS JARMYN:** Thank you.

17 And if you could scroll down to the next
18 page, please? And so maybe if we just sort of -- so if we
19 can look at the entire page at one time? Thank you.

20 And those are your notes, Mr. Clow?

21 **MR. BRIAN CLOW:** Yes, they are.

22 **MR. THOMAS JARMYN:** And they are -- it's a
23 complete -- so what I'm saying, it's a complete summary.
24 It's an accurate summary of the discussion that occurred
25 during that half hour meeting?

26 **MR. BRIAN CLOW:** I wouldn't claim that
27 everything written here represents everything said in a
28 meeting, in a meeting even of half an hour. There would be

1 much more notes if every single thing were to be noted down.
2 But these, to me, represent the significant points that were
3 made.

4 **MR. THOMAS JARMYN:** It covers -- it
5 highlights all the topics that were covered ---

6 **MR. BRIAN CLOW:** Generally speaking, yes.

7 **MR. THOMAS JARMYN:** --- during the meeting?

8 **MR. BRIAN CLOW:** Yeah.

9 **MR. THOMAS JARMYN:** Okay. So we can say with
10 a fair bit of confidence that these were the subjects that
11 were covered during that particular meeting?

12 **MR. BRIAN CLOW:** Generally speaking, yes.

13 **MR. THOMAS JARMYN:** Thank you.

14 And if we could move to then CAN 4495? Just
15 on the first page. We'll stay there.

16 And so that's dated February 21st, 2022.

17 I've been told it is a set of talking points prepared by the
18 Director of -- for the Director of CSIS, possibly at his
19 direction, possibly not, for this meeting with PMO about
20 Canada's democratic institutions.

21 Were there any other meetings with the
22 Director of CSIS about foreign interference in Canada's
23 democratic institutions during the last portion of February?

24 **MR. BRIAN CLOW:** During the last portion of
25 February?

26 **MR. THOMAS JARMYN:** Yes.

27 **MR. BRIAN CLOW:** Not that I recall. Not
28 between PMO or the PM, and not in a formal organized way.

1 It's possible there were conversations. I mean, at this
2 point the media leaks and media stories were happening on a
3 near daily basis. So we were having constant conversations
4 with officials about what was going on. But in terms of
5 formal sit-down briefings, I believe this was the only one in
6 late February.

7 **MR. THOMAS JARMYN:** So it's possible there
8 might have been hallway side conversations, ---

9 **MR. BRIAN CLOW:** Absolutely.

10 **MR. THOMAS JARMYN:** --- but the only formal
11 thing for which talking points would have been prepared would
12 have been that one meeting, you think?

13 **MR. BRIAN CLOW:** I'm only aware of the one
14 briefing that the Prime Minister's Office was involved in at
15 the end of February. These talking points were prepared for
16 the CSIS Director for that meeting. I don't know if other
17 talking points were prepared for the ---

18 **MR. THOMAS JARMYN:** Maybe I could ask your
19 colleagues. Are you aware of any other meetings during the
20 last -- latter portion of February in which the topic was
21 discussed between the Prime Minister's Officer and the
22 Director of CSIS about foreign interference threats to
23 Canada's democratic institutions?

24 **MR. JEREMY BROADHURST:** I would -- I'm not
25 aware of, like, any formal meeting. I think there were a lot
26 of conversations going on, but until this process, we were
27 also unaware that people were bringing talking points for the
28 meetings. And I think given their lack of use in the

1 meetings, I think maybe the Director might have been unaware
2 that people were producing talking points for these meetings.
3 I just -- these are -- don't reflect any kind of
4 conversations that we ever had with anybody on the
5 intelligence side.

6 **MR. THOMAS JARMYN:** Fair point. But I guess
7 my question is, were there any other scheduled meetings
8 between the Prime Minister's Office and the Director of CSIS
9 ---

10 **MR. JEREMY BROADHURST:** I don't think ---

11 **MR. THOMAS JARMYN:** --- to discuss this ---

12 **MR. JEREMY BROADHURST:** --- these were
13 provided ---

14 **MR. THOMAS JARMYN:** --- particular topic ---

15 **MR. JEREMY BROADHURST:** They were not going
16 to be called ---

17 **MS. KATHERINE TELFORD:** These were not going
18 to be called in the Institutional Report ---

19 **MR. JEREMY BROADHURST:** --- in the
20 Institutional Report.

21 **MS. KATHERINE TELFORD:** --- and that is
22 faithful to our experience, ---

23 **MR. JEREMY BROADHURST:** Yes.

24 **MS. KATHERINE TELFORD:** --- what is listed
25 there, including the caveat that there were many other
26 conversations that were not set up as calendarized formal
27 briefings.

28 **MR. THOMAS JARMYN:** I appreciate that. Okay.

1 Thank you.

2 And so let's just scroll down a little
3 further to the middle of page 2. And sorry -- yes, that's
4 it.

5 We see the discussion at that third bullet:

6 "Reporting also suggests that, on at
7 least one occasion, the PRC [...]
8 transferred approximately \$250,000."

9 And you see that?

10 **MR. BRIAN CLOW:** Yes.

11 **MR. THOMAS JARMYN:** And that is actually
12 referenced in your notes; isn't it?

13 **MR. BRIAN CLOW:** Yes.

14 **MR. THOMAS JARMYN:** Okay. And if we could
15 scroll down a little further? Actually, can I go back up to
16 the reference immediately above that?

17 "...at least 11 candidates and 13 staff
18 members..."

19 And we see the reference to 11 candidates in
20 your notes. That's there as well?

21 **MR. BRIAN CLOW:** Yes.

22 **MR. THOMAS JARMYN:** Okay. Let's go down to
23 page 3. That's it. Thank you.

24 And here we see the middle bullet:

25 "We['ve] also observed online and
26 media activities aimed at
27 discouraging Canadians, particularly
28 of Chinese heritage, from supporting

1 the Conservative Party, leader Erin
2 O'Toole, and particularly Steveston-
3 Richmond East candidate Kenny Chiu."

4 Some redacted materials.

5 "...the timing of these efforts to
6 align with Conservative polling
7 improvements; the similarities in
8 language with articles published by
9 the PRC state media; and the
10 partnership agreements between these
11 Canada-based outlets and PRC
12 entities; all suggest that these
13 efforts were orchestrated or directed
14 by the PRC."

15 And it's your evidence that was not passed on
16 during this meeting?

17 **MR. BRIAN CLOW:** My recollection is that did
18 not come up as a topic in that briefing.

19 **MR. THOMAS JARMYN:** And it's a fairly clear
20 and unequivocal statement, such that if it had, it would
21 likely have been recorded in your notes?

22 **MR. BRIAN CLOW:** If we had discussed it, I
23 believe I would have made a note of it, yes.

24 **MR. THOMAS JARMYN:** And are any of your other
25 colleagues aware of such an insertion during a briefing or
26 meeting with the Director of CSIS during the last week of
27 February?

28 **MS. KATHERINE TELFORD:** No, I would have

1 recalled that.

2 **MR. JEREMY BROADHURST:** I was at the meeting
3 with Brian and I don't believe it was discussed. And this
4 would have stood out because this is not the language that
5 CSIS generally uses when discusses this stuff.

6 **MR. THOMAS JARMYN:** And Mr. Travers, do you
7 have any contrary knowledge?

8 **MR. PATRICK TRAVERS:** No, I don't.

9 **MR. THOMAS JARMYN:** Those are all my
10 questions. Thank you, Commissioner.

11 **COMMISSIONER HOGUE:** Thank you.

12 So Human Rights Commission, you gave your
13 time; no? You gave your time to ---

14 **MS. SARAH TEICH:** (Off Mic).

15 **COMMISSIONER HOGUE:** Oh, I was told that you
16 paid five minutes.

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

18 **MS. SARAH TEICH:**

19 **MS. SARAH TEICH:** Good afternoon. Can we
20 please pull up CAN 18012? Thank you.

21 **--- EXHIBIT No./PIÈCE No. CAN 18012:**

22 Handwritten Note of K. Telford

23 **MS. SARAH TEICH:** And Ms. Telford, these are
24 your handwritten notes from a March 20th meeting? Is that
25 right?

26 **MS. KATHERINE TELFORD:** Correct.

27 **MS. SARAH TEICH:** And I assume this is March
28 20th, 2023?

1 **MS. KATHERINE TELFORD:** Yes.

2 **MS. SARAH TEICH:** So near the top, you write
3 that there are two challenges:

4 "effect on [people] who can[not]
5 defend themselves,
6 overanalyzing/under-reporting."

7 Can you please explain what you mean by this?

8 **MS. KATHERINE TELFORD:** That was a
9 conversation -- as you can tell, we would have these
10 conversations which kind of also puts to bed the whole
11 talking point issue. We would have these conversations and
12 these briefings with senior officials on a regular basis as
13 to sort of what was underlying or potential caveats were to
14 different pieces of intelligence that we were talking about.

15 Effect on people who can't defend themselves,
16 I can't speak specifically on and I don't recall specifically
17 what I was referring to there or who, but I did reference
18 that much earlier in my testimony, how, you know, some of the
19 time we hear -- particularly through security clearances and
20 things, we will hear flags where the individual involved
21 isn't in a position to be able to respond and so that can be
22 a real challenge.

23 And then overanalyzing and under-reporting, I
24 believe that was someone in the room kind of talking about
25 some of the things that we were seeing at this time and how,
26 when you don't have proper context, you can really end up
27 with -- if you're just looking at one piece of intel without
28 a whole lot of other context, that can lead to a problem. It

1 can lead you down a wrong path.

2 And you know, one of the conversations we've
3 had also going into some earlier testimony is that -- because
4 it's related to these things, too, is that if you see an
5 error or know of an error in intelligence, we've had
6 conversations as it relates to this with the Director of CSIS
7 and the NSIA about the importance of not correcting and
8 changing the intel in any way even when you know it not to be
9 true because of it speaks to -- it speaks to the source and
10 it's actually important to understand, you know, it speaks to
11 the corroboration and validation of the source and of that
12 piece of intelligence, which is why when you have these
13 pieces of intelligence coming out publicly on their own
14 without any of these caveats associated, it can paint a very
15 different picture than the picture that is being seen
16 otherwise.

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

18 So am I correct in understanding the under-
19 reporting, to the best of your recollection, that's about
20 CSIS under-reporting or under-reporting in the news? Is it -
21 - it's not about under-reporting of community members, like
22 victims of foreign interference?

23 **MS. KATHERINE TELFORD:** No, I think that
24 would have been more -- this would have all been associated
25 to an intelligence discussion.

26 **MS. SARAH TEICH:** Okay. Thank you.

27 This is going to be for the panel at large.
28 Anyone can feel free to jump in with an answer.

1 You testified in cross-examination with Ms.
2 Young that the busing-in of voters can occur in the ordinary
3 course of a nomination contest. And just to clarify, I'm
4 asking only generally in this sense. It would not be in the
5 ordinary course of a nomination contest, would it, for voters
6 or potential voters to be pressured or intimidated to vote in
7 a certain way?

8 **MR. JEREMY BROADHURST:** That would not at all
9 be in the regular course of a nomination contest and we would
10 take that incredibly seriously. We have tossed candidates
11 out for allegations of bullying and intimidation.

12 **MS. SARAH TEICH:** So am I correct in
13 assuming, then, that you did not receive intelligence about
14 voters or potential voters being coerced in the context of
15 the Don Valley North nomination contest?

16 **MR. JEREMY BROADHURST:** Part of the theory
17 that was put forward is that foreign students would be
18 intimidated into doing the bidding of the PRC official given
19 their vulnerable status as students who rely on student
20 visas. We -- I am unaware of any specific case where
21 somebody can say, "Here's an individual who was intimidated
22 in that way".

23 The fact that foreign students voted in the
24 nomination does not, I think, meet the criteria of saying
25 therefore, they must have been intimidated to do so since we
26 invite that kind of participation.

27 **MS. SARAH TEICH:** Right. No, and I
28 appreciate you wouldn't know for sure, but I guess I'll

1 rephrase my question.

2 Did you receive intelligence or reports of
3 intelligence or allegations that there was potential coercion
4 of voters?

5 **MR. JEREMY BROADHURST:** I have not seen any -
6 - I have not -- the plan was put forward in the hypothetical
7 that this is what would -- this is what somebody surmises is
8 going to happen or was done. It did not have specific points
9 along the way that said and then we know this bus went
10 somewhere or we know something happened, so the overarching
11 plan as sort of laid out involved getting students to do the
12 bidding of the PRC official because they are vulnerable,
13 whether that's through physical coercion or just, you know,
14 intimidation around the visa or whatever.

15 But we were not provided with the information
16 that that actually happened. Just that there was
17 intelligence reporting that the plan existed to do that.

18 **MS. SARAH TEICH:** Okay. So you did receive
19 reporting that the plan existed.

20 **MR. JEREMY BROADHURST:** Correct.

21 **MS. SARAH TEICH:** Okay. Did you brief ---

22 **COMMISSIONER HOGUE:** Your time is over, so
23 it's going to be your last question.

24 **MS. SARAH TEICH:** Okay. No problem.

25 Did you brief the Prime Minister about that?

26 **MR. JEREMY BROADHURST:** That is what I
27 briefed the Prime Minister.

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

1 **COMMISSIONER HOGUE:** Thank you.

2 Attorney General.

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

4 **MR. FREDERICK SCHUMANN:**

5 **MR. FREDERICK SCHUMANN:** Thank you, Madam
6 Commissioner.

7 So my first question is primarily for Mr.
8 Broadhurst, but I encourage others to contribute.

9 The Commission's heard evidence from Mr.
10 Kenny Chiu and Mr. Erin O'Toole about the alleged impact of
11 certain media articles in six to nine ridings in the 2021
12 election. They asserted that the Conservative Party lost
13 those ridings because of foreign interference.

14 Mr. Broadhurst, I believe you spoke already
15 about the Conservative Party's position on China as a factor
16 in the 2021 election, but can you please comment more broadly
17 on Mr. Chiu and Mr. O'Toole's assertion first by addressing
18 how the respective policy positions of the Liberal and
19 Conservative Parties were being received in the Chinese
20 Canadian community and in those specific ridings?

21 **MR. JEREMY BROADHURST:** Yes. As I mentioned
22 before, it was observed by many both within the Chinese
23 Canadian community and outside of it that the Conservative
24 Party adopted a shift in its policies towards China in the
25 run-up to the 2021 election campaign.

26 The Conservative Party, I don't think it's
27 contentious to say, had for well over a decade been trying to
28 make inroads within Chinese Canadian communities in ridings

1 across the country and, in some cases, those efforts had
2 resulted in some electoral success. What had changed in the
3 rhetoric that was now being used under Mr. O'Toole's
4 leadership was a shift from just a criticism of the Communist
5 Party regime in Beijing to something that was sending up kind
6 of a values fight that said -- you know, that people were
7 interpreting as saying, you know, that Chinese values and
8 Canadian values were somehow incompatible and that Canada
9 needed to have sort of a moral based approach to China that
10 sort of rejected the values that were coming out of China.

11 And so in a way, it was moving from a regime-
12 based criticism to sort of a be fearful of China and its
13 power writ large.

14 You know, that's a point of debate. I will
15 acknowledge that. But that is the debate that was going on
16 and it was turning off the Canadian Chinese community,
17 particularly at a moment when the Chinese Canadian community
18 was very vulnerable. We had instances -- anti-Asian hate
19 crimes were at an all-time high at that point, largely around
20 anger around COVID and misattribution of, you know,
21 responsibility on that front.

22 You also had the Conservative Party -- there
23 was a member of the Conservative Party, a Member of
24 Parliament, who came out and questioned the loyalty and, you
25 know, commitment to Canada of Dr. Theresa Tam, saying that
26 she should go back to China, right. And the Conservative
27 Party under Erin O'Toole refused to remove -- this was MP
28 Derek Sloan -- from their caucus at that point.

1 This was all creating a bit of a toxic brew
2 that -- all of these courtship that had been gone through for
3 10 years was sort of getting thrown out the window. People
4 were starting to see maybe what you really think of the
5 community.

6 Again, point for debate, but that was at --
7 we were hearing that at the doorstep, we were hearing that on
8 the ground in the very ridings that Mr. O'Toole was talking
9 about.

10 Part of the appeal that the Conservatives had
11 traditionally done to that community was sort of a law-and-
12 order based appeal. That was also undermined over the course
13 of this campaign because what was the top law-and-order issue
14 was the issue of gun control.

15 Liberal Party was putting forward gun control
16 plans. The Conservative Party was opposing them. There was
17 very public video out there of Erin O'Toole making
18 commitments to the pro-gun lobby, and so that felt, again,
19 like almost a betrayal of the commitments that had been made
20 to the community so that was also in the mix there.

21 You add in the fact that it was COVID time.
22 Incumbents that, you know, had maybe come in in 2019 didn't
23 get the chance to really sort of establish what you would
24 sometimes think as the advantage of incumbency, right? There
25 were no festivals and fairs and high school graduations and
26 these things that an incumbent MP links into their community.

27 So in a riding like Richmond-Steveston East,
28 it had been Liberal in 2015. Our candidate, or our sitting

1 MP had some well-publicized ethical challenges in the lead-up
2 to the 2019 campaign and he lost to Kenny Chiu. Kenny Chiu
3 never really, I think, had the opportunity to sort of bond
4 with the community that he now represented.

5 Add to that, across the board we saw an 8
6 percent drop in voter participation between 2019 and 2021.
7 In a riding like Richmond-Steveston East I think it was about
8 5 or 6 percent. So you're already taking votes out of the
9 system. You have a riding that was swinging back and forth,
10 you had a party that was being perceived by the community,
11 outside of whatever was happening on WeChat, but in
12 mainstream media across Canada as having taken in a hardline
13 position on China, and that was standing with the gun lobby
14 rather than scared citizens in urban centres.

15 That, to me, is the simplest explanation of
16 what happened in these ridings. And I think to sort of say
17 the only thing that could explain it was some editorial
18 content on WeChat that may or may not have been directed by
19 PRC, I think it's just -- it just sort of ignores too much
20 evidence at that time.

21 **MR. FREDERICK SCHUMANN:** So my last question
22 is to ask you specifically about predictive modelling, and
23 the Commission heard from Mr. O'Toole that predictive
24 modelling was one of the indicators of the impact of foreign
25 interference in those six to nine ridings. And because the
26 results in those ridings were different than what the model
27 the Conservative party had used had predicted, therefore, the
28 foreign interference had an impact, in his view.

1 Do you have experience with modelling, and if
2 so, can you comment on that assertion?

3 **MR. JEREMY BROADHURST:** Sure. We've been --
4 the Liberal Party has been using, you know, pretty
5 sophisticated predictive modelling the last three election
6 campaigns. But models are just made by people, right?
7 You're taking thousand, millions of different pieces of data
8 ranging from past election results, Stats Can information,
9 historical trends, the results of door knocks and phone
10 calls, and you're putting it into the sausage grinder and
11 trying to predict how is this person going to vote? How is
12 this person going to vote? And the weight you give to each
13 of those pieces of information is a human choice along the
14 way.

15 We have found that tinkering with the numbers
16 just a little bit produces widely different results. At one
17 point we were in a campaign where we had three predictive
18 models going to challenge each other to sort of see if we
19 were getting it right.

20 You don't have models as to sort of a parlour
21 game to guess who's going to win the election campaign.
22 You're using them to help you make resource allocation
23 decisions along the way. I can't imagine a model that would
24 have -- based on what I just said previously, that would have
25 told you that those eight or nine seats that Mr. O'Toole's
26 talking about were in the safe category. If it is, you
27 should be questioning your model at that point.

28 But I can tell you what we were looking at

1 and we were saying that they were hotly competitive races.
2 So what do you do? You start making decisions about how
3 you're going to deploy staff into those ridings; you start
4 making decisions about upping your digital advertising in
5 those ridings; you start making decisions about maybe I'll
6 send a Minister into that riding to boost things, or maybe
7 even the Prime Minister will go to those ridings. And you
8 can do that literally up to the last hour of the campaign.
9 Especially now with digital advertising.

10 And so it's not a static thing that comes
11 through. And what your model's not going to get is what your
12 opponent's doing in those last few days of a campaign. So
13 you fight to the end, and then people cast votes for whatever
14 reason that they cast votes, and you see what, the model can
15 only just help you decide where am I going to put finite
16 resources.

17 And I think to sort of sit back and say,
18 "Wow, the model told us that we were -- we should -- those
19 were comfortable wins for us, and we lost them all"; the only
20 explanation is there's a problem in the riding. I think
21 that's just sounds like an excuse to me. It sounds like,
22 yeah, you've done something wrong with your model, or your
23 people just weren't observing what was happening on the
24 ground. We knew those were close fights; we put the
25 resources into win them, and we won them.

26 **MS. NATALIA RODRIGUEZ:** Madam Commissioner,
27 sorry; I realize it is late in the day, but I would just ask
28 that if the witnesses can just speak a little bit slower for

1 the interpreters.

2 Thank you.

3 **MR. FREDERICK SCHUMANN:** Those were my only
4 questions.

5 Thank you.

6 **COMMISSIONER HOGUE:** Than you.

7 Maître Chaudhury, any re-examination?

8 **MS. SHANTONA CHAUDHURY:** None.

9 **COMMISSIONER HOGUE:** No. Thank you all.

10 As I said we...

11 You're free to go.

12 **(WITNESSES WITHDRAW/ LES TÉMOINS SONT RETRAITS)**

13 **COMMISSIONER HOGUE:** As I said, we'll -- I
14 will hear your representation on the request that have been
15 made this morning with respect to calling back Mr. Vigneault.

16 So we'll take five- to 10-minutes break, just
17 for you to organize you will present the request. I suggest
18 that you try to identify a few of you that will make the
19 representation, although I cannot make the choice for you.
20 But just for avoiding repeating.

21 It's already quarter to 6:00, so if we want,
22 at the end, to have time to react if I decide to call back
23 Mr. Vigneault, then I think it's better not to finish at
24 7:00.

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

27 This hearing is now in recess for five
28 minutes. La séance est en pause jusqu'à cinq minutes.

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

2 --- La séance est suspendue à 17 h 43

3 --- Upon resuming at 5:52 p.m./

4 --- La séance est reprise à 17 h 52

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

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

10 **COMMISSIONER HOGUE:** So who will present the
11 request?

12 **--- SUBMISSIONS BY/REPRÉSENTATIONS PAR MS. SARAH TEICH :**

13 **MS. SARAH TEICH:** Hi, Madam Commissioner.
14 We've actually split it in two. I'm just going to open it
15 and then Tom is going to handle the bulk of the submissions.

16 **COMMISSIONER HOGUE:** Okay.

17 **MS. SARAH TEICH:** Essentially I just want to
18 start off by, you know, framing this as this is essentially a
19 request for reconsideration of Human Rights Coalition's
20 motion yesterday.

21 And just to give a bit of a history, we
22 requested after we received the CSIS documents after the
23 conclusion of CSIS witness' testimony and SITE Taskforce
24 testimonies, we requested that these witnesses be recalled so
25 that we can cross-examine them on these new documents. We
26 raised concerns right after the decision to allow written
27 questions that this wouldn't provide the opportunity to ask
28 follow-up questions like a cross-examination would.

1 And what's come out in direct examination
2 today is essentially that these documents were not in fact
3 briefings, they were notes.

4 And with respect to CAN 4495, CAN 4079_R01,
5 and CAN 15842, the parties need to understand what -- first
6 of all, what is the nature of these documents. Are these
7 briefings? Were these notes? What in fact -- what is CSIS'
8 testimony in terms of what was told to the Prime Minister's
9 Office? If he did not share the information contained in
10 these briefings, presumably notes, why not? Who wrote them?
11 At whose direction? There are many unanswered questions and
12 these all will likely involve follow-up questions as well.
13 So the importance of cross-examination has become
14 increasingly clear today.

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

16 **MR. THOMAS JARMYN:** Yes, Commissioner, it's
17 Tom Jarmyn.

18 The difficulty is illustrated very clearly in
19 CAN 4495. And it's also true with respect to CAN 15842.

20 Both those documents in the database are
21 identified as "Briefings to the PM." They're not identified
22 as talking points and nowhere in the document does it
23 actually say they're talking points. They are briefing
24 notes.

25 And today we heard for the first time that in
26 fact they're talking points. We heard that from Madam
27 Charette.

28 Now, I'm assuming that she was a better

1 understanding of how these things are framed maybe than I do,
2 but that's -- her conclusion is consistent with what the
3 evidence of Mr. Clow was today, and consistent in this
4 regard, because there's a significant disagreement between
5 CAN 4495 and what took place during that actual meeting.

6 CAN 4495 has very explicit statements with
7 respect to what happened in the 2021 Election regarding
8 foreign direct interference. It actually has the analysis
9 and the reasoning that led to the conclusion.

10 And as my colleague, Mr. Choudhry, pointed
11 out, there is some very clear statements of recommendation
12 that are included there. But again, none of that is covered
13 in the notes that Mr. Clow gave. And his evidence, and the
14 evidence of his colleagues is very clear, and I take it at
15 face value, they would have remembered if something as clear
16 as this had been given.

17 So the point is, is that what are these
18 things? And if the Service is actually of a view that these
19 -- the CSE's assessment of the facts that occurred, why
20 wasn't it presented? So we need to lockdown the Service's
21 position one way or the other, determine how they were
22 presented, and then if Mr. Vigneault is going to disavow
23 these comments, understand why he's going to disavow them and
24 understand what his actual view actually is.

25 And the difficulty with this is, written
26 questions are not going to allow that sequence of events to
27 occur.

28 **COMMISSIONER HOGUE:** Yes?

1 --- SUBMISSIONS BY/REPRÉSENTATIONS PAR MR. SUJIT CHOUDHRY :

2 **MR. SUJIT CHOUDHRY:** Commissioner, I just
3 want to give two quick points. The first is that I think
4 that the benefit of having Director Vigneault come back in a
5 structured way is that it would enable the Commission to
6 answer some questions that are core to this part of its
7 mandate. The first is whether there was a -- whether CSIS
8 was of the view that there was interference in the 44th
9 General Election, and the second is the issue of information
10 flow.

11 So let's say that there was the view
12 developed within the Service that there was interference, but
13 somehow that information didn't make it to the Privy Council
14 Office or the Prime Minister's Office. Then the question
15 would be why?

16 And I think answering both of those questions
17 would be important for your May report. And so having the
18 Director come back to allow us to ask him questions directed
19 at those two components of your terms of reference in
20 relation to these three documents is proportionate and we
21 think would be appropriate in the context.

22 The other point we might suggest, you know,
23 Madam Commissioner, and this is up to you and your team to
24 consider, but you know, there has been some discussion among
25 counsel about Minister Blair's testimony and whether it is
26 perhaps best -- in the circumstances, Minister Blair might
27 have considerable evidence to provide a relevance for, let's
28 say, the hearings in the fall.

1 It might be -- and given what we've heard
2 from Deputy Minister Stewart about public service -- about
3 Public Safety's role in this kind of cluster of institutions,
4 it might be that Minister Blair's evidence isn't as important
5 for this round as it is for the fall, and perhaps that time
6 could be used to recall Director Vigneault and Minister
7 Blair's witness summary -- interview summary and summary of
8 *in-camera* evidence could be put in by way of affidavit. As a
9 suggestion.

10 **COMMISSIONER HOGUE:** Thank you. Any other
11 representations? I'll go to AG after.

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

13 **MR. GIB van ERT:** It's Gib Van Ert for
14 Michael Chong, just briefly, to say that another point to
15 consider, in my submission, is I think it was Mr. Clow today
16 who expressed concerns about how these briefing notes have
17 been covered in the media since they came to light. I
18 understood him to say that he was concerned about that
19 because he didn't think that they represented what the PMO
20 and the PM had been told.

21 So again, if there is that discrepancy,
22 having the Director back will give an opportunity to pursue
23 that, and if there's a need to correct the record on that
24 point, that can be done.

25 So otherwise, I would just say that I
26 associate myself with my learned friends' submissions.

27 **COMMISSIONER HOGUE:** Me De Luca?

28 **--- SUBMISSIONS BY/REPRÉSENTATIONS PAR MR. NANDO de LUCA :**

1 **MR. NANDO de LUCA:** Madam Commissioner, just
2 to state for the Conservative Party of Canada, we support the
3 request to recall Mr. Vigneault, even taking into account,
4 and I heard your comments yesterday, that it just doesn't
5 happen at the flip of a switch. I would suspect that there
6 are ways that it can be accommodated, especially given that
7 my assumption is, I'm not going to speak for my friends, but
8 it would -- the updated or the supplementary questioning
9 would be relatively narrow in scope. We're not talking about
10 a whole day.

11 I'll just leave it at that.

12 **COMMISSIONER HOGUE:** Thank you.

13 What is your position?

14 **--- SUBMISSIONS BY/REPRÉSENTATIONS PAR MR. BARNEY BRUCKER :**

15 **MR. BARNEY BRUCKER:** We've heard from
16 everyone now. Simply put, the position is that this can be
17 dealt with in written questions. I'll elaborate on that.

18 First of all, I'm not sure, after having
19 heard my friends, what the motion is. There are procedural
20 rules, as we know, governing applications from Rule 63 to 68,
21 contemplate some sort of materials. So I'm not sure if
22 there's an application to recall people from SITE or to
23 recall the Director. I -- am I right to understand it is to
24 recall the Director? Are we talking ---

25 **COMMISSIONER HOGUE:** This is the -- this is
26 my understanding. It's a ---

27 **MR. BARNEY BRUCKER:** Okay.

28 **COMMISSIONER HOGUE:** It's a motion to recall

1 the Director ---

2 MR. BARNEY BRUCKER: All right.

3 COMMISSIONER HOGUE: --- to testify live.

4 MR. BARNEY BRUCKER: Okay. So I understand,
5 and yesterday at the opening of the Commission we heard from
6 Mr. van Ert and from Mr. Jarmyn, and from Human Rights
7 Coalition, and I understand, and I hope I'm understanding
8 correctly, that there are three documents in issue,
9 CAN 004495, CAN 004079-RO1, and CAN 015842.

10 I have no idea, and neither does my client,
11 as to the scope of the re-attendance that might be
12 contemplated. It would be nice if we had that spelled out in
13 the event that you'll see fit to request that Mr. Vigneault
14 re-attend. I would point out that these particular
15 documents, and many, many others, were provided to the
16 Commission in unredacted form and form part of the *in-camera*
17 record of the Commission. And so -- they and a considerable
18 body of others.

19 So one of the questions my friend, Mr. van
20 Ert, asked yesterday was, has the Commission had the
21 opportunity Government of Canada witnesses and CSIS witnesses
22 on these documents in *in-camera* setting? And the answer to
23 that is yes. And has the Commission had the opportunity to
24 raise these in those settings? And the answer to -- and they
25 may or may not have done that because it was a while ago now,
26 and I can't remember everything. But the answer to that
27 question is yes, there was that opportunity.

28 Now, I understand that one of the points is

1 that other witnesses -- and your remarks yesterday morning,
2 Madam Commissioner, as I understood them, were that you would
3 be interested to see if these documents came up and were put
4 to any other witnesses, and I understand that has happened
5 and there have been answers to varying degrees. But that's
6 not unusual. That's happened with lots of witnesses with
7 lots of other documents.

8 So if there is -- if you are contemplating
9 ordering the attendance, I would like to know, and I think we
10 should all know the conditions under which that would be --
11 how long is that going to be for? We had 75 minutes for the
12 executive panel and 30 minutes for the regional panel,
13 together with also at the same for cross-examination on a
14 great body of information. And here, we're talking, I
15 understand, mainly about three documents.

16 So what kind of an attendance is
17 contemplated? Who is going to lead evidence? Is the
18 Commission going to present or allow the witness to present
19 his understanding of this? If not, then I would submit that
20 if you are going to order a re-attendance that counsel for
21 the Attorney General fill that role. Parties can then cross-
22 examine and the Attorney General could re-examine, and that
23 there be a timeline affixed to that process, and that the
24 *O'Connor Rules* that we have been following up until now,
25 which would provide for equal time for both sides, be
26 followed.

27 I can tell you that the Director is very
28 unlikely to be able to appear tomorrow. But if you are to

1 order his re-attendance, request his re-attendance, because I
2 think he would honour that request, you would not need to
3 order it, that could be done Friday. And I understand that
4 this space probably isn't booked on Friday, but we have had
5 participation of all parties and counsel through video link,
6 and that could be accommodated should you see fit to order
7 it.

8 In fairness to the Director, he would need
9 some time to prepare for this. Last night, he testified in
10 Parliament, today he is with NSIRA, and he needs some time to
11 acclimatise himself of these things.

12 But before we go there, just let me take a
13 couple of minutes, if you will, and look at these specific
14 documents. All of them, at least three at least that have
15 been mentioned, are dated in 2022 or 2023.

16 One of them, 015842, indicates it's a
17 briefing to the Prime Minister, who I understand will be here
18 tomorrow and might be able to talk about this.
19 CAN 004079_R01 doesn't appear to have much of anything in it
20 that I can see that hasn't already been the subject of
21 testimony, not only by CSIS, but by lots of witnesses. And
22 the most interesting document that my friend, Mr. van Ert,
23 referred to as "extraordinary" is dated February 21st, 2023,
24 indicating it's a briefing, or the subject of it is a
25 briefing to the PM's Office on foreign interference threats
26 to Canada's democratic institutions.

27 And I understand the PCO Institutional Report
28 indicates a briefing of that nature took place on

1 February 23rd, 2023, so two days later, so presumably this
2 document would relate to that briefing which we have had --
3 we have heard about.

4 And so if I go through this document, and I'm
5 sorry to belabour the point, but I'm here so I may as well
6 give it a try. If you look at the second page of this
7 document, under 004495, it indicates that -- at the top it
8 deals with assertions in media reporting. And it appears, I
9 think it's reasonable to conclude that it appears to be a
10 regurgitation of a comment that might appear in the media
11 with some redacted analysis underneath. That's for a good
12 part of the document. It's not for all of the document.

13 If we get down to the bottom of page 3 and
14 then over onto the rest of the document, we see Briefings and
15 Products as a heading, and if I go through, I won't go
16 through all of these, but:

17 "PRC foreign interference, and in
18 democratic institutions
19 specifically..."

20 This is the bottom of page 3:

21 "...briefed and discussed broadly
22 across the Government of Canada since
23 2018."

24 I don't know how many times we've heard that
25 from a variety of witnesses.

26 Top of page 4:

27 "Between June 2018 and December 2022,
28 CSIS provided 34 briefings to either

1 [redacted]...Cabinet
2 Ministers...other senior officials on
3 foreign interference, including in
4 the 2019 and 2021 elections."

5 If you look at the institutional reports of
6 CSIS and of PCO, all of those briefings are set out in
7 tables.

8 I won't read all of these things:

9 "Multiple additional F1 briefings on
10 the 2019 election...provided to
11 Elections Canada, the Chief Electoral
12 Officer, and the Office of the
13 Commissioner of Canada Elections."

14 I'm not sure how many times I heard about
15 that. We heard about it from the Office of the Commissioner
16 of Canada Elections, from the Chief Electoral Office, and we
17 heard it from other witnesses.

18 I could go on, but I won't, except to
19 indicate to you -- well, maybe I will go on, but just a bit.

20 On page 5, the second bullet:

21 "In February 2021, I briefed the
22 Prime Minister on PRC-linked
23 individuals interfering with the 2019
24 Liberal nomination in Don Valley
25 North."

26 There is some Cabinet confidence redactions.
27 One would think that that might come up when the Prime
28 Minister is here tomorrow, but I guess I'll reserve judgement

1 on that.

2 Next bullet:

3 "CSIS has also spoken publicly about
4 foreign interference threats in
5 general and to democratic
6 institutions, as well as those
7 emanating from the PRC."

8
9 "...prioritized outreach and
10 engagement with communities..."

11 How many times did the Director talk about
12 that?

13 And then the conclusion, which are
14 boilerplate things about "we need to do better", "here's what
15 we should do." Nothing controversial about that. We've
16 spoken about it many times.

17 So my submission at the end of the day on
18 this is that the questions that my friends have raised,
19 specifically about whose notes are these and were they
20 presented, can easily be answered in written form. The
21 government officials, particularly the Service, have been
22 extremely accommodating in an effort to be transparent and
23 have assisted the Commission throughout, and in my submission
24 by doing by written examination with a very short turnaround
25 is fair to everybody. We'll give people what they need and
26 we'll provide some accommodation to the witnesses.

27 If you don't accept those submissions, as I
28 say, my submission to you, Commissioner, is that we have a

1 session on Friday at sometime at a time to be arranged
2 convenient to everybody, scoped out to what exactly it is
3 with equal time and some information as to who's going to
4 lead the evidence.

5 Subject to all your questions, those are my
6 submissions.

7 **COMMISSIONER HOGUE:** Thank you.

8 Any comments?

9 **MR. GIB van ERT:** If I may, Commissioner --
10 oh, pardon me. I'll defer to Commission Counsel first.

11 **MS. ERIN DANN:** Thank you. No comments from
12 Commission counsel.

13 **COMMISSIONER HOGUE:** And for the parties, do
14 you have anything to reply?

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

16 **MR. GIB van ERT:** If I may just say I believe
17 I called the document remarkable, rather than extraordinary.
18 Let's get that clear.

19 And of course, we haven't conferred, but for
20 my part, I have no concerns about Commission counsel leading
21 the evidence. That seems -- let's just do it the way we have
22 been doing it, I suppose is what I would say.

23 And I have no concerns at all about Mr.
24 Brucker's proposal that it be done on Friday to accommodate
25 the witness.

26 **COMMISSIONER HOGUE:** Through -- on video?

27 **MR. GIB van ERT:** If need be, I see no
28 objection to that. Speaking, again, just for myself.

1 **MS. SARAH TEICH:** For us as well, no
2 objections to those proposals.

3 **COMMISSIONER HOGUE:** Is there any objection
4 to this proposal if I decide to go this way?

5 Okay. Stay around for a few minutes and I'll
6 come back.

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

8 The session will be in recess for five
9 minutes.

10 Cette audience sera en pause pour cinq
11 minutes.

12 --- Upon recessing at 6:12 p.m./

13 --- La séance est suspendue à 18 h 12

14 --- Upon resuming at 6:35 p.m./

15 --- La séance est reprise à 18h35

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

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

21 **COMMISSIONER HOGUE:** Okay. I will recall
22 Mr. Vigneault. It will be on Friday morning on video, and
23 it's -- the evidence will be leaded by the Commission, and
24 the Commission and the AG will share 15 minutes in total, and
25 the parties will have to share 30 minutes in total. And I do
26 insist for receiving your plan in advance as to how you are
27 planning to share the time, and my reasons for this decision
28 will be rendered in the next coming days.

1 So there is many technical issues that we
2 have to resolve, but it seems to be possible. So if for any
3 reason we realise that it's not possible, we will let you
4 know and we'll find another solution, but it seems to be
5 feasible.

6 **MR. BARNEY BRUCKER:** Thank you, Commissioner.
7 One question with respect to sharing the time. Are you
8 speaking of sharing the time of all parties or the Commission
9 and the Attorney General?

10 **COMMISSIONER HOGUE:** All parties would have
11 to share the 30 minutes that they have, and you and the
12 Commission will share 15 minutes.

13 **MR. BARNEY BRUCKER:** But you asked for a
14 plan. And is the plan between ---

15 **COMMISSIONER HOGUE:** Oh, you mean for the
16 plan. Oh, I think it's okay. We are not planning to use
17 many of the 15 minutes.

18 **MS. ERIN DANN:** And Commissioner, I'm not
19 sure if you indicated, but we believe we'll be starting at
20 10:00 ---

21 **COMMISSIONER HOGUE:** Oh, sorry. Yes.

22 **MS. ERIN DANN:** --- on Friday?

23 **COMMISSIONER HOGUE:** On Friday, 10:00 a.m.,
24 and it's going to be on video so there's going to be no one
25 in this room. We don't have the room after tomorrow night,
26 so make sure to have a good connection and we'll take it from
27 there.

28 **MS. SARAH TEICH:** Madam Commissioner, sorry,

1 I just have one question. Currently, closing submissions are
2 due April 15th.

3 **COMMISSIONER HOGUE:** They will be due on
4 April 15th.

5 **MS. SARAH TEICH:** All right.

6 **COMMISSIONER HOGUE:** Because we are running
7 into -- the time constraints are such that it wouldn't be
8 possible to postpone it. And I think honestly the piece of
9 information probably won't be easy to insert into your
10 submissions.

11 It's fine?

12 **MR. BARNEY BRUCKER:** Thank you.

13 **COMMISSIONER HOGUE:** Thank you.

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

16 This sitting of the Foreign Interference
17 Commission has adjourned until tomorrow at 9:30 a.m. Cette
18 séance de la Commission sur l'ingérence étrangère levée
19 jusqu'à demain à 9h30.

20 --- Upon adjourning at 6:38 p.m.

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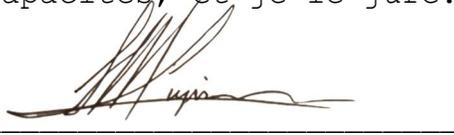
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C E R T I F I C A T I O N

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.



Sandrine Marineau-Lupien