



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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Human Rights Violations

Neil Chantler

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Thomas W. Jarmyn
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Yuen Pau Woo

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Ottawa, Ontario

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

THE REGISTRAR: Order, please.

This sitting of the Foreign Interference Commission is now in session. Commissioner Hogue is presiding. The time is 9:31.

COMMISSIONER HOGUE: Good morning. I hope you slept.

Ms. Chaudhury, you may begin.

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.

--- MS. JANICE CHARETTE, Sworn:

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

MS. NATHALIE DROUIN: Good morning. My name is Nathalie Drouin, D-R-O-U-I-N, and I would like to make a solemn affirmation.

1 --- MS. NATHALIE DROUIN, Affirmed:

2 --- EXAMINATION IN-CHIEF BY MS. SHANTONA CHAUDHURY:

3 MS. SHANTONA CHAUDHURY: So I'll just begin
4 with the note about the scope of this examination. So as we
5 all know, you were here yesterday, you were both here
6 yesterday testifying in your capacity as members of the Panel
7 of Five. So what we're dealing with today in the next
8 45 minutes is what I think you referred to yesterday as your
9 day jobs, so in your roles as Clerk and Deputy Clerk of the
10 Privy Council.

11 And Madam Drouin, I'm probably going to ask
12 most of my questions in English, but of course feel free to
13 answer in the language of your choice.

14 MS. NATHALIE DROUIN: [No interpretation].

15 MS. SHANTONA CHAUDHURY: [No interpretation].

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

18 --- EXHIBIT No. WIT 51:

19 Public Interview Summary: Janice
20 Charette, Nathalie Drouin, Jody
21 Thomas

22 MS. SHANTONA CHAUDHURY: So Ms. Charette and
23 Madam Drouin will recall being interviewed, along with your
24 former colleague, Ms. Jody Thomas, on February 15th, 2024?

25 MS. NATHALIE DROUIN: [No interpretation].

26 MS. JANICE CHARETTE: Yes.

27 MS. SHANTONA CHAUDHURY: [No interpretation].

28 And we'll do this quickly. Can you each confirm that you've

1 reviewed the summary of that interview, that the summary is
2 accurate, and that you adopt it as part of your evidence
3 before the Commission?

4 **MS. JANICE CHARETTE:** Yes.

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

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

9 So then we'll go to WIT 56, please,
10 Mr. Clerk.

11 **--- EXHIBIT No. WIT 56:**

12 J. Charette Public Summary of In
13 Camera Examination

14 **MS. SHANTONA CHAUDHURY:** Ms. Charette, this
15 is the summary of your *in-camera* examination. So you'll
16 recall being examined by Commission Counsel in an *in-camera*
17 hearing held earlier this year. Once again, can you confirm
18 that you reviewed the summary of that examination, that the
19 summary is accurate, and that you adopt it as part of your
20 evidence before the Commission?

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

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

26 So that's CAN.DOC 11, please, Mr. Clerk, for
27 the English version. For the French version -- for the
28 record, the French version is CAN.DOC 12.

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

2 Institutional Report for PCO

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

4 Bureau du Conseil privé (BCP) Rapport
5 Institutionnel - NON CLASSIFIÉ

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

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

12 **MS. SHANTONA CHAUDHURY:** Perfect.

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

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

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

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

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

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

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

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

14 is that correct?

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

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

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

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

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

26 **MS. JANICE CHARETTE:** So the role of the
27 Clerk of the Privy Council is the Deputy Head of the
28 Department of the Privy Council. And in that respect, the

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

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

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

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

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

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

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

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

21 So there's those three.

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

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

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

9 But first, I'll just -- Madam Drouin, please
10 explain the role of Deputy Clerk.

11 **MS. NATHALIE DROUIN:** Well, I support the
12 Clerk in the three roles that she's just described. And I
13 also ensure the coordination of certain files, horizontal
14 files that the Clerk may submit to me. I am a direct
15 supervisor of the PCO, and I also provide support to the
16 Deputy Ministers, especially the Associate Deputy Minister
17 across various departments.

18 And I also manage issues on specific
19 questions, broad questions such as, for example, the convoy
20 or the labour relations conflict with the civil service --
21 federal civil service last year.

22 **MS. SHANTONA CHAUDHURY:** Madam Charette, you
23 mentioned that part of your role is coordinating information
24 flow, and also deciding, or identifying is a better word for
25 it, the issues that are the most important that need to be on
26 the Prime Minister's desk.

27 In the space that we're talking about today,
28 which is foreign interference, can you explain how that role

1 intersects with that of the NSAI? So they're two direct
2 reports to the Prime Minister. How do they work together?

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

8 **COMMISSIONER HOGUE:** Thank you.

9 **MS. JANICE CHARETTE:** A good reminder. Thank
10 you.

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

22 Usually what happens is the NSIA, the
23 National Security Intelligence Advisor, would either go
24 through the Clerk, if time permits, or make sure that that is
25 happening at the same time, if not as quickly as possible
26 afterwards, so the Clerk is aware. If an issue is that
27 important it has to go to the Prime Minister, then the Clerk
28 should also be made aware relatively quickly of the same

1 thing. So I hope that kind of answers your question.

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

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

10 **MS. JANICE CHARETTE:** Right.

11 **Ms. SHANTONA CHAUDHURY:** So how does the
12 Clerk receive intelligence?

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

24 And so we receive a broad variety of
25 information, either through -- directly from the agencies, if
26 they identify it's of a sufficient import, the Security and
27 Intelligence Group within the Privy Council Office that works
28 for the National Security Advisor would provide products on a

1 regular basis. For example, I would get a daily bulletin
2 which would contain a curated amount of information on topics
3 selected from that broad universe that I just described.

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

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

11 **COMMISSIONER HOGUE:** Okay.

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

13 **COMMISSIONER HOGUE:** Perfect.

14 **MS. JANICE CHARETTE:** I'll kind of give you
15 the ---

16 **COMMISSIONER HOGUE:** Perfect.

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

19 **COMMISSIONER HOGUE:** Perfect.

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

23 On a weekly basis, there is a weekly product
24 that's produced by the Privy Council Office, which basically
25 draws from the, kind of the most important pieces out of the
26 dailies. That's also one page double sided. So those are
27 two very focused products.

28 In addition to that, I would get a package of

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

16 In addition to that, I would get a weekly
17 package, which I would describe as kind of for situational
18 awareness. And that -- so the CRO package could vary. I
19 would say that would take me about 45 minutes to an hour to
20 read, and then at various points in the week I could have
21 additional products brought to me. At the end of the week, I
22 would get kind of a situational awareness. That could be
23 products that came from Canadian agencies, either raw
24 intelligence, more likely assessed products, kind of products
25 that have analysed a body of intelligence, or products that
26 come from our Five Eyes partners. And that could be a
27 package of upwards to 20 or 25 products that would take a
28 couple of hours to read, so we're probably talking about 150

1 pages or so, and that is curated.

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

16 And so part of the job then is to figure out
17 of all of this information, what, if anything, needs to go to
18 the Prime Minister. The Prime Minister -- of all the
19 products that I just mentioned, I think if you read the Prime
20 Minister's Office institutional report, they give you a
21 summary of the information provided to the Prime Minister.
22 My responsibility, I thought, he received the weekly bulletin
23 from the intelligence assessment group within the Privy
24 Council Office. My responsibility was if I saw anything in
25 that that I thought he needed to pay attention to, I would
26 not assume that he read everything that he was sent. I would
27 draw his attention particularly to that.

28 **MS. SHANTONA CHAUDHURY:** Just before we

1 continue on with that thought, Madam Drouin, would you also
2 receive all of the intelligence that goes to the clerk or a
3 subset thereof, or how does that work?

4 **MS. NATHALIE DROUIN:** I received all the same
5 documents as the Clerk. I wouldn't necessarily be apprised
6 of them at the same time. So the timeline for the CROs was
7 different in my case as Deputy Clerk. And I also have, of
8 course, to sort through what I received. But I'm focused
9 mainly on weekly assessments, intelligence assessments, as
10 well as intelligence supporting those assessments.

11 So if I can draw a comparison to answer the
12 Commissioner's question, right now in my role I receive a
13 different set of information, in terms of volume. So just to
14 give you an idea, on a daily basis I receive this kind of
15 stack of information. So it might be a foot thick of
16 intelligence documents every week, and so the role for the
17 NSIA is to sort through this information with the help of
18 experts for the benefit of the Clerk of the Privy Council.

19 **COMMISSIONER HOGUE:** So you said an inch and
20 a half?

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

22 **COMMISSIONER HOGUE:** So an inch and a half on
23 a daily basis.

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

25 **COMMISSIONER HOGUE:** And by the end of the
26 week, maybe ---

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

28 **COMMISSIONER HOGUE:** [No interpretation].

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

2 **COMMISSIONER HOGUE:** --- 10 to 12 inches of
3 documents.

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

4 **COMMISSIONER HOGUE:** [No interpretation].

5 **MS. JANICE CHARETTE:** [No interpretation]

6 ...paper documents. And there's also discussions amongst
7 Deputy Ministers, especially between myself as Clerk and the
8 National Security and Intelligence Advisor through oral
9 meetings.

10 One of the tactics that I employ to try to
11 cope with the volume of information was I set up a weekly
12 oral briefing when time permitted in my schedule with the
13 team from the Intelligence Assessment Secretariate in order
14 to be able to kind of have a more in-depth discussion in a
15 particular area, and I would try and vary those topics
16 depending on what was going on. If there was a G7 summit
17 coming up, for instance, we would talk about those issues,
18 particular conflict. So an attempt to kind of stay on top of
19 the situational awareness, in addition to the written
20 products, we also had the opportunity for oral briefings.

21 **MS. NATHALIE DROUIN:** This is concerning
22 foreign interference but the documents that we had was
23 obviously not simply foreign interference. This was a sub-
24 category of intelligence that we would be receiving. But
25 this is not a category; that is to say, I don't have a
26 particular document that says this is intelligence with
27 respect to foreign interference. It's through all of the
28 information that we would get that information.

1 **MS. SHANTONA CHAUDHURY:** Thank you very much.
2 You've answered the question. But could you estimate the
3 proportion of the intelligence that would be foreign
4 interference?

5 **MS. NATHALIE DROUIN:** It's very difficult
6 because it can vary. When it comes to world conflicts right
7 now there are many more reports on that. During the pandemic
8 there were more reports with respect to the pandemic. So it
9 really depends on the context.

10 **MS. SHANTONA CHAUDHURY:** [No interpretation].

11 **MS. JANICE CHARETTE:** I think that's one of
12 the reasons why -- yesterday we talked about our
13 responsibilities as the Panel of Five. I think, for me, it
14 shows during the election campaign we had a focus level of
15 attention on this topic in particular with a daily bulletin
16 about foreign interference dedicated to a group of Deputy
17 Ministers. So that shows you kind of by comparison we would
18 get bits and pieces through the course of a day, or a week in
19 a package. This was daily focus during the election campaign
20 given our responsibilities under the protocol, just to try
21 and show the differences.

22 **MS. SHANTONA CHAUDHURY:** And will that be
23 because during an election period, foreign interference was a
24 focus?

25 **MS. JANICE CHARETTE:** Because we had
26 responsibilities under the protocol to be monitoring and
27 meeting as the Panel of Five if we identified something that
28 we thought needed to be addressed.

1 **MS. SHANTONA CHAUDHURY:** Okay. So amidst
2 this fairly massive volume of information, what's the path
3 for intelligence to go up to the Prime Minister? How is it
4 decided that something is important enough for the Prime
5 Minister to see it? And is that always the clerk making the
6 decision, the NSIA making the decision, or the intelligence
7 agencies themselves? Can you explain that?

8 **MS. JANICE CHARETTE:** Of course. So as I
9 said, the Prime Minister gets a weekly product that goes to
10 him through the auspices of the security and intelligence
11 group within the PCO. That's a product which situational
12 awareness, he may or may not have time to read it all. If
13 there's anything in particular in there, my responsibility,
14 or the NSIA's responsibility to say this one in particular,
15 or this issue in particular you should be aware of this, you
16 should be on top of this. He may have other products which
17 are identified to him either by myself or the National
18 Security and Intelligence Advisor. In the course of our
19 readings, we would bring those things to him. He may or may
20 not get a small part of a reading package as part of that,
21 which could come either from myself, the NSIA, or from his
22 office who also has a feed of intelligence products to them.

23 I'd say that might be useful to describe. So
24 how do we -- I mean, part of the judgment call, every day for
25 a Deputy Minister, is what information do you provide to your
26 Minister, in my case the Prime Minister, given his broad
27 range of responsibilities. What information do you give him
28 out of all of this? And so I try to think about the criteria

1 that I was using to do this. And so I would say there were
2 kind of three areas in this space in respect of kind of
3 intelligence, including foreign interference.

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

9 Secondly, if there's a particular policy
10 issue that's under review or deliberation, I might say here
11 is some information, or product him access to officials who
12 can provide him with briefing on a certain set of kind of
13 background information and analysis that will support the
14 policy deliberations that might take place, either in a
15 Cabinet or with him and a subgroup of Ministers.

16 And third would be probably of all of this
17 the smallest percentage of all of this is information that
18 has to go to him, either for a decision that he's going to
19 take, an action he's going to take, or a specific purpose,
20 he's going to a meeting with another -- a leader of another
21 country, here's a particular issue that the community as
22 vetted by myself and the National Security Advisor think that
23 you should be aware of and possibly briefed.

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

26 **COMMISSIONER HOGUE:** Slow.

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

1 **COMMISSIONER HOGUE:** Slow.

2 **MS. ERIN DANN:** --- slow down a little bit.

3 Thank you very much.

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

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

7 **MS. SHANTONA CHAUDHURY:** Apparently.

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

9 **MS. SHANTONA CHAUDHURY:** Would it always be
10 clear to the Prime Minister, would you make it clear to the
11 Prime Minister for which of those purposes he was receiving
12 the intelligence?

13 **MS. JANICE CHARETTE:** No, I was trying to
14 provide a sense of how I would do the triage, which is what
15 every deputy has to do in terms of figuring out of all the
16 information you have access to what needs to go when. And so
17 you're looking at kind of those criteria, and is the
18 information, is it timely, is the information, like is it
19 mature, is kind of comprehensive, is it complete, has it been
20 analysed, is there a particular action that's necessary?

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

25 **MS. SHANTONA CHAUDHURY:** But at the point at
26 which you provide the information to the Prime Minister,
27 would you make it clear to him for what purpose it was being
28 provided? So for a decision versus for situational

1 awareness, for instance?

2 **MS. JANICE CHARETTE:** So we were providing
3 him with written notes. The top of every note to the Prime
4 Minister will say "for information" or "for a decision". I
5 may provide him with -- for example, in the case of that
6 weekly bulletin we were describing, I might draw that to his
7 attention in a meeting that I might be having with him. So
8 not -- I would say that if I was presenting to him for action
9 or decision that was clear.

10 **MS. NATHALIE DROUIN:** If I could intervene?

11 **MS. SHANTONA CHAUDHURY:** [No interpretation].

12 **MS. NATHALIE DROUIN:** The context helps also.
13 For example, if we're giving a briefing to the Prime Minister
14 before he has a discussion with the leader of another
15 country, of course this is for his information to prepare him
16 for speaking to the leader in question. And if it's a
17 question of bringing forward a brief for Cabinet, well then
18 the information is really for the development of a policy.
19 So you have to take into consideration the context that
20 you're giving it, and that will be indicated for the
21 usefulness of the information he's being given.

22 **MS. SHANTONA CHAUDHURY:** [No interpretation].

23 Okay. I'm going to take you now to an
24 example of when it was decided that something was important
25 enough to not only bring to the Prime Minister's attention
26 but to brief him specifically. And that's a fall 2022
27 briefing to the Prime Minister on foreign interference. This
28 is discussed, for the record, at the -- your interview

1 summary, WIT 51, paragraph 36 and 37.

2 So Mr. Clerk, that may be helpful for the
3 witnesses to see.

4 But Ms. Charette, I'll ask you to take us
5 through the chronology of this, because I understand there
6 were actually three separate meetings, one which was with, I
7 believe, officials only; one to the PMO; and then one to the
8 PM.

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

14 So the NSIA and myself were briefed by the
15 head of the Service, and it was a opportunity for us to have,
16 just kind of a -- kind of an overall update on the threat and
17 risk environment with respect to foreign interference. We
18 had a discussion about kind of the -- what -- the steps that
19 CSIS was taking within their own mandate to deal with these
20 threats. We were having a conversation about some of the
21 other tools in the toolkit where there had been conversations
22 and deliberations about, for example, the changes to the *CSIS*
23 *Act*, which had been under discussion for sometime. So what
24 were some of the things that CSIS was doing and what were
25 some of the things that, with additional tools, CSIS could do
26 to address the risk?

27 And then we had an update from the Director
28 on some particular cases that were of -- particularly with

1 respect to parliamentarians, and examples of hostile state
2 actor activity that he thought were timely to bring to our
3 attention. That meeting happens about -- as I said,
4 September the 13th.

5 As a follow-up to that, there was a briefing
6 which the National Security and Intelligence Advisor then --
7 so the NSIA and myself come out of that briefing with the
8 Director and we think there is a body of information here
9 that we think it's time for an update, a situational
10 awareness update to be proceeding forward, using my kind of
11 lexicon.

12 The next step is the NSIA briefs the Prime
13 Minister's Office so that they also can have access to that
14 information. It's not a -- and the Director participates in
15 that briefing. So they get kind of a mirror of the briefing
16 that we have had with the Director.

17 And then the third in the series is the
18 briefing that took place, as shown here, on the 27th of
19 October. This is a briefing that took place, again, the
20 NSIA, the Clerk, the Director of CSIS, with the Prime
21 Minister, and members of his team. There were other PCO
22 officials, I believe, in attendance at that.

23 And we ran through the same kind of three
24 parts of the agenda. It was an opportunity to provide an
25 update to the Prime Minister on the kind of the threat
26 environment that we were seeing on the part of various of our
27 threat actors that were known in this environment; an
28 up-to-date for the Prime Minister on steps that CSIS had

1 taken, defensive briefings that they had done, for example;
2 and an update on some of the other areas where -- kind of
3 input to the policy deliberation process again, where it
4 would be helpful to think about new tools in the toolkit, so
5 an opportunity for an exchange in dialogue about that; and
6 then again, for the Prime Minister, a briefing on particular
7 cases for his situational awareness.

8 I -- there was no actions or decisions that
9 were brought to the Prime Minister in the context of that
10 briefing on specific cases.

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

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

15 Briefing to the PM on Foreign
16 Interference Threats to Canada's
17 Democratic Institution

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

23 But Mr. Clerk, I'll just ask you for the
24 benefit of everyone here to scroll through briefly these
25 notes.

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

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

7 As deputy ministers, we would receive these
8 as input to a meeting that we might be participating in. So
9 briefing notes or talking points to guide the discussion for
10 a, in this case, a briefing with the Prime Minister. It --
11 they are not verbatim. The Deputy Minister would very rarely
12 deliver this as a -- it's not a speech, it's not -- this is a
13 tool for, or input for the Director to use in this case, but
14 a deputy to use in the context of a briefing. A guide. Some
15 information from your team. And then the deputy, in this
16 case the Director, would choose kind of to follow the
17 outline. They may cover some, but not all of the topics, and
18 the individual can also choose to add information which is
19 not in the talking points. All to say don't read this as
20 this is what the Director said.

21 As well, this is a briefing with another --
22 with, in this case, the Prime Minister. And so it's very
23 much a two-way dialogue. He can ask questions. Other -- I
24 could ask questions. The National Security Advisor, his
25 office, my ask questions. So it's a bit more of a free-
26 flowing conversation than the Director reading a set of notes
27 and the Prime Minister hearing it.

28 That being said, looking at these notes, it

1 is fair to say that the kind of the broad topics that I
2 discussed, an update on the kind of behaviour of threat
3 actors and some specific cases, were drawn to the attention
4 of the Prime Minister. And an update on some of CSIS
5 activities and the toolkit that's available, that is
6 reflected in the notes. What is not in the notes is
7 information about specific cases, some of which may have been
8 redacted for the purposes of national security.

9 **MS. SHANTONA CHAUDHURY:** Thank you. The next
10 document I'm going to take you to is CAN 001082.

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

12 Liberal Party Representatives SITE
13 Briefing

14 **MS. SHANTONA CHAUDHURY:** So this is a
15 document representing something that happened in the 2021
16 election, and we understand that on the basis of this
17 document there was a briefing delivered in -- during the
18 election to cleared representatives of the Liberal Party.

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

20 **MS. SHANTONA CHAUDHURY:** Ms. Charette, can
21 you tell us -- what can you tell us about this briefing in
22 this context? Were you made aware of this briefing and the
23 content of it?

24 **MS. JANICE CHARETTE:** So I believe I spoke
25 about this briefing yesterday in my capacity as a member of
26 the Panel of Five. So this briefing happened during the 2021
27 election. This was a briefing that was done by members of
28 the service along with the Privy Council Office to the

1 cleared representative of the Liberal Party of Canada. It
2 was a classified briefing that was provided on a matter that
3 was relevant to that particular party. The Panel of Five, in
4 my capacity, I was sitting as a member of the Panel of Five
5 was made aware of the matter that was developing. One of the
6 things that I had a chance to -- thank you -- one of the
7 things I had a chance to do was as we were hearing about this
8 on the Panel of Five, I also have as I -- we talked about
9 yesterday, we retained all of our kind of powers and
10 authorities as Deputy Ministers. And so when we were hearing
11 about this matter in the Panel of Five, I asked the Director
12 of CSIS what, if any, mitigation options could be taken. He
13 and I had a meeting outside of the Panel of Five in which we
14 discussed some of the things that could be done. And in the
15 end, it was agreed that this briefing would take place.

16 The Panel of Five was informed afterwards
17 about the briefing having taken place. The Panel of Five
18 continued to follow this matter within our deliberations.
19 And as I said yesterday, at no point did this matter reach
20 the threshold in the minds of the Panel in terms of something
21 which impaired the ability of Canadians to have a free and
22 fair election. I did not -- and this is your question, I did
23 not brief the Prime Minister on this, either during the
24 election or after the election. And, in fact, the -- I
25 believe the first briefing of the Prime Minister on this took
26 place not until 2023.

27 **MS. SHANTONA CHAUDHURY:** Okay.

28 **MS. JANICE CHARETTE:** --- by the Privy

1 Council Office.

2 **MS. SHANTONA CHAUDHURY:** Briefing by the
3 Privy Council Office?

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

5 **MS. SHANTONA CHAUDHURY:** Okay. Sticking with
6 the 2021 election, I'm going to ask the clerk to bring up CAN
7 013124_R01.

8 **--- EXHIBIT No./PIÈCE No. CAN 13124 R01:**

9 CPC Concerns around Foreign Election
10 Interference 2021

11 **COMMISSIONER HOGUE:** I just have one
12 question.

13 **MS. SHANTONA CHAUDHURY:** Oh, [No
14 interpretation].

15 **COMMISSIONER HOGUE:** You said he was only
16 briefed, the Prime Minister was only briefed in 2023 by the -
17 --

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

19 **COMMISSIONER HOGUE:** --- by the Privy
20 Council. So are you aware of any other briefings that may
21 have taken place ---

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

23 **COMMISSIONER HOGUE:** --- and offered by
24 someone else to the PM?

25 **MS. JANICE CHARETTE:** I would have been aware
26 of that. I have not ---

27 **COMMISSIONER HOGUE:** You would have been
28 aware?

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

14 **COMMISSIONER HOGUE:** Thank you.

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

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

18 **MS. SHANTONA CHAUDHURY:** --- 1342, it's in
19 front of us now. So scroll down a little bit, Mr. Clerk, to
20 the next page and we'll all recognise this document now.
21 This is having to do with concerns brought by the
22 Conservative Party after the 2021 election relating to mis
23 and disinformation.

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

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

11 At that point in time, I asked that my
12 officials would go back and remind me -- this was almost two
13 years. A lot of things happen in two years. I asked my
14 officials to go back and remind me what was the nature of the
15 concerns that the Conservative Party of Canada raised, what
16 specifically had been done about those, and what, if
17 anything, more could they tell me about that at this point in
18 time.

19 So you see an information note here to me
20 from the National Security and Intelligence Advisor, which
21 explains what happened in 2021 in terms of the concerns that
22 were raised, the process that was followed, in terms of the
23 assessment, the communications of that, and then a heads up
24 that it was expected that this issue may resurface again in
25 one of the Parliamentary committees.

26 Then it goes through in background a little
27 bit more detail on that and contains a number of tabs of
28 attachments to that, including the email that was submitted

1 by the Chief of Staff to the then leader of the Conservative
2 Party with the additional information that they had provided
3 to us after the election. You'll see it's I think dated the
4 30th of September. Then I was provided with an -- in the
5 second tab a summary of the assessment that we spoke about
6 yesterday that had been done by the SITE Task Force. This
7 was a body of work that was done over a course of
8 approximately three weeks, which was summarised in this
9 three-page document, which was provided to me. A longer
10 document I think is also available. We talked about
11 yesterday kind of 11 page. And then at tabs C, it provides a
12 summary of the information that was known at the time of the
13 briefing to report back to the Conservative Party about the
14 findings of that assessment. And the last tab is the
15 speaking points I believe that were developed for the
16 conversation that took place and where that debriefing on the
17 results of the SITE assessment were done with the
18 Conservative Party.

19 **MS. SHANTONA CHAUDHURY:** Okay. Were there
20 any particular steps for you to take following the receipt of
21 this memo?

22 **MS. JANICE CHARETTE:** No, this was really for
23 me to make sure that I had kind of my facts straight in my
24 mind. And it formed part of kind of the body of knowledge
25 about the kinds of things that -- I mean, I had seen this
26 through the Panel of Five, but again, it was kind of the body
27 of knowledge of some of the things that we were watching for
28 in terms of the capabilities of some of the threat actors in

1 the foreign interference space. So I think that's also
2 summarised as well in one of the summaries on this particular
3 matter which has been provided to the inquiry.

4 **MS. SHANTONA CHAUDHURY:** Okay. And just
5 another question on this, as we scroll up and down through
6 the document, there are a number of handwritten notes. Would
7 those be your notes?

8 **MS. JANICE CHARETTE:** They are not my notes.

9 **MS. SHANTONA CHAUDHURY:** Do you know who ---

10 **MS. JANICE CHARETTE:** I don't know who notes
11 they are.

12 **MS. SHANTONA CHAUDHURY:** Okay. It's always
13 worth ---

14 **MS. JANICE CHARETTE:** My handwriting is not
15 that legible.

16 **MS. SHANTONA CHAUDHURY:** And then lastly,
17 appreciating that you would not have been there in the fall
18 of 2021 when this occurred, Madam Drouin, I believe you were,
19 was the PM advised of these concerns in ---

20 **MS. JANICE CHARETTE:** I was ---

21 **MS. SHANTONA CHAUDHURY:** --- 2021?

22 **MS. JANICE CHARETTE:** --- I was there.

23 **MS. SHANTONA CHAUDHURY:** Oh, you were? You
24 were. I'm sorry ---

25 **MS. JANICE CHARETTE:** Yeah.

26 **MS. SHANTONA CHAUDHURY:** --- you were, of
27 course.

28 **MS. JANICE CHARETTE:** Yeah. So, no, I did

1 not advise the Prime Minister at the time of this. I -- at
2 the time, with the -- this was information and analysis that
3 was occurring in the context of the Panel of Five. The Panel
4 of Five did not find that there was information which caused
5 us to make a public announcement under the directive and the
6 protocol. I didn't think that there was any information that
7 required his action, and he was generally aware of the
8 situation in terms of the capabilities here, so I didn't
9 think there was anything new to bring to his attention.

10 **MS. SHANTONA CHAUDHURY:** Okay. Finally, the
11 last topic I would like to ask you about briefly is a meeting
12 that happened in 2023. So, Mr. Clerk, if we can go to CAN
13 017676?

14 **--- EXHIBIT No. CAN 17676:**

15 Handwritten Notes of B. Clow &
16 Meeting Invitation

17 **MS. SHANTONA CHAUDHURY:** And if you'll just
18 scroll down to the second page, Mr. Clerk? So as I said,
19 this is a meeting that happens in 2023. This was after some
20 -- there have been some media leaks, obviously, on the topic
21 of foreign interference and what's discussed in this meeting
22 appears to be a lot having to do with the elections and
23 things happening prior to that.

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

28 So Ms. Charette, again, I'll just ask you to

1 explain what was going on in this meeting on the basis of
2 these notes?

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

16 Before we get to that, you see a briefing
17 that's taking place led by the Service. So it would have
18 been Madam Giles, with subject matter experts who came in and
19 who would have provided some context for a group of Ministers
20 who haven't -- don't have the same level of knowledge and
21 understanding. So kind of, "Here is a sense, Ministers, of
22 the kinds of capabilities that we believe hostile state
23 actors have, and what their intentions are, and what actions
24 we have seen. Some examples of that, of what we have seen in
25 the past," you see 2019 there, for example.

26 And then there goes into a more comprehensive
27 review of the particular actions and our body of knowledge
28 with respect to the capabilities, intentions, and activities

1 of the PRC in respect of foreign interference. We see a
2 discussion of particular cases, some of which have been in
3 the media. So there was Ministers were reading things in the
4 newspapers and this was an opportunity for the intelligence
5 community to be able to inform Ministers about what they had
6 seen in the intelligence as opposed to necessarily what was
7 being reported in the newspapers and to discuss -- Ministers
8 had a chance to talk about what the impact is on Canada, on
9 the public interest in Canada, the impact on diaspora
10 communities in Canada, lots of questions in there.

11 Again, this was a briefing, not a speech
12 delivered. There was a very substantial solid brief that was
13 provided to these Ministers for their awareness and
14 understanding and an opportunity to ask questions, and you
15 see some back and forth I think in these notes, which I
16 believe are the notes prepared by one of the Deputy Chiefs of
17 Staff to the Prime Minister.

18 And so there was also an opportunity in the
19 same briefing for Ministers to be -- to have explained to
20 them what the existing tool kit is, because part of the
21 objective here was in addition to them just having a
22 situational awareness, the expectation would be that they
23 would then have a follow-along conversation and be in a
24 position, if need be, to talk to the Prime Minister about
25 what action, if any, the Government of Canada should be
26 taking on the policy side or in any other front.

27 **MS. SHANTONA CHAUDHURY:** Well, I think our
28 time is up, so in the interest of time, we're going to leave

1 that on a cliff hanger and see what happened next, if
2 anything.

3 **COMMISSIONER HOGUE:** Thank you.

4 So the first counsel, it's counsel for Erin
5 O'Toole.

6 **--- CROSS-EXAMINATION BY MR. THOMAS JARMYN:**

7 **MR. THOMAS JARMYN:** Thank you, Commissioner.

8 Good morning. My name is Tom Jarmyn. I'm
9 counsel for Erin O'Toole.

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

13 **MS. JANICE CHARETTE:** So it could happen one
14 of two ways. The Director of CSIS may suggest to the
15 National Security Advisor, or to the Clerk, that he has
16 information that he thinks would be appropriate to brief to
17 PMO staff. That would be -- usually it would be to the Prime
18 Minister, and then there would be kind of a pre-brief of PMO
19 staff so they have the same level of information.

20 Normally in those instances, it would be
21 expected, and it would be my expectation certainly, that the
22 Director of CSIS would have already informed his Minister,
23 the Minister of Public Safety, before that would happen.

24 Alternatively, there could be a request from
25 the Prime Minister's Office for a briefing that would go
26 through either the National Security Advisor or myself, and
27 one of us, if not both of us, would usually attend one of
28 those briefings.

1 **MR. THOMAS JARMYN:** So the usual course of
2 business is that the request is funneled to the Director
3 either through the DMO or through you, and ultimately the
4 Clerk or the NSIA is usually informed of these things before
5 they happen?

6 **MS. JANICE CHARETTE:** And -- yes. And would
7 participate.

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

10 **MS. JANICE CHARETTE:** Including the National
11 Security Intelligence Advisor.

12 **MR. THOMAS JARMYN:** Yeah. I'd like to take
13 you to CAN004495.

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

15 Briefing to the Prime Minister's
16 Office on Foreign Interference
17 Threats to Canada's Democratic
18 Institutions

19 **MR. THOMAS JARMYN:** And this is entitled
20 *Briefing to the Prime Minister's Office on Foreign*
21 *Interference Threats to Canada's Democratic Institutions.*

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

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

26 **MS. JANICE CHARETTE:** That's what it looks
27 like to me, yes.

28 **MR. THOMAS JARMYN:** And accepting your point

1 that these are speaking notes, not verbatim notes or a
2 transcript by any means, but generally, in your experience,
3 Deputies tend to follow their speaking notes?

4 **MS. JANICE CHARETTE:** I did not say that,
5 sir. I said ---

6 **MR. THOMAS JARMYN:** Okay. That's what I'm
7 asking.

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

9 **MR. THOMAS JARMYN:** Yeah.

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

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

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

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

25 And so here's a provision that discusses in
26 response, it appears, to media stories related to Vancouver-
27 East, the Service's current assessment with respect to what
28 happened in the 2021 Election.

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

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

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

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

9 **MR. THOMAS JARMYN:** Yeah.

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

13 So this section of the note is entitled
14 "Assertions in Media Reporting".

15 **MR. THOMAS JARMYN:** Yes.

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

21 **MR. THOMAS JARMYN:** Yes.

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

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

26 **MS. JANICE CHARETTE:** Thank you very much,
27 sir.

28 Is this the paragraph which it starts

1 redacted and then "the timing of these efforts"?

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

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

11 A large redacted portion. And then the
12 analysis:

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

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

26 **MS. JANICE CHARETTE:** I think that, as I
27 said, this does not necessarily represent -- I should start
28 with, sir, I apologize, I didn't say at the beginning, I was

1 not at this briefing. This is a briefing that was attended -
2 --

3 **MR. THOMAS JARMYN:** Yeah.

4 **MS. JANICE CHARETTE:** --- by the National
5 Security and Intelligence Advisor. So ---

6 **MR. THOMAS JARMYN:** And that would be Ms.
7 Thomas?

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

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

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

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

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

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

27 **MR. THOMAS JARMYN:** And would he have -- he
28 would have had a staff member accompany him as a general

1 rule?

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

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

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

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

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

23 **COMMISSIONER HOGUE:** Thank you.

24 Counsel for the Conservative Party.

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

27 **--- CROSS-EXAMINATION BY MR. NANDO de LUCA:**

28 **MR. NANDO de LUCA:** Can I have CAN 004728

1 called up, please?

2 --- EXHIBIT No. CAN 4728:

3 Foreign Interference in the 2019
4 Federal Campaign of Dong Han - CNSB
5 23/19

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

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

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

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

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

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

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

27 **MR. NANDO de LUCA:** Okay. And do you --
28 would you know if the Clerk or Deputy Clerk at the time would

1 have made the PMO -- the PM or the PMO aware of the contents
2 of this briefing?

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

5 No PMO or PM briefing in terms of intel
6 regarding Don Valley North happened during the writ period in
7 '19.

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

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

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

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

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

1 And as a result of that meeting, CSIS
2 actually recalled or corrected its previous assessment of the
3 PRC foreign interference assessment. And ---

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

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

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

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

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

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

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

14 Thank you.

15 ADR Director witnesses. Thank you very much.

16 And then back to the bottom of page 3.

17 Page 4, sir, did you say?

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

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

21 Your point, please?

22 **MR. NANDO de LUCA:** I believe it says some
23 time after 2022 in the words of the document, so presumably
24 2023 or 2024.

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

26 Okay. Your question, sir. Thank you.

27 **MR. NANDO de LUCA:** And I believe -- am I
28 correct that in your evidence in-chief you indicated that you

1 or someone from the PCO Office actually attended that
2 meeting?

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

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

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

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

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

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

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

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

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

1 so the idea of -- my advice is privileged to him. He makes
2 whatever decision he wants. And then I am responsible for
3 overseeing the implementation of that decision whether I said
4 no or yes.

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

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

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

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

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

18 **MS. JANICE CHARETTE:** Correct.

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

21 **COMMISSIONER HOGUE:** Thank you.

22 Jenny Kwan's counsel.

23 **--- CROSS-EXAMINATION BY 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 Maître Drouin as well. I didn't mean to
5 direct it just to Madam Charette. So ---

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

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 **MS. NATHALIE DROUIN:** I've said it several
19 times; they're different documents that have been brought out
20 on the foreign interference, on the threats, and the
21 different briefings have been offered to the different
22 political parties. But did it really resonate with all of
23 the Canadians with respect to the warnings? I think we
24 really should ask that question because maybe what we have
25 now with the Commission, maybe that's contributing to the
26 awakening of Canadians with respect to the threat of foreign
27 interference. And this is one of the opportunities that this
28 Commission is giving us right now.

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 MR. FRASER HARLAND:**

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

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

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

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

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

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

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

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

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

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

1 Prime Minister on, you know, what should be the outcome at
2 the end of the day.

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

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

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

27 **MS. JANICE CHARETTE:** It's very fact -- it
28 depends on the facts that you're talking about. That is one

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 **COMMISSIONER HOGUE:** Thank you.

16 Human Rights Coalition?

17 **--- CROSS-EXAMINATION BY MS. HANNAH TAYLOR:**

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

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

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

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

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

19 **MS. HANNAH TAYLOR:** No, certainly. Thank
20 you, Ms. Charette.

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

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

28 **MS. HANNAH TAYLOR:** Okay. Would you be able

1 to tell me about how much of the information you received
2 focussed on that issue?

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

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

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

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

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

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

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

18 **COMMISSIONER HOGUE:** Thank you.

19 UCC?

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

21 **COMMISSIONER HOGUE:** RCDA?

22 **--- CROSS-EXAMINATION BY MR. GUILLAUME SIROIS:**

23 **MR. GUILLAUME SIROIS:** [No interpretation].

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

25 **MS. JANICE CHARETTE:** [No interpretation].

26 **MR. GUILLAUME SIROIS:** Guillaume Sirois, for
27 the Canadian Alliance of Russian Canadians -- Democratic
28 Alliance of Russian Canadians.

1 So I'd like to go to document 014285.

2 It's CAN 014285.

3 **--- EXHIBIT No. CAN 14285:**

4 Foreign Interference

5 **MR. GUILLAUME SIROIS:** It's a document that -
6 - it's a document that I tried to show. It's a document that
7 was prepared by the PCO. Well, my first question is, was it
8 prepared by PCO? Yes.

9 And by the way, I raised this question
10 yesterday ---

11 **COMMISSIONER HOGUE:** [No interpretation].

12 **MR. GUILLAUME SIROIS:** --- before the
13 testimony.

14 **MS. JANICE CHARETTE:** I'm sorry; I didn't
15 listen to the question.

16 **MR. GUILLAUME SIROIS:** So can you confirm
17 that this document comes from the PCO's office?

18 **MS. JANICE CHARETTE:** Yes, it's an example of
19 a briefing note that was prepared by the PCO. In this case,
20 it is the NSIA's advice to the Prime Minister.

21 **MR. GUILLAUME SIROIS:** So do you remember
22 this note in particular?

23 **MS. JANICE CHARETTE:** I have refamiliarized
24 myself with this note in the context of my preparations for
25 my testimony.

26 **MR. GUILLAUME SIROIS:** Okay, super.

27 It's a note that's addressed for the Prime
28 Minister by Maître MacDonald. I'd like to go to page 3, and

1 at the beginning of page 3 we see, "What Was Known When."

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

3 **MR. GUILLAUME SIROIS:** And I imagine that it
4 was to update the Prime Minister into 2022 as to what
5 happened in the area of foreign interference.

6 **MS. NATHALIE DROUIN:** I would like to
7 specify, this document was prepared following media reports
8 and the issue that was being reported on in the media is who
9 knew what when. That was the question. And so the Prime
10 Minister was also asking himself, "When did I learn of this,
11 and what's new for me?" So that's the context in which we
12 prepared this briefing note.

13 **MR. GUILLAUME SIROIS:** Thank you.

14 [No interpretation].

15 **MS. JANICE CHARETTE:** And also, this has to
16 do with the 2019 election. I think you mentioned 2021.

17 **MR. GUILLAUME SIROIS:** OK.

18 **MS. JANICE CHARETTE:** This briefing note
19 deals with the 2019 election.

20 **MR. GUILLAUME SIROIS:** Let's go a little
21 further down the document, then, to confirm.

22 A little further down. Yes.

23 Well, it doesn't -- there is a point here
24 that says, "These conclusions stand today (2022)." So the
25 problems that are mentioned in this briefing note still exist
26 today.

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

28 **MR. GUILLAUME SIROIS:** [No interpretation].

1 possible that Russia is one of the blind spots that are
2 referred to?

3 **MS. NATHALIE DROUIN:** No. The answer is no.
4 You've seen to what extent we were seeing information on a
5 daily basis and weekly. You know that Russia has capacities
6 but we didn't have any specific information telling us that
7 Russia had a particular interest in the specific ridings
8 during the election, or the electoral process as a whole.

9 **MR. GUILLAUME SIROIS:** Well, my time is up.
10 Thank you very much.

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

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

13 Thank you.

14 **COMMISSIONER HOGUE:** No questions.

15 AG?

16 **MR. GREGORY TZEMENAKIS:** We have no
17 questions. Thank you.

18 **COMMISSIONER HOGUE:** Re-examination, Me
19 Chaudhury?

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

21 **COMMISSIONER HOGUE:** So we are in advance 15
22 minutes.

23 **MS. JANICE CHARETTE:** It's because I spoke
24 too ---

25 **COMMISSIONER HOGUE:** [No interpretation].

26 **MS. JANICE CHARETTE:** [No interpretation].

27 **COMMISSIONER HOGUE:** It's a gift. Thank you
28 very much.

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

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

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

5 This hearing is in recess until 11:15.

6 --- Upon recessing at 11:00 a.m.

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

8 **THE REGISTRAR:** Order please.

9 This sitting of the Foreign Interference
10 Commission is back in session.

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

15 **THE REGISTRAR:** Mr. Stewart, could you please
16 state your name and spell your last name for the record,
17 please?

18 **MR. ROB STEWART:** Rob Stewart. S-T-E-W-A-R-
19 T.

20 --- MR. ROB STEWART, Sworn:

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

22 [No interpretation].

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

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

26 **MR. DOMINIC ROCHON:** Dominic Rochon. R-O-C-
27 H-O-N.

28 --- MR. DOMINIC ROCHON, Sworn:

1 **THE REGISTRAR:** Thank you very much.
2 Counsel, you may proceed.

3 **--- EXAMINATION IN-CHIEF BY MS. ERIN DANN:**

4 **MS. ERIN DANN:** Thank you. Good morning.
5 We'll start off with just a few housekeeping matters. You
6 were interviewed together by Commission counsel on February
7 6th, 2024.

8 And if I could just ask the Court Operator to
9 bring up WIT 59?

10 **--- EXHIBIT No. WIT 59:**

11 R. Stewart and D. Rochon (Public
12 Safety) Public Summary of Classified
13 Interview

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

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

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

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

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

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

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

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

24 **MR. DOMINIC ROCHON:** Yes.

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

26 **--- EXHIBIT No. WIT 54:**

27 In Camera Examination Summary Rob
28 Stewart

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

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

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

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

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

10 **MR. ROB STEWART:** Yes.

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

14 **MR. ROB STEWART:** Yes.

15 **MS. ERIN DANN:** Thank you. The final piece
16 of housekeeping is the Institutional Report prepared by
17 Public Safety.

18 And for the record, that is CAN.DOC 15, and
19 CAN.DOC 16 is the French version.

20 **--- EXHIBIT No. CAN.DOC 15:**

21 Public Safety (PS) Institutional
22 Report

23 **--- EXHIBIT No. CAN.DOC 16:**

24 Sécurité Publique Canada (SP) Rapport
25 Institutionnel

26 **MS. ERIN DANN:** Those -- the Institutional
27 Report will be going in by way of affidavit, which I believe
28 is now in the database as CAN.DOC -- you don't need to pull

1 this up, Mr. Operator, but CAN.DOC 9.001, for the benefit of
2 the parties and participants.

3 --- EXHIBIT No. CAN.DOC 9.001:

4 Affidavit of Samantha Maislin
5 Dickson, Assistant Deputy Minister
6 for the Public Safety, Defence and
7 Immigration Portfolio at the
8 Department of Justice, attaching the
9 Unclassified Department of Justice
10 Institutional Report (EN and FR)

11 **MS. ERIN DANN:** So I understand that Public
12 Safety -- the Public Safety portfolio is composed of the
13 Department of Public Safety and Emergency Preparedness, along
14 with five agencies: the RCMP; the Canadian Border -- Canada
15 Border Services Agency; CSIS; Correctional Service of Canada;
16 and the Parole Board of Canada. Is that right?

17 **MR. ROB STEWART:** That is correct. Plus a
18 few small review agencies.

19 **MS. ERIC DANN:** Thank you. And Mr. Stewart,
20 we'll start with you. Can you identify your role -- sorry,
21 let me begin here. I know we heard from you yesterday, but I
22 understand that you were the Deputy Minister of Public Safety
23 from December of 2019 to October 2022. Have I got that
24 right?

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

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

1 **MR. ROB STEWART:** My primary function as a
2 Deputy Minister, is of course to support the Minister, who is
3 the Deputy Head of Public Safety as a department and also the
4 Minister responsible for all of the agencies. So in that
5 context, I delivered advice and support to the Minister on
6 matters that were directed by Public Safety on behalf of the
7 portfolio, and as well on issues arising within the
8 portfolio, as the occasion required.

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

12 Mr. Rochon, just turning to you for a moment,
13 you were the Senior Assistant Deputy Minister, National and
14 Cyber Security Branch from October 19th, 2019 until December
15 31st, 2022? Is that right?

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

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

19 **MR. DOMINIC ROCHON:** Yeah.

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

21 **MR. DOMINIC ROCHON:** But that's otherwise
22 correct.

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

24 **MR. DOMINIC ROCHON:** Correct.

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

27 **MR. DOMINIC ROCHON:** It's a branch
28 responsible for -- well, in my tenure, it was responsible for

1 National Security policy, National Security operations from a
2 coordination perspective, Cyber Security policy, and Critical
3 Infrastructure.

4 **MS. ERIN DANN:** Mr. Stewart, returning to
5 you, can you describe the relationship between the Deputy
6 Minister of Public Safety and the heads of the agencies that
7 fall within the Public Safety portfolio? And for our
8 purposes, or the Commission purposes, I think it would be
9 most helpful to focus on CSIS and the RCMP.

10 **MR. ROB STEWART:** The relationship was
11 largely one of colleagues reporting to the same boss. And we
12 had, as colleagues, matters of common concern. They
13 differed, of course, between the RCMP and CSIS. The RCMP is
14 largely in the business of combating crime and CSIS is, of
15 course, a national security institution. But we had
16 collective concerns when it came to issues like foreign
17 interference, which we would discuss.

18 **MS. ERIN DANN:** And am I right that there's
19 no sort of reporting relationship between the agencies and
20 the Deputy Minister?

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

28 **MS. ERIN DANN:** And so for sort of practical

1 purposes, Public Safety would not be directing, for example,
2 the RCMP or CSIS to take out particular investigative steps
3 in the case of the RCMP for example or particular actions?
4 There's no direction from Public Safety to CSIS in terms of
5 its operations?

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

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

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

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

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

19 **MS. ERIN DANN:** And we heard this term
20 yesterday and earlier in the proceedings, the hostile
21 activity of state actors. Can you help us understand that
22 concept and how it relates to foreign interference from the
23 perspective of Public Safety?

24 **MR. ROB STEWART:** Certainly. Foreign
25 interference is a subset of activities that are undertaken by
26 hostile states, which can also include hostile cyber
27 activity, activity that is directed at undermining Canadian -
28 - the activities of our citizens, that's foreign

1 interference, but also crime and a variety of other things
2 like research security where, you know, they're undertaking
3 activities that are contrary to the national interests of
4 Canada.

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

7 **--- EXHIBIT No. CAN 3326:**

8 Letter from Public Safety Minister

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

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

13 **MS. ERIN DANN:** Right. And did you have any
14 involvement in the development -- this is a letter to
15 Parliamentarians. Did you have any involvement in the
16 development or preparation of the letter?

17 **MR. ROB STEWART:** Mr. Rochon's staff wrote
18 the letter.

19 **MS. ERIN DANN:** And it starts, if we look at
20 the last paragraph on the first page, it begins:

21 "We understand foreign interference
22 to be hostile activity undertaken by
23 foreign states that is purposely
24 covert, malign, clandestine, and
25 deceptive. It can include threats,
26 harassment, and intimidation."

27 And it goes on from there in terms of
28 describing foreign interference.

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

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

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

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

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

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

11 **MR. DOMINIC ROCHON:** Okay. So maybe -- as we
12 arrived in our tenure, roughly October 2019, December 2019,
13 there were already reports being written, policy work
14 underway with regard to foreign interference. National
15 security review bodies were writing about foreign
16 interference. I believe CSIS already in their annual report
17 was starting to reference foreign interference. So from a
18 policy perspective it was topical.

19 And throughout the first year of my tenure
20 there, certainly the National Security Policy Group under me
21 was looking at understanding what are the forms of foreign
22 interference, and that's where we came up with a broader
23 definition of hostile activities and state actors and looking
24 at the different types of activities that would be occurring
25 from those hostile state actors, and then understanding what
26 tools are available in the toolkit to address those.

27 And so this letter gave us an opportunity for
28 our minister at the time to communicate with other members of

1 Parliament to, of course, increase awareness with regard to
2 the issue and the toolkit that we had at play and the policy
3 work that was needed to progress and continue to address this
4 increasing issue.

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

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

13 And this letter, in a sense, manifests the
14 view that the communications and the public awareness are one
15 of the key defences against foreign interference, but we also
16 were looking at issues of governance within the system of the
17 flow of information, coordination and responses. We were
18 looking at the issue of toolkit, and at the end of the day,
19 communications that we would -- that the government would be
20 undertaking to speak to issues when they arose.

21 **MS. ERIN DANN:** And can you speak to -- I
22 understand developing, you were looking at the sort of the
23 nature of the threat and the tools to respond. Can you speak
24 at all to the evolution of hostile activities of state actors
25 or foreign interference, particularly in the years that we're
26 talking about, after the 2019 general election and moving
27 into the 2021 general election? Can you speak at all about
28 any changes or evolution that you saw in terms of that threat

1 environment?

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

12 **MR. DOMINIC ROCHON:** Maybe I'll just add one
13 little nuance. Of course, so there is foreign interference
14 specifically related to democratic events for which there was
15 policy evolutions that you've been speaking about in this
16 Commission now, and it was more the purview of PCO democratic
17 institutions that were leaning on those policy developments
18 and the introduction of a SITE team, for example, the
19 introduction of RRM. So there was an evolution from a policy
20 perspective there.

21 And then from within Public Safety, we were
22 looking at what other tools may be available, but also
23 looking at the authorities that exist to counter foreign
24 interference within the various bodies that you've been
25 introducing witnesses to. For example, CSE has cyber
26 activities that they can engage in. You have CSIS that can
27 counter foreign interference under their authorities with the
28 *CSIS Act*. You've got the RCMP and what they can do with

1 regard to the *Criminal Code*.

2 So typically, we coordinate the community to
3 ask questions about what are we seeing, and as Mr. Stewart
4 just pointed out, we were seeing an increase in reporting
5 with regard to the types of activities that existed and then
6 we were having conversations within Public Safety about what
7 policy work is required.

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

15 **MR. ROB STEWART:** I would have a hard time
16 saying that there was any particular form of threat that took
17 precedence or occurred in a more prevalent way. There is a
18 variety of forms of foreign interference that are undertaken
19 by hostile actors, as mentioned in this document that
20 Minister Blair sent to parliamentarians. There can be
21 threats, harassment, coercion, intimidation, influence of
22 various forms. It can vary, but the -- in general, the
23 reporting we were receiving demonstrated all of them.

24 **MS. ERIN DANN:** And we've heard a lot
25 yesterday and throughout the hearings about sort of malign
26 online activity. Was that something that Public Safety was
27 observing, foreign interference or attempts at foreign
28 interference through online activity, whether misinformation,

1 disinformation, cyber attacks, those -- things of that sort?

2 **MR. ROB STEWART:** Yes, the use of, obviously,
3 communications technologies and networks, like WeChat, are
4 subject to that kind of abuse. Disinformation and
5 misinformation is a broader category threat to the wellbeing
6 of Canadians, just to note, because it emanates from other
7 sources other than just state actors. But yes, it's in the
8 toolkit, absolutely.

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

21 **MS. ERIN DANN:** All right. I want to move on
22 to sort of the flow of information and intelligence at Public
23 Safety.

24 My understanding in reviewing your -- the
25 summaries that we've spoken to earlier today, is that Public
26 Safety is a large consumer of intelligence, not a producer of
27 intelligence. Is that fair?

28 **MR. ROB STEWART:** That's how we would concede

1 it.

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

6 **MR. ROB STEWART:** Indeed.

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

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

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

17 Mr. Rochon, at paragraph 9 of your interview
18 -- of the interview summary, you explain that Public Safety
19 consumes intelligence from a context or policy perspective,
20 not an action or operational perspective.

21 Can you elaborate on that and explain what
22 that means?

23 **MR. ROB STEWART:** Certainly. I think from a
24 contextual perspective, as you can appreciate, we sit at a
25 place within the security and intelligence community where
26 we're having conversations with all the various members in
27 that community to understand whether or not they have the
28 appropriate authorities, the appropriate policies and

1 wherewithal to actually counter threats and address matters
2 of national security. And our role is primarily one of
3 writing policy or supporting those departments and agencies
4 in getting additional authorities, or amending their
5 authorities if there are gaps.

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

8 I will point, however, that of course we do
9 have certain delegated authorities from the Minister to do
10 certain operational things: the *Secure Air Travel Act*, where
11 we have to list -- we're responsible for the list of
12 terrorist entities. So there are certain things for which we
13 have operational actions, but there's never something that is
14 a direct action onto an intelligence report. So an
15 intelligence report, when we see it, particularly a raw
16 intelligence report, is always contextual in order for us to
17 understand how to better support the policy that we're doing.

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

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

20 **COMMISSIONER HOGUE:** You ---

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

22 **COMMISSIONER HOGUE:** You mean no action is
23 expected from ---

24 **MR. DOMINIC ROCHON:** Correct. There's no
25 expectation ---

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

27 **MR. DOMINIC ROCHON:** Correct. So unlike in
28 the U.S., our counterparts at Homeland Security actually have

1 action taskforces that do something about it. If there's
2 something happening in a cyberspace that would help for Cyber
3 Policy, we need to be aware of the types of threats happening
4 in cyber.

5 The operational arm of Cyber Activity is the
6 Communications Security Establishment.

7 **COMMISSIONER HOGUE:** I see.

8 **MR. DOMINIC ROCHON:** But Public Safety would
9 be responsible for the overall policy, writing a strategy for
10 the Government. We would be lead on that. But of course,
11 policy doesn't happen without a hand-in-hand -- hand-in-glove
12 interaction with the operational departments and agencies.
13 Hence why we need to see intelligence to understand the
14 operational challenges and the actual reality of what they're
15 seeing and facing so that we can better do policy.

16 **COMMISSIONER HOGUE:** Thank you.

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

19 **MS. ERIN DANN:** We will talk about the
20 committees, but please, Mr. Stewart, if one applies right
21 now, perhaps we can go directly to that? I know we heard
22 yesterday that in your capacity as Deputy Minister, you sat
23 on the DMOC, Deputy Minister Operations Committee. Does that
24 -- perhaps you can explain your role on that? Or if there is
25 another committee you were thinking of?

26 **MR. ROB STEWART:** Well indeed, there was. I
27 think it's worth putting a little bit more of a frame around
28 this, in the sense that, as an institution, Public Safety

1 sits at the center of a couple of webs. One is the portfolio
2 web of institutions, where we are, you know, sort of engaged
3 in supporting their agendas in the broader context,
4 particularly as it pertains to things that are going through
5 Parliament. And then there's the broader context, which is
6 the security and intelligence community.

7 And in that context, Public Safety does have
8 a convening role. It has the role of chairing committees on
9 which matters of policy and operations are discussed. It
10 does not translate into direct responsibility for operational
11 activity, except in a couple of areas.

12 But for the most part, we are plugged into
13 and party to discussions at the Deputy Minister level and at
14 the Assistant Deputy Minister level that involve dealing with
15 issues where, you know, action is required. Deputy Minister
16 Operations Committee is one of them, Deputy Ministers of
17 National Security is another. And that's one that deals
18 largely with policy matters.

19 And then at the ADM level, I'll leave it to
20 Mr. Rochon to mention a couple, perhaps.

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

24 Maybe one other example that I think would be
25 relevant is in the realm of economic security. So there's a
26 National Security Review that is done with regard to the
27 *Investment Canada Act*. Public Safety has a key role in that,
28 and so we would need access to intelligence to understand

1 exactly whether or not there's a threat and to bring to bear
2 a decision with regard to whether or not there's an action
3 required when we see a nefarious actor involved in a
4 potential investment.

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

10 I think, Mr. Rochon, you had -- you answered
11 my -- in answering the Commissioner's question, you answered
12 my follow up question, which was about the phrase you used,
13 "action on". And as I understand it, your answer to the
14 Commissioner that there was not an expectation in sort -- in
15 Public Safety receiving this information that you would take
16 a particular action -- particular action or specific response
17 to, as you say, a specific raw intelligence report or other
18 intelligence product you received? Is that right?

19 **MR. DOMINIC ROCHON:** Correct. There wouldn't
20 have been an expectation from any of the producers of the
21 intelligence that we, Public Safety, would be doing something
22 specific on a piece of intelligence, other than consuming it
23 for our understanding in order to better inform the policy
24 work that we were involved in.

25 **MR. ROB STEWART:** And facilitating access of
26 the agencies, in particular CSIS, where required, to the
27 Minister, such that, you know, they could give advice and the
28 Minister could act appropriately.

1 **MS. ERIN DANN:** Understood. Turning to the
2 management of that river of intelligence that's coming to
3 Public Safety, Mr. Rochon, you mentioned the National
4 Security Operations Directorate generally acts as a keeper of
5 intelligence within Public Safety. What is the NSOD and
6 what's the relationship with the NS -- NCSB that we spoke
7 about earlier?

8 **MR. DOMINIC ROCHON:** So the National Security
9 branch, the National Security and Cyber Branch, is the branch
10 underneath the responsibility that I had as the ADM -- senior
11 ADM of National Cyber Security.

12 Underneath that, there were four
13 directorates. One of the directorates was the National
14 Security Operations Directorate. That directorate had
15 responsibility with regard to *Investment Canada Act* national
16 security operations, for example. It had responsibilities
17 with regard to tracking the aforementioned *Secure Air Travel*
18 *Act* activity, but it also had the responsibility of looking
19 at intelligence as it flowed into the department.

20 They are the ones that had access to secure
21 areas, secure systems, and therefore access to the flow of
22 information that exists within the security and intelligence
23 community.

24 And I think even you heard Ms. Charette this
25 morning explaining that that flow is rather vast. We have a
26 very large number of producers of intelligence throughout the
27 Federal Government, and indeed throughout the community when
28 you include also our allies.

1 So you have CSIS, CSE primarily, ITAC, RCMP,
2 DND, PCO, Intelligence Assessment Secretariat, and all of
3 their equivalents across all the Five Eyes and other partners
4 who are all producing daily products. And so there's a
5 significant amount of information available on a vast amount
6 of threats. And that covers obviously not just foreign
7 interference. As Mr. Stewart pointed out, that's just a
8 small subset of the enormous amount of information and
9 intelligence that is produced.

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

15 **MR. DOMINIC ROCHON:** So I would look at it in
16 two ways. First of all, the producers of the intelligence,
17 CSE, CSIS, and I think you probably would have heard this
18 from testimony from people representing those departments and
19 agencies, they would produce something but seek feedback in
20 order to ascertain whether or not it was actually dealing
21 with issues that were of importance to their clients.

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

27 In the absence of that very specific
28 provision, provision of intelligence, the National Security

1 Operations Directorate would, themselves, look through the
2 amount of intelligence that existed through systems in order
3 to see what would be of interest.

4 So clearly if we were dealing with economic
5 security issues, or cyber security issues, or indeed hostile
6 activities from state actors, they would pick out
7 assessments, or sometimes pieces of raw intelligence that
8 were of interest, and they would then -- they would produce
9 that and come up with a list of those intelligence products,
10 put them in a folder. And during my tenure, that folder
11 would come up to me twice a week. And typically I would look
12 through that and request that that same folder be produced
13 for the Deputy Minister.

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

16 **MR. DOMINIC ROCHON:** Yes.

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

18 **MR. DOMINIC ROCHON:** It would -- it would
19 normally be a subset. That folder would include anything
20 that was specifically directed or asked to be given to the
21 Minister, and CSIS would be the ones in particular that would
22 produce something that they would want to be brought to the
23 attention of the Minister and it would be more convenient to
24 have that flow through our National Security Operations
25 Directorate because we had access to the Minister, we were in
26 the same building.

27 Typically, we would then produce that more
28 for the Minister's office and it would be up to the

1 Minister's office then to provide us with feedback to say --
2 and it will depend on the Minister's office, in my
3 experience. They would then say, "Too much, too little, do
4 you have something about this?".

5 So there could be a way of saying, "We'd like
6 to see more about something", but it would be at the
7 discretion of the Minister's office and it wouldn't be
8 happening, necessarily, through the ADM or the Deputy
9 Minister.

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

12 So in the COVID period for which our tenure
13 largely overlapped, circumstances did vary and the Minister
14 was not very often in Ottawa. More so towards the latter
15 part of the period than at the beginning, certainly, and
16 operated out of Toronto. And in that case, what we would be
17 doing would we would be collating information or deciding
18 what, you know, we thought the Minister needed to see in
19 conjunction with -- of course, with CSIS, and sending it to
20 the Minister via the CSIS office in Toronto.

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

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

27 So in the lead-up to the 2021 election, would
28 there be a difference in sort of what information in the

1 information flow to the Minister during that period?

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

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

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

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

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

17 When we got into the COVID period, we were
18 prioritizing action and the flow of information over the
19 matter of, you know, detailed record-keeping, so we did not
20 keep a log of the specific pieces of information that were
21 going to the Minister.

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

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

28 **MR. ROB STEWART:** Not in a detailed form. Of

1 course, we were being tracked at the other end of things,
2 right. CSIS was keeping a track of the record numbers of the
3 things that they were sending to us, but if it -- if the
4 question is directed as to having a detailed understanding of
5 what was consumed, it does not exist for the COVID period.

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

7 And then turning just to the last topic as
8 our time winds down here, both of you came into your
9 positions shortly after or right after the 2019 General
10 Election. Were you briefed on any intelligence or
11 assessments in relation to foreign interference in your role
12 at Public Safety?

13 **MR. ROB STEWART:** Yes. I would say that CSIS
14 was very eager to tell us about the things that they were
15 concerned about and we would have been briefed on a
16 progressive basis over time with the various reports and
17 assessments that CSIS and others were producing. It was in
18 the natural scheme of things.

19 **MS. ERIN DANN:** And in particular to one of
20 the topics that we've seen here today, it's CAN.SUM 1, this
21 relates to allegations of foreign interference in the Don
22 Valley North nomination race.

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

24 Don Valley North (DVN) Liberal Party
25 Nomination Race in 2019

26 **MS. ERIN DANN:** Mr. Stewart, you indicated --
27 or we heard yesterday that you participated in the DMOC
28 committee. I understand that, on occasion, that committee

1 would have -- would examine or discuss issues of foreign
2 interference and that one of those issues related to the Don
3 Valley North nomination in 2019. Is that right?

4 **MR. ROB STEWART:** Not at the DMOC table at
5 that point in time. I think, you know, the election had come
6 and gone. This material appeared and was gathered
7 subsequently and -- because it wasn't visible, as I
8 understand it, to the Panel of Five that existed at that
9 time.

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

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

16 I'm sorry I had that point wrong.

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

22 Given that Public Safety didn't have a
23 particular operational role and wasn't a producer of
24 intelligence, can you help us understand your role on that
25 committee and speak to any other intergovernmental committees
26 that we didn't touch on earlier?

27 **MR. ROB STEWART:** I would describe the role
28 of the Public Safety Deputy Minister on the DMOC committee as

1 being a role of -- I don't want to call it observer, but
2 there for awareness.

3 Where we brought things to the attention of
4 the committee would be things that were perhaps going to
5 Cabinet in the near future or, you know, issues that were
6 surfacing that we were briefing on, but otherwise, I think we
7 were there to be aware of the operational activities of other
8 members of that committee.

9 **MR. DOMINIC ROCHON:** Maybe if I could just
10 elaborate.

11 So I was not a member of DMOC and it was
12 during our -- during my tenure at Public Safety, it was
13 exclusive to Deputy Ministers' participation. However, I did
14 co-chair a committee that was supportive of DMOC called the
15 Assistant Deputy Ministers' National Security Operations
16 Committee.

17 I co-chaired that with my counterpart in the
18 Privy Council Office Security and Intelligence Secretariat,
19 who was also, coincidentally, the Secretariat for the DMOC
20 committee.

21 At the ADM National Security Operations
22 Committee, we would meet weekly and typically, as the chair,
23 I would go around the table and it would have members of
24 every department and agency that had a role to play with
25 regard to security and intelligence, so not just your classic
26 RCMPs, CSEs, CSISes, but you would have the Public Health
27 Agency there, you would have Transport Canada there. Anyone
28 that might have a role to play with regard to national

1 security.

2 And once a week, we would get together and
3 have a conversation about what we were seeing in the threat
4 landscape.

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

8 And again, Public Safety's role, which is my
9 point here, is more one of awareness and one of convening and
10 coordinating the community.

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

12 Those are my questions.

13 **COMMISSIONER HOGUE:** Thank you.

14 So cross-examination. The first counsel is
15 counsel for RCDA.

16 **--- CROSS-EXAMINATION BY MR. GUILLAUME SIROIS:**

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

19 Just to go briefly back on your testimony
20 this morning, I believe you mentioned that operations and
21 Public Safety work hand in glove. Is that -- do you recall
22 saying this?

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

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

28 **MR. DOMINIC ROCHON:** So yeah, I would

1 characterize it as national security. The security and
2 intelligence community has operators, and in our case we were
3 more of a policymaker. But in order to understand -- like
4 with any policy work, there's an inherent tension with the
5 people that are actually doing the operations and we need to
6 understand those operations because, ultimately, we're making
7 policy for them. So it doesn't make any sense to do
8 something without understanding what they're doing, hence why
9 my hand in glove comment.

10 **MR. GUILLAUME SIROIS:** Excellent. Yes,
11 that's -- I wanted to talk to you about -- little bit about
12 operations and what you were aware of. That's why I'm
13 asking. So I would like to discuss about the document CAN
14 008045, please. It's a RCMP Ministerial Briefing dated April
15 20, 2023.

16 **--- EXHIBIT No. CAN 8045:**

17 RCMP Ministerial Briefing 2023-04-20

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

19 **MR. GUILLAUME SIROIS:** If we can go at page
20 13, please, at the bottom of the page. Yeah. Yes, exactly.
21 Thank you.

22 So it says here state specific threats.
23 There's a question that I understand is to prepare the RCMP
24 for potential questions about foreign interference. And the
25 question is,

26 "Is the RCMP aware of specific
27 countries conducting foreign
28 interference activities in Canada?"

1 want a caveat here, I was referring
2 to 43, 44; right? But writ large, at
3 the larger perspective, yeah, we know
4 that there is some form of
5 interference being done by Russia.
6 And this is from the numerous meeting
7 that I have gone to at the DM
8 levels." (As read)

9 So that's basically the same thing you're
10 saying here is that there is no foreign interference during
11 the two elections, but there's generally foreign interference
12 by Russia; is that right?

13 **MR. ROB STEWART:** I would agree with the
14 Commissioner.

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

19 **MR. ROB STEWART:** That's a hypothetical
20 question. Whether or not a foreign state chooses to
21 interfere in an election is a discretionary matter. And if
22 you're trying to on the whole be covert and clandestine, it
23 may be the wrong time to do so.

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

26 **COMMISSIONER HOGUE:** Thank you.

27 Next one is UCC?

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

1 **COMMISSIONER HOGUE:** No question.

2 Human Rights Coalition?

3 **MS. HANNAH TAYLOR:** No questions, Madam

4 Commissioner.

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

6 **--- CROSS-EXAMINATION BY MS. MANI KAKKAR:**

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

15 **MR. ROB STEWART:** A simple question. Thank
16 you. Well, I think I'd differentiate between the sort of
17 definition in the dictionary sense of the word, which is the
18 covert, clandestine, malign part of it and foreign
19 interference as a concept, where I wanted to strike the
20 broader kind of reference point to the way in which it
21 manifests itself and its goals, which are not strictly of
22 course, a difference in our democratic institutions, but in
23 our communities through our institutions, our economic
24 institutions and businesses and, indeed, cyber. So there are
25 many ways in which I would see foreign interference
26 manifesting itself, and that may be my best explanation as to
27 why I was in the interview summary trying to strike a broader
28 note.

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

3 **COMMISSIONER HOGUE:** Counsel for Michael
4 Chong?

5 **--- CROSS-EXAMINATION BY MR. FRASER HARLAND:**

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

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

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

20 **MR. ROB STEWART:** Well, couple of things.
21 Physically, we provide the space -- provided the space. The
22 minister is, when in Ottawa, in his departmental office is
23 resident in the building Public Safety occupies, so we
24 provide the secure space, which would allow for either a
25 virtual or a in-person briefing by the CSIS director and his
26 staff. So that's one level of it. We also convey documents
27 as required. We -- we'll -- we'd undertake to ensure that
28 the minister's staff were aware that CSIS was seeking, you

1 know, to brief on an issue. So we were facilitating, in
2 large measure, the flow of information from CSIS and other
3 intelligence agencies to the minister. We were not acting as
4 an agent on behalf of the -- of CSIS in terms of seeking any
5 formal authority or decision, other than through the form of
6 warrants, where when CSIS seeks a warrant from the federal
7 court, the rules of the system require us to review it and
8 put a cover note on it, explaining what is being sought, and
9 I review it, I sign off, and it goes to the minister after
10 that.

11 **MR. FRASER HARLAND:** Okay. Thank you.

12 That's all.

13 **COMMISSIONER HOGUE:** Thank you.

14 Counsel for Han Dong?

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

16 **COMMISSIONER HOGUE:** Conservative Party?

17 **--- CROSS-EXAMINATION BY MR. NANDO de LUCA:**

18 **MR. NANDO de LUCA:** Thank you. Can I have
19 CAN 4728 called up, please?

20 And gentlemen, this is a CSIS national
21 security brief prepared on October 1, 2019, regarding foreign
22 interference by the People's Republic of China and the
23 federal campaign of Han Dong, and it's addressed to a great
24 number of individuals, including the Associate Deputy
25 Minister of Public Safety.

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

28 **MR. ROB STEWART:** The associate would have

1 been Monik Beauregard, who was on the Panel of 2019
2 yesterday.

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

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

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

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

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

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

16 **MR. NANDO de LUCA:** Okay. And would it have
17 ---

18 **MR. DOMINIC ROCHON:** Can I just make a
19 clarification? Because you keep using the word "ADM", just
20 so that -- her title was Associate Deputy Minister. So she
21 was in the deputy ranks not an Assistant Deputy Minister,
22 which would have been my level. Right?

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

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

26 **MR. DOMINIC ROCHON:** At times she would have
27 been Acting Deputy Minister.

28 **MR. NANDO de LUCA:** Thank you for the

1 clarification. Can you tell me, would it have been part of
2 the Minister of Public Safety's mandate, or that of his
3 Ministry, to consult with the PM or the PMO or even the PCO
4 in connection with the intelligence reflected in this type of
5 briefing?

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

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

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

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

16 **MR. ROB STEWART:** I was not there at the
17 time.

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

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

20 **MR. NANDO de LUCA:** Thank you. Those are my
21 questions.

22 **COMMISSIONER HOGUE:** Thank you.

23 AG, do you have any questions?

24 **MR. MATTHEW JOHNSON:** (Off microphone).

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

27 Counsel for Erin O'Toole.

28 **MR. THOMAS JARMYN:** Pretty sure I have no

1 questions. Thank you.

2 **COMMISSIONER HOGUE:** That's the reason why
3 I....

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

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

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

9 **COMMISSIONER HOGUE:** So it's 12:15. We'll
10 break for lunch. I suggest, though, that we come back before
11 2:20. The schedule provides for -- yes, at 2:20. So we'll
12 come back at ---

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

14 **COMMISSIONER HOGUE:** --- at two o'clock
15 instead of two-twenty.

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

17 The hearing is now recessed until two
18 o'clock.

19 --- Upon recessing at 12:14 p.m.

20 --- Upon resuming at 2:24 p.m.

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

22 This sitting of the Foreign Interference
23 Commission is back in session.

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

26 Me Chaudhury?

27 **MS. SHANTONA CHAUDHURY:** Good afternoon,
28 Commissioner. Our witnesses this afternoon after four

1 members of the staff from the Prime Minister's Office. May I
2 ask the witnesses be sworn or affirmed?

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

5 **MS. KATHERINE TELFORD:** Affirmed.

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

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

10 **--- MS. KATHERINE TELFORD, Affirmed:**

11 **THE REGISTRAR:** And starting with you, do you
12 want to be sworn or affirmed?

13 **MR. JEREMY BROADHURST:** Affirmed, please.

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

16 **MR. JEREMY BROADHURST:** It's Jeremy
17 Broadhurst. B-r-o-a-d-h-u-r-s-t.

18 **--- MR. JEREMY BROADHURST, Affirmed:**

19 **THE REGISTRAR:** And Mr. Clow?

20 **MR. BRIAN CLOW:** I will affirm.

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

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

24 **--- MR. BRIAN CLOW, Affirmed:**

25 **THE REGISTRAR:** Mr. Travers?

26 **MR. PATRICK TRAVERS:** Affirm.

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

1 **MR. PATRICK TRAVERS:** Patrick Travers, T-r-a-
2 v-e-r-s.

3 **--- MR. PATRICK TRAVERS, Affirmed:**

4 **THE REGISTRAR:** Counsel, you may proceed.

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

6 **--- EXAMINATION IN-CHIEF BY MS. SHANTONA CHAUDHURY:**

7 **MS. SHANTONA CHAUDHURY:** So witnesses, we'll
8 begin with the routine housekeeping that we normally have to
9 go through, starting with Mr. Clerk, can you please pull up
10 WIT 69, which is the public version of the PMO's interview
11 summary.

12 **--- EXHIBIT No. WIT 69:**

13 Katie Telford, Jeremy Broadhurst,
14 Brian Clow, Patrick Travers Public
15 Interview Summary

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

19 **PANEL MEMBERS:** Yes.

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

21 And can you each confirm that you've reviewed
22 the summary of that interview, that the summary is accurate
23 and that you adopt it as part of your evidence before the
24 Commission?

25 **PANEL MEMBERS:** Yes.

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

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

1 --- EXHIBIT No. WIT 68:

2 K. Telford J. Broadhurst B. Clow and
3 P. Travers Public Summary of In
4 Camera Examination

5 **MS. SHANTONA CHAUDHURY:** So this is the
6 public version of the *in camera* examination held earlier this
7 year.

8 So witnesses, again, I'll ask you to confirm
9 that you recall being examined *in camera* by Commission
10 counsel?

11 **PANEL MEMBERS:** Yes.

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

15 **PANEL MEMBERS:** Yes.

16 **MS. SHANTONA CHAUDHURY:** Perfect.

17 Last, but not least, the PMO institutional
18 report, so let's do this through Ms. Telford.

19 Mr. Clerk, can you bring up CAN.DOC 13,
20 please.

21 --- EXHIBIT No. CAN.DOC 13:

22 Institutional Report - Prime
23 Minister's Office

24 **MS. SHANTONA CHAUDHURY:** So this is another
25 one that's been referred to, but not yet officially
26 introduced. Ms. Telford, you're aware that the PMO prepared
27 an institutional report for filing with the Commission. Can
28 you confirm that you've reviewed it and that it represents

1 part of the PMO's evidence?

2 **MS. KATHERINE TELFORD:** Yes.

3 **MS. SHANTONA CHAUDHURY:** Perfect.

4 And then for the record, the French version
5 of that institutional report is CAN.DOC 14.

6 **--- EXHIBIT No. CAN.DOC 14:**

7 Cabinet du Premier Ministre (CPM)

8 Rapport Institutionnel

9 **MS. SHANTONA CHAUDHURY:** Okay. To start off
10 with, can you each briefly describe your roles at PMO during
11 the time period that is relevant to the Commission to now?
12 So starting with you, Ms. Telford.

13 **MS. KATHERINE TELFORD:** I have served as the
14 Chief of Staff to the Prime Minister since we formed
15 government in 2015, with the exception of two periods where I
16 was on an unpaid leave during the writ periods of 2019 and
17 2021 elections.

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

19 Mr. Travers?

20 **MR. PATRICK TRAVERS:** Yes. From early 2016
21 to fall 2020, I served as an advisor on the PMO Policy Team.
22 From fall 2020 onwards, I've been Senior Global Affairs
23 Advisor with responsibility for international issues.

24 **MS. SHANTONA CHAUDHURY:** Okay. And am I
25 correct that you were, during the writ period, on the
26 Caretaker Team?

27 **MR. PATRICK TRAVERS:** On the Caretaker Team
28 in both writ periods.

1 **MS. SHANTONA CHAUDHURY:** Okay. So that means
2 remaining at PMO not out on the campaign?

3 **MR. PATRICK TRAVERS:** Correct.

4 **MS. SHANTONA CHAUDHURY:** Thank you.
5 Mr. Clow?

6 **MR. BRIAN CLOW:** Since the 2021 election, I
7 have been Deputy Chief of Staff. Prior to that, I was
8 Executive Director Issues Management Parliamentary Affairs
9 and Canada/U.S. Relations. And prior to the 2019 election, I
10 was solely focussed on Canada/U.S. relations. I also took
11 unpaid leaves during the last two elections.

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

13 Mr. Broadhurst.

14 **MR. JEREMY BROADHURST:** In 2019, I was Chief
15 of Staff to Chrystia Freeland, who was Minister of Foreign
16 Affairs. I went with her to Intergovernmental Affairs and
17 Finance as she moved on.

18 I took unpaid leave absence in 2019 to be the
19 National Campaign Director of the Liberal Party of Canada.
20 And again, in the summer of 2021, to be a senior official on
21 that -- on the Liberal Party campaign team in that election
22 campaign. I then returned to the PMO after that election
23 campaign as a senior advisor.

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

25 Witnesses, as you know, one of the topics that this
26 Commission is examining is the flow of information and flow
27 of intelligence.

28 So can I ask you to -- probably this is best

1 addressed to Ms. Telford. Can you explain how the PMO
2 receives intelligence?

3 **MS. KATHERINE TELFORD:** So this has evolved
4 over time due to events, due to different NSIAs, National
5 Security and Intelligence Advisors, but I think it's
6 important to note that throughout members of the Prime
7 Minister's Office's we are consumers of intelligence only,
8 and we receive the intelligence that we do receive, and any
9 briefings associated to that intelligence from the Privy
10 Council Office. They may at times bring in members from
11 other departments or agencies, but they would be the ones
12 making those decisions as to who attends the briefings and
13 putting together the agendas for such briefings, though
14 sometimes we'll ask for things.

15 In addition -- and they will determine
16 whether that's something they can or can't provide. The
17 National Security and Intelligence Advisor reports directly
18 to the Prime Minister, and will also go directly to the Prime
19 Minister and brief him sometimes directly, sometimes directly
20 alongside me, and sometimes alongside other staff.

21 We also receive some paper products. We used
22 to receive more of them on a more regular basis in the early
23 years. And in kind of general terms, I would divide things
24 up into sort of three different periods. One was pre
25 pandemic, then there was the pandemic, and then there has
26 been since the leaks where we've seen significant changes,
27 though there have been some more minor changes over time,
28 just as we've all learned each other a bit.

1 In the earlier days, we received daily,
2 oftentimes daily products, as well as weekly products that
3 would summarise the daily products, and then we would receive
4 specific intelligence on specific events when they arose. So
5 we would get specific briefings on, for example, when the
6 "Two Michaels" were arbitrarily detained, when there was an
7 invasion of Ukraine, and prior to that invasion, when PS752
8 was shot down. There have been a number of instances where
9 we have received briefings on those topics beyond sort of the
10 topical summaries that we would receive.

11 And then in the pandemic period, it obviously
12 became much more complicated, particularly during the strict
13 lockdowns. So we received with far less frequency the paper
14 products, and -- but if something ever needed to get to us
15 there were numerous ways that information could get to us and
16 of course to the Prime Minister. And the National Security
17 and Intelligence Advisor always had ways, including having
18 client relations officers at times come to my home, or going
19 into the office.

20 And then post leaks, we watched the National
21 Security and Intelligence Advisor take further steps to make
22 the processes even more rigorous in terms of tracking
23 information.

24 As well, I would say post pandemic for a
25 variety of reasons, including just events going on in the
26 world and the number of them that involved the need to see
27 intelligence, we see a lot more raw intelligence in these
28 last couple of years than we did in the early years of

1 government.

2 **MS. SHANTONA CHAUDHURY:** And when you say you
3 received more raw intelligence, are you differentiating that
4 from assessed intelligence or ---

5 **MS. KATHERINE TELFORD:** I'm differentiating
6 that from the sort of daily and weekly products, which would
7 be a mixture. Sometimes those products would include open
8 source information. They were summaries of sort of what was
9 going on in the world, though they would sometimes include
10 some intelligence within them as well. But they'd be
11 referenced as opposed to including any source material.

12 **MS. SHANTONA CHAUDHURY:** Okay. And you
13 mentioned that you've been receiving fewer and fewer paper
14 products over time. When you receive paper products are you
15 always able to read them?

16 **MS. KATHERINE TELFORD:** No, because we could
17 only read them in certain places given the classified nature
18 of them. So sometimes, especially if we're on the road for a
19 period of time travelling internationally, or domestically
20 for that matter, or days like today, it's more complicated to
21 follow the daily summaries as they were in those early years.
22 I would be particularly reliant on weekly summaries and
23 sometimes even have to catch up with them with time.

24 But I never relied on those products as a
25 way, and I don't believe anyone did, relied on those products
26 as a way of briefing us on any specific issue. They were
27 more interesting things that were doing on in the world at
28 the time and a way of keeping us abreast of an election, for

1 example, that had happened somewhere in the world and letting
2 us know what it meant in a couple of paragraphs, if that.

3 **MS. SHANTONA CHAUDHURY:** Okay. So you've
4 sort of described these three time periods, pre pandemic,
5 then the pandemic, which changes a lot of things in terms of
6 how information is conveyed generally, and then post leaks.

7 There is one other period that we could talk
8 about which is the caretaker period. So Mr. Travers, I think
9 I'll ask you to address that.

10 **MR. PATRICK TRAVERS:** Absolutely. During an
11 election the government operates with restraint for the
12 convention or the Caretaker Convention, which means that
13 necessary business, it can be routine or urgent, does
14 continue, but everything else is restrained per the election
15 period. There is a scaled down PMO during that time that
16 works closely with PCO for the purpose of supporting the
17 Prime Minister in his role as Prime Minister should the need
18 arise.

19 One of the reasons that I would stay behind
20 is international events and crises are the kinds of things
21 that might require government attention. During that time,
22 there was a limited flow of information that would proceed
23 according to normal procedures, but everything was restrained
24 because of convention.

25 **MS. SHANTONA CHAUDHURY:** Okay. So
26 essentially you receive what is urgent or what would require
27 urgent attention, despite the fact that it's the caretaker
28 period?

1 **MR. PATRICK TRAVERS:** Correct.

2 **MS. SHANTONA CHAUDHURY:** So that's the flow
3 of intel into PMO. Now, once the intelligence comes into
4 PMO, what role, if any, do you play in providing that
5 intelligence to the Prime Minister?

6 **MS. KATHERINE TELFORD:** I'll take first crack
7 at that anyways. The -- as I mentioned earlier, the NSIA can
8 and does brief the Prime Minister directly. We will often
9 look at intelligence that we will see ahead of him, not
10 always but sometimes, and we will ensure in talking to the
11 client relations officer, who will be sitting opposite us as
12 we read the documents, has the Prime Minister seen this
13 document yet, and if not, this is one that we think should go
14 to him. And he will then flag that back to the NSIA if they
15 haven't already flagged that as a document that's going to
16 the Prime Minister.

17 We will also sometimes, though not always,
18 have a briefing with officials that they will request to
19 brief us on something ahead of them meeting with the Prime
20 Minister. I sometimes view it almost as a bit of a pre-brief
21 because they can -- we can sometimes anticipate or at least
22 it gives us first run at what some of the questions might be
23 coming from fresh eyes in our office. And though oftentimes
24 I will get briefed right alongside the Prime Minister and
25 receive documents in concurrence with him.

26 **MS. SHANTONA CHAUDHURY:** Okay.

27 **MR. BRIAN CLOW:** I would just add, the key
28 point we would make is when information needs to get from

1 officials to the Prime Minister it gets to him, and it's not
2 generally through paper. If there's something serious that
3 senior officials, the Clerk, the NSIA, the Director of CSIS,
4 if they want the Prime Minister to know something, they call
5 us, they organize a briefing, they come see us. Some way or
6 another they will tell us that information. If it's of that
7 level of importance, it's not going to be paper alone.

8 **MS. SHANTONA CHAUDHURY:** Okay. And it would
9 generally be the NSIA?

10 **MR. BRIAN CLOW:** NSIA, Clerk, Director of
11 CSIS would be the main three, ---

12 **MS. SHANTONA CHAUDHURY:** The three?

13 **MR. BRIAN CLOW:** --- I would say.

14 **MS. SHANTONA CHAUDHURY:** Okay. Ms. Telford,
15 in your examination -- I'm going to take you back to
16 something you mentioned in your examination, which is that
17 when it comes to intelligence, you've described PMO as having
18 a challenge function with respect to intelligence. Can you
19 explain what you meant by that?

20 **MS. KATHERINE TELFORD:** So as I said at the
21 outset, we are consumers of this information. And so I
22 believe it's our responsibility in seeing it to ask as many
23 questions as we can about it, at times challenge it, we have
24 come across errors at times, and ensure that, you know,
25 appropriate validation has happened. And sometimes we can
26 also bring information and shed light on it that might cause
27 officials to look at something a little differently.

28 **MS. SHANTONA CHAUDHURY:** Okay. Mr. Clerk, if

1 you can just bring up WIT 68, please? This is the interview
2 summary. Or the examination summary, I'm sorry. So scroll
3 down to paragraph 20, please. There we go.

4 So in this section, Ms. Telford, I'm going to
5 take you to sort of two examples of what may be this
6 challenge function. The first one is down at paragraph 23.
7 I think you mentioned here that one context in which PMO
8 requires or receives intelligence is with respect to security
9 clearances for MPs who may wish to be appointed to Cabinet or
10 to -- as Parliamentary Secretaries.

11 Can you elaborate a bit on how the challenge
12 function may play out in that context?

13 **MS. KATHERINE TELFORD:** So in this paragraph,
14 it references -- so MPs go through security clearances,
15 whether it's to be on NSICOP, whether it's become a
16 Parliamentary Secretary, or to become a Minister. And flags
17 will sometimes be raised, and flags can be any number of
18 things. The individual who is going through the clearance
19 process rarely has the opportunity to know what the flags
20 are, or to be able to challenge them, which is where we in
21 particular see a responsibility to ensure that if a
22 politician, an elected official's career is going to be
23 impact, which if flags come up such that they cannot take on
24 a role, it's impacting their career, we need to challenge
25 that and just ensure that there is appropriate and enough
26 kind of validation and substantiated information behind those
27 flags.

28 And there was one instance that's referenced

1 here where there was a mistake made where there was a threat
2 linked to an MP that didn't seem right, and so we asked
3 officials to please go and do whatever work they could to
4 further substantiate that and verify that. And to the credit
5 of the officials involved, they went and they worked through
6 the night and they came to us the next day and reversed their
7 assessment because they had made a mistake in how they were
8 looking at the information, which I think it was really
9 important, because if we had not done that -- and it taught
10 us not to have blind faith in -- or first blush pressed in
11 the information that we would see, because we watched that
12 reversal of the assessment happen and it would have had a
13 significant impact on this person's career.

14 Having said that, I cannot think of a time
15 where we have not deferred, ultimately, to an assessment that
16 is made that hasn't been reversed to any assessment given to
17 us by officials.

18 **MS. SHANTONA CHAUDHURY:** So the role is to
19 question; not to overpower?

20 **MS. KATHERINE TELFORD:** Correct.

21 **MS. SHANTONA CHAUDHURY:** Okay. You mentioned
22 sometimes having to correct intelligence. So I'll just take
23 you to another document which may be an example of this.

24 Mr. Clerk, can you pull up CAN 18009?

25 **--- EXHIBIT No. CAN 18009:**

26 Handwritten Notes of B. Clow

27 **MS. SHANTONA CHAUDHURY:** While you're doing
28 that, I'll just pause here. Obviously I should have

1 mentioned this at the outset, but we're obviously talking a
2 lot about -- about a lot of the things in this examination
3 that have classified information behind them, and if ever a
4 question is asked which leads too close to the classified
5 information, you just say that it will and counsel will move
6 on to the next question. It's a protocol that we've
7 developed in the Commission here.

8 So this is skipping very, very, way ahead in
9 technology here, but this -- this is -- I think refers to a
10 meeting that took place on March 19th or 20th.

11 **MR. BRIAN CLOW:** These are my notes from a
12 meeting on March 20th. I wrote the wrong date down. It was
13 the Prime Minister, Director of CSIS, the NSAI, the Clerk,
14 three of us, not Patrick, and you see the word "analyst"
15 because a CSIS analyst was brought in to directly discuss
16 with us a lot of the intelligence.

17 To situate ourselves, this is March 20th,
18 2023. Well after and many months into the media leaks. So
19 this was one example of a briefing and discussion with the
20 Prime Minister where, in this particular meeting, my
21 recollection is there wasn't new information presented. It
22 was a deep dive into a few different topics, including Don
23 Valley North. And it was -- there was a back and forth where
24 we questioned some of what was being told to us. And these
25 notes, if you scroll down, show some of those examples.

26 I'd particularly point out -- if you scroll
27 up a little bit more -- the reference to *Charter* rights as
28 one example. A reference to the Prime Minister identifying

1 no June 2019 meeting is another example.

2 We have to be careful what we get into here.
3 As you can see a lot of this is redacted and we're not able
4 to fully tell the story of what was discussed in this
5 meeting. But *Charter* rights, no June 2019 meeting, there
6 were -- there was specific information presented to us that
7 we believe was wrong. And in the case of the meeting with
8 the Prime Minister, definitely wrong. And so we pointed that
9 out to officials.

10 **MS. SHANTONA CHAUDHURY:** Thank you, Mr.
11 Clerk. You can take that one down. We're going to stay here
12 on the topic of 2019. Actually, before we do that -- well,
13 this is still 2019, but Mr. Clerk, can you pull up CAN004727?
14 And scroll down to page 2, please.

15 **--- EXHIBIT No. CAN 4727:**

16 FW: DIR briefing to PM - Follow-ups

17 **MS. SHANTONA CHAUDHURY:** So this is an
18 internal email between -- well, it's pretty redacted, but
19 unnamed CSIS representatives.

20 And if you scroll down just a little bit
21 more, Mr. Clerk, you'll see what we can see of this exchange
22 here.

23 "PM/PMO commented on [blank] which
24 contains the following comment:
25 [blank]."

26 And then we have something that is attached
27 that had been prepared earlier, but then on feedback from
28 PMO, it appears to have been modified.

1 Does that reflect a change being made
2 pursuant to what we just talked about, to your knowledge?

3 **MR. BRIAN CLOW:** So we only saw this email
4 exchange in the last few weeks in preparation for the
5 appearance here. It does appear to flow from that meeting we
6 just discussed and I am speculating to a certain extent, but
7 it looks like there was a discussion amongst CSIS about the
8 inaccuracies we pointed out in the underlying intelligence.

9 **MS. SHANTONA CHAUDHURY:** That's right. Okay.
10 Thank you. That's -- I realize that it's not your document
11 and that it's fairly redacted here, but I just wanted to draw
12 that link.

13 Thank you, that's enough. Okay. Mr. Clerk,
14 can you now pull up CAN005461, please?

15 **--- EXHIBIT No. CAN 5461:**

16 FI Efforts against Dong Han

17 **MS. SHANTONA CHAUDHURY:** So the next topic
18 that we're addressing here, witnesses, is allegations of
19 irregularities in the DVN nomination race in the 2019
20 election.

21 So what we have here is a document that's
22 been seen in various forms over the last few days in the
23 Commission. And as you know, it represents a briefing that
24 was given to security cleared representatives of the Liberal
25 Party on September 28th, 2019.

26 We know that much has happened. We don't
27 know thus far in the record much about what happened after
28 that.

1 So Mr. Broadhurst, I think you're probably
2 best placed to take us through what unfolded from there?

3 **MR. JEREMY BROADHURST:** Sure. So as you
4 said, there were Liberal Party representatives who were
5 cleared to the secret level as part of the new protocols that
6 were put in place for the 2019 election campaign that allowed
7 intelligence, National Security officials to talk with the
8 parties and highlight possible concerns that would come up.
9 Two individuals from the Liberal Party went and had a meeting
10 with intelligence officials where they were provided with
11 information concerning potential irregularities in -- that
12 took place around the nomination, the Liberal nomination for
13 the seat at Don Valley East -- sorry, North. I was not one
14 of those individuals, but I did have from -- I still had my
15 top-secret clearance that I had as with my job at Foreign
16 Affairs, and we had pre-discussed with security officials
17 that in the event that something like this happened and those
18 cleared Liberal representatives for people to talk to me
19 about it. I -- so I did talk to them. They gave me the
20 information that they had received from the intelligence
21 officials at that meeting.

22 I contacted senior public servants in the PCO
23 to sort of make sure I was understanding the information
24 correctly that had been given to see if there was any
25 additional context or information that they wanted to share,
26 and then I determined that this was something that did need
27 to be brought to the attention of the Prime Minister, and I
28 looked for the earliest opportunity to do that. I believe

1 the briefing had taken place on sort of a Friday during a
2 national campaign. Obviously, the Prime Minister is on the
3 road most days, but he was going to be returning to the
4 national capital region that weekend, and I was able to brief
5 him on the substance of -- that had been shared with us on
6 the Sunday.

7 **MS. SHANTONA CHAUDHURY:** Okay. That was
8 pretty impressive from memory. I'll just ask the clerk to
9 pull up the witness summary again, please. So that would be
10 witness summary 68 and scroll down to paragraph 26. So
11 that's the point in your summary where this issue is
12 discussed, Mr. Broadhurst. So let me ask you this, why did
13 you consider it necessary to brief the PM on this?

14 **MR. JEREMY BROADHURST:** We were being
15 presented with information from intelligence reporting that
16 suggested that there could have been irregularities in the
17 nomination process, the Liberal Party's nomination process
18 for one of our candidates in the general election. That is
19 important enough for me to think that the leader of the party
20 should be aware of them and making determination about if
21 there was any action that he felt it was appropriate to take.
22 I provided him with the information based on the information
23 that we had at that time, and based on what I thought was --
24 should be an extremely high bar for overturning a democratic
25 result, I had recommended to the Prime Minister that no
26 action be taken. I did that after -- in addition to having,
27 you know, received this information from intelligence
28 officials. I made sure that we did a review of our own

1 process to see if Liberal Party officials at the nomination
2 meeting had reported any irregularities. If there had been -
3 - you know, in these nomination meetings, there is a process
4 for different camps to challenge the legitimacy of voters who
5 present themselves to vote. It's -- I wanted to see if there
6 was an abnormal amount of challenges that were made at that
7 place or if there was any sort of irregularities on that
8 side.

9 We also, within the rules of the Liberal
10 Party, have a process for contestants in a nomination to
11 challenge the validity of the entire meeting. They can -- if
12 they think that there's widespread administrative problems,
13 or, you know, if the meeting was conducted inappropriately,
14 or, you know, anything like that, they have a chance to
15 challenge it. We have a quasi-judicial body within the
16 Liberal Party that would review the evidence and, you know,
17 pass judgment on that, and it has been used a number of times
18 over the years. No one brought any such challenge in this
19 case. There were no abnormal amount of challenges. There
20 were no irregularities cited. We talked to the experienced
21 Liberal Party volunteer who ran the meeting to see if there
22 was anything out of the usual. It was a hotly contested
23 nomination. It was busy, but there was nothing that stood
24 out as abnormal, irregular or out of sort.

25 So based on that and based on the fact that,
26 at this point, there was intelligence reporting but there was
27 no -- there were a lot of gaps and questions that remained,
28 and, you know, hundreds of people have come out to express

1 their democratic will, I thought that the bar for overturning
2 that, especially since we would have no means to discuss
3 anything, as it was based on intelligence reporting, that
4 that bar should be extremely high. And so I made that
5 recommendation to the Prime Minister while presenting
6 everything that we had learned on that and he decided at that
7 time that there was no action for him to take. And,
8 obviously, we knew we would be hearing more about this if
9 there was more -- there was going to be more intelligence
10 reporting, but at that time, there was nothing to do.

11 And I should also point out that intelligence
12 officials as they had provided the information, at no point
13 did they make a recommendation. They wanted us to be aware
14 that this allegation was out there, but they weren't making a
15 recommendation that the party should do anything. They
16 weren't advising that the Prime Minister should take any
17 specific actions. They just wanted us to have the
18 information that they had at that time.

19 **MS. SHANTONA CHAUDHURY:** Is that something
20 that you would have expected them to do the intelligence
21 agencies?

22 **MR. JEREMY BROADHURST:** So this was a new
23 process. Obviously, it had never happened before. It was
24 something that our government had put in place to try to
25 address the growing concerns around foreign interference that
26 were taking place around the world, and wanted -- we wanted a
27 mechanism where there could be an interaction between
28 political parties and intelligence national security

1 officials. So it was a brand new process. It was a little
2 bit difficult -- or it was, you know, we didn't know how it
3 was going to play out, but it would have been very, very
4 surprising to me, and I'd been somewhat welded in, you know,
5 some of the work around the creation of this, it would have
6 been very surprising to me if intelligence officials had felt
7 it was their place to advise a party about whether or not to
8 drop candidates on something. This -- that was not set up to
9 be a vetting process for parties. This was meant to be an
10 information exchange and parties -- you know, it's not the
11 place of intelligence officials to make that kind of
12 recommendation. And I think I -- you know, from the director
13 of CSIS on that and many people would agree with that
14 assessment or have agreed publicly with that assessment.

15 **MS. SHANTONA CHAUDHURY:** Okay. So let's
16 leave 2019 now, and I appreciate that we're flying ---

17 **COMMISSIONER HOGUE:** Sorry, one question.

18 **MS. SHANTONA CHAUDHURY:** Oh ---

19 **COMMISSIONER HOGUE:** No, it's okay. You just
20 said that there were gaps actually that were remaining at the
21 time. Did you ask anyone to look more deeply into the issue
22 at the time?

23 **MR. JEREMY BROADHURST:** When I consulted with
24 the security officials after the briefing that the party rep
25 said I wanted to try to get an understanding of, you know --
26 this was reporting that -- an allegation that there was
27 perhaps a plan to do something. And so I asked if there were
28 specifics, you know, I think there's enough data to be able

1 to say that -- I mean, this was about, you know, whether or
2 not some people who shouldn't have been able to vote in the
3 nomination were bussed to the nomination and voted illegally.
4 I asked for, you know, were there evidence of the buses?
5 Were there people -- were there names that they could point
6 us to, to help evaluate whether or not -- that, you know that
7 we had inappropriate -- you know, people who were not
8 otherwise allowed to vote, vote.

9 At that time, I was not provided with any
10 such information. And, you know, I could understand that.
11 That intelligence reporting is not -- was not being presented
12 to us as an indictment. It was not being presented to us as
13 here's the truth. It was just this allegation exists. It
14 has enough credibility that we're sharing it with you, but we
15 can't point to, you know, here's a voter that voted
16 illegally. They couldn't point to a picture of a bus that
17 had showed up and said, "That's the bus we're talking about.
18 Anybody on that bus was a problem." So this was, at that
19 moment in time, this is what could have been shared with us,
20 and we did our best to sort of assess whether we could,
21 because of that information, see -- sorry, see something
22 inappropriate and we could not.

23 **COMMISSIONER HOGUE:** Okay. But just to make
24 sure I understand your ---

25 **MR. JEREMY BROADHURST:** Sure. Sorry.

26 **COMMISSIONER HOGUE:** --- answer properly, I
27 gather that your -- you had not ask anyone to check any of
28 these things at that point in time? You just ---

1 **MR. JEREMY BROADHURST:** No, no ---

2 **COMMISSIONER HOGUE:** --- receive the
3 information. You ---

4 **MR. JEREMY BROADHURST:** Correct.

5 **COMMISSIONER HOGUE:** --- use it to inform the
6 Prime Minister, but you didn't ask for any additional
7 information at this point.

8 **MR. JEREMY BROADHURST:** I did not, no. And
9 beyond sort of pushing to see if there was more that could be
10 provided, as -- at that point as a -- somebody running a
11 national political campaign, it would have been, I think,
12 inappropriate for me to give direction to public servants on
13 how they should do their job.

14 **COMMISSIONER HOGUE:** Okay. But you didn't
15 ask neither anybody within your Party to do that.

16 **MR. JEREMY BROADHURST:** We examined our own
17 nomination process to see like with this information in mind
18 whether anything stood out as irregular. And based on that
19 review, we saw nothing that stood out as irregular.

20 And having done a lot of these nominations,
21 you do sometimes see irregularities, and -- but it's -- you
22 know, at the end of the day, there's a limit to what the
23 Party can do. We're not a forensic organization, right.

24 We reviewed the conduct of the meeting, we
25 reviewed whether or not there had been complaints about the
26 meeting. At that point, you know, without more specifics, I
27 did not feel there was anything the party could do.

28 **COMMISSIONER HOGUE:** Okay. Thank you.

1 **MS. SHANTONA CHAUDHURY:** So just so that's
2 completely clear for the record, you did ask questions at the
3 time within the Party ---

4 **MR. JEREMY BROADHURST:** Absolutely.

5 **MS. SHANTONA CHAUDHURY:** --- but you did not
6 ask for further intelligence.

7 **MR. JEREMY BROADHURST:** Correct.

8 **MS. SHANTONA CHAUDHURY:** Okay.

9 **MR. JEREMY BROADHURST:** No, I had asked the
10 intelligence officials whether there was anything more that
11 could be shared at this time, and there was not. I felt we
12 took every step we could at the Party's end, bearing in mind
13 I was under an obligation not to reveal to anybody else,
14 including the people I was asking questions of, the subject
15 matter of the intelligence reports. So I could only ask
16 general questions about the conduct of the meetings, but I
17 was satisfied from those answers that there was no alarming
18 event that suddenly made sense in light of these intelligence
19 reports.

20 **MS. SHANTONA CHAUDHURY:** So now let's leave
21 2019 -- a few minutes off schedule, but that's fine -- and
22 move to 2021.

23 So Mr. Clerk, I'll ask you to pull up CAN
24 001082.

25 So this is a similar-looking document. So
26 this is a briefing that was given to the security cleared
27 Liberal Party representatives in 2021. I believe the day of
28 the briefing was around September 12th, 2021.

1 Mr. Broadhurst, again, I think you're
2 probably best placed to tell us what you are able to tell us
3 based on the materials that are available in this forum what
4 happened there.

5 **MR. JEREMY BROADHURST:** So this was, again,
6 part of the similar process that had been set up that allowed
7 intelligence officials to reveal certain intelligence
8 reporting to political parties during an election campaign.
9 In this case, a foreign interference matter was brought to
10 the attention of the Liberal Party.

11 There was no action required. There was no
12 action requested or follow-up requested. And this was very -
13 - this was very late in the campaign. I think this document
14 is dated September 11. The election date itself was
15 September 20th.

16 **MS. SHANTONA CHAUDHURY:** Sorry, Mr.
17 Broadhurst. I'm just going to stop you there ---

18 **MR. JEREMY BROADHURST:** Yes.

19 **MS. SHANTONA CHAUDHURY:** --- and ask the
20 clerk to scroll down a little bit so we can see a little bit
21 more of what is on this document.

22 There's not much, but just for the record.

23 Thank you. Please go on.

24 **MR. JEREMY BROADHURST:** So in this case, as
25 this was information -- really, a briefing of information
26 that had no need for follow-up at that time, I -- had the
27 Prime Minister been accessible to me in that final week, I
28 would have shared this information to him, but he was on the

1 road for the entire week. The end of a campaign is a -- what
2 we sometimes refer to as a sprint, multiple cities over the
3 course of the final days.

4 I looked logistically to see if there was a
5 way that we could, you know, carve out some time for us to
6 talk. It did not seem to be, so I made the determination
7 that I would share this information post-election day at the
8 earliest convenience, which was done.

9 **MS. SHANTONA CHAUDHURY:** Okay. So you did
10 not advise the PM of this during the election, but you did so
11 after.

12 Okay. Just looking at the part of this
13 document that's up on the screen right now where it says:

14 "Importantly, we regret to have to
15 inform you of this activity and
16 understand the difficulties
17 associated with the limitations on
18 what you can do with it. It's being
19 provided for awareness based on your
20 judgment."

21 I'm wondering if you can comment a little bit
22 on that paragraph and what it means to you when you receive
23 this kind of information.

24 **MR. JEREMY BROADHURST:** Well, I think that,
25 again in this process, which even in 2021, while it had been
26 in the second -- this was its second general election, was
27 still relatively new. There were sort of efforts made, I
28 think appropriately, by the intelligence community to try to

1 help the parties understand why the information was being
2 given and then the limitations with which those
3 representatives -- what they could do with that information
4 given that it was based on intelligence reporting that
5 normally would not be generally provided to the public.

6 And so I think this paragraph -- I mean, it's
7 a little bit difficult with the redactions, but I think this
8 is just sort of saying from the intelligence community, over
9 to you, but remember the restrictions that are involved here.
10 We are not giving you any recommendations. This is on your
11 judgment.

12 **MS. SHANTONA CHAUDHURY:** Thank you, Mr.
13 Clerk. You can take that one down.

14 So I'm going to take you to a couple of
15 incidents from the -- I call it incidents, but things that
16 happened in the 2021 elections for which there have been
17 topical summaries provided to the Commission. And so we'll
18 do this with reference to those specific topical summaries.

19 The first one is CAN.SUM 4, please.

20 **--- EXHIBIT No. CAN.SUM 4:**

21 Possible People's Republic of China
22 Foreign Interference-Related Mis or
23 Disinformation

24 **MS. SHANTONA CHAUDHURY:** So this document
25 describes a number of, again, incidents or allegations of mis
26 and disinformation about the Conservative Party, its leader,
27 Erin O'Toole, and MP candidate Kenny Chiu.

28 My question at this point is, is this

1 something that you were aware of during the 2021 election?

2 **MR. JEREMY BROADHURST:** During the 2021
3 election, I was not aware of allegations of, you know, any
4 kind of foreign -- like any foreign state propagating this
5 kind of misinformation or disinformation.

6 I would say, however, that the topic of the
7 Conservative Party of Canada's electoral platform
8 specifically as it related to China was a widely-discussed
9 topic from a year before the campaign, throughout the
10 campaign and its impact and its -- and how it was being
11 received specifically by the Canadian Chinese communities
12 across the country and the impact it was -- you know, that
13 people were theorizing about what it would have on the
14 election campaign, that was a well-known and public debate
15 that was happening and that was -- we were observing having
16 significant impact on the electorate.

17 **MS. SHANTONA CHAUDHURY:** Okay. Mr. Clerk,
18 you can take that one down and now pull up -- oh, I'm sorry,
19 Mr. Clow.

20 **MR. BRIAN CLOW:** To answer your question, we
21 learned about the Conservative claims almost immediately
22 after the election because they made them public.

23 But I do want to scroll down to the bottom of
24 that page because I think there's a really important point
25 here.

26 So this is from the intelligence community,
27 from CSIS, and the facts matter here. There's a lot of
28 people claiming that this disinformation is -- alleged

1 disinformation is confirmed to come from the PRC, but this
2 document at the very bottom says, "No PRC state direction of
3 the incident was detected or reported." And I think that's
4 an important fact that is understood by observers.

5 **MR. JEREMY BROADHURST:** And the controversy
6 around the policy proposals of the Conservative Party of
7 Canada were playing out in mainstream media. There were
8 think pieces being published. There were, in some cases,
9 Conservative Party sources were contributing to the pieces,
10 saying this is actually going to be a positive electoral
11 move, but it was -- it just -- it is not something that was
12 contained only within, you know, whether it's WeChat or
13 certain English language Chinese media, this was a very, I
14 would call it a very central element of the 2021 election
15 campaign.

16 **MS. SHANTONA CHAUDHURY:** Any further comments
17 before I pull up the next one?

18 **MR. JEREMY BROADHURST:** I'll leave it at that
19 for now, I think.

20 **MS. SHANTONA CHAUDHURY:** Okay.

21 So Mr. Clerk, can you please pull up
22 CAN.SUM 13. Scroll down a little bit, please, until we get
23 to -- past the page of very important caveats.

24 So here we have -- this one is titled,
25 essentially, PRC Expressed Partisan Preferences in the 2019
26 and 2021 General Elections. We see it at paragraph 3 there,
27 it talks about in 2019, certain PRC officials expressing
28 political preferences, and describes them as:

1 "...party agnostic and opportunistic
2 at a riding level."

3 If we go down to paragraph 4, it says:

4 "In 2021, there was reporting that
5 some individual PRC officials in
6 Canada made comments expressing a
7 preference for a Liberal Party
8 minority government."

9 So again, my question to you is, is this
10 something of which you were aware during the 2021 election?

11 **MS. KATHERINE TELFORD:** We were not. And I
12 would just go further to say it was surprising to us when we
13 were learning this much, much later this -- that this
14 intelligence existed, given the state of relations between
15 the two countries at the time going into both of those writ
16 periods.

17 And Patrick, of course, was dealing the
18 closest with it, but we were all actively working on trying
19 to get the Two Michaels home to Canada. We were rallying
20 countries around the world to show up alongside Canada in
21 courthouses in China to -- in support of the Two Michaels who
22 had been arbitrarily detained. So it didn't add up for us
23 when we did see this as something we would've conceived of at
24 the time.

25 I don't know if you want to add anything,
26 Patrick.

27 **MR. PATRICK TRAVERS:** No. As the Senior
28 Global Affairs Advisor, I would have been very surprised to

1 see this. As Katie has said, we were in the middle of a
2 widespread global campaign to get the Two Michaels home and
3 to deal with China's behaviour. Relationship was very tense,
4 and rightly so because we were defending Canadians. So this
5 would have been very surprising.

6 **MS. SHANTONA CHAUDHURY:** You mentioned, Ms. -
7 - oh, I'm sorry. Mr. Broadhurst?

8 **MR. JEREMY BROADHURST:** Sorry. I was just
9 going to say, I think it is worth noting also, seeing the
10 language of the summary, we're talking about PRC officials in
11 Canada. That's what it is limited to in terms of this
12 summary.

13 **MS. SHANTONA CHAUDHURY:** Correct.

14 Ms. Telford, you mentioned that when you
15 learned of this much, much later, are you able to say when
16 you learned of this?

17 **MS. KATHERINE TELFORD:** I believe this was
18 after the leaks. This was one of the many things ---

19 **MR. BRIAN CLOW:** It's when it was first
20 reported in the media.

21 **MS. SHANTONA CHAUDHURY:** Okay.

22 **MR. PATRICK TRAVERS:** Then there were further
23 discussions.

24 **MS. SHANTONA CHAUDHURY:** Okay. Thank you.

25 Mr. Clerk, you can take that one down now.

26 So we're going now to some specific briefings
27 on foreign interference that were given, I think we can say,
28 before the leaks and then after the leaks.

1 So starting just with, this probably won't
2 take very long, CAN 10803.

3 **--- EXHIBIT No. CAN 10803:**

4 Handwritten Notes of K. Telford

5 **MS. SHANTONA CHAUDHURY:** So scroll down a
6 little bit until we can see some text.

7 Ms. Telford, I believe these are your notes.
8 Are you able to, A, tell us the approximate date of that --
9 of these notes and what they would have been about?

10 **MS. KATHERINE TELFORD:** It -- we believe they
11 were from 2018, a briefing with Minister Gould, who was
12 working on the whole of government plan to protect our
13 democracy, which led to the creation of the Panel and SITE
14 and many more measures, actually. And yes, that's a scribble
15 on the left that says that there were four women and seven
16 men in the room because I used to track that in meetings.

17 **MS. SHANTONA CHAUDHURY:** Okay. And sorry,
18 just -- you said you believe that, so I take it from that you
19 don't recall this meeting specifically.

20 **MS. KATHERINE TELFORD:** I do not.

21 **MS. SHANTONA CHAUDHURY:** You can take that
22 one down. Thank you, Mr. Clerk. The next one is CAN.DOC 13,
23 please. Apparently it's not. It is -- oh, no, I'm sorry.
24 We don't have notes for this one, it's just referred to at
25 page 9 of this briefing.

26 So this is a briefing that took place.

27 If you can scroll down to page 9, you'll see
28 the little notation I was talking about.

1 A briefing that took place on February 9th,
2 2021. So Mr. Travers, I believe you were at that briefing?

3 **MR. PATRICK TRAVERS:** I was.

4 **MS. SHANTONA CHAUDHURY:** And Ms. Telford as
5 well?

6 **MR. PATRICK TRAVERS:** It wasn't uncommon at
7 that point that the Prime Minister would be getting thematic
8 briefings on important topics in the national security space.
9 My recollection of the briefing is that it was a broad
10 discussion of the status of foreign interference. It covered
11 a range of states. It also covered a range of tactics that
12 they employ with respect to foreign interference. And I
13 remember that Don Valley North was raised as an example. It
14 was a very broad update on foreign interference.

15 **MS. SHANTONA CHAUDHURY:** Okay.

16 You can take that one down, Mr. Clerk. The
17 next one, so the document I'm going to ask you to pull up,
18 Mr. Clerk, is CAN 017998.

19 **--- EXHIBIT No. CAN 17998:**

20 Handwritten Notes of B. Clow &
21 Meeting Invitation

22 **MS. SHANTONA CHAUDHURY:** And Witnesses, to
23 situate you, this a meeting or a series of meetings that took
24 place in the fall of 2022. So we've heard some evidence on
25 this already from the Clerk of the Privy Council, and she
26 explained that there were actually three separate meetings.
27 One was on September 13th between officials, and then there
28 was a September 28th briefing to PMO, and that was followed

1 by an October 27th briefing to the Prime Minister.

2 So the document I've pulled up now is --
3 again, I think these are your notes, Mr. Clow ---

4 **MR. BRIAN CLOW:** Yes.

5 **MS. SHANTONA CHAUDHURY:** --- from this
6 meeting on September 28th. So I'll ask you to take us
7 through them. Who was present? What was it about?

8 **MR. BRIAN CLOW:** So I'll start by saying I
9 said earlier when officials want us or the Prime Minister to
10 be aware of something they deem of a significant level they
11 cause a briefing to happen or they otherwise will come and
12 talk to us. This is an example of that.

13 So a few days before September 28th in 2022,
14 officials reached out through the office of the NSIA,
15 specifically to me and Patrick, and said, "We want to talk to
16 you and inform you of a few foreign interference related
17 situations."

18 The first example, which we can actually talk
19 about, it's here unredacted. There were -- so the first item
20 they walked us through there were a series of invitations
21 issued from the Chinese Ambassador to Canada to several
22 ministers to have a meeting in Montreal. The meeting was --
23 were proposed to take place at a business, so it would have
24 been the business, the Chinese Ambassador, and the ministers.

25 CSIS became aware of this, and informed us
26 that they would be approaching the ministers and cautioning
27 them that this is Chinese tradecraft. This is the type of
28 thing that they might do to try to get a person in a

1 comfortable environment.

2 So they told us about this. We said and we
3 asked, "What are you proposing to do about it?". They told
4 us they would be communicating with the ministers. My
5 understanding is, and I obtained this knowledge very
6 recently, the meetings never happened and I don't believe
7 they were going to happen. But this is an example of the
8 type of thing they would inform us of.

9 The rest of the meeting, which I'm not able
10 to get into specifics about, was also foreign interference
11 related, but it was not federal foreign interference related.

12 **MS. SHANTONA CHAUDHURY:** That's helpful.

13 Thank you, Mr. Clerk. You can take that one
14 down and then we'll just pull up, briefly, CAN 015842.

15 So these we understand to be briefing notes
16 that were prepared for the CSIS Director for the meeting of
17 October 27th, 2022, which was a briefing at this point then
18 to the Prime Minister.

19 And if you can just scroll down again quite
20 quickly.

21 Again, we heard some evidence from the Clerk
22 on this this morning, but having looked at this document, and
23 I assume you've reviewed it before as I'm scrolling through
24 it right here, but does this represent your recollection of
25 what took place at that meeting?

26 **MR. BRIAN CLOW:** So the short answer is no.
27 These bullet points, which we only saw in -- again, in
28 preparation for the appearance here, have very little

1 resemblance to what the Prime Minister was told in that
2 briefing of October 27th. Some of the topics in that
3 October 27th briefing matched the briefing that Patrick and I
4 received in late September, a month earlier. As I said,
5 these were not federal election foreign interference related.

6 So the answer's no, a lot of this information
7 was not specifically presented to the Prime Minister in that
8 briefing.

9 **MR. JEREMY BROADHURST:** I think it's worth
10 noting, I mean, just the format of this note and everything,
11 I mean this is not what an assessed intelligence briefing
12 note looks like; right? These are talking points that
13 haven't gone through any kind of vetting process. They
14 haven't gone through any sign off or approval process. These
15 types of -- this stuff has never been said to us, so whoever
16 these were being prepared for, they chose not to read them or
17 follow them, and we've never heard language like the stuff
18 that is in this document. So for what it's worth.

19 **MS. SHANTONA CHAUDHURY:** Okay.

20 **COMMISSIONER HOGUE:** Okay. Can you go back
21 at the top, please? I just want to see. Okay. Thank you.

22 **MS. SHANTONA CHAUDHURY:** Mr. Clerk, the next
23 one I'd like to look at briefly is CAN4079.

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

25 CAN004079_R01

26 **MS. SHANTONA CHAUDHURY:** So if we can scroll
27 through that one, sort of slowly so that the witnesses can
28 process it?

1 This one also seems to be a document relating
2 to the briefing that took place that date. Are you able to
3 say whether this represents information that you believe was
4 conveyed on October 27th?

5 **MR. BRIAN CLOW:** Generally speaking, this
6 does not resemble what the Prime Minister was told on the
7 27th.

8 **MS. SHANTONA CHAUDHURY:** Okay.

9 **MR. BRIAN CLOW:** Yes, China was very much a
10 part of that briefing, but not the specific information
11 you're seeing here.

12 **MS. SHANTONA CHAUDHURY:** Okay. Then the last
13 document we'll pull up on this topic is CAN009803.

14 **--- EXHIBIT No. CAN 9803:**

15 Handwritten Notes of K. Telford

16 **MS. SHANTONA CHAUDHURY:** So again, these are
17 some handwritten notes. And this time I believe they're your
18 notes, Ms. Telford?

19 **MS. KATHERINE TELFORD:** They are.

20 **MS. SHANTONA CHAUDHURY:** Okay. What can you
21 tell us about what you may have been writing or trying to
22 write in these notes?

23 **MS. KATHERINE TELFORD:** So the parts of this
24 that I do recollect and can expand on, I think, you know, to
25 the right, you can see that I'm referencing that there were
26 three different cases that were being discussed. And the
27 "bragging is not doing" was a source of some conversation,
28 that you can have intelligence where someone might be saying

1 that they're doing something, which doesn't actually mean
2 that they have done it, was something that we were being
3 briefed on and had some conversation around.

4 We were obviously talking about the threshold
5 for interference as well in any number of things that we were
6 talking about. We already talked earlier about how there can
7 sometimes be incorrect analysis or intelligence that we see.

8 But to be honest, I can't put it all
9 together, both because of the classified nature of the
10 briefing, but also because I am not entirely certain what I
11 have down there.

12 **MS. SHANTONA CHAUDHURY:** Okay. And the line
13 that says, "amplifying CPC narrative", do you have any
14 recollection of what that may have been about?

15 **MS. KATHERINE TELFORD:** Not really. Looking
16 back and putting it together with some of the other
17 information that we have from -- including Mr. Clow's notes,
18 I believe it -- I'm actually referring to the Chinese
19 Communist Party there.

20 **MS. SHANTONA CHAUDHURY:** So the CCP ---

21 **MS. KATHERINE TELFORD:** It could be. Yes.

22 **MS. SHANTONA CHAUDHURY:** Okay. So we can
23 take that one down.

24 And now we're going to move into some
25 briefings that happened in the post-leak period. I'm sure
26 there were a number, but we'll only go through a few of them.

27 So the first one, Mr. Clerk, I'll ask you to
28 bring up CAN004495.

1 The date of this briefing or meeting is
2 February 21st, 2023, I believe.

3 And once again, I'll ask you to go through it
4 fairly quickly so the witnesses get an idea what the document
5 is about, and then I'm going to pull up another one.

6 Okay. I think we can probably take that one
7 down now. And I'll ask you to pull up CAN017675.

8 **--- EXHIBIT No. CAN 17675:**

9 Handwritten Notes of B. Clow &
10 Meeting Invitation

11 **MS. SHANTONA CHAUDHURY:** And scroll down to
12 the second page of that document.

13 So here we go. I think, Mr. Clow, these are,
14 again, your notes. And they're from this meeting that
15 happened on February 23rd, 2023. And given that they are
16 your notes, I'll ask you to take us through them in some
17 detail.

18 **MR. BRIAN CLOW:** So to situate ourselves
19 again, this is -- the media leaks are well underway at this
20 point. The Globe and Mail had a very big story just a few
21 days before that.

22 So similar to the March 2023 meeting where
23 officials met with the Prime Minister to do a deep dive on
24 what had appeared in the media, this was the staff version of
25 that. So Jeremy and I had been approached by the NSIA, we
26 met with the NSIA, we met with the Director of CSIS, and we
27 talked through what had appeared in the media and additional
28 intelligence.

1 Again, there are no recommendations here.
2 There was no really new information here, but we discussed
3 things like what was true, what was not in the media, how --
4 we looked at the flow of information. You'll see some notes
5 at the bottom here. JT is Jody Thomas.

6 "will do better on flagging [...] what
7 should be read."

8 There's an acknowledgement very much so at
9 this point that given a whole bunch of information is
10 appearing in the media that we had not seen, that's obviously
11 something that was being considered and looked at.

12 I'll point out:

13 "DV - did not make that advice, would
14 never have."

15 That, I believe, is a reference to the
16 Director of CSIS stating that he made no recommendation --
17 CSIS made no recommendation in the Don Valley North situation
18 when it presented information to the Liberal Party in 2019.

19 But again, you see here what type of meeting
20 this was. Jody Thomas, in that discussion, I wrote down
21 we're:

22 "examining policy advice on whether
23 to recommend to pol[itical] leaders
24 to take action."

25 There was no decision in that meeting. It
26 was that type of discussion and reflection was going on.

27 What I will add in relation to the speaking
28 points that you just showed and which became a big news story

1 here in Ottawa yesterday, once again, most of the information
2 in that document was not -- that briefing note which was for
3 the CSIS Director, most of what was in that document was not
4 relayed to us in that meeting, particularly the very stark
5 conclusions at the bottom of the document. So it again
6 speaks to a briefing note presented to somebody who is
7 briefing us does not necessarily mean that the person
8 briefing chooses to actually relay that information.

9 **MR. JEREMY BROADHURST:** Could I add just one
10 thing? I mean, at the time the leaks were happening, I mean,
11 what happens with the leaks is that pieces of intelligence
12 were again sort of taken out of context and put out there.
13 That was happening for us in the same way that it was
14 happening for the general public. We were learning things in
15 these leaks. We wanted to try to work with the intelligence
16 agencies to recreate the mosaic of information that usually
17 surrounds intelligence, other pieces of intelligence,
18 context, and the sources, all that kind of stuff, to
19 understand what's the full story, what's the full picture
20 that we can have here? You don't get that with the leak.

21 And, I mean, the speaking points, I mean,
22 it's like they're -- I'm not sure why they would have been
23 prepared for this meeting, because this meeting was always
24 supposed to be about the intelligence officials working with
25 us to help us better understand the context of the
26 information that was now out in public. That context which,
27 of course, wasn't included in the leaks, but, you know, it
28 was the only way to sort of properly understand it.

1 **MS. SHANTONA CHAUDHURY:** Okay. And if we can
2 just scroll down to the rest of that document so it's up on
3 the screen?

4 Sorry, Mr. Clow, did I interrupt you? You
5 were about to say something?

6 **MR. BRIAN CLOW:** I was going to make a point
7 about another note, but I'm happy to speak about this one as
8 well.

9 **MS. SHANTONA CHAUDHURY:** Okay. There's just
10 the last paragraph that we didn't touch here. Mr. Clow, can
11 you give us your recollection of I believe what Mr. Vigneault
12 was -- had said there?

13 **MR. BRIAN CLOW:** So because in this meeting,
14 amongst other meetings, we were digging into what was in the
15 media, my recollection is this is the CSIS Director
16 confirming that the allegations about 11 candidates had not
17 been briefed up to a certain level until media began asking
18 questions about it.

19 And similarly, if you scroll back up, there's
20 a confirmation from the CSIS Director where it starts with
21 250,000. There was a lot of media reporting that either said
22 or implied that \$250,000 went directly to candidates, and the
23 CSIS Director confirmed there -- it had already been
24 confirmed to us, but confirmed once again, there was no
25 conclusion of that by CSIS.

26 **MS. SHANTONA CHAUDHURY:** Okay. I think
27 that's probably good for that document.

28 The next briefing I was going to take you to

1 was March 20th, but I think we covered it earlier on in a
2 different context talking about the challenge function, so
3 let's go to March 28th. Mr. Clerk, that's CAN 017672.

4 Oh, we seem to be missing a CAN 017672.
5 Should we take a minute? I do want to bring this document
6 up, so let's just take a minute and make sure that the clerk
7 has the document.

8 **COMMISSIONER HOGUE:** We'll go to ---

9 **MS. SHANTONA CHAUDHURY:** Just probably in one
10 minute. Thank you.

11 **THE REGISTRAR:** Order please.

12 This hearing will be recessed for five
13 minutes.

14 --- Upon recessing at 3:25 p.m.

15 --- Upon resuming at 3:32 p.m.

16 **THE REGISTRAR:** Order please.

17 This sitting of the Foreign Interference
18 Commission is back in session.

19 **--- MS. KATHERINE TELFORD, Resumed:**

20 **--- MR. JEREMY BROADHURST, Resumed:**

21 **--- MR. BRIAN CHOW, Resumed:**

22 **--- MS. PATRICIA TRAVERS, Resumed:**

23 **--- EXAMINATION-IN-CHIEF BY, (cont'd):**

24 **COMMISSIONER HOGUE:** The lost document has
25 been found?

26 **MS. SHANTONA CHAUDHURY:** It has been.
27 Apologies, Commissioner, you can dock that from my time.

28 So the document -- actually, there's two, so

1 I'll ask you to bring up the first one, Mr. Clerk, and then
2 I'll ask you to bring up the second one in short succession.
3 So the first one is 19497, please.

4 --- EXHIBIT No. CAN 19497:

5 Handwritten Notes of B. Clow

6 **MS. SHANTONA CHAUDHURY:** Okay. So you'll see
7 there a textbox that says,

8 "Briefing on intelligence report
9 relating to allegations in media that
10 Han Dong advised the PRC to extend the
11 detention of the "Two Michaels"

12 That's a summary of the intelligence that was
13 redacted on that page. Then, Mr. Clerk, the next one is
14 19498.

15 --- EXHIBIT No. CAN 19498:

16 Handwritten Notes of B. Clow

17 **MS. SHANTONA CHAUDHURY:** So, again, these are
18 pages from Mr. Clow's notebook, and that document when it's
19 pulled up will show some notes taken that day.

20 So, Mr. Clow, I'll ask you to again explain
21 what the discussion being had here was, and in particular,
22 the lines that refer to want CSIS not to have final say, need
23 to understand, and then options to declassify.

24 **MR. BRIAN CLOW:** So the first document you
25 showed entirely redacted were my notes of reviewing the so-
26 called transcript of the conversation between Han Dong about
27 which included the very significant and explosive allegation
28 that Han Dong had asked a Chinese official to delay the

1 release of the Two Michaels. Media started asking us about
2 that in late February, early March 2023. We immediately
3 tried to figure out what the facts were. I will point out,
4 once again, we had not heard about this until the media began
5 asking questions. Here, this is now a month later, when
6 after the story had been published, and Han Dong has stepped
7 aside to clear his name, and we had a number of conversations
8 about how we can get the truth out about this document, so
9 that it could be known that Han Dong did not actually
10 advocate for the delay of the release of the Two Michaels.
11 So when you see me say options to declassify, it's because we
12 were having a discussion. I don't specifically remember who
13 was in the meeting, but the NSIA was certainly there. We are
14 asking ourselves and officials are also asking, is there a
15 way to put this information out in the public. At this time,
16 the conclusion was, no, this -- it's -- it cannot be made
17 public, so we couldn't actually in a clear way defend Han
18 Dong against this allegation, which was wrong.

19 Want CSIS to not have final say, again, it's
20 the same version -- a version of the same thing that if a
21 document is leaked to the media, it appears in the news, that
22 can't be the last word. There should be a way to get more
23 facts out so a person can defend themselves and so Canadians
24 can know the truth. So that's what these notes reflect.

25 **COMMISSIONER HOGUE:** Pardon me. Just has
26 been briefed. To whom did you refer?

27 **MR. BRIAN CLOW:** I'm not sure what that
28 refers to.

1 **COMMISSIONER HOGUE:** And just at the top, is
2 it David, David that ---

3 **MR. BRIAN CLOW:** I'm also not sure. Clearly,
4 I'm writing these notes very quickly. It could be David
5 McGuinty. It could be David Morrison. Those are -- David
6 McGuinty is chair of NSICOP, David Morrison as former NSIA
7 and at that point Deputy Minister of Foreign Affairs. It
8 could be that we were wanting to discuss with one or both of
9 them, but I am speculating. At this point, I don't remember.

10 **COMMISSIONER HOGUE:** And you don't recall
11 whether there have been any discussion about David? No?

12 **MR. BRIAN CLOW:** I don't. I don't recall
13 what that refers to.

14 **COMMISSIONER HOGUE:** And you don't know
15 neither if has been briefed refer to David?

16 **MR. BRIAN CLOW:** I don't. I don't recall.

17 **COMMISSIONER HOGUE:** Okay. Thank you.

18 **MS. SHANTONA CHAUDHURY:** Mr. Clerk, you can
19 take that one down and pull up CAN 017676. So this is the
20 last document I'll be asking you about today. It -- these
21 are notes from a meeting that happened on May 18th, 2023.
22 Mr. Clerk, if you can just scroll down to the page where we
23 can see things? Okay. There we go. So we heard some
24 evidence again from the clerk this morning about this
25 meeting, but, Mr. Clow, these are your notes, so I'll again
26 ask you to go through them and help the Commission
27 understand, in our remaining, I think it's about three
28 minutes, what was going on in this meeting, who was there and

1 what was being said and why?

2 **Mr. BRIAN CLOW:** So this is a similar kind of
3 meeting to earlier meetings I talked about, well after the
4 media leaks and media stories. This meeting specifically was
5 for several Ministers; you see Minister Blair, Leblanc, Joly,
6 and Mendicino. The Prime Minister wanted to -- he and Lee
7 were getting frequent updates on what was appearing in the
8 media, what was true, what was not true. And Prime Minister
9 wanted to ensure those four Ministers were also just as up to
10 speed as we were. All of them were to significant extent,
11 but so much information was coming out so fast, this meeting
12 was organized to go through many of the different allegations
13 that were in the media.

14 **MS. SHANTONA CHAUDHURY:** Okay. So I think
15 we'll see here around the middle of the page, "Indian FI in
16 2019," something, something, "some" and "opportunistic"
17 "Pakistani - some in 2019," and then "Russia, Iran."

18 And then the next part says, "No threats of
19 physical harm to MPs or families, would cross line." Then
20 there's a part about -- and again, this seems to be referring
21 to the PRC's potential partisan preferences.

22 **MR. BRIAN CLOW:** Right.

23 **MS. SHANTONA CHAUDHURY:** Scroll down again,
24 "Not coordinated across [the] country, ridings/individuals.
25 WeChat. Goes through 11 candidates."

26 So essentially, you're saying this was a
27 briefing to get the Ministers up to speed?

28 **MR. BRIAN CLOW:** Exactly. And to also

1 discuss, as we constantly were at that time, what could we be
2 doing about this; what should we be doing, are there actions
3 that should be taken; is there options to make any of this
4 information public? You'll note that I note Marco Mendicino
5 stated that we did not report or assess that Don suggested
6 not releasing the two Michaels. That's another example where
7 that was confirmed to us internally, but we were not able to
8 say that publicly at that time.

9 I will note the first section of notes up
10 there, that's me noting down what CSIS officials are telling
11 us, and a lot of that information we had been presented in
12 some other way, but it could have been the first time some of
13 those Ministers were learning some of those specific details.

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

15 I believe that's all my time, so those are
16 all my questions for today.

17 **COMMISSIONER HOGUE:** Thank you.

18 It's 3:39, so we'll take the break; 20-
19 minutes break. So we'll come back at 4:00.

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

21 This hearing is in recess until 4 o'clock.

22 --- Upon recessing at 3:40 p.m.

23 --- Upon resuming at 4:05 p.m.

24 **THE REGISTRAR:** Order please.

25 This sitting of the Foreign Interference
26 Commission is back in session.

27 **MS. KATHERINE TELFORD, Resumed:**

28 **MR. JEREMY BROADHURST, Resumed:**

1 MR. BRIAN CLOW, Resumed:

2 MR. PATRICK TRAVERS, Resumed:

3 **COMMISSIONER HOGUE:** Just before we start, I
4 have been informed that some parties would like David
5 Vigneault to be recalled as a witness to be questioned on a
6 document that was not available at the time he testified.

7 I will hear the parties' representations
8 after the cross-examinations. So make sure if you have to
9 get instruction, to receive these instructions between now
10 and then because, as you know, tomorrow is our last day. In
11 principle.

12 You can go -- oh, no, it's the cross-
13 examination. I'm sorry. It's counsel for Han Dong.

14 **(SHORT PAUSE)**

15 **MS. EMILY YOUNG:** Good afternoon, witnesses.
16 And good afternoon, Madam Commissioner.

17 **COMMISSIONER HOGUE:** Good afternoon.

18 --- CROSS-EXAMINATION BY MS. EMILY YOUNG:

19 **MS. EMILY YOUNG:** my name is Emily Young; I'm
20 counsel to Han Dong. And we just want to go into a little
21 bit more detail on a few of the matters you discussed with
22 Ms. Chaudhury earlier.

23 Starting with Mr. Broadhurst; you've spoken
24 about the practice of busing potential voters to nomination
25 meetings in your interview and testimony before the
26 Commission, and this was, of course, in the context of
27 intelligence that referred to allegations around busing in
28 the 2019 nomination race in Don Valley North. Do you recall

1 that?

2 **MR. JEREMY BROADHURST:** I do.

3 **MS. EMILY YOUNG:** In your interview, you
4 described bussing potential voters to a nomination vote as
5 common practice. Is that right?

6 **MR. JEREMY BROADHURST:** That is correct.

7 **MS. EMILY YOUNG:** It's fair to say the
8 objective of bussing or providing other transportation to
9 voters is to make it as easy as possible for party members to
10 vote in a nomination contest?

11 **MR. JEREMY BROADHURST:** Correct.

12 **MS. EMILY YOUNG:** And this is especially
13 important for voters who might have difficulty getting to the
14 poles, like seniors or students?

15 **MR. JEREMY BROADHURST:** Yes. I can think of
16 other examples as well, but those would be two primary ones.

17 **MS. EMILY YOUNG:** So it's normal to see
18 bussing, other forms of group transportation, in the
19 nomination contest?

20 **MR. JEREMY BROADHURST:** In a contested
21 nomination, would not surprise me at all to see busses or
22 other forms of transportation.

23 **MS. EMILY YOUNG:** Right. And there's nothing
24 contrary to the applicable party rules about bussing
25 potential voters in itself?

26 **MR. JEREMY BROADHURST:** Well if the bussing
27 is being arranged by one of the candidates, they would -- it
28 would be an expense related to their nomination. At the end

1 of the nomination campaign, they would have to -- they file
2 an audited expense return and it would obviously have to be
3 accounted for.

4 It is not unusual for -- or not unheard of,
5 certainly, for other groups to provide bussing. For example,
6 I can think of examples where if a riding has a significant
7 post-secondary, you know, institution in it, a young Liberal
8 club on the campus might provide bussing for anybody to go to
9 the nomination -- like, you know, not -- irregardless (*sic*)
10 of who they intended to support as a way of encouraging
11 student voting, for example, in a nomination.

12 But if it is being organized by the
13 contestants in order to be their -- you know, who they
14 believe to be their supporters, they should account for the
15 expense of it.

16 **MS. EMILY YOUNG:** Okay. And that would be
17 done in the ordinary course?

18 **MR. JEREMY BROADHURST:** Correct.

19 **MS. EMILY YOUNG:** And this question is more
20 so directed towards Ms. Telford, given the discussion that
21 you've had about the challenge function to intelligence and
22 the importance of context in understanding intelligence.

23 Is it fair to say that the fact that bussing
24 is a common practice in nomination campaigns is political
25 context about how nominations work that intelligence agencies
26 might not be fully aware of?

27 **MS. KATHERINE TELFORD:** I'm not sure I can
28 speak to the specifics of our conversations, but we certainly

1 do have conversations and back and forth around political
2 context. And obviously we certainly talked about this.

3 **MS. EMILY YOUNG:** Right. And so the point
4 I'm trying to make is that the intelligence agencies might
5 not have that context before speaking to somebody like you
6 about that?

7 **MS. KATHERINE TELFORD:** We have certainly
8 discussed with some of the senior security officials that
9 there is more learning to do as it relates to political
10 processes, and we've tried to help with some of that
11 clarification where it makes sense, and I'm sure other party
12 representatives have too at various points.

13 **MS. EMILY YOUNG:** And this type of political
14 context about, you know, the commonplace nature of using
15 busses and other forms of transportation in a nomination
16 race, is it fair to say that this is context that the media
17 and the public more broadly might also not know about how
18 nominations actually work on the ground?

19 **MS. KATHERINE TELFORD:** I can't speak for
20 everyone on that, but I think generally speaking, that is
21 true. Nominations are not widely understood processes.
22 They're slightly different in different parties. Very
23 contested nominations in particular are different than
24 nominations that might happen that are less competitive,
25 where there are multiple candidates, urban versus rural.
26 Like, there's all kinds of different things that come into
27 play in nominations.

28 **MS. EMILY YOUNG:** Okay. And so would it be

1 fair to say that this lack of understanding about the
2 nomination process could contribute to misunderstanding
3 something that's a normal part of that process as something
4 that is nefarious?

5 **MS. KATHERINE TELFORD:** I think that's
6 possible.

7 **MS. EMILY YOUNG:** Okay. And for Mr.
8 Broadhurst again, a couple of questions about the Liberal
9 Party rules that were in effect in 2019.

10 Am I right that those who are 14 years or
11 older could become members of the Liberal Party and vote in a
12 nomination contest?

13 **MS. JEREMY BROADHURST:** That's correct. We
14 refer to them as registered Liberals. Yes.

15 **MS. EMILY YOUNG:** And the party allows these,
16 perhaps you might call them youth members, to join partly to
17 promote engagement?

18 **MS. JEREMY BROADHURST:** That's correct. It
19 is a deliberate policy choice of the Liberal Party that's
20 been validated through votes and conventions and stuff like
21 that to have a larger voting pool than is allowed just in an
22 *Elections Act*, you know, in a general election campaign.

23 **MS. EMILY YOUNG:** And in order to vote in a
24 nomination contest in any given riding, a potential voter has
25 to show proof that they are a resident of that riding?

26 **MR. JEREMY BROADHURST:** That is correct.

27 **MS. EMILY YOUNG:** So that's not a requirement
28 that a potential voter be a Canadian citizen in order to

1 vote?

2 **MR. JEREMY BROADHURST:** That is correct.

3 **MS. EMILY YOUNG:** It's about where the
4 potential voter lives?

5 **MR. JEREMY BROADHURST:** Correct.

6 **MS. EMILY YOUNG:** And it's not a requirement
7 about where that potential voter might go to school, for
8 example?

9 **MR. JEREMY BROADHURST:** Correct. One might
10 imagine going to a school and not -- which is in one riding
11 and living in a different riding, especially in an urban
12 environment.

13 **MS. EMILY YOUNG:** So you've given evidence
14 earlier today that the Liberal Party didn't uncover anything
15 unusual about the 2019 nomination contest in Don Valley North
16 when you asked some of your staff to look into it further?
17 Is that fair?

18 **MR. JEREMY BROADHURST:** Yeah, there were no
19 reported irregularities, there were no widespread challenges
20 at the meeting, the meeting was efficiently run, no one
21 challenged the conduct of the meeting or the outcomes after
22 the fact.

23 **MS. EMILY YOUNG:** Including Mr. Dong's
24 appointment, Ms. Bang-Gu Jiang?

25 **MS. JEREMY BROADHURST:** Correct.

26 **MS. EMILY YOUNG:** So now I'll turn to a
27 couple of brief questions about the allegations in the media
28 around the Two Michaels issue, I think we can call it. And

1 these are mainly for Mr. Clow because he takes such diligent
2 notes.

3 So Mr. Clow, you gave evidence that there was
4 a meeting on March 28th, 2023 about allegations in the media,
5 including the Two Michaels allegation; correct?

6 **MR. BRIAN CLOW:** Correct. It was one of
7 several meetings on the topic, or where it came up.

8 **MS. EMILY YOUNG:** And in either your
9 interview or previous *in-camera* testimony, you gave evidence
10 that there actually was no transcript of the call that was
11 the subject of the media allegations. It was just a summary.
12 Is that right?

13 **MR. BRIAN CLOW:** That's right. That's what I
14 said.

15 **MS. EMILY YOUNG:** And I take it that summary
16 was in English?

17 **MR. BRIAN CLOW:** Yes.

18 **MS. EMILY YOUNG:** And so that's why Ms.
19 Telford would have explained to the Commissioner earlier that
20 there were some concerns about the translation that would
21 have occurred from Mandarin to English in preparing that
22 summary?

23 **MS. KATHERINE TELFORD:** Yes. And some of
24 those questions I believe were publicly raised.

25 **MS. EMILY YOUNG:** And the concerns about the
26 translation issue were never resolved?

27 **MS. KATHERINE TELFORD:** They were not.

28 **Ms. EMILY YOUNG:** Mr. Clow, you described in

1 your earlier testimony the reporting of the Two Michaels
2 allegation as explosive and you said that the reporting did
3 not accurately reflect the intelligence about the call. Is
4 that fair?

5 **MR. BRIAN CLOW:** Yes.

6 **MS. EMILY YOUNG:** Throughout these hearings,
7 we've heard testimony from a number of witnesses, including a
8 CSIS Director, Deputy Ministers, senior public servants about
9 the significant limits on the reliability of intelligence.
10 How depending on the sourcing of the intelligence,
11 corroboration of the intelligence, it might be much more or
12 less reliable.

13 Is it fair to say that when we're considering
14 intelligence, it has to be considered in light of these
15 limitations? I'll direct that to Mr. Clow.

16 **MR. BRIAN CLOW:** I would agree with that,
17 yes.

18 **MS. EMILY YOUNG:** So Mr. Clow, what you have
19 said before the Commission is that the media coverage on the
20 Two Michaels issue was not even an accurate reflection of
21 what was in the intelligence on this matter?

22 **MR. BRIAN CLOW:** That is my belief and
23 understanding, yes.

24 **MS. EMILY YOUNG:** And you gave evidence
25 earlier that you and your team even had some discussions
26 about whether materials should be declassified to correct
27 what had been reported in the media? Is that right?

28 **MR. BRIAN CLOW:** Yes.

1 **MS. EMILY YOUNG:** And that was because the
2 allegation that Mr. Dong had advised a senior Chinese
3 diplomat in February 2021 that Beijing should off on freeing
4 the Two Michaels was not true?

5 **MR. BRIAN CLOW:** That is my view, and I
6 believe that's reflected in the public summary that's been
7 released.

8 **MS. EMILY YOUNG:** And until this Commission,
9 you weren't able to make this known publicly?

10 **MR. BRIAN CLOW:** Correct.

11 **MS. EMILY YOUNG:** Okay. Those are our
12 questions. Thank you.

13 **COMMISSIONER HOGUE:** Thank you.

14 Next one is counsel for Michael Chong.

15 **--- CROSS-EXAMINATION BY MR. GIB van ERT:**

16 **MR. GIB van ERT:** Thank you, Commissioner.

17 I'll start with Mr. Broadhurst, please, and
18 I'll ask that we -- just before I turn up the document, I
19 want to ask you some questions to understand better what you
20 told the Prime Minister at that meeting in late September
21 2019, but I want to take great care that we don't stumble
22 into anything that you're not able to say in this forum. And
23 I think the way to help you with that is to show you the
24 document that Ms. Chaudhury showed you earlier, which is CAN
25 005461.

26 So I'll ask that that be pulled up and just
27 stop there for the moment.

28 So you'll recall, and it says there on the

1 corner of the document, "These are notes for briefing from
2 the SITE TF to the secret cleared Liberal Party
3 representatives." And you've already explained that those
4 representatives then came and spoke to you and you passed it
5 on to the Prime Minister.

6 So what I'm proposing is that I'm going to go
7 through each of these points and if you can confirm or
8 explain whether or not these were things that you passed on
9 to the Prime Minister.

10 So starting with the first one, allegations
11 of foreign interference by China in Don Valley North Liberal
12 nomination contest. I think we already have that. You
13 passed that on.

14 **MR. JEREMY BROADHURST:** That there were
15 allegations -- yes.

16 **MR. GIB van ERT:** Thank you.

17 The next point, you can see there's a summary
18 here, and the summary says, "Buses being used in support of
19 Mr. Dong at the direction of PRC officials in Canada."

20 So did you advise the Prime Minister that
21 these buses were alleged to be at the direction of PRC
22 officials in Canada?

23 **MR. FREDERICK SCHUMANN:** Just before the
24 witness answers, the question is assuming that the bullet
25 point in the document was conveyed to Mr. Broadhurst and that
26 he had it to convey to the Prime Minister, so perhaps my
27 friend could first ask the witness whether he learned of that
28 piece of information that's in the document that's being

1 shown to the witness.

2 **MR. GIB van ERT:** Well, I think that's
3 exactly the exercise I'm engaged in, so please, Mr.
4 Broadhurst, let us know, did you know this and, if so, did
5 you pass it on to the Prime Minister?

6 **MR. JEREMY BROADHURST:** You used one alleged.
7 I would have used two allegeds.

8 **MR. GIB van ERT:** All right.

9 **MR. JEREMY BROADHURST:** That the alleged
10 buses were alleged to have been provided by PRC.

11 The nature of the information was that there
12 was a concern that this plan existed, but at that time no one
13 was able to say conclusively, or at least no one was able to
14 say me or the other cleared representatives, yes, these are
15 the buses that we're talking about and yes, these buses were
16 provided by PRC officials in Canada.

17 **MR. GIB van ERT:** Understood. Thank you.

18 And I had your first point already about the
19 buses. I wanted to be sure about the second part, which is
20 that the allegation was that they were at the direction of
21 PRC officials ---

22 **MR. JEREMY BROADHURST:** Right.

23 **MR. GIB van ERT:** --- in Canada.

24 Thank you.

25 Going down, please, in the document. There
26 we are.

27 Again -- and I know what your counsel said
28 and I take that point. So this document is indicating that

1 part of the briefing was that there was an assessment that
2 the allegations are consistent with PRC foreign interference
3 activity in GTA.

4 So again, my question for you is, is that
5 something that you briefed the Prime Minister about?

6 **MR. JEREMY BROADHURST:** Yes, but what I would
7 point out here, I think is an important distinction, is it
8 says that it is consistent with PRC foreign interference
9 activity in the GTA. It does not say foreign interference
10 activity with respect to election campaigns.

11 **MR. GIB van ERT:** Right.

12 **MR. JEREMY BROADHURST:** There are other forms
13 of foreign interference, obviously, and so that -- that -- I
14 would make that very clear as a distinction.

15 **MR. GIB van ERT:** Understood. Thank you.

16 The next bullet point, in fact, we're there.

17 "PRC interference in the GTA likely
18 relies on a densely connected network
19 of PRC-linked individuals."

20 So my question is, did you advise the Prime
21 Minister or did you know and then advise the Prime Minister
22 about this allegation of a densely connected network of PRC
23 linked individuals?

24 **MR. JEREMY BROADHURST:** I would say that this
25 was not part of the information that we had, not get into a
26 network of individuals, so I'll leave it at that. I would
27 say no to that question.

28 **MR. GIB van ERT:** Thank you.

1 And then the next bullet point -- maybe
2 scroll up just a little so that we can all see it a bit
3 better. There we are.

4 This interference network -- so I've heard
5 what you said. Maybe it's the same answer, but I'll go ahead
6 and ask the question.

7 You see what it's saying here is that the
8 network is centred on four communities' candidates, staffers
9 including campaign officials, local community members and
10 some kind of PRC official.

11 So my question for you again is, had you been
12 told that and did you pass that on to the Prime Minister?

13 **MR. JEREMY BROADHURST:** Again, I would say no
14 because we did not talk about a network of individuals at
15 this time. This was really centred on the specific
16 allegation around buses being provided by PRC officials.

17 **MR. GIB van ERT:** Right. So no, you didn't
18 pass it to the Prime Minister, but also no, you didn't know
19 this? Is that right?

20 **MR. JEREMY BROADHURST:** It was not part of
21 the information relayed at that time. It was not -- it was
22 not how the information was presented.

23 **MR. GIB van ERT:** By Mr. Ismael, if I recall
24 correctly.

25 **MR. JEREMY BROADHURST:** Right. Also when I
26 talked to other intelligence officials, it may be helpful for
27 me to say, I mean, the way it was presented was that there
28 was a belief that there are PRC officials in Canada who have

1 the ability to activate a network of foreign students one way
2 or another and that there was a fear that that was being used
3 in this case.

4 There was no mention of a broader network of
5 individuals involved in the activity.

6 **MR. GIB van ERT:** Understood. All right.
7 Thank you.

8 And I'm done with that document. Thank you
9 very much.

10 My next question is for Ms. Telford.

11 A few days ago, Madam Tessier, the Director
12 of Operations -- Deputy Director of Operations for CSIS, was
13 here. And she gave evidence that the service had wanted to
14 conduct defensive briefings of Members of Parliament even
15 before the 43rd General Election. And I asked some questions
16 about that and eventually I was told that the service didn't
17 require the government's permission to do that, but would
18 have needed help from the government in coordinating these
19 briefings.

20 And so my question for you is, did the
21 service ask for the PMO's help, your help or your colleagues'
22 help, to arrange for defensive briefings of MPs prior to the
23 43rd General Election?

24 **MS. KATHERINE TELFORD:** I don't recall an ask
25 for any assistance on that front because I think we would
26 have -- and there's many examples of it. We would have
27 encouraged and welcomed more transparency with Members of
28 Parliament, and there's a number of examples of where we have

1 encouraged and welcomed that from the agency.

2 **MR. GIB van ERT:** All right. And do any of
3 your colleagues recall receiving such a request from the
4 service?

5 **MR. JEREMY BROADHURST:** No.

6 **MR. GIB van ERT:** All right. Thank you.

7 My next question is for Mr. Clow, and this
8 has to do with some evidence you gave in your briefing --
9 sorry, in the witness summary about the Buffalo Chronicle.

10 I can pull it up if it's helpful. In fact,
11 why don't we go ahead? It's WIT 069, please.

12 If you'll go, Mr. Court Operator, to
13 paragraph 54, please.

14 Thank you.

15 And I'll just read it to you to remind you,
16 Mr. Clow. It says that you emphasized what you "considered
17 to be the seriousness of the Buffalo Chronicle article", and
18 we've heard evidence about that already. And then:

19 "In his view [in your view], this
20 incident was an obvious example of
21 foreign interference, but because it
22 could not be directly attributed to a
23 foreign state, the government had no
24 available response."

25 So a few questions about that.

26 Firstly, obvious to whom? Because from the
27 evidence that we have seen so far, it doesn't appear to have
28 been obvious to the SITE Task Force or to the Panel of Five.

1 I'm not even sure that it was obvious to the service. A
2 little harder for us to know that for reasons that we all
3 appreciate.

4 But what do you mean when you say it was
5 obvious? Obvious to whom?

6 **MR. BRIAN CLOW:** I think it's obvious to
7 anyone who saw what was happening. And this actually has
8 come up in testimony and folks were aware of it.

9 The SITE Task Force, CSIS, others, PCO were
10 aware of this website which was based in the United States
11 and was publishing complete lies about the Prime Minister.
12 And these articles were getting spread and shared thousands
13 of times during the election, so that's why I think it was
14 obvious.

15 **MR. GIB van ERT:** Right. Well, and I am
16 aware of the fact -- we have heard the evidence that it was
17 in the United States and these articles were being published
18 and they were nonsense. We have all that.

19 But the assertion here is that it was
20 obviously foreign interference, right, and we know that
21 someone telling lies in a foreign country is not necessarily
22 foreign interference for the purposes of our Commission,
23 right.

24 So let me ask you this. You have also said
25 that it could not be directly attributed to a foreign state,
26 but isn't it true that it couldn't be attributed to a foreign
27 state directly or indirectly?

28 **MR. BRIAN CLOW:** The conclusion of officials

1 was they were not able to attribute it to a foreign state.

2 **MR. GIB van ERT:** Right. Not -- it's not a
3 question of directness or indirectness, it just couldn't be
4 attributed?

5 **MR. BRIAN CLOW:** They could not reach their
6 conclusion.

7 **MR. GIB van ERT:** Yes. All right, and then
8 finally, you say here the government had no available
9 response. But we've had Mr. Sutherland's evidence that --
10 and that there was an arrangement with American social media
11 companies, Facebook in particular, and that at the direction
12 of the Clerk of the Privy Council, Mr. Sutherland reached out
13 to Facebook and Facebook suppressed the story. So that was a
14 government response that was available and it was actually
15 exercised. Do you agree?

16 **MR. BRIAN CLOW:** And I learned of that from
17 Mr. Sutherland's testimony here.

18 **MR. GIB van ERT:** Thank you. Those are my
19 questions.

20 **COMMISSIONER HOGUE:** Thank you.

21 Next one is counsel for Jenny Kwan.

22 **--- CROSS-EXAMINATION BY MR. SUJIT CHOUDHRY:**

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

26 So I'd first like to go back over some of the
27 -- your testimony earlier this afternoon, and this is sort of
28 a machinery of government or information flow issue because

1 this is one of the components of this phase of the
2 Commission's work. And so it's about kind of untangling or
3 clarifying the relationship between the Clerk, the NSIA, the
4 CSIS Director, the PMO, and the Prime Minister. And --
5 because there's lots of different entities at the apex of the
6 federal executive involved in matters of intelligence and
7 foreign interference.

8 And so what I thought I heard today, and I'm
9 sorry I don't have a transcript, so I want to go over it
10 again, is can the CSIS -- if the CSIS Director wants to brief
11 the Prime Minister or the Prime Minister's Office, that
12 request can be made through the PMO, through the Clerk,
13 through the NSIA, all of the above, some of them. If someone
14 could just confirm how that works I'd be grateful.

15 **MS. KATHERINE TELFORD:** I think it would be
16 customary and our regular experience for the CSIS Director to
17 work that out with the NSIA, who would come to us. And I
18 can't think of a time that if there's ever a request to brief
19 the Prime Minister or any of us that that doesn't happen.

20 **MR. SUJIT CHOUDHRY:** And I've noticed that in
21 -- sometimes the CSIS Director has met with the Prime
22 Minister directly with -- and he might be supported by his
23 team. In other cases, the CSIS Director might meet just with
24 the PMO and senior members of the bureaucracy. Can you help
25 to explain when one or the other happens?

26 **MS. KATHERINE TELFORD:** When he brings his
27 team or doesn't?

28 **MR. SUJIT CHOUDHRY:** Or, sorry, to clarify,

1 when the meeting would just be with the PMO, so members of
2 this, for example, this panel or other colleagues, or would
3 actually involved the Prime Minister himself.

4 **MS. KATHERINE TELFORD:** So as I mentioned
5 earlier, the Prime Minister -- if ever the -- any senior
6 official wanted to brief the Prime Minister, particularly the
7 ones you are mentioning, that would be arranged right away.
8 And there are times, however, where they will come and ask to
9 brief any combination of us, depending on the issue or who's
10 around. Sometimes some of us are on the road with the Prime
11 Minister and others of us are back at the office, and so they
12 want to take us through what's coming because it can't be
13 scheduled with the Prime Minister until his return or
14 something else. And it's almost like a bit of a
15 pre-briefing, and you've seen that in some of the outlines of
16 the meeting dates, where you can see that staff met with
17 officials and then there's a subsequent meeting with the
18 Prime Minister.

19 **MR. SUJIT CHOUDHRY:** Okay, great. So then on
20 that topic, I'd like to take you to a document that I think
21 you've been -- we've been discussing. It's CAN 4495.

22 And I think this question is for Mr. Clow
23 because he seems to take extremely careful notes. And so
24 Mr. Clow, I'm sorry, but I need to -- I -- we've heard from
25 other witnesses and I think from the panel as well that these
26 are talking points, they're not necessarily a memo. They
27 don't necessarily reflect what was said, and you've pointed
28 that out.

1 There's a little bit here that I just wanted
2 to take you through, and I'm sorry I have to do this. It's
3 on -- if you start on page 5. If you go down to Conclusions.
4 There's a number -- there's sort of three bullet pointed
5 conclusions here. So maybe if you could just familiarise
6 yourself with them.

7 **MR. BRIAN CLOW:** Yeah.

8 **MR. SUJIT CHOUDHRY:** And then -- yeah.

9 **MR. BRIAN CLOW:** Yeah, I've seen these.

10 **MR. SUJIT CHOUDHRY:** And then there's two
11 bullet pointed....

12 You can go to the next page.

13 And to the best of your recollection, were
14 these bullet points, were these discussed by the Director
15 or....?

16 **MR. BRIAN CLOW:** No. These very specifically
17 were not related to us in that briefing.

18 **MR. SUJIT CHOUDHRY:** Okay. And then finally,
19 I have a question. I think it's probably best directed at
20 Mr. Travers. And so we've had -- Deputy Minister Morrison
21 has testified a couple of times, and I think what we've
22 established through his testimony is that the -- that foreign
23 interference in the form of support to a candidate or a party
24 violates international legal obligations that states that
25 have towards Canada, it violates domestic law, and that there
26 are -- he -- kind of the way he put it there have been --
27 it's been raised dozens of times with foreign states, there
28 have been several diplomatic notes, is what he said.

1 Are you able to -- we weren't aware of any of
2 this until his testimony, and we're wondering if you're able
3 to shed light at all on the ways in which Canada
4 diplomatically engages states that are interfering in
5 Canadian politics?

6 **MR. PATRICK TRAVERS:** So I'm not an
7 international lawyer, but certainly the Deputy Minister's
8 articulation of the conventions that guide appropriate
9 diplomatic activities seems accurate to me. While being
10 careful about the details to which we might speak in a
11 setting like this, I will say that this government has been
12 quite public since 2016 about the threat that certain states
13 pose to democracies around the world, including Canada.
14 We've taken a series of measures in Canada to protect our
15 democracy, and we do not shy away from articulating the
16 importance of not interfering in democracy to international
17 partners.

18 **MR. SUJIT CHOUDHRY:** I think that concludes
19 my questions. Thank you.

20 **COMMISSIONER HOGUE:** Thank you.

21 Mr. De Luca for the Conservative Party.

22 **--- CROSS-EXAMINATION BY MR. NANDO de LUCA:**

23 **MR. NANDO de LUCA:** Good afternoon.

24 This is a question for the panel. Am I
25 correct that in your roles in the PMO's, or the Prime
26 Minister's Office, you each have security clearances as
27 necessary to be briefed on the most serious matters of
28 national security, including foreign interference in Canada

1 elections?

2 **MS. KATHERINE TELFORD:** Yes.

3 **MR. JEREMY BROADHURST:** Yes.

4 **MR. PATRICK TRAVERS:** Yes.

5 **MR. BRIAN CLOW:** Yes.

6 **MR. NANDO de LUCA:** And in -- did I
7 understand correctly that in addition to your roles in the
8 Prime Minister's Office your evidence is that you each took
9 leaves of absence from your government jobs in order to
10 support the Liberal Party of Canada at campaigns in the 2019
11 and 2021 elections?

12 **MR. BRIAN CLOW:** Yes.

13 **MR. JEREMY BROADHURST:** Patrick ---

14 **MR. PATRICK TRAVERS:** I didn't.

15 **MR. JEREMY BROADHURST:** Patrick did not.

16 **MR. PATRICK TRAVERS:** I am the exception. I
17 did not.

18 **MR. NANDO de LUCA:** Sorry?

19 **MR. PATRICK TRAVERS:** I am the exception. I
20 did not take a leave of absence. I remained in the Prime
21 Minister's Office during both election periods.

22 **MR. NANDO de LUCA:** Okay. Thanks for that
23 clarification.

24 And for the three that did, to be clear, your
25 leaves of absence and your jobs during your leaves of absence
26 would have been hopefully to re-elect Liberal candidates, and
27 in particular, that included the Prime Minister?

28 **MR. BRIAN CLOW:** Yes.

1 **MR. JEREMY BROADHURST:** Yes.

2 **MR. NANDO de LUCA:** Okay. And during your
3 leaves of absence, for those of you who took leaves of
4 absences, did any of you during those writ periods have
5 occasion to speak to or communicate with the Clerk or other
6 members of the, sorry, with the Clerk or other members of the
7 PCO relating to government business?

8 **MR. BRIAN CLOW:** Not in my case.

9 **MS. KATHERINE TELFORD:** No.

10 **MR. JEREMY BROADHURST:** I have already said
11 that I spoke to officials with respect to the information
12 provided to the party ---

13 **MR. NANDO de LUCA:** Sorry ---

14 **MR. JEREMY BROADHURST:** --- by the SITE -- by
15 the -- by the SITE Task Force. That I clarified with
16 officials just to ensure that we had accurate information
17 that was being conveyed to the party pursuant to the
18 Protocol.

19 **MR. NANDO de LUCA:** And this was in relation
20 to the Han Dong allegations ---

21 **MR. JEREMY BROADHURST:** Correct.

22 **MR. NANDO de LUCA:** --- in 2019?

23 **MR. JEREMY BROADHURST:** Right.

24 **MR. NANDO de LUCA:** Okay. So can I get
25 CAN.DOC 13 pulled up again.

26 And I'm going to see if I can skip some of
27 these questions because I think they've already been covered
28 off. But just for reference, Mr. Broadhurst, you indicated

1 that after the information was communicated, which originally
2 emanated from CSIS to Mr. Ishmael, then relayed to you, you
3 were the one that were charged with and did actually brief
4 the Prime Minister. Is that correct?

5 MR. JEREMY BROADHURST: Correct.

6 MR. NANDO de LUCA: Okay. And was there
7 anyone else present in that meeting?

8 MR. JEREMY BROADHURST: No, there was not.

9 MR. NANDO de LUCA: Okay. And would that
10 meeting have involved any sort of paperwork, document,
11 whether electric or hard copy?

12 MR. JEREMY BROADHURST: No.

13 MR. NANDO de LUCA: It was entirely verbal?

14 MR. JEREMY BROADHURST: Correct.

15 MR. NANDO de LUCA: Okay.

16 MR. JEREMY BROADHURST: We did not have -- we
17 never received any paper.

18 MR. NANDO de LUCA: Right. But you didn't
19 prepare any notes for your meeting?

20 MR. JEREMY BROADHURST: I did not.

21 MR. NANDO de LUCA: Okay. The Prime Minister
22 take any notes?

23 MR. JEREMY BROADHURST: No, he did not.

24 MR. NANDO de LUCA: Okay.

25 MR. JEREMY BROADHURST: Again, given it was
26 confidential information, ---

27 MR. NANDO de LUCA: Fair enough.

28 MR. JEREMY BROADHURST: --- I don't think

1 that was appropriate.

2 **MR. NANDO de LUCA:** And at the time you had
3 your discussion with the Prime Minister, did the allegation
4 regarding these -- the allegations regarding the busses that
5 had been provided come up?

6 **MR. JEREMY BROADHURST:** Yes.

7 **MR. NANDO de LUCA:** Okay. Did you have any
8 discussion as to who might have paid for these busses?

9 **MR. JEREMY BROADHURST:** I provided the Prime
10 Minister with the information that we had been provided for,
11 which was there was intelligence reporting which suggested
12 that perhaps a PRC official in Canada had provided the
13 busses.

14 **MR. NANDO de LUCA:** Okay. And that -- to
15 your understanding, that would not have been within the rules
16 of either the Liberal Party or the laws of Canada? Is that
17 correct?

18 **MR. JEREMY BROADHURST:** That would have
19 violated a number of things, yes. Both the -- well, as you
20 say, the laws of Canada and our own internal rules.

21 **MR. NANDO de LUCA:** Okay. And did you, in
22 your discussions with the Prime Minister, or perhaps in your
23 own deliberations, did you consider who else might have paid
24 for those busses?

25 **MR. JEREMY BROADHURST:** Well first of all, if
26 busses in fact existed.

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

28 **MR. JEREMY BROADHURST:** Right? Which had not

1 been established at that point. I mean -- so I'm not sure I
2 understand the question. Perhaps you can ---

3 **MR. NANDO de LUCA:** Okay. So the issues of
4 busses came out, the allegation that busses had been provided
5 to bus these foreign students to vote in the nomination
6 contest, and that had been an allegation that had been
7 relayed to you; correct?

8 **MR. JEREMY BROADHURST:** Correct. Right.

9 **MR. NANDO de LUCA:** And you relayed that to
10 the Prime Minister?

11 **MR. JEREMY BROADHURST:** Correct.

12 **MR. NANDO de LUCA:** So my question to you is,
13 did either you alone, or with the Prime Minister, consider
14 who might have paid for those busses if they were in fact --
15 if they had in fact been used, and assuming it wasn't the
16 PRC?

17 **MR. JEREMY BROADHURST:** Right. Well busses -
18 - as I testified before, busses at a nomination meeting are
19 not an unusual thing. They could be paid for by the
20 candidates themselves. They could be paid for by -- a
21 collection of voters could get together and decide to rent a
22 bus. They could be paid for a young Liberal club, or a
23 student union, or even a school itself if they wanted to
24 encourage it.

25 The fact that the bus was, you say, carrying
26 foreign students, I mean, they -- there was nothing
27 inherently wrong with transporting foreign students. Foreign
28 students were able to vote if they had properly registered as

1 Liberals in the nomination, if they were residents in the
2 riding.

3 So the matter of who was on the bus was not
4 as relevant as, like, was the bus properly or improperly paid
5 for. And we didn't have even evidence that we were talking
6 about an actual real bus.

7 **MS. NATALIA RODRIGUEZ:** Madam Commissioner,
8 I'm sorry to interrupt. I'm just being told by the
9 interpreters that everybody needs to speak a little bit more
10 slowly. Thank you.

11 **MR. JEREMY BROADHURST:** Sorry.

12 **COMMISSIONER HOGUE:** Thank you.

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

14 So let me see if I can put it this way. At
15 any point after you received the information from Mr.
16 Ishmael, either alone or with the -- at the direction of the
17 Prime Minister, did you attempt, or did anyone else in the
18 Liberal Party attempt to ascertain, A, if there was a bus,
19 one or more busses, and B, who paid for them?

20 **MR. JEREMY BROADHURST:** There were busses at
21 the nomination.

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

23 **MR. JEREMY BROADHURST:** That is a usual
24 course of events.

25 **MR. NANDO de LUCA:** We've heard that.

26 **MR. JEREMY BROADHURST:** Nobody would have
27 taken account of how many busses. That's ---

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

1 **MR. JEREMY BROADHURST:** That's sort of
2 irrelevant.

3 We were limited in terms of the types of
4 questioning we could do by the fact that we could not reveal
5 the intelligence at this point. But no one was suggesting
6 that there was bussing in of people who shouldn't have been
7 voting, and no one challenged any of the voters, and at the
8 end of the day, individuals would need to, if they pass a
9 certain threshold of expenses, they need to file an audited
10 return, and that would reveal if they paid for the busses,
11 and then -- otherwise, I mean, as I said, there could be
12 other parties who paid for transportation for people to go to
13 the polls.

14 **MR. NANDO de LUCA:** Okay. So it sounds like
15 the answer to my question is no, you didn't ---

16 **MR. JEREMY BROADHURST:** No, I don't think
17 that's right.

18 **MR. NANDO de LUCA:** Okay. Well I'll ask it
19 again. Did you try to ascertain who paid for the busses that
20 you understood were in issue as a result of that briefing?

21 **MR. JEREMY BROADHURST:** I did not have
22 information that there -- like, I did not have a bus that I
23 could point to to say who paid for that bus.

24 **MR. NANDO de LUCA:** You just told me that
25 there wasn't an issue that there were busses.

26 **MR. JEREMY BROADHURST:** Right. There's not
27 an issue that there's busses. But if you're trying to say an
28 allegation is this bus was inappropriately paid for by a PRC

1 official, I need to know which bus we're talking about.

2 **MR. NANDO de LUCA:** That's not the question I
3 asked you, sir. I have your evidence. So ---

4 **MR. JEREMY BROADHURST:** I don't think you do.
5 I don't ---

6 **MR. NANDO de LUCA:** Well, the record will
7 reflect it.

8 So I'm going to ask you this. Let's assume,
9 giving the timing of the intelligence as it had been relayed
10 to Mr. Ishmael, then to you, and then to the Prime Minister,
11 we're talking some time by the time the Prime Minister got
12 it, was either at the end of September, beginning of October
13 2019; correct?

14 **MR. JEREMY BROADHURST:** It was two days after
15 the Liberal Party members were briefed.

16 **MR. NANDO de LUCA:** Okay. So can you give us
17 a sense? The briefing document suggests that it was
18 communicated to Mr. Ishmael on September 28th or 29th.

19 **MR. JEREMY BROADHURST:** The 28th is a Friday
20 and I briefed the Prime Minister on the Sunday.

21 **MR. NANDO de LUCA:** Okay. So is that -- is
22 my math correct? That's October 1st?

23 **MR. JEREMY BROADHURST:** I would say it's the
24 30th of September.

25 **MR. NANDO de LUCA:** Thirty (30) days in
26 September.

27 **MR. JEREMY BROADHURST:** Sorry?

28 **MR. NANDO de LUCA:** Thirty (30) days in

1 September.

2 **MR. JEREMY BROADHURST:** Right. So if the
3 28th is Friday, ---

4 **MR. NANDO de LUCA:** Yeah.

5 **MR. JEREMY BROADHURST:** --- Sunday would be
6 the 30th.

7 **MR. NANDO de LUCA:** Okay. So ---

8 **MR. JEREMY BROADHURST:** I think. I don't
9 have a calendar in front of me, so.

10 **MR. NANDO de LUCA:** That's fine. Not
11 terribly important.

12 Am I correct -- let's assume that it was
13 September 30th. Am I correct that had you, and I'm not
14 saying you did, had you, in either your own deliberations or
15 as a result of your consultation with the Prime Minister
16 decided for some reason that Mr. Dong had to be removed as
17 the Liberal nominee, am I correct that there wouldn't have
18 been enough time for the Liberal Party to submit another
19 candidate for that riding?

20 **MR. JEREMY BROADHURST:** I don't think that is
21 correct, but I would have to go back -- there are specific
22 timelines ---

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

24 **MR. JEREMY BROADHURST:** --- for removal of a
25 name from a ballot.

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

27 **MR. JEREMY BROADHURST:** I think we were still
28 on the outside ability to do that, but I could be wrong on

1 the math on that front.

2 **MR. NANDO de LUCA:** My understanding, it's 21
3 days, and the election was on October 21.

4 **MR. JEREMY BROADHURST:** Right. So I mean, we
5 could have. But, also, there were other options, which is
6 you can disavow a candidate; right? You can -- they're going
7 to appear as a Liberal candidate, but you want to make clear
8 to the public that they will not sit as a Liberal in caucus.
9 You go out and you let the world know that. I mean, that is
10 an option available to you. And we have actually done that
11 in recent election campaigns.

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

13 Mr. Clow, this question is for you. I don't
14 have a lot of time left. In your evidence earlier, you made
15 reference to the -- and we saw some notes. You made
16 reference to your notes regarding the so-called transcript of
17 the intelligence brief. And along with the other things you
18 said, from my understanding is that you didn't review an
19 actual transcript? It was a summary that someone had
20 prepared?

21 **MR. BRIAN CLOW:** What I reviewed, to my
22 understanding, is the only document that existed about this
23 matter. There's only one.

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

25 **MR. BRIAN CLOW:** And it, in my opinion, is a
26 summary, not a transcript.

27 **MR. NANDO de LUCA:** A summary of what, sir?

28 **MR. BRIAN CLOW:** Of an ---

1 **MR. FREDERICK SCHUMANN:** Just before the
2 witness answers, I would remind him not to provide classified
3 information that is not already in the public summary.

4 **MR. BRIAN CLOW:** I think I can answer the
5 question, which is a summary of the -- it related directly to
6 the public summary that has been issued to this Commission in
7 recent weeks, relating to the allegation and media reports
8 that Han Dong supposedly called for the Two Michaels not to
9 be released. That's what it was about.

10 **MR. NANDO de LUCA:** Last question, Mr. Clow,
11 for you. Can you tell us whether, to your understanding,
12 there exists a recording of that -- of the communication that
13 gave rise to these allegations?

14 **MR. BRIAN CLOW:** I'll need to seek guidance
15 of whether I can answer that question.

16 **MR. NANDO de LUCA:** Is there a recording of
17 the intercepted communication between Mr. Dong and the, what
18 we understand to be a high level Chinese official?

19 **MR. FREDERICK SCHUMANN:** I'm happy to take
20 the question under advisement.

21 **MR. NANDO de LUCA:** Sorry. Again?

22 **MR. FREDERICK SCHUMANN:** I'm happy to take
23 the question and consider whether an answer can be given.

24 **MR. NANDO de LUCA:** Thank you. Those are my
25 questions. Thank you.

26 **COMMISSIONER HOGUE:** Thank you.

27 **MR. NANDO de LUCA:** Thank you, panel.

28 **COMMISSIONER HOGUE:** Counsel for the Sikh

1 Coalition. Mr. Singh.

2 **--- CROSS-EXAMINATION BY MR. PRABJOT SINGH:**

3 **MR. PRABJOT SINGH:** Thank you, Commissioner.

4 Good afternoon to the panelists. My name is
5 Prabjot Singh. I'm appearing as counsel on behalf of the
6 Sikh Coalition.

7 So, Ms. Telford, I have a few questions for
8 yourself, and then a couple for you, Mr. Clow.

9 So, Ms. Telford, you've been with the PMO
10 consistently since 2015, and naturally you would have seen
11 foreign interference activity and the evolution of foreign
12 interference activity in Canada over that time period.

13 Based on your time with the PMO, I think
14 you'd agree that India's foreign interference activity has
15 increased since that time, is that fair?

16 **MS. KATHERINE TELFORD:** Can we look to the
17 summary, the public summary, in terms of what we can say on
18 this?

19 **Mr. FREDERICK SCHUMANN:** Yes, I would
20 certainly ask that Ms. Telford be allowed to refer to the
21 public summary.

22 **MR. PRABJOT SINGH:** You know, I don't want to
23 spend too much time on this. If you're not able to answer
24 this question for national security reasons, then we can move
25 on.

26 Is that the case?

27 **MS. KATHERINE TELFORD:** I think that's the
28 case.

1 **MR. PRABJOT SINGH:** Mr. Operator, can we
2 bring up CAN015842?

3 So my understanding is that this is a
4 briefing to the Prime Minister that was produced or given in
5 October 2022. Was this briefing or this information --
6 actually, before that, we can scroll down, actually, to the
7 specific section? I believe it's on page 2 at the top.
8 Yeah, right there.

9 So section is redacted and replaced with
10 "Government of India officials" without specifying whom. And
11 goes on to say that India:

12 "...[uses] Canada-based proxies, both
13 witting and unwitting, to covertly
14 influence Canadian elected officials,
15 members of the Indian diaspora, and
16 local cultural media outlets."

17 And it goes on to say that:

18 "...Indian officials and their
19 proxies may also...specifically
20 [target] non-Indo-Canadian
21 politicians to advance pro-[Indian]
22 positions."

23 Was this information conveyed to staff at the
24 PMO, or the PM himself?

25 **MR. BRIAN CLOW:** So this document came up
26 earlier, and I testified that the specifics of what's in here
27 were not directly relayed to the Prime Minister in that
28 briefing, but the topic of India did come up in that

1 briefing.

2 **MR. PRABJOT SINGH:** And so was this specific
3 information about the nature of Indian foreign interference
4 conveyed to any members of the staff on the panel, in this
5 level of detail?

6 **MR. BRIAN CLOW:** At any time you mean, or in
7 this briefing?

8 **MR. PRABJOT SINGH:** At any time.

9 **MR. FREDERICK SCHUMANN:** Well, I think before
10 the witness answers, it may only be -- it may only be
11 possible for him to answer in relation to this specific
12 briefing.

13 **MR. PRABJOT SINGH:** Sure.

14 **MR. BRIAN CLOW:** In the specific briefing,
15 the Prime Minister was briefed on specific cases, and that
16 included -- I'm going by memory here, one, possibly two
17 India-related foreign interference matters.

18 **MR. PRABJOT SINGH:** And are you able to delve
19 into the details of those specific instances that were
20 reported?

21 **MR. BRIAN CLOW:** I don't believe I am.

22 **MR. PRABJOT SINGH:** Ms. Telford, did you ever
23 hear reports or complaints from members of the Liberal Caucus
24 outlining observations of foreign interference in their
25 ridings and in their communities?

26 **MS. KATHERINE TELFORD:** I've certainly had
27 conversations with Caucus members on the subject.

28 **MR. PRABJOT SINGH:** So there have been

1 concerns that were raised and observations by members of the
2 Liberal Caucus that were brought to the PMO?

3 **MS. KATHERINE TELFORD:** Yes.

4 **MR. PRABJOT SINGH:** And are you able to
5 advise on any follow-up actions or reporting that were done
6 as a result?

7 **MS. KATHERINE TELFORD:** I have passed on that
8 information -- to the extent that there's information to pass
9 on or even flags or cautions, I have passed that on to
10 appropriate security officials.

11 **MR. PRABJOT SINGH:** And is it your
12 understanding that it's been Liberal and NDP representatives
13 have been the most targeted or impacted by negative Indian
14 disinformation, particularly the baseless allegations that
15 they are so-called extremists?

16 **MS. KATHERINE TELFORD:** I don't think I can
17 speak to that.

18 **MR. PRABJOT SINGH:** So just in terms of your
19 observations, would you agree that it's been Liberal and NDP
20 representatives that have been targeted by Indian media
21 claims that they are so-called extremists or supposedly
22 sympathetic to extremism?

23 **MS. KATHERINE TELFORD:** I don't think I can
24 get into specific individuals.

25 **MR. PRABJOT SINGH:** In terms of -- so I'm not
26 asking for classified information. In terms of your
27 observations as a political staffer, is it the case that it's
28 members of the Liberal and NDP Caucus that have been targeted

1 by these allegations by open-source public media from India?

2 **MS. KATHERINE TELFORD:** I think we have
3 certainly heard members from both of those parties speak
4 publicly to that.

5 **MR. PRABJOT SINGH:** And Mr. Operator, can we
6 move to CAN017676?

7 And Mr. Clow, if we scroll down to page 2, I
8 believe, Mr. Clow, I believe these are handwritten notes from
9 a meeting on May 18th, 2023; is that correct?

10 **MR. BRIAN CLOW:** That's right.

11 **MR. PRABJOT SINGH:** And so in your
12 handwriting it says -- it makes mention of Indian foreign
13 interference in 2019, and in quotes specifically it says,
14 "Same" and it says "Opportunistic".

15 **MR. BRIAN CLOW:** I think the first word is
16 "Some".

17 **MR. PRABJOT SINGH:** Sorry?

18 **MR. BRIAN CLOW:** The first word is "Some".

19 **MR. PRABJOT SINGH:** "Some," okay. So "Some"
20 and "Opportunistic".

21 Can you expand on what you meant by those
22 phrases and why they were quoted that way?

23 **MR. BRIAN CLOW:** So when this came up earlier
24 and I explained that this was me noting down the key points
25 that were being relayed to Ministers about foreign
26 interference in the 2019 to '21 elections, and that included
27 some updates on -- as it related to India. I don't remember
28 the details beyond that.

1 My interpretation of my own notes is that I
2 wrote down "Some" because the CSIS officials would have said
3 there was "Some" Indian foreign interference in those
4 elections and would have described their tactics and efforts
5 as "Opportunistic".

6 **MR. PRABJOT SINGH:** Can you expand a little
7 bit on what "Opportunistic" suggests or ---

8 **MR. BRIAN CLOW:** I'm not able to expand. A
9 CSIS official would have to.

10 **MR. PRABJOT SINGH:** And if we can move to CAN
11 17997.

12 **--- EXHIBIT No. CAN 17997:**

13 Handwritten Notes of B. Clow

14 **MR. PRABJOT SINGH:** So I believe this is a
15 handwritten note from a meeting on June 29th. Can you
16 confirm what year this meeting was?

17 **MR. BRIAN CLOW:** This was 2023.

18 **MR. PRABJOT SINGH:** Okay. And can we scroll
19 down? A little bit further; I believe it might be the next
20 page. A little bit further. Right there.

21 So there's a note here that says, "PM -
22 India." Does that mean that the Prime Minister requested
23 information about Indian foreign interference at that time?

24 **MR. BRIAN CLOW:** This was a briefing. So as
25 we've testified before, the Prime Minister is briefed by
26 officials when they feel they need to tell him something.

27 For some context, the Chong reference, this
28 was a few days before it was made public by the RRM that

1 there was another disinformation campaign about Mr. Chong. I
2 don't recall what the India update was in that meeting.

3 **MR. PRABJOT SINGH:** Okay. And there's a note
4 that says, "Public inquiry will illuminate some issues." Can
5 you expand on what that means?

6 **MR. BRIAN CLOW:** So at this stage, while it
7 had not been announced, there were active discussions with
8 the opposition parties about holding a public inquiry, so we
9 were discussing the public inquiry and I think that's simply
10 a statement that this public inquiry would illuminate foreign
11 interference issues.

12 **MR. PRABJOT SINGH:** Specifically ---

13 **MR. BRIAN CLOW:** I don't recall the specifics
14 of why ---

15 **MR. PRABJOT SINGH:** And is it specifically in
16 reference to India?

17 **MR. BRIAN CLOW:** I don't recall.

18 **MR. PRABJOT SINGH:** Okay. And my final
19 question to all members of the panel: We've heard a lot of
20 evidence over the past couple of weeks about the difficulty
21 in detecting disinformation and foreign interference
22 activity, and understanding how this translates into impacts
23 on communities and voting patterns. And this is especially
24 the case when dealing with distinct cultural groups and
25 racialized minorities that access different modes of -- modes
26 and types of media; who speak different languages and are
27 vulnerable, particularly to coercion by proxies. Would you
28 agree that more needs to have been done and needs to be done

1 to understand the unique mechanics and impacts of foreign
2 interference on diaspora communities?

3 **MR. JEREMY BROADHURST:** I'll start.

4 I would say it's been a huge preoccupation
5 for the government. You know, when we came in in 2105, there
6 was really no infrastructure around this idea of, you know,
7 foreign interference in election campaigns. We've tried to
8 build it up in a way that allows for sharing of information,
9 specifically to help, in a lot of cases, groups that are
10 being targeted by this foreign interference.

11 I think we've also seen that there is a
12 tendency that we have to work against that casts doubt on the
13 actions of particularly non-White communities in -- and makes
14 them more vulnerable to charges of foreign interference and
15 doubts their ability to fully participate in our democracy.
16 And you have to get the balance right on this stuff that
17 you're not going too far in sort of othering a group and sort
18 of suggesting that, you know, people, recent -- you know, new
19 Canadians, recent immigrants are going to be proxies for
20 undermining Canadian democracy and so you have to sort of get
21 that balance between protecting people who could be
22 vulnerable but also don't fall for a trope that says that
23 some people aren't ready to be participating in our
24 democracy.

25 **MR. PRABJOT SINGH:** Would any other members
26 of the panel like to also contribute to that?

27 **MS. KATHERINE TELFORD:** I think it's
28 something we've actually spent a fair bit of time talking and

1 thinking about and I imagine the Commission and many more
2 beyond that are going to keep thinking about and putting the
3 work in. I believe that security -- the senior security
4 officials we work with have also been seized with what they
5 need to do, as many organizations have, to ensure inclusion
6 is part of their thinking and it's why diversity -- going
7 back to, I think, one of your first questions, why diversity
8 in our -- in Parliament is so important because we have seen
9 Members of Parliament being able to bring forward experiences
10 from their communities that have informed officials and
11 agencies throughout this town. But there's a lot of work to
12 still do.

13 **MR. PRABJOT SINGH:** Sorry, Madam
14 Commissioner, just to clarify, this is my final question.

15 So would you agree that there are still
16 vulnerabilities in Canada's national security architecture
17 that leaves diaspora communities vulnerable and there's work
18 to be done on that front?

19 **MS. KATHERINE TELFORD:** I have immense faith
20 in our institutions and in the senior officials who are
21 governing them that I have -- that I have worked with and
22 gotten to know. But do I think there is more work to do in
23 what is an evolving threat environment? Absolutely.

24 And you know, we've evolved and added to our
25 work and learned from our work over the course of the time
26 that we've been in government.

27 There were no mechanisms like the ones we've
28 been talking about much of the time today before our

1 government was in government ranging from, you know, NSICOP
2 to NSIRA. And I know all the acronyms we could go through,
3 but there are -- the panel itself, the SITE Task Force and so
4 on, and the reviews of that work. There -- all of these
5 things came about in the last number of years and partly
6 because we've seen threats around the world, partly because
7 it needed to be done and it hadn't been done before.

8 And will there need to be more done in the
9 future? Absolutely. And I know that's part of the work
10 that's going to be considered.

11 **MR. PRABJOT SINGH:** Thank you. Those are all
12 my questions.

13 **COMMISSIONER HOGUE:** Thank you.

14 Mr. Sirois for RCDA?

15 **--- CROSS-EXAMINATION BY 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 **--- EXHIBIT No. CAN 88:**

14 Assessing the Canadian Environment
15 during the 2019 Federal Election - A
16 DFRLab Report

17 **MR. GUILLAUME SIROIS:** This is a report from
18 the Digital Forensic Research Lab, also known as the DRF Lab,
19 of the Atlantic Council entitled "Assessing the Canadian
20 Information Environment During the 2019 Federal Election".

21 And are you aware of this report?

22 **MR. JEREMY BROADHURST:** I have seen it. I
23 could not speak knowledgeably about its content.

24 **MR. GUILLAUME SIROIS:** And so you've seen it
25 in the preparation of this testimony today or in another
26 context?

27 **MR. JEREMY BROADHURST:** I think it was with
28 respect to this Inquiry that at some point this document had

1 been pulled up.

2 **MR. GUILLAUME SIROIS:** Okay. So I'm going to
3 go to page 3 just as an introduction to the report so that
4 we're all on the same page. At third paragraph, we see that
5 this is a forensic analysis of some of the Canadian
6 environment ecosystem in the month before and three months
7 following the 2019 federal election.

8 I want to also point out some limitations to
9 this study. At paragraph 3, it talks that the research
10 focuses only on Pinterest and Reddit and not other platforms
11 like Facebook. At paragraph 4, it says that the analysis
12 focused only on the Anglophone information environment.

13 And at paragraph 4 again, we see that the
14 analysis only concentrates on content related to the Liberal
15 Party and Conservative Party.

16 And my question is, with these caveats, I
17 believe it's fair to say that it's not an exhaustive analysis
18 but, rather, an analysis on a relatively small portion of the
19 Canadian information ecosystem just by reading this.

20 **MR. JEREMY BROADHURST:** I don't think I can
21 really speak knowledgeably at all about this. I'm not even
22 sure what the objective of the study is.

23 **MR. GUILLAUME SIROIS:** Well, I just pointed
24 it out. It was a forensic analysis of some of the Canadian
25 information ecosystem in the month before and three months
26 following the 2019 federal election.

27 **MR. JEREMY BROADHURST:** I'm not smart enough
28 to understand that. I'm just not sure if this is trying to

1 analyze the election or trying to analyze the environment in
2 which the election was taking place.

3 **MR. GUILLAUME SIROIS:** Disinformation on the
4 internet.

5 **MR. JEREMY BROADHURST:** Okay.

6 **MR. GUILLAUME SIROIS:** Yeah.

7 **MR. JEREMY BROADHURST:** All right.

8 **MR. GUILLAUME SIROIS:** That's the purpose of
9 this study, so that's why I'm highlighting the ---

10 **MR. JEREMY BROADHURST:** From what you
11 described and what you read, it seems like a pretty small
12 sample of the threat environment.

13 **MR. GUILLAUME SIROIS:** Okay. I want to go at
14 the last paragraph of page 3, if possible.

15 This paragraph notes that the DFR Lab
16 observed a disproportionate volume of negative content
17 directed at Trudeau and the incumbent Liberal government and
18 that anti-Trudeau hashtags such as "Trudeau must go" briefly
19 exceeded the volume and intensity of hashtags targeting any
20 political figure associated with the Conservative, Bloc
21 Quebecois, Democratic -- New Democratic and Green Parties.

22 Were you aware of this during the 2019
23 election?

24 **MR. JEREMY BROADHURST:** I can tell you it
25 certainly felt that way sometimes during the 2019 election.

26 I wouldn't have been able to point to any
27 kind of analysis at that time that would have backed that up,
28 but it doesn't surprise me that that's the finding.

1 **MR. GUILLAUME SIROIS:** And I want to go at
2 the last paragraph of page 10, please.

3 So over the -- this last paragraph, the first
4 sentence says:

5 "Over the course of its analysis, the
6 DFR Lab focused on two case studies.
7 The first regards the interchange of
8 virulent anti-immigrant hate speech
9 over multiple platforms and online
10 communities. The second regards the
11 opportunism shown by Russian state
12 media in its Canadian election
13 coverage."

14 First, the interchange of virulent anti-
15 immigrant hate speech over multiple platforms and online
16 communities. Is this something that you felt like was
17 happening as well? Is it the same in one situation?

18 **MR. JEREMY BROADHURST:** I think that we were
19 -- we were seeing growth of hate speech, political hate
20 speech online and otherwise through both 2019 and 2021 and
21 that there were perhaps for the first time in a while parties
22 within Canada -- in the Canadian ecosystem who were prepared
23 to try to harness that hate and that -- you know, that --
24 those anxieties for their own political gain, so that's -- it
25 doesn't surprise me that a study of the online environment
26 would reflect society writ large at that point.

27 **MR. GUILLAUME SIROIS:** Specifically during
28 the 2019 election there was an increase?

1 **MR. JEREMY BROADHURST:** I think we were, you
2 know, in an environment where it was increasing, yes.

3 **MR. GUILLAUME SIROIS:** And would you agree
4 with the report, the last sentence of this paragraph, that
5 it:

6 "...resembled the Russian information
7 operations conducted against the
8 United States in 2016."

9 **MR. JEREMY BROADHURST:** I don't want to
10 classify myself off as an expert on that. It -- there -- as
11 a layperson in the political field, I would say yeah, I mean,
12 there's -- there -- the -- a similar -- you know, seeing what
13 the United States was going through, where those same sort of
14 prejudices and hatreds were being mobilised for political
15 purposes, we'd seen that happen in Canada, there were
16 similarities. Obviously, there have been pretty widespread
17 accusations about Russian interference in the 2016 American
18 election campaign, you know, a host of things have been
19 written about that. To the extent that it was being --
20 similar feelings were being pushed by, you know, Russian
21 information operations, I have not seen specific evidence of
22 that. I would not be surprised to know that there was
23 evidence of that, however.

24 **MR. GUILLAUME SIROIS:** Okay. And that's
25 interesting.

26 I want to go now at -- further down, please,
27 at page 15, under the heading Opportunism by Russian State
28 Broadcasters. It's a bit further down.

1 So now, what we've just seen is sort of hate
2 speech/anti-immigrant campaign that hasn't been attributed to
3 Russia officially. But now we're talking about Russian state
4 broadcasters, specifically, which, like, it's presumably
5 linked with Russia.

6 I want to -- in the second paragraph we talk
7 about the unfortunate "Blackface" situation, which I'm sure
8 you'll recall. The report says here that although
9 international coverage of the event was generally accurate
10 and balanced, Russian media leaned heavily into
11 editorialization.

12 The report further says that this appearance
13 -- that this appear -- this:

14 "...appeared to be the latest move in
15 a concerted anti Trudeau editorial
16 campaign that had gained steam since
17 RT [Russia Today] had named
18 Trudeau...earlier to its list of 'Top
19 10 Russophobes of 2018'."

20 My question is, do you notice -- did you
21 notice at the time of the 2019 election, or prior to this
22 election, since 2018, maybe, that there was a concerted anti
23 Trudeau editorial campaign from Russian media that had gained
24 steam?

25 **MR. JEREMY BROADHURST:** We have often been
26 advised that, you know, there are efforts made by Russia, not
27 necessarily directed with any kind of outcome in mind other
28 than the undermining of democracy and the destabilisation of

1 the democratic processes. This seems almost consistent with
2 that, and it is -- in some cases, it's kind of -- it's almost
3 infantile in its language and content, but what they often
4 are trying to do is just bring discredit into the system and
5 undermine democracy. That's a lot of what people would say
6 about the 2016 American race as well.

7 I mean, it is -- you know, somebody was
8 earlier saying just because something's interfering from a
9 foreign country doesn't make it foreign interference. I
10 would actually disagree with that, but it's sometimes hard to
11 see the state apparatus that may be pushing something. And
12 in some cases, it may not be a state apparatus, it might be
13 ideologically aligned groups around the world, it might --
14 you know, it's hard to say.

15 So again, I can't speak knowledgeably to
16 specific Russian efforts, but I would say this kind of
17 operation is specifically why there is such great concern
18 about the rapid spread of misinformation and disinformation
19 in election campaigns and why we have been working both
20 domestically and with our international partners to set up
21 rapid response mechanisms to try to catch these things before
22 they go viral to try to help, you know, separate legitimate
23 political debate from baseless allegations.

24 I think maybe I'll stop there.

25 **MR. GUILLAUME SIROIS:** I appreciate your
26 answer, thank you. And ---

27 **COMMISSIONER HOGUE:** Sorry; you're over your
28 [no interpretation].

1 **MR. GUILLAUME SIROIS:** I'm sorry. Counsel
2 for the UCC had to leave, and he told me, and I forwarded the
3 email to Commission Counsel that he was generous enough to
4 provide me with his ---

5 **COMMISSIONER HOGUE:** So he's giving you his
6 10 minutes?

7 **MR. GUILLAUME SIROIS:** Exactly. He had to
8 leave personally for another engagement.

9 **COMMISSIONER HOGUE:** Okay.

10 **MR. GUILLAUME SIROIS:** Thank you.

11 **COMMISSIONER HOGUE:** So you have another
12 10 minutes. You have until 5:20.

13 **MR. GUILLAUME SIROIS:** Yeah, thank you.

14 Okay. So to come back just to your last
15 answer, I understand you saying as the Russian state media
16 aims at amplifying divisive content, generally, not only
17 targeted to Prime Minister Trudeau or the Liberal Party, but
18 this paragraph only seems to indicate that there was a more
19 focussed approach against Prime Minister Trudeau than the
20 rest of the political ecosystem.

21 **MR. JEREMY BROADHURST:** Yeah, as I say, I
22 have not seen any kind of analysis like that on the
23 government side, but it -- you know, it doesn't shock me that
24 this would be a conclusion that somebody could reach.

25 **MR. GUILLAUME SIROIS:** But it's not something
26 you witnessed independently prior to hearing this today with
27 me. It's not something you could testify yourself about.

28 **MR. JEREMY BROADHURST:** I -- well, I think

1 that a large part of what we have been concerned about is
2 these types of operations undermining our democratic
3 institutions. So it's -- I -- nothing here is shocking or
4 surprising or nothing that I would take great issue with,
5 like in terms of I think this is wrong. No, I -- this
6 generally sounds like the kind of thing that we're worried
7 about.

8 **MR. GUILLAUME SIROIS:** Okay. Finally, I will
9 be done after that with this document. I want to go with --
10 at the first paragraph of page 16, please.

11 We see a mention about an article published
12 by Sputnik International, which is similar to Russia Today,
13 another Russian state media, that published a story about
14 Alberta separatism on October 20, 2019, so one day before the
15 federal election. And the report mentions that the article
16 used coded language, for example:

17 "Trudeau's 'globalist' agenda,
18 Trudeau's climate change
19 'rhetoric'..."

20 Which is a language that's:

21 "...popular among ideologically
22 motivated extremist activists."

23 And:

24 "Given the timing of the piece, this
25 was likely an attempt to circumvent
26 political advertising restrictions
27 imposed by the EMA on foreign media
28 outlets."

1 Were you aware of this news article at the
2 time of the federal election?

3 **MR. JEREMY BROADHURST:** I -- October 20, 2019
4 was election day ---

5 **MR. GUILLAUME SIROIS:** There was a lot going
6 on.

7 **MR. JEREMY BROADHURST:** --- was it not?

8 **MR. GUILLAUME SIROIS:** It was the day before.
9 Yeah.

10 **MR. JEREMY BROADHURST:** Oh, one day. Okay.
11 Oh, sorry, there it is, one day.

12 **MR. GUILLAUME SIROIS:** Yeah.

13 **MR. JEREMY BROADHURST:** I don't -- I don't
14 think I was aware of this at the date -- at the time, no.

15 **MR. GUILLAUME SIROIS:** Okay. And given the
16 information I presented to you today, do you think it could
17 have influenced voter decisions?

18 **MR. JEREMY BROADHURST:** It's hard to say.
19 This is the danger of a disinformation campaign. It
20 presented as a legitimate news source as it jumps from
21 platform to platform. As it starts appearing in people's,
22 you know, social media feeds, people will treat it like a
23 legitimate news story, and even though it might be baseless
24 propaganda. So yes, you worry about this influencing, you
25 know, influencing campaigns when it's, you know, obviously
26 factually inaccurate material.

27 **MR. GUILLAUME SIROIS:** So is your answer that
28 yes, you worry about that, or yes, it may have influenced

1 some votes?

2 **MR. JEREMY BROADHURST:** Yes, I worry about
3 that. I have no evidence around, that I can speak to, about
4 it influencing this campaign. And I would reiterate, like I
5 do take the, you know, findings of our intelligence community
6 and the things that we put in place. And I think despite
7 attempts that we ended up having free and fair elections that
8 were -- where the outcomes were legitimate, but I think all
9 of these pieces tell -- show you why you need to continue to
10 be vigilant and why we have to up our abilities.

11 **MR. GUILLAUME SIROIS:** And do you have the
12 same worry as to whether disinformation contributed to the
13 Federal Liberal Party losing its majority in 2019?

14 **MR. JEREMY BROADHURST:** No, I'm not concerned
15 that this ultimately had an impact on the outcome, but I am
16 concerned that this type of thing exists, and I could imagine
17 scenarios where it would impact the outcome. But I don't
18 think that there's evidence in this case to support saying
19 that our campaign was undermined to that extent.

20 **MR. GUILLAUME SIROIS:** So I think we can
21 certainly agree that the evidence, at least very limited, but
22 as you've noted -- as I've presented earlier today, this is a
23 very limited forensic analysis.

24 Do you believe that with more research on
25 this, more forensic analysis like this one on other platforms
26 in the Francophonico (*sic*) system focusing on other parties,
27 like the People's Party of Canada, might we find enough
28 evidence to support that there was actually an impact on the

1 election?

2 **MR. JEREMY BROADHURST:** I encourage all study
3 in the area. I think the government's job is to make sure
4 that it has the ability to assess and add visibility of these
5 types of efforts. So that's what I think that we need to
6 focus on on the government side. But it is -- because that
7 ability to monitor all the different platforms, social media
8 platforms around the world to capture this stuff, that's a
9 strength that needs to be enhanced in Canada.

10 **MR. GUILLAUME SIROIS:** And do you think that
11 Canada has that ability right now to make this sort of
12 assessment if, for instance, it contracted out this specific
13 analysis?

14 **MR. JEREMY BROADHURST:** I couldn't speak
15 knowledgeably to that. I don't know if -- I don't know the
16 answer to that.

17 **COMMISSIONER HOGUE:** And I think we'll look
18 into this issue in the next phase.

19 **MR. GUILLAUME SIROIS:** Well I believe it
20 would concern the 2019 Federal Election, but I ---

21 **COMMISSIONER HOGUE:** Thank you.

22 **MR. GUILLAUME SIROIS:** I've noted your
23 comment. Thank you.

24 **COMMISSIONER HOGUE:** Next one is Erin
25 O'Toole. Counsel for Erin O'Toole.

26 **--- CROSS-EXAMINATION BY MR. THOMAS JARMYN:**

27 **MR. THOMAS JARMYN:** Hi, my name is Tom
28 Jarmyn. I'm counsel for Erin O'Toole.

1 I guess if we could bring up CAN17675?

2 And the first page there, that's from you,

3 Mr. Clow? Is that correct?

4 **MR. BRIAN CLOW:** Yes.

5 **MR. THOMAS JARMYN:** And it's basically the
6 meeting invite with respect to a meeting that was carried out
7 in PMO on February 23rd -- or sorry, February 23rd of 2023?

8 **MR. BRIAN CLOW:** That's correct.

9 **MR. THOMAS JARMYN:** And the attendees listed
10 there as required attendees, did they all attend?

11 **MR. BRIAN CLOW:** Some of them attended. It
12 was me and Jeremy Broadhurst from PMO. I don't believe
13 Patrick was there.

14 **MR. PATRICK TRAVERS:** I don't recall.

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

16 **MR. BRIAN CLOW:** And there was Jody Thomas
17 and David Vigneault, the senior officials, discussing with
18 us.

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

20 And if you could scroll down to the next
21 page, please? And so maybe if we just sort of -- so if we
22 can look at the entire page at one time? Thank you.

23 And those are your notes, Mr. Clow?

24 **MR. BRIAN CLOW:** Yes, they are.

25 **MR. THOMAS JARMYN:** And they are -- it's a
26 complete -- so what I'm saying, it's a complete summary.
27 It's an accurate summary of the discussion that occurred
28 during that half hour meeting?

1 **MR. BRIAN CLOW:** I wouldn't claim that
2 everything written here represents everything said in a
3 meeting, in a meeting even of half an hour. There would be
4 much more notes if every single thing were to be noted down.
5 But these, to me, represent the significant points that were
6 made.

7 **MR. THOMAS JARMYN:** It covers -- it
8 highlights all the topics that were covered ---

9 **MR. BRIAN CLOW:** Generally speaking, yes.

10 **MR. THOMAS JARMYN:** --- during the meeting?

11 **MR. BRIAN CLOW:** Yeah.

12 **MR. THOMAS JARMYN:** Okay. So we can say with
13 a fair bit of confidence that these were the subjects that
14 were covered during that particular meeting?

15 **MR. BRIAN CLOW:** Generally speaking, yes.

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

17 And if we could move to then CAN 4495? Just
18 on the first page. We'll stay there.

19 And so that's dated February 21st, 2022.
20 I've been told it is a set of talking points prepared by the
21 Director of -- for the Director of CSIS, possibly at his
22 direction, possibly not, for this meeting with PMO about
23 Canada's democratic institutions.

24 Were there any other meetings with the
25 Director of CSIS about foreign interference in Canada's
26 democratic institutions during the last portion of February?

27 **MR. BRIAN CLOW:** During the last portion of
28 February?

1 **MR. THOMAS JARMYN:** Yes.

2 **MR. BRIAN CLOW:** Not that I recall. Not
3 between PMO or the PM, and not in a formal organized way.
4 It's possible there were conversations. I mean, at this
5 point the media leaks and media stories were happening on a
6 near daily basis. So we were having constant conversations
7 with officials about what was going on. But in terms of
8 formal sit-down briefings, I believe this was the only one in
9 late February.

10 **MR. THOMAS JARMYN:** So it's possible there
11 might have been hallway side conversations, ---

12 **MR. BRIAN CLOW:** Absolutely.

13 **MR. THOMAS JARMYN:** --- but the only formal
14 thing for which talking points would have been prepared would
15 have been that one meeting, you think?

16 **MR. BRIAN CLOW:** I'm only aware of the one
17 briefing that the Prime Minister's Office was involved in at
18 the end of February. These talking points were prepared for
19 the CSIS Director for that meeting. I don't know if other
20 talking points were prepared for the ---

21 **MR. THOMAS JARMYN:** Maybe I could ask your
22 colleagues. Are you aware of any other meetings during the
23 last -- latter portion of February in which the topic was
24 discussed between the Prime Minister's Officer and the
25 Director of CSIS about foreign interference threats to
26 Canada's democratic institutions?

27 **MR. JEREMY BROADHURST:** I would -- I'm not
28 aware of, like, any formal meeting. I think there were a lot

1 of conversations going on, but until this process, we were
2 also unaware that people were bringing talking points for the
3 meetings. And I think given their lack of use in the
4 meetings, I think maybe the Director might have been unaware
5 that people were producing talking points for these meetings.
6 I just -- these are -- don't reflect any kind of
7 conversations that we ever had with anybody on the
8 intelligence side.

9 **MR. THOMAS JARMYN:** Fair point. But I guess
10 my question is, were there any other scheduled meetings
11 between the Prime Minister's Office and the Director of CSIS
12 ---

13 **MR. JEREMY BROADHURST:** I don't think ---

14 **MR. THOMAS JARMYN:** --- to discuss this ---

15 **MR. JEREMY BROADHURST:** --- these were
16 provided ---

17 **MR. THOMAS JARMYN:** --- particular topic ---

18 **MR. JEREMY BROADHURST:** They were not going
19 to be called ---

20 **MS. KATHERINE TELFORD:** These were not going
21 to be called in the Institutional Report ---

22 **MR. JEREMY BROADHURST:** --- in the
23 Institutional Report.

24 **MS. KATHERINE TELFORD:** --- and that is
25 faithful to our experience, ---

26 **MR. JEREMY BROADHURST:** Yes.

27 **MS. KATHERINE TELFORD:** --- what is listed
28 there, including the caveat that there were many other

1 conversations that were not set up as calendarized formal
2 briefings.

3 **MR. THOMAS JARMYN:** I appreciate that. Okay.
4 Thank you.

5 And so let's just scroll down a little
6 further to the middle of page 2. And sorry -- yes, that's
7 it.

8 We see the discussion at that third bullet:
9 "Reporting also suggests that, on at
10 least one occasion, the PRC [...]
11 transferred approximately \$250,000."

12 And you see that?

13 **MR. BRIAN CLOW:** Yes.

14 **MR. THOMAS JARMYN:** And that is actually
15 referenced in your notes; isn't it?

16 **MR. BRIAN CLOW:** Yes.

17 **MR. THOMAS JARMYN:** Okay. And if we could
18 scroll down a little further? Actually, can I go back up to
19 the reference immediately above that?

20 "...at least 11 candidates and 13 staff
21 members..."

22 And we see the reference to 11 candidates in
23 your notes. That's there as well?

24 **MR. BRIAN CLOW:** Yes.

25 **MR. THOMAS JARMYN:** Okay. Let's go down to
26 page 3. That's it. Thank you.

27 And here we see the middle bullet:

28 "We['ve] also observed online and

1 media activities aimed at
2 discouraging Canadians, particularly
3 of Chinese heritage, from supporting
4 the Conservative Party, leader Erin
5 O'Toole, and particularly Steveston-
6 Richmond East candidate Kenny Chiu."

7 Some redacted materials.

8 "...the timing of these efforts to
9 align with Conservative polling
10 improvements; the similarities in
11 language with articles published by
12 the PRC state media; and the
13 partnership agreements between these
14 Canada-based outlets and PRC
15 entities; all suggest that these
16 efforts were orchestrated or directed
17 by the PRC."

18 And it's your evidence that was not passed on
19 during this meeting?

20 **MR. BRIAN CLOW:** My recollection is that did
21 not come up as a topic in that briefing.

22 **MR. THOMAS JARMYN:** And it's a fairly clear
23 and unequivocal statement, such that if it had, it would
24 likely have been recorded in your notes?

25 **MR. BRIAN CLOW:** If we had discussed it, I
26 believe I would have made a note of it, yes.

27 **MR. THOMAS JARMYN:** And are any of your other
28 colleagues aware of such an insertion during a briefing or

1 meeting with the Director of CSIS during the last week of
2 February?

3 **MS. KATHERINE TELFORD:** No, I would have
4 recalled that.

5 **MR. JEREMY BROADHURST:** I was at the meeting
6 with Brian and I don't believe it was discussed. And this
7 would have stood out because this is not the language that
8 CSIS generally uses when discusses this stuff.

9 **MR. THOMAS JARMYN:** And Mr. Travers, do you
10 have any contrary knowledge?

11 **MR. PATRICK TRAVERS:** No, I don't.

12 **MR. THOMAS JARMYN:** Those are all my
13 questions. Thank you, Commissioner.

14 **COMMISSIONER HOGUE:** Thank you.

15 So Human Rights Commission, you gave your
16 time; no? You gave your time to ---

17 **MS. SARAH TEICH:** (Off Mic).

18 **COMMISSIONER HOGUE:** Oh, I was told that you
19 paid five minutes.

20 **--- CROSS-EXAMINATION BY MS. SARAH TEICH:**

21 **MS. SARAH TEICH:** Good afternoon. Can we
22 please pull up CAN 18012? Thank you.

23 **--- EXHIBIT No. CAN 18012:**

24 Handwritten Note of K. Telford

25 **MS. SARAH TEICH:** And Ms. Telford, these are
26 your handwritten notes from a March 20th meeting? Is that
27 right?

28 **MS. KATHERINE TELFORD:** Correct.

1 **MS. SARAH TEICH:** And I assume this is March
2 20th, 2023?

3 **MS. KATHERINE TELFORD:** Yes.

4 **MS. SARAH TEICH:** So near the top, you write
5 that there are two challenges:

6 "effect on [people] who can[not]
7 defend themselves,
8 overanalyzing/under-reporting."

9 Can you please explain what you mean by this?

10 **MS. KATHERINE TELFORD:** That was a
11 conversation -- as you can tell, we would have these
12 conversations which kind of also puts to bed the whole
13 talking point issue. We would have these conversations and
14 these briefings with senior officials on a regular basis as
15 to sort of what was underlying or potential caveats were to
16 different pieces of intelligence that we were talking about.

17 Effect on people who can't defend themselves,
18 I can't speak specifically on and I don't recall specifically
19 what I was referring to there or who, but I did reference
20 that much earlier in my testimony, how, you know, some of the
21 time we hear -- particularly through security clearances and
22 things, we will hear flags where the individual involved
23 isn't in a position to be able to respond and so that can be
24 a real challenge.

25 And then overanalyzing and under-reporting, I
26 believe that was someone in the room kind of talking about
27 some of the things that we were seeing at this time and how,
28 when you don't have proper context, you can really end up

1 with -- if you're just looking at one piece of intel without
2 a whole lot of other context, that can lead to a problem. It
3 can lead you down a wrong path.

4 And you know, one of the conversations we've
5 had also going into some earlier testimony is that -- because
6 it's related to these things, too, is that if you see an
7 error or know of an error in intelligence, we've had
8 conversations as it relates to this with the Director of CSIS
9 and the NSIA about the importance of not correcting and
10 changing the intel in any way even when you know it not to be
11 true because of it speaks to -- it speaks to the source and
12 it's actually important to understand, you know, it speaks to
13 the corroboration and validation of the source and of that
14 piece of intelligence, which is why when you have these
15 pieces of intelligence coming out publicly on their own
16 without any of these caveats associated, it can paint a very
17 different picture than the picture that is being seen
18 otherwise.

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

20 So am I correct in understanding the under-
21 reporting, to the best of your recollection, that's about
22 CSIS under-reporting or under-reporting in the news? Is it -
23 - it's not about under-reporting of community members, like
24 victims of foreign interference?

25 **MS. KATHERINE TELFORD:** No, I think that
26 would have been more -- this would have all been associated
27 to an intelligence discussion.

28 **MS. SARAH TEICH:** Okay. Thank you.

1 This is going to be for the panel at large.
2 Anyone can feel free to jump in with an answer.

3 You testified in cross-examination with Ms.
4 Young that the busing-in of voters can occur in the ordinary
5 course of a nomination contest. And just to clarify, I'm
6 asking only generally in this sense. It would not be in the
7 ordinary course of a nomination contest, would it, for voters
8 or potential voters to be pressured or intimidated to vote in
9 a certain way?

10 **MR. JEREMY BROADHURST:** That would not at all
11 be in the regular course of a nomination contest and we would
12 take that incredibly seriously. We have tossed candidates
13 out for allegations of bullying and intimidation.

14 **MS. SARAH TEICH:** So am I correct in
15 assuming, then, that you did not receive intelligence about
16 voters or potential voters being coerced in the context of
17 the Don Valley North nomination contest?

18 **MR. JEREMY BROADHURST:** Part of the theory
19 that was put forward is that foreign students would be
20 intimidated into doing the bidding of the PRC official given
21 their vulnerable status as students who rely on student
22 visas. We -- I am unaware of any specific case where
23 somebody can say, "Here's an individual who was intimidated
24 in that way".

25 The fact that foreign students voted in the
26 nomination does not, I think, meet the criteria of saying
27 therefore, they must have been intimidated to do so since we
28 invite that kind of participation.

1 **MS. SARAH TEICH:** Right. No, and I
2 appreciate you wouldn't know for sure, but I guess I'll
3 rephrase my question.

4 Did you receive intelligence or reports of
5 intelligence or allegations that there was potential coercion
6 of voters?

7 **MR. JEREMY BROADHURST:** I have not seen any -
8 - I have not -- the plan was put forward in the hypothetical
9 that this is what would -- this is what somebody surmises is
10 going to happen or was done. It did not have specific points
11 along the way that said and then we know this bus went
12 somewhere or we know something happened, so the overarching
13 plan as sort of laid out involved getting students to do the
14 bidding of the PRC official because they are vulnerable,
15 whether that's through physical coercion or just, you know,
16 intimidation around the visa or whatever.

17 But we were not provided with the information
18 that that actually happened. Just that there was
19 intelligence reporting that the plan existed to do that.

20 **MS. SARAH TEICH:** Okay. So you did receive
21 reporting that the plan existed.

22 **MR. JEREMY BROADHURST:** Correct.

23 **MS. SARAH TEICH:** Okay. Did you brief ---

24 **COMMISSIONER HOGUE:** Your time is over, so
25 it's going to be your last question.

26 **MS. SARAH TEICH:** Okay. No problem.

27 Did you brief the Prime Minister about that?

28 **MR. JEREMY BROADHURST:** That is what I

1 briefed the Prime Minister.

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

3 **COMMISSIONER HOGUE:** Thank you.

4 Attorney General.

5 **--- CROSS-EXAMINATION BY MR. FREDERICK SCHUMANN:**

6 **MR. FREDERICK SCHUMANN:** Thank you, Madam
7 Commissioner.

8 So my first question is primarily for Mr.
9 Broadhurst, but I encourage others to contribute.

10 The Commission's heard evidence from Mr.
11 Kenny Chiu and Mr. Erin O'Toole about the alleged impact of
12 certain media articles in six to nine ridings in the 2021
13 election. They asserted that the Conservative Party lost
14 those ridings because of foreign interference.

15 Mr. Broadhurst, I believe you spoke already
16 about the Conservative Party's position on China as a factor
17 in the 2021 election, but can you please comment more broadly
18 on Mr. Chiu and Mr. O'Toole's assertion first by addressing
19 how the respective policy positions of the Liberal and
20 Conservative Parties were being received in the Chinese
21 Canadian community and in those specific ridings?

22 **MR. JEREMY BROADHURST:** Yes. As I mentioned
23 before, it was observed by many both within the Chinese
24 Canadian community and outside of it that the Conservative
25 Party adopted a shift in its policies towards China in the
26 run-up to the 2021 election campaign.

27 The Conservative Party, I don't think it's
28 contentious to say, had for well over a decade been trying to

1 make inroads within Chinese Canadian communities in ridings
2 across the country and, in some cases, those efforts had
3 resulted in some electoral success. What had changed in the
4 rhetoric that was now being used under Mr. O'Toole's
5 leadership was a shift from just a criticism of the Communist
6 Party regime in Beijing to something that was sending up kind
7 of a values fight that said -- you know, that people were
8 interpreting as saying, you know, that Chinese values and
9 Canadian values were somehow incompatible and that Canada
10 needed to have sort of a moral based approach to China that
11 sort of rejected the values that were coming out of China.

12 And so in a way, it was moving from a regime-
13 based criticism to sort of a be fearful of China and its
14 power writ large.

15 You know, that's a point of debate. I will
16 acknowledge that. But that is the debate that was going on
17 and it was turning off the Canadian Chinese community,
18 particularly at a moment when the Chinese Canadian community
19 was very vulnerable. We had instances -- anti-Asian hate
20 crimes were at an all-time high at that point, largely around
21 anger around COVID and misattribution of, you know,
22 responsibility on that front.

23 You also had the Conservative Party -- there
24 was a member of the Conservative Party, a Member of
25 Parliament, who came out and questioned the loyalty and, you
26 know, commitment to Canada of Dr. Theresa Tam, saying that
27 she should go back to China, right. And the Conservative
28 Party under Erin O'Toole refused to remove -- this was MP

1 Derek Sloan -- from their caucus at that point.

2 This was all creating a bit of a toxic brew
3 that -- all of these courtship that had been gone through for
4 10 years was sort of getting thrown out the window. People
5 were starting to see maybe what you really think of the
6 community.

7 Again, point for debate, but that was at --
8 we were hearing that at the doorstep, we were hearing that on
9 the ground in the very ridings that Mr. O'Toole was talking
10 about.

11 Part of the appeal that the Conservatives had
12 traditionally done to that community was sort of a law-and-
13 order based appeal. That was also undermined over the course
14 of this campaign because what was the top law-and-order issue
15 was the issue of gun control.

16 Liberal Party was putting forward gun control
17 plans. The Conservative Party was opposing them. There was
18 very public video out there of Erin O'Toole making
19 commitments to the pro-gun lobby, and so that felt, again,
20 like almost a betrayal of the commitments that had been made
21 to the community so that was also in the mix there.

22 You add in the fact that it was COVID time.
23 Incumbents that, you know, had maybe come in in 2019 didn't
24 get the chance to really sort of establish what you would
25 sometimes think as the advantage of incumbency, right? There
26 were no festivals and fairs and high school graduations and
27 these things that an incumbent MP links into their community.

28 So in a riding like Richmond-Steveston East,

1 it had been Liberal in 2015. Our candidate, or our sitting
2 MP had some well-publicized ethical challenges in the lead-up
3 to the 2019 campaign and he lost to Kenny Chiu. Kenny Chiu
4 never really, I think, had the opportunity to sort of bond
5 with the community that he now represented.

6 Add to that, across the board we saw an 8
7 percent drop in voter participation between 2019 and 2021.
8 In a riding like Richmond-Steveston East I think it was about
9 5 or 6 percent. So you're already taking votes out of the
10 system. You have a riding that was swinging back and forth,
11 you had a party that was being perceived by the community,
12 outside of whatever was happening on WeChat, but in
13 mainstream media across Canada as having taken in a hardline
14 position on China, and that was standing with the gun lobby
15 rather than scared citizens in urban centres.

16 That, to me, is the simplest explanation of
17 what happened in these ridings. And I think to sort of say
18 the only thing that could explain it was some editorial
19 content on WeChat that may or may not have been directed by
20 PRC, I think it's just -- it just sort of ignores too much
21 evidence at that time.

22 **MR. FREDERICK SCHUMANN:** So my last question
23 is to ask you specifically about predictive modelling, and
24 the Commission heard from Mr. O'Toole that predictive
25 modelling was one of the indicators of the impact of foreign
26 interference in those six to nine ridings. And because the
27 results in those ridings were different than what the model
28 the Conservative party had used had predicted, therefore, the

1 foreign interference had an impact, in his view.

2 Do you have experience with modelling, and if
3 so, can you comment on that assertion?

4 **MR. JEREMY BROADHURST:** Sure. We've been --
5 the Liberal Party has been using, you know, pretty
6 sophisticated predictive modelling the last three election
7 campaigns. But models are just made by people, right?
8 You're taking thousand, millions of different pieces of data
9 ranging from past election results, Stats Can information,
10 historical trends, the results of door knocks and phone
11 calls, and you're putting it into the sausage grinder and
12 trying to predict how is this person going to vote? How is
13 this person going to vote? And the weight you give to each
14 of those pieces of information is a human choice along the
15 way.

16 We have found that tinkering with the numbers
17 just a little bit produces widely different results. At one
18 point we were in a campaign where we had three predictive
19 models going to challenge each other to sort of see if we
20 were getting it right.

21 You don't have models as to sort of a parlour
22 game to guess who's going to win the election campaign.
23 You're using them to help you make resource allocation
24 decisions along the way. I can't imagine a model that would
25 have -- based on what I just said previously, that would have
26 told you that those eight or nine seats that Mr. O'Toole's
27 talking about were in the safe category. If it is, you
28 should be questioning your model at that point.

1 But I can tell you what we were looking at
2 and we were saying that they were hotly competitive races.
3 So what do you do? You start making decisions about how
4 you're going to deploy staff into those ridings; you start
5 making decisions about upping your digital advertising in
6 those ridings; you start making decisions about maybe I'll
7 send a Minister into that riding to boost things, or maybe
8 even the Prime Minister will go to those ridings. And you
9 can do that literally up to the last hour of the campaign.
10 Especially now with digital advertising.

11 And so it's not a static thing that comes
12 through. And what your model's not going to get is what your
13 opponent's doing in those last few days of a campaign. So
14 you fight to the end, and then people cast votes for whatever
15 reason that they cast votes, and you see what, the model can
16 only just help you decide where am I going to put finite
17 resources.

18 And I think to sort of sit back and say,
19 "Wow, the model told us that we were -- we should -- those
20 were comfortable wins for us, and we lost them all"; the only
21 explanation is there's a problem in the riding. I think
22 that's just sounds like an excuse to me. It sounds like,
23 yeah, you've done something wrong with your model, or your
24 people just weren't observing what was happening on the
25 ground. We knew those were close fights; we put the
26 resources into win them, and we won them.

27 **MS. NATALIA RODRIGUEZ:** Madam Commissioner,
28 sorry; I realize it is late in the day, but I would just ask

1 that if the witnesses can just speak a little bit slower for
2 the interpreters.

3 Thank you.

4 **MR. FREDERICK SCHUMANN:** Those were my only
5 questions.

6 Thank you.

7 **COMMISSIONER HOGUE:** Than you.

8 Maître Chaudhury, any re-examination?

9 **MS. SHANTONA CHAUDHURY:** None.

10 **COMMISSIONER HOGUE:** No. Thank you all.

11 As I said we...

12 You're free to go.

13 **(WITNESSES WITHDRAW)**

14 **COMMISSIONER HOGUE:** As I said, we'll -- I
15 will hear your representation on the request that have been
16 made this morning with respect to calling back Mr. Vigneault.

17 So we'll take five- to 10-minutes break, just
18 for you to organize you will present the request. I suggest
19 that you try to identify a few of you that will make the
20 representation, although I cannot make the choice for you.
21 But just for avoiding repeating.

22 It's already quarter to 6:00, so if we want,
23 at the end, to have time to react if I decide to call back
24 Mr. Vigneault, then I think it's better not to finish at
25 7:00.

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

27 This hearing is now in recess for five
28 minutes.

1 --- Upon recessing at 5:43 p.m.

2 --- Upon resuming at 5:52 p.m.

3 **THE REGISTRAR:** Order please.

4 This sitting of the Foreign Interference
5 Commission is back in session.

6 **COMMISSIONER HOGUE:** So who will present the
7 request?

8 **--- SUBMISSIONS BY MS. SARAH TEICH:**

9 **MS. SARAH TEICH:** Hi, Madam Commissioner.
10 We've actually split it in two. I'm just going to open it
11 and then Tom is going to handle the bulk of the submissions.

12 **COMMISSIONER HOGUE:** Okay.

13 **MS. SARAH TEICH:** Essentially I just want to
14 start off by, you know, framing this as this is essentially a
15 request for reconsideration of Human Rights Coalition's
16 motion yesterday.

17 And just to give a bit of a history, we
18 requested after we received the CSIS documents after the
19 conclusion of CSIS witness' testimony and SITE Taskforce
20 testimonies, we requested that these witnesses be recalled so
21 that we can cross-examine them on these new documents. We
22 raised concerns right after the decision to allow written
23 questions that this wouldn't provide the opportunity to ask
24 follow-up questions like a cross-examination would.

25 And what's come out in direct examination
26 today is essentially that these documents were not in fact
27 briefings, they were notes.

28 And with respect to CAN 4495, CAN 4079_R01,

1 and CAN 15842, the parties need to understand what -- first
2 of all, what is the nature of these documents. Are these
3 briefings? Were these notes? What in fact -- what is CSIS'
4 testimony in terms of what was told to the Prime Minister's
5 Office? If he did not share the information contained in
6 these briefings, presumably notes, why not? Who wrote them?
7 At whose direction? There are many unanswered questions and
8 these all will likely involve follow-up questions as well.
9 So the importance of cross-examination has become
10 increasingly clear today.

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

12 **MR. THOMAS JARMYN:** Yes, Commissioner, it's
13 Tom Jarmyn.

14 The difficulty is illustrated very clearly in
15 CAN 4495. And it's also true with respect to CAN 15842.

16 Both those documents in the database are
17 identified as "Briefings to the PM." They're not identified
18 as talking points and nowhere in the document does it
19 actually say they're talking points. They are briefing
20 notes.

21 And today we heard for the first time that in
22 fact they're talking points. We heard that from Madam
23 Charette.

24 Now, I'm assuming that she was a better
25 understanding of how these things are framed maybe than I do,
26 but that's -- her conclusion is consistent with what the
27 evidence of Mr. Clow was today, and consistent in this
28 regard, because there's a significant disagreement between

1 CAN 4495 and what took place during that actual meeting.

2 CAN 4495 has very explicit statements with
3 respect to what happened in the 2021 Election regarding
4 foreign direct interference. It actually has the analysis
5 and the reasoning that led to the conclusion.

6 And as my colleague, Mr. Choudhry, pointed
7 out, there is some very clear statements of recommendation
8 that are included there. But again, none of that is covered
9 in the notes that Mr. Clow gave. And his evidence, and the
10 evidence of his colleagues is very clear, and I take it at
11 face value, they would have remembered if something as clear
12 as this had been given.

13 So the point is, is that what are these
14 things? And if the Service is actually of a view that these
15 -- the CSE's assessment of the facts that occurred, why
16 wasn't it presented? So we need to lockdown the Service's
17 position one way or the other, determine how they were
18 presented, and then if Mr. Vigneault is going to disavow
19 these comments, understand why he's going to disavow them and
20 understand what his actual view actually is.

21 And the difficulty with this is, written
22 questions are not going to allow that sequence of events to
23 occur.

24 **COMMISSIONER HOGUE:** Yes?

25 **--- SUBMISSIONS BY MR. SUJIT CHOUDHRY:**

26 **MR. SUJIT CHOUDHRY:** Commissioner, I just
27 want to give two quick points. The first is that I think
28 that the benefit of having Director Vigneault come back in a

1 structured way is that it would enable the Commission to
2 answer some questions that are core to this part of its
3 mandate. The first is whether there was a -- whether CSIS
4 was of the view that there was interference in the 44th
5 General Election, and the second is the issue of information
6 flow.

7 So let's say that there was the view
8 developed within the Service that there was interference, but
9 somehow that information didn't make it to the Privy Council
10 Office or the Prime Minister's Office. Then the question
11 would be why?

12 And I think answering both of those questions
13 would be important for your May report. And so having the
14 Director come back to allow us to ask him questions directed
15 at those two components of your terms of reference in
16 relation to these three documents is proportionate and we
17 think would be appropriate in the context.

18 The other point we might suggest, you know,
19 Madam Commissioner, and this is up to you and your team to
20 consider, but you know, there has been some discussion among
21 counsel about Minister Blair's testimony and whether it is
22 perhaps best -- in the circumstances, Minister Blair might
23 have considerable evidence to provide a relevance for, let's
24 say, the hearings in the fall.

25 It might be -- and given what we've heard
26 from Deputy Minister Stewart about public service -- about
27 Public Safety's role in this kind of cluster of institutions,
28 it might be that Minister Blair's evidence isn't as important

1 for this round as it is for the fall, and perhaps that time
2 could be used to recall Director Vigneault and Minister
3 Blair's witness summary -- interview summary and summary of
4 *in-camera* evidence could be put in by way of affidavit. As a
5 suggestion.

6 **COMMISSIONER HOGUE:** Thank you. Any other
7 representations? I'll go to AG after.

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

9 **MR. GIB van ERT:** It's Gib Van Ert for
10 Michael Chong, just briefly, to say that another point to
11 consider, in my submission, is I think it was Mr. Clow today
12 who expressed concerns about how these briefing notes have
13 been covered in the media since they came to light. I
14 understood him to say that he was concerned about that
15 because he didn't think that they represented what the PMO
16 and the PM had been told.

17 So again, if there is that discrepancy,
18 having the Director back will give an opportunity to pursue
19 that, and if there's a need to correct the record on that
20 point, that can be done.

21 So otherwise, I would just say that I
22 associate myself with my learned friends' submissions.

23 **COMMISSIONER HOGUE:** Me De Luca?

24 **--- SUBMISSIONS BY MR. NANDO de LUCA:**

25 **MR. NANDO de LUCA:** Madam Commissioner, just
26 to state for the Conservative Party of Canada, we support the
27 request to recall Mr. Vigneault, even taking into account,
28 and I heard your comments yesterday, that it just doesn't

1 happen at the flip of a switch. I would suspect that there
2 are ways that it can be accommodated, especially given that
3 my assumption is, I'm not going to speak for my friends, but
4 it would -- the updated or the supplementary questioning
5 would be relatively narrow in scope. We're not talking about
6 a whole day.

7 I'll just leave it at that.

8 **COMMISSIONER HOGUE:** Thank you.

9 What is your position?

10 **--- SUBMISSIONS BY MR. BARNEY BRUCKER:**

11 **MR. BARNEY BRUCKER:** We've heard from
12 everyone now. Simply put, the position is that this can be
13 dealt with in written questions. I'll elaborate on that.

14 First of all, I'm not sure, after having
15 heard my friends, what the motion is. There are procedural
16 rules, as we know, governing applications from Rule 63 to 68,
17 contemplate some sort of materials. So I'm not sure if
18 there's an application to recall people from SITE or to
19 recall the Director. I -- am I right to understand it is to
20 recall the Director? Are we talking ---

21 **COMMISSIONER HOGUE:** This is the -- this is
22 my understanding. It's a ---

23 **MR. BARNEY BRUCKER:** Okay.

24 **COMMISSIONER HOGUE:** It's a motion to recall
25 the Director ---

26 **MR. BARNEY BRUCKER:** All right.

27 **COMMISSIONER HOGUE:** --- to testify live.

28 **MR. BARNEY BRUCKER:** Okay. So I understand,

1 and yesterday at the opening of the Commission we heard from
2 Mr. van Ert and from Mr. Jarmyn, and from Human Rights
3 Coalition, and I understand, and I hope I'm understanding
4 correctly, that there are three documents in issue,
5 CAN 004495, CAN 004079-RO1, and CAN 015842.

6 I have no idea, and neither does my client,
7 as to the scope of the re-attendance that might be
8 contemplated. It would be nice if we had that spelled out in
9 the event that you'll see fit to request that Mr. Vigneault
10 re-attend. I would point out that these particular
11 documents, and many, many others, were provided to the
12 Commission in unredacted form and form part of the *in-camera*
13 record of the Commission. And so -- they and a considerable
14 body of others.

15 So one of the questions my friend, Mr. van
16 Ert, asked yesterday was, has the Commission had the
17 opportunity Government of Canada witnesses and CSIS witnesses
18 on these documents in *in-camera* setting? And the answer to
19 that is yes. And has the Commission had the opportunity to
20 raise these in those settings? And the answer to -- and they
21 may or may not have done that because it was a while ago now,
22 and I can't remember everything. But the answer to that
23 question is yes, there was that opportunity.

24 Now, I understand that one of the points is
25 that other witnesses -- and your remarks yesterday morning,
26 Madam Commissioner, as I understood them, were that you would
27 be interested to see if these documents came up and were put
28 to any other witnesses, and I understand that has happened

1 and there have been answers to varying degrees. But that's
2 not unusual. That's happened with lots of witnesses with
3 lots of other documents.

4 So if there is -- if you are contemplating
5 ordering the attendance, I would like to know, and I think we
6 should all know the conditions under which that would be --
7 how long is that going to be for? We had 75 minutes for the
8 executive panel and 30 minutes for the regional panel,
9 together with also at the same for cross-examination on a
10 great body of information. And here, we're talking, I
11 understand, mainly about three documents.

12 So what kind of an attendance is
13 contemplated? Who is going to lead evidence? Is the
14 Commission going to present or allow the witness to present
15 his understanding of this? If not, then I would submit that
16 if you are going to order a re-attendance that counsel for
17 the Attorney General fill that role. Parties can then cross-
18 examine and the Attorney General could re-examine, and that
19 there be a timeline affixed to that process, and that the
20 *O'Connor Rules* that we have been following up until now,
21 which would provide for equal time for both sides, be
22 followed.

23 I can tell you that the Director is very
24 unlikely to be able to appear tomorrow. But if you are to
25 order his re-attendance, request his re-attendance, because I
26 think he would honour that request, you would not need to
27 order it, that could be done Friday. And I understand that
28 this space probably isn't booked on Friday, but we have had

1 participation of all parties and counsel through video link,
2 and that could be accommodated should you see fit to order
3 it.

4 In fairness to the Director, he would need
5 some time to prepare for this. Last night, he testified in
6 Parliament, today he is with NSIRA, and he needs some time to
7 acclimatise himself of these things.

8 But before we go there, just let me take a
9 couple of minutes, if you will, and look at these specific
10 documents. All of them, at least three at least that have
11 been mentioned, are dated in 2022 or 2023.

12 One of them, 015842, indicates it's a
13 briefing to the Prime Minister, who I understand will be here
14 tomorrow and might be able to talk about this.
15 CAN 004079_R01 doesn't appear to have much of anything in it
16 that I can see that hasn't already been the subject of
17 testimony, not only by CSIS, but by lots of witnesses. And
18 the most interesting document that my friend, Mr. van Ert,
19 referred to as "extraordinary" is dated February 21st, 2023,
20 indicating it's a briefing, or the subject of it is a
21 briefing to the PM's Office on foreign interference threats
22 to Canada's democratic institutions.

23 And I understand the PCO Institutional Report
24 indicates a briefing of that nature took place on
25 February 23rd, 2023, so two days later, so presumably this
26 document would relate to that briefing which we have had --
27 we have heard about.

28 And so if I go through this document, and I'm

1 sorry to belabour the point, but I'm here so I may as well
2 give it a try. If you look at the second page of this
3 document, under 004495, it indicates that -- at the top it
4 deals with assertions in media reporting. And it appears, I
5 think it's reasonable to conclude that it appears to be a
6 regurgitation of a comment that might appear in the media
7 with some redacted analysis underneath. That's for a good
8 part of the document. It's not for all of the document.

9 If we get down to the bottom of page 3 and
10 then over onto the rest of the document, we see Briefings and
11 Products as a heading, and if I go through, I won't go
12 through all of these, but:

13 "PRC foreign interference, and in
14 democratic institutions
15 specifically..."

16 This is the bottom of page 3:

17 "...briefed and discussed broadly
18 across the Government of Canada since
19 2018."

20 I don't know how many times we've heard that
21 from a variety of witnesses.

22 Top of page 4:

23 "Between June 2018 and December 2022,
24 CSIS provided 34 briefings to either
25 [redacted]...Cabinet
26 Ministers...other senior officials on
27 foreign interference, including in
28 the 2019 and 2021 elections."

1 general and to democratic
2 institutions, as well as those
3 emanating from the PRC."

4
5 "...prioritized outreach and
6 engagement with communities..."

7 How many times did the Director talk about
8 that?

9 And then the conclusion, which are
10 boilerplate things about "we need to do better", "here's what
11 we should do." Nothing controversial about that. We've
12 spoken about it many times.

13 So my submission at the end of the day on
14 this is that the questions that my friends have raised,
15 specifically about whose notes are these and were they
16 presented, can easily be answered in written form. The
17 government officials, particularly the Service, have been
18 extremely accommodating in an effort to be transparent and
19 have assisted the Commission throughout, and in my submission
20 by doing by written examination with a very short turnaround
21 is fair to everybody. We'll give people what they need and
22 we'll provide some accommodation to the witnesses.

23 If you don't accept those submissions, as I
24 say, my submission to you, Commissioner, is that we have a
25 session on Friday at sometime at a time to be arranged
26 convenient to everybody, scoped out to what exactly it is
27 with equal time and some information as to who's going to
28 lead the evidence.

1 Subject to all your questions, those are my
2 submissions.

3 **COMMISSIONER HOGUE:** Thank you.

4 Any comments?

5 **MR. GIB van ERT:** If I may, Commissioner --
6 oh, pardon me. I'll defer to Commission Counsel first.

7 **MS. ERIN DANN:** Thank you. No comments from
8 Commission counsel.

9 **COMMISSIONER HOGUE:** And for the parties, do
10 you have anything to reply?

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

12 **MR. GIB van ERT:** If I may just say I believe
13 I called the document remarkable, rather than extraordinary.
14 Let's get that clear.

15 And of course, we haven't conferred, but for
16 my part, I have no concerns about Commission counsel leading
17 the evidence. That seems -- let's just do it the way we have
18 been doing it, I suppose is what I would say.

19 And I have no concerns at all about Mr.
20 Brucker's proposal that it be done on Friday to accommodate
21 the witness.

22 **COMMISSIONER HOGUE:** Through -- on video?

23 **MR. GIB van ERT:** If need be, I see no
24 objection to that. Speaking, again, just for myself.

25 **MS. SARAH TEICH:** For us as well, no
26 objections to those proposals.

27 **COMMISSIONER HOGUE:** Is there any objection
28 to this proposal if I decide to go this way?

1 Okay. Stay around for a few minutes and I'll
2 come back.

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

4 The session will be in recess for five
5 minutes.

6 --- Upon recessing at 6:12 p.m.

7 --- Upon resuming at 6:35 p.m.

8 **THE REGISTRAR:** Order please.

9 This sitting of the Foreign Interference
10 Commission is back in session.

11 **COMMISSIONER HOGUE:** Okay. I will recall
12 Mr. Vigneault. It will be on Friday morning on video, and
13 it's -- the evidence will be leaded by the Commission, and
14 the Commission and the AG will share 15 minutes in total, and
15 the parties will have to share 30 minutes in total. And I do
16 insist for receiving your plan in advance as to how you are
17 planning to share the time, and my reasons for this decision
18 will be rendered in the next coming days.

19 So there is many technical issues that we
20 have to resolve, but it seems to be possible. So if for any
21 reason we realise that it's not possible, we will let you
22 know and we'll find another solution, but it seems to be
23 feasible.

24 **MR. BARNEY BRUCKER:** Thank you, Commissioner.
25 One question with respect to sharing the time. Are you
26 speaking of sharing the time of all parties or the Commission
27 and the Attorney General?

28 **COMMISSIONER HOGUE:** All parties would have

1 to share the 30 minutes that they have, and you and the
2 Commission will share 15 minutes.

3 **MR. BARNEY BRUCKER:** But you asked for a
4 plan. And is the plan between ---

5 **COMMISSIONER HOGUE:** Oh, you mean for the
6 plan. Oh, I think it's okay. We are not planning to use
7 many of the 15 minutes.

8 **MS. ERIN DANN:** And Commissioner, I'm not
9 sure if you indicated, but we believe we'll be starting at
10 10:00 ---

11 **COMMISSIONER HOGUE:** Oh, sorry. Yes.

12 **MS. ERIN DANN:** --- on Friday?

13 **COMMISSIONER HOGUE:** On Friday, 10:00 a.m.,
14 and it's going to be on video so there's going to be no one
15 in this room. We don't have the room after tomorrow night,
16 so make sure to have a good connection and we'll take it from
17 there.

18 **MS. SARAH TEICH:** Madam Commissioner, sorry,
19 I just have one question. Currently, closing submissions are
20 due April 15th.

21 **COMMISSIONER HOGUE:** They will be due on
22 April 15th.

23 **MS. SARAH TEICH:** All right.

24 **COMMISSIONER HOGUE:** Because we are running
25 into -- the time constraints are such that it wouldn't be
26 possible to postpone it. And I think honestly the piece of
27 information probably won't be easy to insert into your
28 submissions.

1 It's fine?

2 **MR. BARNEY BRUCKER:** Thank you.

3 **COMMISSIONER HOGUE:** Thank you.

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

5 This sitting of the Foreign Interference

6 Commission has adjourned until tomorrow at 9:30 a.m.

7 --- Upon adjourning at 6:38 p.m.

8

9 **C E R T I F I C A T I O N**

10

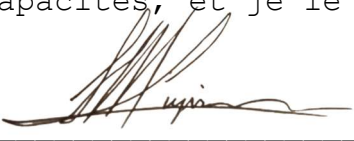
11 I, Sandrine Marineau-Lupien, a certified court reporter,
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