



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

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

6 **MS. SHANTONA CHAUDHURY:** Perfect.

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

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

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

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

16 **MS. JANICE CHARETTE:** Okay. I was first -- I
17 was named first as Clerk of the Privy Council in October of
18 2014 by Prime Minister Harper, and I served in that role
19 until January of 2016. I then went to the United Kingdom as
20 our High Commissioner. I was asked by Prime Minister Trudeau
21 to come back as the Interim Clerk of the Privy Council to
22 replace my colleague, the Honourable Senator Ian Shugart, who
23 unfortunately had fallen ill. So I took up that role in
24 March of 2021. I'm almost trying to make sure of my dates
25 right here. March of 2021. And then Ian chose to retire and
26 I was named again as the Clerk of the Privy Council in May of
27 2022, and I served in that role until June of 2023, when I
28 retired from the public service.

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

2 Madam Drouin, we know that you were for the
3 period of time that's under examination in these hearings,
4 you were Deputy Clerk of the Privy Council. First, you were
5 Deputy Minister of Justice and Attorney General, then Deputy
6 Clerk of the Privy Council, and I understand that you've
7 recently also taken on the role of NSIA.

8 is that correct?

9 **MS. NATHALIE DROUIN:** Correct.

10 **MS. SHANTONA CHAUDHURY:** Okay. And that
11 would have been January 2024?

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

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

17 Ms. Charette, I'll start with you, just
18 explaining for the Commission, please, the role of the Clerk
19 of the Privy Council?

20 **MS. JANICE CHARETTE:** So the role of the
21 Clerk of the Privy Council is the Deputy Head of the
22 Department of the Privy Council. And in that respect, the
23 Deputy Minister to the Prime Minister. And the Privy Council
24 Office also supports a number of other Ministers. The
25 Minister of Intergovernmental Affairs, Government House
26 Leader, Minister of Democratic Institutions as examples.
27 That's not a complete list. So the Prime Minister and
28 Ministers are supported by the Privy Council Office.

1 public service, so the public service in Canada is, in the
2 Westminster tradition, a non-partisan permanent public
3 service. What that means is that the public service has a
4 responsibility to loyally support the government of the day.
5 We do not change with governments. We have a responsibility
6 to serve the government of the day, to provide them with our
7 best advice, and implement the decisions that they take.

8 As the clerk in this respect, the head of the
9 public service, I might have priorities for the public
10 service as the kind of lead steward of the institution. For
11 example, you know, building an exclusive public service,
12 which makes the best of diversity in Canada and tries to
13 improve representation and combat racism and discrimination
14 in the public service, as an example.

15 So there's those three.

16 I might just say one thing, which I don't
17 think I referred to in any of my prior testimony, and that is
18 that the Clerk of the Privy Council is a Deputy Minister and
19 they're, to use an expression probably more in your field
20 than mine is *prima inter pares*. And so first among equals.
21 Deputy Ministers maybe can be like a multinational
22 organization. The Clerk of the Privy Council sits atop a
23 group of Deputy Ministers, each who have responsibilities
24 supporting a Minister, and part my job with the support of
25 the Deputy Clerk, who you will hear from shortly, is to work
26 with that community, not to take on their jobs, but to work
27 with that community to coordinate and share information and
28 implement decisions.

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

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

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

12 And I also manage issues on specific
13 questions, broad questions such as, for example, the convoy
14 or the labour relations conflict with the civil service --
15 federal civil service last year.

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

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

25 **MS. NATALIA RODRIGUEZ:** And sorry, before you
26 answer this -- Natalia Rodriguez, Commission Counsel. I've
27 just been reminded by the interpreters that everyone should
28 try and speak a little bit more slowly to help in their job.

1 Thank you very much.

2 **COMMISSIONER HOGUE:** Thank you.

3 **MS. JANICE CHARETTE:** A good reminder. Thank
4 you.

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

16 Usually what happens is the NSIA, the
17 National Security Intelligence Advisor, would either go
18 through the Clerk, if time permits, or make sure that that is
19 happening at the same time, if not as quickly as possible
20 afterwards, so the Clerk is aware. If an issue is that
21 important it has to go to the Prime Minister, then the Clerk
22 should also be made aware relatively quickly of the same
23 thing. So I hope that kind of answers your question.

24 So either the Clerk or the National Security
25 and Intelligence Advisor can bring information to the
26 attention of the Prime Minister, and I'm happy to talk more
27 about kind of how we do that and how we kind of decide what
28 of all of the information that we have access to we take to

1 him.

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

4 **MS. JANICE CHARETTE:** Right.

5 **Ms. SHANTONA CHAUDHURY:** So how does the
6 Clerk receive intelligence?

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

18 And so we receive a broad variety of
19 information, either through -- directly from the agencies, if
20 they identify it's of a sufficient import, the Security and
21 Intelligence Group within the Privy Council Office that works
22 for the National Security Advisor would provide products on a
23 regular basis. For example, I would get a daily bulletin
24 which would contain a curated amount of information on topics
25 selected from that broad universe that I just described.

26 **COMMISSIONER HOGUE:** I've got a question. I
27 know it's going to be a difficult one to answer, but can you
28 just give us an idea of when you're speaking about a large

1 volume, what you're talking about in terms of the
2 intelligence you're receiving, let's say weekly?

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

5 **COMMISSIONER HOGUE:** Okay.

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

7 **COMMISSIONER HOGUE:** Perfect.

8 **MS. JANICE CHARETTE:** I'll kind of give you
9 the ---

10 **COMMISSIONER HOGUE:** Perfect.

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

13 **COMMISSIONER HOGUE:** Perfect.

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

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

22 In addition to that, I would get a package of
23 highly classified intelligence that one of our client
24 relations officers would bring to me, and sit with me while I
25 read it. That would be a package which the -- we call them
26 CROs. The CRO would identify working with potentially the
27 National Security Advisor, or other members of NSIA security
28 and intelligence team that were kind of things that I should

1 be aware of because they were topical. For example, the
2 situation in Haiti. There may be particular pieces of
3 intelligence relevant to that conflict. Or the Russian-
4 Ukraine situation. That would be examples. So it's kind of
5 topical issues that are current that are the focus of kind of
6 discussions and deliberations within the government, or
7 anything which was named to me. So the clerk should see
8 this; right? We've seen some named distributions on some of
9 the intelligence spots.

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

24 In addition to that, at any point in time,
25 the National Security Intelligence Advisor or any of the
26 heads of agencies may send something to me directly for my
27 attention. So that gives you a sense of the broad scan. I
28 didn't -- I did not read all of it to the same degree. You

1 can imagine I triaged as well, things that had my name on
2 them, particular attention, drawn to my attention by the NSIA
3 or one of the agency heads for my information or for action.
4 Those are the ones that I would pay particular attention to.
5 The situational awareness is part of kind of my overall
6 understanding about what's going on in the world, and that
7 was kind of -- I would try and make my way through as much of
8 that as I could on a weekly basis, but all of that would take
9 many hours in a week to go through all of that.

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

22 **MS. SHANTONA CHAUDHURY:** Just before we
23 continue on with that thought, Madam Drouin, would you also
24 receive all of the intelligence that goes to the clerk or a
25 subset thereof, or how does that work?

26 **MS. NATHALIE DROUIN:** I received all the same
27 documents as the Clerk. I wouldn't necessarily be apprised
28 of them at the same time. So the timeline for the CROs was

1 different in my case as Deputy Clerk. And I also have, of
2 course, to sort through what I received. But I'm focused
3 mainly on weekly assessments, intelligence assessments, as
4 well as intelligence supporting those assessments.

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

13 **COMMISSIONER HOGUE:** So you said an inch and
14 a half?

15 **MS. NATHALIE DROUIN:** Yes.

16 **COMMISSIONER HOGUE:** So an inch and a half on
17 a daily basis.

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

19 **COMMISSIONER HOGUE:** And by the end of the
20 week, maybe ---

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

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

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

24 **COMMISSIONER HOGUE:** --- 10 to 12 inches of
25 documents.

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

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

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

28 ...paper documents. And there's also discussions amongst

1 Deputy Ministers, especially between myself as Clerk and the
2 National Security and Intelligence Advisor through oral
3 meetings.

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

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

23 **MS. SHANTONA CHAUDHURY:** Thank you very much.
24 You've answered the question. But could you estimate the
25 proportion of the intelligence that would be foreign
26 interference?

27 **MS. NATHALIE DROUIN:** It's very difficult
28 because it can vary. When it comes to world conflicts right

1 now there are many more reports on that. During the pandemic
2 there were more reports with respect to the pandemic. So it
3 really depends on the context.

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

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

16 **MS. SHANTONA CHAUDHURY:** And will that be
17 because during an election period, foreign interference was a
18 focus?

19 **MS. JANICE CHARETTE:** Because we had
20 responsibilities under the protocol to be monitoring and
21 meeting as the Panel of Five if we identified something that
22 we thought needed to be addressed.

23 **MS. SHANTONA CHAUDHURY:** Okay. So amidst
24 this fairly massive volume of information, what's the path
25 for intelligence to go up to the Prime Minister? How is it
26 decided that something is important enough for the Prime
27 Minister to see it? And is that always the clerk making the
28 decision, the NSIA making the decision, or the intelligence

1 agencies themselves? Can you explain that?

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

17 I'd say that might be useful to describe. So
18 how do we -- I mean, part of the judgment call, every day for
19 a Deputy Minister, is what information do you provide to your
20 Minister, in my case the Prime Minister, given his broad
21 range of responsibilities. What information do you give him
22 out of all of this? And so I try to think about the criteria
23 that I was using to do this. And so I would say there were
24 kind of three areas in this space in respect of kind of
25 intelligence, including foreign interference.

26 The first is for his situational awareness.
27 So I might say to him, here's a product that I think would be
28 of interest to you, or here is a situation that I think you

1 need to understand the evolution of, and so information in
2 this space and others for situational awareness.

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

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

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

20 **COMMISSIONER HOGUE:** Slow.

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

23 **COMMISSIONER HOGUE:** Slow.

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

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

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

1 **MS. SHANTONA CHAUDHURY:** Apparently.

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

3 **MS. SHANTONA CHAUDHURY:** Would it always be
4 clear to the Prime Minister, would you make it clear to the
5 Prime Minister for which of those purposes he was receiving
6 the intelligence?

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

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

19 **MS. SHANTONA CHAUDHURY:** But at the point at
20 which you provide the information to the Prime Minister,
21 would you make it clear to him for what purpose it was being
22 provided? So for a decision versus for situational
23 awareness, for instance?

24 **MS. JANICE CHARETTE:** So we were providing
25 him with written notes. The top of every note to the Prime
26 Minister will say "for information" or "for a decision". I
27 may provide him with -- for example, in the case of that
28 weekly bulletin we were describing, I might draw that to his

1 attention in a meeting that I might be having with him. So
2 not -- I would say that if I was presenting to him for action
3 or decision that was clear.

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

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

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

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

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

24 So Mr. Clerk, that may be helpful for the
25 witnesses to see.

26 But Ms. Charette, I'll ask you to take us
27 through the chronology of this, because I understand there
28 were actually three separate meetings, one which was with, I

1 believe, officials only; one to the PMO; and then one to the
2 PM.

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

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

21 And then we had an update from the Director
22 on some particular cases that were of -- particularly with
23 respect to parliamentarians, and examples of hostile state
24 actor activity that he thought were timely to bring to our
25 attention. That meeting happens about -- as I said,
26 September the 13th.

27 As a follow-up to that, there was a briefing
28 which the National Security and Intelligence Advisor then --

1 so the NSIA and myself come out of that briefing with the
2 Director and we think there is a body of information here
3 that we think it's time for an update, a situational
4 awareness update to be proceeding forward, using my kind of
5 lexicon.

6 The next step is the NSIA briefs the Prime
7 Minister's Office so that they also can have access to that
8 information. It's not a -- and the Director participates in
9 that briefing. So they get kind of a mirror of the briefing
10 that we have had with the Director.

11 And then the third in the series is the
12 briefing that took place, as shown here, on the 27th of
13 October. This is a briefing that took place, again, the
14 NSIA, the Clerk, the Director of CSIS, with the Prime
15 Minister, and members of his team. There were other PCO
16 officials, I believe, in attendance at that.

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

1 cases for his situational awareness.

2 I -- there was no actions or decisions that
3 were brought to the Prime Minister in the context of that
4 briefing on specific cases.

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

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

9 Briefing to the PM on Foreign
10 Interference Threats to Canada's
11 Democratic Institution

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

17 But Mr. Clerk, I'll just ask you for the
18 benefit of everyone here to scroll through briefly these
19 notes.

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

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

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

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

22 That being said, looking at these notes, it
23 is fair to say that the kind of the broad topics that I
24 discussed, an update on the kind of behaviour of threat
25 actors and some specific cases, were drawn to the attention
26 of the Prime Minister. And an update on some of CSIS
27 activities and the toolkit that's available, that is
28 reflected in the notes. What is not in the notes is

1 information about specific cases, some of which may have been
2 redacted for the purposes of national security.

3 **MS. SHANTONA CHAUDHURY:** Thank you. The next
4 document I'm going to take you to is CAN 001082. So this is
5 a document representing something that happened in the 2021
6 election, and we understand that on the basis of this
7 document there was a briefing delivered in -- during the
8 election to cleared representatives of the Liberal Party.

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

10 **MS. SHANTONA CHAUDHURY:** Ms. Charette, can
11 you tell us -- what can you tell us about this briefing in
12 this context? Were you made aware of this briefing and the
13 content of it?

14 **MS. JANICE CHARETTE:** So I believe I spoke
15 about this briefing yesterday in my capacity as a member of
16 the Panel of Five. So this briefing happened during the 2021
17 election. This was a briefing that was done by members of
18 the service along with the Privy Council Office to the
19 cleared representative of the Liberal Party of Canada. It
20 was a classified briefing that was provided on a matter that
21 was relevant to that particular party. The Panel of Five, in
22 my capacity, I was sitting as a member of the Panel of Five
23 was made aware of the matter that was developing. One of the
24 things that I had a chance to -- thank you -- one of the
25 things I had a chance to do was as we were hearing about this
26 on the Panel of Five, I also have as I -- we talked about
27 yesterday, we retained all of our kind of powers and
28 authorities as Deputy Ministers. And so when we were hearing

1 about this matter in the Panel of Five, I asked the Director
2 of CSIS what, if any, mitigation options could be taken. He
3 and I had a meeting outside of the Panel of Five in which we
4 discussed some of the things that could be done. And in the
5 end, it was agreed that this briefing would take place.

6 The Panel of Five was informed afterwards
7 about the briefing having taken place. The Panel of Five
8 continued to follow this matter within our deliberations.
9 And as I said yesterday, at no point did this matter reach
10 the threshold in the minds of the Panel in terms of something
11 which impaired the ability of Canadians to have a free and
12 fair election. I did not -- and this is your question, I did
13 not brief the Prime Minister on this, either during the
14 election or after the election. And, in fact, the -- I
15 believe the first briefing of the Prime Minister on this took
16 place not until 2023.

17 **MS. SHANTONA CHAUDHURY:** Okay.

18 **MS. JANICE CHARETTE:** --- by the Privy
19 Council Office.

20 **MS. SHANTONA CHAUDHURY:** Briefing by the
21 Privy Council Office?

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

23 **MS. SHANTONA CHAUDHURY:** Okay. Sticking with
24 the 2021 election, I'm going to ask the clerk to bring up CAN
25 013124_RO1.

26 **COMMISSIONER HOGUE:** I just have one
27 question.

28 **MS. SHANTONA CHAUDHURY:** Oh, [No

1 interpretation].

2 **COMMISSIONER HOGUE:** You said he was only
3 briefed, the Prime Minister was only briefed in 2023 by the -
4 --

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

6 **COMMISSIONER HOGUE:** --- by the Privy
7 Council. So are you aware of any other briefings that may
8 have taken place ---

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

10 **COMMISSIONER HOGUE:** --- and offered by
11 someone else to the PM?

12 **MS. JANICE CHARETTE:** I would have been aware
13 of that. I have not ---

14 **COMMISSIONER HOGUE:** You would have been
15 aware?

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

1 **COMMISSIONER HOGUE:** Thank you.

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

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

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

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

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

26 At that point in time, I asked that my
27 officials would go back and remind me -- this was almost two
28 years. A lot of things happen in two years. I asked my

1 officials to go back and remind me what was the nature of the
2 concerns that the Conservative Party of Canada raised, what
3 specifically had been done about those, and what, if
4 anything, more could they tell me about that at this point in
5 time.

6 So you see an information note here to me
7 from the National Security and Intelligence Advisor, which
8 explains what happened in 2021 in terms of the concerns that
9 were raised, the process that was followed, in terms of the
10 assessment, the communications of that, and then a heads up
11 that it was expected that this issue may resurface again in
12 one of the Parliamentary committees.

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

1 findings of that assessment. And the last tab is the
2 speaking points I believe that were developed for the
3 conversation that took place and where that debriefing on the
4 results of the SITE assessment were done with the
5 Conservative Party.

6 **MS. SHANTONA CHAUDHURY:** Okay. Were there
7 any particular steps for you to take following the receipt of
8 this memo?

9 **MS. JANICE CHARETTE:** No, this was really for
10 me to make sure that I had kind of my facts straight in my
11 mind. And it formed part of kind of the body of knowledge
12 about the kinds of things that -- I mean, I had seen this
13 through the Panel of Five, but again, it was kind of the body
14 of knowledge of some of the things that we were watching for
15 in terms of the capabilities of some of the threat actors in
16 the foreign interference space. So I think that's also
17 summarised as well in one of the summaries on this particular
18 matter which has been provided to the inquiry.

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

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

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

25 **MS. JANICE CHARETTE:** I don't know who notes
26 they are.

27 **MS. SHANTONA CHAUDHURY:** Okay. It's always
28 worth ---

1 **MS. JANICE CHARETTE:** My handwriting is not
2 that legible.

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

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

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

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

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

12 **MS. JANICE CHARETTE:** Yeah.

13 **MS. SHANTONA CHAUDHURY:** --- you were, of
14 course.

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

25 **MS. SHANTONA CHAUDHURY:** Okay. Finally, the
26 last topic I would like to ask you about briefly is a meeting
27 that happened in 2023. So, Mr. Clerk, if we can go to CAN
28 017676?

1 see it kind of half way down the page, starts with the PRC,
2 the People's Republic of China.

3 Before we get to that, you see a briefing
4 that's taking place led by the Service. So it would have
5 been Madam Giles, with subject matter experts who came in and
6 who would have provided some context for a group of Ministers
7 who haven't -- don't have the same level of knowledge and
8 understanding. So kind of, "Here is a sense, Ministers, of
9 the kinds of capabilities that we believe hostile state
10 actors have, and what their intentions are, and what actions
11 we have seen. Some examples of that, of what we have seen in
12 the past," you see 2019 there, for example.

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

26 Again, this was a briefing, not a speech
27 delivered. There was a very substantial solid brief that was
28 provided to these Ministers for their awareness and

1 understanding and an opportunity to ask questions, and you
2 see some back and forth I think in these notes, which I
3 believe are the notes prepared by one of the Deputy Chiefs of
4 Staff to the Prime Minister.

5 And so there was also an opportunity in the
6 same briefing for Ministers to be -- to have explained to
7 them what the existing tool kit is, because part of the
8 objective here was in addition to them just having a
9 situational awareness, the expectation would be that they
10 would then have a follow-along conversation and be in a
11 position, if need be, to talk to the Prime Minister about
12 what action, if any, the Government of Canada should be
13 taking on the policy side or in any other front.

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

18 **COMMISSIONER HOGUE:** Thank you.

19 So the first counsel, it's counsel for Erin
20 O'Toole.

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

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

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

28 **MS. JANICE CHARETTE:** So it could happen one

1 of two ways. The Director of CSIS may suggest to the
2 National Security Advisor, or to the Clerk, that he has
3 information that he thinks would be appropriate to brief to
4 PMO staff. That would be -- usually it would be to the Prime
5 Minister, and then there would be kind of a pre-brief of PMO
6 staff so they have the same level of information.

7 Normally in those instances, it would be
8 expected, and it would be my expectation certainly, that the
9 Director of CSIS would have already informed his Minister,
10 the Minister of Public Safety, before that would happen.

11 Alternatively, there could be a request from
12 the Prime Minister's Office for a briefing that would go
13 through either the National Security Advisor or myself, and
14 one of us, if not both of us, would usually attend one of
15 those briefings.

16 **MR. THOMAS JARMYN:** So the usual course of
17 business is that the request is funneled to the Director
18 either through the DMO or through you, and ultimately the
19 Clerk or the NSIA is usually informed of these things before
20 they happen?

21 **MS. JANICE CHARETTE:** And -- yes. And would
22 participate.

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

25 **MS. JANICE CHARETTE:** Including the National
26 Security Intelligence Advisor.

27 **MR. THOMAS JARMYN:** Yeah. I'd like to take
28 you to CAN004495. And this is entitled *Briefing to the Prime*

1 *Minister's Office on Foreign Interference Threats to Canada's*
2 *Democratic Institutions.*

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

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

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

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

13 **MS. JANICE CHARETTE:** I did not say that,
14 sir. I said ---

15 **MR. THOMAS JARMYN:** Okay. That's what I'm
16 asking.

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

18 **MR. THOMAS JARMYN:** Yeah.

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

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

28 **MS. JANICE CHARETTE:** If either something

1 didn't get covered, or something did that wasn't necessarily
2 in the speaking notes.

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

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

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

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

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

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

18 **MR. THOMAS JARMYN:** Yeah.

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

22 So this section of the note is entitled
23 "Assertions in Media Reporting".

24 **MR. THOMAS JARMYN:** Yes.

25 **MS. JANICE CHARETTE:** And so this is a
26 combination of information, some of which is related to how
27 the media was reporting things, in addition to then some
28 commentary about what the Service did or did not know, or did

1 not say about that.

2 MR. THOMAS JARMYN: Yes.

3 MS. JANICE CHARETTE: So the particular
4 paragraph you're pointing me to, just to -- now we go back
5 down.

6 MR. THOMAS JARMYN: Yes, please.

7 MS. JANICE CHARETTE: Thank you very much,
8 sir.

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

11 MR. THOMAS JARMYN: So that whole --
12 actually, right at the beginning:

13 "We also observed online [...] media
14 activities aimed at discouraging
15 Canadians, particularly of Chinese
16 heritage, from supporting the
17 Conservative Party, leader Erin
18 O'Toole, and particularly Steveston-
19 Richmond East candidate Kenny Chiu."

20 A large redacted portion. And then the
21 analysis:

22 "...the timing of these efforts [...] with Conservative polling
23 improvements; the similarities in
24 language with [activities] published
25 by PRC state media; and [...] partnership agreements between these
26 Canada-based [entities] and PRC
27
28

1 entities; all suggest these efforts
2 were orchestrated or directed by the
3 PRC."

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

7 **MS. JANICE CHARETTE:** I think that, as I
8 said, this does not necessarily represent -- I should start
9 with, sir, I apologize, I didn't say at the beginning, I was
10 not at this briefing. This is a briefing that was attended -
11 --

12 **MR. THOMAS JARMYN:** Yeah.

13 **MS. JANICE CHARETTE:** --- by the National
14 Security and Intelligence Advisor. So ---

15 **MR. THOMAS JARMYN:** And that would be Ms.
16 Thomas?

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

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

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

25 I would go back to the information that was
26 provided in the country and topic summaries on this matter
27 and the information that I have previously testified about,
28 the state of knowledge around the efforts on mis and

1 disinformation. We had a conversation yesterday about this
2 at some length, so if there's any particular questions, I'm
3 happy to ---

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

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

8 **MR. THOMAS JARMYN:** And would he have -- he
9 would have had a staff member accompany him as a general
10 rule?

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

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

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

24 The timeframe here, the 21st of February, and
25 the numerous references to media reporting and unauthorized
26 releases of classified information illustrate to you the
27 context that this was taking place. There was a lot of
28 attention going on here and a request to be informed about

1 who knew what.

2 **MR. THOMAS JARMYN:** All right. Thank you.

3 I see my time's run out, so thank you.

4 **COMMISSIONER HOGUE:** Thank you.

5 Counsel for the Conservative Party.

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

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

9 **MR. NANDO de LUCA:** Can I have CAN 004728
10 called up, please?

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

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

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

21 **MR. NANDO de LUCA:** How about you, Ms.
22 Drouin?

23 **MS. NATHALIE DROUIN:** I was not Deputy Clerk.
24 Also, October 1 I was, however, a member of
25 the Panel of Five.

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

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

4 **MR. NANDO de LUCA:** Okay. And do you --
5 would you know if the Clerk or Deputy Clerk at the time would
6 have made the PMO -- the PM or the PMO aware of the contents
7 of this briefing?

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

10 No PMO or PM briefing in terms of intel
11 regarding Don Valley North happened during the writ period in
12 '19.

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

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

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

25 And while you're looking at that, we heard
26 evidence from the CSIS witnesses that some time after 2022,
27 there was a meeting between a CSIS agent and PMO staff, the
28 PM, the Prime Minister, the Clerk of the Privy Council, the

1 NSIA and the CSIS Director and that the purpose of the
2 meeting, as is stated there, was to discuss after the media
3 leaks all intelligence regarding Han Dong.

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

6 And as a result of that meeting, CSIS
7 actually recalled or corrected its previous assessment of the
8 PRC foreign interference assessment. And ---

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

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

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

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

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

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

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

19 Thank you.

20 ADR Director witnesses. Thank you very much.

21 And then back to the bottom of page 3.

22 Page 4, sir, did you say?

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

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

26 Your point, please?

27 **MR. NANDO de LUCA:** I believe it says some
28 time after 2022 in the words of the document, so presumably

1 2023 or 2024.

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

3 Okay. Your question, sir. Thank you.

4 **MR. NANDO de LUCA:** And I believe -- am I
5 correct that in your evidence in-chief you indicated that you
6 or someone from the PCO Office actually attended that
7 meeting?

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

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

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

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

21 As to which -- what advice in particular I
22 would have provided in this meeting ---

23 **MR. NANDO de LUCA:** Or as a result of this
24 meeting.

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

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

1 **MS. JANICE CHARETTE:** So the caveat is,
2 traditionally the matter of advice between a Deputy Minister
3 and a Minister is a highly privileged space. My job is to
4 provide advice. Ultimately, the accountable office holder,
5 in this case the Prime Minister, can make his decisions. And
6 so the idea of -- my advice is privileged to him. He makes
7 whatever decision he wants. And then I am responsible for
8 overseeing the implementation of that decision whether I said
9 no or yes.

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

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

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

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

21 **MR. NANDO de LUCA:** So the answer to that is
22 no.

23 **MS. JANICE CHARETTE:** Correct.

24 **MR. NANDO de LUCA:** Thank you. Those are my
25 questions.

26 **COMMISSIONER HOGUE:** Thank you.

27 Jenny Kwan's counsel.

28 --- CROSS-EXAMINATION BY MR. SUJIT CHOUDHRY:

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

4 Could I please ask that document CAN 4495 be
5 called up again? It's the one that counsel for Mr. O'Toole
6 also had called up.

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

10 If you could put the conclusion at the top of
11 the page there.

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

20 "Better protecting Canadian democratic
21 institutions against [foreign
22 interference] will require a shift in
23 the Government's perspective and [...]
24 willingness to take decisive action and
25 impose consequences on perpetrators."

26 So as I read that, and I'd ask for your
27 reactions, it suggests that they -- to do more, to protect
28 against foreign interference will require a change and a

1 willingness to do something that impliedly is not being done,
2 which is to take decisive action and impose consequences. So
3 I'm wondering if you agree with that statement, and if not,
4 why?

5 **MS. JANICE CHARETTE:** So just to repeat the
6 caveats, just to say briefing note for ---

7 **MR. SUJIT CHOUDHURY:** Sure.

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

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

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

26 **MR. SUJIT CHOUDHURY:** Right.

27 **MS. JANICE CHARETTE:** --- the government has
28 already taken, and there are a number of actions which are

1 continuing in term -- that have taken place even since I
2 retired at the end of June, and which are still under
3 discussion and deliberation and in consultation with
4 communities.

5 **MR. SUJIT CHOUDHURY:** So my time's limited.
6 So there's two more bullets I'd like to take you to ---

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

8 **MR. SUJIT CHOUDHURY:** --- if I may. So and
9 this is also for Maître Drouin as well. I didn't mean to
10 direct it just to Madam Charette. So ---

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

12 **MR. SUJIT CHOUDHURY:** --- so for bullet two,
13 it says,

14 "State actors are able to conduct
15 [foreign interference] successfully
16 in Canada..."

17 So it's successful foreign interference is
18 that assertion,

19 "...because there are few legal of
20 political consequences. [Therefore,
21 foreign interference] is low-risk and
22 high-reward."

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

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

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

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

3 **MS. JANICE CHARETTE:** Right.

4 **MS. NATHALIE DROUIN:** One thing that I think
5 we should look at, and I discussed that a little bit
6 yesterday, is foreign interference is evolving. Since 2016 a
7 lot of things have been done, the action plan to address
8 foreign interference, for example, the NSICOP committee, the
9 NSIRA committee. So a lot of things have been done. Whether
10 or not other things need to be done in terms of, for example,
11 doing a modernisation of the *CSIS Act*, this is something that
12 can be looked at and will be discussed with the Commissioner
13 in the next phase. So, yes, for sure, we -- as I said
14 yesterday, FI evolves, and our tools need to evolve.

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

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

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

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

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

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

4 **COMMISSIONER HOGUE:** Yes.

5 **MR. SUJIT CHOUDHURY:** Thank you. If you
6 could put -- oh, please scroll down to page 6. And so I just
7 want to take you to the final bullet point here. It says,
8 "Until foreign interference is viewed
9 as an existential threat to Canadian
10 democracy..."

11 And this is a bullet point that's appeared in
12 other documents that we have -- that have been produced,
13 "...and governments forcibly and
14 actively respond, these threats will
15 persist."

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

23 **MS. NATHALIE DROUIN:** I've said it several
24 times; they're different documents that have been brought out
25 on the foreign interference, on the threats, and the
26 different briefings have been offered to the different
27 political parties. But did it really resonate with all of
28 the Canadians with respect to the warnings? I think we

1 really should ask that question because maybe what we have
2 now with the Commission, maybe that's contributing to the
3 awakening of Canadians with respect to the threat of foreign
4 interference. And this is one of the opportunities that this
5 Commission is giving us right now.

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

8 **COMMISSIONER HOGUE:** Thank you.
9 So counsel for Michael Chong?

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

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

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

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

22 **MS. JANICE CHARETTE:** That's how I would
23 describe the role.

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

27 **MS. JANICE CHARETTE:** The clerk works with
28 the community. I would say we -- I work with my team in the

1 Privy Council Office to coordinate the work across
2 departments and agencies. I have a number of mechanisms
3 available to me as the clerk with deputy ministers to form
4 committees, for example, to do a -- you see a host of them in
5 the National Security and Intelligence space, to coordinate
6 work across groups of deputy ministers. Manage deputy
7 ministers, I think that might be -- we work as colleagues.
8 We are working together to try and help, as I said earlier,
9 to help the government to develop and implement its agenda
10 and manage issues that come up in the course of governing a
11 complicated piece of a country.

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

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

26 **MS. NATHALIE DROUIN:** If I may, disagreements
27 between two DMs is something that I don't see very often. I
28 see that but very often. What I see though is disagreement

1 in terms of the way forward on a piece of policy, for
2 example, and that is because their respective ministers may
3 have different views regarding the way forward. And this is
4 the role of PCO as a central agency to try to align sometime
5 those different views and to give the best advice to the
6 Prime Minister on, you know, what should be the outcome at
7 the end of the day.

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

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

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

1 this particular situation"? "I've heard X and I've heard Y,
2 and this is the direction that we have to move on this
3 issue."

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

14 **MR. FRASER HARLAND:** But it is an option
15 available to you, and if you do decide that would be
16 something that the deputy ministers would have to respect.
17 Is that right?

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

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

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

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

1 organisation.

2 But when it comes to policies and views on
3 the way forward, this is most of time not only about a DM
4 function, it's about the ministers' views. So PMO will -- PM
5 will be also involved, PMO will also be involved. So it's
6 trying to bring, as we use this language, bring the town
7 together and find the best way forward. Like it's not that
8 binary when it comes to policies and views.

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

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

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

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

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

17 **MR. FRASER HARLAND:** Okay. Those are my
18 questions. Thank you very much.

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

20 **COMMISSIONER HOGUE:** Thank you.

21 Human Rights Coalition?

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

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

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

25 **MS. HANNAH TAYLOR:** Good morning. So this
26 morning, you've talked about how in your roles as Clerk and
27 Deputy Clerk you receive a certain amount of information and
28 intelligence, and it sounds like a large amount, on a weekly

1 basis. And then during the election period, that includes a
2 daily bulletin focussed on foreign interference. Then
3 alongside the NSIA, you decide what, if anything, needs to be
4 brought to the Prime Minister's attention. Is that an
5 accurate, like, summary?

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

15 And Prime Minister retains all of his
16 functions as the Prime Minister; he is also full time on the
17 campaign trail. And so I would say that the way I would look
18 at information during a campaign, recognising that the
19 ability of the government to make decisions or take actions
20 is subject to the convention of restraint, would be more
21 limited than it would be on a day-to-day basis when
22 government is outside of the caretaker period. I hope that -
23 --

24 **MS. HANNAH TAYLOR:** No, certainly. Thank
25 you, Ms. Charette.

26 And this is a question for both or either of
27 you, Ms. Charette or Ms. Drouin. Surrounding the 2021
28 election, did the intelligence products and information you

1 received include information about foreign interference as it
2 related or relates to diaspora communities, targeted diaspora
3 communities?

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

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

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

12 **MS. HANNAH TAYLOR:** Okay. And was any of
13 this information brought to the attention of the Prime
14 Minister?

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

16 **MS. JANICE CHARETTE:** In the 2021 election, I
17 did not brief the Prime Minister on matters related to
18 foreign interference.

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

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

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

23 **COMMISSIONER HOGUE:** Thank you.

24 UCC?

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

26 **COMMISSIONER HOGUE:** RCDA?

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

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

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

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

3 **MR. GUILLAUME SIROIS:** Guillaume Sirois, for
4 the Canadian Alliance of Russian Canadians -- Democratic
5 Alliance of Russian Canadians.

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

7 It's CAN 014285.

8 It's a document that -- it's a document that
9 I tried to show. It's a document that was prepared by the
10 PCO. Well, my first question is, was it prepared by PCO?
11 Yes.

12 And by the way, I raised this question
13 yesterday ---

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

15 **MR. GUILLAUME SIROIS:** --- before the
16 testimony.

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

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

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

24 **MR. GUILLAUME SIROIS:** So do you remember
25 this note in particular?

26 **MS. JANICE CHARETTE:** I have refamiliarized
27 myself with this note in the context of my preparations for
28 my testimony.

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

2 It's a note that's addressed for the Prime
3 Minister by Maître MacDonald. I'd like to go to page 3, and
4 at the beginning of page 3 we see, "What Was Known When."

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

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

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

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

17 [No interpretation].

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

20 **MR. GUILLAUME SIROIS:** OK.

21 **MS. JANICE CHARETTE:** This briefing note
22 deals with the 2019 election.

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

25 A little further down. Yes.

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

1 today.

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

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

4 **MS. NATHALIE DROUIN:** Well, in French, the
5 document says -- and we've said it many times; the documents
6 are information that come from intelligence agencies, our
7 continuous flow. And so the object of this -- the aim of
8 this briefing note is to say what did we know at the time of
9 the election in 2019, and what do we know now. And it's in
10 that context that you have a section of this briefing note
11 that says the assessment of the NSIA is that these
12 conclusions still stand today with the benefit of all the
13 information that we have now.

14 **MS. JANICE CHARETTE:** This is -- you have to
15 take into context the paragraphs that come before that
16 particular conclusion.

17 **MR. GUILLAUME SIROIS:** I understand.

18 So the second point that we see here under
19 the "Conclusions" we know that there are blind spots and
20 there's a distinction made between domestic and foreign
21 interference, or disinformation from a broad as opposed to
22 domestic sources.

23 But I'd like to go back to the previous page
24 in the document, please. So now July 6, 2020, first point we
25 see:

26 "Foreign interference activities
27 targeting certain ridings and...were
28 directly largely from China, and to a

1 lesser extent from India and
2 Pakistan.”

3 Why is Russia not mentioned here? Is it
4 possible that Russia is one of the blind spots that are
5 referred to?

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

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

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

15 **MS. EMILY YOUNG:** We have no questions.
16 Thank you.

17 **COMMISSIONER HOGUE:** No questions.

18 AG?

19 **MR. GREGORY TZEMENAKIS:** We have no
20 questions. Thank you.

21 **COMMISSIONER HOGUE:** Re-examination, Me
22 Chaudhury?

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

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

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

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

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

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

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

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

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

8 This hearing is in recess until 11:15.

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

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

11 **THE REGISTRAR:** Order please.

12 This sitting of the Foreign Interference
13 Commission is back in session.

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

18 **THE REGISTRAR:** Mr. Stewart, could you please
19 state your name and spell your last name for the record,
20 please?

21 **MR. ROB STEWART:** Rob Stewart. S-T-E-W-A-R-
22 T.

23 --- MR. ROB STEWART, Sworn:

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

25 [No interpretation].

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

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

1 **MR. DOMINIC ROCHON:** Dominic Rochon. R-O-C-
2 H-O-N.

3 **--- MR. DOMINIC ROCHON, Sworn:**

4 **THE REGISTRAR:** Thank you very much.
5 Counsel, you may proceed.

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

7 **MS. ERIN DANN:** Thank you. Good morning.
8 We'll start off with just a few housekeeping matters. You
9 were interviewed together by Commission counsel on February
10 6th, 2024.

11 And if I could just ask the Court Operator to
12 bring up WIT 59?

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

14 R. Stewart and D. Rochon (Public
15 Safety) Public Summary of Classified
16 Interview

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

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

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

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

22 **MR. ROB STEWART:** Yes.

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

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

26 **MR. ROB STEWART:** Yes.

27 **MR. DOMINIC ROCHON:** Yes.

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

1 --- EXHIBIT No. WIT 54:

2 In Camera Examination Summary Rob
3 Stewart

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

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

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

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

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

13 **MR. ROB STEWART:** Yes.

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

17 **MR. ROB STEWART:** Yes.

18 **MS. ERIN DANN:** Thank you. The final piece
19 of housekeeping is the Institutional Report prepared by
20 Public Safety.

21 And for the record, that is CAN.DOC 15, and
22 CAN.DOC 16 is the French version.

23 --- EXHIBIT No. CAN.DOC 15:

24 Public Safety (PS) Institutional
25 Report

26 --- EXHIBIT No. CAN.DOC 16:

27 Sécurité Publique Canada (SP) Rapport
28 Institutionnel

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

6 **--- EXHIBIT No. CAN.DOC 9.001:**

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

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

20 **MR. ROB STEWART:** That is correct. Plus a
21 few small review agencies.

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

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

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

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

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

15 Mr. Rochon, just turning to you for a moment,
16 you were the Senior Assistant Deputy Minister, National and
17 Cyber Security Branch from October 19th, 2019 until December
18 31st, 2022? Is that right?

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

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

22 **MR. DOMINIC ROCHON:** Yeah.

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

24 **MR. DOMINIC ROCHON:** But that's otherwise
25 correct.

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

27 **MR. DOMINIC ROCHON:** Correct.

28 **MS. ERIN DANN:** Right. And what is the

1 National and Cyber Security Branch?

2 **MR. DOMINIC ROCHON:** It's a branch
3 responsible for -- well, in my tenure, it was responsible for
4 National Security policy, National Security operations from a
5 coordination perspective, Cyber Security policy, and Critical
6 Infrastructure.

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

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

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

24 **MR. ROB STEWART:** That's correct. I exercise
25 no formal authority over any of the portfolio agencies.
26 Public Safety as an institution coordinates policy,
27 particularly where it concerns changes to law or regulation,
28 or Ministerial Directives, and it also does a standard

1 reporting on behalf of the portfolio, which includes things
2 like tabling of Departmental Reports in Parliament.

3 **MS. ERIN DANN:** And so for sort of practical
4 purposes, Public Safety would not be directing, for example,
5 the RCMP or CSIS to take out particular investigative steps
6 in the case of the RCMP for example or particular actions?
7 There's no direction from Public Safety to CSIS in terms of
8 its operations?

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

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

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

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

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

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

27 **MR. ROB STEWART:** Certainly. Foreign
28 interference is a subset of activities that are undertaken by

1 hostile states, which can also include hostile cyber
2 activity, activity that is directed at undermining Canadian -
3 - the activities of our citizens, that's foreign
4 interference, but also crime and a variety of other things
5 like research security where, you know, they're undertaking
6 activities that are contrary to the national interests of
7 Canada.

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

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

11 Letter from Public Safety Minister

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

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

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

20 **MR. ROB STEWART:** Mr. Rochon's staff wrote
21 the letter.

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

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

1 harassment, and intimidation."

2 And it goes on from there in terms of
3 describing foreign interference.

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

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

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

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

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

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

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

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

1 tools are available in the toolkit to address those.

2 And so this letter gave us an opportunity for
3 our minister at the time to communicate with other members of
4 Parliament to, of course, increase awareness with regard to
5 the issue and the toolkit that we had at play and the policy
6 work that was needed to progress and continue to address this
7 increasing issue.

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

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

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

24 **MS. ERIN DANN:** And can you speak to -- I
25 understand developing, you were looking at the sort of the
26 nature of the threat and the tools to respond. Can you speak
27 at all to the evolution of hostile activities of state actors
28 or foreign interference, particularly in the years that we're

1 talking about, after the 2019 general election and moving
2 into the 2021 general election? Can you speak at all about
3 any changes or evolution that you saw in terms of that threat
4 environment?

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

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

24 And then from within Public Safety, we were
25 looking at what other tools may be available, but also
26 looking at the authorities that exist to counter foreign
27 interference within the various bodies that you've been
28 introducing witnesses to. For example, CSE has cyber

1 activities that they can engage in. You have CSIS that can
2 counter foreign interference under their authorities with the
3 *CSIS Act*. You've got the RCMP and what they can do with
4 regard to the *Criminal Code*.

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

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

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

27 **MS. ERIN DANN:** And we've heard a lot
28 yesterday and throughout the hearings about sort of malign

1 online activity. Was that something that Public Safety was
2 observing, foreign interference or attempts at foreign
3 interference through online activity, whether misinformation,
4 disinformation, cyber attacks, those -- things of that sort?

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

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

24 **MS. ERIN DANN:** All right. I want to move on
25 to sort of the flow of information and intelligence at Public
26 Safety.

27 My understanding in reviewing your -- the
28 summaries that we've spoken to earlier today, is that Public

1 Safety is a large consumer of intelligence, not a producer of
2 intelligence. Is that fair?

3 **MR. ROB STEWART:** That's how we would concede
4 it.

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

9 **MR. ROB STEWART:** Indeed.

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

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

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

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

24 Can you elaborate on that and explain what
25 that means?

26 **MR. ROB STEWART:** Certainly. I think from a
27 contextual perspective, as you can appreciate, we sit at a
28 place within the security and intelligence community where

1 we're having conversations with all the various members in
2 that community to understand whether or not they have the
3 appropriate authorities, the appropriate policies and
4 wherewithal to actually counter threats and address matters
5 of national security. And our role is primarily one of
6 writing policy or supporting those departments and agencies
7 in getting additional authorities, or amending their
8 authorities if there are gaps.

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

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

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

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

23 **COMMISSIONER HOGUE:** You ---

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

25 **COMMISSIONER HOGUE:** You mean no action is
26 expected from ---

27 **MR. DOMINIC ROCHON:** Correct. There's no
28 expectation ---

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

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

8 The operational arm of Cyber Activity is the
9 Communications Security Establishment.

10 **COMMISSIONER HOGUE:** I see.

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

19 **COMMISSIONER HOGUE:** Thank you.

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

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

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

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

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

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

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

27 Maybe one other example that I think would be
28 relevant is in the realm of economic security. So there's a

1 National Security Review that is done with regard to the
2 *Investment Canada Act*. Public Safety has a key role in that,
3 and so we would need access to intelligence to understand
4 exactly whether or not there's a threat and to bring to bear
5 a decision with regard to whether or not there's an action
6 required when we see a nefarious actor involved in a
7 potential investment.

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

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

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

28 **MR. ROB STEWART:** And facilitating access of

1 the agencies, in particular CSIS, where required, to the
2 Minister, such that, you know, they could give advice and the
3 Minister could act appropriately.

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

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

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

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

27 And I think even you heard Ms. Charette this
28 morning explaining that that flow is rather vast. We have a

1 very large number of producers of intelligence throughout the
2 Federal Government, and indeed throughout the community when
3 you include also our allies.

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

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

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

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

1 particular product.

2 In the absence of that very specific
3 provision, provision of intelligence, the National Security
4 Operations Directorate would, themselves, look through the
5 amount of intelligence that existed through systems in order
6 to see what would be of interest.

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

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

19 **MR. DOMINIC ROCHON:** Yes.

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

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

1 the same building.

2 Typically, we would then produce that more
3 for the Minister's office and it would be up to the
4 Minister's office then to provide us with feedback to say --
5 and it will depend on the Minister's office, in my
6 experience. They would then say, "Too much, too little, do
7 you have something about this?".

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

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

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

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

28 **MS. ERIN DANN:** And was there any change to

1 what the Minister received during a writ period?

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26 Mr. Stewart, you indicated -- or we heard
27 yesterday that you participated in the DMOC committee. I
28 understand that, on occasion, that committee would have --

1 would examine or discuss issues of foreign interference and
2 that one of those issues related to the Don Valley North
3 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 And then for the record, the French version
2 of that institutional report is CAN.DOC 14.

3 --- EXHIBIT No. CAN.DOC 14:

4 Cabinet du Premier Ministre (CPM)

5 Rapport Institutionnel

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

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

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

16 Mr. Travers?

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

21 **MS. SHANTONA CHAUDHURY:** Okay. And am I
22 correct that you were, during the writ period, on the
23 Caretaker Team?

24 **MR. PATRICK TRAVERS:** On the Caretaker Team
25 in both writ periods.

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

28 **MR. PATRICK TRAVERS:** Correct.

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

2 Mr. Clow?

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

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

10 Mr. Broadhurst.

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

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

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

22 Witnesses, as you know, one of the topics that this
23 Commission is examining is the flow of information and flow
24 of intelligence.

25 So can I ask you to -- probably this is best
26 addressed to Ms. Telford. Can you explain how the PMO
27 receives intelligence?

28 **MS. KATHERINE TELFORD:** So this has evolved

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

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

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

26 In the earlier days, we received daily,
27 oftentimes daily products, as well as weekly products that
28 would summarise the daily products, and then we would receive

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

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

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

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

27 **MS. SHANTONA CHAUDHURY:** And when you say you
28 received more raw intelligence, are you differentiating that

1 from assessed intelligence or ---

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

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

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

21 But I never relied on those products as a
22 way, and I don't believe anyone did, relied on those products
23 as a way of briefing us on any specific issue. They were
24 more interesting things that were doing on in the world at
25 the time and a way of keeping us abreast of an election, for
26 example, that had happened somewhere in the world and letting
27 us know what it meant in a couple of paragraphs, if that.

28 **MS. SHANTONA CHAUDHURY:** Okay. So you've

1 sort of described these three time periods, pre pandemic,
2 then the pandemic, which changes a lot of things in terms of
3 how information is conveyed generally, and then post leaks.

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

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

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

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

26 **MR. PATRICK TRAVERS:** Correct.

27 **MS. SHANTONA CHAUDHURY:** So that's the flow
28 of intel into PMO. Now, once the intelligence comes into

1 PMO, what role, if any, do you play in providing that
2 intelligence to the Prime Minister?

3 **MS. KATHERINE TELFORD:** I'll take first crack
4 at that anyways. The -- as I mentioned earlier, the NSIA can
5 and does brief the Prime Minister directly. We will often
6 look at intelligence that we will see ahead of him, not
7 always but sometimes, and we will ensure in talking to the
8 client relations officer, who will be sitting opposite us as
9 we read the documents, has the Prime Minister seen this
10 document yet, and if not, this is one that we think should go
11 to him. And he will then flag that back to the NSIA if they
12 haven't already flagged that as a document that's going to
13 the Prime Minister.

14 We will also sometimes, though not always,
15 have a briefing with officials that they will request to
16 brief us on something ahead of them meeting with the Prime
17 Minister. I sometimes view it almost as a bit of a pre-brief
18 because they can -- we can sometimes anticipate or at least
19 it gives us first run at what some of the questions might be
20 coming from fresh eyes in our office. And though oftentimes
21 I will get briefed right alongside the Prime Minister and
22 receive documents in concurrence with him.

23 **MS. SHANTONA CHAUDHURY:** Okay.

24 **MR. BRIAN CLOW:** I would just add, the key
25 point we would make is when information needs to get from
26 officials to the Prime Minister it gets to him, and it's not
27 generally through paper. If there's something serious that
28 senior officials, the Clerk, the NSIA, the Director of CSIS,

1 if they want the Prime Minister to know something, they call
2 us, they organize a briefing, they come see us. Some way or
3 another they will tell us that information. If it's of that
4 level of importance, it's not going to be paper alone.

5 **MS. SHANTONA CHAUDHURY:** Okay. And it would
6 generally be the NSIA?

7 **MR. BRIAN CLOW:** NSIA, Clerk, Director of
8 CSIS would be the main three, ---

9 **MS. SHANTONA CHAUDHURY:** The three?

10 **MR. BRIAN CLOW:** --- I would say.

11 **MS. SHANTONA CHAUDHURY:** Okay. Ms. Telford,
12 in your examination -- I'm going to take you back to
13 something you mentioned in your examination, which is that
14 when it comes to intelligence, you've described PMO as having
15 a challenge function with respect to intelligence. Can you
16 explain what you meant by that?

17 **MS. KATHERINE TELFORD:** So as I said at the
18 outset, we are consumers of this information. And so I
19 believe it's our responsibility in seeing it to ask as many
20 questions as we can about it, at times challenge it, we have
21 come across errors at times, and ensure that, you know,
22 appropriate validation has happened. And sometimes we can
23 also bring information and shed light on it that might cause
24 officials to look at something a little differently.

25 **MS. SHANTONA CHAUDHURY:** Okay. Mr. Clerk, if
26 you can just bring up WIT 68, please? This is the interview
27 summary. Or the examination summary, I'm sorry. So scroll
28 down to paragraph 20, please. There we go.

1 So in this section, Ms. Telford, I'm going to
2 take you to sort of two examples of what may be this
3 challenge function. The first one is down at paragraph 23.
4 I think you mentioned here that one context in which PMO
5 requires or receives intelligence is with respect to security
6 clearances for MPs who may wish to be appointed to Cabinet or
7 to -- as Parliamentary Secretaries.

8 Can you elaborate a bit on how the challenge
9 function may play out in that context?

10 **MS. KATHERINE TELFORD:** So in this paragraph,
11 it references -- so MPs go through security clearances,
12 whether it's to be on NSICOP, whether it's become a
13 Parliamentary Secretary, or to become a Minister. And flags
14 will sometimes be raised, and flags can be any number of
15 things. The individual who is going through the clearance
16 process rarely has the opportunity to know what the flags
17 are, or to be able to challenge them, which is where we in
18 particular see a responsibility to ensure that if a
19 politician, an elected official's career is going to be
20 impact, which if flags come up such that they cannot take on
21 a role, it's impacting their career, we need to challenge
22 that and just ensure that there is appropriate and enough
23 kind of validation and substantiated information behind those
24 flags.

25 And there was one instance that's referenced
26 here where there was a mistake made where there was a threat
27 linked to an MP that didn't seem right, and so we asked
28 officials to please go and do whatever work they could to

1 further substantiate that and verify that. And to the credit
2 of the officials involved, they went and they worked through
3 the night and they came to us the next day and reversed their
4 assessment because they had made a mistake in how they were
5 looking at the information, which I think it was really
6 important, because if we had not done that -- and it taught
7 us not to have blind faith in -- or first blush pressed in
8 the information that we would see, because we watched that
9 reversal of the assessment happen and it would have had a
10 significant impact on this person's career.

11 Having said that, I cannot think of a time
12 where we have not deferred, ultimately, to an assessment that
13 is made that hasn't been reversed to any assessment given to
14 us by officials.

15 **MS. SHANTONA CHAUDHURY:** So the role is to
16 question; not to overpower?

17 **MS. KATHERINE TELFORD:** Correct.

18 **MS. SHANTONA CHAUDHURY:** Okay. You mentioned
19 sometimes having to correct intelligence. So I'll just take
20 you to another document which may be an example of this.

21 Mr. Clerk, can you pull up CAN 18009?

22 **--- EXHIBIT No. CAN 18009:**

23 Handwritten Notes of B. Clow

24 **MS. SHANTONA CHAUDHURY:** While you're doing
25 that, I'll just pause here. Obviously I should have
26 mentioned this at the outset, but we're obviously talking a
27 lot about -- about a lot of the things in this examination
28 that have classified information behind them, and if ever a

1 question is asked which leads too close to the classified
2 information, you just say that it will and counsel will move
3 on to the next question. It's a protocol that we've
4 developed in the Commission here.

5 So this is skipping very, very, way ahead in
6 technology here, but this -- this is -- I think refers to a
7 meeting that took place on March 19th or 20th.

8 **MR. BRIAN CLOW:** These are my notes from a
9 meeting on March 20th. I wrote the wrong date down. It was
10 the Prime Minister, Director of CSIS, the NSAI, the Clerk,
11 three of us, not Patrick, and you see the word "analyst"
12 because a CSIS analyst was brought in to directly discuss
13 with us a lot of the intelligence.

14 To situate ourselves, this is March 20th,
15 2023. Well after and many months into the media leaks. So
16 this was one example of a briefing and discussion with the
17 Prime Minister where, in this particular meeting, my
18 recollection is there wasn't new information presented. It
19 was a deep dive into a few different topics, including Don
20 Valley North. And it was -- there was a back and forth where
21 we questioned some of what was being told to us. And these
22 notes, if you scroll down, show some of those examples.

23 I'd particularly point out -- if you scroll
24 up a little bit more -- the reference to *Charter* rights as
25 one example. A reference to the Prime Minister identifying
26 no June 2019 meeting is another example.

27 We have to be careful what we get into here.
28 As you can see a lot of this is redacted and we're not able

1 to fully tell the story of what was discussed in this
2 meeting. But *Charter* rights, no June 2019 meeting, there
3 were -- there was specific information presented to us that
4 we believe was wrong. And in the case of the meeting with
5 the Prime Minister, definitely wrong. And so we pointed that
6 out to officials.

7 **MS. SHANTONA CHAUDHURY:** Thank you, Mr.
8 Clerk. You can take that one down. We're going to stay here
9 on the topic of 2019. Actually, before we do that -- well,
10 this is still 2019, but Mr. Clerk, can you pull up CAN004727?
11 And scroll down to page 2, please.

12 **--- EXHIBIT No. CAN 4727:**

13 FW: DIR briefing to PM - Follow-ups

14 **MS. SHANTONA CHAUDHURY:** So this is an
15 internal email between -- well, it's pretty redacted, but
16 unnamed CSIS representatives.

17 And if you scroll down just a little bit
18 more, Mr. Clerk, you'll see what we can see of this exchange
19 here.

20 "PM/PMO commented on [blank] which
21 contains the following comment:
22 [blank]."

23 And then we have something that is attached
24 that had been prepared earlier, but then on feedback from
25 PMO, it appears to have been modified.

26 Does that reflect a change being made
27 pursuant to what we just talked about, to your knowledge?

28 **MR. BRIAN CLOW:** So we only saw this email

1 exchange in the last few weeks in preparation for the
2 appearance here. It does appear to flow from that meeting we
3 just discussed and I am speculating to a certain extent, but
4 it looks like there was a discussion amongst CSIS about the
5 inaccuracies we pointed out in the underlying intelligence.

6 **MS. SHANTONA CHAUDHURY:** That's right. Okay.
7 Thank you. That's -- I realize that it's not your document
8 and that it's fairly redacted here, but I just wanted to draw
9 that link.

10 Thank you, that's enough. Okay. Mr. Clerk,
11 can you now pull up CAN005461, please?

12 **--- EXHIBIT No. CAN 5461:**

13 FI Efforts against Dong Han

14 **MS. SHANTONA CHAUDHURY:** So the next topic
15 that we're addressing here, witnesses, is allegations of
16 irregularities in the DVN nomination race in the 2019
17 election.

18 So what we have here is a document that's
19 been seen in various forms over the last few days in the
20 Commission. And as you know, it represents a briefing that
21 was given to security cleared representatives of the Liberal
22 Party on September 28th, 2019.

23 We know that much has happened. We don't
24 know thus far in the record much about what happened after
25 that.

26 So Mr. Broadhurst, I think you're probably
27 best placed to take us through what unfolded from there?

28 **MR. JEREMY BROADHURST:** Sure. So as you

1 said, there were Liberal Party representatives who were
2 cleared to the secret level as part of the new protocols that
3 were put in place for the 2019 election campaign that allowed
4 intelligence, National Security officials to talk with the
5 parties and highlight possible concerns that would come up.
6 Two individuals from the Liberal Party went and had a meeting
7 with intelligence officials where they were provided with
8 information concerning potential irregularities in -- that
9 took place around the nomination, the Liberal nomination for
10 the seat at Don Valley East -- sorry, North. I was not one
11 of those individuals, but I did have from -- I still had my
12 top-secret clearance that I had as with my job at Foreign
13 Affairs, and we had pre-discussed with security officials
14 that in the event that something like this happened and those
15 cleared Liberal representatives for people to talk to me
16 about it. I -- so I did talk to them. They gave me the
17 information that they had received from the intelligence
18 officials at that meeting.

19 I contacted senior public servants in the PCO
20 to sort of make sure I was understanding the information
21 correctly that had been given to see if there was any
22 additional context or information that they wanted to share,
23 and then I determined that this was something that did need
24 to be brought to the attention of the Prime Minister, and I
25 looked for the earliest opportunity to do that. I believe
26 the briefing had taken place on sort of a Friday during a
27 national campaign. Obviously, the Prime Minister is on the
28 road most days, but he was going to be returning to the

1 national capital region that weekend, and I was able to brief
2 him on the substance of -- that had been shared with us on
3 the Sunday.

4 **MS. SHANTONA CHAUDHURY:** Okay. That was
5 pretty impressive from memory. I'll just ask the clerk to
6 pull up the witness summary again, please. So that would be
7 witness summary 68 and scroll down to paragraph 26. So
8 that's the point in your summary where this issue is
9 discussed, Mr. Broadhurst. So let me ask you this, why did
10 you consider it necessary to brief the PM on this?

11 **MR. JEREMY BROADHURST:** We were being
12 presented with information from intelligence reporting that
13 suggested that there could have been irregularities in the
14 nomination process, the Liberal Party's nomination process
15 for one of our candidates in the general election. That is
16 important enough for me to think that the leader of the party
17 should be aware of them and making determination about if
18 there was any action that he felt it was appropriate to take.
19 I provided him with the information based on the information
20 that we had at that time, and based on what I thought was --
21 should be an extremely high bar for overturning a democratic
22 result, I had recommended to the Prime Minister that no
23 action be taken. I did that after -- in addition to having,
24 you know, received this information from intelligence
25 officials. I made sure that we did a review of our own
26 process to see if Liberal Party officials at the nomination
27 meeting had reported any irregularities. If there had been -
28 - you know, in these nomination meetings, there is a process

1 for different camps to challenge the legitimacy of voters who
2 present themselves to vote. It's -- I wanted to see if there
3 was an abnormal amount of challenges that were made at that
4 place or if there was any sort of irregularities on that
5 side.

6 We also, within the rules of the Liberal
7 Party, have a process for contestants in a nomination to
8 challenge the validity of the entire meeting. They can -- if
9 they think that there's widespread administrative problems,
10 or, you know, if the meeting was conducted inappropriately,
11 or, you know, anything like that, they have a chance to
12 challenge it. We have a quasi-judicial body within the
13 Liberal Party that would review the evidence and, you know,
14 pass judgment on that, and it has been used a number of times
15 over the years. No one brought any such challenge in this
16 case. There were no abnormal amount of challenges. There
17 were no irregularities cited. We talked to the experienced
18 Liberal Party volunteer who ran the meeting to see if there
19 was anything out of the usual. It was a hotly contested
20 nomination. It was busy, but there was nothing that stood
21 out as abnormal, irregular or out of sort.

22 So based on that and based on the fact that,
23 at this point, there was intelligence reporting but there was
24 no -- there were a lot of gaps and questions that remained,
25 and, you know, hundreds of people have come out to express
26 their democratic will, I thought that the bar for overturning
27 that, especially since we would have no means to discuss
28 anything, as it was based on intelligence reporting, that

1 that bar should be extremely high. And so I made that
2 recommendation to the Prime Minister while presenting
3 everything that we had learned on that and he decided at that
4 time that there was no action for him to take. And,
5 obviously, we knew we would be hearing more about this if
6 there was more -- there was going to be more intelligence
7 reporting, but at that time, there was nothing to do.

8 And I should also point out that intelligence
9 officials as they had provided the information, at no point
10 did they make a recommendation. They wanted us to be aware
11 that this allegation was out there, but they weren't making a
12 recommendation that the party should do anything. They
13 weren't advising that the Prime Minister should take any
14 specific actions. They just wanted us to have the
15 information that they had at that time.

16 **MS. SHANTONA CHAUDHURY:** Is that something
17 that you would have expected them to do the intelligence
18 agencies?

19 **MR. JEREMY BROADHURST:** So this was a new
20 process. Obviously, it had never happened before. It was
21 something that our government had put in place to try to
22 address the growing concerns around foreign interference that
23 were taking place around the world, and wanted -- we wanted a
24 mechanism where there could be an interaction between
25 political parties and intelligence national security
26 officials. So it was a brand new process. It was a little
27 bit difficult -- or it was, you know, we didn't know how it
28 was going to play out, but it would have been very, very

1 surprising to me, and I'd been somewhat welded in, you know,
2 some of the work around the creation of this, it would have
3 been very surprising to me if intelligence officials had felt
4 it was their place to advise a party about whether or not to
5 drop candidates on something. This -- that was not set up to
6 be a vetting process for parties. This was meant to be an
7 information exchange and parties -- you know, it's not the
8 place of intelligence officials to make that kind of
9 recommendation. And I think I -- you know, from the director
10 of CSIS on that and many people would agree with that
11 assessment or have agreed publicly with that assessment.

12 **MS. SHANTONA CHAUDHURY:** Okay. So let's
13 leave 2019 now, and I appreciate that we're flying ---

14 **COMMISSIONER HOGUE:** Sorry, one question.

15 **MS. SHANTONA CHAUDHURY:** Oh ---

16 **COMMISSIONER HOGUE:** No, it's okay. You just
17 said that there were gaps actually that were remaining at the
18 time. Did you ask anyone to look more deeply into the issue
19 at the time?

20 **MR. JEREMY BROADHURST:** When I consulted with
21 the security officials after the briefing that the party rep
22 said I wanted to try to get an understanding of, you know --
23 this was reporting that -- an allegation that there was
24 perhaps a plan to do something. And so I asked if there were
25 specifics, you know, I think there's enough data to be able
26 to say that -- I mean, this was about, you know, whether or
27 not some people who shouldn't have been able to vote in the
28 nomination were bussed to the nomination and voted illegally.

1 I asked for, you know, were there evidence of the buses?
2 Were there people -- were there names that they could point
3 us to, to help evaluate whether or not -- that, you know that
4 we had inappropriate -- you know, people who were not
5 otherwise allowed to vote, vote.

6 At that time, I was not provided with any
7 such information. And, you know, I could understand that.
8 That intelligence reporting is not -- was not being presented
9 to us as an indictment. It was not being presented to us as
10 here's the truth. It was just this allegation exists. It
11 has enough credibility that we're sharing it with you, but we
12 can't point to, you know, here's a voter that voted
13 illegally. They couldn't point to a picture of a bus that
14 had showed up and said, "That's the bus we're talking about.
15 Anybody on that bus was a problem." So this was, at that
16 moment in time, this is what could have been shared with us,
17 and we did our best to sort of assess whether we could,
18 because of that information, see -- sorry, see something
19 inappropriate and we could not.

20 **COMMISSIONER HOGUE:** Okay. But just to make
21 sure I understand your ---

22 **MR. JEREMY BROADHURST:** Sure. Sorry.

23 **COMMISSIONER HOGUE:** --- answer properly, I
24 gather that your -- you had not ask anyone to check any of
25 these things at that point in time? You just ---

26 **MR. JEREMY BROADHURST:** No, no ---

27 **COMMISSIONER HOGUE:** --- receive the
28 information. You ---

1 **MR. JEREMY BROADHURST:** Correct.

2 **COMMISSIONER HOGUE:** --- use it to inform the
3 Prime Minister, but you didn't ask for any additional
4 information at this point.

5 **MR. JEREMY BROADHURST:** I did not, no. And
6 beyond sort of pushing to see if there was more that could be
7 provided, as -- at that point as a -- somebody running a
8 national political campaign, it would have been, I think,
9 inappropriate for me to give direction to public servants on
10 how they should do their job.

11 **COMMISSIONER HOGUE:** Okay. But you didn't
12 ask neither anybody within your Party to do that.

13 **MR. JEREMY BROADHURST:** We examined our own
14 nomination process to see like with this information in mind
15 whether anything stood out as irregular. And based on that
16 review, we saw nothing that stood out as irregular.

17 And having done a lot of these nominations,
18 you do sometimes see irregularities, and -- but it's -- you
19 know, at the end of the day, there's a limit to what the
20 Party can do. We're not a forensic organization, right.

21 We reviewed the conduct of the meeting, we
22 reviewed whether or not there had been complaints about the
23 meeting. At that point, you know, without more specifics, I
24 did not feel there was anything the party could do.

25 **COMMISSIONER HOGUE:** Okay. Thank you.

26 **MS. SHANTONA CHAUDHURY:** So just so that's
27 completely clear for the record, you did ask questions at the
28 time within the Party ---

1 **MR. JEREMY BROADHURST:** Absolutely.

2 **MS. SHANTONA CHAUDHURY:** --- but you did not
3 ask for further intelligence.

4 **MR. JEREMY BROADHURST:** Correct.

5 **MS. SHANTONA CHAUDHURY:** Okay.

6 **MR. JEREMY BROADHURST:** No, I had asked the
7 intelligence officials whether there was anything more that
8 could be shared at this time, and there was not. I felt we
9 took every step we could at the Party's end, bearing in mind
10 I was under an obligation not to reveal to anybody else,
11 including the people I was asking questions of, the subject
12 matter of the intelligence reports. So I could only ask
13 general questions about the conduct of the meetings, but I
14 was satisfied from those answers that there was no alarming
15 event that suddenly made sense in light of these intelligence
16 reports.

17 **MS. SHANTONA CHAUDHURY:** So now let's leave
18 2019 -- a few minutes off schedule, but that's fine -- and
19 move to 2021.

20 So Mr. Clerk, I'll ask you to pull up CAN
21 001082.

22 So this is a similar-looking document. So
23 this is a briefing that was given to the security cleared
24 Liberal Party representatives in 2021. I believe the day of
25 the briefing was around September 12th, 2021.

26 Mr. Broadhurst, again, I think you're
27 probably best placed to tell us what you are able to tell us
28 based on the materials that are available in this forum what

1 happened there.

2 **MR. JEREMY BROADHURST:** So this was, again,
3 part of the similar process that had been set up that allowed
4 intelligence officials to reveal certain intelligence
5 reporting to political parties during an election campaign.
6 In this case, a foreign interference matter was brought to
7 the attention of the Liberal Party.

8 There was no action required. There was no
9 action requested or follow-up requested. And this was very -
10 - this was very late in the campaign. I think this document
11 is dated September 11. The election date itself was
12 September 20th.

13 **MS. SHANTONA CHAUDHURY:** Sorry, Mr.
14 Broadhurst. I'm just going to stop you there ---

15 **MR. JEREMY BROADHURST:** Yes.

16 **MS. SHANTONA CHAUDHURY:** --- and ask the
17 clerk to scroll down a little bit so we can see a little bit
18 more of what is on this document.

19 There's not much, but just for the record.
20 Thank you. Please go on.

21 **MR. JEREMY BROADHURST:** So in this case, as
22 this was information -- really, a briefing of information
23 that had no need for follow-up at that time, I -- had the
24 Prime Minister been accessible to me in that final week, I
25 would have shared this information to him, but he was on the
26 road for the entire week. The end of a campaign is a -- what
27 we sometimes refer to as a sprint, multiple cities over the
28 course of the final days.

1 I looked logistically to see if there was a
2 way that we could, you know, carve out some time for us to
3 talk. It did not seem to be, so I made the determination
4 that I would share this information post-election day at the
5 earliest convenience, which was done.

6 **MS. SHANTONA CHAUDHURY:** Okay. So you did
7 not advise the PM of this during the election, but you did so
8 after.

9 Okay. Just looking at the part of this
10 document that's up on the screen right now where it says:

11 "Importantly, we regret to have to
12 inform you of this activity and
13 understand the difficulties
14 associated with the limitations on
15 what you can do with it. It's being
16 provided for awareness based on your
17 judgment."

18 I'm wondering if you can comment a little bit
19 on that paragraph and what it means to you when you receive
20 this kind of information.

21 **MR. JEREMY BROADHURST:** Well, I think that,
22 again in this process, which even in 2021, while it had been
23 in the second -- this was its second general election, was
24 still relatively new. There were sort of efforts made, I
25 think appropriately, by the intelligence community to try to
26 help the parties understand why the information was being
27 given and then the limitations with which those
28 representatives -- what they could do with that information

1 given that it was based on intelligence reporting that
2 normally would not be generally provided to the public.

3 And so I think this paragraph -- I mean, it's
4 a little bit difficult with the redactions, but I think this
5 is just sort of saying from the intelligence community, over
6 to you, but remember the restrictions that are involved here.
7 We are not giving you any recommendations. This is on your
8 judgment.

9 **MS. SHANTONA CHAUDHURY:** Thank you, Mr.
10 Clerk. You can take that one down.

11 So I'm going to take you to a couple of
12 incidents from the -- I call it incidents, but things that
13 happened in the 2021 elections for which there have been
14 topical summaries provided to the Commission. And so we'll
15 do this with reference to those specific topical summaries.

16 The first one is CAN.SUM 4, please.

17 So this document describes a number of,
18 again, incidents or allegations of mis and disinformation
19 about the Conservative Party, its leader, Erin O'Toole, and
20 MP candidate Kenny Chiu.

21 My question at this point is, is this
22 something that you were aware of during the 2021 election?

23 **MR. JEREMY BROADHURST:** During the 2021
24 election, I was not aware of allegations of, you know, any
25 kind of foreign -- like any foreign state propagating this
26 kind of misinformation or disinformation.

27 I would say, however, that the topic of the
28 Conservative Party of Canada's electoral platform

1 specifically as it related to China was a widely-discussed
2 topic from a year before the campaign, throughout the
3 campaign and its impact and its -- and how it was being
4 received specifically by the Canadian Chinese communities
5 across the country and the impact it was -- you know, that
6 people were theorizing about what it would have on the
7 election campaign, that was a well-known and public debate
8 that was happening and that was -- we were observing having
9 significant impact on the electorate.

10 **MS. SHANTONA CHAUDHURY:** Okay. Mr. Clerk,
11 you can take that one down and now pull up -- oh, I'm sorry,
12 Mr. Clow.

13 **MR. BRIAN CLOW:** To answer your question, we
14 learned about the Conservative claims almost immediately
15 after the election because they made them public.

16 But I do want to scroll down to the bottom of
17 that page because I think there's a really important point
18 here.

19 So this is from the intelligence community,
20 from CSIS, and the facts matter here. There's a lot of
21 people claiming that this disinformation is -- alleged
22 disinformation is confirmed to come from the PRC, but this
23 document at the very bottom says, "No PRC state direction of
24 the incident was detected or reported." And I think that's
25 an important fact that is understood by observers.

26 **MR. JEREMY BROADHURST:** And the controversy
27 around the policy proposals of the Conservative Party of
28 Canada were playing out in mainstream media. There were

1 think pieces being published. There were, in some cases,
2 Conservative Party sources were contributing to the pieces,
3 saying this is actually going to be a positive electoral
4 move, but it was -- it just -- it is not something that was
5 contained only within, you know, whether it's WeChat or
6 certain English language Chinese media, this was a very, I
7 would call it a very central element of the 2021 election
8 campaign.

9 **MS. SHANTONA CHAUDHURY:** Any further comments
10 before I pull up the next one?

11 **MR. JEREMY BROADHURST:** I'll leave it at that
12 for now, I think.

13 **MS. SHANTONA CHAUDHURY:** Okay.

14 So Mr. Clerk, can you please pull up
15 CAN.SUM 13. Scroll down a little bit, please, until we get
16 to -- past the page of very important caveats.

17 So here we have -- this one is titled,
18 essentially, PRC Expressed Partisan Preferences in the 2019
19 and 2021 General Elections. We see it at paragraph 3 there,
20 it talks about in 2019, certain PRC officials expressing
21 political preferences, and describes them as:

22 "...party agnostic and opportunistic
23 at a riding level."

24 If we go down to paragraph 4, it says:

25 "In 2021, there was reporting that
26 some individual PRC officials in
27 Canada made comments expressing a
28 preference for a Liberal Party

1 minority government."

2 So again, my question to you is, is this
3 something of which you were aware during the 2021 election?

4 **MS. KATHERINE TELFORD:** We were not. And I
5 would just go further to say it was surprising to us when we
6 were learning this much, much later this -- that this
7 intelligence existed, given the state of relations between
8 the two countries at the time going into both of those writ
9 periods.

10 And Patrick, of course, was dealing the
11 closest with it, but we were all actively working on trying
12 to get the Two Michaels home to Canada. We were rallying
13 countries around the world to show up alongside Canada in
14 courthouses in China to -- in support of the Two Michaels who
15 had been arbitrarily detained. So it didn't add up for us
16 when we did see this as something we would've conceived of at
17 the time.

18 I don't know if you want to add anything,
19 Patrick.

20 **MR. PATRICK TRAVERS:** No. As the Senior
21 Global Affairs Advisor, I would have been very surprised to
22 see this. As Katie has said, we were in the middle of a
23 widespread global campaign to get the Two Michaels home and
24 to deal with China's behaviour. Relationship was very tense,
25 and rightly so because we were defending Canadians. So this
26 would have been very surprising.

27 **MS. SHANTONA CHAUDHURY:** You mentioned, Ms. -
28 - oh, I'm sorry. Mr. Broadhurst?

1 **MR. JEREMY BROADHURST:** Sorry. I was just
2 going to say, I think it is worth noting also, seeing the
3 language of the summary, we're talking about PRC officials in
4 Canada. That's what it is limited to in terms of this
5 summary.

6 **MS. SHANTONA CHAUDHURY:** Correct.

7 Ms. Telford, you mentioned that when you
8 learned of this much, much later, are you able to say when
9 you learned of this?

10 **MS. KATHERINE TELFORD:** I believe this was
11 after the leaks. This was one of the many things ---

12 **MR. BRIAN CLOW:** It's when it was first
13 reported in the media.

14 **MS. SHANTONA CHAUDHURY:** Okay.

15 **MR. PATRICK TRAVERS:** Then there were further
16 discussions.

17 **MS. SHANTONA CHAUDHURY:** Okay. Thank you.

18 Mr. Clerk, you can take that one down now.

19 So we're going now to some specific briefings
20 on foreign interference that were given, I think we can say,
21 before the leaks and then after the leaks.

22 So starting just with, this probably won't
23 take very long, CAN 10803.

24 **--- EXHIBIT No. CAN 10803:**

25 Handwritten Notes of K. Telford

26 **MS. SHANTONA CHAUDHURY:** So scroll down a
27 little bit until we can see some text.

28 Ms. Telford, I believe these are your notes.

1 Are you able to, A, tell us the approximate date of that --
2 of these notes and what they would have been about?

3 **MS. KATHERINE TELFORD:** It -- we believe they
4 were from 2018, a briefing with Minister Gould, who was
5 working on the whole of government plan to protect our
6 democracy, which led to the creation of the Panel and SITE
7 and many more measures, actually. And yes, that's a scribble
8 on the left that says that there were four women and seven
9 men in the room because I used to track that in meetings.

10 **MS. SHANTONA CHAUDHURY:** Okay. And sorry,
11 just -- you said you believe that, so I take it from that you
12 don't recall this meeting specifically.

13 **MS. KATHERINE TELFORD:** I do not.

14 **MS. SHANTONA CHAUDHURY:** You can take that
15 one down. Thank you, Mr. Clerk. The next one is CAN.DOC 13,
16 please. Apparently it's not. It is -- oh, no, I'm sorry.
17 We don't have notes for this one, it's just referred to at
18 page 9 of this briefing.

19 So this is a briefing that took place.

20 If you can scroll down to page 9, you'll see
21 the little notation I was talking about.

22 A briefing that took place on February 9th,
23 2021. So Mr. Travers, I believe you were at that briefing?

24 **MR. PATRICK TRAVERS:** I was.

25 **MS. SHANTONA CHAUDHURY:** And Ms. Telford as
26 well?

27 **MR. PATRICK TRAVERS:** It wasn't uncommon at
28 that point that the Prime Minister would be getting thematic

1 briefings on important topics in the national security space.
2 My recollection of the briefing is that it was a broad
3 discussion of the status of foreign interference. It covered
4 a range of states. It also covered a range of tactics that
5 they employ with respect to foreign interference. And I
6 remember that Don Valley North was raised as an example. It
7 was a very broad update on foreign interference.

8 **MS. SHANTONA CHAUDHURY:** Okay.

9 You can take that one down, Mr. Clerk. The
10 next one, so the document I'm going to ask you to pull up,
11 Mr. Clerk, is CAN 017998.

12 **--- EXHIBIT No. CAN 17998:**

13 Handwritten Notes of B. Clow &
14 Meeting Invitation

15 **MS. SHANTONA CHAUDHURY:** And Witnesses, to
16 situate you, this a meeting or a series of meetings that took
17 place in the fall of 2022. So we've heard some evidence on
18 this already from the Clerk of the Privy Council, and she
19 explained that there were actually three separate meetings.
20 One was on September 13th between officials, and then there
21 was a September 28th briefing to PMO, and that was followed
22 by an October 27th briefing to the Prime Minister.

23 So the document I've pulled up now is --
24 again, I think these are your notes, Mr. Clow ---

25 **MR. BRIAN CLOW:** Yes.

26 **MS. SHANTONA CHAUDHURY:** --- from this
27 meeting on September 28th. So I'll ask you to take us
28 through them. Who was present? What was it about?

1 **MR. BRIAN CLOW:** So I'll start by saying I
2 said earlier when officials want us or the Prime Minister to
3 be aware of something they deem of a significant level they
4 cause a briefing to happen or they otherwise will come and
5 talk to us. This is an example of that.

6 So a few days before September 28th in 2022,
7 officials reached out through the office of the NSIA,
8 specifically to me and Patrick, and said, "We want to talk to
9 you and inform you of a few foreign interference related
10 situations."

11 The first example, which we can actually talk
12 about, it's here unredacted. There were -- so the first item
13 they walked us through there were a series of invitations
14 issued from the Chinese Ambassador to Canada to several
15 ministers to have a meeting in Montreal. The meeting was --
16 were proposed to take place at a business, so it would have
17 been the business, the Chinese Ambassador, and the ministers.

18 CSIS became aware of this, and informed us
19 that they would be approaching the ministers and cautioning
20 them that this is Chinese tradecraft. This is the type of
21 thing that they might do to try to get a person in a
22 comfortable environment.

23 So they told us about this. We said and we
24 asked, "What are you proposing to do about it?". They told
25 us they would be communicating with the ministers. My
26 understanding is, and I obtained this knowledge very
27 recently, the meetings never happened and I don't believe
28 they were going to happen. But this is an example of the

1 type of thing they would inform us of.

2 The rest of the meeting, which I'm not able
3 to get into specifics about, was also foreign interference
4 related, but it was not federal foreign interference related.

5 **MS. SHANTONA CHAUDHURY:** That's helpful.

6 Thank you, Mr. Clerk. You can take that one
7 down and then we'll just pull up, briefly, CAN 015842.

8 So these we understand to be briefing notes
9 that were prepared for the CSIS Director for the meeting of
10 October 27th, 2022, which was a briefing at this point then
11 to the Prime Minister.

12 And if you can just scroll down again quite
13 quickly.

14 Again, we heard some evidence from the Clerk
15 on this this morning, but having looked at this document, and
16 I assume you've reviewed it before as I'm scrolling through
17 it right here, but does this represent your recollection of
18 what took place at that meeting?

19 **MR. BRIAN CLOW:** So the short answer is no.
20 These bullet points, which we only saw in -- again, in
21 preparation for the appearance here, have very little
22 resemblance to what the Prime Minister was told in that
23 briefing of October 27th. Some of the topics in that
24 October 27th briefing matched the briefing that Patrick and I
25 received in late September, a month earlier. As I said,
26 these were not federal election foreign interference related.

27 So the answer's no, a lot of this information
28 was not specifically presented to the Prime Minister in that

1 briefing.

2 **MR. JEREMY BROADHURST:** I think it's worth
3 noting, I mean, just the format of this note and everything,
4 I mean this is not what an assessed intelligence briefing
5 note looks like; right? These are talking points that
6 haven't gone through any kind of vetting process. They
7 haven't gone through any sign off or approval process. These
8 types of -- this stuff has never been said to us, so whoever
9 these were being prepared for, they chose not to read them or
10 follow them, and we've never heard language like the stuff
11 that is in this document. So for what it's worth.

12 **MS. SHANTONA CHAUDHURY:** Okay.

13 **COMMISSIONER HOGUE:** Okay. Can you go back
14 at the top, please? I just want to see. Okay. Thank you.

15 **MS. SHANTONA CHAUDHURY:** Mr. Clerk, the next
16 one I'd like to look at briefly is CAN4079. So if we can
17 scroll through that one, sort of slowly so that the witnesses
18 can process it?

19 This one also seems to be a document relating
20 to the briefing that took place that date. Are you able to
21 say whether this represents information that you believe was
22 conveyed on October 27th?

23 **MR. BRIAN CLOW:** Generally speaking, this
24 does not resemble what the Prime Minister was told on the
25 27th.

26 **MS. SHANTONA CHAUDHURY:** Okay.

27 **MR. BRIAN CLOW:** Yes, China was very much a
28 part of that briefing, but not the specific information

1 you're seeing here.

2 **MS. SHANTONA CHAUDHURY:** Okay. Then the last
3 document we'll pull up on this topic is CAN009803.

4 --- EXHIBIT No. CAN 9803:

5 Handwritten Notes of K. Telford

6 **MS. SHANTONA CHAUDHURY:** So again, these are
7 some handwritten notes. And this time I believe they're your
8 notes, Ms. Telford?

9 **MS. KATHERINE TELFORD:** They are.

10 **MS. SHANTONA CHAUDHURY:** Okay. What can you
11 tell us about what you may have been writing or trying to
12 write in these notes?

13 **MS. KATHERINE TELFORD:** So the parts of this
14 that I do recollect and can expand on, I think, you know, to
15 the right, you can see that I'm referencing that there were
16 three different cases that were being discussed. And the
17 "bragging is not doing" was a source of some conversation,
18 that you can have intelligence where someone might be saying
19 that they're doing something, which doesn't actually mean
20 that they have done it, was something that we were being
21 briefed on and had some conversation around.

22 We were obviously talking about the threshold
23 for interference as well in any number of things that we were
24 talking about. We already talked earlier about how there can
25 sometimes be incorrect analysis or intelligence that we see.

26 But to be honest, I can't put it all
27 together, both because of the classified nature of the
28 briefing, but also because I am not entirely certain what I

1 have down there.

2 **MS. SHANTONA CHAUDHURY:** Okay. And the line
3 that says, "amplifying CPC narrative", do you have any
4 recollection of what that may have been about?

5 **MS. KATHERINE TELFORD:** Not really. Looking
6 back and putting it together with some of the other
7 information that we have from -- including Mr. Clow's notes,
8 I believe it -- I'm actually referring to the Chinese
9 Communist Party there.

10 **MS. SHANTONA CHAUDHURY:** So the CCP ---

11 **MS. KATHERINE TELFORD:** It could be. Yes.

12 **MS. SHANTONA CHAUDHURY:** Okay. So we can
13 take that one down.

14 And now we're going to move into some
15 briefings that happened in the post-leak period. I'm sure
16 there were a number, but we'll only go through a few of them.

17 So the first one, Mr. Clerk, I'll ask you to
18 bring up CAN004495.

19 The date of this briefing or meeting is
20 February 21st, 2023, I believe.

21 And once again, I'll ask you to go through it
22 fairly quickly so the witnesses get an idea what the document
23 is about, and then I'm going to pull up another one.

24 Okay. I think we can probably take that one
25 down now. And I'll ask you to pull up CAN017675.

26 **--- EXHIBIT No. CAN 17675:**

27 Handwritten Notes of B. Clow &
28 Meeting Invitation

1 **MS. SHANTONA CHAUDHURY:** And scroll down to
2 the second page of that document.

3 So here we go. I think, Mr. Clow, these are,
4 again, your notes. And they're from this meeting that
5 happened on February 23rd, 2023. And given that they are
6 your notes, I'll ask you to take us through them in some
7 detail.

8 **MR. BRIAN CLOW:** So to situate ourselves
9 again, this is -- the media leaks are well underway at this
10 point. The Globe and Mail had a very big story just a few
11 days before that.

12 So similar to the March 2023 meeting where
13 officials met with the Prime Minister to do a deep dive on
14 what had appeared in the media, this was the staff version of
15 that. So Jeremy and I had been approached by the NSIA, we
16 met with the NSIA, we met with the Director of CSIS, and we
17 talked through what had appeared in the media and additional
18 intelligence.

19 Again, there are no recommendations here.
20 There was no really new information here, but we discussed
21 things like what was true, what was not in the media, how --
22 we looked at the flow of information. You'll see some notes
23 at the bottom here. JT is Jody Thomas.

24 "will do better on flagging [...] what
25 should be read."

26 There's an acknowledgement very much so at
27 this point that given a whole bunch of information is
28 appearing in the media that we had not seen, that's obviously

1 something that was being considered and looked at.

2 I'll point out:

3 "DV - did not make that advice, would
4 never have."

5 That, I believe, is a reference to the
6 Director of CSIS stating that he made no recommendation --
7 CSIS made no recommendation in the Don Valley North situation
8 when it presented information to the Liberal Party in 2019.

9 But again, you see here what type of meeting
10 this was. Jody Thomas, in that discussion, I wrote down
11 we're:

12 "examining policy advice on whether
13 to recommend to pol[itical] leaders
14 to take action."

15 There was no decision in that meeting. It
16 was that type of discussion and reflection was going on.

17 What I will add in relation to the speaking
18 points that you just showed and which became a big news story
19 here in Ottawa yesterday, once again, most of the information
20 in that document was not -- that briefing note which was for
21 the CSIS Director, most of what was in that document was not
22 relayed to us in that meeting, particularly the very stark
23 conclusions at the bottom of the document. So it again
24 speaks to a briefing note presented to somebody who is
25 briefing us does not necessarily mean that the person
26 briefing chooses to actually relay that information.

27 **MR. JEREMY BROADHURST:** Could I add just one
28 thing? I mean, at the time the leaks were happening, I mean,

1 what happens with the leaks is that pieces of intelligence
2 were again sort of taken out of context and put out there.
3 That was happening for us in the same way that it was
4 happening for the general public. We were learning things in
5 these leaks. We wanted to try to work with the intelligence
6 agencies to recreate the mosaic of information that usually
7 surrounds intelligence, other pieces of intelligence,
8 context, and the sources, all that kind of stuff, to
9 understand what's the full story, what's the full picture
10 that we can have here? You don't get that with the leak.

11 And, I mean, the speaking points, I mean,
12 it's like they're -- I'm not sure why they would have been
13 prepared for this meeting, because this meeting was always
14 supposed to be about the intelligence officials working with
15 us to help us better understand the context of the
16 information that was now out in public. That context which,
17 of course, wasn't included in the leaks, but, you know, it
18 was the only way to sort of properly understand it.

19 **MS. SHANTONA CHAUDHURY:** Okay. And if we can
20 just scroll down to the rest of that document so it's up on
21 the screen?

22 Sorry, Mr. Clow, did I interrupt you? You
23 were about to say something?

24 **MR. BRIAN CLOW:** I was going to make a point
25 about another note, but I'm happy to speak about this one as
26 well.

27 **MS. SHANTONA CHAUDHURY:** Okay. There's just
28 the last paragraph that we didn't touch here. Mr. Clow, can

1 you give us your recollection of I believe what Mr. Vigneault
2 was -- had said there?

3 **MR. BRIAN CLOW:** So because in this meeting,
4 amongst other meetings, we were digging into what was in the
5 media, my recollection is this is the CSIS Director
6 confirming that the allegations about 11 candidates had not
7 been briefed up to a certain level until media began asking
8 questions about it.

9 And similarly, if you scroll back up, there's
10 a confirmation from the CSIS Director where it starts with
11 250,000. There was a lot of media reporting that either said
12 or implied that \$250,000 went directly to candidates, and the
13 CSIS Director confirmed there -- it had already been
14 confirmed to us, but confirmed once again, there was no
15 conclusion of that by CSIS.

16 **MS. SHANTONA CHAUDHURY:** Okay. I think
17 that's probably good for that document.

18 The next briefing I was going to take you to
19 was March 20th, but I think we covered it earlier on in a
20 different context talking about the challenge function, so
21 let's go to March 28th. Mr. Clerk, that's CAN 017672.

22 Oh, we seem to be missing a CAN 017672.
23 Should we take a minute? I do want to bring this document
24 up, so let's just take a minute and make sure that the clerk
25 has the document.

26 **COMMISSIONER HOGUE:** We'll go to ---

27 **MS. SHANTONA CHAUDHURY:** Just probably in one
28 minute. Thank you.

1 **THE REGISTRAR:** Order please.

2 This hearing will be recessed for five
3 minutes.

4 --- Upon recessing at 3:25 p.m.

5 --- Upon resuming at 3:32 p.m.

6 **THE REGISTRAR:** Order please.

7 This sitting of the Foreign Interference
8 Commission is back in session.

9 --- MS. KATHERINE TELFORD, Resumed:

10 --- MR. JEREMY BROADHURST, Resumed:

11 --- MR. BRIAN CHOW, Resumed:

12 --- MS. PATRICIA TRAVERS, Resumed:

13 --- EXAMINATION-IN-CHIEF BY, (cont'd):

14 **COMMISSIONER HOGUE:** The lost document has
15 been found?

16 **MS. SHANTONA CHAUDHURY:** It has been.
17 Apologies, Commissioner, you can dock that from my time.

18 So the document -- actually, there's two, so
19 I'll ask you to bring up the first one, Mr. Clerk, and then
20 I'll ask you to bring up the second one in short succession.
21 So the first one is 19497, please.

22 --- EXHIBIT No. CAN 19497:

23 Handwritten Notes of B. Clow

24 **MS. SHANTONA CHAUDHURY:** Okay. So you'll see
25 there a textbox that says,

26 "Briefing on intelligence report
27 relating to allegations in media that
28 Han Dong advised the PRC to extend the

1 detention of the "Two Michaels"

2 That's a summary of the intelligence that was
3 redacted on that page. Then, Mr. Clerk, the next one is
4 19498.

5 **--- EXHIBIT No. CAN 19498:**

6 Handwritten Notes of B. Clow

7 **MS. SHANTONA CHAUDHURY:** So, again, these are
8 pages from Mr. Clow's notebook, and that document when it's
9 pulled up will show some notes taken that day.

10 So, Mr. Clow, I'll ask you to again explain
11 what the discussion being had here was, and in particular,
12 the lines that refer to want CSIS not to have final say, need
13 to understand, and then options to declassify.

14 **MR. BRIAN CLOW:** So the first document you
15 showed entirely redacted were my notes of reviewing the so-
16 called transcript of the conversation between Han Dong about
17 which included the very significant and explosive allegation
18 that Han Dong had asked a Chinese official to delay the
19 release of the Two Michaels. Media started asking us about
20 that in late February, early March 2023. We immediately
21 tried to figure out what the facts were. I will point out,
22 once again, we had not heard about this until the media began
23 asking questions. Here, this is now a month later, when
24 after the story had been published, and Han Dong has stepped
25 aside to clear his name, and we had a number of conversations
26 about how we can get the truth out about this document, so
27 that it could be known that Han Dong did not actually
28 advocate for the delay of the release of the Two Michaels.

1 So when you see me say options to declassify, it's because we
2 were having a discussion. I don't specifically remember who
3 was in the meeting, but the NSIA was certainly there. We are
4 asking ourselves and officials are also asking, is there a
5 way to put this information out in the public. At this time,
6 the conclusion was, no, this -- it's -- it cannot be made
7 public, so we couldn't actually in a clear way defend Han
8 Dong against this allegation, which was wrong.

9 Want CSIS to not have final say, again, it's
10 the same version -- a version of the same thing that if a
11 document is leaked to the media, it appears in the news, that
12 can't be the last word. There should be a way to get more
13 facts out so a person can defend themselves and so Canadians
14 can know the truth. So that's what these notes reflect.

15 **COMMISSIONER HOGUE:** Pardon me. Just has
16 been briefed. To whom did you refer?

17 **MR. BRIAN CLOW:** I'm not sure what that
18 refers to.

19 **COMMISSIONER HOGUE:** And just at the top, is
20 it David, David that ---

21 **MR. BRIAN CLOW:** I'm also not sure. Clearly,
22 I'm writing these notes very quickly. It could be David
23 McGuinty. It could be David Morrison. Those are -- David
24 McGuinty is chair of NSICOP, David Morrison as former NSIA
25 and at that point Deputy Minister of Foreign Affairs. It
26 could be that we were wanting to discuss with one or both of
27 them, but I am speculating. At this point, I don't remember.

28 **COMMISSIONER HOGUE:** And you don't recall

1 whether there have been any discussion about David? No?

2 **MR. BRIAN CLOW:** I don't. I don't recall
3 what that refers to.

4 **COMMISSIONER HOGUE:** And you don't know
5 neither if has been briefed refer to David?

6 **MR. BRIAN CLOW:** I don't. I don't recall.

7 **COMMISSIONER HOGUE:** Okay. Thank you.

8 **MS. SHANTONA CHAUDHURY:** Mr. Clerk, you can
9 take that one down and pull up CAN 017676. So this is the
10 last document I'll be asking you about today. It -- these
11 are notes from a meeting that happened on May 18th, 2023.
12 Mr. Clerk, if you can just scroll down to the page where we
13 can see things? Okay. There we go. So we heard some
14 evidence again from the clerk this morning about this
15 meeting, but, Mr. Clow, these are your notes, so I'll again
16 ask you to go through them and help the Commission
17 understand, in our remaining, I think it's about three
18 minutes, what was going on in this meeting, who was there and
19 what was being said and why?

20 **Mr. BRIAN CLOW:** So this is a similar kind of
21 meeting to earlier meetings I talked about, well after the
22 media leaks and media stories. This meeting specifically was
23 for several Ministers; you see Minister Blair, Leblanc, Joly,
24 and Mendicino. The Prime Minister wanted to -- he and Lee
25 were getting frequent updates on what was appearing in the
26 media, what was true, what was not true. And Prime Minister
27 wanted to ensure those four Ministers were also just as up to
28 speed as we were. All of them were to significant extent,

1 but so much information was coming out so fast, this meeting
2 was organized to go through many of the different allegations
3 that were in the media.

4 **MS. SHANTONA CHAUDHURY:** Okay. So I think
5 we'll see here around the middle of the page, "Indian FI in
6 2019," something, something, "some" and "opportunistic"
7 "Pakistani - some in 2019," and then "Russia, Iran."

8 And then the next part says, "No threats of
9 physical harm to MPs or families, would cross line." Then
10 there's a part about -- and again, this seems to be referring
11 to the PRC's potential partisan preferences.

12 **MR. BRIAN CLOW:** Right.

13 **MS. SHANTONA CHAUDHURY:** Scroll down again,
14 "Not coordinated across [the] country, ridings/individuals.
15 WeChat. Goes through 11 candidates."

16 So essentially, you're saying this was a
17 briefing to get the Ministers up to speed?

18 **MR. BRIAN CLOW:** Exactly. And to also
19 discuss, as we constantly were at that time, what could we be
20 doing about this; what should we be doing, are there actions
21 that should be taken; is there options to make any of this
22 information public? You'll note that I note Marco Mendicino
23 stated that we did not report or assess that Don suggested
24 not releasing the two Michaels. That's another example where
25 that was confirmed to us internally, but we were not able to
26 say that publicly at that time.

27 I will note the first section of notes up
28 there, that's me noting down what CSIS officials are telling

1 us, and a lot of that information we had been presented in
2 some other way, but it could have been the first time some of
3 those Ministers were learning some of those specific details.

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

5 I believe that's all my time, so those are
6 all my questions for today.

7 **COMMISSIONER HOGUE:** Thank you.

8 It's 3:39, so we'll take the break; 20-
9 minutes break. So we'll come back at 4:00.

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

11 This hearing is in recess until 4 o'clock.

12 --- Upon recessing at 3:40 p.m.

13 --- Upon resuming at 4:05 p.m.

14 **THE REGISTRAR:** Order please.

15 This sitting of the Foreign Interference
16 Commission is back in session.

17 **MS. KATHERINE TELFORD, Resumed:**

18 **MR. JEREMY BROADHURST, Resumed:**

19 **MR. BRIAN CLOW, Resumed:**

20 **MR. PATRICK TRAVERS, Resumed:**

21 **COMMISSIONER HOGUE:** Just before we start, I
22 have been informed that some parties would like David
23 Vigneault to be recalled as a witness to be questioned on a
24 document that was not available at the time he testified.

25 I will hear the parties' representations
26 after the cross-examinations. So make sure if you have to
27 get instruction, to receive these instructions between now
28 and then because, as you know, tomorrow is our last day. In

1 principle.

2 You can go -- oh, no, it's the cross-
3 examination. I'm sorry. It's counsel for Han Dong.

4 (SHORT PAUSE)

5 MS. EMILY YOUNG: Good afternoon, witnesses.
6 And good afternoon, Madam Commissioner.

7 COMMISSIONER HOGUE: Good afternoon.

8 --- CROSS-EXAMINATION BY MS. EMILY YOUNG:

9 MS. EMILY YOUNG: my name is Emily Young; I'm
10 counsel to Han Dong. And we just want to go into a little
11 bit more detail on a few of the matters you discussed with
12 Ms. Chaudhury earlier.

13 Starting with Mr. Broadhurst; you've spoken
14 about the practice of busing potential voters to nomination
15 meetings in your interview and testimony before the
16 Commission, and this was, of course, in the context of
17 intelligence that referred to allegations around busing in
18 the 2019 nomination race in Don Valley North. Do you recall
19 that?

20 MR. JEREMY BROADHURST: I do.

21 MS. EMILY YOUNG: In your interview, you
22 described busing potential voters to a nomination vote as
23 common practice. Is that right?

24 MR. JEREMY BROADHURST: That is correct.

25 MS. EMILY YOUNG: It's fair to say the
26 objective of bussing or providing other transportation to
27 voters is to make it as easy as possible for party members to
28 vote in a nomination contest?

1 **MR. JEREMY BROADHURST:** Correct.

2 **MS. EMILY YOUNG:** And this is especially
3 important for voters who might have difficulty getting to the
4 poles, like seniors or students?

5 **MR. JEREMY BROADHURST:** Yes. I can think of
6 other examples as well, but those would be two primary ones.

7 **MS. EMILY YOUNG:** So it's normal to see
8 bussing, other forms of group transportation, in the
9 nomination contest?

10 **MR. JEREMY BROADHURST:** In a contested
11 nomination, would not surprise me at all to see busses or
12 other forms of transportation.

13 **MS. EMILY YOUNG:** Right. And there's nothing
14 contrary to the applicable party rules about bussing
15 potential voters in itself?

16 **MR. JEREMY BROADHURST:** Well if the bussing
17 is being arranged by one of the candidates, they would -- it
18 would be an expense related to their nomination. At the end
19 of the nomination campaign, they would have to -- they file
20 an audited expense return and it would obviously have to be
21 accounted for.

22 It is not unusual for -- or not unheard of,
23 certainly, for other groups to provide bussing. For example,
24 I can think of examples where if a riding has a significant
25 post-secondary, you know, institution in it, a young Liberal
26 club on the campus might provide bussing for anybody to go to
27 the nomination -- like, you know, not -- irregardless (*sic*)
28 of who they intended to support as a way of encouraging

1 student voting, for example, in a nomination.

2 But if it is being organized by the
3 contestants in order to be their -- you know, who they
4 believe to be their supporters, they should account for the
5 expense of it.

6 **MS. EMILY YOUNG:** Okay. And that would be
7 done in the ordinary course?

8 **MR. JEREMY BROADHURST:** Correct.

9 **MS. EMILY YOUNG:** And this question is more
10 so directed towards Ms. Telford, given the discussion that
11 you've had about the challenge function to intelligence and
12 the importance of context in understanding intelligence.

13 Is it fair to say that the fact that bussing
14 is a common practice in nomination campaigns is political
15 context about how nominations work that intelligence agencies
16 might not be fully aware of?

17 **MS. KATHERINE TELFORD:** I'm not sure I can
18 speak to the specifics of our conversations, but we certainly
19 do have conversations and back and forth around political
20 context. And obviously we certainly talked about this.

21 **MS. EMILY YOUNG:** Right. And so the point
22 I'm trying to make is that the intelligence agencies might
23 not have that context before speaking to somebody like you
24 about that?

25 **MS. KATHERINE TELFORD:** We have certainly
26 discussed with some of the senior security officials that
27 there is more learning to do as it relates to political
28 processes, and we've tried to help with some of that

1 clarification where it makes sense, and I'm sure other party
2 representatives have too at various points.

3 **MS. EMILY YOUNG:** And this type of political
4 context about, you know, the commonplace nature of using
5 busses and other forms of transportation in a nomination
6 race, is it fair to say that this is context that the media
7 and the public more broadly might also not know about how
8 nominations actually work on the ground?

9 **MS. KATHERINE TELFORD:** I can't speak for
10 everyone on that, but I think generally speaking, that is
11 true. Nominations are not widely understood processes.
12 They're slightly different in different parties. Very
13 contested nominations in particular are different than
14 nominations that might happen that are less competitive,
15 where there are multiple candidates, urban versus rural.
16 Like, there's all kinds of different things that come into
17 play in nominations.

18 **MS. EMILY YOUNG:** Okay. And so would it be
19 fair to say that this lack of understanding about the
20 nomination process could contribute to misunderstanding
21 something that's a normal part of that process as something
22 that is nefarious?

23 **MS. KATHERINE TELFORD:** I think that's
24 possible.

25 **MS. EMILY YOUNG:** Okay. And for Mr.
26 Broadhurst again, a couple of questions about the Liberal
27 Party rules that were in effect in 2019.

28 Am I right that those who are 14 years or

1 older could become members of the Liberal Party and vote in a
2 nomination contest?

3 **MS. JEREMY BROADHURST:** That's correct. We
4 refer to them as registered Liberals. Yes.

5 **MS. EMILY YOUNG:** And the party allows these,
6 perhaps you might call them youth members, to join partly to
7 promote engagement?

8 **MS. JEREMY BROADHURST:** That's correct. It
9 is a deliberate policy choice of the Liberal Party that's
10 been validated through votes and conventions and stuff like
11 that to have a larger voting pool than is allowed just in an
12 *Elections Act*, you know, in a general election campaign.

13 **MS. EMILY YOUNG:** And in order to vote in a
14 nomination contest in any given riding, a potential voter has
15 to show proof that they are a resident of that riding?

16 **MR. JEREMY BROADHURST:** That is correct.

17 **MS. EMILY YOUNG:** So that's not a requirement
18 that a potential voter be a Canadian citizen in order to
19 vote?

20 **MR. JEREMY BROADHURST:** That is correct.

21 **MS. EMILY YOUNG:** It's about where the
22 potential voter lives?

23 **MR. JEREMY BROADHURST:** Correct.

24 **MS. EMILY YOUNG:** And it's not a requirement
25 about where that potential voter might go to school, for
26 example?

27 **MR. JEREMY BROADHURST:** Correct. One might
28 imagine going to a school and not -- which is in one riding

1 and living in a different riding, especially in an urban
2 environment.

3 **MS. EMILY YOUNG:** So you've given evidence
4 earlier today that the Liberal Party didn't uncover anything
5 unusual about the 2019 nomination contest in Don Valley North
6 when you asked some of your staff to look into it further?
7 Is that fair?

8 **MR. JEREMY BROADHURST:** Yeah, there were no
9 reported irregularities, there were no widespread challenges
10 at the meeting, the meeting was efficiently run, no one
11 challenged the conduct of the meeting or the outcomes after
12 the fact.

13 **MS. EMILY YOUNG:** Including Mr. Dong's
14 appointment, Ms. Bang-Gu Jiang?

15 **MS. JEREMY BROADHURST:** Correct.

16 **MS. EMILY YOUNG:** So now I'll turn to a
17 couple of brief questions about the allegations in the media
18 around the Two Michaels issue, I think we can call it. And
19 these are mainly for Mr. Clow because he takes such diligent
20 notes.

21 So Mr. Clow, you gave evidence that there was
22 a meeting on March 28th, 2023 about allegations in the media,
23 including the Two Michaels allegation; correct?

24 **MR. BRIAN CLOW:** Correct. It was one of
25 several meetings on the topic, or where it came up.

26 **MS. EMILY YOUNG:** And in either your
27 interview or previous *in-camera* testimony, you gave evidence
28 that there actually was no transcript of the call that was

1 the subject of the media allegations. It was just a summary.
2 Is that right?

3 **MR. BRIAN CLOW:** That's right. That's what I
4 said.

5 **MS. EMILY YOUNG:** And I take it that summary
6 was in English?

7 **MR. BRIAN CLOW:** Yes.

8 **MS. EMILY YOUNG:** And so that's why Ms.
9 Telford would have explained to the Commissioner earlier that
10 there were some concerns about the translation that would
11 have occurred from Mandarin to English in preparing that
12 summary?

13 **MS. KATHERINE TELFORD:** Yes. And some of
14 those questions I believe were publicly raised.

15 **MS. EMILY YOUNG:** And the concerns about the
16 translation issue were never resolved?

17 **MS. KATHERINE TELFORD:** They were not.

18 **Ms. EMILY YOUNG:** Mr. Clow, you described in
19 your earlier testimony the reporting of the Two Michaels
20 allegation as explosive and you said that the reporting did
21 not accurately reflect the intelligence about the call. Is
22 that fair?

23 **MR. BRIAN CLOW:** Yes.

24 **MS. EMILY YOUNG:** Throughout these hearings,
25 we've heard testimony from a number of witnesses, including a
26 CSIS Director, Deputy Ministers, senior public servants about
27 the significant limits on the reliability of intelligence.
28 How depending on the sourcing of the intelligence,

1 corroboration of the intelligence, it might be much more or
2 less reliable.

3 Is it fair to say that when we're considering
4 intelligence, it has to be considered in light of these
5 limitations? I'll direct that to Mr. Clow.

6 **MR. BRIAN CLOW:** I would agree with that,
7 yes.

8 **MS. EMILY YOUNG:** So Mr. Clow, what you have
9 said before the Commission is that the media coverage on the
10 Two Michaels issue was not even an accurate reflection of
11 what was in the intelligence on this matter?

12 **MR. BRIAN CLOW:** That is my belief and
13 understanding, yes.

14 **MS. EMILY YOUNG:** And you gave evidence
15 earlier that you and your team even had some discussions
16 about whether materials should be declassified to correct
17 what had been reported in the media? Is that right?

18 **MR. BRIAN CLOW:** Yes.

19 **MS. EMILY YOUNG:** And that was because the
20 allegation that Mr. Dong had advised a senior Chinese
21 diplomat in February 2021 that Beijing should off on freeing
22 the Two Michaels was not true?

23 **MR. BRIAN CLOW:** That is my view, and I
24 believe that's reflected in the public summary that's been
25 released.

26 **MS. EMILY YOUNG:** And until this Commission,
27 you weren't able to make this known publicly?

28 **MR. BRIAN CLOW:** Correct.

1 **MS. EMILY YOUNG:** Okay. Those are our
2 questions. Thank you.

3 **COMMISSIONER HOGUE:** Thank you.

4 Next one is counsel for Michael Chong.

5 **--- CROSS-EXAMINATION BY MR. GIB van ERT:**

6 **MR. GIB van ERT:** Thank you, Commissioner.

7 I'll start with Mr. Broadhurst, please, and
8 I'll ask that we -- just before I turn up the document, I
9 want to ask you some questions to understand better what you
10 told the Prime Minister at that meeting in late September
11 2019, but I want to take great care that we don't stumble
12 into anything that you're not able to say in this forum. And
13 I think the way to help you with that is to show you the
14 document that Ms. Chaudhury showed you earlier, which is CAN
15 005461.

16 So I'll ask that that be pulled up and just
17 stop there for the moment.

18 So you'll recall, and it says there on the
19 corner of the document, "These are notes for briefing from
20 the SITE TF to the secret cleared Liberal Party
21 representatives." And you've already explained that those
22 representatives then came and spoke to you and you passed it
23 on to the Prime Minister.

24 So what I'm proposing is that I'm going to go
25 through each of these points and if you can confirm or
26 explain whether or not these were things that you passed on
27 to the Prime Minister.

28 So starting with the first one, allegations

1 of foreign interference by China in Don Valley North Liberal
2 nomination contest. I think we already have that. You
3 passed that on.

4 **MR. JEREMY BROADHURST:** That there were
5 allegations -- yes.

6 **MR. GIB van ERT:** Thank you.

7 The next point, you can see there's a summary
8 here, and the summary says, "Buses being used in support of
9 Mr. Dong at the direction of PRC officials in Canada."

10 So did you advise the Prime Minister that
11 these buses were alleged to be at the direction of PRC
12 officials in Canada?

13 **MR. FREDERICK SCHUMANN:** Just before the
14 witness answers, the question is assuming that the bullet
15 point in the document was conveyed to Mr. Broadhurst and that
16 he had it to convey to the Prime Minister, so perhaps my
17 friend could first ask the witness whether he learned of that
18 piece of information that's in the document that's being
19 shown to the witness.

20 **MR. GIB van ERT:** Well, I think that's
21 exactly the exercise I'm engaged in, so please, Mr.
22 Broadhurst, let us know, did you know this and, if so, did
23 you pass it on to the Prime Minister?

24 **MR. JEREMY BROADHURST:** You used one alleged.
25 I would have used two alleged.

26 **MR. GIB van ERT:** All right.

27 **MR. JEREMY BROADHURST:** That the alleged
28 buses were alleged to have been provided by PRC.

1 The nature of the information was that there
2 was a concern that this plan existed, but at that time no one
3 was able to say conclusively, or at least no one was able to
4 say me or the other cleared representatives, yes, these are
5 the buses that we're talking about and yes, these buses were
6 provided by PRC officials in Canada.

7 **MR. GIB van ERT:** Understood. Thank you.

8 And I had your first point already about the
9 buses. I wanted to be sure about the second part, which is
10 that the allegation was that they were at the direction of
11 PRC officials ---

12 **MR. JEREMY BROADHURST:** Right.

13 **MR. GIB van ERT:** --- in Canada.

14 Thank you.

15 Going down, please, in the document. There
16 we are.

17 Again -- and I know what your counsel said
18 and I take that point. So this document is indicating that
19 part of the briefing was that there was an assessment that
20 the allegations are consistent with PRC foreign interference
21 activity in GTA.

22 So again, my question for you is, is that
23 something that you briefed the Prime Minister about?

24 **MR. JEREMY BROADHURST:** Yes, but what I would
25 point out here, I think is an important distinction, is it
26 says that it is consistent with PRC foreign interference
27 activity in the GTA. It does not say foreign interference
28 activity with respect to election campaigns.

1 **MR. GIB van ERT:** Right.

2 **MR. JEREMY BROADHURST:** There are other forms
3 of foreign interference, obviously, and so that -- that -- I
4 would make that very clear as a distinction.

5 **MR. GIB van ERT:** Understood. Thank you.

6 The next bullet point, in fact, we're there.

7 "PRC interference in the GTA likely
8 relies on a densely connected network
9 of PRC-linked individuals."

10 So my question is, did you advise the Prime
11 Minister or did you know and then advise the Prime Minister
12 about this allegation of a densely connected network of PRC
13 linked individuals?

14 **MR. JEREMY BROADHURST:** I would say that this
15 was not part of the information that we had, not get into a
16 network of individuals, so I'll leave it at that. I would
17 say no to that question.

18 **MR. GIB van ERT:** Thank you.

19 And then the next bullet point -- maybe
20 scroll up just a little so that we can all see it a bit
21 better. There we are.

22 This interference network -- so I've heard
23 what you said. Maybe it's the same answer, but I'll go ahead
24 and ask the question.

25 You see what it's saying here is that the
26 network is centred on four communities' candidates, staffers
27 including campaign officials, local community members and
28 some kind of PRC official.

1 A few days ago, Madam Tessier, the Director
2 of Operations -- Deputy Director of Operations for CSIS, was
3 here. And she gave evidence that the service had wanted to
4 conduct defensive briefings of Members of Parliament even
5 before the 43rd General Election. And I asked some questions
6 about that and eventually I was told that the service didn't
7 require the government's permission to do that, but would
8 have needed help from the government in coordinating these
9 briefings.

10 And so my question for you is, did the
11 service ask for the PMO's help, your help or your colleagues'
12 help, to arrange for defensive briefings of MPs prior to the
13 43rd General Election?

14 **MS. KATHERINE TELFORD:** I don't recall an ask
15 for any assistance on that front because I think we would
16 have -- and there's many examples of it. We would have
17 encouraged and welcomed more transparency with Members of
18 Parliament, and there's a number of examples of where we have
19 encouraged and welcomed that from the agency.

20 **MR. GIB van ERT:** All right. And do any of
21 your colleagues recall receiving such a request from the
22 service?

23 **MR. JEREMY BROADHURST:** No.

24 **MR. GIB van ERT:** All right. Thank you.

25 My next question is for Mr. Clow, and this
26 has to do with some evidence you gave in your briefing --
27 sorry, in the witness summary about the Buffalo Chronicle.

28 I can pull it up if it's helpful. In fact,

1 why don't we go ahead? It's WIT 069, please.

2 If you'll go, Mr. Court Operator, to
3 paragraph 54, please.

4 Thank you.

5 And I'll just read it to you to remind you,
6 Mr. Clow. It says that you emphasized what you "considered
7 to be the seriousness of the Buffalo Chronicle article", and
8 we've heard evidence about that already. And then:

9 "In his view [in your view], this
10 incident was an obvious example of
11 foreign interference, but because it
12 could not be directly attributed to a
13 foreign state, the government had no
14 available response."

15 So a few questions about that.

16 Firstly, obvious to whom? Because from the
17 evidence that we have seen so far, it doesn't appear to have
18 been obvious to the SITE Task Force or to the Panel of Five.
19 I'm not even sure that it was obvious to the service. A
20 little harder for us to know that for reasons that we all
21 appreciate.

22 But what do you mean when you say it was
23 obvious? Obvious to whom?

24 **MR. BRIAN CLOW:** I think it's obvious to
25 anyone who saw what was happening. And this actually has
26 come up in testimony and folks were aware of it.

27 The SITE Task Force, CSIS, others, PCO were
28 aware of this website which was based in the United States

1 and was publishing complete lies about the Prime Minister.
2 And these articles were getting spread and shared thousands
3 of times during the election, so that's why I think it was
4 obvious.

5 **MR. GIB van ERT:** Right. Well, and I am
6 aware of the fact -- we have heard the evidence that it was
7 in the United States and these articles were being published
8 and they were nonsense. We have all that.

9 But the assertion here is that it was
10 obviously foreign interference, right, and we know that
11 someone telling lies in a foreign country is not necessarily
12 foreign interference for the purposes of our Commission,
13 right.

14 So let me ask you this. You have also said
15 that it could not be directly attributed to a foreign state,
16 but isn't it true that it couldn't be attributed to a foreign
17 state directly or indirectly?

18 **MR. BRIAN CLOW:** The conclusion of officials
19 was they were not able to attribute it to a foreign state.

20 **MR. GIB van ERT:** Right. Not -- it's not a
21 question of directness or indirectness, it just couldn't be
22 attributed?

23 **MR. BRIAN CLOW:** They could not reach their
24 conclusion.

25 **MR. GIB van ERT:** Yes. All right, and then
26 finally, you say here the government had no available
27 response. But we've had Mr. Sutherland's evidence that --
28 and that there was an arrangement with American social media

1 companies, Facebook in particular, and that at the direction
2 of the Clerk of the Privy Council, Mr. Sutherland reached out
3 to Facebook and Facebook suppressed the story. So that was a
4 government response that was available and it was actually
5 exercised. Do you agree?

6 **MR. BRIAN CLOW:** And I learned of that from
7 Mr. Sutherland's testimony here.

8 **MR. GIB van ERT:** Thank you. Those are my
9 questions.

10 **COMMISSIONER HOGUE:** Thank you.

11 Next one is counsel for Jenny Kwan.

12 **--- CROSS-EXAMINATION BY MR. SUJIT CHOUDHRY:**

13 **MR. SUJIT CHOUDHRY:** Good morning. Good
14 afternoon, sorry. My name is Sujit Choudhry, and I'm counsel
15 to Jenny Kwan, Member of Parliament for Vancouver East.

16 So I'd first like to go back over some of the
17 -- your testimony earlier this afternoon, and this is sort of
18 a machinery of government or information flow issue because
19 this is one of the components of this phase of the
20 Commission's work. And so it's about kind of untangling or
21 clarifying the relationship between the Clerk, the NSIA, the
22 CSIS Director, the PMO, and the Prime Minister. And --
23 because there's lots of different entities at the apex of the
24 federal executive involved in matters of intelligence and
25 foreign interference.

26 And so what I thought I heard today, and I'm
27 sorry I don't have a transcript, so I want to go over it
28 again, is can the CSIS -- if the CSIS Director wants to brief

1 the Prime Minister or the Prime Minister's Office, that
2 request can be made through the PMO, through the Clerk,
3 through the NSIA, all of the above, some of them. If someone
4 could just confirm how that works I'd be grateful.

5 **MS. KATHERINE TELFORD:** I think it would be
6 customary and our regular experience for the CSIS Director to
7 work that out with the NSIA, who would come to us. And I
8 can't think of a time that if there's ever a request to brief
9 the Prime Minister or any of us that that doesn't happen.

10 **MR. SUJIT CHOUDHRY:** And I've noticed that in
11 -- sometimes the CSIS Director has met with the Prime
12 Minister directly with -- and he might be supported by his
13 team. In other cases, the CSIS Director might meet just with
14 the PMO and senior members of the bureaucracy. Can you help
15 to explain when one or the other happens?

16 **MS. KATHERINE TELFORD:** When he brings his
17 team or doesn't?

18 **MR. SUJIT CHOUDHRY:** Or, sorry, to clarify,
19 when the meeting would just be with the PMO, so members of
20 this, for example, this panel or other colleagues, or would
21 actually involved the Prime Minister himself.

22 **MS. KATHERINE TELFORD:** So as I mentioned
23 earlier, the Prime Minister -- if ever the - any senior
24 official wanted to brief the Prime Minister, particularly the
25 ones you are mentioning, that would be arranged right away.
26 And there are times, however, where they will come and ask to
27 brief any combination of us, depending on the issue or who's
28 around. Sometimes some of us are on the road with the Prime

1 Minister and others of us are back at the office, and so they
2 want to take us through what's coming because it can't be
3 scheduled with the Prime Minister until his return or
4 something else. And it's almost like a bit of a
5 pre-briefing, and you've seen that in some of the outlines of
6 the meeting dates, where you can see that staff met with
7 officials and then there's a subsequent meeting with the
8 Prime Minister.

9 **MR. SUJIT CHOUDHRY:** Okay, great. So then on
10 that topic, I'd like to take you to a document that I think
11 you've been -- we've been discussing. It's CAN 4495.

12 And I think this question is for Mr. Clow
13 because he seems to take extremely careful notes. And so
14 Mr. Clow, I'm sorry, but I need to -- I -- we've heard from
15 other witnesses and I think from the panel as well that these
16 are talking points, they're not necessarily a memo. They
17 don't necessarily reflect what was said, and you've pointed
18 that out.

19 There's a little bit here that I just wanted
20 to take you through, and I'm sorry I have to do this. It's
21 on -- if you start on page 5. If you go down to Conclusions.
22 There's a number -- there's sort of three bullet pointed
23 conclusions here. So maybe if you could just familiarise
24 yourself with them.

25 **MR. BRIAN CLOW:** Yeah.

26 **MR. SUJIT CHOUDHRY:** And then -- yeah.

27 **MR. BRIAN CLOW:** Yeah, I've seen these.

28 **MR. SUJIT CHOUDHRY:** And then there's two

1 bullet pointed....

2 You can go to the next page.

3 And to the best of your recollection, were
4 these bullet points, were these discussed by the Director
5 or....?

6 **MR. BRIAN CLOW:** No. These very specifically
7 were not related to us in that briefing.

8 **MR. SUJIT CHOUDHRY:** Okay. And then finally,
9 I have a question. I think it's probably best directed at
10 Mr. Travers. And so we've had -- Deputy Minister Morrison
11 has testified a couple of times, and I think what we've
12 established through his testimony is that the -- that foreign
13 interference in the form of support to a candidate or a party
14 violates international legal obligations that states that
15 have towards Canada, it violates domestic law, and that there
16 are -- he -- kind of the way he put it there have been --
17 it's been raised dozens of times with foreign states, there
18 have been several diplomatic notes, is what he said.

19 Are you able to -- we weren't aware of any of
20 this until his testimony, and we're wondering if you're able
21 to shed light at all on the ways in which Canada
22 diplomatically engages states that are interfering in
23 Canadian politics?

24 **MR. PATRICK TRAVERS:** So I'm not an
25 international lawyer, but certainly the Deputy Minister's
26 articulation of the conventions that guide appropriate
27 diplomatic activities seems accurate to me. While being
28 careful about the details to which we might speak in a

1 setting like this, I will say that this government has been
2 quite public since 2016 about the threat that certain states
3 pose to democracies around the world, including Canada.
4 We've taken a series of measures in Canada to protect our
5 democracy, and we do not shy away from articulating the
6 importance of not interfering in democracy to international
7 partners.

8 **MR. SUJIT CHOUDHRY:** I think that concludes
9 my questions. Thank you.

10 **COMMISSIONER HOGUE:** Thank you.

11 Mr. De Luca for the Conservative Party.

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

13 **MR. NANDO de LUCA:** Good afternoon.

14 This is a question for the panel. Am I
15 correct that in your roles in the PMO's, or the Prime
16 Minister's Office, you each have security clearances as
17 necessary to be briefed on the most serious matters of
18 national security, including foreign interference in Canada
19 elections?

20 **MS. KATHERINE TELFORD:** Yes.

21 **MR. JEREMY BROADHURST:** Yes.

22 **MR. PATRICK TRAVERS:** Yes.

23 **MR. BRIAN CLOW:** Yes.

24 **MR. NANDO de LUCA:** And in -- did I
25 understand correctly that in addition to your roles in the
26 Prime Minister's Office your evidence is that you each took
27 leaves of absence from your government jobs in order to
28 support the Liberal Party of Canada at campaigns in the 2019

1 and 2021 elections?

2 MR. BRIAN CLOW: Yes.

3 MR. JEREMY BROADHURST: Patrick ---

4 MR. PATRICK TRAVERS: I didn't.

5 MR. JEREMY BROADHURST: Patrick did not.

6 MR. PATRICK TRAVERS: I am the exception. I
7 did not.

8 MR. NANDO de LUCA: Sorry?

9 MR. PATRICK TRAVERS: I am the exception. I
10 did not take a leave of absence. I remained in the Prime
11 Minister's Office during both election periods.

12 MR. NANDO de LUCA: Okay. Thanks for that
13 clarification.

14 And for the three that did, to be clear, your
15 leaves of absence and your jobs during your leaves of absence
16 would have been hopefully to re-elect Liberal candidates, and
17 in particular, that included the Prime Minister?

18 MR. BRIAN CLOW: Yes.

19 MR. JEREMY BROADHURST: Yes.

20 MR. NANDO de LUCA: Okay. And during your
21 leaves of absence, for those of you who took leaves of
22 absences, did any of you during those writ periods have
23 occasion to speak to or communicate with the Clerk or other
24 members of the, sorry, with the Clerk or other members of the
25 PCO relating to government business?

26 MR. BRIAN CLOW: Not in my case.

27 MS. KATHERINE TELFORD: No.

28 MR. JEREMY BROADHURST: I have already said

1 that I spoke to officials with respect to the information
2 provided to the party ---

3 **MR. NANDO de LUCA:** Sorry ---

4 **MR. JEREMY BROADHURST:** --- by the SITE -- by
5 the -- by the SITE Task Force. That I clarified with
6 officials just to ensure that we had accurate information
7 that was being conveyed to the party pursuant to the
8 Protocol.

9 **MR. NANDO de LUCA:** And this was in relation
10 to the Han Dong allegations ---

11 **MR. JEREMY BROADHURST:** Correct.

12 **MR. NANDO de LUCA:** --- in 2019?

13 **MR. JEREMY BROADHURST:** Right.

14 **MR. NANDO de LUCA:** Okay. So can I get
15 CAN.DOC 13 pulled up again.

16 And I'm going to see if I can skip some of
17 these questions because I think they've already been covered
18 off. But just for reference, Mr. Broadhurst, you indicated
19 that after the information was communicated, which originally
20 emanated from CSIS to Mr. Ishmael, then relayed to you, you
21 were the one that were charged with and did actually brief
22 the Prime Minister. Is that correct?

23 **MR. JEREMY BROADHURST:** Correct.

24 **MR. NANDO de LUCA:** Okay. And was there
25 anyone else present in that meeting?

26 **MR. JEREMY BROADHURST:** No, there was not.

27 **MR. NANDO de LUCA:** Okay. And would that
28 meeting have involved any sort of paperwork, document,

1 whether electric or hard copy?

2 **MR. JEREMY BROADHURST:** No.

3 **MR. NANDO de LUCA:** It was entirely verbal?

4 **MR. JEREMY BROADHURST:** Correct.

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

6 **MR. JEREMY BROADHURST:** We did not have -- we
7 never received any paper.

8 **MR. NANDO de LUCA:** Right. But you didn't
9 prepare any notes for your meeting?

10 **MR. JEREMY BROADHURST:** I did not.

11 **MR. NANDO de LUCA:** Okay. The Prime Minister
12 take any notes?

13 **MR. JEREMY BROADHURST:** No, he did not.

14 **MR. NANDO de LUCA:** Okay.

15 **MR. JEREMY BROADHURST:** Again, given it was
16 confidential information, ---

17 **MR. NANDO de LUCA:** Fair enough.

18 **MR. JEREMY BROADHURST:** --- I don't think
19 that was appropriate.

20 **MR. NANDO de LUCA:** And at the time you had
21 your discussion with the Prime Minister, did the allegation
22 regarding these -- the allegations regarding the busses that
23 had been provided come up?

24 **MR. JEREMY BROADHURST:** Yes.

25 **MR. NANDO de LUCA:** Okay. Did you have any
26 discussion as to who might have paid for these busses?

27 **MR. JEREMY BROADHURST:** I provided the Prime
28 Minister with the information that we had been provided for,

1 which was there was intelligence reporting which suggested
2 that perhaps a PRC official in Canada had provided the
3 busses.

4 **MR. NANDO de LUCA:** Okay. And that -- to
5 your understanding, that would not have been within the rules
6 of either the Liberal Party or the laws of Canada? Is that
7 correct?

8 **MR. JEREMY BROADHURST:** That would have
9 violated a number of things, yes. Both the -- well, as you
10 say, the laws of Canada and our own internal rules.

11 **MR. NANDO de LUCA:** Okay. And did you, in
12 your discussions with the Prime Minister, or perhaps in your
13 own deliberations, did you consider who else might have paid
14 for those busses?

15 **MR. JEREMY BROADHURST:** Well first of all, if
16 busses in fact existed.

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

18 **MR. JEREMY BROADHURST:** Right? Which had not
19 been established at that point. I mean -- so I'm not sure I
20 understand the question. Perhaps you can ---

21 **MR. NANDO de LUCA:** Okay. So the issues of
22 busses came out, the allegation that busses had been provided
23 to bus these foreign students to vote in the nomination
24 contest, and that had been an allegation that had been
25 relayed to you; correct?

26 **MR. JEREMY BROADHURST:** Correct. Right.

27 **MR. NANDO de LUCA:** And you relayed that to
28 the Prime Minister?

1 **MR. JEREMY BROADHURST:** Correct.

2 **MR. NANDO de LUCA:** So my question to you is,
3 did either you alone, or with the Prime Minister, consider
4 who might have paid for those busses if they were in fact --
5 if they had in fact been used, and assuming it wasn't the
6 PRC?

7 **MR. JEREMY BROADHURST:** Right. Well busses -
8 - as I testified before, busses at a nomination meeting are
9 not an unusual thing. They could be paid for by the
10 candidates themselves. They could be paid for by -- a
11 collection of voters could get together and decide to rent a
12 bus. They could be paid for a young Liberal club, or a
13 student union, or even a school itself if they wanted to
14 encourage it.

15 The fact that the bus was, you say, carrying
16 foreign students, I mean, they -- there was nothing
17 inherently wrong with transporting foreign students. Foreign
18 students were able to vote if they had properly registered as
19 Liberals in the nomination, if they were residents in the
20 riding.

21 So the matter of who was on the bus was not
22 as relevant as, like, was the bus properly or improperly paid
23 for. And we didn't have even evidence that we were talking
24 about an actual real bus.

25 **MS. NATALIA RODRIGUEZ:** Madam Commissioner,
26 I'm sorry to interrupt. I'm just being told by the
27 interpreters that everybody needs to speak a little bit more
28 slowly. Thank you.

1 **MR. JEREMY BROADHURST:** Sorry.

2 **COMMISSIONER HOGUE:** Thank you.

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

4 So let me see if I can put it this way. At
5 any point after you received the information from Mr.
6 Ishmael, either alone or with the -- at the direction of the
7 Prime Minister, did you attempt, or did anyone else in the
8 Liberal Party attempt to ascertain, A, if there was a bus,
9 one or more busses, and B, who paid for them?

10 **MR. JEREMY BROADHURST:** There were busses at
11 the nomination.

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

13 **MR. JEREMY BROADHURST:** That is a usual
14 course of events.

15 **MR. NANDO de LUCA:** We've heard that.

16 **MR. JEREMY BROADHURST:** Nobody would have
17 taken account of how many busses. That's ---

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

19 **MR. JEREMY BROADHURST:** That's sort of
20 irrelevant.

21 We were limited in terms of the types of
22 questioning we could do by the fact that we could not reveal
23 the intelligence at this point. But no one was suggesting
24 that there was bussing in of people who shouldn't have been
25 voting, and no one challenged any of the voters, and at the
26 end of the day, individuals would need to, if they pass a
27 certain threshold of expenses, they need to file an audited
28 return, and that would reveal if they paid for the busses,

1 and then -- otherwise, I mean, as I said, there could be
2 other parties who paid for transportation for people to go to
3 the polls.

4 **MR. NANDO de LUCA:** Okay. So it sounds like
5 the answer to my question is no, you didn't ---

6 **MR. JEREMY BROADHURST:** No, I don't think
7 that's right.

8 **MR. NANDO de LUCA:** Okay. Well I'll ask it
9 again. Did you try to ascertain who paid for the busses that
10 you understood were in issue as a result of that briefing?

11 **MR. JEREMY BROADHURST:** I did not have
12 information that there -- like, I did not have a bus that I
13 could point to to say who paid for that bus.

14 **MR. NANDO de LUCA:** You just told me that
15 there wasn't an issue that there were busses.

16 **MR. JEREMY BROADHURST:** Right. There's not
17 an issue that there's busses. But if you're trying to say an
18 allegation is this bus was inappropriately paid for by a PRC
19 official, I need to know which bus we're talking about.

20 **MR. NANDO de LUCA:** That's not the question I
21 asked you, sir. I have your evidence. So ---

22 **MR. JEREMY BROADHURST:** I don't think you do.
23 I don't ---

24 **MR. NANDO de LUCA:** Well, the record will
25 reflect it.

26 So I'm going to ask you this. Let's assume,
27 giving the timing of the intelligence as it had been relayed
28 to Mr. Ishmael, then to you, and then to the Prime Minister,

1 we're talking some time by the time the Prime Minister got
2 it, was either at the end of September, beginning of October
3 2019; correct?

4 **MR. JEREMY BROADHURST:** It was two days after
5 the Liberal Party members were briefed.

6 **MR. NANDO de LUCA:** Okay. So can you give us
7 a sense? The briefing document suggests that it was
8 communicated to Mr. Ishmael on September 28th or 29th.

9 **MR. JEREMY BROADHURST:** The 28th is a Friday
10 and I briefed the Prime Minister on the Sunday.

11 **MR. NANDO de LUCA:** Okay. So is that -- is
12 my math correct? That's October 1st?

13 **MR. JEREMY BROADHURST:** I would say it's the
14 30th of September.

15 **MR. NANDO de LUCA:** Thirty (30) days in
16 September.

17 **MR. JEREMY BROADHURST:** Sorry?

18 **MR. NANDO de LUCA:** Thirty (30) days in
19 September.

20 **MR. JEREMY BROADHURST:** Right. So if the
21 28th is Friday, ---

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

23 **MR. JEREMY BROADHURST:** --- Sunday would be
24 the 30th.

25 **MR. NANDO de LUCA:** Okay. So ---

26 **MR. JEREMY BROADHURST:** I think. I don't
27 have a calendar in front of me, so.

28 **MR. NANDO de LUCA:** That's fine. Not

1 terribly important.

2 Am I correct -- let's assume that it was
3 September 30th. Am I correct that had you, and I'm not
4 saying you did, had you, in either your own deliberations or
5 as a result of your consultation with the Prime Minister
6 decided for some reason that Mr. Dong had to be removed as
7 the Liberal nominee, am I correct that there wouldn't have
8 been enough time for the Liberal Party to submit another
9 candidate for that riding?

10 **MR. JEREMY BROADHURST:** I don't think that is
11 correct, but I would have to go back -- there are specific
12 timelines ---

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

14 **MR. JEREMY BROADHURST:** --- for removal of a
15 name from a ballot.

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

17 **MR. JEREMY BROADHURST:** I think we were still
18 on the outside ability to do that, but I could be wrong on
19 the math on that front.

20 **MR. NANDO de LUCA:** My understanding, it's 21
21 days, and the election was on October 21.

22 **MR. JEREMY BROADHURST:** Right. So I mean, we
23 could have. But, also, there were other options, which is
24 you can disavow a candidate; right? You can -- they're going
25 to appear as a Liberal candidate, but you want to make clear
26 to the public that they will not sit as a Liberal in caucus.
27 You go out and you let the world know that. I mean, that is
28 an option available to you. And we have actually done that

1 in recent election campaigns.

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

3 Mr. Clow, this question is for you. I don't
4 have a lot of time left. In your evidence earlier, you made
5 reference to the -- and we saw some notes. You made
6 reference to your notes regarding the so-called transcript of
7 the intelligence brief. And along with the other things you
8 said, from my understanding is that you didn't review an
9 actual transcript? It was a summary that someone had
10 prepared?

11 **MR. BRIAN CLOW:** What I reviewed, to my
12 understanding, is the only document that existed about this
13 matter. There's only one.

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

15 **MR. BRIAN CLOW:** And it, in my opinion, is a
16 summary, not a transcript.

17 **MR. NANDO de LUCA:** A summary of what, sir?

18 **MR. BRIAN CLOW:** Of an ---

19 **MR. FREDERICK SCHUMANN:** Just before the
20 witness answers, I would remind him not to provide classified
21 information that is not already in the public summary.

22 **MR. BRIAN CLOW:** I think I can answer the
23 question, which is a summary of the -- it related directly to
24 the public summary that has been issued to this Commission in
25 recent weeks, relating to the allegation and media reports
26 that Han Dong supposedly called for the Two Michaels not to
27 be released. That's what it was about.

28 **MR. NANDO de LUCA:** Last question, Mr. Clow,

1 for you. Can you tell us whether, to your understanding,
2 there exists a recording of that -- of the communication that
3 gave rise to these allegations?

4 **MR. BRIAN CLOW:** I'll need to seek guidance
5 of whether I can answer that question.

6 **MR. NANDO de LUCA:** Is there a recording of
7 the intercepted communication between Mr. Dong and the, what
8 we understand to be a high level Chinese official?

9 **MR. FREDERICK SCHUMANN:** I'm happy to take
10 the question under advisement.

11 **MR. NANDO de LUCA:** Sorry. Again?

12 **MR. FREDERICK SCHUMANN:** I'm happy to take
13 the question and consider whether an answer can be given.

14 **MR. NANDO de LUCA:** Thank you. Those are my
15 questions. Thank you.

16 **COMMISSIONER HOGUE:** Thank you.

17 **MR. NANDO de LUCA:** Thank you, panel.

18 **COMMISSIONER HOGUE:** Counsel for the Sikh
19 Coalition. Mr. Singh.

20 **--- CROSS-EXAMINATION BY MR. PRABJOT SINGH:**

21 **MR. PRABJOT SINGH:** Thank you, Commissioner.
22 Good afternoon to the panelists. My name is
23 Prabjot Singh. I'm appearing as counsel on behalf of the
24 Sikh Coalition.

25 So, Ms. Telford, I have a few questions for
26 yourself, and then a couple for you, Mr. Clow.

27 So, Ms. Telford, you've been with the PMO
28 consistently since 2015, and naturally you would have seen

1 foreign interference activity and the evolution of foreign
2 interference activity in Canada over that time period.

3 Based on your time with the PMO, I think
4 you'd agree that India's foreign interference activity has
5 increased since that time, is that fair?

6 **MS. KATHERINE TELFORD:** Can we look to the
7 summary, the public summary, in terms of what we can say on
8 this?

9 **Mr. FREDERICK SCHUMANN:** Yes, I would
10 certainly ask that Ms. Telford be allowed to refer to the
11 public summary.

12 **MR. PRABJOT SINGH:** You know, I don't want to
13 spend too much time on this. If you're not able to answer
14 this question for national security reasons, then we can move
15 on.

16 Is that the case?

17 **MS. KATHERINE TELFORD:** I think that's the
18 case.

19 **MR. PRABJOT SINGH:** Mr. Operator, can we
20 bring up CAN015842?

21 So my understanding is that this is a
22 briefing to the Prime Minister that was produced or given in
23 October 2022. Was this briefing or this information --
24 actually, before that, we can scroll down, actually, to the
25 specific section? I believe it's on page 2 at the top.
26 Yeah, right there.

27 So section is redacted and replaced with
28 "Government of India officials" without specifying whom. And

1 goes on to say that India:

2 "...[uses] Canada-based proxies, both
3 witting and unwitting, to covertly
4 influence Canadian elected officials,
5 members of the Indian diaspora, and
6 local cultural media outlets."

7 And it goes on to say that:

8 "...Indian officials and their
9 proxies may also...specifically
10 [target] non-Indo-Canadian
11 politicians to advance pro-[Indian]
12 positions."

13 Was this information conveyed to staff at the
14 PMO, or the PM himself?

15 **MR. BRIAN CLOW:** So this document came up
16 earlier, and I testified that the specifics of what's in here
17 were not directly relayed to the Prime Minister in that
18 briefing, but the topic of India did come up in that
19 briefing.

20 **MR. PRABJOT SINGH:** And so was this specific
21 information about the nature of Indian foreign interference
22 conveyed to any members of the staff on the panel, in this
23 level of detail?

24 **MR. BRIAN CLOW:** At any time you mean, or in
25 this briefing?

26 **MR. PRABJOT SINGH:** At any time.

27 **MR. FREDERICK SCHUMANN:** Well, I think before
28 the witness answers, it may only be -- it may only be

1 possible for him to answer in relation to this specific
2 briefing.

3 **MR. PRABJOT SINGH:** Sure.

4 **MR. BRIAN CLOW:** In the specific briefing,
5 the Prime Minister was briefed on specific cases, and that
6 included -- I'm going by memory here, one, possibly two
7 India-related foreign interference matters.

8 **MR. PRABJOT SINGH:** And are you able to delve
9 into the details of those specific instances that were
10 reported?

11 **MR. BRIAN CLOW:** I don't believe I am.

12 **MR. PRABJOT SINGH:** Ms. Telford, did you ever
13 hear reports or complaints from members of the Liberal Caucus
14 outlining observations of foreign interference in their
15 ridings and in their communities?

16 **MS. KATHERINE TELFORD:** I've certainly had
17 conversations with Caucus members on the subject.

18 **MR. PRABJOT SINGH:** So there have been
19 concerns that were raised and observations by members of the
20 Liberal Caucus that were brought to the PMO?

21 **MS. KATHERINE TELFORD:** Yes.

22 **MR. PRABJOT SINGH:** And are you able to
23 advise on any follow-up actions or reporting that were done
24 as a result?

25 **MS. KATHERINE TELFORD:** I have passed on that
26 information -- to the extent that there's information to pass
27 on or even flags or cautions, I have passed that on to
28 appropriate security officials.

1 **MR. PRABJOT SINGH:** And is it your
2 understanding that it's been Liberal and NDP representatives
3 have been the most targeted or impacted by negative Indian
4 disinformation, particularly the baseless allegations that
5 they are so-called extremists?

6 **MS. KATHERINE TELFORD:** I don't think I can
7 speak to that.

8 **MR. PRABJOT SINGH:** So just in terms of your
9 observations, would you agree that it's been Liberal and NDP
10 representatives that have been targeted by Indian media
11 claims that they are so-called extremists or supposedly
12 sympathetic to extremism?

13 **MS. KATHERINE TELFORD:** I don't think I can
14 get into specific individuals.

15 **MR. PRABJOT SINGH:** In terms of -- so I'm not
16 asking for classified information. In terms of your
17 observations as a political staffer, is it the case that it's
18 members of the Liberal and NDP Caucus that have been targeted
19 by these allegations by open-source public media from India?

20 **MS. KATHERINE TELFORD:** I think we have
21 certainly heard members from both of those parties speak
22 publicly to that.

23 **MR. PRABJOT SINGH:** And Mr. Operator, can we
24 move to CAN017676?

25 And Mr. Clow, if we scroll down to page 2, I
26 believe, Mr. Clow, I believe these are handwritten notes from
27 a meeting on May 18th, 2023; is that correct?

28 **MR. BRIAN CLOW:** That's right.

1 **MR. PRABJOT SINGH:** And so in your
2 handwriting it says -- it makes mention of Indian foreign
3 interference in 2019, and in quotes specifically it says,
4 "Same" and it says "Opportunistic".

5 **MR. BRIAN CLOW:** I think the first word is
6 "Some".

7 **MR. PRABJOT SINGH:** Sorry?

8 **MR. BRIAN CLOW:** The first word is "Some".

9 **MR. PRABJOT SINGH:** "Some," okay. So "Some"
10 and "Opportunistic".

11 Can you expand on what you meant by those
12 phrases and why they were quoted that way?

13 **MR. BRIAN CLOW:** So when this came up earlier
14 and I explained that this was me noting down the key points
15 that were being relayed to Ministers about foreign
16 interference in the 2019 to '21 elections, and that included
17 some updates on -- as it related to India. I don't remember
18 the details beyond that.

19 My interpretation of my own notes is that I
20 wrote down "Some" because the CSIS officials would have said
21 there was "Some" Indian foreign interference in those
22 elections and would have described their tactics and efforts
23 as "Opportunistic".

24 **MR. PRABJOT SINGH:** Can you expand a little
25 bit on what "Opportunistic" suggests or ---

26 **MR. BRIAN CLOW:** I'm not able to expand. A
27 CSIS official would have to.

28 **MR. PRABJOT SINGH:** And if we can move to CAN

1 17997.

2 --- EXHIBIT No. CAN 17997:

3 Handwritten Notes of B. Clow

4 **MR. PRABJOT SINGH:** So I believe this is a
5 handwritten note from a meeting on June 29th. Can you
6 confirm what year this meeting was?

7 **MR. BRIAN CLOW:** This was 2023.

8 **MR. PRABJOT SINGH:** Okay. And can we scroll
9 down? A little bit further; I believe it might be the next
10 page. A little bit further. Right there.

11 So there's a note here that says, "PM -
12 India." Does that mean that the Prime Minister requested
13 information about Indian foreign interference at that time?

14 **MR. BRIAN CLOW:** This was a briefing. So as
15 we've testified before, the Prime Minister is briefed by
16 officials when they feel they need to tell him something.

17 For some context, the Chong reference, this
18 was a few days before it was made public by the RRM that
19 there was another disinformation campaign about Mr. Chong. I
20 don't recall what the India update was in that meeting.

21 **MR. PRABJOT SINGH:** Okay. And there's a note
22 that says, "Public inquiry will illuminate some issues." Can
23 you expand on what that means?

24 **MR. BRIAN CLOW:** So at this stage, while it
25 had not been announced, there were active discussions with
26 the opposition parties about holding a public inquiry, so we
27 were discussing the public inquiry and I think that's simply
28 a statement that this public inquiry would illuminate foreign

1 interference issues.

2 **MR. PRABJOT SINGH:** Specifically ---

3 **MR. BRIAN CLOW:** I don't recall the specifics
4 of why ---

5 **MR. PRABJOT SINGH:** And is it specifically in
6 reference to India?

7 **MR. BRIAN CLOW:** I don't recall.

8 **MR. PRABJOT SINGH:** Okay. And my final
9 question to all members of the panel: We've heard a lot of
10 evidence over the past couple of weeks about the difficulty
11 in detecting disinformation and foreign interference
12 activity, and understanding how this translates into impacts
13 on communities and voting patterns. And this is especially
14 the case when dealing with distinct cultural groups and
15 racialized minorities that access different modes of -- modes
16 and types of media; who speak different languages and are
17 vulnerable, particularly to coercion by proxies. Would you
18 agree that more needs to have been done and needs to be done
19 to understand the unique mechanics and impacts of foreign
20 interference on diaspora communities?

21 **MR. JEREMY BROADHURST:** I'll start.

22 I would say it's been a huge preoccupation
23 for the government. You know, when we came in in 2105, there
24 was really no infrastructure around this idea of, you know,
25 foreign interference in election campaigns. We've tried to
26 build it up in a way that allows for sharing of information,
27 specifically to help, in a lot of cases, groups that are
28 being targeted by this foreign interference.

1 I think we've also seen that there is a
2 tendency that we have to work against that casts doubt on the
3 actions of particularly non-White communities in -- and makes
4 them more vulnerable to charges of foreign interference and
5 doubts their ability to fully participate in our democracy.
6 And you have to get the balance right on this stuff that
7 you're not going too far in sort of othering a group and sort
8 of suggesting that, you know, people, recent -- you know, new
9 Canadians, recent immigrants are going to be proxies for
10 undermining Canadian democracy and so you have to sort of get
11 that balance between protecting people who could be
12 vulnerable but also don't fall for a trope that says that
13 some people aren't ready to be participating in our
14 democracy.

15 **MR. PRABJOT SINGH:** Would any other members
16 of the panel like to also contribute to that?

17 **MS. KATHERINE TELFORD:** I think it's
18 something we've actually spent a fair bit of time talking and
19 thinking about and I imagine the Commission and many more
20 beyond that are going to keep thinking about and putting the
21 work in. I believe that security -- the senior security
22 officials we work with have also been seized with what they
23 need to do, as many organizations have, to ensure inclusion
24 is part of their thinking and it's why diversity -- going
25 back to, I think, one of your first questions, why diversity
26 in our -- in Parliament is so important because we have seen
27 Members of Parliament being able to bring forward experiences
28 from their communities that have informed officials and

1 agencies throughout this town. But there's a lot of work to
2 still do.

3 **MR. PRABJOT SINGH:** Sorry, Madam
4 Commissioner, just to clarify, this is my final question.

5 So would you agree that there are still
6 vulnerabilities in Canada's national security architecture
7 that leaves diaspora communities vulnerable and there's work
8 to be done on that front?

9 **MS. KATHERINE TELFORD:** I have immense faith
10 in our institutions and in the senior officials who are
11 governing them that I have -- that I have worked with and
12 gotten to know. But do I think there is more work to do in
13 what is an evolving threat environment? Absolutely.

14 And you know, we've evolved and added to our
15 work and learned from our work over the course of the time
16 that we've been in government.

17 There were no mechanisms like the ones we've
18 been talking about much of the time today before our
19 government was in government ranging from, you know, NSICOP
20 to NSIRA. And I know all the acronyms we could go through,
21 but there are -- the panel itself, the SITE Task Force and so
22 on, and the reviews of that work. There -- all of these
23 things came about in the last number of years and partly
24 because we've seen threats around the world, partly because
25 it needed to be done and it hadn't been done before.

26 And will there need to be more done in the
27 future? Absolutely. And I know that's part of the work
28 that's going to be considered.

1 **MR. PRABJOT SINGH:** Thank you. Those are all
2 my questions.

3 **COMMISSIONER HOGUE:** Thank you.

4 Mr. Sirois for RCDA?

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

6 **MR. GUILLAUME SIROIS:** Good afternoon.

7 Guillaume Sirois for the Russian Canadian Democratic
8 Alliance.

9 I see the timer is resetting or -- somehow,
10 but ---

11 **COMMISSIONER HOGUE:** It's 5 o'clock, so.

12 **MR. GUILLAUME SIROIS:** Okay. Thank you.

13 My questions will be mostly directed to Mr.
14 Broadhurst, but I invite the other panelists to jump in if
15 they have any other comments or clarifications to provide.

16 Mr. Broadhurst, during the 2019 General
17 Election you were national director of the Liberal campaign;
18 correct?

19 **MR. JEREMY BROADHURST:** Correct.

20 **MR. GUILLAUME SIROIS:** And was the result of
21 this election the one you were expecting?

22 **MR. JEREMY BROADHURST:** I would have hoped
23 for better. One always hopes for better, but you know, it's
24 hard to tell at the start of a campaign how it's going to
25 play out. I try to refrain from predictions until, you know,
26 the votes are in.

27 **MR. GUILLAUME SIROIS:** But the Liberal
28 government lost 20 seats and the majority it had claimed in

1 2015; right?

2 **MR. JEREMY BROADHURST:** Sorry? I didn't get
3 that.

4 **MR. GUILLAUME SIROIS:** The Liberal government
5 lost 20 seats and the majority it had claimed ---

6 **MR. JEREMY BROADHURST:** Correct.

7 **MR. GUILLAUME SIROIS:** --- in 2015.

8 **MR. JEREMY BROADHURST:** Yes.

9 **MR. GUILLAUME SIROIS:** Okay. And to what do
10 you attribute this result?

11 **MR. JEREMY BROADHURST:** I think there's -- I
12 think there are a lot of reasons that Canadians cast their
13 votes, right. I think there's -- it is very difficult to
14 boil it down to one thing or the other.

15 Obviously, over the course of that campaign,
16 we were dealing with issues related to SNC Lavalin at the
17 start of the campaign and, you know, there were a series of
18 events that happened throughout the campaign. It -- you
19 know, we were playing defence in a lot of those cases.

20 At the same time, in the 2019 campaign, you
21 know, I did think that we were able to put forward a set of
22 robust policy positions that was -- you know, did get some
23 traction with Canadians and our opponents did not have -- you
24 know, weren't able to capitalize on our rough moments and so
25 we lost some seats, but we were able to hang onto a majority.

26 But I mean, it's a really hard question to
27 answer in a minute here, so there are many factors, right.
28 Many factors.

1 **MR. GUILLAUME SIROIS:** I want to go to CAN
2 88, please. The court reporter can show it on the screen.

3 This is a report from the Digital Forensic
4 Research Lab, also known as the DRF Lab, of the Atlantic
5 Council entitled "Assessing the Canadian Information
6 Environment During the 2019 Federal Election".

7 And are you aware of this report?

8 **MR. JEREMY BROADHURST:** I have seen it. I
9 could not speak knowledgeably about its content.

10 **MR. GUILLAUME SIROIS:** And so you've seen it
11 in the preparation of this testimony today or in another
12 context?

13 **MR. JEREMY BROADHURST:** I think it was with
14 respect to this Inquiry that at some point this document had
15 been pulled up.

16 **MR. GUILLAUME SIROIS:** Okay. So I'm going to
17 go to page 3 just as an introduction to the report so that
18 we're all on the same page. At third paragraph, we see that
19 this is a forensic analysis of some of the Canadian
20 environment ecosystem in the month before and three months
21 following the 2019 federal election.

22 I want to also point out some limitations to
23 this study. At paragraph 3, it talks that the research
24 focuses only on Pinterest and Reddit and not other platforms
25 like Facebook. At paragraph 4, it says that the analysis
26 focused only on the Anglophone information environment.

27 And at paragraph 4 again, we see that the
28 analysis only concentrates on content related to the Liberal

1 Party and Conservative Party.

2 And my question is, with these caveats, I
3 believe it's fair to say that it's not an exhaustive analysis
4 but, rather, an analysis on a relatively small portion of the
5 Canadian information ecosystem just by reading this.

6 **MR. JEREMY BROADHURST:** I don't think I can
7 really speak knowledgeably at all about this. I'm not even
8 sure what the objective of the study is.

9 **MR. GUILLAUME SIROIS:** Well, I just pointed
10 it out. It was a forensic analysis of some of the Canadian
11 information ecosystem in the month before and three months
12 following the 2019 federal election.

13 **MR. JEREMY BROADHURST:** I'm not smart enough
14 to understand that. I'm just not sure if this is trying to
15 analyze the election or trying to analyze the environment in
16 which the election was taking place.

17 **MR. GUILLAUME SIROIS:** Disinformation on the
18 internet.

19 **MR. JEREMY BROADHURST:** Okay.

20 **MR. GUILLAUME SIROIS:** Yeah.

21 **MR. JEREMY BROADHURST:** All right.

22 **MR. GUILLAUME SIROIS:** That's the purpose of
23 this study, so that's why I'm highlighting the ---

24 **MR. JEREMY BROADHURST:** From what you
25 described and what you read, it seems like a pretty small
26 sample of the threat environment.

27 **MR. GUILLAUME SIROIS:** Okay. I want to go at
28 the last paragraph of page 3, if possible.

1 immigrant hate speech over multiple platforms and online
2 communities. Is this something that you felt like was
3 happening as well? Is it the same in one situation?

4 **MR. JEREMY BROADHURST:** I think that we were
5 -- we were seeing growth of hate speech, political hate
6 speech online and otherwise through both 2019 and 2021 and
7 that there were perhaps for the first time in a while parties
8 within Canada -- in the Canadian ecosystem who were prepared
9 to try to harness that hate and that -- you know, that --
10 those anxieties for their own political gain, so that's -- it
11 doesn't surprise me that a study of the online environment
12 would reflect society writ large at that point.

13 **MR. GUILLAUME SIROIS:** Specifically during
14 the 2019 election there was an increase?

15 **MR. JEREMY BROADHURST:** I think we were, you
16 know, in an environment where it was increasing, yes.

17 **MR. GUILLAUME SIROIS:** And would you agree
18 with the report, the last sentence of this paragraph, that
19 it:

20 "...resembled the Russian information
21 operations conducted against the
22 United States in 2016."

23 **MR. JEREMY BROADHURST:** I don't want to
24 classify myself off as an expert on that. It -- there -- as
25 a layperson in the political field, I would say yeah, I mean,
26 there's -- there -- the -- a similar -- you know, seeing what
27 the United States was going through, where those same sort of
28 prejudices and hatreds were being mobilised for political

1 purposes, we'd seen that happen in Canada, there were
2 similarities. Obviously, there have been pretty widespread
3 accusations about Russian interference in the 2016 American
4 election campaign, you know, a host of things have been
5 written about that. To the extent that it was being --
6 similar feelings were being pushed by, you know, Russian
7 information operations, I have not seen specific evidence of
8 that. I would not be surprised to know that there was
9 evidence of that, however.

10 **MR. GUILLAUME SIROIS:** Okay. And that's
11 interesting.

12 I want to go now at -- further down, please,
13 at page 15, under the heading Opportunism by Russian State
14 Broadcasters. It's a bit further down.

15 So now, what we've just seen is sort of hate
16 speech/anti-immigrant campaign that hasn't been attributed to
17 Russia officially. But now we're talking about Russian state
18 broadcasters, specifically, which, like, it's presumably
19 linked with Russia.

20 I want to -- in the second paragraph we talk
21 about the unfortunate "Blackface" situation, which I'm sure
22 you'll recall. The report says here that although
23 international coverage of the event was generally accurate
24 and balanced, Russian media leaned heavily into
25 editorialization.

26 The report further says that this appearance
27 -- that this appear -- this:

28 "...appeared to be the latest move in

1 a concerted anti Trudeau editorial
2 campaign that had gained steam since
3 RT [Russia Today] had named
4 Trudeau...earlier to its list of 'Top
5 10 Russophobes of 2018'."

6 My question is, do you notice -- did you
7 notice at the time of the 2019 election, or prior to this
8 election, since 2018, maybe, that there was a concerted anti
9 Trudeau editorial campaign from Russian media that had gained
10 steam?

11 **MR. JEREMY BROADHURST:** We have often been
12 advised that, you know, there are efforts made by Russia, not
13 necessarily directed with any kind of outcome in mind other
14 than the undermining of democracy and the destabilisation of
15 the democratic processes. This seems almost consistent with
16 that, and it is -- in some cases, it's kind of -- it's almost
17 infantile in its language and content, but what they often
18 are trying to do is just bring discredit into the system and
19 undermine democracy. That's a lot of what people would say
20 about the 2016 American race as well.

21 I mean, it is -- you know, somebody was
22 earlier saying just because something's interfering from a
23 foreign country doesn't make it foreign interference. I
24 would actually disagree with that, but it's sometimes hard to
25 see the state apparatus that may be pushing something. And
26 in some cases, it may not be a state apparatus, it might be
27 ideologically aligned groups around the world, it might --
28 you know, it's hard to say.

1 So again, I can't speak knowledgeably to
2 specific Russian efforts, but I would say this kind of
3 operation is specifically why there is such great concern
4 about the rapid spread of misinformation and disinformation
5 in election campaigns and why we have been working both
6 domestically and with our international partners to set up
7 rapid response mechanisms to try to catch these things before
8 they go viral to try to help, you know, separate legitimate
9 political debate from baseless allegations.

10 I think maybe I'll stop there.

11 **MR. GUILLAUME SIROIS:** I appreciate your
12 answer, thank you. And ---

13 **COMMISSIONER HOGUE:** Sorry; you're over your
14 [no interpretation].

15 **MR. GUILLAUME SIROIS:** I'm sorry. Counsel
16 for the UCC had to leave, and he told me, and I forwarded the
17 email to Commission Counsel that he was generous enough to
18 provide me with his ---

19 **COMMISSIONER HOGUE:** So he's giving you his
20 10 minutes?

21 **MR. GUILLAUME SIROIS:** Exactly. He had to
22 leave personally for another engagement.

23 **COMMISSIONER HOGUE:** Okay.

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

25 **COMMISSIONER HOGUE:** So you have another
26 10 minutes. You have until 5:20.

27 **MR. GUILLAUME SIROIS:** Yeah, thank you.

28 Okay. So to come back just to your last

1 answer, I understand you saying as the Russian state media
2 aims at amplifying divisive content, generally, not only
3 targeted to Prime Minister Trudeau or the Liberal Party, but
4 this paragraph only seems to indicate that there was a more
5 focussed approach against Prime Minister Trudeau than the
6 rest of the political ecosystem.

7 **MR. JEREMY BROADHURST:** Yeah, as I say, I
8 have not seen any kind of analysis like that on the
9 government side, but it -- you know, it doesn't shock me that
10 this would be a conclusion that somebody could reach.

11 **MR. GUILLAUME SIROIS:** But it's not something
12 you witnessed independently prior to hearing this today with
13 me. It's not something you could testify yourself about.

14 **MR. JEREMY BROADHURST:** I -- well, I think
15 that a large part of what we have been concerned about is
16 these types of operations undermining our democratic
17 institutions. So it's -- I -- nothing here is shocking or
18 surprising or nothing that I would take great issue with,
19 like in terms of I think this is wrong. No, I -- this
20 generally sounds like the kind of thing that we're worried
21 about.

22 **MR. GUILLAUME SIROIS:** Okay. Finally, I will
23 be done after that with this document. I want to go with --
24 at the first paragraph of page 16, please.

25 We see a mention about an article published
26 by Sputnik International, which is similar to Russia Today,
27 another Russian state media, that published a story about
28 Alberta separatism on October 20, 2019, so one day before the

1 federal election. And the report mentions that the article
2 used coded language, for example:

3 "Trudeau's 'globalist' agenda,
4 Trudeau's climate change
5 'rhetoric'..."

6 Which is a language that's:

7 "...popular among ideologically
8 motivated extremist activists."

9 And:

10 "Given the timing of the piece, this
11 was likely an attempt to circumvent
12 political advertising restrictions
13 imposed by the EMA on foreign media
14 outlets."

15 Were you aware of this news article at the
16 time of the federal election?

17 **MR. JEREMY BROADHURST:** I -- October 20, 2019
18 was election day ---

19 **MR. GUILLAUME SIROIS:** There was a lot going
20 on.

21 **MR. JEREMY BROADHURST:** --- was it not?

22 **MR. GUILLAUME SIROIS:** It was the day before.
23 Yeah.

24 **MR. JEREMY BROADHURST:** Oh, one day. Okay.
25 Oh, sorry, there it is, one day.

26 **MR. GUILLAUME SIROIS:** Yeah.

27 **MR. JEREMY BROADHURST:** I don't -- I don't
28 think I was aware of this at the date -- at the time, no.

1 **MR. GUILLAUME SIROIS:** Okay. And given the
2 information I presented to you today, do you think it could
3 have influenced voter decisions?

4 **MR. JEREMY BROADHURST:** It's hard to say.
5 This is the danger of a disinformation campaign. It
6 presented as a legitimate news source as it jumps from
7 platform to platform. As it starts appearing in people's,
8 you know, social media feeds, people will treat it like a
9 legitimate news story, and even though it might be baseless
10 propaganda. So yes, you worry about this influencing, you
11 know, influencing campaigns when it's, you know, obviously
12 factually inaccurate material.

13 **MR. GUILLAUME SIROIS:** So is your answer that
14 yes, you worry about that, or yes, it may have influenced
15 some votes?

16 **MR. JEREMY BROADHURST:** Yes, I worry about
17 that. I have no evidence around, that I can speak to, about
18 it influencing this campaign. And I would reiterate, like I
19 do take the, you know, findings of our intelligence community
20 and the things that we put in place. And I think despite
21 attempts that we ended up having free and fair elections that
22 were -- where the outcomes were legitimate, but I think all
23 of these pieces tell -- show you why you need to continue to
24 be vigilant and why we have to up our abilities.

25 **MR. GUILLAUME SIROIS:** And do you have the
26 same worry as to whether disinformation contributed to the
27 Federal Liberal Party losing its majority in 2019?

28 **MR. JEREMY BROADHURST:** No, I'm not concerned

1 that this ultimately had an impact on the outcome, but I am
2 concerned that this type of thing exists, and I could imagine
3 scenarios where it would impact the outcome. But I don't
4 think that there's evidence in this case to support saying
5 that our campaign was undermined to that extent.

6 **MR. GUILLAUME SIROIS:** So I think we can
7 certainly agree that the evidence, at least very limited, but
8 as you've noted -- as I've presented earlier today, this is a
9 very limited forensic analysis.

10 Do you believe that with more research on
11 this, more forensic analysis like this one on other platforms
12 in the Francophonico (*sic*) system focusing on other parties,
13 like the People's Party of Canada, might we find enough
14 evidence to support that there was actually an impact on the
15 election?

16 **MR. JEREMY BROADHURST:** I encourage all study
17 in the area. I think the government's job is to make sure
18 that it has the ability to assess and add visibility of these
19 types of efforts. So that's what I think that we need to
20 focus on on the government side. But it is -- because that
21 ability to monitor all the different platforms, social media
22 platforms around the world to capture this stuff, that's a
23 strength that needs to be enhanced in Canada.

24 **MR. GUILLAUME SIROIS:** And do you think that
25 Canada has that ability right now to make this sort of
26 assessment if, for instance, it contracted out this specific
27 analysis?

28 **MR. JEREMY BROADHURST:** I couldn't speak

1 knowledgeably to that. I don't know if -- I don't know the
2 answer to that.

3 **COMMISSIONER HOGUE:** And I think we'll look
4 into this issue in the next phase.

5 **MR. GUILLAUME SIROIS:** Well I believe it
6 would concern the 2019 Federal Election, but I ---

7 **COMMISSIONER HOGUE:** Thank you.

8 **MR. GUILLAUME SIROIS:** I've noted your
9 comment. Thank you.

10 **COMMISSIONER HOGUE:** Next one is Erin
11 O'Toole. Counsel for Erin O'Toole.

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

13 **MR. THOMAS JARMYN:** Hi, my name is Tom
14 Jarmyn. I'm counsel for Erin O'Toole.

15 I guess if we could bring up CAN17675?

16 And the first page there, that's from you,
17 Mr. Clow? Is that correct?

18 **MR. BRIAN CLOW:** Yes.

19 **MR. THOMAS JARMYN:** And it's basically the
20 meeting invite with respect to a meeting that was carried out
21 in PMO on February 23rd -- or sorry, February 23rd of 2023?

22 **MR. BRIAN CLOW:** That's correct.

23 **MR. THOMAS JARMYN:** And the attendees listed
24 there as required attendees, did they all attend?

25 **MR. BRIAN CLOW:** Some of them attended. It
26 was me and Jeremy Broadhurst from PMO. I don't believe
27 Patrick was there.

28 **MR. PATRICK TRAVERS:** I don't recall.

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

2 **MR. BRIAN CLOW:** And there was Jody Thomas
3 and David Vigneault, the senior officials, discussing with
4 us.

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

6 And if you could scroll down to the next
7 page, please? And so maybe if we just sort of -- so if we
8 can look at the entire page at one time? Thank you.

9 And those are your notes, Mr. Clow?

10 **MR. BRIAN CLOW:** Yes, they are.

11 **MR. THOMAS JARMYN:** And they are -- it's a
12 complete -- so what I'm saying, it's a complete summary.
13 It's an accurate summary of the discussion that occurred
14 during that half hour meeting?

15 **MR. BRIAN CLOW:** I wouldn't claim that
16 everything written here represents everything said in a
17 meeting, in a meeting even of half an hour. There would be
18 much more notes if every single thing were to be noted down.
19 But these, to me, represent the significant points that were
20 made.

21 **MR. THOMAS JARMYN:** It covers -- it
22 highlights all the topics that were covered ---

23 **MR. BRIAN CLOW:** Generally speaking, yes.

24 **MR. THOMAS JARMYN:** --- during the meeting?

25 **MR. BRIAN CLOW:** Yeah.

26 **MR. THOMAS JARMYN:** Okay. So we can say with
27 a fair bit of confidence that these were the subjects that
28 were covered during that particular meeting?

1 **MR. BRIAN CLOW:** Generally speaking, yes.

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

3 And if we could move to then CAN 4495? Just
4 on the first page. We'll stay there.

5 And so that's dated February 21st, 2022.
6 I've been told it is a set of talking points prepared by the
7 Director of -- for the Director of CSIS, possibly at his
8 direction, possibly not, for this meeting with PMO about
9 Canada's democratic institutions.

10 Were there any other meetings with the
11 Director of CSIS about foreign interference in Canada's
12 democratic institutions during the last portion of February?

13 **MR. BRIAN CLOW:** During the last portion of
14 February?

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

16 **MR. BRIAN CLOW:** Not that I recall. Not
17 between PMO or the PM, and not in a formal organized way.
18 It's possible there were conversations. I mean, at this
19 point the media leaks and media stories were happening on a
20 near daily basis. So we were having constant conversations
21 with officials about what was going on. But in terms of
22 formal sit-down briefings, I believe this was the only one in
23 late February.

24 **MR. THOMAS JARMYN:** So it's possible there
25 might have been hallway side conversations, ---

26 **MR. BRIAN CLOW:** Absolutely.

27 **MR. THOMAS JARMYN:** --- but the only formal
28 thing for which talking points would have been prepared would

1 have been that one meeting, you think?

2 **MR. BRIAN CLOW:** I'm only aware of the one
3 briefing that the Prime Minister's Office was involved in at
4 the end of February. These talking points were prepared for
5 the CSIS Director for that meeting. I don't know if other
6 talking points were prepared for the ---

7 **MR. THOMAS JARMYN:** Maybe I could ask your
8 colleagues. Are you aware of any other meetings during the
9 last -- latter portion of February in which the topic was
10 discussed between the Prime Minister's Officer and the
11 Director of CSIS about foreign interference threats to
12 Canada's democratic institutions?

13 **MR. JEREMY BROADHURST:** I would -- I'm not
14 aware of, like, any formal meeting. I think there were a lot
15 of conversations going on, but until this process, we were
16 also unaware that people were bringing talking points for the
17 meetings. And I think given their lack of use in the
18 meetings, I think maybe the Director might have been unaware
19 that people were producing talking points for these meetings.
20 I just -- these are -- don't reflect any kind of
21 conversations that we ever had with anybody on the
22 intelligence side.

23 **MR. THOMAS JARMYN:** Fair point. But I guess
24 my question is, were there any other scheduled meetings
25 between the Prime Minister's Office and the Director of CSIS
26 ---

27 **MR. JEREMY BROADHURST:** I don't think ---

28 **MR. THOMAS JARMYN:** --- to discuss this ---

1 **MR. JEREMY BROADHURST:** --- these were
2 provided ---

3 **MR. THOMAS JARMYN:** --- particular topic ---

4 **MR. JEREMY BROADHURST:** They were not going
5 to be called ---

6 **MS. KATHERINE TELFORD:** These were not going
7 to be called in the Institutional Report ---

8 **MR. JEREMY BROADHURST:** --- in the
9 Institutional Report.

10 **MS. KATHERINE TELFORD:** --- and that is
11 faithful to our experience, ---

12 **MR. JEREMY BROADHURST:** Yes.

13 **MS. KATHERINE TELFORD:** --- what is listed
14 there, including the caveat that there were many other
15 conversations that were not set up as calendarized formal
16 briefings.

17 **MR. THOMAS JARMYN:** I appreciate that. Okay.
18 Thank you.

19 And so let's just scroll down a little
20 further to the middle of page 2. And sorry -- yes, that's
21 it.

22 We see the discussion at that third bullet:
23 "Reporting also suggests that, on at
24 least one occasion, the PRC [...]
25 transferred approximately \$250,000."

26 And you see that?

27 **MR. BRIAN CLOW:** Yes.

28 **MR. THOMAS JARMYN:** And that is actually

1 referenced in your notes; isn't it?

2 **MR. BRIAN CLOW:** Yes.

3 **MR. THOMAS JARMYN:** Okay. And if we could
4 scroll down a little further? Actually, can I go back up to
5 the reference immediately above that?

6 "...at least 11 candidates and 13 staff
7 members..."

8 And we see the reference to 11 candidates in
9 your notes. That's there as well?

10 **MR. BRIAN CLOW:** Yes.

11 **MR. THOMAS JARMYN:** Okay. Let's go down to
12 page 3. That's it. Thank you.

13 And here we see the middle bullet:

14 "We['ve] also observed online and
15 media activities aimed at
16 discouraging Canadians, particularly
17 of Chinese heritage, from supporting
18 the Conservative Party, leader Erin
19 O'Toole, and particularly Steveston-
20 Richmond East candidate Kenny Chiu."

21 Some redacted materials.

22 "...the timing of these efforts to
23 align with Conservative polling
24 improvements; the similarities in
25 language with articles published by
26 the PRC state media; and the
27 partnership agreements between these
28 Canada-based outlets and PRC

1 entities; all suggest that these
2 efforts were orchestrated or directed
3 by the PRC.”

4 And it's your evidence that was not passed on
5 during this meeting?

6 **MR. BRIAN CLOW:** My recollection is that did
7 not come up as a topic in that briefing.

8 **MR. THOMAS JARMYN:** And it's a fairly clear
9 and unequivocal statement, such that if it had, it would
10 likely have been recorded in your notes?

11 **MR. BRIAN CLOW:** If we had discussed it, I
12 believe I would have made a note of it, yes.

13 **MR. THOMAS JARMYN:** And are any of your other
14 colleagues aware of such an insertion during a briefing or
15 meeting with the Director of CSIS during the last week of
16 February?

17 **MS. KATHERINE TELFORD:** No, I would have
18 recalled that.

19 **MR. JEREMY BROADHURST:** I was at the meeting
20 with Brian and I don't believe it was discussed. And this
21 would have stood out because this is not the language that
22 CSIS generally uses when discusses this stuff.

23 **MR. THOMAS JARMYN:** And Mr. Travers, do you
24 have any contrary knowledge?

25 **MR. PATRICK TRAVERS:** No, I don't.

26 **MR. THOMAS JARMYN:** Those are all my
27 questions. Thank you, Commissioner.

28 **COMMISSIONER HOGUE:** Thank you.

1 to sort of what was underlying or potential caveats were to
2 different pieces of intelligence that we were talking about.

3 Effect on people who can't defend themselves,
4 I can't speak specifically on and I don't recall specifically
5 what I was referring to there or who, but I did reference
6 that much earlier in my testimony, how, you know, some of the
7 time we hear -- particularly through security clearances and
8 things, we will hear flags where the individual involved
9 isn't in a position to be able to respond and so that can be
10 a real challenge.

11 And then overanalyzing and under-reporting, I
12 believe that was someone in the room kind of talking about
13 some of the things that we were seeing at this time and how,
14 when you don't have proper context, you can really end up
15 with -- if you're just looking at one piece of intel without
16 a whole lot of other context, that can lead to a problem. It
17 can lead you down a wrong path.

18 And you know, one of the conversations we've
19 had also going into some earlier testimony is that -- because
20 it's related to these things, too, is that if you see an
21 error or know of an error in intelligence, we've had
22 conversations as it relates to this with the Director of CSIS
23 and the NSIA about the importance of not correcting and
24 changing the intel in any way even when you know it not to be
25 true because of it speaks to -- it speaks to the source and
26 it's actually important to understand, you know, it speaks to
27 the corroboration and validation of the source and of that
28 piece of intelligence, which is why when you have these

1 pieces of intelligence coming out publicly on their own
2 without any of these caveats associated, it can paint a very
3 different picture than the picture that is being seen
4 otherwise.

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

6 So am I correct in understanding the under-
7 reporting, to the best of your recollection, that's about
8 CSIS under-reporting or under-reporting in the news? Is it -
9 - it's not about under-reporting of community members, like
10 victims of foreign interference?

11 **MS. KATHERINE TELFORD:** No, I think that
12 would have been more -- this would have all been associated
13 to an intelligence discussion.

14 **MS. SARAH TEICH:** Okay. Thank you.

15 This is going to be for the panel at large.
16 Anyone can feel free to jump in with an answer.

17 You testified in cross-examination with Ms.
18 Young that the busing-in of voters can occur in the ordinary
19 course of a nomination contest. And just to clarify, I'm
20 asking only generally in this sense. It would not be in the
21 ordinary course of a nomination contest, would it, for voters
22 or potential voters to be pressured or intimidated to vote in
23 a certain way?

24 **MR. JEREMY BROADHURST:** That would not at all
25 be in the regular course of a nomination contest and we would
26 take that incredibly seriously. We have tossed candidates
27 out for allegations of bullying and intimidation.

28 **MS. SARAH TEICH:** So am I correct in

1 assuming, then, that you did not receive intelligence about
2 voters or potential voters being coerced in the context of
3 the Don Valley North nomination contest?

4 **MR. JEREMY BROADHURST:** Part of the theory
5 that was put forward is that foreign students would be
6 intimidated into doing the bidding of the PRC official given
7 their vulnerable status as students who rely on student
8 visas. We -- I am unaware of any specific case where
9 somebody can say, "Here's an individual who was intimidated
10 in that way".

11 The fact that foreign students voted in the
12 nomination does not, I think, meet the criteria of saying
13 therefore, they must have been intimidated to do so since we
14 invite that kind of participation.

15 **MS. SARAH TEICH:** Right. No, and I
16 appreciate you wouldn't know for sure, but I guess I'll
17 rephrase my question.

18 Did you receive intelligence or reports of
19 intelligence or allegations that there was potential coercion
20 of voters?

21 **MR. JEREMY BROADHURST:** I have not seen any -
22 - I have not -- the plan was put forward in the hypothetical
23 that this is what would -- this is what somebody surmises is
24 going to happen or was done. It did not have specific points
25 along the way that said and then we know this bus went
26 somewhere or we know something happened, so the overarching
27 plan as sort of laid out involved getting students to do the
28 bidding of the PRC official because they are vulnerable,

1 whether that's through physical coercion or just, you know,
2 intimidation around the visa or whatever.

3 But we were not provided with the information
4 that that actually happened. Just that there was
5 intelligence reporting that the plan existed to do that.

6 **MS. SARAH TEICH:** Okay. So you did receive
7 reporting that the plan existed.

8 **MR. JEREMY BROADHURST:** Correct.

9 **MS. SARAH TEICH:** Okay. Did you brief ---

10 **COMMISSIONER HOGUE:** Your time is over, so
11 it's going to be your last question.

12 **MS. SARAH TEICH:** Okay. No problem.

13 Did you brief the Prime Minister about that?

14 **MR. JEREMY BROADHURST:** That is what I
15 briefed the Prime Minister.

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

17 **COMMISSIONER HOGUE:** Thank you.

18 Attorney General.

19 --- CROSS-EXAMINATION BY MR. FREDERICK SCHUMANN:

20 **MR. FREDERICK SCHUMANN:** Thank you, Madam
21 Commissioner.

22 So my first question is primarily for Mr.
23 Broadhurst, but I encourage others to contribute.

24 The Commission's heard evidence from Mr.
25 Kenny Chiu and Mr. Erin O'Toole about the alleged impact of
26 certain media articles in six to nine ridings in the 2021
27 election. They asserted that the Conservative Party lost
28 those ridings because of foreign interference.

1 Mr. Broadhurst, I believe you spoke already
2 about the Conservative Party's position on China as a factor
3 in the 2021 election, but can you please comment more broadly
4 on Mr. Chiu and Mr. O'Toole's assertion first by addressing
5 how the respective policy positions of the Liberal and
6 Conservative Parties were being received in the Chinese
7 Canadian community and in those specific ridings?

8 **MR. JEREMY BROADHURST:** Yes. As I mentioned
9 before, it was observed by many both within the Chinese
10 Canadian community and outside of it that the Conservative
11 Party adopted a shift in its policies towards China in the
12 run-up to the 2021 election campaign.

13 The Conservative Party, I don't think it's
14 contentious to say, had for well over a decade been trying to
15 make inroads within Chinese Canadian communities in ridings
16 across the country and, in some cases, those efforts had
17 resulted in some electoral success. What had changed in the
18 rhetoric that was now being used under Mr. O'Toole's
19 leadership was a shift from just a criticism of the Communist
20 Party regime in Beijing to something that was sending up kind
21 of a values fight that said -- you know, that people were
22 interpreting as saying, you know, that Chinese values and
23 Canadian values were somehow incompatible and that Canada
24 needed to have sort of a moral based approach to China that
25 sort of rejected the values that were coming out of China.

26 And so in a way, it was moving from a regime-
27 based criticism to sort of a be fearful of China and its
28 power writ large.

1 You know, that's a point of debate. I will
2 acknowledge that. But that is the debate that was going on
3 and it was turning off the Canadian Chinese community,
4 particularly at a moment when the Chinese Canadian community
5 was very vulnerable. We had instances -- anti-Asian hate
6 crimes were at an all-time high at that point, largely around
7 anger around COVID and misattribution of, you know,
8 responsibility on that front.

9 You also had the Conservative Party -- there
10 was a member of the Conservative Party, a Member of
11 Parliament, who came out and questioned the loyalty and, you
12 know, commitment to Canada of Dr. Theresa Tam, saying that
13 she should go back to China, right. And the Conservative
14 Party under Erin O'Toole refused to remove -- this was MP
15 Derek Sloan -- from their caucus at that point.

16 This was all creating a bit of a toxic brew
17 that -- all of these courtship that had been gone through for
18 10 years was sort of getting thrown out the window. People
19 were starting to see maybe what you really think of the
20 community.

21 Again, point for debate, but that was at --
22 we were hearing that at the doorstep, we were hearing that on
23 the ground in the very ridings that Mr. O'Toole was talking
24 about.

25 Part of the appeal that the Conservatives had
26 traditionally done to that community was sort of a law-and-
27 order based appeal. That was also undermined over the course
28 of this campaign because what was the top law-and-order issue

1 was the issue of gun control.

2 Liberal Party was putting forward gun control
3 plans. The Conservative Party was opposing them. There was
4 very public video out there of Erin O'Toole making
5 commitments to the pro-gun lobby, and so that felt, again,
6 like almost a betrayal of the commitments that had been made
7 to the community so that was also in the mix there.

8 You add in the fact that it was COVID time.
9 Incumbents that, you know, had maybe come in in 2019 didn't
10 get the chance to really sort of establish what you would
11 sometimes think as the advantage of incumbency, right? There
12 were no festivals and fairs and high school graduations and
13 these things that an incumbent MP links into their community.

14 So in a riding like Richmond-Steveston East,
15 it had been Liberal in 2015. Our candidate, or our sitting
16 MP had some well-publicized ethical challenges in the lead-up
17 to the 2019 campaign and he lost to Kenny Chiu. Kenny Chiu
18 never really, I think, had the opportunity to sort of bond
19 with the community that he now represented.

20 Add to that, across the board we saw an 8
21 percent drop in voter participation between 2019 and 2021.
22 In a riding like Richmond-Steveston East I think it was about
23 5 or 6 percent. So you're already taking votes out of the
24 system. You have a riding that was swinging back and forth,
25 you had a party that was being perceived by the community,
26 outside of whatever was happening on WeChat, but in
27 mainstream media across Canada as having taken in a hardline
28 position on China, and that was standing with the gun lobby

1 rather than scared citizens in urban centres.

2 That, to me, is the simplest explanation of
3 what happened in these ridings. And I think to sort of say
4 the only thing that could explain it was some editorial
5 content on WeChat that may or may not have been directed by
6 PRC, I think it's just -- it just sort of ignores too much
7 evidence at that time.

8 **MR. FREDERICK SCHUMANN:** So my last question
9 is to ask you specifically about predictive modelling, and
10 the Commission heard from Mr. O'Toole that predictive
11 modelling was one of the indicators of the impact of foreign
12 interference in those six to nine ridings. And because the
13 results in those ridings were different than what the model
14 the Conservative party had used had predicted, therefore, the
15 foreign interference had an impact, in his view.

16 Do you have experience with modelling, and if
17 so, can you comment on that assertion?

18 **MR. JEREMY BROADHURST:** Sure. We've been --
19 the Liberal Party has been using, you know, pretty
20 sophisticated predictive modelling the last three election
21 campaigns. But models are just made by people, right?
22 You're taking thousand, millions of different pieces of data
23 ranging from past election results, Stats Can information,
24 historical trends, the results of door knocks and phone
25 calls, and you're putting it into the sausage grinder and
26 trying to predict how is this person going to vote? How is
27 this person going to vote? And the weight you give to each
28 of those pieces of information is a human choice along the

1 way.

2 We have found that tinkering with the numbers
3 just a little bit produces widely different results. At one
4 point we were in a campaign where we had three predictive
5 models going to challenge each other to sort of see if we
6 were getting it right.

7 You don't have models as to sort of a parlour
8 game to guess who's going to win the election campaign.
9 You're using them to help you make resource allocation
10 decisions along the way. I can't imagine a model that would
11 have -- based on what I just said previously, that would have
12 told you that those eight or nine seats that Mr. O'Toole's
13 talking about were in the safe category. If it is, you
14 should be questioning your model at that point.

15 But I can tell you what we were looking at
16 and we were saying that they were hotly competitive races.
17 So what do you do? You start making decisions about how
18 you're going to deploy staff into those ridings; you start
19 making decisions about upping your digital advertising in
20 those ridings; you start making decisions about maybe I'll
21 send a Minister into that riding to boost things, or maybe
22 even the Prime Minister will go to those ridings. And you
23 can do that literally up to the last hour of the campaign.
24 Especially now with digital advertising.

25 And so it's not a static thing that comes
26 through. And what your model's not going to get is what your
27 opponent's doing in those last few days of a campaign. So
28 you fight to the end, and then people cast votes for whatever

1 reason that they cast votes, and you see what, the model can
2 only just help you decide where am I going to put finite
3 resources.

4 And I think to sort of sit back and say,
5 "Wow, the model told us that we were -- we should -- those
6 were comfortable wins for us, and we lost them all"; the only
7 explanation is there's a problem in the riding. I think
8 that's just sounds like an excuse to me. It sounds like,
9 yeah, you've done something wrong with your model, or your
10 people just weren't observing what was happening on the
11 ground. We knew those were close fights; we put the
12 resources into win them, and we won them.

13 **MS. NATALIA RODRIGUEZ:** Madam Commissioner,
14 sorry; I realize it is late in the day, but I would just ask
15 that if the witnesses can just speak a little bit slower for
16 the interpreters.

17 Thank you.

18 **MR. FREDERICK SCHUMANN:** Those were my only
19 questions.

20 Thank you.

21 **COMMISSIONER HOGUE:** Than you.

22 Maître Chaudhury, any re-examination?

23 **MS. SHANTONA CHAUDHURY:** None.

24 **COMMISSIONER HOGUE:** No. Thank you all.

25 As I said we...

26 You're free to go.

27 **(WITNESSES WITHDRAW)**

28 **COMMISSIONER HOGUE:** As I said, we'll -- I

1 will hear your representation on the request that have been
2 made this morning with respect to calling back Mr. Vigneault.

3 So we'll take five- to 10-minutes break, just
4 for you to organize you will present the request. I suggest
5 that you try to identify a few of you that will make the
6 representation, although I cannot make the choice for you.
7 But just for avoiding repeating.

8 It's already quarter to 6:00, so if we want,
9 at the end, to have time to react if I decide to call back
10 Mr. Vigneault, then I think it's better not to finish at
11 7:00.

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

13 This hearing is now in recess for five
14 minutes.

15 --- Upon recessing at 5:43 p.m.

16 --- Upon resuming at 5:52 p.m.

17 **THE REGISTRAR:** Order please.

18 This sitting of the Foreign Interference
19 Commission is back in session.

20 **COMMISSIONER HOGUE:** So who will present the
21 request?

22 **--- SUBMISSIONS BY MS. SARAH TEICH:**

23 **MS. SARAH TEICH:** Hi, Madam Commissioner.
24 We've actually split it in two. I'm just going to open it
25 and then Tom is going to handle the bulk of the submissions.

26 **COMMISSIONER HOGUE:** Okay.

27 **MS. SARAH TEICH:** Essentially I just want to
28 start off by, you know, framing this as this is essentially a

1 request for reconsideration of Human Rights Coalition's
2 motion yesterday.

3 And just to give a bit of a history, we
4 requested after we received the CSIS documents after the
5 conclusion of CSIS witness' testimony and SITE Taskforce
6 testimonies, we requested that these witnesses be recalled so
7 that we can cross-examine them on these new documents. We
8 raised concerns right after the decision to allow written
9 questions that this wouldn't provide the opportunity to ask
10 follow-up questions like a cross-examination would.

11 And what's come out in direct examination
12 today is essentially that these documents were not in fact
13 briefings, they were notes.

14 And with respect to CAN 4495, CAN 4079_R01,
15 and CAN 15842, the parties need to understand what -- first
16 of all, what is the nature of these documents. Are these
17 briefings? Were these notes? What in fact -- what is CSIS'
18 testimony in terms of what was told to the Prime Minister's
19 Office? If he did not share the information contained in
20 these briefings, presumably notes, why not? Who wrote them?
21 At whose direction? There are many unanswered questions and
22 these all will likely involve follow-up questions as well.
23 So the importance of cross-examination has become
24 increasingly clear today.

25 **--- SUBMISSIONS BY MR. THOMAS JARMYN:**

26 **MR. THOMAS JARMYN:** Yes, Commissioner, it's
27 Tom Jarmyn.

28 The difficulty is illustrated very clearly in

1 CAN 4495. And it's also true with respect to CAN 15842.

2 Both those documents in the database are
3 identified as "Briefings to the PM." They're not identified
4 as talking points and nowhere in the document does it
5 actually say they're talking points. They are briefing
6 notes.

7 And today we heard for the first time that in
8 fact they're talking points. We heard that from Madam
9 Charette.

10 Now, I'm assuming that she was a better
11 understanding of how these things are framed maybe than I do,
12 but that's -- her conclusion is consistent with what the
13 evidence of Mr. Clow was today, and consistent in this
14 regard, because there's a significant disagreement between
15 CAN 4495 and what took place during that actual meeting.

16 CAN 4495 has very explicit statements with
17 respect to what happened in the 2021 Election regarding
18 foreign direct interference. It actually has the analysis
19 and the reasoning that led to the conclusion.

20 And as my colleague, Mr. Choudhry, pointed
21 out, there is some very clear statements of recommendation
22 that are included there. But again, none of that is covered
23 in the notes that Mr. Clow gave. And his evidence, and the
24 evidence of his colleagues is very clear, and I take it at
25 face value, they would have remembered if something as clear
26 as this had been given.

27 So the point is, is that what are these
28 things? And if the Service is actually of a view that these

1 -- the CSE's assessment of the facts that occurred, why
2 wasn't it presented? So we need to lockdown the Service's
3 position one way or the other, determine how they were
4 presented, and then if Mr. Vigneault is going to disavow
5 these comments, understand why he's going to disavow them and
6 understand what his actual view actually is.

7 And the difficulty with this is, written
8 questions are not going to allow that sequence of events to
9 occur.

10 **COMMISSIONER HOGUE:** Yes?

11 **--- SUBMISSIONS BY MR. SUJIT CHOUDHRY:**

12 **MR. SUJIT CHOUDHRY:** Commissioner, I just
13 want to give two quick points. The first is that I think
14 that the benefit of having Director Vigneault come back in a
15 structured way is that it would enable the Commission to
16 answer some questions that are core to this part of its
17 mandate. The first is whether there was a -- whether CSIS
18 was of the view that there was interference in the 44th
19 General Election, and the second is the issue of information
20 flow.

21 So let's say that there was the view
22 developed within the Service that there was interference, but
23 somehow that information didn't make it to the Privy Council
24 Office or the Prime Minister's Office. Then the question
25 would be why?

26 And I think answering both of those questions
27 would be important for your May report. And so having the
28 Director come back to allow us to ask him questions directed

1 at those two components of your terms of reference in
2 relation to these three documents is proportionate and we
3 think would be appropriate in the context.

4 The other point we might suggest, you know,
5 Madam Commissioner, and this is up to you and your team to
6 consider, but you know, there has been some discussion among
7 counsel about Minister Blair's testimony and whether it is
8 perhaps best -- in the circumstances, Minister Blair might
9 have considerable evidence to provide a relevance for, let's
10 say, the hearings in the fall.

11 It might be -- and given what we've heard
12 from Deputy Minister Stewart about public service -- about
13 Public Safety's role in this kind of cluster of institutions,
14 it might be that Minister Blair's evidence isn't as important
15 for this round as it is for the fall, and perhaps that time
16 could be used to recall Director Vigneault and Minister
17 Blair's witness summary -- interview summary and summary of
18 *in-camera* evidence could be put in by way of affidavit. As a
19 suggestion.

20 **COMMISSIONER HOGUE:** Thank you. Any other
21 representations? I'll go to AG after.

22 **--- SUBMISSIONS BY MR. GIB van ERT:**

23 **MR. GIB van ERT:** It's Gib Van Ert for
24 Michael Chong, just briefly, to say that another point to
25 consider, in my submission, is I think it was Mr. Clow today
26 who expressed concerns about how these briefing notes have
27 been covered in the media since they came to light. I
28 understood him to say that he was concerned about that

1 because he didn't think that they represented what the PMO
2 and the PM had been told.

3 So again, if there is that discrepancy,
4 having the Director back will give an opportunity to pursue
5 that, and if there's a need to correct the record on that
6 point, that can be done.

7 So otherwise, I would just say that I
8 associate myself with my learned friends' submissions.

9 **COMMISSIONER HOGUE:** Me De Luca?

10 **--- SUBMISSIONS BY MR. NANDO de LUCA:**

11 **MR. NANDO de LUCA:** Madam Commissioner, just
12 to state for the Conservative Party of Canada, we support the
13 request to recall Mr. Vigneault, even taking into account,
14 and I heard your comments yesterday, that it just doesn't
15 happen at the flip of a switch. I would suspect that there
16 are ways that it can be accommodated, especially given that
17 my assumption is, I'm not going to speak for my friends, but
18 it would -- the updated or the supplementary questioning
19 would be relatively narrow in scope. We're not talking about
20 a whole day.

21 I'll just leave it at that.

22 **COMMISSIONER HOGUE:** Thank you.

23 What is your position?

24 **--- SUBMISSIONS BY MR. BARNEY BRUCKER:**

25 **MR. BARNEY BRUCKER:** We've heard from
26 everyone now. Simply put, the position is that this can be
27 dealt with in written questions. I'll elaborate on that.

28 First of all, I'm not sure, after having

1 heard my friends, what the motion is. There are procedural
2 rules, as we know, governing applications from Rule 63 to 68,
3 contemplate some sort of materials. So I'm not sure if
4 there's an application to recall people from SITE or to
5 recall the Director. I -- am I right to understand it is to
6 recall the Director? Are we talking ---

7 **COMMISSIONER HOGUE:** This is the -- this is
8 my understanding. It's a ---

9 **MR. BARNEY BRUCKER:** Okay.

10 **COMMISSIONER HOGUE:** It's a motion to recall
11 the Director ---

12 **MR. BARNEY BRUCKER:** All right.

13 **COMMISSIONER HOGUE:** --- to testify live.

14 **MR. BARNEY BRUCKER:** Okay. So I understand,
15 and yesterday at the opening of the Commission we heard from
16 Mr. van Ert and from Mr. Jarmyn, and from Human Rights
17 Coalition, and I understand, and I hope I'm understanding
18 correctly, that there are three documents in issue,
19 CAN 004495, CAN 004079-RO1, and CAN 015842.

20 I have no idea, and neither does my client,
21 as to the scope of the re-attendance that might be
22 contemplated. It would be nice if we had that spelled out in
23 the event that you'll see fit to request that Mr. Vigneault
24 re-attend. I would point out that these particular
25 documents, and many, many others, were provided to the
26 Commission in unredacted form and form part of the *in-camera*
27 record of the Commission. And so -- they and a considerable
28 body of others.

1 So one of the questions my friend, Mr. van
2 Ert, asked yesterday was, has the Commission had the
3 opportunity Government of Canada witnesses and CSIS witnesses
4 on these documents in *in-camera* setting? And the answer to
5 that is yes. And has the Commission had the opportunity to
6 raise these in those settings? And the answer to -- and they
7 may or may not have done that because it was a while ago now,
8 and I can't remember everything. But the answer to that
9 question is yes, there was that opportunity.

10 Now, I understand that one of the points is
11 that other witnesses -- and your remarks yesterday morning,
12 Madam Commissioner, as I understood them, were that you would
13 be interested to see if these documents came up and were put
14 to any other witnesses, and I understand that has happened
15 and there have been answers to varying degrees. But that's
16 not unusual. That's happened with lots of witnesses with
17 lots of other documents.

18 So if there is -- if you are contemplating
19 ordering the attendance, I would like to know, and I think we
20 should all know the conditions under which that would be --
21 how long is that going to be for? We had 75 minutes for the
22 executive panel and 30 minutes for the regional panel,
23 together with also at the same for cross-examination on a
24 great body of information. And here, we're talking, I
25 understand, mainly about three documents.

26 So what kind of an attendance is
27 contemplated? Who is going to lead evidence? Is the
28 Commission going to present or allow the witness to present

1 his understanding of this? If not, then I would submit that
2 if you are going to order a re-attendance that counsel for
3 the Attorney General fill that role. Parties can then cross-
4 examine and the Attorney General could re-examine, and that
5 there be a timeline affixed to that process, and that the
6 *O'Connor Rules* that we have been following up until now,
7 which would provide for equal time for both sides, be
8 followed.

9 I can tell you that the Director is very
10 unlikely to be able to appear tomorrow. But if you are to
11 order his re-attendance, request his re-attendance, because I
12 think he would honour that request, you would not need to
13 order it, that could be done Friday. And I understand that
14 this space probably isn't booked on Friday, but we have had
15 participation of all parties and counsel through video link,
16 and that could be accommodated should you see fit to order
17 it.

18 In fairness to the Director, he would need
19 some time to prepare for this. Last night, he testified in
20 Parliament, today he is with NSIRA, and he needs some time to
21 acclimatise himself of these things.

22 But before we go there, just let me take a
23 couple of minutes, if you will, and look at these specific
24 documents. All of them, at least three at least that have
25 been mentioned, are dated in 2022 or 2023.

26 One of them, 015842, indicates it's a
27 briefing to the Prime Minister, who I understand will be here
28 tomorrow and might be able to talk about this.

1 CAN 004079_R01 doesn't appear to have much of anything in it
2 that I can see that hasn't already been the subject of
3 testimony, not only by CSIS, but by lots of witnesses. And
4 the most interesting document that my friend, Mr. van Ert,
5 referred to as "extraordinary" is dated February 21st, 2023,
6 indicating it's a briefing, or the subject of it is a
7 briefing to the PM's Office on foreign interference threats
8 to Canada's democratic institutions.

9 And I understand the PCO Institutional Report
10 indicates a briefing of that nature took place on
11 February 23rd, 2023, so two days later, so presumably this
12 document would relate to that briefing which we have had --
13 we have heard about.

14 And so if I go through this document, and I'm
15 sorry to belabour the point, but I'm here so I may as well
16 give it a try. If you look at the second page of this
17 document, under 004495, it indicates that -- at the top it
18 deals with assertions in media reporting. And it appears, I
19 think it's reasonable to conclude that it appears to be a
20 regurgitation of a comment that might appear in the media
21 with some redacted analysis underneath. That's for a good
22 part of the document. It's not for all of the document.

23 If we get down to the bottom of page 3 and
24 then over onto the rest of the document, we see Briefings and
25 Products as a heading, and if I go through, I won't go
26 through all of these, but:

27 "PRC foreign interference, and in
28 democratic institutions

1 specifically..."

2 This is the bottom of page 3:

3 "...briefed and discussed broadly
4 across the Government of Canada since
5 2018."

6 I don't know how many times we've heard that
7 from a variety of witnesses.

8 Top of page 4:

9 "Between June 2018 and December 2022,
10 CSIS provided 34 briefings to either
11 [redacted]...Cabinet
12 Ministers...other senior officials on
13 foreign interference, including in
14 the 2019 and 2021 elections."

15 If you look at the institutional reports of
16 CSIS and of PCO, all of those briefings are set out in
17 tables.

18 I won't read all of these things:

19 "Multiple additional F1 briefings on
20 the 2019 election...provided to
21 Elections Canada, the Chief Electoral
22 Officer, and the Office of the
23 Commissioner of Canada Elections."

24 I'm not sure how many times I heard about
25 that. We heard about it from the Office of the Commissioner
26 of Canada Elections, from the Chief Electoral Office, and we
27 heard it from other witnesses.

28 I could go on, but I won't, except to

1 indicate to you -- well, maybe I will go on, but just a bit.

2 On page 5, the second bullet:

3 "In February 2021, I briefed the
4 Prime Minister on PRC-linked
5 individuals interfering with the 2019
6 Liberal nomination in Don Valley
7 North."

8 There is some Cabinet confidence redactions.
9 One would think that that might come up when the Prime
10 Minister is here tomorrow, but I guess I'll reserve judgement
11 on that.

12 Next bullet:

13 "CSIS has also spoken publicly about
14 foreign interference threats in
15 general and to democratic
16 institutions, as well as those
17 emanating from the PRC."

18
19 "...prioritized outreach and
20 engagement with communities..."

21 How many times did the Director talk about
22 that?

23 And then the conclusion, which are
24 boilerplate things about "we need to do better", "here's what
25 we should do." Nothing controversial about that. We've
26 spoken about it many times.

27 So my submission at the end of the day on
28 this is that the questions that my friends have raised,

1 specifically about whose notes are these and were they
2 presented, can easily be answered in written form. The
3 government officials, particularly the Service, have been
4 extremely accommodating in an effort to be transparent and
5 have assisted the Commission throughout, and in my submission
6 by doing by written examination with a very short turnaround
7 is fair to everybody. We'll give people what they need and
8 we'll provide some accommodation to the witnesses.

9 If you don't accept those submissions, as I
10 say, my submission to you, Commissioner, is that we have a
11 session on Friday at sometime at a time to be arranged
12 convenient to everybody, scoped out to what exactly it is
13 with equal time and some information as to who's going to
14 lead the evidence.

15 Subject to all your questions, those are my
16 submissions.

17 **COMMISSIONER HOGUE:** Thank you.

18 Any comments?

19 **MR. GIB van ERT:** If I may, Commissioner --
20 oh, pardon me. I'll defer to Commission Counsel first.

21 **MS. ERIN DANN:** Thank you. No comments from
22 Commission counsel.

23 **COMMISSIONER HOGUE:** And for the parties, do
24 you have anything to reply?

25 **--- SUBMISSIONS BY MR. GIB van ERT:**

26 **MR. GIB van ERT:** If I may just say I believe
27 I called the document remarkable, rather than extraordinary.
28 Let's get that clear.

1 And of course, we haven't conferred, but for
2 my part, I have no concerns about Commission counsel leading
3 the evidence. That seems -- let's just do it the way we have
4 been doing it, I suppose is what I would say.

5 And I have no concerns at all about Mr.
6 Brucker's proposal that it be done on Friday to accommodate
7 the witness.

8 **COMMISSIONER HOGUE:** Through -- on video?

9 **MR. GIB van ERT:** If need be, I see no
10 objection to that. Speaking, again, just for myself.

11 **MS. SARAH TEICH:** For us as well, no
12 objections to those proposals.

13 **COMMISSIONER HOGUE:** Is there any objection
14 to this proposal if I decide to go this way?

15 Okay. Stay around for a few minutes and I'll
16 come back.

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

18 The session will be in recess for five
19 minutes.

20 --- Upon recessing at 6:12 p.m.

21 --- Upon resuming at 6:35 p.m.

22 **THE REGISTRAR:** Order please.

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

25 **COMMISSIONER HOGUE:** Okay. I will recall
26 Mr. Vigneault. It will be on Friday morning on video, and
27 it's -- the evidence will be leaded by the Commission, and
28 the Commission and the AG will share 15 minutes in total, and

1 the parties will have to share 30 minutes in total. And I do
2 insist for receiving your plan in advance as to how you are
3 planning to share the time, and my reasons for this decision
4 will be rendered in the next coming days.

5 So there is many technical issues that we
6 have to resolve, but it seems to be possible. So if for any
7 reason we realise that it's not possible, we will let you
8 know and we'll find another solution, but it seems to be
9 feasible.

10 **MR. BARNEY BRUCKER:** Thank you, Commissioner.
11 One question with respect to sharing the time. Are you
12 speaking of sharing the time of all parties or the Commission
13 and the Attorney General?

14 **COMMISSIONER HOGUE:** All parties would have
15 to share the 30 minutes that they have, and you and the
16 Commission will share 15 minutes.

17 **MR. BARNEY BRUCKER:** But you asked for a
18 plan. And is the plan between ---

19 **COMMISSIONER HOGUE:** Oh, you mean for the
20 plan. Oh, I think it's okay. We are not planning to use
21 many of the 15 minutes.

22 **MS. ERIN DANN:** And Commissioner, I'm not
23 sure if you indicated, but we believe we'll be starting at
24 10:00 ---

25 **COMMISSIONER HOGUE:** Oh, sorry. Yes.

26 **MS. ERIN DANN:** --- on Friday?

27 **COMMISSIONER HOGUE:** On Friday, 10:00 a.m.,
28 and it's going to be on video so there's going to be no one

1 in this room. We don't have the room after tomorrow night,
2 so make sure to have a good connection and we'll take it from
3 there.

4 **MS. SARAH TEICH:** Madam Commissioner, sorry,
5 I just have one question. Currently, closing submissions are
6 due April 15th.

7 **COMMISSIONER HOGUE:** They will be due on
8 April 15th.

9 **MS. SARAH TEICH:** All right.

10 **COMMISSIONER HOGUE:** Because we are running
11 into -- the time constraints are such that it wouldn't be
12 possible to postpone it. And I think honestly the piece of
13 information probably won't be easy to insert into your
14 submissions.

15 It's fine?

16 **MR. BARNEY BRUCKER:** Thank you.

17 **COMMISSIONER HOGUE:** Thank you.

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

19 This sitting of the Foreign Interference
20 Commission has adjourned until tomorrow at 9:30 a.m.

21 --- Upon adjourning at 6:38 p.m.

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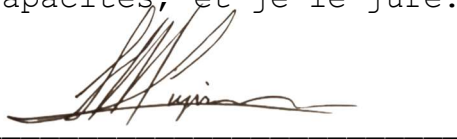
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C E R T I F I C A T I O N

I, Sandrine Marineau-Lupien, a certified court reporter,
hereby certify the foregoing pages to be an accurate
transcription of my notes/records to the best of my skill and
ability, and I so swear.

Je, Sandrine Marineau-Lupien, une sténographe officielle,
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