



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

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

Public Hearing

Audience publique

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

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Human Rights Coalition	David Matas Sarah Teich
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Han Dong	Mark Polley Emily Young Jeffrey Wang
Michael Chong	Gib van Ert Fraser Harland

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Mani Kakkar

Churchill Society

Malliha Wilson

The Pillar Society

Daniel Stanton

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Wade Poziomka

Nick Papageorge

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

Neil Chantler

David Wheaton

Erin O'Toole

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Senator Yuen Pau Woo

Yuen Pau Woo

Sikh Coalition

Balpreet Singh

Prabjot Singh

Bloc Québécois

Mathieu Desquilbet

Iranian Canadian Congress

Dimitri Lascaris

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Ottawa, Ontario

--- The hearing begins Monday, September 16, 2024 at 9:34
a.m.

LE GREFFIER: Order, please.

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

The time is 9:34 a.m.

COMMISSIONER HOGUE: Good morning, everyone.

A warm welcome back to all our regular Commission
attendees. And welcome to those of you who are here for the
first time.

So this morning we kick off a new round of public
hearings. Earlier this year, the Commission held preliminary
hearings to understand associated with the disclosure of
classified information. These were followed by a first round
of public hearings focused on whether foreign interference
had occurred in the 2019 and 2021 federal elections and how
information about it had circulated within the government.

These hearings resulted in an initial report last
May with a number of preliminary conclusions. First, there
were acts of interference in the last two federal elections,
but they did not undermine the integrity of our electoral
system. The system proved robust; Canadian voters were able
to cast their ballots and their votes faithfully recorded.

Second, foreign interference did not impact which
party formed the government in either election. However, in
a handful of ridings the run-up to the vote was marred by a

1 number of incidents attributable to foreign states; in
2 particular, disinformation campaigns.

3 The report is available on the Commission's
4 website, and I invite all Canadians to read it and call your
5 attention to a section called "Report Highlights" that allows
6 you to understand the gist of the report quickly and easily.
7 I also encourage you to read the sixth Notice to the Public
8 published last Friday on the website for more information on
9 the work the Commission has carried out since submitting its
10 initial report.

11 If the Commission has thus far focused on the
12 past, the hearings we are about to embark on will be more
13 about the present and the future. Essentially, we will be
14 examining the current capacity of government departments,
15 agencies, institutional structures, and governance processes
16 to combat foreign interference, and how their ability to do
17 so has evolved over time.

18 However, some of the issues raised in the
19 first round of hearings will be explored in greater depth in
20 this next round, so some overlap is to be expected.

21 While the Commission has thus far focussed on
22 the past, the hearings we are about to embark on will be more
23 about the present and the future. Essentially, we will be
24 examining the current capacity of government departments,
25 agencies, institutional structures and governance processes
26 to combat foreign interference, and how their ability to do
27 so has evolved over time. However, some of the issues raised
28 in the first round of hearings will be explored in greater

1 depth in this next round, so some overlap is to be expected.

2 The Commission will hear from a large number
3 of witnesses, many of whom have also testified at in-camera
4 hearings held this summer, given the nature of some of the
5 information that they intended to disclose. Some will
6 testify as a panel, as was the case at the last hearings,
7 because this is an efficient way of proceeding and generally
8 yields more information.

9 The Commission will also hear from panels
10 made up of members of various diaspora communities who will
11 talk about their experience with foreign interference and how
12 it impacts their ability to participate in Canadian
13 democratic life. They will also suggest ways in which they
14 feel their communities could be better protected.

15 The Commission will also hear from a panel of
16 people who are somewhat reluctant towards certain measures in
17 combatting foreign interference, fearing they may have
18 harmful effects. Hearing from these people should help the
19 Commission better understand the nature and reasons for their
20 fears.

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28 people who are somewhat reluctant towards certain measures

1 aimed at combating foreign interference, fearing that they
2 may have harmful effects. Hearing from these people should
3 help the Commission better understand the nature and reason
4 for their fears.

5 It is extremely important for the Commission
6 to hear a plurality of viewpoints. Commission hearings must
7 not be an echo chamber. To make a proper diagnosis, and put
8 forward helpful and practical recommendations, the Commission
9 must not only allow, but encourage, a wide range of opinions
10 and ideas to be expressed.

11 With this in mind, the Commission has taken
12 several steps to enable as many citizens as possible to put
13 forward their views. A call to the public, issued in
14 May 2024, enabled over 140 individuals or groups to send in
15 their submissions and ideas about foreign interference. I
16 also met with several diaspora groups particularly vulnerable
17 to transnational repression. Accompanied by Commission
18 counsel, I took part in 22 meetings at which 105 people from
19 more than a dozen diasporas graciously agreed to share their
20 experiences with me.

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1 at which 105 people from more than a dozen diasporas
2 graciously accepted to share their experiences with me.

3 The Commission remains committed to
4 maximizing the transparency of its work, and will soon be
5 publishing, very soon, actually, be publishing a summary of
6 the written submissions we have received and the remarks made
7 at meetings.

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9 maximizing the transparency of its work and will soon be
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12 An easy-to-complete questionnaire will also
13 soon be available online. It will allow anyone who so wishes
14 to share their experiences and ideas about foreign
15 interference.

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17 soon be available online. It will allow anyone who so wishes
18 to share their experiences and ideas about foreign
19 interference.

20 Many of you are no doubt aware that last July
21 the House of Commons adopted a motion calling on the
22 Commission to examine certain allegations contained in a
23 special report by Canada's National Security and Intelligence
24 Committee of Parliamentarians alleging that some
25 Parliamentarians willingly or unwillingly participating in
26 foreign interference activities. The Commission accepted
27 this request.

28 To undertake this review, the Commission

1 assured itself that it has received all intelligence and
2 other documents that have been produced in that
3 Parliamentarian Committee. From this information the
4 Commission identified and reviewed the intelligence report
5 referred to in both the classified and public versions of the
6 report. The Commission then requested and obtained the
7 information and intelligence forming the basis of these
8 reports. We reviewed them and then requested an obtained
9 further information and intelligence relevant to the events
10 alleged in the report.

11 With all this information and intelligence,
12 the Commission has examined in-camera senior government
13 officials and intelligence agencies on the subject and on the
14 investigations that produced this intelligence. These
15 witnesses will be heard again at the public hearings that
16 start today.

17 Some information cannot be revealed publicly
18 without jeopardizing national security. That being said, I
19 am confident that the information that will be disclosed will
20 be sufficient to enable the public to understand the findings
21 I will make, the conclusions I will draw, and the
22 recommendations I will propose.

23 I would also like to state from the outset
24 that I will not be publicly identifying Parliamentarians that
25 the Parliamentary Report suspects of having participated in
26 foreign interference activities or of having acted, wittingly
27 or unwittingly, as agents of foreign states. Canada is a
28 state of law governed by the rule of law which recognizes and

1 protects the fundamental rights of every individual,
2 including the right to defend oneself against charges and
3 accusations. Procedural fairness entrenches a similar
4 principle as does the Inquiries Act, which expressly
5 prohibits the Commission from making an adverse finding
6 against a person. In other words, a conclusion that would
7 bring discredit on that person or tarnish his or her
8 reputation, unless that person has been given notice and
9 allowed full opportunity to be heard with respect to the
10 charge of misconduct against him or her.

11 So I will also like to state from the outset
12 that I will not be publicly identifying Parliamentarians whom
13 NSICOP suspects of having participated in foreign
14 interference activities or of having acted wittingly or
15 unwittingly as agents of foreign state.

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18 every individual, including the right to fully defend oneself
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23 conclusion that will bring discredit on that person or
24 tarnish his or her reputation, unless that person has been
25 given notice and allowed full opportunity to be heard with
26 respect to the charge of misconduct against him or her.

27 In the present case, the allegations are
28 based on classified information, which means that the

1 Commission can neither make them public, nor even disclose
2 them to the persons who might be the subject of these
3 allegation. The Commission will, therefore, be incapable of
4 affording these people a meaningful opportunity to defend
5 themselves.

6 That said, the Commission intends to address
7 these allegations in the classified version of its final
8 report and make recommendation.

9 As required by its terms of reference, the
10 Commission will carry out its duties in such a way as not to
11 jeopardize any other investigation or proceeding, whether
12 ongoing or forthcoming.

13 At this point it is important to reiterate
14 that the duties imposed on the Commission by the *Inquiries*
15 *Act*, the rules of procedural fairness, the protection of
16 national security, and the safeguarding of ongoing
17 investigations apply not only to the portion of its work that
18 deals with the report, but to all of its work. It is not
19 this Commission's function to attempt to identify individuals
20 as alleged wrongdoers, it is neither entitled nor positioned
21 to do so. Rather, the Commission's central task at this
22 stage is to examine and assess Canada's ability to detect,
23 deter, and counter foreign interference in its democratic
24 processes as a whole.

25 I expect all parties and participants to
26 respect this principle and to continue working in
27 collaboration with the Commission to assist in its important
28 mission.

1 I would add that I remain as determined as
2 ever to maximize to maximize the transparency of our work,
3 and therefore to make public as much information as possible.

4 I have asked Commission counsel to spare no
5 efforts in achieving this. Our entire team has worked
6 relentlessly to find ways of providing the public with
7 information that, at first sight, seemed impossible to
8 disclose.

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13 this. Our entire team has worked relentlessly to find ways
14 of providing the public with information that, at first
15 sight, seemed impossible to disclose.

16 Thank you all for your attention.

17 And to close, I would like to say that I'm
18 aware of the political climate which we'll be working in over
19 the next weeks and months, which is more volatile than ever,
20 but I would like to assure you that we will continue our work
21 with independence; we will be objective and impartial, just
22 as we have done from the beginning.

23 Thank you to all. And I will now give the
24 floor to Madam Chaudhury.

25 **MS. SHANTONA CHAUDHURY:** Thank you, Madam
26 Commissioner.

27 Good morning, and hello again. My name is
28 Shantona Chaudhury, and I am lead counsel to the Foreign

1 Interference Commission.

2 Hello, and good morning to all. My name is
3 Shantona Chaudhury, and I'm lead counsel to the Foreign
4 Interference Commission.

5 Over the next few minutes I will be speaking
6 about the work of the Commission and to give you an overview
7 of what you should be able to expect.

8 Let me begin by addressing the scope of these
9 hearings.

10 This is the third and final set of public
11 hearings of the Foreign Interference Commission. These
12 hearings will focus on Stage A(1)(C) of the Commission's
13 terms of reference, which, broadly speaking, direct the
14 Commission to examine and assess the Government of Canada's
15 capacity to detect, deter, and counter foreign interference
16 in its democratic processes.

17 You may hear Commission counsel refer to this
18 as Stage 2 of the Commission's work, in contrast to Stage 1,
19 which as the Commissioner noted, pertains specifically to the
20 2019 and 2021 elections.

21 While these are primarily fact-finding
22 hearings, the past, present, and future nature of this part
23 of the Commission's mandate means that it involves
24 necessarily both questions of fact and questions of policy.
25 Thus you may find that some of the witnesses who testify in
26 the coming weeks will speak not only to past events but to
27 future possibilities as well.

28 With that in mind, let me turn to the hearing

1 schedule and the witnesses.

2 Today we will be starting and the first
3 remarks, each of the participants will be able to introduce
4 themselves and to say a few words about their client. And
5 then the Commission counsel will have a series of
6 presentations, introductions that will be prepare the
7 participants, media, and members of the public to be able to
8 understand certain aspects of the evidence that we'll be
9 seeing over the next few weeks. These presentations will
10 deal with four subjects.

11 The first we will describe different entities
12 and institutions that work to counter foreign interference.
13 And I would like to say for those who have already been aware
14 of the Phase 1 of the Commission, who have followed the work
15 of the Commission, that this is important, this -- that
16 information be reviewed. This presentation will, however, be
17 very useful for all.

18 The second presentation will deal with
19 concepts and key terms that link to social media. This is a
20 subject that we'll be speaking a lot about over the next few
21 weeks.

22 The third will be key concepts with respect
23 to intelligence; we'll be speaking a lot about that.

24 And the fourth stage we will give you an
25 overview of Bill C-70 which is now adopted, *Countering*
26 *Foreign Interference Act*.

27 And I would like to mention that there --
28 some will come from summary reports that have -- that will be

1 filed later, and presentations are not themselves evidence,
2 and therefore are for information and education.

3 Moving along to witnesses, witness evidence
4 begins tomorrow. The examinations will be conducted by
5 Commission counsel, followed by cross-examination by parties
6 and participants with cross-examination rights.

7 The schedule for the week is as follows:
8 Tomorrow you will hear from the co-chairs of the
9 Interparliamentary Alliance on China, the Honourable John
10 McKay and the Honourable Garnett Genius, as well as from the
11 Office of the Commissioner of Canada Elections.

12 On Wednesday, you will hear from current and
13 former members of Parliament who are participants in the
14 Commission's proceedings, the Honourable Erin O'Toole, the
15 Honourable Michael Chong, and the Honourable Jenny Kwan.

16 This will be followed on Thursday and Friday
17 by evidence from the national directors of the five main
18 political parties -- federal political parties.

19 Over the following weeks, the Commission will
20 hear evidence from representatives of the House of Commons,
21 the Senate, Elections Canada, the CRTC, and the Media
22 Ecosystem Observatory.

23 The Commission will then be calling current
24 and sometimes former officials from the Canadian Security
25 Intelligence Service, CSIS; the Communications Security
26 Establishment, CSE; the RCMP; Global Affairs Canada; the SITE
27 Task Force; the Department of Justice; the Department of
28 Canadian Heritage; Public Safety Canada; the Privy Council,

1 and the Prime Minister's office, as well as a number of
2 Cabinet Ministers and the Prime Minister. All told, the
3 Commission expects to call around 70 witnesses over the next
4 four and a half weeks. We anticipate that a witness schedule
5 will be released shortly.

6 As the Commissioner noted, in addition to
7 witness testimony, the Commission will also be hearing from
8 several consultation panels in the factual phase of the
9 hearings. These will include members of cultural and
10 diaspora communities who may be affected in various ways by
11 foreign interference.

12 I note these panels will not be providing
13 sworn evidence and will not be subject to cross-examination.
14 Rather, they will provide useful perspectives and views that
15 will inform the Commission's work presented in the format of
16 a panel moderated by Commission counsel.

17 I would now like to take a few minutes to
18 explain the type of evidence that you will see. Not only you
19 will have the evidence, you have different categories of
20 documents that will be filed.

21 First of all, you have the documents
22 themselves. Participants have produced several thousands of
23 documents to the Commission in its inquiry, and most of the
24 documents produced by the Government of Canada are very
25 classified.

26 Following discussions and negotiations, the
27 government has produced versions of these documents that will
28 not affect national security.

1 Secondly, we have institutional reports.
2 Certain government departments and entities have prepared
3 institutional reports which describe their mandate and their
4 internal organization.

5 Then we have different résumés. There were
6 interviews with different witnesses, and the Commission has
7 produced résumés of these interviews that will be filed as
8 evidence.

9 And then we have the résumé of hearings, *in-*
10 *camera* hearings. And there are witnesses that have been
11 questioned *in camera* and they have prepared résumés of these
12 witness testimonies in versions that can be communicated to
13 the public without it being a problem for national security
14 or for crucial interests of Canada.

15 Then you have summary reports. The
16 Commission and the Research Council have also produced a
17 summary report. So those reports are non-exhaustive on
18 subjects, precise subject that the Commission is touching on.
19 Some of these reports we'll have in presentations later
20 today.

21 And when we also have thematic summaries.
22 The Commission has also asked the government to produce
23 thematic résumés on certain subjects, as we have done in the
24 first phase of the Commission. These summaries represent, in
25 part and not in totality, information that comes from most of
26 the classified documents that can be communicated to the
27 public.

28 I'll now take a moment to address as I did in

1 the Commission Stage 1 hearings, the manner in which the
2 Commission will address national security confidentiality
3 concerns in these hearings. The Commission will apply the
4 same protocol as it did in the Stage 1 hearings when a
5 question posed by counsel would elicit information protected
6 by national security confidentiality.

7 The witness or their counsel, will make a
8 statement to the effect that they can't answer a question on
9 the public record for reasons of national security
10 confidentiality. This will be deemed to be an objection to
11 the question on the basis that the answer would disclose
12 information that could be injurious to the critical interests
13 of Canada or its allies, the national defence, or national
14 security. The participant will move on to the next question.

15 The Commissioner will then review the matter
16 to determine whether further investigation is necessary in
17 order to obtain information that would be responsive to the
18 question objected to. If the Commission obtains information
19 as a result of further investigation it will be summarized or
20 otherwise disclosed to the maximum extent possible without
21 injury to the interests identified in the Commission's terms
22 of reference. This protocol will enable our hearings to run
23 smoothly.

24 And to conclude, I would like to say that
25 this is a very intense period of work for the Commission, the
26 parties, participants, and the witnesses, as well as for the
27 media. And as we have learned, the complexities and
28 logistical difficulties of dealing with highly classified

1 national security information means that some delays and
2 bumps in the road are pretty much inevitable.

3 So I would like to thank you all ahead of
4 time for your patience and for your trust, and I'd like you
5 to continue your work in this spirit.

6 Thank you very much.

7 **COMMISSIONER HOGUE:** Thank you very much,
8 Madam Chaudhury.

9 I think we are now at the point where we're
10 going to ask the counsel for each of the participants to
11 identify themselves, and to indicate in a few words who
12 they're representing and what is the mission of the
13 organization or of the person that they're representing.

14 So I think that Maître Dann will do that. So
15 maybe we could begin with the Bloc Québécois.

16 **MS. ERIN DANN:** Thank you, Commissioner.
17 Perhaps we can begin with -- we'll begin with the Bloc
18 Québécois. They may not have a representative here today.

19 Move on then to counsel for Michael Chan. I
20 don't see in the room, and I just will confirm they are not
21 on Zoom.

22 Counsel for the Chinese Canadian Concern
23 Group?

24 **--- OPENING STATEMENT BY/DÉCLARATION D'OUVERTURE PAR**

25 **MR. NEIL CHANTLER:**

26 **MR. NEIL CHANTLER:** Madam Commissioner, good
27 morning. My name is Neil Chantler. I'm here with Dave
28 Wheaton, and we represent the Chinese Canadian Concern Group.

1 The Concern Group is a grassroots
2 organization with volunteer members across the country. Its
3 membership comprises community leaders, journalists,
4 academics, religious leaders, professionals, and human rights
5 activists. Many of whom have been involved in human rights
6 advocacy since the Tiananmen Square protests and massacre in
7 1989.

8 The Concern Group formed in 2020 amid the
9 challenges of the pandemic to raise awareness about the
10 rising tide of anti-Asian sentiment in Canada. Its focus has
11 broadened to include all human rights issues facing Chinese
12 Canadians and there is perhaps no greater issue for the
13 diaspora than foreign interference by the Communist Party of
14 China.

15 Concern Group's members are firmly opposed to
16 China's efforts to suppress freedom of speech in Canada,
17 manipulate our media, co-opt Chinese Canadian community
18 groups, spread disinformation, harass, intimidate, and
19 threaten members of the diaspora, and otherwise interfere
20 with our democracy.

21 The Concern Group's objectives are to monitor
22 and report on foreign interference in Canada, counter the
23 PRC's false narratives and disinformation, and call on the
24 Canadian government to do more in response to this growing
25 threat. The Concern Group is grateful to the Commissioner
26 for the opportunity to participate in this inquiry and we
27 look forward to contributing to this next stage of the
28 hearings.

1 **COMMISSIONER HOGUE:** Thank you.

2 **MS. ERIN DANN:** Thank you. Next, counsel for
3 Michael Chong.

4 **--- OPENING STATEMENT BY/DÉCLARATION D'OUVERTURE PAR**

5 **MR. GIB van ERT:**

6 **MR. GIB van ERT:** Good morning, Commissioner.
7 It's Gib van Ert, together sometimes, not today, but very
8 often with Fraser Harland. We are counsel for the Honourable
9 Michael Chong, MP who is the member for Wellington, Halton
10 Hills, and the Shadow Minister for Foreign Affairs in the
11 Official Opposition.

12 Mr. Chong is interested in all aspects of the
13 Commission's work. Naturally, however, he is particularly
14 concerned about PRC targeting of him and his family, and the
15 delays that we've experienced -- that he has experienced in
16 learning more from the Government of Canada about that
17 targeting. Thank you.

18 **COMMISSIONER HOGUE:** Thank you.

19 **MS. ERIN DUNN:** Next we'll have the
20 representative for the Churchill Society for the Advancement
21 of Parliamentary Democracy.

22 **--- OPENING STATEMENT BY/DÉCLARATION D'OUVERTURE PAR**

23 **MS. MALLIHA WILSON:**

24 **MS. MALLIHA WILSON:** Good morning,
25 Commissioner. My name is Malliha Wilson, and I'm counsel for
26 the Churchill Society for the Advancement of Parliamentary
27 Democracy. The Society is non-partisan, charitable
28 organization that honours the life of Sir Winston Churchill

1 by facilitating education, discussion, and debate about
2 Canada's parliamentary democracy, and it is obvious that this
3 hearing will be very instrumental in that. Thank you.

4 **COMMISSIONER HOGUE:** Thank you.

5 **MS. ERIN DANN:** Next, counsel for the
6 Conservative Party of Canada.

7 **--- OPENING STATEMENT BY/DÉCLARATION D'OUVERTURE PAR**

8 **MR. NANDO DE LUCA:**

9 **MR. NANDO DE LUCA:** Good morning,
10 Madam Commissioner.

11 **COMMISSIONER HOGUE:** Good morning.

12 **MR. NANDO DE LUCA:** Nando De Luca for the
13 Conservative Party of Canada.

14 **MS. ERIN DANN:** Next, the representative for
15 Democracy Watch.

16 **--- OPENING STATEMENT BY/DÉCLARATION D'OUVERTURE PAR**

17 **MR. NICK PAPAGEORGE:**

18 **MR. NICK PAPAGEORGE:** Good morning,
19 Madam Commissioner.

20 **COMMISSIONER HOGUE:** Good morning.

21 **MR. NICK PAPAGEORGE:** My name is Nick
22 Papageorge. I, along with my co-counsel, Wade Poziomka, who
23 will be attending on alternate weeks, are counsel for the
24 intervenor Democracy Watch.

25 Democracy Watch is a national non-profit,
26 non-partisan citizen group advocating democratic reform,
27 government accountability, and corporate responsibility.
28 Since 1993, Democracy Watch has worked to research, document,

1 and publicise loopholes and shortcomings in Canadian laws and
2 the ineffective enforcement of those laws that together allow
3 for secretive, unrepresentative, and undemocratic decisions
4 and actions by politicians, government officials, and
5 lobbyists across the country. Democracy Watch has advocated
6 and continues to advocate for closing those loopholes,
7 correcting those shortcomings, and strengthening enforcement
8 to make it effective, transparent and accountable. Through
9 these activities, Democracy Watch aims to ensure that
10 everyone in politics is effectively required to make
11 representative decisions and to act ethically, openly, and
12 honestly, including through effectively prohibiting
13 misinformation and disinformation.

14 We look forward to working with the
15 Commission and our fellow participants as the Commission
16 continues this very important task. Thank you,
17 Madam Commissioner.

18 **COMMISSIONER HOGUE:** Thank you.

19 **MS. ERIN DANN:** Next, the representative for
20 the Human Rights Coalition.

21 **--- OPENING STATEMENT BY/DÉCLARATION D'OUVERTURE PAR**

22 **MR. DAVID MATAS:**

23 **MR. DAVID MATAS:** My name's David Matas, and
24 the coalition is represented by myself and Sarah Teich.
25 Sarah Teich is a member of the Ontario/New York bar. She's a
26 -- the co-founder of the NGO, Human Rights Action Group, and
27 its Chief Executive Officer. The Human Rights Action Group
28 attempts to bring international law and local law to bear

1 addressing massive human rights violations and mass
2 atrocities.

3 The Human Rights Action Group has assembled
4 the Human Rights Coalition, which has been given standing at
5 these hearings. The coalition assembles various diaspora
6 groups concerned with foreign interference.

7 Sarah was named by Canadian Lawyer Magazine
8 as one of the top 25 most influential lawyers of 2024.

9 I'm a member of the Manitoba bar, and with
10 Sarah Teich, the co-founder of the NGO Human Rights Action
11 Group. I'm Chair of the board of directors of the
12 organisation. The focus of my practice has been refugee
13 protection law and international human rights law.

14 In 2008, I was honoured with companion
15 membership in the Order of Canada. Thank you.

16 **COMMISSIONER HOGUE:** Thank you.

17 **MS. ERIN DANN:** Thank you. Next, the
18 representative for Jenny Kwan.

19 **--- OPENING STATEMENT BY/DÉCLARATION D'OUVERTURE PAR**

20 **MR. SUJIT CHOUDHRY:**

21 **MR. SUJIT CHOUDHRY:** Madam Commissioner, good
22 morning. My name is Sujit Choudhry, and I am here with my
23 co-counsel, Mani Kakkar, and we are counsel to Jenny Kwan,
24 Member of Parliament for Vancouver East. Thank you.

25 **COMMISSIONER HOGUE:** Thank you.

26 **MS. ERIN DANN:** Next, the representative for
27 Erin O'Toole.

28 **--- OPENING STATEMENT BY/DÉCLARATION D'OUVERTURE PAR**

1 **MR. THOMAS JARMYN:**

2 **MR. THOMAS JARMYN:** Good morning,
3 Madam Commissioner. My name's Tom Jarmyn, and with my
4 colleague, Preston Lim, we represent the Honourable Erin
5 O'Toole, the former Member of Parliament for Durham Region.
6 Thank you.

7 **COMMISSIONER HOGUE:** Thank you.

8 **MS. ERIN DANN:** Next, the Office of the
9 Commissioner of Canada Elections.

10 **--- OPENING STATEMENT BY/DÉCLARATION D'OUVERTURE PAR**

11 **MR. SÉBASTIEN LAFRANCE:**

12 **MR. SÉBASTIEN LAFRANCE:** Good morning,
13 Madam Commissioner. My name is Sébastien Lafrance, lead
14 counsel for the Office of the Commissioner of Canada
15 Elections, which is responsible for the compliance and
16 enforcement of the *Canada Elections Act*. I'm accompanied by
17 Sujit Nirman, counsel.

18 My name is Sébastien Lafrance, I'm the main
19 advisor for the Office of the Commissioner who's responsible
20 for the observation and compliance of the *Canada Elections*
21 *Act*.

22 Thank you very much.

23 **MS. ERIN DANN:** Next, the representative for
24 the Pillar Society.

25 **--- OPENING STATEMENT BY/DÉCLARATION D'OUVERTURE PAR**

26 **MR. DANIEL STANTON:**

27 **MR. DANIEL STANTON:** Good morning,
28 Madam Commissioner. Dan Stanton. I'm representing the

1 Pillar Society of which I'm a member.

2 The Pillar Society is comprised of former
3 members of the Canadian Security Intelligence Service, as
4 well as former members of the former Security Service of the
5 RCMP. And we remain enthusiastically supportive of the
6 Commission's mandate as well as our intervenor colleagues.
7 Thank you.

8 **COMMISSIONER HOGUE:** Thank you.

9 **MS. ERIN DANN:** Next, the representative for
10 the Russian Canadian Democratic Alliance.

11 **--- OPENING STATEMENT BY/DÉCLARATION D'OUVERTURE PAR**

12 **MR. GUILLAUME SIROIS:**

13 **MR. GUILLAUME SIROIS:** Good morning. I'm
14 Guillaume Sirois, representative for the Russian Canadian
15 Democratic Alliance, the RCDA, along with my co-counsel, Mark
16 Power, who is not here with us today.

17 The RCDA's core mission is to support the
18 development of those members of the Russian Canadian diaspora
19 supportive of the ideals of democracy, human rights, and
20 civil liberties, and the rule of law. The RCDA was created
21 by volunteers following Russia's war of aggression in Ukraine
22 and has charters throughout the country.

23 The RCDA is particularly interested in all
24 aspects of Russian interference in Canada's democratic
25 processes, particularly Russian propaganda and Russian
26 repression of Russian nationals -- Russian-Canadian
27 nationals. The RCDA is also interested in the Canadian
28 Government's response to these threats to our democracy.

1 (LOUD SOUND)

2 **COMMISSIONER HOGUE:** Everything is fine at
3 the back? Okay. Thank you.

4 **MS. ERIN DANN:** Thank you. Next, the
5 Ukrainian Canadian Congress representative.

6 **--- OPENING STATEMENT BY/DÉCLARATION D'OUVERTURE PAR**

7 **MR. JON DOODY:**

8 **MR. JON DOODY:** Good morning, Commissioner.
9 My name is Jon Doody. I represent the Ukrainian Canadian
10 Congress.

11 The UCC is an umbrella organisation that
12 represents national, provincial, and local Ukrainian Canadian
13 organisations within this country, together represents the
14 interests of one of Canada's largest ethnic communities, with
15 1.4 million Canadian Ukrainian members. Thank you.

16 **COMMISSIONER HOGUE:** Thank you.

17 **MS. ERIN DANN:** Next, Senator Woo.

18 **--- OPENING STATEMENT BY/DÉCLARATION D'OUVERTURE PAR**

19 **MR. YUEN PAU WOO:**

20 **MR. YUEN PAU WOO:** [No interpretation].

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

22 **MR. YUEN PAU WOO:** I am Yuen Pau Woo, Senator
23 for British Columbia. I am interested in helping the
24 Commission come up with responses to foreign interference in
25 our democracy that are commensurate with the threat that we
26 face that do not abuse fundamental rights and freedoms, that
27 do not stigmatise diaspora communities, and which are right
28 sized for our country. Thank you.

1 **COMMISSIONER HOGUE:** Thank you.

2 **MS. ERIN DANN:** Next, representative for the
3 Government of Canada.

4 **--- OPENING STATEMENT BY/DÉCLARATION D'OUVERTURE PAR**

5 **MR. GREGORY TZEMENAKIS:**

6 **MR. TZEMENAKIS:** Good morning. I'm Gregory
7 Steven Tzemenakis, and I'm the main counsellor for the
8 Canadian government, with Addison Leigh, and Breanne LeBlanc,
9 who are here today with us. And during the following weeks
10 we will be assisted by a group of lawyers. We will not
11 necessarily be here all the time.

12 As counsel for the Government of Canada, I
13 would like to take just a moment to speak about my client,
14 the Government, and its role in this Inquiry.

15 The Government's role in the Inquiry cannot
16 be viewed only in terms of its intelligence capabilities, as
17 important as these are in countering foreign interference.
18 Deep, sophisticated expertise in international relations and
19 diplomacy are equally important. The Government engages with
20 other countries productively, and has the diplomatic acumen
21 to call out bad behaviour when appropriate.

22 The Government has many federal partners
23 within and outside the community work, excuse me, within and
24 outside the government who work together to protect the
25 rights of Canadians and to ensure that diaspora communities
26 have a voice that is heard in the common cause of defending
27 against foreign interference and in various forms of
28 transnational repression. For example, one of the federal

1 partners, the Department of Canadian Heritage, works to
2 better equip civil society to understand the spread and
3 impact of disinformation in Canada. The objective is
4 ultimately to improve Canadians' resilience against
5 disinformation, which the government use as a key threat that
6 could impact an election on a large scale.

7 While Canada has seen foreign interference
8 activities and efforts, it has not faced the large scale
9 coordinated foreign interference efforts that have been
10 observed in some other countries recently. We know that we
11 must remain vigilant against a very real and pernicious
12 threat. We believed these public hearings regarding the
13 further strengthening of Canada's capacity to detect, deter,
14 and counter foreign interference will support a robust
15 discussion of additional measures that should be considered.

16 In closing, the Government remains committed
17 to supporting the Commission and supporting the work of the
18 Commission and looks forward to its report to be published
19 later this year.

20 Thank you.

21 **COMMISSIONER HOGUE:** Thank you.

22 **MS. ERIN DANN:** Next, Commissioner, we may
23 have some parties who are joining us by Zoom, ---

24 **COMMISSIONER HOGUE:** Yes.

25 **MS. ERIN DANN:** --- so I'd invite the Sikh
26 Coalition representative next, if you are on the Zoom.

27 **--- OPENING STATEMENT BY/DÉCLARATION D'OUVERTURE PAR**

28 **MR. PRABJOT SINGH:**

1 **MR. PRABJOT SINGH:** Good morning,
2 Commissioner. My name is Prabjot Singh and I'm legal counsel
3 for a coalition of Sikh organizations jointly participating
4 in the Commission to advocate for the concerns of the Sikh
5 community in Canada. I'll be joined by co-counsel, Balpreet
6 Singh.

7 The Coalition is made up of three
8 organizations: The Ontario Gurdwaras Committee; The World
9 Sikh Organization of Canada; and the British Columbia
10 Gurdwaras Council. These organizations have been at the
11 forefront of Sikh political advocacy and raising the concerns
12 of Sikhs who have faced foreign interference since the 1980s.

13 With our participation and the Commission's
14 work, we seek to pay our respects to Shaheed Bhai Hardeep
15 Singh Nijjar, who was assassinated by the Government of India
16 in an act of transnational oppression in June last year. We
17 draw strength from his commitment and resilience and our
18 efforts to shine a light on the Indian State's efforts to
19 disenfranchise Sikhs in Canada and marginalize us from public
20 life through various forms of foreign interference, including
21 spreading disinformation, meddling in Canadian elections,
22 targeting Sikh activists, and other foreign interference
23 activities.

24 We look forward to contributing to the
25 Commission's work in this regard. Thank you.

26 **COMMISSIONER HOGUE:** Thank you.

27 **MS. ERIN DANN:** Finally, representative for
28 Han Dong.

1 --- OPENING STATEMENT BY/DÉCLARATION D'OUVERTURE PAR

2 MR. JEFFREY WANG:

3 **MR. JEFFREY WANG:** Good morning,
4 Commissioner. Good morning, everyone. My name is Jeffrey
5 Wang and I represent Han Dong, the Member of Parliament for
6 Don Valley North. And in later dates, I might be joined by
7 my colleagues, Emily Young and Mark Polley. Thank you.

8 **COMMISSIONER HOGUE:** Thank you.

9 I see someone else. Okay.

10 **MS. ERIN DANN:** I'm not sure if there is
11 another party on Zoom. I just ask for counsel to identify
12 themselves and the participant they represent.

13 **MS. LUCY WATSON:** Thank you. My name is Lucy
14 Watson. I'm the National Director for the New Democratic
15 Party of Canada and I wanted to assure the Commission that
16 we're very interested in all aspects of the work of the
17 Commission and we very much thank you for it.

18 **COMMISSIONER HOGUE:** Thank you.

19 **MS. ERIN DANN:** I believe that's everyone,
20 Commissioner.

21 **COMMISSIONER HOGUE:** Yes. So thank you. It
22 was faster than we thought. So thank you to everyone. I
23 think we will go forward with the first presentation?

24 **MS. ERIN DANN:** We'll just have a short
25 break, Commissioner.

26 **COMMISSIONER HOGUE:** Short break.

27 **MS. ERIN DANN:** Can I suggest 20 minutes so
28 that we can get the -- ensure we have the materials set up

1 and ready to go?

2 **COMMISSIONER HOGUE:** Thank you.

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

4 The sitting of the Commission is now in
5 recess until 10:40 a.m. The sitting is suspended until
6 10:40.

7 --- Upon recessing at 10:20 a.m.

8 --- Upon resuming at 10:42 a.m.

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

10 This sitting of the Foreign Interference
11 Commission is now back in session. The time is 10:43 a.m.

12 **COMMISSIONER HOGUE:** So we are resuming. So
13 we will hear from counsel Morris and Saint-Amour.

14 **--- PRESENTATION ON FEDERAL ENTITIES BY/PRÉSENTATION SUR DES**
15 **ENTITÉS FÉDÉRALES PAR MS. SIOBHAN MORRIS AND/ET MR NICOLAS**
16 **SAINT-AMOUR:**

17 **MS. SIOBHAN MORRIS:** Madam Commissioner,
18 parties, and members of the public, good morning.

19 My name is Siobhan Morris, and I am
20 Commission Counsel. My colleague, Nicolas Saint-Amour, will
21 be presenting alongside me today.

22 Over the next few weeks you will hear about
23 several federal entities, their institutions, structures, and
24 the powers and duties they hold in relation to foreign
25 interference.

26 Today, my colleague and I will be presenting
27 an overview of several of these entities.

28 This presentation will be general; it aims to

1 prime the participants and the public with a general
2 knowledge of some of these entities that will be helpful in
3 the days ahead.

4 For the purposes of this presentation, the
5 entities you will hear about fall into five broad categories:
6 government departments and agencies, standing committees of
7 senior public servants, government processes, independent
8 entities, and review bodies and agencies.

9 I will discuss the first three categories,
10 and my colleague will discuss the last two.

11 On to government departments and agencies.

12 The Prime Minister's office, or PMO, is a
13 department comprised of political staff who support the Prime
14 Minister in exercising his duties as head of government,
15 leader of a political party recognized in the House of
16 Commons, and Member of Parliament.

17 Political staff at the PMO are often referred
18 to as "exempt staff." This means they are not members of the
19 Public Service and are not subject to the strict neutrality
20 and impartiality rules that apply to public servants.

21 PMO staff work with counterparts in the
22 Public Service and ministerial offices, advising the Prime
23 Minister on matters such as policy, communications, and
24 Parliamentary affairs.

25 The PMO maintains a close relationship with
26 staff in all Ministers' offices to ensure the flow of
27 information and coordination on policy and operational issues
28 within and across the government.

1 The Privy Council Office -- oh, there we go.
2 The Privy Council Office is a federal department that sits at
3 the centre of government. It is part of the Public
4 Service and is not a political office.

5 The Privy Council coordinates government
6 administration and provides non-partisan advice to the Prime
7 Minister, Cabinet, and Cabinet Committees. It also develops
8 government-wide measures to combat disinformation and protect
9 democratic institutions from foreign interference.

10 It houses two important entities that you may
11 hear about in the coming weeks: the National Security and
12 Intelligence Advisor to the Prime Minister, and the
13 Democratic Institutions Secretariat.

14 The National Security and Intelligence
15 Advisor to the Prime Minister provides policy and operational
16 advice to the Prime Minister and to Cabinet. Democratic
17 Institutions develops policies and programs to support
18 election integrity.

19 The Department of Public Safety and Emergency
20 Preparedness is responsible for matters of public safety,
21 national security, and emergency management.

22 Public Safety develops and provides advice to
23 the Minister of Public Safety, Democratic Institutions, and
24 Intergovernmental Affairs on national security matters. It
25 also functions as a centralized hub for coordinating work on
26 a number of national security issues, including countering
27 foreign interference.

28 Among other agencies, Public Safety oversees

1 the Canadian Security and Intelligence Service, and the Royal
2 Canadian Mounted Police.

3 CSIS, or the Service, is a civilian security
4 and intelligence service. It is an agency that operates
5 within the Public Safety portfolio. The Service's core
6 mandate is to investigate threats to the security of Canada
7 and advise the Government of Canada on such threats.

8 The *CSIS Act* identifies the specific
9 activities that the Service may investigate, as well as the
10 threshold that must be met for the Service to engage in
11 investigative activities. Among others, section 2 of the
12 *CSIS Act* defines a "Threat to the security of Canada" as:

13 "...espionage or sabotage that is
14 against Canada or is detrimental to
15 the interests of Canada or activities
16 directed toward or in support of such
17 espionage or sabotage," (As read)

18 And:

19 "...foreign influenced activities
20 within or relating to Canada that are
21 detrimental to the interests of
22 Canada and are clandestine or
23 deceptive or involve a threat to any
24 person." (As read)

25 The Service's authority to collect
26 information and intelligence on threats to the security of
27 Canada rests in section 12 of the *CSIS Act*. Section 12(2)
28 clarifies that CSIS may investigate within or outside of

1 Canada.

2 Further to its mandate to investigate threats
3 to the security of Canada, CSIS also has the authority under
4 section 12.1 of the Act to take measures to reduce these
5 threats in certain circumstances.

6 The Royal Canadian Mounted Police Force, or
7 the RCMP, is Canada's national police force. Aspects of its
8 mandate are shown on this slide including, in particular, law
9 enforcement.

10 Under its law enforcement duties, the RCMP
11 has the primary responsibility for preventing, detecting,
12 deterring, and responding to national security-related
13 criminal threats in Canada. This includes investigating
14 illegal activities targeting Canada's democratic institutions
15 and safeguarding electoral processes.

16 As discussed in more detail later in this
17 presentation, the RCMP collaborates with various external
18 Partners, including the SITE Task Force and the Rapid
19 Response Mechanism. It also has bilateral relationships with
20 other agencies, including CSIS and the Commissioner of Canada
21 Elections.

22 The Department of National Defence oversees
23 the Communications Security Establishment, which is Canada's
24 national cryptologic agency.

25 CSE intercepts foreign signals intelligence,
26 like digital communications, and analyzes them to provide the
27 federal government with information about foreign threats to
28 Canada's security.

1 It may also engage in active or defensive
2 cyber operations when authorized by the appropriate Minister.

3 CSE also helps to keep Canadians informed
4 about cyber hygiene and cyber security. The Canadian Centre
5 for Cyber Security, called CCCS, or the Cyber Centre, is a
6 branch of CSE that helps defend Canadian federal systems, and
7 other systems deemed to be of national importance, from
8 malicious cyber attacks.

9 Finally, CSE helps federal law enforcement
10 and security agencies, like the RCMP and CSIS, as well as the
11 Canadian Armed Forces and the Department of National Defence
12 in the performance of lawful duties.

13 It is important to note that CSE can only
14 direct its activities against foreign entities. It cannot
15 direct its activities against Canadians, unless operating
16 under another agency's authority via its assistance mandate.

17 Global Affairs Canada is the federal
18 department responsible for advancing Canada's international
19 relations. It supports three Ministers, including the
20 Minister of Foreign Affairs.

21 Global Affairs houses the Rapid Response
22 Mechanism Canada Secretariat, also known as RRM, which
23 coordinates with G7 RRM. The G7 RRM strengthens coordination
24 between G7 countries to identify and respond to diverse and
25 evolving foreign threats to democracy.

26 RRM Canada is a sub-entity of, and the
27 Secretariat to, the G7 RRM. It monitors the digital
28 information environment using open-source data analytics for

1 indicators of foreign state-sponsored information
2 manipulation, and disinformation. It also operates both
3 inside and outside the writ periods.

4 The Department of Canadian Heritage fosters
5 and promotes Canadian identity and values, cultural
6 development, and heritage. It is referred to as "PCH" which
7 is a combination of the words "*Patrimoine*," "Canada," and
8 "Heritage".

9 PCH creates policies and programs aimed at
10 promoting access to dynamic Canadian cultural expressions,
11 celebrating Canadian history, and building strong
12 communities. It oversees the Digital Citizen Initiative,
13 which is a multi-component strategy that aims to combat
14 online disinformation.

15 It does so through the Digital Citizen
16 Contribution Program, which supports the initiative by
17 providing time-limited financial assistance for research and
18 citizen-focused activities.

19 The DCCP also supports the work of the
20 Canadian Digital Media Research Network, and organization
21 that studies the dynamics of information production,
22 dissemination, and consumption across digital media.

23 Next, I will briefly discuss government
24 committees that deal with foreign interference. Over the
25 next few weeks, you will hear about a number of
26 interdepartmental standing committees comprised of senior
27 public servants. This presentation will not name them all.
28 In general, however, these committees are involved in

1 coordinating responses to foreign interference and include
2 national security, operational, and policy committees that
3 exist at the Deputy Minister, Assistant Deputy Minister, and
4 Director General levels.

5 Finally, I will discuss a series of
6 government processes that deal with foreign interference.

7 The SITE Task Force is one of these
8 processes. The SITE Task Force is a part of Canada's 2019
9 plan to protect Canada's democracy. The plan created the
10 SITE Task Force, which has representatives from CSE, the
11 RCMP, Global Affairs, and CSIS. It's role is to help
12 safeguard Canadian federal elections from foreign
13 interference by providing a point of engagement through the
14 security and intelligence community; by reviewing and
15 focusing intelligence collection and assessment related to
16 foreign interference in Canada's democratic processes; by
17 providing situational awareness for government partners,
18 senior public servants, and other relevant partners; and
19 finally, by promoting information sharing between
20 intelligence partners to protect electoral processes.

21 Another measure flowing from the plan is the
22 Critical Election Incident Public Protocol, or the Panel of
23 Five. The panel is a mechanism for senior public servants to
24 communicate clearly, transparently, and impartially with
25 Canadians during federal elections. It operates during the
26 caretaker period, which is the period of time proceeding the
27 election when the government assumes a caretaker role.
28 During the caretaker period, national security agencies

1 provide regular briefings to the panel and the panel can
2 receive information and advice from other sources as well.

3 If CSIS, CSE, the RCMP, or Global Affairs
4 becomes aware of interference in a general election they can
5 inform the panel, which will consider all options to address
6 the incident. If the threshold for an announcement is met,
7 the panel will inform the Prime Minister and other major
8 party leaders, and Elections Canada, that it intends to make
9 a public announcement, and can then issue a statement. The
10 threshold for informing the public is met if an incident or
11 an accumulation of incidents, threaten Canada's ability to
12 have a free and fair election.

13 This is a qualitative assessment which
14 includes consideration of the degree to which the incident
15 undermines Canadian's ability to have a free and fair
16 election, the potential of the incidents to undermine the
17 credibility of the election, and the degree of confidence
18 officials have in the intelligence or information suggesting
19 an incident.

20 At this stage, I will invite my colleague to
21 discuss independent entities and review bodies that deal with
22 matters related to foreign interference. Thank you.

23 **MR. NICOLAS SAINT-AMOUR:** Thank you, dear
24 participants, Commissioner, members of the public, hello.
25 I'm Nicolas Saint-Amour, and I am counsel for the Commission.
26 I will take over as Counsel Morris was explaining.

27 So now let's discuss the independent entities
28 that deal with foreign interference. Amongst these entities

1 we have the independent -- the Office of the Chief Electoral
2 Officer, the Commissioner's office, and the federal Elections
3 Canada. These are part of the Office of the Director General
4 for Elections, even if it is part of the same organization,
5 Elections Canada and the Office have different mandates and
6 operate independently one from the other.

7 Elections Canada is led by the Director
8 General of the Elections, an agent of Parliament that is
9 directly linked to the department.

10 The mandate of Elections Canada covers the
11 administration of the elections and electoral compliance,
12 specifically when it comes to electoral rules, such as
13 financing by a third party.

14 Elections Canada aims to cover the integrity
15 of federal elections by detecting and reacting to
16 disinformation or any disinformation about them. In the
17 context of its mandate to give specific information on the
18 federal electoral process, Elections Canada monitors social
19 media to see the information linked to this process.

20 The surveillance doesn't aim to determine if
21 the sources of information are national or foreign.

22 Elections Canada uses its understanding of
23 the information environment to elaborate and update its
24 communication products, as well as to react to disinformation
25 concerning its mandate or the federal electoral process.

26 The Federal Elections Office is led by the
27 Chief Electoral Officer, named by the Director of Elections
28 after consultation. The Chief Electoral Officer, the

1 Commissioner of Canada Elections has to maintain the
2 integrity of the elections. Within his functions, the
3 Commissioner has different legal and administrative rules to
4 ensure the conformity to compliance of law, depending on the
5 violation in question. He can bear criminal accusations that
6 will then be dealt by the Prosecution Office and can have
7 administrative measures such as imposing financial measures
8 in case the law has been broken.

9 The CRTC will give licences to all
10 broadcasters in Canada and authorizes the distribution of
11 foreign channels on Canadian soil. The CRTC is in charge of
12 investigating complaints linked to the non-compliance of
13 rules, whether these are filed by the public or other
14 participants.

15 Parliament is comprised by the King,
16 represented by the Governor General, as well as the Senate
17 and the House of Commons. As a legislative organ of Canada,
18 Parliament participates in the elaboration of federal laws to
19 fight foreign interference, such as C-70 that was recently
20 adopted.

21 Within the House of Commons and the Senate,
22 parliamentary commissions get together to examine in detail
23 any bill, specifically by calling of witnesses. These
24 commissions can also look at specific questions, such as
25 foreign interference. For example, the Standing Committee on
26 Procedure and the business of the House of Commons, which is
27 commonly called PROC, has studied several files on foreign
28 interference, including campaigns targeting parliamentarians.

1 These parliamentary commissions have the power of calling up
2 witnesses, asking for documents, and publishing reports and
3 recommendations.

4 Now, let's look at the independent entities
5 that deal with these foreign interference, such as review
6 bodies and agencies.

7 The NSIRA is an independent and external
8 review body reporting to Parliament, not to the government.
9 It reviews and investigates government national security and
10 intelligence activity to ensure it is lawful, reasonable, and
11 necessary. It also investigates public complaints about key
12 national security agencies and activities. It can -- it is
13 entitled to access in a timely manner any information held by
14 or under control of any government department, including
15 covered by privilege or secret. The NSIRA can give to NSICOP
16 or related to NSICOP's mandate any information if it's
17 authorized to receive that information.

18 Also, the NSICOP can give information to
19 NSIRA in certain circumstances. On March 9th, 2023, an
20 investigation was started, and in May 2024, a completed -- a
21 review of the dissemination of intelligence on People's
22 Republic of China political interference 2018-'23 was filed
23 in Parliament.

24 NSICOP is a statutory, not Parliamentary
25 committee that reviews government's intelligence operations,
26 including the legislative, regulatory, policy, administrative
27 and financial framework for national security and
28 intelligence. It also reviews the activity of any government

1 department relating to national security and intelligence,
2 unless it is an ongoing operation and the appropriate
3 Minister determines a review would be injurious to national
4 security.

5 The members can examine classified documents,
6 and all have a top secret security clearance, and are bound
7 to secrecy under the *Security of Information Act*.

8 The NSICOP has studied aspects of foreign
9 interference since shortly after its formation in 2017. In
10 March of 2023, the Prime Minister authorized NSICOP to review
11 the issue of foreign interference in Canada's federal
12 democratic processes, with a focus particularly on elections.
13 On June 3rd, 2024, NSICOP published a redacted version of its
14 report.

15 And this completes our presentation. Thank
16 you for your attention.

17 **COMMISSIONER HOGUE:** Thank you, Mr. Saint-
18 Amour.

19 So the next presentation will be on social
20 media, I believe. It will be Counsellor Lazare.

21 **--- PRESENTATION SOCIAL MEDIA BY/PRÉSENTATION SUR LES MÉDIAS**
22 **SOCIAUX PAR MS. HANNAH LAZARE:**

23 **MS. LAZARE:** Thank you, Commissioner.

24 Members of the public and parties, hello, I'm
25 Hannah Lazare, counsellor for the Commission.

26 Over the next few weeks, you will hear about
27 the use of social media and its links with foreign
28 interference in institutions and democratic processes. So as

1 to help you understand this issue, I will present several
2 definitions and key concepts related to social media. These
3 terms and concepts come from one of the summary reports
4 prepared by the Commission called, "Social Media".

5 This presentation is a summary examination of
6 these reports and not a full examination of social media.
7 Even if most of us use social media in our daily
8 interactions, this presentation aims to help the Commission
9 and the public in the context of the discussion about this in
10 the next few weeks.

11 Social media platforms are online resources
12 that enable users to create links and to network amongst
13 themselves. Users do so by creating content and by
14 interacting and consuming content produced by other users.

15 Many of these platforms are, first and
16 foremost, private corporations. The production, consumption,
17 and interaction between users with content generates data
18 that the owners of these platforms use to generate revenue.

19 Social media are omnipresent in daily lives.
20 Many of us interact frequently with the greatest social media
21 platforms, such as Facebook, Instagram, and quick messaging
22 applications such as WhatsApp.

23 The use rates of social media in Canada is
24 extremely high. Studies demonstrate that 94 percent of
25 Canadians are regular users of the internet and have at least
26 one social media account.

27 Social media can have an important positive
28 impact on democracy. They can bring political news to a

1 broader public, and gather citizens around important
2 democracy questions. However, social media can also be
3 exploited to be detrimental to democratic institutions,
4 including by foreign states.

5 Social media have several characteristics
6 that offer opportunities of interference or foreign
7 influence; for example, through algorithms that amplify
8 sensationalist contents or extreme contents of use.

9 Social media platforms use these algorithms
10 to foresee any contents that could interest the user and
11 place them in priority in their flow. The algorithm is some
12 sort of recipe followed by the computer system, a series of
13 steps that the system uses so as to come to a specific
14 result. In this context, the algorithms can be described as
15 mathematical models that process data so as to generate
16 information that will be useful for the owners of these
17 social media platform. The data can be information; for
18 example, the publications that a user has read or have viewed
19 the most or any content that the user liked or commented
20 upon.

21 These algorithms then use the data as a
22 source such as to make some predictions on the publications
23 that will interest a user in the future. The algorithms will
24 put those publications in priority in their flow, and the
25 exact rules and calculations that social media use are not
26 made public.

27 Those who can participate in foreign
28 interference or influence can exploit those algorithms by

1 using trolls or bots, two concepts I'll be discussing now.

2 Those who may be engaged in foreign
3 interference or foreign influence can capitalize on these
4 algorithms by using bots and troll farms, two concepts which
5 I will now describe.

6 Bots are software robots or programs that run
7 on our computers or servers that are created to save human
8 labour. Bots can mimic human behaviour and influence social
9 media algorithms and people. Bots do so by creating
10 artificial content and amplifying interaction with that
11 content to make it look more popular and spread more quickly
12 across social networks.

13 Bots can also use data from social media
14 platforms to search for specific material online. This can
15 allow states to search for dissident material and see who is
16 interacting with that material.

17 During the 2016 United States presidential
18 election, Twitter identified over 50,000 bots that
19 collectively reached millions of American users attempting to
20 impact public opinion.

21 Trolls, like bots, aim to produce and promote
22 content to advance some purpose. For example, to spread a
23 specific narrative. Unlike bots, trolls are human, though
24 they can use bots.

25 An organized group of trolls is called a
26 troll farm. An example of a troll farm was the Russian
27 Internet Research Agency that targeted the U.S. election in
28 2016. A U.S. Department of Justice report found that the

1 Internet Research Agency had used social media accounts and
2 interested groups to sow discord in the U.S. political system
3 through what it called information warfare.

4 Trolls, troll farms, and bots are used to
5 attempt to shape the content and the tone of online
6 discourse.

7 Foreign state actors may also use social
8 media platforms to engage in intimidation and political
9 repression, both of which have the goal of decreasing the
10 target's political participation.

11 One way foreign state actors do this is by
12 doxing users. Doxing is when someone releases a person's
13 personal information on the internet, such as their real
14 name, phone number, their home address, or their place of
15 work. This enables others to harass that person offline,
16 including at their home.

17 The possibility of doxing can deter a person
18 from participating in political expression. To manage some
19 of the risks that social media presents to democratic society
20 and to moderate the content that is posted on a platform,
21 some platforms engage in flagging and tagging, two methods of
22 self-governance. Flagging is a social media self-governance
23 measure that aims to identify and remove mis and
24 disinformation before users are exposed to it. Tagging
25 leaves the false material in place, but provides corrective
26 information and links to sources so that users can engage
27 with the false material more critically.

28 These methods of self-governance can be done

1 by users or by the platforms themselves through human and
2 automated processes.

3 Flagging and tagging can be laborious,
4 particularly given the presence of bots and troll farms,
5 which can rapidly and continuously flood social media
6 platforms with false information. For this reason, many
7 social media platforms use algorithmic moderation, a process
8 by which computer models are deployed to either classify or
9 match content likely to violate guidelines. That material,
10 like hand-flagged material, can then be checked and either
11 removed or tagged. Where the algorithm suggests a bot may be
12 involved, fake accounts can be removed as well. The
13 advantage of this approach is that it prevents individuals,
14 bots, or trolls from simply re-posting material that has been
15 removed. That material, like hand flagged material, can then
16 be checked and either removed or tagged.

17 For more information on these concepts, you
18 are invited to consult the overview reports prepared by the
19 Commission which will be made available in due course. Thank
20 you.

21 **COMMISSIONER HOGUE:** Thank you. So the next
22 presentation will be Maitre McBain-Ashfield.

23 **--- PRESENTATION ON INTELLIGENCE CONCEPTS BY/PRÉSENTATION SUR**
24 **DES CONCEPTS DE RESEIGNEMENTS PAR MS. EMILY McBAIN-ASHFIELD:**

25 **MS. McBAIN-ASHFIELD:** Good morning,
26 Commissioner, participants, and members of the public. My
27 name is Emily McBain-Ashfield, and I am Commission Counsel.

28 Today, I will be providing a brief

1 presentation on intelligence concepts. More information on
2 this topic can be later found in Overview Report Number 9,
3 Introduction to Intelligence Concepts, which will be
4 available shortly.

5 Over the next few weeks, you will hear about
6 several intelligence concepts. This presentation covers five
7 key topics. First, the definition of intelligence and how it
8 differs from information; second, classification practises;
9 third, the "need-to-know" principle; fourth, how intelligence
10 is used, and finally, statutory responses associated with the
11 use of intelligence.

12 First, a definition of intelligence. There
13 is no universally accepted definition of intelligence, but
14 intelligence is widely understood to be a type of
15 information. Information, for our purposes, is anything that
16 can be known, regardless of how it was discovered, its
17 subject matter, or whether it is true or factual.

18 Intelligence is information that has been
19 processed, analysed, and placed into context for some end.
20 For example, to help policymakers create responsive policy,
21 or to help the government make decisions related to
22 international relations, national defence, and national
23 security.

24 The diagram onscreen helps to distinguish
25 between intelligence and information. Intelligence falls
26 under the umbrella of information. All intelligence is
27 information, but not all information is intelligence.

28 Intelligence can be divided into different

1 categories based on the method by which it was collected.
2 There are three categories that are most relevant to the
3 Commission's proceedings this fall:

4 Human-source intelligence, referred to as
5 HUMINT, is information collected from a person. It can be
6 what the person saw, heard, or was told. For example, it can
7 be something that the person had access to and copied or
8 passed on to intelligence authorities.

9 Signals intelligence, referred to as SIGINT,
10 is information obtained through the interception of
11 electronic signals and communications. The communications
12 that are intercepted can take many forms, such as telephone
13 calls, emails, and radio communications.

14 Open-source intelligence, referred to as
15 OSINT, is publicly available information available in any
16 form, including traditional and social media, public records,
17 academic journals, professional resources, commercial
18 databases, or websites.

19 Next, some information on classification
20 levels.

21 Intelligence often contains information that
22 is classified. Classified information is information that,
23 if disclosed, could reasonably be expected to cause injury to
24 the national interest.

25 Classification is a security practice, a way
26 to keep intelligence safe, that attaches a classification
27 level to the information. That level determines who has
28 access to the information and how it must be handled.

1 There are several different levels of
2 classification that range from confidential, which is the
3 lowest level of classification, to top secret, which is the
4 highest level of classification. Top secret classification
5 can include sub categories that describe ultra sensitive
6 information that very few people are authorised to see.

7 The level of classification is tied to the
8 level of harm that could result if the intelligence were
9 disclosed to people without authorization to see it. If
10 confidential information were disclosed, there could be some
11 injury to the national interest. If secret information were
12 disclosed, there could be serious injury to the national
13 interest. If top secret information were disclosed, it could
14 cause exceptionally grave harm, injury, sorry, to the
15 national interest.

16 Typically, the agency that collected and
17 created the intelligence will decide how it should be
18 classified. Just because someone has access to classified
19 information, does not mean they have authority to disclose or
20 share it.

21 Even if someone has the right security
22 clearance to view a piece of information, they will only get
23 to see it if they have the need to know it. This is the
24 "need-to-know" principle. It states that an individual
25 should only have access to the information they need in order
26 to do their job. The "need-to-know" principle limits access
27 to sensitive information, and acts as a key safeguard against
28 unauthorized disclosure of information.

1 There are several ways in which intelligence
2 can be used. For example, it may be used to develop
3 legislation, to develop new policy or programming, or to take
4 mitigating actions, such as a threat reduction measure, which
5 is an operational measure undertaken by the Canadian Security
6 and Intelligence Service that aims to reduce a threat to the
7 security of Canada.

8 Alternatively, government or law enforcement
9 officials may wish to act on the basis of intelligence, which
10 may result in some type of legal proceeding. An example is
11 where police wish to rely on intelligence as part of a
12 criminal investigation, which could result in a charge or a
13 criminal trial.

14 I will now briefly cover the intelligence to
15 evidence challenge:

16 When legal proceedings occur, a further
17 concept becomes relevant. Evidence. In this context,
18 evidence is another subset of information, consisting of
19 facts presented before a court, tribunal, or other similar
20 body.

21 The law of evidence sets out rules about the
22 facts that can be presented in a proceeding, how those facts
23 can be presented in the proceeding, and how facts are tested
24 or proven. There are a number of challenges that arise when
25 trying to admit intelligence as evidence in a legal
26 proceeding. For example, the rules governing evidence in
27 those proceedings may require disclosure of that intelligence
28 to all parties in the legal proceeding. This may be of

1 concern for intelligence agencies when it comes to preserving
2 the secrecy of the intelligence.

3 Intelligence is sensitive, and sharing it
4 might put human sources in danger, or give away secret
5 collection techniques. Moreover, the manner in which
6 intelligence was collected may not comply with the rules of
7 evidence, and the intelligence may therefore be inadmissible
8 in a legal proceeding.

9 Both of these issues, disclosure and
10 admissibility, can make it difficult for law enforcement to
11 act on intelligence. This challenge is commonly referred to
12 as the "intelligence to evidence" problem.

13 Parliament has enacted several statutes that
14 address how intelligence should be handled and used.
15 Examples include:

16 The *Security of Information Act*, which sets
17 out offences for unauthorized disclosure of different types
18 of intelligence, and permanently binds some people to
19 secrecy;

20 The *Security of Canada Information Disclosure*
21 *Act*, which facilitates disclosure of information between
22 government institutions and to protect Canada against
23 activities that undermine the security of Canada;

24 Bill C-70, which revises a number of national
25 security statutes that set out the powers of national
26 security agencies, and creates a new foreign interference
27 transparency registry;

28 The *Canada Evidence Act*, which creates a

1 regime that protects information that is privileged on the
2 grounds of national security, defence, and international
3 relations.

4 And other statutes that try to address the
5 intelligence-to-evidence problem by removing certain
6 traditional requirements of the law of evidence, like the
7 *Immigration and Refugee Protection Act*, which says that the
8 judge:

9 "...may receive into evidence
10 anything that, in the judge's
11 opinion, is reliable and appropriate,
12 even if it is inadmissible in a court
13 of law, and may base a decision on
14 that evidence." (As read)

15 Thank you. This concludes my presentation on
16 intelligence concepts.

17 **COMMISSIONER HOGUE:** Thank you. So we have
18 another one dealing with Bill C-70.

19 **--- PRESENTATION ON BILL C-70 BY/PRÉSENTATION SUR LE PROJET**
20 **DE LOI C-70 PAR MR. NICOLAS SAINT-AMOUR:**

21 **MR. NICOLAS SAINT-AMOUR:** Madam Commissioner
22 and members of the public, hello.

23 I am going to be presenting a short overview
24 of the *Countering Foreign Interference Act*, which was
25 presented before Parliament as Bill C-70. This presentation
26 will speak to key concepts of the law, mechanisms that allow
27 the government to detect, prevent, and to counter foreign
28 interference.

1 respect on countering foreign influence with respect to the
2 LPI. And this has to do with -- to seeing that people who
3 have arrangements and have activities linked to a
4 governmental process in Canada, that they be transparent, and
5 this will dissuade foreigners from affecting, in a non-
6 transparent fashion, politics in Canada. And this will also
7 mean that it will reinforce national security.

8 The Commissioner on foreign influence
9 transparency will be supervising this register. The
10 Commissioner will be named by the Governor-in-Council
11 following the consultation with Parliamentarians, as well as
12 after being approved by the Senate and the House of Common.

13 In virtue of this law, all the people will
14 have to provide information to the Commissioner. This is an
15 intelligence obligation, and it will be necessary, and the
16 regulations will decide which type of information will have
17 to be shared.

18 So what is an arrangement, and how is it
19 presented? An arrangement intervenes when three elements
20 come together. First of all, the person is committed to
21 using certain -- to certain influence activity that is to
22 communicate with someone who has a public position, to
23 communicate or certain information regarding a political or
24 governmental process or distribute money or give services.
25 And this may be an entity, a person, or a foreign state, and
26 this is something that is linked -- would be something linked
27 to a political process in the Government of Canada.

28 When the arrangement responds to these tests,

1 then they have to register, unless there's an exemption.
2 There are certain exemptions under the Act in certain -- for
3 certain individuals and certain arrangements. This is not
4 for foreigners, such as a diplomat who is acting for a
5 foreign state. And it doesn't -- if the Government of Canada
6 is a party to the information, it is not necessary. And it
7 also applies to people that are -- will be in a category that
8 will be decided within that regulation.

9 To ensure the respect of this law, there can
10 be inquiries. And the fact that if you don't register or if
11 you have false -- provide false information to the
12 Commissioner, this would be an administrative violation and
13 illegal, a criminal act. And if it's a violation, an
14 administrative violation, the person would have a monetary
15 sanction. And if it is a criminal, then the person would
16 have -- may have up to \$5 million, or they may be imprisoned
17 for up to five years.

18 It's important to note that an act or
19 omission cannot be simultaneously treated as both an
20 administrative violation and a criminal offence.

21 Over the first year, an examination of the
22 law and its application will be done.

23 Let's deal with the amendments about the CSIS
24 Act. There are many but I will deal with three.

25 First of all, the capacity for CSIS to
26 collect information, to share information, and to implement
27 judicial control.

28 Section 16 of the Act in which the term is

1 determined with respect to foreign entities, foreign states,
2 whether in Canada or outside, has been expanded in order to
3 take into account information coming from outside of the
4 country. From now on, CSIS can collect information outside
5 of the country in as much as it deals with a person or an
6 activity in Canada or someone who was in Canada and was
7 temporarily outside of the country.

8 With this amendment, the Federal Court and
9 the Federal Court of Appeal -- that is, before this
10 amendment, these two courts considered that collect was
11 limited to the Canadian territory, in terms of intelligence.
12 So this amendment takes into account digital reality by
13 allowing collection of intelligence in the cloud or on
14 servers outside of the country.

15 Section 19 determines the circumstances for
16 the collection of intelligence by CSIS, and it was explained
17 that in order to allow communication with a larger public,
18 when information or intelligence can be used in a prosecution
19 following a possible infraction, CSIS can now communicate
20 with the relevant authorities to have an investigation, and
21 CSIS can, furthermore, communicate information to any person
22 or entity when, according to the Minister, it is essential
23 for public interest and that it justified in attack against
24 the privacy of the individual or entity.

25 Furthermore, the CSIS can transmit
26 information to an entity or person in order to reinforce
27 protection of Canadian interests.

28 Before that, CSIS had only one type of

1 intervention possible, which led the process much heavier,
2 particularly in terms of targeting researches, for instance,
3 for an address. Now it is more adapted to the type of
4 inclusive research or for these activities.

5 Now, let's talk about modifications, the
6 amendments to the SOIA; it is now the *Foreign Information*
7 *Act*.

8 So this legislation explains some offences
9 that were to be found in the former legislation and
10 introduces many more new infraction. Now, let's deal with
11 these new offences.

12 First of all, intimidation or violence on
13 behalf of a foreign entity are now criminalized. When the
14 infraction -- when the offence take place in Canada,
15 particularly with people who have a link with Canada, it is
16 not necessary to prove that it was in order to provide help
17 to a foreign entity or that it would very likely create such
18 a situation. However, for offences outside of the country,
19 such evidence remain mandatory.

20 Secondly, the fact that an offence is
21 committed on behalf of a foreign entity for its profit, or in
22 cooperation with it, is now an offence.

23 Thirdly, a new technical offence for foreign
24 interference has been created.

25 Third [sic], the fact that you tried to
26 interfere with a Canadian duty with respect to such
27 governance, or indeed the exercise of a democratic right in
28 Canada by a clandestine operation on behalf of a foreign

1 entity, is now an offence.

2 These four offences can lead to a life
3 condemnation, with potential consecutive sentences if it's
4 not a life.

5 The fight against foreign interference
6 introduces various modifications to the *Criminal Code*. Many
7 lowered the subject of intent required for sabotage, while
8 broadening the scope of the sabotage offences in order to
9 include certain activities dealing with essential
10 infrastructure.

11 What do we mean by that? Installations,
12 facilities, private or public, that are used to provide
13 essential services for safety, health or economic wellbeing
14 of the Canadian population, and it includes transportation
15 infrastructure, technological information, water management,
16 wastewater management, energy, and essential services of all
17 types.

18 In addition to that, new provisions will
19 allow to seal them warrants for reasons of national security.

20 Finally, this legislation modifies the *Canada*
21 *Evidence Act*. The amendments to this legislation introduce a
22 general regime in order to take into account national
23 defence, international relations, or national security in the
24 course of proceedings that are in the Federal Court or the
25 Federal Court of Appeal. It allows the appointment of a
26 special counsel for the purposes of protecting the interest
27 of a non-governmental party in those proceedings.

28 Thank you. This completes my presentation.

1 **COMMISSIONER HOGUE:** Thank you very much,
2 Maître Saint-Amour.

3 So now I think that we have concluded our
4 session for today. As you can see, it was just an
5 introductory today. [No interpretation].

6 We will begin with the witnesses tomorrow
7 morning at 9:30, and we do anticipate full days starting
8 tomorrow. So just make sure that you're available for the
9 entire day because we are already planning from 9:30 probably
10 to 4:30 or even 5:00. So, and who knows, maybe later than
11 that. But in principle, 9:30 to 4:30, 5:00 should be our
12 agenda for the next coming days.

13 So thank you very much, especially to those
14 who made a presentation this morning. It is very useful and
15 I'm sure it will ease our understanding in the next coming
16 weeks. Thank you.

17 **THE REGISTRAR:** Order please.

18 The sitting of the Foreign Interference
19 Commission is adjourned until tomorrow, the 17th of September
20 at 9:30 a.m.

21 --- Upon adjourning at 11:38 a.m.

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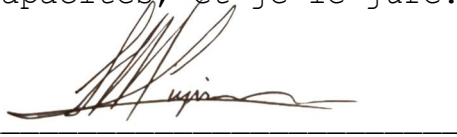
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C E R T I F I C A T I O N

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
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