



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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III

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Michael Chong	Gib van Ert Fraser Harland

IV Appearances / Comparutions

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Daniel Stanton

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Neil Chantler

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Yuen Pau Woo

Sikh Coalition

Balpreet Singh

Prabjot Singh

Bloc Québécois

Mathieu Desquilbet

Iranian Canadian Congress

Dimitri Lascaris

V
Table of Content / Table des matières

	PAGE
MR. DANIEL ROGERS, Affirmed/Sous affirmation solennelle	2
MS. NATHALIE G. DROUIN, Affirmed/Sous affirmation solennelle	2
MR. JOHN HANNAFORD, Sworn/Assermenté	2
MS. JODY HAZEL THOMAS, Sworn/Assermentée	2
MS. JANICE CHARETTE, Sworn/Assermentée	3
Examination in-Chief by/Interrogatoire en-chef par Ms. Shantona Chaudhury	3
Cross-Examination by/Contre-interrogatoire par Mr. Fraser Harland	116
Cross-Examination by/Contre-interrogatoire par Mr. Guillaume Sirois	132
Cross-Examination by/Contre-interrogatoire par Mr. Prabjot Singh	146
Cross-Examination by/Contre-interrogatoire par Mr. Preston Lim	162
Cross-Examination by/Contre-interrogatoire par Mr. Sujit Choudhry	173
Cross-Examination by/Contre-interrogatoire par Mr. David Matas	183
Cross-Examination by/Contre-interrogatoire par Mr. Gregory Tzemenakis	192
MS. ZITA ASTRAVAS, Sworn/Assermentée	202
Examination in-Chief by/Interrogatoire en-chef par Ms. Erin Dann	202
Cross-Examination by/Contre-interrogatoire par Mr. Gib van Ert	234
Cross-Examination by/Contre-interrogatoire par Mr. Sujit Choudhry	252
Cross-Examination by/Contre-interrogatoire par Mr. Noah Lew	269
Cross-Examination by/Contre-interrogatoire par Mr. Brendan van Niejenhuis	275
Re-Examination by/Ré-interrogatoire par Ms. Erin Dann	280

VI
Exhibit List / Liste des pièces

No.	DESCRIPTION	PAGE
WIT0000116	Interview Summary: Privy Council Office (John Hannaford, Nathalie G. Drouin, Daniel Rogers, Janice Charette, Jody Thomas & Stephen de Boer)	4
WIT0000116.FR	Résumé d'entrevue : Bureau du Conseil privé (John Hannaford, Nathalie G. Drouin, Daniel Rogers, Janice Charette, Jody Thomas et Stephen de Boer)	4
WIT0000150	In Camera Examination Summary: John Hannaford and Nathalie G. Drouin	4
WIT0000151	In Camera Examination Summary: Privy Council Office Former Senior Officials	4
WIT0000152	In Camera Examination Summary: Deputy Clerk National Security and Intelligence Advisor and Deputy National Security and Intelligence Advisor	5
CAN.DOC.000036	Part C Institutional Report For The Privy Council Office	8
CAN044228_R01_0001	Deputy Minister Committee for Intelligence Response (DMCIR) Meeting Minutes	47
CAN030999_0001	DM FI (Justice, RCMP, GAC, PS, CSIS, PCO NSIA)	52
CAN031488_0001	RE: RRM Canada within SITE - need to evolve based on changing mandates	66
CAN021740	Canadian Intelligence Prioritization Processes, Background and Analytic Aids	73
CAN027789_0001	The Future of Open-Source Intelligence (OSINT) in the Canadian intelligence Community	72
CAN033456_0001	Enhancing Federal Engagement with Provinces and Territories on National Security Issues	76
CAN047007_0001	Transmittal Note	85
CAN019500	[Handwritten Notes of B. Clow]	93
CAN008242	MD on Accountability	116

VII
Exhibit List / Liste des pièces

No.	DESCRIPTION	PAGE
CAN027809	Steps Taken to ensure Awareness of Intelligence Reports Related to Members of Parliament	119
CAN003787_R01	China's Foreign Interference Activities	121
CAN011049_0001	IAS Report on China's Foreign Interference Activities	124
COM0000363	NSICOP Special Report on Foreign Interference in Canada's Democratic Processes and Institutions	130
RCD0000020	Tenet Youtube videos	132
RCD0000082	Department Of Public Safety And Emergency Preparedness	137
TSC0000001	Foreign Interference Intimidation, Disinformation, and Undermining Canadian Institutions	150
CAN023483	Briefing to Member of Parliament	163
CCC0000015	CSIS documents reveal Chinese strategy to influence Canada's 2021 election	165
COM0000364	NSIRA Report - Review of the dissemination of intelligence on PRC political foreign interference, 2018-2023	178
WIT0000157	Interview Summary: Ms. Zita Astravas	203
WIT0000158	In Camera Examination Summary: Zita Astravas	203
CAN.SUM.000029	CSIS Warrant Application Process	208
EOT0000014	CSIS warned this cabinet minister could be a threat. Ontario disagreed	269

Ottawa, Ontario

1
2 --- L'audience débute le mercredi 9 octobre 2024 à 9 h 31
3 --- The hearing begins Wednesday, October 9, 2024 at 9:31
4 a.m.

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

7 This sitting of the Foreign Interference
8 Commission is now in session. Commissioner Hogue is
9 presiding. Cette séance de la Commission sur l'ingérence
10 étrangère est en cours. La Commissaire Hogue préside.

11 The time is 9:33 a.m. Il est 9 h 33.

12 **COMMISSIONER HOGUE:** Bonjour tout monde.
13 Bonjour Me Chaudhury. Good morning, all.

14 So you can go ahead. We have a long day
15 today, so I suggest that we start right away.

16 **MS. SHANTONA CHAUDHURY:** Perfect. Thank you,
17 Commissioner.

18 Our witnesses this morning are senior
19 officials, current and former, from the Privy Council Office.
20 May I ask that the witnesses be sworn or affirmed.

21 **THE REGISTRAR:** All right. So I'll start
22 with Mr. Rogers.

23 So Mr. Rogers, could you please state your
24 full name and spell your last name for the record?

25 **MR. DANIEL ROGERS:** Daniel Rogers. R-O-G-E-
26 R-S.

27 **THE REGISTRAR:** Thank you. And now for the
28 affirmation.

1 --- MR. DANIEL ROGERS, Affirmed/Sous affirmation solennelle:

2 THE REGISTRAR: Thank you.

3 LE GREFFIER: Ensuite avec Madame Drouin.

4 Madame Drouin, pourriez-vous s'il vous plaît
5 indiquer votre nom complet et épeler votre nom de famille
6 pour la transcription sténographique.

7 Mme NATHALIE G. DROUIN: Mon nom est Nathalie
8 G. Drouin - D-R-O-U-I-N.

9 LE GREFFIER: Parfait. Merci.

10 --- Mme NATHALIE G. DROUIN, Affirmed/Sous affirmation
11 solennelle:

12 LE GREFFIER: Merci.

13 And to you, Mr. Hannaford. Mr. Hannaford,
14 could you please state your full name and then spell your
15 last name for the record?

16 MR. JOHN HANNAFORD: John Hannaford, H-A-N-N-
17 A-F-O-R-D.

18 THE REGISTRAR: Perfect, thank you.

19 --- MR. JOHN HANNAFORD, Sworn/Assermenté:

20 THE REGISTRAR: Thank you. And now to Ms.
21 Thomas. Ms. Thomas, could you please state your full name
22 and then spell your last name for the record?

23 MS. JODY THOMAS: Jody Hazel Thomas, T-H-O-M-
24 A-S.

25 THE REGISTRAR: Thank you.

26 --- MS. JODY HAZEL THOMAS, Sworn/Assermentée:

27 THE REGISTRAR: Thank you. And finally, Ms.
28 Charette. Ms. Charette, could you state your full name and

1 then spell your last name for the record?

2 **MS. JANICE CHARETTE:** My name is Janice
3 Charette, C-H-A-R-E-T-T-E.

4 **THE REGISTRAR:** Thank you.

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

6 **THE REGISTRAR:** Thank you.

7 Counsel you may proceed.

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

9 **MS. SHANTONA CHAUDHURY:**

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

11 Witnesses, we'll begin with the routine
12 housekeeping. I understand this one correction to be made to
13 an examination summary. Other than that, I'll ask that we
14 just go through them very quickly and I ask you each to
15 confirm that you've reviewed the summaries that you were
16 involved in, that you confirm the accuracy, and that you're
17 content that they form part of your evidence before the
18 Commission.

19 So we'll begin with the interview summary
20 which is WIT116, WIT116.FR in French. Then there is the
21 examination summaries, the first one is PCO Senior Former
22 WIT151, PCO Senior Current Supplemental WIT150, PCO Senior
23 NSICOP Report WIT149. So I'll ask you each to confirm that,
24 again, that you've reviewed them and that you're content that
25 they will form part of your evidence.

26 Mr. Rogers?

27 **MR. DANIEL ROGERS:** Yes.

28 **MS. SHANTONA CHAUDHURY:** Madam Drouin?

1 MS. NATHALIE G. DROUIN: Oui.
2 MS. SHANTONA CHAUDHURY: Mr. Hannaford?
3 MR. JOHN HANNAFORD: Yeah.
4 MS. SHANTONA CHAUDHURY: Ms. Thomas?
5 MS. JODY THOMAS: Yes.
6 MS. SHANTONA CHAUDHURY: Ms. Charette?
7 MS. JANICE CHARETTE: Yes.

8 --- EXHIBIT No./PIÈCE No. WIT0000116 EN:

9 Interview Summary: Privy Council
10 Office (John Hannaford, Nathalie G.
11 Drouin, Daniel Rogers, Janice
12 Charette, Jody Thomas & Stephen de
13 Boer)

14 --- EXHIBIT No./PIÈCE No. WIT0000116 FR:

15 Résumé d'entrevue : Bureau du Conseil
16 privé (John Hannaford, Nathalie G.
17 Drouin, Daniel Rogers, Janice
18 Charette, Jody Thomas et Stephen de
19 Boer)

20 --- EXHIBIT No./PIÈCE No. WIT0000150:

21 In Camera Examination Summary: John
22 Hannaford and Nathalie G. Drouin

23 --- EXHIBIT No./PIÈCE No. WIT0000151:

24 In Camera Examination Summary: Privy
25 Council Office Former Senior
26 Officials

27 MS. SHANTONA CHAUDHURY: Perfect. And then
28 the one I think that needs a correction is WIT152. So if we

1 can have that pulled up, please? So this is the *in camera*
2 Examination Summary PCO Senior, which involved Madam Drouin
3 and Mr. Rogers. So can we explain what the correction to be
4 made is please, Madam Drouin?

5 **Mme NATHALIE G. DROUIN:** Oui. Donc, c'est au
6 paragraphe 1 où ça indique à la dernière phrase que « She's
7 also the Associate Secretary to the Cabinet », je n'occupe
8 plus cette position depuis que j'ai été nommée NSIA.

9 **Me SHANTONA CHAUDHURY:** OK. Parfait.

10 So we'll note that for the record and move
11 on.

12 **--- EXHIBIT No./PIÈCE No. WIT0000152:**

13 *In Camera Examination Summary: Deputy*
14 *Clerk National Security and*
15 *Intelligence Advisor and Deputy*
16 *National Security and Intelligence*
17 *Advisor*

18 **MS. SHANTONA CHAUDHURY:** So we'll note that
19 for the record and move on. So witnesses, I'll ask you each
20 to introduce yourselves now, and do so in relation to your
21 current roles if any, your roles during the Commission's
22 period of review, which is essentially 2018 to the present,
23 and any other roles or position you may have held in the past
24 that would be relevant to the Commission's mandate and the
25 discussions were going to have today.

26 So starting at my left, Madame Charette?

27 **MS. JANICE CHARETTE:** Thank you very much.
28 So going back in time, I have served as the Clerk of the

1 Privy Council on two occasions, I was named by Prime Minister
2 Harper in October of -- I started in October of 2014 as the
3 Clerk, and I served in that role to January 2016. I would
4 add that I was the Deputy Clerk of the Privy Council for
5 approximately four years in advance of that.

6 And then I served as Canada's High
7 Commissioner to the United Kingdom of Great Britain and
8 Northern Ireland from September of 2016 until March of 2021.
9 High Commissioner is the title we give for an Ambassador in a
10 Commonwealth country, so it's an ambassadorial role. I
11 returned as the Interim Clerk of the Privy Council at the
12 request of Prime Minister Trudeau in March of 2021, and I
13 served in that role until May of 2022, at which point I was
14 named as Clerk, no longer interim, and I served in that until
15 my retirement in June of 2023.

16 And the only relevant point I would add is
17 that when I was the Interim Clerk in that period of March '21
18 to May '22, I also served as a chair of the Panel of Five
19 under the critical election incident protocol.

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

21 Ms. Thomas?

22 **MS. JODY THOMAS:** I was appointed as the
23 Deputy Minister of National Defence in 2017, and I served in
24 that role until 2022. And I was the National Security and
25 Intelligence Advisor to the Prime Minister from January 2022
26 until January 2024 when I retired.

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

28 Mr. Hannaford?

1 **MR. JOHN HANNAFORD:** So I'm currently Clerk
2 of the Privy Council, I have been since June of last year.
3 Prior to that I was Deputy Minister of National Resources,
4 and prior to that I was the Deputy Minister of Trade. I have
5 largely served in international policy roles, and so I was
6 Canada's ambassador to Norway between 2009 and 2012, and then
7 was in the Privy Council Office in a couple of capacities,
8 ultimately the Foreign Policy Advisor to initially Prime
9 Minister Harper, and then Prime Minister Trudeau.

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

11 Madame Drouin?

12 **Mme NATHALIE G. DROUIN:** Je suis conseillère
13 en sécurité nationale depuis janvier 2004 ainsi que sous-
14 greffière. J'ai été nommée sous-greffière au Conseil privé en
15 2021. Au préalable, j'étais sous-ministre à la Justice, j'ai
16 été sous-ministre à la Justice de 2017 à 2021. Dans le cadre
17 de ces fonctions, j'ai travaillé en étroite collaboration
18 avec CSIS et j'ai aussi été un membre du Panel of 5. Avant de
19 joindre la fonction publique fédérale, j'ai été sous-ministre
20 à la Justice pour le gouvernement du Canada, et au début de
21 ma carrière, pendant 15 ans, j'ai travaillé en lutte contre
22 les crimes économiques.

23 **MS. SHANTONA CHAUDHURY:** Merci.

24 Mr. Rogers?

25 **MR. DANIEL ROGERS:** Thank you. I spent the
26 majority of my career within the Communications Security
27 Establishment in the Foreign Signals Intelligence Branch. In
28 2018, I became the Assistant Deputy Minister responsible for

1 that program within CSE. And in 2022 I became the Associate
2 Chief of CSE, a position I held for about a year before
3 moving to the Privy Council office as Deputy Secretary for
4 Emergency Preparedness, which I supported the Minister of
5 Emergency Preparedness. Shortly after that, I was appointed
6 additionally to be the Deputy National Security and
7 Intelligence Advisor to the Prime Minister, where I supported
8 Ms. Thomas and then Madam Drouin.

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

10 Okay. I'll ask the Court Registrar now to
11 pull up CAN.DOC.36, which is the PCO IR.

12 **--- EXHIBIT No./PIÈCE No. CAN.DOC.000036:**

13 Part C Institutional Report For The
14 Privy Council Office

15 **MS. SHANTONA CHAUDHURY:** So witnesses, you're
16 not the first to testify from the Privy Council, so we don't
17 have to start with the Magna Carta, but I'd still like to
18 start with some fairly general questions about how PCO
19 functions.

20 So maybe I'll start with you, Mr. Rogers. If
21 we just scroll down to page 2 of this document, please, what
22 I'd like you to explain around here, Mr. Rogers, is the dual
23 ---

24 **Mme NATHALIE G. DROUIN:** Just a moment.

25 L'écran ne fonctionne pas.

26 **Me SHANTONA CHAUDHURY:** L'écran ne fonctionne
27 pas? Je m'excuse.

28 **Mme NATHALIE G. DROUIN:** Le mien... je peux

1 regarder l'autre, mais...

2 **COMMISSIONER HOGUE:** No, I think we will make
3 sure that it works.

4 **MS. SHANTONA CHAUDHURY:** Okay.

5 **COMMISSIONER HOGUE:** So ---

6 **Me SHANTONA CHAUDHURY:** On prend deux
7 minutes?

8 **COMMISSAIRE HOGUE:** Oui, on...

9 **Mme NATHALIE G. DROUIN:** Excusez-moi.

10 **COMMISSAIRE HOGUE:** Non, non, it's okay.
11 It's important to make sure that you can follow. We'll take
12 two minutes for -- we'll take two minutes. We'll suspend the
13 time for them to look at these, what is not working.

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

16 This sitting of the Commission is now in
17 recess until 9:45 a.m. Cette séance de la Commission est
18 maintenant suspendue jusqu'à 9 h 45.

19 --- Upon recessing at 9:43 a.m./

20 --- L'audience est suspendue à 9 h 43

21 --- Upon resuming at 9:45 a.m./

22 --- La séance est reprise à 9 h 45

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

25 This sitting of the Foreign Interference
26 Commission is now back in session. Cette séance de la
27 Commission sur l'ingérence étrangère est de retour en
28 session.

1 The time is 9:45 a.m. Il est 9 h 45.

2 --- MR. DANIEL ROGERS, Resumed/Sous la même affirmation:

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

4 --- MR. JOHN HANNAFORD, Resumed/Sous le même serment:

5 --- MS. JODY THOMAS, Resumed/Sous le même serment:

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

7 --- EXAMINATION IN-CHIEF/EXAMINATION EN-CHEF PAR

8 MS. SHANTONA CHAUDHURY (cont'd/suite):

9 MS. SHANTONA CHAUDHURY: Okay. We now have a
10 functioning screen?

11 MS. JANICE CHARETTE: Yes, thank you.

12 MS. SHANTONA CHAUDHURY: Perfect. So, Mr.
13 Rogers, I was just about to ask you, two terms that we hear
14 sort of thrown around with respect to PCO's role are its
15 challenge function and its convening role, both in terms of
16 policy making and operational coordination. Can you explain
17 what those terms mean?

18 MR. DANIEL ROGERS: Yes, of course. So the
19 first you mentioned as a challenge function is what is often
20 described as PCO's role to make sure that policy items and
21 other operational plans, in our case, are suitable. So, you
22 know, PCO will set the Cabinet agenda. And as part of that,
23 we will work with departments and agencies to make sure that
24 documents being presented there to Ministers have all of the
25 appropriate considerations for Cabinet and lay out all of the
26 relevant details. So we'll challenge departments and guide
27 them through that process. It is a sometimes more guidance
28 process than a challenge function in spite of the name.

1 In terms of our convening function,
2 obviously, national security and intelligence matters are
3 very complex and often involve many more than just one or two
4 departments. And so as a central agency, PCO, especially
5 under the NSIA branch, will convene the relevant departments
6 and agencies to talk through operational plans or complex
7 policy issues and make sure that the -- you know, the variety
8 of opinions across government are synthesized to produce the
9 best advice and outcomes.

10 **MS. SHANTONA CHAUDHURY:** Thank you. And,
11 indeed, we are going to focus on PCO's role in the NSI
12 community. So if we can just scroll down now to page 3,
13 please. There. We can stop there where it says "Deputy
14 Clerk and National Security and Intelligence Advisor." So
15 this describes in this paragraph, essentially, the role of
16 the NSIA.

17 But, Madame Drouin, est-ce que vous pouvez
18 nous expliquer un petit peu c'est quoi le rôle de la NSIA?

19 **Mme NATHALIE G. DROUIN:** Oui, donc, le NSIA
20 est responsable de donner des avis au Premier ministre. Pour
21 ce faire, il est supporté par différents secrétariats, dont
22 le secrétariat qui fait l'analyse du renseignement, le
23 secrétariat qui est responsable du Conseil de la sécurité
24 nationale, le secrétariat qui est responsable de la politique
25 étrangère et de la politique en matière de défense, et tout
26 récemment également d'un secrétariat qui est responsable de
27 supporter les travaux de cette Commission.

28 Donc, comme l'a expliqué plus tôt mon

1 collègue, l'un des « principales » rôles, c'est en ce qui
2 concerne toute la question du développement de la politique
3 publique, donc donner des avis une fois avoir reçu les
4 informations des différents ministères, d'avoir posé des
5 questions sur l'appropriation ou l'adéquation, si vous
6 voulez, des différentes mesures qui sont proposées.

7 Il y a aussi toute la question de la
8 réception et de la circulation de l'intelligence à
9 l'intérieur du Bureau du Conseil privé et aussi auprès du
10 Premier ministre.

11 Finalement, il y a toute la question des avis
12 relativement, comme je l'ai dit, aux politiques étrangères et
13 à la défense.

14 **Me SHANTONA CHAUDHURY:** Parfait. Merci.

15 And, Mr. Rogers, as you mentioned you were
16 the Deputy NSIA, and, Mme. Charette, I believe this was a
17 role created under your tenure, so perhaps you can explain
18 what the genesis of that role was.

19 **MS. JANICE CHARETTE:** Thank you. The role --
20 the idea of having a Deputy National Security Intelligence
21 Advisor is -- this is not the first time that that position
22 has actually been established and been occupied. And when it
23 was created and Mr. Rogers was appointed in this instance, it
24 was really a reflection of kind of the workload facing the
25 National Security and Intelligence Advisor. I think we --
26 you've heard the context within which events that you're
27 looking at were taking place, very complex geopolitical
28 environment, a complex national security environment. And a

1 lot of requirements for the National Security Intelligence
2 Advisor are not just to be operating within Canada, but also,
3 importantly, to be part of international meetings, meetings
4 with some of our closest allies and partners, accompanying
5 the Prime Minister on some of his international obligations.
6 And so given the kind of the volume of work, the importance
7 of the issues, I thought it was appropriate that there be a
8 Deputy appointed, so that the work of the challenge function
9 and the coordination didn't all have to kind of go into
10 hiatus when the National Security Intelligence Advisor was
11 away that work could continue, and then two of them would
12 work very closely together with the Deputy Clerk and NSIA
13 supporting the NSIA.

14 **MS. SHANTONA CHAUDHURY:** Great. And so, Mr.
15 Rogers, as you explained, your role is essentially to support
16 the NSIA in whatever capacity is necessary?

17 **MR. DANIEL ROGERS:** That's correct.

18 **MS. SHANTONA CHAUDHURY:** Perfect. Okay. Ms.
19 Charette, you mentioned flow of information, so we're going
20 to go straight to that.

21 May I ask that the Court Registrar pull up
22 WIT 151, please. This is the in camera examination summary
23 of PCO former senior officials. And starting now with just
24 mechanics of how information is provided to the NSIA. Ms.
25 Thomas, I'll ask you to explain how that happened during your
26 tenure, and then I'll ask Mme. Drouin to explain any changes
27 that have occurred since. So, Ms. Thomas, can you explain --
28 and this discussion, I believe, starts around paragraph 20 of

1 the witness summary, so that might be a helpful aid.

2 **MS. JODY THOMAS:** Thank you. When I became
3 NSIA, my -- I received information every day in an
4 intelligence package from IAS. It included assessed pieces
5 of intelligence, the daily foreign intelligence bulletin that
6 IAS created, intelligence from around the world by our Five
7 Eyes colleagues and NATO allies, as well as intelligence
8 collected and produced by our own agencies. Range of
9 subjects, Ukraine, Haiti, wherever we had troops. China,
10 Russia, North Korea were of significant interest to me, and I
11 also had an interest in the Arctic. So the package is
12 tailored to both world events and the interests of the NSIA.
13 So I had flagged, for example, the Arctic. Domestic issues
14 such as ideologically motivated extremism, those were the
15 kinds of things that were in my package.

16 **MS. SHANTONA CHAUDHURY:** Okay. And can you
17 give us a sense of the volume of that package, sort a daily -
18 - your daily ---

19 **MS. JODY THOMAS:** It ---

20 **MS. SHANTONA CHAUDHURY:** --- reading?

21 **MS. JODY THOMAS:** --- it varied, and it grew.
22 A hundred pieces of paper a day, various sizes. It was a
23 lot. We did tailor it over time to things that were very
24 specific, but it could be a voluminous package.

25 **MS. SHANTONA CHAUDHURY:** Okay. So how did
26 you cope with a hundred pieces of paper per day?

27 **MS. JODY THOMAS:** My IAS team had it ready
28 for me. I tended to be in at 7:30, and I would have an hour

1 to an hour-and-a-half of reading each day before we got very
2 busy. And if I didn't get it finished, I'd mark where I had
3 left off. My team would read it for me and flag anything
4 that was really urgent that I needed to see.

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

6 Madame Drouin, est-ce qu'il y a eu des
7 changements entre la période où madame Thomas était là?

8 **Mme NATHALIE G. DROUIN:** Au niveau des
9 similarités, l'information que je reçois provient de CSIS, de
10 CSE, peut provenir de DND également, c'est vraiment... le CRO,
11 vous avez déjà entendu cet acronyme-là, donc la Regulation
12 Officer qui nous apporte de l'information. Les thèmes sont
13 variants selon ce qui se passe à travers le monde. Mais sous
14 le leadership de mon collègue, on a instauré un système de
15 traçabilité pour savoir quelle information était reçue à
16 l'intérieur de PCO, à quel moment et par qui.

17 Donc, ce système-là nous permet de s'assurer
18 que les différents joueurs aient accès à l'information
19 pertinente.

20 **MS. SHANTONA CHAUDHURY:** Okay. Parfait. Now
21 moving to how information flowed from the NSIA to the PMO and
22 the PM, because we understand that one of the major roles of
23 the NSIA is to ensure that the Prime Minister is informed of
24 what he needs to be informed of in the intelligence front.
25 So the -- if we scroll down a little bit to paragraph 24 in
26 this summary. Ms. Thomas, again, I'll ask you to explain how
27 this worked during your tenure as NSIA.

28 **MS. JODY THOMAS:** IAS also provided a package

1 of intelligence every day to PMO and to the Prime Minister.
2 And they had crowd readings of highly compartmentalized
3 intelligence, as Nathalie Drouin has just explained. And
4 they also had weekly briefings with IAS where they'd have an
5 intelligence brief, PMO did, and we would brief the Prime
6 Minister verbally on very specific issues and if he had
7 questions about the intelligence that he had been sent.

8 I started to highlight in my package things
9 that I felt absolutely the Prime Minister and PMO, the Clerk,
10 needed to see, and often the package that would be sent, for
11 example, to the Clerk, she would see things that, knowing the
12 Prime Minister's schedule, she thought should be moved
13 forward to him. So it was really -- there was a standard
14 package, but also "If you're going to read anything today, it
15 needs to be this", kind of approach.

16 **MS. SHANTONA CHAUDHURY:** Okay. So just to
17 make sure we understand, that package was provided directly
18 by IAS to PMO, okay. So not through you, necessarily.

19 **MS. JODY THOMAS:** No.

20 **MS. SHANTONA CHAUDHURY:** Okay. And I think
21 there was some discussion when we spoke *in camera* about how
22 that package may have been over-inclusive.

23 **MS. JODY THOMAS:** There was more in it than
24 they needed to see, and so we tried to tailor it. I saw
25 intelligence that he would not need to, and example I gave
26 was I would see lots of intelligence that showed
27 longitudinal, latitudinal evidence of what the next Russian
28 move was going to be in Ukraine. The Prime Minister doesn't

1 need to see that, nor does PMO.

2 Really important for our discussions as a
3 deputy community in terms of what the Canadian NATO allied
4 understanding of what was going on in the war was, but not
5 necessary for the Prime Minister.

6 **MS. SHANTONA CHAUDHURY:** Et encore, Madame
7 Drouin, Mr. Rogers, can you speak to any changes that have
8 been made in the mechanics of how intelligence goes to PMO
9 under -- in more recent years?

10 **Mme NATHALIE G. DROUIN:** Permettez-moi de
11 commencer en disant que, et madame Thomas en a parlé
12 préalablement, le volume de documents de renseignement est
13 absolument incroyable, on parle de plus de 70 000 documents
14 par année. Et la chose qui est la plus précieuse pour un
15 premier ministre et son bureau, c'est son temps.

16 Donc, il faut être capable d'envoyer au
17 bureau du Premier ministre des choses qui sont pertinentes,
18 et cette pertinence-là est évaluée sur plusieurs critères.
19 D'abord, les événements qui se passent dans le monde, les
20 événements auxquels le Premier ministre va assister, par
21 exemple s'il est sur le point d'assister à une conférence ou
22 à un sommet à l'international, s'il est sur le point d'avoir
23 une conversation avec un autre leader d'un autre pays, si
24 l'information doit être soumise à son attention parce que des
25 actions doivent être prises de façon immédiate, et si
26 l'information a aussi un aspect qui est nouveau, c'est-à-dire
27 qu'il n'a jamais entendu parler de cette information-là.

28 Dans le but, comme je l'ai dit plus tôt, de

1 pouvoir mieux tracer ce que le Premier ministre et son
2 bureau, ainsi que le Greffier ont lu et n'a pas lu, mon
3 associé Dan et moi avons mis en place un système où il n'y a
4 que notre bureau qui détermine ce qui s'en va dans le *package*
5 hebdomadaire du Premier ministre. Évidemment, on va recevoir
6 les recommandations de nos partenaires, de CSIS et CSE, s'ils
7 croient que quelque chose doit être soumis à l'attention du
8 Premier ministre, mais nous faisons l'évaluation de ce qui
9 doit être envoyé, selon les critères que je viens de vous
10 donner, et aussi pour assurer une meilleure traçabilité.

11 Donc, les documents de IAS sont inclus ou
12 peuvent être inclus dans le document ou le *binder*
13 hebdomadaire que le Premier ministre reçoit.

14 **MS. SHANTONA CHAUDHURY:** Okay. So just to go
15 back on a couple of points there -- and I realize I fall into
16 the habit of using acronyms, too, so IAS, we mean the
17 Intelligence Assessment Secretariat.

18 **MS. NATHALIE G. DROUIN:** Absolutely.

19 **MS. SHANTONA CHAUDHURY:** Okay. And it's no
20 longer IAS providing it directly. It goes through,
21 essentially, your office.

22 **MS. NATHALIE G. DROUIN:** Exact.

23 **MS. SHANTONA CHAUDHURY:** Okay. And just to
24 go back for a moment on this idea of the volume of
25 intelligence as well. I think you said "plus de 70 000", so
26 more than 70,000 intelligence products.

27 And can you tell us, broadly speaking, that's
28 intelligence produced by the Canadian national security

1 community or does it include Five Eyes intelligence? What is
2 that 70,000?

3 **MS. NATHALIE G. DROUIN:** As I said, we are
4 receiving this information at PCO through the CRO, and it's
5 coming from CSIS, CSE and, of course, CSIS and CSE do have
6 relationship with our partners, as we usually say, the Five
7 Eyes.

8 We are also receiving information from DND
9 and CAF, as they do have intelligence capacity. At CSIS we
10 have also ITAC responsible to do some assessment when it
11 comes to terrorism and extreme violence, so all that is being
12 received at PCO.

13 **MS. SHANTONA CHAUDHURY:** Okay. I'm not going
14 to try and do the mental math, but that works out to more
15 than 1,000 per week, 1,000 products.

16 **MS. NATHALIE G. DROUIN:** Yeah.

17 **MS. SHANTONA CHAUDHURY:** Mr. Rogers?

18 **MR. DANIEL ROGERS:** Yeah. I mean, rough
19 order of magnitude. That will fluctuate year over year, but
20 yes, it's a very high volume, in the many tens of thousands.

21 **MS. SHANTONA CHAUDHURY:** Okay.

22 **MS. NATHALIE G. DROUIN:** And maybe just in
23 terms of the variety of subject that is covered through that
24 package, here we are focusing on foreign interference. This
25 is an important topic. But we can receive information on
26 geopolitical, on the situation in the Middle East, the
27 situation in Ukraine, on transnational repression, on
28 sabotage, on economic security, so the variety of the main is

1 very broad.

2 **MS. SHANTONA CHAUDHURY:** Okay. And we
3 understand, as I've mentioned already, and you have as well,
4 part of the role of the NSIA is to filter through that and
5 provide the Prime Minister with what he needs.

6 So speaking of the role of the NSIA, there
7 have been some suggestions made in various reports or
8 discussions that have happened in and around the Commission's
9 proceedings that I believe NSIRA suggested that perhaps the
10 role of the NSIA should be formalized in a legal instrument.

11 There has been suggestions that it should be
12 legislated, and I believe one other suggestion that's come up
13 is that a mandate letter be given.

14 Ms. Thomas, maybe starting with you, what are
15 your views, if any, on the formalization of that role?

16 **MS. JODY THOMAS:** Difficult to speak about a
17 job you did in that manner, but I don't see the value in
18 legislating the role. I'm not sure you can legislate
19 judgment.

20 The role of the NSIA changes depending on the
21 government and the Prime Minister's expectations of you. It
22 also changes depending on what's going on in the world. And
23 some NSIAs have had very, very busy tenures and others have
24 had less, just depending on where we are as a country, where
25 we have troops, and the geopolitical situation. So I'm not
26 sure that I think or agree that legislation of the position
27 is useful or necessary.

28 I do think that the decision to make Madam

1 Drouin Deputy Clerk was helpful. It elevates the position
2 and it gives it a bit more force, for lack of a better word.
3 And I do think a mandate letter is helpful.

4 **MS. SHANTONA CHAUDHURY:** Okay. Picking up on
5 those two -- those items, Mr. Hannaford, I believe the
6 decision to make it a Deputy Clerk position was under your
7 tenure.

8 **MR. JOHN HANNAFORD:** Prime Minister's
9 decision, but yes, it was under my tenure.

10 And the idea was in part, as Ms. Thomas just
11 suggested, to signify that the role takes on particular
12 importance right now. We are in a time where there's real
13 geopolitical challenges, there are real pressures on Canada
14 from a number of different directions, and so recognizing
15 that the role of the NSIA is of critical importance and
16 elevating that role to the rank of Deputy Clerk was seen as a
17 signal of that and came with a couple of then important
18 points of leverage.

19 One of them is that by virtue of being the
20 Deputy Clerk, Ms. Drouin, I and the other Deputy Clerk, Ms.
21 Fox, work together to consider who should be in what job over
22 the course of, you know, our tenure. That is actually a
23 fairly important role, then, in terms of kind of managing the
24 overall community of Deputy Ministers.

25 And Madam Drouin is also on what we call the
26 Committee of Senior Officials, which is responsible for the
27 assessment of other Deputy Ministers as well, and therefore,
28 their performance pay.

1 And those are, again, points just to
2 designate this role as being of central importance.

3 To pick up on the point that Ms. Thomas was
4 just exploring, the challenge with legislation, I think, is
5 twofold. It either could be of sufficient -- such generality
6 as to not add very much. You could just describe -- give the
7 title and get very broad kind of perspectives as to what the
8 role could do. That's not likely to actually be massively
9 significant, then, in the way the role actually is executed.
10 And the challenge with that, and similarly the challenge if
11 the role is described too tightly, is that it can't then
12 adjust to circumstances as they change.

13 And having observed the job being done by a
14 number of different people, the times matter a lot as to how
15 the job is manifest, and so I think it's important that we
16 recognize that that change is actually a feature of the role
17 and that we don't lock ourselves into something that may be
18 relevant at a given moment in time but not relevant as time
19 passes.

20 I do think the issue around a mandate letter
21 is something that we very actively have discussed. There's
22 merit to it. I don't think it's necessary in the sense that
23 the job is being done now without a mandate letter. It's
24 being done well. But there is value in having some degree of
25 specificity as to what the Prime Minister's expectations are.
26 Those are communicated in various ways now without a mandate
27 letter, but that's the kind of nature of the debate with
28 respect to that instrument as a way of defining the role.

1 **MS. SHANTONA CHAUDHURY:** Thank you. That's
2 helpful. On the general topic of flow of information now,
3 we're going to speak about two particular products that have
4 come up again in the Commission's proceedings and various
5 reviews. Sticking with 151, and Ms. Thomas, these questions
6 will be for you.

7 If we can scroll down to paragraph 35,
8 please?

9 So we'll start with a document that's become
10 known as the PCO Special Report. And essentially this was an
11 IAS product, an assessment of PRC foreign interference. So -
12 - and it was a document that we understand was prepared
13 before you became NSIA, Ms. Thomas, but can you give us your
14 recollection of the genesis of this document, how it came to
15 your attention, and what happened from there?

16 **MS. JODY THOMAS:** Yes. Happy to do that. I
17 was made aware of the document quite early in my tenure, one
18 of my first bilats with the Assistant Secretary for the
19 Intelligence Assessment Secretariat, Mr. Green, whom you
20 heard from earlier this week, and he gave it to me to read.
21 It was requested, it was commissioned by my predecessor, who
22 just wanted to see all of the intelligence that we had on
23 foreign interference from the PRC or by the PRC in one
24 location.

25 Mr. Morrison, I think has testified that he
26 read it and had some questions about it.

27 I was given it, as I said, earlier in my
28 tenure. I read it. I had some questions that I sent back to

1 the IAS Secretariat. When I was questioned about it again by
2 Mr. Green, about what to do with it, I suggested that it
3 should go through its normal governance.

4 And when we talk about governance, it's a
5 really essential element of the process within PCO and within
6 the intelligence world to ensure that the products that are
7 produced have been peer reviewed. So there are committees at
8 the Director General Level and at the Assistant Deputy
9 Minister level to peer review these documents before they
10 move on.

11 And many documents don't leave that process.
12 They stay at the ADM level. They're disseminated and
13 distributed through the normal channels. And the peer review
14 process, the governance, is really critical to ensuring that
15 everybody agrees with the assessment and with the
16 intelligence that is being used to support the assessment.

17 **MS. SHANTONA CHAUDHURY:** Okay. So was it
18 your understanding that Mr. Green was waiting for your
19 approval before doing anything further with the report?

20 **MS. JODY THOMAS:** No, it was not.

21 **MS. SHANTONA CHAUDHURY:** Okay. And would
22 IAS, on its own, have the authority to disseminate that
23 report if it wanted to?

24 **MS. JODY THOMAS:** Yes, they would.

25 **MS. SHANTONA CHAUDHURY:** Okay. I believe Mr.
26 Green indicated that he wouldn't be comfortable doing
27 anything further with that report because of the sensitivity
28 of the intelligence in it and that CSIS would have to

1 probably be involved in that process. Is that your
2 understanding as well? And if so, did it mean that it had to
3 go through you as well?

4 **MS. JODY THOMAS:** So it did not mean that it
5 needed to go through me, and that is exactly why we have a
6 governance process, that CSIS agrees with the product and how
7 it has been produced, and how it will be released. But it is
8 done under the authority of IAS.

9 **MS. SHANTONA CHAUDHURY:** Okay. And why is
10 that?

11 **MS. JODY THOMAS:** They're an independent
12 shop. They're an independent organization. Well, they
13 report within the NSIA, that -- it is under the Assistant
14 Secretary -- everything is released under the Assistant
15 Secretary's signature, is to ensure that there's not
16 political influence or influence, I guess, in terms of the
17 assessments made.

18 **MS. SHANTONA CHAUDHURY:** Okay. So
19 essentially IAS has the authority to publish ---

20 **MS. JODY THOMAS:** Yes, right.

21 **MS. SHANTONA CHAUDHURY:** --- on its own, and
22 that's a feature of the system?

23 **MS. JODY THOMAS:** It is absolutely.

24 **MS. SHANTONA CHAUDHURY:** Okay. Speaking of
25 what made the Special Report special, one thing we heard from
26 Mr. Green, I believe, was that it was an innovative product
27 and something we've discussed too, because this combined
28 foreign intelligence and domestic intelligence. Can you help

1 us understand what's innovative about that? It doesn't sound
2 all that innovative to the laymen's ear, let's say.

3 **MS. JODY THOMAS:** I think for the
4 intelligence professionals, they tend to work in silos. And
5 so they work on foreign intelligence or they work on domestic
6 collection, and it was the first time that those were brought
7 together. It could have been called a joint report.

8 **MS. SHANTONA CHAUDHURY:** Okay. And we
9 understand that that now has become part of the Intelligence
10 Assessment Secretariat's *modus operandi*. They now do that
11 more often.

12 Mr. Rogers, Madam Drouin, would that accord
13 with your recollection?

14 **MS. NATHALIE G. DROUIN:** Yes.

15 **MR. DANIEL ROGERS:** Yes.

16 **MS. SHANTONA CHAUDHURY:** Okay.

17 **MS. JANICE CHARETTE:** Maybe before --- are
18 you going to finish on this topic?

19 **MS. SHANTONA CHAUDHURY:** If you have
20 something to add, please do.

21 **MS. JANICE CHARETTE:** If I could, thank you,
22 because I was in the role of the interim clerk through Mr.
23 Morrison's commissioning of this product and then Ms. Thomas
24 receiving the product.

25 And I think, you know, we had come out of the
26 2021 Election, Mr. Morrison had been the Acting National
27 Security Advisor through that, and a member of the Panel of
28 Five, and we'd had many conversations about, and received a

1 number of, you know, individual products related to the
2 activities of the People's Republic of China with respect to
3 foreign interference, or attempts at foreign interference,
4 and conversations with Mr. Morrison were really like, "Can we
5 try and get a handle on not just what their capabilities are,
6 what evidence we might see of what they're doing, but is it
7 having an impact? Are their efforts being effective? How
8 much resources are being deployed in this?"

9 And so that, you know, intelligence -- the
10 Intelligence Assessment Secretariat at the Privy Council
11 Office, you know, I think has done really good work for us.

12 And I think Mr. Green, and I think all of us,
13 are quite proud of the work that that team has done, and this
14 is an example, I think, of them trying to respond to a set of
15 questions from their boss, the National Security Intelligence
16 Advisor, around help us to better understand.

17 That is kind of the work that an Assessment
18 Secretariat does. It picks -- it looks across a variety of
19 products and tries to assess it to try and actually provide
20 additional understanding about what does this all mean.

21 And so that work was underway and the
22 governance or the peer review process is really to try and
23 make sure that we're tapping on the expertise across the
24 public service in terms of making sure that that product
25 really is robust and rigorous in terms of doing that
26 assessment.

27 At the same time as the, kind of that
28 governance tasking was done, or the please put it out into

1 the community for further review, the Intelligence Assessment
2 Secretariat was also being tasked, as I recall, with some
3 pretty significant other responsibilities because, at the
4 same time as this was going on, this was January/February
5 2022, we were dealing with the arrival of the convoy here in
6 the Nation's Capital and events related to borders across the
7 country. We've talked at length about that. But as well, we
8 were starting to see and hear a lot through our work with our
9 trusted allies around Russia's plans for invading Ukraine.
10 And so the Intelligence Assessment Secretariat was being
11 called on to provide a lot of products to the National
12 Security Intelligence Advisor to assist her in doing her job
13 and providing advice to the Prime Minister.

14 **MS. SHANTONA CHAUDHURY:** Thank you. That's a
15 helpful reminder that although I direct these questions
16 generally to one person, if others have things to add
17 relevant, you should feel free to do so.

18 Unless anyone has anything else to say, I'll
19 move on to the next paper. Okay. Thank you.

20 This one is the targeting paper.

21 And if we can scroll down to paragraph 42 of
22 the same document.

23 So the targeting paper was essentially, we
24 understand, to be a paper produced by CSIS originally in 2021
25 that essentially explained PRC foreign interference
26 activities targeting Canadian political actors for influence
27 or for interference, depending on how you look at it.

28 And this, again, was a paper originally

1 prepared in 2021, for various reasons not published until
2 2023.

3 And again, Ms. Thomas, starting with you, can
4 you give us your recollection of how this paper came to your
5 attention and what was done with it subsequently?

6 **MS. JODY THOMAS:** Yes, thank you. So the
7 paper was in my reading package, and as I read it, I had a
8 couple of concerns. The first one was I thought the
9 distribution list was very broad. And I think I'll situate
10 that by saying we were experiencing significant leaks of
11 intelligence, and partial leaks of intelligence at that time,
12 and we still did not know who the leakers were. And so I
13 thought it was a very broad distribution list and I noticed
14 some people on the list who were no longer in jobs where they
15 had a need to know this information.

16 So we all know that intelligence, the ability
17 to access intelligence is based on clearance and the need to
18 know. And I thought that I had been quite aggressive about
19 the need to know and how broadly intelligence was being
20 distributed within our system in general. And so I had
21 questions about this particular report and its distribution
22 list.

23 Secondly, normally when there is a name of a
24 individual; a politician, a private citizen, in a CSIS
25 report, it's masked, we don't see the name. And the names in
26 this report were unmasked, and I wanted to know why. Why
27 were they doing this? Because, again, in the environment of
28 leaks, that was going to look very salacious if it was leaked

1 partially or those names released.

2 And, thirdly as I read it, I had some
3 questions about whether this was interference or influence.
4 And understanding that that's not a black and white line and
5 things evolve; it's a very grey environment. Things that
6 start off as influence can move into the interference space
7 if they become covert or clandestine. I wanted to have a
8 discussion about that, and so I brought Deputy Ministers
9 together to have that discussion.

10 **MS. SHANTONA CHAUDHURY:** And what happened
11 when that discussion occurred?

12 **MS. JODY THOMAS:** The Deputy Ministers had
13 the same concerns as I did, and so CSIS agreed that they
14 would edit, mask the names, tighten up the language; again,
15 sort of a peer-review discussion, and redistribute it.

16 **MS. SHANTONA CHAUDHURY:** So create,
17 essentially, a more -- a shorter, more sanitized version of
18 the paper. Okay. And what was your understanding of what
19 was to be done with that paper? More specifically, was that
20 destined for the Prime Minister?

21 **MS. JODY THOMAS:** I did not leave that
22 meeting with the expectation that this was destined for the
23 Prime Minister.

24 And I think it's important as we talk about
25 what goes to the Prime Minister to understand sort of the
26 ecosystem. As Madame Drouin has said, 70 to 71,000 pieces of
27 intelligence every year. There is no one person in the
28 Government of Canada who sees all 71,000 pieces. People at

1 the analyst level see a lot on one or two subjects because
2 they're experts in it, but as you move up the system, the
3 access and the reading of the intelligence is broader but
4 more narrow. I will see less than the assistant secretaries
5 who work for me. The Clerk probably will see less than I do,
6 and the Prime Minister a subset of that.

7 And so the Prime Minister doesn't see all
8 pieces of intelligence that we see. Nor does he need to.

9 It's important as well that Ministers see
10 this because they have accountabilities. So in this
11 particular piece, because it was 2023, not 2021; if it had
12 been released in 2021 maybe there would have been a different
13 decision made or a different thought process, but in 2023, I
14 thought this was an important piece, well done. All the
15 pieces are well done, but an important piece for Ministers
16 and their Deputy Ministers to be able to start to form policy
17 advice about this means, this particular document, what it
18 means, what its contents actually -- how they actually affect
19 Canada and decisions in our Parliament.

20 And so I did not leave that meeting with any
21 expectation that it was going to go to the Prime Minister
22 necessarily, not by default, and that it -- we were waiting
23 for the second version.

24 **MS. SHANTONA CHAUDHURY:** Okay. Did you
25 receive the second version?

26 **MS. JODY THOMAS:** I did not while I was still
27 the NSIA.

28 **MS. SHANTONA CHAUDHURY:** Okay. So there's a

1 conclusion in the NSIRA Report that you decided not to
2 provide that sanitized version to the Prime Minister in the
3 end. Is that correct?

4 **MS. JODY THOMAS:** Well, I'd like to note that
5 neither NSIRA or NSICOPS spoke to me but, no, that's not
6 correct. And I think there was an exchange with my then
7 office after I retired, and that conclusion is incorrect.

8 **MS. SHANTONA CHAUDHURY:** Okay.

9 **MS. JANICE CHARETTE:** Can I add a few things
10 to this one as well?

11 I was at the meeting that Ms. Thomas convened
12 of Deputy Ministers. We were having a number of meetings at
13 this point in time around coordination on matters related to
14 foreign interference. And so the term "Targeting paper" is
15 one thing I just want to focus on. It does leave kind of an
16 impression in the mind. And I would here go about draw on my
17 experience as High Commissioner, and I've also seen this done
18 in the context of, you know, Canadian priorities when we're
19 working with parliamentarians in other countries. And here
20 -- target here implies, you know, a list of individuals who
21 you may be trying to influence. We -- you know, when we were
22 negotiating the Canada-UK Continuity Agreement, that trade
23 agreement with the United Kingdom after the United Kingdom
24 left the European Union, that piece of legislation went
25 through the UK Parliament, and as a High Commissioner I had
26 lists of parliamentarians who I was trying to make sure were
27 aware of Canada's position. I knew that there were some who
28 were opposed and had concerns, and so they would be -- there

1 was different lists; people who are onside, people who are
2 opposed, people who may be, with the right information and
3 more -- and some conversations, could be moved to a different
4 position of support.

5 So I think the targeting paper is the list of
6 parliamentarians who, you know, another country with whom we
7 have diplomatic relations was going to be trying to
8 influence.

9 You know, we have to be careful about, you
10 know, just the terms and what really lies behind that. So
11 this -- you know, is this interference or is this influence?
12 The fact that there are lists of names that foreign diplomats
13 may be trying to approach, you know, overtly, you know, in
14 public, that's one thing. I think it's the question of, you
15 know, what's done with that list. Is it being used covertly?
16 Are there, you know, parliamentarians who are being
17 threatened or something? That would be on the interference
18 side of the scale. And so that's really, you know, why
19 Deputies were coming together. That's why we draw on the
20 breadth of experience across the community, and the knowledge
21 of the community to really try and understand what's
22 happening here.

23 And the other thing I guess I would add, and
24 it goes to Ms. Thomas's comments about kind of the masking of
25 identities. Our focus when we're looking at foreign
26 interference is to try to understand what the hostile acts
27 are by the state actors. What are people who are trying to
28 work against Canada's interests trying to do? Who they are

1 actually focusing their efforts on is not necessarily --
2 unless there is a threat to kind of physical threat or a
3 threat to individual or their family, our focus has to be on
4 the analysis of what the threat actor is up to and what, if
5 anything, Canada needs to do to be able to counter that, to
6 be able to deter that.

7 And so we have to put the emphasis, I think,
8 on the right side of the equation here; what -- are we
9 surveilling and picking up this information; are we detecting
10 it adequately; and what do we need to do to deter it? That's
11 the focus of the conversation oftentimes.

12 The last thing I'll say is, as Ms. Thomas,
13 again, pointed out, May of 2023, we were in an environment
14 where there was an awful lot of information in the media, and
15 we were having -- I personally as well as, I think, Ms.
16 Thomas, were having a lot of conversation with the Prime
17 Minister and the Prime Minister's Office about what was being
18 in the media, what was actually in the volume of holdings,
19 what did we know, what was truth, what was perhaps not being
20 accurately reported. And in almost every case, and when we
21 dealt with a matter, we would have a conversation, "Okay,
22 does the Prime Minister need to know this or not?"

23 So almost every conversation at the time,
24 because of the amount of public material that was out there,
25 we would have this conversation, but I don't think -- I also,
26 as Ms. Thomas said, did not leave that meeting with the
27 impression that this product, once it had been cleaned up and
28 the questions addressed, was destined for the Prime Minister.

1 **MS. SHANTONA CHAUDHURY:** Okay.

2 **MS. JODY THOMAS:** And if I could just add one
3 more point? In terms of how information flows, the NSIA is
4 -- does provide information, intelligence products and
5 briefings and advice to the Prime Minister, absolutely.

6 The concept of ministerial accountability is
7 really important here. And so one of the benefits of our
8 community, the national security community, is we do meet
9 frequently -- and we'll talk about that a bit -- maybe
10 sometimes too frequently, but we meet frequently, and we
11 discuss products. We analyze them; we debate their merits,
12 what we think of them.

13 Any member of that community, an agency head,
14 a Deputy Minister, who doesn't agree with sort of the
15 collective thought has the ability, and should, has the
16 accountability to go directly to their Minister if they
17 disagree. And those Ministers have accountabilities to the
18 Prime Minister and to their departments to direct work.

19 If there was a question here, the Minister
20 should have been involved. And with this particular piece,
21 as I think I've already said, in 2023 two lead Ministers,
22 Minister Joly and Minister LeBlanc would be interested in how
23 they use this in their policy work with countering foreign
24 interference, and to work with embassies and ambassadors and
25 diplomatic teams in Canada.

26 **MR. JOHN HANNAFORD:** Can I -- sorry, could I
27 just underline two points? You invited us to.

28 **MS. SHANTONA CHAUDHURY:** I did. I may regret

1 that decision, but I did.

2 **MR. JOHN HANNAFORD:** Just the two points.

3 The first is just to build off of Janice's observations about
4 the line between foreign interference and foreign influence.
5 Because I think what all of this -- all of our comments kind
6 of go to is the very fact-specific nature of that sort of
7 inquiry. That it is not -- it's very rare, in my experience,
8 that you have bright lines in this sort of enterprise. It's
9 more that you have to really immerse yourself in the facts.
10 And one of the things that that means then is in order to
11 assess a set of facts, the kind of governance we have is kind
12 of critical, because it requires a bunch of different
13 perspectives to be brought to bear on the information that we
14 have, to try and assess then what the significance of that
15 information is. And that is a very context laden piece. And
16 maybe as a corollary to that, it gets the mandate of the
17 NSIA.

18 The NSIA, one of their roles is to bring
19 together that kind of governance in order to have that degree
20 of rigour. There are many, many ways for information though
21 to be communicated, and it does not all pass through the
22 NSIA. Jody mentioned the possibility of involving ministers,
23 and, of course, that's all good. Deputies have direct
24 accountability to their ministers. There's also me, and
25 there is always -- like, we are a community within the deputy
26 minister world, and so that is also an opportunity for
27 information to be shared. Thank you.

28 **MS. SHANTONA CHAUDHURY:** Thank you. So if we

1 just close the loop on this particular story, scroll down,
2 please, to paragraph 50 of the witness summary. Paragraph 50
3 and 51, actually. So, essentially, what appears to have
4 happened with this one is essentially mechanical. There was
5 a revised distribution list that was supposed to be created,
6 and the analyst involved with the paper never got that
7 distribution list. In your view, you've already mentioned
8 the distribution list, Ms. Thomas, whose responsibility would
9 it have been to recreate that, to update it?

10 **MS. JODY THOMAS:** CSIS. They own the
11 intelligence.

12 **MS. SHANTONA CHAUDHURY:** Okay. Okay. Moving
13 on to a topic that, actually, Ms. Thomas, I think you
14 introduced a little bit in terms of -- you all have --
15 speaking to each other, committees, and perhaps the
16 restructuring of the committees. We've talked about this at
17 some length with your colleagues at S&I, so we won't go
18 through this in any great depth, but, Mr. Rogers, can you
19 give us a brief overview of that process and where it's at?

20 **MR. DANIEL ROGERS:** Yes, certainly. Thank
21 you. You've heard a little bit about governance examples
22 already. I think it's important to note that, you know,
23 governance is the primary way that the community comes
24 together to discuss important, complex issues. So as I
25 mentioned earlier on in the convening role of PCO, it's very
26 normal for a complex issue to involve many departments and
27 engage many ministerial accountabilities. And so we have a
28 system of normally committees at the deputy minister level,

1 supported by committees at other levels of government to
2 discuss a variety of issues, and we have to make
3 determinations as public service and what the scope of those
4 committees are and how to make them the most effective and
5 efficient as possible given the breadth of topics that we
6 have to cover.

7 Right now, we have a number of committees
8 that have come up during some of these proceedings, including
9 the Deputy Minister Committee on Intelligence Response where
10 we talk about when we receive intelligence what we should do
11 with it as a community. We have things like the Deputy
12 Minister Operational Coordination Committee where deputies
13 will once a week speak about operational issues that are
14 prominent or need deputy-level attention. We have the Deputy
15 Minister Committee on National Security where we might
16 discuss policy options with a broader group of deputy
17 ministers and departments. And many more.

18 What we discovered and started to become
19 cognizant of as the world evolved, and more and more issues
20 were coming to our attention that were more and more complex,
21 is that we were, as Ms. Thomas alluded to earlier, meeting
22 more frequently with the same number of deputies. And
23 although this was effective in our ability to deal with
24 issues because we were, you know, discussing them very
25 regularly, it also led to the realization that we could find
26 some efficiencies if we started to structure that a little
27 bit differently, or at least that was the theory. For
28 instance, you might end up with a situation where deputies

1 would be meeting and discussing the same issue at multiple
2 committees because of the various different attendances or
3 terms of reference for those committees. And if we could
4 find a way to do that in just one committee effectively, that
5 could reduce the workload while still addressing the issue.

6 I asked the S&I Secretariate within PCO to
7 consider that and to come up with options. They came up with
8 a rather provocative set of options and the intent was to
9 consult that across the various national security
10 departments, and then work through a process to come up with
11 some new recommendations. We thought of things like having
12 more centralized secretariate support, the idea that we would
13 have better and more predictable forward agendas where
14 possible, so that we can engage other levels of committees to
15 support deputy ministers better and to have a more systemic
16 response to certain issues and a variety of other things.
17 That process progressed, and there have been a number of
18 deputy minister meetings to talk about those new terms of
19 reference.

20 We're in a space now where we're nearly
21 finalized, the team are drafting terms of reference. Those
22 will very soon, I think, go back to the community for final
23 approval. And we're looking at, you know, reducing the
24 number of committees to a smaller number, including one to
25 manage operations, one to manage policy. We still have a
26 security committee, and we're considering, you know, whether
27 there are one or two others based on the volume of issues
28 like informed policy or economic security that we're still

1 finalizing.

2 **MS. SHANTONA CHAUDHURY:** Okay. So it was
3 essentially a streamlining process?

4 **MR. DANIEL ROGERS:** Yes.

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

6 **COMMISSIONER HOGUE:** And when do you think
7 this new structure will be in place?

8 **MR. DANIEL ROGERS:** It is a good question,
9 and I should prefix my answer with this is an exercise that I
10 think we all undertook in the spirit of continuous
11 improvement. When there were operational reasons to adjust
12 quickly, we did so, and that's why things like the Deputy
13 Minister Committee on Intelligence Response was stood up in
14 advance of this exercise being finished and why we have *ad*
15 *hoc* meetings on certain topics. So we've never undertaken
16 this governance review processes as a matter of urgency. We
17 took it on as a matter of continuous improvement, which may
18 explain why it has taken some time. That's a deliberate
19 choice. I would expect, although it will be for Mme. Drouin
20 and others to finalize that within, you know, a number of
21 weeks or a small number of months this would be finalized.

22 **MS. NATHALIE G. DROUIN:** Since we met in
23 August, DMs have land on the set of DMs committee they would
24 like to have. S&I is developing some terms of reference. We
25 have accepted to have a centralized secretariate located in
26 PCO, so we are advancing to that.

27 One thing that I think is important to say is
28 that our internal governance has to be agile and flexible.

1 You know, four years ago, and even two years ago, we were not
2 talking about at -- to that extent about protection of our
3 elected officials. Now we have a DM committee dedicated to
4 that effect because the level of threat is different. So we
5 need to be able to adjust and make sure that we can create
6 those committee to look at the threat and develop the
7 appropriate measures.

8 **MS. SHANTONA CHAUDHURY:** The next topic I
9 want to talk about under the rubric of restructuring national
10 security governance, I'll ask the Court Reporter to pull up
11 the IR again, which is CAN.DOC 36, and scroll down to page 6.

12 So this innovation is the National Security
13 Council. So we'll just wait for the document to be pulled up
14 and I'll take you to the paragraph that describes it. There
15 we go. Just scroll down -- no, scroll up a little bit.
16 There we go.

17 So we understand that this is a new Cabinet
18 committee dedicated specifically to the issue of national
19 security. So, Mr. Hannaford, Mme. Drouin, I don't know which
20 of you is best placed or would like to take this question,
21 but to explain what the national security is, why it was
22 created, what it adds to the system and how it functions.

23 **MS. NATHALIE G. DROUIN:** If you allow me, I
24 would like the Clerk and the former Clerk to talk about the
25 genesis of the NSE and then I can talk about how we operate
26 it.

27 **MS. SHANTONA CHAUDHURY:** Sure.

28 **MR. JOHN HANNAFORD:** Okay. So I'll start.

1 So National Security Council I think is extraordinarily
2 important for a number of reasons. One of them is it
3 provides us with another layer of governance to address the
4 geopolitical challenges that we've been mentioning over the
5 course of this morning. And I -- the critical aspect of this
6 is that it brings together the intelligence and the policy
7 worlds, so that there is a coherent kind of strategic sense
8 as to what it is that we should be focusing our energies on,
9 and the kinds of results that we're trying to achieve.

10 So it is conversation that can happen under
11 the chairmanship of the Prime Minister with all of the key
12 Ministers and all of the key officials around the table with
13 that sort of strategic frame in mind, and again, drawing off
14 of all of the aspects of the national security community so
15 as to have that coherence.

16 It's inspired by a few experiences. The
17 government had used and continues to use incident response
18 groups as a way of dealing with immediate crises, and those
19 are meetings of senior ministers, including the Prime
20 Minister, to address, you know, an event that requires that
21 degree of, kind of, attention.

22 The IRG, one of the working methods of the
23 IRG was to include in those conversations not only the
24 Ministers, but also senior officials at the table. So again,
25 to have kind of coherent response to the crisis that's being
26 addressed. That is then systematized in the National
27 Security Council context. So the same kind of working
28 method, but again, with an agenda that is predetermined as an

1 intended -- as a kind of ongoing strategic case and also
2 allows for kind of an iterative approach to the work that
3 we're doing so that matters can come back to the National
4 Security Council so as to see the kind of progress on the
5 work that has been initiated.

6 The other piece of this, and it gets back to
7 the role of the NSIA, is Madam Drouin is also the Secretary
8 to that committee, and in addition to the points of leverage
9 that I mentioned earlier, that Secretariat role is of real
10 importance, again, as an integration point within the Privy
11 Council Office for the entire system across the government.

12 **MS. SHANTONA CHAUDHURY:** Madame Charette,
13 were you going to speak on this as well?

14 **MS. JANICE CHARETTE:** Well the National
15 Security Council was stood up when Mr. Hannaford was in the
16 role of the Clerk.

17 I'll just say kind of a couple of experiences
18 where we were using the Incident Response Group to what were
19 kind of evolving geopolitical situations, you can think of
20 the situation of, you know, Canada's support for Ukraine
21 against the unlawful invasion by Russia, or the very
22 difficult situation in Haiti and what, if anything, Canada
23 would be doing to contribute to stabilization efforts there.

24 The IRG tends to be, I think, better suited,
25 with our experience, for floods, and fires, and very tactical
26 kinds of emergencies, where as it is less well-suited for
27 kind of a more strategic conversation. You know, what can we
28 see coming? What are some of the considerations? What are

1 some of the options? Who are the other players, and
2 particularly outside of Canadian borders?

3 So I think the National Security Council
4 allows that kind of more strategic approach on understanding
5 Canadian interests and Canadian opportunities to be involved
6 in a much more coherent fashion. And it allows kind of, I
7 would say, two-way setting of priorities. Information can be
8 fed up to the Prime Minister and his group of Ministers and
9 senior officials so that they are paying attention to an
10 issue, but equally, the Prime Minister and Ministers can send
11 messages down to the community about what's important to them
12 and where they want to put effort.

13 In a world of, you know, scarce resources and
14 competing priorities, I think the National Security Council
15 is a really important innovation and I'm glad to see it's
16 taking place.

17 **MS. SHANTONA CHAUDHURY:** Madame Drouin?

18 **Mme NATHALIE G. DROUIN:** Merci. Peut-être
19 concrètement, la différence entre le Cabinet et le Conseil de
20 sécurité national, d'abord, les deux sont présidés par le
21 Premier ministre.

22 Le Cabinet, de façon plus routinière, va
23 prendre connaissance d'un mémoire au Cabinet en lequel il y a
24 des options. Il va prendre une décision spécifique. Est-ce
25 qu'on introduit par exemple telle législation ou pas? Ou si
26 on introduit telle législation, quelle sera les différentes
27 propositions?

28 Le Conseil de sécurité nationale, lui, va

1 plus regarder des enjeux à un autre niveau. Et les décisions
2 vont être des décisions d'orientation. Qu'est-ce qu'on doit
3 faire, par exemple, pour améliorer nos relations avec tel
4 pays? Qu'est-ce qu'on doit faire pour solidifier notre
5 sécurité économique? Qu'est-ce que l'on doit faire pour
6 regarder par exemple les enjeux de notre chaîne
7 d'approvisionnement? Donc, il y a différentes mesures qui
8 vont être prises, mais c'est pas des décisions spécifiques.

9 Ensuite, à la fin de la dé... à la fin d'une
10 réunion, par exemple, du Conseil de sécurité nationale,
11 chacun des ministres va repartir avec ses devoirs et
12 développer la mesure en question pour éventuellement la faire
13 approuver par le Cabinet.

14 Donc, c'est vraiment une instance, pardon,
15 qui exerce au niveau stratégique et qui donne des décisions
16 d'orientation plutôt que des décisions, si je peux permettre
17 d'utiliser cette expression, transactionnelles.

18 L'autre différence, comme l'a dit le
19 greffier, c'est que les ministres sont équipés d'un breffage
20 sur le renseignement. Donc, ça fait vraiment partie des
21 différentes étapes d'une réunion. On détermine les sujets.
22 Les sujets sont déterminés à l'avance. On développe un
23 document de politique, non pas un document... non pas un
24 mémoire au Cabinet. On cueille l'ensemble du renseignement
25 qui est pertinent pour ce sujet-là. On donne un breffage au
26 ministre. Et ensuite, on a la discussion avec, comme le
27 disait le greffier, les hauts fonctionnaires présents à la
28 table, ayant l'opportunité de partager leur expertise et leur

1 opinion.

2 **Me SHANTONA CHAUDHURY:** Qui sont les membres
3 du...

4 **Mme NATHALIE G. DROUIN:** Oui, je peux... donc,
5 les membres officiels, à part le Premier ministre, bien sûr,
6 qui agit comme président, il y a le ministre de la Sécurité
7 publique, le ministre de la Défense, le ministre... ou, la
8 ministre des Finances, le ministre de l'Innovation, la
9 ministre des Affaires étrangères, le ministre de la Justice
10 et le ministre responsable de la Sécurité civile et de la
11 gestion des urgences. Mais, selon les sujets, il y a aussi
12 des invitations ad hoc qui sont données à certains ministres.

13 **Me SHANTONA CHAUDHURY:** Parfait. Et c'est
14 quoi la fréquence des réunions?

15 **Mme NATHALIE G. DROUIN:** On essaie de le
16 faire aux 5 à 6 semaines.

17 **MS. SHANTONA CHAUDHURY:** Would it be fair to
18 say that this is -- the National Security Council has sort of
19 either encouraged or developed these ministerial
20 accountabilities that Ms. Thomas was referring to before?

21 **MR. JOHN HANNAFORD:** Yes. I think that
22 certainly it reinforces the roles of individual Ministers,
23 but it also recognizes that there are transcending issues
24 that require coordination, as between areas of
25 accountability. So it is -- at the very highest level of the
26 government, it is, you know, an opportunity to make sure that
27 there's coherence in the way that mandates are being
28 exercised.

1 **MS. SHANTONA CHAUDHURY:** Okay. That actually
2 leads into the next topic we're going to explore, which is
3 this idea of coordination specifically around foreign
4 interference.

5 And I'll ask the Registrar to pull up now
6 CAN44228.

7 **--- EXHIBIT No./PIÈCE No. CAN044228 R01 0001:**

8 Deputy Minister Committee for
9 Intelligence Response (DMCIR) Meeting
10 Minutes

11 **MS. SHANTONA CHAUDHURY:** So Ms. Thomas, these
12 questions are going to be for you. These are notes, draft
13 minutes, I believe, from a DM CIR meeting that took place on
14 October 12th, 2023. They've come up a few times already in
15 the Commission's proceedings, but there's some questions I'd
16 like you to speak to specifically.

17 So you chaired this meeting, Ms. Thomas?

18 **MS. JODY THOMAS:** I did.

19 **MS. SHANTONA CHAUDHURY:** Okay. And you have
20 a recollection of it?

21 **MS. JODY THOMAS:** I do.

22 **MS. SHANTONA CHAUDHURY:** Okay. So if we just
23 scroll down to page 2, please?

24 I'll just go through a little bit of what's
25 in this document and ask you to explain the discussion from
26 your recollection.

27 So the Chair asked who leads strategic
28 coordination on foreign interference if not the coordinator.

1 There's some discussion we've heard about from the RCMP about
2 coordination versus deconfliction.

3 If we scroll down a little bit again on this
4 page, we see that some of the discussion here was around the
5 spy balloons, high-altitude balloons.

6 Scroll down to where it says, "The Chair
7 agreed..."? There we go.

8 "The Chair agreed when CSIS noted
9 that as the public inquiry work
10 advances and more becomes public, it
11 will reveal that the Canadian
12 intelligence community has struggled
13 to address [foreign interference].
14 CSIS [...] called for clear
15 expectations on who [does] what.
16 [Then there was some --] The Chair
17 noted Canada [doesn't] have an FI
18 Strategy."

19 Scroll down again to page 3, please.

20 Here we have the DNSIA. Mr. Rogers, this was
21 you?

22 **MR. DANIEL ROGERS:** Yes.

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

24 "...agreed on the need for a strategy
25 to break down the broad category of
26 FI into manageable chunks."

27 And:

28 "The Chair [suggests] that the FI

1 Coordinator [...] would be better
2 placed at PCO..."

3 Rather than at Public Safety. And we've
4 heard Public Safety's view on that.

5 In the end we get to:

6 "...the Chair motioned a conversation
7 with the Clerk to seek direction on
8 the way forward."

9 So recognizing that this was in October 2023,
10 Ms. Thomas, can you tell us your recollection of what was
11 going on here, Mr. Rogers, you were there as well, so you can
12 feel free to contribute, and where this ended up going, this
13 discussion?

14 **MS. JODY THOMAS:** So thank you. It was a
15 really useful conversation. We were trying to fit the FI
16 Coordinator into existing governance, and when the position
17 was created, there had been quite a discussion about whether
18 it should be at Public Safety or at PCO, and we landed on
19 Public Safety, but there were still remaining questions about
20 a coordination function. Is it better placed at PCO?

21 I think the conclusion that it belongs at
22 Public Safety is the right conclusion, but it was a useful
23 discussion to have.

24 Policy is already -- policy coordination is
25 largely with Public Safety for foreign interference, and that
26 policy then is disseminated across government and adopted
27 into various Ministers' and Deputy Ministers'
28 accountabilities.

1 We were six months in and what became very
2 evident was that the leaders around that table all had
3 different expectations about what the FI Coordinator was
4 going to do, and that was going to make it very difficult for
5 the individual to succeed. And so that's not fair for
6 anybody to try and achieve the expectations of every Deputy
7 Minister an agency head around the city if we all had
8 different expectations. Mr. Rogers and I thought there was
9 going to be production of an FI strategy, Public Safety
10 believed that we had that already extant in the various
11 actions that were being taken.

12 So those were the kind our conversations we
13 had, and it sort of took us back to a very base level of
14 where we are, what needed to be done, and we need to talk
15 about establishing and really understanding the mandate and
16 the framework for this new coordinator position, because it
17 was really critical to what we were trying to achieve. And
18 so, we decided we would have a conversation with the Clerk
19 about it and we did, and then the C-70 work started in
20 earnest and the FI Coordinator really filled that space.

21 **MS. SHANTONA CHAUDHURY:** Okay.

22 **MR. DANIEL ROGERS:** Can I add to that
23 slightly?

24 **MS. SHANTONA CHAUDHURY:** Yes, please.

25 **MR. DANIEL ROGERS:** And I don't want to
26 duplicate anything said by Ms. Thomas, but I think this links
27 back to the conversation we discussed around governance,
28 where what we had in this time was a Foreign Interference

1 Coordinator that stepped into a role that was already
2 occupied in some way by the community. We already had tables
3 for operational coordination, we already had policy
4 secretariats, and groups doing policy with respect to foreign
5 interference.

6 So you know, occupying -- stepping into an
7 occupied space raises a lot of questions around what is the
8 specific mandate and responsibility, as Ms. Thomas said,
9 around a particular individual, and how does that relate to
10 the other structures within the community? Do we need a
11 strategy, or do we already have a strategy? Well, it depends
12 a little bit what you mean by strategy.

13 And this meeting was a very useful
14 conversation to try and get Deputy Ministers aligned in how
15 we are using these terms, how we're using certain roles and
16 constructs, and to try to better understand what we expect
17 from each other as we continue to address the problem.

18 **MS. SHANTONA CHAUDHURY:** Okay. So where
19 would you say that the discussion's landed now in terms of
20 what the FI Coordinator's role is and should be?

21 **MR. DANIEL ROGERS:** Others may speak to this
22 too, but I agree Ms. Thomas, that the Foreign Interference
23 Coordinator has found a role within the Department of Public
24 Safety that is appropriate, and is following up on a lot of
25 the policy work and the coordination and convening work that
26 they need to do with stakeholders and others. I think
27 colleagues from Public Safety spoke to that yesterday, and I
28 would agree with what they've said.

1 **MS. SHANTONA CHAUDHURY:** Okay.

2 **MR. JOHN HANNAFORD:** Maybe if I could just
3 add two quick points. I think there's often a discussion as
4 to whether something should be a PCO or whether it should be
5 an aligned department. And I think, you know, in the
6 context here, one of the considerations is that PCO for the
7 most part will not drive policy. PCO is there, as was
8 described earlier, we have a coordination role, and we have a
9 convening role, and we have a challenge function.

10 It makes sense in the context that we have
11 discussed here for this coordinator to have that policy
12 function within the policy lead department, being Public
13 Safety. So that would be the rationale for why this is
14 placed as it is, and there's a logic to that.

15 And you know, I think the term coordinator
16 can actually lead us into a slightly confusing space in the
17 sense that we do recognize that PCO plays a coordination
18 role, but actually so does Public Safety. Public Safety has
19 that kind of function with respect to its broad portfolio, to
20 play a kind of oversight role with respect to the agencies
21 that are a part of its remit. So I think there's a natural
22 fit here for the coordinator where they are now situated.

23 **MS. SHANTONA CHAUDHURY:** Just before we leave
24 the topic of national security governance, there's one more
25 document I want to bring up, and it's probably just for
26 context at this point in some of the discussions we already
27 have. But CAN30999, please.

28 **--- EXHIBIT No./PIÈCE No. CAN0030999 0001:**

1 DM FI (Justice, RCMP, GAC, PS, CSIS,
2 PCO NSIA)

3 **MS. SHANTONA CHAUDHURY:** It's returning to
4 this idea of ministerial accountability. Once it's up on the
5 screen, these are notes from a meeting of the DMFI, which I
6 understand to be Deputy Ministers' Committee on Foreign
7 Interference, from April 2023. So I believe that was during
8 the tenure of Ms. Charette and Ms. Thomas; correct?

9 **MS. JODY THOMAS:** Yes.

10 **MS. SHANTONA CHAUDHURY:** Okay. If we scroll
11 down a little bit so we can see, NSIA mentioned the day
12 before. There we go. So the first paragraph here, NSIA
13 mentioned the day before that she, Public Safety, the Clerk,
14 Deputy Clerk had a discussion about foreign interference.
15 This was during the ISR process, and what's mentioned is:

16 "...what is becoming more obvious is
17 the gaps on how FI is
18 handled...between elections...where
19 is the ministerial accountability on
20 FI more broadly?"

21 Moving down:

22 "As a result, NSIA has asked PCO to
23 begin work on mapping this process."

24 How FI is circulated, how are Ministers
25 informed? And again, there's a comment that it works well at
26 the officials' level, maybe even between PM and PMO, but
27 where do ministers fit into this?

28 Ms. Charette and/or Ms. Thomas, Can you

1 comment on this aspect a little bit and what was being
2 discussed in the spring of 2023?

3 **MS. JODY THOMAS:** Do you want me to start?

4 **MS. JANICE CHARETTE:** You start and then
5 perhaps I will.

6 **MS. JODY THOMAS:** So this is the, as you
7 said, the DMFI meeting, and what we were discussing was the
8 knowledge of the members of the Panel of Five in between
9 elections. Does everybody have the same baseline level of
10 knowledge? What do we do in byelections, and how do we
11 ensure the same continuity of understanding of what the FI
12 activities are? And how are Ministers being informed,
13 particularly the Justice Minister, the Minister of Public
14 Safety, and the Minister of Foreign Affairs, about foreign
15 interference activities for which their departments have an
16 accountability?

17 And so, we wanted to really ensure that we
18 weren't just really intelligent; right? The intelligence has
19 to be -- we have to do something with it. And so, that
20 involves Ministers understanding what's going on and giving
21 direction to their departments. It's not just, tell the PM
22 and the job is done. It's really critical to involve
23 Ministers, Ministers' offices, and give policy direction out.
24 And that period between elections about foreign interference
25 in democratic institutions and democratic events is what this
26 discussion was about.

27 **MS. JANICE CHARETTE:** Perhaps I can just add
28 two points to this. I think the context within which this

1 conversation was taking place is important.

2 We were having conversations at the Deputy
3 Minister level about the support to the independent special
4 rapporteur and the information that was being provided to him
5 and his team to do their work. And I think we had spent a
6 lot of time with the special rapporteur explaining the Panel
7 of Five, and the critical election protocol, and so on.

8 And so, in the context of his work we were
9 coming now to the point where there was a really good
10 understanding about the election period, but we needed to
11 provide more information about how things worked between
12 elections, when we were out of that caretaker period, when we
13 were back in the time when ministerial accountabilities were
14 in force and the government was in place.

15 So I think that helps also a bit to
16 understand all of this. And I think the outcome of this
17 conversation, which is also relevant, is we also, again given
18 the times that were in, there was a lot of information in the
19 media about allegations of foreign interference, questions
20 about whether at that point in time the elections had been
21 free and fair, and there were a number of by elections that
22 were coming.

23 And one of the outcomes of the conversations
24 were proposals that went forward to make sure that the Prime
25 Minister and his Ministers had advice around, what if
26 anything, should be done with respect to byelections.
27 Recognizing that you know, the panel and the critical
28 election protocol were really in place for general elections,

1 but was there anything that needed to be done to make sure
2 that Canadians could have confidence in these byelections
3 given all of the information that was kind of swirling around
4 in the public domain.

5 So how to make sure that -- and you have -- I
6 think we've talked in the interview process about the steps
7 that were taken to support the surveillance and the attention
8 to foreign interference matters with respect to byelections,
9 and that was the outcome of these conversations as well.

10 **MS. SHANTONA CHAUDHURY:** Okay. And you're
11 right, Ms. Charette, we have talked about how SITE was stood
12 up essentially for the byelections, all the byelections that
13 have happened since 2023. And that they reported then to --
14 in the absence of the panel of five -- DM CIR.

15 **MS. JANICE CHARETTE:** Exactly.

16 **MS. SHANTONA CHAUDHURY:** Can you speak a bit
17 to that decision and the distinction there?

18 **MS. JANICE CHARETTE:** So when we're in a
19 general election, the government has exercised that we're in
20 the caretaker period, we've talked about this before. The
21 government is exercising restraint. Would only act if
22 there's kind of exigent circumstances, it doesn't take
23 anything that ties the hand of future government.

24 And so the idea there is that there's no
25 Parliament to hold government to account, and so the idea
26 there was -- and that's when the government put in place the
27 critical election incident protocol, and the Panel of Five,
28 to be responsible to provide senior level attention during

1 the election period to receive reports from the SITE task
2 force as to whether they were identifying any efforts by any
3 of our adversaries, any hostile acts by state actors trying
4 to influence the democratic processes in a way that would
5 threaten the free and fair election on the part of Canadians.
6 That's a very unusual role for the public service to be
7 called on to potentially make a public announcement during an
8 election campaign. We've talked a lot about this in Part A
9 and B or your proceedings, Madam Commissioner, and a very
10 important role for the Public Service, but only in the
11 context of a caretaker provision would the Public Service be
12 called on to do that because you can't have a government
13 making a statement at this point in fact. That was the
14 policy decision taken by government to put this in place.

15 Roll the tape forward, a byelection is not a
16 general election. It would be an election in one or more
17 ridings taking place at a point in time. Ministers are in
18 position. They have their accountabilities. So we -- the
19 first step is to kind of, like, be in a position to surveil
20 and detect anything that would be going out there. The SITE
21 Task Force was tasked to be able to do that. An additional
22 over the kind of surveillance work that otherwise would be
23 done by our agencies, that had to be reported somewhere.
24 Initially, we had thought, well, it would go to the Panel of
25 Five. Well, actually, the function of the Panel of Five is
26 to be in a position to make a public announcement. That
27 wouldn't be the case when we have a -- we have a government
28 in place. We have ministers with their accountabilities.

1 And so, instead, we went to our governance that was already
2 in place, the Deputy Committee on Intelligence Response. It
3 would identify and look at anything that was coming from the
4 SITE Task Force and make recommendations through their
5 deputies and through the clerk to the Prime Minister, if
6 necessary, around what, if anything, should be done if there
7 was going -- if there was something seen in terms of foreign
8 interference.

9 And finally, the last step was after an
10 election, there is an after-action report that's done by the
11 SITE Task Force, which is made public. So if there had been
12 anything, and anything that was done in the context of a
13 byelection, and it was all around making sure that Canadians
14 can have confidence that our elections are free and fair.
15 They can have confidence that the elections that are taking
16 place in this country, which are such important element for
17 our democracy, they can have confidence in these processes.

18 **MS. SHANTONA CHAUDHURY:** Okay.

19 **COMMISSIONER HOGUE:** I think it's a good
20 moment for the break.

21 **MS. SHANTONA CHAUDHURY:** Certainement.

22 **COMMISSIONER HOGUE:** So we'll take a 20
23 minutes break. We'll come back at 11:15.

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

26 The sitting of the Commission is now in
27 recess until 11:15 a.m. Cette séance de la Commission est
28 maintenant suspendue jusqu'à 11 h 15.

1 --- Upon recessing at 10:57 a.m./

2 --- La séance est suspendue à 10 h 57

3 --- Upon resuming at 11:17 a.m./

4 --- La séance est reprise à 11 h 17

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

7 This sitting of the Foreign Interference
8 Commission is now back in session. Cette séance de la
9 Commission sur l'ingérence étrangère est de retour en
10 session.

11 The time is 11:17 a.m. Il est 11 h 17.

12 **--- MR. DANIEL ROGERS, Resumed/Sous la même affirmation:**

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

14 **--- MR. JOHN HANNAFORD, Resumed/Sous le même serment:**

15 **--- MS. JODY THOMAS, Resumed/Sous le même serment:**

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

17 **MS. NATHALIA RODRIGUEZ:** Madam Commissioner,
18 it's Natalia Rodriguez, Commission counsel. Before we start,
19 we've just had a request from the transcriptionists and the
20 interpreters to just remind the witnesses to please slow down
21 your rate of speech, and, also, to counsel and everybody else
22 in the room as just a good general reminder to speak slowly.
23 Thank you.

24 **MS. SHANTONA CHAUDHURY:** Thank you. I'm
25 probably ---

26 **COMMISSIONER HOGUE:** You have to say it
27 daily.

28 **MS. SHANTONA CHAUDHURY:** I'm just going to

1 say I'm probably more guilty of that than anyone else.

2 **--- EXAMINATION IN-CHIEF/EXAMINATION EN-CHEF PAR**

3 **MS. SHANTONA CHAUDHURY (cont'd/suite):**

4 **MS. SHANTONA CHAUDHURY:** So we left off
5 talking about the SITE Task Force and that's where I'd like
6 to pick up. We understand that there are updates being
7 considered right now and it's a live and ongoing discussion,
8 updates to the plan to protect Canada's democracy. So, Mr.
9 Hannaford, I'll probably direct these questions to you,
10 starting with the SITE Task Force. So one idea that we've
11 heard about that may be in play is, first of all, making the
12 SITE Task Force permanent and possibly housing its
13 secretariate at PCO. Can you speak of all to those ideas and
14 those discussions?

15 **MR. JOHN HANNAFORD:** Sure. First, with
16 respect to the permanence, you know, I think certainly it has
17 proven to be an extremely useful format for us to have
18 consolidated advice from the various agencies who are
19 implicated in assessing whether there's been any foreign
20 interference in our processes. And so I think having the
21 SITE Task Force has been -- and, I should say, it has been
22 very active over the course of the last period of time in
23 part because of the number of byelections that we have had.
24 So those two things have proven the value of the model.

25 Going forward, I think totally expect that we
26 will continue to have a rhythm of work that will continue to
27 employ the SITE Task Force in a very meaningful way. Whether
28 it needs to be permanent I think will depend a little bit on

1 precisely the demands that are being placed by the kind of
2 the electoral schedule, but I don't have any question that it
3 is an incredibly important part of the overall architecture
4 of what supports the work that we do.

5 I would maybe take the -- oh, and sorry, and
6 then the question around PCO. In some ways, the answer to
7 that one is similar to the answer with respect to the FI
8 Coordinator, in the sense that you can -- you can't imagine
9 housing this kind of function at PCO. We do have other
10 secretariate type functions, obviously, that is one of the
11 central features of the work that we do. The challenge of
12 doing that is a possibility of some inefficiencies as well.
13 You could end up having a structure that exists at PCO and
14 then in the various line agencies that are implicated, kind
15 of a reproduction of some of the same functions that exist
16 right now. So there is a possibility of some inefficiency by
17 doing that, but I think it's a live discussion, and it's --
18 you know, you could imagine either world continuing.

19 I think what's important though from a kind
20 of broader perspective is the SITE Task Force exists in part
21 to serve DM CIR during the non-electoral period, but then the
22 Panel of Five during the electoral period.

23 And what we have taken as a work method in
24 part because of the advice that has been received through a
25 variety of different assessments of the past elections, is
26 that, well, the importance of the Panel of Five continuing to
27 be a vigorous body and continuing to do its work during a
28 period where it's not strictly playing its function. And by

1 that, I mean we have continued to meet as a Panel of Five
2 over the course of the last year on a very regular basis in
3 order to receive the information that the SITE Task Force is
4 providing with respect to the overall situation within
5 Canada, and then specific situations that have been relevant
6 during the byelection periods.

7 But what's important there is not that we are
8 playing the role of the Panel in the sense that we will once
9 the caretaker period comes into effect, but that we are ready
10 for that and that we are -- we have gone through a series of
11 scenario exercises to prepare ourselves for the kinds of
12 situations that could arise. We have built up a body of
13 knowledge through the briefings from the SITE Task Force and
14 from others, and we are engaging more generally, we're
15 engaging outside of government with civil society, again,
16 with a view to building up our knowledge base, so that we are
17 then in a position to be as effective as we possibly can be
18 during the electoral period, because the purpose of this
19 exercise is to reinforce the confidence Canadians should have
20 in their electoral processes and to have -- be assured that
21 the government is apprised of the sorts of risks that are
22 facing the country by virtue of the kind of geopolitical
23 challenges that we face, and that we have systems in place in
24 order to address those challenges in the governance that we
25 have both during the electoral period and in general.

26 **MS. SHANTONA CHAUDHURY:** So in that sense,
27 it's almost training for the role that the Panel will
28 eventually have to play?

1 **MR. JOHN HANNAFORD:** Correct.

2 **MS. SHANTONA CHAUDHURY:** Okay. In our
3 previous discussions, you mentioned a couple of other
4 important things about the Panel and the work it's currently
5 doing, and of course you're the current Chair of the Panel of
6 Five. One of the things you mentioned was that the Panel's
7 role as the announcement, the announcement is not necessarily
8 the Panel's only role. I'm wondering you can speak to that
9 idea a bit?

10 **MR. JOHN HANNAFORD:** Yes. So the protocol
11 does set out that the Panel must take action when there is a
12 threat to a free and fair election in Canada, either at the
13 national level or at a local level, but that is only one
14 function that can be performed during the electoral period.
15 The group of Deputy Ministers who make up the Panel of Five
16 are amongst the most senior Deputy Ministers in the
17 government, and they bring to that Panel existing
18 accountabilities that they have by virtue of their office.

19 And so if there was a situation, for
20 instance, where there is seen to be a foreign mission that is
21 engaging in an activity that wouldn't rise to the level of a
22 threat to a free and fair election, but is troubling, the
23 Deputy Minister of Foreign Affairs has already within his
24 remit the ability to address that through diplomatic
25 channels.

26 The Panel of Five can play a role in making
27 sure that we are coherently addressing these sorts of issues
28 and then looking at the appropriate measures that can be

1 taken in order to address them, shy of the pronouncement that
2 there is a risk to a free and fair election if the situation
3 in question does not rise to that level.

4 **MS. SHANTONA CHAUDHURY:** So in that sense, it
5 becomes almost an operational coordinating body?

6 **MR. JOHN HANNAFORD:** Correct.

7 **MS. SHANTONA CHAUDHURY:** Okay. And the idea
8 being that, as you said, individual agencies or departments
9 can then exercise their own authorities, as opposed to the
10 Panel exercising its authority to make that final public
11 announcement once something very dire happens?

12 **MR. JOHN HANNAFORD:** That's right.

13 **MS. SHANTONA CHAUDHURY:** Okay. Another issue
14 that we talked about and maybe you can tell us a little bit
15 more about, Mr. Hannaford, is the Panel of Five's, for lack
16 of a better way of putting it, communications strategy. Its
17 role in communicating with Canadians, again, shy of making
18 that final announcement during an election that something
19 very wrong has happened.

20 **MR. JOHN HANNAFORD:** Yeah, so we have been
21 very actively considering how best to communicate the work we
22 do.

23 As you say, this is unusual for a group of
24 senior public servants to have a communication strategy with
25 respect to our work, but it's an unusual role that we're
26 playing in this context.

27 And the purpose of the Panel is for
28 Canadians, for the general public, to have confidence in

1 their institutions. And part of that is then to understand
2 what it is that we do and what the sort of protections are in
3 place to address the kind of challenges that could arise.

4 And in light of that, we feel it's incumbent
5 on us to explain that to some degree, and this is actually
6 the conversation we're having right now, is actually an
7 opportunity to do that to some degree.

8 And -- but we think there is, as well, an
9 importance of us positioning the work that we are doing as a
10 panel in advance of a democratic event, in part to make sure
11 that the first time that somebody hears of the Panel is not
12 when we are appearing to say that there may be an issue
13 that's arisen under the Protocol. It's rather to be able to
14 situate the work we're doing so as to, A, be assured that
15 that work is happening, B, be able to understand then
16 information that may come out over the course of an election
17 and be able to situate that as well, but also to have a sense
18 if there is not communications happening during an election,
19 it's not that work is not under way and that people are not
20 being vigilant. It's that a situation hasn't arisen.

21 **MS. SHANTONA CHAUDHURY:** Okay. So in that
22 sense, the Panel would play almost, I don't know, an
23 educational role would be too far, but essentially yes,
24 informing Canadians of what it's doing, what's going on, and
25 what's happening in this space?

26 **MR. JOHN HANNAFORD:** Correct.

27 **MS. SHANTONA CHAUDHURY:** Okay. Related but
28 different topic. Under the rubric of tackling mis- and

1 disinformation, which is obviously something the Panel deals
2 with, but it's a bigger topic than that.

3 So on this one I'll ask the Court Registrar
4 to pull up CAN31488, please.

5 **--- EXHIBIT No./PIÈCE No. CAN031488 0001:**

6 RE: RRM Canada within SITE - need to
7 evolve based on changing mandates

8 **MS. SHANTONA CHAUDHURY:** To give you a bit of
9 background of what I'm going to get into now, witnesses, this
10 is about the role of the RRM specifically. And as we know,
11 the RRM, RRM Canada, has the capacity to monitor the online
12 environment, and during elections and byelections, that lens
13 is turned towards the domestic space in order to assist the
14 SITE Task Force and the Panel with its work. However, RRM's
15 housed at Foreign Affairs. It's part of Canada's Foreign
16 Affairs Department. So there have been some questions asked
17 and issues raised about whether RRM has almost become a
18 victim of its own success. It's very good at doing what it's
19 doing, but should it be doing it?

20 So this email, it's not a PCO document, but
21 it's -- there's -- the ideas are well expressed in this
22 document.

23 So if we can turn to page 3, please, I
24 believe it is? It's an email from Tara Denham. Again,
25 scrolling down a little bit until we see the bottom line.
26 Maybe page 4. Keep going. Keep going. Oh, I missed it.
27 Sorry. Scroll up a little bit? Might be page 2, actually.
28 What I'm looking for is the bottom line. There we go.

1 Bottom line.

2 So this was Ms. Denham saying:

3 "Bottom line: I believe we need to
4 continue to socialize the need to
5 review the mandates in SITE with the
6 end objective of removing domestic
7 monitoring responsibilities from RRM
8 Canada."

9 So that -- essentially going on a bit:

10 "...so we can focus on our mandate --
11 and domestic departments must [focus
12 on theirs]."

13 Can you tell us, is this idea or these
14 thoughts have percolated their way up and whether there are -
15 - is there thought being given to this idea that maybe online
16 monitoring should be done by someone other than the RRM
17 Canada?

18 **MR. JOHN HANNAFORD:** I can start, and then
19 I'll turn to colleagues.

20 The RRM was a Canadian initiative that came
21 from our hosting of the G7 whenever that was, about seven
22 years ago, and the intention was to have in place a mechanism
23 both to be monitoring online activities, but also to have
24 coordination amongst the G7 partners, with a view to kind of
25 addressing what was seen then, and has proven to be an
26 ongoing challenge.

27 You know, I would say, just to take one step
28 back, one of the things that we have realized through the

1 work that we've been doing in the Panel of Five is there --
2 foreign interference can come in a couple of different forms.
3 It can come in a number of different forms, but there is the
4 kind of person-to-person type, call it espionage or call it
5 sort of old school foreign interference, and then there is
6 what happens online. And the first set of activities will,
7 for the security community, often involve pretty traditional
8 trade craft as to how they do their work, and that often
9 involves real sensitives then around security, protection,
10 and protection of information.

11 The online challenges can involve covert
12 activities as well, but often by their very nature, actually,
13 are significantly overt. That's part of the point, in a way,
14 is to be as public as possible about the communication of
15 certain sorts of messages.

16 That is both a fact and an opportunity in the
17 sense that the fact that we are not limited, then, to kind of
18 -- the kind of functions of government that require
19 protection gives us the opportunity to think of this as a
20 much more societal challenge than simply a government
21 challenge. And we have been working with civil society
22 groups. As the Panel of Five, we met with experts from
23 McGill and from UofT with a view to some of the work that
24 they are doing in monitoring online activities and seeing
25 what they can judge in terms of the flow of information and
26 the nature of some messages that get sent in that context,
27 which is kind of critical to having an overall resilience to
28 mis and disinformation in our society generally.

1 And so the RRM plays a critical role within
2 the government in doing that, and we are looking very
3 carefully at work that could be done to kind of expand that
4 kind of function to cover -- RRM is focused principally on
5 foreign sourced information, and so looking at a more general
6 approach to this is something that we're very actively
7 looking at right now, and I think that's reflected in the
8 document that you were referring to.

9 But at the same time, this is not a role
10 that's exclusive of government and it is -- you know, we have
11 been, as I say, talking to civil society, but we've also been
12 talking to international partners about the experiences that
13 they have had in part to make sure that we're learning
14 lessons from other electoral processes, but just other
15 environments where mis and disinformation can be challenging.

16 And one of the aspects of that that has been,
17 I think, quite instructive is to look at not only questions
18 around the content of the information, but the authenticity
19 of the messenger. And the French system, for instance, is
20 very interesting in this regard in that the French have a
21 group who are not looking necessarily to define whether a
22 given body of messaging is accurate or inaccurate. What
23 they're looking at is whether the messengers are authentic
24 people or are bots. And that can then be part of an overall
25 assessment as to whether this is an amplification of
26 something that could be problematic and, you know, something
27 that, therefore, the Canadian public should be aware of as a
28 sort of -- as a context to receive information that they're

1 receiving.

2 So this is part of the work that we are doing
3 right now, is to think about, you know, the implications of
4 that kind of structure for us.

5 And I'll turn to my colleague, Dan.

6 **MR. DANIEL ROGERS:** I think you've said it
7 very well. Thank you.

8 But I think maybe one point I can add to that
9 is, you know, the document is very interesting and it doesn't
10 have a conclusion yet, as John was saying, but we do have
11 some complexity here in identifying what is foreign and what
12 is domestic at the outset.

13 The document presumes in some way that you
14 will know, *a priori* some analysis, whether an issue is
15 domestic or foreign, and I'm not sure that's always the case
16 when it comes to, for instance, a foreign state trying to
17 make their messaging appear to be domestic and organic. So
18 there's an interplay that has to exist regardless of how we
19 structure this in government that will involve close
20 collaboration not just within government, but with civil
21 society as well.

22 And I think, you know, we are now maturing
23 that discussion, as the Clerk has just said, to think about
24 it in different stages, the difference between attributing,
25 the difference between just talking about inauthentic or
26 authentic behaviour, and the value of each of those messages
27 and who is determining those things is definitely under
28 active consideration.

1 **MS. SHANTONA CHAUDHURY:** And that takes us
2 back, in a way, to some of the discussions we've already
3 heard about in the Commission, one of which is the danger of
4 the government perhaps sort of taking on the mantle of being
5 the arbiter of truth, so not just looking at the
6 authenticity, but at the actual content.

7 On the other hand, we heard from members of
8 the Media Ecosystem Observatory, which feeds into the CDMRN -
9 - nobody can ever remember what that stands for, but I think
10 it's Canadian Digital Media Research Network -- and the role
11 that they may play in the future in assisting in these
12 endeavours and being an input, essentially, also for the
13 Panel of Five, potentially. So you've taken us right back to
14 that.

15 Speaking about, picking up on what you were
16 saying, Mr. Rogers, monitoring of the online environment, and
17 perhaps the government's capacity in sort of the open-source
18 intelligence space more broadly -- I know Mr. Hannaford, in
19 one of the discussions we have, you mention that there were
20 gaps in the government's capacities in the domestic space at
21 this point. And I think maybe I'll turn to Ms. Thomas to
22 answer some of these questions because I think some of this
23 may have started in your tenure, so Ms. Thomas, Mr. Rogers.

24 I'll ask the clerk to pull up first just
25 briefly CAN21740, please, at page 38.

26 **--- EXHIBIT No./PIÈCE No. CAN021740:**

27 Canadian Intelligence Prioritization
28 Processes, Background and Analytic

1 Aids

2 **MS. SHANTONA CHAUDHURY:** And this is just for
3 the purposes of showing a definition of what "open-source
4 intelligence" is.

5 I'm not sure you've had a look at this, but I
6 think it's a fairly accurate description of what I was saying
7 to some -- I don't know, maybe, Mr. Rogers, do you want to
8 take us through and explain what "open-source intelligence"
9 really means?

10 **MR. DANIEL ROGERS:** Yeah, I can do that.

11 So open-source intelligence as described here
12 is information which is available to the public. And I think
13 that differs from other types of intelligence collection that
14 it doesn't often include covert or specialized tradecraft to
15 obtain. It's not necessarily information that a foreign
16 state or entity would be seeking to keep secret. But I think
17 we've seen increasingly the value that open-source
18 intelligence can provide in complementing the work of the
19 national security community and intelligence community simply
20 -- well, at least in some large part because of the volume of
21 data that is now available online that can help to inform our
22 activities.

23 So this is a very live conversation, and
24 open-source is increasingly a prominent aspect of what we
25 consider when we consider recommendations or national
26 security actions.

27 **MS. SHANTONA CHAUDHURY:** Okay. And Mr.
28 Registrar, if I can ask you to pull up now CAN27789.

1 --- EXHIBIT No./PIÈCE No. CAN0027789 0001:

2 The Future of Open-Source
3 Intelligence (OSINT) in the Canadian
4 intelligence Community

5 **MS. SHANTONA CHAUDHURY:** And zoom out so we
6 can see at least a little bit more of it.

7 So this is an IAS document from, I believe,
8 April 2023, "Future of OSINT in the Canadian Intelligence
9 Community".

10 Ms. Thomas, I believe this was developed
11 maybe during your tenure. I'm not sure if you're familiar
12 with the document per se, but the notion of it, yes.

13 Can you tell us a little bit about the
14 genesis of this and the conversation that was happening
15 around this?

16 **MS. JODY THOMAS:** Yeah. So this was
17 developed by the Intelligence Assessment Secretariat in their
18 effort to continue to understand the OSINT process, who was
19 doing what in Canada, who had what authorities because the
20 privacy aspect of OSINT is particularly pertinent, how you
21 train, how you -- what tools you can use, so sort of the A to
22 Z on what OSINT looks like in Canada and how we should move
23 forward with it.

24 What we knew was that -- and know is that
25 various departments have an OSINT capability, but we don't
26 have an assessment secretariat for domestic OSINT the way we
27 do for foreign intelligence, and it was an attempt to put
28 this all on one paper.

1 The OSINT issue was particularly relevant
2 during the convoy because open-source channels were being
3 used to communicate, but it's also critical to understand the
4 cohesion of society, impacts on democratic processes, impacts
5 on democratic institutions' confidence in them. You see this
6 in social media. And so understanding how we can mine that,
7 understanding the privacy limitations, respecting the privacy
8 limitations, is a critical topic. And it's been moving
9 forward because individual departments do it.

10 Communication shops look at OSINT all the
11 time. They look at Twitter, they look at all the various
12 platforms out there. I won't embarrass myself by saying I
13 don't know much more beyond Twitter. But they do that all
14 the time. They scrape the information and they do analysis
15 for their Deputy Ministers and their Ministers.

16 Doing it for intelligence purposes has a
17 different edge and we need to be very careful about what
18 we're doing and we need to have one, we think, assessment
19 shop looking at it all and giving conclusions. And so this
20 was an attempt to start that.

21 **MS. SHANTONA CHAUDHURY:** Mr. Rogers.

22 **MR. DANIEL ROGERS:** Yeah, thank you. If I
23 can just add a little.

24 I think I am roughly familiar with the
25 document and the associated efforts within IAS, but I think
26 what the document also reflects is that, as the prominence
27 and the importance of open-source intelligence in the
28 national security community grew, so, too, did the activities

1 of the various agencies. And what the document is seeking to
2 do is identify, as it says, a more coordinated approach to
3 that.

4 So as Ms. Thomas said, we are in a situation
5 where probably all of the matters of the national security
6 community are doing some form of open-source intelligence,
7 whether it's CSIS using that as part of one of their
8 investigations or CSE adding context to some of the foreign
9 signals intelligence, obviously the RRM uses this. So I
10 think this is an effort to try and identify where those
11 activities are happening. Whether there are improvements we
12 can make to the cohesion of those activities across the
13 government, and to identify whether there are opportunities
14 for improvement through future policy changes, legislative
15 changes. And even considering things like, where we will
16 need to be conscious of legal obligations and risks as we
17 start to emerge into, you know, a previously less used type
18 of intelligence.

19 **MS. SHANTONA CHAUDHURY:** Okay. So complex
20 issues, all of which are under discussion at the moment?

21 **MR. DANIEL ROGERS:** Very much.

22 **MS. SHANTONA CHAUDHURY:** Okay. We can take
23 that down, Mr. Registrar, and move to another topic, which is
24 foreign interference obviously, as we're learning, is not
25 something that happens only at the federal level, but very
26 much at subnational levels of government as well.

27 So the next sort of, set of questions I'm
28 going to be asking you is, what engagement has the federal

1 government had with other levels of government, particularly
2 the provinces and territories? So Mr. Registrar, if you can
3 pull up CAN33456, please?

4 --- EXHIBIT No./PIÈCE No. CAN033456 0001:

5 Enhancing Federal Engagement with
6 Provinces and Territories on National
7 Security Issues

8 **MS. SHANTONA CHAUDHURY:** Ms. Drouin, this is
9 a memo I think from you to Mr. Hannaford on engagement with
10 provinces on national security issues. If we go to page 2,
11 we'll see -- just stopping there. Just to give some
12 introduction to the discussion:

13 "Canada faces an array of complex and
14 converging national security threats,
15 including F...I..., economic and
16 research security, cyber security and
17 violent extremism. Addressing these
18 will require whole of society
19 responses."

20 And then it talks about how both publicly and
21 directly "...Premiers have called on the federal government
22 to meaningfully engage..." on these issues. If we scroll
23 down a little bit more to the second page, the last bullet.
24 We'll skip from that some of the detail of this, but:

25 "A focused and dedicated FPT [federal
26 provincial territorial] exchange on
27 national security issues would
28 facilitate closer engagement and

1 position all p[rovincial]
2 t[erritories] to build expertise.”

3 And then it speaks about some immediate
4 actions that can be taken. So I don't know if, Mr.
5 Hannaford, you may be best placed to speak to these
6 discussions that have been happening with the provinces and
7 territories around national security issues?

8 **MR. JOHN HANNAFORD:** Yeah. And I'll invite
9 my colleagues to speak as well, because this is a
10 multifaceted set of conversations that we are engaged in
11 right now. And I should also say, this isn't new. Ms.
12 Charette can talk to the conversation she had during the time
13 that she was Clerk. I have continued those.

14 We have had several good conversations at my
15 level with a view to having a more coherent approach to a set
16 of issues at all levels of government. Because as you say,
17 this is a societal reality that we need to think about, and
18 in a federal system we need to obviously be mindful of the
19 jurisdictions that are defined by the Constitution and
20 operating within those.

21 But for us at the federal level, I think what
22 we have been seeking to do is foster greater awareness of
23 some of the challenges that we can see, create better
24 networked opportunities for us to share information as
25 thoroughly as possible, and use the fora that are available
26 to us to have a real conversation with respect to this set of
27 issues.

28 And just to give you some very tangible

1 examples, we had a meeting in July with all of the Clerks and
2 Cabinet Secretaries across the country, where there were
3 quite extensive briefings that were provided with respect to
4 foreign interference challenges with respect to security and
5 sort of, the way the geopolitics now plays itself out in our
6 society. We've had conversations around mis- and
7 disinformation as well.

8 We have been encouraging the greater use of
9 security clearances, or greater receipt of security
10 clearances, by officials and by political leaders at the
11 provincial and territorial level in order to facilitate those
12 conversations. We've also been building out, or seeking to
13 build out, some of our secured networks, and again, in order
14 to facilitate that kind of information sharing.

15 As it is right now and what does provide at
16 least some important opportunities, is we do have a network
17 of ministerial offices across the country which have secure
18 communications facilities where we have -- which we have used
19 in the past to have provincial officials then be able to
20 participate in the conversations without having to come to
21 Ottawa, or us having to go to provincial capitals. But we
22 are, as I say, looking to build out our secured networks so
23 that senior leadership can have access to that sort of
24 information in their own offices, and that's a very active
25 conversation.

26 I think the other piece of this though is the
27 conversations that then happen at other levels. Because, you
28 know, this is respecting the jurisdictions that we all work

1 within, this is an area where we have as a society, a shared
2 set of interests in making sure that we are as resilient as
3 possible. And so having a bunch of fora where we can address
4 with some specificity some of the challenges that we see and
5 make sure that we have in place the channels to have deeper
6 conversations should, you know, particular concerns arise,
7 that's been kind of our focus for the last period of time.

8 **MS. SHANTONA CHAUDHURY:** Okay.

9 **MS. JANICE CHARETTE:** Can I just jump in on
10 this? I think that this is a really good example of how the
11 overall approach to dealing with these national -- complex
12 national security issues, including but not just the matter
13 of foreign interference and democratic processes, has
14 evolved. And it evolves because the nature of the threat is
15 evolving.

16 And you know, as John said, you know I
17 started conversations when I was the Clerk with the provinces
18 and territories around the topic of miss information and dis
19 information, because at the time my counterparts were
20 concerned about what impact that was having on public
21 discourse in the provinces and territories.

22 We had a very good briefing which is referred
23 to in this note, in April of 2023 in a secure facility in
24 Ottawa, when I had the National Security Intelligence
25 Advisor, the head of CSIS, and the head of CSE come and speak
26 to provincial and territorial Clerks and Cabinet Secretaries
27 and give them a briefing, kind of about the nature of the
28 environment which they were facing. But there were

1 constraints at that point in time. Now C-70 allows for the
2 sharing of classified information with provinces and
3 territories and other levels of government, which I think
4 will add to the richness of the conversation.

5 The objective here is if national security
6 agencies and intelligence agencies at the federal level, pick
7 up something that's happening at a provincial or municipal
8 level, do we have the capacity to actually inform the other
9 jurisdictions so that they can then act on it? And I think
10 that that's all of the work that John's been doing with his
11 counterparts to build that infrastructure to allow that to
12 happen is it really important piece again, of like building a
13 resilient system, so that democratic elections that are
14 happening at all levels in this country can be free and fair.

15 **MS. NATHALIE G. DROUIN:** If I may add a
16 couple of things? So the fact that we're talking about that
17 with provinces and territories is for me a good evidence that
18 this conversation is being taken very seriously and that we
19 are evolving as a society, being able to talk about that.

20 In terms of all the initiatives that the
21 Clerk and the former Clerk talked about, CSIS has also
22 started to use their new authorities under C-70, and they are
23 providing briefings to provinces, their priorities have been
24 determined that we will meet with provinces that are facing
25 elections.

26 We will also use DM committee on intelligence
27 response in order to develop the agenda, co-agenda, like we
28 believe that all provinces should be equipped with the same

1 baseline. But territories or provinces may face different
2 types of threats, the north for example, so we will have also
3 a specific briefing for those, for all those provinces.

4 **MS. SHANTONA CHAUDHURY:** Okay. So there
5 we're talking about sort of, the provision of information to
6 provinces and territories, information the federal government
7 holds that it will share with provinces and territories.

8 Another issue that sort of falls under this
9 rubric which, Mr. Hannaford, I think you may have mentioned
10 briefly already, but it's the jurisdictional issues and
11 jurisdictional capacities of various levels of government.
12 So one thing that has been discussed at some length in the
13 Commission is this idea of building a resilient society and
14 particularly with respect to mis- and disinformation. So
15 enhancing digital literacy, media literacy, all of these.
16 And these are initiatives which presumably start with
17 education at a very low level.

18 So are the conversations that are happening
19 between the federal government and the provinces about that
20 specifically, about the education system? Understanding that
21 it's a very complex area and it's a provincial competency,
22 but is that part of the discourse as well?

23 **MR. JOHN HANNAFORD:** Well, I would say that
24 the section I referred to in July, this point was
25 specifically raised. And I think there is recognition, as
26 you say, that there is -- that this is an important part of
27 building a resilient society.

28 At the federal level what we haven't

1 mentioned yet is -- I think you've received testimony on the
2 work that's been done by Heritage Canada on the Digital
3 Citizenship Initiative, because that is very much in line
4 with precisely what we're trying to achieve generally, and
5 that's to build up, you know, an awareness of the kinds of
6 use of mis- and disinformation that can pervade social media.
7 And working with civil society organizations, whether it's
8 youth groups or it's universities or colleges, media
9 organizations, again to kind of foster that sense of
10 awareness as to some of the challenges that we collectively
11 can face. And I think education absolutely can play a
12 critical role in all of this, and I think that that needs to
13 be part of our overall conversation. But I do take the step
14 back again that, you know, we do recognize the federal
15 government has certain responsibilities, and the provinces
16 have certain responsibilities and those are clearly defined,
17 and we do need to operate within that and respect that. But
18 there are areas for collaboration where we can build up that
19 kind of shared understanding, and that's not only limited to
20 the federal system, that includes the engagement with civil
21 society generally and with the private sector and with other
22 aspects of our society because this is -- we respond to
23 geopolitics not necessarily as governments, but as a society.

24 **MS. SHANTONA CHAUDHURY:** Okay. So we'll
25 leave the provinces and territories for now and bring us back
26 to Parliament itself.

27 The next topic I'm going to cover is
28 briefings to parliamentarians. And I will ask you to --

1 actually, nothing to bring up for now, Mr. Registrar. I'll
2 just make allusion to the fact that in the NSICOP Report one
3 of the issues that's discussed is unclassified briefings to
4 parliamentarians, a suggestion that was originally made in
5 2018, and for various reasons that we'll talk about with
6 other witnesses, didn't materialize until much later.

7 The question I want to ask you is in terms of
8 authority to provide these briefings, so these are
9 unclassified essentially security briefings on foreign
10 interference to parliamentarians, who has the authority to
11 provide that kind of briefing? Is it a CSIS thing on its
12 own; do the Houses of Parliament become involved? Does PCO
13 become involved? Is the Prime Minister's authority
14 necessary? Can you help us understand that maze?

15 **MS. NATHALIE G. DROUIN:** Yes, I'll try to
16 drive us through that.

17 So it is clear that I do have the authority
18 to trigger a briefing, especially an unclassified briefing,
19 to parliamentarians. It doesn't mean that it will be
20 operated by me. For example, the briefings that happened in
21 June 2024 the coordination was made by the FI Coordinator.
22 He also worked with the two Houses, the Senate and the House
23 of Commons, in order to have access to all members of
24 different caucuses. And, of course, CSIS will support, in
25 terms of developing the form of words and things that we will
26 share with parliamentarians.

27 DM CIR will also be an input, in terms of
28 trying to identify what is relevant, what needs to be briefed

1 to the different caucuses.

2 But just to make clear, Prime Minister told
3 me more than once that I do have the authority to trigger
4 those briefings.

5 **MS. SHANTONA CHAUDHURY:** Okay. And Madam
6 Drouin, pardon me if I missed this, but did you mention
7 whether the Houses of Parliament themselves have to be
8 involved in this process?

9 **MS. NATHALIE G. DROUIN:** Yes, they do. In
10 fact, just in terms of courtesy, like, we don't, you know,
11 enter into a responsible for a caucus and say, "Well, we'd
12 like to meet with you." So we coordinate the logistic, if I
13 may say, with the House of Commons.

14 And I should add that their Sergeant-at-Arms
15 themselves and his team can offer, also, security briefings
16 to their members.

17 **MS. SHANTONA CHAUDHURY:** Okay. And can you
18 tell us a little bit about the -- you mentioned that in June
19 '24 briefings did happen. Who was involved in coordinating
20 those briefings?

21 **MS. NATHALIE G. DROUIN:** So the FI
22 Coordinator was really coordinating that between the two
23 Houses, CSIS, and the PCO. So the implementation or the
24 delivery, if I may say, of the briefings were under the
25 coordination of the FI Coordinator.

26 **MS. SHANTONA CHAUDHURY:** Okay.

27 **MS. NATHALIE G. DROUIN:** But let's say we
28 were planning, especially right now, or the briefings to

1 parliamentarians so we can discuss that at DM CIR, asking the
2 FI Coordinator, determining what should be the agenda, and
3 then things will unfold.

4 **MS. SHANTONA CHAUDHURY:** Okay.

5 The next document I'll ask you to pull up,
6 Mr. Registrar, is CAN047007.

7 **--- EXHIBIT NO./PIÈCE No. CAN047007 0001:**

8 Transmittal Note

9 **MS. SHANTONA CHAUDHURY:** The topic here is
10 different kind of briefings, which is classified briefings to
11 political party leaders. So Madam Drouin, I'll address these
12 questions to you.

13 If we can scroll down to the second page,
14 please?

15 So this is a memorandum -- scroll up a little
16 bit, please, just so we can see the title of it. Scroll up
17 again a little bit. Don't worry about it. There we go,
18 "Memorandum for the Prime Minister."

19 So this is memorandum from the NSIA Madam
20 Drouin, "Ad Hoc classified briefings". So just to set the
21 context here a little bit, we'll follow quite closely what's
22 in this document. It's a document from May 2nd, 2024, and it
23 speaks of intelligence detailing alleged foreign interference
24 directed at Opposition Parties. So intelligence details
25 alleging FI details in Canada directed at Opposition Parties.
26 Encloses intel reports after this:

27 "Given the serious nature of the
28 allegations, the [PCO] is working

1 with [CSIS] to develop TOP SECRET
2 level briefings for opposition
3 parties on the intelligence."

4 And scroll down a little bit.

5 The next part of the discussion is about
6 security clearances, and it notes that the leaders of the
7 Green Party and the NDP accepted the offer of a clearance,
8 but at that point others have not.

9 And scrolling down again a little bit, there
10 we go.

11 "Tailored products will be developed
12 to support [the] briefing with
13 leaders...given the classified
14 [sorry] which will allow briefed
15 parties to identify and, if
16 appropriate, take action. PCO will
17 share the details of the
18 briefings...with your office. Given
19 that classified [info won't] be
20 sharable [with]...Leaders...within
21 their party, PCO and CSIS will work
22 with the Leaders to..."

23 See, essentially, what they can do about
24 this. So that lengthy introduction, Madame Drouin, can you
25 tell us a little bit about what was unfolding here; how this
26 came about and what the initiative was?

27 **MS. NATHALIE G. DROUIN:** So after receiving
28 some intel that we thought were -- was relevant to some

1 political parties, we have decided that a briefing was
2 necessary at the classified level and at the Leaders' level,
3 or to their representative.

4 And the idea was really to equip those
5 Leaders and their representatives to mitigate the risk and to
6 take appropriate action. So this is exactly what this memo
7 is about.

8 Following that, two briefings happened to two
9 parties. You noted at the beginning of your question that
10 this was a memo for information to the Prime Minister and his
11 office, so it was not seeking authorization to do those
12 briefings, but as a Prime Minister he's entitled to receive
13 that information. So that was really the purpose and how it
14 unfold after that.

15 **MS. SHANTONA CHAUDHURY:** Okay. Mr. or Ms.
16 Registrar, I can't actually see, can you please pull up, for
17 the next part of the discussion, WIT149?

18 So Madam Drouin, you already alluded to the
19 fact that this was a memorandum for information. And if we
20 scroll down to paragraphs 21 and 22 of this document, there
21 was some discussion that we had in the *in camera* hearings
22 summary -- in the *in camera* hearing itself, about how you go
23 about deciding that an Opposition Party needs to be briefed.
24 So I'm wondering whether you can help draw out some of that
25 discussion.

26 **THE COURT OPERATOR:** Could you repeat the
27 paragraph?

28 **MS. SHANTONA CHAUDHURY:** I'm sorry, it's 21

1 and 22.

2 **MS. NATHALIE G. DROUIN:** So I mean, as I -- I
3 think this one is more about how to brief the Prime Minister?

4 **MS. SHANTONA CHAUDHURY:** Well, information
5 going to the Prime Minister that doesn't necessarily have to
6 do with -- doesn't have to do with his own Party, but other
7 parties ---

8 **MS. NATALIA G. DROUIN:** Okay.

9 **MS. SHANTONA CHAUDHURY:** --- and then
10 decision being made to brief the opposition parties.

11 **MS. NATALIA G. DROUIN:** Perfect. So I think
12 I said earlier this morning what are the criterias to inform
13 the Prime Minister, so whatever it's a novelty things,
14 whatever we need to take action on something, the reliability
15 is also a criteria, the context, the event that the Prime
16 Minister is going to attend, and, also, the geopolitical
17 context and events. Right now, especially with the context
18 in which we are, we are providing systematically to the Prime
19 Minister anything related to interference into our democratic
20 processes. So this is the stand that we took, you know, a
21 couple of months ago.

22 Then in terms of how to determine what
23 briefings need to be delivered to leaders of opposition. So
24 we have offered to all leaders of opposition to get their
25 clearance after receiving the ISR report, to give them access
26 to the classified version of the report. And, you know,
27 those who are equipped with that or their representative can
28 get access to top-secret information. And the information we

1 deem relevant for them, it's when it's time sensitive, when
2 they can act on it, when they can mitigate the risk or even
3 eliminate the risk. So those are the criterias that we will
4 look at.

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

6 **MS. NATALIA G. DROUIN:** I don't know if you
7 want to add?

8 **MR. DANIEL ROGERS:** I may just add in case
9 it's not apparent, that this is not the only way within the
10 federal government that information could be shared with the
11 parties. As I'm sure others know, you know, there are times
12 when agencies will act under their own mandates. For
13 instance, CSIS has the ability to conduct threat reduction
14 activities ---

15 **MS. NATHALIA G. DROUIN:** Defensive briefings.

16 **MR. DANIEL ROGERS:** --- and defensive
17 briefings. The RCMP may have their own techniques and
18 requirements to disclose information, for instance, if
19 there's a duty to warn for someone's safety. So this is one
20 of the mechanisms and the one that is used by the National
21 Security and Intelligence Advisor, but not the only mechanism
22 that parties will hear about information. For instance,
23 obviously, there is the National Security Intelligence
24 Committee of Parliamentarians where parties have top-secret
25 cleared representatives. There are cleared representatives
26 that are briefed in the course of byelections and general
27 elections through SITE, so there are a number of ways. This
28 is one *ad hoc* way that we have also instituted.

1 **MS. SHANTONA CHAUDHURY:** Okay.

2 **MS. NATALIA G. DROUIN:** Maybe I should say
3 also that CSIS also own -- I mean, not also, but CSIS owns
4 the equities and the information, so CSIS plays the role in
5 terms of what will be the form of words that we will deliver
6 during the classified briefing. And then we work very hard
7 with CSIS in terms of what kind of advice we can give to the
8 leader or his representative in terms of how we can talk
9 about or how she can talk about what we are offering. So
10 trying to sanitize for the recipient the information for
11 disinformation to reduce for in terms of course of actions.

12 **MS. SHANTONA CHAUDHURY:** Okay. If we can
13 take that document down and put the last one back up, please,
14 there's one other aspect I want to ask you about, so it's
15 47007. If we scroll down to page 4, please. Okay. Sorry, I
16 just want to see the PCO comment there. There we go. PCO.
17 PCO comments, so it notes that intel will be briefed to party
18 leaders, it will allow them identify the issues, and then
19 says,

20 "PCO further notes that an ad hoc
21 approach to sharing intelligence may
22 not [be] the most effective mechanism
23 to counter national security threats.
24 [So] in parallel with developing a
25 process for regular classified
26 briefings to [...] major federal
27 party Leaders, PCO will work with
28 Public Safety [...] and the [S&I]

1 community to identify the most
2 appropriate mechanisms of sharing
3 similar intelligence in future
4 cases."

5 So that may go a little bit to what you were
6 just talking about in there being various mechanisms. But
7 this idea of class -- regular classified briefings to cleared
8 either leaders or representatives, is that an idea that is --
9 has been implemented?

10 **MS. NATHALIE G. DROUIN:** Absolutely. We are
11 almost putting a final point to our protocol in terms of
12 offering on a regular basis -- well, I'll say on a regular
13 basis -- offering at least twice a year a classified briefing
14 to all parties at the classified level, plus *ad hoc* briefings
15 as the one you are just talking about. So the intent would
16 be that -- for that protocol to be public.

17 **MS. SHANTONA CHAUDHURY:** Okay. Before we
18 leave political parties, this no longer has anything to do
19 with the document that's up, but there's one question I
20 wanted to address, which I believe we addressed briefly in
21 camera as well, but the vulnerability of political party
22 processes to foreign interference is something that the
23 Commission has heard quite a bit about, whether it's
24 nomination races, leadership races, other. And I believe
25 when we talked about it before, Mr. Hannaford, you may have
26 said that this is a -- it's a sensitive area and not
27 something a public service would be likely to do in terms of
28 regulating, suggesting regulation of political party

1 processes, probably not something that public service would
2 suggest of its own initiative. Can you speak to that a
3 little bit and why that would be?

4 **MR. JOHN HANNAFORD:** Public service is part
5 of the executive, and so we have to be mindful of the
6 authorities that we have and how that fits with other
7 entities within our society. And I think as a non-partisan
8 part of the executive, we have to be mindful about our
9 relationship with inherently partisan organizations and
10 appropriately partisan organizations that being parties. And
11 what that means from a practical point of view is that we are
12 looking to build up the broader resilience of a lot of parts
13 of our society. We've talked about the provinces. We've
14 talked about the structures that are being put in place with
15 respect to party structures. But as a public service, we are
16 going to be cautious about being seen to sort of look to
17 regulate the functions of party entities by virtue of our
18 institutional role.

19 **MS. SHANTONA CHAUDHURY:** So it's something
20 where you would wait for direction ---

21 **MR. JOHN HANNAFORD:** Correct.

22 **MS. SHANTONA CHAUDHURY:** --- essentially on.
23 Okay. We can leave that topic now and go to some specific
24 incidents such as the Commission's heard about that I'm going
25 to ask you about essentially because you were the people
26 there. So the first one has to do with some intelligence
27 that was regarding Michael Chong and some meetings that
28 happened around that. So, Mr. or Ms. Registrar, can I ask

1 you to pull up CAN 19500, 1-9-5-0-0. And scroll out so we
2 can see the whole page.

3 --- EXHIBIT No./PIÈCE No. CAN019500:

4 [Handwritten Notes of B. Clow]

5 **MS. SHANTONA CHAUDHURY:** So, Ms. Thomas, this
6 question will be for you. And to situate you, May 1st, a
7 *Globe and Mail* article comes out about a PRC diplomat's
8 interest in Michael Chong. These notes, although they're
9 noted -- the date there is May 7th, it's actually May 2nd. We
10 heard about that from Mr. Clow who's the author of these
11 notes in another part of the Commission's proceedings. And
12 this document is Mr. Clow's notes of several meetings that
13 took place that day. If we can just zoom in a little bit, so
14 that we can see -- sorry, 2 p.m. -- p.m. JT and just under
15 that. Okay. There we go. Zoom in to where it says why this
16 was not a direct threat.

17 So this is a meeting that happened in the
18 afternoon, and we understand that there was a meeting with
19 Mr. Chong himself. Ms. Thomas, can you give us your
20 recollection -- you can use these notes as a refresher, but
21 of this meeting and what was conveyed to Michael Chong at
22 this meeting?

23 **MS. JODY THOMAS:** Yes, so on that day, the
24 Prime Minister met with Michael Chong with David Vigneault
25 and myself in the room. And then David Vigneault and I had a
26 private meeting with Mr. Chong, where we walked through the
27 intelligence with him that was at least in the *Globe and Mail*
28 article. The Director of CSIS did talk to him about what the

1 intelligence meant. It was not a direct threat, but it's a
2 concern. It was a sanction. He understood why it would be
3 upsetting to Mr. Chong. Mr. Chong had a series of questions
4 for us, as you see here, and I committed to getting back to
5 him with the answers. So we did have a follow-up
6 conversation.

7 **MS. SHANTONA CHAUDHURY:** Okay. If we scroll
8 down a little bit to the next page, we'll see maybe some of
9 the conversation you're talking about there. So, Mr. Chong
10 is asking some questions about PNG and there's a line there
11 at the end of this which says "Jody said" -- that would be
12 you, Ms. Thomas:

13 "I frankly believe it was
14 bureaucratic, in response to Chong
15 [...] saying was it a political
16 breakdown or [was it] bureaucratic."

17 Can you speak to that element of this
18 conversation?

19 **MS. JODY THOMAS:** Yes. Mr. Chong was quite
20 concerned that he just wasn't informed because of a political
21 interest, and that was not true.

22 The intelligence did move, we later found
23 out, to Minister's Offices, but it was not seen.

24 And so I -- my belief, my time as NSIA, was
25 that we Deputy Ministers have a responsibility to move
26 individual pieces and brief our Ministers.

27 What could be done about it, that is, of
28 course, a CSIS equity and they would have to do the briefing,

1 a TRM or a defensive brief, but the Prime Minister was not
2 informed in 2021 of this piece of intelligence and Minister
3 Blair was not.

4 **MS. SHANTONA CHAUDHURY:** Okay. And then we
5 know in fairly short order, about a week later, Canada did
6 take the decision to PNG Mr. Zhao Wei. Can you help us with
7 your understanding of how that unfolded and your recollection
8 really of how that process unfolded and whether it was linked
9 or not to this intelligence on Mr. Chong?

10 **MS. JODY THOMAS:** The process was led by
11 Foreign Affairs, by the Deputy Minister and the Minister, as
12 it is her equities and accountability in terms of the conduct
13 and tenure of diplomats in Canada, foreign diplomats in
14 Canada. We learned that Foreign Affairs had had several
15 interactions with the diplomat in question and had had a
16 series of concerns about other activity. Once his name was
17 public, connected to this incident, or appearing to be
18 connected to this incident in the article, it was untenable
19 for him to stay in Canada, and he was PNGed. There was a
20 hope that we -- he would leave on his own accord and we would
21 avoid a reciprocal PNGing of a Canadian diplomat from China,
22 but that's not what happened.

23 **MS. SHANTONA CHAUDHURY:** Okay. If no one
24 else has anything to add on that, ---

25 **MS. JANICE CHARETTE:** Perhaps ---

26 **MS. SHANTONA CHAUDHURY:** Or Ms. Charette?

27 **MS. JANICE CHARETTE:** Perhaps just a moment
28 on this. So maybe I'll just draw a connection to we've

1 talked, I think, about a kind of broader set of toolkits and
2 accountabilities across the system. And so Global Affairs,
3 the Deputy Minister of Foreign Affairs, and the Minister of
4 Foreign Affairs have, you know, a set of tools where they can
5 engage at the diplomatic level with representatives from
6 other countries if in fact that they're doing things which
7 are beyond the conventions about how diplomats should behave
8 when they're in the country.

9 And I think the matter of PRC efforts to
10 interfere in processes or do other things which are under the
11 broad rubric of hostile acts by state actors, we saw once
12 kind of there was a reset of the relationship between Canada
13 and China after the return of the Two Michaels, so I'd be
14 talking about kind of late fall '21, early 2022, there was a
15 series of both diplomatic notes and demarches, so meetings
16 that would have taken place between the Deputy Minister and
17 the Minister with their counterparts in People's Republic of
18 China to raise these concerns about activity.

19 So this particular decision is in the context
20 of quite a number of other steps that would have been taken
21 by the Minister and by the Deputy Minister.

22 **MS. SHANTONA CHAUDHURY:** Thank you. I think
23 we can leave the PNGing of Mr. Wei for now and move to
24 another incident.

25 So for this one, Ms. Registrar, I'll ask you
26 to pull up WIT151 and scroll down to paragraph 84.

27 This topic again is for you, Ms. Thomas.
28 It's the murder of Hardeep Singh Nijjar.

1 So we understand, and the discussion is, at
2 this point, in your witness summary, so you can refer to it,
3 but you were intimately involved in the discussions that were
4 happening between Canada and India following this. So can
5 you help us with how did this unfold, from your perspective?

6 **MS. JODY THOMAS:** Well as I think you're well
7 aware, Mr. Nijjar was murdered in June 2023 and it was the
8 second high-profile murder in that same gurdwara, Mr. Malik,
9 had occurred almost exactly a year before.

10 The immediate intelligence and police
11 response hypothesis was that it was a retaliation, but the
12 community was raising concern. Very good intelligence and
13 policing work -- through very good intelligence and policing
14 work, we learned that there was a high probability that in
15 fact this was an extrajudicial killing. We learned that in
16 late July.

17 When we received the intelligence from CSIS,
18 and it was collaborated and corroborated by other documents
19 and products, I briefed the Clerk of the Privy Council within
20 an hour of receiving it with CSIS. The Clerk organized for
21 the Prime Minister to come and read this intelligence and we
22 had a conversation about what our next steps would be.

23 Throughout this entire process, our priority
24 was protecting the police investigation. There had been a
25 murder in Canada and it was critical that the police were
26 able to do the -- conduct their investigation without the
27 public being aware. So preserving the investigation was
28 critical.

1 I had, coincidentally, a meeting with Mr.
2 Doval, the National Security Advisor of India, already
3 organized. It was called the NSA Dialogues. They had been
4 paused for several years. And I, with some colleagues from
5 PCO, met with Mr. Doval in July of 2023.

6 We were -- it was a very formal meeting. I
7 met with Mr. Doval, the head of the intelligence agency, the
8 head of the internal police bureau, and also officials from
9 their Foreign Affairs Department. It was a very scripted
10 meeting, the first one. I had a script of what I could say
11 about the investigation. I did not read the entire document,
12 but he, Mr. Doval, and his colleagues, absolutely understood
13 that we knew that this was an extrajudicial killing, to the
14 point where when I went to other meetings, they already knew
15 what I was going to say.

16 We had a second meeting just prior to the
17 G20. Mr. Morrison came with me and David Vigneault came with
18 me. We met with all the same people, though David
19 Vigneault's meeting was private with the head of the security
20 agency.

21 At that point, the Prime Minister had a
22 private conversation with Prime Minister Modi to let him know
23 what we knew and how unacceptable it was.

24 It was a whole-of-government effort that up
25 until I left, and then continuing through Nathalie's tenure
26 to bring India to account, but also have a pragmatic
27 relationship with India. We have huge people-to-people ties.
28 We have huge trade relationships. This is a critical

1 relationship for us. But what had occurred was unacceptable.
2 We had a series of meetings up until two weeks before I
3 retired to try and move this file forward, share as much
4 intelligence as we could without jeopardizing the
5 investigation, and try to bring India into line with us and
6 have an approach more similar to the one -- and a statement
7 similar to the one that the Americans put out that they were
8 working on this jointly.

9 It was difficult, because we could not -- we
10 shared enough. They knew. And the security agency shared
11 information, but we couldn't share as much as the Americans
12 because we weren't investigating a murder plot, we were
13 investigating an actual murder.

14 **MS. SHANTONA CHAUDHURY:** Does anyone else
15 have anything to add to that before we move on? No. Okay.

16 Thank you for that recollection, Ms. Thomas.

17 We'll move on to a different topic now, which
18 is probably more for Madam Drouin. In the Commission's
19 proceedings, as I'm sure you're well aware, the Commission
20 asked the Government to produce a list of major significant
21 instances of foreign interference in its democratic
22 institutions and electoral processes, and that was duly done
23 after what we understand to be much conversation between many
24 of the players involved.

25 So the evidence we heard about it so far is
26 that there were -- initially CSIS gathered up all of its
27 intelligence reports and narrowed down to a list of what
28 could be considered instances, and then that initial list was

1 sort of whittled down in the process of discussion to
2 eventually a list of seven instances, which in early
3 September became a list of six instances because CSIS
4 discovered some intelligence that -- not intelligence, sorry,
5 publicly available information that contradicted its
6 intelligence and lessened the significance of one of those
7 instances. So again, with that fairly lengthy introduction,
8 what can you tell us about that process within government of
9 arriving at this eventual list that was provided?

10 **Mme NATHALIE G. DROUIN:** Oui, si vous me
11 permettez.

12 **Me SHANTONA CHAUDHURY:** Absolument.

13 **Mme NATHALIE G. DROUIN:** Cet exercice-là a
14 requis énormément de temps, même si on le regarde pis on dit
15 « on a juste cinq instances ». Ma collègue Jody en a parlé
16 plus tôt, la façon dont nos organismes de... nos agences
17 d'intelligence fonctionnent, ils regardent vraiment des
18 comportements à long terme, quelles sont les stratégies, les
19 stratagèmes, les tactiques qu'utilisent les différents
20 acteurs étrangers pour faire leur ingérence étrangère.

21 Le meilleur exemple, c'est ce que Jody disait
22 plus tôt, il y a plusieurs années... ou, même encore
23 maintenant, quand on reçoit des documents de renseignement,
24 les identifiants ne sont pas là. On parle de comment
25 l'acteur étranger a procédé en rentrant en contact avec
26 certains individus, mais ces individus-là ne sont pas nommés.
27 Parce que ce qui intéresse surtout, c'est le pattern du... de
28 l'acteur étranger.

1 Donc, là ici, la commande, c'était de fournir
2 une instance. Donc, les premières conversations, ça été
3 qu'est-ce qu'une instance? Et donc, la conclusion auquel on
4 est arrivé pour répondre à la commande, c'était une instance,
5 ça nous prenait d'abord une preuve qu'il y avait eu de
6 l'ingérence étrangère. Donc, quelque chose qui était
7 clandestin, quelque chose qui était trompeur et menaçant. Ça
8 nous prenait une réaction à cette activité-là et un impact.
9 Et un peu circonscrit dans le temps.

10 Et donc, c'est pour ça que ça a été assez
11 difficile. Et surtout, comme je vous disais, parce que CSIS
12 ne travaille pas dans la collection d'instances. Ils
13 regardent vraiment autrement la question de l'ingérence
14 étrangère.

15 Ma contribution par rapport à ce document-là
16 a été - surtout quand j'ai eu les premières versions à mon
17 niveau - j'étais préoccupée parce qu'elle était présentée
18 uniquement par rapport à des choses qui étaient arrivées à
19 certains députés. Et j'avais l'impression que ça donnait
20 l'impression que l'ingérence étrangère, la responsabilité de
21 ça était sur les députés. Quelque chose que je trouvais
22 profondément injuste, puisque les acteurs d'ingérence
23 étrangère, ce sont les pays étrangers. Oui, à l'occasion, on
24 a des députés qui manquent de prudence, qui ont des
25 comportements qui sont inappropriés, ou des jugements, mais
26 l'angle, les traitres, ne devrait pas être vu comme étant les
27 députés, mais vraiment, l'accent devrait être vu sur les
28 acteurs étrangers.

1 Donc, ma plus grande contribution a été de
2 réorganiser un petit peu la présentation de ce document-là
3 afin qu'elle soit vue par pays étrangers plutôt que par
4 députés.

5 **MS. SHANTONA CHAUDHURY:** Parfait. So that
6 takes us to the idea that MPs are not necessarily the threat
7 actors here. The focus is the foreign states who really are
8 the threat actors. And another thing you mentioned is around
9 the table, essentially, I think we've also talked about
10 differing views on what would or would not constitute foreign
11 interference. And we've heard from Mr. Morrison a little
12 bit, and Mr. Vigneault about how that was part of the
13 discussion around the table again.

14 And that picks up on something I think that
15 Mr. Hannaford, you were explaining before, which is that
16 there are -- and Ms. Charette as well, I think -- there are
17 differing perspectives on this, perhaps, within government,
18 depending on what lens is being used or what perspective is
19 being brought. So I'm wondering if you could help us
20 understand those discussions as well, and where they're at,
21 and where they come from? And I think one of the questions I
22 may have asked in a previous meeting is whether this is a bug
23 in the system or a feature in the system. So I'm not sure
24 who wants to start with that. I'm sure you all have things
25 to say.

26 **MS. NATHALIE G. DROUIN:** We do.

27 **MR. JOHN HANNAFORD:** I'll certainly invite
28 that. I'll start though. I think it's absolutely clear that

1 it is a feature of the system that we have different
2 perspectives that are brought to bear on assessing the
3 information that's available to us. You know, as Ms.
4 Charette was saying, those of us who have been posted abroad,
5 part of our role is to have a good, detailed knowledge of how
6 decisions are made in the host country that we are dealing
7 with and how those decisions can benefit Canada. And that
8 involves in many instances things like creating lists.

9 And so, the creation of a list per say, is
10 kind of a classic exercise of what we do when we are abroad,
11 and it's a perfectly legitimate exercise. How those lists
12 are used and the sort of -- the manner in which a government
13 comports itself abroad, that it -- that's the question of
14 judgement as to whether or not that has passed from an
15 exercise of foreign influence into an exercise of foreign
16 interference.

17 So for those of us on our side who are
18 thinking through the conduct of foreign governments as they
19 are conducting themselves here in Canada, we have to be
20 mindful of the various perspectives and knowledge that we
21 have around our tables. And it is absolutely a strength that
22 we facilitate that kind of an exchange, because we come to
23 better decisions based on that kind of collective
24 understanding, rather than it being simply an exercise of
25 group think.

26 And so, our governance structures, which we
27 have been describing earlier, are intended to facilitate
28 precisely these kinds of exchanges and to draw them out. And

1 I feel that's kind of critical that we make sure that we're
2 having a good vigorous conversation around these sorts of
3 issues because they matter. It really matters that we get
4 this right. If something is a question of foreign
5 interference, we need to respond vigorously to that. If
6 something is less than that, we need to recognize that as
7 well.

8 And so having an exchange of views, I think
9 in any system, but particularly government, is really
10 important and it's something that we encourage rather than
11 discourage.

12 **MS. NATHALIE G. DROUIN:** If I may add, the
13 national security domain is similar to any other domain, and
14 the role of PCO is the same. So when we develop a policy on
15 environment, an economy, we will hear different perspectives
16 from different departments in order at the end to have
17 hopefully the best policy possible that will take into
18 account all of the inputs. So we do exactly the same thing
19 when it comes to foreign interference and views from, you
20 know, the different departments and agencies.

21 **MS. JANICE CHARETTE:** I guess Canadians have
22 heard a lot about foreign interference in the last couple of
23 years. I think what we've been trying to describe to you is
24 just there is a lot of senior level attention that's being
25 paid to these topics, to these matters, by the most senior
26 public servant in the country, a collection of very
27 knowledgeable and experienced Deputy Ministers, each who come
28 with a different background and a different perspective to be

1 able to ensure that there's coordination in how we detect
2 these threats to the country, and how we actually work
3 together to figure out what the right balance approach is to
4 respond, and to counter these threats.

5 So I think I'm 100 percent in the world that
6 you've heard the Clerk describe, that this is a feature of
7 our system. That you know, we live in a wonderful democracy
8 where people have the freedom of speech and freedom of
9 association, and we have to make sure that those freedoms are
10 protected while at the same time protecting national --
11 protecting Canadians from national security threats. That
12 balanced approach, neither underreacting or overreacting, I
13 think is very much a feature of the system.

14 It also is as Natalie points so, kind of a
15 feature of a Westminster democracy. You know, we have
16 collective decision making, Ministers come together, they
17 bring their perspectives, their functional authorities or
18 departmental authorities, but also their knowledge and
19 experience to collective decisions in the best interests of
20 Canadians. We try to mirror that and draw on that as the
21 Deputy Ministers as well.

22 **MS. JODY THOMAS:** The only thing I would add
23 is that, in the national security community, but also in
24 other parts of government, very few decisions are with a
25 single Minister, or a single department, or a single agency.
26 And so, I think another very positive feature of this system
27 and the challenge is the dual key, maybe more than that, to
28 decisions that are taken.

1 So the Minister of Public Safety, and the
2 Minister of Foreign Affairs have to decide together on action
3 that's going to be taken. And sometimes that has to go to
4 the Prime Minister. Hopefully it's worked out at the
5 ministerial -- the Deputy Minister level, on the ministerial
6 level, and Prime Minister is informed, but when there's a
7 difference of opinion, the Prime Minister is informed of the
8 differences so that he understands, as he goes forward with
9 trying to resolve issues and conflict between departments, if
10 it gets to the point where it has to get to him. But the
11 dual-key system, or the more than dual-key system where
12 multiple Ministers have an accountability, it makes some of
13 the decisions more difficult, makes some of them a little
14 slower, and it also ensures a very robust thought process,
15 goes into some very, very complex and significant decisions.

16 **MS. SHANTONA CHAUDHURY:** So picking up on
17 that, when Mr. Vigneault was here, one of the things he
18 mentioned was maybe it's a good thing that in our society,
19 the security and intelligence agency doesn't necessarily have
20 the last word on things. Is that sort of in keeping with
21 that idea of dual-key?

22 **MS. JODY THOMAS:** Yeah.

23 **MR. JOHN HANNAFORD:** Sorry, could I --
24 there's just two more points on this, because I think it's
25 important. This is not unique to this domain. Like, we --
26 you look at peer review and all sorts of different parts of
27 life, where you want to make sure that whatever information
28 is the product of a process has been thoroughly tested.

1 And, you know, what you've heard from us
2 today over the -- with respect to our governance, with
3 respect to the role of PCO, one of the functions that Dan
4 mentioned at the outset is we have a challenge function.
5 That challenge function is reflective of a kind of broader
6 sense that because what we are doing ultimately matters, it
7 matters that we are making a statement with respect to us
8 having a free and fair election. It matters that we are
9 defining a certain set of conduct in a certain way. We
10 better be sure that that is right and we better be sure that
11 that is a thoroughly tested proposition. And that's because
12 Canadians rely on what we are saying.

13 And so I think, just to really drive home
14 this point, that whole process of challenge is inherent in
15 our system and it is fundamental to it.

16 **MS. SHANTONA CHAUDHURY:** Okay. Just a
17 question leading on from that. So there's also been
18 suggestions made that there's disagreements -- does there
19 need to be modification of the definition of foreign
20 interference?

21 So if I can ask you for your views on that,
22 perhaps? Is there a disagreement as to the definition, a
23 disagreement as to its application? Or where's that
24 discussion?

25 **MS. NATHALIE G. DROUIN:** I can start. I
26 don't think the issue is on the definition. I think the
27 issue is on how we read facts and how we put facts in their
28 context. And this is why the conversation we just had is so

1 important, because the context can be read differently,
2 depending on your expertise and where you're coming from. So
3 this is why conversations need to happen. The Clerk gave you
4 the example of a list. You know, providing a list to a
5 consulate may be right, may be not right, depending on the
6 purpose, and depending if you're getting something from that.

7 So it's really, you know, fact based and the
8 conversation needs to happen around those facts.

9 **MS. SHANTONA CHAUDHURY:** Okay. The last
10 topic I'll ask you about, keeping an eye on the clock, is the
11 NSICOP report. So without going into it in any detail, Madam
12 Drouin, I'll probably address these questions to you, but
13 it's quite a general question, which is obviously as NSIA,
14 you have been exposed to the NSICOP report and everything
15 under it. We've heard a lot in the public discourse, and
16 from participants in these proceedings also, about the effect
17 that that report has had. On the one hand, it being a very
18 valuable piece of work, but I think MP Kwan, and I'm sure her
19 counsel will correct me if I'm wrong, but I believe she said
20 it has cast a cloud of suspicion over 338 MPs.

21 And I'm just wondering whether, from your
22 perspective, knowing what you know about that report, can
23 Canadians still have confidence in their parliamentarians?
24 And what do you see is the import, the value, and the
25 reaction to the NSICOP report?

26 **MS. NATHALIE G. DROUIN:** Thank you. So first
27 of all, let me say -- I'll go in French.

28 **Me SHANTONA CHAUDHURY:** Certainement.

1 **Mme NATHALIE G. DROUIN:** Je donne beaucoup de
2 valeur aux travaux de NSICOP. C'est une organisation dont on
3 a besoin dans notre appareil gouvernemental, et même que je
4 pense qu'à l'occasion on devrait les utiliser davantage.

5 À l'égard du rapport sur l'ingérence
6 étrangère, j'amène le même commentaire que j'ai dit tantôt
7 lorsqu'on a... j'ai expliqué comment on a construit le document
8 sur les instances, le fait qu'on a « focussé », que NSICOP a
9 « focussé » sur les députés, donnant une forme d'étiquette à
10 certains députés à l'effet qu'ils auraient pu agir sciemment
11 et même amener à la définition que certains pourraient être
12 des traîtres, me rend très inconfortable parce que ce n'est
13 pas ce que je vois.

14 Je l'ai dit tantôt, j'ai vu des comportements
15 inappropriés, j'ai vu du manque de jugement, j'ai vu des
16 individus peut-être que sur lesquels je ferais moins
17 confiance, mais j'ai pas vu aucun député dans notre Parlement
18 qui a fait de l'espionnage, du sabotage, qui a réellement mis
19 la sécurité du Canada en jeu. Je demeure extrêmement
20 confiante dans les membres du Parlement à l'heure actuelle et
21 donner une autre impression, c'est encore d'équiper les pays
22 étrangers dans leur quête de diminuer finalement la confiance
23 des Canadiens dans notre système démocratique.

24 **COMMISSAIRE HOGUE:** Quand vous dites, Madame
25 Drouin, « ce n'est pas ce que je vois »...

26 **Mme NATHALIE G. DROUIN:** Oui.

27 **COMMISSAIRE HOGUE:** ...et je ne veux pas que
28 vous nous indiquiez ce que vous voyez comme informations,

1 mais vous faites référence à quoi? À quoi avez-vous accès,
2 autrement dit, pour parvenir à cette conclusion-là?

3 **Mme NATHALIE G. DROUIN:** Les renseignements
4 auxquels on a accès...

5 Permettez-moi peut-être de faire juste une
6 parenthèse. Le fait que la plupart des informations qui ont
7 été fournies à cette Commission qui ont lieu... qui concernent
8 des députés, c'est des informations qui ont été collectées de
9 façon « ancillaire », puisque ces individus-là ne faisaient
10 pas, en grande majorité, l'objet d'une enquête par CSIS ou
11 CSE. CSIS ou CSE enquêtaient ou regardaient d'autres
12 éléments, et de façon « ancillaire », ils ont collecté des
13 informations sur certains députés.

14 Mais les informations qu'on a vues dans le
15 renseignement, comme j'ai dit tantôt, on a vu, par exemple,
16 un peu de complaisance, des individus qui ont entretenu des
17 liens qu'ils n'auraient peut-être pas dû entretenir, qui ont
18 « braggé » à l'effet qu'ils pouvaient partager de
19 l'information qu'ils n'avaient peut-être même pas à offrir.
20 Donc, l'information qu'on a, et auxquelles vous avez
21 également et que le groupe de parlementaires NSICOP a
22 utilisée, ne me permet pas d'arriver à la conclusion qu'il y
23 a des traitres au Parlement.

24 **COMMISSAIRE HOGUE:** Et est-ce que je dois
25 comprendre de cela que vous avez eu accès à toute
26 l'intelligence qui supporte ou qui était disponible lorsque
27 NSICOP a effectué ses travaux?

28 **Mme NATHALIE G. DROUIN:** Absolument. Et

1 j'ajoute que j'ai accès, parce que vous le savez, vous l'avez
2 entendu, l'intelligence, c'est comme un casse-tête qui se
3 construit, donc j'ai accès à la mise à jour de toutes ces
4 informations-là.

5 **COMMISSAIRE HOGUE:** Vous avez expliqué que le
6 focus est mis par CSIS et à votre avis, doit être mis sur les
7 auteurs d'ingérence étrangère plutôt que sur les députés.
8 J'emploie l'expression là, vous avez parlé des députés.

9 **Mme NATHALIE G. DROUIN:** Oui.

10 **COMMISSAIRE HOGUE:** Alors, tous les membres du
11 Parlement. Si, par ailleurs – et c'est un grand « si » là,
12 avec un « S » majuscule là, alors c'est vraiment une question
13 hypothétique que je pose –, si, par ailleurs, il devait
14 arriver qu'un État étranger réussit à ce que quelqu'un...

15 **Mme NATHALIE G. DROUIN:** Je comprends.

16 **COMMISSAIRE HOGUE:** ...un député accepte de se
17 lier avec cet État étranger là, qui dans tout l'appareil au
18 niveau de la sécurité nationale est chargé de vérifier la
19 situation quant aux députés? Autrement dit, je comprends
20 votre affirmation dans la mesure où, effectivement, les États
21 étrangers sont à l'origine de l'ingérence, mais que fait-on
22 si jamais un État étranger réussit dans sa tentative et
23 comment fait-on surtout pour savoir qu'il y a eu une
24 réussite? Qui est intéressé par cet aspect-là?

25 **Mme NATHALIE G. DROUIN:** Merci pour la
26 question.

27 D'abord, je dois ajouter que, même si j'ai
28 pas vu ou je ne vois pas de traitres, ça ne veut pas dire

1 qu'il ne faut pas regarder ces comportements. Ça ne veut pas
2 dire qu'il ne faut pas essayer de les redresser. Ça ne veut
3 pas dire que tous les individus devraient avoir accès à de
4 l'information classifiée.

5 Donc, ça, c'est une des lignes de défense qui
6 est offerte aux leaders des différents partis et c'est pour
7 ça que c'est important de pouvoir donner accès à cette
8 information-là aux leaders des différents partis afin qu'ils
9 puissent prendre action sur les comportements qui sont
10 inappropriés.

11 Maintenant, votre question, elle est
12 difficile à répondre. Si je regarde l'ensemble des
13 hypothèses, c'est un droit constitutionnel de pouvoir être
14 membre du Parlement et quelqu'un peut l'être à travers un
15 parti politique, il peut l'être à travers... ou simplement
16 comme indépendant.

17 Dans notre système constitutionnel actuel,
18 une personne pourrait se présenter comme indépendante, et
19 même être un criminel notoire. À ce moment-là, il vient de la
20 responsabilité des citoyens de déterminer qu'est-ce qu'ils
21 font avec ça. Donc, notre... ultimement, à part utiliser les
22 pouvoirs de gestion qui sont très importants des leaders des
23 différents partis politiques, il n'y a pas de système pour
24 empêcher une personne indépendante à être membre du
25 Parlement, alors qu'elle n'aurait pas, selon certains
26 standards, les qualifications requises.

27 **COMMISSAIRE HOGUE:** Parce que la personne est
28 élue.

1 **Mme NATHALIE G. DROUIN:** Parce que la personne
2 est élue et c'est un droit constitutionnel de se faire élire.

3 **COMMISSAIRE HOGUE:** Et est-ce que je dois
4 comprendre de vos propos que, par ailleurs, ce que vous nous
5 dites, c'est que les chefs de partis, s'ils ont l'information
6 nécessaire, devraient être, eux, en mesure de faire en sorte
7 que la personne ne puisse pas, en fait, causer quelques torts
8 que ce soit, soit en s'assurant qu'elle n'a pas
9 d'informations classifiées qui puissent être partagées, soit
10 en s'assurant qu'elle n'a pas un rôle qui lui est confié lui
11 permettant d'avoir accès à des informations qui, sans être
12 classifiées, pourraient être plus sensibles ou d'intérêt pour
13 certains États? C'est plus à partir de ce point-là que vous
14 voyez la possibilité d'encadrer, en quelque sorte, quelqu'un
15 qui, dans cette situation-là hypothétique, qui se
16 retrouverait élu au Parlement?

17 **Mme NATHALIE G. DROUIN:** Oui. Absolument.
18 N'oubliez pas aussi que, vous le savez très bien, nos corps
19 de police, le droit criminel, donc il y a des choses aussi
20 qui peuvent être mis à l'attention du grand public,
21 dépendamment de ce à quoi on fait face. Puis notre
22 responsabilité comme gouvernement à cet effet-là, c'est de
23 s'assurer, comme j'ai dit tantôt de rendre cette information-
24 là disponible aux leaders, de leur donner un conseil aussi
25 par rapport à cette information-là, et une marche à suivre
26 également.

27 **COMMISSAIRE HOGUE:** Est-ce que vous avez
28 également, parce qu'ayant accès à l'ensemble du

1 recess until 1:45 p.m. Cette séance de la Commission est
2 maintenant suspendue jusqu'à 13 h 45.

3 --- Upon recessing at 12:46 p.m./

4 --- L'audience est suspendue à 12 h 46

5 --- Upon resuming at 1:48 p.m./

6 --- La séance est reprise à 13 h 48

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

9 This sitting of the Foreign Interference
10 Commission is now back in session. Cette séance de la
11 Commission sur l'ingérence étrangère est de retour en
12 session.

13 The time is 1:48 a.m. Il est 13 h 48.

14 **--- MR. DANIEL ROGERS, Resumed/ Sous la même affirmation:**

15 **--- MS. NATHALIE G. DROUIN, Resumed/ Sous la même**
16 **affirmation:**

17 **--- MR. JOHN HANNAFORD, Resumed/Sous le même serment:**

18 **--- MS. JODY THOMAS, Resumed/ Sous le même serment:**

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

20 **COMMISSIONER HOGUE:** Sorry, it's cross-
21 examination, so the first one is Mr. van Ert, counsel for
22 Michael Chong.

23 **MR. GIB van ERT:** Mr. Harland, counsel for
24 Michael Chong.

25 **COMMISSIONER HOGUE:** Oh, sorry.

26 **MR. FRASER HARLAND:** Not a problem,
27 Commissioner.

28 **COMMISSIONER HOGUE:** Since he joined just

1 this afternoon, I thought he came just for the cross-
2 examination, so it's my mistake.

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

4 **MR. FRASER HARLAND:**

5 **MR. FRASER HARLAND:** I'd like to start with
6 some intelligence about my client, Mr. Chong, and I'm going
7 to be directing these questions to Ms. Thomas to start. Ms.
8 Thomas, I understand that you did not learn that Mr. Chong
9 was the target of PRC foreign interference activities until
10 it was reported in the *Globe and Mail* in 2023; is that right?

11 **MS. JODY THOMAS:** That's correct.

12 **MR. FRASER HARLAND:** And yet you were the
13 recipient of numerous intelligence products indicating that
14 he was the target, and so I'd like to take you through some
15 of that to understand what you did with those intelligence
16 products. So if we could call up CAN 8242 please?

17 **--- EXHIBIT No./PIÈCE No. CAN008242:**

18 MD on Accountability

19 **MR. FRASER HARLAND:** This document we know is
20 a document produced by CSIS, where they're justifying how
21 they followed the Ministerial Directive on Accountability in
22 informing numerous departments about the intelligence with
23 respect to Mr. Chong. And so if we could go to page 2,
24 please? And it's the prior to May bullet, so down a little
25 bit more. You could keep going down, please. So -- back up
26 where it says prior to May. Perfect. So,

27 "Prior to May 2021, CSIS shared
28 intelligence reports that discussed

1 PRC foreign interference efforts
2 against Michael Chong. [And] these
3 reports were shared to named senior
4 officials, including:"

5 And if we go to the third sub-bullet, it
6 says:

7 "The Deputy Minister of National
8 Defence and others at the Department
9 of National Defence".

10 So do you accept, Ms. Thomas, that you would
11 have received these intelligence products while you were
12 Deputy Minister at the time?

13 **MS. JODY THOMAS:** I do.

14 **MR. FRASER HARLAND:** And did you receive --
15 so you received it. Did you review the intelligence at the
16 time?

17 **MS. JODY THOMAS:** I don't recall reading it,
18 no.

19 **MR. FRASER HARLAND:** You don't recall.

20 And so you wouldn't be able to recall if you
21 informed your Minister of this intelligence either.

22 **MS. JODY THOMAS:** I would not have, no.

23 **MR. FRASER HARLAND:** Okay. And you wouldn't
24 have convened other Deputy Ministers to discuss the contents
25 of that intelligence to see what could be done about it.

26 **MS. JODY THOMAS:** That would not have been my
27 role, no.

28 **MR. FRASER HARLAND:** And then there was also

1 a CSIS intelligence assessment of July 2021. I can pull it
2 up if you need to, but I imagine you're familiar with it.

3 And I understand you were on leave when that
4 intelligence was shared with the Department of Defence? Do I
5 have that right?

6 **MS. JODY THOMAS:** That's correct.

7 **MR. FRASER HARLAND:** Okay. So would anyone
8 else have reviewed it in your stead? I just want to
9 understand what would have happened while the Deputy
10 Minister's on leave with an intelligence product like that.

11 **MS. JODY THOMAS:** So depending on the
12 product, and that particular product it wasn't that I had to
13 read it to do my job. I was the person in Defence who could
14 read it.

15 The Associate Deputy Minister may have read
16 it at the time. I would suggest that we were very busy in
17 terms of Afghanistan and understanding what was going on in
18 that period of time, and she would have been reading
19 significant intelligence on that subject rather than this.

20 **MR. FRASER HARLAND:** So it's possible that no
21 one reviewed this intelligence at the time in the department.
22 Is that fair?

23 **MS. JODY THOMAS:** Of National Defence.

24 **MR. FRASER HARLAND:** Yes.

25 **MS. JODY THOMAS:** Yes.

26 **MR. FRASER HARLAND:** Okay. And so obviously,
27 again, you wouldn't have briefed your Minister if it's
28 something that wasn't reviewed.

1 Thank you.

2 I'd like to turn to a different topic now.

3 And if we could pull up CAN27809, please.

4 --- EXHIBIT No./PIÈCE No. CAN027809:

5 Steps Taken to ensure Awareness of
6 Intelligence Reports Related to
7 Members of Parliament

8 **MR. FRASER HARLAND:** And if we go down to the
9 second page, this is a memorandum to the Prime Minister. And
10 if we can just scroll to the bottom just to see who sent it,
11 we see this was sent by you, Ms. Thomas.

12 And then I want to go back up to the third
13 bullet or the top of -- let's go to the top.

14 So this is "STEPS TAKEN TO ENSURE AWARENESS
15 OF INTELLIGENCE REPORTS RELATED TO MEMBERS OF PARLIAMENT".

16 And the third bullet here says:

17 "Public Safety portfolio agencies and
18 CSE are developing and implementing
19 internal measures to ensure that
20 their respective Ministers are
21 proactively made aware of these
22 threats and of any required
23 operational responses..."

24 And then it talks about the Ministerial
25 Directive issued by the Minister of Public Safety.

26 And what I want to put to you is that this
27 document and -- that the Prime Minister's receiving at this
28 time puts the onus on the security agencies for somehow

1 having failed to make Ministers proactively aware of these
2 threats, but we heard from CSE witnesses when they were here
3 that they felt that they were already doing this and they
4 were already providing this intelligence.

5 CSIS came here and told the Commissioner the
6 same thing, that they fulfilled their responsibilities. And
7 we just saw from the MD accountability document that CSIS was
8 informing numerous departments and numerous individuals in
9 those departments of the intelligence that they had.

10 So I'd put to you that the issue here was not
11 actually the security agencies, but it was the department and
12 the Deputy Ministers and Ministers and the NSIA, and that's
13 nowhere in this document in terms of taking responsibility
14 for what happened.

15 **MS. JODY THOMAS:** So I don't actually accept
16 the premise that there was any blame here. This was
17 explanation of what steps were going to be taken to adhere to
18 a new Ministerial Directive.

19 **MR. FRASER HARLAND:** So when all of the focus
20 here is on what the agencies did or didn't do and what they
21 need to do now in future to ensure that Ministers and the
22 Prime Minister can be made aware of this, I don't see how
23 that doesn't put the blame on the agencies. And we know
24 that, in fact, they were providing this intelligence and it
25 wasn't taken up.

26 This reads to me like you're saying to the
27 Prime Minister, "They didn't provide us with the information.
28 We're going to make sure that they do in the future".

1 value above and beyond just the underlying intelligence.

2 **MS. JODY THOMAS:** I think that assessment
3 documents have enormous value, yes.

4 **MR. FRASER HARLAND:** And Ms. Chaudhury talked
5 to you a bit about what happened between you and Mr. Green,
6 but I'd like to get into that a little bit more, if I might.

7 So we heard from him -- at least this is his
8 version, and I'm honestly just trying to figure out what
9 happened here and how it works. So he says that he brought
10 this report to your attention repeatedly in bilateral
11 meetings and he was trying to move this report from being a
12 partial report to a finalized report that could be
13 disseminated.

14 Do you accept that?

15 **MS. JODY THOMAS:** I know of two instances
16 where he raised it with me, not multiple.

17 **MR. FRASER HARLAND:** Okay. But he did that,
18 and the ---

19 **MS. JODY THOMAS:** He did.

20 **MR. FRASER HARLAND:** --- purpose of that was
21 trying to move it from being a partial to a finalized report.

22 **MS. JODY THOMAS:** Yes.

23 **MR. FRASER HARLAND:** Okay. And my
24 understanding from your evidence this morning is that the PCO
25 Intelligence Assessment Secretariat could have moved forward
26 with distribution on its own because it's an independent
27 entity. Is that ---

28 **MS. JODY THOMAS:** That's correct.

1 **MR. FRASER HARLAND:** --- fair?

2 But it sounds like he moved it to an ADM or
3 DM committee and then it got stuck there. It was sort of
4 stuck in peer review because they were dealing potentially
5 with other, more important matters, and it didn't get out of
6 that process. Is that what happened?

7 **MS. JODY THOMAS:** I don't know if he moved it
8 to the ADM peer review committee, but they were doing some
9 pretty significant work at that period of time on Afghanistan
10 -- or sorry, on the invasion of Ukraine and on the convoy,
11 amongst other things.

12 **MR. FRASER HARLAND:** And if a document like
13 this were stuck in peer review, could -- would the NSIA have
14 a role to move it through that process faster if it was a
15 document that they thought -- that you or an NSIA thought
16 needed to get to the Prime Minister, for example?

17 **MS. JODY THOMAS:** I don't think that an NSIA
18 would interfere with the professional judgment of the
19 intelligence community if they're working on something.

20 **MR. FRASER HARLAND:** Well, I'm not saying
21 interfere in the judgment, but I'm talking more about sort of
22 timelines. Like if it's something that seemed stuck and
23 needs to be moved along, could the NSIA do something to push
24 that process along?

25 **MS. JODY THOMAS:** Hypothetically, the NSIA
26 could ask where it is, yes.

27 **MR. FRASER HARLAND:** Okay. And you didn't do
28 that with this particular report.

1 **MS. JODY THOMAS:** I did not.

2 **MR. FRASER HARLAND:** If we could pull up
3 CAN11049_0001, please.

4 --- EXHIBIT No./PIÈCE No. CAN011049 0001:

5 IAS Report on China's Foreign
6 Interference Activities

7 **MR. FRASER HARLAND:** And if we can go to the
8 -- this, I understand, would be a cover note to the report.
9 And if we go down a little bit further to the second
10 paragraph, we recommend it be sent to "Deputy Ministers and
11 Cabinet Ministers" as well as the Interim Clerk, Deputy
12 Clerk, who would also benefit from receiving the report.

13 And that dissemination wouldn't have happened
14 because it never ended up being a finalized product that
15 could be disseminated. Is that ---

16 **MS. JODY THOMAS:** That's correct. This would
17 actually circumvent the normal process for a document of this
18 nature.

19 **MR. FRASER HARLAND:** Okay. I noted in your
20 testimony this morning that you said it would be sort of
21 inappropriate to interfere with PCO Intelligence Assessment
22 Secretariat's work because they're independent and it could
23 be political interference, I think was the phrase you said,
24 if that were to take place.

25 I understand the NSIA to be a public servant
26 along with PCO IAS, so how would that be political
27 interference?

28 **MS. JODY THOMAS:** I said as an example,

1 political interference. One of the reasons an assessment
2 secretariat like IAS is considered independent is to avoid
3 the perception of interference, whether it's bureaucratic,
4 policy or, I gave the example, political.

5 **MR. FRASER HARLAND:** So, the NSIA being
6 involved is a form of interference?

7 **MS. JODY THOMAS:** The assessment is left at
8 the level of -- the documents are released by IAS so that
9 they are not affected by the policy objectives of the day,
10 they're policy-neutral. They're not affected by the
11 political objectives of the day. They just assess the facts.

12 **MR. FRASER HARLAND:** So, they're assessing
13 the facts, but that doesn't prevent you from helping with the
14 dissemination of such a report and moving through the
15 necessary peer review, does it?

16 **MS. JODY THOMAS:** That's not my job. It is
17 the job of the Assistant Secretary of IAS to ensure it is
18 properly peer reviewed.

19 **MR. FRASER HARLAND:** Okay.

20 **MS. JANICE CHARETTE:** Perhaps -- maybe I can
21 just try and give a little context. This is a draft of a
22 report that was prepared at the initiation, as it indicates
23 here, at the request of the former Acting National Security
24 Intelligence Advisor, Mr. Morrison, who, at the time, having
25 been through his role on the Panel of Five and received a
26 fair number of these - we're on an assessed intelligence
27 report - had a set of questions for the Secretariat to go
28 away and ask. That work continued. David, I think, gave

1 testimony that he had some questions about the report and
2 some reactions to it. Sent it back in. Similarly so, then,
3 a new SNIA -- a new NSIA comes in, and the product is
4 resurfaced again. And, okay, interesting, needs to go
5 through the peer review process in the community. And that's
6 where it went.

7 In the meantime, a number of other priorities
8 were tasked. It is not unusual that an IAS product might be
9 started and maybe not completed. It may be overtaken by
10 other events, it could be a kind of competing priority. So,
11 the fact that this didn't necessarily kind of get pulled out
12 of the pile reflects, I think, the judgment of the NSIA at
13 the time, that there were a lot of other competing priorities
14 for very scarce assessment resources.

15 **MR. FRASER HARLAND:** That's helpful. I think
16 where I was going with this is that a previous NSIA was the
17 origin of this, and this document, I think, would indicate
18 that IAS saw it as important and it was a priority for them.
19 It wasn't a priority for peer review, and it got stuck there
20 and didn't advance further. But Mr. Green certainly would
21 have liked it to, and I was trying to understand why it
22 didn't advance further. So that evidence is helpful.

23 I'd like to turn to the targeting paper now.
24 So, Ms. Thomas, I understand that you convened a group of
25 deputy ministers to discuss the paper, and it was redrafted
26 out of that discussion.

27 **MS. JODY THOMAS:** That's correct.

28 **MR. FRASER HARLAND:** Okay. And CSIS did the

1 right redraft, and from my understanding of their evidence,
2 their expectation that it would be distributed, including to
3 the Prime Minister, and the director told us that he would
4 have liked it to go to the Prime Minister, but there was an
5 issue in how the revised report was disseminated, and so it
6 never got to you for distribution. Is that fair?

7 **MS. JODY THOMAS:** I did not see it before I
8 retired.

9 **MR. FRASER HARLAND:** Okay. Would you agree
10 that that's a significant breakdown in communication when
11 CSIS thinks that they're drafting a report for the Prime
12 Minister, and they go and do that, and that's not your
13 understanding, and the report never gets to the Prime
14 Minister? Would you agree with that?

15 **MS. JODY THOMAS:** I would suggest that CSIS
16 was drafting a report, period.

17 **MR. FRASER HARLAND:** But their evidence is
18 that they saw it was for the Prime minister, and
19 Mr. Vigneault told us in testimony that he wants that
20 document to go to the Prime Minister.

21 **MS. JODY THOMAS:** Yes, he did say that, but
22 nobody else in that meeting thought that this was necessarily
23 going to the Prime Minister, and we would have wanted to see
24 the redraft, and then another discussion would be held on it.

25 **MR. FRASER HARLAND:** Has a redrafted version
26 of the report gone to the Prime Minister now? Do we know
27 that?

28 **MS. JODY THOMAS:** I don't work at PCO any

1 longer. I couldn't comment.

2 **MR. FRASER HARLAND:** Madame Drouin, perhaps
3 you can help with that.

4 **Mme NATHALIE G. DROUIN:** Le document a
5 maintenant été rendu accessible au premier ministre, mais ne
6 l'avait pas été avant son dernier témoignage à huis clos,
7 dans le but de ne pas influencer son témoignage.

8 **MR. FRASER HARLAND:** Okay. And I'd like to
9 take a step back with respect to something that I think the
10 targeting paper reveals, which is a significant disagreement
11 between departments and agencies on what foreign interference
12 is. And we've heard particularly how GAC officials and CSIS
13 seem to be viewing this issue very differently. And so,
14 leaving aside the targeting paper, isn't that in and of
15 itself something that the Prime Minister should have been
16 made aware of, that there was this disagreement about a
17 significant national security threat in the country and how
18 the departments were understanding what it even means?

19 **MS. JODY THOMAS:** I think that we're talking
20 about a report and then an understanding of what foreign
21 interference is and how seriously people are taking it. The
22 national security community, including our colleagues at GAC,
23 are very attuned to the risk of foreign interference, and
24 that they are part of the national security community. They
25 accept the same definition of foreign interference that CSIS
26 does, that's sort of the standard definition.

27 Within that, on individual actions,
28 individual pieces of intelligence, individual assessments,

1 there can be difference of opinion. And that, as we stated
2 earlier, we see as one of the great strengths of our
3 community, our government, intergovernmental approach to how
4 we look at intelligence and decide what to do with it.

5 And in this particular case, there was a
6 difference of opinion. That's not a bad thing.

7 **MR. FRASER HARLAND:** So I'd put it to you,
8 because I understand this is one particular case - and we can
9 take this document down - but what I would suggest is that
10 this case, and from the testimony we've heard, raises not an
11 issue just with this case, but there was a broader issue in
12 the government. And we know the Prime Minister has a special
13 responsibility for national security. And when relevant
14 departments and agencies can't agree on the very parameters
15 of a key national security threat, foreign interference,
16 that's a problem. And if that problem is festering, that's
17 not a feature, but that's something that the Prime Minister
18 needs to be aware of so that he can be involved and help the
19 governance process break that logjam. Would you not agree
20 with that?

21 **MS. JODY THOMAS:** Well, I would look at it
22 from a different perspective. I think that there is a huge
23 benefit and a healthy tension between departments and
24 competing national interests. That's number one.

25 Number two, ministers have accountabilities.
26 And so, I think it's important that deputy ministers and
27 agency heads go to their ministers, and then ministers talk
28 about any differences on particular cases, before it goes to

1 the Prime Minister.

2 When we do brief the Prime Minister on
3 issues, if there is a difference of opinion, he's fully aware
4 of that, and he then adjudicates his meetings to understand
5 both sides of any situation. Normally, it's resolved at the
6 deputy minister level or the ministerial level and the Prime
7 Minister doesn't have to become involved. He's briefed, but
8 he's not involved in adjudicating between ministers. He
9 hears from both, and even when a situation's been resolved,
10 we would tell him that there has been a difference of opinion
11 in the community, and here's how it's being resolved. I
12 don't think -- there's no festering going on.

13 **MR. FRASER HARLAND:** That's helpful. Thank
14 you.

15 One final topic, and it relates to a
16 paragraph in the NSICOP report, so I'll bring that up. It's
17 COM363.

18 **--- EXHIBIT No./PIÈCE No. COM0000363:**

19 NSICOP Special Report on Foreign
20 Interference in Canada's Democratic
21 Processes and Institutions

22 **MR. FRASER HARLAND:** And I'd like to go to
23 the PDF page 59 of that document, paragraph 126, please.
24 Maybe 60, sorry. It should be paragraph 126, so if we can
25 keep going. I -- yeah, that's it. Perfect. So, if we can
26 have the whole paragraph? Perfect.

27 So, this paragraph talks about multiple
28 efforts to seek the Prime Minister's authorization to -- for

1 CSIS to brief parliamentarians. And some of this predates
2 your time, Ms. Thomas, but there's one sentence in particular
3 that I'd just like to understand. So, it's the one that
4 begins "In February 2022", about two-thirds of the way
5 through the paragraph. It says:

6 "[...] the NSIA revived the initiative
7 in another memorandum to the Prime
8 Minister, following December 2021
9 media articles about the Conservative
10 Party of Canada's concerns with 13
11 ridings in the most recent federal
12 election..."

13 And then it says:

14 "... (this memorandum was ultimately
15 not provided to the Prime Minister)."

16 So, I'd just like to understand, there was
17 obviously an issue here that was important enough to draft a
18 memo, but it wasn't sent, so I was wondering if you could
19 explain that to the Commission?

20 **MS. JODY THOMAS:** I don't actually recall why
21 it was not sent. And I haven't seen the memo in my review
22 for this hearing.

23 **MR. FRASER HARLAND:** That's fair enough. I
24 don't think I've seen the memo either. I'm not sure it's
25 available to the parties, so this stood out to me as
26 something you might be able to explain. If you haven't
27 reviewed it, that's fine.

28 Commissioner, those are my questions for

1 today. Thank you very much.

2 COMMISSIONER HOGUE: Thank you.

3 MR. FRASER HARLAND: Thank you very much,
4 Ma'am.

5 COMMISSIONER HOGUE: So next one is Maître
6 Sirois for the RCDA.

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

8 Me GUILLAUME SIROIS:

9 MR. GUILLAUME SIROIS: Bonjour. Re-bonjour.
10 Guillaume Sirois for the RCDA, Russian-Canadian Democratic
11 Alliance.

12 I'd like to ask the Court Reporter to pull
13 RCD20, please.

14 --- EXHIBIT No./PIÈCE No. RCD0000020:

15 Tenet Youtube videos

16 MR. GUILLAUME SIROIS: Je vais essayer de
17 mettre un peu de français dans la journée, mais sentez-vous
18 libre de répondre dans les deux langues officielles,
19 évidemment.

20 J'aimerais vous lire le titre de quelques
21 vidéos en lien avec le Canada qui ont été publiées par *Tenet*
22 *Media*, que je suis certain vous connaissez tous.

23 Donc, on peut descendre un peu. Ça, c'est la
24 page YouTube de *Tenet Media*, une capture d'écran avant que la
25 page ait été enlevée par YouTube. On voit certains vidéos
26 concernent le premier ministre :

27 "Do NOT Move to Canada!", "Economic
28 Revolts Imminent? Canadian Police

1 Issue Warning", "Canada Is Becoming A
2 COMMUNIST HELLHOLE".

3 Donc, vous êtes au courant que cette
4 opération-là a été financée, orchestrée, mise en œuvre par
5 des agents du Kremlin avec l'aide de Canadiens?

6 On peut fermer le document, en passant.
7 Merci.

8 **Mme NATHALIE G. DROUIN:** Si vous me
9 permettez, la Russie est un joueur extrêmement actif et
10 capable. La Russie peut utiliser les médias sociaux et peut
11 utiliser également les influenceurs dans le but d'atteindre
12 leur objectif. Leur premier objectif qu'ils ont depuis
13 plusieurs années, des décennies, c'est vraiment d'atteindre
14 la crédibilité des démocraties à travers le monde.

15 Nous avons ici témoigné dans le passé sur la
16 création du protocole puis du Panel of Five. L'origine de la
17 création du Panel of Five était vraiment l'expérience que les
18 Français avaient vécu dans leur élection, qui était vraiment
19 le résultat d'une ingérence étrangère, d'une campagne active
20 par la Russie.

21 Et vous avez vu récemment, vous faites
22 allusion à *Tenet*, vous avez vu également que le... les États-
23 Unis ont fait un *indictment* sur une campagne... contre la
24 Russie sur une campagne que les Russes font pour s'ingérer
25 dans la campagne électorale présidentielle américaine.

26 Vous avez vu également que, suite à cette
27 publication de cet *indictment*-là, le ministre de la Sécurité
28 publique, le ministre LeBlanc, a également émis un... une

1 déclaration à l'effet que on condamnait les gestes de la
2 Russie, qu'on saluait le travail qu'avait fait les
3 Américains, et tout le travail de collaboration que le Canada
4 avait fait avec les Américains pour mettre au jour cette
5 campagne.

6 **Me GUILLAUME SIROIS:** Je vais prendre juste
7 un pas de recul avant d'en arriver à la réponse plus récente
8 en septembre. Comme vous êtes au courant, cette opération-là
9 a eu lieu depuis environ novembre 2023, donc pendant quatre
10 élections partielles, quand même, lors de lesquelles le SITE
11 Task Force était actif et regardait pour ce genre
12 d'opération-là. Qu'est-ce que ça dit sur l'efficacité du
13 SITE Task Force de ne pas avoir pu détecter ces opérations
14 russes-là lors de quatre élections partielles, dont deux qui
15 étaient très, très serrées?

16 **Mme NATHALIE G. DROUIN:** Il y a deux choses.
17 Je le dis, et je le répète, les Russes - et particulièrement
18 depuis l'invasion de la Russie en Ukraine - les Russes sont
19 très actifs pour influencer et pousser leur narratif,
20 principalement que c'est l'Ukraine qui est responsable de ce
21 qui se passe présentement chez eux.

22 Mais la Russie est relativement agnostique
23 quand il vient le temps du processus électoral du Canada, à
24 savoir est-ce que c'est un parti qui devrait rentrer au
25 pouvoir versus un autre parti. Leur volonté, c'est vraiment,
26 de façon générale, d'attaquer la crédibilité de notre
27 système. Donc, c'est pour ça qu'on avait également conclu
28 que pour les élections 43 et 44, la Russie n'était pas

1 interférée dans notre processus électoral. Ceci étant dit,
2 la Russie est très active dans ses campagnes de
3 désinformation.

4 **Me GUILLAUME SIROIS:** Je vais peut-être un
5 peu...

6 **Mme NATHALIE G. DROUIN:** Je pense que c'est
7 juste important de faire la différence entre une ingérence
8 étrangère dans le but d'influencer le résultat d'une
9 élection, versus une ingérence étrangère dans le but de
10 pousser leur narratif et d'attaquer, finalement, le système.
11 Et peu importe qui est à la tête du système.

12 **Me GUILLAUME SIROIS:** Oui, donc, c'est ça que
13 je trouve un peu particulier, c'est qu'on voit depuis
14 quelques années déjà une diminution de l'intérêt des
15 Canadiens envers le Premier ministre Justin Trudeau dans les
16 intentions de vote. Et on voit que la Russie s'attaque au
17 Premier ministre depuis longtemps.

18 Donc, peu importe l'intention, est-ce que
19 c'est de nuire au chef d'État ou d'influencer les élections,
20 l'effet demeure le même, les conséquences demeurent les
21 mêmes, que cette propagande-là dirigée contre le Premier
22 ministre affecte les élections, potentiellement.

23 **Mme NATHALIE G. DROUIN:** Elle affecte la
24 démocratie. C'est pour ça qu'on est très transparent et
25 vocal à travers... concernant la Russie. Je sais pas si vous
26 avez remarqué aussi que nous avons mis à jour le sommaire de
27 la Russie pour justement montrer l'escalade des activités de
28 la Russie. J'ai fait référence à la déclaration du ministre

1 de la Sécurité publique. Récemment, il y a eu des
2 déclarations aussi de la ministre Joly, des Affaires
3 mondiales. CSIS a émis des documents publics. CSE aussi,
4 relativement à la capacité de la Russie de faire des
5 cyberattaques. Donc, on essaie d'équiper les Canadiens pour...
6 dans le but qu'ils les identifient. Et on travaille aussi
7 dans des opérations dans le but de mitiger et éliminer.

8 Quelque chose qu'on ne dit pas suffisamment,
9 mais je me permets de le dire ici, quand on regarde nos
10 priorités en termes de renseignement et en termes
11 d'activités, le Canada, en collaboration avec ses
12 partenaires, on a des grandes capacités pour voir ce que la
13 Russie fait. Et donc, le partage de l'information que l'on a
14 entre nous nous permet de voir quelles sont les intentions et
15 aussi les tactiques que la Russie utilise.

16 **Me GUILLAUME SIROIS:** Merci pour ça. Donc,
17 je vais bouger un peu au-delà de la question plus précise des
18 élections pour parler de l'effet de la propagande russe à
19 travers plusieurs années, voire une décennie ou plus encore.

20 Qu'est-ce qu'on sait sur l'impact cumulatif
21 que peut avoir cette propagande-là à travers les années sur
22 les Canadiens, sur leurs intentions de vote ou sur comment
23 qu'ils perçoivent certaines politiques, comme par exemple
24 l'aide à l'Ukraine, le soutien à l'OTAN ou d'autres questions
25 importantes pour notre sécurité nationale?

26 **Mme NATHALIE G. DROUIN:** J'ai pas l'ensemble
27 de l'évaluation d'impact, mais je peux vous fournir des
28 données qui sont intéressantes ou préoccupantes. Quand on

1 sonde les Canadiens, on voit qu'il y a une tendance à la
2 hausse du nombre de Canadiens qui seraient à l'aise à
3 fonctionner avec un pays ou une direction autocratique.

4 On voit également un nombre croissant de
5 Canadiens qui croient que la situation en Ukraine est causée
6 par l'Ukraine elle-même. Donc, on voit réellement un impact
7 de ces... des campagnes de désinformation de la Russie.

8 **Me GUILLAUME SIROIS:** C'est très intéressant,
9 merci. Et cet impact-là risque de continuer à l'avenir avec
10 l'intérêt que la Russie a d'éliminer l'aide qu'apporte le
11 Canada à l'Ukraine, par exemple, c'est ça?

12 **Mme NATHALIE G. DROUIN:** Au Canada, il y a un
13 consensus sociétal sur l'aide à l'Ukraine, mais on voit un
14 effritement en Europe. Et on sait que la Russie est très,
15 très active dans ses campagnes de désinformation,
16 particulièrement en Europe.

17 **Me GUILLAUME SIROIS:** J'aimerais vous amener
18 à RCD82. Il s'agit de la réponse du gouvernement - désolé,
19 j'ai le nom en anglais -, mais le Comité permanent de la
20 sécurité nationale. Donc, le septième rapport qui s'intitule
21 - en anglais, encore une fois, je m'excuse - « Up to the
22 Task: Strenthening Canada's Security Posture in Relation to
23 Russia ». Donc, c'est RCD82.

24 **--- EXHIBIT NO./PIÈCE No. RCD0000082:**

25 Department Of Public Safety And
26 Emergency Preparedness

27 **Me GUILLAUME SIROIS:** Cette réponse, qui est
28 signée par le ministre LeBlanc, a été présentée à la Chambre

1 des communes le 18 septembre 2023, donc, un peu plus d'un an..
2 il y a un peu plus d'un an. J'aimerais qu'on... oui, on va
3 juste... pour introduire le document là, je me demande si vous
4 reconnaissez cette réponse-là, si vous êtes au courant pis
5 est-ce que c'est des choses que... sur lesquelles vous
6 travaillez en ce moment? Si ça peut aider, je peux montrer
7 le rapport du Comité permanent de la sécurité nationale, si
8 ça peut aider.

9 **Mme NATHALIE G. DROUIN:** Est-ce que ce serait
10 possible de comprendre votre question?

11 **Me GUILLAUME SIROIS:** Oui.

12 **Mme NATHALIE G. DROUIN:** C'est... je me
13 souviens du rapport. Je me souviens de la réponse, mais là
14 c'est pas du tout frais à ma mémoire. Quel est l'objet de
15 votre question, exactement?

16 **Me GUILLAUME SIROIS:** Ben, je veux simplement
17 aller à une des recommandations, vous demander où on en est,
18 et qu'est-ce que le gouvernement pense des prochaines étapes
19 par rapport à une recommandation précise. La recommandation
20 10 à la page 6. On peut y aller.

21 **Mme NATHALIE G. DROUIN:** Parfait.

22 **Me GUILLAUME SIROIS:** Et je vais voir avec
23 vous un peu qu'est-ce qu'il en est. Donc, la recommandation
24 10, je vais lire intégralement en anglais là, donc,
25 recommande que :

26 "That the Government of Canada
27 examine the full extent of Russian
28 disinformation -- and other state-

1 backed disinformation -- targeting
2 Canada, the actors, methods, messages
3 and platforms involved, and the
4 impact this disinformation is having
5 on the Canadian population and
6 Canada's national security, and that
7 it report its findings to Parliament
8 annually."

9 Donc, la réponse du gouvernement à l'époque
10 là, en septembre 2023, c'était qu'on acceptait d'examiner
11 davantage cette recommandation-là. Et on parle aussi de RRM
12 Canada, qui fait du travail pour identifier la
13 désinformation. Donc, je comprends que c'est un peu... c'est
14 quand même assez différent de ce que RRM Canada fait et
15 l'idée d'analyser l'étendue... la pleine étendue de la
16 désinformation russe là, à quel point l'impact que ça a sur
17 les Canadiens et sur notre sécurité nationale. Et me
18 demande, sur cette... la recommandation précise qui est là,
19 qu'on accepte d'examiner plus en profondeur, où en sommes-
20 nous? Est-ce qu'il y a des constats préliminaires? Est-ce
21 qu'on trouve toujours que c'est une bonne idée?

22 **Mme NATHALIE G. DROUIN:** Je vais commencer.

23 **Me GUILLAUME SIROIS:** Oui.

24 **Mme NATHALIE G. DROUIN:** Pis je vais donner
25 la parole à mon collègue. Le fait de revoir le rapport m'a
26 ramené à la mémoire aussi que, vous savez, le Canada a fait
27 énormément de sanctions économiques à l'égard de la Russie,
28 c'est une des réponses également qui est intéressante.

1 Nous avons également banni *RT*. Vous avez, je
2 pense, vous en avez entendu parler par le CRTC. *RT* c'est
3 anciennement *Russia Today*. Et comme je le disais tantôt, le
4 Canada priorise la Russie dans ses domaines de collection du
5 renseignement. Il le fait en collaboration aussi avec ses
6 partenaires. Et j'aurais dû dire plus tôt, quand j'ai fait
7 l'inventaire de tout ce qu'on a communiqué aux Canadiens, RRM
8 également a communiqué aux Canadiens les choses qu'ils ont
9 vues dans le cadre de leur exercice. Et le G7 priorise dans
10 ses travaux aussi les actions de la Russie.

11 **MR. DANIEL ROGERS:** Thank you. Merci. Just
12 a small addition to say this really links to the conversation
13 that we were having earlier on the ability to monitor and
14 consume and analyze open-source information and the
15 complexity that goes along with that.

16 I mean, one of the challenges around
17 identifying disinformation is that often the information that
18 is being inauthentically spread is also genuinely held
19 opinion by a number of Canadians who do not, you know, share
20 those views because of Russian activities.

21 And so disaggregating that, identifying the
22 difference between something that's inauthentic and authentic
23 is one step, but we have to be cautious in our approach in
24 the way that the government deals with that analysis to make
25 sure that we're doing it properly and taking those steps to
26 look at authenticity, but then attribution later, and some of
27 those things can be challenging to do.

28 So where we can -- and I fully agree with

1 Madam Drouin, we have efforts under way to look at Russian
2 disinformation. It is in our intelligence priorities. It's
3 clearly something that SITE will prioritize. It's something
4 that the RRM has prioritized. But we have to make advances
5 there deliberately.

6 **MR. JOHN HANNAFORD:** I would also add, this
7 does get into a broader societal resilience piece, where
8 there is -- this was the conversation we were having this
9 morning as well around education and just building up a
10 knowledge of some of the techniques that are used to
11 disseminate mis- and disinformation, and that is also part of
12 sort of our Digital Citizenship Initiative, but it is a
13 bigger sort of societal challenge.

14 **Me GUILLAUME SIROIS:** Je... j'apprécie vos
15 réponses, premièrement, et...

16 I'm wondering if there's perhaps something on
17 the policy side that could be done to improve the
18 government's ability to detect or respond to this threat?
19 Because Russia has indicated even after the Tenet Media
20 operation was detected by the United States, that it still
21 would try everything it can to interfere with our
22 democracies. And obviously this Tenet Media operation was
23 not detected during four byelections, so what, on the policy
24 perspective, what can be done more to prevent this from
25 happening again during General Election 45?

26 **MR. JOHN HANNAFORD:** Well I think what we
27 were describing earlier is with a view to being vigilant to
28 all of these sorts of challenges, and that is a general

1 vigilance with respect to mis- and disinformation, and as my
2 colleagues were saying, we have already means by which we
3 will both detect and address these kinds of challenges, but
4 at the same time, we need to continue to evolve and to work
5 with broader civil society and to develop our own
6 capabilities.

7 **MR. GUILLAUME SIROIS:** Okay. I'm going to
8 move to a slightly different topic again. I want to talk
9 about -- we can close -- maybe just one last question on that
10 topic. Do you still -- do you believe that -- just to return
11 to the initial question, do you believe that preparing such a
12 report about the extent of Russian-backed disinformation,
13 reporting it to Parliament annually would be a good idea?
14 Would be something that the government should implement?

15 **Mme NATHALIE G. DROUIN:** Sans me prononcer
16 directement sur cette recommandation, je trouve que c'est une
17 bonne idée de continuer à être transparent et de parler de ce
18 risque-là avec les Canadiens dans le but d'augmenter le
19 niveau de sensibilisation et, par le fait même, la capacité
20 de résister.

21 **Me GUILLAUME SIROIS:** OK. Merci. On peut
22 descendre le document, dans ce cas-là. Et, bon, je pense
23 qu'on a le temps. Je peux vous le montrer quand même juste
24 pour que ça soit plus frais dans votre mémoire. À WIT116, à
25 la page 19, paragraphe 54.

26 Mr. Rogers, there's a mention that's
27 attributed to you about the CSIS assessment about the Russian
28 diaspora being targeted by Russia. I'm not sure if you

1 recall this specific -- okay, I can ---

2 **MR. DANIEL ROGERS:** I'd have to review it. I
3 don't recall.

4 **MR. GUILLAUME SIROIS:** It's WIT116.

5 **COURT REPORTER:** Would you like the French
6 version?

7 **MR. GUILLAUME SIROIS:** Doesn't matter. At
8 page 19, please. Paragraph 54. So it's not the correct --
9 yes, exactly. Page 17, sorry.

10 So I can let you read the paragraph to remind
11 yourself of that.

12 **MR. DANIEL ROGERS:** Yes, thank you.

13 **MR. GUILLAUME SIROIS:** Okay. Do you remember
14 this intelligence assessment about diaspora members being
15 targeted by Russia? Especially the Russian diaspora.

16 **MR. DANIEL ROGERS:** I remember this
17 conversation that's summarized here, and from memory, I was
18 asked about a particular paper that had been put on the
19 agenda, but not discussed. I don't believe we have discussed
20 that paper or that I have read it, but that is my memory of
21 that.

22 **MR. GUILLAUME SIROIS:** And I'm wondering,
23 considering the Russian diaspora is being targeted by Russia,
24 I'm wondering if there's any strategy to better protect the
25 Russian diaspora in Canada against Russia's attempt at
26 controlling or using them for their own strategy goals?

27 **Mme NATHALIE G. DROUIN:** Je pense que CSIS a
28 déjà témoigné, pis on est tout à fait aligné avec ça, que

1 faire des engagements ou des consultations particulières avec
2 les communautés, c'est quelque chose qu'on doit favoriser,
3 parce que les menaces que les différentes communautés peuvent
4 vivre au Canada dépendent vraiment des communautés auxquelles
5 elles appartiennent.

6 **MR. GUILLAUME SIROIS:** Merci. But you don't
7 -- there's no strategy about this? It's just something that
8 CSIS does as part of its outreach program, but there's no
9 overarching strategy about how to protect the Russian
10 diaspora or other diasporas specifically? Is that right?

11 **Mme NATHALIE G. DROUIN:** Il y a pas de
12 stratégie spécifique. C'est une stratégie qui s'applique aux
13 différents acteurs ou différents pays étrangers là qui
14 constituent des menaces et aux impacts sur les différentes
15 communautés au Canada.

16 **MR. DANIEL ROGERS:** I think one thing I can
17 add to that, if it's helpful, is that, you know, a lot of our
18 approach is intelligence-driven and threat-driven. So if we
19 do see something that merits or requires a response from
20 government, we have the systems and processes that we
21 described earlier to make sure that that's given attention,
22 that it's discussed, and it's responded to.

23 I think you're seeing from us two different
24 sort of lines of attack against foreign interference, some
25 which are strategic and involve engagements and broader
26 societal resilience, and then on the other hand, reactions to
27 specific intelligence or threat events when they occur. And
28 it's through both of those strategies that we address foreign

1 interference more generally, including that against Russian
2 diaspora.

3 **Me GUILLAUME SIROIS:** OK. On peut fermer le
4 document maintenant.

5 Donc, on comprend qu'il y a encore des... un
6 personnel diplomatique assez important à Ottawa. Et la
7 Russie vise les membres de la diaspora au Canada pour essayer
8 de les contrôler, les utiliser à ses propres fins.

9 Et cette opération-là de Tenet Media
10 organisée en collaboration avec des Canadiens et qui visait
11 des Canadiens aussi, et tout ça, ça se passe maintenant là,
12 comme, c'est pas... on parle pas de choses qui se sont passées
13 il y a dix ans. Comment qu'on peut... est-ce que... y'a rien de
14 mauvais avec la réponse gouvernementale? Comment est-ce qu'on
15 peut être confiant aussi pour l'élection de... la 45^e élection
16 qui approche rapidement, considérant que tout ça se passe
17 encore au Canada? C'est-tu quelque chose qui est normal?
18 Quelque chose d'acceptable ou...

19 **Mme NATHALIE G. DROUIN:** Je pense que je vous
20 ai répondu amplement sur les actions qui se fait, qui se
21 sont... qui déroulent, le fait qu'on a collaboré depuis
22 plusieurs mois avec les Américains. Je ne peux pas commenter
23 sur des enquêtes qui seraient en cours au Canada.

24 J'aimerais juste revenir sur un élément de la
25 prémisse de votre question. La campagne qui a été mise à jour
26 par les Américains lors de leur dernière « *indictment* », si
27 je peux utiliser l'expression anglaise, c'était vraiment une
28 campagne qui visait les Américains. Ceci étant dit, elle ne

1 visait pas les Canadiens, elle visait les Américains avec un
2 nexus utilisant des intermédiaires, entre autres des
3 intermédiaires canadiens.

4 Mais évidemment que notre système
5 d'information est poreux entre les Américains et les
6 Canadiens, et les Canadiens écoutent beaucoup de médias
7 anglophones, mais la mise ici, c'était vraiment la campagne
8 présidentielle américaine.

9 **Me GUILLAUME SIROIS:** Merci. C'est le temps
10 que j'ai pour aujourd'hui, mais je vous remercie pour vos
11 réponses.

12 **COMMISSIONER HOGUE:** Merci. So next one is
13 Mr. Singh for the Sikh Coalition.

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

15 **MR. PRABJOT SINGH:**

16 **MR. PRABJOT SINGH:** Thank you, Commissioner.
17 My name is Prabjot Singh for the Sikh Coalition. In order to
18 kind of manage my time, I'm going to direct my questions
19 towards one or several of you, just so we can cover as much
20 ground as possible. So, Ms. Charette, I'd like to start with
21 you. If we can pull up WIT 151, please, and go to page 27.
22 I want to touch on some of the comments that you made with
23 regards to the importance of transparency. So if we pull up
24 that paragraph. Yeah, right there. And if we just get all
25 the way to the bottom of the paragraph, please? The full
26 paragraph. Scroll up, 95, please. Thank you.

27 So, Ms. Charette, you noted that increased
28 detail in the government's public reports and communications

1 is critical because it builds engagement with a number of the
2 listed stakeholders there. And you went on to say that this
3 builds resilience through knowledge. So within that context,
4 are you able to succinctly tell us about the process of how
5 redactions in NSICOP reports, for example, are finalized? So
6 my understanding, and I'll put it to you, that the PCO makes
7 suggestions to the Prime Minister based on inputs from
8 different agencies. And then the Prime Minister signs off on
9 those redactions; is that fair?

10 **MS. JANICE CHARETTE:** I'm not in a position
11 to explain to you how NSICOP reports are redacted. That
12 would be done by national security officials who ---

13 **MR. PRABJOT SINGH:** Sure.

14 **MS. JANICE CHARETTE:** --- were working for
15 me.

16 **MR. PRABJOT SINGH:** Ms. Drouin or Mr. Rogers?

17 **MR. DANIEL ROGERS:** The redactions that will
18 come from NSICOP are done through normal redaction process,
19 similar to what we would have done with this Commission.
20 There's a department or an area within the Department of
21 Justice, the national security group, that will, you know, go
22 through with departments and agencies the specific statements
23 that could be injurious to their operations or national
24 security. Those are done to a relatively consistent standard
25 for all types of legal disclosures, and those are applied to
26 those documents before they are provided to the Prime
27 Minister.

28 **MR. PRABJOT SINGH:** And so when they're

1 provided to the Prime Minister, he's the final authority in
2 approving the redactions; is that fair?

3 **MR. DANIEL ROGERS:** In -- the report is
4 provided to the Prime Minister from NSICOP. Those redactions
5 are done but before it is provided to him.

6 **MR. PRABJOT SINGH:** Looking back at India's
7 foreign interference activities that we've seen have clearly
8 escalated over the past few years, at the very least, Ms.
9 Drouin, I'll direct this one towards yourself, do you agree
10 that had the Government of Canada been more forthcoming by
11 publicly acknowledging India's activities earlier and
12 publicly reprimanding India for its bad behaviour, India may
13 not have been so emboldened to escalate its foreign
14 interference activities so drastically?

15 **MS. NATHALIE G. DROUIN:** I don't know if I
16 can talk about cause and effect. What I can say is, and the
17 work of this Commission is helping all of us to learn how to
18 sanitize, how to talk about foreign interference. The work
19 also -- this work also taught us about how difficult it is to
20 summarize something that is top secret. You know, sometime
21 when you summarize, you lose some lines, your assessment is
22 stronger or softer, so it is, you know, a process in which we
23 are. We need also to be able to talk with the public more
24 about foreign interference. This is kind of the first line
25 in terms of the protection, making sure that Canadians know
26 it's happening. And I think that, you know, since 2018, we
27 have evolved and we continue to evolve because we do believe
28 that being transparent, being equipped to talk about that

1 will help all of us.

2 **MR. PRABJOT SINGH:** Thank you for that. And
3 so over the past couple of weeks, the Commission has heard
4 from a number of witnesses from the security and intelligence
5 community about India's foreign interference tactics and
6 their objectives specifically. So, Ms. Drouin, from your
7 kind of NSIA vantage point today, is it fair to say that
8 India is the second-most prominent threat actor in terms of
9 foreign interference, with the objective of influencing
10 Canadian policy, particularly against those activities
11 considered anti-India in Canada?

12 **MS. NATHALIE G. DROUIN:** So I'll start by
13 saying that I'm not always sure that ranking is useful. We
14 just talked about Russia. They have their trade craft.
15 China has another set of trade crafts, and Indian has another
16 set of trade craft. It's really important that we understand
17 that in order to make sure that our response is appropriate
18 to what they are doing. It is also important to understand
19 that why India has an interest when it comes to Canada.

20 So Canada has close to two per cent of its
21 population coming from India, and almost half of it are Sikh.
22 And this is the largest Sikh diaspora outside of India. And
23 that attracts a lot of India's attention. And we have also
24 in our history what happened with Air India, so that also
25 tanked a little bit the interest that India has in Canada.
26 The objective of India, not sure -- and, you know, feel free
27 to -- not sure that they really want to influence our policy.
28 I think that they really want to influence the pro-

1 Palestinian debate and conversation.

2 **MR. DANIEL ROGERS:** I don't have much to add,
3 other than to say I think you're certainly correct that India
4 seeks to favour a more pro-India sentiment and has -- well,
5 you've seen the acts of foreign interference that are listed
6 in the summary that we are concerned with. And I think that
7 I agree with Mme. Drouin that ranking may not be the most
8 helpful exercise. The importance is that we are vigilant, we
9 understand the tactics, and that we as a federal community do
10 everything within our power to try and protect people from
11 foreign interference and any nefarious acts by India.

12 **MR. PRABJOT SINGH:** Thank you. And, Ms.
13 Operator, if we can pull up TSC 1, please?

14 **--- EXHIBIT No./PIÈCE No. TSC000001:**

15 Foreign Interference Intimidation,
16 Disinformation, and Undermining
17 Canadian Institutions

18 **MR. PRABJOT SINGH:** And, Ms. Thomas, I'm
19 going to direct this one towards yourself. In one of the
20 summaries we received about information relating to India, we
21 saw reference to a report that was published by Canadian
22 gurdwaras about Indian foreign interference in Canada. Have
23 you -- are you familiar with this report? Have you seen this
24 or received a briefing or summary about the contents?

25 **MS. JODY THOMAS:** I don't know when this
26 report was published. It doesn't look familiar to me. I had
27 many briefings on Indian foreign interference, but this
28 particular document I don't recall. Certainly didn't review

1 it in my prep.

2 **MR. PRABJOT SINGH:** Sure. If we can go to
3 page 22, please. And if we just scroll down to the third
4 paragraph. That's fine right there. So that third paragraph
5 there is kind of -- this is from the conclusion where this
6 report published by the Ontario Gurdwaras Committee and B.C.
7 Gurdwaras Council analysed open-source information and public
8 reporting to provide an assessment and summary of Indian
9 foreign interference activity. So in that third paragraph
10 there, in the conclusion, the report says:

11 "There is clear evidence on the
12 record that Indian intelligence
13 agencies are actively engaging in
14 conduct to manipulate public
15 narratives in the media, intervene in
16 electoral processes, and ultimately
17 influence government decision-making
18 in order to criminalize and prosecute
19 Sikh political advocacy in Canada..."

20 Would you agree with this statement today in
21 terms of India's objectives and desired outcomes?

22 **MS. JODY THOMAS:** I haven't read this entire
23 report, so it is hard to comment on one sentence in
24 isolation.

25 Certainly we know that India has an interest
26 in Canada adhering to the "one India" policy and not
27 supporting active extremism.

28 **MR. PRABJOT SINGH:** And we heard from

1 witnesses from RCMP and from GAC that India often, in
2 bilateral relations and conversations that are happening in
3 multiple kind of forums and meetings, where India expects or
4 tries to request that Canada prosecute activity that is
5 *Charter* protected in Canada, including lawful advocacy for
6 Khalistan. Is that fair to say?

7 **MS. JODY THOMAS:** I think that's a law
8 enforcement to law enforcement conversation in terms of
9 prosecution and what the evidentiary level is. Our concept
10 of free speech is very broad and it's just part of the
11 Canadian culture, and it's a *Charter* right.

12 **MS. NATHALIE G. DROUIN:** Maybe if I can add.
13 We live in a free society when Canada respects one's beliefs
14 and opinion. Government of India, from my perspective, does
15 not make the difference between being an extreme violence
16 Khalistanian versus being pro Khalistanian, so putting all of
17 them in the same boat, India does not understand why we allow
18 people being able to talk openly supporting the Khalistan.

19 **MR. PRABJOT SINGH:** And in Canada, it's
20 because those are *Charter* protected rights; correct?

21 **MS. NATHALIE G. DROUIN:** Exactly.

22 **MR. PRABJOT SINGH:** Thank you.

23 Ms. Operator, if we can bring up WIT151 and
24 go to paragraph 84, please.

25 So Ms. Thomas, I want to talk about some of
26 your earlier testimony today when you were talking about
27 Hardeep Singh Nijjar's assassination. When you were speaking
28 to Commission counsel, you mentioned another high-profile

1 murder in the lower mainland in 2022.

2 Are you able to confirm today that there is -
3 - that Canadian agencies have intelligence or are gathering
4 intelligence about the potential role of Indian agencies in
5 that murder as well?

6 **MR. GREGORY TZEMENAKIS:** I apologize for the
7 intervention. I'm going to advise the witness not to answer
8 that question on the grounds of national security
9 confidentiality.

10 **MR. PRABJOT SINGH:** Thank you. No problem.
11 I'll move on.

12 The Commission has heard in considerable
13 detail, particularly from Mr. Weldon Epp from Global Affairs
14 last week, that India has engaged in full-court press --
15 full-court press disinformation campaigns. So when speaking
16 to Commission counsel earlier today, you mentioned that the
17 immediate hypothesis after Mr. Nijjar's assassination was
18 that it was in retaliation to the 2022 murder. Do you recall
19 saying that?

20 **MS. JODY THOMAS:** I do.

21 **MR. PRABJOT SINGH:** So after reviewing the
22 intelligence about India's role in Mr. Nijjar's murder, would
23 you agree that India actively engaged in a disinformation
24 campaign in 2022 to amplify this retaliation hypothesis?

25 **MS. JODY THOMAS:** I cannot agree to that, no.

26 **MR. PRABJOT SINGH:** And if we scroll down,
27 once you learned about intelligence regarding India's role in
28 the assassination, you talked about meeting your counterpart,

1 Ajit Doval, in July 2023; correct?

2 **MS. JODY THOMAS:** Correct.

3 **MR. PRABJOT SINGH:** And in that meeting, you
4 said that your communication to him was clear that Canada
5 knew about India's role in the extrajudicial killing of
6 Hardeep Singh. Do you recall that?

7 **MS. JODY THOMAS:** I do.

8 **MR. PRABJOT SINGH:** And orchestrating the
9 extrajudicial killing of a Canadian citizen is obviously a
10 flagrant violation of international law and the basic norms
11 of diplomacy. I think you'd agree with that?

12 **MS. JODY THOMAS:** Yes.

13 **MR. PRABJOT SINGH:** Would you agree that this
14 is unprecedented event where a foreign state plotted to
15 assassinate a Canadian citizen on Canadian soil because of
16 his political views?

17 **MS. JODY THOMAS:** This is the first
18 extrajudicial killing we're aware of, I believe, in my ---

19 **MR. PRABJOT SINGH:** And if you see right
20 there at paragraph 86, you talked about Canada's efforts to
21 get India to acknowledge its role, similar to how the U.S.
22 succeeded with regards to a plot to assassinate a colleague
23 of Hardeep Singh Nijjar. So to confirm for the record, it's
24 your understanding that Indian agents attempted to
25 assassinate a colleague of Hardeep Singh in the U.S., who was
26 also a Sikh activist advocating for Khalistan; correct?

27 **MR. GREGORY TZEMENAKIS:** Sorry. I'm going to
28 caution the witness not to answer the question on the grounds

1 of national security confidentiality.

2 **MR. PRABJOT SINGH:** Are you aware of public
3 reporting and an unsealed indictment from the U.S. that
4 implicates Indian agents in the attempted assassination of a
5 colleague of Mr. Nijjar?

6 **MS. JODY THOMAS:** I'm aware of the
7 indictment, the unsealed indictment.

8 **MR. PRABJOT SINGH:** Thank you.
9 And if we scroll down to paragraph 91.
10 Thank you. Right there.

11 In terms of India's response to the Prime
12 Minister's public statement on this issue in September, is it
13 fair to say that we've seen India denying responsibility,
14 being uncooperative and actually engaging in a coordinated
15 disinformation campaign in Canada?

16 **MR. GREGORY TZEMENAKIS:** Again I'm going to
17 caution the witness not to answer the question on the grounds
18 of national security confidentiality.

19 **MR. PRABJOT SINGH:** Are you aware of an RRM
20 report that's before this Commission that documents the
21 amplification of similar narratives and perspectives from
22 Indian media targeting the Prime Minister and Canada with
23 regards to these allegations?

24 **MS. JODY THOMAS:** Yes, I've seen the RRM
25 report.

26 **MR. PRABJOT SINGH:** Thank you.

27 So is it your understanding that India is not
28 showing signs of cooperating or recognizing the problems with

1 its behaviour?

2 **MR. GREGORY TZEMENAKIS:** I'm going to -- I
3 apologize for the continuous interventions, but the witness
4 is very limited in her ability to talk about the specific
5 bilateral relation with India in respect of the murder of Mr.
6 Nijjar.

7 **MR. PRABJOT SINGH:** So in your witness
8 summary, you did reference that Canada is using a multi-
9 pronged approach to get India to cooperate and acknowledge
10 its behaviour similar to the U.S.; correct?

11 **MS. JODY THOMAS:** Correct.

12 **MR. PRABJOT SINGH:** Are you aware of media
13 reports in the Washington Post that Samant Goel, the head of
14 India's intelligence agency, Raw, and Ajit Doval, your
15 counterpart at the time, were involved in coordinating the
16 assassination attempt?

17 **MS. JODY THOMAS:** I read the Washington Post,
18 yes.

19 **MR. PRABJOT SINGH:** Thank you.

20 And so in paragraph 91, you talk about how
21 Canada is taking a pragmatic approach to this issue given the
22 relationship to India. Can you talk about who's responsible
23 for setting the course on what approach would be taken in
24 response to the killing?

25 **MS. JODY THOMAS:** As I said, it's a whole of
26 government approach. We certainly briefed the Prime
27 Minister. The Prime Minister has been very involved while I
28 was in the job with the direction we were taking, the

1 diplomatic approach, the approach that CSIS had and the
2 conversations I was having with my counterpart. And so the
3 Minister of Public Safety, the Minister of Foreign Affairs
4 and Clerks who were -- Mr. Hannaford certainly very involved
5 in understanding what the Canadian approach was going to be,
6 or strategy was going to be, and how we were going to make
7 our representations.

8 **MR. PRABJOT SINGH:** So I'm hoping you can
9 help us today and expand on what you mean with regards to a
10 pragmatic approach.

11 So you acknowledge that this was an
12 unprecedented event where a Canadian citizen was assassinated
13 by a foreign state, which I think you would agree is the most
14 egregious form of foreign interference and transnational
15 repression we've seen. So when you talk about holding India
16 accountable for this violent act, can you talk about the
17 mechanisms or outcomes that are desired according to this
18 pragmatic approach?

19 **MS. JODY THOMAS:** That those who perpetrated
20 this are held to account.

21 **MR. PRABJOT SINGH:** And does that include the
22 individuals and Indian agencies that orchestrated or ordered
23 the actions to be taken?

24 **MR. GREGORY TZEMENAKIS:** Sorry; I object.

25 **MS. JODY THOMAS:** Yeah.

26 **MR. GREGORY TZEMENAKIS:** Same grounds.

27 **MR. PRABJOT SINGH:** So in general terms
28 without speaking about the specific scenario, in a case where

1 a foreign state has engaged in an assassination of a citizen,
2 would you agree that Canada ought to pursue the individuals
3 who actually orchestrated or gave the orders for an
4 assassination to be carried out?

5 **MS. JODY THOMAS:** My response would be that
6 we need a fulsome police investigation. The RCMP would be
7 the lead agency on that.

8 **MR. PRABJOT SINGH:** And so when you talk
9 about holding India accountable, are you able to expand on
10 what that means for you?

11 **MS. JODY THOMAS:** That we are able to
12 identify who has orchestrated the event.

13 **MS. NATHALIE G. DROUIN:** If I may, the first
14 thing for us is India has to take us -- take our law
15 enforcement actions seriously. They need to look internally
16 at what happened, they need not to escalate the situation as
17 what they did when they directly PNG a lot of our personnel
18 in the embassy over there.

19 This is what we mean by accountability, and
20 this is the repeated ask that we did to them.

21 **MR. PRABJOT SINGH:** I'm not sure I entirely
22 understand from that understand what the accountability
23 means. What I'm hearing is that, "I'm hoping that India
24 doesn't escalate the situation," but in terms of India's
25 specific accountability for its role in the assassination of
26 a citizen, are you able to articulate what Canada's or the
27 government's stated objective is in engagements with India?

28 **MS. NATHALIE G. DROUIN:** I cannot enter into

1 the details, but the first thing, as I said, for us is
2 instead of denying the situation, take our law enforcement
3 actions seriously and look at what happened in their own
4 system. One thing that concretely they can do, they can
5 scope us in in their public inquiry that put in place for the
6 Pannun case in the U.S. So there's many things they can do
7 in terms of showing their accountability.

8 I don't think I can go further.

9 **MR. PRABJOT SINGH:** No, understood. That's
10 fine. I'm going to move on and ask a more forward-looking
11 question now, as we're looking back.

12 As we're assessing this situation ---

13 **COMMISSIONER HOGUE:** I'm going to remind you
14 that you have just 20 seconds.

15 **MR. PRABJOT SINGH:** Sure. Yeah, no, this is
16 my final question.

17 So looking at the situation where we've seen
18 this report that's published in 2023, we've seen the NSICOP
19 report about the Prime Minister's trip to India in 2018 about
20 disinformation campaigns, we've seen the 2019 NSICOP report,
21 where we know that Indian foreign interference has been a
22 concern. There are concerns and were concerns about the
23 targeting of Canadian citizens in the summer of 2022, but a
24 foreign state was still able to assassinate a Canadian
25 citizen. So from your vantage point in the PCO, and I
26 welcome all the panel members to answer if they have any
27 insight, what can the Commission learn from this example in
28 terms of how Canada can effectively detect, counter, and

1 deter foreign interference of this nature?

2 **MS. NATHALIE G. DROUIN:** Well first of all, I
3 will repeat that when arrestations happened earlier this
4 spring, RCMP said that they had another separate and distinct
5 investigation. So we need to rely on that too.

6 The other message is while FI in our
7 democratic processes is important, an area of concern,
8 transnational repression, and to its extreme, extrajudicial
9 killing, is something major, where we need to put our -- to
10 continue to monitor and put our intention into it.

11 **MR. PRABJOT SINGH:** Does anybody else have
12 anything to add?

13 **MR. DANIEL ROGERS:** I think that was a fine
14 answer. I would say it underscores the importance of some of
15 the actions we've taken around prioritizing law enforcement
16 and intelligence investigations, ensuring that they are
17 strongly coordinated in things like the SITE Task Force.
18 Although that's for elections, similar mechanisms for other
19 types of foreign interference are important.

20 I think it's important that we continue to
21 focus on the issue and learn some of the lessons. We'll look
22 forward to recommendations, but we know that transparency is
23 important. We also know that the intelligence and law
24 enforcement capacity is very important and something we'll
25 need to continue to work through.

26 **MR. PRABJOT SINGH:** Thank you. Those are all
27 my questions.

28 **MS. JANICE CHARETTE:** Mr. Singh, maybe ---

1 **COMMISSIONER HOGUE:** Thank you.

2 **MS. JANICE CHARETTE:** --- I will actually go
3 back to your question to me, which feels a long time ago now.

4 We talked about redactions. And so I just
5 want to -- like, why is information redacted? Because as you
6 say, and I said, there's a lot of value in trying to provide
7 as much information in as concrete a form to Canadians as
8 part of our efforts to try and build resilience.

9 So why would we redact in that case? Why
10 don't we just put it all out there? Well, I think what we've
11 just had is a conversation about how important it is that
12 national security considerations, whether it is the
13 protection of sources and methods that are used by our
14 agencies to be able to collect the information which is
15 important to the detection, but also to be able to protect
16 then law enforcement, for instance, in terms of actually
17 being able to deal with these things.

18 So in all things, there's a balance. I think
19 we've learned a lot through the Commission process in terms
20 of, like, how much information can be put out in a way that
21 helps educate and inform, but at the same time, protects
22 national security interests, and national security agencies
23 to be able to do their job. That's a constant balancing act
24 and I think that you've put your finger on an important
25 question, but it's not just redactions for the sake of
26 redactions. There are important considerations and balances
27 here.

28 **MR. PRABJOT SINGH:** Thank you.

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

2 **COMMISSIONER HOGUE:** Just for all of you to
3 know, up until now, I have been very flexible, I imagine you
4 have noticed, with the time for cross-examination. This
5 afternoon, just make sure to ask all your, I will say your
6 key questions, within the time allotted to you, because I
7 will have to be more strict with the time this afternoon
8 because we are scheduled until at least 6:25 and just at this
9 point in time, I'm calculating and we will probably finish
10 more at quarter to 7:00, and we have a hard stop at 7:00
11 given the need for the personal. So just make sure to keep
12 it in mind while conducting your cross-examination. It's the
13 case for these witnesses and it will be the same with the
14 next witness this afternoon. So just in all fairness, I want
15 everyone to have their time for conducting their cross-
16 examination.

17 So next is counsel for Erin O'Toole.

18 **MR. PRESTON LIM:** Thank you, Madam
19 Commissioner. The good news for you is I don't think I'll be
20 taking my full time.

21 **COMMISSIONER HOGUE:** Okay. So we'll ---

22 **MR. PRESTON LIM:** Famous last words.

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

24 **MR. PRESTON LIM:**

25 **MR. PRESTON LIM:** So, Ms. Wilson, if it's all
26 right, I'm going to direct these questions to you, but of
27 course if anyone else feels that they can usefully chime in,
28 please do so.

1 **COMMISSIONER HOGUE:** To whom?

2 **MR. PRESTON LIM:** Sorry, Ms. Thomas. My
3 mistake. Moving too quickly.

4 So I'm going to take you to document
5 CAN23483. And if we can go just down to page 2? Right.

6 **--- EXHIBIT No./PIÈCE No. CAN023483:**

7 Briefing to Member of Parliament

8 **MR. PRESTON LIM:** And so this is a Memorandum
9 for the Prime Minister. Are you familiar with this document,
10 Ms. Thomas?

11 **MS. JODY THOMAS:** Yes.

12 **MR. PRESTON LIM:** And could you kindly
13 confirm for me who the author of this memorandum was?

14 **MS. JODY THOMAS:** It was written within my
15 office.

16 **MR. PRESTON LIM:** Okay. Great. And I see
17 your signature down on page 5. We don't need to go there. I
18 assume you approved of this document before it was sent on?

19 **MS. JODY THOMAS:** Yes.

20 **MR. PRESTON LIM:** Great.

21 **MS. JODY THOMAS:** If I signed it.

22 **MR. PRESTON LIM:** Next I would like to take
23 you down to page 9.

24 Court Operator, if we could go to page 9?

25 I'll just give you a second to familiarize
26 yourself with this. So my understanding of this document is
27 that this is a comparison of Mr. O'Toole's statements in the
28 House of Commons. He gave an address on May 30th, 2023 and

1 then it's a comparison of those comments with information
2 provided to him by CSIS. Could I ask you who conducted this
3 analysis?

4 **MS. JODY THOMAS:** If memory serves correctly,
5 it was CSIS, at our request.

6 **MR. PRESTON LIM:** Okay. So this is a CSIS
7 document. And this table represents the official view of
8 CSIS from an agency perspective?

9 **MS. JODY THOMAS:** Yes.

10 **MR. PRESTON LIM:** We heard from Dr. Giles the
11 other day during her evidence that CSIS will sometimes
12 conduct what they call a damage assessment. Is this a damage
13 assessment or is this something less than that?

14 **MS. JODY THOMAS:** I don't know how they
15 characterized it. I don't think it was a damage assessment.

16 **MR. PRESTON LIM:** Okay. That's helpful.
17 Thank you. Now, a lot of attention has been paid to Mr.
18 O'Toole's remarks in the house on May 30th, 2023, and I'm not
19 going to take you through the specifics of those remarks. Of
20 course there are some up on this table here. I guess here's
21 how I'll phrase the question, would you agree with me that in
22 the lead up to these remarks in May of 2023, that there was
23 plenty of reporting in Canadian media about alleged Chinese
24 interference in Canadian democracy?

25 **MS. JODY THOMAS:** There was significant
26 reporting based on leaked documents.

27 **MR. PRESTON LIM:** Right. Absolutely. And
28 would you say that the contents of some of those media

1 stories mapped on to some of the ideas or themes that Mr.
2 O'Toole addressed in his May 2023 address?

3 **MS. JODY THOMAS:** I don't think I could ---

4 **MR. PRESTON LIM:** Sure. So ---

5 **MS. JODY THOMAS:** --- agree with that.

6 **MR. PRESTON LIM:** Okay. So let's maybe take
7 one example.

8 Madam Commissioner, I'm seeking leave to go
9 to Document CCC15. I've made Attorney General of Canada
10 aware of this this morning. It's just an open news media
11 file.

12 So if we could go to CCC15, and page 1 of
13 that?

14 **--- EXHIBIT No./PIÈCE No. CCC0000015:**

15 CSIS documents reveal Chinese
16 strategy to influence Canada's 2021
17 election

18 **MR. GREGORY TZEMENAKIS:** So sorry. I just
19 want to correct for the record that I did not respond. The
20 Attorney General of Canada ---

21 **MR. PRESTON LIM:** Yes.

22 **MR. GREGORY TZEMENAKIS:** --- did not respond
23 to the request. That you made the request and we left it ---

24 **MR. PRESTON LIM:** Made the request. You're
25 welcome to object.

26 **MR. GREGORY TZEMENAKIS:** No, I'm not
27 objecting. I just -- you said I agreed, and I didn't.

28 **MR. PRESTON LIM:** Oh, sorry. My mistake.

1 **COMMISSIONER HOGUE:** Okay. So you can ---

2 **MR. PRESTON LIM:** I made the request.

3 **COMMISSIONER HOGUE:** You can move on.

4 **MR. PRESTON LIM:** Thank you, Madam

5 Commissioner.

6 So we don't actually have to get into the
7 specifics of this document, but this is a Globe article, *CSIS*
8 *Documents Reveal Chinese Strategy to Influence Canada's 2021*
9 *Election.*

10 And I'm not going to flip you back to it, but
11 one of the segments of the analysis in the earlier table that
12 we were looking at, it's stated that:

13 "CSIS shared that there was reporting
14 suggesting that PRC officials in
15 Canada did not favour the CPC in the
16 2021 Election."

17 And I would just put to you that there are
18 contents in this document that kind of align with what CSIS
19 seems to be talking about in that statement.

20 So if we could just scroll down a little bit
21 on page 1, just to the bottom, and then ---

22 **COMMISSIONER HOGUE:** It's not easy to read.

23 **MR. PRESTON LIM:** No, it really isn't.

24 Let's go higher up, actually, to the first
25 page. Scroll down slowly, please. Okay. Stop there.

26 Okay. So just the first paragraph. And we
27 can read it together. I'll just read it out loud.

28 "China employed a sophisticated

1 strategy to disrupt Canada's
2 democracy in the 2021 federal
3 election campaign as Chinese
4 diplomats and their proxies backed
5 the re-election of Justin Trudeau's
6 Liberals -- but only to another
7 minority government..."

8 And I'm just going to stop there. And the
9 question that I'll ask is, do you think this statement here
10 lines up with the statement in the table:

11 "CSIS shared that there was reporting
12 suggesting that PRC officials in
13 Canada did not favour the CPC in the
14 2021 Election."

15 **MR. GREGORY TZEMENAKIS:** I'm just going to
16 caution the witness that she can't attest to the veracity of
17 any of the ---

18 **MR. PRESTON LIM:** Right.

19 **MR. GREGORY TZEMENAKIS:** --- intelligence
20 allegedly summarized in a *Globe and Mail* media article in
21 providing her response.

22 So with that express caveat...

23 **MR. PRESTON LIM:** Yeah, no need to get into
24 that Ms. Thomas.

25 **MS. JODY THOMAS:** Okay. So this was the
26 reporting based on leaked documents.

27 **MR. PRESTON LIM:** Right. Okay. Great. If
28 we could go back to the previous document?

1 **MS. NATHALIE G. DROUIN:** Can I ---

2 **MR. PRESTON LIM:** Please, yes, Madam Drouin.

3 **MS. NATHALIE G. DROUIN:** --- please add
4 something? I talked a little bit earlier about the different
5 trade crafts that different countries are using. China will
6 always devote more time and energy to the party that is
7 governing or to the party that they assess can govern. So
8 they will prioritize their energy towards that.

9 **MR. PRESTON LIM:** Thank you, Madam Drouin.
10 And if I have time, I will come back to you and maybe we can
11 continue along with that conversation.

12 If we could go back to the previous document,
13 please? That was CAN23483. And just down to where we were
14 earlier, that's page 9, the table.

15 Just a question again for Ms. Thomas. Beside
16 Mr. O'Toole's comments on the activities of the United Front
17 Work Department, there's a blank box. So it's the -- can you
18 see it Ms. Thomas? It's the third kind of box on the left
19 down, and then on the right, there's just a blank box.

20 **MS. JODY THOMAS:** Right.

21 **MR. PRESTON LIM:** Could you explain why
22 there's a blank box there?

23 **MS. JODY THOMAS:** No.

24 **MR. GREGORY TZEMENAKIS:** I can explain why,
25 for the purpose of the record. It just signifies a
26 redaction.

27 **MR. PRESTON LIM:** That's just a redaction.
28 Right.

1 And I'm going to go back to the Globe article
2 now. Sorry, that is CCC15. If we could go to page 8 of that
3 document, please? Okay. That's good. You don't need to
4 scroll.

5 So I'll just read it out again. I'm looking
6 at the third paragraph on that page. So here they're talking
7 about Consul Wang Jin. CSIS said Mr. Wang had direct ties to
8 the Chinese Communist Party's UFWD, and then it describes the
9 UFWD, and then at the end of that paragraph, it says that:

10 "CSIS said Mr. Wang served as an
11 intermediary between the UFWD and
12 Chinese-Canadian community leaders in
13 British Columbia."

14 Now, I'm not asking you to get into the
15 substance of this information or to confirm the veracity of
16 this information, but just from kind of a compare and
17 contrast perspective, do some of the comments in this
18 paragraph line up with what Mr. O'Toole was talking about in
19 his comments?

20 **MS. JODY THOMAS:** It's close to impossible
21 for me to answer that question without having the documents
22 side by side.

23 **MR. PRESTON LIM:** Fair enough. I don't know
24 if we're able to go half screen/half screen? I don't know if
25 that's a capability we have?

26 **COMMISSIONER HOGUE:** I have no clue.

27 **MR. PRESTON LIM:** Yes.

28 **COURT OPERATOR:** We do not.

1 **MR. PRESTON LIM:** Would it be okay if we went
2 back to the last document?

3 **MS. JODY THOMAS:** Sure.

4 **MR. PRESTON LIM:** Sure. Okay. So if we
5 could just go back to CAN23483? Table on page 9.

6 **COMMISSIONER HOGUE:** But feel comfortable, if
7 you come to the conclusion that you are not in a position to
8 ---

9 **MS. JODY THOMAS:** Thank you.

10 **COMMISSIONER HOGUE:** --- say anything, just
11 let us know.

12 **MS. JODY THOMAS:** Thank you. Well what I
13 would ---

14 **COMMISSIONER HOGUE:** Because it can be
15 difficult. I can easily imagine how difficult it is.

16 **MS. JODY THOMAS:** This is a CSIS analysis
17 that we put into a note. I would say that the issue that
18 CSIS had is they use a very precise form of words.

19 **MR. PRESTON LIM:** Sure.

20 **MS. JODY THOMAS:** They don't extrapolate.
21 They don't exaggerate. It's very precise. And so any
22 changes or modifications to the form of words that they use,
23 they would question.

24 **MR. PRESTON LIM:** Okay. I understand. And
25 that's fine. We don't need to do the compare and contrast
26 analysis, I guess. So I'll re-ask the same question. You
27 would agree that around the time of the lead up to Mr.
28 O'Toole's remarks, there was public reporting on Chinese

1 interference efforts? Without commenting on the veracity.

2 **MS. JODY THOMAS:** Absolutely. Yes.

3 **MR. PRESTON LIM:** And would you say that it
4 is possible that Mr. O'Toole, in his remarks, was referring
5 to some of these media reports?

6 **MS. JODY THOMAS:** I wouldn't want to
7 speculate on what Mr. O'Toole used as the background material
8 for his parliamentary speech, but I believe that some of the
9 language was taken from what CSIS told him, in that the media
10 reports were partial reports, not complete reports.

11 **MR. PRESTON LIM:** But you would agree with
12 the comment that media reports like the one that I took you
13 to formed part of the broader factual context at this time?

14 **MS. JODY THOMAS:** I don't think I can agree
15 to that.

16 **MR. PRESTON LIM:** And can I ask why not?

17 **MS. JODY THOMAS:** Well I -- the fact -- the
18 context in terms of the media, but what Mr. O'Toole used, I
19 can't speculate on.

20 **MR. PRESTON LIM:** Oh, sure. Sure. Right.
21 You don't know what actually went into his speech, into his
22 preparation. But what I mean was kind of maybe I'll phrase
23 it at a broader level.

24 Part of information that was publicly
25 available that somebody who was writing/speaking about China,
26 would have access to at the time?

27 **MS. JODY THOMAS:** The public material, yes.

28 **MR. PRESTON LIM:** Yes. All right.

1 **MS. JANICE CHARETTE:** Although, can we just -
2 - I think Ms. Thomas was clear when she underlined the fact
3 that the media reporting was based on leaked documents, which
4 may or may not actually have been complete, they haven't been
5 verified by government, they may not be in context. So
6 describing them as facts, I don't think I could do that.

7 **MR. PRESTON LIM:** I appreciate that, Ms.
8 Charette.

9 That's all I have today, Madam Commissioner.

10 **COMMISSIONER HOGUE:** Thank you. We'll --
11 it's 3:10. Let me see. We'll take the break. We'll come
12 back at -- is it okay, 3:20? Is it enough time for all of
13 you? Yes? So we'll come back at 3:20. It's fine with you?
14 Ten (10) minutes?

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

17 This sitting of the Commission is now in
18 recess until 3:20 p.m. Cette séance de la Commission est
19 maintenant suspendue jusqu'à 15 h 20.

20 --- Upon recessing at 3:10 p.m./

21 --- La séance est suspendue à 15 h 10

22 --- Upon resuming at 3:22 p.m./

23 --- La séance est reprise à 15 h 22

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

26 This sitting of the Foreign Interference
27 Commission is now back in session. Cette séance de la
28 Commission sur l'ingérence étrangère est de retour en

1 session.

2 The time is 3:22 p.m. Il est 15 h 22.

3 --- MR. DANIEL ROGERS, Resumed/Sous la même affirmation:

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

5 --- MR. JOHN HANNAFORD, Resumed/Sous la même affirmation:

6 --- MS. JODY THOMAS, Resumed/Sous le même serment:

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

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

9 MR. SUJIT CHOUDHRY:

10 MR. SUJIT CHOUDHRY: Good afternoon. For the
11 record, my name is Sujit Choudhry; I'm counsel to Jenny Kwan.

12 So I have a couple of themes that I hope to
13 pursue with the panel this afternoon, and so the first is to
14 pick up on the tail end of the Commissioner's questions to
15 Maître Drouin about the NSICOP Report.

16 And so I just want to circle back over that
17 issue and pose a couple of questions about it. And so -- and
18 I think, if I understood correctly the question that the
19 Commissioner posed, was the following, that in the event that
20 it is ascertained with a reasonable degree of certainty that
21 a parliamentarian is, to use the term of the NSICOP Report,
22 a "Witting" beneficiary of foreign interference, what, then,
23 is the appropriate institutional response?

24 And let me just say for the record that MP
25 Kwan testified on this issue; she has spoken about this in
26 Parliament and the House. It's something of great concern to
27 her, just to preface the questions, because she has -- her
28 evidence here was that the allegations have cast a shadow

1 over members of Parliament, but particularly those of Indian
2 and Chinese heritage. And so there needs to be some type of
3 a process, and she's put it on the record, that balances
4 accountability and transparency, but also national security
5 and procedural fairness.

6 So the question is to clarify some of the
7 points you made and to then ask you for your views on some
8 other things. And this also might be questions directed to
9 other members of the panel too.

10 So I understood correctly, Maître Drouin,
11 that you said that if -- there might be instances where if
12 the evidence were there of the violation of a criminal
13 offence, that it could be that the RCMP might take
14 appropriate steps. Is that right?

15 **MS. NATHALIE G. DROUIN:** So there's different
16 mechanisms available. So we have Election Canada, also the
17 Commissioner who has jurisdiction, for example, when it comes
18 to illegal funding for a campaign, so they can act upon that.
19 Law enforcement also; as you know with C-70, government has
20 introduced new offences that can be very helpful to
21 investigate and to act upon that.

22 **MR. SUJIT CHOUDHRY:** Okay.

23 **MS. NATHALIE G. DROUIN:** One other thing that
24 I told the Commissioner is that of course leaders can also
25 act with the set of facts ---

26 **MR. SUJIT CHOUDHRY:** Right.

27 **MS. NATHALIE G. DROUIN:** --- that we can
28 share with them. And that, for example, can allow leaders to

1 have conversation with their MPs, can -- and the leader can
2 decide not to give specific roles to the MP, even specific,
3 if I may say, instructions to the MP. For example, "I don't
4 want you to take any position with regard to blah, blah. I
5 don't want you to continue to use your relationship with
6 blah, blah." So there's things that can be done by the
7 leader.

8 **MR. SUJIT CHOUDHRY:** And that -- you
9 anticipated my next question; that is, the second stream was
10 to kind of provide briefings of some sort to political party
11 leaders who could take, let's call them internal steps,
12 within the ambit of their authority, and there might be a
13 variety of those. You've set out some of them; there might
14 be other steps they might take according to internal party
15 processes.

16 But there's a third track you didn't mention,
17 and I wanted to ask for your views on this. So as you know,
18 the privileges of Parliament include Parliament's inherent
19 powers -- and this is a power that both Houses have in our
20 system -- to assess the conduct of its members and then to
21 take steps in response to those institutionalized processes
22 of assessment. And the steps that Parliament has the power
23 to take ranges from censure or reprimand or certain forms of
24 discipline up to and including expulsion.

25 And so -- and there are committees in
26 Parliament; the House Procedure Committee, PROC, and also the
27 Senate Rules, Procedures, and Rights of Parliament Committee
28 that have -- where that type of responsibility is lodged in

1 our system.

2 So would you agree that, as we think through
3 mechanisms and options, that Parliament itself has tools that
4 it can use to address these types of situations.

5 **MS. NATHALIE G. DROUIN:** I would say that
6 Parliament can adopt the rules they see fit, but that does
7 not mean that parliamentarians should and could have access
8 to all information in any circumstances.

9 **MR. SUJIT CHOUDHRY:** Sorry. Go ahead.

10 **MS. NATHALIE G. DROUIN:** So we have the
11 NSICOP members who have access to the information. We have
12 also, as we talked a lot about that, offered leaders and
13 their representatives to be cleared and have access to
14 information. And the reason why we have to be careful in
15 terms of using intel at a forum is exactly what we saw with
16 the leaks.

17 When you read a piece of intel that has not
18 been corroborated that due process didn't apply, we didn't
19 give the opportunity, for example, to the individual being
20 talked about in a piece of intel to explain herself or
21 himself, that is totally just not fair. So we need to be
22 careful how we deal with intel products.

23 **MR. SUJIT CHOUDHRY:** And so just to pick up
24 on that, that -- is it not the case that in the context of
25 the events of the last year and a half that we have been
26 adapting the idea of security clearance and we have been
27 extending security clearances, for example, to leaders of
28 political Parties and we're now discussing institutionalizing

1 classified briefings to leaders of Parties. We have security
2 cleared -- we have a security cleared committee of
3 parliamentarians, NSICOP, so the idea of parliamentarians
4 receiving classified information with security clearances and
5 safeguards, that precedent has already been set. Isn't that
6 right?

7 **MS. NATHALIE G. DROUIN:** Absolutely. And if
8 I can add also, Minister of Public Safety, at that time
9 Minister Mendicino, also adopted a directive making sure that
10 when the intelligence agencies find out about a specific
11 threat regarding an MP, that this threat will be disclosed to
12 this MP using, for example, defence briefing or TRM.

13 **MR. SUJIT CHOUDHRY:** Sure. And I just want
14 to link this point here about processes to a point that the
15 Clerk made about the separation of powers and the way in
16 which the executive or at least the Party executive that you
17 had would interact with political Parties in relation to
18 nominations.

19 And your point -- you were quite careful in
20 how one -- how you answered the question, appropriately so.
21 And so it -- what I would want to ask is, is it not the case
22 that this type of issue and how Parliament should deal with
23 its own members raise -- also raises questions of the
24 separation of powers and there might be some advantages to
25 having a suitably designed, thoughtful, careful parliamentary
26 process that deals with what has become an extraordinarily
27 challenging situation in the wake of the allegations in the
28 NSICOP report?

1 **MR. JOHN HANNAFORD:** So I would say that the
2 separation issue that I described is applicable in a number
3 of different contexts, including with respect to the
4 Legislature, so we do need to be cautious, as the executive,
5 as to, you know, recognizing where our lane is.

6 I think we also, though, have been making,
7 and you alluded to this, some very important steps in order
8 to ensure that information can be shared in meaningful ways
9 so as to build up our collective resilience. And that's part
10 of a process that we continue to pursue.

11 The NSICOP is a critical piece of that. The
12 ongoing conversations with leaders and their representatives
13 is a critical piece of that.

14 And I think this -- the other point, which
15 was reflected in one of the documents earlier today, is it's
16 important that these be ongoing conversations, too, because
17 this is inherently context laden information, and so just
18 getting individual pieces of information without a sort of
19 broader context is, in and of itself, a challenge.

20 **MR. SUJIT CHOUDHRY:** No, I understand.

21 So if I could shift to a different theme in
22 the time remaining to me, so I was -- would like to go back
23 to the NSIRA report, and so this is Commission document 364.

24 **--- EXHIBIT No./PIÈCE No. COM0000364:**

25 NSIRA Report - Review of the
26 dissemination of intelligence on PRC
27 political foreign interference, 2018-
28 2023

1 **MR. SUJIT CHOUDHRY:** And it's page 33 of the
2 PDF. And I'm interested in paragraph 133 in particular.

3 And to give you a sense of what I'd like to
4 ask about, it's about this issue of a multiplicity of views
5 or lenses or perspectives on the issue of foreign
6 interference.

7 And so I want to kind of -- look, I don't
8 want to challenge the idea that having debate and
9 deliberation and sifting and thinking is a smart way to do
10 public policy, but it's -- pardon me. It's paragraph 133. I
11 might have given you the wrong page number.

12 Yes. I meant page 43. Thank you very much.

13 And so I want to take you to this paragraph
14 and just if I could have you refresh your memory here. And I
15 want to put to you this, that the NSIRA's assessment is this,
16 that is, if you could look at the fourth line, it begins --
17 there's a sentence that begins "Nonetheless". It says:

18 "Nonetheless, the delta between
19 CSIS's point of view and that of the
20 NSIA in this case is significant
21 because the question is so
22 fundamental."

23 CSIS collected, analyzed and reported
24 intelligence about activities that it considered to be a
25 significant threat to national security, and one of the
26 primary consumers of that reporting disagreed with that
27 assessment, and so that's just a statement of fact, that
28 there was a disagreement of views.

1 But then I want to take you to what
2 conclusion NSIRA drew from that:

3 "Commitments to address political
4 foreign interference are
5 straightforward in theory but will
6 inevitably suffer in practice if
7 rudimentary disagreements as to the
8 nature of the threat persist in the
9 community."

10 And so, as you know, government is not a
11 graduate seminar. Ultimately, it's about advising Ministers
12 and the Prime Minister to do something, as Ms. Thomas said.
13 And so if that's true, is that not a fair point, that at some
14 point at the end of the day, the executive has to come down
15 and decide what it thinks about the framework for analyzing
16 foreign interference and how it applies in a specific set of
17 facts?

18 And Mr. Rogers, I saw you were shaking your
19 head, so I'm going to call on you, if I could.

20 **MR. DANIEL ROGERS:** Yeah, serves me right for
21 shaking my head.

22 **COMMISSIONER HOGUE:** Next time.

23 **MR. DANIEL ROGERS:** Well, thank you for the
24 question, and I'll certainly invite my colleagues to jump in
25 also.

26 I would say of course the executive has to
27 make decisions at some point, and it has to support -- you
28 know, the public service has to support the government in

1 making decisions at other points. I would hesitate to draw a
2 conclusion that because there was a disagreement in one case
3 that the public service fails to do that at any scale.

4 I would also say that there were, even in
5 this particular case, other mechanisms for that dispute to
6 have been resolved. As my colleagues mentioned earlier,
7 there is the possibility for Deputy Ministers to go to the
8 Clerk, to Ministers. If an issue is of significant
9 importance, I, for one, have confidence that it would have
10 been resolved.

11 **MR. SUJIT CHOUDHRY:** So could we just -- in
12 my remaining time, I just want to talk about that because
13 that's exactly where I wanted to go.

14 So obviously, there have to be ways to
15 escalate, resolve, sort things out, right. And so one
16 pathway that Ms. Thomas talked about is proceeding through
17 Ministers, you know, and Ministerial accountability. Of
18 course.

19 The Clerk then talked about Deputies going up
20 to the Clerk. Of course.

21 Now, the -- and then both of those pathways
22 lead, ultimately, to the Prime Minister.

23 But I want to ask the question about the
24 Director of CSIS and whether he or she is in the same
25 position in the org chart given that CSIS is an agency. And
26 we've seen lots of evidence that CSIS seems to meet directly
27 with the PMO and directly with the PCO in a way that often
28 has not involved the Minister over which -- which sits under

1 that Ministry, at least not in the evidence we've seen.

2 And I'm wondering if there ought to be a
3 different way of sorting through these issues when the issue
4 is intelligence from CSIS.

5 And maybe I'll pose that to the Clerk.

6 **MR. JOHN HANNAFORD:** Well, I mean, to answer
7 your question directly as to the role, obviously the Director
8 of CSIS has specific responsibilities by virtue of being
9 Director of CSIS. But David Vigneault when he was in this
10 role, was very much a part of the deputy community and would
11 participate in the conversations that would be had and the
12 various committees we've been describing over the course of
13 the day as Deputy Minister. I don't know that it's --
14 there's anything particularly unusual about any of that.

15 And I mean, CSIS because of its role can be
16 involved in briefings to the Prime Minister. If they are
17 having those briefings in the absence of the Privy Council
18 Office, I'm not aware of that. So we would normally be
19 having that as part of an overall set of briefs. That's not
20 unique for Deputy Ministers to participate in briefings on
21 issues that fall within their parameters.

22 I do want to go back though, you know, we
23 were taking the instance of a single report as emblematic of
24 something bigger. And I just really want to emphasize the
25 fact that there may have been a debate about that report is
26 not necessarily anything bigger than there was a debate about
27 the report. You know, I hope that over the course of the day
28 we've been demonstrating the degree of attention that we are

1 collectively paying to the issue of foreign interference, and
2 I don't think that there is a fundamental disagreement as to
3 the risks associated with foreign interference for the kind
4 of seriousness that we need to approach these issues.

5 What I think is critical is because it is
6 important, because it requires attention, we need to make
7 sure that we are delivered as we assess the situations that
8 we're dealing with, and that is going to involve debate, and
9 if it doesn't involve debate, frankly, I'd be worried. So I
10 think the fact that we have had evidence of debate in some
11 instances shows the vibrancy of this system.

12 And so, I just want to make sure that we're
13 not drawing very broad conclusions around something that I
14 think is, as I say, a feature of the system, not a bug.

15 **MR. SUJIT CHOUDHRY:** Thank you, Commissioner.
16 Thank you.

17 **COMMISSIONER HOGUE:** Thank you. Mr. Matas,
18 counsel for the Human Rights Coalition.

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

20 **MR. DAVID MATAS:**

21 **MR. DAVID MATAS:** Thank you.

22 I wanted to ask you first of all, we've heard
23 a lot about foreign interference in the context of foreign
24 governments. And I wanted to ask whether the Privy Council
25 has considered or dealt with the issue of foreign
26 interference where the foreign actors our foreign entities
27 which are not governments?

28 **MR. JOHN HANNAFORD:** Do you mean like an

1 international organization -- or like, organized crime, or
2 terrorist group?

3 **MR. DAVID MATAS:** Well, it could be a
4 terrorist organization, could be a political party that is
5 not in government. Something that doesn't form part of the
6 government.

7 **MR. JOHN HANNAFORD:** Sure, yes.

8 **MR. DAVID MATAS:** Is it dealt with
9 differently from the way government foreign interference is
10 dealt with, or under the same rubric and manner, and in the
11 same manner?

12 **MR. JOHN HANNAFORD:** I mean, I will turn to
13 my colleagues as well on this, but there's a long history
14 before about transnational terrorism as part of the overall
15 mandate of our security accomplishment, and international
16 organized crime is likewise considered a serious issue we
17 addressed through all of our agencies. So I don't know if
18 there's much more to be said on it.

19 **MR. DANIEL ROGERS:** I would agree with the
20 Clerk. I would say that by necessity there are different
21 ways of thinking about dealing with those types of issues,
22 because there are distinctions between foreign interference
23 that is perpetrated by a state, than by an organized group.
24 For instance, the tools that we would have diplomatically are
25 different, the fact that there may be different intelligence
26 collection opportunities because the presence in Canada those
27 groups would be different than those under, for example, the
28 *Vienna Convention*.

1 So I think it is a definitional question
2 about whether a foreign entity interfering in Canada would be
3 treated the same way or not. I mean it would still be a
4 concern if it was a detriment to Canadians.

5 **MR. DAVID MATAS:** Yes. I understand that
6 there are conceptual differences, but I'm trying to ask about
7 whether or not in fact when the Privy Council is dealing with
8 these sorts of problems, there's an operational difference?

9 **MR. DANIEL ROGERS:** I think we have seen a
10 couple of examples, for instance the SITE task force did take
11 things like ideologically motivated violent extremism into
12 account in some of its work as it was seeking to protect the
13 election. Some of that may originate from outside of Canada.
14 And I think, you know, the Privy Council office itself is not
15 an operational agency in the same way that others are, so in
16 a way that question is better directed from others.

17 We are concerned by anything that would have
18 -- at least within the national branch, anything that would
19 have a detrimental impact on Canadians that rises to the
20 level of national security, certainly, as it relates to
21 elections.

22 **MR. DAVID MATAS:** Yes. I appreciate that the
23 Privy Council is not operational. But when it comes to going
24 to the operational arms of governments that are dealing with
25 foreign interference of a non-governmental entity, Global
26 Affairs wouldn't necessarily be the place to go. So it
27 strikes me that there might be differences operationally in
28 the two types of threats.

1 When it comes to overall government
2 structure, the Privy Council is very much involved in that
3 sort of issue about where these issues go, and I wonder if
4 the Privy Council has grappled with that?

5 **MS. JODY THOMAS:** If I could jump in? I
6 think that depending on the incident, foreign interference,
7 any other of the incidents that are managed and coordinated
8 through the NSIA's office, and who is involved, is dependent
9 on the environment, the incident, and the players in that
10 incident.

11 There is a core group of national security
12 departments, but you might bring in Transport Canada, if we
13 think that it's economic -- an economic security issue, which
14 can have aspects of foreign interference, we bring in ISED.
15 So I think that the core components of how we deal with this
16 kind of an issue remain the same, the players may vary and we
17 may add people. But for example, if it was a terrorist
18 organization that we were concerned about, Global Affairs
19 does have a terrorist unit and we would want their views.

20 **MR. DAVID MATAS:** Well, of course terrorism
21 is a problem on its own, whether there is foreign
22 interference nature or not. But there can be from a
23 terrorist entity, foreign interference without it amounting
24 to terrorism. And so, what I heard is in that sort of
25 situation you'd be dealing with it on a case-by-case basis.
26 Is that correct?

27 **MR. DANIEL ROGERS:** Yes, I would say that if
28 we had intelligence about a foreign group, a terrorist group

1 or otherwise that was engaging in the same tactics that we
2 would be talking about here in terms of foreign interference,
3 for instance disinformation or other types of repression, we
4 would deal with all of those on a case by case basis, as
5 Madam Thomas said, on the basis of the facts for that case.

6 There are some -- you know, I think that the
7 general point that we're trying to do around societal
8 resilience for disinformation and some of the longer-term
9 strategic things like transparency from the national security
10 community, apply well to things that are like transnational -
11 - sorry, terrorism or could be organized crime in addition to
12 foreign interference, so there is an overlap.

13 **MS. NATHALIE G. DROUIN:** Maybe I can give you
14 an example. We have seen recently a lot of protests in
15 Canada, and our agencies and law enforcement always look at
16 whether or not those protests are being amplified by
17 certain groups.

18 **MR. DAVID MATAS:** Yes. And once you look at
19 that, where does that go?

20 **MR. DANIEL ROGERS:** If there were a national
21 security concern, and it was intelligence derived, we would
22 get products in the same way that we get intelligence
23 products from other agencies. If it was law enforcement,
24 that can be more independent. But if it rose to the level of
25 national security coordination being needed, then that would
26 come through our group at PCO as well.

27 **MR. DAVID MATAS:** There were your colleagues
28 in the Privy Council who testified on Monday, and for them I

1 asked about a Deputy Ministers' Committee on China, and an
2 Assistant Deputy Ministers Committee on China, and the
3 biweekly meetings of Assistant Deputy Ministers on India.
4 And one of the answers I got to the questions was, well, the
5 chair of those committees with Global Affairs, and that when
6 it came to the workings of those committees that probably the
7 questions I was asking more best asked to Global Affairs.

8 And the questions I was asking about was the
9 impacts on diaspora communities and the contacts with
10 diaspora communities, those sorts of questions. And I mean,
11 I accept that answer. But it strikes me that when we're
12 dealing with issues of non-governmental entities, Global
13 Affairs is not the place to go. And I appreciate obviously
14 that you're dealing with situations on a case-by-case basis,
15 but I wonder if there's a structured way of dealing with
16 these issues of foreign interference of non-government
17 entities that doesn't amount -- like terrorist entities that
18 don't in fact engage in terrorism, but just engage in what we
19 think of as foreign interference?

20 **MR. DANIEL ROGERS:** One thing I can say to
21 that is this goes back a little to the conversation we had
22 earlier on governance. And part of the reason that we
23 consider governance and have the committees such as the one
24 you described is that each agency or department will bring
25 things to the table at those committees based on what they're
26 seeing based on their own mandates.

27 So when we have the breadth of committees --
28 of departments represented, like the RCMP, or CBSA, or

1 Immigration, the table is there should they see something,
2 irrespective of the source, that rises to a national security
3 threat.

4 So regardless of who is convening or chairing
5 the meeting, often it's PCO, sometimes it's Global Affairs,
6 the tables exist for that collaboration and consultation to
7 happen, regardless of the source. So in that way, I think we
8 try to catch anything that would come up through any
9 department or agency's mandate.

10 **MS. NATHALIE G. DROUIN:** I don't know if it
11 helps if I tell you that the ITAC group who does the
12 evaluation of terrorist threats or any other type of extreme
13 violence threats, this group reports both to CSIS and PCO, to
14 my office. So in terms of the coordination, I don't know if
15 it helps if I tell you this is the governance we have.

16 **MR. JOHN HANNAFORD:** And I should just
17 emphasize the point, Global Affairs does actually -- Global
18 Affairs, they're called Global Affairs for a reason. It's
19 not just about state-to-state relationships. There is a
20 component of Global Affairs that looks at international
21 terrorism and international crime.

22 **MR. DAVID MATAS:** Okay. We heard also
23 yesterday from Public Safety. In fact, one of the witnesses
24 is -- was a former member of the Privy Council, and they have
25 within Public Safety the Foreign Interference Coordinator.
26 And the question is the extent to which -- I mean, you
27 mentioned CSIS and Global Affairs, the extent to which Public
28 Safety and the Foreign Interference Coordinator is brought

1 into these issues of foreign interference from non-
2 governmental entities?

3 **MR. DANIEL ROGERS:** The Foreign Interference
4 Coordinator is an ADM level position within Public Safety and
5 one of the primary methods for coordinating national security
6 responses of any kind, not just foreign interference, is
7 through a committee called the ADM National Security
8 Operations Group, of which that Coordinator is a member. So
9 they will be exposed -- that member -- or that Coordinator
10 would be exposed to issues of all kinds, not just foreign
11 interference.

12 **MR. DAVID MATAS:** I understand. Well let me
13 go back to the original concern which I'd raised with your
14 colleagues who testified Monday about discussing the impact
15 on diaspora communities, involving communication with
16 diaspora communities. Where the issue is, I mean, as you
17 say, Global Affairs, but not necessarily governments, is that
18 happening somewhere in the structure? And if so, where?

19 **MS. NATHALIE G. DROUIN:** I'm not sure I
20 understood your question carefully, but at CSIS for example,
21 they do have a diaspora engagement program and they are
22 looking at that. I know that they have testified, for
23 example, that they are augmenting their capacity in terms of
24 the number of languages in which they can communicate with
25 different diasporas. So there is a program at CSIS. So
26 while, as you said, the DM's Committee on China can also talk
27 about that, it's not the only forum where we talk about how
28 and when we should engage more with different diasporas.

1 **MS. JODY THOMAS:** And if I may add, Public
2 Safety, I don't remember the exact name, I remember the
3 acronym, TAG, their Transparency ---

4 **MR. DANIEL ROGERS:** Advisory Group.

5 **MS. JODY THOMAS:** --- Advisory Group, which
6 is from communities to help them better manage community
7 policing, national security. Foreign interference is now a
8 big part of that. And they have community roundtables on
9 these issues. And so there's quite a robust infrastructure
10 for the departments and agencies that do do interface with
11 the Canadian public.

12 **MR. DAVID MATAS:** In listening to the various
13 government representatives from the Privy Council, I hear
14 that Privy Council tries to ensure that, A, there's no
15 overlap, and, B, there's no gaps. Is this an area where both
16 those problems have been solved?

17 **MR. DANIEL ROGERS:** I'm not sure we'll ever
18 solve them completely. And if we have an issue, I would
19 rather it be an overlap than in gaps, which is where I think
20 we are now and why we're trying to look at our governance.

21 I think that there are many different ways we
22 can organize ourselves that would render us effective, and so
23 we'll, I think, go through, as I said earlier, continuous
24 improvements to try and improve, especially as the context
25 changes around us. I don't think that we'll ever be in a
26 time when the context is static, and so we will always have
27 to evolve with it.

28 **MR. DAVID MATAS:** I heard you say, or at

1 least I thought you said that when you say this is an area
2 where we are now, I thought you were referring to gaps. So
3 is this an area where there's a gap?

4 **MR. DANIEL ROGERS:** I mean, as I think
5 colleagues have mentioned, there's a fairly robust
6 conversation around these areas. I'm not -- I don't see a
7 gap in what we've discussed.

8 **MR. DAVID MATAS:** Those are my questions.

9 **COMMISSIONER HOGUE:** Thank you.

10 AG?

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

12 **MR. GREGORY TZEMENAKIS:**

13 **MR. GREGORY TZEMENAKIS:** Good afternoon. For
14 the record, my name is Gregory Tzemenakis. I'm counsel for
15 the Government of Canada. I will not be 20 minutes. It's a
16 good thing.

17 So I just want to clarify some of the
18 evidence given during your cross-examination to make sure the
19 record is complete. My first one is going to be addressed to
20 you, Mr. Rogers. My friend from the Sikh Coalition asked you
21 some questions about the redactions to the NSICOP report and
22 about redactions generally.

23 To be clear, does the Prime Minister have a
24 role to play in the application of redactions, either in the
25 NSICOP report or more generally speaking?

26 **MR. DANIEL ROGERS:** No.

27 **MR. GREGORY TZEMENAKIS:** Thank you.

28 My second question is directed to Ms. Thomas

1 and/or Madam Drouin. You spoke today about the PCO Special
2 Report and about the targeting paper. And counsel for Mr.
3 Chong suggested to you that the fact that they did not get to
4 the Prime Minister or were not further distributed were, in
5 his words, a significant breakdown.

6 And my question to you is this, are these two
7 documents specifically, or more generally the dissemination
8 of intelligence documents, written products, the only way the
9 Prime Minister can be briefed about the contents of
10 significant intelligence or events that he needs to know,
11 assuming he has not previously been made aware of the
12 contents?

13 **MS. JODY THOMAS:** No, the Prime Minister is
14 briefed constantly on intelligence. He reads raw
15 intelligence, the kind of intelligence that the report
16 written by IAS was based upon, and took from, and extracted
17 from to build that report.

18 He -- there is no -- in this ecosystem of
19 foreign interference, there's no one piece of intelligence
20 that is a smoking gun. And I think that there's been an
21 overemphasis on these two pieces of intelligence. He was
22 briefed. He was aware of the content of the issues and
23 they've been previously published in the IAS report.

24 And I think that in terms of the other
25 targeting report, it's been called the PM Targeting Report.
26 That's not what its title was when it came to me. It's taken
27 on that name. I'm not sure it's appropriate. But it's not a
28 failure in the system that draft reports don't get to the

1 Prime Minister. I believe that the targeting report is an
2 example.

3 In 2001, when the issue was live, might have
4 been a different report, depending on -- or different
5 approach, depending on when that report came in. In 2003, I
6 think -- or '23, sorry, I've lost my years -- it's felt long
7 here. In 2021, maybe a different approach. I don't know.
8 In 2023, I think it's a really valuable document for having
9 the discussion in the community, for talking to Ministers.

10 For Minister Joly to be able to go to her --
11 the Ambassador or her Chinese counterpart and say, "What were
12 you doing?" and us to have an appropriate policy response and
13 understand the spectrum of activity, but it doesn't mean that
14 the Prime Minister has to see everything.

15 And frankly, to think that the job is done
16 because the Prime Minister has seen it, I think that's where
17 we have an issue. No, the job is doing the policy work, the
18 operational work, the police work, whatever is required,
19 based on the intelligence that we read, we assess, and we
20 discuss as a community.

21 **MR. JOHN HANNAFORD:** And if I could just -- I
22 just want to underline that last set of points, because I
23 think it's really important.

24 First of all, we've talked about two reports
25 of a volume of -- a vast volume of documents that gets
26 generated by the intelligence community, and this is
27 incredibly important, the volume and the quality of those
28 pieces, but it's simply not the case that the Prime Minister

1 needs to read them all. He can't. It's impossible.

2 And part of our process is to have highly-
3 qualified people such as my colleagues here to exercise their
4 judgment as to what needs to be in front of the Prime
5 Minister and how the Prime Minister will be provided
6 information. His confidence in us, collectively, is based on
7 our ability to impose our judgment in a way that will allow
8 him to use -- to do his job to the fullest extent possible
9 and also make sure that the system is operating in the way
10 that it should so that Ministers are appropriately briefed
11 and that information is assimilated in ways that are
12 meaningful. But it is not the case that any one report is
13 the *sine qua non* for the Prime Minister being aware of
14 information.

15 **MR. GREGORY TZEMENAKIS:** Thank you.

16 I am going to give the opportunity to Madame
17 Drouin if she has any additional observations to make.

18 **Mme NATHALIE G. DROUIN:** Non, je n'ai rien à
19 ajouter. Merci.

20 **MR. GREGORY TZEMENAKIS:** Thank you.

21 I'm going to turn to my next question. So we
22 have heard evidence that the FI -- the activities of foreign
23 state actors in our electoral processes are real, but they're
24 not as pervasive as may have been in the case in other
25 countries, and this public inquiry has heard views from
26 diaspora communities, from government officials and from
27 others.

28 It's also fair to say that there's been a

1 high level of concern expressed in the media about whether
2 Canada is a playground for FI and whether Canada is doing
3 enough to detect, deter and counter. And I want to give the
4 opportunity to this panel to comment on these notions and
5 whether or not this is a cause for concern or a cause for
6 panic.

7 And perhaps I'll direct the question to Madam
8 Drouin to start, or to the Clerk.

9 **Mme NATHALIE G. DROUIN:** Je vais commencer
10 avec le dernier élément de votre phrase. C'est certainement
11 pas une cause pour paniquer. On doit prendre l'ingérence
12 étrangère de façon très sérieuse. On doit s'assurer que les
13 outils que l'on a dans notre coffre à outils sont adéquats,
14 que ça soit au niveau de la collecte de l'information par nos
15 différentes agences, que ce soit par la réponse que l'on peut
16 faire quand on découvre qu'il y a de l'ingérence étrangère,
17 et puis par « réponse », j'entends les breffages, les *threat*
18 *reduction measures*, j'entends les actions qui peuvent être
19 prises par la GRC...

20 Donc, il faut prendre ça au sérieux, il faut
21 rester agile, il faut s'adapter parce que malheureusement les
22 joueurs s'adaptent dans leurs façons de faire, c'est pour ça
23 que j'ai salué les différentes modifications qui ont été
24 apportées à la *Loi sur CSIS*, peut-être que nous aurons besoin
25 de d'autres modifications dans le temps si les tactiques
26 s'améliorent. Il faut prendre ça au sérieux, il ne faut pas
27 prendre ça à la légère, mais le Canada n'est pas le centre de
28 l'univers ni un terrain de jeu pour l'ingérence étrangère.

1 **MR. GREGORY TZEMENAKIS:** Merci.

2 Sir.

3 **MR. JOHN HANNAFORD:** I will just reinforce
4 that point. I think this is obviously a very serious set of
5 issues for us in a world which is challenging.

6 The geopolitics, the current situation are
7 more challenging than they have been for probably generations
8 of folks who have done this job, so we do need to take very
9 seriously that reality and think about how we best ensure
10 that our institutions which are central to our society are
11 protected and are allowed to flourish. And that's very much
12 the focus of what we as a collective have been pursuing over
13 the course of the last period of time.

14 And I think just to really emphasize, I
15 guess, three points.

16 The first is, while we have not been the
17 centre of foreign interference activities, it's really
18 important that we do learn from the international examples,
19 and that's something that we have been pursuing through
20 conversations with other parties -- with other international
21 parties in order to best understand the kinds of situations
22 that can arise and anticipate, then, some of the challenges
23 that we may face.

24 We have to remain vigilant, so the
25 institutions that we have been describing, I think, are
26 incredibly important and we need to continue to dedicate our
27 time and energy to those. I consider one of my central roles
28 my chairmanship of the Panel of Five.

1 And then finally, we need to see this as a
2 societal exercise. We at the public service can play an
3 important role here and, you know, that is obviously, as I
4 say, central aspect of our work, but there is a broader piece
5 which we've been discussing over the course of the day,
6 whether it's the provincial jurisdiction or just the role
7 that civil society can play and the broader public can play
8 in making sure that we understand the kinds of threats that
9 can be addressed and we are prepared to deal with the kinds
10 of challenges the geopolitics can present to us.

11 **MR. GREGORY TZEMENAKIS:** Thank you.

12 I have one last question. We had a
13 discussion earlier today about mis and disinformation, we had
14 a discussion about open-source intelligence, and we had a
15 discussion about the role that the federal government and
16 civil society can play in this regard.

17 And Mr. Hannaford, you commented on the
18 notion or can you comment -- let me phrase the question
19 differently.

20 You made reference to the notion of what the
21 federal government can do and what the Panel of Five can do
22 specifically about being the arbiters of the truth. The
23 question was framed to you as whether or not -- how does the
24 arbiter of truth analogy, prospect, concept play into this.

25 And so I just want to elaborate on perhaps
26 some of the limitations that might exist within the federal
27 government being seen to be the arbiter of truth. I'm
28 wondering if you can comment a little bit further on that.

1 **MR. JOHN HANNAFORD:** Yes. So just to clearly
2 situate that our role as the Panel of Five is during an
3 electoral period. And during an electoral period, it's
4 obviously the case that, first of all, there is an active
5 debate where there are many opinions that are being
6 expressed. That's the nature of an electoral process, and
7 it's a critical aspect of an electoral process.

8 Secondly, in the general course, the public
9 service does not engage in those debates. That's also a
10 critical part of our role as a non-partisan institution.

11 At the same time, we have responsibility to
12 be addressing issues around mis and disinformation as they
13 may arise and we have to be mindful of the fact that if we
14 were to try and position ourselves as some sort of ministry
15 of truth where we would opine on the accuracy of every
16 statement that's made on social media, we would be unable to
17 do that in any significant way. We would be threatening to
18 overstep our role as a non-partisan entity.

19 So what we need to think of is how we can be
20 most effective in address mis and disinformation in a way
21 that is -- gets to the heart of whether or not it could
22 affect a free and fair election. And so when we talk about
23 looking at the authenticity of the sources of some social
24 media activity, potentially looking at attribution in some
25 instances, those are ways of signifying that there may be the
26 amplification of mis and disinformation in a way that will
27 allow the Canadian public to understand the context in which
28 some messages may be received. But we have to be very

1 careful that we are not in that process acting as an arbiter
2 of truth at the final moment because (a) we aren't equipped
3 to do that, and (b) we enter into a debate and process of
4 doing that.

5 **MR. GREGORY TZEMENAKIS:** And is that one of
6 the reasons why there's an active engagement with civil
7 society organizations, engagements with provinces, an
8 interest in education or more resilient education amongst
9 provinces and territories and other members of society to
10 further their knowledge base on becoming better versed on mis
11 and disinformation in addition to any measures the federal
12 government is taking?

13 **MR. JOHN HANNAFORD:** A hundred percent. That
14 is the process of resilience, and that's why we have taken
15 steps through the Digital Citizenship Initiative, that's why
16 we have been talking about building up our understanding of
17 online activity so that we can monitor potential challenges
18 and then think about how we present those in the format of
19 the Panel of Five or in the format of the government during a
20 period of election.

21 But that is not simply a role for the
22 government and for the public service. It is a much broader
23 societal necessity that we think about how we ensure that we
24 understand some of the risks that we are facing collectively
25 as a country, how we identify when we are being misled,
26 potentially, and how we, therefore, build into our
27 understanding of the information ecosystem in which we
28 operate where those challenges are, and therefore become more

1 resilient as we engage in our democratic activities.

2 **MR. GREGORY TZEMENAKIS:** Thank you,
3 panellists. Those are my questions.

4 Merci, madam.

5 **COMMISSIONER HOGUE:** Thank you.

6 Ms. Chaudhury, any question in re-
7 examination?

8 **Me SHANTONA CHAUDHURY:** Non, merci, madam.

9 **COMMISSIONER HOGUE:** So you'll be happy to
10 hear that you're free to go, but I want to thank you all for
11 -- first for coming, although you had no choice.

12 **(LAUGHTER/RIRES)**

13 **COMMISSIONER HOGUE:** I do appreciate, and I
14 appreciate the willingness you have shown to provide us with
15 as much information as possible, and it will be very useful
16 in the rest of our work.

17 Thank you.

18 **Mme NATHALIE G. DROUIN:** Merci.

19 **MS. JODY THOMAS:** Thank you.

20 **COMMISSIONER HOGUE:** So we'll take -- we are
21 just almost on target. Yes, we'll come back at 4:25.

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

24 This sitting of the Commission is now in
25 recess until 4:25 p.m. Cette séance de la Commission est
26 maintenant suspendue jusqu'à 16 h 25.

27 --- Upon recessing at 4:09 p.m./

28 --- La séance est suspendue à 16 h 09

1 --- Upon resuming at 4:25 p.m./

2 --- La séance est reprise à 16 h 25

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

5 This sitting of the Foreign Interference
6 Commission is now back in session. Cette séance de la
7 Commission sur l'ingérence étrangère est de retour en
8 session.

9 The time is 4:26 p.m. Il est 16 h 26.

10 **COMMISSIONER HOGUE:** Ms. Astravas.

11 So you can go ahead right away, because we
12 know that we are a bit tight, in terms of time today.

13 **MS. ERIN DANN:** Thank you, Commissioner.

14 Could the witness please be sworn?

15 **THE REGISTRAR:** All right. Ms. Astravas,
16 could you please state your full name, and then spell your
17 last name for the record?

18 **MS. ZITA ASTRAVAS:** Zita Astravas, A-s-t-r-a-
19 v-a-s.

20 **THE REGISTRAR:** Perfect. Thank you.

21 **--- MS. ZITA ASTRAVAS, Affirmed/Sous affirmation solennelle:**

22 **THE REGISTRAR:** Thank you.

23 Counsel, you may proceed.

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

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

26 **MS. ERIN DANN:**

27 **MS. ERIN DANN:** Good afternoon, Ms. Astravas.

28 We'll start with some housekeeping matters.

1 Could I please have WIT157?

2 **--- EXHIBIT NO./PIÈCE No. WIT0000157:**

3 Interview Summary: Ms. Zita Astravas

4 **MS. ERIN DANN:** This is a summary of the
5 interview that was conducted on March 19th, 2024. Can you
6 confirm that you've had -- once it's up on the screen -- an
7 opportunity to review this document; whether you have any
8 additions or modifications you wish to make; and, if not,
9 whether you are prepared to adopt this as part of your
10 evidence today?

11 **MS. ZITA ASTRAVAS:** I have reviewed it, and
12 I'm prepared to adopt it.

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

14 Next we'll look at WIT158.

15 **--- EXHIBIT NO./PIÈCE No. WIT0000158:**

16 In Camera Examination Summary: Zita
17 Astravas

18 **MS. ERIN DANN:** This is the summary of the *in*
19 *camera* examination. Can you confirm that you've had an
20 opportunity to review this document, and whether you're
21 prepared to adopt it as part of your evidence?

22 **MS. ZITA ASTRAVAS:** I have reviewed it, and
23 I'm prepared to adopt it. Thank you.

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

25 We start, I'll ask you to provide some -- a
26 background, a description of your professional history and
27 background.

28 **MS. ZITA ASTRAVAS:** Thank you.

1 I have worked in politics for over 16 years,
2 and I departed federal government work last fall, about a
3 year ago. I've worked both at the provincial and at the
4 federal level, both in government and in Opposition over that
5 span of time.

6 I worked at Queen's Park for Premier Wynne;
7 I've also worked for Opposition Leader Michael Ignatieff, and
8 I also worked for Prime Minister Trudeau and a number of
9 Cabinet Ministers.

10 **MS. ERIN DANN:** All right. And in terms of
11 the positions in the federal government, I understand that
12 you were Chief of Staff for the Minister of National Defence
13 from 2017 to the 2019 General Election?

14 **MS. ZITA ASTRAVAS:** Yes.

15 **MS. ERIN DANN:** And then during the 2019
16 General Election you served as -- or worked as the Prime
17 Minister's Director of Media Relations?

18 **MS. ZITA ASTRAVAS:** Yes, during the 2019
19 election, yes.

20 **MS. ERIN DANN:** And then subsequent to the
21 2019 election, until the 2021 election you were Chief of
22 Staff for Minister Bill Blair when he was Minister of Public
23 Safety.

24 **MS. ZITA ASTRAVAS:** That is correct.

25 **MS. ERIN DANN:** And following 2021 election,
26 you became -- you remained Chief of Staff for Minister Blair
27 when he was then a Minister of Emergency Preparedness and
28 President of the King's Privy Council.

1 **MS. ZITA ASTRAVAS:** That is correct.

2 **MS. ERIN DANN:** All right. My questions will
3 relate to your time as Chief of Staff for Minister Blair in
4 his capacity as Minister of Public Safety.

5 **MS. ZITA ASTRAVAS:** Okay.

6 **MS. ERIN DANN:** Can you describe your role as
7 Chief of Staff?

8 I think you can take down that summary, Court
9 Operator.

10 Can you describe your role as Chief of Staff?
11 What were your duties, and how is a Chief of Staff position
12 distinct from the role -- a public servant role? We've heard
13 from many public servants at this -- at the Commission. Can
14 you describe sort of the distinction between a Chief of Staff
15 position and a public servant position?

16 **MS. ZITA ASTRAVAS:** Perfect. So as you've
17 mentioned, I've been a Chief of Staff for many portfolios in
18 my time in the federal government. What that role entails is
19 you're the chief, the boss of all the political staff that
20 work within that office.

21 The size of my teams varied. For example, in
22 National Defence they were larger than that at Emergency
23 Preparedness; Public Safety was in the middle, in terms of
24 staff size. I would oversee those -- the hiring of that
25 personnel and I would manage them.

26 I divided my team into four sections: The
27 parliamentary affairs team, the communications team, the
28 operations team, the policy team, and then the executive

1 support for the Minister and for myself.

2 What we would undertake is work closely with
3 the Public Service, you know whether it was memorandums to
4 Cabinet, getting materials to the Minister, organizing
5 speeches, tours, public appearances for the Minister; all of
6 that came under my shop, as well as liaising with the
7 Constituency Office.

8 Part of the function of a Chief of Staff as
9 well is building a relationship with senior public servants.
10 So in that case, at National Defence, it was with the Deputy
11 Minister and the Chief of Defence staff. At Public Safety it
12 was a bit different as we had the Deputy Minister and we had
13 five Deputy Heads: The Director of CSIS, the Commissioner of
14 the RCMP, the Commissioner of Corrections, the Chairperson of
15 the Parole Board, and the President of the CBSA.

16 How we differ than the Public Service,
17 obviously we are not public servants. We serve the Minister
18 at pleasure. If there's a change in Minister -- I followed
19 Minister Blair, that is not always the case. Of personnel
20 across the system, we provide advice separate and aside, and
21 rely on the advice of the Public Service, but we integrate
22 our own advice in working with the Minister, and support him,
23 in this case him, in their execution of their daily
24 activities. We also oversaw the Minister's schedule, made
25 arrangements for documents to be delivered and facilitated,
26 you know, meetings with -- whether it was the Deputy
27 Minister, or the Director, or the President of CBSA, on a
28 daily basis, and that continued on for the time that I served

1 Minister Blair.

2 **MS. ERIN DANN:** Can you describe your
3 relationship as the Chief of Staff with other Ministerial
4 Chiefs of Staff and with the Prime Minister's office in
5 particular?

6 **MS. ZITA ASTRAVAS:** So I also did work for
7 the Prime Minister's office from 2015 to 2017 as Director of
8 Issues Management. As Chiefs of Staff, we would work closely
9 together. There were a number of files at Public Safety that
10 were multiple portfolios. So for example I would work very
11 closely with my counterpart at say, Justice on a number of
12 policy matters as it related to gun control. I would work
13 with other Chiefs of Staff, like Foreign Affairs, very
14 closely on some policy items.

15 We would work closely with Prime Minister's
16 office, whether it was around matters of what to bring to
17 Cabinet, how we would bring and what sequence we would bring
18 items to Cabinet to ensure that there was a coordinated
19 effort across from government. My team also worked very
20 closely with the Prime Minister's office and the teams in
21 different ministerial offices. So for example on gun
22 control, my communications team would work closely with that
23 of the deputy -- or of the Minister of Justice and we had a
24 very strong working relationship.

25 **MS. ERIN DANN:** Much of your time working as
26 Chief of Staff for Minister Blair when he was Minister of
27 Public Safety was during COVID. If I could take you back to
28 -- thinking back, sort of, to the end of 2020 and the first

1 half of 2021, were you working physically in Ottawa in the
2 office?

3 **MS. ZITA ASTRAVAS:** At that time, during the
4 pandemic, we were working from home. We would come into the
5 office as it was required in order to view classified
6 material, that in a pandemic was still required to be in a
7 classified space to review those sensitive documents and
8 arrangements would be made for myself and my team to go into
9 the office.

10 **MS. ERIN DANN:** Right. Would someone alert
11 you when there was something that needed to be -- that you
12 need to view in a secure space?

13 **MS. ZITA ASTRAVAS:** Yes, I depended on the
14 public service to alert me to that.

15 **MS. ERIN DANN:** My examination will focus on
16 two specific topics. First, a particular warrant; and then
17 second, flow of intelligence relating to MP Michael Chong in
18 2021.

19 So we'll start with the warrant. Just to
20 sort of set the stage for this I'll ask that CAN.SUM.29 be
21 pulled up, and if we can go to Page 3 of that document?

22 **--- EXHIBIT No./PIÈCE No. CAN.SUM.000029:**

23 CSIS Warrant Application Process

24 **MS. ERIN DANN:** This is a summary that was
25 produced which outlines the CSIS warrant application package.
26 You see on the -- it outlines the considerable amount of work
27 that goes into preparing a warrant application package.

28 I want to direct your attention to the second

1 last paragraph on page 3, if we can scroll down. It says:

2 "The *CSIS Act* requires that any
3 warrant application be approved by
4 the Minister of Public Safety Canada.
5 Public Safety Canada officials will
6 review the warrant application to
7 draft a summary with advice to the
8 Minister as to whether Minister
9 should approve the application and
10 provides all information received
11 from CSIS to the Minister for
12 consideration. The Minister's office
13 may ask questions for request further
14 information from CSIS or Public
15 Safety officials."

16 Does that accord with your recollection of
17 how this process occurred during your time as Chief of Staff?

18 **MS. ZITA ASTRAVAS:** Yes.

19 **MS. ERIN DANN:** All right. And when it says
20 that Public Safety would provide all the information received
21 from CSIS to the Minister for consideration, would Public
22 Safety provide that directly to the Minister or would they
23 provide that to the Minister's office for processing to the
24 Minister?

25 **MS. ZITA ASTRAVAS:** They would provide it to
26 the Minister's office, however in the time of the pandemic we
27 would make arrangements for that said document to be provided
28 to the Minister physically.

1 **MS. ERIN DANN:** Understood. So when --
2 during this time period how did you or your office -- did you
3 personally receive it, or someone within the Minister's
4 office would receive the physical package from public safety
5 officials?

6 **MS. ZITA ASTRAVAS:** So while I was Chief of
7 Staff, I always ensured that at least two individuals had the
8 appropriate clearance to deal with these sensitive matters.
9 That was important to me in the case where if one of us got
10 sick or had to leave, not be in the office, that there would
11 be a continuity of knowledge. And so that would be presented
12 to either myself or a member of my staff.

13 **MS. ERIN DANN:** And who was responsible then
14 for alerting the Minister that a warrant application had
15 arrived and for his review and approval?

16 **MS. ZITA ASTRAVAS:** We would inform the
17 Minister that he would be required to get himself to a secure
18 facility to review classified documents.

19 **MS. ERIN DANN:** We've heard evidence that
20 CSIS usually built in approximately 10 days for the Minister
21 to review the warrant materials, unless the warrant
22 application was particularly urgent, in which case they may
23 require a shorter turn around. Was that 10-day sort of
24 expected turn around, is that consistent with or inconsistent
25 with your memory?

26 **MS. ZITA ASTRAVAS:** I don't have a
27 recollection that that was explicitly stated, but we worked
28 closely with the department to ensure a signature with

1 provided.

2 **MS. ERIN DANN:** All right. And what we're
3 Minister Blair's general expectations, if you can say, in
4 terms of the promptness with which warrants should be dealt?

5 **MS. ZITA ASTRAVAS:** Minister Blair would
6 expect to be notified of documents that required his
7 attention, and that he also knew that we would review the
8 documents in advance of being delivered to the Minister.

9 **MS. ERIN DANN:** Could I ask that COM.615 be
10 put up? I'm going to ask some questions now about a specific
11 warrant. Commissioner, the document that I will ask to be
12 put up is an unclassified chronology. There's a chronology
13 that's referred to in a number of the interview and *in camera*
14 summaries that have been provided. That is a classified
15 chronology.

16 The Commission has prepared this unclassified
17 version based on information contained within the public
18 summaries. I am not asking that this be marked as an
19 exhibit, but I will use it as an aid to examination to set
20 out -- to help, I hope, frame some of the discussion in terms
21 of the intervals that we're talking about.

22 **COMMISSIONER HOGUE:** Fine.

23 **MS. ERIN DANN:** Ms. Astravas, I'll briefly
24 review this to see if you can provide any other details or
25 information and then we'll have some questions about specific
26 entries. Day 0, we have an entry that says, CSIS letters
27 signed by the Director to the Deputy Minister of Public
28 Safety, then Rob Stewart and Minister of Public Safety, Bill

1 Blair:

2 "...requesting the Minister authorize
3 an application for a warrant, [and]
4 enclosing materials related to the
5 warrant application."

6 Do you have any knowledge of when this
7 warrant package arrived at Public Safety?

8 **MS. ZITA ASTRAVAS:** I don't have a specific
9 recollection, but I acknowledge the timeline of the warrant
10 in front of me.

11 **MS. ERIN DANN:** All right. And we have an
12 entry at Day 4 that says, signed consultation by the Deputy
13 Minister "pursuant to subsection 7(2) of the *CSIS Act*".

14 We've heard evidence of a memo or a cover
15 letter from the Deputy Minister that was signed -- or that
16 was stamped Day 4, that recommended that the Minister approve
17 the warrant and stated that CSIS was requesting the return of
18 the package by that same date. IE, Day 4. We've also heard
19 evidence that this package was passed to you.

20 Did you receive this package of materials at
21 some point, and if so, do you recall when it was passed to
22 you?

23 **MS. ZITA ASTRAVAS:** As you can appreciate, I
24 don't have the benefit of my calendar from that time. But I
25 do acknowledge receipt at some point of the package. That
26 package would include the briefing note, the warrant itself,
27 and the letter from the Deputy Minister. I would note that
28 the date stamped of it leaving the Deputy Minister's office

1 was not always reflective of the date that it arrived within
2 my office. But I do acknowledge receipt of that package.

3 **MS. ERIN DANN:** All right. And do you recall
4 seeing the requested return date of Day 4?

5 **MS. ZITA ASTRAVAS:** I don't have specific
6 recollection of it, but I don't dispute that.

7 **MS. ERIN DANN:** All right.

8 **MS. ZITA ASTRAVAS:** I would -- I would note
9 that there were -- as I just mentioned, there were some dates
10 where we would receive documents after a date that it had
11 been stamped. That was just a challenge of not just at
12 Public Safety, at other departments that I had worked with.

13 **MS. ERIN DANN:** All right. And then there's
14 -- Day 13, there's a reference to a secure oral briefing to
15 Minister Blair's then Chief of Staff, that's you, and others.

16 Do you recall who else -- and it indicates
17 that Minister Blair did not attend. Do you recall who else
18 was in attendance at that briefing, which we call the initial
19 briefing in a number of the summaries?

20 **MS. ZITA ASTRAVAS:** So members of the service
21 were present. An invitation to members of Public Safety was
22 always extended in this case, and a member of my staff with
23 the appropriate clearance was present. And Minister Blair
24 was not present.

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

26 And I'll return to some questions about that
27 briefing, but just to complete this timeline or chronology,
28 on Day 54 we have CSIS provides a secure oral briefing to

1 Minister Blair. The Minister briefing was given over secure
2 videoconference. You, senior Public Safety officials and
3 CSIS officials attended by video from Ottawa.

4 Does that accord with your memory?

5 **MS. ZITA ASTRAVAS:** It does.

6 **MS. ERIN DANN:** All right. And that's the
7 day on which the Minister reviewed the application and
8 approved it. Is that right?

9 **MS. ZITA ASTRAVAS:** Correct.

10 **MS. ERIN DANN:** Did you maintain your hard
11 copy version of the warrant package?

12 **MS. ZITA ASTRAVAS:** All warrants were stored
13 in a secure facility in the office because of the nature of
14 the documents and how very sensitive that they were, and that
15 was maintained within the office of the Minister of Public
16 Safety.

17 **MS. ERIN DANN:** And was a separate -- I
18 understand a separate copy of that -- of those materials
19 would have been provided to Minister Blair in the Toronto
20 regional office.

21 **MS. ZITA ASTRAVAS:** We could coordinate with
22 departmental officials to ensure that a package would be made
23 available to Minister Blair in Toronto when he attended the
24 regional office.

25 **MS. ERIN DANN:** You testified *in camera* about
26 having asked for and received a briefing on the Vanweenen
27 list. What was the purpose of that, of requesting that
28 briefing?

1 **MS. ZITA ASTRAVAS:** As you can appreciate, I
2 did not know what a Vanweenen list was prior to working at
3 Public Safety. As was the case on a number of different
4 files and functions moving through departments, I would ask
5 for an information brief that would cover what that is and
6 how it would be treated from what a document is and not the
7 matter -- not the specifics of the document itself.

8 **MS. ERIN DANN:** All right. Did you share the
9 names of the individuals on the Vanweenen list with anyone
10 outside the Minister's office, Public Safety or CSIS?

11 **MS. ZITA ASTRAVAS:** No.

12 **MS. ERIN DANN:** Specifically, did you share
13 any of those names with the Prime Minister's Office?

14 **MS. ZITA ASTRAVAS:** No.

15 **MS. ERIN DANN:** Can you place the briefing
16 you had on the Vanweenen list anywhere on this?

17 I realize it won't be exact, but can you
18 place it anywhere on this timeline? Was it before or after,
19 for example, the initial briefing?

20 **MS. ZITA ASTRAVAS:** It would be following the
21 initial briefing, so following Day 13 prior to Day 54.

22 **MS. ERIN DANN:** All right. When on this
23 timeline, if at all, did you advise Minister Blair that there
24 was something -- I believe the language you used this morning
25 was -- earlier in your testimony was there was something
26 requiring his review in a secure location?

27 **MS. ZITA ASTRAVAS:** At some point between Day
28 13 and Day 54.

1 **MS. ERIN DANN:** Can you tell us whether it
2 was closer to Day 13 or Day 54, or you can't say?

3 **MS. ZITA ASTRAVAS:** I don't have a specific
4 recollection of that. I would add, though, that the nature
5 of the information contained in the warrant, we would not be
6 allowed to speak about it on an unclassified phone, and so we
7 were constrained from that perspective to discuss the subject
8 of the warrant itself.

9 **MS. ERIN DANN:** All right. And we expect
10 Minister Blair's evidence will be that he only became aware
11 that the warrant application was awaiting his approval on Day
12 54. Is that consistent with your memory, or do you believe
13 you advised him of the existence of this warrant and that it
14 was awaiting his approval prior?

15 **MS. ZITA ASTRAVAS:** I would have advised of
16 paper moving through our office, but because of the nature
17 and the classification of the document itself, I was not -- I
18 did not disclose the subject matter of the warrant itself.

19 **MS. ERIN DANN:** All right. You mentioned in
20 your *in camera* examination that you spoke to the Minister
21 daily, sometimes multiple times a day. Those, I assume, were
22 not secure telephone calls.

23 **MS. ZITA ASTRAVAS:** No, it would usually be
24 on a regular cell phone, although I would say that this
25 material was considered top secret with additional
26 constraints given the sensitivity of it, and so it would be
27 inappropriate to have discussions at the unclass or secret
28 level on this matter.

1 **MS. ERIN DANN:** All right. And did you have
2 any opportunity between Day -- some time before Day 54 to
3 convey this information to -- the subject matter of this
4 warrant to the Minister by way of a classified or TS phone
5 call?

6 **MS. ZITA ASTRAVAS:** The subject of the
7 warrant had been a matter of discussion with the service
8 outside of a warrant process for some time, and so there was
9 an awareness of an individual and awareness of a warrant, but
10 we did not discuss the specific -- the document itself
11 because of the classification of it.

12 I would add, though, in between Day 13 and
13 Day 54, there were a number of occasions where Minister
14 Blair, CSIS Director David Vigneault and myself as well as
15 the Deputy Minister were in meetings together on a number of
16 different matters, and so there was communication on a number
17 of different issues between the four of us.

18 **MS. ERIN DANN:** All right. But on none of
19 those occasions did you tell the Minister, "That item for
20 your signature relates to this issue that has been the
21 subject of some ongoing discussion".

22 **MS. ZITA ASTRAVAS:** I do not have direct
23 recollection of that specifically, as in I cannot recall.

24 **MS. ERIN DANN:** We expect to hear evidence
25 from Minister Blair that, several months prior to receiving
26 the warrant application or prior to CSIS sending the warrant
27 application, that Minister Blair received a briefing from
28 CSIS, the Director and Deputy Director, regarding

1 intelligence relevant to this eventual warrant. Did you --
2 were you aware of that briefing and did you attend that
3 briefing?

4 **MS. ZITA ASTRAVAS:** It was customary for me
5 to attend briefings with the Minister when they were provided
6 by Director Vigneault. I don't have specific recollection of
7 that in this forum, so if you could provide any other
8 details.

9 **MS. ERIN DANN:** That's all right. I think
10 I've -- I don't think I can provide any other details in this
11 forum, but that's all right. If you don't have a
12 recollection, that's all right.

13 **MS. ZITA ASTRAVAS:** It was customary for me
14 to attend briefings with Minister Blair and the Director.

15 **MS. ERIN DANN:** All right. Did you tell
16 anyone outside of the Minister's office, CSIS or Public
17 Safety officials about the subject matter of the warrant that
18 we've been discussing?

19 **MS. ZITA ASTRAVAS:** No.

20 **MS. ERIN DANN:** And in particular, did you
21 tell anyone within the Prime Minister's Office or the Privy
22 Council Office about the subject matter of this warrant?

23 **MS. ZITA ASTRAVAS:** No.

24 **MS. ERIN DANN:** There's a reference in the
25 CSIS *in camera* hearing summary to David Vigneault noting that
26 you, Ms. Astravas, were forthcoming and transparent in
27 discussions relating to this warrant.

28 Does that suggest that you had some

1 information that you felt relevant to discussions about this
2 warrant or intelligence relating to this warrant?

3 **MS. ZITA ASTRAVAS:** As you know, we've
4 discussed this *in camera* at length. And over 16 years in my
5 professional life, I had become familiar with a number of
6 individuals and, speaking more generally, whenever there was
7 a document or a conversation with the service where an
8 individual was named that I was familiar with, I disclosed
9 that to the Director himself immediately or -- and repeatedly
10 as an opportunity that if there was any concern, that the
11 Director could take that under advisement and express any
12 concern should there be some. And he did not at any point.

13 I also disclosed that same information to
14 Minister Blair, and he also did not express any concerns.

15 **MS. ERIN DANN:** Can you tell us when, and I
16 don't need a specific date, but where perhaps in relation to
17 this timeline? Was it in advance of day zero? At some point
18 between day zero and day 54?

19 **MS. ZITA ASTRAVAS:** It would have been the
20 first time that an individual was named in a briefing. I
21 would have disclosed that information. And I would have
22 reiterated that information at day 13, when I became aware of
23 that document.

24 **MS. ERIN DANN:** All right. Turning then to
25 day 13 and the initial briefing, what was -- I understand
26 from your *in camera* summary that you asked a number of
27 questions during that briefing, including questions about how
28 the activities described met the threshold to obtain a

1 warrant. What was your purpose of asking those questions?

2 **MS. ZITA ASTRAVAS:** We would trigger a
3 briefing whenever a warrant came into our office for
4 information. We considered these as operational documents
5 from the Service. Unlike a Memorandum to Cabinet, which
6 would be a discussion, this was an operational -- like, a
7 brief to us, where we would have an opportunity to ask
8 questions.

9 It was to inform myself, for information
10 only, and this was customary practice within our office to
11 receive a briefing whenever a warrant came in.

12 As time went on and warrants came for
13 renewal, and particularly if a warrant that Minister Blair
14 had authorized initially came back for renewal, the
15 information brief would often be truncated.

16 **MS. ERIN DANN:** All right. Were you waiting
17 for any answers to these questions before putting the warrant
18 application or bringing the warrant application to the
19 Minister's attention?

20 **MS. ZITA ASTRAVAS:** I had asked for an
21 explanation of what a Vanweenen list is, and I received that
22 briefing in that subsequent time.

23 **MS. ERIN DANN:** All right. And did you
24 require that briefing before putting this -- the briefing on
25 the Vanweenen lists, was that a prerequisite to getting this
26 -- to putting the warrant before Minister Blair?

27 **MS. ZITA ASTRAVAS:** I determined what
28 information I would put forward to Minister Blair based on a

1 priority list identified by the Director.

2 **MS. ERIN DANN:** We heard evidence from then
3 Deputy Minister Stewart that it would have taken CSIS some
4 time to get the Minister and his staff comfortable with this
5 particular warrant. From your perspective, did you require
6 time to get comfortable with this warrant?

7 **MS. ZITA ASTRAVAS:** We required the time to
8 get briefed on it, and I would say that Minister Blair has
9 approved every warrant put in front of him, and that was our
10 recommendation for him as well.

11 **MS. ERIN DANN:** Did you report back any of
12 the information that you learned in the initial briefing or
13 in your subsequent briefing on the Vanweenen list to Minister
14 Blair?

15 **MS. ZITA ASTRAVAS:** Could you repeat the
16 question?

17 **MS. ERIN DANN:** Did you report to, or consult
18 with, or discuss with Minister Blair any of the information
19 that you received during the initial briefing or the briefing
20 on the Vanweenen list?

21 **MS. ZITA ASTRAVAS:** We would have spoken
22 about the warrant in a classified space the same day that he
23 affixed his signature, and that would be the time that we
24 would have discussed any information provided in that -- in
25 those briefings.

26 **MS. ERIN DANN:** During your in camera
27 examination, you were shown an internal CSIS email sent the
28 day after the initial briefing, so day 14, and you had not

1 seen this email before. It indicated that the author of that
2 email expressed concern that the warrant application was in
3 danger of not being approved by the Minister. Was the
4 warrant in danger of not being approved?

5 **MS. ZITA ASTRAVAS:** No.

6 **MS. ERIN DANN:** Was that a message you
7 conveyed during the initial briefing?

8 **MS. ZITA ASTRAVAS:** No.

9 **MS. ERIN DANN:** What was your expectation
10 following the initial briefing? What were the next steps to
11 put this before the Minister?

12 **MS. ZITA ASTRAVAS:** We would, in these
13 briefings, because of the -- where the arrangements that
14 would have to be made in order for us to speak to the
15 Service, we would often deal with a number of different
16 issues in that time period. And that would often be followed
17 up with guidance from the Service on what was urgent. And in
18 this case, it was not expressed as urgent.

19 **MS. ERIN DANN:** I understand the evidence
20 before the Commission to be that there was no back and forth
21 on the content of this particular warrant package between day
22 zero and day 54. Is that consistent with your memory?

23 **MS. ZITA ASTRAVAS:** Yes.

24 **MS. ERIN DANN:** And you spoke in your in
25 camera hearing and the interview that you would -- that a
26 warrant application would be presented to the Minister when
27 it was ready. And by ready, you explained that meant once
28 the paperwork was in line and the logistics sorted. Is that

1 a fair summary?

2 **MS. ZITA ASTRAVAS:** I think that's fair.

3 There were, on some occasions, when a warrant application was
4 presented to our office, it would not be complete because it
5 wasn't dated or there would be a signature missing from some
6 of the other parties. More of an administrative perspective.
7 But we would work with prioritization with the Service on how
8 to best spend the Minister's time.

9 **MS. ERIN DANN:** All right. You testified
10 that the briefings and the questions you asked were for your
11 own information, your own interest, and that you did not
12 provide or discuss the information received in those
13 briefings with Minister Blair perhaps until the day 54.
14 Given the Minister's duty, statutory duty to review warrant
15 applications and his expectation that we expect him to
16 testify to that the warrant applications be dealt with
17 promptly, was there any consideration given to prioritizing
18 the Minister's briefing over the briefings to you on day 13
19 or the Vanweenen briefing?

20 **MS. ZITA ASTRAVAS:** So the Director of the
21 Service, I had a very close relationship, a strong working
22 relationship with the Director, and the Director was very
23 clear when he required time to speak to the Minister, and
24 that was always coordinated immediately, as soon as we could
25 get the schedules to align, but certainly there have been
26 some occasions where we turned around a phone call between
27 the Director and the Minister within hours, as indicated by
28 the Director. And at no time, and I believe this is

1 consistent with testimony, both from the Deputy Minister and
2 the Director, that they were not concerned around the
3 timeline.

4 **MS. ERIN DANN:** All right. During your in
5 camera examination, you were referred to an internal CSIS
6 email from the affiant that expressed concern about the
7 perceived delay in obtaining the Minister's approval. In
8 your summary, it indicates that the affiant identified
9 concerns, which included a concern that the longer the
10 application is delayed, the more dated the information in the
11 application becomes, and that if asked by the Federal Court
12 about the delay in approval by the Minister of the warrant
13 application, the affiant would describe the delay as unusual.

14 Do you -- I'll ask first, do you view the
15 delay in this case, in the time taken for the Minister to
16 approve the warrant application, as unusual?

17 **MS. ZITA ASTRAVAS:** I relied on the Public
18 Service to identify what was urgent and of a priority. Both
19 had indicated through their testimony that they were not
20 concerned with the time that had elapsed.

21 I would also note that once Minister Blair's
22 signature was affixed, it took three weeks for the Federal
23 Court to hear that case. I have seen warrants, following the
24 Minister's signature, go to the Court within hours or days,
25 and in this case, I believe it took up to three weeks.

26 **MS. ERIN DANN:** All right. We heard evidence
27 from Ms. Tessier that CSIS employees at the operational level
28 were very frustrated by what they perceived as delay in

1 obtaining the Minister's approval. I think you've already
2 spoken to this, but can you confirm whether those concerns
3 were conveyed to you?

4 **MS. ZITA ASTRAVAS:** They were not.

5 **MS. ERIN DANN:** Did you intentionally sit on
6 or delay putting this warrant before the Minister for his
7 approval?

8 **MS. ZITA ASTRAVAS:** No.

9 **MS. ERIN DANN:** Why then did it take until
10 day 54 for the Minister to become aware that this warrant was
11 awaiting his approval?

12 **MS. ZITA ASTRAVAS:** There are -- as I've
13 testified, we worked on prioritizing items for the Minister's
14 consideration with CSIS. CSIS would identify an agenda item
15 that they wanted to discuss with the Minister, and as soon as
16 the Director had indicated that he would like to put this
17 warrant on the agenda, it was arranged within days.

18 **MS. ERIN DANN:** So was that the case for all
19 warrants? That they would only be put before the Minister
20 when the director himself indicated that he wished to have
21 this on the agenda?

22 **MS. ZITA ASTRAVAS:** The Director would
23 indicate matters of priority and we would work with the
24 Director and his team in order to make those arrangements.

25 I would note that in this period of time,
26 there were a number of touch points between the Director, the
27 Minister, the Deputy Minister, all together and separate, and
28 at no point was it raised as a matter of urgency.

1 To give you some context, at that time, in
2 working with the service, we had just made public, prior to
3 this time period, an update to the terror listings and an
4 additional list of organizations and individuals to be listed
5 as terrorist organizations was under discussion between, and
6 under consideration, between the Director and the Minister in
7 the Public Service.

8 In addition to that, as part of the mandate,
9 there were items like 5G and -- 5G and other issues that
10 involved the Service, Ministerial Security, intelligence
11 priorities that were in front of the Minister, which were
12 CSIS leads in discussion with the Minister.

13 And so there were several opportunities that
14 the Minister and the Director and the Deputy Minister could
15 have raised and directed his attention to this matter. It
16 was certainly afforded to them, and it was not raised.

17 **MS. ERIN DANN:** And setting aside what they
18 raised or did not raise, we expect to hear evidence that
19 despite the other important issues that Public Safety and the
20 Minister were dealing with at the relevant time, and the
21 logistical challenges posed by COVID, that Minister Blair,
22 during the same time frame as this warrant, approved two
23 other warrants for which a turnaround time for the approval
24 was between four and eight days. Was there something
25 specific about this warrant that set it apart or prevented a
26 turnaround within a shorter time frame?

27 **MS. ZITA ASTRAVAS:** I do not have a
28 recollection of which other warrants you're alluding to.

1 However, generally speaking, if a warrant was a renewal, that
2 a previous Minister or Minister Blair himself had authorized,
3 then he was comfortable with that material, because he had
4 seen it before, so that would usually mean a quicker
5 signature being affixed.

6 Certainly I think one of the other
7 considerations was there would be more thorough briefings to
8 the Minister and to the team regarding new or novel warrants.

9 I remind everybody that this was following
10 the *En Banc* decision, where the Federal Court was very
11 frustrated with CSIS on their duty -- or their lack of duty -
12 - or their -- them not fulfilling their obligations of duty
13 of candor to the Court. And so it was very important that we
14 worked diligently through the Minister with the Service in
15 order to rebuild that trust between the Court and the Service
16 following that decision.

17 I would also just say if it was novel, then
18 we would always ensure with any warrant that the Director had
19 an opportunity with the Minister, should the Minister have
20 any questions. So it was practice in my office that we would
21 arrange for a briefing or that the Director be available to
22 the Minister should there be any questions that the Minister
23 wanted to ask of the Director and of the Service.

24 **MS. ERIN DANN:** I appreciate that. And in
25 this case, it appears that there were not. Our understanding
26 or expected evidence of Minister Blair is that he first
27 became aware of the warrant on day 54, reviewed it for a
28 number of hours, and signed off on the same day. That

1 suggests that he did not require additional briefings from
2 the Director. Would you agree?

3 **MS. ZITA ASTRAVAS:** He was -- there was a
4 briefing the day, day 54, of -- provided to the Minister and
5 he affixed his signature that day.

6 **MS. ERIN DANN:** All right. I suppose what
7 I'm asking is, was there -- were there briefings to the
8 Minister that needed to occur prior to day 54?

9 **MS. ZITA ASTRAVAS:** Oh, I see.

10 **MS. ERIN DANN:** Was that a reason for --
11 you've mentioned that where there's a novel warrant, for
12 example, that there may need to be additional briefings. As
13 far as the Commission has heard thus far, there were no such
14 briefings in this case?

15 **MS. ZITA ASTRAVAS:** That is accurate.

16 **MS. ERIN DANN:** All right. I'll turn in my
17 remaining moments to information flow relating to some
18 intelligence in respect of MP Michael Chong.

19 In 2021, as Chief of Staff, I understand you
20 did not have access to a CTSN, Top Secret Network account,
21 and that you relied on paper documents being provided to you
22 through a departmental liaison officer from Public Safety.
23 Is that right?

24 **MS. ZITA ASTRAVAS:** That is correct.

25 **MS. ERIN DANN:** During your in camera
26 examination, you testified that there was a shift in
27 intelligence flow to you and the Minister following COVID.
28 Before COVID, I understand that physical binders, reading

1 binders, would have been provided to you, to the Minister's
2 Office, and for the Minister. Were those provided directly
3 to you or to someone on your staff?

4 **MS. ZITA ASTRAVAS:** They would have been
5 provided either to myself or a member of my staff who was
6 appropriately cleared by the Department.

7 **MS. ERIN DANN:** And after COVID, you
8 testified that the binders stopped coming and they did not
9 resume during your tenure as Chief of Staff. Is that right?

10 **MS. ZITA ASTRAVAS:** That is correct.

11 **MS. ERIN DANN:** Okay. And ---

12 **MS. ZITA ASTRAVAS:** At the ---

13 **MS. ERIN DANN:** Oh, sorry.

14 **MS. ZITA ASTRAVAS:** At the beginning, they
15 arrived as a physical binder with many different briefs in
16 there every week, and once the pandemic happened, the binders
17 were no longer produced or delivered to our office.

18 There was a continuation of intelligence
19 provided to our office significantly truncated to a less --
20 there was a smaller volume that would arrive, and it would
21 not be on a weekly basis. And all of that intelligence was
22 always provided in full to Minister Blair.

23 **MS. ERIN DANN:** Yesterday we heard some
24 evidence from Mr. Stewart, which -- that Public Safety did
25 continue to produce physical reading binders and provided
26 them to the Minister's Office during COVID. Does that accord
27 with your recollection or do you have any response to that
28 evidence?

1 **MS. ZITA ASTRAVAS:** With the deepest of
2 respect to the Deputy Minister, that was not the experience
3 of our office.

4 **MS. ERIN DANN:** Is it possible that you may
5 have received binders, but were unaware of them because you
6 were not in the office?

7 **MS. ZITA ASTRAVAS:** I was notified whenever
8 there was classified information that was to be delivered to
9 myself or Minister Blair because we had to make arrangements
10 to come into the office and review that material. I was
11 provided with the material that I reviewed, and it was not in
12 a binder format, or to the same volume or detail as it had
13 been delivered prior to the pandemic.

14 I did support Minister Mendicino in his
15 transition as Minister to Public Safety following the Cabinet
16 shuffle of 2021. At that time, to Minister Mendicino, as his
17 transition staff, I advised him that we -- the Minister's
18 Office used to receive an intelligence binder and that I
19 strongly recommended that Minister Mendicino ask for that to
20 be resumed.

21 **MS. ERIN DANN:** We've heard about three
22 intelligence products relating to Michael Chong that were
23 disseminated by CSIS in advance of an Issues Management Note
24 in May of 2021. Did you receive any of these intelligence
25 products? Were they among the materials that you did receive
26 during that period?

27 **MS. ZITA ASTRAVAS:** I understand that I did
28 discuss this in my in camera testimony, ---

1 intelligence was provided to the
2 Minister of Public Safety, likely as
3 part of a weekly reading package, in
4 2021. This would have preceded by
5 several months both the issues
6 management note and the intelligence
7 assessment of July 2021. There is no
8 indication that was provided to the
9 Minister despite the fact that he was
10 a named recipient on the distribution
11 list." (As read)

12 **MS. ZITA ASTRAVAS:** Any intelligence that our
13 office receives that was destined for Minister Blair was
14 delivered in full. The department or the service would make
15 a determination on what pieces of intelligence should be
16 brought to the Minister's attention and I provided those
17 packages or I made arrangements for those packages to be
18 reviewed by the Minister in full.

19 **MS. ERIN DANN:** And did you ever curate or
20 limit the intelligence products that were sent on to Minister
21 Blair?

22 **MS. ZITA ASTRAVAS:** No.

23 **MS. ERIN DANN:** And just to confirm, your
24 evidence *in camera* was that you did not receive the issues
25 management note of May of 2021?

26 **MS. ZITA ASTRAVAS:** No, I did not.

27 **MS. ERIN DANN:** All right. And we have seen
28 that you were listed on the distribution list for that issues

1 management note. When did you first become aware of that
2 note?

3 **MS. ZITA ASTRAVAS:** I became aware of that
4 note after I had left Public Safety. I was at Emergency
5 Preparedness, and it was either through public reporting or
6 the ISR's work in that case.

7 **MS. ERIN DANN:** All right. And you indicated
8 in your interview that had you seen it, you would have had a
9 strong reaction. Why is that?

10 **MS. ZITA ASTRAVAS:** Certainly if there -- if
11 a parliamentarian was named and Minister Blair had been very
12 clear on pieces of intelligence were -- or concerns around
13 parliamentarians, he would have undertaken or I would have
14 asked the service what are they doing to follow up in that
15 respect.

16 Minister Blair felt very strongly around the
17 protection of parliamentarians. I'd remind you of the note
18 and the letter that he had written to all parliamentarians
19 around foreign interference, and that was certainly
20 consistent on his approach throughout the time that I worked
21 for him.

22 **MS. ERIN DANN:** My last question, you
23 indicated that after becoming aware that -- of this issues
24 management note that you took steps to try to determine
25 whether or not you had received it. And I understand that
26 you were not able to determine or no one was able to tell you
27 whether or not you had received that document. Is that
28 right?

1 **MS. ZITA ASTRAVAS:** It is correct that public
2 servants were not able to confirm that it was delivered to
3 myself or Minister Blair at that time.

4 **MS. ERIN DANN:** And did you take any steps to
5 determine whether there was any other information or
6 intelligence that was intended to be distributed to you or
7 the Minister that did not reach you?

8 **MS. ZITA ASTRAVAS:** Through the ISR process,
9 we learned of a number of pieces of intelligence that were
10 never delivered to myself or the Minister.

11 **MS. ERIN DANN:** Thank you, Commissioner.

12 **COMMISSIONER HOGUE:** Thank you.

13 Counsel for Michael Chong.

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

15 **MR. GIB van ERT:**

16 **MR. GIB van ERT:** Thank you.

17 Ms. Astravas, just before I start asking my
18 questions, one of the topics I will be covering, as Ms. Dann
19 did, is the warrant, but I do want to say just from the
20 outset so that there's no uncertainty about it that I will
21 not be asking you to confirm or deny the identity of the
22 subject of that warrant.

23 The Government of Canada recently sent a
24 letter to the Commissioner, and she shared it with the
25 parties, where the government explains that it takes the
26 position that the government has not confirmed nor denied the
27 identity of the subject of the warrant and that to do so
28 would be injurious to national security.

1 So I expect your counsel have told you this
2 already, but just to be perfectly clear, I am not, in the
3 questions that I'm going to be asking you, going to be
4 inviting you to confirm or deny who the warrant was about.

5 **MS. ZITA ASTRAVAS:** Understood.

6 **MR. GIB van ERT:** Thank you.

7 Starting with this issue of the flow of
8 information, there is a dispute, it seems, about this.

9 And I'll ask the Court Operator to go to
10 WIT158. This is one of your witness statements, Madam.

11 If you'll go to paragraph 47, please.

12 And Ms. Dann has alluded to this. It's this
13 issue about the binders.

14 I wonder if you could blow it up. Thank you.

15 About five lines down, you say, "Once the
16 pandemic hit, the binders stopped coming." The Deputy
17 Minister advised you that "it was not possible to continue
18 producing binders at the time given the circumstances".

19 As Ms. Dann indicated, Mr. Stewart and also
20 his colleague, Mr. Rochon, were both here yesterday, and they
21 both refuted that statement and the rest of your evidence
22 here at paragraph 47 in its entirety. In particular, Mr.
23 Stewart was specifically asked whether he had told you that
24 the binders couldn't continue given the circumstances, and he
25 said that he disagreed that he had ever told you that.

26 He furthermore said that the binders, in
27 fact, continued to be produced and to be sent to the
28 Minister's office throughout the pandemic. He said there's a

1 safe in the Minister's office where these things are kept,
2 and they kept going there.

3 And he said, furthermore -- I'm just giving
4 you all this so that you can respond.

5 He said furthermore, that in any case, the
6 Minister could always access top secret intelligence products
7 of the kind that would end up in the binders by either having
8 them printed in the CSIS Toronto offices because Mr. Blair
9 was in Toronto during the pandemic, for the most part, or,
10 indeed, Mr. Stewart said that intelligence products would be
11 delivered by CSIS to the Minister's home when he needed them.

12 And so my first question for you on all of
13 this is simply, do you say that Mr. Stewart and Mr. Rochon
14 when they came here and gave that evidence under oath were
15 not telling the truth?

16 **MS. ZITA ASTRAVAS:** I can speak to my
17 experience while I was Chief of Staff in that office. And I
18 -- as I have testified, that we did not receive intelligence
19 on a weekly basis in a binder format and, as I have
20 testified, it was *ad hoc*. A smaller volume was delivered to
21 our office not at a regular basis.

22 And I would say to your point where you said
23 that the Minister could access products, those pieces of
24 intelligence were determined by the public service. They
25 determined which documents needed to be presented to the
26 Minister, so unless they had indicated their desire to have
27 the Minister see a document, there was no way for the
28 Minister to access those documents.

1 They would have to be provided in paper
2 format and delivered to him, and so we relied -- like as his
3 Chief of Staff, I relied on the public service in order to
4 provide those materials, to notify my office that there were
5 materials that were -- that were for the Minister to see or
6 for myself to see. And those documents were provided in full
7 to the Minister when they did arrive.

8 **MR. GIB van ERT:** Let me ask you this. When
9 the Deputy Minister told you it wasn't possible to continue
10 producing the binders, surely you said to him words to the
11 effect of, "Well, we need the intelligence in any case.
12 What's your plan B?".

13 **MS. ZITA ASTRAVAS:** It's my understanding
14 that a number of the individuals at Public Safety whose
15 responsibility was to produce those binders were reassigned
16 during the pandemic to other areas of importance like
17 Canadian extremist travellers, Haiti, other items. That was
18 a determination made by the department on that reallocation.
19 And that they said that, you know, important pieces of
20 intelligence would continue to be flagged.

21 As I've testified, it was not of any of the
22 same volume as had been previously delivered prior to the
23 pandemic, and it was ad hoc, and all of those documents that
24 were provided to us were provided to Minister Blair in full,
25 and that in my transition between Minister Blair and Minister
26 Mendicino, I recommended that Minister Mendicino ask that
27 this be resumed.

28 **MR. GIB van ERT:** How soon did you notice

1 that the volume of intelligence products that you were
2 getting, due to this shift from binders to no binders, had
3 decreased? And once you did notice that did you raise that
4 with the Deputy?

5 **MS. ZITA ASTRAVAS:** My team certainly raised
6 it with public servants, and we were told that there's the
7 reality of the situation and constraints with work from home
8 and the immense amount of work that Public Safety was doing,
9 that this was not possible at this time.

10 I do want to say at Public Safety at this
11 time they were in charge of order, closures, a number of
12 priorities, and so we were very much understanding of their
13 justification saying "We can't do this at that time";
14 however, we relied on the Deputy Minister or the Director of
15 CSIS to flag intelligence they felt the Minister should see.
16 And we were entirely reliant on them.

17 **MR. GIB van ERT:** Madam, here's the other
18 thing about the binder story that I want to suggest is
19 implausible. Even if the Deputy Minister were to tell you --
20 and he says he didn't -- that binders were no longer
21 possible, I put it to you that he would have said, "We can't
22 do binders anymore, but this Minister is still the Minister
23 of Public Safety, Top Secret national security matters still
24 need to go to him. And so here's what we're going to do
25 instead." But you haven't, anywhere in your evidence,
26 suggested that the Deputy offered any sort of plan B at all.
27 That's why I'm struggling to believe this story.

28 **MS. ZITA ASTRAVAS:** As I've testified, there

1 was still pieces of intelligence that were delivered to the
2 Minister. And I'm -- I respect the Deputy Minister
3 immensely, but he's mistaken.

4 **MR. GIB van ERT:** All right. Mr. Blair says
5 that he didn't know about the concerns that the Service was
6 trying to raise in the three intelligence products that Ms.
7 Dann was telling you about, and later the IMU. The concerns
8 about targeting of Mr. Chong and his family, but also in the
9 IMU Kenny Chiu as well.

10 Mr. Blair's evidence -- in fact, he's already
11 said this in evidence he has given in the spring, and we
12 understand he will be giving this evidence again on Friday --
13 is that he didn't see the intelligence. He says that he just
14 didn't receive the products even though they were addressed
15 to him, and also to you as Chief of Staff.

16 Mr. Stewart's evidence, again, is that those
17 products were all available to you and the Minister both,
18 whether in the binders or through the Toronto process that
19 I've described. I take it that you say that that's not true?

20 **MS. ZITA ASTRAVAS:** I had no mechanism to
21 query a system and pull intelligence. I was 100 percent
22 reliant, as was the Minister, that the Public Service would
23 indicate that there were documents ready for our review, our
24 consideration, and at which point we would make arrangements
25 for those documents to be delivered to Minister Blair.

26 This was a point of significant discussion
27 with the ISR on information flow to our office, and that
28 those documents were not delivered; again, as I have

1 testified, that all pieces of intelligence that were provided
2 to me were provided to Minister Blair.

3 **MR. GIB van ERT:** All right. So you're
4 blaming the Public Service, the Department of Public Safety
5 in particular for this, if I've understood you correctly,
6 because you're saying that when CSIS addresses a document to
7 the Minister and to you, it in fact goes to Public Safety, and
8 if they don't get it to you, you won't see it. Right?

9 **MS. ZITA ASTRAVAS:** As I have testified, I
10 was 100 percent reliant on the Public Service to provide us
11 with hard copies of intelligence. There was no other
12 mechanism for intelligence of a classified nature to be
13 shared with my office.

14 **MR. GIB van ERT:** And in respect of these
15 four products you say the Public Service didn't do that and
16 so you and the Minister didn't find out?

17 **MS. ZITA ASTRAVAS:** They were not provided to
18 us.

19 **MR. GIB van ERT:** And so you never found out
20 about them?

21 **MS. ZITA ASTRAVAS:** In that time, no.

22 **MR. GIB van ERT:** All right.

23 Let's go on to the warrant. This is another
24 document that comes to your attention, of course, but doesn't
25 come to Minister Blair's attention for some time. So to
26 start with, we've already had Mr. Blair here, and he was
27 quite emphatic about this. On the 10th of April he said he
28 signed that warrant on the 11th of May, three hours after

1 seeing it for the first time. But you seem to dispute that,
2 and I want to take you to your witness statement again,
3 starting at paragraph 16, please.

4 All right, thank you.

5 So it's about six lines down in that
6 paragraph 16:

7 "She said [that's you, madam] that
8 the Director and the Minister had
9 discussed issues related to the
10 warrant a number of times before the
11 warrant application arrived."

12 When you say, "Arrived" you mean before it
13 was actually submitted to Public Safety?

14 **MS. ZITA ASTRAVAS:** Yes.

15 **MR. GIB van ERT:** All right. So before Day
16 Zero in that timeline that Ms. Dann was showing you?

17 **MS. ZITA ASTRAVAS:** As a matter -- as an
18 issue, generally speaking, that matter had been previously
19 discussed outside of the context of a warrant application.

20 **MR. GIB van ERT:** I see. So when it says,
21 "...the Director and the Minister had discussed issues
22 related to the warrant," it wasn't with reference to a
23 warrant; it was just the issues that ended up being the
24 subject matter of the warrant; is that fair?

25 **MS. ZITA ASTRAVAS:** There were issues
26 relating to the larger subset that -- there were issues
27 related to similar issues contained in the warrant.

28 **MR. GIB van ERT:** Related to foreign ---

1 **MS. ZITA ASTRAVAS:** I've testified at length
2 with the Commission *in camera* on this matter.

3 **MR. GIB van ERT:** I expect you have, and I
4 haven't heard any of it and I never will. But about foreign
5 interference generally, let's put it that way, issues about
6 foreign interference had been vetted between the Director and
7 the Minister, but I think what you're saying here -- and I'm
8 just trying to get your evidence straight -- is that it's not
9 that the Director and the Minister had discussed this warrant
10 before it was submitted; the Minister hadn't actually heard
11 about the warrant before it was submitted. That's what he
12 told us on the 10th of April. Are you disagreeing with the
13 Minister about that?

14 **MS. ZITA ASTRAVAS:** Similar issues related to
15 the warrant had been discussed a number of times, and I've
16 discussed this with the Commission *in camera*.

17 **MR. GIB van ERT:** But the warrant itself had
18 not been brought to the Minister's attention until Day 54,
19 right?

20 **MS. ZITA ASTRAVAS:** It was brought to a
21 warrant, as I have testified, and constrained by security
22 considerations, was discussed between Day 13 and 54.

23 **MR. GIB van ERT:** Discussed with the
24 Minister?

25 **MS. ZITA ASTRAVAS:** As I've testified, that
26 there was a document destined for the Minister, or a document
27 incoming, but we were constrained in not being able to talk
28 about the subject matter in an unclassified setting.

1 **MR. GIB van ERT:** Did you tell the Minister
2 before Day 54 that there was a warrant concerning this
3 particular subject, whoever that was?

4 **MS. ZITA ASTRAVAS:** I've testified *in camera*
5 on this matter.

6 **MR. GIB van ERT:** Yes, I know but you need to
7 answer me now.

8 **MS. ZITA ASTRAVAS:** What is your question?

9 **MR. GIB van ERT:** The question is, before Day
10 54, did you ever tell the Minister who the subject matter of
11 the warrant was?

12 **MS. ZITA ASTRAVAS:** Again, we were
13 constrained by an unclassified situation.

14 **MR. GIB van ERT:** And, therefore, did you or
15 didn't you?

16 **MS. ZITA ASTRAVAS:** I was not able to discuss
17 the subject matter of a warrant in an unclassified situation.

18 **MR. GIB van ERT:** So did you or didn't you
19 talk to the Minister about the subject matter of the warrant
20 before Day 54?

21 **MS. ZITA ASTRAVAS:** There was an awareness,
22 as you see in my statements, around issues relating to that
23 warrant, having been discussed with -- between the Director
24 and the Minister. But the first time the Minister had seen
25 the warrant itself was Day 54.

26 **MR. GIB van ERT:** Yes, I understand the first
27 time he saw it was Day 54.

28 Commissioner, this question matters because

1 it goes to the credibility of Mr. Blair. He was quite
2 emphatic that he hadn't seen the warrant, and in fact,...

3 In fact, why don't I go ahead and show this
4 to you? This may clarify matters. So if we can go to
5 WIT156, please.

6 This is Mr. Blair's anticipated evidence. At
7 paragraph 11. Thank you.

8 "Minister Blair testified that he
9 first became aware of the warrant
10 application on the date he recalls
11 signing it. He did not know that it
12 had been received by his office
13 before that date. He was not aware
14 of the date his office received it
15 and no one showed him the earlier
16 dates on the documents."

17 So you can tell me if I'm misunderstanding
18 him here, but it seems to me that what he is saying is that
19 the first he learned of the warrant, and I believe that
20 includes the first that he ever knew who the subject was, was
21 on day 54?

22 **MS. ZITA ASTRAVAS:** As I've testified, there
23 would have been an awareness of a warrant within our office
24 at some point between day 13 and day 54, but the first time
25 he saw that document is accurate in his statement.

26 **MR. GIB van ERT:** When you say there would
27 have been an awareness within your office, do you include the
28 Minister as being within your office?

1 **MS. ZITA ASTRAVAS:** Yes.

2 **MR. GIB van ERT:** All right. So I think what
3 you're telling the Commission is that the Minister in fact
4 did know before day 54 that there was a warrant coming or
5 that there was a warrant in preparation concerning this
6 subject?

7 **MS. ZITA ASTRAVAS:** He was aware of a warrant
8 entering.

9 **MR. GIB van ERT:** In respect of this subject,
10 whoever that may be?

11 **MS. ZITA ASTRAVAS:** He was aware of a
12 warrant, but I do not have specific recollection if the name
13 was included in that.

14 **MR. GIB van ERT:** You don't remember whether
15 or not he knew who the target of the warrant was?

16 **MS. ZITA ASTRAVAS:** As, again, I would refer
17 you to my previous statement made in my summary, this is
18 something I've spoken at length to with the Commission in
19 camera.

20 **MR. GIB van ERT:** Yes, but as I say, ---

21 **MR. BARNEY BRUCKER:** Well perhaps we should -
22 - my friend should take this up with Minister Blair, who will
23 be on Friday, and then we can ask him what he knew, instead
24 of asking Ms. Astravas what he knew.

25 **MR. GIB van ERT:** I'm sure I will, but I do
26 want to understand what this witness' evidence is about this
27 matter, but why don't I go ahead and move on.

28 You've testified to Ms. Dann that you didn't

1 tell anyone at the Prime Minister's Office about the subject
2 matter of the warrant, or the target of the warrant, or the
3 warrant itself. Have I got that right?

4 **MS. ZITA ASTRAVAS:** Yes.

5 **MR. GIB van ERT:** You didn't tell anyone at
6 the Prime Minister's Office about that?

7 **MS. ZITA ASTRAVAS:** No, I did not tell anyone
8 there.

9 **MR. GIB van ERT:** All right. Did you not
10 have a duty to inform the Prime Minister's Office of this
11 warrant, given its nature?

12 **MS. ZITA ASTRAVAS:** It is a matter for the
13 Service. As you can appreciate, the security clearances
14 required for this warrant are constrained, or any warrant,
15 are constrained. This is extremely highly sensitive
16 information.

17 As Chief of Staff, I took my responsibilities
18 in dealing with classified material, and specifically highly
19 sensitive classified material, extremely seriously, and that
20 those discussions were only undertaken with the people who
21 are appropriately cleared, which included my office, the
22 Service, and Public Safety.

23 **MR. GIB van ERT:** The Prime Minister has
24 clearance to see anything in the Government of Canada; don't
25 you agree?

26 **MS. ZITA ASTRAVAS:** That would be a
27 determination to be made by the Director of the Service.

28 **MR. GIB van ERT:** No, it isn't. The Prime

1 Minister has full authority, as leader of the government, to
2 see anything he wants to see. Is that not something you're
3 aware of, Ms. Astravas?

4 **MS. ZITA ASTRAVAS:** I would say that the
5 compartments and the classification of this document were
6 highly sensitive and that it would not be my responsibility
7 to share information to individuals who were not -- who did
8 not have the appropriate clearance.

9 **MR. GIB van ERT:** Is it your evidence that
10 this warrant was so highly classified that the Prime Minister
11 himself was not allowed to see it?

12 **MS. ZITA ASTRAVAS:** No, I don't agree with
13 you from that -- the premise of your question. What I would
14 say is that I was -- I took my responsibilities under law
15 very seriously, in that I would only speak to individuals who
16 were appropriately cleared by the Service on this matter or
17 the matter of any warrant, and it would be for the Director
18 to discuss this highly classified information with people he
19 deemed appropriate to discuss with, and on a need-to-know
20 basis.

21 **MR. GIB van ERT:** To your knowledge, did the
22 Director take this up with anyone in the PMO?

23 **MS. ZITA ASTRAVAS:** I do not have a
24 recollection on the discussions that the Director undertook
25 following the approval of the warrant. Certainly I ---

26 **MR. GIB van ERT:** I don't mean after the
27 approval. I meant before.

28 **MS. ZITA ASTRAVAS:** Before, did I share that

1 information?

2 **MR. GIB van ERT:** No, the question I asked
3 was, do you know whether or not CSIS advised the PMO of this
4 warrant before it was ---

5 **MS. ZITA ASTRAVAS:** I don't have any
6 knowledge.

7 **MR. GIB van ERT:** All right. The reason why
8 I'm -- and I think other people may find it surprising to
9 hear you say that this wasn't something that you informed the
10 Prime Minister's Office about, is that this warrant was
11 remarkable. It was clearly a warrant involving PRC foreign
12 interference, which is remarkable enough, and it came at a
13 time in this country when, just to remind you what was going
14 on in early 2021, the Commons had just passed the Uyghur
15 genocide motion. Mr. Vigneault, on the 9th of February, had
16 given a public speech warning the country about the
17 significant threat to the integrity of our democratic
18 institutions posed by foreign interference. Meanwhile, as we
19 were talking about, CSIS is trying to get the attention of
20 PCO, the NSIA, Deputy Ministers all around town about the
21 targeting. And of course, hanging over us all at that point
22 is the continued arbitrary detention of the Two Michaels by
23 PRC.

24 So given all of that, this warrant comes into
25 your office, and you say you didn't tell PMO about it, and
26 I'm expressing some surprise about that.

27 **MR. BARNEY BRUCKER:** Well it seems to me my
28 friend was talking about we're not going to get into the

1 subject matter of the warrant, and yet we just heard quite an
2 exposition about what supposedly the warrant is about. So
3 I'm not understanding the conflict between his opening
4 statement and the question.

5 **MR. GIB van ERT:** I don't think I said
6 anything about the -- what the warrant was about, but let me
7 go ahead and move on.

8 When I cross-examined Ms. Tessier for the
9 Service, I asked her whether she had told you that you must
10 not speak to anyone outside of the Minister's Office about
11 the warrant, and she said no. She said she wouldn't do that;
12 it wasn't her place to tell you essentially how to do your
13 job. I'm paraphrasing, all right.

14 And she also told me that she had reached out
15 to you ahead of the warrant actually being submitted, so
16 before day zero, to let you know that it was coming, and she
17 also said that she told you who the subject of the warrant
18 would be when it came. Do you recall all that? Do you agree
19 that all that happened?

20 **MS. ZITA ASTRAVAS:** I've spoken to the
21 Commission in camera on a number of these matters. However,
22 I would say that the culture within my office and the culture
23 that -- and the relationship that I had on any matters of
24 intelligence with Director Vigneault was that it was a need-
25 to-know basis. One of the questions I'd have rudimentarily
26 asked Mr. Vigneault would be, "Who may I speak to about this
27 warrant?" Because of course -- or any matter of
28 intelligence, because of course different individuals are

1 indocctrinated into different programs and I would never want
2 to inadvertently disclose information to an individual that
3 was inappropriately cleared.

4 That had been a discussion that David and I
5 had had at the onset. It was something even in my previous
6 roles, the culture of need-to-know was something very much
7 understood and respected by me. I took that responsibility
8 extremely seriously. And any discussions undertaken on
9 matters of intelligence would be the Director Vigneault's
10 discretion on who would be appropriately cleared to have
11 those discussions.

12 **MR. GIB van ERT:** Do you accept Madam
13 Tessier's evidence to the Commission that she let you know
14 before the warrant was submitted that it was coming and who
15 it was about?

16 **MS. ZITA ASTRAVAS:** I believe I've spoken to
17 the Commission in camera about these matters and I'm not able
18 to talk about that in this forum.

19 **MR. GIB van ERT:** Well Ms. Tessier didn't
20 have any concerns and your Attorney General's counsel didn't
21 raise any objection. So I don't -- unless there's a national
22 security objection that my learned friends want to make, I
23 think I am entitled to the answer.

24 **COMMISSIONER HOGUE:** Yeah, but the witness
25 herself has the right to raise it ---

26 **MR. GIB van ERT:** So you're declining to
27 answer ---

28 **COMMISSIONER HOGUE:** --- if she feels that --

1 -

2 **MR. GIB van ERT:** Pardon me.

3 **COMMISSIONER HOGUE:** If she feels that by
4 providing the answer, she may violate her obligations. I
5 think she's entitled to raise it.

6 **MR. GIB van ERT:** All right. Thank you,
7 Commissioner.

8 I cannot see, Madam, in the witness
9 statements that you've provided, any concrete explanation for
10 why it took 54 days. I just don't see any explanation.

11 A moment ago you were telling Ms. Dann -- you
12 cited various factors. And we know there was a lot going on
13 in early 2021. One of the factors you cited was the duty of
14 candor, which didn't come up in the witness statements. I
15 can't see how that could possibly have had anything to do
16 with it. I put it to you, Madam, that the reason for the
17 delay was simply this.

18 Looking at the warrant, looking at the
19 Vanweenen list, you saw in it that it was deeply concerned
20 with the operations of your Party and your government, and
21 having seen how deeply involved this warrant would bring CSIS
22 with the affairs of your Party and your government, you
23 didn't want it to go ahead and if it had to go ahead, you
24 wanted to slow walk it. What do you say to that?

25 **MS. ZITA ASTRAVAS:** Again, I cannot talk
26 about the specifics of any warrant, but I can tell you that
27 your assumptions are categorically false.

28 **MR. GIB van ERT:** Madam, the warrant

1 concerned high-ranking members of your Party and also people
2 you had known for years, and that's why you didn't want to
3 see it go ahead.

4 **MS. ZITA ASTRAVAS:** Again, that is false.
5 And let me remind you that Minister Blair has approved every
6 warrant that has been put in front of him.

7 **MR. GIB van ERT:** Yes, he did approve it.
8 There's no question that he approved it. He approved it
9 three hours after he got it. But he didn't get it for 54
10 days, and that was down to you.

11 **MS. ZITA ASTRAVAS:** Again, I would say the
12 accusation you're making is false.

13 **MR. GIB van ERT:** So what is the explanation
14 for the delay, Madam? This is your chance.

15 **MS. ZITA ASTRAVAS:** I have answered this in
16 previous testimony.

17 **MR. GIB van ERT:** Thank you. Those are my
18 questions.

19 **COMMISSIONER HOGUE:** Thank you.

20 Next one is counsel for Jenny Kwan.

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

22 **MR. SUJIT CHOUDHRY:**

23 **MR. SUJIT CHOUDHRY:** Thank you, Commissioner.

24 Ms. Astravas, good afternoon. For the
25 record, my name is Sujit Choudhry. I'm counsel to Jenny
26 Kwan.

27 So I want to begin -- I want to proceed
28 chronologically, and so I'll begin with the issue of the

1 advance discussion which I know you've declined to answer
2 questions about on the issue of national security. There is
3 one question I'd like to get on the record without going over
4 the same terrain as my colleague, Mr. van Ert, which is that
5 -- this.

6 I believe you've been asked and you've
7 answered that after the warrant application arrived in the
8 Minister's office, you did not speak -- or in the Ministry,
9 you did not speak with anyone in the Prime Minister's Office.
10 But my question is a bit different.

11 There was a time gap between this initial
12 pre-meeting and the arrival of the application in the
13 Minister's office. After you had that meeting, before the
14 warrant arrived, did you speak with anyone in the Prime
15 Minister's Office about this warrant?

16 **MS. ZITA ASTRAVAS:** No.

17 **MR. SUJIT CHOUDHRY:** Did you speak with
18 anyone outside the government about this warrant?

19 **MS. ZITA ASTRAVAS:** No.

20 **MR. SUJIT CHOUDHRY:** So I'd like to go to the
21 initial briefing, which took place about 13 days in, give or
22 take.

23 **COMMISSIONER HOGUE:** Can we have the ---

24 **MR. SUJIT CHOUDHRY:** The timeline?

25 **COMMISSIONER HOGUE:** --- the timeline that we
26 ---

27 **MR. SUJIT CHOUDHRY:** Good idea.

28 I don't have the doc ID, I'm afraid. That

1 was Ms. Dann's document.

2 The timeline, Ms. Dann.

3 **MS. ERIN DANN:** Apologies. It's COM615.

4 **COMMISSIONER HOGUE:** I think it will be
5 useful to have it on the screen.

6 **MR. SUJIT CHOUDHRY:** Of course.

7 Thank you, Commissioner. That's good.

8 Can you read that, Ms. Astravas?

9 **MS. ZITA ASTRAVAS:** I can. Thank you.

10 **MR. SUJIT CHOUDHRY:** Okay. You're welcome.

11 So I just want to discuss this timeline a
12 bit, and so -- and some of the issues here. So with respect
13 to the initial briefing, your evidence in -- and I'll give
14 the reference, but it's in WIT158, paragraph 20; we can pull
15 it up if you'd like -- is as follows.

16 You stated you reviewed all warrant
17 application materials to ensure you were aware of what the
18 Minister was signing, to ensure all necessary clerical
19 procedures had been complied with. You asked questions for
20 your own understanding, but you understood that intelligence
21 and operational issues were for the service. That's your
22 evidence; correct?

23 **MS. ZITA ASTRAVAS:** Warrants were an
24 operational briefing, so yes.

25 **MR. SUJIT CHOUDHRY:** Okay. And so I
26 anticipate that when Minister Blair testifies this week, he
27 will say that questions of the legal threshold are for the
28 Federal Court; correct? And you agree with him?

1 **MS. ZITA ASTRAVAS:** Yes, the Federal Court
2 makes the determination on whether or not the threshold has
3 been met.

4 **MR. SUJIT CHOUDHRY:** But he also -- but I
5 anticipate Minister Blair's evidence will be that when he was
6 informed that you might have asked questions about the legal
7 threshold, his reaction was, "Well, that's a matter for the
8 Federal Court", as in it's not a question -- it's not a
9 matter for staff to raise with the service.

10 **MS. ZITA ASTRAVAS:** So my questions were
11 based on me gaining an understanding, not questioning what
12 the service had put forward.

13 **MR. SUJIT CHOUDHRY:** I see. So it wasn't --
14 so it wasn't -- you said your questions weren't substantive.

15 **MS. ZITA ASTRAVAS:** My questions were -- the
16 purpose of my questions were to inform myself and not to
17 question what the service felt was appropriate to put into a
18 document.

19 **MR. SUJIT CHOUDHRY:** But it seems to me, Ms.
20 Astravas, that that type of questioning which a CSIS email
21 did flag as flagging a concern that the warrant might not be
22 approved might have veered and crossed the line into
23 substantive questioning.

24 **MS. ZITA ASTRAVAS:** As I -- as I have
25 testified, at no point did I indicate that the warrant would
26 not move forward to approval. I do know that everyone at the
27 service does really important work to keep Canada safe, and
28 that was -- my job is not to question the merits of their

1 argument. It was for me to understand an operational piece
2 that they had put forward.

3 **MR. SUJIT CHOUDHRY:** But you agree that it's
4 possible to ask probing deep substantive questions without
5 actually stating that the Minister might not approve of the
6 warrant.

7 **MS. ZITA ASTRAVAS:** I've never stated that
8 the Minister might not approve the warrant.

9 **MR. SUJIT CHOUDHRY:** No, I didn't say you
10 could. But it might -- but it's nonetheless possible to ask
11 deep proving substantive questions without any way signalling
12 that the Minister might not approve the warrant.

13 **MS. ZITA ASTRAVAS:** Could you ask the
14 question ---

15 **MR. SUJIT CHOUDHRY:** Sure.

16 **MS. ZITA ASTRAVAS:** I'm not trying to be
17 difficult.

18 **MR. SUJIT CHOUDHRY:** No, of course. I'll
19 rephrase it.

20 So -- but isn't it possible that your
21 questions regarding the legal threshold were seen by the
22 service as not simply meant to inform yourself, but as
23 crossing the line into second-guessing the service's
24 judgment?

25 **MS. ZITA ASTRAVAS:** I can only speak to, you
26 know, my intention in asking questions, which was to inform
27 myself. I would -- you know, if there was any concerns
28 around the questions that I were asking, I'm sure that I

1 would have heard from the Director or senior personnel at the
2 service, and no indications were raised to me of concerns.

3 **MR. SUJIT CHOUDHRY:** So let's shift now to
4 the Vanweenen list briefing, which is not on this timeline,
5 but I believe you said it was some time between Day 13 and
6 Day 54. Is that right?

7 **MS. ZITA ASTRAVAS:** That is my recollection.

8 **MR. SUJIT CHOUDHRY:** Okay. And so you asked
9 for that briefing, did you not?

10 **MS. ZITA ASTRAVAS:** I did to inform myself on
11 what a Vanweenen list is.

12 **MR. SUJIT CHOUDHRY:** Had you never seen one
13 before?

14 **MS. ZITA ASTRAVAS:** I had never -- I have not
15 been familiar with a Vanweenen list in -- prior to my time at
16 Public Safety, and so I asked for there -- for there to be
17 information provided to me on what a Vanweenen list is and
18 how it -- how -- what is its place within a warrant. But at
19 no point was it around individuals on that list.

20 **MR. SUJIT CHOUDHRY:** Had you seen a warrant
21 before this one?

22 **MS. ZITA ASTRAVAS:** I don't have the list of
23 warrants that had been approved in that timeline.

24 **MR. SUJIT CHOUDHRY:** So yes or no? Is this
25 is the first warrant you had seen in your role for Minister
26 Blair?

27 **MS. ZITA ASTRAVAS:** No.

28 **MR. SUJIT CHOUDHRY:** No. And did those other

1 warrants not also have Vanweenen lists attached to them?

2 **MS. ZITA ASTRAVAS:** I would presume so.

3 **MR. SUJIT CHOUDHRY:** They probably did.

4 And so it's in the nature of warrant that it
5 captures conversations or communications with individuals who
6 aren't the subject of that warrant.

7 So this wouldn't have been the first time you
8 saw a warrant with such a list, would it have?

9 **MS. ZITA ASTRAVAS:** As I've testified,
10 whenever there was a new warrant that would come into our
11 office, again not speaking about a specific warrant, we would
12 trigger a briefing to my office and I had questions around a
13 Vanweenen list.

14 **MR. SUJIT CHOUDHRY:** Sure. But I think that
15 wasn't my question.

16 My question is, you saw other warrants
17 before. Those warrants would have had lists like this. You
18 never asked about those lists, but some reason, for this
19 warrant, you asked about that list.

20 **MS. ZITA ASTRAVAS:** I -- as I have testified,
21 I had asked questions around this -- like around a Vanweenen
22 list in this time period.

23 **MR. SUJIT CHOUDHRY:** For this warrant.

24 **MS. ZITA ASTRAVAS:** I had asked for briefing
25 on the Vanweenen list in this time period.

26 **MR. SUJIT CHOUDHRY:** For this warrant?

27 **MS. ZITA ASTRAVAS:** Yes.

28 **MR. SUJIT CHOUDHRY:** Okay. Thank you.

1 And so now, did you recognize any of the
2 names on that list?

3 **MS. ZITA ASTRAVAS:** As you can appreciate, I
4 cannot discuss the contents of a Vanweenen list, or a
5 specific warrant in this forum, and I have spoken to the
6 Commission about this.

7 **MR. SUJIT CHOUDHRY:** And I believe in your
8 evidence to the Commission you said you were interested in
9 the impact on the individuals on that list of being caught up
10 in a warrant. Is that not correct?

11 **MS. ZITA ASTRAVAS:** Could you point to that?

12 **MR. SUJIT CHOUDHRY:** It's -- I believe the
13 reference is WIT158, paragraph 29, and forgive me if it's the
14 wrong reference.

15 So if you look at paragraph 30, if you look
16 at about five lines down it says:

17 "The briefing was to help her
18 understand what a Vanweenen list was,
19 how it came to be, and what impact
20 the warrant would have on the
21 individuals listed."

22 So you were interested in the impact on the
23 individuals listed in the warrant?

24 **MS. ZITA ASTRAVAS:** I would read that to mean
25 that I had questions around what that list was and what --
26 how that list is treated, but not with any specific
27 individual on any list, on any warrant. It's an operational
28 document coming from the service, and it is not our place to

1 provide operational reflections to the service.

2 **MR. SUJIT CHOUDHRY:** But I have to point you
3 to the sentence again. It says three things. You are
4 interested in what such a list was, and as we had
5 established, this wasn't the first warrant you've seen. How
6 it came to be. And then the third point is what on the
7 individuals listed. That is your evidence, is it not?

8 **MS. ZITA ASTRAVAS:** That is what paragraph 30
9 says.

10 **MR. SUJIT CHOUDHRY:** And that is your
11 evidence, is it not?

12 **MS. ZITA ASTRAVAS:** It is. However, I think
13 it is to be read what impact the warrant would have on
14 individuals listed as a whole, on what a Vanweenen list is,
15 and not a specific individual on a list, on a specific
16 warrant.

17 **MR. SUJIT CHOUDHRY:** Well ---

18 **MR. BARNEY BRUCKER:** Just a minute. Just to
19 be clear, it is a summary of what can be said publicly.
20 That's what this -- that what this is.

21 **MR. SUJIT CHOUDHRY:** So let's move on.

22 I'd like to now look at the issue of why this
23 certain -- this warrant took 54 days, although we've had
24 evidence that the warrants took on average between four and
25 usually around 10 days. So I'd like to take you to witness -
26 - your witness statement 157, paragraph 33 -- pardon me,
27 witness document 157, paragraph 33.

28 So it says here:

1 "In the interval between the two
2 afore-mentioned briefings, Ms.
3 Astravas had spoken by phone with the
4 Director...She believed but she may
5 have been waiting for answers from
6 CSIS on matters she had asked about
7 during the Initial Briefing."

8 But then, Ms. Astravas, if we could go to
9 WIT158, paragraph 25 ---

10 **MS. ZITA ASTRAVAS:** Sorry, could I just ---

11 **MR. SUJIT CHOUDHRY:** Sure.

12 **MS. ZITA ASTRAVAS:** --- read this paragraph?

13 **MR. SUJIT CHOUDHRY:** Of course, please,

14 forgive me.

15 **MS. ZITA ASTRAVAS:** Okay, thank you.

16 **MR. SUJIT CHOUDHRY:** Okay. Now, if we could
17 go to WIT158, paragraph 25? If you look at the third line:

18 "If she required information in order
19 to move forward with an application,
20 or take some kind of action, she
21 stated this explicitly to the
22 Director. That did not occur in this
23 case."

24 I think those two statements are
25 inconsistent. In WIT137 you said that the delay might have
26 arisen because of questions you pose. But here in WIT158,
27 your evidence is that you didn't raise any questions. And in
28 fact, I would put to you that both Director Vigneault and Ms.

1 Tessier both gave evidence here that you didn't ask any
2 questions and there was no back and forth after the initial
3 briefing.

4 So I'm trying to understand, were there
5 questions or were there not?

6 **MS. ZITA ASTRAVAS:** As I've stated, I've
7 spoken to the Commission *in camera* on this matter and as I
8 have testified, that we had always set up a briefing around
9 warrants to be provided to my office. And as you and I have
10 just discussed, I had asked questions around what a Vanweenen
11 list is. And I would also add that in testimony, Mr. Stewart
12 and Mr. Vigneault indicated that they did not raise any
13 concerns around time.

14 **MR. SUJIT CHOUDHRY:** Yes, but that's not my
15 question. I think we're trying to understand your
16 explanations for the delay. And so, one explanation you gave
17 was that you expected there might have been some need to
18 follow up to answer questions you posed. That's what you
19 said in WIT157, but then in WIT158 you said there were no
20 such questions. And both Director Vigneault ---

21 **COMMISSIONER HOGUE:** I'm sorry, in all
22 fairness for the witness ---

23 **MR. SUJIT CHOUDHRY:** Yeah.

24 **COMMISSIONER HOGUE:** --- it's not exactly
25 what it said in 25.

26 **MR. SUJIT CHOUDHRY:** Okay. Well, it says if
27 she required information to move forward or take some kind of
28 action, she explained this, that did not occur in this case.

1 **MR. BARNEY BRUCKER:** Excuse me. I would
2 submit that you can't read paragraph 25 independent of
3 paragraph 24, which talks about a separate briefing.

4 **MR. SUJIT CHOUDHRY:** Sorry. Could you scroll
5 up, please? So those were questions that would have took
6 place at the briefing; correct?

7 **MS. ZITA ASTRAVAS:** You're referring to
8 paragraph ---

9 **MR. SUJIT CHOUDHRY:** Mr. Brucker pointed to
10 paragraph 24. Those questions took place at the initial
11 briefing; correct? She:

12 "...testified that the questions she
13 asked were typical of those she would
14 ask of a warrant application."

15 Those were -- that refers to questions you
16 asked at the initial briefing?

17 **MS. ZITA ASTRAVAS:** Yes.

18 **MR. SUJIT CHOUDHRY:** But that doesn't say
19 there was a back and forth after the initial briefing?

20 **MS. ZITA ASTRAVAS:** I'm reading paragraph 24
21 that I asked those questions of that brief and as you see in
22 paragraph 24, I had a separate conversation about the
23 Vanweenen list.

24 **MR. SUJIT CHOUDHRY:** So let's move on. So I
25 have to say, Mr. Astravas, I don't see in paragraph 24 any
26 evidence about questions subsequent to the initial briefing,
27 except for the separate briefing on the Vanweenen list, that
28 suggests a back and forth that might explain the delay.

1 **MS. ZITA ASTRAVAS:** Again, as I've answered
2 many of these questions *in camera* with the Commission.

3 **MR. SUJIT CHOUDHRY:** So let's move on to
4 another explanation that you had given as to what the -- why
5 there might have been a delay, is that the -- this was a
6 particularly busy time for Public Safety. And so -- and as
7 Ms. Dann has pointed out, that contemporaneously with this
8 warrant, we anticipate that Minister Blair will provide
9 evidence that two other warrants were arrived, and were
10 processed within four to eight days.

11 And so, this one somehow sticks out as having
12 proceeded much more slowly alongside other warrants. And now
13 your answer to Ms. Dann was, well, the Director didn't flag
14 this one as a priority and those might have been renewals.
15 But so that leads me to two follow up questions. Did the
16 Director flag those other two warrants as priorities?

17 **MS. ZITA ASTRAVAS:** I don't have a
18 recollection of that.

19 **MR. SUJIT CHOUDHRY:** So you don't know. So
20 you don't know if he did or not?

21 **MS. ZITA ASTRAVAS:** I do not recall that.
22 I'm sorry.

23 **MR. SUJIT CHOUDHRY:** And you also speculated
24 that those other two warrants might have been renewals. Do
25 you know for certain that those other two warrants were
26 renewals or not?

27 **MS. ZITA ASTRAVAS:** I do not, and that is why
28 I asked Ms. Dann for clarification, and we were not able to

1 discuss this in this space.

2 **MR. SUJIT CHOUDHRY:** So your evidence is, in
3 this space, that as far as you know, the Director didn't ask
4 those other warrants to be expedited, and for all you know,
5 they were initial warrants just like this one?

6 **MS. ZITA ASTRAVAS:** Again, I do not have a --
7 I'm not a liberty to discuss or seek information of which
8 warrant was progressing at that time, in addition to other
9 warrants. As I have testified that if they were renewals
10 they would progress more quickly, particularly if they were
11 renewals that Minister Blair had approved, and that if they
12 were new and novel -- if they were new warrants or novel
13 warrants, that that would require a briefing and time set
14 aside from -- for a meeting, you know, with the Minister,
15 that the Director would be made available for the Minister.

16 I would also say that my relationship with
17 the Director was quite strong, and that whenever the Director
18 indicated that he required time with the Minister, it was
19 arranged quickly from my office on behalf of the Minister.
20 And as we would work with the Director on prioritization on
21 matters that require the Minister's attention. As soon as
22 the Director had indicated that this would be on an agenda,
23 we scheduled a meeting.

24 **MR. SUJIT CHOUDHRY:** Sure. And again, Ms.
25 Astravas, look, I -- we're almost out of time, so I'd like to
26 move on to another issue, which is the fact that you said you
27 couldn't discuss, let's call it the substance of the warrant,
28 with the Minister because of the constraints imposed by non-

1 classified communication, that you couldn't speak over the
2 phone about it. Is that right?

3 **MS. ZITA ASTRAVAS:** That is correct.

4 **MR. SUJIT CHOUDHRY:** Yeah. But now, Director
5 Stewart -- sorry, Deputy Minister Stewart said that it never
6 took more than two or three weeks, even during COVID, for
7 Minister Blair to access a SCIF in Toronto. So my question
8 is, there was a 54-day period here where the warrant was in
9 the Ministry. Why during that time period did you not try to
10 schedule a SCIF with the Minister to advise him of the
11 substance of the warrant?

12 **MS. ZITA ASTRAVAS:** So in that time period,
13 as I have testified, there were several opportunities that
14 the Minister, the Director, and the Deputy Minister were
15 discussing matters of -- relating to CSIS in a classified
16 space. I provided several examples of that. And at no point
17 did the Director or the Deputy Minister raise this as a
18 matter of priority.

19 **MR. SUJIT CHOUDHRY:** But my question is why
20 you didn't. And so let me just close on this. Right. At
21 paragraph 32 of WIT158, you state that your:

22 "...practice when a warrant application
23 was submitted [...] was to advise the
24 Minister that he needed to attend a
25 SCIF as there were matters that
26 required his attention."

27 Why did you not follow your normal practice?
28 It's paragraph 32.

1 And Commissioner, just with a bit of leave, I
2 know I'm out of time, but I'd like -- this is an important
3 point.

4 So paragraph 32 states the following, that
5 you confirmed -- that you testified that the Minister:

6 "...understood [this] warrant
7 applications required his approval."

8 You've also testified elsewhere that he knew
9 that these had to be dealt with quickly. And then your
10 evidence here is that your:

11 "...general practice, when a warrant
12 was submitted [...] was to advise the
13 Minister that he needed to attend a
14 SCIF..."

15 And so your answer to my question is that the
16 Director didn't raise this issue with the Minister, or that
17 the Deputy Minister didn't, but my question is why you didn't
18 raise it with the Minister by setting up a SCIF yourself, as
19 the Chief of Staff?

20 **MS. ZITA ASTRAVAS:** So as I've testified,
21 that the Director and the Deputy Minister, and the Minister
22 had been in classified conversations several times in that
23 time period, dealing with a number of matters, and that I
24 would refer you to testimony of the Deputy Minister and with
25 Director Vigneault that they did not express concern on
26 timeline.

27 **MR. SUJIT CHOUDHRY:** That wasn't my question.
28 Commissioner, can I have a follow up

1 question? This is quite a crucial point.

2 **COMMISSIONER HOGUE:** Yes.

3 **MR. SUJIT CHOUDHRY:** So Deputy Minister
4 Stewart testified yesterday to two points. he said first
5 that the Chief of Staff would flag an application, a warrant
6 application for the Minister to sign, and second, he
7 testified that the Minister would not know that a warrant was
8 there for him to sign unless the Chief of Staff told him. So
9 it wasn't the Deputy Minister's job, or the CSIS Director's
10 job. It was your job. You're the last stop for the train
11 before it reaches the station. That's the term you used;
12 isn't it?

13 **MS. ZITA ASTRAVAS:** I would say that, you
14 know, there were a number of times that the Director and the
15 Deputy Minister had ---

16 **MR. SUJIT CHOUDHRY:** Ms. Astravas, I'm sorry,
17 that's not my question. Why did you not tell him? It was
18 your job. Why did you not tell him?

19 **MS. ZITA ASTRAVAS:** As I have testified, that
20 between day 13 and 54, there would have been an awareness of
21 a warrant requiring his attention. I would also add that
22 Minister was in contact with the Deputy Minister and Director
23 Vigneault on a regular basis and nothing prevented them to
24 express a desire of priority. They have both testified that
25 they were not concerned about the timeline, nor did they
26 raise it as a matter of priority. As soon as the Director
27 put it on an agenda, time was scheduled with the Minister and
28 it was signed.

1 **MR. SUJIT CHOUDHRY:** Thank you, Ms. Astravas.
2 Thank you, Commissioner.

3 **COMMISSIONER HOGUE:** Counsel for the
4 Conservative Party.

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

6 **MR. NOAH LEW:**

7 **MR. NOAH LEW:** Thank you, Commissioner. For
8 the record, my name is Noah Lew and I'm counsel for the
9 Conservative Party of Canada.

10 Ms. Astravas, Commission counsel asked you
11 about the various roles that you've held in the Federal
12 Government, but I want to also ask you about your provincial
13 experience. You held numerous leadership roles under former
14 Liberal Premier of Ontario Kathleen Wynne, including as
15 Director of Media Relations. Is that correct?

16 **MS. ZITA ASTRAVAS:** Yes.

17 **MR. NOAH LEW:** I would ask that EOT0000014 be
18 brought up, please.

19 **--- EXHIBIT No./PIÈCE No. EOT0000014:**

20 CSIS warned this cabinet minister
21 could be a threat. Ontario disagreed

22 **MR. NOAH LEW:** This is a *Globe and Mail*
23 article from June 16, 2015. Did you have any national
24 security clearances in June 2015?

25 **MS. ZITA ASTRAVAS:** I had an appropriate
26 clearance with the Province. You would have to ask officials
27 of what that was, but nothing like Top Secret or anything
28 like that.

1 **MR. NOAH LEW:** Right. Okay. Thank you. But
2 regardless, you would never have conveyed something you
3 learned through that clearance to a reporter; correct?

4 **MS. ZITA ASTRAVAS:** Never.

5 **MR. NOAH LEW:** I want to ask you about a
6 statement that you're reported as having made to the Globe on
7 the bottom of page 5 of this article, at the paragraph that
8 starts with, "Through a spokeswoman..."

9 So it says there -- there it is:

10 "Through a spokeswoman, Ontario
11 Premier Kathleen Wynne defended Mr.
12 Chan's integrity and expressed full
13 confidence in the minister."

14 The quote attributed to you was that:

15 "Michael Chan is a man of sterling
16 character who has served the people
17 of Markham-Unionville, and all
18 Ontarians, honourably..."

19 Did you make that statement about Mr. Chan
20 while you worked for Premier Wynne?

21 **MS. ZITA ASTRAVAS:** I made that statement to
22 the *Globe and Mail* on behalf of the Premier.

23 **MR. NOAH LEW:** Thank you. And how many years
24 did you work for Premier Wynne?

25 **MS. ZITA ASTRAVAS:** I was her Director of
26 Media Relations I believe for two years, which ended in 2015.

27 **MR. NOAH LEW:** And Mr. Chan was in her
28 Cabinet that entire time; correct?

1 **MS. ZITA ASTRAVAS:** That is what my
2 recollection is.

3 **MR. NOAH LEW:** Thank you. We can take the
4 document down now.

5 **MS. ZITA ASTRAVAS:** Could I add one thing?
6 Is that any statement that I made to the media on behalf of
7 the Premier was written, approved by colleagues in the
8 Premier's Office, and I was acting on the Premier's behalf,
9 and it wasn't my own personal statement. As I'm sure many of
10 you can appreciate, it was on behalf of the Premier. And so
11 there were many steps that went into crafting that statement
12 by colleagues and not my own personal opinion that was
13 expressed at that time.

14 **MR. NOAH LEW:** So that does not reflect your
15 personal opinion?

16 **MS. ZITA ASTRAVAS:** I was the spokesperson
17 for the Premier at the time. I did not express a personal
18 opinion for many years when I was acting as a spokesperson
19 either for the Prime Minister or for the Premier, and if you
20 take a look at that article and how it was attributed, it was
21 on behalf of Premier Kathleen Wynne.

22 **MR. NOAH LEW:** Okay. Thank you. Moving to a
23 different point, according to your examination summary, you
24 were sent a memo from the Deputy Minister of Public Safety
25 addressed to Minister Blair that recommended the approval of
26 a particular CSIS warrant. That memo, as we've seen, was
27 sent four days after the warrant application was received,
28 and the memo requested warrant be approved that day. That's

1 correct; right?

2 **MS. ZITA ASTRAVAS:** Again, I'm relying on
3 documents that have been provided to me, and I don't dispute
4 those documents.

5 **MR. NOAH LEW:** Can you tell us approximately
6 how many days went by before you reviewed that memo?

7 **MS. ZITA ASTRAVAS:** I would refer you to the
8 timeline that has been presented. I have testified in this
9 Commission that I would have to be notified of classified
10 materials that were put to my attention. As I've also
11 testified, that documents, more generally speaking, I'm not
12 saying this about this specific document, that the date that
13 it was stamped that it left the Deputy's Office is not
14 necessarily a reflection of the date that I became aware of
15 it. Again, more broadly speaking, that was my experience in
16 my time in the Federal Government.

17 **MR. NOAH LEW:** So you don't recall how many
18 days went by before you reviewed this particular memo?

19 **MS. ZITA ASTRAVAS:** I don't have a specific
20 recollection, but I would refer to day 13, where I was
21 present to an oral briefing.

22 **MR. NOAH LEW:** Day 13. How many days would
23 you typically wait before reviewing a memo that you received
24 from the Deputy Minister?

25 **MS. ZITA ASTRAVAS:** I would review memos
26 provided to me from the Deputy Minister or members of my team
27 through to me from the Deputy Minister. I mean, it was from
28 the Deputy Minister and therefore it was important, but I

1 don't have a specific recollection of which day that
2 particular memo was reviewed.

3 **MR. NOAH LEW:** So would you say that a delay
4 of over a week before reviewing it was unusual?

5 **MS. ZITA ASTRAVAS:** I would say that, again,
6 with documents of a classified nature, I would have to be
7 notified in order to come into the office and for
8 arrangements to be made to review information of a classified
9 nature.

10 **MR. NOAH LEW:** And just again, would that
11 typically take less than eight days?

12 **MS. ZITA ASTRAVAS:** I don't have a specific
13 recollection of this, with this specific document.

14 **MR. NOAH LEW:** I'm asking generally for
15 documents such as this one, whether ---

16 **MS. ZITA ASTRAVAS:** I mean, documents, as I
17 expressed in my earlier testimony, it depended on the
18 document. It would go to members of my team, including
19 myself, and they would be reviewed, but it would really
20 depend on the subject matter.

21 I also undertook a number of conversations.
22 I would have a weekly meeting with Deputy Stewart in order to
23 deal with matters of priority for him and if he had a view on
24 a particular file that he wanted to draw my attention to, he
25 was definitely not shy in informing me of that.

26 **MR. NOAH LEW:** Okay. Thank you. As noted in
27 your examination summary, again, the average approval time
28 for CSIS warrants is eight days. We've discussed this. And

1 we heard earlier this afternoon that two contemporaneous
2 warrants to the one we're discussing today were approved in
3 four and eight days. The 54 days that it took for this
4 particular warrant to be approved therefore appears vastly
5 outside of the ordinary course. Would you agree with this?

6 **MS. ZITA ASTRAVAS:** I would say that I have
7 spoken to Commission in camera on this matter.

8 **MR. NOAH LEW:** That's not something we're
9 privy to, so do you mind answering that?

10 **MS. ZITA ASTRAVAS:** What was your question?

11 **MR. NOAH LEW:** Do you agree that the 54 days
12 that it took for this particular warrant to be approved
13 appears to be vastly outside of the ordinary course?

14 **MS. ZITA ASTRAVAS:** I would say that as I
15 have testified, warrants, whether they were renewals or new
16 and novel, or a new warrant, would take a different amount of
17 time.

18 **MR. NOAH LEW:** In your time at Public Safety,
19 did any warrant take longer than 54 days to approve?

20 **MS. ZITA ASTRAVAS:** I would -- I don't have a
21 specific recollection of each warrant and the time that was
22 required to approve them and I would refer to the timeline
23 that I have in front of me, and I don't have access to any
24 other documents from that time period.

25 **MR. NOAH LEW:** Did you ever have an occasion
26 to recuse yourself from the review of a warrant application?

27 **MS. ZITA ASTRAVAS:** As I stated in my earlier
28 testimony, I had, and not speaking about this warrant in

1 specific, more broadly speaking, I had a good relationship
2 with the Director and any name that I had come across that I
3 had some familiarity with in the classified space, I would
4 immediately disclose it to the Director, to the Minister, and
5 others in the Public Service. So they could -- if they had a
6 concern, they could voice that concern, should there be one,
7 and I did that -- I had done that with the Director.

8 At an onset, when I saw a name that I had
9 recognized and that -- he appreciated my disclosure and did
10 not raise any other concerns around my involvement in any
11 file.

12 **MR. NOAH LEW:** And then just one final
13 question. There are Canadians that are watching today who
14 believe that you delayed the issuance of a warrant for 54
15 days because you wanted to protect your Liberal friends and
16 colleagues who were implicated by it. Do you have anything
17 to say to those Canadians?

18 **MS. ZITA ASTRAVAS:** That is categorically
19 untrue and I would say that the warrant and all warrants were
20 approved.

21 **MR. NOAH LEW:** Thank you.

22 **COMMISSIONER HOGUE:** Thank you.

23 AG.

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

25 **MR. BRENDAN van NIEJENHUIS:**

26 **MR. BRENDAN van NIEJENHUIS:** Good afternoon,
27 Ms. Astravas. Brendan van Niejenhuis for the Government of
28 Canada. Just a few questions arising.

1 First, with respect to the dating of
2 documents, this came up in examination by Commission counsel.
3 Do you recall that?

4 **MS. ZITA ASTRAVAS:** Yes.

5 **MR. BRENDAN van NIEJENHUIS:** And I think your
6 -- I took your evidence to be that dating on documents within
7 the Public Service, and particularly within Public Safety
8 perhaps, were not necessarily accurate or reliable at all
9 times; right?

10 **MS. ZITA ASTRAVAS:** I would agree.

11 **MR. BRENDAN van NIEJENHUIS:** And that would
12 be, at the best of times, you know, in other words, outside
13 of the pandemic, that would be true from time to time;
14 correct?

15 **MS. ZITA ASTRAVAS:** That is true. There
16 would be, on occasion, where a document was due back to the
17 Department that had not yet entered my office for the
18 Minister's concurrence and the Deputy and I had an ongoing
19 discussion around document delivery and the timeliness of
20 those documents. And so the date, as I have testified, that
21 a memo was signed, did not necessarily mean the memo had
22 entered the Minister's Office.

23 **MR. BRENDAN van NIEJENHUIS:** The date may
24 have arisen from a draft, for example, and persist in the
25 document as it took longer than intended for that to be
26 finalized and reach your office? Is that the sort of thing
27 that could happen?

28 **MS. ZITA ASTRAVAS:** Yes.

1 **MR. BRENDAN van NIEJENHUIS:** And was that all
2 the more susceptible to becoming the case during the COVID
3 period of time? Especially the early part of COVID?

4 **MS. ZITA ASTRAVAS:** Absolutely.

5 **MR. BRENDAN van NIEJENHUIS:** Okay. Second
6 area arising in Ms. Dann's examination was a suggestion that
7 Minister Blair, and it may have been a misspeak, but I just
8 want to be clear, but Minister Blair did not even know a
9 warrant was waiting for his review until he showed up at
10 Regional in Toronto on day 54.

11 To be clear, when you booked three hours with
12 the Minister on that occasion, was the Minister made aware
13 that he would be reviewing and approving a warrant?

14 **MS. ZITA ASTRAVAS:** To my recollection, yes.

15 **MR. BRENDAN van NIEJENHUIS:** Okay. Third,
16 this question of binders. Do you recall the questioning
17 raising the apparent discrepancy of recollection between
18 Deputy Stewart and Assistant Deputy Rochon with respect to
19 the production of binders after COVID arose? Just see if you
20 ---

21 **MS. ZITA ASTRAVAS:** Yes.

22 **MR. BRENDAN van NIEJENHUIS:** --- recall that
23 question? Okay.

24 Do you know, during the early period when
25 those binders, on your recollection, were still being
26 produced on a weekly or so basis, do you know whether Deputy
27 Minister Stewart or Associate Deputy Minister Rochon
28 personally printed, and tabbed, and three-hole punched, and

1 prepared, and personally delivered those binders to you?

2 **MS. ZITA ASTRAVAS:** They did not personally
3 deliver those binders to me. No.

4 **MR. BRENDAN van NIEJENHUIS:** Did you, by
5 contrast, both before and during the early months of your
6 tenure at Public Safety, when you did receive them, did you
7 personally receive them, and see, and touch, and feel them?

8 **MS. ZITA ASTRAVAS:** I did.

9 **MR. BRENDAN van NIEJENHUIS:** Yes. And did
10 you personally review their contents?

11 **MS. ZITA ASTRAVAS:** I did.

12 **MR. BRENDAN van NIEJENHUIS:** And so when you
13 said to my friend, Mr. van Ert, that Deputy -- Minister
14 Stewart and Associate Deputy Minister Rochon were mistaken in
15 their belief, is it possible that they were under a
16 misapprehension about what in fact was being produced by
17 others within the Department?

18 **MS. ZITA ASTRAVAS:** Yes.

19 **MR. BRENDAN van NIEJENHUIS:** Okay. Now, Mr.
20 van Ert, in his cross-examination, accused you of what
21 sounded like rather serious corruption in the discharge of
22 your public duties based upon what it seems he has read in
23 the newspapers arising from what is said to be leaked
24 classified information. In other words, slow walking a
25 warrant for political purpose. I think that suggestion was
26 just made again. Do you recall that?

27 **MS. ZITA ASTRAVAS:** I do.

28 **MR. BRENDAN van NIEJENHUIS:** During the

1 interval from day 13 until day 54 on this table or this
2 summary, did you arrange for and participate in time between
3 Minister Blair and Director Vigneault to speak and deal with
4 other matters between them?

5 **MS. ZITA ASTRAVAS:** I did.

6 **MR. BRENDAN van NIEJENHUIS:** And were some of
7 those matters classified, requiring a classified environment
8 to communicate about?

9 **MS. ZITA ASTRAVAS:** Oh, yes.

10 **MR. BRENDAN van NIEJENHUIS:** And during this
11 interval, were those matters where the Minister's time was
12 sought by the Director, or by the Service, to occur in
13 priority ahead of time to being told to you that you're being
14 flagged to set time for the review and approval of this
15 warrant?

16 **MS. ZITA ASTRAVAS:** Yes.

17 **MR. BRENDAN van NIEJENHUIS:** Did you engage
18 in any kind of politically motivated effort to interfere
19 with, call into question, slow down the progress, or
20 otherwise obstruct the Minister's consideration of the
21 requested approval at any time?

22 **MS. ZITA ASTRAVAS:** No.

23 **MR. BRENDAN van NIEJENHUIS:** And then
24 finally, when my friend Mr. Choudhry, raising much the same
25 point, chases the ghosts between the WIT157 document summary
26 of your interview and the WIT158 summary of your in camera
27 transcribed examination, can I ask you this, do these
28 summaries reflect -- constitute a precise reflection of your

1 words on either of those occasions?

2 **MS. ZITA ASTRAVAS:** They are a summary of my
3 in camera testimony with the Commission and with Commission
4 counsel and they are a summary of those words.

5 **MR. BRENDAN van NIEJENHUIS:** They're not the
6 precise reflection of your precise words?

7 **MS. ZITA ASTRAVAS:** They're not direct ---

8 **MR. BRENDAN van NIEJENHUIS:** No.

9 **MS. ZITA ASTRAVAS:** --- quotes. No.

10 **MR. BRENDAN van NIEJENHUIS:** And do you -- do
11 they reveal precisely which documents and preparation were
12 available to you on, respectively, March the 19th, 2024, and
13 then in August 2024, respectively? Do they show that?

14 **MS. ZITA ASTRAVAS:** No.

15 **MR. BRENDAN van NIEJENHUIS:** No. Thank you,
16 Ms. Astravas. Those are my questions.

17 **COMMISSIONER HOGUE:** Thank you.

18 Ms. Dann, any questions in re-examination?

19 **--- RE-EXAMINATION BY / RÉ-INTERROGATOIRE PAR MS. ERIN DANN:**

20 **MS. ERIN DANN:** Very briefly.

21 Can I have WIT157 brought up?

22 Ms. Astravas, during Mr. van Ert's cross-
23 examination, he referenced your mention of the duty of candor
24 and I understood him to say that no reference to the duty of
25 candor was made in any of the summaries. I just want to take
26 you to paragraph 33, which is at page 8 of this document.
27 And if we look approximately in the middle of that paragraph,
28 it will take me a moment, a sentence that starts, "She

1 noted..." I'm sorry, this is maybe seven lines down.

2 Thank you, Court Operator.

3 "She noted that, at the time, CSIS
4 was particularly careful regarding
5 all warrant applications, following a
6 Federal Court decision that
7 criticized CSIS with respect to its
8 duty of candour on warrant
9 applications."

10 Is this what you were referencing in your
11 earlier testimony?

12 **MS. ZITA ASTRAVAS:** Yes. And I believe that
13 I had spoken in earlier testimony around the relationship
14 between the Federal Court and CSIS following the *En Banc*
15 decision.

16 **MS. ERIN DANN:** All right. And this is, just
17 sorry, for your reference, this is your interview summary.

18 **MS. ZITA ASTRAVAS:** Yes.

19 **MS. ERIN DANN:** Okay. And how did -- or did
20 the duty of candor or considerations about the duty of candor
21 impact the timeline with which -- in which Minister Blair was
22 presented with the warrant in this case?

23 **MS. ZITA ASTRAVAS:** Certainly I think
24 speaking more generally, that that was in -- we were very
25 much aware of the relationship between the Court and CSIS,
26 given the decision. And so any warrant application, or
27 anything -- any dealings that CSIS had with the Court, it was
28 an expectation that CSIS would be candid with the Court,

1 given the *En Banc* decision.

2 **MS. ERIN DANN:** Perhaps I'll ask more
3 directly. Was there any -- do you have any recollection of
4 that playing a role in the timeline, that zero to 54 day
5 timeline, in this case?

6 **MS. ZITA ASTRAVAS:** Not -- I would say that
7 it was more contextual, that that was the culture, certainly
8 in many discussions with the Service, but not specifically --
9 not specifically on this one in particular, but as a whole.

10 **MS. ERIN DANN:** Thank you. And then finally,
11 I understood in your testimony in questions from the counsel
12 for the Attorney General of Canada, that, and please correct
13 me if I'm wrong, that there were various instances during
14 days 13 to 54 that you would have met with the Director and
15 the Minister in a classified space, where the subject matter
16 of this warrant could have been discussed or could have been
17 raised by the Director. Is that right?

18 **MS. ZITA ASTRAVAS:** Yes.

19 **MS. ERIN DANN:** All right. And on any of
20 those -- did you take any of those occasions as an
21 opportunity to -- did you take any of those as opportunities
22 to advise the Minister of the subject matter of this warrant
23 and that it was awaiting his approval?

24 **MS. ZITA ASTRAVAS:** The topics of the
25 briefings, the Director would indicate what were priorities
26 for him to discuss with the Minister, and as soon as the
27 Director indicated that it was to be put on an agenda, that
28 briefing was organized.

1 **MS. ERIN DANN:** Right. And my question was,
2 did you ever use those as opportunities to advise, separate
3 from the agenda for the -- that the Director had, but did you
4 use those opportunities, I realize that you weren't able to
5 speak with her, I understood your evidence is that you were
6 not able to advise the Minister of the subject matter of this
7 warrant on -- in an unclassified space. Did you take any of
8 the opportunities when you were in a classified space to
9 advise the Minister that this was the subject matter of the
10 warrant and that this was awaiting his approval?

11 **MS. ZITA ASTRAVAS:** I did not, because I was
12 not able to confirm that everyone on that call was
13 appropriately cleared to discuss the matter of this warrant.

14 **MS. ERIN DANN:** Thank you. Those are all my
15 questions, Commissioner.

16 **COMMISSIONER HOGUE:** Thank you. So thank
17 you. Good evening. Tomorrow 9:30.

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

20 This sitting of the Foreign Interference
21 Commission is adjourned until tomorrow, the 10th of October
22 2024 at 9:30 a.m.

23 Cette séance de la Commission sur l'ingérence
24 étrangère est suspendue jusqu'à demain, le 10 octobre 2024, à
25 9 h 30.

26 --- Upon adjourning at 6:30 p.m.

27 --- L'audience est ajournée à 18 h 30

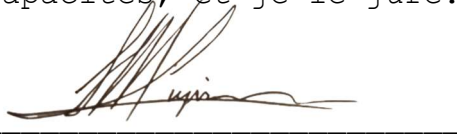
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C E R T I F I C A T I O N

I, Sandrine Marineau-Lupien, a certified court reporter,
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